

LOCAL BOUNDARY COMMISSION

STATE OF ALASKA

IN THE MATTER OF PETITION OF THE CITY)
OF DILLINGHAM FOR ANNEXATION OF)
NUSHAGAK COMMERCIAL SALMON DISTRICT)
WATERS AND WOOD RIVER SOCKEYE)
SALMON HARVEST AREA WATERS, TOGETHER)
CONSISTING OF APPROXIMATELY 396)
SQUARE MILES OF WATER AND 3 SQUARE)
MILES OF LAND)

and)

CITY OF MANOKOTAK PETITION TO ANNEX THE)
WEARY/SNAKE RIVER TRACT, THE SNAKE RIVER)
SECTION AND IGUSHIK SECTION OF THE NUSHAGAK)
COMMERCIAL SALMON DISTRICT, AND THE IGUSHIK)
VILLAGE TRACT, CONSISTING OF 118 SQUARE MILES)
OF WATER AND 37 SQUARE MILES OF LAND)

AFFIDAVIT OF JEAN BARRETT

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss

1. My name is Jean Barrett. I am the Port Director of the City of Dillingham. The statements made below are based on my personal knowledge.

2. I am familiar with the use of the Dillingham small boat harbor by various commercial vessels including the destinations of those vessels and the types of cargo carried to those destinations.

3. Many supplies are transported from the Dillingham small boat harbor to Ekuk set net sites and the Ekuk Fisheries processing facility each summer. The method of transport is often by personal or set net skiffs, landing crafts or barges.

4. The facilities at the Dillingham small boat harbor are not available during the winter (typically November through March).

5. The Dillingham small boat harbor does not have finger floats and designated individual berths. The Dillingham small boat harbor does not have electricity service available to a vessel floating in the water.

6. The Dillingham small boat harbor does provide two launch ramps and floats. Boats using the floats must raft together. It also provides parking for vehicles and trailers, a rest room and a shower facility.

7. It is not practical to use the Dillingham small boat harbor at all tide levels. As a practical matter the launch facility can only be used for 4 hours on either side of most high tides.

8. Dillingham increased fees and charges for port and harbor facilities in May of 2015. The increase was based on charges of other Bristol Bay facilities.

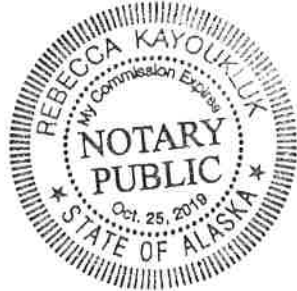
9. I have reviewed the statement I made to the Local Boundary Commission that is attached to this affidavit and confirm that this information remains an accurate description of harbor activities at the time and remains generally accurate today. Improvements have been made to the lights since I spoke and I should have said the dock crane was 120 tons. I am no longer responsible for the landfill so the landfill is separate from the port today.

FURTHER YOUR AFFIANT SAYETH NAUGHT

Dated this 17th day of March, 2016.

By  _____
Jean Barrett

2016. SUBSCRIBED AND SWORN to before me this 17th day of March,



By: Rebecca Kayoukluk
Notary Public in and for Alaska
My Commission Expires: 10/25/2019

LOCAL BOUNDARY COMMISSION
STATE OF ALASKA

IN THE MATTER OF PETITION OF)
THE CITY OF DILLINGHAM FOR)
ANNEXATION OF NUSHAGAK)
COMMERCIAL SALMON DISTRICT)
WATERS AND WOOD RIVER SOCKEYE)
SALMON HARVEST AREA WATERS,)
TOGETHER CONSISTING OF)
APPROXIMATELY 396 SQUARE MILES)
OF WATER AND 3 SQUARE MILES OF)
LAND.)
_____)

AFFIDAVIT OF NAVIN BISSRAM

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

1. My name is Navin Bissram. I am the Finance Director of the City of Dillingham. The statements made below are based upon my personal knowledge.
2. I am familiar with the financial position of the City of Dillingham. Certain parties have described the fund balance at the end of FY 2015 as a “surplus”. These statements are simply misleading.
3. At June 30, 2015 the City’s total fund balance amount was \$6,919,480. Fund balance designations included the following:
 - \$382,156 is restricted to be used to maintain the historic Mary Carlson Estate.
 - \$149,008 is restricted to be used for Enhanced E-911 activity.
 - \$151,651 is committed to be used for future Equipment Replacement .
 - \$616,267 is committed to be used for future Ambulance replacement.
 - \$172,044 is committed to be used for future landfill cell closure expenses.

Affidavit of Navin Bissram

\$697,233 is assigned to be used specifically for future dock maintenance and repairs.

\$4,637,243 is unassigned in the General Fund.

4. It is essential that governments maintain adequate levels of fund balance to mitigate current and future risks and to ensure stable tax rates.

The adequacy of unrestricted fund balance in the general fund should take into account each government's own unique circumstances.

Higher levels of unrestricted fund balance may be needed if significant revenue sources are subject to unpredictable fluctuations or if operating expenditures are highly volatile.

The City has had decreased Federal/State funding over the past couple years and this trend is expected continue. In addition, the aged and crumbling City infrastructure has required immediate and unbudgeted capital spending.

5. It should also be noted that the FY 2016 Amended Budget displays a budget deficit in the amount of \$486,958. This means that the City will have to draw down on its fund balance to cover the cost of providing City services. The City cannot continue to operate by depleting its fund balance. At some point the City will have to consider reducing or totally eliminating certain services offered to the public.

In addition, the City has a Capital Improvement Plan of approximately \$27,000,000 that will need to be addressed in the future.

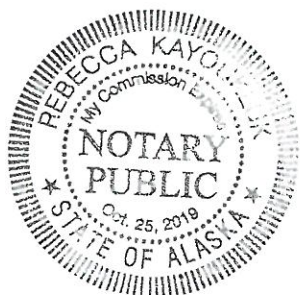
Affidavit of Navin Bissram

6. The City of Dillingham collected a total of \$1,329,312 in fish tax over the course of three fiscal years for an average annual tax collection of \$443,104. A portion of the tax collected is held in three designated funds within the City's general fund balance. Fund 2720 is the regional fisheries improvement fund and has an existing balance of \$67,480.13. Fund 2725 is the borough study fund and has an existing balance of \$37,441. The city's contribution to the borough study will decrease this fund balance.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

BY: Navin Bissram
NAVIN BISSRAM

SUBSCRIBED AND SWORN to before me this 18th day of March, 2016.



Rebecca Kayok
Notary Public in and for Alaska
My Commission Expires: 10/25/2019

LOCAL BOUNDARY COMMISSION

STATE OF ALASKA

IN THE MATTER OF PETITION OF THE CITY)
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AFFIDAVIT OF ROSE LOERA

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss

1. My name is Rose Loera. I am the city manager of the City of Dillingham. The statements made below are based on my personal knowledge.
2. I have reviewed written comments from several set net permit holders who fish from Ekuk beach stating they do not use the Dillingham small boat harbor and that they use trucks not boats for commercial fishing.
3. Many set net permit holders travel by skiff from the Dillingham small boat harbor to both Ekuk and Clark's Point during fishing season.
4. Vehicles used by Ekuk set net permit holders are picked up from Kakanak Beach in Dillingham for transport to Ekuk. On occasion they load vehicles from the Harbor as well. Kakanak Beach is owned and maintained by the City of Dillingham.

5. I am familiar with City of Dillingham finances. The court challenge to annexation did make the City conservative about establishing a reliance on fish tax revenue. So we did not make commitments to large capital improvements based on future fish tax revenue. The City did follow through with commitments made in Resolution 2010-85 by depositing funds in two accounts. One to provide a city contribution to the cost of a borough study and one to save money for future harbor or fishery related improvements.

6. The City refunded a total of \$2,909 in fish tax to low income permit holders during the period when fish tax was collected.

7. The City was threatened with a lawsuit for fish tax refunds which also caused us to not use fish tax revenue in the same manner those funds would have been used if the City had not been threatened with a refund lawsuit.

8. It is my understanding that the Interim Borough Feasibility Task Force awarded a contract to a consultant on March 9, 2016

9. I fished commercially in the Nushagak District for many years and am familiar with State Trooper responses on the water in the Nushagak District. The Troopers respond to pick up bodies but that is about it. In my experience the Troopers do not provide regular law enforcement on the water in the Nushagak District during fishing season or otherwise. Enforcement of state fishing regulations is through the Department of Fish and Game. The State Troopers do not routinely respond to vessel emergencies. Even if they did their ability to respond would be limited by wind and tide conditions and would not be available on a 24 hour basis.

10. All our facilities and equipment is aging and needs upgrades and improvements and without State funding we will need to rely on City funds for needed repairs. The current capital improvement list was adopted by Resolution

2016-07. More than twenty-seven million dollars in capital projects are needed in basic repairs and replacements.

11. I have reviewed written responses to the City's annexation petition suggesting Dillingham is in very good financial position to be able to continue to provide the same level of public services we have provided in the past and do not really need an additional tax base. I believe persons thinking that what Dillingham has been able to do in the past we will continue to be able to do in the future without an additional revenue source do not fully appreciate the increased costs and reduced state contributions that are part of the current economic reality in Dillingham. State revenue sharing is decreasing. State money for renovation and upgrade of standard infrastructure such as ports and harbors, water and sewer and roads is decreasing. State funding for the Dillingham City School District is likely to be reduced. At the same time, the State of Alaska continues to insist Dillingham build improvements to our landfill and water and sewer treatment facilities. The citizens who approved annexation and the fish tax were right to consider the future not assume old approaches will be able to be sustainable.

Dated this 16th day of March, 2016.

By: Rose Loera
Rose Loera
City Manager

2016. SUBSCRIBED AND SWORN to before me this 16th day of March,



By: Rebecca Kayoukluk
Notary Public in and for Alaska
My Commission Expires: 10/25/2019

LOCAL BOUNDARY COMMISSION

STATE OF ALASKA

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AFFIDAVIT OF SERVICE

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Margaret Stroble being first duly sworn upon oath, deposes and states as follows:

1. I am employed as a secretary with the law firm of Boyd, Chandler & Falconer, LLP, attorneys for the City of Dillingham.

2. On March 18, 2016, I served the City of Dillingham's REPLY BRIEF ON PETITION FOR ANNEXATION OF NUSHAGAK COMMERCIAL SALMON DISTRICT WATERS AND WOOD RIVER SOCKEYE SALMON HARVEST AREA WATERS, TOGETHER CONSISTING OF APPROXIMATELY 396 SQUARE

**MILES OF WATER AND 3 SQUARE MILES OF LAND USING THE
LEGISLATIVE REVIEW METHOD to the Local Boundary Commission as follows:**

via electronic mail on: brent.williams@alaska.gov; and

- (1) an original and five copies were hand delivered to:

**Brent Williams
Local Boundary Commission
Division of Community and Regional Affairs
Department of Community, Commerce &
Economic Development
550 W. 7th Avenue, Suite 1770
Anchorage, AK 99501**

- (2) one copy via United States Mail, first-class, postage prepaid to:

**Robert Heyano
President
Native Village of Ekuk
P.O. Box 530
Dillingham, AK 99576**

**Betty Gardiner
President
Clark's Point Village Council
P.O. Box 110
Clark's Point, AK 99569**

**Joseph Wassily
Mayor
City of Clark's Point
P.O. Box 9
Clark's Point, AK 99569**


**Mary Ann Johnson
Treasurer
Native Village of Portage Creek
1327 E.72nd, Unit B
Anchorage, AK 99518
City of Manokotak
PO Box 170
Manokotak, AK 99628**

**Southwest Region School District
PO Box 90
Dillingham, AK 99576**

(3) one copy via electronic mail to:


James L. Baldwin, Esq. - redalderlaw@ak.net
Janice Greg Levy Esq. - levyjan@gmail.com
James T. Brennan Esq. - law@hbhc.alaska.net
Lea E. Filippi, Esq. - filippi@alaskalaw.pro

Dated this 18th day of March, 2016.

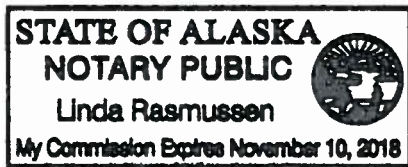


Margaret Stroble

SUBSCRIBED AND SWORN to before me this 18th day of March, 2016.



Notary Public in and for Alaska
My Commission Expires: 11-10-18



LOCAL BOUNDARY COMMISSION
STATE OF ALASKA

IN THE MATTER OF PETITION OF)
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LAND.)
_____)


AFFIDAVIT OF WILLIAM McLEOD

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

1. My name is William McLeod. I am the Superintendent of Schools for the City of Dillingham School District ("DCSD"). The statements made below are based on my personal knowledge.

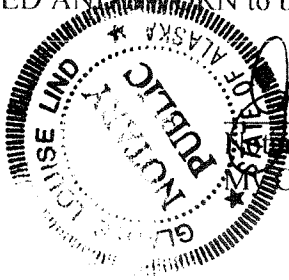
2. There are students who attend DCSD from both Aleknagik and Clark's Point some years. DCSD has an agreement with the Southwest Region School District ("SWRSD") for secondary students from Aleknagik to attend DCSD annually. No agreement exists for Clark's Point and students from there would be staying with family in Dillingham. SWRSD transports Aleknagik students across the lake and DCSD sends a bus to pick them up, transport them to school, and return them to Aleknagik after school.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

BY: 
WILLIAM McLEOD

ATTORNEYS AT LAW
911 WEST EIGHTH AVENUE, SUITE 302
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
FACSIMILE: (907) 274-3698

SUBSCRIBED AND SWORN to before me this 4th day of November, 2010.



Louise Lind
Notary Public in and for Alaska
Commission Expires: 7/1/2013

ATTORNEYS AT LAW
911 WEST EIGHTH AVENUE, SUITE 302
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
FACSIMILE: (907) 274-3698