

Proposed by:	Administration
Attorney Review:	03/27/2019
Vote:	6 Aye 0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 19-15R**

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 FY20 COMMUNITY ASSISTANCE PROGRAM.

WHEREAS, AS 29.60.865 and 3 AAC 180.070 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

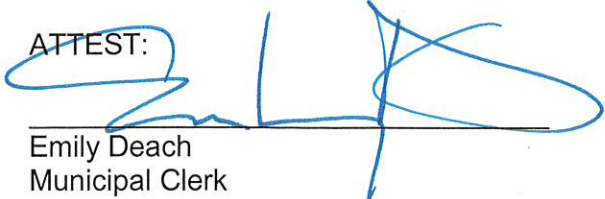
WHEREAS, at least three of the following services; fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, and search and rescue; are generally available to all residents of the unincorporated community and each of the three services, 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 FY20 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 4th day of April, 2019.


Andrew Cremata, Mayor

ATTEST:

Emily Deach
Municipal Clerk

(SEAL)





THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809
Juneau, AK 99811-0809
Main: 907.465.5541
Programs fax: 907.465.4761

January 14, 2019

Ms. Emily Deach, Interim Borough Manager
Municipality of Skagway
P.O. Box 415
Skagway, AK 99840

RECEIVED

JAN 22 2019

MUNICIPALITY
OF SKAGWAY

Dear Ms. Deach:

The Division of Community and Regional Affairs (DCRA) is pleased to provide you with the attached FY20 Community Assistance application. Please carefully review the application and instructions. The completed FY20 CAP application must be returned **no later than June 1, 2019**.

Please be aware that the funding level for the FY20 Community Assistance Program (CAP) has not yet been determined. This estimate is based on the statutorily required distribution of one third of the anticipated June 30, 2019, CAP fund balance. The payment estimate does not take into consideration any possible increases to the funding level through either the FY19 supplemental budget or other legislative appropriations. Community Assistance payment amounts will be updated to reflect actual award amounts after June 30, 2019.

Skagway estimated FY20 CAP payment is \$314,923.46

An applicant may submit the application and required documents to the department by means of electronic mail received no later than 4:30PM on June 1 or by regular mail postmarked no later than June 1. Please carefully review the instructions in regard to submitting by electronic mail. The electronic mailing address is: caa@alaska.gov.

Please contact me with any questions at (907)465-5541 or robert.pearson@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Robert Pearson".

Robert Pearson
Manager, Community Aid and Accountability

**FY 2020 COMMUNITY ASSISTANCE PROGRAM
REQUIREMENTS AND CERTIFICATION**

BOROUGH APPLICATION

DEADLINE: JUNE 1, 2019

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.
- Reports to CAA:
- Annual Audit
 - Annual Budget
 - Notice to Taxpayer, as applicable
- Reports to OSA, as applicable:
- Tax Reports to State Assessor's office
 - 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 2020 COMMUNITY ASSISTANCE PROGRAM
PROPOSED CAP BUDGET**

Name of Borough

Please describe below how your organization proposes to use its estimated FY 2020 Community Assistance Program payment.

FUEL \$ _____

ELECTRICITY \$ _____

INSURANCE \$ _____

EDUCATION \$ _____

EMS \$ _____

WATER/SEWER \$ _____

PUBLIC SAFETY \$ _____

FIRE \$ _____

ROAD MAINTENANCE \$ _____

HARBORS \$ _____

HEALTH \$ _____

GENERAL ADMINISTRATION \$ _____

OTHER _____ \$ _____

OTHER _____ \$ _____

OTHER _____ \$ _____

FY 2020 ESTIMATED PAYMENT \$ _____

**FY 2020 COMMUNITY ASSISTANCE PROGRAM
Statement of Expenditures for Prior Year Payment**

Name of Borough

Please detail below how your organization spent its FY 2019 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 2019 TOTAL PAYMENT \$ _____

RESOLUTION # _____
APPROVING UNINCORPORATED COMMUNITIES
FOR PARTICIPATION IN THE
FY20 COMMUNITY ASSISTANCE PROGRAM

A RESOLUTION APPROVING CERTAIN UNINCORPORATED COMMUNITIES AND THEIR RESPECTIVE NATIVE VILLAGE COUNCIL AND/OR INCORPORATED NONPROFIT ENTITY FOR PARTICIPATION IN THE FY20 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 FY20 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.

Instructions for FY 20 Community Assistance Program Requirements and Certification
Borough Application

The borough's requirements and certification application form and resolution for payment on behalf of unincorporated communities within the borough must be received no later than June 1, 2019. Please check or initial each box indicating the borough understands the requirement. Be certain the form is signed and dated before submitting.

The borough may submit the requirements and certification form and resolution by electronic mail received no later than 4:30PM on June 1st. This is the preferred method for receiving the form. Email forms to: caa@alaska.gov (See special instructions for submitting by email below.)

The community assistance payment will not be made until all other required documents have been submitted. Please submit the required documents at the earliest opportunity as they become available; these are not subject to the June 1st deadline. These documents may also be submitted by electronic mail.

Community Assistance Program regulations (3 AAC 180) effective December 22, 2017, require all entities to submit a statement of expenditures of the prior year's community assistance payment and the budget for the current year's payment. A statement of expenditures form and budget form are provided.

The current annual budget must include the non-code ordinance adopting the budget. Please submit these as one combined document when possible. A link to the budget on the borough's website may be provided in lieu of a hard copy or email attachment.

The annual audit may be submitted by hard copy, email attachment, or provide a link to the audit on the borough's website.

In addition to the current annual budget and annual audit, in order to receive a community assistance payment, the borough is required to submit to the Office of the State Assessor (OSA), as applicable: tax assessment and tax levy numbers for the most recently completed annual budget cycle, a summary of optional property tax exemptions authorized together with the estimate of the revenues lost to the borough, a taxpayer notice, and maps and descriptions of all annexed or detached territory which was annexed or detached prior to June 1 of the application year.

Provide a copy of the tax payer notice furnished with the property tax statements or a copy of the Affidavit of Publication from the newspaper in which the notice was published. Provide a copy of the notice posted for sales tax and use tax or a copy of the Affidavit of Publication from the newspaper in which the notice was published.

The borough is not required to submit to DCRA any of the reports required by OSA.

Special Instruction for submitting by electronic mail

Emailed documents are submitted to: caa@alaska.gov

The subject line must include: Entity name –CAP Program – FY Document Name

Ex. "Haines Borough – CAP – FY20 Application"

Mail to: DCCED DCRA CAA, PO Box 110809, Juneau, AK 99811-0809 or Fax: 907-465-4761

If there are questions concerning the Community Assistance Program, please contact Jean Mason at (907)465-5647 or email caa@alaska.gov.

Statutes, regulations, and forms are available at:

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