



CITY COUNCIL SPECIAL MEETING WITH 6 PM WORKSHOP

Thursday, February 13, 2025 at 6:00 PM

AGENDA

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

MEETING INFORMATION:

AGENDA

CITY COUNCIL SPECIAL MEETING

CITY HALL COUNCIL CHAMBERS / 7:00 p.m.
141 Main Street, Dillingham, AK 99576 (907) 842-5212

A Workshop with the City Attorney on Executive Sessions, Meeting Location, Minutes and Roll of Council begins at 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- 1.** A Memo from the City Attorney: Location and Minutes of the December 7, 2024, Council Meeting
- 2.** December 7th, 2024 City Council Special Meeting Minutes
- 3.** December 18th, 2024 City Council Regular Meeting Minutes
- 4.** January 9th, 2025 City Council Regular Meeting Minutes
- 5.** January 21st, 2025 City Council Special Meeting Minutes

APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

STAFF REPORTS

6. Strategic Plan Report

7. City Manager and Staff Reports

8. Standing Committee Reports:

Interest letter for reappointment to Planning Commission from Kaleb Westfall

Minutes from the Friends of the Landfill 10-25-24

Minutes from the Friends of the Library 01.29.25

Committee Appointments

PUBLIC HEARINGS

CITIZEN'S COMMENTS (Prior Notice or Agenda Items)

Executive Session 1

Discussion with city attorney of the facts and litigation strategies on pending legal matters including 3DI-24-124CI, 3DI-24-117CI and S-19232 and The Computer Network Breach and Resolution 2025-05 and other pending legal matters, pursuant to DMC 2.09.050 A.1&2 and B.2.

2.09.050 Executive sessions.

A. The following subjects may be discussed in an executive session, from which the public is excluded:

1. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

B. The following shall be discussed in executive session when the best interests of the city so require:

2. Discussions of pending or threatened lawsuits in which the city has an interest.

ORDINANCES AND RESOLUTIONS

9. Resolution 2025-01 Appoint the designated alternate to the BBEDC Board of Directors

10. Resolution 2025-02 A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY TO ENTER INTO A FIVE-YEAR CONTRACT WITH ALASKA CAMA FOR PROFESSIONAL APPRAISAL SERVICES IN ACCORDANCE WITH DILLINGHAM MUNICIPAL CODE 4.30.120(6)

11. Resolution 2025-03 A RESOLUTION OF THE CITY COUNCIL OF DILLINGHAM, ALASKA, AWARDED A CONTRACT TO CRW ENGINEERING GROUP, INC. FOR ENGINEERING SERVICES

FOR THE DESIGN OF A SEPTIC SYSTEM AND WATER SERVICE FOR THE PUBLIC WORKS SHOP AND QUONSET HUT IN ACCORDANCE WITH DILLINGHAM MUNICIPAL CODE 4.30.120(6)

[12.](#) Resolution 2025-04 A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A FY2025 CAPITAL IMPROVEMENT PLAN AND THE FY2025 LEGISLATIVE PRIORITIES LIST

[13.](#) Resolution 2025-06 A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ACCEPTING THE JAIL CONTRACT FROM THE STATE OF ALASKA FOR OPERATING A REGIONAL AND COMMUNITY JAIL.

UNFINISHED BUSINESS

[14.](#)

a. City Manager Recruitment

b. Executive Session 2

Discuss results of the background checks and reference checks for the two remaining City Manager applicants, Dan Decker and Sidney Miller pursuant to DMC 2.09.050 A.2.

2.09.050 Executive sessions.

A. The following subjects may be discussed in an executive session, from which the public is excluded:

2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

c. City Manager Recruitment

NEW BUSINESS

15. Set a Date for a Special Council Meeting (and consider a different date for the Regular March Meeting to avoid SWAMC travel.)

[16.](#) EMS 2025 S.M.A.R.T. Goals Update

17. AML Juno February 18-20, SWAMC March 5-7, Infrastructure Symposium April 22-24.

18. Set a date for in-person training with our legal team

CITIZEN’S DISCUSSION (Open to the Public)

COUNCIL COMMENTS

MAYOR’S COMMENTS

ADJOURNMENT

INFORMATIONAL ITEMS

A Primer For City Council Members

Workshop: 02.06.2025 Palmer re Executive Session Quick Reference Guide

Workshop: 02.06.2025 Re OMA on Executive Sessions

Workshop: 02.06.2025 Re Council Directives

Home Fair Flier


CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

MEMORANDUM

TO: Acting City Clerk Flynn
FROM: Sam Severin, MCS, City Attorneys 
RE: Location and Minutes of the December 7, 2024, Council Meeting
DATE: January 29, 2025

You have asked about the propriety of a December 7 special meeting of the City Council. It was held in the Bristol Bay Economic Development Corporation (BBEDC) Boardroom. I understand the location was picked due to superior technological capabilities at BBEDC. You have indicated that some Council members are objecting to the meeting being held at BBEDC and may refuse to approve the meeting minutes for the December 7 meeting.

Analysis:

1. Meeting location

The Code articulates where the Council can meet for regular and special meetings:

2.09.010 Regular meetings.

B. The usual place of council meetings shall be at the offices of the city at the City Hall David B. Carlson Chambers; provided, however, that in the event of any condition which renders the meeting room unfit to conduct any regular meeting of the council, the meeting may be moved to another facility suited to the public. (emphasis added with underlining)

2.09.020 Special meetings.

A. Special meetings of the council are those meetings which are called by the mayor or any two members of the council for a time different than that fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings. (emphasis added with underlining)

2.09.030 Location change.

Notwithstanding the provisions of Sections 2.09.010 and 2.09.020, if after having been lawfully assembled in a location properly designated, council determines that a condition exists which renders the location unsuitable, it may recess the meeting and reconvene at a more suitable location. The location to which the meeting shall be reconvened shall be made public prior to recess and suitable notices posted at the place originally designated by the clerk. (emphasis added with underlining)

The December 7 meeting was a special meeting. Importantly, DMC 2.09.020, via DMC 2.09.010, allows any special Council meeting to occur in Chambers or in “another facility suited to the public.” I understand the Council Chambers was determined unfit due to technology needs and the BBEDC facility was better suited for the December 7 meeting. The location of the December 7 meeting appears to comply with Dillingham code.

Had the December 7 meeting been held out of town, in an extremely small room, or at a location that otherwise called into question the suitability and availability to the public, that would be contrary to code and might run afoul of the Open Meetings Act. A complaint from the public has not been shared with me, nor has any other complaint about the “suitability” of the meeting space.

Additionally, reliance on DMC 2.09.030 is not necessary to decide the question about the December 7 issue. That code section allows the Council to change the meeting location after the Council is assembled. DMC 2.09.030 is indicative of the flexibility contemplated broadly by all of these code sections. For fairness to the public, changing locations in the middle of a meeting should be a last resort.

Finally, there is a presumption of validity to proceedings of local government.¹ Therefore, I am not currently aware of any facts or circumstances to suggest the December 7 meeting location was improper.

2. Impact of Not Approving the Minutes

I understand that some Council members are interested in the requirements to adopt the December 7 Council meeting minutes. In short, the City Clerk drafts the minutes, and the Council adopts the minutes—without a formal vote.

The Code provides a helpful starting position:

2.09.120 Minutes.

A. Minutes of all meetings shall be taken and kept in the journal of the proceedings of the council which shall be open for public inspection. All minutes of the council shall be distributed by the city clerk to the public desiring same. One copy of the minutes shall be given free of charge to any person requesting it in person or by mail.

¹ *Liberati v. Bristol Bay Borough*, 584 P.2d 1115, 1118 (Alaska 1978); *McCormick v. City of Dillingham*, 16 P.3d 735, 738–39 (Alaska 2001).

Extra copies requested in person or by mail are available at fifty cents per copy, and subscriptions available by mail at the rate of twenty dollars per year.

B. Unless a reading of the minutes of a council meeting, regular or special, is requested by a member of the council, minutes may be approved without a reading if the clerk has previously furnished each member with a copy.

C. A council member may request, through the mayor, the privilege of having a verbatim record of his/her statement on any subject under consideration by the council, either at a regular or special meeting, entered in the minutes. Unless a majority of the council members present object to this request, it shall be entered in the minutes.

While DMC 2.09.120 provides helpful information about meeting minutes, Alaska statutes and Robert's Rules of Order 12th Edition (RRO) describe more details about the minutes and how the Council adopts the minutes.

AS 29.20.160(e) and AS 29.20.380(a)(1) require the City Clerk to keep a journal of the Council meetings. The journal is a legacy legislative term for a compilation of the minutes from each Council meeting.² While the minutes should not be a verbatim transcript of what was said, they need to reflect action items and other required information.³

The City Clerk is simply a neutral scribe to record the Council's actions.⁴ The City Clerk should (sign the minutes and) include the draft minutes in the packet for the

² RRO 12th ed. at 48:1 ("The official record of the proceedings of a deliberative assembly is usually called the minutes, or sometimes--particularly in legislative bodies--the journal.").

³ RRO 12th ed. at 48:2 ("the minutes should contain mainly a record of what was done at the meeting, not what was said by the members"); RRO 12th ed. at 48:6 ("The use by the secretary of a recording device can be of great benefit in preparing the minutes, but a transcription from it should never be used as the minutes themselves."); e.g., AS 29.26.070(c) (requiring the "minutes" of a municipal governing body to reflect the election results); AS 29.20.160(b) (requiring the "journal" to record if a Council member waived notice of a special meeting).

⁴ RRO 12th ed. at 48:2 ("The minutes must never reflect the secretary's opinion, favorable or otherwise, on anything said or done.").

Council's subsequent meeting.⁵ The City Clerk's draft minutes do not become the official minutes until approved by the Council.⁶ When the agenda item for the minutes is up, the Mayor should ask "Are there any corrections to the minutes?" RRO 12th ed. at 41:10 ("A formal motion to approve the minutes is not necessary, although such a motion is not out of order."). A Council member may note a correction, which is handled by unanimous consent unless objected to.⁷ After any proposed correction(s) have been disposed of, the Mayor can then say "There being no corrections [or no further corrections] to the minutes, the minutes are approved."⁸ Importantly, the Council approves the minutes "without any formal vote, even if a motion for their approval has been made."⁹ At that point, the City Clerk's version of the minutes, as corrected and approved by the Council, become part of the Council's journal.¹⁰

If a Council member is concerned about the veracity of corrections to the minutes, even if approved by the Council, the statutory and Robert's Rules process provides concerned Council members with protection. Because the City Clerk's initial draft is presumed to be accurate and because any corrections, including objections, to the draft minutes are recorded in the subsequent meeting's minutes, a concerned Council member can later prove they objected and show what happened.

Therefore, while a Council member may object to the location of the December 7 meeting in the minutes, the December 7 minutes are automatically approved—without an affirmative vote—simply when the corrections, if any, are done. Of course, if a council member has an objection to the propriety of a meeting, they should make that objection. Ideally the objection would be resolved prior to taking action in the meeting. Here, the objection could be noted in the minutes for the meeting in which the objection is stated (i.e. Councilmember Smith noted his opinion that the December 7 special meeting should have been held in Council Chambers).

⁵ RRO 12th ed. at 48:7.

⁶ RRO 12th ed. at 41:12.

⁷ RRO 12th ed. at 41:10.

⁸ RRO 12th ed. at 41:11.

⁹ RRO 12th ed. at 41:11.

¹⁰ RRO 12th ed. at 41:12.



CITY COUNCIL SPECIAL MEETING

Saturday, December 07, 2024 at 8:45 AM

MINUTES

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

MEETING INFORMATION

CITY COUNCIL SPECIAL MEETING

BBEDC Board Room / 8:45 a.m.
411 1st Ave. East Dillingham Alaska

CALL TO ORDER

Mayor Alice Ruby called the meeting to order at 9:01 a.m.

ROLL CALL

Councilmen Present: Councilman Bertram Luckhurst, Councilman Steven Carriere, Councilman Curt Armstrong, Councilman Kevin McCambly. A quorum of four was established.

Mayor Alice Ruby was also present.

Absent: Councilman Kaleb Westfall, Councilman Michael Bennett.

APPROVAL OF AGENDA

Motion: Councilman Armstrong moved to accept the agenda. Councilman McCambly seconded.

Motioned carried.

Discussion on question of code. The Clerk was asked to follow up with the City Attorney.

SPECIAL BUSINESS

1. RESOLUTION NO. 2024-53: A RESOLUTION OF THE DILLINGHAM CITY COUNCIL SUPPORTING ALASKA ENERGY AUTHORITY'S (AEA) APPLICATION TO THE WOOD INNOVATIONS GRANT FOR FEDERAL FISCAL YEAR 2025

Motion: Councilman Carriere moved to accept Resolution 2024-53. Councilman Armstrong seconded.

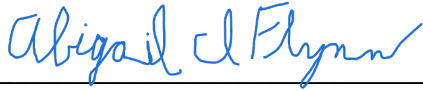
Voting: All four councilmen present voted yea. The vote was unanimous. Motion carried.

ADJOURNMENT

Mayor Ruby called the meeting adjourned at 9:12 a.m.

[SEAL]

ATTEST:



Abigail Flynn, Acting City Clerk

Approval Date: _____

For the record, this meeting was held at a different location than City Hall at the request of the Mayor because she deemed the council chambers unfit for the meeting to follow. Plenty of community notice was given for the change of location and the meeting was even publicized to the community by the local radio station. The alternate location chosen was a public location and was open to any member of the public who wished to attend the meeting. The agenda was posted to the website and around town on 12/05/2024.



CITY COUNCIL REGULAR MEETING AND WORKSHOP
Wednesday, December 18, 2024, at 8:00 PM

MINUTES

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

MEETING INFORMATION

SECOND AMENDED AGENDA

CITY COUNCIL REGULAR MEETING

CITY HALL COUNCIL CHAMBERS / 8:00 p.m.
141 Main Street, Dillingham, AK 99576 (907) 842-5212

A Council Workshop on Prioritization was held at 7:27 PM in the Council Chambers.

CALL TO ORDER time: 8:06 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Ruby

Kaleb Westfall, Michael Bennett, Bert Luckhurst, Curt Armstrong,

(via ZOOM), Kevin McCambly; Steven Carriere was excused but joined via ZOOM @ 8:40 PM

Council members present and a quorum established. (*a quorum being four*)

APPROVAL OF MINUTES

11/07/2024 Regular Council Meeting

Motion: Kaleb Westfall

Second: Bert Luckhurst

Discussion: Michael Bennett moved to postpone approval; Kaleb Westfall 2nd; unanimous approval, motion carried.

APPROVAL OF CONSENT AGENDA – N/A

APPROVAL OF AGENDA

Dan Decker recommended the Executive Session be deleted.

MOTION to approve agenda by Michael Bennett; 2nd by Kaleb Westfall.

MOTION to amend the agenda to delete executive session by Bert Luckhurst; 2nd by Curt Armstrong

ROLL CALL VOTE YEA: Bert Luckhurst, Curt Armstrong

VOTE NO: Michael Bennet, Kaleb Westfall, Kevin McCambly. MOTION FAILED.

RETURN TO ORIGINAL MOTION TO APPROVE AGENDA

ROLL CALL VOTE YEA: Kevin McCambly, Curt Armstrong, Kaleb Westfall, Michael Bennett, Bert Luckhurst. MOTION CARRIED. (confirmed votes on recording, this is what happened.)

MOTION TO MOVE EXECUTIVE SESSION to later in the meeting by Michael Bennett; 2nd by Kaleb Westfall; unanimous approval, motion carried.

STAFF REPORTS

Manager's Report

- Dan Decker stated that Sgt. Nickels was awarded a grant for a K-9 unit. The City to provide \$4,500 in matching funds. Sgt. Nickels will be provided training and a narcotics detection animal.
- PFAS test kits for the Lake Road fire station are on the way.

Staff Reports

Public Works Director, Phillip Baumgartner, reported the Windmill Hill sewer lift station had frozen after experiencing rocks in the pump station system.

CRW engineering is conducting a structural evaluation of cracks at the City Hall Building. Phillip assured the council that the building was sound.

Philip stated that new locks and doors were needed at the Police, Library & Museum.

Chief of Police, Tracy Omalley, reported a “lockdown” at Kanakanak Hospital due to children playing on a phone.

Planning Director, Chris Maines, is seeking letters of interest from community members to fill a vacancy on the Planning Commission

Committee Reports

Curt Armstrong provided a report on the Budget & Finance Committee.

Committee Appointments: None

CITIZEN'S COMMENTS – None

COUNCIL COMMENTS

Councilman Bennett stated that disposal of the garage door panels from the Lake Road fire station should have gone out to public bid.

Councilman McCambly questioned if CRW was the most cost effective and feasible for the city. Phillip Baumgartner stated that CRW is providing an integral service.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2024-48:

MOTION: Michael Bennett moved to postpone until after RESOLUTION 2024-51; Kaleb Westfall 2nd, unanimous approval, MOTION CARRIED.

RESOLUTION NO. 2024 - 49: A RESOLUTION OF THE DILLINGHAM CITY COUNCIL RECOGNIZING PHIL AND EMILY HULETT AND THEIR CHILDREN FOR THEIR POSITIVE COMMUNITY CONTRIBUTION IN BUILDING AND HOSTING THE PALLET MAZE EVENT FOR COMMUNITY MEMBERS IN OCTOBER.

MOTION TO APPROVE by Michael Bennett; 2nd by Kaleb Westfall; unanimous approval, MOTION CARRIED, RESOLUTION ADOPTED.

RESOLUTION NO. 2024-50: A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY25 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FMA 5: BRISTOL BAY AREA

MOTION TO APPROVE by Kaleb Westfall; 2nd by Michael Bennett,

DISCUSSION: Mayor Ruby described an alternative "Fish Tax". Anita Foran, Finance Director, explained that the city receives these monies on an annual basis.

UNANIMOUS APPROVAL, MOTION CARRIED, RESOLUTION ADOPTED.

RESOLUTION NO. 2024-51: A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXTENDING THE CONTRACT WITH CRW ENGINEERING FOR ONE ADDITIONAL VOTED YEAR.

MOTION TO APPROVE by Kaleb Westfall; 2nd by Bert Luckhurst. Unanimous approval
MOTION CARRIED

DISCUSSION: Dan Decker asked for a one-year contract extension, as there were no other bids. Kevin McCambly questioned whether engineering services should be put out to bid.

Unanimous approval, MOTION CARRIED, RESOLUTION ADOPTED

RESOLUTION NO. 2024-48 A RESOLUTION OF THE DILLINGHAM AUTHORIZING CRW ENGINEERING TO DESIGN AN HVAC PACKAGE FOR CITY HALL AND PROVIDE A SITE VISIT AND REPORT FOR THE PUBLIC SAFETY BUILDING HVAC

MOTION TO RETURN TO THE TABLE by Bert Luckhurst; 2nd by Kaleb Westfall

DISCUSSION: Kaleb Westfall asked if we had budgeted for the \$149,960 contract extension. Dan Decker explained that it would require a budget revision in FY26

ROLL CALL

Vote Yes: Bert Luckhurst, Michael Bennett, Curt Armstrong, Steven Carriere, Kaleb Westfall.

Vote No: Kevin McCambly

MOTION CARRIED, RESOLUTION ADOPTED.

RESOLUTION NO 2024-52: A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AWARDING ADMINISTRATIVE TIME OFF TO CITY EMPLOYEES FOR DECEMBER 24TH AND DECEMBER 31ST, 2024, AS A GIFT IN RECOGNITION OF THEIR HARD WORK AND DEDICATION THROUGHOUT THE PAST YEAR

MOTION TO APPROVE by Michael Bennett; 2nd by Kaleb Westfall

DISCUSSION: Bert Luckhurst suggested that city employees be given turkeys or hams.

Unanimous approval, MOTION CARRIED. RESOLUTION ADOPTED.

UNFINISHED BUSINESS

City Manager Recruitment Update

The Council requested a draft of steps to follow and a review of all 16 applications during the January 07, 2025, regular city council meeting.

Councilman Kevin McCambly expressed concern about the process potentially losing applicants: (Recording timestamp at 01:52:39) 'We're maybe losing interest of others and it might even actually been one particular applicant's actual best interest.'

NEW BUSINESS**CITIZEN'S DISCUSSION** (Open to the Public)

Gregg Maxmiller expressed concern about the discontinuance of Zoom access to the council meetings. Enforcement of Title 12 regarding marine equipment being stored on city property. The CIP being moved through the Planning Commission and the City Manager selection.

COUNCIL COMMENTS

MOTION to provide turkeys and hams to city employees by Bert Luckhurst; 2nd by Kaleb Westfall, unanimous approval, MOTION CARRIED.

MOTION: Michael Bennett moved to have staff schedule a public meeting to gain public input regarding subdivisions, zoning and specifically land adjacent to "the old school property" on Waskey road; 2nd by Kaleb Westfall, UNANIMOUS APPROVAL, motion carried.

Kevin McCambly expressed favor of the council meetings being available on ZOOM.

MAYOR'S COMMENTS

Encourages the council to Invite Alaska State Representative Bryce Edmond to speak to the council in January in a workshop setting.

Requests Kaleb and Michael to give a ten-minute report to the council in January about the AML Conference, especially some of the positions that AML might have taken on the property tax issue and changes to local school contribution.

Mayor Ruby would like to see a "Parks & Recreation Committee" established to become a point of contact for all activities within the community.

EXECUTIVE SESSION

The following subjects may be discussed in an Executive Session, from which the public is excluded:

a. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

MOTION TO ENTER INTO EXECUTE SESSION made by Kaleb Westfall; 2nd by Bert Luckhurst, unanimous approval, motion carried at 10:18 PM

MOTION TO LEAVE EXECUTIVE SESSION made by Kaleb Westfall; 2nd by Michael Bennett; unanimous approval. Motion carried at 11:16 PM.

ADJOURNMENT

Mayor Ruby called adjournment of the meeting at 11:17PM.

INFORMATIONAL ITEMS

- Legislative process
- Deed approach to local contributions
- AML Prop Tax work plan and school contributions

[SEAL]

ATTEST:

Abigail Flynn

 Abigail Flynn, Acting City Clerk

Approval Date: _____



CITY COUNCIL REGULAR MEETING
Thursday, January 09, 2025 at 7:00 PM

MINUTES

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

MEETING INFORMATION

CITY COUNCIL REGULAR MEETING
CITY HALL COUNCIL CHAMBERS / 7:00 p.m.
141 Main Street, Dillingham, AK 99576 (907) 842-5212

Council Workshop at 6:30 pm at which, Wanda Wahl, a representative of the University, spoke on opportunities

CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, January 9th, 2025, at the Dillingham City Council Chambers and via video conferencing, in Dillingham, Alaska. Mayor Ruby called the meeting to order at 7:10 P.M.

ROLL CALL

Council members present: Kaleb Westfall, Michael Bennett, Curt Armstrong, Steven Carriere, Bert Luckhurst. Council members absent initially: Kevin McCambly (arrived later at 7:59 during the meeting). The Chair of this meeting was Mayor Ruby.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Three sets of minutes were considered:

1. November 7th, 2024: - Motion made by: Michael Bennett - Seconded by: Kaleb Westfall - Discussion: No discussion occurred - Vote: Voice vote, all in favor - Outcome: Motion carried
2. December 7th: - Motion made by: Steve Carriere, 2nd by Curt Armstrong

Discussion: Councilman Westfall raised concerns about specific language in codes 2.09.020 and 2.09.030 regarding meeting location.

ROLL CALL VOTE

AYE: Bert Luckhurst, Steve Carriere, Curt Armstrong

NAY: Michael Bennett, Kaleb Westfall

Motion failed due to insufficient votes

3. December 18th: - Motion made by: Steve Carriere - Initial discussion revealed multiple errors in the minutes: * Incorrect recording of executive session motion and voting * Inaccurate documentation of resolutions adoption order * Misrepresentation of statements made by council members - Motion to table made by: Steve Carriere - Seconded by: Michael Bennett - Vote: Voice vote, all in favor - Outcome: Motion to table carried - Minutes were tabled for corrections to be brought back at the next possible meeting in February

APPROVAL OF CONSENT AGENDA – None

APPROVAL OF AGENDA

Initial motion by Steven Carriere to move executive session up, but motion failed. Subsequently, Bert Luckhurst moved to approve the agenda as is, seconded by Michael Bennett. Discussion was minimal. Voice vote resulted in four yes votes (Bert, Curt, Michael, Kaleb) and one no vote (Steve). Motion carried.

STAFF REPORTS

Key questions included:

1. Michael Bennett asked about PFAS testing results – staff will provide results when made available.
2. Dan clarified that landfill billing was for businesses only.
3. Kaleb Westfall asked about EPA appropriations for landfill improvements – Chris Maines explained the funding request modification process.
4. Kaleb Westfall inquired about dock lighting systems – Phil Baumgartner provided details on repair options.

For the February 6th meeting, staff requested to:

1. Create a clearer list of codes needing review.
2. Provide written report on PFAS testing results when they become available.

Committee Reports and Appointments

Appoint Jennifer De Winne to the Planning Commission. Motion made by Kaleb Westfall, 2nd by Steven Carriere. Motion carried by unanimous voice vote.

Citizen's Discussion

Paul Liedberg, Chair of Friends of the Landfill, gave a presentation about their activities including:

- 1) Shipping out 37,500 pounds of electronic waste in 2023
- 2) Shipping 29,000 pounds of electronic waste in 2024
- 3) Shipping 10,500 pounds of crushed aluminum
- 4) Shipping 14,000 pounds fishing web waste
- 5) Shipped 800 pounds of fluorescent tubes and oil-based paints.

He emphasized their partnerships with various organizations and requested continued budget support.

Ordinances and Resolutions

No ordinances or resolutions were explicitly discussed during this meeting.

Unfinished business

The main unfinished business discussed was the manager recruitment process. No formal motions were made, but the council reviewed the proposed timeline including:

- 1) January 9 executive session for initial candidate screening
- 2) February 6 council meeting for interview decisions
- 3) Target completion by March 15.

Staff to coordinate with consultants for video and in-person interviews.

New Business

New business included subdivision update discussion. No formal motions were made.

Staff directed to:

- 1) Reach out to potential development partners including Bristol Bay Housing Authority, Choggiung, Kanakanak Hospital, Curyung Tribe, BBNA, and village of New Stuyahok .
- 2) Arrange small group meetings with partners.
- 3) Provide update at February 6th council meeting on contacts made and meeting schedules.

Citizen's Discussion or comments

Paul Liedberg spoke about Friends of the Landfill activities and accomplishments in recycling and waste management. No other public comments were recorded in the transcript.

Council Comments or Discussion

Steve Carriere discussed infrastructure capacity concerns for new development.

Michael Bennett suggested public outreach for development input.

Kaleb Westfall raised questions about code compliance and utility considerations.

Kevin McCambly expressed interest in participating in tribal discussions regarding development.

Mayor's Comments

Final Comments: - Expressed gratitude to Nushwac and volunteers for organizing bazaars and fireworks events - Acknowledged the importance of these events for citizens earning money during high bill season - Called for a moment of silence to acknowledge community members lost since the last meeting

Motion to enter Executive Session

Steve Carriere moved to enter executive session, 2nd by Bert Luckhurst. Motion carried by voice vote (all voted aye, no nays recorded). Time 8:30 pm.

Exit Executive Session

Steve Carriere moved, Bert Luckhurst seconded, unanimous voice vote in favor. Time 10:36 pm.

Adjournment

10:36 pm

[SEAL]

ATTEST:



Abigail Flynn, Acting City Clerk

Approval Date: _____



CITY COUNCIL SPECIAL MEETING

Tuesday, January 21, 2025 at 5:30 PM

MINUTES

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

Amended MEETING INFORMATION

CITY COUNCIL SPECIAL MEETING CITY HALL COUNCIL CHAMBERS / 5:30 p.m.

141 Main Street, Dillingham, AK 99576 (907) 842-5212

Amended:(a short biography for each candidate was added to the original agenda)

CALL TO ORDER 5:30 pm

ROLL CALL

Mayor Ruby asked that the roll be called

Present: Kevin McCambly, Steven Carriere, Bert Luckhurst, Michael Bennett (*via video conference*), Kaleb Westfall, Curt Armstrong

Absent: none

Council members present and establishing a quorum (a quorum being four)

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

MOTION to approve agenda by Steven Carriere, 2nd by Bert Luckhurst

DISCUSSION: None

ROLL CALL VOTE:

YEA: Kaleb Westfall, Michael Bennett, Bert Luckhurst, Curt Armstrong, Steven Carriere, Kevin McCambly

The vote was unanimous, The Agenda was approved.

CITIZEN'S DISCUSSION (Prior Notice or Agenda Items)

Phillip Baumgartner and Scott Runzo spoke in favor of retaining Daniel Decker as the city manager.

Dr. Christopher Maines reported that Dan Decker was instrumental in securing fourteen million dollars in funding for a new waterline to the airport. Dan is a team builder and has provided cohesion to the city staff.

Chief of Police, Tracy O'Malley, spoke in favor of retaining Dan Decker as city manager and acknowledged he has assembled a high functioning team.

Finance Director, Anita Foran, encouraged the council to strongly consider Dan to continue to stay in the position.

SPECIAL BUSINESS

1. The Consultant, Steve Worthington, explained the process that took place to arrive at two candidates. Acting City Manager Dan Decker, and Sidney Miller.

DISCUSSION: None

MOTION to enter executive session by Steven Carriere, 2nd by Bert Luckhurst

DISCUSSION: None

ROLL CALL VOTE YEA:

Kevin McCambly, Steven Carriere, Curt Armstrong, Bert Luckhurst, Michael Bennett, Kaleb Westfall

Unanimous, the motion was approved.

EXECUTIVE SESSION TO DISCUSS CITY MANAGER RECRUITMENT

2. The city's consultant has identified two potential candidates

The executive session is limited to discussion of those matters which tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

ROLL CALL VOTE TO END EXECUTIVE SESSION

YEA: Kaleb Westfall, Michael Bennett, Bert Luckhurst, Curt Armstrong, Steven Carriere, Kevin McCambly. Unanimous approval, MOTION CARRIED.

SPECIAL BUSINESS

3. CITY MANAGER RECRUITMENT

MOTION to have the consultant do the background and reference checks and bring those to the council at the next meeting where the council can make a decision on a candidate. Motion made by Steven Carriere, 2nd by Kaleb Westfall

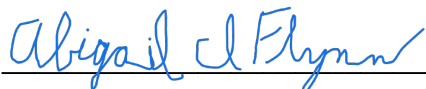
Discussion: None

Unanimous voice vote, MOTION carried.

ADJOURNMENT by Mayor Ruby at 7:53 pm.

[SEAL]

ATTEST:



Abigail Flynn, Acting City Clerk

Approval Date: _____

APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

STAFF REPORTS



City of Dillingham, Alaska

Daniel E. Decker Sr., Acting City Manager
Monthly Report to the City Council – January 2025
Date: February 5, 2025
To: Mayor Alice Ruby and Members of the City Council

Administration and Operations: Strengthening Capacity and Strategic Progress

The City of Dillingham continues to make steady progress in addressing infrastructure needs, strengthening operations, and advancing our strategic priorities. January has been a productive month, with key developments in housing, technology, staffing, and financial planning.

We successfully met the **SRF Loan application deadline**, and the **completed application packet has been submitted**. This marks a significant milestone in our efforts to secure funding for the waterline extension to the Dillingham Airport, a critical infrastructure project.

Additionally, **collaborative efforts with LMJ and our internal IT specialist** have advanced technology improvements throughout City operations. This partnership is focused on enhancing IT security, optimizing systems, and ensuring that departments have the necessary support for digital infrastructure upgrades.

On the housing front, I met with **Kevin Tennyson from the Housing Authority** and **Jennifer Dewinnie from the Bristol Bay Area Health Corporation (BBAHC)** to discuss housing as a key priority for Dillingham. Both organizations expressed interest in further collaboration.

Regarding the **GCI easement**, we have received confirmation from **Gustavo Ortega, PMP**, that the referenced construction has been completed. GCI's surveyor has gathered the necessary data to produce the as-built, and we anticipate a timeline for submitting the required documentation shortly.

Public Safety: Expanding Resources and Enhancing Readiness

The **Dillingham Police Department** has been focused on increasing staffing, training, and operational effectiveness.



- **Patrol Division:** Sgt. Nickels is currently attending **K-9 training**, and the **K-9 unit is expected to begin service in February**. This addition will significantly improve law enforcement's ability to address narcotics-related issues in the community.
- **Corrections:** Two new correctional officers were hired, with one already on duty and the second scheduled to start in February. The **corrections facility housed six inmates** in January.
- **Dispatch:** The dispatch center handled **96 calls for service**, including:
 - 36.4% Disturbances
 - 17.7% EMS Calls
 - 11.5% Welfare Checks
 - 10.4% Suspicious Circumstances
 - 9.4% Burn Permits
 - 8.3% Traffic Stops
 - 4.2% Agency Assists
 - 2.1% Assaults, Collisions, and DUI reports

One new dispatcher was hired, **fully staffing the dispatch team** for the first time in months.

- **DMV:** The DMV processed 37 driver's licenses, 24 vehicle registrations, 22 title/lien filings, and several other routine transactions.

Planning and Development: Advancing Infrastructure and Land Use Priorities

The **Planning Commission** met on January 8, 2025, and reviewed the **preliminary plats** for Sayak Subdivision, S&W Subdivision, and the replat for Harbor Lease Lots 3 and 4. All plats are advancing to final review in March.

We are tentatively scheduling **Agnew & Beck to present the updated Comprehensive Plan** in March. This will be advertised to encourage public participation.

Key project updates:

- **Landfill Improvements Project:** The work plan has been approved by the **EPA**, and once all required forms are submitted, we will receive the **\$4.72 million Senate appropriation** to begin work.
- **Capital Improvement Program (CIP) Nominations:** The extended deadline closed on January 24, and we received a strong list of projects. These will be compiled and graded before being presented to the Council for adoption.
- **State Legislative Requests (CAPSIS):** The City's **CAPSIS project request list for Representative Bryce Edgmon** is being finalized. Projects include a **new Fire Hall**



Building, Lagoon Bank Stabilization, Wastewater System Upgrades, and Harbor Bank Stabilization.

- **PFAS Testing:** At the request of the City Manager, I tested **PFAS contamination at the Lake Road Fire Station.** We are awaiting results and will share them once received.

Ongoing efforts include **reviewing municipal codes to promote housing and economic development, modernizing land use regulations, and identifying new funding sources for City infrastructure improvements.**

Public Works: Operations, Staffing, and Infrastructure Maintenance

January was largely focused on **preventative maintenance, equipment servicing, and building planning.**

- **Staffing:**
 - One promotion, two inter-departmental transfers, and three open positions.
- **Accomplishments:**
 - **Serviced 12 passenger vehicles and seven pieces of heavy equipment.**
 - **Cleared culverts, sanded roads, and renewed landfill permits.**
 - **Finalized the Local 71 rotational agreement to improve staffing structure.**
 - **Renewed landfill permit and continued upgrades.**
- **Upcoming:**
 - **AFE conference, Brightly training, road construction training.**
 - **Planning bid packets for facility systems and equipment purchases.**

Harbor Projects: Enhancing Port Operations

The **Port Advisory Committee** meeting is scheduled for **February 11, 2025** to discuss upcoming priorities.

Key progress includes:

- **Continuing work to become a certified member of Alaska Clean Harbors.**
- **Updating the Port Terminal Tariff with IAMPE.**
- **Acquiring permits for the PIDP Grant in collaboration with PND Engineering.**
- **Coordinating with MARAD/NEPA on Harbor float replacement.**
- **Developing a plan for Kakanak Beach access maintenance.**



- **Hiring a Harbor Master for the 2025 season.**

Public feedback has indicated **priorities such as repairing the ice machine, bulkhead crane, and dock electrical systems.**

Finance Department: Fiscal Oversight and Budget Planning

The **Finance Department** has been focused on finalizing the **FY24 Audit** and preparing for **FY25 Budget revisions.**

Key updates:

- **Revenue and Expense Review – November 2024:**
 - The **fund balance increased by \$611,507.**
 - **Dock and harbor revenues are higher than expected (77% and 53% respectively).**
 - **Real and personal property tax collection exceeded expectations at 104%.**
 - **State Shared Fisheries Revenue was received at \$147,328, requiring a budget revision.**
- **Collections and Foreclosures:**
 - **Past due utility and landfill collection efforts are underway.**
 - **The 2018-2022 foreclosure process is finalized.**
 - **The 2021-2024 foreclosure process is pending public notice on February 5.**
- **Capital Project Funding:**
 - **The Lagoon Aeration Project is complete, and invoices are being finalized.**
 - **Plans are being drafted for the new Fire Department building.**
 - **The Snag Point Erosion Project is in the early planning stage.**

City Clerk and Community Services: Transparency and Engagement

- **City Clerk's Office:**
 - **Posting signed resolutions and ordinances online for increased transparency.**
 - **Foreclosure list scheduled for March Council review.**
 - **Land disposal and tax code updates in progress.**
- **Senior Center:**
 - **Served 400 meals and provided 108 rides in January.**
 - **Grant reports submitted on February 3.**



- **Library:**
 - **733 Wi-Fi sessions and 696 patron visits in January.**
 - **IMLS and BBEDC grant applications in progress.**
 - **Planning for Summer Reading Program and new community space proposal.**

Conclusion: Moving Dillingham Forward

With strong momentum in infrastructure, public safety, and strategic planning, **January 2025 was a month of measurable progress.** I look forward to working with the Council and the community as we continue addressing Dillingham's priorities.

Respectfully Submitted,

Daniel E. Decker Sr.

Daniel E. Decker Sr.

Acting City Manager, City of Dillingham

Mayor
Alice Ruby

Acting Manager
Daniel Decker



Dillingham City Co

Section . Item 7.

Bertram Luckhurst
Michael Bennett
Steven Carriere
Curt Armstrong
Kaleb Westfall
Kevin McCambly

MEMORANDUM

Date: January 31, 2025

To: Daniel Decker, Acting City Manager

From: Anita Fuller, Finance Director

Subject: February Monthly Report

Council Considerations/Recommendations:

- Nothing new at this time.

Department Accomplishment and Opportunities:

Questica:

Implementation is in review. The final stage of cleanup is scheduled for completion in time for FY26 budget setup.

Audit Update:

FY24 Audit – Audit site work is finished. Financial statements has been sent for our review as of 01/29/2025.

Department staffing:

Receivables Tech II – Position became open and has been filled starting 01/27/2025.

Cashier Tech I – Position has become open, a candidate has been offered the position, with the position to be filled in February.

Property Tax:

Real property tax past due letters were mailed 01/05/2025 to provide a past due notice and foreclosure notice.

Personal property tax assessment returns have been mailed out 11/15/2024 with a deadline of February 1, 2025.

Assessors are assisting with the preparation of the 2025 taxes.

Collections:

A foreclosure 2018-2022 has been finalized.

A foreclosure 2020-2024 is prepared and pending 02/05/2025 before public notice can be made.

Past due utility collections have started.

Grants:

Grant reports will be completed in January:

Budget:

FY25 Budget revision review dates will be discussed in this meeting.

FY26 Budget is beginning in February and will go to F&B after FY25 Budget revisions are done.

Internal Controls:

- On hold for after budget revisions.

Other News:

Completed PERS audit information. Waiting for the final report.

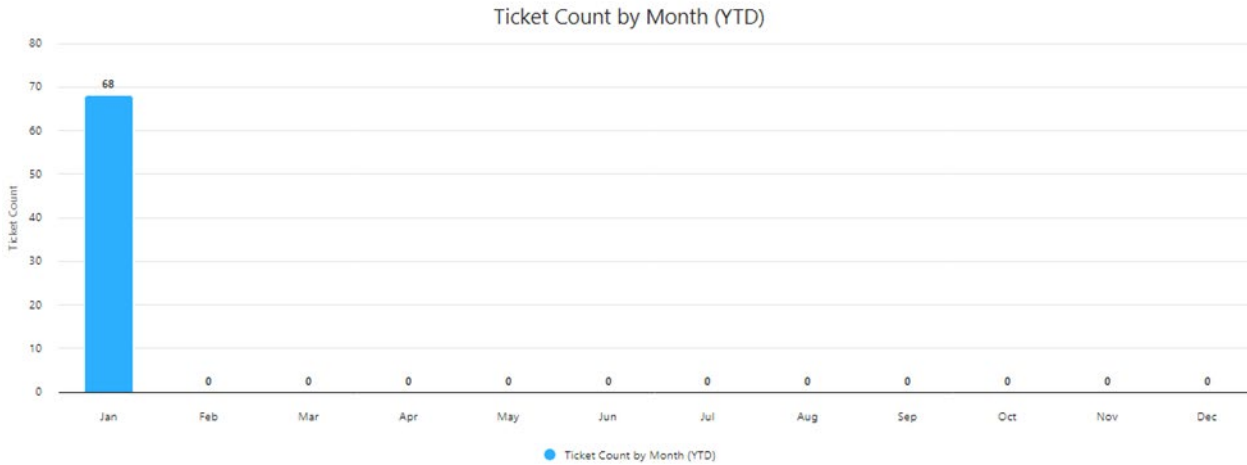
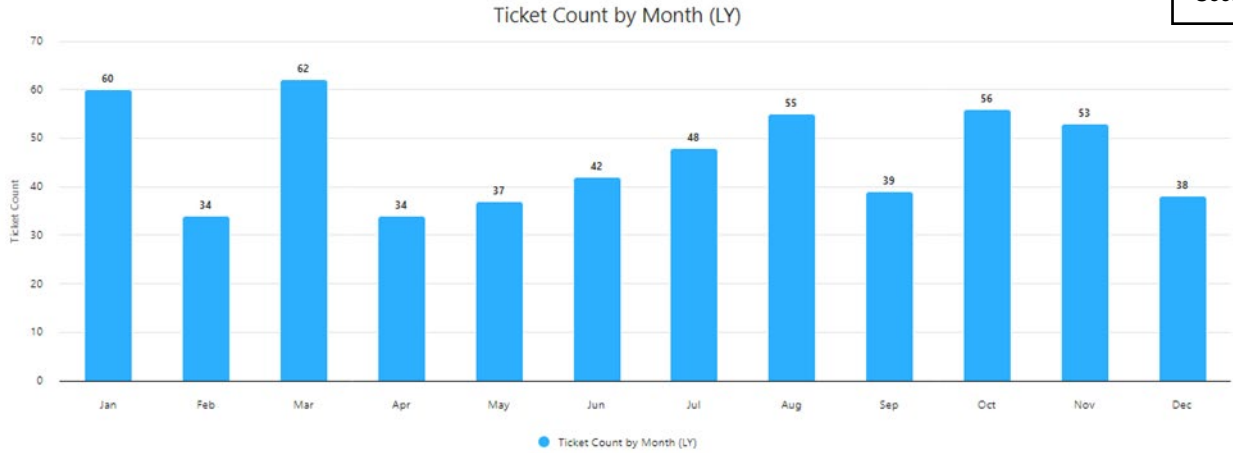
- Business license renewals were mailed out for 2025 business licenses.

Upcoming Calendar Items:

- 15th of each month utility payments due; last day of month utility bills sent.
- March 15, 2025 property tax assessments will be mailed out.

IT Support

- Cataloging / tracking assets
- Current user modification x7
- New user creation x3
- Updating AccuFund / AccuFund users
- Re-connecting DPD VPN's to secured sights (APSIN)
- APC battery backup ordered (City Hall server)
- MARS reboot / reconnect
- Install / providing PC to workstation / user x4
- Finance printer hardware malfunction / solution
- Three printers replaced – MICR compatible
- Assessing / finalizing asset decommissioning x25
- Multiple untracked help tickets sent via Personal cell / Work cell / Direct email / verbally.



Revenue and Expense Report – November 2024:

- Target percentage is 41%. Explanations are for those items above 61% or below 21%.
- Fund balance is an increase of \$611,507.
- Gaming sales tax reports remain at 7%.
- Business license revenue increases in December due as expected.
- Real and personal property taxes are higher than expected at 104%. Penalty & Interest is high at 89% and is being reviewed. The actual amount collected in November is 84% for real property and 75% for personal property.
- The PILT is \$17,418 higher than expected and will require a budget revision.
- Shared Fisheries revenue was received at \$147,328 and will require a budget revision for a reduction of \$452,672.
- Other state revenues arrive later in the year.
- DMV fees are generally several months behind but are currently lower than expected at 17%.
- Lease and rental income is as expected at 13%.
- PERS Forfeiture fund has already exceeded expectations and will require a budget revision.

Special Revenues & Other Funds Revenue

- Dock revenue is 77% through the November report and Harbor revenues are 53%, which is higher than expected and will be reviewed during the budget revision.
- Senior Center non-grant is reduced due to two office spaces not being rented. Will require budget revision.
- SOA School Bond Reimbursement is expected to be received by end of January 2025.

Transfers

- Ambulance reserve is reduced due to reduced amount of ambulance fees received to date.
- Equipment replacement is at 103% due to increase cost of shipping for new vehicles.
- Landfill Closure transfer will be reviewed for December Rev & Exp report.
- SRF Loan Annual payment for Water has been paid.
- Street Bond transfer is reduced at 8% due to amount of interest earned from the bond investments.
- School Bond bi-annual payment is for both interest and principal and is the higher payment for the year.
- Water revenue exceeds expenses and does not require a transfer.

General Fund Expenditures

- City Council expenses are at 5% due to lobbying contracts going into effect January 2025.
- Administration expenses are reduced due to open Deputy CM position.
- Planning expenses are at 16% largely due to only using 1% of the contract/professional budget.
- No Fire Department Donation funds have been spent.
- Shop budget is reduced due to open positions and subsequent reduced cost to equipment repairs.
- Streets budget is reduced due to open positions and delay in acquiring street supplies, gravel, road maintenance products.

Special Revenues & Other Funds Expenditures

- Water and Sewer expenditures are reduced by the October report due to open positions. The first position is filled in November but paid in December.
- No asset forfeiture funds have been spent.
- Had a final payout for the E911 duplication system of \$73,0551.60 in July that was not expected. This will require a budget revision.
- Volunteer stipends are expected at 6 months
- Bi-annual water loan is paid and the school bond payment included the principal payment.
- Equipment replacement was higher due to shipping costs.

Grant and Bond Revenues/Expenditures

- The Lagoon Aeration project is completed and payment of invoices are being finalized which includes LGLR and SRF Loan.

- SOA Department of Health grants are in process. Expenses are for sanitation improvements.
- BBEDC Internships have finished programs for the summer and training has been completed for the fire department.

Capital Project Revenues/Expenditures

- Snagpoint erosion project has not started.
- Plans are being drafted for the new fire department building.

Lagoon Aeration change order is paid with City of Dillingham funds.

Balance Sheet

Will be presented at the next meeting.

City of Dillingham
Unaudited Revenues and Expenditures As of November 30, 2024

Data Collected on:
11/27/2024

Section . Item 7.

	<u>Budget - FY25</u>	<u>11/30/24</u> <u>YTD</u>	<u>Percent</u>	<u>11/30/23</u> <u>YTD</u>	<u>INC/(DEC)</u>	Uncollected	% Adj
General Fund Revenues							
General Sales Tax	\$ 3,200,000	\$ 1,545,921	48%	\$ 1,121,689	\$ 424,232	(1,562.06)	48%
General Sales Tax - Remote	425,000	238,029	56%	87,119			
Alcohol Sales Tax	280,000	107,086	38%	108,763	(1,677)		38%
Transient Lodging Sales Tax	150,000	70,372	47%	82,856	(12,484)	(31.80)	47%
Gaming Sales Tax	45,000	3,199	7%	15,056	(11,857)		7%
Tobacco Excise Tax	300,000	118,352	39%	129,762	(11,410)		39%
Marijuana Excise Tax	90,000	36,453	41%	40,223	-		41%
Business License	17,000	1,600	9%	2,500	-		
Penalty & Interest - Sales Tax	17,000	4,290	25%	6,669	(2,379)	(60.69)	25%
Total Sales Tax	4,524,000	2,125,302	47%	1,594,636	384,426		47%
Real Property Tax	2,460,000	2,567,664	104%	2,474,896	92,767	(507,555.57)	84%
Personal Property Tax	1,098,000	1,129,900	103%	567,181	562,719	(303,379.88)	75%
Penalty & Interest - Property Tax	130,000	116,194	89%	75,893	40,302		89%
Total Property Taxes	3,688,000	3,813,758	103%	3,117,970	695,788		81%
Telephone Gross Receipts State Tax	70,000	-	0%	-	-		0%
Shared Fisheries	600,000	147,328	25%	600,639	(453,311)		25%
Raw Fish Tax	20,000	-	0%	-	-		0%
Community Sharing	75,396	-	0%	-	-		0%
Payment in Lieu of Taxes (PILT)	520,000	537,418	103%	522,976	14,442		103%
State Jail Contract	720,000	271,828	38%	16,759	255,069		38%
Motor Vehicle Tax	25,000	7,633	31%	8,267	(634)		
Ambulance Fees	60,000	10,012	17%	17,487	(7,475)		17%
Lease & Rental Income	35,000	4,600	13%	4,550	50		13%
Admin Overhead	157,405	65,298	41%	70,928	(5,630)		41%
PERS on Behalf	168,162	75,785	45%	31,520	44,265		45%
PERS Forfeiture Fund	25,000	33,400	134%	19,395	14,005		134%
Other Revenues	298,800	170,998	57%	130,958	40,040	(1,200.00)	57%
Total	2,774,763	1,324,302	48%	1,423,480	(99,178)		48%
Total	\$ 10,986,763	\$ 7,263,362	66%	\$ 6,136,086	\$ 981,035		59%
Special Revenue & Other Funds Revenue							
Water	229,211	99,321	43%	96,755	2,566	(6,144.82)	41%
Sewer	462,111	167,637	36%	170,218	(2,581)	(8,295.51)	34%
Landfill	346,032	191,178	55%	186,734	4,444	(4,552.00)	54%
Port - Dock	750,402	577,724	77%	727,604	(149,881)	(105,178.33)	63%
Port - Harbor	157,912	83,475	53%	41,761	41,714	(5,876.00)	49%
Asset Forfeiture Fund	500	191	38%	246	(56)		0%
E-911 Service	67,000	26,950	40%	28,557	(1,607)		40%

City of Dillingham

Unaudited Revenues and Expenditures As of November 30, 2024

Data Collected on:

11/27/2024

Section . Item 7.

	<u>Budget - FY25</u>	<u>11/30/24</u> YTD	Percent	<u>11/30/23</u> YTD	INC/(DEC)	
Senior Center (Non-Grant)	49,059	7,161	15%	12,404	(5,243)	15%
Senior Center (Grant)	80,450	19,481	24%	23,833	(4,353)	24%
Library (Grants)	38,578	13,578	35%	13,955	(377)	35%
Debt Service - Bond Investments	80,000	48,023	60%	46,136	1,887	60%
Debt Service - SOA Revenue	742,060	-	0%	967,625	(967,625)	
Debt Services - Streets Refund	-	-		-	-	
Mary Carlson Estate	21,000	8,744	42%	8,814	(70)	42%
Ambulance Rental	14,400	4,800	33%	25,338	(20,538)	
Total	\$ 3,038,715	\$ 1,248,262	41%	\$ 2,349,981	\$ (1,101,719)	37%

<u>Transfers</u>						
<i>From General Fund to Other Funds</i>						
Landfill	662,724	250,959	38%	179,985	70,974	
Senior Center	281,383	143,121	51%	58,175	84,946	
Ambulance Reserve	50,000	10,041	20%	15,738	(5,697)	
Equipment Replacement	220,000	225,699	103%	118,637	107,062	
Capital Projects (Fund 7140)	368,694	93,023	25%	12,417	80,606	
Landfill Closure (Fund 7150)	25,000	16,672	67%	-	16,672	
Debt Service SRF Loans	51,461	38,100	74%	-	38,100	
Debt Service Streets Bond	151,500	12,737	8%	17,239	(4,502)	
Debt Service Firehall Bond	43,000	11,500	27%	12,000	(500)	
Debt Service School Bond	318,440	296,375	93%	-	296,375	
<i>From Dock Fund to Harbor Funds</i>						
Port - Harbor	258,263	57,417	22%	92,859	(35,442)	
Port - Harbor - Ice Machine	-	1,684		430	1,254	
Port - Harbor - Bathhouse	13,470	7,120	53%	6,450	670	
<i>From Department to Department</i>						
Transfer from E911 to Dispatch	67,000	33,901	51%	23,614	-	
Transfer from Carlson Estate to Library	4,000	1,669	42%	1,665	-	
Transfer from Wastewater to Water	102,068	-	0%	-	-	
Total	\$ 2,617,003	\$ 1,200,018	46%	\$ 539,209	\$ 650,518	
Total Revenues & Transfers	\$ 16,642,481	\$ 9,711,642	58%	\$ 9,025,277	\$ 529,834	

City of Dillingham
Unaudited Revenues and Expenditures As of November 30, 2024

Data Collected on:
11/27/2024

Section . Item 7.

	<u>Budget - FY25</u>	<u>11/30/24</u>	<u>Percent</u>	<u>11/30/23</u>	<u>INC/(DEC)</u>
		<u>YTD</u>		<u>YTD</u>	
EXPENDITURES:					
General Fund Expenditures					
City Council	\$ 146,350	\$ 6,840	5%	\$ 34,891	\$ (28,051)
City Clerk	326,797	114,804	35%	46,323	68,481
Administration	771,879	161,281	21%	113,750	47,531
Finance	1,496,839	533,792	36%	440,229	93,563
Legal	125,000	40,131	32%	49,405	(9,274)
Insurance	328,100	172,683	53%	129,384	43,299
Planning	527,182	85,263	16%	101,187	(15,924)
Foreclosures	9,000	5,540	62%	53	5,487
IT	342,300	153,336	45%	94,815	58,521
Public Safety Administration	370,887	124,522	34%	81,229	43,293
Dispatch	745,231	339,015	45%	237,445	101,570
Patrol	1,597,624	409,543	26%	385,892	23,651
Corrections	773,407	303,431	39%	275,561	27,870
DMV	86,804	34,138	39%	31,226	2,911
Animal Control Officer	187,282	49,977	27%	56,105	(6,128)
Fire	776,570	304,444	39%	201,312	103,132
Fire Department Donation	10,000	0	0%	525	(525)
Public Works Administration	499,835	171,910	34%	55,998	115,913
Building and Grounds	1,229,345	386,799	31%	153,179	233,620
Shop	743,197	140,423	19%	163,576	(23,153)
Street	738,528	143,739	19%	210,326	(66,588)
Library	255,972	92,509	36%	74,469	18,040
Grandma's House	73,961	18,249	25%	15,661	
City School	1,702,000	850,347	50%	850,770	(423)
Transfers to Other Funds	2,147,202	1,081,545	50%	1,381,816	(300,271)
Total	\$ 16,011,292	\$ 5,724,258	36%	\$ 5,185,129	\$ 536,541

City of Dillingham
Unaudited Revenues and Expenditures As of November 30, 2024

Data Collected on:
11/27/2024

Section . Item 7.

	<u>Budget - FY25</u>	<u>11/30/24</u> <u>YTD</u>	<u>Percent</u>	<u>11/30/23</u> <u>YTD</u>	<u>INC/(DEC)</u>
<u>Special Revenue Funds Expenditures</u>					
Water	331,279	70,679	21%	92,867	(22,188)
Sewer	539,468	63,378	12%	141,805	(78,428)
Landfill	1,008,756	442,138	44%	369,765	72,373
Port - Dock	840,229	458,876	55%	601,733	(142,858)
Port - Harbor	428,545	149,696	35%	141,431	8,265
Asset Forfeiture Fund	500	-	0%	-	-
E-911 Service	67,000	106,953	160%	23,614	83,339
Senior Center (Non-Grant)	330,469	150,282	45%	69,858	80,424
Senior Center (Grant)	80,423	29,294	36%	43,475	(14,181)
Library (Grants)	38,578	18,082	47%	17,033	1,050
Mary Carlson Estate	6,255	3,054	49%	2,690	364
Ambulance Reserve Fund	20,000	600	3%	23,858	(23,258)
Debt Service SRF Loans	51,461	38,100	74%	-	38,100
Debt Service School Bond	1,060,500	986,375	93%	967,625	18,750
Debt Service Firehall Bond	43,000	11,500	27%	12,000	(500)
Debt Service Streets Bond	231,500	60,750	26%	63,375	(2,625)
Equipment Replacement	220,000	225,699	103%	118,637	107,062
Total	\$ 5,297,963	\$ 2,815,455	53%	\$ 2,689,766	\$ 125,689
	\$ 21,309,255	\$ 8,539,713	40%	\$ 7,874,895	\$ 662,230
Net Increase (Decrease) to Fund Balances	\$ (4,666,774)	\$ 1,171,929		\$ 1,150,382	\$ (132,396)

City of Dillingham
Unaudited Revenues and Expenditures As of November 30, 2024

Data Collected on:
 11/27/2024

Section . Item 7.

	<u>Budget - FY25</u>	<u>11/30/24</u> <u>YTD</u>	<u>Percent</u>	<u>11/30/23</u> <u>YTD</u>	<u>INC/(DEC)</u>
Grant & Bond Revenues					
SOA-Landfill Firebreak	-	-		-	-
EPA Snagpoint Erosion Grant	-	-		-	-
COVID - CARES & ARPA & LGLR	1,776,543	1,752,195	99%	280,966	1,471,228
SRF Loan - Lagoon Aeration	615,813	93,719	15%	-	93,719
SRF Loan - Landfill	-	-		-	-
SOA-DOH Grants	201,000	54,694	27%	-	54,694
Curyung-Ice Machine	20,833	-	0%	(1,324)	1,324
Snagpoint Funding	3,209,387	-	0%	-	-
BBEDC Intern Program	72,923	15,412	21%	23,897	(8,485)
BBEDC Training Reimb	-	-		-	-
BBNC Training Reimb	-	-		-	-
Total	\$ 5,896,499	\$ 1,916,019	32%	\$ 303,540	\$ 1,612,479
Grant & Bond Expenditures					
SOA-Landfill Firebreak	-	-		100,000	-
EPA Snagpoint Erosion Grant	-	-		-	-
COVID - CARES & ARPA & LGLR	1,776,543	1,715,842	97%	14,128	1,701,714
SRF Loan - Lagoon Aeration	615,813	646,824	105%	-	646,824
SRF Loan - Landfill	-	-		-	-
SOA-DOH Grants	201,000	965	0%	-	965
Curyung-Ice Machine	20,833	-	0%	-	-
Snagpoint Erosion	3,209,387	-	0%	-	-
BBEDC Intern Program	72,923	15,412	21%	38,123	(22,711)
BBEDC Training Reimb	-	4,375		10,350	(5,975)
BBNC Training Reimb	-	-		10,350	(10,350)
Total	\$ 5,896,499	\$ 2,383,418	40%	\$ 172,951	\$ 2,310,467
	\$ -	\$ (467,399)		\$ 130,589	\$ 3,922,946

City of Dillingham
Unaudited Revenues and Expenditures As of November 30, 2024

Data Collected on:
 11/27/2024

Section . Item 7.

	<u>Budget - FY25</u>	<u>11/30/24</u> <u>YTD</u>	<u>Percent</u>	<u>11/30/23</u> <u>YTD</u>	<u>INC/(DEC)</u>
Capital Project Funds Revenues					
Harbor Mayor Sale Revenue	-	-		1,200	(1,200)
Total	\$ -	\$ -		\$ 1,200	\$ (1,200)
Capital Project Funds Expenditures					
Public Safety Building	-	-		-	-
Water Improvements	-	-		-	-
WasteWater Improvements	-	-		-	-
Snagpoint Erosion	356,694	-	0%	-	-
Sewer Lagoon Aeration	12,000	66,816	557%	-	66,816
Other Lift Station	-	-		-	-
Fire Dept Water Damage Repair	-	26,207		-	-
Landfill Closure (7150)	-	-		-	-
Landfill Shop Fire	-	-		-	-
Landfill Groundwater Well	-	-		-	-
Harbor cleanup	-	-		-	-
Total	\$ 368,694	\$ 93,023	25%	\$ -	\$ 66,816
	\$ (368,694)	\$ (93,023)		\$ 1,200	\$ (68,016)

	Budget	Actual
General Fund Revenue	\$ 10,986,763	\$ 7,263,362
Special Fund Revenue	\$ 3,038,715	\$ 1,248,262
Transfers In	\$ 2,617,003	\$ 1,200,018
Grant and Bond Revenue	\$ 5,896,499	\$ 1,916,019
CIP Revenue	\$ -	\$ -
	\$ 22,538,980	\$ 11,627,661
General Fund Expenditures	\$ 16,011,292	\$ 5,724,258
Special Fund Expenditures	\$ 5,297,963	\$ 2,815,455
Grant and Bond Expenditures	\$ 5,896,499	\$ 2,383,418
CIP Expenditures	\$ 368,694	\$ 93,023
	\$ 27,574,448	\$ 11,016,154
Net Increase (Decrease) to Fund Bal	\$ (5,035,468)	\$ 611,507



Dianne Blumer
6058 Azalea Dr.
Anchorage, Alaska 99516
907-575-2279

City of Dillingham Legislative Report **2/1/25**

This week the House and Senate Finance Committees held several hearings related to State's fiscal outlook, featuring presentations from the Administration regarding revenue and oil production forecasts, detailed overview by the Office of Management and Budget (OMB) and the Legislative Finance Division concerning the Governor's proposed budget.

On January 28th, Governor Dunleavy delivered his seventh State of the State address to the 34th Alaska State Legislature, expressing optimism for what he termed 'the fourth quarter' of his administration. He highlighted several accomplishments, including advancements in public safety, job creation, population growth, developments in oil and gas sectors, and progress on the long-anticipated natural gas pipeline.

The Governor also recognized two notable Alaskans: Alaska State Trooper Sgt. Jared Noll, who spearheaded a multi-agency effort resulting in indictments related to a multi-state drug trafficking operation, and Alev Kelter, a Chugiak High School graduate and member of the USA women's rugby team that earned a bronze medal at the Olympics. A recording of the State of the State can be viewed [here](#).

The House and Senate Finance Committee received insights from the Department of Revenue (DOR) and the Department of Natural Resources (DNR) focused on the state's revenue and oil production forecasts. The forecast predicts slight declines in revenue stemming from various factors, including diminished oil production, reduced per-barrel prices, and an uptick in deductible lease expenditures.

These challenges are intensifying the pressure on lawmakers tasked with formulating a balanced budget. Future budget discussions will center around critical issues such as the amount of the Permanent Fund Dividend (PFD), education funding, pensions, deferred maintenance requirements, and other competing obligations, with House Finance Subcommittees designated to address some of these matters at the departmental level.

The House and Senate Transportation Committees resumed their meetings this week, engaging with the Department of Transportation (DOT) on further discussions as to why the delivery of projects continues to be at an all-time low. Failure to identify a solution for processes to get projects "on the street" will be catastrophic for our construction industry and our state's economy. This will be an ongoing issue over the next months.

Emma Pokon will be departing her position as the Commissioner of the Department of Environmental Conservation (ADEC) to assume the role of region 10 Administrator at the United States Environmental Protection Agency (EPA).



Dianne Blumer
6058 Azalea Dr.
Anchorage, Alaska 99516
907-575-2279

Upcoming Schedule

Description	Date, Time & Location
DAVIS 106 -HOUSE EDUCATION *+ HJR5 SECURE RURAL SCHOOLS PROGRAM TELECONFERENCED -- Testimony -- + Bills Previously Heard/Scheduled TELECONFERENCED	Wed 2/5/25 8:00 AM
GRUENBERG 120 -HOUSE FISHERIES -- Please Note Time Change -- *+ HB60 PROCURE PREF: AGRIC. & FISH PRODUCTS TELECONFERENCED -- Public Testimony -- *+ HB31 VESSELS: REGISTRATION/DERELICT FUND TELECONFERENCED	Thu 2/6/25 11:00 AM
BUTROVICH 205 -SENATE RESOURCES *+ SB75 TIMBER MANAGEMENT LEASES TELECONFERENCED -- Testimony -- *+ SB67 PROCURE PREF: AGRIC. & FISH PRODUCTS TELECONFERENCED -- Testimony -- Bills Previously Heard/Scheduled **Streamed live on AKL.tv**	Fri 2/7/25 3:30 PM

Bill	Title	Prime Sponsor	Status & Upcoming Hearings	Position
<u>HB 13</u>	Municipal Property Tax Exemptions	GRAY	(H) REFERRED TO COMMUNITY & REGIONAL AFFAIRS (1/22)	
<u>HB 18</u>	Vehicles/boats: Transfer On Death Title	RAUSCHER	(H) REFERRED TO TRANSPORTATION (1/22)	
<u>HB 26</u>	Statewide Public & Community Transit Plan	MINA	(H) REFERRED TO COMMUNITY & REGIONAL AFFAIRS (1/22)	
<u>HB 31</u>	Vessels: Registration/derelict Fund	STUTES	(H) -- Please Note Time Change -- (2/6) 02/06/25 11:00 AM in GRUENBERG 120	

TO: City Manager, Dan Decker

FROM: Chief of Police, Tracy O'Malley

RE: Monthly Report

DATE: January 27, 2025

PATROL:

- Sgt. Nickels is attending K-9 training. The K-9 will begin service with the City of Dillingham in February of 2025

CORRECTIONS:

- Two new correctional officers were hired. One began working this month and the other will begin in February.
- Six inmates were held in the Dillingham Correctional Facility

DISPATCH:

- Dispatch received 96 calls for service
 - 2.1% Collisions
 - 17.7% EMS Calls
 - 2.1% Assaults
 - 2.1% REDDI Reports 4.2% Agency Assists
 - 10.4% Suspicious
 - 11.5% Welfare checks
 - 9.4% Burn Permits
 - 36.4% Disturbances
 - 2.1% DUI
 - 8.3% Traffic Stops
- One new dispatcher began working this month. Our dispatch positions are now filled.

DMV:

2- Commercial D/L
37 – Driver License
10 – Identification Cards

01 – HC Permits (No Fee)

04 – Miscellaneous Fees

24 – Vehicle Registration

22 – Title / Lien

00 – Boat Registration

01 – Road Test

02 Customer Assist:

03 – License Services

04 13 – AK Written Test

Mayor
Alice Ruby

Acting City Manager
Dan Decker



Dillingham City Co

Section . Item 7.

Michael Bennett
Curt Armstrong
Kaleb Westfall
Kevin McCambly
Bertram Luckhurst
Steven Carriere

MEMORANDUM

Date: 1/27/2024
To: Dan Decker, Acting City Manager
From: Daniel Miller, Port Director
Subject: Monthly Report: February 2025

Projects – Progress and Public Impacts:

- Port Advisory Committee meeting scheduled for February 11, 2025
- Working to become a certified member of Alaska Clean Harbors
- Replace compressor for cold storage in icehouse
- Working with IAMPE to update Port Terminal Tariff
- Develop a plan for improved Kanakanak Beach Access maintenance
- Working with PND Engineering to acquire all necessary permits for PIDP Grant
- Working with MARAD/NEPA to move forward with Harbor float replacement
- Working with Public Works to repair broken cleats and horns
- Planning and preparation for next season
- Hire Harbor Master for 2025 Season

Public Feedback:

- Repair/replace ice machine
- Repair Bulkhead Crane
- Electricity to docks
- Repair/Replace docks

Mayor
Alice Ruby

City Manager
Daniel Decker



Dillingham City Co

Section . Item 7.

Bertram Luckhurst
Michael Bennett
Steven Carriere
Curt Armstrong
Kaleb Westfall

MEMORANDUM

Date: January 24, 2025
To: Daniel Decker, City Manager
From: Scott Runzo, Fire Department Coordinator
Subject: Fire/EMS Report

Acknowledgements and Recognitions:

- The department would like to thank the Fire and EMS volunteers who responded to the fire downtown on the 15th. This could have been very serious, and it was stopped very quickly.
 - EMS related calls for 2024 (228)
 - Fire related calls for 2024 (28)

Department Accomplishment on-going/upcoming activities:

Members on the board:

- Fire Chief – Koolie Heyano
 - Assistant Fire Chief -Kevin Hardin
 - Fire at large – John Taylor
 - Medical squad director -Clint Reigh
 - Assistant medical director -Brandi Olson
 - Medical at large -Malcolm Wright
-
- Monthly fire training and EMS training is ongoing three times a month for both medical and Fire. The department has seen a significant increase in those attending these trainings.
 - The city has also received a grant of 600k to pay for the new fire hall's design and engineering costs. We are working with the Architect to determine how these funds could be used to further the development of the New Fire Hall.
 - The New fire hall pre-design is published, and we are very satisfied with the work the Architects have done. Please feel free to contact me if you would like a copy.
 - Scott will be attending the Fire Chiefs conference in Juneau in the last week of Jan and will be presenting the new Fire Hall project.

- We have two volunteers traveling to Fairbanks in February this year to ride along with the university fire department for cross training. Rep
- We have a new medical director from the hospital to sponsor our EMS service. EMS has been working with them to update and re-register for our EMS license for 2025.

Projects – Progress, public actions and preparations:

- The department is preparing an Opioid prevention plan that is attached to the report.
- The department has been providing medical coverage at the local sporting event.
- The department reviewed all the KNOX boxes in the city and found that several of them did not work or did not have the right keys in them.
- We will begin the process of looking at our summer staffing needs after the first of the year. We will be looking at ways that we can reduce the costs of EMS Staff for the summer.
- The fire department hopes to increase their presence at BRU this year.
- A real concern with the current weather patterns is the potential increase in wildfires. We are planning to increase training for our volunteers and public awareness in the Spring of this year.

Upcoming Calendar Items:

- Staffing for summer
- Fire Chiefs conference end of January 25
- EMT or ETT or EMT 2 class in the Spring
- Smoke detectors and home inspections Program starting in the Spring
- Public and volunteer training on wildfires and residential protection

Public Feedback:

- We have received great feedback on the response to the Fire on the 15th of this month.

List of Attachments:

- Opioid prevention plan

Mayor
Alice Ruby

City Manager
Dan Decker



Dillingham City Co

Section . Item 7.

Bertram Luckhurst
Michael Bennett
Steven Carriere
Curt Armstrong
Kaleb Westfall
Kevin McCambley

MEMORANDUM

Date: January 27, 2025
To: Dan Decker, City Manager
From: Christopher Maines, Planning Director
Subject: February 2025 Monthly Report

Planning Commission Activities:

We had our regular planning commission meeting on January 8th, 2025. Our commissioners reviewed the preliminary plats for Sayak Subdivision, S&W Subdivision, and the replat for Harbor Lease Lots 3 and 4. All plats will be moving to final plat for review in March.

In March Agnew&Beck is tentatively be scheduled to come to Dillingham to present the updated comprehensive plan. When dates are finalized we will advertise so that the public will be able to participate during these presentations.

Planning Department Activities:

The workplan for the Landfill Improvements Project was reviewed and accepted by the EPA. Once we have finished submitting the required forms we will be receiving the senate appropriation of 4.72 million dollars.

We closed the extended deadline for CIP nominations on January 24, 2025. Over the course of the 5 months, we received a number of projects. They will be compiled and graded and brought to the council for review and adoption.

Our CAPSIS request list for Representative Bryce Edgmon is being updated. The final day for submissions is February 17th, 2024. Current projects are the new Fire Hall Building, Lagoon Bank Stabilization, Wastewater Systems Upgrades, Harbor Bank Stabilization.

At the request of our City Manager, I tested PFAS contamination at the Lake Road Fire Station. I reached out to the company, and the results are forthcoming. If they are received before the council meets in February, they will be provided.

Ongoing Projects: Dillingham City Council Priorities:

- Reviewing the existing building codes. I will be working with stakeholders to address issues that have been identified, which create obstacles in housing development.
- Reviewing Dillingham Municipal Code to create new language or remove language that will promote land, housing, and economic development.
- Finding new funding sources for infrastructure improvements to existing city buildings or the creation of new city buildings.

Mayor
Alice Ruby

Manager
Daniel Decker



Dillingham City Co

Section . Item 7.

Curt Armstrong
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Steve Carriere

MEMORANDUM

Date: January 27, 2025
To: Daniel Decker, Acting City Manager
From: Sherina Tilden, Executive Assistant/HR Assistant
Subject: January Monthly Report – Administration/HR

Acknowledgements and Recognitions:

Department Accomplishment and Opportunities:

- Participated in interviews for Dispatch, Corrections, and Finance, and Public Works.
- IT Specialist started 1/6/25, Dispatcher started 1/17/25, started 1/22/25, started 1/27/25.
- Offered positions to the following, Corrections Officer – Rotational, – Corrections Officer – Rotational, Dispatcher, Accounting Technician II – Receivables.
- Resignation: Corrections Sergeant - Rotational
- Assisted in obtaining employee signatures and copy of Driver's license for Vehicle Use Policy.
- Submitted data to Express Evaluations for next step in implementation.
- Currently transitioning out of projects with LMJ, and IT related projects.

Prioritization – Progress Update:

4: Develop/Improve the onboarding process for new staff

- **Express Evaluations is a great tool to track annual evaluations, to keep on top of annual evaluations is to ensure employees feel valued and recognized this is one crucial part of onboarding, retention and employee morale.**
- Working with department heads to schedule interviews as applications are received
- Advertising and recruiting for open positions
- Updating and assisting in the management of website and City Facebook page and website.
- Working with Acting City Manager, City attorney's and Department Heads updating internal and personnel policies.
- Staying informed through newsletters and alerts, continuous education, and promoting culture of compliance.
- Current list of open positions attached

Upcoming Calendar Items:

- none



PUBLIC ANNOUNCEMENT

To: All Employees, Job Service, and KDLG
From: Sherina Tilden, HR
Date: January 27, 2025
Subject: **Current Job Openings**

Police Officer – Lateral Rotational

Full time
Salary: Level VIIIIB \$37.93-\$40.25/hr DOE
PSEA Union Available

Police Officer – Resident

Full time
Salary: Level VIIIIB \$37.93-\$40.25/hr DOE
PSEA Union Available

Corrections Officer

Full time
Salary: Level VIIB \$30.81-\$32.70/hr DOE
PSEA Union Available

Dispatcher

Full time
Salary: Level VIIB \$30.81-\$32.70/hr DOE
PSEA Union Available

Corrections Officer - Rotational

Full time
Salary: Level VIIB \$30.81-\$32.70/hr DOE
PSEA Union Available

Harbor Master

Full time/Seasonal
Salary: Level IX \$38.72-\$41.09/hr DOE

Water/Wastewater Operator I (2 positions)

Full time
Salary: Level VIIA \$30.52-\$32.39/hr DOE Local
71 Union Available

Administrative Assistant/Planning Full time

Salary: Level VIIA \$30.52-\$32.39/hr DOE

Accounting Technician I – Cashier Full time

Salary: Level V \$24.28-\$25.77/hr DOE

Public Works Office Assistant

Full time
Salary: Level VIA \$27.19-\$28.85/hr DOE
Local 71 Union Available

The City of Dillingham is a great place to work and offers wonderful benefits package including 13 paid holidays. Health Insurance and Life Insurance for the employee paid 100% by the City of Dillingham.

For job descriptions, employment documents, or more information, visit our website at: www.dillinghamak.us

Submit completed and signed Employment Application to:

The City Manager’s Office - City of Dillingham
PO Box 889 Dillingham, AK 99576
907-842-5148
assistant@dillinghamak.us

Mayor
Alice Ruby

Manager
Daniel Decker



Dillingham City Co

Section . Item 7.

Curt Armstrong
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Steve Carriere

MEMORANDUM

Date: 1/23/2025
To: Daniel Decker, Acting City Manager
From: Jamal Damian Romie____, Employee Title
Subject: December Monthly Report – Animal Control

From December, 2024 Animal Control Officer Jamal Romie had a total of calls for animal related issues, A breakdown of the animal calls is as follows:

- 05** Dogs returned to their Owners
- 00** dogs surrendered
- 00** kittens surrendered and adopted out
- 00** dogs sent to Alaska Dog and Puppy rescue
- 06** Rabies shots given
- 04** Parvo / Distemper shots given
- 0** dogs got ranover and needed to go to the landfill

Animal Control Officer

Jamal Romie

Plans for this year
Alaska Rural Veterinary Outreach, Inc. coming in May for spay and neuter clinic with trail breaker vet coming later this year for a clinic for dogs and cats

2024 TOTALS BY SPECIES	Dog Totals			Cat Totals			Grand Totals (Autocalculated)		
	Age Unknown	Adult	Under 5 Months	Age Unknown	Adult	Under 5 Months	Total Dogs	Total Cats	Combined Species
LIVE INTAKES							39	5	44
Stray/At Large	0	29	0	0	0	1	29	1	30
Relinquished by Owner	0	7	3	0	1	3	10	4	14
Transferred In	0	0	0	0	0	0	0	0	0
Owner-Intended Euthanasia	0	0	0	0	0	0	0	0	0
Other Intakes	0	0	0	0	0	0	0	0	0
LIVE OUTCOMES							39	4	43
Adoption	0	1	0	0	1	3	1	4	5
Transfer Out	0	6	3	0	0	0	9	0	9
Return to Owner (RTO)	0	24	0	0	0	0	24	0	24
Return to Field (RTF)	0	0	0	0	0	0	0	0	0
Other Live Outcomes	0	5	0	0	0	0	5	0	5
OTHER OUTCOMES							0	1	1
Died In Care	0	0	0	0	0	1	0	1	1
Lost In Care	0	0	0	0	0	0	0	0	0
Shelter Euthanasia	0	0	0	0	0	0	0	0	0
Owner-Intended Euthanasia	0	0	0	0	0	0	0	0	0
Other Non-Live Outcomes	0	0	0	0	0	0	0	0	0

Mayor
Alice Ruby

Acting Manager
Daniel Decker



Dillingham City Co

Section . Item 7.

Bertram Luckhurst
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Kevin McCambly

MEMORANDUM

Date: January 29th, 2025
To: Daniel Decker, Acting City Manager
From: Abigail Flynn, Acting City Clerk
Subject: Monthly Report



Acknowledgements and Recognitions:

A big thank you to Lois Sorensen for helping set up and decorate for the employee Christmas party.

Thank you to Dr. Guarino for donating his painting of the Old Territorial School Building to the Senior Center.

City Clerk Department Accomplishment and Opportunities Since the Last Meeting:

Accomplishments

- *Jon and I both earned 3 for more credits towards our CMC designations this month.*
- *40 boxes of records waiting for destruction approval. Thank you, Patrick!*
- *I have been posting the signed resolutions and ordinances to the website for increased transparency.*
- *The new Foreclosure list should be ready for the council in March.*

Prioritization updates:

- Suggestion for Code Update – Land Disposal, Tax Codes, Locations for meetings.
- My Deputy Clerk and I attended training and completed assignments to obtain more skills for the Clerk department. We each have two new certificates this month.
- I have been working with the Mayor and our Hiring Consultants to prepare for the upcoming Manager selection process. We are making progress.

Upcoming Meetings:

- Planning Commission Meeting February 5th 5:30 P.M. (a week earlier than usual)
- Port Advisory Committee meeting date February 11th 6 pm (second Tuesday of the month)
- Potential Code Meeting February 13th 5:30 pm (the second Thursday of the Month)
- Tentative date for Finance and Budget Committee February 18th 5:30 P.M. (usually the third Monday of every month but confirm dates of meetings with Anita)
- Every last Friday of the month 10 am to noon- Friends of the Landfill
- Regular City Council Meeting March 6th 7 pm (the first Thursday of the month)
- Planning meeting March 12th
- Potential code Meeting March 13

Upcoming Calendar Items:

Council Travel or Training

Site Visit and training with our legal team- 3rd week in February or sometime in March
AML Winter Legislative Conference in Juno: February 18-20
SWAMC 2025 Economic Summit in Anchorage: March 5-7

Staff Holidays

February 17th is a holiday
There is a Beaver roundup city holiday March 28th
March 31st is a Holiday

Community interest: Housing Fair on February 28th at the Senior Center from 9 am to 6 pm

Needs:

Attachments and links:

Here is where to find the signed 2024 Resolutions on the city website:

<https://www.dillinghamak.us/resolutions> Follow the link under attachments.

Here is where to find the 2024 Ordinances

<https://www.dillinghamak.us/ordinances>

Or you can go to the city website, choose the “Your Government” Tab, then pick “City Council” and look to the right for the minutes, ordinances and resolutions.

Senior Center

Accomplishment and Opportunities January 2025:

Accomplishments

- Days open when meals were served: 16 with Lunch 16 days and 400 meals served during that time.
- Van: People given rides:108, Meals delivered: in use on 15 days, and 223 meals delivered.

Staffing Update

- Fred McCormick is filling in as the temporary Senior Center Driver

Grant Reporting

- January Grant Reports will be submitted on February 3RD 2025

Library Report for December 23, 2024-January 26, 2025

Accomplishments

696	Patron count	23	Desktop computer usage
733	WiFi Session Count	40	Museum visitors
3	AWE station usage	2	Volunteer hours
		14	Story Time attendees

- LAB still has vacant seat E to fill, and a letter of interest is needed to extend another current seat. A meeting was scheduled for January 14th to discuss future library events and the current Wi-Fi policy; however, the Librarian was in Anchorage on medical leave. The next meeting date and time is yet to be determined.
- FOL will have a meeting January 29th at 4:15 pm at the library to discuss new books for the library, Beaver Round Up (event), Adult Spelling Bee (set the date) and possibly sponsoring a new reading program for adults.
- Continuing the IMLS grant application process for \$10,000 for the library and possible **BBEDC** grant applications for a seasonal librarian assistant and a summer youth internship.
- Library will be closed for Presidents Day, February 17th. The librarian will take a vacation February 1 – 16, 2025 while the remaining staff keep the library running smoothly.
- The LINKED grant staff are preparing for the Summer Reading Program at the library. Level Up is the theme this year with iREAD.
- A CIP nomination form was submitted for building a Multi-Use Community meeting space and storage area next to the library (Yurt design).



Fw: Planning Seat

From Alice Ruby <alice.ruby@dillinghamak.us>
Date Fri 1/24/2025 6:45 PM
To DLG City Clerk <cityclerk@dillinghamak.us>

From: Kaleb westfall <kaleb.westfall@dillinghamak.us>
Sent: Friday, January 24, 2025 4:35 PM
To: Alice Ruby <alice.ruby@dillinghamak.us>
Subject: Planning Seat

Hi Alice,

I would like to be reappointed to the planning commission.
Best regards,
Kaleb Westfall

FRIENDS OF THE LANDFILL

MEETING MINUTES

October 25, 2024

1. CALL TO ORDER

The Friends of the Landfill Committee met on October 25, 2024 in city council chambers and via teleconference. Chair Paul Liedberg called the meeting to order at 10:05 AM.

2. ROLL CALL

Committee members present included:

Sue Flensburg
Paul Liedberg
Janet Dieckgrafe
Jayne Bennett
Carole McMurray
Mark Lisac
Deb McLean

Guests Present:

Anders Johnson, Dillingham Landfill

A quorum was established.

3. APPROVAL OF AGENDA

Motion by Carole, second by Sue to approve agenda. Passed by unanimous consent.

4. APPROVAL OF MINUTES

Motion by Mark and second by Carole to approve minutes of August 30, 2024. Passed by unanimous consent.

5. OLD BUSINESS

A. Project Updates

1. Aluminum can recycle

Sue updated the committee on the status.
-Waiting word on the revenue amount from shipping aluminum in late September.
-Jayne will talk to The Sea Inn about directing their aluminum cans for recycling.
-Crushing continues on a regular basis.

6. NEW BUSINESS/DISCUSSION ITEMS

No new business or other discussion items.

7. REPORT FROM PUBLIC WORKS ON ANY LANDFILL UPDATES FOR THE COMMITTEE

Anders Johnson briefed the committee initially and Phil B arrived at about 10:30 to add to the discussion. The following points were covered.

- The cell has been covered.
- The metal pile has been cleaned up for better access.
- The fence around the wood pile is being addressed.
- Anders attended landfill operator training which included training on removing freon. Equipment is on hand to do this.
- Groundwater testing is done and awaiting results.
- The new permit for landfill operations is in the final stages of issuance and is expected soon.
- There is some latitude in what projects are undertaken with the federal landfill grant. FOL will compile a list of recommendations which will be transmitted to Phil by mid-November.
- Discussion about glass crushing. This of interest to the city but not on the top of the priority list at this time. Several committee members further pursuing this idea.
- Discussion about taking in used furniture that can be made available to the public. Lacking an adequate place to do this, there is no movement on this project.

8. PUBLIC COMMENTS

None

9. COMMITTEE MEMBER COMMENTS

Janet: Agreed that it would be good to store used furniture and make it available to the public.

Jayne: Thanked Sue and others for their work on aluminum can recycling.

10. ADJOURNMENT

The meeting adjourned at 11:05 AM.

Approved xxxxxxxxxxxxxxxxx

/s/ Paul Liedberg, Chair

FOL MEETING MINUTES

January 29, 2025 at 4:15 PM

Dillingham Public Library

Present: *Susie Jenkins-Brito, Shannon Clouse, Deven Lisac, Debbie McLean-Nelson, Virginia Bobbit, Erika Tweet, Amy Ruby, Sonja Marx*

I. Call to Order at 4:19 pm

II. Roll Call

III. Approval of Agenda- *Deven moves to approve, Virginia seconds. Passes*

IV. Approval of Minutes from 10.9.24- Deven moves to approve the minutes, motion passes.

V. Librarian Report- Sonja Marx

- Not at this time

VI. Treasurer Report- Erika Tweet

- Donation from Saltonstall Foundation, \$250
- Deposit from Donation from Nancy Ross, \$200
- Our total in checking \$7,259.76

VII. Old Business

a. Books and Cookies- December

- Not as many littles as last year, but it was still a lot of success.
- Next year we need to buy drop and roll cookies, the cookies this year were not cut out cookies. We also need to buy more frosting next year; buy tubs of frosting, food coloring and ziplocks to squeeze it out of.

b. Pirate Event

- Books didn't make it in until the day of. The event itself was very successful and fun. The actor playing the pirate was very good and engaging.

VIII. New Business

a. FOL BRU Event

- We will plan to hold a Dr. Seuss party geared toward 0-7. We will have a craft, Cat in the Hat, costume contest, and fry bread to give out (Dr. Seuss maple bars). March 1st, Saturday, 10:00-11:00. We will decorate at 9:30; dress in Dr. Seuss characters. Shannon will contact BRU. Ginny will make a flyer.
- Susie will ask Jaida and Adriana to make fry bread. We will find out how much they charge. Plan B will be ask Logan Ball to make cupcakes.
- Erica will get a craft and decorations.
- Shannon will ask DEA and the Imagination Library to sponsor/ help us. Ask if they have any decorations to donate.
- We will order door prizes (stuffies, pencils, books, socks, napkins, Dr. Seuss themed) . Deven will look into this.
- Erica moves to purchase a craft, decorations, not exceed \$250. Ginny seconds. Motion passes.

b. Adult Spelling Bee

- Date- April 12th, Saturday, 7:00 pm- ?
- Ginny will order the trophy and update the flyer.
- Deven will ask Cindy to secure the date and time. This might have to happen at the Sea Inn.
- Shannon will ask Nick Schollmeier to host? Judges suggestions; Heidi Hink, Wanda Wahl, Tim Sands? Kate Berkoski? Alice Ruby? Greg Marxmiller? Courtenay Carty? Klarissa Larson? Amber or Tiffany? Other suggestions?
- Need speakers, microphones, lifelines, medals, etc.

- **Work Session on March 26th 4:15 to talk details and secure hosts, venue and judges.**

c. Adult Reading Program

- Discussion about the possibility of the Friends purchasing prizes and incentives to run this program. Great way to get adult readers into the library. Plan to talk about it again in the fall.

Other:

Debbie McLean Nelson asked us to partner with the Arts Council on a grant that she is writing; grant is due in July. The Arts Council is finishing an art project at the Alaska Airlines, designed by Pat Walsh.

IX. Adjourn Meeting at 5:25 pm

PUBLIC HEARINGS

CITIZEN'S COMMENTS

EXECUTIVE SESSION

ORDINANCES AND RESOLUTIONS

The City of Dillingham
(Name of Organization)

Box 889 141 Main St.
(Address)

Dillingham, Alaska, 99576
(City, State, Zip)

RESOLUTION 2024-01

WHEREAS, the City of Dillingham is the duly authorized city government for the
(Name of Organization)
Community of Dillingham, Alaska, and
(City, State)

WHEREAS, the U.S. Secretary of commerce has established the Community Development Quota (CDQ) program for eligible Western Alaska communities, including 17 Bristol Bay communities; and

WHEREAS, the 17 eligible communities from the Bristol Bay area have organized Bristol Bay Economic Development Corporation (BBEDC) to participate in the CDQ Program; and

WHEREAS, the community of Dillingham, Alaska is one of the 17 communities in Bristol Bay
(City, State)
eligible participate in the CDQ program. Under BBEDC bylaws the village tribal council shall appoint the primary community representative and the city government shall appoint the designated alternate to the BBEDC Board of Directors.

NOW THEREFORE BE IT RESOLVED that the City of Dillingham, Alaska has appointed
(Name of City, State)

Curt Armstrong as the alternate community representative to the BBEDC Board
(Name of Representative)

of Directors for a term of 3 years (terms may be from 1-3 years).

CERTIFICATION:

I the undersigned Acting city Clerk of the City of Dillingham, do hereby certify that the foregoing resolution
(Name of City Government)
was duly passed by the City Council of the City of Dillingham on this 13th day of February, 2025
(Name of City Government)
and that a quorum was present.

(Authorized Council Representative) _____

(Acting City Clerk) _____

AYES: _____

NAYS: _____

2025 Resolution
City Alternate

**CITY OF DILLINGHAM, ALASKA
RESOLUTION NO. 2025-02**

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY TO ENTER INTO A FIVE-YEAR CONTRACT WITH ALASKA CAMA FOR PROFESSIONAL APPRAISAL SERVICES IN ACCORDANCE WITH DILLINGHAM MUNICIPAL CODE 4.30.120(6)

WHEREAS, the City of Dillingham requires professional appraisal services to meet its ongoing property valuation and assessment needs for municipal tax purposes; and

WHEREAS, Alaska CAMA has provided appraisal services to the City of Dillingham in the past and has demonstrated its qualifications, professionalism, and expertise in this field; and

WHEREAS, Dillingham Municipal Code 4.30.120(6) provides for the negotiation of contracts for professional services retained on a continuing basis, including, but not limited to, accounting, appraisal, legal, and civil engineering services; and

WHEREAS, the City Council finds it is in the best interest of the City to enter into a five-year agreement with Alaska CAMA to ensure continuity of service and accurate property appraisal management;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Dillingham City Council authorizes the City Manager to negotiate and execute a five-year contract with Alaska CAMA for professional appraisal services, as permitted under Dillingham Municipal Code 4.30.120(6).
2. The agreement shall include provisions ensuring compliance with applicable laws, cost-effective service delivery, and terms mutually agreed upon by the City and Alaska CAMA.
3. Funding for this contract will be appropriated annually through the City’s budget process.

BE IT FURTHER RESOLVED that the City Manager is authorized to take all necessary steps to implement this resolution, and that this resolution shall take effect immediately upon adoption.

PASSED and APPROVED by the Dillingham City Council this 13th day of February 2025.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, Acting City Clerk

City of Dillingham
Fiscal Note

Agenda Date: February 6, 2025

CAMA Contract Renewal

ORIGINATOR: Finance Director

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: \$16,500		FUNDING SOURCE City of Dillingham	
FROM ACCOUNT 1000 7920 10 29 0000 0 Computer Software		Project Property Tax management software	
TO ACCOUNT:	VERIFIED BY: Anita Foran	Date: 2/3/2025	

EXPENDITURES

OPERATING	FY25	FY26	FY27	FY28-29
1000 7920 10 29 0000 0	\$3,300	\$ 3,300.00	\$ 3,300.00	\$ 6,600.00
TOTAL OPERATING	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 6,600.00

CAPITAL	\$ -			
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REVENUE	-			
---------	---	--	--	--

FUNDING

General Fund	\$3,300	\$ 3,300.00	\$ 3,300.00	\$ 6,600.00
ADEC SRF Loan (30%)				
Capital Project				
Other				
TOTAL FUNDING	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 6,600.00

POSITIONS

Full-Time				
Part-Time				

Analysis: (Attach a separate page if necessary) Resolution 2025-02
Budget allowance has been made.

PREPARED BY: Anita Fuller *AF*

December 6, 2024

DEPARTMENT: Finance

APPROVED BY: *Daniel Decker*
Daniel Decker (Feb 3, 2025 13:55 AKST)

02/03/2025



ALASKA CAMA
403 Lincoln Street Ste 210
Sitka, AK 99835

907.747.6666
sales@akcama.com

Kelly Evans
City of Dillingham
P.O. Box 889
Dillingham, AK 99576

Dear Kelly,

Thank you for being a Municipal Assessment Record System (MARS) member. Your MARS Real and MARS Personal memberships are expiring at the end of 2024 and we would like to continue to offer our services. The membership gives you a voice in the direction of development, access to the latest version, and 24 hours of support per year.

We offer a choice of renewal options, as outlined below. The longer renewal options give you a greater discount and also guarantee the same membership fee for the length of the contract.

MARS Bundle	
Five-years term	\$16,500/year
Three-year term	\$17,325/year
One-year term	\$19,057.5/year

We work hard to meet your assessment needs. We look forward to providing you with new and improved MARS features and expanding our shared knowledge of the best assessment practices in the State of Alaska.

Included is a contract that outlines the term and payment dates for a new plan. Please sign and return via email. call. If you would like to go with one of the other plans, or ask us about a difference billing cycle, feel free to call or email us

Thank you for being part of the MARS community.

Henry Robinson CEO
(907) 747-6666 Ext.19



ALASKA CAMA
403 Lincoln Street Ste 210
Sitka, AK 99835

907.747.6666
sales@akcama.com

**Alaska CAMA Co. Maintenance Plan Renewal No. 2
MARS Real and MARS Personal**

Services covered by a maintenance plan.

- Latest versions of your MARS databases.
- Up to 30hrs per year of tech support and training via phone or video call.
- Direct input into the development of the MARS databases.
- Syncing with FileMaker Go databases on an iPad (if applicable).

Billing cycle for a 5-year plan.

Year 1	2025	\$16,500	Payment due no later then 7/31/2025
Year 2	2026	\$16,500	Payment due no later then 7/31/2026
Year 3	2027	\$16,500	Payment due no later then 7/31/2027
Year 4	2028	\$16,500	Payment due no later then 7/31/2028
Year 5	2029	\$16,500	Payment due no later then 7/31/2029

Each person who signs this agreement below represents that such person is fully authorized to sign this agreement on behalf of the applicable party.

Linensor - Alaska CAMA Company, LLC

By : HR Date : 1/14/2025

Printed : Henry Robinson Title : CEO

Licensee - City of Dillingham, AK

By : _____ Date : _____

Printed : _____ Title : _____






CAMA FN

Final Audit Report

2025-02-03

Created:	2025-02-03
By:	Anita Fuller (anita.fuller@dillinghamak.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAMNVodLUROZEYF54r2_Uc7eY1TgNia0_s

"CAMA FN" History

-  Document created by Anita Fuller (anita.fuller@dillinghamak.us)
2025-02-03 - 9:37:51 PM GMT
-  Document emailed to Daniel Decker (manager@dillinghamak.us) for signature
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-  Email viewed by Daniel Decker (manager@dillinghamak.us)
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-  Document e-signed by Daniel Decker (manager@dillinghamak.us)
Signature Date: 2025-02-03 - 10:55:34 PM GMT - Time Source: server
-  Agreement completed.
2025-02-03 - 10:55:34 PM GMT

**CITY OF DILLINGHAM, ALASKA
RESOLUTION NO. 2025-03**

A RESOLUTION OF THE CITY COUNCIL OF DILLINGHAM, ALASKA, AWARDING A CONTRACT TO CRW ENGINEERING GROUP, INC. FOR ENGINEERING SERVICES FOR THE DESIGN OF A SEPTIC SYSTEM AND WATER SERVICE FOR THE PUBLIC WORKS SHOP AND QUONSET HUT IN ACCORDANCE WITH DILLINGHAM MUNICIPAL CODE 4.30.120(6)

WHEREAS, the City of Dillingham has identified the need for engineering services to design a new septic system and water service for the Public Works Shop and adjacent Quonset hut, replacing the existing failed system and connecting to a nearby city water main;

WHEREAS, under **Dillingham Municipal Code (DMC) 4.30.120(6)**, contracts may be awarded without competitive bidding when the contractor is already under contract with the City for similar work and an extension or modification of the contract is deemed in the best interest of the City;

WHEREAS, CRW Engineering Group, Inc. (CRW) is currently contracted with the City of Dillingham for general engineering services and has the expertise, familiarity, and technical capability to efficiently complete this project in a cost-effective and timely manner;

WHEREAS, CRW has submitted a proposal outlining the scope of work, which includes field surveying, geotechnical services, design services, permitting, and bidding assistance for the septic system and water service project at a proposed cost of **\$90,750**;

WHEREAS, the City Council finds that awarding this contract to CRW Engineering Group, Inc. aligns with the City's operational priorities and is in the best interest of the City, ensuring continuity, compliance with regulatory requirements, and the successful completion of the project;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Dillingham, Alaska, hereby awards the contract for engineering services for the design of a septic system and water service for the Public Works Shop and Quonset hut to **CRW Engineering Group, Inc.** in accordance with **DMC 4.30.120(6)** and authorizes the Acting City Manager to execute the contract and any necessary documents to facilitate the completion of the project.

PASSED and APPROVED by the Dillingham City Council on this 13th day of February, 2025.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Abigail Flynn, Acting City Clerk

City of Dillingham
Fiscal Note

Agenda Date: February 6, 2025

CRW Engineering Public Works Septic System

ORIGINATOR: Finance Director

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: \$90,750		FUNDING SOURCE City of Dillingham	
FROM ACCOUNT 1000 8520 30 31 1130 0 B&G Maintenance		Project Public Works Septic System Design	
TO ACCOUNT:	VERIFIED BY: Anita Foran	Date:	2/3/2025

EXPENDITURES

OPERATING	FY25	FY26	FY22	FY23
1000 8520 30 31 1130 0	\$90,750			
TOTAL OPERATING	\$ 90,750.00	\$ -	\$ -	\$ -

CAPITAL	\$ -			
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REVENUE	-			
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FUNDING

General Fund	\$90,750			
ADEC SRF Loan (30%)				
Capital Project				
Other				
TOTAL FUNDING	\$ 90,750.00	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				

Analysis: (Attach a separate page if necessary) Resolution 2025-03
Will be resolved by using funds from 1000 7790 30 31 0000 0 and will be reviewed in the upcoming budget rev.

PREPARED BY: Anita Fuller *AF* December 6, 2024

DEPARTMENT: Finance

APPROVED BY: *Daniel Decker* 02/03/2025
Daniel Decker (Feb 3, 2025 14:01 AKST)



October 16, 2024

City of Dillingham
P.O. Box 889
Dillingham, Alaska 99576

Attn: Phil Baumgartner – Public Works Director

Re: Septic System & Water Service Design
Proposed Scope & Fee

Dear Mr. Baumgartner,

The City of Dillingham has requested engineering services for design of a septic system and water service to serve the Public Works Shop and adjacent Quonset hut in Dillingham. The proposed septic system will replace an existing, failed system that serves the two buildings. Water service is currently provided by an on-site well; however, the City would like to connect to a nearby City water main located approximately 100 linear feet (l.f.) south of the Public Works Shop.

SCOPE OF SERVICES

CRW Engineering Group, Inc. (CRW) proposes to provide civil engineering design services for the water service and septic system. CRW's scope of work generally includes the following:

- Field Surveying & Geotechnical Services
- Onsite Water and Wastewater Design
- Permitting
- Assistance During Bidding

Task 1 - Field Surveying & Geotechnical Services:

Task 1.1 - Surveying

CRW will collect topographic survey data at the proposed site to the extents necessary to develop base mapping to support design of the improvements. CRW will send two surveyors to Dillingham for the data acquisition. The proposed area to be surveyed is located adjacent to the Public Works shop/Quonset hut and is approximately 200,000 square feet (s.f.). Topographic data will be collected on a ~40'x40' grid and will include all major topographical features. CRW will utilize the 811 utilities locate system as well as coordinate with the City Public Works Department to request locates of existing utilities in the project area.

CRW will attempt to recover the subject parcel's property corners (Lot 4 of U.S.S. 2732) to establish the setback requirements for the septic system design. In addition, CRW will establish two survey control monuments and one vertical benchmark on a finished floor to support future construction efforts.

October 16, 2024
 Dillingham Septic System & Water Service
 Proposed Scope & Fee

To supplement ground survey data, the field survey will include the use of an unmanned aerial vehicle (UAV) for aerial photogrammetry. Use of the UAV will be dependent on site conditions at the time of the field survey. The UAV will not be used if there is inclement weather, snow on the ground, or at temperatures below 30°F. Based on preliminary analysis of the airspace requirements in the area, it is assumed that no permitting or 90-day advanced use authorization and notification is required to fly the UAV for the proposed survey.

Deliverables for Task 1.1:

- CAD Basemap Drawings (to be included in Design Documents (Task 2).

Task 1.2 – Geotechnical Services

CRW estimates 2 test pits will be advanced to depths of 10 feet to 15 feet below grade surface or as restricted by the excavation equipment. It is assumed that the test pits will be completed as part of the field survey. We understand the owner will provide the equipment and operator to conduct the excavation for each test pit. Upon completion of the field work, CRW will oversee laboratory testing (by others) and prepare geotechnical findings and recommendations to be included on the septic system plans.

Deliverables for Task 1.2:

- Geotechnical Recommendations (to be included in Design Documents for Task 2).

Task 2 - Design Services:

The proposed wastewater improvements include design of a septic tank and soil absorption system to serve the Public Works Shop and Quonset hut. The proposed water improvements include new services that connect the two buildings to a nearby City water main. The water and wastewater improvements will be designed to meet all relevant design standards and sized for the anticipated building usage.

Design submittals include the following deliverables: 75% Design Documents and Final Design Documents (Bid Documents). Tasks include preparation of civil drawings, specifications, Engineer's Estimate and engineering support documents. The plans will contain at least the following sheets: Cover Sheet, Existing Conditions, Demolition Plan, Site Plan, Septic System Plan, Utility Plan/Profile, and sections and details.

This task includes one review meeting (by teleconference) with City of Dillingham stakeholders to discuss the 75% Design submittal review comments.

The Final Design deliverable will advance the documents to completion to include addressing 75% Design review comments generated by the Owner. An engineer's construction cost estimate will be provided with the 75% and final project deliverables.

Deliverables for Task 2:

- 75 percent Project Manual which includes drawings and specifications (electronic file in .pdf format transmitted via e-mail). Drawings to be electronically provided at half size.
- 75 percent engineer's construction cost estimate (electronic files .pdf format) AACE Class 2 estimate.

October 16, 2024
Dillingham Septic System & Water Service
Proposed Scope & Fee

- Review meeting agenda and notes (electronic copy in .pdf format transmitted via e-mail).
- Final Project Manual (electronic file in .pdf format transmitted via e-mail). Drawings to be electronically provided at half and full size.
- Final engineer's construction cost estimate (electronic copy in .pdf format transmitted via e-mail).

Task 3 - Permitting Services:

The project will require a formal plan review and approval process through the State of Alaska Department of Environmental Conservation (ADEC) for the wastewater drain field and water system. The expected agency permitting efforts for this project include:

- Prepare and submit application packages consisting of engineering documents, calculations, and checklists for plan review and Approval to Construct permit from ADEC for the wastewater system.
- Coordination with ADEC to discuss and resolve outstanding comments.
- Submit required information to ADEC for interim and final Approval to Operate permit for the wastewater system.

Preliminary analysis of the site indicates that there are wetlands in the area. It is assumed that a drainfield site can be developed without impacting wetlands. It is further assumed that no wetlands permitting through the U.S. Army Corps of Engineers' (USACE) will be required for this project. If an USACE Permit is needed, a contract modification for additional services would be needed.

Task 4 - Bidding Assistance:

Bidding assistance services will include reviewing and responding to bidder questions, and preparing contract addendums as needed.

Additional Services:

CRW will provide other services in response to written request for services from the City of Dillingham Project Manager. CRW is not authorized to complete work on any additional service task without authorization from the City. If the Owner determines that additional task items will be required, CRW will provide a scope and fee proposal to the City to complete the requested work.

These services may include but are not limited to:

Construction Support Services (Future)

CRW will provide construction services as a future contract amendment at the request of Dillingham. Construction support services may include, but not be limited to: review and respond to material submittals, conduct periodic site visits, attend construction meetings, review and respond to contractor questions/request for more information, and conduct final inspections. CRW will also prepare record drawings of the water system and wastewater system after construction is complete upon request.

SCHEDULE

CRW is prepared to begin immediately and complete the work of this proposal per the below schedule:

- Field Surveying and Geotechnical Investigation: Begin upon receipt of Notice to Proceed
- 75% Design Submittal: 60 days after receipt of NTP
- Final Design (Bid Documents): 30 days after receipt of 75% Design review comments

October 16, 2024
Dillingham Septic System & Water Service
Proposed Scope & Fee

FEE

CRW proposes to complete these services on a time and expense basis in the amount of \$90,750. The fee breakdown by task and hours is included in Attachment A.

ASSUMPTIONS

- All work will be completed on a time and materials basis in accordance with CRW 's 2019 General Engineering Services contract using 2024 rates.
- It is assumed that the airspace will allow CRW to operate a UAV for orthophoto purposes.
- City of Dillingham to provide excavator/backhoe and operator to dig test pits for the geotechnical field work.
- Geotechnical field work will be conducted at same time as survey field work.
- With the approaching winter, CRW assumes that that survey will be completed on ground that is free of ice and snow.
- Weather delays will be additional and billed at 8-hours per crewmember per day plus expenses.
- Construction support services will be provided by contract amendment if desired by the City of Dillingham.

We look forward to assisting the City of Dillingham with this effort. If you have any questions or comments regarding this proposal, please don't hesitate to contact me.

Sincerely,
CRW Engineering Group, Inc.



Pete Bellezza, P.E.
Principal/Civil Engineer

Phone: (907) 646-5640
Email: pete.bellezza@crweng.com

CITY OF DILLINGHAM, ALASKA

**Water Service & Septic System Design
Fee Proposal**

Task & Subtask Description	Name, Rate & Projected Hours				Cost \$			
	Engineer X	Engineer V	Geotechnical Engineer	Technician VI	Administrative IV	Total Labor	Expenses	Total Subtask
Task 1 - Field Surveying & Geotechnical Services	\$230	\$180	\$190	\$170	\$140			
Field Surveying	2	2				\$820	\$27,440	\$28,260
Surveying Office Tasks	2	2				\$820	\$10,110	\$10,930
Geotechnical Analysis	2	2	8	8	0	\$2,340	\$1,000	\$3,340
Total Task 1:	6	6	8	8	0	\$3,980	\$38,550	\$42,530
Task 2 - 75% Design and Final Design								
75% Plans and Specifications	24	48	2	40	2	\$21,620		\$21,620
Construction Cost Estimate	4	16				\$3,800		\$3,800
Design Review Meeting (Teleconference)	4	4				\$1,640		\$1,640
Final Plans and Specifications	12	24		24	2	\$11,440		\$11,440
Construction Cost Estimate		4				\$720		\$720
Design Review Meeting (Teleconference)	2	2				\$820		\$820
Total Task 2:	46	98	2	64	4	\$40,040		\$40,040
Task 3 - Permitting Services								
ADEC Permitting	4	12			2	\$3,360	\$1,500	\$4,860
Total Task 3:	4	12	0	0	2	\$3,360	\$1,500	\$4,860
Task 4 - Bidding Assistance								
Pre-Bid Meeting/Coordination	2	2			1	\$960		\$960
Respond to Bidder Questions/Prepare Addendum	2	6				\$1,540		\$1,540
Bid Opening/Coordination	2	2				\$820		\$820
Total Task 4:	6	10	0	0	1	\$3,320		\$3,320
TOTAL BASIC SERVICES:	62	126	10	64	7	\$50,700	\$ 40,050	\$ 90,750

Notes and Assumptions:

- 1) All work will be completed on a time and materials basis in accordance with CRW's 2019 General Engineering Services contract using 2024 rates.
- 2) It is assumed that the airspace will allow CRW to operate a UAV for orthophoto purposes.
- 3) City of Dillingham to provide excavator/backhoe and operator to dig test pits for the geotechnical field work.
- 4) Geotechnical field work will be conducted at same time as survey field work.
- 5) No bid support or construction support is included.

Mayor
Alice Ruby

City Manager
Daniel Decker



Dillingham City Council
Bertram Luckhurst
Michael Bennett
Steven Carriere
Curt Armstrong
Kaleb Westfall
Kevin McCambly

MEMORANDUM

Date: November 5, 2024
To: Dan Decker; Acting City Manager
From: Phil Baumgartner; Public Works Director
Subject: **Public Works Septic and Water Design Proposal**

Public Work's deos not have functioning septic nor potable water systems. Which is reported to have been the case for some time with no plans to be remedied.

A proposal for Sewer System improvements for several services in the vicinity of Public Works was acquired in February of 2024 at an estimated cost of \$8,060,000.

There are no efforts to accept and move on that proposal. It would be appropriate to provide this critical infrastructure at the Public Works facilities and at the lower proposed price of \$90,750.

I recommend we accept CRW's proposal for Septic System & Water Service Design for Public Works Shop and Quonset Hut (attached).

Phil Baumgartner

Phil Baumgartner

Public Works Director






CRW FN

Final Audit Report

2025-02-03

Created:	2025-02-03
By:	Anita Fuller (anita.fuller@dillinghamak.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFqKQnUuek4XofoRnDDCB7hC6ZFOfLySO

"CRW FN" History

-  Document created by Anita Fuller (anita.fuller@dillinghamak.us)
2025-02-03 - 11:00:27 PM GMT
-  Document emailed to Daniel Decker (manager@dillinghamak.us) for signature
2025-02-03 - 11:00:33 PM GMT
-  Email viewed by Daniel Decker (manager@dillinghamak.us)
2025-02-03 - 11:01:45 PM GMT
-  Document e-signed by Daniel Decker (manager@dillinghamak.us)
Signature Date: 2025-02-03 - 11:01:58 PM GMT - Time Source: server
-  Agreement completed.
2025-02-03 - 11:01:58 PM GMT

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2025-04**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A FY2025 CAPITAL IMPROVEMENT PLAN AND THE FY2025 LEGISLATIVE PRIORITIES LIST**

WHEREAS, Dillingham Municipal Code 2.21.040(D) authorizes the City Manager to prepare a Capital Improvement program to be submitted to the Dillingham City Council; and

WHEREAS, the City Manager has met with the City Lobbyist in preparing the recommended Capital Improvement list; and

WHEREAS, it is the intent of the Dillingham City Council to provide the Governor, the State Legislature, State agencies, the Alaska Congressional Delegation, and other potential funding sources with adequate information regarding the City's capital project funding needs.

NOW, THEREFORE, BE IT RESOLVED that the City of Dillingham 2025 Capital Improvement Plan is hereby adopted as the current official Capital Improvement plan for the City of Dillingham for FY2024; and

BE IT FURTHER RESOLVED that:

1. The following capital improvement projects and project funding needs are identified as priorities for the FY2025 State Legislative Request:

1	Downtown Fire Hall Replacement. Estimated at	\$14,018,000
2	Water System Improvements. Phase IV PFAS Water line extension to non-affected homes	\$10,000,000
3	Wastewater System Upgrades. Improvements beyond the Harbor	\$8,649,519
4	Harbor Revetments and Breakwater/Emergency Bank Stabilization	\$1,659,000
5	New Landfill Trash or Ash Cell	\$ 6,500,000
6	Snag Point Erosion/Sewer Lagoon Bank Stabilization	\$4,800,000
7	Replace one well at the Landfill for Ground Water Monitoring	\$89,500
8	Repair Landfill Shop	\$1,300,000

2. Projects for the FY2025 Federal Legislative Request will be selected from this list; and

3. The City Manager is hereby instructed to advise appropriate State and Federal representatives and personnel of the City's FY2025 capital project priorities and take appropriate steps to provide necessary background information.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on February 13, 2025.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, Acting City Clerk

CITY OF DILLINGHAM, ALASKA**RESOLUTION NO. 2025-06****A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ACCEPTING THE JAIL CONTRACT FROM THE STATE OF ALASKA FOR OPERATING A REGIONAL AND COMMUNITY JAIL.**

WHEREAS, the City of Dillingham recognizes the crucial importance of an effective and efficient correctional facility to maintain public safety; and

WHEREAS, the State of Alaska has presented a Jail Contract to the City, offering support for the operation of a regional and community jail; and

WHEREAS, the City Council has thoroughly reviewed the terms and conditions of the Jail Contract, acknowledging its potential benefits and alignment with the community's needs; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DILLINGHAM:

1. The City of Dillingham hereby accepts the Jail Contract from the State of Alaska for operating a regional and community jail.
2. The City Manager is authorized to execute all necessary documents related to the Jail Contract on behalf of the City.
3. The City Council expresses its gratitude to the State of Alaska for their collaboration and support in addressing the community's correctional needs.
4. The City Council acknowledges the financial terms of the contract, approving the amount of \$606,374 for the period from July 1, 2025, through June 30, 2025, representing the total payment due for FY25.
5. The City Council directs the appropriate departments and officials to coordinate with the State of Alaska to ensure the successful implementation of the terms outlined in the Jail Contract.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

ADOPTED by the Dillingham City Council on February 13, 2025.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, Acting City Clerk

STANDARD AGREEMENT FORM FOR PROFESSIONAL SERVICES

The parties' contract comprises this Standard Agreement Form, as well as its referenced Articles and their associated

Section . Item 13.

1. Agency Contract Number 250001658	2. Contract Title Regional and Community Jail: Dillingham	3. Agency Fund Code 1004	4. Agency Appropriation Code JCOJ01004-160000002-3020-5016
5. Vendor Number CIU8415	6. IRIS GAE Number (if used) 250001658	7. Alaska Business License Number Not Applicable	

This contract is between the State of Alaska,

8. Department of Corrections	Division Pretrial, Probation and Parole	hereafter the State, and
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9. Contractor
City of Dillingham, Police Department hereafter the contractor

Mailing Address	Street or P.O. Box	City	State	ZIP+4
P.O. Box 869	404 D Street	Dillingham	AK	99576

10. **ARTICLE 1. Appendices:** Appendices referred to in this contract and attached to it are considered part of it.

ARTICLE 2. Performance of Service:

2.1 Appendix A (General Provisions), Articles 1 through 16, governs the performance of services under this contract.

2.2 Appendix B sets forth the liability and insurance provisions of this contract.

2.3 Appendix C sets forth the services to be performed by the contractor.

ARTICLE 3. Period of Performance: The period of performance for this contract begins July 1, 2024, and ends June 30, 2025.

ARTICLE 4. Considerations:

4.1 In full consideration of the contractor's performance under this contract, the State shall pay the contractor a sum not to exceed \$606,374.90 in accordance with the provisions of Appendix D.

4.2 When billing the State, the contractor shall refer to the Authority Number or the Agency Contract Number and send the billing to:

11. Department of Corrections	Attention: Division of Pretrial, Probation and Parole
-------------------------------	---

Mailing Address P.O. Box 112002, Juneau, Alaska, 99811	Attention: Administrative Officer (ph. 907-465-3182)
---	---

12. CONTRACTOR	14. CERTIFICATION: I certify that the facts herein and on supporting documents are correct, that this voucher constitutes a legal charge against funds and appropriations cited, that sufficient funds are encumbered to pay this obligation, or that there is a sufficient balance in the appropriation cited to cover this obligation. I am aware that to knowingly make or allow false entries or alternations on a public record, or knowingly destroy, mutilate, suppress, conceal, remove or otherwise impair the verity, legibility or availability of a public record constitutes tampering with public records punishable under AS 11.56.815-.820. Other disciplinary action may be taken up to and including dismissal.
Name of Firm City of Dillingham	
Signature of Authorized Representative Date	
Typed or Printed Name of Authorized Representative Daniel E. Decker Sr.	
Title Acting City Manager (ph. 907-842-5211; fax 907-842-5691)	

13. CONTRACTING AGENCY	Signature of Head of Contracting Agency or Designee	Date
Department/Division Corrections / Division of Pretrial, Probation and Parole	Date	
Signature of Project Director	Typed or Printed Name	
Typed or Printed Name of Project Director Dusty Dumont	Title Procurement Specialist	
Title Department of Corrections, Director of Pretrial, Probation and Parole		

NOTICE: This contract has no effect until signed by the head of contracting agency or designee.

APPENDIX A

GENERAL PROVISIONS

Article 1. Definitions.

- 1.1 In this contract and appendices, "Project Director" or "Agency Head" or "Procurement Officer" means the person who signs this contract on behalf of the Requesting Agency and includes a successor or authorized representative.
- 1.2 "State Contracting Agency" means the department for which this contract is to be performed and for which the Commissioner or Authorized Designee acted in signing this contract.

Article 2. Inspections and Reports.

- 2.1 The department may inspect, in the manner and at reasonable times it considers appropriate, all the contractor's facilities and activities under this contract.
- 2.2 The contractor shall make progress and other reports in the manner and at the times the department reasonably requires.

Article 3. Disputes.

- 3.1 If the contractor has a claim arising in connection with the contract that it cannot resolve with the State by mutual agreement, it shall pursue the claim, if at all, in accordance with the provisions of AS 36.30.620 – 632.

Article 4. Equal Employment Opportunity.

- 4.1 The contractor may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, or because of age, disability, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position(s) do not require distinction on the basis of age, disability, sex, marital status, changes in marital status, pregnancy, or parenthood. The contractor shall take affirmative action to insure that the applicants are considered for employment and that employees are treated during employment without unlawful regard to their race, color, religion, national origin, ancestry, disability, age, sex, marital status, changes in marital status, pregnancy or parenthood. This action must include, but need not be limited to, the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The contractor shall post in conspicuous places, available to employees and applicants for employment, notices setting out the provisions of this paragraph.
- 4.2 The contractor shall state, in all solicitations or advertisements for employees to work on State of Alaska contract jobs, that it is an equal opportunity employer and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, disability, sex, marital status, changes in marital status, pregnancy or parenthood.
- 4.3 The contractor shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' compensation representative of the contractor's commitments under this article and post copies of the notice in conspicuous places available to all employees and applicants for employment.
- 4.4 The contractor shall include the provisions of this article in every contract, and shall require the inclusion of these provisions in every contract entered into by any of its subcontractors, so that those provisions will be binding upon each subcontractor. For the purpose of including those provisions in any contract or subcontract, as required by this contract, "contractor" and "subcontractor" may be changed to reflect appropriately the name or designation of the parties of the contract or subcontract.
- 4.5 The contractor shall cooperate fully with State efforts which seek to deal with the problem of unlawful discrimination, and with all other State efforts to guarantee fair employment practices under this contract, and promptly comply with all requests and directions from the State Commission for Human Rights or any of its officers or agents relating to prevention of discriminatory employment practices.
- 4.6 Full cooperation in paragraph 4.5 includes, but is not limited to, being a witness in any proceeding involving questions of unlawful discrimination if that is requested by any official or agency of the State of Alaska; permitting employees of the contractor to be witnesses or complainants in any proceeding involving questions of unlawful discrimination, if that is requested by any official or agency of the State of Alaska; participating in meetings; submitting periodic reports on the equal employment aspects of present and future employment; assisting inspection of the contractor's facilities; and promptly complying with all State directives considered essential by any office or agency of the State of Alaska to insure compliance with all federal and State laws, regulations, and policies pertaining to the prevention of discriminatory employment practices.
- 4.7 Failure to perform under this article constitutes a material breach of contract.

Article 5. Termination.

The Project Director, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the State. In the absence of a breach of contract by the contractor, the State is liable only for payment in accordance with the payment provisions of this contract for services rendered before the effective date of termination.

Article 6. No Assignment or Delegation.

The contractor may not assign or delegate this contract, or any part of it, or any right to any of the money to be paid under it, except with the written consent of the Project Director and the Agency Head.

Article 7. No Additional Work or Material.

No claim for additional services, not specifically provided in this contract, performed or furnished by the contractor, will be allowed, nor may the contractor do any work or furnish any material not covered by the contract unless the work or material is ordered in writing by the Project Director and approved by the Agency Head.

Article 8. Independent Contractor.

The contractor and any agents and employees of the contractor act in an independent capacity and are not officers or employees or agents of the State in the performance of this contract.

Article 9. Payment of Taxes.

As a condition of performance of this contract, the contractor shall pay all federal, State, and local taxes incurred by the contractor and shall require their payment by any Subcontractor or any other persons in the performance of this contract. Satisfactory performance of this paragraph is a condition precedent to payment by the State under this contract.

Article 10. Ownership of Documents.

All designs, drawings, specifications, notes, artwork, and other work developed in the performance of this agreement are produced for hire and remain the sole property of the State of Alaska and may be used by the State for any other purpose without additional compensation to the contractor. The contractor agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. Nevertheless, if the contractor does mark such documents with a statement suggesting they are trademarked, copyrighted, or otherwise protected against the State's unencumbered use or distribution, the contractor agrees that this paragraph supersedes any such statement and renders it void. The contractor, for a period of three years after final payment under this contract, agrees to furnish and provide access to all retained materials at the request of the Project Director. Unless otherwise directed by the Project Director, the contractor may retain copies of all the materials.

Article 11. Governing Law; Forum Selection

This contract is governed by the laws of the State of Alaska. To the extent not otherwise governed by Article 3 of this Appendix, any claim concerning this contract shall be brought only in the Superior Court of the State of Alaska and not elsewhere.

Article 12. Conflicting Provisions.

Unless specifically amended and approved by the Department of Law, the terms of this contract supersede any provisions the contractor may seek to add. The contractor may not add additional or different terms to this contract; AS 45.02.207(b)(1). The contractor specifically acknowledges and agrees that, among other things, provisions in any documents it seeks to append hereto that purport to (1) waive the State of Alaska's sovereign immunity, (2) impose indemnification obligations on the State of Alaska, or (3) limit liability of the contractor for acts of contractor negligence, are expressly superseded by this contract and are void.

Article 13. Officials Not to Benefit.

Contractor must comply with all applicable federal or State laws regulating ethical conduct of public officers and employees.

Article 14. Covenant Against Contingent Fees.

The contractor warrants that no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee except employees or agencies maintained by the contractor for the purpose of securing business. For the breach or violation of this warranty, the State may terminate this contract without liability or in its discretion deduct from the contract price or consideration the full amount of the commission, percentage, brokerage or contingent fee.

Article 15. Compliance.

In the performance of this contract, the contractor must comply with all applicable federal, state, and borough regulations, codes, and laws, and be liable for all required insurance, licenses, permits and bonds.

Article 16. Force Majeure:

The parties to this contract are not liable for the consequences of any failure to perform, or default in performing, any of their obligations under this Agreement, if that failure or default is caused by any unforeseeable Force Majeure, beyond the control of, and without the fault or negligence of, the respective party. For the purposes of this Agreement, Force Majeure will mean war (whether declared or not); revolution; invasion; insurrection; riot; civil commotion; sabotage; military or usurped power; lightning; explosion; fire; storm; drought; flood; earthquake; epidemic; quarantine; strikes; acts or restraints of governmental authorities affecting the project or directly or indirectly prohibiting or restricting the furnishing or use of materials or labor required; inability to secure materials, machinery, equipment or labor because of priority, allocation or other regulations of any governmental authorities.

**ALASKA DEPARTMENT OF CORRECTIONS
CONTRACT FOR REGIONAL AND COMMUNITY JAILS SERVICES
July 1, 2024 through June 30, 2025**

**Appendix C
General Terms**

Parties

The parties to this contract are the Alaska Department of Corrections, and the Borough/City of Dillingham, herein referred to as the "Borough/City".

1. Services

Provide short-term Regional and Community Jail confinement of persons held under **State** law.

This is a contract for the Borough/City to operate a jail facility and hold prisoners in accordance with this contract and The Standards for Jail Operations adopted by the Governor’s Task Force on Community Jails (November 18, 1994 edition), hereafter referred to as "The Standards".

The Standards and the final report of the Governor’s Task Force are attached as Appendix E to this contract. As adopted by the Governor’s Task Force, and as explained in the Document, Chapter 13, sec. 13.05 of Appendix E, these standards were not, and are not, intended to be used in any legal proceeding to establish a "duty of care", or evidence of a legal duty to any person or entity. Rather, these standards were and are intended:

- a. as a statement of professional goals to be achieved;
- b. to promote recognition of needed improvements, both as to facilities and operations;
- c. to promote efficiency; and
- d. to encourage professionalism in the operations of Alaska jails.

Please note that an updated version of The Standards is currently under review and may be issued during this fiscal year. As such, please continue to abide by the current Standards.

As used in this contract, "Community Jail Administrator", "DOC Oversight Officer" and "State Regional & Community Jail Coordinator" has the meaning given in Chapter 13 of The Standards.

As used in this contract, "prisoner" has the meaning given in AS 33.30.901(12), and specifically excludes persons detained under authority of AS 47. This contract allows the Borough/City to hold persons detained under AS 47 in its jail facility, however the Department is authorized to, and will not, compensate the Borough/City for any direct or indirect costs related as AS 47 detainees, including medical or transportation costs.

2. Sole Agreement

This contract is the sole agreement between the parties relating to jail services. There are no other agreements, express or implied. This contract represents the Department’s sole obligation for payment for the care and custody of prisoners held at the jail participating in the Regional and

Community Jails Program during the term of the contract. It is the intention of the parties that no other sums will be billed to or owed by the Department for jail services.

3. Effective Date/Termination/Amendments

This contract is effective **July 1, 2024** and continues in force through **June 30, 2025** except that it may be terminated by either party upon ninety (90) days written notice from the terminating party. This will be a one-year contract.

Contract amendments for additional work can be incorporated through appendices or attachments mutually agreed upon and signed by both parties.

4. Responsibilities of the Parties

General Responsibilities of the Borough/City

The Borough/City Shall

- a. Immediately notify the Department of Corrections Jail Administrator of any facility operational or security issues relating to the jail operations that directly impact the care and confinement of prisoners as outlined and required under the Jail Standards. This includes but is not limited to any issues associated with the daily operations such as: facility closures, infrastructure issues, heating or water issues, staffing shortages, etc.
- b. Operate a facility for the care and confinement of prisoners in accordance with this contract and with goals set out in The Standards, including any additions or deletions to The Standards by the Commissioner of Corrections following notice to all Community Jail Administrators and an opportunity to comment.
- c. Comply with the U.S. Civil Rights Act of 1964, as amended (P.L. 88-35-42 USC secs. 2000e-2 and 2000e-3) and Federal regulations implementing the act in the hiring and treatment of its employees and will not subject any prisoner to discrimination on the grounds of race, creed, color, religion, national origin, sex.
- d. Permit reasonable visitation for prisoners as set out in The Standards. A record or log of all prisoner visitors will be kept indicating date, time and identity of each visitor.
- e. Protect prisoner property by taking proper precautions and providing the necessary policies and procedures to protect the property from loss or destruction.
- f. Not accept a prisoner into the facility under this contract if the person is unconscious or in immediate need of medical attention. The Borough/City shall not be entitled to reimbursement for immediate medical services provided to such a person. The Borough/City shall provide necessary medical care for prisoners accepted into the facility under this contract and shall be entitled to reimbursement by the Department for the cost of such care, per Section C6 of this contract.
- g. Immediately notify the Department of Corrections, the nearest post of the Alaska State Troopers, and any police agencies in the general vicinity of the jail facility if a prisoner escapes or leaves the premises of the facility without authority. The Borough/City shall make every reasonable effort to return the prisoner to the facility without cost to the Department of Corrections as long as there are reasonable grounds to believe the

prisoner is within the Borough/City limits.

- h. Adopt and enforce rules concerning smoking by prisoners and staff consistent with State statutes and regulations, keeping in mind the health and welfare of all prisoners and staff personnel.
- i. Maintain prisoner records showing the prisoner's time served, the date and time the prisoner was booked in, the date and time of changes to custody, notations about the prisoner's institutional adjustment, and records of medical and dental treatment. Enter prisoner information into the Alaska Corrections Offender Management System (ACOMS) within 24 hours of admission into the jail facility. These prisoner records must be in a prisoner's file when they are transferred from the Regional and Community Jail facility to another state correctional facility.
- j. Immediately, but, in no event more than 24 hours following receipt of notice, report to the Department of Corrections all claims concerning the jail facility that could foreseeably affect the legal liability of either party to this contract and cooperate with the Department of Corrections in the defense and/or settlement of the claim.
- k. Purchase and maintain in force at all times during the performance of services under this agreement the policies of insurance listed in the contract. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the Borough's/City's policy contains higher limits, the State shall be entitled to coverage to the extent of such higher limits.
- l. Certificates of Insurance must be furnished to the contracting officer prior to beginning work and must provide for a notice of cancellation, non-renewal, or material change of conditions in accordance with policy provisions. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach of this contract and shall be grounds for termination of the Borough's/City services. All insurance policies shall comply with and be issued by insurers licensed to transact the business of insurance under AS21.
- m. The Borough/City shall provide and maintain, for all employees engaged in work under this contract, coverage as required by AS 23.30.045, and where applicable, any other statutory obligations including but not limited to Federal U.S.L.&H. and Jones Act requirements. This policy must waive subrogation against the state. The Borough/City shall be responsible for ensuring that any subcontractor who directly or indirectly provides services under this contract will maintain Worker's Compensation Insurance.
- n. Provide and maintain comprehensive general liability insurance, with a combined single limit per occurrence of not less than \$1,000,000.00 covering activities associated with or arising out of this contract, to include jail keeper's legal liability coverage. The State shall be added as an additional insured under such policies. The Borough/City shall be solely responsible for the payment of claims or losses to the extent they fall within the deductible amount of such insurance. This insurance shall be primary to any other insurance or self-insurance carried by the State.
- o. Hold that the Borough/City shall indemnify, hold harmless, and defend the contracting agency from and against any claim of, or liability for error, omission or negligent act of the Borough/City under this agreement up to the Borough/City policy limits as noted in Section 4(m). The Borough/City shall not be required to indemnify the contracting

agency for a claim of, or liability for, the independent negligence of the contracting agency. If there is a claim of, or liability for, the joint negligent error or omission of the Borough/City and the independent negligence of the Contracting agency, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. "Borough/City" and "Contracting agency", as used within this and the following article, include the employees, agents and other Borough/City who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in the Contracting agency's selection, administration, monitoring, or controlling of the Borough/City and in approving or accepting the Borough/City work.

- p. Provide and maintain comprehensive automobile liability insurance, covering all owned, hired and non-owned vehicles used during the provision of services under this contract with coverage limits not less than \$100,000.00 per person, \$300,000.00 per occurrence bodily injury and \$50,000.00 property damage.
- q. The Regional and Community Jail must use an accounting system that records all expenditures on an ongoing basis and must provide a record of these expenditures to the oversight agency on a quarterly basis in a format prescribed by the oversight agency.
- r. The Regional and Community Jail must prepare and present an annual operational budget that reflects the necessary resources required for facility operations. Operational budget will be prepared in the manner and detail prescribed by the oversight agency and will include a staffing plan showing in detail staff assignments and the number of full and part-time positions.
- s. Annual operational budget for each fiscal year is due to the Department's State Regional and Community Jail Administrator on July 15 of each year.
- t. Annual budget request for each fiscal year is due to the State Regional and Community Jail Administrator on October 1 of each year for inclusion in the annual Department of Corrections' fiscal year operating appropriations request annually. For example: Fiscal Year 2026 is due to the State Regional and Community Jail Administrator on October 1, 2024 for inclusion in the annual Department of Corrections' fiscal year 2026 operating budget request.
- u. By October 1 of each fiscal year, the Regional and Community Jail Administrator must provide their request for the next fiscal year capital project request. Failure to meet this deadline may result in no capital project request for the next fiscal year.
- v. Quarterly financial reports are due to the State Regional and Community Jail Administrator on the following dates of each fiscal year:

July – September – quarterly and year-to-date financial statement due on October 31.

October – December – quarterly and year-to-date financial statement due on January 31.

January – March – quarterly and year-to-date financial statement due on April 30.

April – June– quarterly financial and year-to-date financial statement due on July 31.

- w. Provide a monthly accounting of prisoner statistics by the 15th day of the month following the monthly period covered on forms provided by the Department of Corrections. The forms shall include specific information on each prisoner housed during the reporting period to include the prisoner’s name, the number of man-days, the charge or reason for incarceration, the dates of incarceration, the arresting agency and other information as requested on the forms.

“Man-day” indicates a prisoner was confined for more than four (4) hours in one twenty-four hour calendar day. If a prisoner had been confined for less than or equal to (4) hours in one calendar day, the accounting shall indicate one-half man-day.

The Regional and Community Jail shall send all annual budget reports, quarterly reports, and monthly “man-day” reports to the following email address: doc.communityjailsunit@alaska.gov.

- x. Not operate furlough or release programs for pre-sentenced prisoners held, unless ordered by a court. The Borough/City shall not permit a furlough or release for any sentenced prisoners without the consent of the Department of Corrections.
- y. Regional and Community Jails accessing the Alaska Corrections Offender Management System (ACOMS) will require all jail personnel using the ACOMS System to undergo a DOC background security check. The Regional and Community Jail Administrator will submit the following information for each person accessing the ACOMS System for security review by DOC:

1. Full name
2. Residence Address
3. Telephone
4. Date of birth
5. Valid driver license and state of issue, or other photo identification
6. Social Security number

The Jail Administrator, with assistance from the State Regional and Community Jail Administrator, will develop Policy and Procedures for monitoring jail staff to ensure system security, confidentiality and the use of the ACOMS System only for Regional and Community Jail business. The Jail Administrator will immediately notify the Regional and Community Jail Coordinator if jail staff with access to the ACOMS System leave their employment.

Regional and Community Jail will be responsible for ongoing telecommunications costs such as line charges, connection fees and internet service provider fees, etc.

- z. The Contractor shall comply with the national standards to prevent, detect, and respond to prison rape under the Prison Rape Elimination Act (PREA), Federal Rule 28 C.F.R. Part 115. The Contractor shall also comply with all Department policies and procedures that relate to PREA to include, but not limited to, conducting investigations, background checks, audits and training. The Contractor is responsible for all costs

associated with PREA compliance, to include certification by an accredited auditor.

- aa. Public information requests to include, but not limited to, media inquiries, Freedom of Information Act (FOIA), and Alaska Public Records Act regarding state persons held in a Regional or Community Jail will be directed to and coordinated by the DOC Public Information Officer (PIO). The Department and Jail Administrator will coordinate to identify necessary documents and meet requested deadlines. No information shall be released without the DOCs Jail Administrator and PIO's approval.
- bb. If a person(s) is held in a jail facility under a qualifying charge/conviction and DNA was not already collected for that specific qualifying offence by the arresting entity, staff shall collect DNA prior to being release from custody. DOC will collect DNA samples for prisoners transported to a DOC facility.

Once DNA has been collected, the completed kit will be sent to the crime laboratory via certified mail. This may be done individually or in batch mailing and must be mailed within 5 business days.

The date of collection, date of mailing, and certified mail tracking number must be entered and verified in the Alaska Corrections Offender Management System (ACOMS).

If a prisoner refuses to voluntarily submit to DNA collection, immediate notification to the Jail Administrator is required.

- cc. Make beds available for sentenced prisoners releasing from DOC custody up to 20 days, the maximum number of days a person is allowed to be held.

5. General Responsibilities of the Department of Corrections

The Department of Corrections shall:

- a. Reimburse the Borough/City for necessary medical care under section C6 of this Contract.
- b. Not be responsible for the management of local jail facility prisoner population. It is the policy of the Department of Corrections to detain and confine only prisoners from the normally serviced region of the respective facilities. However, in the case of an emergency or for necessary population or security management purposes, prisoners may be transferred from other areas of the State.
- c. Be permitted to inspect, at all reasonable times, any facility used by the Borough/City to house prisoners that are confined, in order to determine if that facility is complying with The Standards and with this agreement.
- d. Provide on-going technical assistance and training for Regional and Community Jails requesting access to the ACOMS System. The Department of Corrections will conduct security checks, with information provided by the Jail Administrator, for all jail staff requesting access to the ACOMS System. All related telecommunications charges (such as telephone company lines fees or tolls and internet service provider fees, or special charges for initial line installation) will be the responsibility of the Community Jail.

- e. Throughout the contract term, the DOC Oversight Officer will perform audits to ensure that the Borough/City are following PREA guidelines.

6. Medical and Dental Care and Reimbursement

The Borough/City shall:

- a. Provide necessary medical care to prisoners accepted into the Regional and Community Jail facility under this contract. Prisoners who require medical attention are to be provided treatment as soon as possible, taking into consideration the nature of the illness or injury. If medical care is provided outside of the jail facility, the Regional and Community Jail Administrator shall provide transport to the off-site medical facility and necessary security as required by paragraph 7a of this contract.

As used in this contract, “necessary medical care” has the meaning given in Chapter 13 of The Standards. If requirements of this definition are otherwise met, the following are included within the term “necessary medical care” and subject to reimbursement:

- (1) psychological or psychiatric care; and
- (2) dental care to:
 - i. control bleeding;
 - ii. relieve pain;
 - iii. eliminate acute infection;
 - iv. prevent pulp decay and imminent loss of teeth through operative procedures; and
 - v. treat injuries to teeth or repair supporting dental structures, caused by accident or injury.

- b. Maintain control of and dispense medicines to prisoners in compliance with The Standards and directions specified by a physician or other qualified health care provider and take reasonable steps to guard against misuse or overdose of medicines by prisoners.
- c. Adopt emergency medical procedures and make available telephone numbers for medical, psychiatric, or other health services, so that staff will have ready access to such information.
- d. Obtain approval from the Department before incurring liability for medical care which reimbursement is sought, except in the case of emergency care that must be provided to the prisoner before approval from the Department of Corrections can be obtained. The Borough/City shall make a reasonable effort to obtain approval from the Department of Corrections and shall promptly, but in no event later than the next working business day, notify the Department of Corrections of any emergency for which medical care was provided before such approval could be obtained. Approval from the Department of Corrections will not be unreasonably withheld.

To obtain approval, Borough/City staff should contact the Department of Corrections

Health and Rehabilitation Services (HARS) Office (24 hours a day, 7 days a week) at (888) 411-8942.

- e. Be entitled to reimbursement from the Department of Corrections for expenses of necessary medical care provided under paragraph 6a and approved under paragraph 6d. In applying for reimbursement, the Borough/City must follow the procedure set out in paragraph 6f. The Borough/City will not be entitled to reimbursement for the hiring of emergency guards or other medically related security costs, or for medical care for persons
 - (1) held under the authority of AS 47,
 - (2) accepted into the facility while unconscious or in immediate need of medical attention,
 - (3) receiving medical services for elective, cosmetic or other medical services that are unnecessary medical care, or

Medical services provided to prisoners who have been properly accepted into the Borough/City jail facilities under this contract shall not, however, be challenged by the Department merely because they were rendered immediately or shortly after the prisoner was accepted.

- f. Request reimbursement by submitting to the Department of Corrections a properly certified accounting containing:
 - (1) a copy of the medical bill with the prisoner's name and a description of the services rendered,
 - (2) a copy of the monthly booking form showing the prisoner's date and time of booking, and
 - (3) a copy of the medical payment request form.

The Regional and Community Jail Administrator will make reasonable effort and take appropriate steps to assure that the Department of Corrections is billed only for necessary and required medical services beyond the payment limits of the prisoner or any insurance carrier or other third-party payer.

7. Transfers and Transportation of Prisoners

The parties agree that:

- a. The Borough/City shall provide transportation and supervision for medical care provided within local boundaries as required by paragraph 6(a). Supervision must be adequate to prevent escapes, prevent inappropriate contact with others, prevent possession of contraband and provide security for the prisoner and the public.
- b. The Borough/City shall immediately notify the Department of Public Safety to request that a prisoner be transferred from the facility to one outside of local boundaries because;

- (1) a court has ordered the transportation;
 - (2) the prisoner has been incarcerated in the facility for 20 consecutive days, unless a court has ordered that the prisoner remain in the facility or the prisoner has signed a written waiver requesting to remain in the facility; or
 - (3) the Regional and Community Jail Administrator believes a transfer is necessary for security or population management reasons.
- c. The Borough/City shall continue to hold prisoners, notwithstanding the existence of grounds for a transfer, until the Department of Public Safety arranges transportation for the prisoner.
 - d. The City shall, when the prisoner leaves the facility, furnish the transporting officer with the prisoner's file described in paragraph 4h of this agreement.

8. Sentenced Electronic Monitoring

The Borough/City has the option to use electronic monitoring. If the Borough/City is interested in electronic monitoring, please contact DOC to coordinate an Amendment to this contract and utilization of the DOC BI, Inc. Electronic Monitoring contract.

Sentenced Electronic Monitoring:

The Department will provide additional funds if the Borough/City will take Sentenced EM placements and supervise them. The Department will provide \$10,000 for the first 1-5 prisoners and \$5,000 for each additional 5 prisoners annually. If a Borough/City has any number between 1-5 at any given time during a fiscal year, example 7/1/24 through 6/30/25, they will receive the full \$10,000. If the Borough/City exceeds 5 and has any number between 6-10, they will receive the full \$5,000, for any number between 11-15 at any given time during the fiscal year they will receive another \$5,000 in full and so on for each additional 5 Sentenced EM placements, they will receive another \$5,000.

To further illustrate, by way of example, if a Borough/City had for any particular month in a fiscal year 26 Sentenced EM placements they would receive \$35,000 for that fiscal year. The breakdown of the \$35,000 is: 1-5 Sentenced EM \$10,000 + 6-10 Sentenced EM \$5,000 + 11-15 Sentenced EM \$5,000 + 16-20 Sentenced EM \$5,000 + 21-25 Sentenced EM \$5,000 + 26th Sentenced EM \$5,000 = a total of \$35,000.

If a Borough/City elects to participate in the Sentenced Electronic Monitoring they will automatically receive \$10,000 and it will be added to Appendix D. If at any time throughout the contract they exceed 5 Sentenced EM placements, they will receive an additional \$5,000 for each additional 5 Sentenced EM placements. The Department is not going to prorate this by day or period of time, it will add the additional \$5,000 for every additional 5 Sentenced EM placements when either notified by the Borough/City through their monthly count sheets or the DOC recognizes the additional Sentenced EM placements on the monthly count sheets. The DOC will exercise a unilateral amendment and automatically add the funds to their contract. The unilateral amendment will be used to expedite the

amendment process for both parties, only as it applies to this Section 8 Sentenced Electronic Monitoring.

If a prisoner has been sentenced and only has 20-30 days they can go to Sentenced EM, stay in their community and not have to be housed in the jail or transported out of their community to a prison. If prisoners on Sentenced EM run away or violate the conditions of their EM placements, they will go to prison.

9. Pretrial Program Services

a. Assessment & Database Collection:

Complete training and comply with DOC policies for the following program services:

Complete inmate bookings by utilizing the ACOMS software system. Complete and submit the Alaska pretrial risk assessment tool (AK-2S), located in the ACOMS software application and submit release recommendations for the courts. Meet all risk assessment and recommendation timeline requirements by scheduled initial appearances. Participate in remedial training and quality evaluation as needed.

Document all contacts and pretrial actions with defendants in the ACOMS software application to ensure proper and complete records are maintained. Notify and file pretrial status and/or violation reports and paperwork through the court as needed.

*****Service currently not included but can be added via amendment throughout the life of the contract*** The amount for this service would be \$8,516.00**

b. Community Pretrial Electronic Monitoring:

Complete training and comply with DOC policies for the following program services:

Defendants may be required to have electronic monitoring (EM). Electronic monitoring requires that defendants are fitted with the proper device at the time of release. Related data about the defendant and the EM restrictions should be loaded into the web-based database utilized for EM and noted in the ACOMS software application. Most defendants on EM will be moderate or high-risk defendants, but low-risk defendants may also be placed on EM with court orders. EM also requires monitoring of the system and response to EM alarms and alerts. This can be accomplished in a variety of ways, such as EM monitoring by DOC staff, monitoring by Community Jail staff, or monitoring by local dispatchers, who will then contact local providers, Police Departments (PDs), for response to alerts and alarms. Defendants placed on EM may require occasional action such as notification to the court for those in violation of release conditions. Coordination for arrests may also be required for defendants who are in violation. Community and Regional Jails will not charge pretrial defendants a fee for EM services.

Documentation of all contacts and pretrial actions with defendants must be entered in the ACOMS software application to ensure proper and complete records are maintained. It may be necessary to file reports and paperwork through the court in the event of violations.

*****Service currently not included but can be added via amendment throughout the life of the contract*** The amount for this service would be \$19,871.00**

c. Community Pretrial Monitoring and Pretrial Supervision

Complete training and comply with DOC policies for the following program services:

Defendants placed on Pretrial monitoring may require occasional action such as phone contact for reminders about upcoming court appearances, or home visits for defendants to ensure compliance with release conditions. Notification to the court or potential coordination for arrests may also be required for defendants who are in violation.

Provide Pretrial supervision for low, moderate and high-risk pretrial defendants who are released from jail. Pretrial supervision involves occasional office visits (when necessary), random home visits, and phone contact with defendants as well as reminders about upcoming court appearances. Defendants placed on Pretrial supervision may require occasional action such as drug and alcohol testing as well as notification to the court for those in violation of release conditions. Coordination with Pretrial for arrests may also be required for defendants who are in violation.

Documentation of all contacts and pretrial actions with defendants must be entered in the ACOMS software application to ensure proper and complete records are maintained. It may be necessary to file reports and paperwork through the court in the event of violations.

*****Service currently not included but can be added via amendment throughout the life of the contract*** The amount for this service would be \$7,097.00**

d. Diversion Programs

Complete training and comply with DOC policies for the following program services:

Coordinate diversion programs with prosecutors, treatment providers, law enforcement, and other interested parties. Diversion programs will be tailored to each community and what can be offered and supported. Programs will be clearly defined with related performance measurements. Develop and implement programs to divert appropriate defendants to services while still achieving public safety outcomes. Funding allocation for diversion programs will be distributed upon program authorization by the Pretrial Services Director.

Documentation of all contacts and pretrial actions with defendants must be entered in the ACOMS software application to ensure proper and complete records are maintained. It may be necessary to file reports and paperwork through the court in the event of violations.

*****Service currently not included but can be added via amendment throughout the life of the contract*** The amount for this service would be \$18,925.00**

**ALASKA DEPARTMENT OF CORRECTIONS
CONTRACT FOR REGIONAL AND COMMUNITY JAIL SERVICES
July 1, 2024 through June 30, 2025**

**Appendix D
Payment Provisions**

1. The total contract amount for the Borough/City of Dillingham is **\$606,374.90** for the period from **July 1, 2024 through June 30, 2025** and represents the total payment due for FY25. This will be a one-year contract with the option to add Pretrial Services programs and Sentenced Electronic Monitoring to the contract. 8 Beds.
2. It is specifically agreed by the parties that the Department of Corrections will not provide funding for annual in-service training as set out in Section 10.01 of The Standards, unless funding is provided by the Alaska Legislature or the City.
3. The Borough/City shall be prohibited from utilizing funds received under this contract for any purpose other than operation of Regional and Community Jail facility. Any funds received by the Borough/City under this contract that are utilized for purposes other than those authorized by this contract shall be reimbursed to the State and deposited to the general fund.

G:\Supply\CommunityJailContracts\COMJAILS FY25\Dillingham.doc

Appendix List:

- A General Provisions
- B Not used
- C General Terms and Indemnity and Insurance related language
- D Payment Provisions
- E State of Alaska, Community Jails Program: Standards for Jail Operation
As produced and adopted by the Governor's Task Force on Community Jails,
November 1994

City of Dillingham
Fiscal Note

Agenda Date: February 13, 2025

FY2025 Jail Contract - Revenue

ORIGINATOR: Finance Director

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT RECEIVED: \$606,374		FUNDING SOURCE	
FROM ACCOUNT		SOA Department of Corretions/City of Dlg	
1000 xxxx 20 24 0000 0	Corrections	Project Community Jail Operations	
TO ACCOUNT:	VERIFIED BY: Anita Foran	Date: 2/10/2025	

EXPENDITURES

OPERATING	FY25	FY26	FY22	FY23
1000 xxx 20 24 0000 0	\$773,407			
TOTAL OPERATING	\$ 773,407.00	\$ -	\$ -	\$ -

CAPITAL	\$ -			
---------	------	--	--	--

REVENUE	-			
---------	---	--	--	--

FUNDING

General Fund	\$167,033			
SOA Dept of Corrections	\$606,374			
Capital Project				
Other				
TOTAL FUNDING	\$ 773,407.00	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				

Analysis: (Attach a separate page if necessary)

Resolution 2025-06

Original FY25 Budget had an anticipated budget of \$720,000 for the Jail Contract. Budget Expenses are based on FY25 Adopted Budget and is in process of review for a Budget Revision.

PREPARED BY: Anita Fuller AF

February 10, 2025

DEPARTMENT: Finance

APPROVED BY: [Signature]

To: Council
 From: Alice
 Date: 1/9/25
 Re: Next steps for Manager Selection

Hi Council:

Listed below is a summary of the discussion at our workshop on Tuesday (1/7/25). The summary was reviewed and edited as a result of a video conference with the consultant on 1/9/25.

As we discussed, the goal is to identify a process that we will use to review the candidates for the manager position. We agreed that it is important to have a process identified for the council, all candidates and all citizens. It was expressed that we want to move forward in an expeditious manner and without delay.

As we agreed, recruitment has already occurred (through our consulting firm). At this point the consulting firm has all the applications submitted (including all local applicants).

1. Consultant will identify 3-5 candidates
 - a. This has occurred and will be reported to the council in an executive session at the January 9 council meeting.
2. Council will Review Consultant's choices
 - a. Executive session (**January 9 Council meeting**)
 - b. Optional – council members can review all applications/submitted prior to making this decision if they wish. As I understand, we have some obligation to use care in how we do this since the applications contain some sensitive information. As we agreed, our City Clerk, Abigail Flynn, will have a folder with all applications available for any council member to review in her office.
3. Consultant next step (*estimated additional consultant cost \$3,500*)
 - a. Conduct Pre-Interview
4. Consultant will report to Council (**target February 6 Council meeting**)
 - a. Executive Session
 - b. Written and/or verbal report from consultant. Consultant will provide info on candidates so that Council can identify their selected candidates.
 - c. Council selects candidates to move forward to interview
5. Consultant prepares additional information
 - a. Conduct Background checks
 - b. Conduct reference checks
 - c. If any issues are revealed, the consultant will advise
6. Interviews (*estimated additional consultant cost \$6,500 plus travel*) (**target February**)

- a. Optional – Consultant offered that an initial video-conference interview could be arranged as precursor to face-to-face interview. (as a way to narrow the number of candidates to do face-to-face interview) **(target 2nd-3rd week of February)**.
 - b. Face-to-face interviews **(target 3rd-4th week of February)**.
 - c. Consultant/staff arrange interview schedule
 - d. Consultants provide model questions/framework for interviews
 - e. Candidate in-person travel schedules determined (*unknown estimated cost*)
 - f. Arrange pre-meeting with Council and consultant (video conference) to orient Council about interview protocol (*to decide how questions will be asked and to orient Council to questions/topics that are not appropriate (EO or other)*).
 - g. Council conduct Interviews – Executive Session
7. Arrange Staff/Community meet/greet activities
 - a. Previous receptions were held at the Lake Road Fire Station and were received well.
 8. Council will make selection **(target before March 15, 2025)**
 - a. Executive session
 9. Council will negotiate contract
 - a. Make contract contingent upon acceptable credit check
 - b. Executive Session
 - c. Assistance from/represented by the City Attorney
 - d. Establish benefit/salary package
 - e. Establish start date

EXECUTIVE SESSION

UNFINISHED BUSINESS

Dillingham Fire and Rescue 2025 S.M.A.R.T. GOALS

The goal of this proposal is to evaluate the current issues of the high use of opioids and other synthetic (designer) drugs in Dillingham. The Fire and EMS department has had a front row seat in seeing the changes that the influx of drugs into the region has made in the community. The outcome of the goals made in 2025 will be driven by the resolute staff within the Fire and EMS office as well as partnering with other organizations in the region and around the state.

WHAT ARE WE SEEING:

In Dillingham, we have a wide variety of people and narcotics that Fire and EMS treat for drug overdoses, both accidental and intentional. Below is lists of the type of drugs, the ranges of individuals in age, living conditions, and profession. There is also a list of the things that Fire and EMS have been trained to look for on a scene as not all calls are initially drug related but can turn into something that personnel has to be aware of for our safety and to properly treat patients.

- The most common drugs that we come across with patients in Dillingham are:
 - Heroin
 - Fentanyl – Real hospital grade
 - Meth
 - Marijuana
 - Designer/Synthetic
- The most common profile of individuals that the Fire/EMS personnel find using drugs are:
 - School aged kids
 - 4th grade to 12th grade
 - Young adults
 - 18 years old – 25 years old
 - Some in mid-late 30's
 - Older Adults
 - 50 years old and up
 - Homeless individuals
 - Individuals that come to the region for short-term work
 - Individuals that come from surrounding communities for shopping and medical appointments
 - Other
 - Teachers
 - Contract workers
 - Office workers
 - Hunters
 - Fishermen
- The Fire and EMS staff have been trained to look for any signs of drug use on the scene that we are called to including but not limited to:
 - Syringes – both used and unused
 - Small plastic bags
 - Burned tinfoil
 - Burned and bent spoons
 - Straws or pen parts that have been modified for drug use
 - Containers holding drugs or residue from drugs used

PARTNERSHIPS:

Throughout the region and state, the Fire and EMS office has been able to create and strengthen partnerships so that we can provide better patient care, have access to up-to-date training materials and supplies, host community gatherings, and work together as a whole for the betterment of our community.

- BBAHC
 - ER Staff
 - Medical Doctors
 - Nurses
 - Behavioral Health
 - Opioid Prevention
- Dillingham Police Department
 - Scene safety
 - Patient assists
 - Narcotics disposal on scene
- Alaska State Troopers
 - Scene safety
 - Patient assists
 - Narcotics disposal on scene
- Curyung
 - Community events
 - Narcan
 - Cleaning supplies
 - Safety equipment
- BBEDC
 - Summer staff funding – if available
 - Training funding
- State of Alaska Department of Health
 - Training resources
 - Harm Reduction Kits
 - Teaching materials
- Southern Region EMS
 - Licensing
 - Training
 - Symposiums
 - Annual 5-day EMS training event where many different issues from around Alaska and other parts of the US are brought to the forefront and discussed. It is also a fantastic opportunity for EMS to meet with other departments and see how we can help each other with the challenges we all face.
- Beaver Round-Up
 - Parade
 - Open House
 - Kids Fire Safety
- Dillingham City School District
 - Staff training on prevention
 - How to use Narcan
 - What to look for with coworkers/students/community members in the school
 - Training resources that teachers can use or handout
 - Student training
 - Dangers of drug use
 - How to use Narcan
 - What to look for in friends/family/places staying
 - Teaching in classrooms with students
 - Narcan storage
- Funding and/or food for events
 - L & M
 - Northline Seafoods
 - OBI
 - Silver Bay Seafoods
 - Nushagak Cooperative
 - Alaska Commercial Company
 - Bigfoot LGM

In the last year, the Fire and EMS personnel have participated in many activities to help support the community making our faces known to higher risk individuals so that they are comfortable around us in both public and private as we respond to their needs.

- Community Events
 - Beaver Round-Up
 - Wellness Conferences
 - Healing Conferences
 - Yearly Health Fair
 - Vaccine Clinics
 - Opioid resources made available
 - Harbor Day
 - Fill the Boot
 - BBQ
 - Car wash
 - Polar Plunge
- Meeting with school administration, staff, and students
- Working with BBNA Reentry Taskforce
 - Resources for people reentering our communities after incarceration

RESOURCES:

Below is a list of resources that the Fire and EMS personnel have for patient and community support. This ranges from supplies and training to personal safety when on a call. These resources are vital for not only supporting our community members, but each also helps to offset one or more hurdles our community faces.

- Project Hope
 - Supplies Narcan Kits and Training Materials
- BBAHC
 - Crisis Intervention
 - Supplies disposable equipment
 - Supplies medications for opioid use
- I Know Mine (www.iknowmine.org)
 - Harm reduction kits
 - Pamphlets with information on both legal and illegal drugs
 - Condoms, Dental Dams, Screening Kits
 - Safer sex leads to less high-risk pregnancies
- State of Alaska
 - State guides and resources on opioids
 - Crisis intervention
- Dillingham City School District
 - Staff is available to call on department personnel to check students and staff if drug use is suspected
 - Provide a larger gathering place for community events to be held
 - Allowing staff into the schools to talk to students about community issues
- Dillingham Police Department
 - Scene safety
 - Patient assists
 - Narcotics disposal on scene
 - NEW Narcotics K-9 coming soon

NEEDS:

As the city identifies community needs, we have been able to adjust to fit those needs as best we can. Although we do partner with various other organizations around the region, state and lower forty-eight, there is always more that can be done to help individuals in need. Below is a list of items that the community could benefit from. This also addresses the changing needs that we have identified from our own experience working in the community.

- Rehab Programs
- Money for additional supplies and equipment
- Safe space for people to be sober
 - Community center
 - Warming shelters
 - Housing / Temporary Shelter
 - Better access to mental health services
 - More people in recovery speaking about their struggles and getting help
- Community member support for our homeless population
 - Blankets clothes/winter
 - Meals for those identified and getting help
 - Support Services – individual dependent
 - Helping with resources on addiction

PLAN FOR 2025:

The plan for 2025 is to become more socially active with the community by hosting and participating in different community events including:

- Morning Mug-Ups
 - Hosted by S.A.F.E. and held in the entrance of the school
 - Students and other community members join together to talk about issues and resources
- Being more active on social media
 - Weekly safety updates on the DVFD and City Facebook pages
- Monthly KDLG safety infomercials
 - These will be twice a month on Fridays and will cover both Fire and EMS related topics
- A long-term goal is getting into the schools at the level the schools are comfortable with. This takes a lot of approval and persistence, but we are working towards this.

The department also sees excellent value in planning open houses at the Fire Stations and expanded training for all community members – CPR/First Aid/Harm Reduction/Prevention. We also are collaborating with the school district to get a State approved teaching curriculum added for the next school year and have offered to help with teaching various parts of the curriculum. The department has also started working with the SAFE to participate and further develop a Community Outreach Team with at least one person from each organization in the region. Together, with the ideas we have implemented in the past, and the new strategies, we are looking forward to seeing a reduction in opioid-related calls and deaths.

CITIZEN'S COMMENTS

COUNCIL COMMENTS

MAYOR'S COMMENTS

A Primer for City Council Members



**State of Alaska
Sean Parnell, Governor**

**Department of Commerce, Community, and Economic Development
Susan Bell, Commissioner**

**Division of Community and Regional Affairs
Scott Ruby, Director**

January 2011

Acknowledgments

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Table of Contents

This primer is intended as a helpful guide for new council members. It covers basic duties, legal requirements, and procedures for effectively serving as a city council member. Additional information is available on the Division of Community and Regional Affairs website, Local Government Online (LOGON). LOGON can be reviewed at: <http://www.commerce.state.ak.us/dca/LOGON/home.cfm>

I. Introduction	1
II. City Council Overview	2
Introduction.....	2
Authority of the Council	2
Purposes of the Council	2
Duties of the Council	3
Roles of the Council in the Community	4
The City Council Upholds the Public Interest	5
III. Be an Effective Council Member	6
Introduction.....	6
Participate in All Issues	6
Focus on Policy, Not Politics.....	6
Discuss, Debate, and Disagree Without Fighting	6
Address Issues within the Council’s Control or Authority.....	7
Avoid Micromanagement	7
Additional Tips for Council Members	7
IV. Topics a Council Member Needs to Know	10
Ordinance versus Resolution	10
Ordinance Procedure.....	10
Emergency Ordinances	11
Code of Ordinances.....	11
The Budget.....	11
Conflict of Interest	13
Open Meetings Act	13
Ex Parte Contact	14
Committee of the Whole.....	15
Board of Equalization	15
Board of Adjustment.....	15
Council Procedures	16

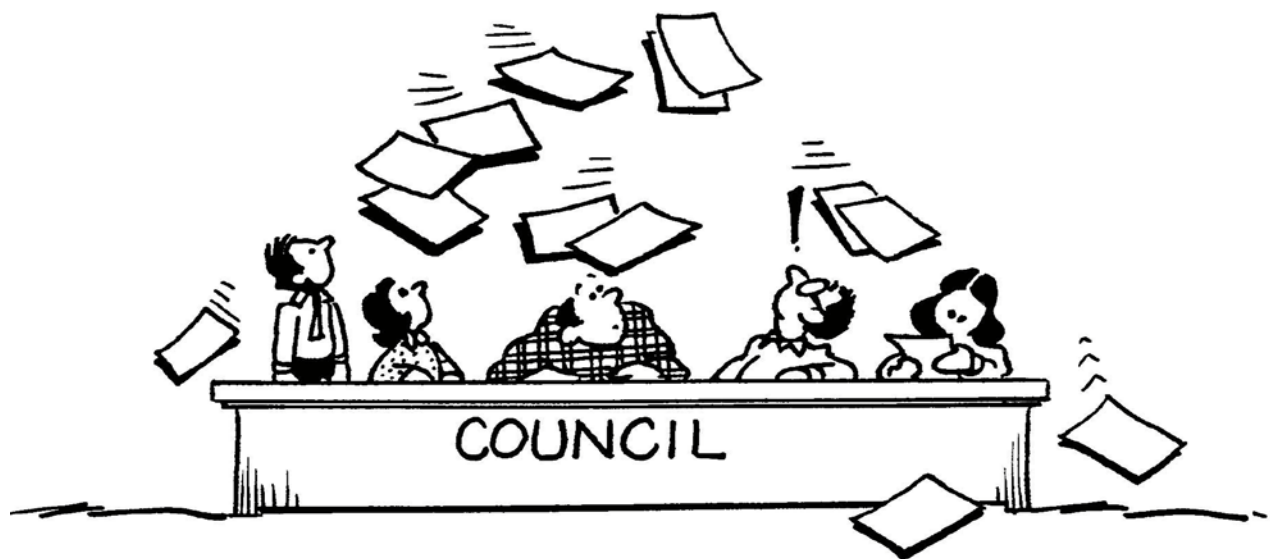
V. Meetings and Motions	16
Introduction.....	16
Types of Meetings.....	16
Notice of Meetings.....	18
The Agenda.....	18
Taking Part in Debate	19
Parliamentary Procedure.....	19
Types of Motions	19
Making a Motion.....	21
Voting	21
Abstaining from Voting	21
Unanimous Consent	21
Quorum	22
Role of the Mayor in Council Meetings	22
VI. Council Relationships.....	23
Introduction.....	23
Relationship with the Mayor.....	23
Relationship with the Administrator.....	24
Relationship with the Manager	25
Relationship with the Planning Commission.....	26
Relationship with Staff	26
Summary.....	27

I. Introduction

A city council member plays an important role in the community. Council members perform many duties – from listening to and trying to resolve residents’ concerns to passing an annual budget that balances residents’ demand for city services with available revenues and abilities to pay. Council members must learn about new ideas and situations that require them to stretch their existing knowledge and skill levels. They are expected to be problem-solvers, to be responsive, to be fair, to act in the best interests of the community, and to work hard and be knowledgeable about community activities. There is prestige in being a council member. However, the position of council member is like a second job, involving many hours of work out of the spotlight – essentially, it is a labor of love and commitment, and the payback is reflected in the quality of life in the community.

Residents are often elected to the city council without having a clear picture of what is expected of them as council members or really understanding the workload and procedures of the council. The purpose of this primer is to provide newly elected council members with information to make the transition from city resident to city council member easier.

This primer has been written for council members for all classes of cities, inside and outside of boroughs. In a sense, city powers and council procedures are alike in most communities. Some differences do exist between home rule, first class, and second class cities and between cities that are inside and outside boroughs. This primer covers broader concerns of council members, rather than specific differences between classes of municipalities.



II. City Council Overview

Introduction

This section describes the city council authority, the purpose, and the duties of the council. It also discusses the council's role in the community and in upholding the public interest.

Authority of the Council

The authority of the council is closely tied to the powers cities may exercise as political subdivisions of the state. All cities have essentially the same authority from the state; however, not all cities exercise the same powers. For example, the cities of Kenai and Cordova exercise a wider range of powers than the cities of Kupreanof and Port Alexander.

The State of Alaska Constitution and state laws both grant broad powers to cities. The constitution states that there shall be maximum local self-government and that a liberal construction shall be given. This support for self-government is repeated in Alaska Statute (AS) 29.35.400, which states, "a liberal construction shall be given to all powers and functions of a municipality conferred in this title." This declaration means the city council may exercise broad powers within the scope of its authority to raise revenues, provide services, and regulate activities within the municipality and the municipality's authority is not limited to that spelled out in the law.

How the council chooses to exercise its authority depends on a number of factors, including the size of a city, its ability to raise revenues, the need for services, the rate of economic growth and change, and first and foremost, the desires of residents.

Finally, the powers of a city differ depending on whether it is a first class, second class, or home rule city and whether the city is inside or outside a borough.

Purposes of the Council

The council's chief purpose is to serve the public. It enforces public policy, administers public money, and provides services based on what the people of the community want. State law says that the council is the legislative body for the city and spells out a number of duties for which the council is responsible. These duties are listed below under "Duties of the Council." The council also has a political purpose which is closely tied with its legal duties: to represent, as well as possible, the values, needs, and desires of the city's residents. Although councils have essentially the same legal requirements, the different values, needs, and desires of each individual community result in varying political purposes.

Duties of the Council

Alaska Statute 29.35 catalogs many duties a council may perform. A city council might not actually perform all of these duties, but all cities have the authority to do so, if they choose. For example, a small city may choose not to exercise eminent domain, issue bonds, or grant a cable television franchise.

Some of the more typical duties include the following:

- Adopt a budget and file required reports with the state
- Adopt a code of ordinances and make the code available to the public
- Maintain a public record/minutes of proceedings
- Establish election procedures
- Acquire, manage, control, use, and dispose of real and personal property
- Provide for the levying of taxes
- Establish, alter, or abolish municipal departments
- Provide for fines and penalties
- Prepare a capital improvements program (CIP)
- Exercise eminent domain (that is, condemn private property for a public use)
- Hire, or confirm the hire of, the police chief, clerk, treasurer, and attorney (depending on the language in the local code)
- Establish a personnel system
- Issue bonds
- Grant or extend a franchise

In addition to those listed in the statutes, the council has other important duties. Some of these council duties include the following:

- Establish rules of council procedure
- Evaluate the city administration and/or manager (In some cases, the mayor may have this responsibility.)
- Hear and evaluate public testimony
- Assess the need and demand for city services
- Assess public opinion on taxes
- Plan for economic development
- Plan for the future and the well-being of the community
- Hear and respond to citizens' concerns
- Resolve residents' problems
- Lobby for grants and funds
- Perform ceremonial duties

Specifically, council members are responsible for management of the city's affairs and are held answerable to the community they serve.

Roles of the Council in the Community

Almost everyone in the community has an opinion about the council and what it does. Some residents may view the council as a bunch who don't keep the streets plowed, while others view the council as a farsighted group that got funds for a new boat harbor or clinic. So, just what is the council's role in the community?

The council acts on behalf of all residents to promote the good of the entire community. It is similar to the board of directors of a corporation, except that the council's goal is not to maximize profits to shareholders but to maximize the delivery of services to as many people as possible at the lowest possible cost.

The council plays several roles in achieving this goal.

1. The council manages money by planning or budgeting how much money the city will receive and spend.
2. The council manages people and oversees hiring, firing, and evaluating of staff. (The mayor or manager may reserve this authority; however, the council must still evaluate the mayor and/or manager.)
3. The council acts as an "ombudsman" by hearing citizen complaints.
4. The council evaluates projects, proposals, and other ideas brought forward by residents, staff, and other agencies.
5. The council lobbies for grants and funds from outside sources and for public support of its proposals.
6. The council determines the types of services needed by residents.
7. The council plans for the future and well-being of the community: it creates and follows land use plans, economic development plans, and capital improvement plans.
8. The council makes policy: specifically, the council formulates the principles that guide the city's decision-making in its management and administration of public affairs.

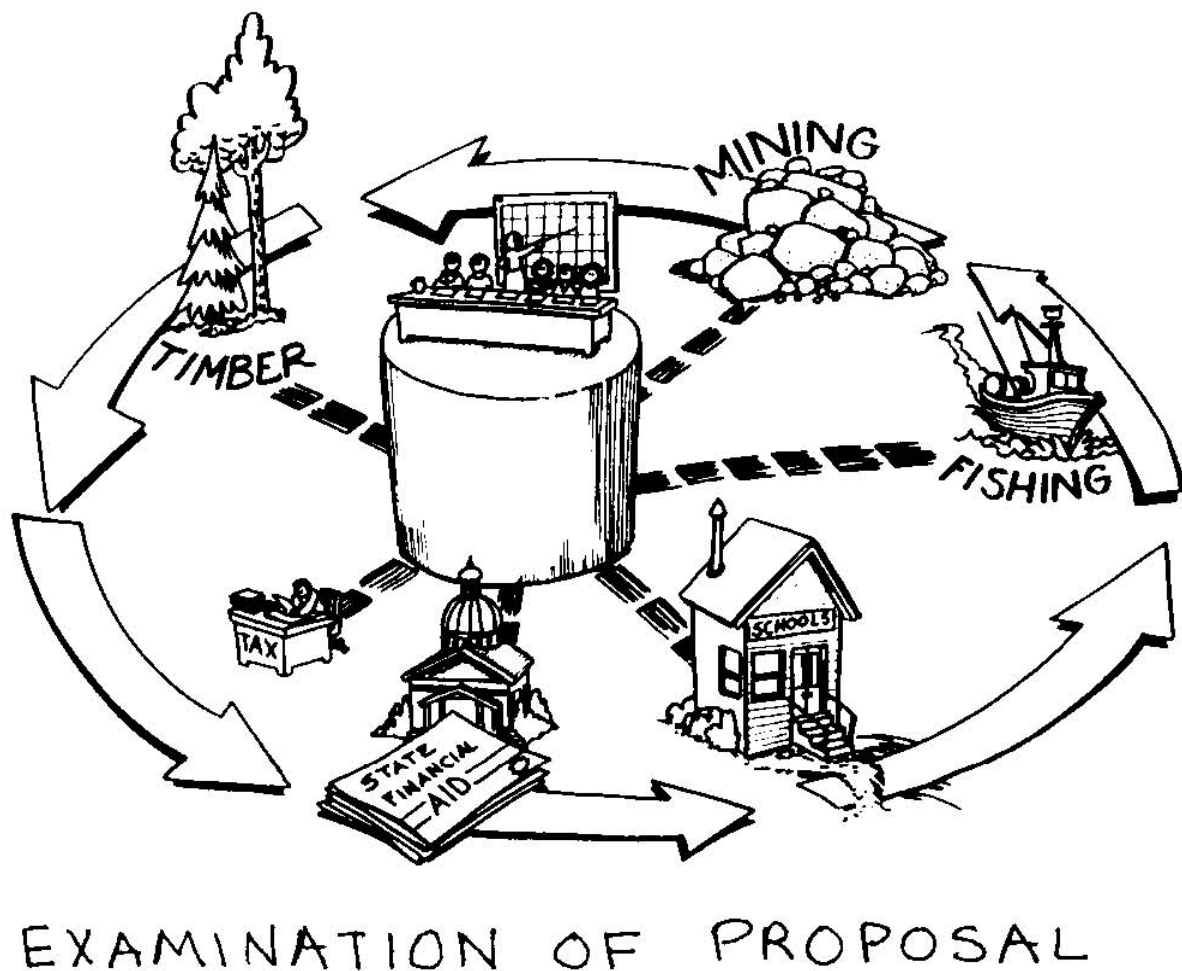


The City Council Upholds the Public Interest

The city council is entrusted with upholding the public interest and it must make decisions that affect the entire community, rather than any particular group. Responsibility rests with the council to decide on matters to achieve the greatest good for the greatest number of people within the community.

The public interest is different from a “special interest.” A special interest exists when one person or a small group of people would benefit from a council action without regard for the larger interests of the community.

Essentially, the public interest represents the maximum amount of benefit that flows to society at large, rather than to selected groups or individuals. With each decision, the council must weigh and uphold the public interest.



III. Be an Effective Council Member

Introduction

Every new council member has probably been nervous at his or her first meeting. Should he or she say anything? What are the right procedures? What are some rules that can be followed? This section provides general tips to help a new council member better understand how the council works. Important advice for a council member is to be prepared, listen, and contribute.

Participate in All Issues

Sometimes a person gets elected to the council because he or she ran on a single issue, such as lowering the utility rates, grading the streets more often, or developing the port. Whatever the issue, when single-issue candidates are elected to the council, they must become multi-issue council members, or they are certain to become frustrated and ineffective. The reason is simple. Council members must deal with a lot of different issues on a regular basis. If the single-issue member does not deal with the other issues, he or she risks loss of support and respect from the other members and the public. When this happens, that person's ability to deal with even the single issue important to him or her loses support.

Focus on Policy, Not Politics

The council is the policy-making body for the city. In this role, the council is responsible for making decisions about which direction the city is going, how the city will spend its resources (money and staff time), what projects the city will work on, and so on. Policy-making is not really a separate activity -- the council does not sit down at a meeting and say, "Let's make policy!" Instead, making policy is an ongoing activity that develops when the council adopts ordinances, revises or adopts a comprehensive plan, sets harbor fees, considers the ranking of projects in a capital improvements program, and carries out its other duties and responsibilities.

Making policy is simply the act of making a deliberate choice or decision from among different alternatives, based on the available facts. Public policy is created when the council makes these choices or decisions with the best interest of the whole community in mind. A council that is influenced by competing, short-term or personal agendas will have difficulty finding agreement on important public policy issues. Doing the city council's business (in effect, the public's business) is a group activity that requires patience, vision, cooperation, and compromise.

Discuss, Debate, and Disagree Without Fighting

No one expects council members to agree on everything. In fact, when disagreement exists, it means that different viewpoints are being considered before a decision is made. Looking at the different viewpoints is an important part of the decision-making process and ensures that the interests of all concerned are being given some thought. When a disagreement becomes a fight, however, feelings on the issue have become too personal. Council members should ask for an "at ease" when this happens to let things cool off. Fighting doesn't solve problems or lead to answers. And, it doesn't help conduct the community's business.

Address Issues within the Council's Control or Authority

Some issues may be important to council members and the community but may not be within the council's power or authority to deal with. Decisions about fish and game management or development in wetlands, for example, may be important to a community's economic well-being, but not within its management authority.

Consequently, the council may adopt resolutions stating the city's opinion and send them to state and federal agencies, or it may lobby state or federal officials on these concerns. Council members should avoid issues outside the city's control; for example,

gun control or prayer in schools. The council will always have enough work to do without taking on issues that must be resolved by another governmental entity.



Avoid Micromanagement

The council appropriates money in the budget but should not micromanage the money by overseeing every expenditure or by making spending decisions that staff are authorized to make. As an example, if \$500 is budgeted for office supplies, council should not tell the staff which supplies to buy. Staff should be allowed to do their jobs with administrative supervision. The council is ultimately responsible to account for public money and should have a good sense about what the money is being spent on, but questions that arise need to be addressed through the chain of command. In the larger sense, appropriate management means that the council members should not try to do their jobs and the staff's jobs, too.

Additional Tips for Council Members

The following recommendations are addressed to council members to help them act effectively:

1. **Read Your Packet:** Be informed before meetings. Council members usually receive a meeting packet three days before the meeting. Read it and be ready to discuss the issues at the meeting. Information provided in the packet can help you better understand the issues and participate in more detailed discussion during the meeting.
2. **Become Familiar with the City's Planning Documents:** Find out if your city has a comprehensive plan, a coastal management program, a capital facilities plan, or an economic development plan. Take time to read any existing planning documents, or at least read through the table of contents and highlights to become familiar with their contents. When an issue comes up on something covered in a planning document, you will at least know where to look for more information.
3. **Become Familiar with the Code of Ordinances:** Know what is in the code, particularly the chapters on administration, mayor, council, revenue and finance, and public services.

4. **Become Familiar with Title 29 of the Alaska Statutes:** This chapter addresses municipal government. You need to learn the rules that are explicit in statute, and also have an idea how to look something up when questions arise.
5. **Learn All Sides of an Issue before Forming an Opinion:** A council member makes better, well-informed decisions or opinions when he or she learns all sides of an issue. If you take the position that you already know everything about an issue, you may miss an important opportunity to learn something new.
6. **Take Part in Debate:** As a rule, the quality of the council's decision-making is improved when all members contribute to the discussion. Express your views and the views of the people you represent. Participation doesn't ensure that the outcome will be exactly what you want, but it will ensure that your opinions have been considered.
7. **Ask Questions:** You've heard the expression, "There's no such thing as a dumb question." Well, it's true. If you have a question, other members probably do also. If you don't know, how else will you find out?
8. **Seek Solutions:** Be a problem-solver, not a problem-maker. Contribute to debate in a way that will lead to solutions and not merely add to the difficulty or complexity of a situation. We have all known people who focus on why something can't be done rather than look for ways to get it done.
9. **Don't Be Shy:** Nobody else is going to speak up for you. Your idea may be the one that will lead to an answer or a solution, so speak up when you've got something to say.
10. **Use the Staff:** The city staff provides technical assistance. Don't ask staff members to make a decision for you; instead, get from them the facts and other information you need to make the best decision you can.
11. **Be Inquisitive, Not Argumentative:** You should dig into a matter, and be assertive if you must, to get the information you need. But you should not pick fights or needlessly anger people in the process. The best environment for decision-making is one that respects all opinions and the right to express them.
12. **Respect Your Peers:** There's an old saying, "What goes around, comes around." If you don't respect your fellow council members and their opinions and positions, they won't respect you and your opinions either. There is no rule that says council members have to be friends, but relationships should be polite and professional. Council members are community leaders who can set an example for others to follow.
13. **Share Information:** If you know something about a proposal before the council that other members don't know about, share it. The decision-making process will benefit when council members share important information with the entire group.
14. **Put in Extra Effort:** Volunteer to serve on committees, perform ceremonial duties or special assignments. Don't let other members do all the extra work.
15. **Be Practical:** Always look for solutions that are practical and doable. Otherwise, you'll waste everyone's time offering up ideas that are too costly or impractical, or don't relate to the situation the council is looking at.

16. **Focus on Issues, Not Details:** Details are important, but don't get lost in them when considering an issue. Sometimes it's more comfortable to deal with details when an issue is unpopular or difficult, but doing so will not produce answers.
17. **Rely on Facts, Not Opinions:** Relying on facts can be hard, but it is very important. For example, if someone tells you that the proposed animal control ordinance is stupid, that is not necessarily a fact or a good reason to oppose it. If, however, staff recommendations or public testimony show that it would be impossible to enforce or too costly to administer, then you have a factual basis for a decision.
18. **Dealing with Staff:** If you have problems with a staff report – for example, it appears to favor one group or person over another or you question whether the facts are accurate – don't surprise the staff member at the meeting with critical comments. Instead, talk to the staff member beforehand and work out the problem. It is important to maintain a good working relationship with the staff.
19. **Take the Time to Make a Difference:** The time you actually spend at meetings is only a small part of the time it takes to be a good council member. Be prepared to spend a fair amount of time preparing for meetings, staying informed, and being actively involved as a council member.



IV. Topics a Council Member Needs to Know

Ordinance versus Resolution

An ordinance is a law that (1) establishes a procedure, or (2) governs behavior and may be enforced through fines or penalties. For example, the city adopts vehicle and traffic regulations by ordinance. A resolution, on the other hand, is a statement of the council's opinion or intent. A city may adopt a resolution to create school appreciation day, for example, or support or oppose a state or federal action. The City of Thorne Bay code of ordinances explains differences between ordinances and resolutions this way:

2.12.010 Acts of Council. *The council shall act only by ordinance, or resolution. Law of a general, uniform, and permanent nature shall be reduced to ordinance. When council expresses opinions, principles, facts or propositions, it shall be in the form of a resolution.*

AS 29.25.010 lists actions a city is required to conduct by ordinance. State law requires that ordinances adopted by the council be assembled into an indexed book called a code of ordinances (AS 29.25.050), while resolutions adopted by the council are to be kept in a permanent file.

Ordinance Procedure

The following information on ordinance procedure is taken from Alaska Statute Title 29. Municipalities may require a longer notice period for public hearings on ordinances than the five days stated below, so always check your city code.

1. An ordinance may be introduced by a council member, a committee of the council, the mayor, or the manager.
2. The council, typically at a regular meeting, sets a date for a public hearing on an ordinance. Usually, a public hearing is set for the council's next regular meeting.
3. At least five days before the public hearing, a summary of the ordinance is published or posted for public review with a notice of the time and place for the hearing.
4. Copies of the ordinance have to be available to everyone at the hearing, or the ordinance must be read in full.
5. The council must take public testimony from everyone wishing to be heard.
6. When the public hearing is closed, the council takes action either to reject, adopt, or amend and adopt the ordinance.
7. After the ordinance is adopted, printed copies must be made available to the public in a reasonable period of time.
8. Ordinances take effect upon adoption by the council, unless a later effective date is specified in the ordinance.

Emergency Ordinances

Occasionally, the council may need to adopt an ordinance to address an emergency situation quickly under unusual or extreme circumstances. An emergency ordinance may be adopted without a public hearing at the same meeting it is introduced by the affirmative vote of all members present or three-fourths of the total membership, whichever is less. Each emergency ordinance must contain a finding by the council that an emergency exists and a statement of the facts on which the finding is based. An emergency ordinance may not be used to levy taxes; grant, extend, or renew a franchise; or regulate public utility rates.

The council should never get in the habit of adopting emergency ordinances as an alternative to the normal ordinance process. First, emergency ordinances have a limited duration (60 days for general law governments). Second, only in the most unusual circumstances should the public process be avoided. Finally, abuse of this procedure could affect the public's trust and confidence in the council.

Code of Ordinances

The code of ordinances is the city's book of ordinances. It contains all ordinances of a "general and permanent nature" that are in effect over time. Examples include ordinances on administration and personnel, revenue and finance, public services, and health and safety. These ordinances are "codified" when they are organized according to a numbering system and are "placed in a properly indexed book maintained for the purposes of organizing and recording the ordinances" [AS 29.25.050 (1)]. These codified ordinances are called "code" ordinances. Non-code ordinances address some specific event in time and are not general and permanent. Examples of non-code ordinances are adopting the fiscal year budget, authorizing a special election, and authorizing the sale or disposal of city land.

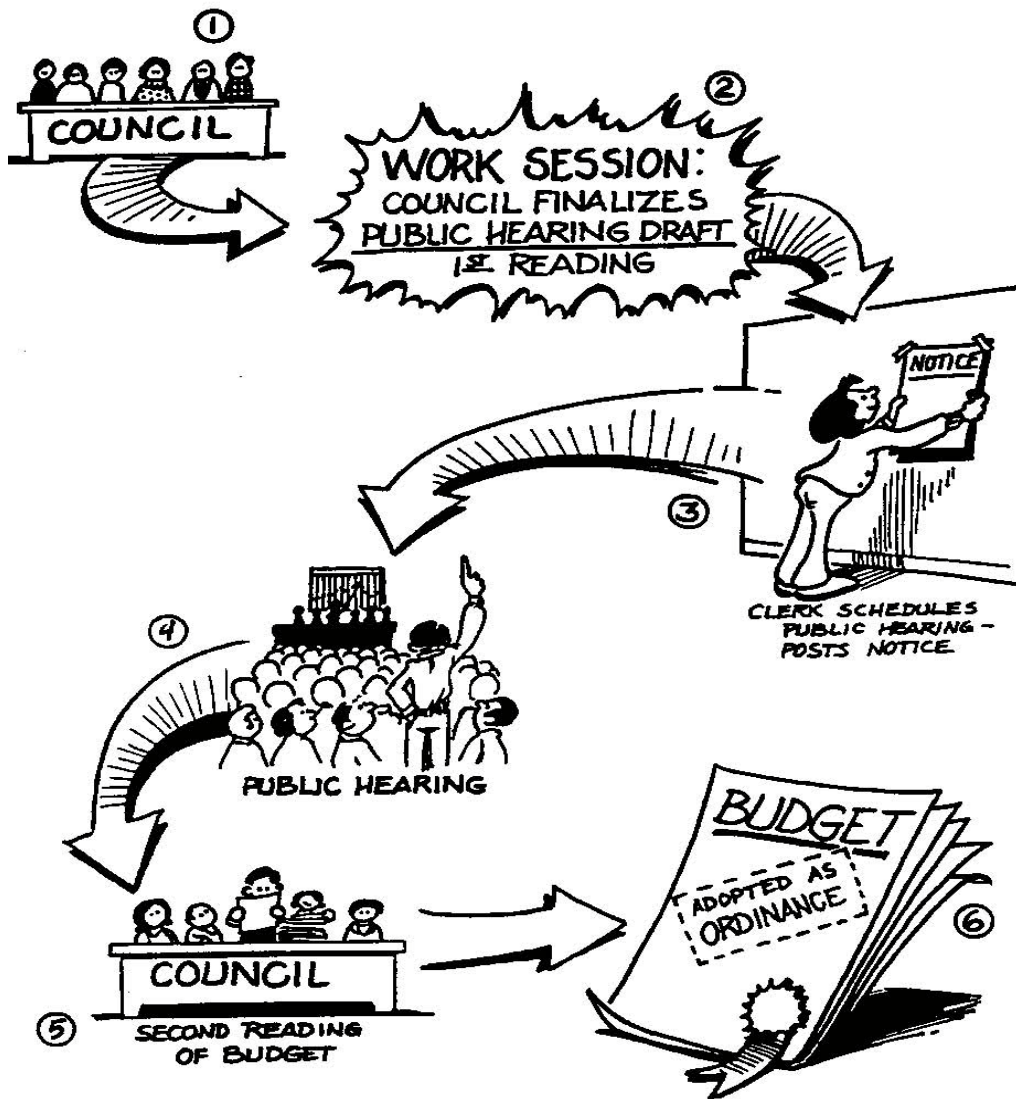
Smaller communities frequently use a three-ring binder to keep the city's code organized and updated as appropriate. The ordinances of some larger cities are codified by a company that specializes in this type of work. These companies typically place the codified ordinances in a hardbound, expandable binder with the city's name printed on the cover. A city that does not have its ordinances codified and organized should recognize that this matter is serious and must be addressed immediately. The city clerk is responsible for codifying the records.

The Budget

The budget is one of the most important assignments the council works on each year. The budget is the council's outline for city services, revenue collection, and staffing. It is the spending "plan" against which actual expenditures (and revenues) can be measured on a monthly basis throughout the year using monthly financial reports. Work on the budget should be started at least three months before the current fiscal year ends. Council members should carefully evaluate all revenues and expenditures to make sure they are reasonable and necessary. A chart of accounts needs to be created so that all expenditures can be tracked to the right department,

such as public works, mayor and council, and public safety, and to the correct cost categories, such as salaries, benefits, commodities, travel and per diem, and contracts. Council members should spend time on the budget. They need to know what's in it. Council members should ask questions, and request and get monthly financial reports. The budget is one of the most important documents the council produces.

BUDGET PROCESS



Conflict of Interest

A conflict of interest occurs when a council member has a direct personal interest, usually a financial interest, in a matter before the council. It is okay to have a conflict of interest, but it is wrong to fail to report it and request to be excused from voting on the matter. If a city does not adopt a conflict of interest ordinance, the provisions of AS 29.20.010 automatically apply as the language that directs the city's conflict of interest process. The provisions of conflict of interest law are these:

1. A member of the governing body should declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
2. The presiding officer should rule on a request by a member of the governing body to be excused from a vote; and
3. The decision by the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by a majority vote of the governing body.

It is not unusual for council members in small communities to have conflicts of interest. Not all conflicts involve a substantial financial interest, however. Some conflicts may only appear to be improper or have the appearance of an unfair advantage. These conflicts should be declared as well so that the public doesn't think that council members are self-serving and just looking out for themselves. Basically, if a council member thinks he or she has a conflict, the conflict should be declared and the mayor (or presiding officer) should be notified to decide whether the council member should vote. A conflict should only be declared when a conflict is really believed to exist. A conflict should never be declared to avoid having to vote on a tough issue.

Open Meetings Act

The State of Alaska Open Meetings Act (AS 44.62.310) says that all meetings of a governmental body of a public entity (including city councils) are open to the public. This requirement means that the council must provide notice not only of its regular and special meetings, but also of its work sessions and committee meetings. The city code should contain all requirements for public notice of meetings, including what to include in the notice, where the notices are posted, and how soon before the meeting the notices are posted. State law requires that notice be reasonable; include the date, time, and place of the meeting; be posted at the principal office of the public entity, in addition to any other means and locations stated in local ordinance; and be consistent, or done in the same way each time.

Alaska courts have ruled strongly in favor of the Open Meetings Act. Actions taken at unnoticed or improperly noticed meetings can be voided. It can also cost cities a great deal of money to defend officials against charges of Open Meetings Act violations.

Under this Act, a meeting is defined as a gathering of more than three members, or a majority of the members of the governing body, whichever is less. Therefore, public officials should exercise caution when engaged in discussion among themselves of issues outside of any publicly noticed meeting. This kind of discussion has been, and can be, construed as violating the Open Meetings Act.

As a practical matter, council members are always going to be talking to one another. After all, people talk about the things they have in common, and council members are no exception. When members pass each other on the street or sit together in the cafe for coffee, it is natural that the conversation includes city business. Council members must be careful to not commit a vote or seek another member's commitment and to not engage in discussion that leads to a conclusion on an issue before the full council hears it.



A lot of ideas can result from casual encounters outside the pressure and formality of the council chambers.

Exchanging information, ideas, and viewpoints can be valuable. However, council members, and all public officials, must be mindful of the provisions of the Open Meetings Act.

Ex Parte Contact

Black's Law Dictionary defines ex parte contact as, "on one side only; by or for one party; done for, in behalf of, or on the application of, one party only." What's wrong with ex parte contact? Basically, ex parte contact occurs when someone who wants something from the council takes a council member aside and gets him or her to commit to a position outside the public forum, before the council member has had a chance to hear all sides of an issue. Elected officials are always going to be approached by members of the public who want to raise issues, make complaints, hear explanations, or otherwise talk with council members. Elected officials should – in fact they have a duty to – speak with and listen to residents. But the line should be drawn when a council member is taken aside, given one side of an issue, and asked to state his or her position before knowing all the facts or having heard the other side.

If someone insists on giving a council member information or persuading him or her to take a certain position, the council member should tell that person to share the information with the entire council, or the member should share the information with the entire council him or herself. If the information is written, it should be copied and distributed. If information is so important that someone persists in giving it to a council member, then it's important enough to share with the whole council.

Committee of the Whole

Councils often form committees to work on short-term or one-time issues (ad hoc committees) or long-term interests (standing committees). When the whole council meets in a work session, it is often called the “committee of the whole.” Usually the committee of the whole meets to discuss important items that are not ready for council action but need further council discussion in an informal setting that promotes the exchange of ideas. For example, if a second class city is considering adopting planning powers, the council may want to meet as a committee of the whole to talk the issue through before an ordinance is drafted for formal action.

Board of Equalization

The council, or its appointees, convenes as the board of equalization only in cities that levy a property tax. AS 29.45.200(a) states, “The governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor.” The assessor determines the taxable value of property within the city on an annual basis. A property owner who believes the assessor has erred in valuing his or her property may appeal the assessor’s decision to the board of equalization which meets once a year after the assessor has set the taxable values. The person appealing, the appellant, has the burden of proof to show that the assessor’s valuation is wrong.

A council member’s review of the property tax rolls as a member of the board of equalization is a narrow one: there are very limited grounds on which the council member may overrule the property value set by the assessor. The only grounds for adjustment of the assessment are proof of unequal, excessive, or under-valuation based on facts that are stated in a valid written appeal or proven at the appeal hearing. The council sets a poor precedent if it lowers an assessment for someone because he or she is unemployed, has not maintained his or her property, or simply opposes the assessment on principles or personal grounds.

Board of Adjustment

In cities that exercise planning powers, the council typically sits as a board of adjustment to hear appeals from decisions of the planning commission. The council may also appoint a hearing officer or a committee of residents sitting as the board of adjustment to hear appeals. Appeals may be made from decisions of the planning commission on requests for variances, requests for conditional use permits, and alleged errors in the enforcement of zoning and building codes. The board sits in a quasi-judicial capacity. This board capacity means that the board examines the matter on appeal as a judge might – by examining the record of the planning commission’s decision, calling witnesses, administering oaths, considering testimony, and making a judgment based on the facts. Appeals may be heard “on the record,” meaning no further evidence may be introduced, or “de novo,” meaning new testimony and evidence may be heard. Usually a de novo hearing is held when there is new evidence for the board to consider that was not presented to the commission at the time of its hearing.

Council Procedures

Councils must have procedures in place and follow them for meetings as well as for other matters such as filling vacancies and identifying qualifications for office, term of office, and quorum. Some procedures are in AS 29.20.050 through 29.20.180 and other statutes. Other procedures are in the city's code of ordinances, which is usually more specific or detailed than Title 29, or in



rules of procedure adopted by the council. Rules of procedure are not ordinances but guidelines the council has agreed to follow. Contained in these rules might be a list identifying the council's standing committees or a requirement to end meetings at 11:00 PM.

V. Meetings and Motions

Introduction

Members may mingle with the public in many other settings, but meetings are the events at which the public's business is conducted and decisions are made that commit the funds and resources of the city. Meetings should be conducted in a calm, orderly environment free from disruptions. After all, who wants to (or can) make good decisions in a loud or uncontrolled setting with lots of interruptions?

Types of Meetings

The council convenes in several different types of meetings which are discussed below.

Regular Meetings: Regular meetings must be held at least once a month and may be held more often. (In some communities, councils may meet twice a month.) The code of ordinances should contain the date, time, and place of regular meetings. Date, time, and place are specified so that everyone knows when regular meetings will be held. The public shouldn't have to be concerned about the meeting time, date, and place always changing. At times it may be necessary to reschedule the regular meeting. When a meeting schedule changes, notice must be posted informing the public that the meeting has been rescheduled and when it will be held.

Special Meetings: Special meetings have the same requirements as regular meetings, except that they are called for a different time than that fixed for regular meetings. For example, the code may require the council to meet in regular session on the third Tuesday of each month at 7:00 PM at city hall. If the council must meet earlier because of the importance or timing of an issue, it can call a special meeting for a date other than the

third Tuesday. The special meeting does not take place instead of the regular meeting; it is held in addition to the regular meeting.

Emergency Meetings: Emergency meetings, really special meetings held with 24 hours or less of notice, address situations that are so urgent and so pressing that the council must meet right away. An emergency meeting may be held if a majority of the members are given at least a 24-hour oral or written notice and reasonable efforts are made to notify all members. An emergency meeting may also be held with less than 24 hours of notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. The waiver of notice must be made part of the journal or minutes for that meeting.

Committee Meetings: The mayor may appoint both standing and ad hoc committees of the council to examine particular questions or issues in greater detail. Standing committees exist permanently. These may include a finance committee, a public works committee, and a facilities committee. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of all council members, or of fewer members, usually three. Committees are valuable because they give the council a chance to study issues before they are ready for council action and identify any problems, concerns, or difficulties that may exist. A committee cannot take action on behalf of the full council; instead, it recommends an action to the council.

Work Sessions: A work session is not unlike a committee meeting. In fact, the committee of the whole, composed of all members, meets in a work session to discuss matters that do not fall under any other standing or ad hoc committee. Work sessions can be held for a variety of reasons but they share the same characteristics. A work session allows the council to discuss topics in an informal setting, gather information, or study and problem-solve an issue better before it comes before the full council as an action item. In a work session, just like in a committee meeting, council members cannot take action on an item. However, people can make recommendations for action at a future council meeting.

Notice of Meetings

Proper public notice must be provided in advance of all regular meetings of the council. Notice of three to five days is considered reasonable; however, city ordinances should state how many days of notice is required. Special and emergency meetings require only 24 hours of notice or less.

Notice should also be provided for work sessions and committee meetings. State law requires that notice include the date, time, and place of the meeting; be posted at the principal office of the public entity, in addition to any other means and locations stated in local ordinance; and be consistent, or done in the same way each time. The notice should also contain an agenda; however, the agenda can be made available one or two days before the meeting. Notice should be posted at several known and well-used locations in town, like the post office, the store, city hall, and the community bulletin board. Notice may also be published in a newspaper of general circulation in the community or broadcast over a local radio station. It is important that the public knows where notice will be posted and knows what business will be discussed at the meeting.



The Agenda

The council must approve an agenda format to be used at all regular meetings. A sample agenda might include the following:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of Previous Meeting
- IV. Public Comment on Non-Agenda Items
- V. Manager's or Administrator's Report
- VI. Ordinances for Introduction
- VII. Public Hearing on Ordinances and Resolutions
- VIII. New Business
- IX. Old Business
- X. Committee Reports
- XI. Council Comments and Questions
- XII. Adjournment

The order of the agenda may be changed at the meeting. For example, an item toward the end of the agenda may be moved up and dealt with earlier in the meeting. The procedure to follow in changing the agenda is to make a motion to suspend the rules to amend the agenda and then name which item is proposed to be moved. The agenda should be amended only when there is a good reason.

Taking Part in Debate

Debate and discussion are not the same. Discussion is general and doesn't necessarily lead to closure of an issue. It is the method used for less formal meetings and work sessions. Debate occurs after a motion has been made and formal council action is required.

Debate at council meetings goes through the mayor. If a council member wants to speak, he or she must raise a hand and be recognized by the mayor (or presiding officer, if the mayor does not run the meetings). The member may then speak only on the motion under discussion. Members should never interrupt one another. Comments should be brief and to the point.

Parliamentary Procedure

Although people often think parliamentary procedure is too complicated to ever make any sense, the protocol is not as complex as they fear. Rules, or tips, are available to understand parliamentary procedure and use it correctly. Almost all city councils use either *Robert's Rules of Order* or *Mason's Manual of Legislative Procedure*.

The use of rules, or parliamentary procedure, for debate fulfills several important purposes. It provides form or structure for debate. It ensures that only one item at a time is before the council for debate. It provides a forum for debate that is fair to everyone and partial to no one. Finally, it permits the will of the majority to prevail while protecting the rights of the minority and permitting all sides of an issue to be heard. Councils can use their own rules for parliamentary procedure, but most use *Robert's Rules of Order* because this set of guidelines is familiar and well established.

Types of Motions

The backbones of parliamentary procedure are in motions and how they are made and disposed of, the various categories of motions, and the relationship between motions. The four types of motions are discussed below.

Main Motion: The main motion is the motion that brings an item of business before the council for its formal deliberation. Only a main motion can bring matters before the council for a vote.

Subsidiary Motion: A subsidiary motion relates directly to, and amends, a main motion.

Any subsidiary motions on the floor must be voted on before returning to the main motion.

Seven types of subsidiary motions are listed below:

- Postpone indefinitely
- Amend
- Refer to a committee or staff
- Postpone to a certain time
- Limit or extend the limits of debate
- Call for the previous question (vote)
- Lay on the table

These motions are listed in their order of precedence. That means they must be dealt with in order (from bottom to top) if more than one is on the floor at the same time. For example, a motion to “lay on the table” has precedence over all the other subsidiary motions and so on up the list. In addition, any subsidiary motion before the council must be voted on before the main motion may be voted on. The most common subsidiary motion is the motion to amend.

Privileged Motion: A privileged motion deals with the rights of the members and with the group, not with the other motions on the floor. A privileged motion may interrupt other business, is not debatable, and must be dealt with before any other pending business. It may be any of the following:

- Call for the orders of the day
- Raise a question of privilege
- Recess
- Adjourn
- Fix the time to adjourn

Like subsidiary motions, privileged motions are also listed in order of precedence, (from bottom to top in this list) with the last motion having precedence over the others and so on up the list.

Incidental Motion: An incidental motion deals with questions of procedure and is not related to the main motion. Incidental motions do not have an order of precedence, and as a rule, they are not debatable. An incidental motion must be dealt with before the council can return to the main or subsidiary motions. Of 15 incidental motions, the most common are as follows:

- Point of order
- Point of information
- Parliamentary inquiry
- Division of the question
- Appeal a decision of the chair

Other incidental motions are rarely used, but can be reviewed in *Robert’s Rules of Order*.

Making a Motion

A main motion is the way an item is placed before the council for consideration and action. A council member, after being recognized by the chair, says, “I move for the adoption of Ordinance 10-16.” The mayor then asks for a second, and when the motion is seconded, asks if there is any debate on the motion. Any subsidiary motions that may be made, such as a motion to amend the ordinance, or to table it, or send it to a committee, must be voted on before the main motion may be voted on. *Robert’s Rules of Order* requires that every motion have a second. In *Mason’s Manual of Legislative Procedure*, however, motions do not require a second.

Every motion consists of eight steps (or seven if using *Mason’s* rules) that follow in order:

1. A council member seeks recognition from the chair
2. The member is recognized by the chair and “has the floor”
3. The member makes a motion
4. The motion is seconded (*Robert’s Rules of Order*)
5. The chair restates the motion to the body
6. Council debates the motion
7. Council votes on the motion
8. The chair announces the result of the vote

Voting

Once debate on a motion is completed, the council has to vote. Every member present has to vote unless the member declares a conflict of interest and the mayor (or presiding officer) rules that the member has a conflict of interest that prevents him or her from voting. Every council member’s vote is recorded as a “yes” or “no” and may be given as a show of hands. If the council’s bylaws don’t already require it, anyone on the council may request a roll call vote in which the clerk calls each member’s name and each name and vote are entered into the record.

Abstaining from Voting

Every council member must vote on every issue. A member can only abstain if the mayor has ruled that he or she has a conflict of interest on the particular matter being voted on. A council member must explain his or her conflict and get a ruling that a conflict does or does not exist. The mayor’s ruling, whichever way it goes, may be overridden by a majority of the council.

Unanimous Consent

Unanimous consent occurs when all members vote in favor of a motion. Sometimes, unanimous consent simply occurs after a vote, when all members end up voting the same way. Other times, unanimous consent may be requested as part of a motion. Typically, this request happens when the person making the motion knows the item is not controversial. The person making the motion might say, “Mr. Chair, I move for the adoption of Ordinance 10-23 and ask unanimous

consent.” The chair then asks if there is any objection. If there is none, the item is adopted by unanimous consent. Discussion may also be permitted but usually only for clarification. If there is objection, then debate occurs and the matter goes to a vote.

Quorum

A quorum is the minimum number of council members required to conduct business. AS 29.20.160(c) states that a majority of the total membership of the council constitutes a quorum. In first and second class cities, the majority is always four members because AS 29.20.130 states that each first class city has a council of six members and each second class city has a council of seven members. In second class cities, the mayor is elected as a council member. In first class cities, the mayor is elected separately; he or she is not considered a member of the council, and is not counted as part of the quorum.

A member who is disqualified from voting is considered present for purposes of a quorum. If a quorum is not present, any number of the members present may recess or adjourn the meeting to a later date. Formal actions of the council must be adopted by a majority of the full membership, never by a majority of the quorum. So, if only four members (a quorum) are present at a meeting, any one member can vote down items before the council because three votes is not a majority of the full membership. For this reason, sensitive, complex, or difficult matters should come before the council only when all the members are present.

Role of the Mayor in Council Meetings

Council members and the public look to the mayor to provide leadership during the meeting. The mayor should understand the issues before the council, know and understand the members of the council, and be able to bring the council to decisions even on difficult or complicated issues. The mayor should be able to do all of the following effectively.

Run a Meeting: The mayor is responsible to run an orderly meeting and conduct public business in a fair and timely manner. Everyone looks to the mayor for leadership.

Maintain Order: The mayor should not allow cheering, hissing, booing, or other demonstrations from the audience. Nor should he or she permit council members to become rude, confrontational, or argumentative with one another or the audience.

Keep the Business Moving: It is the mayor’s job to keep business moving by bringing matters to a vote.

Manage Public Testimony: By using a sign-up list, the mayor will know who wants to speak on items before the council. If a lot of people want to speak, the mayor should set a time limit per speaker (usually three minutes). Rambling, irrelevant testimony should be discouraged.

Prevent Arguments: Discussion between council members and members of the public who are testifying should be limited to fact gathering that helps the council make informed decisions.

Use Parliamentary Procedure: The mayor needs to know enough parliamentary procedure to run the meeting. Someone else may be the parliamentarian (under state law, this role is assigned to the city clerk), but the mayor must have a working knowledge of parliamentary procedure.

Tie Things Together: The mayor should have the ability to take into account public testimony, council deliberations, and an understanding of the issues at hand when guiding the council toward a decision.

Implement Approved Actions: The mayor should have the ability to create an action plan and follow through on the actions decided at the meeting.

VI. Council Relationships

Introduction

The council interacts with many different individuals and groups of people: the mayor, the administrator, the manager, the planning commission, the staff, the public, and others. This section addresses the business nature of these relationships.

Relationship with the Mayor

The mayor may be either the chief executive of the city or, if the city has the manager form of government, more of a ceremonial head of government. The powers of the mayor also vary depending on the class of city (home rule, first class, or second class). However, the relationship between the mayor and the council is basically the same for all classes of cities, whether a home rule city with the manager form of government or a second class city where the mayor is chief executive. The mayor-council relationship is based on the fact that the mayor is the political leader of the city and holds the city's highest elected office.



The office of mayor is typically granted a certain respect. Whether or not the person who occupies the office is personally well liked by other council members really isn't important. What counts most is the ability of the mayor and the council to work together for the common

good of the community. If the mayor and the council fought all the time, the disputes would project a negative image to the public, waste valuable time, promote conflict, slow down work and progress, and distance people from one another. The results of constant fighting do not make an effective council.

The council members may not always agree with the mayor, and they may not think the mayor makes good decisions all the time, but they have to work with the mayor. Council members should strive to work with the mayor in a manner that:

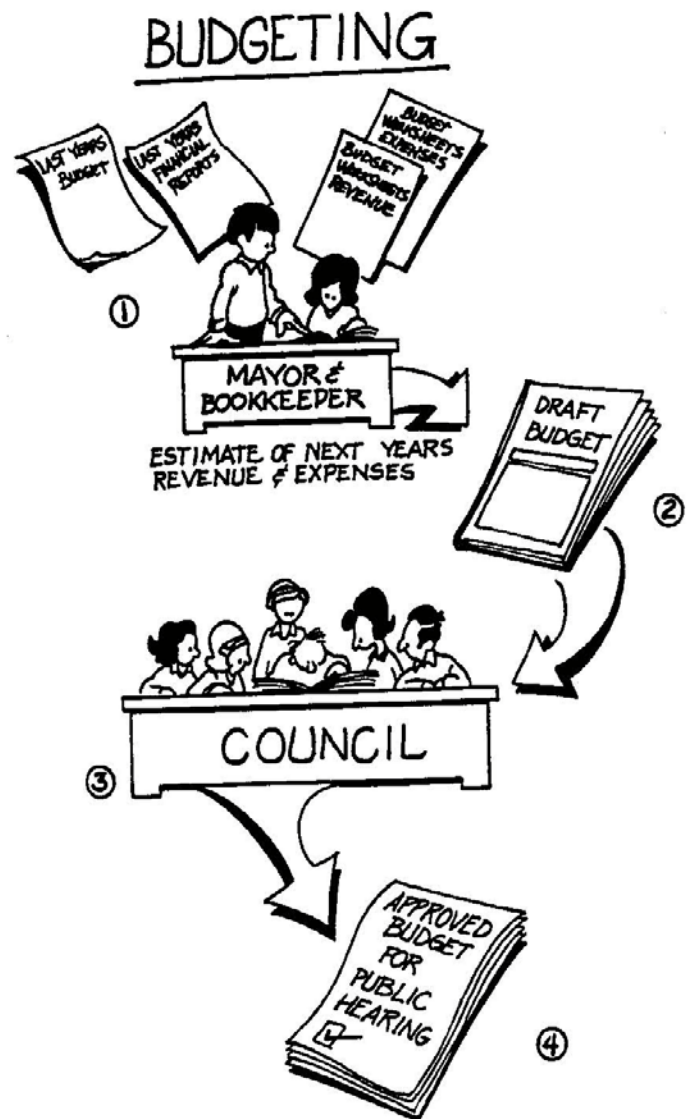
- Projects a positive image
- Makes best use of the council's time
- Promotes teamwork
- Permits work to go forward and progress to be made, and
- Involves the whole council, including the mayor, in solving problems.

An organized, well-informed council that works together with the mayor helps strengthen the well-being of the community.

Relationship with the Administrator

Cities may have either a mayor as chief executive, or a manager form of government. With the manager form of government, AS Title 29 grants the manager the executive authority to run the operations of the city. In cities that do not have the manager form of government, the mayor is the chief executive and may exercise powers granted to the position in Title 29 and the local code. An administrator may be hired to conduct city business and carry out the directives of the mayor and council. The mayor typically hires the administrator, which may be subject to approval of the council, depending on the local code or local preference.

Unlike a manager, an administrator's authority doesn't come from state statute. The administrator performs only those duties that are delegated to his or her position. It is very



important that the council make it clear what is being delegated in writing. This clarification of delegated duties may be done by ordinance, resolution, job description, or written delegations of authority so that it is clear to everyone, including the public, what the mayor and council expect the administrator to do. Whichever method is used, everyone should be clear on just what the administrator's duties are. The administrator reports to the mayor but, as a practical matter, works for the entire council. Individual council members should not order the administrator to do things that the council has not discussed and approved or that the mayor is unaware of and has not approved. After all, what if another council member or the mayor has an entirely different view and also orders the administrator to do something? The full council may evaluate the administrator annually, although the mayor may also complete the evaluation. The council should authorize approval of the administrator's contract.

Relationship with the Manager

Although the administrator's role with the mayor and council may change somewhat from city to city, the manager's role is more standardized. This role is standardized because the duties of the manager as chief executive are spelled out in AS 29.20.460 through .520. The manager is hired by and serves at the pleasure of the council. The full council evaluates the manager.

Tips on the Council's Relationship with the Manager or Administrator

Whether a city employs a manager or an administrator, the following advice should be kept in mind regarding the council's relationship with that person.

The council should:

- Clearly define its expectations for the person in that position
- Give the manager or administrator clear direction on assigned tasks or duties
- Give the manager or administrator the opportunity to use his or her professional skills
- Evaluate the manager's performance on a regular basis
- Never blame the person for actions initiated by the council that may be unpopular

Conversely, the manager or administrator should be mindful of certain behaviors when he or she interacts with the council.

The manager or administrator should:

- Always help to resolve issues
- Seek clarification in situations for which council direction is unclear or conflicting
- Stick to the facts and refrain from offering personal opinions
- Avoid picking sides in a dispute
- Explain items to the council – never lecture
- Never promote conflict or division
- Never act as the eighth council member
- Never try to hide a mistake or get the council to cover it up

Relationship with the Planning Commission

The planning commission is an advisory body to the council. The commission makes some decisions on its own authority for the approval (or denial) of variances, conditional use permits, and subdivision plats. Planning commission denial of variances and conditional use permits may be appealed to the council sitting as a board of adjustment. Plat denials must be appealed directly to

Superior Court. Otherwise, the commission makes recommendations to the council for council action. For example, the commission may recommend a rezoning of property, amendments to the zoning and platting codes, or revisions to the comprehensive plan, all of which must be approved by ordinance and therefore by the council.



PLAN AND EVALUATE

The council benefits from having a strong, capable commission. The commission can handle a lot of work on behalf of the council, work that the council does not have time to do along with all of its other duties. A commission that can give the council solid reasons for the positions it takes will help the city make good planning decisions.

Relationship with Staff

City staff are supervised by the mayor, the administrator or manager. The council may hire, fire, and evaluate the manager or administrator, attorney, and clerk, but the council should not engage in the day-to-day supervision of employees. Several pointers can assist council members in achieving a positive working relationship with the staff.

The Staff Advises: It is the staff's job to provide the council with the facts and information needed to make a decision; in fact, it is customary for the staff to make a recommendation for council action. The council should not make any staff person into an eighth council member, however, by expecting that person to make decisions that the council is elected to make. Such expectation for decision-making can place a staff member in the awkward position of substituting his or her judgment for the collective judgment of the council. This expectation is not only unfair to the staff person, but can unnecessarily make him or her a scapegoat for mistakes.

Council Instructions to Staff: Council instructions to the staff to perform assignments must go through the manager, mayor, or administrator, and not directly from the council to the staff member. This way, the manager or administrator is on top of the workload, knows what staff members are doing, and can make staff assignments appropriately. Also, individual council members should not give instructions to the staff without the knowledge or consent of the full council because one member's viewpoint or the nature of the request may not represent the shared viewpoint or position of the full council.

Evaluations: The mayor, council, or both should evaluate the administrator or manager and any other position under their direct control once a year. (The city personnel policy should identify who actually performs the evaluation.) Evaluations tell affected staff how well they are performing and what improvements can be made in their performance. Evaluations provide records of employee performance that can be used for personnel actions or to respond to requests for references. Evaluations are also useful exercises for council members to assess their own expectations for the performance of city employees.

Merit versus Cronyism: Employees should be hired on the basis of their abilities and promoted or terminated on the basis of their performance. Otherwise, the council could be accused of cronyism or favoritism. Preferential treatment, in turn, can create distrust and lack of interest among residents and erode community respect and support for the council. A weakened council cannot represent the community as well as a council that is principled and fair.

Professional versus Personal Relationship: Council members should not base the performance evaluation of a manager, administrator, or employee on personal feelings. After all, the city may have a manager who is not particularly well liked by a member of the council but who is doing his or her job well and performing up to the council's overall expectations. On the other hand, the city may have an administrator who is well liked but doing an average or unacceptable job. He or she should not be evaluated on the basis of popularity. Each evaluation should be based only on performance.

Summary

Each city council member is entrusted to make objective, well-informed decisions which affect the everyday lives of people in the local community. With careful preparation, the council member can be ready to meet this challenge and help fulfill the role of the council within the community.



MEMORANDUM

TO: Mayor Ruby and City Council
FROM: Robert Palmer, MCS, City Attorneys
RE: Quick Reference for Executive Session Motions
DATE: January 26, 2025

The following one-page guide is intended to aid the Council when considering entering an executive session. Each motion to enter executive session must have a factual description. Upon concluding the executive session, a Councilmember needs to summarize what occurred with a simple statement.

1. Adverse effect on finances (i.e., union/labor negotiations)

- a. **Motion:** Move the Council into executive session to discuss matters, the immediate knowledge of which could have an adverse effect on city finances, specifically [an update on xx collective bargaining].
- b. **Back in public:** Council received information and gave direction on labor negotiations.
- c. Authority: A.S. 44.62.310(c)(1); DMC 2.09.050(A)(1) & (B)(1).

2. Prejudice the reputation and character of a person (i.e. disciplinary action)

- a. **Motion:** Move the Council into executive session to discuss subjects that tend to prejudice the reputation and character of a person, specifically ...
- b. **Back in public:** Council discussed ... [i.e., a confidential step three hearing]
- c. Note: The person(s) being discussed must have reasonable notice and has the right to compel the discussion to occur in public.
- d. Authority: A.S. 44.62.310(c)(2); DMC 2.09.050(A)(2); *E.g.*, Personnel Rule 7.85.

3. Decide appeal/quasi-judicial matter (i.e., DMC 18.56 appeal)

- a. **Motion:** Move the Board of Adjustment into executive session to discuss the appeal of...
- b. **Back in public:** Council gave direction to the City Attorney to draft a decision.
- c. Authority: A.S. 44.62.310(d)(1); see DMC 18.56.

4. Litigation strategy

- a. **Motion:** Move the Council into executive session to discuss pending litigation, specifically a candid discussion of the facts and litigation strategies of xx with the City Attorney.
- b. **Back in public:** The Council discussed litigation matters and gave direction to the City Attorney.
- c. Authority: *Cool Homes, Inc. v. FNSB*, 860 P.2d 1248, 1262 (Alaska 1993); DMC 2.09.050(B)(2).

MEMORANDUM

TO: Mayor Ruby, City Council, Management and Clerk
FROM: Sam Severin, MCS, City Attorneys
RE: Executive Session Limitations and Notice Requirements
DATE: January 26, 2025

Executive Sessions are governed by Alaska’s Open Meetings Act. The Dillingham City Code largely mirrors the Open Meetings Act. Consistent implementation and adherence to the rules really starts with understanding the policy behind the rules. When in doubt as to the application and interpretation of the specific rules, the statutory policies clearly dictate that doubt must be resolved in favor of public meetings.

Sec. 44.62.312. State policy regarding meetings.

(a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies that serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;

(6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) AS 44.62.310(c) [executive sessions] and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to avoid exemptions from open meeting requirements and unnecessary executive sessions. (emphasis added).

This policy statement is unusually strong language for the Alaska Legislature. Use of the executive session must be considered against this backdrop. Subsection (b) specifically states that the use and propriety of executive sessions is to be construed narrowly – with the underlying assumption that meetings are public and that it is not up to the government to determine what the people should know.

The Dillingham City Code States:

2.08.010 Meetings—Public participation.

Meetings of all municipal bodies shall be public as provided in AS 44.62.310 and AS 44.62.312. The council or other municipal body shall provide reasonable opportunity for the public to be heard at regular and special meetings.

2.09.050 Executive sessions.

A. The following subjects may be discussed in an executive session, from which the public is excluded:

1. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
3. Matters which by law are required to be confidential.

B. The following shall be discussed in executive session when the best interests of the city so require:

1. Negotiations with labor organizations representing city employees;
2. Discussions of pending or threatened lawsuits in which the city has an interest.

C. If excepted subjects are to be discussed, the council may go into a closed or executive session by a vote of four members taken at a public meeting, at which session only those subjects shall be considered as mentioned in the motion for the executive session, and no ordinance, resolution or order shall be passed or voted upon or claim allowed at such session.

Specificity is Required:

AS 44.62.310(b): The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private.

Citing the code is not legally sufficient. For example, executive sessions are often used to consider settlement of a lawsuit. An agenda statement or a motion to go into executive session which states “Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit” is not an appropriate title. Nor is “Discussion of lawsuit.” Instead, “To provide settlement authority to the City attorney in case 3DI-10000-CI” may be appropriate, depending on the context. If settlement has not been discussed in the case, and the very mention of it puts the city at a tactical disadvantage, that would not be appropriate. Of course, stating the amount of a contemplated offer, or the reasons, will usually defeat the purpose of the executive session by revealing negotiation strategy.

Simply citing the code and restating the law provides no indication to the public what its government is doing. There is not a single right way to style the motion, but it must be “clear” and “specific.” Again, considering the policy reasons, or the “why,” can be helpful while crafting a motion. We will provide sample motion language.

The Executive Session Must Stay on the Noticed Topic:

It can be hard to avoid discussions spilling over into related topics. But doing so erodes public trust and is contrary to state and city law. The code states:

DMC 2.09.050C: If excepted subjects are to be discussed, the council may go into a closed or executive session by a vote of four members taken at a public meeting, *at which session only those subjects shall be considered as mentioned in the motion for the executive session*, and no ordinance, resolution or order shall be passed or voted upon or claim allowed at such session. (emphasis added)

In the context of hiring decisions, the Alaska Supreme Court has provided some guidance. A city council is authorized to hold an executive session under the reputation provision of the Open Meeting Act to discuss an applicant's "personal characteristics and habits."¹ However, "Ordinarily an applicant's reputation will not be damaged by a public discussion of his or her qualifications relating to experience, education and background or by a comparison of them with those of other candidates."²

In other words, if the rationale for executive session is "matters which tend to prejudice the reputation and character of any person," then the executive session is limited to harmful, embarrassing, or particularly private matters. Discussion of the hiring process itself, for example, would not be permitted.

To avoid the lengthy executive sessions, it may make sense to include a suggested time limit in the motion. Then the council could return to open session and vote to extend the executive session, as necessary. Alternatively, using a timer in the executive session and entertaining a motion to adjourn at a certain time would avoid the potential for inadvertent "creep" outside the noticed topic.

The Right to Request a Public Session:

A common reason for executive sessions is personnel matters such as hiring, termination or employee evaluations. The most applicable code section is DMC A.2: Subjects that tend to prejudice the reputation and character of any person, *provided the person may request a public discussion*. (emphasis added)

In finding the University of Alaska violated the Open Meetings Act, the Alaska Supreme Court stated, "We therefore hold that the University was under the implied statutory obligation to inform Geistauts of the time and place of all meetings in which his application would be considered and to inform him that he had the right to request that the meetings be open to the public."³

This individual notice can be accomplished with an e-mail from the clerk, for example, in advance of the meeting, notifying the individual of the right to request a public discussion. The person who is being discussed has the right to request the discussion be public. To exercise

¹ *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, 642 P.2d 1316, 1326 (Alaska 1982).

² *Id.*

³ *Univ. of Alaska v. Geistauts*, 666 P.2d 424, 429 (Alaska 1983).

that right, they must be aware they are being discussed. A clear statement in the agenda and/or clear and specific motion also ensures the individual understands their rights may be implicated.

Remedies:

The primary statutory remedy for violation of the Open Meetings Act is that the council's action may be voided.⁴ Regardless of whether an action is voided, any challenge would be expensive and diminish public trust.

Allegations of violations of OMA are also sufficient grounds for recall.⁵ Violation of the Open Meetings Act (or city code) constitutes a prima facie showing of misconduct in office and/or failure to perform prescribed duties sufficient to justify recall for cause. Misconduct in office, for purposes of recall, is construed broadly. There is not a "scienter" requirement, meaning it is not necessary to show intent to violate the law for a recall petition.⁶ There is "no de minimis exception under Alaska law mandating that an alleged ground for recall must reach a certain threshold of severity to be certified."⁷

⁴ AS 44.62.310 (f)

⁵ Meiners v. Bering Strait Sch. Dist., 687 P.2d 287, 302 (Alaska 1984).

⁶ Jones v. Biggs, 508 P.3d 1121, 1126 (Alaska 2022).

⁷ *Id.*

MEMORANDUM

TO: City Council, Mayor, Staff
FROM: Sam Severin
RE: Individual Councilmember's Ability to Direct Staff or the City Attorney
DATE: February 3, 2025

Two related questions have recently come to my attention regarding council member ability to direct employees or the city attorney. The first question was whether the city clerk should provide records to an individual council member, or whether the council member should fill out a public records request form. The second was whether individual council members should be able to call the city attorney for advice about city business.

Both can be answered by a close reading of the code. The code's use of the terms "council" and "council member" is deliberate, and the terms mean different things. "Council" is the body as a whole. "Council member" refers to an individual. For example, the city attorney's duties are established at DMC 2.24.020. It states:

The city attorney shall:

- A. Be charged with the performance of all legal services of the city including those of legal adviser to the council, the city manager, and to all departments and offices of the city;
- ...
- D. Draft any ordinance when requested by a city council member, the mayor, or the city manager;
- E. Perform such other duties as may be required by the city council or the ordinances of the city;
- F. Attend the meetings of the city council as required;
- G. Report to the city council promptly all suits brought against the city;
- ...
- H. Call to the attention of the city council and the city manager all matters of law affecting the city;
- ...
- K. Appear before the State Legislature or any legislative committee when required by the city council or city manager, and represent, answer for, defend

and advocate the interests and welfare of the city whenever the same may be directly or incidentally affected;

Some sections have been omitted for brevity. While Dillingham’s code is more detailed than other cities, it is similar to cities across the state. The critical distinction here can be seen by comparing subsection D to all other subsections. Subsection D specifies that the city attorney is to draft any ordinance when requested by “a city council member.” This is the only request that is authorized to come from an individual.

Regarding the city clerk, DMC 2.27.010 states “There shall be a city clerk who shall be appointed by the city council. The clerk shall serve for the primary benefit of the council under the day to day supervision of the city manager.”

Thus, like the city attorney, the city clerk does not generally take direction from an individual city council member. For an individual council member to direct the clerk is contrary to DMC 2.21.060, Interference with City Manager Prohibited.

This separation of powers concept is consistent with Title 29 and municipal government practices and city codes across the state. Title 29 states:

Alaska Statute 29.20.400(a) provides that the “governing body [of a municipality] may establish municipal departments and distribute functions among them.”

AS 29.29.050

(a) The legislative power of a borough is vested in the assembly. The legislative power of a city is vested in the council.

AS 29.20.160.

(d) Actions of a governing body are adopted by a majority of the total membership of the body.

AS 29.20.500

The manager may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend, or remove subordinates. As chief administrator the manager shall

(2) supervise the enforcement of municipal law and carry out the directives of the governing body;

A Department of Community and Regional Affairs publication, A Primer for City Council Members, has been recently circulated amongst the city council. It states:

When providing instructions to staff to perform assignments, the council must go through the manager, mayor, or administrator, and not directly from the council to

the staff member. Following the chain of command allows the manager, mayor, or administrator to know what staff members are doing, manage workloads, and make staff assignments appropriately. Individual council members should not give instructions to staff without the prior consent of the full council, because one member's instructions may not represent the shared viewpoint or position of the full council.

While these are matters of city code and state law, it largely comes down to orderly function of government and efficient use of resources, as the DCRA publication states. For example, if my office responds to a request from an individual council member which is not supported by the rest of the council as a body, that would not be a good use of attorney fees. I am always glad to answer phone calls, but am ethically obligated to take direction and provide advice only to a client. In the context of elected municipal officials, that client relationship, as stated in the code, is generally limited to the council as a whole and not to individual council members.

There is also a degree of practical reality that must be considered. For example, a council member calling the clerk because they are having trouble with a link to a council packet could be appropriate. But, asking or directing the clerk to use a new or different format for sending the packet, on a standing basis, for the convenience of one council member, would be inappropriate. However, if the council member wants the policy on packets changed, there are solutions. For example, a council member can raise the issue at a council meeting and the entire council can discuss and vote on the packet policy change. The manager would then have direction from the entire council and need to change the packet formatting.



Dillingham Home Fair! You're invited!



Volunteers are organizing a Dillingham Home Fair as part of Dillingham’s annual Beaver Round Up celebration. The Fair will be held on Friday February 28, 2025, from 9:00 a.m. to 6:00 p.m. The event will take place at the Dillingham Senior Citizens Center.

Volunteers hope that the fair will be an opportunity to provide current and future homeowners with information that will be useful and fun

- Buying a home
- Building a home
- Home maintenance
- Making a home safe
- Decorating a home
- Insuring a home
- Home energy efficiency
- Reducing costs

Volunteers expect that there will be the following opportunities for participation

<p>Vendor Half-Tables</p> <p>Bring your printed brochures, business cards and displays. You will be expected to staff/monitor your own table.</p>	<p>Bulletin Board/Information Table</p> <p>For those that don't want a table but want to display brochures, business cards or single printed items. Bring your own printed materials.</p>	<p>Talking Circles</p> <p>Space will be set aside so that vendors/participants can make brief 15-minute presentations regarding their business or service</p>
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We’re inviting builders, sellers, handy men/women, businesses, retailers, agencies, and more. You would be a great addition! Please consider participating in our first-ever Home Fair! Since this is a new event, we are uncertain about the number of displays. We’re offering a half-table to vendors. To reserve a half-table or obtain more information please contact the following

nushwac@hotmail.com

There will be no charge for a half-table at the Fair. Displays will be limited to one half-table per participant and the number of tables may be limited (depending upon how many displays/organizations participate).

We hope that you will participate! Don't hesitate to contact us with any questions or to reserve your table!

ADJOURNMENT