

Mayor
Alice Ruby

City Manager
Jack Savo Jr.



Dillingham City Council
Triston Chaney
Jean Barrett
Steven Carriere
Curt Armstrong
Kaleb Westfall
Kevin McCambly

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members **From:** Abigail Flynn, City Clerk's Department
Through: Jack Savo Jr, City Manager
Date: April 30, 2026
Re: Ordinance 2026-02 – Amendments to DMC 1.16.010 Definitions (Newspaper, Public Notice, Publication)

SUMMARY: Staff is requesting Council authorization to introduce an ordinance amending Dillingham Municipal Code (DMC) Section 1.16.010, Definitions, to clarify the meaning of “newspaper of general circulation,” “public notice,” and “published” or “publication.”

The proposed ordinance establishes clear definitions consistent with state law and current publication practices used by other Alaska municipalities. It also recognizes the City's ability to provide supplemental public notice through additional communication channels such as the City website, official social media, electronic mailing lists, or local radio.

Council action is needed to adopt the ordinance.

PREVIOUS COUNCIL ACTION:

At prior Code Review Committee meetings, members discussed the challenges associated with the City's current notice publication requirements and the lack of a clear definition of “newspaper of general circulation” within the Dillingham Municipal Code.

During committee discussions, members noted that other Alaska municipalities have updated their codes to modernize publication requirements while maintaining compliance with Alaska Statutes. The committee recommended forwarding a draft ordinance to Council for consideration.

This Ordinance was introduced at the April 2nd Council Meeting and the Public hearing is today.

BACKGROUND:

Several sections of the Dillingham Municipal Code require legal notices or other public information to be published in a “newspaper of general circulation.” However, the Code currently does not define that term.

State law also does not provide a specific definition of “newspaper of general circulation,” which has created uncertainty in determining whether a publication meets the intended requirements.

Additionally, the availability and publication schedules of newspapers serving the Dillingham area have created operational challenges for providing timely public notice. Recently an RFP entire deadline was put off due to more than three weeks of requests from staff to have the notice printed that were ignored despite frequent follow-ups by staff. This problem is

longstanding. Due to lack of response to requests to publish and the long lead time required by the newspaper to submit requests, some parts of code are already not possible to follow (meeting notices)

To address these issues, staff reviewed approaches used by other Alaska municipalities and drafted a definition modeled after language used by the Kenai Peninsula Borough and other jurisdictions.

DISCUSSION: The proposed amendment to DMC 1.16.010 provides three key clarifications.

1. Establishes a Definition for “Newspaper of General Circulation.”

The ordinance defines a newspaper of general circulation as a publication that:

- is published in newspaper format;
- is distributed in print at least twice per week for at least 50 weeks per year within the Dillingham Census Area;
- maintains a paid circulation or distribution threshold for our location;
- holds a second-class mailing permit; and
- is not primarily an advertising publication or directed toward a specific professional audience.

These criteria provide objective standards to determine whether a publication satisfies legal notice requirements.

2. Defines “Public Notice.”

The ordinance clarifies that public notice must comply with the publication requirements contained in the Code. It also allows the City to provide supplemental notice through additional communication channels such as:

- the City’s official website
- official City social media accounts
- electronic mailing lists
- local radio announcements
- other reasonable methods to inform the public

Failure to provide supplemental notice does not invalidate an otherwise properly noticed action. If the council would like to direct specific forms of supplemental notice be used for certain listed types of notices, a resolution can be developed for that purpose. Setting supplemental communication channels does not have to be made at the Ordinance level. Making these decisions for supplemental communications at the Resolution level will allow future flexibility when new methods become available and old methods are no longer available.

3. Clarifies the Meaning of “Published” or “Publication.”

The ordinance states that publication means appearing at least once in a newspaper of general circulation. If no such newspaper exists, notice may be posted in at least three public places within the City for a minimum of five days, consistent with Alaska Statute AS 29.71.800.

During committee discussions, members noted that expanding communication methods will improve the City’s ability to share information with residents while maintaining required legal publication standards.

If there is no newspaper of general circulation, publication means posting the notice in at least three public places within the City for a minimum of five days.

ALTERNATIVES:

1. Leave the code as it is.

FINANCIAL IMPLICATIONS:

Adoption of the ordinance is not expected to create additional costs.

Clarifying publication requirements may reduce administrative delays associated with legal notices and improve the City's ability to communicate information through existing platforms such as the City website and social media

There are no anticipated negative financial impacts.

LEGAL: The ordinance aligns with Alaska Statute AS 29.71.800 regarding publication requirements and maintains existing legal notice procedures when a qualifying newspaper is available.

The proposed changes clarify definitions rather than altering substantive legal notice requirements. Our legal team has made small changes to this ordinance to align it with State and legal requirements.

No legal concerns have been identified.

STAFF RECOMMENDATION: Staff recommends that the Council adopt Ordinance No. 2026-02.

PROPOSED MOTION:

"I move to Adopt Ordinance No. 2026-02, an ordinance of the Dillingham City Council amending Dillingham Municipal Code Section 1.16.010 to add definitions for 'newspaper of general circulation,' 'public notice,' and 'published' or 'publication.'"

ATTACHMENTS: Ordinance 2026-02