

Proposed by:	Administration
Attorney Review:	04/10/2023
Vote:	<input type="checkbox"/> Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent

MUNICIPALITY OF SKAGWAY, ALASKA  
RESOLUTION NO. 23-16R

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA, APPROVING CERTAIN UNINCORPORATED COMMUNITIES AND THEIR RESPECTIVE NATIVE VILLAGE COUNCIL AND/OR INCORPORATED NONPROFIT ENTITY FOR PARTICIPATION IN THE FY24 COMMUNITY ASSISTANCE PROGRAM.

**WHEREAS**, AS 29.60.865 and 3 AAC 180.010 require the assembly of a borough or unified municipality to adopt a resolution identifying those unincorporated communities located within their municipal boundaries that the assembly determines meet the Community Assistance Program eligibility criteria established under AS 29.60.865, AS 29.60.879, and 3 AAC 180.110; and

**WHEREAS**, the unincorporated community has either a Native village council or incorporated nonprofit entity that will agree to receive and spend the Community Assistance payment for the public benefit of the unincorporated community; and

**WHEREAS**, the unincorporated community has 25 or more residents residing as a social unit; and

**WHEREAS**, at least three of the following services; fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, and search and rescue; are generally available to all residents of the unincorporated community and each of the three services, in any combination, are provided by one or more qualifying Native village council or incorporated nonprofit entity or are substantially paid for by the residents of the unincorporated community through taxes, charges, or assessments levied or authorized by the borough or unified municipality;

**NOW, THEREFORE, BE IT RESOLVED THAT:** The Borough Assembly by this resolution hereby certifies that the following unincorporated communities and their respective Native village council or incorporated nonprofit entity are eligible for funding under the FY24 Community Assistance Program:

Unincorporated Community:	Dyea
Native Village Council or Nonprofit Entity:	Skagway Traditional Council

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway, Alaska this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Andrew Cremata, Mayor

ATTEST:

\_\_\_\_\_  
Steve Burnham Jr., Borough Clerk

(SEAL)

**Department of Commerce,  
Community and Economic  
Development  
FY24 Community Assistance Program  
(CAP)**

**APPLICATION DUE NO LATER THAN  
JUNE 1, 2023**



**State of Alaska  
Mike Dunleavy, Governor**

**Department of Commerce, Community,  
and Economic Development  
Julie Sande, Commissioner**

**Division of Community and Regional Affairs  
Sandra Moller, Director**

**Instructions for FY 24 Community Assistance Program (CAP)  
Borough Application**

**Due June 1, 2023:**

To receive FY24 CAP payment the borough is required to submit the following documents no later than 4:30PM on June 1, 2023. Email is the preferred method for receiving the forms, see special instructions for submitting by email.

- ✓ Requirements and Certifications Application form (included in this packet). Check or initial each box indicating the borough understands the requirements for payment. Be certain the form is signed and dated before submitting.
- ✓ Proposed CAP budget (included in this packet) for the coming year's CAP payment.
- ✓ Statement of Expenditures (included in this packet) of the prior year's CAP payment.

**Due prior to CAP Payment:**

The following documents are not subject to the June 1<sup>st</sup> deadline however, the required forms should be submitted at the earliest opportunity as they become available. Community assistance payment will not be distributed until the following required documents have been received to the following email:

<a href="mailto:CAA@alaska.gov">CAA@alaska.gov</a> , provide email, hard copy, or website link of:	<a href="mailto:StateAssessor@alaska.gov">StateAssessor@alaska.gov</a> , forms for the most recently completed annual budget cycle as of July 1:	<a href="mailto:LBC@alaska.gov">LBC@alaska.gov</a> : For all changes in FY23
✓ FY24 Annual Budget, including non-code ordinance adopting the budget	✓ Municipal Tax Report	✓ Maps and descriptions of all annexed or detached territory
✓ FY22 Annual Audit/CFS	✓ Municipal Debt Report	
	✓ Copy of taxpayer notice	

**Special instructions for email submission:** Use the above email to provide the corresponding documents. Subject line: "Entity name – CAP – FY Document Name" Example: "Icy Borough – CAP – FY24 Application".

If unable to email, mail to: DCCED DCRA, 455 3rd Avenue, Suite 140, Fairbanks, AK 99701 or Fax: (907) 451-2742

State Assessor forms can be found at:

<https://www.commerce.alaska.gov/web/dcra/OfficeoftheStateAssessor/ReportsandForms.aspx>.

If there are questions, contact Kimberly Phillips at (907) 451-2718 or email [caa@alaska.gov](mailto:caa@alaska.gov).

Statutes, regulations, and forms are available at:

<https://www.commerce.alaska.gov/web/dcra/GrantsSection/CommunityRevenueSharing.aspx>

**FY 2024 COMMUNITY ASSISTANCE PROGRAM  
REQUIREMENTS AND CERTIFICATION**

**BOROUGH APPLICATION**

**DEADLINE: JUNE 1, 2023**

NAME OF BOROUGH	CONTACT NAME
MAILING ADDRESS	CONTACT EMAIL ADDRESS
CITY, STATE, ZIP CODE	CONTACT PHONE & FAX NUMBER

ACKNOWLEDGE THE REQUIREMENTS BY CHECKING OR INITIALING EACH BOX:

- The community assistance payment will be used only for a public purpose as required under AS 29.60.850(a) and the borough agrees to make available a service or facility with the funds under AS 29.60.855 – 29.60.879 to every person in the community.
- The borough will maintain, as required by 3 AAC 180.010 (4), all records relating to receipt and expenditure of a community assistance payment for at least three years, or longer if there is an unresolved audit finding, questioned costs, litigation or a grievance.
- A statement of expenditures of the prior year’s community assistance payment and a budget form for current year’s application.
- Acknowledge reports due prior to FY24 CAP payment may be released (see instructions for details):

Reports to [CAA@alaska.gov](mailto:CAA@alaska.gov):

- FY24 Annual Budget
- FY22 Annual Audit

Reports to [StateAssessor@alaska.gov](mailto:StateAssessor@alaska.gov):

- FY23 Tax assessment and tax levy figures
- Summary of optional property tax exemptions and estimate of revenue lost to exemptions
- Copy of taxpayer notice

Reports to [LBC@alaska.gov](mailto:LBC@alaska.gov):

- Maps and descriptions of all annexed or detached territory

CERTIFICATION:

As the highest ranking official, I certify the \_\_\_\_\_ understands the  
(Name of Borough)  
requirements for receiving the community assistance payment and agrees to comply with all laws and regulations governing the community assistance funds.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

**FY 2024 PROPOSED  
COMMUNITY ASSISTANCE PROGRAM BUDGET**

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**Name of Borough**

Please describe below how your organization proposes to utilize the estimated FY 2024 Community Assistance Program distribution.

FUEL \$ \_\_\_\_\_

ELECTRICITY \$ \_\_\_\_\_

INSURANCE \$ \_\_\_\_\_

EDUCATION \$ \_\_\_\_\_

EMS \$ \_\_\_\_\_

WATER/SEWER \$ \_\_\_\_\_

PUBLIC SAFETY \$ \_\_\_\_\_

FIRE \$ \_\_\_\_\_

ROAD MAINTENANCE \$ \_\_\_\_\_

HARBORS \$ \_\_\_\_\_

HEALTH \$ \_\_\_\_\_

GENERAL ADMINISTRATION \$ \_\_\_\_\_

OTHER \_\_\_\_\_ \$ \_\_\_\_\_

OTHER \_\_\_\_\_ \$ \_\_\_\_\_

OTHER \_\_\_\_\_ \$ \_\_\_\_\_

**FY 2024 ESTIMATED PAYMENT \$ \_\_\_\_\_**

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**FY 2023 COMMUNITY ASSISTANCE PROGRAM**  
**Statement of Expenditures for Prior Year Payment**

**Name of Borough**

Please detail below how your organization utilized the FY 2023 Community Assistance Payment.

FUEL	\$ _____
ELECTRICITY	\$ _____
INSURANCE	\$ _____
EDUCATION	\$ _____
EMS	\$ _____
WATER/SEWER	\$ _____
PUBLIC SAFETY	\$ _____
FIRE	\$ _____
ROAD MAINTENANCE	\$ _____
HARBORS	\$ _____
HEALTH	\$ _____
GENERAL ADMINISTRATION	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
SAVINGS/NOT SPENT	\$ _____

**FY 2023 TOTAL PAYMENT**      \$ \_\_\_\_\_

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**RESOLUTION # \_\_\_\_\_**  
**APPROVING UNINCORPORATED COMMUNITIES**  
**FOR PARTICIPATION IN THE**  
**FY24 COMMUNITY ASSISTANCE PROGRAM**

A RESOLUTION APPROVING CERTAIN UNINCORPORATED COMMUNITIES AND THEIR RESPECTIVE NATIVE VILLAGE COUNCIL AND/OR INCORPORATED NONPROFIT ENTITY FOR PARTICIPATION IN THE FY24 COMMUNITY ASSISTANCE PROGRAM.

WHEREAS, AS 29.60.865 and 3 AAC 180.010 require the assembly of a borough or unified municipality to adopt a resolution identifying those unincorporated communities located within their municipal boundaries that the assembly determines meet the Community Assistance Program eligibility criteria established under AS 29.60.865, AS 29.60.879, and 3 AAC 180.110; and

WHEREAS, the unincorporated community has either a Native village council or incorporated nonprofit entity that will agree to receive and spend the Community Assistance payment for the public benefit of the unincorporated community; and

WHEREAS, the unincorporated community has 25 or more residents residing as a social unit; and

WHEREAS, at least three of the following services; fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, and search and rescue; are generally available to all residents of the unincorporated community and each of the three services, in any combination, are provided by one or more qualifying Native village council or incorporated nonprofit entity or are substantially paid for by the residents of the unincorporated community through taxes, charges, or assessments levied or authorized by the borough or unified municipality;

NOW THEREFORE BE IT RESOLVED THAT: The Assembly by this resolution hereby certifies that the following unincorporated communities and their respective Native village council or incorporated nonprofit entity are eligible for funding under the FY24 Community Assistance Program:

Unincorporated Community	Native village council or nonprofit entity
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PASSED AND APPROVED by a duly constituted quorum of the Assembly of the

\_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
*(Borough)*

SIGNED: \_\_\_\_\_  
*(Mayor)*

ATTEST: \_\_\_\_\_  
*(Clerk)*

## **Eligibility Requirements for Unincorporated Communities Located Within Boroughs and Unified Municipalities**

Alaska Statutes AS 29.60.865 – .879 and Alaska Administrative Code 3 AAC 180.010

### **Sec. 29.60.865. Eligibility requirements for reserves and communities.**

(a) The department, with advice from the Department of Law, shall determine whether there is in each community or reserve an incorporated nonprofit entity or a Native village council that will agree to receive and spend the community assistance payment. If there is more than one qualified entity in a reserve or community in the unorganized borough, the department shall pay the money to the entity that the department finds most qualified to receive and spend the money on behalf of the reserve or community. The department may not make a community assistance payment to a Native village council unless the council waives immunity from suit for claims arising out of activities of the council related to the payment. A waiver of immunity from suit under this section must be on a form provided by the Department of Law. If there is no qualified incorporated nonprofit entity or Native village council in a reserve or community that is willing to receive the community assistance payment and use the payment on behalf of that reserve or community, the payment for that reserve or community may not be paid. Neither this section nor any action taken under it enlarges or diminishes the governmental authority or jurisdiction of a Native village council.

(b) The department may make a community assistance payment on behalf of a community in a borough or unified municipality only to the municipality for payment by the municipality to an incorporated nonprofit entity or Native village council that has been approved by the assembly and meets the requirements of (a) of this section. The department shall have written evidence of the assembly approval. If there is more than one qualified entity in a community in a borough or unified municipality, one of the entities may receive the entire payment, or the payment may be shared between two or more of the qualified entities, as determined by the assembly.

(c) A community in a borough or unified municipality is eligible for a community assistance payment only if at least three of the following services are generally available to all residents of the community and each of the three services, in any combination, are provided by one or more qualifying incorporated nonprofit entities or a Native village council or are substantially paid for by the residents of the community through taxes, charges, or assessments levied or authorized by the borough or unified municipality:

- (1) fire protection;
- (2) emergency medical;
- (3) water and sewer;
- (4) solid waste management;
- (5) public road or ice road maintenance;
- (6) public health;
- (7) search and rescue.

### **Sec. 29.60.879. Definitions.**

In AS 29.60.850 - 29.60.879

(1) "community" means a place in the unorganized borough, in a borough, or in a unified municipality that is not incorporated as a municipality, that is not a reserve, and in which 25 or more individuals reside as a social unit;

(2) "reserve" means a place that is organized under federal law as an Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and is continued in existence under that subsection.

### **3 AAC 180.010(b) and (c)**

(b) In addition to making the certification and agreement on the form provided under (a) of this section, a borough or unified municipality that will receive community assistance payments on behalf of communities in the borough or unified municipality must

- (1) submit to the department a resolution adopted by the assembly that clearly identifies
  - (A) the communities that the borough or unified municipality has determined meet the eligibility criteria under AS 29.60.865, 29.60.879, and 3 AAC 180.110; and
  - (B) the village council or incorporated nonprofit entity located within each community listed under (A) of this paragraph that the borough or unified municipality has approved as the recipient of the community assistance payment; and



(2) certify that at least three of the services required under AS 29.60.865(c) are generally available to all residents of the community.

(c) In addition to making the certification and agreement on the form provided under (a) of this section and receiving any identification required under (b) of this section, a reserve or village council must submit to the department a waiver of sovereign immunity in accordance with AS 29.60.865(a) and 3 AAC 180.130.