

# Exhibit AA

1 unorganized borough -- unorganized area. And most of the  
2 communities in those districts took the opposition.

3 COMMISSIONER HARCHAREK: Thank you.

4 CHAIR CHRYSTAL: Thank you, Mr. Olson.

5 MR. OLSON: Thank you.

6 CHAIR CHRYSTAL: Next witness.

7 MS. RUBY: Mr. Chairman, I'd like to ask Keggie Tubbs  
8 to testify, please. Mr. Chairman, I haven't been telling you  
9 who these people are because I know you have a list. Would it  
10 be helpful if I introduce them?

11 CHAIR CHRYSTAL: I have a list. It's in order to your  
12 calling them. But we'll find them. What was the name now?

13 MS. RUBY: Keggie Tubbs.

14 CHAIR CHRYSTAL: Keggie Tubbs. Okay, I see it. Mr.  
15 Tubbs, you need to be sworn here. Just a second.

16 MR. WILLIAMS: Raise your right hand, please.

17 (Oath administered)

18 MR. TUBBS: I do.

19 **KEGGIE TUBBS**

20 testified as follows:

21 MR. TUBBS: I'd like to echo the sentiments of  
22 welcoming you to Dillingham and thank you very much for taking  
23 the time to come and listen to testimony on this very, very  
24 important issue to the City of Dillingham. My name is Keggie  
25 Tubbs. I was born and raised here in Dillingham. I graduated

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1 from this school as well. I'm a Dillingham city council  
2 member. I've served for 11 years now. I was first appointed  
3 to an open seat in 2000 and have been subsequently reelected.  
4 I chair the city's finance committee who is charged with  
5 formulating the city's budget among many other things. My  
6 background included 10 years of service to the Bristol Bay  
7 Native Association in their accounting department, five years  
8 as Bristol Bay Economic Development Corporation's budget  
9 analyst and grant manager. My current position. I'm also the  
10 financial manager for the Charyung (ph) Tribal Council,  
11 formerly known as the Native Village of Dillingham. So my  
12 background is in finances. And I'm here to talk to you today  
13 about the city's finances and trying to address some of the  
14 issues that were brought up by our petition. And I'm trying to  
15 synopsize them as best I can.

16 The City of Dillingham's budget in totality is roughly  
17 \$10 million. Of that \$7 million is general fund -- what's  
18 considered general fund revenues and about \$3 million are what  
19 we consider special revenue funds. As outlined in our petition  
20 the city's main sources of revenues are local sales and  
21 property taxes. Between 4.5 million and \$5 million is  
22 generated by either our 13 mil property tax, six percent sales  
23 tax, 10 percent bed and alcohol tax, or six percent gaming tax.  
24 The community more than tries to pay its fair share and take on  
25 a heavier burden to support the infrastructure needed for a

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1 community of this size. According to the 2010 Alaska Taxable  
2 Statistics Dillingham ranks 14th in terms of having the highest  
3 per capita tax burden in the entire state. That's higher than  
4 Anchorage, the Kenai Peninsula and the Mat-Susitna Borough, or  
5 the Mat-Su Borough. When you add in the significant cost of  
6 living in this area the idea of raising existing property or  
7 sales taxes any higher than they already are is pretty hard to  
8 take. Very tough pill to swallow. Dillingham is limited on  
9 what it can tax for property. While there hasn't been any  
10 formal study done. and this has just been estimates, what we  
11 figure -- the city figures, 40 percent or more property within  
12 our municipal boundary is exempt from property tax. Whether  
13 it's because its federal or state property, non-profits,  
14 charitable organizations, native allotments or housing and  
15 urban development homes. A benefit the Ekuk Village Council  
16 itself enjoys because Dillingham approved a tax exemption for  
17 new home development for Ekuk tribal members a few years ago  
18 within our boundary.

19           None of the communities who submitted letters opposing  
20 annexation support their schools at the level Dillingham does.  
21 All or part of the Southwest region school, REAA, they're  
22 funded by the state of Alaska, whereas Dillingham contributes  
23 \$1.3 million a year to support our school. That equates to  
24 almost all of our local property tax that's generated on an  
25 annual basis. Like many rural communities deferred maintenance

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1 issues are many. And most times they're quite significant.  
2 The City of Dillingham is no different. The city has  
3 identified 14 projects with an estimated cost of \$57 million.  
4 Most notable of those are emergency bank stabilization or  
5 erosion control at the harbor. The Corps of Engineers put the  
6 repair cost of that at \$18.5 million. Our share, our 35  
7 percent match requirement would be about 6.5 million. An eight  
8 (ph) point sewer line, the main line leading to the city's  
9 waste treatment facility, erosion has exposed the line on the  
10 local beach and engineering estimates put the cost of  
11 replacement of this critical piece of infrastructure at \$4  
12 million. I know the public safety facility building which  
13 would house our fire station and public safety building. We  
14 have commissioned a study recently that assessed those  
15 facilities replacement at \$15 million roughly. And that  
16 depends on the design and configuration of a new facility. As  
17 I alluded to earlier with limited sources of revenues it makes  
18 it very difficult, if not impossible, to accumulate necessary  
19 repair and replacement funds that can address many of those  
20 major projects.

21           There's been some discussion, at least in response to  
22 our petition, with regard to our fund balance and what  
23 constitutes that fund balance. Or reserve funds, I should say.  
24 Some people refer to as reserve funds. The entire picture  
25 should be looked at when it comes to understanding what

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1 constitutes the city's unrestricted reserves. And there's  
2 multiple funds that make up our reserve. I think 6.6 million  
3 was noted by the respondent. When you looked at it in that  
4 perspective it's on a consolidated view when you look at our  
5 financial statements. I'll try and talk about them here. The  
6 city's general fund carries a balance of \$3.5 million. General  
7 fund has a \$3.5 million balance roughly. And it has taken us  
8 years for that to occur, and it's mainly due to realistic  
9 budgeting and having a frugal staff who most times do not  
10 utilize all of their budgets. We're also mindful that the city  
11 needs a healthy reserve to cover those costs, to pay for our  
12 school bond debt repayment. We went through a school bond debt  
13 reimbursement program a few years ago that renovated our  
14 schools to the tune of \$15 million. That's considered  
15 unrestricted or unreserved. The rest is made up of fund  
16 balances of other special revenue funds within the city like  
17 water and sewer, the dock. We have an E-911 reserve fund,  
18 ambulance reserve replacement fund, equipment replacement fund  
19 and the Mary Carlson Estate permanent fund. These are  
20 considered unrestricted and which are designated for a specific  
21 purpose. For instance, for E-911 it's to replace that  
22 equipment. Ambulance reserve fund obviously is to replace the  
23 ambulance, so forth and so on.

24 Mikunda-Cottrell, the city's independent audit firm,  
25 has advised the city that two to six months of operating funds

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1 in reserves are prudent in rural communities such as  
2 Dillingham. That translates to having between 1.1 and \$3.3  
3 million cash on hand, depending on how many months you have the  
4 reserve. According to John Boss, the city's lead auditor who  
5 have over 35 years of experience auditing city and borough  
6 governments in Alaska for Mikunda-Cottrell, I'll quote him, any  
7 city needs a minimum level of cash reserves or undesignated  
8 fund balance to provide a cushion so it has the ability to  
9 continue to pay bills during times of the year when revenues  
10 are not coming in at the same rate as expenses are going out.  
11 Typically the biggest cost to a city is payroll which is fairly  
12 evenly spread throughout the year, however with revenues there  
13 are often spikes in times of year when revenues are slow to  
14 come in and they don't keep up with expenses. Therefore it is  
15 imperative to have a minimum cash reserve balance. And I have  
16 a copy of his full statement available if you'd like it.

17 For those that argue the city should obtain more  
18 grants, the city approved a capital improvement budget of \$13.7  
19 million for FY-11. That's this year. Almost 8.5 million comes  
20 from grants in one form or another. There are 20 to 30, if not  
21 more, active grants the city manages on any given year. Having  
22 sufficient cash reserves is especially important now, and it  
23 was referred to earlier, because state and federal funds are  
24 diminishing to pay for capital projects and more is expected of  
25 local communities in the form of matching dollars to get

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1 projects completed. There was a couple of specific funds that  
2 were focused on, I guess talking about in discussions. The  
3 city's dock fund has built up an approximate \$1.2 million over  
4 the past several years. And it's one of the few special  
5 revenue funds that the city has that actually supports itself.  
6 And we've allowed it to do that because, for the sole reason,  
7 equipment use at the dock is very expensive to replace. A  
8 forklift or a crane can cost in hundreds of thousands of  
9 dollars. That's not to mention if both have to be replaced in  
10 the same year or if repairs are needed to the actual dock  
11 itself.

12 The City of Dillingham has four major funds that do not  
13 generate sufficient revenue to cover their costs. And the  
14 harbor special revenue fund is one of them. The city transfers  
15 roughly \$100,000 a year, sometimes more, depending on actual  
16 collections and/or expenses for any given year, to cover the  
17 costs of operating our harbor. Statistics show over 70 percent  
18 in harbor master -- I alluded to this a little earlier -- of  
19 those using the harbor are not from Dillingham and they include  
20 set net fishermen, recreational users, regular fishermen,  
21 hunters and those traveling from surrounding communities to  
22 pick up supplies. User fees do not cover operating costs.  
23 Some argue they are too high as it is. Simply increasing fees  
24 for harbor users will not solve the general fund transfer or  
25 deficit of the harbor fund in its entirety.

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1           The city has wanted to do more improvements at the  
2 harbor and again, Harbor Master Barrett has talked about some  
3 of those. We wanted to develop a section of the harbor a few  
4 years ago in the form of lease lots and that would try to  
5 attract business to the harbor. Just to help fishermen.  
6 Service them more efficiently, but the cost of developing that  
7 land including installing sufficient power proved to be an  
8 obstacle. That still is I believe part of our harbor  
9 improvement plan. In 2009 Bristol Environmental and  
10 Engineering did an upgrade study for the harbor and the study  
11 was incorporated into the city's comprehensive plan.  
12 Systematic upgrades and changes have been made as the city has  
13 been able to. And they included the boat launch improvements,  
14 bulkhead extension, crane installation. Those are just some  
15 examples. But \$17 million in upgrades were identified in the B  
16 study and it would be impossible to do all of them without  
17 additional sources of revenue.

18           As the base hub we shoulder the majority of the burden  
19 of providing services. Essentially municipal services are best  
20 provided by the city and the economy has financial resources  
21 necessary to support those services in the form of a fish tax.  
22 In closing I'd like to thank you for coming and ask that after  
23 careful consideration you follow staff's recommendation and  
24 approve our petition. And I'm open for questions if you have  
25 any.

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# Exhibit BB

## ALASKA SMALL BOAT HARBORS

Links to online photographs

### CORDOVA

<http://library.water-resources.us/docs/MMDL/FLD/Images/CoastalProtection/Cordova%20Harbor-1-Large.jpg>

### HOMER

[https://upload.wikimedia.org/wikipedia/commons/c/ce/USACE\\_Homer\\_Spit\\_Alaska.jpg](https://upload.wikimedia.org/wikipedia/commons/c/ce/USACE_Homer_Spit_Alaska.jpg)

### KODIAK

<http://www.bing.com/images/search?q=Boat+Harbor+Kodiak+Alaska&view=detailv2&&id=BA3312A91F863F73A396FADD9C493CBE228B1A0C&selectedIndex=28&ccid=GdiS3ypW&simid=608021693340192255&thid=OIP.M19d892df2a561e1b581436e2b528a096o0&ajaxhist=0>

### SEWARD

<http://static.panoramio.com/photos/large/47443774.jpg>

<http://www.bing.com/images/search?q=seward+alaska+photos+small+boat+harbor&view=detailv2&qpvts=seward+alaska+photos+small+boat+harbor&id=B43675F59F7AE760C5B526CB22D75E8870FED220&selectedIndex=34&ccid=Shd5g6lQ&simid=608003645890956765&thid=OIP.M4a177983a95026e1551d3d6d10388d3co0&ajaxhist=0>

### UNALASKA

<http://static.panoramio.com/photos/large/14598921.jpg>

<http://www.bing.com/images/search?q=small+boat+harbor+unalaska+photos&view=detailv2&qpvts=small+boat+harbor+unalaska+photos&id=F0166F5EC52B215FD86376C0FBEBB7F395EE0F7D&selectedIndex=14&ccid=r%2fLRGLV5&simid=608022273159857595&thid=OIP.Maff2d118b57915387b29ef1a144a4237o0&ajaxhist=0>

### VALDEZ

[http://photos.wikimania.org/p/00/03/18/70/67\\_big.jpg](http://photos.wikimania.org/p/00/03/18/70/67_big.jpg)

<http://www.bing.com/images/search?q=boat+harbor+valdez+alaska&view=detailv2&qpvts=boat+harbor+valdez+alaska&id=46C088D452855F10BFEDAF7E62BC99AC507F3928&selectedIndex=22&ccid=CRM%2bJVAU&simid=607989846152383489&thid=OIP.M09133e255014bba0af4f4e8c1187bc79o0&ajaxhist=0>

### WHITTIER

<https://lightcentric.files.wordpress.com/2010/06/whittier-alaska-052920100013.jpg>

<http://www.bing.com/images/search?q=Whittier+Alaska+Port&view=detailv2&&id=0E1C4D673F543EA227E8AA9CA43B7CE06548910E&selectedIndex=10&ccid=BnT1M9Pe&simid=608022706941790472&thid=OIP.M0674f533d3de4487a998436a75f1a737H0&ajaxhist=0>



**Cordova small boat harbor with Spike Island in the foreground, 2000.**















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# Exhibit CC

## Brooks Chandler

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**From:** Kniazowski, Aimee <akniazowski@city.kodiak.ak.us>  
**Sent:** Thursday, March 10, 2016 12:42 PM  
**To:** Brooks Chandler  
**Subject:** RE: Kodiak Police Dept.

Hiya Brooks! Our police don't do SAR on the water. We do have some within the City limits, but the response may be from our harbor folks who have a skiff and will take EMTs out if necessary. Police do respond when vessels are docked and there's a complaint or disturbance or they find a body which happens on occasion. Does that help? I can get our chief to respond if you want more info.

**Aimée Kniazowski**

City Manager

City of Kodiak

710 Mill Bay Road

Kodiak, AK 99615

Phone (907) 486-8640 Fax (907) 486-8600

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**From:** Brooks Chandler [<mailto:BChandler@bcfaklaw.com>]  
**Sent:** Thursday, March 10, 2016 11:43 AM  
**To:** Kniazowski, Aimee  
**Subject:** Kodiak Police Dept.

Greetings Aimee:

I had a quick question for you. Does the city police department provide law enforcement on the water or do search and rescue operations on the water? (I'm not even sure how far out in the water city boundaries go so this may be a dumb question!!)

**Brooks Chandler**  
**Boyd, Chandler & Falconer LLP**  
**911 W. 8<sup>th</sup> Ave.**  
**Suite 302**  
**Anchorage, AK**  
**907-272-8401**

## Brooks Chandler

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**From:** Ronald Baird <orlb@alaska.net>  
**Sent:** Friday, March 11, 2016 5:17 PM  
**To:** Brooks Chandler  
**Subject:** RE: St. Paul

The police have on occasion gone out to a vessel within the three mile limit of the shore to make an arrest usually on the complaint of the captain. The vessel provides transportation or the police use a private boat as the department does not own a boat. Search and rescue is a tribe function on the island, not a city one. Most of the sea rescues are further out and are Coast Guard matters which dispatches a vessel from Unalaska.

Ronald L. Baird  
907-565-8818

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**From:** Brooks Chandler [<mailto:BChandler@bcfaklaw.com>]  
**Sent:** Thursday, March 10, 2016 12:28 PM  
**To:** [orlb@alaska.net](mailto:orlb@alaska.net)  
**Subject:** St. Paul

Greetings Ron:

I had a quick question for you. Does the City of St. Paul police department provide law enforcement on the surrounding waters or just on land? Same for search and rescue.

Thanks.

Brooks Chandler  
Boyd, Chandler & Falconer LLP  
911 W. 8<sup>th</sup> Ave.  
Suite 302  
Anchorage, AK  
907-272-8401

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# Exhibit DD

1 CHAIR CRYSTAL: Questions anybody? Thank you, Mr.  
2 Barrett.

3 MR. BARRETT: Thank you.

4 MR. CHANDLER: Next we'll call Bob Himschool.

5 (Oath administered)

6 MR. HIMSCHOOL: I do.

7 BOB HIMSCHOOL

8 testified as follows:

9 MR. HIMSCHOOL: Good afternoon. Yesterday we heard  
10 some testimony concerning the fishery and Dillingham's role in  
11 the fishery. And I wanted to talk a little bit about some of  
12 the information I heard that isn't quite as I see it.  
13 Dillingham's responsibility in the fishery, the small boat  
14 harbor. As we've discussed yesterday, as I presented  
15 yesterday, fishing is a community here. And that is the  
16 community center. Pre fishing, post fishing, that's where the  
17 fishermen gather to enjoy each other's company, to help each  
18 other prepare for the fishing season, to help each other with  
19 whatever issues they have. It's how they decide where they're  
20 going to go fishing and how they're going to go fishing. Years  
21 ago, and Ofi described this a lot better than I can because he  
22 lived it. I haven't. They used to fish out of sailboats.  
23 They used to pew fish, you know, count fish. They'd sort them  
24 with a stick. Poke them in the head and sort them. And all  
25 the fish went in a can. Well, nowadays, for us to get the

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1 value out of our fishery we can't do that any more. And to  
2 utilize the resource to its most value and to the most value to  
3 the local community we have to have a strong harbor. The  
4 harbor gives us increased access with the launching ramps to  
5 the fishery's resources and to the resources that are shore  
6 based here. The people that are here to work on the boats.  
7 The crews that will pull the boats out and put them back in so  
8 that the owner can work on it himself. Places like NAPA,  
9 places like L&M, food resources like our local stores. All  
10 that is accessed easier and quicker with the harbor.

11 It also helps with maintaining quality in our  
12 fisheries. We have the ice machine down there. They have the  
13 new crane that just went in last year that allows fishermen to  
14 change gear and to add ice and that sort of thing on their  
15 boats. Liquor. When the halibut fisheries end it also allows  
16 the local fishermen easier access to change from herring gear  
17 to halibut gear to salmon gear. So I think there's a lot of  
18 resource in that harbor and I think if we're going to continue  
19 to get the most we can out of the fisheries resource we've got  
20 to continue to invest in that harbor. It can't be static. And  
21 part of this proposal is putting money back into that harbor.

22 We heard that there are boats that go out for -- leave  
23 the harbor and don't come back for six weeks. I don't find  
24 that to be true in my experience. There are people that go out  
25 for quite a bit of time and if the fishing is hot and the

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1 periods are stacked one on another, they're out for however  
2 long it takes to harvest the resource. But all you have to do  
3 is go by that harbor and when there's an off period and a tide  
4 and that boat harbor fills up. I just talked with Jean over  
5 here right before his testimony and he's seen over 500 boats in  
6 that little harbor. He says you can walk from one end to the  
7 other basically, from one bank to the other on boats. Anybody  
8 that lives here knows when fishing is happening and when it  
9 isn't by driving by the harbor and seeing the boats stacked in  
10 there. So yes, we do get the boats coming back between  
11 periods. Yes, that does put more strain on the infrastructure  
12 of Dillingham. It's also a benefit for Dillingham, but it's  
13 something that we need if we're going to capture the revenue  
14 from that sort of resource, the fishermen coming in, we have to  
15 have the infrastructure to be able to handle it. And we've got  
16 to be able to pay for that infrastructure.

17 We heard that boats that do stay out, they get their  
18 food, they get their water, they get their fuel and they give  
19 their trash back to the tenders. That's true. If the tenders  
20 originate in Dillingham, if they're from Snow Pack or from  
21 Peter Pan, then the food, the water, the gas came from  
22 Dillingham. The trash comes back, goes back into the  
23 Dillingham landfill. Just because there's a tender between the  
24 fisherman and the landfill doesn't mean it doesn't end up  
25 there. We still end up having to maintain that resource.

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1           The last thing I want to talk about is the taxes that  
2 happen on the east side of the bay. And the fact that there is  
3 a lot of fishermen over there that aren't local residents to  
4 those fisheries. And I don't have exact numbers. I wish I did  
5 for you. What I can tell you is that in Ugashik in 2008 nine  
6 percent of the fishermen in Ugashik were from other communities  
7 in Bristol Bay besides Ugashik. In Naknak five percent. I  
8 real numbers that 31 fishermen in Ugashik, 54 fishermen in  
9 Naknak, 24 in Egigik, and 36 in Togiak. Now you guys all  
10 understand that you can transfer as a drift fishermen between  
11 bays. And that doesn't mean that these fishermen fish full  
12 time in any one of these bays. Likely they did chase the  
13 salmon around between districts. But Ugashik, if you fish  
14 there and you were a local resident, whether you were a  
15 resident of Dillingham, Manicotak, New Stuyahok, Kalignik, it  
16 doesn't matter, you paid five percent tax. Three of it went to  
17 the municipality, two of it went to Lake and Penn Borough. In  
18 Naknak district you paid three percent. One went to the  
19 municipality, two went to Lake and Penn. Egigik you paid five  
20 percent. Again, three to the municipality, two to Lake and  
21 Penn. Togiak you paid three percent to Togiak. I understand  
22 these are established taxes. And there's a reason they're  
23 established. And I don't hear a whole lot of debate about  
24 whether these people are sharing this revenue or not. It's  
25 given that it's an increase, it's there to help the fisheries.

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# Exhibit EE

1 state, with a significant fishery nearby has incorporated the  
2 fishing area and benefits from the sales or severance tax on  
3 that fishery. Whether or not this petition is successful the  
4 city will continue to provide what emergency services it can to  
5 the area proposed to be annexed and indeed all the areas around  
6 Dillingham. Whether this is in the form of having emergency  
7 personnel meet flights at the airport or emergency responders  
8 responding to an accident scene as they did on August 9th of  
9 last year when a plane crashed 18 miles north of Dillingham.  
10 Certainly the Alaska state troopers and the United States Coast  
11 Guard are much better equipped to respond to emergencies out on  
12 the water but the city would certainly assist in any way  
13 possible. In conclusion I support this petition. I believe  
14 that expanded boundaries are suitable and that Dillingham can  
15 provide the required services to the annexed area. Thank you  
16 for your time and consideration.

17 CHAIR CRYSTAL: Any questions for Mr. Sands? Thank  
18 you, sir. Next witness, please?

19 MS. RUBY: Thank you. I call on Jody Seitz, the  
20 Dillingham Director of Planning.

21 MR. WILLIAMS: Jody Seitz, please rise and raise your  
22 right hand.

23 (Oath administered)

24 MS. SEITZ: I do.

25 JODY SEITZ

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1 testified as follows:

2 MS. SEITZ: Hello, Commission. My name is Jody Seitz.  
3 I thank the Local Boundary Commission and everyone else here  
4 today for coming. I've lived in Dillingham for 10 years. So  
5 you can know my background I spent the previous 10 years as a  
6 journalist. I was a public radio reporter and also producer of  
7 a science series. I've also been a social science researcher  
8 for the state of Alaska, Subsistence Division. In those  
9 capacity I worked in each for 10 years each. I have a masters  
10 in rural sociology from the University of Wisconsin-Madison. I  
11 became the City of Dillingham Planning Director four years ago.  
12 As part of my job I coordinated the 2010 Comprehensive Plan. I  
13 coordinate capital projects lists and i write large grants and  
14 coordinate capital projects.

15 My purpose to day is to show how the City of Dillingham  
16 serves the commercial fleet and surrounding communities, and to  
17 show that we need to have annexation to keep on doing that.  
18 Commercial fishing is Dillingham. It's our only industry. And  
19 it's been a big part of city plans for the last 40 years. Over  
20 the last 10 years the city worked with local, state and federal  
21 agencies to gather \$9 million to improve harbor and port  
22 facilities. The last harbor plan was in 2009, and a year and a  
23 half later we've done almost most of that plan through the  
24 things you've heard earlier that Jim Barrett described and also  
25 Keggie. Public works has fixed the float system so that boats

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1 can be tied up safely. There are two new ramps in the parking  
2 lot for trailers. There is an improved ice machine and  
3 delivery system. We extended the bulkhead of the north end of  
4 the harbor, installed the harbor's first crane. We couldn't  
5 have done this without financial help from the Bristol Bay  
6 Economic Development Corporation and the Chilloon (ph) tribe.  
7 The BBEDC block grants, sums donated by the Chilloon tribe, we  
8 also got money from several state and federal agencies to do  
9 these projects. We even got in on the stimulus funding but now  
10 that's gone.

11 Our current goals benefit everyone who uses the harbor  
12 because they deal with erosion and fundamental services.  
13 Barmarks are a thing of the past. But our harbor needs two  
14 rock abutments and a breakwater to stop it from washing away.  
15 The Corps has completed design and permitting for the project  
16 and now they say we need to come up with a third of the money  
17 to build this \$18.5 million project. That's based on their  
18 reassessment, their reevaluation of the authority for full  
19 federal funding. We just learned about this. Meantime erosion  
20 eats at the inside banks of the harbor and threatens the float  
21 system as well as electrical and water utilities. The city  
22 plans to fix that with more sheet pile on the east and south  
23 ends of the harbor. This loan is estimated at \$1.5 million.  
24 Erosion also threatens the city's only water front park.  
25 fortunately this project can to bid this spring to rest on the

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1 state of erosion grant.

2 Dredging. The Corps removes 90,000 cubic yards of  
3 sediment annually from the harbor at a cost of hundreds of  
4 thousands of dollars. Approximately \$440,000. Locals want the  
5 mud put on land but the Corps insists on putting it into the  
6 bay. They say if we want it on land we're going to have to pay  
7 the difference.

8 In terms of water projects, the city has long wanted to  
9 develop a new water source and expand our waters and sewer  
10 system. This is for emergency response and environmental  
11 health reasons. Both our water and sewer systems are at  
12 capacity. We need fire hydrants downtown. There is a tank  
13 farm across from the elementary school and no water loop in the  
14 area, for example. Also the Alaska Rural Water Association has  
15 put our community -- designated our community a high risk of  
16 contamination of our aquifers because two-thirds of our  
17 community is on on-site well and septic. We have some  
18 subdivisions that have low lots. Meanwhile erosion has  
19 uncovered the city's main sewer line at Stag Point. This  
20 threatens the fishery as well as the fish processor located  
21 just half a mile downstream. The city had to buy a new pumper  
22 truck this year and is taking out a \$4 million loan to move the  
23 line off the beach. We also discovered at that point that the  
24 Stag Point bulkhead has problems of its own because of the lost  
25 of cover below the bulkhead. The bulkhead is actually bulging

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1 and showing signs of separation.  
2           Okay. Now I have to explain about the harbor and why  
3 it is we need more water capacity, more fire fighting capacity  
4 in the harbor. I think Gene did a pretty job explaining but  
5 I'd like to just paint this picture a little bit. Several long  
6 arms hold two long floats out over the dredge area. Boats tie  
7 up one to each other. The top boat closest to the float has  
8 its two cleats tied to the float. The next boat comes up and  
9 ties alongside that boat. We get 30 boats in a line, 20 long.  
10 We've counted as many as 600 boats in that harbor. The lucky  
11 boat that ties up at the end, 30 boats as I said, a fire at the  
12 wrong time in the harbor could be disastrous. We would really  
13 like to have a larger diameter water line and along with that  
14 more water pressure. That means we need a new water source.  
15 This doesn't even touch on public safety issues raised by  
16 doubling the city's population in summer. A recent assessment  
17 found that the city needs to replace both its downtown fire  
18 hall and public safety building. But we believe better  
19 infrastructure will attract businesses and improve our ability  
20 to do things like more fish processing in Dillingham. The  
21 large processing plant such as those we have in town uses two  
22 to three times the amount of water the city produces every day  
23 for processing. Excuse me. The processing plant would use two  
24 to three times what the city produces daily. The Ekuk and  
25 Charloon (ph) tribes have proposed constructing a fish

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1 processing plant on the all tide dock. The proposal calls for  
2 26,000 square feet of dock for the plant, uplands for  
3 dormitory, shop and administrative space. Electrical,  
4 processing waste disposal outfalls. It will need half a  
5 million gallons of water per day and generate about 20,000  
6 gallons of sewage. The project would also benefit from tax  
7 incentives and no doubt line would contribute towards the tax  
8 base. But obviously the city needs more water to accommodate  
9 such a plant. We've raised 7 million for a new water source  
10 but we need 3 million to match it.

11           There are other things that we could do. With more  
12 money we could have more things that most harbors already have  
13 like lease lots for the fishery related businesses, restaurants  
14 on the south end of the harbor and a shelter for them to work  
15 out of the rain. As others have mentioned, we also need  
16 improvements to the Wood River ramp and bulkhead which is in  
17 serious and dilapidated condition. Kanakanak Beach launches as  
18 well. As was mentioned earlier we have a deferred maintenance  
19 list of 14 projects with \$57 million, a third of which \$19  
20 million has to come from the city. It took us 10 years to  
21 raise that amount for the things that I just talked about.  
22 I've learned over the course of the last four years there is a  
23 price to pay for grants. They aren't always available. They  
24 look at your flexibility and they're harder to get now because  
25 there are fewer of them. They depend on the political climate.

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1 How much the federal government will give to the Corps of  
2 Engineers, for example, or the state to the Department of  
3 Environmental Conservation. The federal agency decides what it  
4 will take for it, how the work will get done, whether or not  
5 you have to pay Davis-Bacon wages and whether or not you can  
6 use the local labor force in that type of way. The more secure  
7 sense of revenue we give the city the ability to match grants,  
8 makes us more successful in competing for them, and give us  
9 more ability to control the quality of facilities and services.  
10 This will give the community more control over its future. It  
11 will also give the city -- it will allow the city to help  
12 Nushagak District fishermen improve their bottom line as well  
13 as protect it, which from a natural resource fiscal and social  
14 wellness standpoint is definitely in the best interest of the  
15 state.

16 CHAIR CRYSTAL: Does anybody have any questions for  
17 Ms. Sykes?

18 UNIDENTIFIED VOICE: Why are fish processed elsewhere  
19 instead of here?

20 MS. SYKES: I'm not the right person to answer that  
21 question, I'm afraid.

22 UNIDENTIFIED VOICE: That's fine. (Indiscernible -  
23 away from the microphone).

24 MS. RUBY: Well, I can offer some answer. There is  
25 some fish processed here. We have two plants. The Peter Pan

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# Exhibit FF

1 MS. RUBY: Mr. Chairman, we've called Tim Sands, city  
2 council person.

3 (Oath administered)

4 MR. SANDS: I do.

5 **TIM SANDS**

6 testified as follows:

7 MR. SANDS: Chairman, Commission members, thank you  
8 very much for coming to Dillingham, and welcome. My name is  
9 Tim Sands. I serve on the Dillingham City Council and work for  
10 the Alaska Department of Fish & Game as the manager of the  
11 commercial salmon and herring fisheries on the west side of  
12 Bristol Bay. The testimony I am giving does not in any way  
13 represent the agency I work for. It's my own personal  
14 testimony.

15 Dillingham is a first class city. As such we are  
16 responsible for our own school district and by state law must  
17 contribute four mils of taxes to the school district. The  
18 city's contribution to the school district is approximately  
19 double this at \$1.3 million. the City of Dillingham became a  
20 second class city by popular vote in 1963. In 1965 the cities  
21 of Dillingham and Wood River merged, and in 1972 the Alaska  
22 legislature passed legislation to require second class cities  
23 to become first class cities. So that's how Dillingham became  
24 a first class city, not by choice of the people of Dillingham.  
25 This must be in the state's best interest for that change to be

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1 up, so Dillingham -- as recently as 2005 Dillingham did  
2 informally inquire about returning to second class city status  
3 but since it must be in the best interest for that change to be  
4 allowed it seemed unlikely that a petition would ever be  
5 granted, that the state would view it in its best interest for  
6 Dillingham to go back to second class city status. Although  
7 not required, Dillingham also supports 24 hour police  
8 protection, volunteer fire department, senior center, library,  
9 harbor, dock, landfill, water and sewer services, to name a  
10 few.

11 I have some bullet points here that I'm going to go  
12 through just talking about the stresses on the infrastructure  
13 that commercial fishing brings. But don't get in any way the  
14 impression that Dillingham is unfriendly to fishing. We are a  
15 proud fishing community and we like fishing. We like what it  
16 does for our city. Unfortunately it costs money to run the  
17 city and we need the money from somewhere. If we didn't have  
18 to tax we wouldn't tax at all. But, you know, we got to pay  
19 for services. During the summer there is an increase in calls  
20 to the police department. There's an increased use of the  
21 internet at the library, and the library in general. There's  
22 an increased burden placed on the city landfill, the water and  
23 sewer infrastructure and the roads. Dillingham has the only  
24 boat harbor in Bristol Bay. Boat owners that store their  
25 vessels in Dillingham benefit from the protection provided by

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1 the Dillingham fire and police department. As a regional hub  
2 the infrastructure of Dillingham provides benefits to the  
3 outlying communities. Southwest Regional School District is  
4 based in Dillingham. It doesn't pay any taxes but services  
5 outlying communities while using the infrastructure paid for by  
6 Dillingham residents. The same can be said of the hospital,  
7 BBEDC, BB&A, the Department of Fish & Game that manages the  
8 fishery, and the state troopers. All agencies in Dillingham  
9 that don't pay property taxes or sales taxes are located in  
10 Dillingham and provides services to the surrounding region.

11 Villages surrounding Dillingham may say they gain no  
12 benefit from the existence of Dillingham but most freight comes  
13 to Dillingham first. For example, if it weren't for the fuel  
14 storage facilities in Dillingham that allow for staging of fuel  
15 shipments to outlying communities, fuel costs would be more  
16 expensive in those communities. Many people that live in  
17 Dillingham have come from surrounding villages. Whether it be  
18 the children of Aleknagik or Clarks Point that come to  
19 Dillingham for school, seniors that are better served by the  
20 Senior Center facilities in Dillingham, or whole families that  
21 have relocated to Dillingham, there is a significant segment of  
22 the Dillingham population that once lived in a surrounding  
23 village. The Ekuk HUD development is a prime example.

24 This fish tax, this is not unprecedented. Virtually  
25 every other coastal municipality in Bristol Bay, and indeed the

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# Exhibit GG



[Department of Labor / Research and Analysis Section]

December 2015

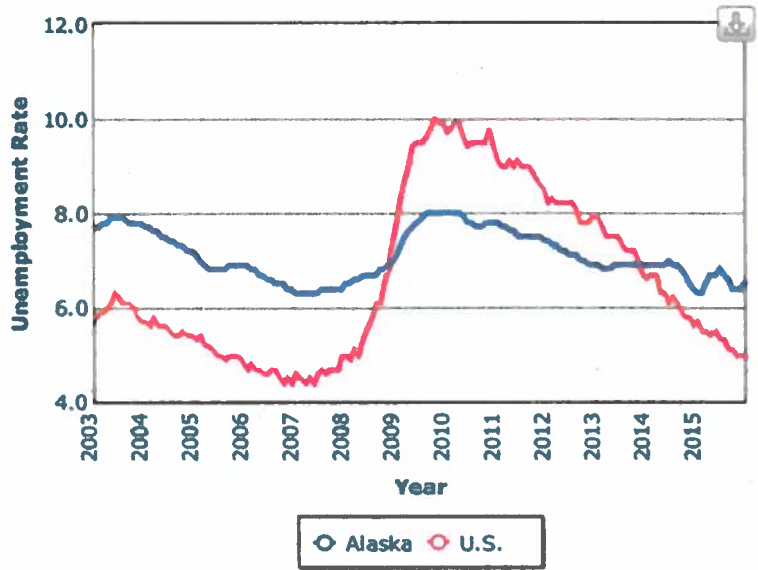
Preliminary<sup>1</sup> Unemployment Rate

To view unemployment rates and labor force data for an area, click on the area name or unemployment rate.

[Read January 22, 2016 press release](#)

Not Seasonally Adjusted Unemployment Rates	
U.S., Alaska, and Borough and Census Areas	
Area	Unemployment Rate
United States	4.8%
Alaska	6.6%
Aleutians East Borough	6.2%
Aleutians West Census Area	5.9%
Anchorage, Municipality of	4.9%
Bethel Census Area	13.5%
Bristol Bay Borough	10.9%
Denali Borough	19.4%
Dillingham Census Area	11.0%
Fairbanks North Star Borough	5.6%
Haines Borough	13.2%
Hoonah-Angoon Census Area	17.6%
Juneau, City and Borough of	4.7%
Kenai Peninsula Borough	8.4%
Ketchikan Gateway Borough	7.5%
Kodiak Island Borough	6.8%
Kusilvak Census Area	20.6%
Lake and Peninsula Borough	14.1%
Matanuska-Susitna Borough	8.1%
Nome Census Area	10.8%
North Slope Borough	4.7%
Northwest Arctic Borough	14.8%
Petersburg Census Area	10.5%
Prince of Wales-Hyder Census Area	12.5%
Sitka, City and Borough of	5.5%
Skagway, Municipality of	22.6%
Southeast Fairbanks Census Area	11.5%
Valdez-Cordova Census Area	10.4%
Wrangell, City and Borough of	9.5%
Yakutat, City and Borough of	10.9%
Yukon-Koyukuk Census Area	17.2%
Metropolitan Statistical Areas (MSA)	
Area	Unemployment Rate
Anchorage/Mat-Su MSA	5.6%
Fairbanks MSA	5.6%
Alaska's Economic Regions	
Area	Unemployment Rate
Anchorage/Mat-Su Economic Region	5.6%

Seasonally Adjusted Unemployment Rates  
Alaska and U.S.  
January 2003 to December 2015



Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section

[To view a larger PDF of this graph, click here.](#)

December 2015 Unemployment Rate  
Not Seasonally Adjusted



The statewide unemployment rate for December 2015 is 6.6 percent.

- Less than or equal to the Statewide avg 6.6%
- Greater than the Statewide avg and less than 10.0%
- 10.0% to 15.0%
- Greater than 15.0%

Gulf Coast Economic Region	8.4%
Interior Economic Region	6.7%
Northern Economic Region	9.5%
Southeast Economic Region	7.2%
Southwest Economic Region	12.5%

<b>Seasonally Adjusted<sup>2</sup> Unemployment Rates</b>	
<b>Area</b>	<b>Unemployment Rate</b>
United States	5.0%
Alaska	6.5%

<sup>1</sup>Preliminary data are the most current available. Data are revised every month for the previous month and again at the end of every calendar year.

<sup>2</sup>Seasonal adjustment is a statistical method for removing predictable seasonal fluctuations in the unemployment rates so that the underlying trends are easier to see. For example, Alaska's unemployment rates are typically lower in the summer when construction, fishing, and tourism jobs are all at their yearly high points. Removing that expected seasonal fluctuation provides a clearer picture of whether rates are rising or falling, aside from their normal ups and downs over the course of the year.

**[Read more about seasonal adjustment and how it works.](#)**

[Department of Labor / Research and Analysis Section]

Annual Unemployment Rates for  
Dillingham Census Area and Alaska  
2010 to 2014

Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section.

**Not Seasonally Adjusted Monthly and Annual Unemployment Rates for  
Dillingham Census Area  
1990 to 2015**



[View all labor force data for Dillingham Census Area](#)

Note: A change in the way labor force statistics are calculated for sub-state areas makes data prior to 2010 not comparable with later data.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2015	9.9	10.1	10.1	10.4	9.7	9.6	7.4	7.7	10.2	10.8	10.9	11.0	
2014	11.9	10.5	10.7	10.8	10.0	9.4	7.7	8.2	11.2	10.2	10.3	10.5	10.0
2013	12.0	11.2	10.6	10.2	10.0	9.7	7.6	8.3	9.5	10.7	11.6	11.4	10.1
2012	11.9	10.6	10.1	9.9	10.0	8.9	7.5	8.0	9.8	10.5	10.9	12.4	9.9
2011	11.9	12.1	11.9	12.2	10.8	10.9	7.9	8.1	9.3	10.9	11.2	11.9	10.6
2010	11.5	11.8	11.6	10.8	10.4	10.3	7.2	7.9	8.8	10.6	10.7	11.8	10.1
2009	10.4	11.5	11.0	11.1	12.2	11.3	7.6	7.7	9.0	10.4	10.2	11.2	10.1
2008	10.4	10.5	9.8	9.4	10.0	9.5	7.0	7.8	7.6	8.0	8.8	10.1	9.0
2007	10.1	10.2	9.4	9.6	9.2	9.8	7.1	7.6	6.9	8.7	8.7	9.2	8.8
2006	11.2	11.2	10.6	10.3	10.2	10.0	7.7	8.1	8.1	8.5	8.6	9.0	9.4
2005	13.1	12.1	11.3	12.1	11.4	10.8	8.8	8.8	9.1	9.7	10.5	11.0	10.7
2004	12.2	10.8	11.6	12.0	11.7	11.2	8.7	9.8	10.2	10.3	10.1	11.7	10.8
2003	13.0	11.7	11.5	11.7	11.7	13.4	9.2	9.7	9.1	9.9	10.5	11.0	11.0
2002	9.5	9.1	9.8	10.6	9.7	11.1	7.8	10.1	9.6	9.8	10.5	12.1	9.9
2001	8.7	8.3	8.1	8.2	7.9	9.4	5.9	7.8	6.7	7.4	7.9	8.5	7.8
2000	8.9	8.6	8.5	8.2	8.2	8.5	4.7	5.7	5.5	5.8	6.4	7.6	7.2
1999	7.2	6.5	6.8	8.4	8.6	9.5	4.8	6.2	5.7	6.2	7.1	8.2	7.0
1998	6.6	6.0	6.3	5.8	7.9	9.6	6.5	8.3	6.3	7.1	5.9	5.8	6.9
1997	7.3	6.7	6.4	7.1	6.1	6.6	4.9	7.5	7.4	6.4	5.5	6.9	6.6
1996	9.3	8.6	9.4	9.4	7.8	7.4	6.3	5.7	6.9	6.3	5.9	6.8	7.5
1995	8.3	8.0	6.5	6.3	5.4	5.5	4.0	4.2	5.1	5.4	7.4	7.2	6.1
1994	8.4	8.0	8.0	8.8	7.5	8.0	5.3	5.6	4.9	5.1	6.3	8.2	7.0
1993	7.7	7.8	8.3	9.3	7.6	8.3	4.6	6.5	6.0	7.4	7.9	8.5	7.5

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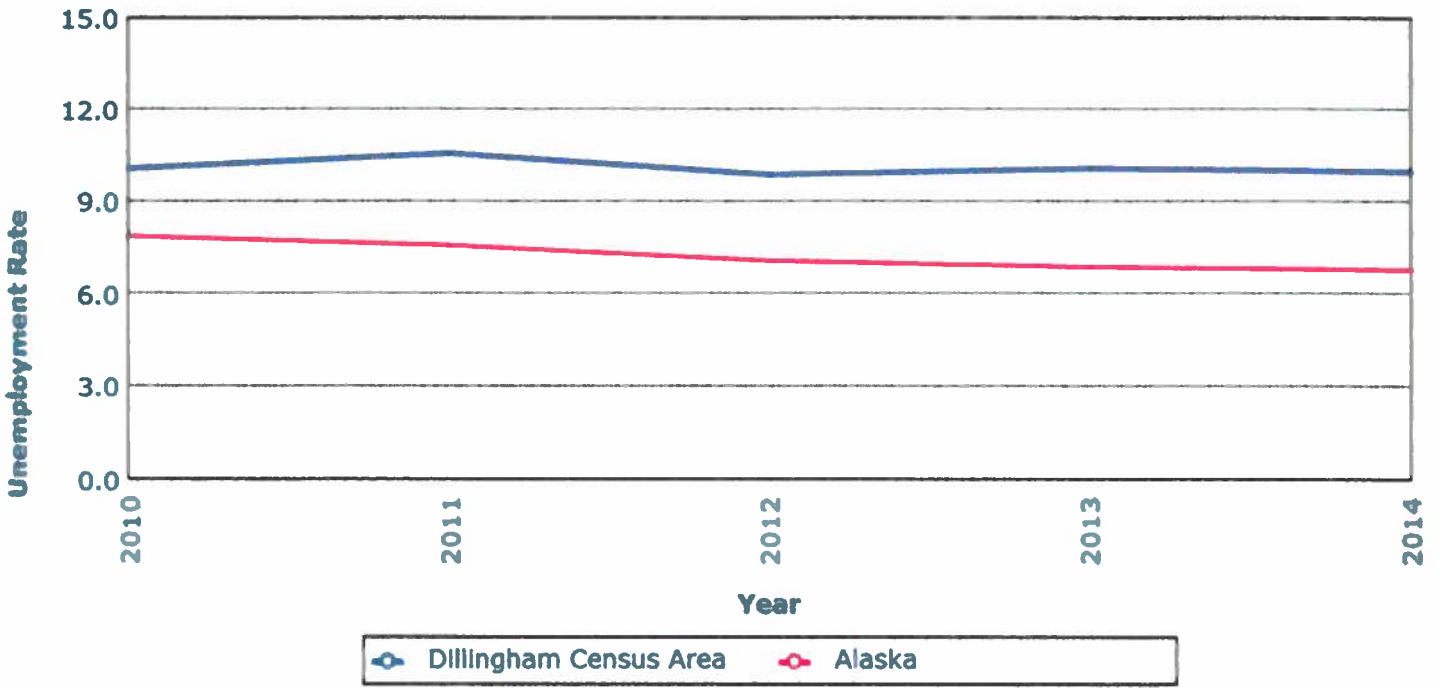
1992	8.7	9.8	8.4	8.0	8.5	8.5	4.7	6.4	9.3	9.2	9.0	8.1	8.2
1991	6.4	7.6	7.0	6.6	5.4	5.4	3.5	5.5	6.4	8.8	9.5	9.3	6.7
1990	10.9	9.9	8.0	9.3	7.0	5.1	2.4	3.7	4.6	5.7	6.3	5.7	6.6

A change in the way the labor force statistics are calculated for boroughs and census areas makes data prior to 2000 not comparable with later data.



Download a CSV txt file including all years of not seasonally adjusted data for:

- Dillingham Census Area only
- Alaska, all MSAs, all economic regions, and all borough and census areas



# Exhibit HH

## Request for Proposals (RFP)

### Soliciting a Consultant for a Regional Government Study with Tribes

#### RFP Summary

Under this Request for Proposals, an Interim Task Force (Ekuk Village Council, City of Dillingham, Dillingham City School District, Southwest Region School District, City of Aleknagik, and Bristol Bay Native Association) is inviting consulting firms to submit proposals to assist with a short-term project that will explore innovative ways to form a borough that includes the Tribes in the discussion. The area included in the study is commonly referred to as the Dillingham Census Area (unorganized borough). The project will form a task force, gather information by various methods, offer a range of borough formation options, and produce a study that will be used in intergovernmental consultations.

#### Project Description

This project conducts a borough feasibility study with the Tribes, cities, school districts, and regional organizations and uses it for decision making in intergovernmental consultations. The borough feasibility study will be completed by August 31, 2016, so that the information can be used prior to any borough or annexation attempts in an environment of dwindling State and Federal funding.

The project provides a process that includes all the Tribes, cities, school districts, and regional organizations throughout the project to achieve the maximum participation and the best outcome with greatest amount of adoption for follow through. The challenge for the successful consultant is to facilitate a borough study that strives to meet the needs of all the parties, is feasible by LBC standards, and completed on time.

The consultant will conduct public surveys and facilitate task force meetings. Other forms of data collection may include background research, written comments, letters, focus groups, and interviews. The consultant will coordinate with the task force on a public information process. A quarterly report will be submitted to the task force.

#### Administrative Requirements

Proposals will be reviewed by the Interim Task Force, who will make the final selection. Priority ranking will be given to consultants that have extensive experience working on borough formation projects in Alaska, and whose proposals are within the project budget and can be delivered on time.

#### Instructions

Due to time constraints, proposals will be accepted until 12:00 pm on November 9, 2015. Proposals may be mailed, emailed, faxed or hand delivered. Electronic files should be in pdf format.

#### Evaluation Criteria:

**100 Total Points Possible**

**1. Cover Letter:**

**5 Points**

Cover letter on your letterhead that includes all relevant contact information for your organization, including but not limited to, the name of the contact person and their phone and fax number, and a brief, concise summary of your proposed

project. The Owner, Board Chairman, CEO or Executive Director must sign the cover letter. The cover letter will not count toward the page limit.

2. **Proposal:** **45 Points**  
Proposal (no more than ten (10) one-side, single-spaced pages, font 12 or bigger, and 1 inch margins), loose or held by only a binder clip that includes the following:
  - a. Project Narrative (describe your proposal) (8 Points)
  - b. Feasibility Study Planning Methods(8 points)
  - c. Outreach (6 points)
  - d. Reporting Impacts / Measurable Outcomes (6 points)
  - e. Timeline (7 points)
  - f. Budget and budget justification (10 points)
3. **Qualifications:** **15 Points**
  - a. Business' qualifications, including background, history, and primary focus. (10 Points)
  - b. Bio of person responsible for carrying out the project, include resumes in Appendix. (5 points)
4. **Priority Ranking** **20 Points**
  - a. Experience with Borough formation projects in Alaska (10 points)
  - b. Within Budget (5 points)
  - c. Scheduled to complete on-time (5 points)
5. **Appendices (will not be included in page count)** **15 Points**
  - a. Letters of recommendation from previous clients; and/or List of References (5 points)
  - b. List of previous and current projects (5 points)
  - c. Resumes (5 points)

Applicants will be notified by November 16, 2015 on the status of their proposal or award. A contract will be finalized for a November 23, 2015 start date.

**Submit application to:**

Bristol Bay Native Association  
Attn: Patty Heyano, Program Development Director  
P.O. Box 310  
Dillingham, AK 99576-0310  
Fax Number: (907) 842-5978  
Email: [pheyano@bbna.com](mailto:pheyano@bbna.com)

For more information call (907) 842-5257 ext. 321 or (907) 842-6221 Direct.

Statement of Work is available by calling or emailing.



# Exhibit II

**ANGSTMAN LAW OFFICE**  
P.O. Box 585, Bethel, AK 99559

Myron Angstman

www.myronangstman.com

Tel. (907) 543-3972

Fax (907) 543-3394

myronangstman@alaska.com

September 18, 2014  
Via Enclosure and U.S. Mail

Rose Loom  
City Manager, City of Dillingham  
P.O. Box 889  
Dillingham, AK 99576

Re: Nushagak Fish Tax

Dear Rose:

I am writing on behalf of J.R. Dull and many other interested persons whom I represent in relation to the Nushagak Fish Tax. My clients seek reimbursement for what we view as an illegal tax improperly collected by the City of Dillingham over the course of a roughly two-year period.

I understand that you have already denied requests for the return of collected tax money from J.R. Dull and others. I am writing to inquire as to the basis of your refusal to return the improperly collected money, and also to invite dialogue on the issue. I am happy to consider your position or to speak with any representative whom you designate.

I am considering filing a lawsuit on behalf of my clients, and would ask that you reply to this communication within 10 days of receipt if you are interested in conversing.

Best regards,

  
Myron Angstman  
Attorney at Law