

5. the opportunity to be heard before the city manager, or the city manager's designee, should the animal's keeper wish to appeal the animal control officer's classification decision.

C. Appeal of the animal control officer's aggressive animal determination must be made in writing and received by the city manager's office within five business days of the date the animal's keeper receives notice of the animal's classification or, for a stray, within five business days of the officer's decision. The appeal shall be governed by DMC 7.40.080.

**7.40.060 Aggressive animal classifications and exceptions.**

A. *Classifications.* Subject to subsection B below, an animal may be classified as aggressive based on the highest level behavior exhibited, with such levels described as follows:

1. Level one behavior is established if an unrestrained animal is found to growl, snap at, jump upon, or otherwise menace, injure, or frighten persons or other animals, provided chase, run after, or jump at vehicles or persons using the public thoroughfares, or otherwise threaten or endanger the safety of any person or domestic animal.
2. Level two behavior is established if an animal bites or causes physical injury to any domestic animal, or if an unrestrained animal kills any unrestrained domestic animal.
3. Level three behavior is established if any of the following occur, regardless of whether the animal is restrained:
  - a. An animal inflicts an aggressive bite or causes physical injury to any human;
  - b. An animal kills a domestic animal that is restrained; or
  - c. An animal for the second time injures or kills a domestic animal.
4. Level four behavior is established if any of the following occur:
  - a. An animal, regardless of whether it is restrained, causes serious physical injury or the death of any human;
  - b. An animal is used as a weapon in the commission of a crime; or
  - c. An animal previously classified as a level three, or as a potentially dangerous or vicious animal under a prior enactment of this Code, behaves as described in subsection A.3. after the keeper receives notice of the prior level three classification.

B. *Exceptions to classifications.* Notwithstanding subsection A above, the animal control officer shall have discretionary to refrain from classifying an animal as specified in subsection A if the animal control officer determines that:

1. At the time of injury or damage, the victim was committing trespass with criminal intent on premises occupied by the keeper of the animal, the victim was teasing, tormenting, abusing, or assaulting the animal, its offspring, the keeper, or the victim was committing or attempting to commit a crime;
2. The animal was protecting or defending itself, its offspring, or a human within the immediate vicinity of the animal from an attack or assault while under control or confined;
3. The animal is trained to attack persons independently or upon oral command while under the restraint and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of the animal's duties;
4. The animal, with a current rabies vaccination, causes injury to the keeper, keeper's family, trainer or person caring for the animal, unless:
  - a. A complaint is received from the injured party;
  - b. The victim is a minor who is not involved in training or competing with the animal; or
  - c. The animal is unredeemable.

5. The decision not to classify reasonably serves and promotes justice, fairness, and the purposes and intent of this title, the protection of public health, safety and welfare, and the humane care and treatment of animals.

C. In addition to any other action or remedy authorized by this title or any other law, it is unlawful for the keeper of an animal to allow the animal to behave in a manner described in DMC 7.40.060.A, and such keeper shall be guilty of a minor offense, punishable per act of the animal as shown in 1.20.040.

#### **7.40.070 Regulation of classified animals.**

In addition to other requirements of this title, the keeper of an animal classified as aggressive shall comply with the following classification requirements:

A. *Level one.* Animals classified as level one shall be restrained so the animal cannot reach any public sidewalk or adjoining property and located so as not to interfere with the public's access to the keeper's property whenever that animal is outside the keeper's home, provided, however; control by command shall not satisfy the requirements of this subsection.

B. *Level two.* Animals classified as level two shall be confined in a location which may include a secure enclosure or under control by leash only.

C. *Levels three.* Animals classified as level three shall at all times be confined in a locked secure enclosure or under control by a substantial leash or chain not to exceed six feet in length, and under the control of a competent adult who is familiar with and in control of the animal. The requirement of control is not satisfied by an electronic collar or electronic fence. Animals classified as level three shall also be muzzled when not on the keeper's property. It is a violation of this subsection to breed, sell, exchange or abandon an animal classified as level three, except as specifically provided in this chapter.

D. *Level four.* Animals classified as level four shall be euthanized in accordance to 7.30.060 B. In addition, the animal control officer may suspend for a period the keeper's right to be the keeper of any animal in the city, including animals currently kept by that person.

1. The animal shall be euthanized by the animal control officer or agent not less than three business days after providing actual written notice to the keeper of the animal, by hand delivery to the keeper, or by posting at the last known residence of the keeper.

2. The keeper of an animal classified as level four has the option to have such animal euthanized by someone of their choosing (i.e., veterinarian, close acquaintance, etc.), providing proof of date, time, and location to animal control officer or agent of the euthanasia.

E. In addition to any other action or remedy authorized by this title or any other law, it is unlawful for the keeper of an animal classified as aggressive to fail to restrain or confine the animal as required by this section.

#### **7.40.080 Appeal of Animal Control Officer Determinations.**

A. The issues to be considered at the hearing on an appeal of a decision made under DMC 7.30.040 shall be limited to whether the preponderance of the evidence supports the animal control officer's decision to not release the animal for a reason stated in DMC 7.30.040.B.

B. The issues to be considered at the appeal hearing of an aggressive animal determination under DMC 7.40.050 shall be limited to whether the preponderance of the evidence shows that the animal acted in a manner described in DMC 7.40.060.A and if any factor described in DMC 7.40.060.B should result in a lower categorization of the animal.

C. The issues to be considered at the appeal hearing of a denied kennel permit shall be limited to whether the preponderance of the evidence shows that the kennel constitutes or would constitute a public nuisance or threat to public safety, that humane care of each animal is not or would not be provided, or if the applicant or permittee is responsible for violation of this title.

D. The city manager shall issue a written decision to be delivered within 5 business days of the appeal hearing.

E. Appeal of the written decision of the city manager shall be to the Superior Court for the Third Judicial District in Dillingham and shall be brought within 30 days of the manager's decision. Hearing before the superior court is an administrative appeal heard solely on the record established before the city manager and the city shall be entitled to recover its costs and reasonable attorney's if it is the prevailing party. No enforcement action authorized by this chapter shall be stayed during the time to appeal or the pendency of the appeal unless ordered by the court.

F. An animal's keeper may prevent an animal's adoption or euthanasia under 7.30.050 A.3 by:

1. Petitioning the Superior Court for the Third Judicial District in Dillingham for the animal's immediate return, subject, if appropriate, to court-imposed conditions; or

2. Posting a bond or security with the city of Dillingham in an amount determined by the city manager to be sufficient to provide for the animal's care for a minimum of thirty days from the date the animal was removed.

3. If the animal control officer still has custody of the animal when the bond or security posted expires and the court has not ordered an alternative disposition, the animal becomes the city's personal property. If the court has not allowed the city to adopt out the animal and the city continues to care for the animal, the keeper of the animal shall post a bond or otherwise pay in advance for the city's continuing costs of care for the animal until a final decision is made by the trial court.

G. During any appeal process, it is unlawful to breed, sell, exchange or abandon an animal classified as level four or allow it to reside in any household containing animals.

**Section 3. Amendment to Section 1.20.040.** That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended to read as follows: [delete language is ~~struck~~; added language is **bold**]

Code Section	Offense	Penalty/Fine
7.03.010.A	<del>Domestic animal registration required</del>	<del>75</del>
.E	<del>Registered domestic animal shall bear registration tag</del>	<del>75</del>
.F	<del>Failure to produce registration</del>	<del>75</del>
.G	<del>Failure to transfer registration</del>	<del>75</del>
.H	<del>Use of another animal's tag</del>	<del>75</del>
.I	<del>Rabies vaccination</del>	<del>75</del>
7.03.020.A	<del>Kennel permit required</del>	<del>75</del>
7.04.010.A	<del>Failure to restrain animal — first through fifth offense</del>	<del>75</del>
.B	<del>Failure to confine sick animal</del>	<del>75</del>
.C	<del>Releasing animal owned by another</del>	<del>75</del>
.D	<del>Releasing quarantined animal</del>	<del>300</del>
7.06.010.A	<del>Selling sick animals</del>	<del>75</del>
.B	<del>Buying or selling unweaned animals</del>	<del>75</del>
7.06.020.A	<del>"Free" animals — unweaned</del>	<del>75</del>

Code Section	Offense	Penalty/Fine
7.07.010.A	<del>Animals creating disturbance or nuisance prohibited</del>	<del>75</del>
<del>.B</del>	<del>Animal disturbing public property</del>	<del>75</del>
<del>.C</del>	<del>Animal disturbing private property</del>	<del>75</del>
<del>.D</del>	<del>Animal disturbing garbage</del>	<del>75</del>
<del>7.07.020.B</del>	<del>Dangerous animals prohibited</del>	<del>75</del>
7.08.010	Animal cruelty prohibited	300
7.09.030	Unlawful release of impounded animals	300
7.12.010	Possession of wolf hybrid	300
7.14.020	Violate quarantine	300
7.15.010	Handling rabid animals	75
7.15.020	Violate area wide quarantine	300
7.20.010.A	Failure to register domestic animal	75
7.20.010.E	Failure to display registration tag	75
7.20.010.F	Failure to produce kennel registration	75
7.20.010.G	Failure to transfer registration	75
7.20.010.H	Use of another animal's tags	300
7.20.020.A	Failure to obtain kennel permit	75
7.20.040	Unlawful transfer of animal	75
7.20.050	Prohibited wolf hybrid	300
7.30.080.B	Unlawful release of quarantined animal	300
7.30.080.D	Unlawful removal of quarantined animal from city	300
7.30.090.A	Unlawful release of animal from animal control facility or vehicle	300
7.30.090.B	Unlawful interference in official duties	300
7.40.020.A	Animal cruelty	300
7.40.030.A	Failure to restrain animal on City Property	75
7.40.030.B	Failure to restrain animal in public	75
7.40.030.C	Unlawfully releasing an animal from restraint	75
7.40.040.A	Unlawful chronic animal noise	75
7.40.040.B	Animal disturbing property	75
7.40.040.C	Animal disturbing garbage	75
7.40.060.C.1	Level 1 aggressive animal act	75
7.40.060.C.2	Level 2 aggressive animal act	125
7.40.060.C.3	Level 3 aggressive animal act	300
7.40.060.C.4	Level 4 aggressive animal act	500
7.40.070.E	Classified animal restriction violation	500

**Section 4. Effective Date.** This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

\_\_\_\_\_.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Lori Goodell, City Clerk

## CITY OF DILLINGHAM, ALASKA

## ORDINANCE NO. 2018-08

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DILLINGHAM MUNICIPAL CODE CHAPTER 15.08, UPDATING THE ADOPTION OF BUILDING CODES**

---

WHEREAS, the City has established Chapter 15.08 Building Codes as part of the Dillingham Municipal Code; and

WHEREAS, building and construction standards and code have changed immeasurably since existing code was adopted in 1992; and

WHEREAS, the Dillingham Planning Commission reviewed DMC 15.08.010 and recommended revision to DMC 15.08.010; and

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amendment of Section 15.08.010.** Section 15.08.010 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened** and deleted language shown as ~~striketrough~~.

**15.08.010 Adoption of codes.**

The city adopts by reference the following codes of technical regulation:

- A. ~~1988 Edition, Uniform Fire Code;~~ **2018 Edition, International Fire Code;**
- B. ~~1990 Edition, National Electrical Code and the 1990 Edition of the National Electrical Safety Code;~~ **2018 Edition, International Mechanical Code;**
- C. ~~1991 Edition, Uniform Building Code (fire safety standards);~~ **2018 Edition, International Plumbing Code;**
- D. ~~1991 Edition, Uniform Plumbing Code.~~ **2018 Edition, International Building Code;**
- E. 2018 Edition, Existing Building Code;**
- F. 2018 Edition, International Private Sewage Disposal Code.**

**Section 3. Effective Date.** This ordinance is effective upon passage.

BE IT ENACTED by the Dillingham City Council on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST: [SEAL]

\_\_\_\_\_  
Lori Goodell, City Clerk

**City of Dillingham Action Memorandum**

Agenda of: December 6, 2018

**Action Memorandum No.** 2018-11

**Subject:**

Authorize the City Manager to enter into a renewal contract with Premera Blue Cross Blue Shield of Alaska and Navia for an HRA

---

City Manager: Recommend Approval

Signature: 

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**Fiscal Note:** ☒ Yes ☐ No

**Funds Available:** ☒ Yes ☐ No

**Other Attachments:**

City of Dillingham Medical Plan Analysis for January 1, 2019 Renewal

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**Summary Statement:**

Authorize the City Manager to enter into a renewal contract with Premera Blue Cross Blue Shield of Alaska with an increase in Health premiums of 6.5% and no change in Dental premiums. This also authorizes the City Manager to enter a renewal contract with Navia for an HRA to reimburse employee expenses from \$1,000 to \$3,000.

On 11/26/2018 the City insurance broker provided an insurance quote for a renewal plan from Premera Blue Cross Blue Shield. Premera was able to offer a plan with an increase of Health premiums of 6.5% and no change in Dental premiums. Premera offered two alternatives that would be lower in premium; however, there is either an increase in the individual deductible to \$6,000 or \$4,000.

Renewing the City's existing insurance plan with Premera BCBS would cost the City an additional \$50,697.36 (estimated) in 2019. This plan would have no change in the deductible or copay for the employee and would provide an option for a renewal contract with Navia for an HRA to reimburse employee expenses from \$1,000 to \$3,000.

Due to the timing of the notice being received from the insurance broker the Finance and Budget Committee was unable to discuss the options before being presented to the City Council Meeting. This plan would go into effect on January 1, 2019.



Action Memorandum No. 2018-11 \_\_\_\_\_

Summary Statement continued:

\_\_\_\_\_  
PASSED and APPROVED by a duly constituted quorum of the Dillingham City Council  
on \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

[SEAL]

\_\_\_\_\_  
City Clerk

Route to	Department Head	Date
X	Finance Director	
X	City Manager	
X	City Clerk	

# City of Dillingham

## Medical Plan Analysis

January 1, 2019 Renewal - Revision Version 1

Prepared by: Natasha Kwachka



		Current / Renewal Premiera Blue Cross Blue Shield of Alaska Preferred Choice Heritage Select \$3,000/20%/\$6,000	Alternative 1 Premiera Blue Cross Blue Shield of Alaska Preferred Choice Heritage Select \$6,000/30%/\$7,350	Alternative 2 Premiera Blue Cross Blue Shield of Alaska Preferred Choice Heritage Select HSA E.M.B \$4,000/20%/\$6,000
Benefits		In-Network / Out-of-Network	In-Network / Out-of-Network	In-Network / Out-of-Network
<b>Network Type</b>				
<b>Deductible - In / Out of Network</b>	Individual Family	\$3,000 / \$6,000 \$6,000 / \$12,000 20%	\$6,000 / \$12,000 \$12,000 / \$24,000 30%	\$4,000 / Shared with In-Network \$8,000 / Shared with In-Network 20%
<b>Coinsurance - In / out of network</b>				
<b>Out-of-Pocket Maximum (Includes Deductible) In / Out of Network</b>	Individual Family	\$6,000 / \$45,000 \$12,000 / \$90,000	\$7,350 / \$45,000 \$14,700 / \$90,000	\$6,000 / \$45,000 \$12,000 / \$90,000
<b>Benefits</b>		In-Network	In-Network	In-Network
<b>Professional Services</b>	PCP & Specialist Office Visit Laboratory & X-Ray (non-complex) Therapy	Deductible & Coinsurance Deductible & Coinsurance Deductible & Coinsurance	Deductible & Coinsurance Deductible & Coinsurance Deductible & Coinsurance	Deductible & Coinsurance Deductible & Coinsurance Deductible & Coinsurance
<b>Emergency Services</b>	Emergency Care - Copay waived if admitted	\$100 Copay, then Deductible & Coinsurance	\$100 Copay, then Deductible & Coinsurance	Deductible & Coinsurance
<b>Alternative Care</b>	Spinal Manipulations & Acupuncture	Deductible & Coinsurance - 12 visits each PCY	Deductible & Coinsurance - 12 visits each PCY	Deductible & Coinsurance - 12 visits each PCY
<b>Prescription Drugs</b>	Deductible Preferred Generic Preferred Brand Preferred Specialty Non-Preferred All Drugs Mail-Order	Preferred Choice E4 Essentials N/A \$10 Copay \$25 Copay \$45 Copay 30% Coinsurance 90 Days Supply, 2.5x Retail Copay	Preferred Choice E4 Essentials N/A \$10 Copay \$25 Copay \$45 Copay 30% Coinsurance 90 Days Supply, 2.5x Retail Copay	Open A1 Medical Deductible & Coinsurance (Certain Generic Preventives Covered in Full)
<b>Medical Rates</b>		<b>Counts</b>		
		Employee Only	\$816.24	\$869.30
		Employee + Spouse	\$1,681.46	\$1,790.77
		Employee + Child(ren)	\$1,510.05	\$1,608.22
		Family	\$2,375.26	\$2,529.67
		Monthly Premium	\$64,989.11	\$69,213.89
		Annual Premium	\$779,869.32	\$830,566.68
		Percentage Change From Current	6.50%	6.50%
		Annual Dollar Change From Current	\$50,697.36	(\$35,837.16)
		Total Monthly Premium	\$64,989.11	\$69,213.89
		Total Annual Premium	\$779,869.32	\$830,566.68
		Percentage Change From Current	6.50%	6.50%
		Annual Dollar Change From Current	\$50,697.36	(\$35,837.16)

\*This comparison shows only general provisions of each plan's in-network benefits. Contract certificates should be consulted for exact plan language.

City of Dillingham  
Fiscal Note

Agenda Date: December 6, 2018

Renew health insurance with Premiera BCBS for the 2019 Calendar year

ORIGINATOR: Finance Director

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED:		FUNDING SOURCE <b>City of Dillingham</b>	
FROM ACCOUNT <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>xxxx 6210 xx xx</div> <div>Health Insurance</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>xxxx 6215 xx xx</div> <div>Dental Insurance</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>xxxx 6211 xx xx</div> <div>Health Reimb Arrangement</div> </div>		Project	
TO ACCOUNT:	VERIFIED BY: <u>Anita Fuller</u>	Date: <u>11/30/2018</u>	

EXPENDITURES

OPERATING	FY19	FY20	FY21	FY22
Health 6.5% Inc. from CY2018	\$ 25,348.68	\$ 25,348.68		
Dental 0% Inc. from CY2018	-	-		
HRA 0.00 Inc from CY2018	-	-		
<b>TOTAL OPERATING</b>	<b>\$ 25,348.68</b>	<b>\$ 25,348.68</b>	<b>\$ -</b>	<b>\$ -</b>

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

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

FUNDING

General & Special Rev. Funds				
State/Federal Funds				
Capital Project				
Other				
<b>TOTAL FUNDING</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

POSITIONS

Full-Time				
Part-Time				

Analysis: (Attach a separate page if necessary)

See Action Memorandum 2018-11

PREPARED BY: Anita Fuller

November 30, 2018

DEPARTMENT: Finance

APPROVED BY: \_\_\_\_\_

## LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") made this 29th day of November, 2018, by and between, the City of Dillingham, whose address is P.O. Box 889, Dillingham, Alaska, 99576 ("Lessor"), and The Dillingham Sportsman's Club, whose address is P.O. Box 1490, Dillingham, Alaska, 99576 ("Lessee").

### WITNESSETH:

WHEREAS, Lessor is the owner of certain property located in Dillingham, Alaska, which includes the land more fully described below, which together are hereinafter referred to as the "Premises"; and

WHEREAS, Lessor desires to lease the Premises to Lessee for use as an Outdoor Shooting Range.

WHEREAS, Lessee desires to lease the Premises from Lessor for the same purpose.

WHEREAS, Lessor and Lessee have had a continuous agreement since 1980 to provide access to City land for recreational shooting and to offer an opportunity for law enforcement and educational training and both wish to continue supporting this land use for that purpose.

NOW THEREFORE, in consideration of the premises, the covenants made herein, and the acts to be performed by the parties hereto, the parties have agreed and by this lease do agree as follows:

### I RECITALS

The recitals hereinabove set forth are incorporated herein by reference for all purposes.

### II LEASED PROPERTY

Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the following described property:

A parcel of land located within the current Dillingham City Landfill.

### III LEASE TERM

The term of this Lease shall be for ten (10) year(s) beginning on November 29, 2018 and ending on November 28, 2028, unless continued as hereinafter provided.

### IV OPTION TO RENEW

Lessor agrees that Lessee shall have the option to extend this Lease two times for a period of five (5) year(s). Lessee shall notify Lessor at least 60 days prior to the termination of the lease if Lessee does not intend to renew the lease.

### V RENTAL PAYMENTS

The annual rental payment shall be \$1.00 to be paid by December 1 each year without demand by Lessor. If the option to renew is exercised, the rent payment shall remain the same.

**VI**  
**SECURITY DEPOSIT**

No security deposit is required as part of this agreement.

**VII**  
**USE OF PREMISES/QUIET ENJOYMENT**

The Premises shall be used by Lessee for the purpose of an outdoor shooting range. Lessee shall not use or permit the Premises or any part thereof to be used for any other purpose or in violation of any municipal, borough, state, federal, or other governmental law, ordinance, rule or regulation. No use will be made upon the Premises, or acts done which will increase the existing rate of insurance upon the property or cause cancellation of the insurance policies covering the property.

**VIII**  
**INDEMNIFICATION OF LESSOR**

Lessee shall indemnify Lessor against all liabilities, expenses, and losses incurred by Lessor as a result of:

- (a) failure by Lessee to perform any covenant required to be performed by Lessee hereunder;
- (b) any accident, injury, or damage which may occur in or about the Premises or appurtenances, or on or under the adjoining streets, sidewalks, curbs, or vaults resulting from the condition, maintenance, or operation of the Premises, or from any act or omission of Lessee or Lessee's agents;
- (c) failure to comply with any requirement of any governmental authority; and
- (d) any mechanic's liens or security agreement filed against the Premises, any equipment therein, or any materials used in the construction or alteration of any materials used in the construction or alteration of any building or improvements thereon.

**IX**  
**INSURANCE**

- (a) Lessee, during the Lease Term, shall carry, at its sole expense, public liability, general liability, and property damage insurance covering the Premises.
- (b) All insurance policies required to be maintained by Lessee under subsection (a) above shall name Lessor (or Lessor's designee) and Lessee as the insured, as their respective interests appear. All such policies shall contain an agreement by the insurer(s) that such policies shall not be cancelled without at least ten (10) days' prior written notice to Lessor. Certificates or copies of all insurance policies shall be furnished to Lessor promptly after the issuance thereof.
- (c) Lessor shall not be liable to Lessee, its sub-lessee, or their respective agents, employees, licensees, and invitees for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with a broad form extended coverage.
- (d) Lessor, at his/her expense will maintain property insurance covering any building and improvements owned by the Lessor throughout the Lease term. Lessor's insurance will not insure Lessee's personal property, leasehold improvements or trade fixtures.

X  
**ADDITIONS, ALTERATIONS OR IMPROVEMENTS TO PREMISES**

Lessee shall not make any structural alterations, additions, or improvements in or to the Premises without first obtaining the express written consent of Lessor. Any such alterations, additions or improvements approved by Lessor shall be made at Lessee's expense, and Lessor may require, as a condition of approval, that Lessee agrees to return the Premises to its original condition before expiration of the term of this Lease.

XI  
**LESSEE'S RIGHT TO REMOVE IMPROVEMENTS AND LESSOR'S OWNERSHIP THEREOF**

Neither Lessee nor its tenants shall have the right to remove any buildings or improvements constructed or placed upon the Premises without the prior written consent of Lessor, and, at the expiration of the Lease Term, all buildings and improvements on the Premises shall become the property of Lessor without the payment of any compensation to Lessee or its tenants. Lessee shall have the right to remove any and all of its personal property and fixtures, including furniture not permanently attached to the Premises.

XII  
**ASSIGNMENT SUBLEASE**

Neither Lessee nor Lessee's legal representatives or successors in interest, shall assign or mortgage this Lease, or sublet the whole or any part of the Premises, or permit the Premises or any part thereof to be used by others without the express written consent of Lessor.

XIII  
**SIGNS**

(a) Lessee shall be entitled at its sole cost and expense, to place appropriate signage on the exterior walls of the premises, subject to Lessor's written approval. Approval will not be unreasonably withheld.

(b) During the three (3) months prior to the expiration of the Lease Term, Lessor may place upon the Leased Land reasonably sized notices "To Rent" or "For Sale", which notices Lessee shall permit to remain without molestation.

XIV  
**"AS IS, WHERE IS"**

Lessee leases the property "as is" and "where is" and assumes the responsibility and risks of all defects and conditions, including but not limited to environmental hazards. The intent of the parties is that Lessee has had already and shall continue to have a thorough opportunity to inspect and study the property before signing this Lease, but that once the Lease is signed, Lessor shall have no further responsibility or liability to Lessee or any third party for any claims of any kind that may arise as to the property.

XV  
**NOTICES**

All notices hereunder may be delivered or mailed. If mailed, they shall be sent by certified or registered mail to the following respective addresses:

**LESSOR:**

City of Dillingham  
PO Box 889  
Dillingham, Alaska 99576

**LESSEE:**

Dillingham Sportsman's Club  
P.O. Box 1490  
Dillingham, Alaska 99576

or to such other respective addresses as either Lessor or Lessee may hereafter from time to time designate in writing. Notices sent by mail shall be deemed to have been given when properly mailed.

**XVI**

**COMPLIANCE WITH LAWS**

Lessee shall comply with all applicable laws, ordinances, and regulations of duly constituted public authorities then in force in any manner affecting the Premises, whether or not any such laws, ordinances, or regulations which may be hereafter enacted involve a change of policy on the part of the governmental body enacting same. Lessee further agrees it will not permit any unlawful occupation, business, or trade to be conducted on said premises, or any use to be made thereof, contrary to any law, ordinance, or regulation.

**XVII**

**SEVERABILITY**

If any provision of this Lease shall be found to be invalid, the remainder hereof shall nevertheless be carried into effect.

**XVIII**

**APPLICABLE LAW**

This Lease is made under and shall be construed in accordance with the laws of the State of Alaska. Any legal proceedings arising out of this Lease shall be heard by the Court for the State of Alaska in the Third Judicial District at Anchorage.

Signed by Lessor on the 29th day of November, 2018.

LESSOR: CITY OF DILLINGHAM

By: Todd Larson

Title: City Manager

Signed by Lessee on the 29th day of November, 2018.

LESSEE: DILLINGHAM SPORTSMAN'S CLUB

By: Ken O. Runaway

Title: President

November 27, 2018

APEI Claim Number: 9410

Mr. Larson,

After Reviewing the documentation regarding the loss of the COD Boat Harbor structure due to fire on July 25, 2018, I have requested payment of \$279,250.00. Please see the included page from the City's policy confirming coverage and the spreadsheet below detailing the amounts to be paid.

COD Boat Harbor	
Stated Value	\$227,400.00
125% of stated Value	\$284,250.00
Less Deductible	\$5,000.00
<b>Net Payment for Loss</b>	<b>\$279,250.00</b>

Please contact me directly if there are questions or concerns regarding this payment.

Best Regards,

*Kyle Hardin*  
*Property/Casualty Claims Manager*  
*2233 Jordan Ave.*  
*Juneau, AK 99801-8050*  
*(907)-523-9485 Direct*



Property Statement of Values  
City of Dillingham

AcctID# 425  
Policy Year 2018/2019



APEI#ID	Facility ID	Description	City	Stated			Appraised			Property Insured To		
				Stated Building Value	Stated Docks & Other Structures	Stated Contents Value	Total Stated Value	Building, Docks, & Other Structures	Appraised Value of Contents		Total Appraised Value	Building / Contents Deductible*
425-004	2	All-Tide Dock	Dillingham	0	3,463,400	0	3,463,400	3,463,400	0	3,463,400	\$5,000 / \$500	Replacement Cost
425-005	3	Bathhouse	Dillingham	463,402	0	0	463,402				\$5,000 / \$500	125% of Stated Value
425-006	5	Carlson Residence	Dillingham	701,700	0	4,000	705,700	701,700	4,000	705,700	\$5,000 / \$500	Replacement Cost
425-007	6	City Hall/Offices	Dillingham	3,982,900	0	368,600	4,351,500	3,982,900	368,600	4,351,500	\$5,000 / \$500	Replacement Cost
425-008	45	COD Boat Harbor	Dillingham	227,400	0	0	227,400				\$5,000 / \$500	125% of Stated Value
425-010	7	Dock Offices	Dillingham	58,378	0	0	58,378				\$5,000 / \$500	125% of Stated Value
425-011	8	Firehouse	Dillingham	1,233,600	0	42,200	1,275,800	1,233,600	42,200	1,275,800	\$5,000 / \$500	Replacement Cost
425-012	34	George Andrew Etal	Dillingham	85,833	0	0	85,833				\$5,000 / \$500	125% of Stated Value
425-013	10	Harbor Master Station	Dillingham	196,799	0	0	196,799				\$5,000 / \$500	125% of Stated Value
425-014	41	Incinerator Building	Dillingham	886,600	0	856,408	1,743,008	886,600	0	886,600	\$5,000 / \$500	Replacement Cost
425-016	35	Jeff Moxie	Dillingham	52,209	0	0	52,209				\$5,000 / \$500	125% of Stated Value
425-017	13	Landfill Shack	Dillingham	30,799	0	0	30,799				\$5,000 / \$500	125% of Stated Value
425-018	14	Library/Museum	Dillingham	2,118,600	0	715,200	2,833,800	2,118,600	715,200	2,833,800	\$5,000 / \$500	Replacement Cost
425-019	15	Main Fire Station	Dillingham	1,194,300	0	89,600	1,283,900	1,194,300	89,600	1,283,900	\$5,000 / \$500	Replacement Cost
425-020	40	National Guard Building	Dillingham	1,162,000	0	190,400	1,352,400	1,162,000	190,400	1,352,400	\$5,000 / \$500	Replacement Cost
425-021	16	Old Shop/Quonset	Dillingham	180,576	0	114,431	295,007				\$5,000 / \$500	125% of Stated Value
425-022	17	Police Station/Jail	Dillingham	3,491,909	0	374,600	3,866,509	3,138,400	374,600	3,513,000	\$5,000 / \$500	Replacement Cost
425-023	19	Pollock Warehouse	Dillingham	0	0	92,675	92,675				\$5,000 / \$500	125% of Stated Value
425-024	20	Potato House	Dillingham	145,926	0	7,722	153,648				\$5,000 / \$500	125% of Stated Value



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

November 26, 2018

Dillingham

Attn: City Clerk

Via Email: [cityclerk@dillinghamak.us](mailto:cityclerk@dillinghamak.us); [CCacciola@bcfaklaw.com](mailto:CCacciola@bcfaklaw.com); [lrasmussen@bcfaklaw.com](mailto:lrasmussen@bcfaklaw.com)

<b>License Number:</b>	17948
<b>License Type:</b>	Limited Marijuana Cultivation Facility
<b>Licensee:</b>	RAY N KASE
<b>Doing Business As:</b>	J & R GREEN FARM
<b>Physical Address:</b>	3944 Bea av. Dillingham, AK 99576
<b>Designated Licensee:</b>	RAY N KASE JR
<b>Phone Number:</b>	907-843-1487
<b>Email Address:</b>	weldingpipesteel@hotmail.com

☒ **New Application**

AMCO has received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.025(d)(2).

To protest the approval of this application(s) pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our December 20-21, 2018 meeting.

Sincerely,

Erika McConnell, Director

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



November 28. 2018

Lori,

I did review the documents sent for the Marijuana Cultivation application. As far as I can tell, there is no City Code that prohibits or places restrictions on its existence within city limits:

<https://www.codepublishing.com/AK/Dillingham/#!/Dillingham08/Dillingham0830.html>

The state's marijuana regs are here:

<https://www.commerce.alaska.gov/web/Portals/9/pub/MCB/StatutesAndRegulations/MarijuanaRegulations.pdf>

As the local control entity, the City could choose to implement restrictions on a cultivation operation, if they wanted to do that. A few issues I wanted to bring forward as part of my review:

1. The Cultivation Operating Plan, page 7, provides for a method of disposing of marijuana waste, which will ultimately end up in the City landfill. I recommend Jean take a look at the plan to make sure he does not have any objection to what is being proposed. I doubt he will, but good to have him weigh in either way.
2. The addition of new structures on land within city limits requires a Land Use Permit. I am not aware of any LUP application for the cultivation commercial building, which is to be connected to the existing residential structure. I cannot comment on the proposed location of a well and septic system for the commercial building until it is drawn out as part of the LUP. It also needs to include building set backs from property lines, etc. I highly recommend the City request the LUP application and approval as a condition of cultivation application approval, or as part of a protest, depending on the Council's stance on this issue.
3. 3944 Bea Avenue is a one-acre lot in a small subdivision. This lot is in the GU (general use) district and nothing in our current land use/zoning codes would prohibit this mixed use (residential and commercial). With such a small lot, I foresee issues like odor potentially coming up with neighbors, even with the odor control plan included in the operating plan document. I need to see the setbacks mentioned in #2 before commenting further on the odor concern. Again, the Council may wish to weigh in on any restrictions here they want to impose to head off any land use conflicts that could arise.

The marijuana control regs state that:

3 AAC 306.010. License restrictions (a) The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility.

Based on the location of Bea Avenue, just past Arctic Avenue, off of the Lake Road, I do not believe there is any location issue in accordance with above. It would be great if someone could field verify this for me. There are also restrictions on the placement of signs advertising the business, but as a cultivation operation, there may be no plans for signage if they will be selling to the upcoming retail establishments. Just out of curiosity, was there ever any desire by the Council to impose an excise tax on marijuana establishments? I thought it was interesting that the state's regs indicate no prohibition against a local control entity applying for a marijuana establishment license. Could be part of a new revenue stream to get our roads fixed!! Let me know if there is anything further you need on this.

Thanks,

Cynthia

**Cynthia Rogers**  
**Planning Director**

## **Title 7**

### **ANIMALS**

#### **Chapters:**

- 7.01 Purpose**
- 7.02 Definitions**
- 7.03 Registration**
- 7.04 Restraint**
- 7.05 Animal Control**
- 7.06 Sale of Animals**
- 7.07 Animal Behavior**
- 7.08 Animal Care**
- 7.09 Impoundment**
- 7.10 Adoption**
- 7.11 Euthanasia**
- 7.12 Wolf Hybrids**
- 7.13 Animal Bites**
- 7.14 Quarantine of Individual Animals**
- 7.15 Incidence of Rabies**
- 7.16 Fees, Fines, and Failure to Comply**

#### **Chapter 7.01**

##### **PURPOSE**

#### **Sections:**

7.01.010 Purpose.

##### **7.01.010 Purpose.**

The purpose of this title is to promote public health and safety and to encourage responsible pet ownership and the humane care of animals. (Ord. 03-06 § 1 (part), 2003.)

#### **Chapter 7.02**

##### **DEFINITIONS**

#### **Sections:**

7.02.010 Definitions.

##### **7.02.010 Definitions.**

As used in this title:

“Abandoned” or “unwanted” means to leave an animal for a period in excess of twenty-four continuous hours without adequate provision for its physical needs.

“Adoption eligible” means the animal available for adoption must have been evaluated for health and temperament by the animal control officer or the police chief.

“Animal” means all members of the phylum Chordata or subphylum Vertebrata.

“Animal control agent” is the person acting on or in behalf of the animal control officer enforcing the provisions of this title.

“Animal control center” is any area, temporary or permanent, designated by the animal control officer for the holding of animals. A center can be publicly or privately owned and operated.

“Animal control officer” is the person designated by the city manager as having the responsibility of enforcing the provisions of this title.

“At large” means not under restraint or not controlled.

“Cat” means *Felis catus*.

“Chronic animal noise” means repeated vocalization by an animal or animals for more than thirty consecutive minutes. Daytime noise generated by a licensed kennel in its reasonable and customary manner of operation only during feeding and loading/unloading times is excused to a maximum of thirty consecutive minutes.

“Control,” in relation to an animal, means to simultaneously monitor, direct, and restrict an animal’s movements and activities so as to prevent violations of this title. Specific types of control are defined as follows:

1. “Control by leash” means to control an animal by a securely attached leash, chain, or an item which is physically capable of restraining the animal. The item must be in the secure possession of a person physically and mentally capable of monitoring, directing, and restricting the animal’s movements and activities.
2. “Control by harness” means to control an animal by a harness or other similar device attached directly or indirectly to a person or object during a training, demonstration, competition, or show event.
3. “Control by command” means to control an animal by visual and/or audible commands to which the animal responds promptly and accurately. A person must be present, monitor the animal, and be physically and mentally capable of directing animal movements and activities by visual and/or audible commands.
4. “Control by collar” means to control an animal by electronic collar with or without handheld remote and having all parts of the device working and visible at time of training or activation.

“Diseased animal” means all members of the phylum Chordata, subphylum Vertebrata that are infected with an infectious or contagious disease.

“Dog” means *Canis familiaris*.

“Domestic animal” means dogs and wolf hybrids.

“Humane care” or “treatment” or “humane manner” means the handling of an animal in accordance with the stipulations listed in Section 7.08.010.

“Keeper” includes any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control, custody or possession of any animal. This includes any adult member of a family or group or persons sharing a residential unit where another member of the family or group has an interest in, has control, custody or possession of an animal which is kept in or on the premises of the shared residential unit.

“Known rabid animal” means an animal with a positive laboratory test for rabies virus.

“Nuisance animal” means any animal which molests passersby or passing vehicles, attacks other animals, trespasses on school grounds or other public or private property, is repeatedly at large, damages public and/or private property, or that makes chronic animal noise.

“Open space” is three hundred feet from any residence, business, or roadway.

“Owner” means any person or keeper who harbors, keeps, causes or permits an animal to be harbored or kept, or who has an animal in possession or custody, or who permits an animal to remain on or about premises, or who has legal title to an animal.

“Owner release” is when the person or keeper who harbors, keeps, causes or permits an animal to be harbored or kept, or who has an animal in possession or custody, or who permits an animal to remain on or about premises, or who has legal title to an animal and is willing to relinquish all rights and legal responsibility to animal.

“Protective custody” means an animal is seized in the best interest of the animal during the course of an animal cruelty investigation.

“Quarantine” is strict confinement upon the private premises of the owners, in a veterinarian’s office or hospital, in the animal control center, or at other locations approved by the city manager or city manager designee, and under restraint described in Section 7.04.020(B).

“Restraint” or “restrain” means to confine or control an animal.

“Sterilized” or “sterile” means neutered, spayed, or rendered incapable of reproduction.

“Unweaned animal” means an animal younger than six weeks old, separated from the care of its mother, and/or an animal still dependent on its mother’s milk.

“Wolf” means *Canis lupis*.

“Wolf dog” means the offspring of a wolf or wolf hybrid. For the purposes of this title, wolf dogs and wolf hybrids shall be synonymous.

“Wolf hybrid” means a member of the genus and species *Canis lupis* x *Canis familiaris*. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 2, 2012; Ord. 15-03 § 2, 2015.)

## Chapter 7.03

### REGISTRATION

#### Sections:

7.03.010 Domestic animal registration.

7.03.020 Kennel permit.

#### **7.03.010 Domestic animal registration.**

A. All domestic animals twelve weeks of age or older are required to be registered within thirty days of entry into the municipality either by:

1. Individual registration; or
2. As part of a kennel permit.

B. All domestic animals twelve weeks of age or older shall receive a city of Dillingham domestic animal registration tag only upon scheduling an appointment to rabies vaccinate at twelve weeks of age from a State of Alaska Department of Health and Social Services approved vaccinator.

C. The owner or keeper shall be required to provide proof of rabies vaccination by a valid rabies immunization tag and/or a valid rabies certificate for the registration of a domestic animal.



D. A domestic animal registration tag shall be issued for individually registered domestic animals for a period that shall expire in conjunction with the expiration date of the rabies vaccination.

E. An individually registered domestic animal shall bear a city of Dillingham domestic animal registration tag securely fastened to its collar, chain collar, or harness at all times or the owner must be able to produce a copy of the written registration or tag within twenty-four hours except:

1. While confined on the owner's or keeper's premises.
2. While in competition, in training, or while hunting.

F. The owner or keeper of domestic animals registered under a kennel permit shall be required to produce documentation of the domestic animal registration upon request.

G. If there is a change of ownership of a domestic animal during the registration year, the new owner shall, within fifteen days, have the current registration transferred to the new owner's name.

H. No person shall use, or allow the use of, any domestic animal registration tag for an animal other than the animal for which the registration tag was issued.

I. Except as otherwise provided in this section, the owner or keeper of a domestic animal shall comply with the animal rabies vaccination requirements governed by the Centers for Disease Control and Prevention as described within 7 AAC 27.020(b).

J. Notwithstanding any other ordinance, registration of cats is not required but is encouraged. (Ord. 03-06 § 1 (part), 2003; Ord. 16-01 § 2, 2016.)

#### **7.03.020 Kennel permit.**

A. A city of Dillingham kennel permit is required for domestic animal owners and keepers who have four or more domestic animals. Failure by the owner or keeper to maintain an orderly, humane, and sanitary kennel may result in the suspension of the kennel permit. There is not a limitation to the number of years that any individual may hold a kennel permit.

B. All domestic animals registered within the kennel permit must comply with Section 7.03.010.

C. Kennel permits will be issued by the city manager or his/her designee which may include the chief of police or community service officer or agent upon determination that the kennel will not create a public nuisance or threat to public safety.

D. A decision regarding a kennel permit may be appealed to the city council. The city council will, after public hearing, make a finding as to whether a permit may or may not be properly issued.

E. The kennel permit shall be issued for a period of thirty-six months from the date the permit was granted upon the condition that under any change of three or more animals the owner or keeper shall update the registered permit. (Ord. 03-06 § 1 (part), 2003.)

## **Chapter 7.04**

### **RESTRAINT**

#### Sections:

- 7.04.010 Restraint—When.
- 7.04.020 Restraint—Where.

**7.04.010 Restraint—When.**

- A. All animals allowed outside the confines of their owners' or keepers' homes or property and not under the direct physical control or command of their owner or keeper shall be securely restrained by means of chain, harness, or leash.
- B. It is unlawful to maintain an animal with a known infectious or contagious disease without proper and adequate care and confinement.
- C. It is unlawful for any person, other than a peace officer in the performance of duties, to release an animal from restraint without the consent of the animal's owner or keeper, except to preserve the animal's life or prevent injury.
- D. It is unlawful for any person to release an animal from quarantine, other than a peace officer in the performance of duties and/or the animal's owner or keeper to prevent injury, and only if in compliance with the restraint requirements in Section 7.14.020.
- E. In the event of an area-wide quarantine, except as otherwise provided in Section 7.15.020, the owner or keeper shall be required to comply with 7 AAC 27.020(a). (Ord. 03-06 § 1 (part), 2003.)

**7.04.020 Restraint—Where.**

- A. Unless restricted under quarantine, animals shall be controlled:
  - 1. By leash or harness within parks, city property, sidewalks, downtown, parking lots, public paths, public streets or roads, and playground areas.
  - 2. By leash, harness, or command on open spaces and trails (including winter trails).
- B. If an animal is restricted under quarantine, owner or keeper shall control the animal in compliance with Section 7.14.020(A). (Ord. 03-06 § 1 (part), 2003.)

## Chapter 7.05

### ANIMAL CONTROL

Sections:

- 7.05.010 Animal control center.
- 7.05.020 Animal control officers and agents.

**7.05.010 Animal control center.**

- A. The city shall maintain an animal control center under the direction of the city manager or the city manager's designee.
- B. The animal control center may keep animals which the community service officer or agent impounds or assumes custody of under this title.
- C. The municipality may contract with a private person or entity to perform the functions of the animal control center. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 3 (part), 2012.)

**7.05.020 Animal control officers and agents.**

- A. A person designated by the city manager as animal control officer may be responsible for domestic animal registration, rabies vaccinations, investigation of animal bites, complaints, maintaining the animal control program and the animal control center, enforcement and issuance of civil citations, and the destruction and disposal of vicious or unwanted domestic animals.

B. Police officers shall also have the authority to enforce and issue civil or criminal citations or complaints for violations of this title, and may be responsible for the investigation of animal bites, complaints, impoundment and impoundment documentation, and the destruction and disposal of vicious or unwanted domestic animals. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 3 (part), 2012.)

## **Chapter 7.06**

### **SALE OF ANIMALS**

#### Sections:

- 7.06.010 Unweaned and diseased animals.
- 7.06.020 “Free” animals.

#### **7.06.010 Unweaned and diseased animals.**

A. It is unlawful to sell an animal that the seller knows, or has reason to know, is diseased, injured or otherwise physically defective without first disclosing to the buyer the nature of the disease, injury or defect.

B. It is unlawful to sell or purchase an unweaned animal. (Ord. 03-06 § 1 (part), 2003.)

#### **7.06.020 “Free” animals.**

A. 1. It is unlawful to give away unweaned animals in businesses, on corners, downtown, public places, or city property.

2. If a child of fifteen years or younger is found giving away unweaned animals, the parent or guardian of the child shall be held responsible. If a person is found giving away unweaned animals within a business, the business shall also be held responsible for the violation.

B. If the health and safety of the animal mother is jeopardized, leaving the care and protection of the unweaned animals to the owner or keeper, and in order to preserve the unweaned animals’ life and/or to prevent injury to the unweaned animal, the owner or keeper may give the unweaned animals away. (Ord. 03-06 § 1 (part), 2003.)

## **Chapter 7.07**

### **ANIMAL BEHAVIOR**

#### Sections:

- 7.07.010 Animals creating disturbance or nuisance.
- 7.07.020 Dangerous animals.
- 7.07.030 Vicious animals.

#### **7.07.010 Animals creating disturbance or nuisance.**

A. It is unlawful for any animal owner or keeper to permit it to disturb the public’s health, safety or comfort by allowing the animal to make chronic animal noise.

1. The animal control officer or agent may, upon receiving a complaint alleging chronic animal noise, investigate and, if necessary, issue a warning notice to the animal owner or keeper. The notice shall contain:

- a. The definition of chronic animal noise.
- b. The nature and times of complaint.

- c. Penalties for the violation.
  - d. A description of the means and methods suggested to and/or agreed upon with the owner for curtailing the problem.
  - e. Time permitted to comply with the notice.
- 2. If the violation continues after the time permitted by the notice to comply, a citation may be issued in accordance with subsection (A)(3) of this section.
  - 3. Citations for chronic animal noise shall only be issued upon one of the following:
    - a. A complaint sworn by two or more persons living at different addresses, one of whom must be the original complainant, in the immediate neighborhood of the animal making the chronic noise and after completion of an investigation by animal control officer or agent indicates that a citation is appropriate; or
    - b. A complaint sworn by one person living in the immediate neighborhood of the chronic noise where additional date and time specific evidence is provided and after completion of an investigation by animal control officer or agent indicates that a citation is appropriate.
  - B. No owner or keeper of an animal shall permit the animal to defecate upon, to dig upon, injure or destroy public property or a public thoroughfare.
  - C. No owner or keeper of an animal shall permit the animal to defecate upon, to dig upon, injure or destroy private property without the permission of the property owner.
  - D. No owner or keeper of an animal shall permit it to upset, disturb, or place garbage on public or private property. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 4 (part), 2012.)

**7.07.020 Dangerous animals.**

- A. The animal control officer or agent has the authority to determine whether any animal has engaged in the behaviors specified in this section, thereby deeming the animal dangerous.
- B. It is unlawful for any owner or keeper to permit it to:
  - 1. Growl, snap at, jump upon, or otherwise menace, injure, or frighten persons or other animals; provided, that this subsection shall not apply if the person or animal is trespassing or otherwise acting in violation of the law.
  - 2. Chase, run after, or jump at vehicles or persons using the public thoroughfares within the city limits.
- C. A person who owns or is in lawful possession of property upon which there is an animal who acts in the manner described in subsection B of this section, or who observes an animal who acts in the manner described in subsection B of this section, on public property or a public thoroughfare may take the animal into custody and hold the animal pending transfer to an animal control officer or agent; provided no animal may be held in such private custody for more than twenty-four hours. A person who takes an animal into custody under this subsection shall:
  - 1. Immediately call the animal control officer or agent to request a pickup of the animal.
  - 2. File a written witness statement with the animal control officer or agent, describing the incident.
- D. Any animal who acts in the manner described in subsection B of this section may be immediately impounded by the animal control officer or agent. The animal control officer or agent shall take the written witness statement of the person holding the animal and may issue to the owner or keeper of the dangerous animal a citation or warning to comply. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 4 (part), 2012.)

**7.07.030 Vicious animals.**

A. Any animal who bites a person or animal without provocation, or which, by its actions, gives indication that it is able to bite any person or animal without provocation, shall be deemed vicious.

B. Any animal who bites a person or animal without provocation and is currently vaccinated shall be immediately quarantined for no less than ten days at the expense of the owner. A date of euthanasia for the animal shall be scheduled for no less than forty-eight hours after completion of quarantine.

C. Any animal who bites a person or animal without provocation and is unvaccinated shall be immediately impounded and quarantined for no less than ten days at the expense of the owner or keeper, and the owner or keeper may be found in violation of Chapter 7.13, subject to fees and/or fines established within Sections 7.16.010 and 7.16.020, and to comply with Chapter 7.14. Before completion of quarantine, the owner or keeper will be given a written notice of the date of euthanasia. A date of euthanasia shall be scheduled for no less than forty-eight hours after completion of quarantine.

D. Vicious animals shall be euthanized, as established in Section 7.11.010, by the animal control officer or agent not less than forty-eight hours after providing actual written notice to the owner or keeper of the dog, by hand delivery to the owner or keeper, or by posting at the last known residence of the owner or keeper. Such notice shall advise the owner or keeper of the following:

1. Planned time of euthanization of the animal;
2. That the animal will be impounded and/or quarantined immediately upon issuance of notice;
3. That the owner or keeper has an opportunity to be heard before the city manager, or the city manager's designee, should they wish to appeal the animal control officer's or agent's determination that the animal is vicious.

E. The issues to be considered at any appeal hearing shall be limited to the following:

1. Whether the animal bit a person or domestic animal;
2. Whether the animal caused damage to property;
3. Whether the bite or damage was without provocation;
4. Whether the animal by its actions gave indication that it is able to bite any person or animal without provocation.

F. The owner or keeper of an animal deemed vicious has the option to have such animal euthanized by someone of their choosing (i.e., veterinarian, close acquaintance, etc.), providing proof of date, time, and location to animal control officer or agent of the euthanasia.

G. Animals whose owner or keeper cannot be identified or located by the animal control officer or agent shall be impounded and quarantined for no less than ten days before being euthanized. If during such quarantine the owner or keeper becomes known, or a person claims to be the owner or keeper, that person shall be provided notice pursuant to subsection D of this section.

H. Any animal deemed vicious and reasonably suspected of being rabid may, at the discretion of the animal control officer or agent, be euthanized, before completion of quarantine and without notice to the owner or keeper. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 4 (part), 2012.)

## **Chapter 7.08**

### **ANIMAL CARE**

**Sections:**

- 7.08.010 Animal cruelty.
- 7.08.011 Investigation of cruelty to animals complaints.
- 7.08.015 Seizure of animals.
- 7.08.020 Protective custody.

**7.08.010 Animal cruelty.**

It is unlawful for a person to:

- A. Neglect an animal by failing to give the animal that degree of care which a person of ordinary prudence would give under the same circumstances. The care should be consistent with or dictated by the animal's normal requirements;
- B. Wound, injure, torment, poison, provoke or otherwise physically abuse an animal; or
- C. Kill or injure any animal, unless such act is lawful hunting or is necessary to defend a human being or other animal from immediate attack, or as otherwise provided in Chapter 7.11, Section 7.14.010, and Section 7.15.010. (Ord. 03-06 § 1 (part), 2003.)

**7.08.011 Investigation of cruelty to animals complaints.**

A person who believes that cruelty to animals has taken place may file a written complaint with the public safety department. (Ord. 12-16 § 6 (part), 2012.)

**7.08.015 Seizure of animals.**

- A. A police officer shall place an animal in protective custody before removing the animal from the location where it was found. If the animal is removed, the police officer shall place the animal with a veterinarian licensed under AS 08.98 or, if a veterinarian is not readily available, with a responsible public or private custodian who has previously volunteered to accept animals seized under this chapter and who has been accepted as a custodian by the city to be sheltered, cared for, and provided necessary medical attention.
- B. A police officer who has removed an animal shall immediately notify the animal's owner in writing of the removal and of the owner's right to petition the court under this chapter for return of the animal. Notification may be delivered in person, posted at the owner's residence, or mailed to the owner.
- C. If a removed animal's owner is unknown and cannot be ascertained with reasonable effort, the animal shall be considered a stray or abandoned. (Ord. 12-16 § 6 (part), 2012.)

**7.08.020 Protective custody.**

- A. Before a police officer or animal control officer or agent may take an animal and place it into protective custody, the police officer shall request an immediate inspection and opinion by a veterinarian licensed under AS 08.98 that placement into protective custody is in the immediate best interest of the animal. If a veterinarian is not available to perform an inspection, before a peace officer may take an animal, the peace officer shall communicate with a veterinarian who has, after hearing a description of the condition of the animal and its environment, advised either orally or in writing that it is in the immediate best interest of the animal that it be placed into protective custody. If the officer is not able to communicate with a veterinarian, the officer may take an animal and place it into protective custody, if in the judgment of the officer it is in the immediate best interest of the animal that it be placed into protective custody.
- B. The decision made by the veterinarian or the police officer authorizing the destruction of an animal destroyed under this chapter is a discretionary act as that phrase is used in AS 09.65.070(d)(2). A person may not recover damages for the destruction of the animal unless the owner shows that the destruction was an abuse of discretion.

C. Custody of the animal may not be regained by the owner or keeper while a prosecution for cruelty is pending. The owner or keeper may be subject to fees and/or fines for duration of impoundment and/or quarantine described in Sections 7.16.010 and 7.16.020.

D. Upon a defendant's conviction for cruelty under this title or AS 11.61.140, the court may order that the defendant forfeit ownership, custody, and control of the animal which was the subject of the cruelty.

E. Unless otherwise ordered by the court, the owner or keeper of an animal impounded pursuant to this section may redeem the animal as provided in Chapter 7.09 after completion of the prosecution. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 §§ 5, 7, 2012.)

## **Chapter 7.09**

### **IMPOUNDMENT**

#### **Sections:**

- 7.09.010 Terms.
- 7.09.020 Impoundment fees.
- 7.09.030 Unlawful release of impounded animals—Penalty.

#### **7.09.010 Terms.**

- A. All animals under impound are the property of the city of Dillingham until their release.
- B. If the owner of an impounded animal is known, a reasonable attempt will be made to notify the owner or keeper by phone or in person of their animal's whereabouts as soon as possible.
- C. Abandoned or unwanted animals brought to the animal control center by citizens for impoundment may or may not be accepted for impoundment by the city.
- D. Any animal suspected of having rabies and/or that has bitten a human must be impounded in the animal control center and quarantined and/or euthanized in accordance with Section 7.13.020.
- E. All impounded animals not claimed by their owner or the owner's representative will be held for no less than ten days after which they can be put up for adoption, if adoption eligible, or after ten days euthanized at the discretion of the animal control officer or agent (reference Section 7.11.010). The exceptions to that rule would be:
  - 1. An animal due to its temperament presents a safety issue;
  - 2. A diseased or injured animal that poses a health and safety risk to the public or other animals;
  - 3. An animal that is quarantined for ten days;
  - 4. An animal under protective custody. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 8, 2012; Ord. 15-03 § 3, 2015.)

#### **7.09.020 Impoundment fees.**

The owner of an impounded animal shall be subject to a pickup fee plus an impoundment fee and may be subject to additional fines noted in Section 7.16.020. Such fee shall be imposed on a daily basis commencing twenty-four hours after the time of impoundment. Before the animal may be released, the owner or keeper shall pay all fees and fines subject to refund and shall register the animal with the city. (Ord. 03-06 § 1 (part), 2003.)

#### **7.09.030 Unlawful release of impounded animals—Penalty.**

It is unlawful for any person to:

- A. Open a vehicle being used to transport animals to the animal control center; open the doors of the animal control center; or open or tamper with the doors of a live trap with the intent of allowing impounded animals to escape; or
- B. Tamper or intentionally, recklessly, or with criminal negligence interfere with equipment or the use of equipment in the performance of any duty under this title. Such person or persons, upon conviction, shall be subject to the penalty established in Chapter 1.20. (Ord. 03-06 § 1 (part), 2003.)

## **Chapter 7.10**

### **ADOPTION**

Sections:

7.10.010 Adoption requirements.

#### **7.10.010 Adoption requirements.**

- A. A person may adopt an animal that is held in the care and custody of the city and/or animal control center no sooner than ten days after the date of impoundment unless the city has received a release from the owner. They shall pay the adoption fee established under Section 7.16.010.
- B. If the person interested in adoption had been previously registered to the potential adoptee or known to have been the keeper of the animal, the person upon adoption shall pay all applicable fees and penalties established in Section 7.16.010.
- C. An owner may prevent the animal's adoption by:
  - 1. Petitioning the Superior Court for the Third Judicial District in Dillingham for the animal's immediate return, subject, if appropriate, to court-imposed conditions; or
  - 2. Posting a bond or security with the city of Dillingham in an amount determined by the city manager to be sufficient to provide for the animal's care for a minimum of thirty days from the date the animal was removed.
- D. If the animal control officer still has custody of the animal when the bond or security posted expires and the court has not ordered an alternative disposition, the animal becomes the city's personal property. If the court has not allowed the city to adopt out the animal and the city continues to care for the animal, the owner of the animal shall post a bond or otherwise pay in advance for the city's continuing costs of care for the animal until a final decision is made by the trial court. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 9, 2012.)

## **Chapter 7.11**

### **EUTHANASIA**

Sections:

7.11.010 General.

#### **7.11.010 General.**

- A. The following animals may be euthanized at any time:
  - 1. An animal exhibiting symptoms of a major infectious or contagious disease, as determined by a licensed veterinarian if available, that is a danger to the health and safety of the public or other animals within the city.



2. An animal that in the judgment of the animal control officer or agent is injured or suffering to the extent that it should be euthanized for humane reasons. When possible the opinion of a licensed veterinarian will be obtained prior to euthanasia under this subsection.
  3. An animal deemed dangerous or vicious.
  4. An animal, not the subject of a pending hearing or court decision, who poses an unreasonable risk of physical injury and/or is deemed dangerous or vicious.
  5. An adoption eligible animal, remaining unadopted following expiration of the ten-day minimum term of availability specified in Section 7.09.010.
- B. Euthanasia of an animal shall be accomplished by a licensed veterinarian, or a technician trained and certified under the "Permit For Use of Drugs To Euthanize Domestic Animals" as specified in AS 08.02.050.
- C. The animal control officer shall maintain a list of animals euthanized including a description of the animal and the condition for euthanasia, available for review by the general public.
- D. Except as provided in subsections (A)(1), (2) and (3) of this section, an animal exhibiting symptoms of a major infectious or contagious disease as determined by a licensed veterinarian if available, or who in the judgment of the animal control officer or agent is injured or diseased to such an extent that it should be euthanized for humane reasons, an animal may not be euthanized within ten business days after the animal is taken into custody. An owner may prevent the animal's destruction by:
1. Petitioning the Superior Court for the Third Judicial District in Dillingham for the animal's immediate return, subject, if appropriate, to court-imposed conditions; or
  2. Posting a bond or security with the city of Dillingham in an amount determined by the city manager to be sufficient to provide for the animal's care for a minimum of thirty days from the date the animal was removed.
- E. If the animal control officer still has custody of the animal when the bond or security posted expires and the court has not ordered an alternative disposition, the animal becomes the city's personal property. If the court has not allowed the city to euthanize or adopt out the animal and the city continues to care for the animal, the owner of the animal shall post a bond or otherwise pay in advance for the city's continuing costs of care for the animal until a final decision is made by the trial court.
- F. The owner or keeper of a domestic animal who asks that his animal be euthanized or surrendered to the city shall sign an owner release waiver, and pay the appropriate fees established in Section 7.16.010 at the time of relinquishment.
- G. In all cases, if the animal has traceable identification or the animal owner or keeper is known, a reasonable effort shall be made to contact the owner or keeper prior to euthanasia unless said notice is not required by this title or unless the animal is suffering unduly. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 10, 2012.)

## **Chapter 7.12**

### **WOLF HYBRIDS**

Sections:

- 7.12.010 Possession of wolf hybrids.  
 7.12.020 Vaccination of wolf hybrids.

**7.12.010 Possession of wolf hybrids.**

No person shall own, possess, keep, maintain, harbor, transport, sell or advertise for sale any wolf hybrid within municipal boundaries except as provided under 5 AAC 92.030. (Ord. 03-06 § 1 (part), 2003.)

**7.12.020 Vaccination of wolf hybrids.**

Until an approved USDA rabies vaccination is available for wolf hybrids, any wolf hybrid that bites a human shall be immediately euthanized and its head submitted for rabies testing. (Ord. 03-06 § 1 (part), 2003.)

**Chapter 7.13**

**ANIMAL BITES**

Sections:

7.13.010 Reporting animal bites required.

7.13.020 Disposition of animals biting or suspected of having rabies.

**7.13.010 Reporting animal bites required.**

As provided by Alaska Statutes. (Ord. 03-06 § 1 (part), 2003.)

**7.13.020 Disposition of animals biting or suspected of having rabies.**

A. Any animal that has bitten a person shall be quarantined. Animals that have been exposed to an animal that has bitten a person may also be quarantined.

B. If a community service officer or agent reasonably suspects an animal to have rabies, he shall cause that animal to be impounded and quarantined immediately and/or euthanized in accordance with Chapter 7.11.

C. An unvaccinated animal that has been bitten by an animal diagnosed as rabid shall be euthanized immediately.

D. If a bitten animal has a current rabies vaccination, the animal shall be re-vaccinated immediately and quarantined and, except as otherwise provided in this section, shall comply with the standard requirements for animal rabies vaccination in 7 AAC 27.020(c). (Ord. 03-06 § 1 (part), 2003.)

**Chapter 7.14**

**QUARANTINE OF INDIVIDUAL ANIMALS**

Sections:

7.14.010 Quarantine required.

7.14.020 Conditions of quarantine.

7.14.030 Payment of costs.

**7.14.010 Quarantine required.**

A. The city community service officer or agent, subject to the notice requirements of this title, shall have the sole discretion to decide if any quarantined animal is to be destroyed or held and, if it is held, at what location and for how long it shall be held.

B. The community service officer or agent shall have the sole discretion to decide whether the owner or keeper of the animal is in a position to provide a safe and secure place for the animal.

C. Any animal that has bitten a person shall be immediately impounded and quarantined in accordance with the standards provided in 7 AAC 27.020(c)(1) and (2) and/or otherwise provided in this title.

D. Any animal that is bitten by a rabid animal must be immediately impounded and quarantined according to the standards provided in 7 AAC 27.020(4).

E. Any animal under quarantine found to be at large or capable of coming into contact with other animals, shall be surrendered and/or euthanized under the discretion of the community service officer or agent.

F. The owner or keeper of an animal found to be at large or coming into contact with other animals while under quarantine, shall be subject to additional fines under Section 7.16.020 and/or impound fees for the duration of the quarantine term. (Ord. 03-06 § 1 (part), 2003.)

#### **7.14.020 Conditions of quarantine.**

A. Subject to subsections B and D of this section, every quarantined animal not kept in an animal control center will be kept in a secure enclosure such as a house, closed garage, other building or basement, and a quarantine sign shall be posted so that it is visible from the outside of the property. If the animal is taken outside to relieve itself, it must be on a leash held by a competent person fifteen years or older and must be returned to the enclosure immediately. The owner or keeper shall inform the community service officer or agent where the animal is being kept.

B. An animal shall remain quarantined until released, in writing, by the community service officer or agent. No other person may release an animal from quarantine. The community service officer or agent may require that an animal be inspected before releasing it from quarantine.

C. If the animal should become sick, die or escape, the community service officer or agent shall be notified immediately. If the animal is sick or dying, it shall not be removed from quarantine.

D. No person may remove a quarantined animal from the municipality without notifying the city manager in writing at least two business days before the intended removal and obtaining the city manager's written consent.

E. The community service officer or agent may direct that a quarantined animal be quarantined at the animal control center. An animal with no proof of current rabies vaccination shall be quarantined at the animal control center. (Ord. 03-06 § 1 (part), 2003.)

#### **7.14.030 Payment of costs.**

An animal under quarantine may be reclaimed by the keeper if determined to be free of rabies upon payment of any expenses incurred for the quarantine, unless the animal is a dog that has been classified as dangerous and has been ordered quarantined pending a hearing on its classification as provided in Section 7.07.020 or has been classified as vicious and ordered to be destroyed as provided in Section 7.07.030. (Ord. 03-06 § 1 (part), 2003.)

## **Chapter 7.15**

### **INCIDENCE OF RABIES**

Sections:

7.15.010 Handling requirements.

7.15.020 Area-wide quarantine.

#### **7.15.010 Handling requirements.**

A. The city animal control officer, under the direction of the city manager, shall cooperate with other agencies in establishing a rabies control program for the city.

B. All persons shall report to an animal control officer or agent any suspected or positively diagnosed occurrence of rabies as soon as such occurrence becomes known to the person.

C. No person may kill any suspected or confirmed rabid animal or an animal subject to quarantine except to defend a human being from death or bodily injury, unless otherwise provided in this title.

D. Any loose animal suspected of rabies, running at large uncontrolled and evading attempts to be caught shall be shot by an animal control officer or agent and the head sent to the appropriate laboratory for examination of rabies disease.

E. Only an animal control officer or agent may remove the carcass of any suspected or confirmed rabid animal from the location where the animal was killed or found.

F. The carcass of an animal suspected of being rabid shall upon demand be surrendered to an animal control officer or agent or to the Department of Health and Social Services. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 11, 2012.)

#### **7.15.020 Area-wide quarantine.**

A. When there has been a positive diagnosis of rabies within the city, the city manager or the city manager's designee may declare an area-wide quarantine for such period of time as determined necessary and there shall be no animals transported, taken, or removed from the city without the prior written consent of the city manager.

B. Except as otherwise provided in this section, every owner or keeper shall confine his or her animal in accordance with Section 7.14.020 and the standards set forth in 7 AAC 27.020(a) and 7 AAC 27.030. (Ord. 03-06 § 1 (part), 2003.)

## **Chapter 7.16**

### **FEES, FINES, AND FAILURE TO COMPLY**

#### Sections:

- 7.16.010 Fees.
- 7.16.020 Violations—Penalties.
- 7.16.030 Allocation of fees.
- 7.16.040 Failure to comply to notice of infraction of this title.

#### **7.16.010 Fees.**

Registration	
Valid one year after date of purchase. Fees reflect per year and are available for advanced purchase up to three years.	
a. Unsterilized animal*	\$10.00
b. Sterilized animal*	\$5.00
c. Duplicate	\$1.00
Adoption	\$35.00
Plus registration fee above	
Impound per day, from the time of impoundment	\$25.00
Pick-up	
a. Unregistered animal*	\$50.00
b. Registered animal*	\$35.00

Plus impound fee per day	
Kennel permit new, extended, or re-issued (three-year period)	\$25.00
Owner release	\$25.00
Euthanize	\$50.00

\* Section 7.03.010(J)—Notwithstanding any other ordinance, registration of cats is not required, but is encouraged.

(Ord. 03-06 § 1 (part), 2003; Ord. 16-01 § 3, 2016.)

#### **7.16.020 Violations—Penalties.**

A person who violates any provision of this title is guilty of an infraction and subject to a fine as set forth in Section 1.20.040, in addition to any surcharge required by AS 12.55.039(a)(4). (Ord. 13-19 § 10, 2013.)

#### **7.16.030 Allocation of fees.**

A. Those fees and fines obtained by the city of Dillingham through registration, adoption, and/or Title 7 violations of animals may, subject to annual appropriation therefor, be allocated to events organized to educate, encourage, and provide opportunity for vaccination and sterilization of animals for Dillingham residents.

B. A program for educating and enhancing Dillingham residents' access to vaccination and sterilization opportunities may be coordinated by the animal control officer or agent. Events may include but not be limited to spay/neuter clinics and printed or recorded public information. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 12, 2012.)

#### **7.16.040 Failure to comply to notice of infraction of this title.**

A. It is unlawful for any person to refuse or intentionally fail to comply with a notice of infraction of this title.

B. Any animal found in violation of this title may be impounded and/or quarantined and the owner or keeper subject to pay fees and/or fines in Sections 7.16.010 and 7.16.020.

C. Allowing a dangerous or vicious animal to continue the acts upon which it was found in violation within twenty-four hours of a warning or citation is a refusal or intentional failure to comply with a notice of infraction of this title. (Ord. 03-06 § 1 (part), 2003.)

**Alaska Municipal League  
Resolution #2019-1**

**A resolution in support of the Alaska Municipal Leagues stated principles.**

WHEREAS, the Alaska Municipal League was founded in 1950 to “secure general and municipal legislation at the state and federal levels which will be beneficial to the municipalities and inhabitants thereof, and to oppose legislation injurious thereto”; and

WHEREAS, the Alaska Municipal League has developed principles with which it evaluates State and federal action; and

WHEREAS, the Alaska Municipal League supports the Alaska Constitution’s mandate to “provide for maximum local self-government”; and

WHEREAS, the Alaska Municipal League supports policies that reduce tax burdens on local government and reimburse for State-mandated exemptions; and

WHEREAS, the Alaska Municipal League supports State revenue-sharing as an investment in and support for municipal governance; and

WHEREAS, the Alaska Municipal League supports adequate funding for basic public services and infrastructure, such as: education, public safety, health, emergency services, and transportation that is necessary for strong and vibrant municipalities; and

WHEREAS, the Alaska Municipal League opposes unfunded and underfunded State or Federal legislative and administrative mandates; and,

WHEREAS, the Alaska Municipal League opposes any efforts to reduce local revenues and local revenue authorities; and

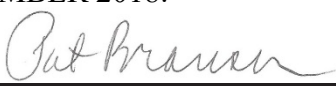
WHEREAS, the Alaska Municipal League opposes policies that shift State or Federal responsibilities to local governments without a negotiated agreement that includes adequate and full annual funding; and

WHEREAS, the Alaska Municipal League believes the above describes a fair and equitable relationship between the State and political subdivisions; and

WHEREAS, the Alaska Municipal League believes these principles are in the public interest.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League is committed to applying the above-stated principles to all relevant State and federal legislation, and to agency actions, in support of or in opposition to.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
\_\_\_\_\_  
President, Alaska Municipal League

Attest:   
\_\_\_\_\_  
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-02**

**A resolution in support of the Alaska Municipal Leagues stated priorities.**

WHEREAS, the Alaska Municipal League is comprised of and responsive to the interests of 165 incorporated municipalities representing 97% of Alaskans; and

WHEREAS, the Alaska Municipal League has identified State and federal priorities for 2019 that reflect the value that members place on League action; and

WHEREAS, the Alaska Municipal League supports the pursuit of additional revenue options, including broad based taxes; and

WHEREAS, the Alaska Municipal League supports PERS changes to include termination studies, periodic evaluation of and beneficial adjustment to the 2008 salary floor, and increased opportunity to leave PERS without penalty; and

WHEREAS, the Alaska Municipal League supports additional investments into Community Assistance, including a long-term solution; and

WHEREAS, the Alaska Municipal League supports full funding for and recalculation of small community population caps for PILT payments to Alaska municipalities; and

WHEREAS, the Alaska Municipal League supports federal PILT payments, timber receipts tied to Safe and Secure Rural Schools, and infrastructure investments; and

WHEREAS, the Alaska Municipal League opposes underfunding of Federal Assistance Programs including Medicaid, transportation, CDBG, SNAP, Medicare, Head Start, Title 1 Grants, WIC, CHIP, etc.; and

WHEREAS, the Alaska Municipal League believes these priorities represent the highest-level attention to and response by State and Federal decision-makers; and

WHEREAS, the Alaska Municipal League believes these priorities are in the public interest.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League calls on State and Federal policymakers to respect and respond to these priorities.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-03**

**A resolution in support of the development of a Community Dividend.**

WHEREAS, community revenue sharing began in 1969 to help ease fiscal problems facing local governments, stabilize or reduce local property taxes, encourage local provision of public services, and stabilize local budgets and planning; and

WHEREAS, revenue sharing has undergone significant and dramatic changes since 1969, leading to a situation in 2004 where all revenue sharing programs were proposed for elimination after years of reductions, which corresponded to increased property taxes, elimination of municipal services, and reduced capacity; and

WHEREAS, the State of Alaska exempts itself from local taxes even though it uses local services and approximately \$1.4 billion (2017) in property taxes are paid by local taxpayers to subsidize State operations; and

WHEREAS, the Alaska Municipal League has been firm in its advocacy for the absolute necessity of a form of and enough revenue sharing that strengthens the capacity of municipal governments, alleviates the need for higher local taxes, and bolsters the delivery of public services; and

WHEREAS, the recent fiscal crisis experienced by the State of Alaska made apparent the reality of cost-shifting to municipalities and the potential for State reductions to municipal budgets, particularly in the form of reduced or eliminated revenue sharing; and,

WHEREAS, uncertainty at the State level – due either to limits to annual appropriations or the mechanism by which current Community Assistance funding is currently secured – necessitates a new way to approach revenue sharing; and

WHEREAS a community dividend is a feasible method with which to reimburse local government for State tax exemptions, fund local contributions to education, replace revenue sharing or community assistance, and keep Alaska's promises;

WHEREAS, the earnings from the Alaska Permanent Fund are a credible and sustainable vehicle for such funding; and

WHEREAS, the Alaska State Legislature considered this question in 2006, with support from many stakeholders, including the Alaska State Chamber of Commerce; and

WHEREAS, a community dividend meets the State's obligation to municipal governments and provides a sustainable pathway for maximizing local government.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League encourages the Alaska State Legislature to consider the development of a Community Dividend.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League



**Alaska Municipal League  
Resolution #2019-04**

**A resolution requesting that the Alaska State Legislature fund the Senior Citizen's/Disabled Veteran's property tax exemption as required in AS 29.45.030(g).**

WHEREAS, in the 1980s, the State of Alaska imposed a mandate that required all municipalities that levy a property tax, to exempt the first \$150,000 value of primary homes belonging to seniors and disabled veterans, from that property tax; and

WHEREAS, property tax exemptions raise the property tax liability to those individuals who do not receive the benefits of those exemptions; and

WHEREAS, the State of Alaska also passed law in statute that requires the State to reimburse municipalities for those exemptions; and

WHEREAS, the State and Legislature have not funded this program and the municipal reimbursement since 1997; and

WHEREAS, the State of Alaska has continued to require municipal exemptions; and

WHEREAS, one of the primary duties of a municipality is to levy taxes in support of its corresponding obligations to provide public services, and most importantly public education; and

WHEREAS, municipalities have the best understanding of citizen concerns and priorities, municipal budgets and should have sole authority to identify the need for and grant exemptions; and

WHEREAS, Community Assistance provided to 164 municipalities has decreased to \$30 million per year, the Senior Citizen's/Disabled Veteran's Property Tax exemption is now costing the 18 municipalities that levy a property tax a total of over \$77 million per year.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League requests that the Alaska State Legislature fund the Senior Citizen's/Disabled Veteran's Property Tax exemption as required in AS 29.45.030(g).

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-05**

**A resolution in support of full funding from the State of Alaska for school bond debt reimbursement and State aid for construction in Regional Education Attendance Areas**

WHEREAS, the State of Alaska has a constitutional responsibility to “maintain a system of public schools” under Article 7, Section 1 of the Alaska Constitution; and

WHEREAS, since 1970, the State of Alaska has encouraged municipalities to bond for school major maintenance projects by reimbursing municipalities with bonding authority for a fixed portion of principal and interest payments; and

WHEREAS, the Alaska Legislature has, for decades, provided major maintenance for rural Regional Educational Attendance Area schools through appropriations in the annual capital budget; and

WHEREAS, since 2010, the Legislature provided consistent funding parity for rural schools’ major maintenance needs by automatically funding major maintenance projects in areas without the ability to bond, with a percentage of the school bond debt reimbursement funding; and

WHEREAS, relying on these programs and the State of Alaska’s obligations, Alaskan municipalities and Regional Educational Attendance Areas have maintained schools and fulfilled municipal responsibilities; and

WHEREAS, in 2015, the Legislature placed a five-year moratorium on any new projects being eligible for school bond debt reimbursement, and shifted the sole responsibility of repayment to local taxpayers; and

WHEREAS, some municipalities, in an effort to mitigate deterioration of school facilities during the capital funding moratorium, began allocating local tax revenues to provide funding for major deferred maintenance school projects; and

WHEREAS, in 2016, the Legislature honored past project funding and appropriated funds to the municipalities for school debt reimbursement, as well as major maintenance funding for schools in Regional Educational Attendance Areas; and

WHEREAS, in 2016, the Governor line-item vetoed 25% of the funding for both municipal and rural schools from appropriation bills; and

WHEREAS, the potential for future vetoes places great uncertainty on this program and burden on municipalities.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League support full annual funding of school bond debt reimbursement and state aid for construction in Regional Educational Attendance Areas.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-06**

**A resolution supporting legislation adopting real property sales disclosure in Alaska.**

WHEREAS, the Alaska Municipal League supports the goal to promote the fair and equitable distribution of the property tax burden which funds local governments; and

WHEREAS, Alaskans, municipalities and the State benefit from the assessment of fair and equitable values of real property within all taxing jurisdictions in the State of Alaska; and

WHEREAS, an assessor is required, per AS 29.45.110, to assess all property at full and true value, as of January 1 of the assessment year. The full and true value is the estimated price that the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels; and

WHEREAS, while the legal mandate for assessment at full and true value exists, the sales data that is necessary to determine full and true value is not readily available due to the lack of sales disclosure in the State of Alaska; and

WHEREAS, the Legislative Research Services Division reported in 2014, that Alaska is one of six states for which sales disclosure for property exchanges are not disclosed; and

WHEREAS, data is currently obtained from requests for voluntary sales information through questionnaires mailed in many jurisdictions, which result in incomplete, unreliable, and in some cases translated to inaccurate reflections of actual market value; and

WHEREAS, sales disclosure would assist in the fair distribution of the tax burden to all taxpayers and would enhance the accuracy and the timeliness of assessments; and

WHEREAS, sales disclosure would enhance the ability of assessment professionals to meet the full and true value mandate and would also aid the public in obtaining information in order to interact within local real estate markets; and

WHEREAS, the lack of sales data in some jurisdictions limits the ability to fairly distribute the tax burden and also to fund local services; and

WHEREAS, sales disclosure would enable property owners to gather data to provide support for legally entitled property tax appeals under AS 29.45.190.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League urges the Alaska State Legislature to enact legislation requiring disclosures of all real property sales in the State of Alaska.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-07**

**A resolution supporting increased investment in the Alaska Renewable Energy Fund, and continued support for existing State energy and energy efficiency programs.**

WHEREAS, Alaska's high cost of energy creates a burden for Alaskans and for local governments, school districts and public facilities; and

WHEREAS, ensuring the safety and reliability of energy systems increases the security of Alaskan communities and the economy; and

WHEREAS, the Alaska Municipal League has been consistent in its advocacy for the strategic development of energy resources, State programs that help to lower power and heating costs, and adequate long-term funding for energy investment; and

WHEREAS, the Renewable Energy Fund – established in 2008 by the Alaska State Legislature – is a good example of a program that, if funded, provides public investment in the development of qualifying and competitively selected renewable energy projects in Alaska; and

WHEREAS, the Alaska Renewable Energy Fund provides benefits to Alaskans by assisting communities across the state to reduce and stabilize the cost of energy; and

WHEREAS, the program is designed to produce cost-effective renewable energy for heat and power to benefit Alaskans statewide, and ancillary benefits include job creation, leveraging local energy resources, and economic development; and

WHEREAS, from 2008 to 2015, appropriations totaling \$257 million were issued for Renewable Energy Fund projects, which was matched with hundreds of millions of dollars in funding from local sources to develop projects designed to reduce and stabilize the cost of energy; and

WHEREAS, in 2016 and 2017 there were no State REF appropriations and no new projects were initiated in those years; the new formula created in 2015 for applying excess earnings from the PCE endowment was only in 2018 applicable, and continued lack of funding is a threat to the success of the program; and

WHEREAS, new sources of funding should be applied to the Fund when PCE earnings do not meet the appropriate threshold for the effective development of and support for energy projects in Alaska.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League urges the Governor and the Alaska State Legislature to increase investment in the Renewable Energy Fund; and

BE IT FURTHER RESOLVED that the Alaska Municipal League additionally supports continued investment in State energy and energy efficiency programs, including the Revolving Loan Fund Program, Weatherization, Home Energy Rebate Program, Bulk Fuel Construction Program, and Rural Power System Upgrades.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-08**

**A resolution supporting the State's implementation of a broad-based tax.**

WHEREAS, in response to a fiscal crisis caused by low oil prices and other circumstances, the State of Alaska has made significant headway in decreasing the overall size of government by reducing agency and programmatic spending; and

WHEREAS, in 2018 the Alaska State Legislature took a positive step toward addressing additional revenue by allowing access to excess earnings of the Permanent Fund; and

WHEREAS, there remains a gap between revenues and current expenses, and an even more significant gap between revenues and the ability of the State to address fundamental challenges facing Alaska, including but not limited to public safety, education, infrastructure, and energy; and

WHEREAS, the Alaska Municipal League in 2016 submitted a Sustainability Plan to the Legislature, some of which has been addressed;

WHEREAS, the Alaska Municipal League has supported the implementation of a broad-based tax as part of a sustainable fiscal plan; and

WHEREAS, the Alaska Municipal League understands an income tax as being able to 1) capture revenue from out-of-state employees, which is 20% of Alaska's total payroll, 2) be deducted from federal income taxes, with a net neutral cost to Alaskans, and 3) give Alaskans a direct interest in state governance; and

WHEREAS, the Alaska Municipal League believes that a statewide sales tax would 1) be feasible where no current sales tax exists, but 2) may erode the municipal tax base, thereby shifting revenue from one level of government to another, while undercutting the ability of local governments to deliver essential services; and

WHEREAS, municipalities across Alaska have identified continued challenges related to increased expenses and community needs; and

WHEREAS, municipalities across Alaska are concerned that lack of revenue at the State level will result in the inability to address essential public services that are important to Alaskans and to Alaskan businesses.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports the State's consideration of a broad-based tax; and

BE IT FURTHER RESOLVED that the Alaska Municipal League stands ready to work with the Alaska State Legislature to mitigate potential negative impacts, as necessary.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-09**

**A resolution requesting that Title 29 be amended to remove the audit requirement for Community Assistance, and provide a one-time waiver of past audit requirements, thereby releasing all outstanding Community Revenue Sharing/Assistance funds.**

WHEREAS, Alaska's municipal governments consider community revenue sharing, now known as Community Assistance, an essential and fundamental component of their annual budget; and

WHEREAS, municipalities are diverse and wide-ranging in their population size, budget composition, and state and federal statutory and regulatory requirements; and

WHEREAS, AS 29.180.020 outlines the requirements necessary to receive Community Assistance funding, including, "if the municipality is a borough, unified municipality, or first class city, a copy of the annual audit reviewed by a certified public accountant"; and

WHEREAS, the cost of completing an audit consistent with this requirement may represent 30-50% of the annual funding received by a municipality from Community Assistance; and

WHEREAS, the bulk of these municipalities are already required to complete an audit based on other state and federal funding requirements, and submission to DCRA can be encouraged; and

WHEREAS, for the remainder, the audit requirement presents an additional bureaucratic burden that requires municipal governments to allocate funding to its fulfillment and away from delivery of services in the public benefit; and

WHEREAS, there are more effective and cost-efficient ways in which to assure DCRA of a community's overall health and compliance capabilities; and

WHEREAS, the State has withheld and currently withholds payment of Community Revenue Sharing and now Community Assistance when the audit requirement, among others, is not met; and

WHEREAS, many municipalities are desperately in need of access to those funds, which assist in general operations, strengthening administrative capacity, and contributing to education, energy and public safety needs; and

WHEREAS, alleviating the costs of compliance for municipal governments increases overall the economic health of the state, decreases the need for increased local taxes, and reduces programmatic costs within the State.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League requests that the Alaska State Legislature amend Title 29 to remove the audit requirement for Community Assistance, and provide a one-time waiver of past audit requirements, thereby releasing all outstanding Community Revenue Sharing/Assistance funds.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League



**Alaska Municipal League  
Resolution #2019-10**

**A resolution encouraging the Governor and Legislature to increase capacity within the Office of Management and Budget to evaluate costs to communities of State and Legislative budget and legislative actions, and to include a municipal impact fiscal note in all relevant legislation.**

WHEREAS, the State of Alaska's Office of Management and Budget is an incredible resource for assessing current and potential budget action, including the impact of legislative actions; and

WHEREAS, the Office of Management and Budget currently includes a director, three policy analysts, and seven budget analysts; and

WHEREAS, each Office of Management and Budget analyst is responsible for different areas within the budget, mainly by Department, but also around a variety of State priorities and initiatives; and

WHEREAS, the Office of Management and Budget does not currently have a dedicated analyst focused on municipal policy or budgets; and

WHEREAS, the Alaska Municipal League has in the past called for a fiscal note to be included in all legislation, which would describe municipal impacts; and

WHEREAS, it is essential that the Office of Management and Budget strengthen its capacity to be able to address this, and it is the position of the Alaska Municipal League that this not be added to the current workload of existing staff; and

WHEREAS, the Office of Management and Budget is encouraged to coordinate its municipal analysis with the Division of Community and Regional Affairs and the Legislative Finance Division, including to potentially cost-share this position between agencies; and

WHEREAS, strengthening the State's capacity in this regard will improve the efficacy of all legislation, provide policymakers with the critical information they need to weigh costs and benefits of legislation and provide clarity to municipal governments.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League requests that the Governor and Alaska State Legislature increase capacity within the Office of Management and Budget to evaluate costs to communities of State and Legislative budget and legislative actions; and

BE IT FURTHER RESOLVED that the Alaska Municipal League encourage consideration of a municipal impact fiscal note to be included in all relevant legislation prior to submission.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-11**

**A resolution requesting that the Governor and Alaska State Legislature provide a one-time payoff of PERS arrearages.**

WHEREAS, many of Alaska's villages and smaller communities are under stress stemming from the State's fiscal problems, lack of an underlying economy, and a range of other factors; and

WHEREAS, these stresses manifest themselves as PERS arrearages, IRS liens, deficits, late payments, audit findings, grant reporting issues and other fiscal difficulties; and

WHEREAS, debt presents barriers to accessing Community Revenue Sharing/Community Assistance, PILT payments, federal and state grant opportunities, bulk fuel loans, and other opportunities; and

WHEREAS, the lack of access to those funds makes it even more difficult to fund payroll, including being able to pay into PERS and for past liability; and

WHEREAS, more than forty (40) municipal governments and school districts are delinquent on PERS payments, with the ten (10) highest accounting for over \$3 million collectively; and

WHEREAS, this delinquency and debt is then distributed to other PERS pool participants, and felt not just by municipalities but by the State as well, resulting in greater on behalf payments; and

WHEREAS, recognizing these communities as currently "stressed" and working to move them toward sustainability is an important goal of the Alaska Municipal League; and

WHEREAS, a stressed community should be thought of in terms of the degree to which it may be out of compliance with State and/or federal financial, legal or statutory requirements; and

WHEREAS, the State can play a significant role in assisting in the health of its communities; and

WHEREAS, there are clear need to establish a level playing field by paying off those arrearages now, justified not only by ensuring community health but as long-term investments that save the State in its ongoing expenditures.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League encourages the Governor and the Alaska State Legislature fund a one-time payoff of PERS arrearages.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League



**Alaska Municipal League  
Resolution #2019-12**

**A resolution in support of Public Employee Retirement System (PERS) reform.**

WHEREAS, most members of the Alaska Municipal League contribute to the Public Employee Retirement System (PERS); and

WHEREAS, included in Senate Bill 125 in 2008 was language requiring municipalities to pay termination costs and “below the floor costs” on the termination of a department, group, or classification of employees; and

WHEREAS, those lay-offs that are made up of a department, group, or classification will result in a charge to local governments for the actual study, followed by charges for each of those employee’s past service cost for approximately 30 years; and

WHEREAS, if the total base salary of any municipality falls below what it was in 2008 (the year of SB 125), then charges will be assessed on that drop, as well; and

WHEREAS, these rules severely limit the ability of municipalities, , from being agile in the workplace, including eliminating no longer needed departments, groups, or classifications; and

WHEREAS, these rules severely limit the ability of municipalities, , from creating new needed departments, groups, or classifications for fear of future termination studies and termination costs extending up to 30 years in the future; and

WHEREAS, municipalities require agility and adaptability in the workforce to meet our changing needs.

WHEREAS, with our current state fiscal crisis, municipalities may need to make reductions or increasing in the workforce; including entire departments, groups, or classifications of employees; and

WHEREAS, the State of Alaska is not subject to these rules as an employer; and the State of Alaska is making serious considerations to reducing its workforce.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League supports reform in the Public Employee Retirement System (PERS), including the elimination of termination studies and all costs for reducing or eliminating departments, groups, or classifications of employees, as well as not inhibiting future additions of departments, groups, or classifications of employees.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution #2019-13**

**A resolution in support of changing the transferability of limited entry salmon permits by  
allowing an additional name on the permit.**

WHEREAS, the number of limited entry salmon permits are leaving Alaska's rural communities at an alarming rate; and

WHEREAS, this trend is resulting in fewer economic opportunities and causing communities to shrink; and

WHEREAS, the out-migration of permits has escalated mainly due to the "graying of the fleet;" and

WHEREAS, the average age of a state fishing permit holder is 50 years; and

WHEREAS, some limited entry permit holders may be reluctant to permanently transfer a permit to any heirs currently dealing with addiction; and

WHEREAS, allowing an additional name of a person to be listed on limited entry salmon permits could help curb out-migration of permits from rural communities; and

WHEREAS, one of the biggest obstacles new entrants wanting to pursue a career in fishing face is lack of capital and an established credit history to get started; and

WHEREAS, allowing an additional name to be listed would allow permit holders to mentor up-and-coming fishermen in the community and transition them into the fisheries; and

WHEREAS, allowing an additional name to be listed would eliminate the permit holder's fear of losing the permit; and

WHEREAS, allowing an additional name to be listed would allow the surviving spouse or beneficiary of a permit holder to maintain that permit in the spouse's or beneficiary's name and provide the individual the opportunity to sell salmon with no other ownership; and

WHEREAS, given Alaska's current fiscal crisis, it's more important than ever to maintain and increase economic opportunities for individuals and families who are dependent on the fisheries.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League urges the Alaska Legislature to pass legislation redefining the transferability of limited entry salmon permits by allowing an additional name to be listed on permits to keep permits in rural communities.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY  
OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

**Alaska Municipal League  
Resolution 2019-14**

**A resolution in support of full funding (\$7,409,439) for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2020 State capital budget.**

WHEREAS, the Alaska Municipal League recognizes the majority of the public boat harbors in Alaska were constructed by the State during the 1960s and 1970s; and

WHEREAS, these harbor facilities represent critical transportation links and transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

WHEREAS, these harbor facilities are ports of refuge and areas for protection for ocean-going vessels and fishermen throughout the State of Alaska, especially in coastal communities; and

WHEREAS, the State of Alaska transferred ownership of most of these facilities – many of which were at or near the end of their service life at the time of transfer – to municipalities; and

WHEREAS, the municipalities took over this important responsibility even though these harbor facilities were in poor condition due to the state's failure to complete deferred maintenance; and

WHEREAS, consequently, local municipal harbormasters inherited a major financial burden that their local municipal governments could not afford; and

WHEREAS, in response to this financial burden, the Governor and the Alaska Legislature passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port Administrators, to create the Municipal Harbor Facility Grant program, AS 29.60.800; and

WHEREAS, the Alaska Municipal League is pleased with the Department of Transportation and Public Facilities administrative process to review, score and rank applicants to the Municipal Harbor Facility Grant Program, since state funds may be limited; and

WHEREAS, for each harbor facility grant application, these municipalities have committed to invest 100% of the design and permitting costs and 50% of the construction cost; and

WHEREAS, the Municipality of Anchorage, the City and Borough of Juneau, City of Ketchikan, City and Borough of Sitka, and the City of Angoon have offered to contribute \$7,409,439 in local match funding for FY2020 as required 50% match by the Harbor Facility Grant Program; and

WHEREAS, during the last ten years the backlog of projects necessary to repair and replace these former State-owned harbors has increased to over \$100,000,000.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League urges full funding in the amount of \$7,409,439 by the Governor and the Alaska Legislature for the State of Alaska's Municipal Harbor Facility Grant Program in the FY 2020 State Capital Budget in order to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 16<sup>th</sup> DAY OF NOVEMBER 2018.

Signed:   
President, Alaska Municipal League

Attest:   
Executive Director, Alaska Municipal League

November 19, 2018

Good Morning Alice,

After speaking Lee Ann Andrew, she was able to pass along the following:

The third grade had been reading about volunteering and helping others and in doing so we learned about the Chignik fishing season. As a class we decided to help with a food drive. We made posters and put them around town and students did announcements for KDLG. We wanted to get the whole school involved so it became a contest between grades.

The drive was a group wide effort with BBNA working with Chignik and coordinating the shipping. Nushagak Coop donated the labor to pick up the food and delivered it to BBNA. The elementary school ran the food drive, along with the wrestlers giving \$1 off entry for each can brought in.

We brought in 1759 pounds (1st grade won with a total of 485 pounds) and a family donation \$500 was also received. We are now running a spare change drive now to add to the \$500. There is no contest for the change drive.

Give me a shout if there is any additional information that I can provide.

They certainly did an awesome job!

Dr. Jason R. Johnson  
Superintendent  
Dillingham City School District  
907-842-5223  
[jjohnson@dlgsd.org](mailto:jjohnson@dlgsd.org)





**Safe & Fear-Free Environment, Inc.**  
**Post Office Box 94 - Dillingham, Alaska 99576**  
(Office) 907-842-2320, (Fax) 907-842-2198  
(Crisis Line) 1-800-478-2316  
Safe@ safebristolbay.org

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Date, November 9, 2018

Lori Goodell, City Clerk  
City of Dillingham  
PO Box 889  
Dillingham, AK 99576



Dear: Lori,

Enclosed are two copies of SAFE's gaming permit for the calendar year 2019 that was submitted online to the State of Alaska. Generally SAFE conducts a few raffle's under the permit each year, usually during Beaver Round-up and the annual SAFE fund raiser dinner. We do not anticipate any other kind of gaming activities under this permit.

Sincerely,

Marilyn Casteel, Executive Director  
Safe & Fear Free Environment, Inc.

Enclosures

RECEIVED

NOV 13 2018

CITY OF DILLINGHAM



# ALASKA DEPARTMENT OF REVENUE

## 2019 Charitable Gaming Permit

Permit No

663

Letter ID: L1118441472

### PERMITTEE

SAFE & FEAR-FREE ENVIRONMENT INC  
PO BOX 94  
DILLINGHAM AK 99576

### AUTHORIZED GAMING ACTIVITIES

#### Effective

#### Game Type

Dillingham

1/1/2019 - 12/31/2019 Raffle or Lottery

This qualified organization or municipality is authorized to conduct the listed games of chance and skill for the permit year. Gaming activities of this permittee must be conducted in accordance with AS 05.15. and 15 AAC 160. This permit is not transferable or assignable.

**Katrina Mitchell, Charitable Gaming Manager**

**November 07, 2018**

**Issued By**

**Issue Date**

Caution: This does not permit you to do business in Alaska without complying with other State or US Laws.



November 6, 2018

Icicle Seafoods  
4019 21st Ave W,  
Seattle, WA 98199

To: Warner Lew - Fleet Manager

From: Ida Noonkesser, Dillingham Senior Center – Director

Re: Donations

On behalf of the City of Dillingham Senior Center, I wish to thank you and Icicle Seafoods for your donation of frozen food, fresh produce and dry goods again this fall. Your annual donations are very important to our work serving our region's elders.

We are very grateful to you for your support of our program and community. The generous support of individuals like you and companies like yours make it possible for our organization to exist and to make the community a great place to live. Without generous donations like yours, we would not be able to provide such a nutritious meal program.

Thank you once again.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ida Noonkesser", is written over a horizontal line.

Ida Noonkesser, Director  
Dillingham Senior Center

141 Main Street • P.O. Box 889 • Dillingham, Alaska 99576  
City Hall (907) 842-5211 • Finance Department (907) 842-5225 • Public Works (907) 842-5148 Fax (907) 842-5691  
Fire Department (907) 842-2288 • Library/Museum (907) 842-5610 • Police Department (907) 842-5354 • Senior Center (907) 842-1231  
[www.ci.dillingham.ak.us](http://www.ci.dillingham.ak.us)





November 6, 2018

Peter Pan Seafoods  
PO Box 410  
Dillingham, AK 99576

To: Travis Roenfanfz - Plant Manager  
Tom Whinihan - Fleet Manager  
Yvonne Cole - Office Manager

From: Ida Noonkesser, Dillingham Senior Center – Director

Re: Donations

On behalf of the City of Dillingham Senior Center, I wish to thank you and Peter Pan Seafoods for your donation of fresh frozen fillet sockeye salmon and other food goods again this fall. Your annual donations are very important to our work serving our region's elders.

We are very grateful to you for your support of our program and community. The generous support of individuals like you and companies like yours make it possible for our organization to exist and to make the community a great place to live. Without generous donations like yours, we would not be able to provide such a nutritious meal program.

Thank you once again.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ida Noonkesser", is written over a horizontal line.

Ida Noonkesser, Director  
Dillingham Senior Center

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[www.ci.dillingham.ak.us](http://www.ci.dillingham.ak.us)

RECEIVED

NOV 20 2018

CITY OF DILLINGHAM

## Alaska Pride Air, LLC

Dillingham Station: PO Box 651 Dillingham AK 99576. 907-842-5333

Business Office: PO Box 671527 Chugiak AK 99567. 907-843-1828

Fax: 1-877-649-2580

Email: alaskapride1@yahoo.com

November 15, 2018

City of Dillingham  
Sales Tax Code Committee  
PO Box 889  
Dillingham AK 99576

RE: Leased Equipment / Sales Tax Section 4.20.050

I wanted to share our recent experience with sales tax, that I believe is an unintended consequence of the sales tax code.

We recently acquired two new forklifts. We do not own the forklifts, we are leasing them for 5 years then will purchase for a \$1 at that point.

There are two sections in the sales tax code that affect our acquisition.

#1 Leased property does qualify for sales tax. Which I understand, makes sense. Even though the actual sale will not occur for 5 years.

#2 Leased property doesn't not quality for the \$3500 exemption to the sales tax. This I do not understand. Our sales tax would have been \$210 (3500x6%). Instead it was \$3,690.00 (61,500x6%). This is excessive.

I would request that the sales tax code be revised to include leased equipment in the cap.

Regards,



Jo Oxentenka, CFO  
Alaska Pride Air LLC  
907-843-1828  
Alaskapride1@yahoo.com