

Haines Borough
Borough Assembly Meeting #298
AGENDA



August 25, 2015 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg

Jan Hill,
Mayor

Dave Berry Jr.,
Assembly Member

Diana Lapham,
Assembly Member

Mike Case
Assembly Member

Joanne Waterman,
Assembly Member

George Campbell,
Assembly Member

Ron Jackson,
Assembly Member

David Sosa, MPA
Borough Manager

Julie Cozzi, MMC
Borough Clerk

Krista Kielsmeier
Deputy Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. APPROVAL OF AGENDA & CONSENT AGENDA

[The following Consent Agenda items are indicated by an asterisk () and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Accept Library Report
- 9A – Accept Library Board Minutes
- 9B – Accept Parks & Rec Committee Minutes
- 9C – Accept Planning Commission Minutes
- 11A1 – Resolution 15-08-638
- 11A2 – Resolution 15-08-639

* 4. APPROVAL OF MINUTES – 8/11/15 Regular

5. PUBLIC COMMENTS [Any topics not scheduled for public hearing]

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

Important Reminder! - Sign-up prior to or at the beginning of the assembly meeting is required in order to make comments during a public hearing. It's as easy as contacting the Clerk's Office ahead of time to have your name added to the list or you can sign up yourself at the start of the assembly meeting. Written comments are also welcome.

A. **Ordinance 15-06-413** – First Hearing

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

This ordinance is recommended by the borough manager and was introduced on 6/9/15 and later referred it for review by the Government Affairs & Services Committee and the Public Safety Commission. The assembly has already scheduled the second hearing for 9/8/15. No motion is needed now unless the second hearing date needs to change or some other action is desired such as addressing any comments received.

B. **Ordinance 15-08-418** - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 13, Section 13.08.260 to allow the discharge of cooling water into the municipal sewer system with specific approval from a designated borough official.

This ordinance is recommended by the borough manager and was introduced on 8/11/15. The assembly already scheduled the second hearing for 9/8/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.

8. STAFF/FACILITY REPORTS

A. **Borough Manager – 8/25/15 Report**

* B. **Public Library – Report of June 2015**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * A. Library Advisory Board – Minutes of 6/17/15
- * B. Parks & Recreation Advisory Committee – Minutes of 7/17/15
- * C. Planning Commission – Minutes of 7/9/15
- D. Public Safety Commission – FYI Citizen Comments re.FSA 3
- E. Assembly Board Liaison Reports
- F. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

* 1. **Resolution 15-08-638**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a contract with Machineworks to provide 2015-2016 janitorial services for the Borough Administration Building and specified areas in the Public Safety Building for an amount not to exceed \$16,910.

*This resolution is recommended by the manager. **Motion:** Adopt Resolution 15-08-638.*

* 2. **Resolution 15-08-639**

A Resolution of the Haines Borough Assembly of Haines Borough, Alaska, authorizing the issuance of a general obligation bond of the Borough in a principal amount not to exceed \$1,375,000 to finance a portion of the cost of capital improvements to Haines High School, as authorized by Ordinance No. 14-07-388 and ratified by the Borough's voters at an election held on October 7, 2014; authorizing tax levies to pay the principal thereof and interest thereon; and authorizing the sale of the bond to the Alaska Municipal Bond Bank on the terms and conditions provided in this resolution.

*This resolution is recommended by the manager. **Motion:** Adopt Resolution 15-08-639.*

3. **Resolution 15-08-640**

A Resolution of the Haines Borough Assembly approving in response to an application from Haines Assisted Living, Inc., as recommended by the borough assessor, a partial community purpose exemption for the Level Two apartments of the Soboleff-McRae Veterans Village.

*This resolution is recommended by the assessor. **Motion:** Adopt Resolution 15-08-640.*

B. Ordinances for Introduction - None

C. Other New Business - None

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT

Haines Borough
Borough Assembly Meeting #298
AGENDA



August 25, 2015 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg

Jan Hill,
Mayor

Dave Berry Jr.,
Assembly Member

Diana Lapham,
Assembly Member

Mike Case
Assembly Member

Joanne Waterman,
Assembly Member

George Campbell,
Assembly Member

Ron Jackson,
Assembly Member

David Sosa, MPA
Borough Manager

Julie Cozzi, MMC
Borough Clerk

Krista Kielsmeier
Deputy Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. APPROVAL OF AGENDA & CONSENT AGENDA

[The following Consent Agenda items are indicated by an asterisk () and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Accept Library Report
- 9A – Accept Library Board Minutes
- 9B – Accept Parks & Rec Committee Minutes
- 9C – Accept Planning Commission Minutes
- 11A1 – Adopt Resolution 15-08-638
- 11A2 – Adopt Resolution 15-08-639

* 4. APPROVAL OF MINUTES – 8/11/15 Regular

5. PUBLIC COMMENTS [Any topics not scheduled for public hearing]

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

Important Reminder! - Sign-up prior to or at the beginning of the assembly meeting is required in order to make comments during a public hearing. It's as easy as contacting the Clerk's Office ahead of time to have your name added to the list or you can sign up yourself at the start of the assembly meeting. Written comments are also welcome.

A. **Ordinance 15-06-413** – First Hearing

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

This ordinance is recommended by the borough manager and was introduced on 6/9/15 and later referred it for review by the Government Affairs & Services Committee and the Public Safety Commission. The assembly has already scheduled the second hearing for 9/8/15. No motion is needed now unless the second hearing date needs to change or some other action is desired such as addressing any comments received.

B. **Ordinance 15-08-418** - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 13, Section 13.08.260 to allow the discharge of cooling water into the municipal sewer system with specific approval from a designated borough official.

This ordinance is recommended by the borough manager and was introduced on 8/11/15. The assembly already scheduled the second hearing for 9/8/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.

8. STAFF/FACILITY REPORTS

A. **Borough Manager – 8/25/15 Report**

* B. **Public Library – Report of June 2015**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * A. Library Advisory Board – Minutes of 6/17/15
- * B. Parks & Recreation Advisory Committee – Minutes of 7/17/15
- * C. Planning Commission – Minutes of 7/9/15
- D. Public Safety Commission – FYI Citizen Comments re.FSA 3
- E. Assembly Board Liaison Reports
- F. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

* 1. **Resolution 15-08-638**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a contract with Machineworks to provide 2015-2016 janitorial services for the Borough Administration Building and specified areas in the Public Safety Building for an amount not to exceed \$16,910.

*This resolution is recommended by the manager. **Motion:** Adopt Resolution 15-08-638.*

* 2. **Resolution 15-08-639**

A Resolution of the Haines Borough Assembly of Haines Borough, Alaska, authorizing the issuance of a general obligation bond of the Borough in a principal amount not to exceed \$1,375,000 to finance a portion of the cost of capital improvements to Haines High School, as authorized by Ordinance No. 14-07-388 and ratified by the Borough's voters at an election held on October 7, 2014; authorizing tax levies to pay the principal thereof and interest thereon; and authorizing the sale of the bond to the Alaska Municipal Bond Bank on the terms and conditions provided in this resolution.

*This resolution is recommended by the manager. **Motion:** Adopt Resolution 15-08-639.*

3. **Resolution 15-08-640**

A Resolution of the Haines Borough Assembly approving in response to an application from Haines Assisted Living, Inc., as recommended by the borough assessor, a partial community purpose exemption for the Level Two apartments of the Soboleff-McRae Veterans Village.

*This resolution is recommended by the assessor. **Motion:** Adopt Resolution 15-08-640.*

B. Ordinances for Introduction - None

C. Other New Business - None

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #297
August 11, 2015
MINUTES

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **HILL** called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

Present: Mayor Jan **HILL**, and Assembly Members Diana **LAPHAM**, Mike **CASE**, Dave **BERRY, Jr.**, Joanne **WATERMAN**, and Ron **JACKSON**. **Absent:** George **CAMPBELL**

Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Shawn **BELL**/Harbormaster, Robert **GRIFFITHS**/Chief of Police, Patty **BROWN**/Library Director, and Jila **STUART**/Chief Fiscal Officer.

Visitors Present: State Representative Sam **KITO III**, Karen **GARCIA**/CVN, Emily **FILES**/KHNS, Don **TURNER Jr.**, Mike **DENKER**, Anne **BOYCE**, Don and Karen **HESS**, Bob **BECKER**, Margaret **FRIEDENAUER**, Dave **NANNEY**, Carol **TUYNMAN**, Brenda **JOSEPHSON**, Kathy **GRIFFITHS**, Jack **WENNER**, Tresham **GREGG**, Debra **SCHNABEL**, Paul **NELSON**, George **FIGDOR**, Bill **MCCORD**, Linda **GEISE**, and others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Accept Museum Report
- 9A – Accept Museum Board Minutes
- 11A1 – Adopt Resolution 15-08-637
- 11B1 – Introduce Ordinance 15-08-418
- 11C1 – Approve Sales Tax Exemption Request

Motion: **WATERMAN** moved to “approve the agenda/consent agenda,” and the motion carried unanimously.

* 4. **APPROVAL OF MINUTES** – 7/28/15 Regular

The motion adopted by approval of the consent agenda: “approve minutes of the 7/28/15 borough assembly regular meeting.”

5. **PUBLIC COMMENTS**

JOSEPHSON – Opposed to the minor offenses ordinance (documents distributed documents to the assembly).

NELSON – Opposed to the minor offenses ordinance (documents distributed to the assembly).

BOYCE – 1) Wants the assembly to consider Jack Wenner’s rubble breakwater proposal and 2) wants enforcement uniformity and consistency.

WENNER – Has no reliable cost estimate for rubble breakwater but believes it is the best option.

TUYNMAN – 1) Has concerns with minor offenses ordinance and 2) believes the Waterfront Aesthetics Committee is bypassing the public planning process.

GREGG – Supports Jack Wenner’s rubble breakwater idea.

FIGDOR – Believes there has been a failure in the planning process for the entire waterfront.

6. **MAYOR’S COMMENTS/REPORT**

Mayor **HILL** reported on Governor Walker’s recent visit to Haines and his desire to return. She introduced Representative **KITO** who updated the assembly on the state’s budget situation, revenue sharing, Chilkoot River Corridor, a special legislative session this fall, and the ferry system.

7. **PUBLIC HEARINGS**

A. **New Commercial Tour Permit – Haines Rafting Company**

Note: Chilkat River Adventures applied to add a new tour to their permitted 2015 commercial tour activities. They proposed to pick up guests at the Port Chilkoot Dock in an airporter-style vehicle

for a one-hour town tour to include Main Street, Front Street, Picture Point, Fort Seward, Dalton City, and the Cannery. HBC Title 5 requires a public hearing before the assembly for all new tour activities

Mayor **HILL** opened the public hearing at 7:00pm.

TUYNMAN - delighted with the proposed tour.

Hearing no further comments, the mayor closed the public hearing at 7:02pm.

Motion: **BERRY** moved to "authorize the borough clerk to process the Chilkat River Adventures application to add a town tour to the company's list of permitted commercial tour activities," the motion carried unanimously in a roll call vote.

**B. Ordinance 15-07-416 – Second Hearing
An Ordinance of the Haines Borough amending Haines Borough Code Title 16 Section 16.08.010 to change the composition of the Port and Harbor Advisory Committee.**

Mayor **HILL** opened the public hearing at 7:05 p.m.

TURNER - Asked the assembly to consider the Port & Harbor Advisory Committee's (PHAC) recommendation.

SCHNABEL – Believes the harbor project should be overseen by the Planning Commission as the borough's sole planning body; the PHAC should answer to them. This ordinance could be amended to protect that responsibility.

Hearing no further comments, the mayor closed the hearing at 7:09 p.m.

Motion: **CASE** moved to "adopt Ordinance 15-07-416," and the motion carried 4-1 in a roll call vote with **LAPHAM** opposed.

**C. Ordinance 15-07-417 – Second Hearing
An Ordinance of the Haines Borough amending Borough Code Chapter 2.76; Subsection 2.82.050(b); Chapters 2.84, 2.86, and 2.88; and Section 2.92.010 to change to a combined leave system and clarify various other requirements and descriptions.**

Mayor **HILL** opened and closed the public hearing at 7:18 p.m.; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 15-07-417," and the motion carried 4-1 in a roll call vote with **CASE** opposed.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 8/11/15 Report

The manager summarized his written report and added: 1) the 95% harbor design documents are posted online and 2) the police department audit report is due for release by Friday, the 14th; a letter related to that is now on the borough's website.

***B. Sheldon Museum – Facility Report of July 2015**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

***A. Museum Board of Trustees – Minutes of 5/12/15**

B. Assembly Board Liaison Reports

CASE – Planning Commission meeting on Thursday, 8/13.

C. Assembly Standing Committee Reports

1. Personnel Committee – 8/3/15 Meeting

WATERMAN reported the committee reviewed the personnel code amendments, discussed the organizational structure, and, in executive session, discussed the results of police department audit.

10. UNFINISHED BUSINESS

A. Ordinance 15-06-415

An Ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage.

Note: This ordinance was introduced on 6/23/15 and had hearings on 7/14 and 7/28. Following the second hearing, the assembly postponed adoption to this meeting so staff could look into the costs and benefits of the proposed moorage rate increase and the cost of hazardous material disposal.

Main Motion already on the Table: Adopt Ordinance 15-06-415.

SOSA addressed the question of harbor revenue compared with costs.

The motion carried unanimously in a roll call vote.

11. NEW BUSINESS

A. Resolutions

*** 1. Resolution 15-08-637**

A Resolution of the Haines Borough Assembly adopting written findings of the July 14, 2015 appeal hearing of the Eagle's Nest Trailer Park nuisance abatement order.

The motion adopted by approval of the consent agenda: "adopt Resolution 15-08-637."

B. Ordinances for Introduction

*** 1. Ordinance 15-08-418**

An Ordinance of the Haines Borough amending Haines Borough Code Title 13, Section 13.08.260 to allow the discharge of cooling water into the municipal sewer system with specific approval from a designated borough official.

The motion adopted by approval of the consent agenda: "introduce Ordinance 15-08-418 and set a first public hearing for 8/25/15 and a second public hearing for 9/8/15."

C. Other New Business

*** 1. Sales Tax Exemption Request – Breast Cancer Detection Center of Alaska**

The motion adopted by approval of the consent agenda: "approve the request from the Breast Cancer Detection Center of Alaska for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate."

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

It was noted meetings will be scheduled soon for the following committees: Personnel, Government Affairs & Services, and the ad hoc Waterfront Aesthetics Committee.

14. PUBLIC COMMENTS

GEISE – The borough needs to reactivate the local emergency planning committee; there are monies available.

DENKER – 1) Agreed with **GEISE** and 2) thanked the manager and interim police chief for working on the police department deficiencies.

GARCIA – Asked if there be a Government Affairs & Services Committee meeting scheduled to discuss the minor offenses ordinance.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

CASE– 1) Thanked Rep. Kito for coming and hoped he will plan to talk about some revenue measures when he returns and 2) thanked Jack Wenner for all of the effort he has put forth for this community.

WATERMAN – 1) Asked about the emergency planning committee brought up under Public Comment (**SOSA** said he has reactivated it and it, in fact, functioned during the recent boil water situation) and 2) the assembly should address the issue raised during the Ordinance 15-07-416 public hearing regarding the planning commission's planning responsibilities.

16. ADJOURNMENT – 7:33 p.m.

Motion: **WATERMAN** moved to "adjourn the meeting," and the motion carried unanimously.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 15-576
Assembly Meeting Date: 8/25/15

Business Item Description:	Attachments:
Subject: Comprehensive Minor Offenses Ordinance to put the fines for existing laws into a single table	1. Ordinance 15-06-413, draft with explanatory comments 2. PowerPoint Presentation 3. Fine Tables including Existing Penalties 4. 6/30/15 Attorney Memo
Originator: Borough Attorney	
Originating Department:	
Date Submitted: 6/1/15	

Full Title/Motion:
The assembly already scheduled the second hearing for 9/8/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.

Administrative Recommendation:
The borough manager and borough attorney recommend this.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$ n/a	\$ n/a	fines to borough rather than court

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: _____
Consistent: Yes No

Summary Statement:
April 2013, a district court ruling came out requiring a comprehensive fine schedule. What this means is municipalities need to create official fine schedules with precise amounts for municipal violations. The borough attorneys worked for many months on a full review and revision of borough code to bring us into compliance. It was reviewed by staff and the court system. On 6/9/15, the assembly introduced the ordinance and later referred it for review by the Government Affairs & Services Committee and the Public Safety Commission and scheduled the public hearings for 8/25/15 and 9/8/15. Note: the borough clerk administratively changed to "borough" every reference to "city".

Staff has prepared a brief PowerPoint presentation along with a document showing the current penalties alongside the proposed fines.

Referral:
Referred to: _____ Referral Date: _____
Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 6/9, 7/14, 8/25/15
Public Hearing Date(s): 8/25, 9/8/15
Postponed to Date: _____

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Repeal and Reenactment of Chapter 1.24. Chapter 1.24 of the Haines Borough Code is hereby repealed in its entirety and reenacted to read as follows:

1.24.010 General penalty

A. Every act prohibited by borough ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person convicted of an infraction or violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code, is guilty of a minor offense as that term is defined in the Alaska Rules of Minor Offense Procedure and shall be punished by a fine of not more than five hundred (\$500) dollars.

Comment [PM1]: Included here are variations of 9.01.010

B. In addition to any other remedies or penalties which may be provided in this code, or may otherwise be available, the borough or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction.

Comment [PM2]: ARMOP 2(e)

C. Each act of violation and every day upon which the violation shall occur will constitute a separate offense.

Comment [PM3]: Formerly 9.01.010(B)

1.24.015 Surcharge required

In addition to any penalty prescribed by law, a defendant convicted of violating a borough ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

1.24.020 Procedure.

A. The charge for the violation of a code provision may be brought by a borough police officer, the borough manager, or that borough official responsible for the administration and enforcement of the code provision which has been violated.

B. The borough shall use the Alaska Uniform Citation form, or the electronic version if authorized, to provide notice of a minor offense to anyone accused of violating any provision of this Code.

Comment [PM4]: Former 9.01.060 is now unnecessary because the Rules of Minor Offense procedure apply to these types of offenses and describe more particularly precisely what is required to cite, serve, and prosecute an violation of municipal ordinances.

1.24.030 Disposition of minor offenses.

A person charged with a minor offense listed on a fine schedule may appear in court to contest the charge. If an offense is not listed on a fine schedule, or if the citation indicates that a court appearance is mandatory, the defendant must appear in court to answer the charges. As a minor offense, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

1.24.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Court System's Rules of Minor Offense Procedures apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. Citations charging these offenses must meet the requirements of the Rules of Minor Offense Procedure. The fines set forth below may not be judicially reduced.

Comment [PM5]: This is optional

Code Section	Offense Description	Fine Amount
3.80.035(D)	Failure of operator to collect and/or remit sales tax for rental space	300
3.80.080	Failure to identify and add amount of sales tax to taxable transaction	300
3.80.090(A)	Failure to timely file sales tax returns	300
3.80.090(B)	Failure to remit taxes with returns	300
3.80.170	Failure to obtain business license	300
3.80.190(A)	Failure to file final sales tax return	300
5.04.030(C)	Failure to obtain required permit (general)	500
5.04.080(E)(2)	Sign violation	100
5.04.140(A)	commercial tour/ enterprise operating w/o permit or failure to follow permit condition	500
5.08.010(A)	Permit required for solicitation on public property	300
5.08.020	Solicitation on private property without invitation prohibited	300
5.08.030(A)	Permit required for transient/ itinerant	300

Haines Borough
Ordinance No. 15-06-413
Page 3 of 36

	merchants/ vendors	
5.08.040	Permit required for circus, carnival, fair/other concessions	300
5.08.050(A)	Sale/solicitation of commercial magazines on public sidewalks/ streets prohibited	300
5.12.010(A)	License required to manufacture/ sell any alcoholic beverage	500
5.12.020	Closing hours for licensed alcoholic beverage premises between 5:00 a.m. and 8 a.m.	500
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300
5.18.015	Commercial tour permit required	500
5.20.030	Failure to display commercial passenger vehicle / tour vehicle permit	100
5.20.040(A)(1)	Failure to display license	100
5.20.040(A)(2)	Failure to display rates	100
5.20.040(A)(3)	Failure to display contact information of Borough Clerk	100
5.20.040(B)	Taxicab soliciting passenger or otherwise blocking traffic	100
5.20.050	Soliciting persons along the roadway	100
5.22.010(C)	Use of commercial parking vehicle areas when not engaged in commercial tour activity	100
5.22.040(C)	Failure to display parking permit	100
5.22.040(D)	Unreasonable interference with efficient operations	100

Haines Borough
Ordinance No. 15-06-413
Page 4 of 36

5.22.040(E)	Leaving commercial vehicle unattended	100
5.22.040(F)	Improper signage	100
5.22.040(H)	Unauthorized use of parking area	100
5.22.040(J)	Unauthorized display of sales material	100
6.08.010(A)	Dog license required	Altered dog: \$50
6.08.010(A)	Dog license required	Unaltered dog: \$150
6.08.010(D)	Failure to display tag	Altered dog: \$50
6.08.010(D)	Failure to display tag	Unaltered dog: \$150
6.08.010(F)	Failure to obtain kennel permit	Altered dog: \$50
6.08.010(F)	Failure to obtain kennel permit	Unaltered dog: \$150
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Unaltered dog: \$150
6.08.020(A)	At-large dog	Altered dog: \$50
6.08.020(A)	At-large dog	Unaltered dog: \$150
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50
6.08.020(B)	Barking, howling, or other noises	Unaltered dog: \$150
6.08.020(C)	Run, chase, jump at moving vehicles	Altered dog: \$50
6.08.020(C)	Run, chase, jump at moving vehicles	Unaltered dog: \$150
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50

Haines Borough
Ordinance No. 15-06-413
Page 5 of 36

6.08.020(D)	Snap, jump, injure another person	Unaltered dog: \$150
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50
6.08.020(E)	Chase, harass deer or moose	Unaltered dog: \$150
6.08.020(G)	Female dog in season confined	Unaltered dog: \$150
8.08.020(A)	Littering in any place other than in an appropriate refuse container	50
8.08.020(B)	Littering upon a public place	50
8.08.020(C)	Sweeping or depositing litter into a public place from private property	50
8.08.020(D)	Littering from vehicle	100
8.08.020(E)	Depositing any litter on private property	50
8.08.020(F)	Failure to maintain private property in a litter-free condition	50
8.08.020(G)	Posting any handbill without permit under HBC Title 18	50
8.08.020(H)	Littering in a body of water	50
8.08.020(I)	Depositing litter generated in a refuse container belonging to another	100
8.08.020(J)	Burning without a permit and police department notification or in violation of conditions	100
8.08.020(K)	Depositing offensive, noxious, or otherwise dangerous litter	100
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all	100

Haines Borough
Ordinance No. 15-06-413
Page 6 of 36

	times	
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100
8.12.020(A)	Burying a person outside an established cemetery	300
8.12.020(B)	Annoy, injure or endanger the public	300
8.12.020(C)	Offending public decency	300
8.12.020(D)	Interfere with a street, highway, lake or stream	100
8.12.020(E)	Making loud or unreasonable noise	100
8.12.020(F)	Operating device that causes preventable electric interference	100
8.12.020(G)	Allowing animal access to an unoccupied building	300
8.12.020(H)	Unsafe condition due to disrepair of building	300
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300
8.12.020(J)	Accumulation of stagnant water or discharge of wastewater	300
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300
8.12.020(L)	Causing emission of noxious fumes	300
8.12.020(M)	Exposure or distribution of materials offending the public decency	300
8.12.020(N)	Obstruction of traffic	300
8.12.020(O)	Public exposure of a person having a contagious disease	300
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300
8.12.030	Hazardous building or public nuisance	300

Haines Borough
Ordinance No. 15-06-413
Page 7 of 36

8.16.015	Use of fireworks prohibited	100
8.16.020	Sale prohibited of fireworks	300
8.16.025	Use of fireworks near port facilities prohibited	300
8.16.030	Conducting fireworks display without permission of chief of police	300
8.18.020(A)	Smoking in an enclosed public area	100
8.18.020(B)	Smoking in an enclosed public area	100
8.18.020(C)	Smoking inside an enclosed area within a place of employment	100
8.18.020(D)	Smoking inside an enclosed area within a private club licensed to sell alcoholic beverages	100
8.18.030	Smoking within unreasonable distance outside an enclosed area where smoking is prohibited	100
8.18.040(A)	Smoking within 50 feet of entrance to hospital or medical clinic	100
8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100
8.18.040(C)	Smoking within 5 feet of licensed premises	100
8.18.040(D)	Smoking in an outdoor arena	100
8.18.070(A)	Failure to post signs prohibiting smoking	200
8.18.070(B)	Failure to remove ashtrays	200
8.18.070(C)	Failure to provide smoke-free workplace	200
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200
8.18.080(B)	Smoking where prohibited	100
8.18.080(C)	Permitting smoking in public place where prohibited	200

Haines Borough
Ordinance No. 15-06-413
Page 8 of 36

8.20.020	Creating or permitting a bear attraction nuisance	100
9.04.010(A)	Open container of alcoholic beverages within vehicle	100
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100
9.04.010(B)(2)	Consuming alcoholic beverage in public	100
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200
9.08.010	Curfew For Minors	250
9.08.020	Parental responsibility for curfew violation	250
9.24.010(A)	Discharging pistol or firearm	300
9.24.010(C)	Hunting in prohibited area	300
9.24.020(A)	Obstructing highways and other public passages	100
9.24.020(B)(1)	Failure to obey order to move to prevent obstruction	100
9.24.020(B)(2)	Failure to obey order to move to maintain public safety	100
9.24.030	Disrupting meetings and processions	100
12.08.160(B)	Utility permit required	300
12.10.010	Construction work on driveway in a right of way without a permit	300
12.12.040(A)	Failure to install street numbers in compliance with code	100
12.16.010	Street and sidewalk obstructions prohibited	50
12.16.030(A)	Use of streets for private purposes	50
12.40.030	Prohibited activity or construction in Picture Park restricted area	100

Haines Borough
Ordinance No. 15-06-413
Page 9 of 36

12.50.020	Motorized vehicle use in Chilkat River beaches recreational zone	100
13.04.310(A)	Unlawful opening of fire hydrant	300
13.08.100(A)	Failure to connect to sewer system after notice	300
14.34.030(A)(1)	Cutting timber that is not already dead or downed	300
14.34.030(A)(2)	Cutting firewood for other than personal use	300
14.34.030(A)(3)	Using unlawful mechanical means to cut firewood	300
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100
15.08.060	Smoking where prohibited for safety reasons	100
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300
15.12.020(D)	Failure to file required report by a person handling consumer quantities of hazardous material or chemical	300
15.12.070(A)	Failure to file required transshipment facility report	300
15.12.070(C)	Failure to display marking or warnings with respect to transshipment facility	100
15.12.070(D)(3)	Failure to notify fire department of time and quantity of a shipment of extremely hazardous substance	300
15.12.090(A)	Failure to obtain certificate of compliance	300
15.16.020	Crash post does not meet specifications	100
16.12.020	Obstruction of dock area by vehicle, cart, conveyance, or other transportation system	50
16.12.030	Vessel in excess of 65 feet	50

Haines Borough
Ordinance No. 15-06-413
Page 10 of 36

	using gridiron	
16.16.135	Launching or recovering vessel without paying fee or obtaining annual ramp launch sticker	100
16.16.150	Unapproved vessel mooring in harbor	100
16.16.170	Non-compliant electrical connection	100
16.16.190	Mooring without payment	100
16.16.200(A)	Dead storage prohibited	100
16.16.210	Use of harbor crane without permit of paying fee	100
16.20.040	Snow must be removed from dock, float, or finger	50
16.28.005(D)	Wood fires not permitted in port and harbor facilities	100
16.28.005(E)	Unlawful electrical system or connection	100
16.28.010(A)	Operating vessel in excess of three MPH within borough port and harbor facilities	50
16.28.010(B)	Operating vessel in a negligent manner	300
16.28.010(C)	Operating vessel in a negligent manner likely to endanger the safety of person or property	500
16.28.010(D)	Unlawful depositing of refuse or prohibited materials	100
16.28.010(E)	To fail to register with the harbormaster	100
16.28.010(F)	Leaving vessel or floating structure moored unattended while fire is burning	100
16.28.010(G)	Starting or allowing any fire on a float or dock	500
16.28.010(I)	Conducting unlawful business within the port and harbor facilities	100

Haines Borough
Ordinance No. 15-06-413
Page 11 of 36

16.28.010(J)	Living aboard a vessel moored in the harbor while prohibited or allowing animal to run at large	100
16.28.010(K)	Leaving cargo or other material on docks or other public place	50
16.28.010(L)	To fail to clean up after an animals	50
16.28.010(M)	Tapping, disconnecting, interfering with, or tampering with any water or electrical connection	100
16.28.010(N)	Interfering with any wharf or any other harbor facility	100
16.28.010(O)	Writing or posting printed matter upon any bulletin board without permission of the harbormaster	50
16.28.010(P)	Erecting or maintaining any advertising or other printed matter without approval from the harbormaster	50
16.28.010(Q)	To disregard or tamper with any notice relating to the use of mooring areas or other uses of port and harbor facilities	100
16.28.010(R)	To moor or connect to Letnikof Cove facility without paying fees	100
16.32.040(B)	Use of small boat harbor without paying required fees	100
16.32.045	Long-term parking outside designated area at Letnikof Cove Harbor	50
18.40.010	Land use permit required	250
18.40.040(A)	Temporary use permit required	250
18.40.040(B)	Exceeding scope of temporary permit	100
18.50.020	Conditional use permit required	250

Haines Borough
Ordinance No. 15-06-413
Page 12 of 36

18.70.030(A)	Violating restrictions in townsite planning/zoning district	100
18.70.030(B)	Violating restrictions in Mud Bay planning/zoning district	100
18.70.030(B)(3)(g)	Setback violation	100
18.70.030(B)(3)(h)	Maintaining a prohibited use in RRZ	100
18.70.030(B)(4)(f)	Maintaining a prohibited use in Cannery Zone	100
18.70.030(C)	Violating restrictions in Lutak Inlet planning/zoning district	100
18.70.030(C)(3)(f)	Maintaining a prohibited use in RRZ	100
18.70.030(C)(3)(h)	Setback violation	100
18.70.030(C)(3)(i)	Building height violation	100
18.70.030(C)(3)(j)	Sign violation	100
18.70.030(C)(3)(k)	Use of RV as permanent dwelling or excessive RV's on property	100
18.70.030(C)(3)(l)	Noise violation	100
18.70.030(C)(4)(f)	Maintaining a prohibited use in Riparian Zone	100
18.70.030(D)	Violating restrictions in general use planning/zoning district	100
18.80.030(A)	Setback violation	100
18.80.040	Unlawful parking provided	100
18.90.030(A)	Failure to obtain sign permit	250
18.90.040	Excessive number of signs	100
18.90.050(B)	Projecting sign violation	100
18.90.050(C)	Portable sign obscuring traffic or sight angles	100
18.90.070	Prohibited sign in use	100
18.90.080(C)	Prohibited sign in Significant structures area zone	100

18.90.100(B)	Prohibited sign in residential zoning districts	100
--------------	---	-----

1.24.060 Attempt to commit minor offense prohibited.

A. Every person who attempts to commit a minor offense but fails or is prevented or is intercepted in its perpetration is guilty of a minor offense and shall be punished in the manner prescribed for the infraction itself.

B. In a prosecution under this section, it is not a defense to the charge that it was factually or legally impossible to commit the offense allegedly attempted if the conduct engaged in by the defendant would be an offense had the circumstances been as defendant believed them to be.

1.24.070 Aiding or Abetting minor offense prohibited.

Every person who counsels, abets, or aids another in committing a minor offense is equally guilty of the minor offense and punishable in the same way.

1.24.080 Ordinances Affecting Minor Offenses Sent to Borough Attorney

Immediately after the Assembly enacts a code ordinance affecting, creating, or eliminating a minor offense, the Borough Clerk shall transmit the ordinance to the Borough Attorney. The Borough Attorney shall submit any necessary updates to the Alaska Court System for inclusion in the Uniform Table of Minor Offenses.

1.24.090 Definitions.

For purposes of this chapter, the following terms are defined as follows:

“Attempt” means engage in conduct that constitutes a substantial step toward commission of an offense.

“Solicit” means to ask, advise, authorize, command, incite, or urge.

Section 5. Amendment of Section 2.06.035(C). Section 2.06.035(C) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

Comment [PM6]: Former 9.01.080, but final definition of “violation” not included because unnecessary now that Minor Offense rules apply and set forth more comprehensive requirements.

STRIKETHROUGH ITEMS ARE DELETED

C. The disclosure must be true, correct and complete and shall be signed under oath or affirmation, or certified to be true under penalty of perjury. A person required to file a financial disclosure statement under this section who refuses or knowingly fails to disclose required information within the time required in this chapter, or who provides false or misleading information, knowing it to be false or misleading, is guilty of a violation and upon conviction is punishable by a fine of not less than \$100.00 nor more than ~~\$500. \$1,000 notwithstanding Chapter 1.24 HBC~~. A municipal officer or candidate for an office who refuses or fails to file a financial disclosure statement required under this section when due shall not hold office, and the person's name shall not be submitted to the assembly for appointment or reappointment, until the person complies. The person may not be confirmed, hired, or appointed, and the person forfeits and may not be paid any salary, per diem, or travel expenses, until the person complies. If, after installation in office or beginning employment in the position, the person refuses or fails to file the required financial disclosure statement when due, the person is guilty of a violation and upon conviction is punishable by a fine of not less than \$100.00 nor more than ~~\$500. \$1,000 notwithstanding Chapter 1.24 HBC~~. Any citizen eligible to vote in Alaska may bring a civil action to enforce any of the provisions of this section.

Section 6. Amendment of Section 2.96.010. Section 2.96.010 of the Haines Borough Code is hereby repealed and reenacted as Section 2.96.010 and 2.96.020 as follows:

2.96.010 Unlawful activity and conduct.

A. It shall be unlawful for:

1. Any person to give, render, pay, offer, solicit, or accept any money, service, or other valuable thing in attempting to secure any appointment, promotion, or advantage in a position in the borough service.
2. Any person to require personnel to subscribe, contribute, or provide a service to any political party.
3. Any person to seek or attempt to use any political party endorsement to secure any appointment or promotion in the borough service.
4. Any elected official or employee to solicit, negotiate for, or promise to accept anything of substantial value from any person, firm or company which is engaged in the transaction of business with the borough.
5. Any elected official or employee to use information which is obtained in the person's official capacity as an employee of the borough and which concerns the property, government or affairs of the borough to advance the financial or other private interests of the person or others.
6. Any elected official or employee to accept any loan, gift, gratuity, remuneration or compensation from any person, business or organization other than the borough when the same is offered in exchange for performing or discharging any official duty or responsibility.

B. A violation of this section is a minor offense and subject to a maximum fine of up to \$500 for each offense.

2.96.020 Prohibited conduct

A. It shall be prohibited for:

1. Any person, except a school district employee, to continue as an employee of the borough after being elected to the borough assembly.

Comment [PM7]: We divided this section into two sections because some are appropriate to be treated as MOs, but others are really employment or ethical matters. This allows us to save the exact language but correctly identify the type of violation each action is.

2. Any person to take any action which affects the employment status of any other person when the reason for such action is predicated on race, color, religion, sex, or national origin.

3. Any person to make any false statement on any application, report or other document relating to employment status or to commit any other fraud which would prevent the fair and impartial execution of this code.

4. Any person to be employed in any position in any department whose immediate family member is the elected official, borough officer or department head under whom such person is employed.

5. Any elected official or employee to demand or request an applicant for employment to provide information relating to the applicant's religion, ancestry, race, or political convictions.

6. Any elected official or employee to invest, either directly or indirectly, in any business or participate in any private business transaction which conflicts with his official duties.

7. Any elected official or employee to be a party to the purchase of or influence the purchase of goods or services for the use of the borough from any business in which the person has a substantial financial interest unless the purchase is approved in advance by the assembly.

B. Any employee or official who violates this section shall be subject to discipline or those penalties provided in Chapter 2.06.

Section 7. Amendment of Section 3.80.260. Section 3.80.260 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

3.80.260 Violations a minor offense ~~misdemeanor~~.

A seller, including a person, firm, co-partnership or corporation, or an officer, director or agent of a corporation acting on behalf of the seller, including a person with signatory authority over any corporate savings or checking accounts, who violates a provision of this chapter or who fails or refuses to comply with a request or demand of the clerk authorized or made under this chapter is guilty of a minor offense ~~misdemeanor~~. **Prosecution under this chapter shall not limit the Borough's right to collect in a civil action all unpaid taxes, penalty and interest which may be owed.**

Section 8. Amendment of Section 5.02.020. Section 5.02.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

5.02.020 Violation a minor offense ~~misdemeanor~~.

An individual or entity subject to this chapter, or a responsible officer, director, or agent of an entity subject to this chapter, who violates the requirements of this chapter is guilty of a minor offense ~~misdemeanor~~, which is punishable by ~~not more than 30 days in jail and/or a \$1,000- a~~ fine **in the amount of \$100 for each month a business operates without a license or in violation of the license, each of which shall constitute a separate offense, up to a maximum total fine of \$1,000.**

Comment [PM8]: Recommend be made a minor offense because it will almost never make practical sense to prosecute failure to obtain business license as a misdemeanor (with trial by jury, public defender, etc.). Real question is how to structure a fine in a way that makes sense. Should be high enough to encourage compliance, but should get worse as the violation get more egregious (i.e., a slightly late application should not be penalized the same amount as one who operates for a year without getting a license. This is one way we could do that, but it is just a proposal that can be changed.

Section 9. Amendment of Section 5.04.140. Section 5.04.140 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

5.04.140 Penalties.

A. Operation of any commercial tour or business enterprise for which a permit is required under this title without a permit, or the failure to follow any permit condition, shall constitute ~~an~~ offense punishable a minor offense which, upon conviction, shall be punishable by a fine ~~not exceeding \$1,000~~ of \$500 for each offense, unless a different amount is specified in HBC 1.24.040, plus any surcharge required to be imposed by AS 12.55.039.

B. The securing of a permit through deceit, fraud, or intentional misrepresentation shall constitute an offense punishable, upon conviction, by a fine ~~not exceeding \$500~~ not exceeding \$1,000, plus any surcharge required to be imposed by AS 12.55.039. The permit may also be revoked through administrative proceedings. ~~as well as revocation of the permit.~~

C. The commission by a permittee of an act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under a permit, is, upon conviction, punishable by a fine of \$500 ~~not exceeding \$300.00~~ for each violation plus any surcharge required to be imposed by AS 12.55.039.

D. The borough may institute a civil action against a person who violates this chapter. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction.

Section 10. Amendment of Section 5.04.150. Section 5.04.150 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

5.04.150 Offenses separable.

Each such person who violates a provision of this chapter or a provision of any permit issued under this chapter is guilty of separate offense for each and every day during any portion of which any violation of any provision of any permit issued under this chapter is committed, continued or permitted by any such person.

Section 11. Amendment of Section 5.08.020. Section 5.08.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

~~STRIKETHROUGH ITEMS ARE DELETED~~

5.08.020 Solicitation on private property without invitation prohibited.

The practice of going in and upon private residences in the borough by transient solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of the private residence for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or disposing of and/or peddling or hawking the same is unlawful, ~~declared to be a nuisance and punishable as such nuisance.~~

Section 12. Amendment of Section 6.08.060. Section 6.08.060 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

6.08.060 Impoundment and citations.

A. The manager shall appoint an animal control officer or firm whose duties shall be to enforce the provisions of this title. The borough shall provide an animal shelter where dogs may be impounded. In the absence of an animal control officer or firm contracted to enforce the animal control regulations, or if the assembly determines that additional personnel are necessary, the manager may appoint someone on a temporary basis to fulfill the animal control officer's duties.

B. The animal control officer shall have the authority to impound any dog found running at large or kept in violation of this title and any unlicensed dog found, other than a seeing-eye dog. Whether the dog is impounded or not, if the owner or keeper is known, the police department or animal control officer shall immediately give notice verbally or in writing to the owner or keeper that such dog has been impounded, is running at large or is otherwise in violation of this title. The police department or animal control officer or firm may cite the owner or keeper of the dog to appear in court to answer a charge of violation of this title. Any citation issued for a violation of this title shall be processed by the court system in accordance with Chapter 1.24 HBC.

C. Any person may file a complaint with the animal control officer or police that a dog is running at large or is otherwise in violation of this title and it shall be the duty of the animal control officer or police department to give notice to the owner or keeper as provided in subsection (B) of this section.

D. When a dog has been impounded, and if the owner or keeper is known or can be ascertained from the dog tag or records of the borough, the police department shall notify the dog's owner or keeper of the impoundment as soon as possible and of the fact that the animal may be redeemed according to the provisions of this title. The police department shall keep a record of all dogs impounded including the dog's description and the disposition of the dog.

Section 13. Amendment of Section 6.08.130(A). Section 6.08.130(A) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

6.08.130 Penalties for violations.

A. Any person accused ~~convicted~~ of violating HBC 6.08.030 concerning dangerous dogs or HBC 6.08.040 or 6.08.050 concerning rabies, shall appear in court and, upon conviction, is guilty of a minor offense and punishable by a fine of up to \$500. ~~control shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment up to 30 days.~~

Comment [PM9]: Chief Musser recommends amending these to be minor offenses, and our office agrees that that is preferable from an enforcement perspective. In order to emphasize the seriousness of these offenses however we have made them mandatory court appearance offenses with the maximum allowable fine. On the other hand, a case could be made that these should be misdemeanors since they more directly threaten health and safety than most minor offenses. There is no equivalent state statute to allow violations to be charged as state crimes, so the Borough could decide it wants to be able to charge these as misdemeanors (in which case this section can likely remain as is)

Subsection B provides a fine schedule for all other violations of this chapter. It could be left as-is, but our understanding is that second and third violation fines (so called "graduated fines") are not being assessed on any regular basis. They also require a court appearance so that the magistrate can confirm that multiple offenses have occurred, thereby eliminating the benefit of the scheduled fine (namely, not requiring a court appearance by either the officer or the violator). We therefore recommend deleting them and making all violations the same amount, except for altered /non-altered.

B. Any person violating the provisions of, or failing to comply with, any other section of this chapter is guilty of a minor offense violation and, unless otherwise specifically provided, shall be fined as follows: in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500.

~~1. Spayed or Neutered Dog (Owner or keeper must provide veterinarian's proof of spay/neuter procedure):~~

~~2. Nonspayed or Nonneutered Dog:~~

First violation—	\$75.00
Second violation—	\$150.00
Third and subsequent violations—	\$300.00

~~C. A past violation taken into account in determining a fine payable under subsection (B) of this section will be deleted from an animal's record if such animal has had no violations for a period of three calendar years from the date of that prior violation. A fine imposed under~~

(B)(2) of shall be and a imposed	First violation—	\$25.00	subsection this section vacated
	Second violation—	\$50.00	lesser fine under
	Third and subsequent violations—	\$100.00	subsection

~~(B)(1) of this section, if, within 30 days of the date of the violation, proof from a licensed veterinarian showing that the offending dog has been spayed or neutered is presented to the police department.~~

Section 14. Amendment of Section 8.08.050. Section 8.08.050 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

8.08.050 Compliance – Enforcement.

A person violating a provision of this chapter shall be subject to punishment according to the provisions of HBC Chapter 1.24.040.

Section 15. Repeal and reenactment Section 8.12.140. Section 8.12.140 of the Haines Borough Code is hereby repealed and reenacted as follows:

8.12.140 Enforcement.

A. The abatement official or any police officer may cite an offender or property owner for a violation of any provision of this chapter, whether or not abatement proceedings are instituted. Such a violation shall be considered a minor offense and is punishable by a fine set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500. Any proceeding instituted

Comment [PM10]: We propose to revise this section to make it clear that the Borough can issue citations for nuisance violations without going through the entire abatement process if it chooses to do so. The ticket would subject the offender to a fine, but the City would not be required to abate the nuisance if it did not choose to do so. The offender would have incentive to do so because each subsequent day it is not corrected, the offender can be cited as a new offense.

Any time the Borough does want to abate the nuisance on its own dime (and then try to recover costs from the owner), it can do so by following the abatement process. This allows more flexibility to try to compel timely compliance by issuing a ticket before taking the relatively drastic step of abating the nuisance.

Can also make any violation of this chapter a mandatory court appearance by omitting it from the scheduled offenses table, or by designating it as such here.

for such a violation is separate from, and shall not affect, the abatement process provided for in this chapter.

B. Each act of violation and every day upon which the violation occurs shall constitute a separate offense.

C. In addition to prosecuting a violation of this section, the borough may initiate the nuisance abatement procedures set forth in HBC 8.12.040 - .130 against any person maintaining a nuisance or against any property upon which a nuisance is deemed to exist, whether or not the person is cited for a violation of this chapter. In any such proceeding, the borough shall be entitled to collect a civil penalty in the same amount of the fine established by this Title and HBC 1.24.040 for the same violation for every day the violation exists.

D. In addition to other remedies or procedures provided in this chapter, any public nuisance may be restrained, enjoined or otherwise abated by the borough in a civil action.

Section 16. Amendment of Section 8.16.025. Section 8.16.025 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

8.16.025 Use of fireworks near port facilities prohibited.

~~A.~~ It is unlawful for any person other than a licensed pyrotechnician who has a contract with the borough and their agents and employees to discharge fireworks in, on, under, or within 250 feet of any of the borough's port facilities, including, but not limited to, Letnikof Cove, Port Chilkoot Dock, Lutak Dock, and the boat harbor.

~~B. A person violating the provisions of, or failing to comply with the prohibitions of, this chapter is guilty of a violation, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.~~

Section 17. Amendment of Chapter 8.16. Chapter 8.16 of the Haines Borough Code is hereby amended to include a new Section 8.16.040 to read as follows:

A person violating the provisions of, or failing to comply with the prohibitions of, this chapter is guilty of a minor offense, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.

Section 18. Amendment of Section 8.18.090. Section 8.18.090 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

8.18.080 Violations and penalties.

A. It is unlawful for any person to smoke in any area where smoking is prohibited or for any person who owns, manages, operates, or otherwise controls the use of premises subject to this chapter to fail to comply with the provisions of this chapter.

B. A person who smokes in an area where smoking is prohibited by the provisions of this chapter is subject to a fine of \$100.00.

C. A person, owner, manager, employer, or operator who controls a public place, a business, an enclosed area, place of employment or place of child care or other premises in

violation of this chapter is subject to HBC 8.18.090(B) and a penalty in the amount of \$200 for every violation of this chapter. ~~the following penalties:~~

- ~~1. A fine of \$100.00 for a first violation;~~
- ~~2. A fine of \$200.00 for a second violation within a 24-month period; and~~
- ~~3. A fine of \$300.00 for a third or additional violation within a 24-month period.~~

D. Each and every day that a violation occurs is a separate violation.

Section 19. Amendment of Section 8.18.090. Section 8.18.090 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

8.18.090 Enforcement.

A. The borough manager or designee and the borough police department shall enforce ~~must administer~~ this chapter. A person who desires to register a complaint hereunder may initiate enforcement consideration with the borough manager or borough police department. ~~or designee.~~ A person or entity believed to have violated any provision of this chapter may be cited pursuant to Chapter 1.24 HBC. Any person convicted of a violation of this chapter is guilty of a minor offense.

B. Before citing an operator for violation of this chapter, the borough manager or police department ~~must~~ provide the operator with a written warning for the violation. Thereafter, the operator is subject to the penalties set out in HBC 8.18.080.

C. In addition to the remedies provided in this chapter, a person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in a court of competent jurisdiction.

Section 20. Amendment of Section 8.20.040. Section 8.20.040 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

8.20.040 Fines.

A. Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property shall be charged with a minor offense ~~an infraction~~ and subject to a fine as set forth in HBC 1.24.040.

B. Each and every day during any portion of which a violation or failure to comply is committed, permitted, or continued, shall be treated as a separate offense, and subject the offender to separate charges and a fine as provided in subsection (A) of this section.

Section 21. Repeal of Chapter 9.01. Chapter 9.01 of the Haines Borough Code is hereby repealed in its entirety.

Section 22. Amendment of Section 9.08.030. Section 9.04.010 of the Haines Borough Code is hereby amended as follows:

Comment [PM11]: This section is now superfluous as it sets forth the same basic requirements, procedures, and definitions that are in the Uniform Minor Offense Rules and the proposed new Chapter 1.24. Because basically all violations of the Code are to be minor offenses, not just those in this Title, it makes sense to put all enforcement procedure material in the same place (Chapter 1.24)

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

9.04.010 Consumption of alcoholic beverages in public places.

A. It is unlawful to possess an open bottle, can, or other receptacle containing an alcoholic beverage within the passenger compartment of a vehicle.

B. It is unlawful ~~or~~ to consume alcoholic beverages

(1) upon the public streets or highways; ~~or~~

(2) in any public place other than a premises covered by a liquor control license; ~~or~~

(3) on any public school property; ~~or~~

(4) at any public or private school-related function.

Section 23. Amendment of Section 9.08.030. Section 9.08.030 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

9.08.030 Penalty for violation of curfew ordinance.

A person who fails to abide by the provisions of this chapter shall be guilty of a violation and subject to a fine of ~~not more than~~ \$250.00.

Section 24. Repeal and reenactment Chapter 10.06. Chapter 10.06 of the Haines Borough Code is hereby repealed and reenacted as follows:

10.06.010 State traffic laws and regulations adopted by reference.

A. The borough adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, including those which apply to motorcycles.

B. Notwithstanding subsection A of this section, the borough does not adopt those state traffic laws that establish misdemeanor and felony offenses which are not listed on Alaska Supreme Court bail forfeiture schedules, including AS 28.35.030.

C. All citations issued under this chapter shall use the appropriate "AS" or "AAC" or CFR statute or regulation numbers, include a description of the offense, indicate that the offense was adopted by reference as a borough ordinance, and the the charging entity or plaintiff is the Haines Borough.

D. Additional traffic ordinances of the borough that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.

E. When the context requires, the term "Alaska State trooper" or "peace officer" when used in a provision incorporated by reference under subsection (A) of this section shall be deemed to mean and construed as identical with chief of police, police officer, or such other local police officer sworn to undertake the duties prescribed in HBC 10.02.020. When the context requires, the term "department" appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be construed to mean the Haines police department.

10.06.020 Fine Schedule for State Traffic Offenses Adopted by Reference.

A. The borough adopts as its traffic fine schedule for state traffic offenses adopted by reference the "Traffic Bail Forfeiture Schedule" and the "Oversize Vehicle Bail Forfeiture Schedule" in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture

Comment [PM12]: This is typically an offense with a scheduled fine, which would be accomplished by deleting the "not more than" language here. But the Assembly may decide to leave this as a variable fine and/or a mandatory court appearance if it prefers.

Comment [PM13]: PREVIOUS draft had this as 10.02.010 but should not be repealing all of 10.02, rather 10.06-10.32

Comment [PM14]: We recommend a wholesale incorporation of state traffic laws rather than listing them each individually as is currently the case in 10.06-10.32. We could replace one of these chapters with special provisions the Borough has enacted to cover issues not addressed by a different state statute or which are particular to Haines (e.g., 10.16.200, 220-300), but all the ordinances listing a state law or reg would be eliminated from the Code. The main reason not to do this is if the borough intends to set different fines from the state for offenses incorporated by reference (which cannot be done if incorporated by reference). The Borough currently uses the state fines (10.50.010) so this would not seem to be a concern or reason enough to keep the individualized listings of traffic offenses in code, but this is an enforcement and policy decision we should discuss with the Chief and the Assembly. HBC 10.04, 10.44, 10.26 would all need review and likely to be incorporated into new chapters, or re-organized into the same chapter because they contain provisions other than state laws and regs by incorporation. 10.34 (ATVS and snow machines) would likely stay as is, but be incorporated in the bail schedule (1.24.040)

Comment [PM15]: Former 10.02.010(B)

schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the borough adopts all amendments of those schedules that become effective after the effective date of the ordinance codified in this chapter. Citations for offenses listed on those schedules may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

B. For violation of a provision of this title that does not adopt an Alaska Statute ("AS") or state regulation ("AAC") by reference and that may be satisfied by the payment of bail, the applicable fine for such violation is listed in HBC 1.24.040.

10.06.030 Fine Schedule for Local Traffic Offenses

In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. These fines may not be judicially reduced. If an offense is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Code Section	Offense Description	Fine Amount
10.08.010	Starting parked vehicle - excessive acceleration	15
10.08.020(A)	Driving on sidewalks - vehicle	20
10.08.020(B)	Driving on sidewalk in CBD - bicycle	20
10.08.020(C)	Failure to yield - bicycle	20
10.08.030	U-turn where prohibited	30
10.08.040	Projections on wheels or tracks prohibited	20
10.08.050	Dragging objects prohibited	150
10.08.060	Projecting load on passenger vehicles	20
10.08.070	Carrying animals on outside of vehicles	125
10.08.080(A)	Use Of coaster, roller skates, sleds or skis on roadway	25
10.08.080(B)	Use of skateboard or human powered device in prohibited area	25

Haines Borough
Ordinance No. 15-06-413
Page 23 of 36

10.08.080(C)	Negligent operation of device	25
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30
10.34.005(D)	Driver's license required to operate snow machine or ATV	30
10.34.005(E)	Registration of snow machine or ATV required	30
10.34.005(F)	Proof of insurance	30
10.34.005(G)	Excess passengers - 13 AAC 02.445	30
10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30
10.34.005(I)	Failure to signal turn	30
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30
10.34.005(M)	Owner responsibility for violation	30
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, taillight, and brake light	30
10.34.009(B)	Failure to maintain equipment in good working order	30
10.34.010(A)	Parental responsibility for violation	30
10.42.010	Bicycle violations: operator to obey rules of the road	30
10.42.020	Bicycle violations: parents responsible for actions/violations	30
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30
10.42.040	Bicycle violations: two or more on bike made for one	30
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30
10.42.060	Bicycle violations: minimum of one hand on handle bars	30
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30
10.42.080	Bicycle violations: ride on right side of roadway	30
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30

Haines Borough
Ordinance No. 15-06-413
Page 24 of 36

10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30
10.42.110	Bicycle violations: must use shoulder when available	30
10.42.120	Failure to give audible signal passing pedestrian	30
10.42.130	Bicycle violations: turn and signal requirements	30
10.42.140	Bicycle violations: ride in business district where prohibited	30
10.42.160	Bicycle Violations: Bike Parking Requirements	30
10.42.170	Bicycle violations: bike not to enter limited use areas	30
10.42.180	Bicycle violations: yield to traffic	30
10.42.190	Bicycle violations: headlight requirements	30
10.42.200	Bicycle violations: taillight requirements	30
10.42.210	Bicycle violations: reflector requirements	30
10.42.220	Bicycle violations: brake requirements	30
10.44.010	Parking during snow removal	25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25
10.44.030	Time limit parking	25
10.44.050	Standing or parking close to curb	25
10.44.060(A)	Signs or markings indicating angle parking	25
10.44.070	Obedience to angle-parking signs or markings	25
10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25
10.44.100	Parking not to obstruct traffic	25
10.44.110	Parking in alleys	25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25

Haines Borough
Ordinance No. 15-06-413
Page 25 of 36

10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25
10.44.130(B)	Parking adjacent to schools	25
10.44.140(B)	Parking prohibited on narrow streets	25
10.44.150	Standing or parking on one-way streets	25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25
10.44.210(A)	Abandonment of vehicle	25
10.44.210(B)	Exceeding time limit for parking in designated areas	25
10.44.220	Unauthorized parking on private property	25
10.48.010	Pedestrians must obey regulations	25
10.48.020	Pedestrians not to enter limited use areas	25
10.48.030	No pedestrian may walk into path of vehicle	25
10.48.040	Pedestrian must cross at crosswalk	25
10.48.050	Pedestrian must yield to vehicles	25
10.48.060	Crossing roadway where prohibited	25
10.48.070	Diagonally cross intersection must use sidewalks	25
10.48.080	Must walk on left side/shoulder of roadway	25
10.48.090	Pedestrian creates hazard/interferes with traffic	25
10.48.100	Sleep/loiter/obstruct highway	25
10.48.110	Solicit ride/distracts driver	25
10.48.120	Nonblind pedestrian not to use cane/dog	25
10.48.130	Pedestrian must yield to emergency vehicle	25
10.48.140	Pedestrian not to cross against "don't Walk" signal	25

10.06.040 Mandatory appearance and surcharges.

A person who violates a provision of this title that is not on the Fine Schedule for State offenses adopted by reference or on the borough's Fine Schedule for local traffic offenses is subject to a mandatory court appearance and, upon conviction payment of the fine imposed plus the state surcharge required by AS 12.55.039 and AS 29.25.074.

Section 25. Repeal of Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40. Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40 of the Haines Borough Code are hereby repealed in their entirety.

Section 26. Addition of new Chapter 10.08. There is enacted a new Chapter 10.08 of the Haines Borough Code to read as follows:

Chapter 10.08 Miscellaneous offenses

10.08.010 Starting parked vehicle – Excessive acceleration.

A person may not accelerate a vehicle which is stopped, standing, or parked on or along a highway, or which is entering a highway, so rapidly as to unnecessarily cause the tires to squeal or spin on the highway or on the surface on which the vehicle is standing immediately before it enters the highway or which causes the driver to lose control of the vehicle or causes the vehicle to fishtail.

10.08.020 Driving on sidewalks

A. The driver of any vehicle, except a bicycle, shall not drive within any sidewalk area except at a permanent or temporary driveway.

B. No person shall ride a bicycle upon a sidewalk within the central business traffic district or any business district excepting police and emergency response personnel operating a bicycle during the discharge of their duties.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

10.08.030 U-turns prohibited where posted.

Where posted, a driver of a vehicle shall not turn within a street or intersection such vehicle so as to proceed in the opposite direction.

10.08.040 Projections on wheels or tracks prohibited.

No person shall drive or propel any vehicle or object upon any street or highway in the townsite service area which shall have any wheel, tire, or track made or equipped with spikes, cleats, lugs or other attachments or projections, except tire chains. Studded tires which fall within the exclusion of 13 AAC 04.230(b)(3) are not prohibited.

10.08.050 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the hub caps on its left side or more than eight feet in total width.

10.08.060 Carrying animals on outside of vehicles.

It is unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle, unless suitable harness, cage, or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom.

10.08.080 Use of coaster, roller skates, sleds and skis.

A. No person upon roller skates, skis, or riding in or by means of any coaster, sleds, toy vehicles, or similar device, shall go upon any townsite service area roadway except while crossing a street on a crosswalk and, when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. For the purposes of this section, the term "roadway" means that portion of a highway, street, or road designed or ordinarily used for

Comment [PM16]: Leaving 10.04 to deal with impoundment; 10.42 to address biking violations; 10.48 dealing with pedestrians.. Traffic violations will become 10.06 incorporating all state laws. The remainder of these chapters are being eliminated entirely to allow the wholesale incorporation we discussed. Any laws that are not state laws or are specific to Haines I will include in the new 10.08 Miscellaneous Offenses.

10.26.300(D). Violation – Penalty. Any person violating any provision of this chapter shall be guilty of a traffic violation and, upon conviction, shall be punished by being assigned a \$25.00 fine for the first offense, and increasing in increments of \$5.00 for each subsequent offense.

Comment [PM17]: Former 10.16.200

Comment [PM18]: Former 10.26.220, etc. All remaining provisions are part of former 10.26 and do not specifically invoke/adopt a state law. Several that did in former section 1026 were omitted.

Comment [JC19]: Chief Griffiths provided the following comment: Is the open bed of a pickup truck considered the "outside of a vehicle?" If so, then it needs to be added to this list. If not then we can either state so W/I the ordinance or educate officers that P/U beds are not included

vehicular travel, exclusive of the sidewalk, berm, shoulder, or right-of-way. The berm or shoulder of the right-of-way may be used by persons riding bicycles or other similar human-powered vehicles. Skateboards, skis, coasters, sleds, toy vehicles, or similar devices are prohibited on sidewalks in business districts, or where otherwise regulated by signage.

B. Prohibited Sidewalks and Areas. No person shall ride a skateboard or other similar human-powered vehicle as defined in subsection (A) of this section:

1. On the sidewalks on Main Street between Third Avenue and Front Street;
2. On the sidewalks on Second Avenue between Main Street and Dalton Street;
3. On the sidewalks on Third Avenue between Main Street and Haines Highway;
4. At Lookout Park;

5. On the sidewalks on Main Street between Third Avenue and Fifth Avenue during school hours and one-half hour before and one-half hour after.

C. Negligent Operation. No person shall operate one of the devices described in subsection (A) of this section in a negligent manner. "To operate in a negligent manner" means the operation of a device in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic control devices, failure to yield right-of-way to pedestrians and/or vehicular traffic.

Section 27. Repeal of Section 10.34.050. Section 10.34.050 of the Haines Borough Code is hereby repealed.

Section 28. Repeal of Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250. Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250 of the Haines Borough Code are hereby repealed in their entirety.

Section 29. Repeal of Chapter 10.50. Chapter 10.50 of the Haines Borough Code is hereby repealed and re-enacted as follows:

10.50.010 Citations for violations and disposition of fines.

A. When a person is stopped or contacted by a borough peace officer for the commission of a motor vehicle or traffic offense that is a violation of this title, the officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person in charge of, or operating, the motor vehicle involved. A citation issued pursuant to this subsection must meet the requirements of AS 12.25.200 and the Alaska Rules of Minor Offense Procedures. The borough shall use the Alaska Uniform Citation form, or the electronic version, if authorized.

B. A citation for a violation of a state motor vehicle law that has been incorporated by reference in this Title shall reference the Alaska Statute or Alaska Administrative Code section that has been violated and indicate that the law or regulation has been incorporated in the borough Code by reference. All such citations shall list the Haines Borough as the prosecuting entity and shall be submitted to and processed by the Alaska court system. Fines paid to the court for that violation shall be remitted to the borough.

C. A citation for a violation of a provision of this title that does not adopt by reference a provision of the state motor vehicle laws shall reference only the appropriate borough code section. Fines paid to the court for that violation shall be remitted to the borough.

D. If the offender refuses to accept the citation the citing peace officer shall arrest the offender in the manner otherwise provided by law.

Comment [PM20]: We originally adopted these provisions to deal with the fact that the Minor Offense Rules required personal service as originally enacted, which meant that parking tickets could not be left on the vehicle. The amended Rules corrected that deficiency, so we recommend deleting these provisions so that parking violations will be minor offenses like everything else. This keeps the Borough from having to hear "appeals" of parking tickets, which is required under the administrative system in these chapters.

I am not aware of any reason to leave procedural directives in this section, but if for any reason the Chief thinks that it would be helpful to state any procedures that might be slightly different for parking violations from other minor offenses, we can include those.

Comment [PM21]: This is essentially 10.50.040 updated to reflect the new rules and codification in 1.24 and 10.06

10.50.020 Lesser penalty controlling.

In the event conflicting maximum penalties are prescribed by adopted statute or regulation, or by Alaska Supreme Court bail forfeiture schedules or by separate code section, the lesser penalty shall be the controlling maximum.

Section 30. Amendment of Section 11.44.030. Section 11.44.030 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

11.44.030 Penalty.

~~Any person convicted of a A violation of any of the sections of this chapter shall be subject to punishment as provided in this code.~~ **is a minor offense.**

Comment [JC22]: Chief Griffiths provided the following comment: " Shall be" appears to be artifact and needs removal or clarification. Is there an applicable bail schedule (if so it needs to be included in the tables and referenced here) or is it a mandatory appearance subject to a maximum fine of \$500?

Section 31. Amendment of Section 12.12.040. Section 12.12.040 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

12.12.040 Installation of numbers.

A. Numbers at least four inches high, of a color which contrasts with the background on which they are mounted, or with a reflective surface, must be installed on each and every building as designated in the official building numbering index kept in the planning office. The developer shall place the numbers assigned by the planner on the developer's building at a location specified by the fire department for maximum visibility for police, fire, and rescue crews.

~~**B.** Any person violating a provision of this chapter shall be punished by a fine not exceeding \$300.00.~~

Section 32. Amendment of Section 12.40.060. Section 12.40.060 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

12.40.060 Enforcement and penalties.

A. Enforcement.

1. The Haines Borough manager shall have the right to issue administrative regulations pertaining to use of the property subject to approval of the assembly.

2. The Haines Borough police department, other licensed peace officers, and designated Haines Borough employees shall have the authority to enforce this chapter and any borough manager regulations and may eject from the park any persons acting in violation of this chapter or any temporary use permit issued for use of the property.

3. Nothing in this chapter shall prevent Haines Borough employees from performing their assigned duties.

4. **A violation of this chapter or a permit issued under it shall be a minor offense.** Enforcement of this chapter shall be in the same manner set forth in Chapter **1.24** ~~9.04~~ HBC.

B. Penalties. Violations of this chapter are subject to the ~~same penalties as~~ provided in Chapters 1.24 ~~and 9.04~~ HBC.

Section 33. Amendment of Section 13.04.350. Section 13.04.350 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.04.350 Penalties.

Any person violating a provision of this chapter shall, upon conviction thereof, be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

Section 34. Amendment of Section 13.08.100. Section 13.08.100 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.100 Required connections.

A. Wherever there is now, or may hereafter be constructed within the borough limits, an interceptor for the purpose of transmitting sewage to the sewage treatment plant, the owner or owners of the property abutting on any street, alley, or right-of-way along which the interceptor is constructed must connect all improvements on such property in which sewage or liquid waste is produced with a customer service line and an interceptor. Whenever the borough shall notify in writing any owner or owners of property to connect such improvements to such line and interceptor, it shall be the duty of such owner or owners to make application, pay the prescribed fees, and complete the connection with the interceptor within 30 days from the date of said notice. The department may, for good and sufficient reason, extend the time for completion of the connection.

B. **Failure to connect any property that is required to be connected to the sewer system is a minor offense subject to penalty as set forth in Chapter 1.24 HBC for each offense. Each day a property that is required to be connected to the sewer system is not connected constitutes a separate offense.**

Section 35. Amendment of Section 13.08.270. Section 13.08.270 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.270 Connection made without permit.

A. It shall be unlawful ~~and a misdemeanor~~ for any customer or other person to connect a customer service line to an interceptor without first making application, paying the connection fee, and securing a permit therefor from the clerk.

B. **Any person who connects or attempts to connect a service line in violation of this section is guilty of a minor offense subject to penalty as set forth in Chapter 1.24 HBC for each offense. Each day a property is connected in violation of this section constitutes a separate offense.** ~~A person who violates subsection (A) of this section is subject to a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.~~

Section 36. Amendment of Section 13.08.310. Section 13.08.310 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.310 Penalties.

Unless otherwise specifically provided, any person violating a provision of this chapter shall, upon conviction thereof, be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

Section 37. Amendment of Section 14.16.170. Section 14.16.170 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

14.16.170 Responsibility to properly locate on leased premises.

A. It shall be the responsibility of the lessee to properly locate improvements on the leased land.

B. It is unlawful for a lessee to encroach on other lands of the borough or on lands owned or leased by another.

C. ~~A violation of subsection (B) of this section is a misdemeanor, punishable by a fine of up to \$1,000 and up to 90 days imprisonment.~~

Comment [PM23]: Recommend change to MO by deleting this subsection, which means default rule will apply.

Section 38. Amendment of Section 14.34.020. Section 14.34.020 of the Haines Borough Code is hereby repealed.

Section 39. Amendment of Section 14.34.030. Section 14.34.030 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

14.34.030 Violations.

A. The following acts are minor offenses under this chapter:

1. Cutting for firewood any timber that is not already dead or downed.

2. Cutting firewood for other than personal use.

3. Using mechanical means other than chainsaws and vehicles to cut firewood.

B. The taking of any wood that is green and standing, no matter what it is used for, is considered a trespass. The penalty for taking green standing timber is \$1,000 plus triple stumpage, **which may be collected in a civil action whether or not the violator is cited for a violation of this chapter.**

Section 40. Amendment of Section 15.04.020. Section 15.04.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

STRIKETHROUGH ITEMS ARE DELETED

15.04.020 Enforcement.

The fire department and its members shall enforce the provisions of the fire code and all provisions of this title. The police department, borough manager, or his designee may cite an offender for a violation of any provision of this title. and may be assisted therein by the chief of police.

Comment [PM24]: 15.20.020 Makes all title 15 offenses violations/MOs

Section 41. Amendment of Section 15.08.060. Section 15.08.060 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

15.08.060 Smoking restricted.

In addition to the prohibitions set forth in Chapter 8.18. There shall be no smoking in beds of hotels, motels, apartments or rooming houses, in dry-cleaning plants, or in areas where combustible materials are stored or handled is prohibited.

Section 42. Amendment of Section 15.20.020. Section 15.20.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

15.20.020 Violation – Penalty.

A. Violation of any of the provisions of this title shall, upon conviction, be punishable as a minor offense violation as provided in Chapter 1.24 and fined in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense. HBC 1-24-040. In addition, a person who violates a provision of this title may shall be subject to injunctive relief.

B. Each day of violation shall constitute a separate offense for the purposes of this title.

Section 43. Amendment of Section 16.28.030(A). Section 16.28.030(A) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

16.28.030 Penalties for violations.

A. Any person violating any of the provisions of this title will be fined in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense. according to the fees set out in the most current assembly approved fee schedule.

Section 44. Amendment of Section 16.28.040. Section 16.28.040 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

16.28.040 Citation.

A person who commits a violation of this title shall **be cited in the manner set forth in Chapter 1.24 HBC**, ~~receive a citation unless otherwise required by law or the circumstances.~~

Section 45. ~~Repeal of Sections 16.28.050 and 16.28.060.~~ Sections 16.28.050 and 16.28.060 of the Haines Borough Code are hereby repealed in their entirety.

Comment [PM25]: These are unnecessary as a result of the reference to 1.24 in the previous new section

Section 46. Amendment of Section 16.32.045. Section 16.32.045 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

16.32.045 Parking.

Long-term parking of vehicles, vessels, or trailers is prohibited outside of the designated long-term parking area at the Letnikof Cove Small Boat Harbor. "Long-term" is defined as 24 or more continuous hours. Areas shall be posted or otherwise marked by an appropriate sign or by combinations of placed and painted signs indicating prohibited and authorized parking areas. ~~Enforcement of this section shall be in the same manner as set forth in Chapter 16.28 HBC.~~

Section 47. Amendment of Section 18.30.070. Section 18.30.070 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

18.30.070 Fees ~~and penalties.~~

A. The fees for various permits are as follows:

Animal husbandry, not including conditional use permits for these uses	\$25.00
Sign permit	\$25.00
Land use permit	\$50.00
Lot line vacation/adjustment	\$50.00
Short plat	\$75.00
Special conditions permit	\$150.00
Conditional use/variance permit	\$150.00
Rezoning/subdivision permit	\$200.00

B. Penalties **Late fees**

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration	\$250.00 or 3% of the project value to a maximum of \$2,500
---	---

2. Penalties for violations of this title are as set forth in HBC 18.30.080, 18.30.090, and 1.24. ~~Penalty for violation of any section of this title (except beginning work without a permit — see after-the-fact fee above) \$100.00~~

3. ~~The procedure for assessing penalties shall be as follows:—After the-fact fees for beginning work without a permit or construction declaration shall be assessed when the violator applies for the permit or submits the declaration. upon discovery of the violation. In all other violations of this title, borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have 10 business days to conform to the code. If the violation is not corrected within 10 business days, a penalty of \$100.00 shall be assessed.~~

4. If a fee or penalty is not paid within 30 days, interest of one and one-half percent per month (18 percent annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

C. An applicant having been processed under a permit listed above, who is subsequently required to obtain ~~encounters the requirement of~~ another type of permit for the same action or project on the same property type, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process).

D. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit ~~respectively~~ and not subject to successive permit fees.

E. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record.

Section 48. Amendment of Section 18.30.080. Section 18.30.080 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

18.30.080 Compliance.

Any use may be ordered to cease by the manager or his designee if in conflict with the provisions of this title, or if the terms and conditions of any rezoning, or commission approval, or manager approval are violated. The borough assembly may establish by resolution and enforcement priority for violations of this title.

A. Violation Complaint. Any person may bring to the attention of the manager suspected violations of this title. The complaint must be in writing and must include the full name of the person making the complaint.

B. **Administrative Enforcement Order.** After a violation has been discovered, investigated and verified, the manager may begin administrative enforcement proceedings, and shall begin enforcement proceedings if a permit or other valuable license is to be revoked.

1. Administrative enforcement order. To initiate an administrative enforcement action, the manager shall notify, by written finding, the person responsible for the violation and the property owner by personal notice, certified mail or notice posted on the site of the violation. The finding shall specify the violation(s) and order abatement and may also (but is not required to) specify the range of fines or penalties to be imposed, **and shall include notice indicating if a permit or variance can be revoked as a result of the violation pursuant to HBC 18.30.090(B)**. The finding shall direct the person to cease the violation, or appeal the finding within two days after receipt or posting of the notice, as the case may be. All violation notices will be reported by the manager to the commission at its next regular meeting and the manager shall keep a copy of the violation notice in the permanent record.

~~2.~~ **Planning Commission Review.** Upon application of the developer, the commission shall review the enforcement order at its next regular meeting. The review shall be limited to the presence of the violations stated in the enforcement order, and in such review, the burden of proof shall be upon the developer to prove that the violations do not exist. The commission, by majority motion, may modify or rescind the enforcement order, **and may impose any penalty authorized by this Title, including suspension or revocation or any permit, variance, or other authorization.**

C. Minor offense. In addition to any administrative enforcement proceedings, it is a minor offense for any person to fail to obtain a required permit, or to violate any conditions attached to a permit issued under this Title. The manager may at any time cause a citation to be issued to a person responsible for a violation of this title and the owner of the property upon which the violation occurs. All minor offenses are subject to the provisions of HBC Chapter 1.24.

Section 49. Amendment of Section 18.30.090. Section 18.30.090 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

18.30.090 Violations, penalties and remedies.

A. Generally. All remedies hereunder are cumulative and are in addition to those existing at law or equity. Each act in violation of this title and every day a violation of this title exists may be considered to constitute a separate violation.

B. Suspension or Revocation.

1. The planning commission may suspend or revoke a permit **for any violation of this Title, or** whenever the approval **for a permit is** granted ~~is~~ in error or ~~is~~ on the basis of incorrect information supplied **by the applicant,** or ~~in~~ **if the applicant commits a** violation of any ordinance or regulation or any provision of this code. Before taking any action to revoke or suspend a permit or variance, the planning commission shall give the permit owner and/or the owner of the property ~~20~~ **not less than 10** days' written notice by certified U.S. mail in advance of the date of hearing, of the subject of the hearing, and of the date, time, and place of the hearing. This notice is complete upon mailing.

2. The planning commission shall thereafter hold the hearing at the time and place set forth in the notice. At the hearing, the permittee may present evidence on the permittee's behalf and may cross-examine witnesses. The burden of proof is on the planning commission. After the hearing, the planning commission shall make written findings of fact from the evidence supporting the conclusion that the permittee has failed to comply with the conditions of the permit or variance (in cases where the permit or variance is revoked or suspended), or the permittee has not failed to comply with the conditions of the permit or variance (in cases where the permit or

variance is not revoked or suspended). The findings shall be embodied in a formal resolution that the planning commission shall retain permanently.

3. After the variance or permit has been revoked or suspended, the permittee shall thereafter immediately discontinue the use of the property for which the permit or variance had originally been granted. If, after ~~the~~ a permit or variance has been revoked or suspended, the permittee does not immediately discontinue the use of the property for which the permit or variance had originally been granted, a civil penalty not to exceed ~~\$500-300-00~~ **\$500** for each day of continuing violation may be imposed. The manager, on behalf of the borough, or the planning commission, may also apply to the superior court for an injunction to restrain the former permittee from using the land for the purposes previously authorized in the permit or variance.

C. Civil Remedies. Upon violation of any of the provisions of this title, or any of the conditions placed upon any permit issued pursuant hereto, the manager, on behalf of the borough or any aggrieved citizen, may institute or cause to be instituted any appropriate civil action to prevent, enjoin, abate, stop, remove or punish such violation and to obtain monetary damages suffered by such party. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed **\$500 for each violation or each day a violation exists.**~~1,000~~. An action to enjoin a violation of this title may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation. Each person violating the terms of this title shall be required to reimburse the municipality for **all reasonable** administrative and legal costs ~~commensurate with the activity relating~~ **incurred to enforce this Title or to correct** the violation.

D. Criminal **Minor Offense** Remedies. ~~Every act where~~ **Failing to obtain a required permit or variance,** the maintenance of any condition prohibited by this title, ~~or by and a violation of~~ any condition placed upon any permit issued pursuant hereto, is unlawful, ~~and the willful commission of such act or maintenance of such condition is a misdemeanor.~~ Every person convicted of a **who commits a** violation of any provision of this title or of any condition placed upon any permit issued pursuant hereto shall be punished by a fine **as set forth in HBC 1.24.040, or if no fine is there established,** of not more than ~~\$5001,000~~ **for each offense.** Each unlawful act or condition, and every day upon which such shall occur after date of notification, shall constitute a separate violation of this section. **A minor offense cannot result in the loss of a valuable license or permit under this title, but shall be subject to the penalties and procedures set forth in Chapter 1.24 HBC.**

E. Parties. A proper party for any enforcement action under subsection (B) of this section shall include, but shall not be limited to, the owner of the site or any part thereof; any lessee or occupant of the site or any part thereof; the developer, the developer's agents, contractors and subcontractors, and employees who participate in, assist, commit, or maintain a violation.

F. Remedies Applicable to Subdivision Regulations. It is unlawful for any owner, lessee or agent to partition, sell, transfer, lease or offer or agree to partition, sell, lease or transfer any land which results in a subdivision as defined by this title before a final plat of the subdivision has been duly approved and recorded in accordance with the provisions of this chapter and state law. No person may file or record a subdivision plat in any public office unless the plat bears the signatures of the chair of the planning commission and the mayor. The borough may enjoin any partition, lease, transfer or sale of land that would result in an unlawful subdivision. Following an unlawful partition, transfer, lease or sale, the borough may enjoin any further transfer or sale of all unlawfully subdivided parcels until such time as the parcels are duly subdivided or returned to common ownership.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2015.

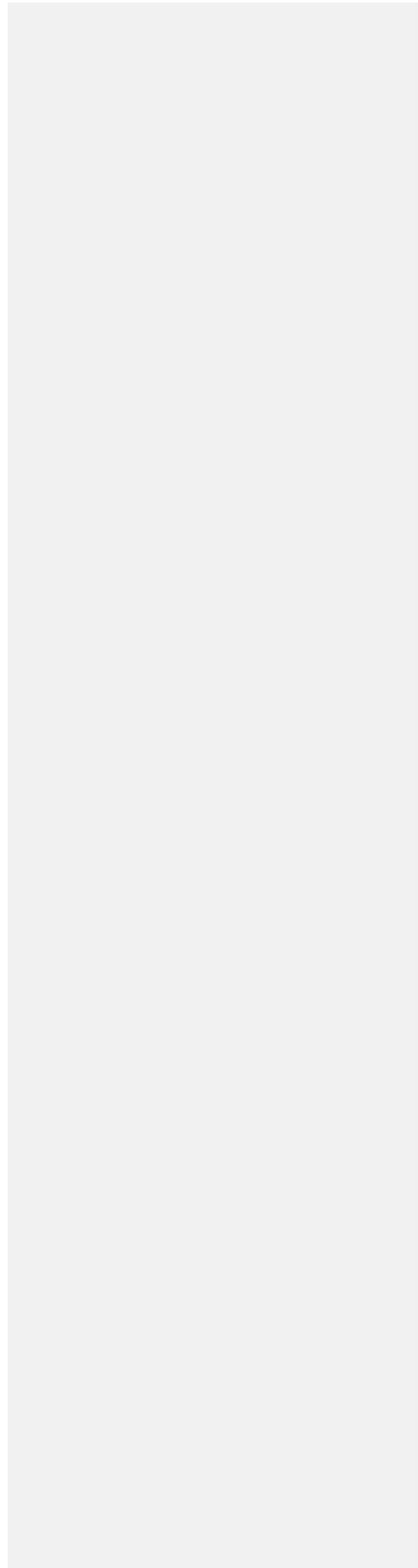
Haines Borough
Ordinance No. 15-06-413
Page 36 of 36

ATTEST:

Janice Hill, Mayor

Julie Cozzi, Borough Clerk

Date Introduced: 06/09/15
Date of First Public Hearing: 08/25/15
Date of Second Public Hearing: 09/08/15



MINOR OFFENSES

HB Ordinance 15-06-413

Purpose of Minor Offense and Fine Schedule Ordinance

- Bring Haines into Compliance with New Court System Rules
 - 2013 Alaska Rules of Minor Offense Procedure (RMOP)
 - A uniform system for low level infractions
- Minor Offenses
 - Low level infractions
 - Don't rise to the level of a misdemeanor
 - E.g. Leash law violations, traffic tickets
- Can be contested just like traffic tickets by going to court. This ensures that individual rights are fully protected.

WHAT IS RECOMMENDED FOR CHANGE?

- Administrative enforcement issues become minor offenses
 - Example – Sign violations, nuisance violations such as excessive trash
- Minor Offenses are either:
 - Paid without being contested or
 - Heard by the magistrate
- All traffic violations are removed from Borough Code
 - They are incorporated by reference to state law
 - Citations still read that a Borough law has been violated

GOAL OF THE MINOR INFRACTIONS LAW

- Increase transparency and make it clear to everyone what items are listed as offenses within code
- “Facilitate enforcement through the court system of laws that are already on the books, not to outlaw activities that are currently legal. The ordinance is not intended to change the substance of borough code.” From Borough Attorney’s letter
- Eliminate ordinances that are redundant or unnecessary
- Align some penalties with state law
- Change some offenses that are currently misdemeanors to minor offenses
 - Example – Failure to obtain a business license is currently a misdemeanor

EXAMPLE – Mooring in Harbor Without Payment

HBC Code 16.16.190

- Currently

- 1st Violation \$ 50
- 2nd Violation \$100
- 3rd Violation \$150

- Harbormaster advises owner
- No compliance – Letter written with invoice.
- Finance follows up with added penalties and interest
- Possible Small Claims Court

- Proposed

- Each Violation \$100

- Harbormaster advises owner
- No compliance – Ticket written
 - Ticket has court date owner can pay it or protest to the magistrate
- Owner could protest magistrate's ruling to superior court, etc.

SOME CONCERNS THAT MAY NEED TO BE ADDRESSED

- Addressing additional redundant or “unnecessary” laws
 - Recommend identifying items of concerns and tasking the GASC to review each law, solicit public input, and make a recommendation to the Assembly
- Training or certification of those writing citations
 - Can be addressed within code or through policy

1.24.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Court System's Rules of Minor Offense Procedures apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. Citations charging these offenses must meet the requirements of the Rules of Minor Offense Procedure. The fines set forth below may not be judicially reduced.

Code Section	Offense Description	Fine Amount	Current Penalty
3.80.035(D)	Failure of operator to collect and/or remit sales tax for rental space	300	Unclassified Misdemeanor HBC 3.80.260 Up to \$10,000 fine and one year in jail
3.80.080	Failure to identify and add amount of sales tax to taxable transaction (except as exempted by 3.80.040)	300	Unclassified Misdemeanor HBC 3.80.260 Up to \$10,000 fine and one year in jail
3.80.090(A)	Failure to timely file sales tax returns	300	Unclassified Misdemeanor HBC 3.80.260 Up to \$10,000 fine and one year in jail
3.80.090(B)	Failure to remit taxes with returns	300	Unclassified Misdemeanor HBC 3.80.260 Up to \$10,000 fine and one year in jail
3.80.170 and 5.02.010	Failure to obtain business license	300	Classified Misdemeanor HBC 3.80.260 & 5.02.020 (up to 30 days jail and/or a \$1,000 fine)
3.80.190(A)	Failure to file final sales tax return	300	Unclassified Misdemeanor HBC 3.80.260
5.04.030(C)	Failure to obtain required permit (general)	500	HBC 5.04.140(A) - Not exceeding \$300 each day plus required state surcharge (AS 12.55.039)
5.04.080(E)(2)	Sign violation	100	HBC 1.24 & 5.04.150 - Up to \$300 each day plus state surcharge when applicable (AS 12.55.039)
5.04.140(A)	commercial tour/ enterprise operating w/o permit or failure to follow permit condition	500	HBC 1.24 - Not exceeding \$300 each day plus required state surcharge (AS 12.55.039)
5.08.010(A)	Permit required for solicitation on public property	300	HBC 1.24 - Not exceeding \$300 plus required state surcharge (AS 12.55.039)
5.08.020	Solicitation on private property without invitation prohibited	300	HBC 1.24 - Not exceeding \$300 plus required state surcharge (AS 12.55.039)

5.08.030(A)	Permit required for transient/ itinerant merchants/ vendors	300	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)
5.08.040	Permit required for circus, carnival, fair/other concessions	300	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)
5.08.050(A)	Sale/solicitation of commercial magazines on public sidewalks/ streets prohibited	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.12.010(A)	License required to manufacture/ sell any alcoholic beverage	500	Class A Misdemeanor – AS 4.16.200 - Up to \$10,000 fine and one year in jail
5.12.020	Closing hours for licensed alcoholic beverage premises between 5:00 a.m. and 8 a.m.	500	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.18.015	Commercial tour permit required	500	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)
5.20.030	Failure to display commercial passenger vehicle / tour vehicle permit	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.040(A)(1)	Failure to display license	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.040(A)(2)	Failure to display rates	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.040(A)(3)	Failure to display contact information of <u>City-Borough</u> Clerk	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.040(B)	Taxicab soliciting passenger or otherwise blocking traffic	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.050	Soliciting persons along the roadway	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.010(C)	Use of commercial parking vehicle areas when not engaged in commercial tour activity	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)

5.22.040(C)	Failure to display parking permit	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(D)	Unreasonable interference with efficient operations	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(E)	Leaving commercial vehicle unattended	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(F)	Improper signage	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(H)	Unauthorized use of parking area	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(J)	Unauthorized display of sales material	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
6.08.010(A)	Dog license required	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.010(A)	Dog license required	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.010(D)	Failure to display tag	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.010(D)	Failure to display tag	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.010(F)	Failure to obtain kennel permit	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.010(F)	Failure to obtain kennel permit	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300

6.08.020(A)	At-large dog	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(A)	At-large dog	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(B)	Barking, howling, or other noises	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(C)	Run, chase, jump at moving vehicles	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(C)	Run, chase, jump at moving vehicles	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(D)	Snap, jump, injure another person	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(E)	Chase, harass deer or moose	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(G)	Female dog in season not confined	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
8.08.020(A)	Littering in any place other than in an appropriate refuse container	50	HBC 8.08.050 - Up to \$300 (HBC 1.24) HBC 10.08.020 - \$100
8.08.020(B)	Littering upon a public place	50	HBC 8.08.050 - Up to \$300 (HBC 1.24) HBC 10.08.020 - \$100
8.08.020(C)	Sweeping or depositing litter	50	HBC 8.08.050 - Up to \$300

	into a public place from private property		(HBC 1.24) HBC 10.08.020 - \$100
8.08.020(D)	Littering from vehicle	100	HBC 8.08.050 - Up to \$300 (HBC 1.24) HBC 10.08.020 - \$100
8.08.020(E)	Depositing any litter on private property	50	HBC 8.08.050 - Up to \$300 (HBC 1.24) HBC 10.08.020 - \$100
8.08.020(F)	Failure to maintain private property in a litter-free condition	50	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(G)	Posting any handbill without permit under HBC Title 18	50	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(H)	Littering in a body of water	50	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(I)	Depositing litter generated in a refuse container belonging to another	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(J)	Burning without a permit and police department notification or in violation of conditions	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(K)	Depositing offensive, noxious, or otherwise dangerous litter	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.12.020(A)	Burying a person outside an established cemetery	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(B)	Annoy, injure or endanger the public	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(C)	Offending public decency	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(D)	Interfere with a street, highway, lake or stream	100	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(E)	Making loud or unreasonable noise	100	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(F)	Operating device that causes preventable electric interference	100	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)

8.12.020(G)	Allowing animal access to an unoccupied building	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(H)	Unsafe condition due to disrepair of building	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(J)	Accumulation of stagnant water or discharge of wastewater	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(L)	Causing emission of noxious fumes	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(M)	Exposure or distribution of materials offending the public decency	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(N)	Obstruction of traffic	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(O)	Public exposure of a person having a contagious disease	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.030	Hazardous building or public nuisance	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.16.015	Use of fireworks prohibited	100	HBC 8.16.025 - Up to \$300
8.16.020	Sale prohibited of fireworks	300	HBC 8.16.025 - Up to \$300
8.16.025	Use of fireworks near port facilities prohibited	300	HBC 8.16.025 - Up to \$300
8.16.030	Conducting fireworks display without permission of chief of police	300	HBC 8.16.025 - Up to \$300
8.18.020(A)	Smoking in an enclosed public area	100	HBC 8.18.080(B) - \$100
8.18.020(B)	Smoking in an enclosed public area	100	HBC 8.18.080(B) - \$100
8.18.020(C)	Smoking inside an enclosed area within a place of employment	100	HBC 8.18.080(B) - \$100
8.18.020(D)	Smoking inside an enclosed area within a private club licensed to sell alcoholic beverages	100	HBC 8.18.080(B) - \$100
8.18.030	Smoking within unreasonable distance outside an enclosed area	100	HBC 8.18.080(B,D) - \$100 each day

	where smoking is prohibited		
8.18.040(A)	Smoking within 50 feet of entrance to hospital or medical clinic	100	HBC 8.18.080(B,D) – \$100 each day
8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100	HBC 8.18.080(B,D) – \$100 each day
8.18.040(C)	Smoking within 5 feet of licensed premises	100	HBC 8.18.080(B,D) – \$100 each day
8.18.040(D)	Smoking in an outdoor arena	100	HBC 8.18.080(B,D) – \$100 each day
8.18.070(A)	Failure to post signs prohibiting smoking	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.18.070(B)	Failure to remove ashtrays	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.18.070(C)	Failure to provide smoke-free workplace	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.18.080(B)	Smoking where prohibited	100	HBC 8.18.080(B) - \$100
8.18.080(C)	Permitting smoking in public place where prohibited	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.20.020	Creating or permitting a bear attraction nuisance	100	HBC 1.24 & 8.20.040 – Up to \$300 each day
9.04.010(A)	Open container of alcoholic beverages within vehicle	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.04.010(B)(2)	Consuming alcoholic beverage in public	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.08.010	Curfew For Minors	250	HBC 9.08.030 – Not more than \$250
9.08.020	Parental responsibility for	250	HBC 9.08.030 – Not more

	curfew violation		than \$250
9.24.010(A)	Discharging pistol or firearm	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.010(C)	Hunting in prohibited area	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.020(A)	Obstructing highways and other public passages	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.020(B)(1)	Failure to obey order to move to prevent obstruction	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.020(B)(2)	Failure to obey order to move to maintain public safety	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.030	Disrupting meetings and processions	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.08.160(B)	Utility permit required	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.10.010	Construction work on driveway in a right of way without a permit	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.12.040(A)	Failure to install street numbers in compliance with code	100	HBC 12.12.040(B) – Not exceeding \$300
12.16.010	Street and sidewalk obstructions prohibited	50	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.16.030(A)	Use of streets for private purposes	50	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.40.030	Prohibited activity or construction in Picture Park restricted area	100	HBC 12.40.060(B) - subject to the same penalties as provided in Chapters <u>1.24</u> and <u>9.01</u> – up to \$300 plus state surcharge when applicable (AS 12.55.039) and each & every day a separate offense
12.50.020	Motorized vehicle use in Chilkat River beaches recreational zone	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
13.04.310(A)	Unlawful opening of fire hydrant	300	HBC 13.04.350 – not exceeding \$300
13.08.100(A)	Failure to connect to sewer system after notice	300	HBC 13.08.310 – not exceeding \$300
14.34.030(A)(1)	Cutting timber that is not already dead or downed	300	<u>Green & standing</u> : HBC 14.34.030 - \$1,000 plus triple stumpage

			<u>Dead & standing:</u> HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
14.34.030(A)(2)	Cutting firewood for other than personal use	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
14.34.030(A)(3)	Using unlawful mechanical means to cut firewood	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.08.060	Smoking where prohibited for safety reasons	100	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.020(D)	Failure to file required report by a person handling consumer quantities of hazardous material or chemical	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.070(A)	Failure to file required transshipment facility report	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.070(C)	Failure to display marking or warnings with respect to transshipment facility	100	HBC 15.20.020 - subject to the same penalties as provided in Chapters

			1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.070(D)(3)	Failure to notify fire department of time and quantity of a shipment of extremely hazardous substance	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.090(A)	Failure to obtain certificate of compliance	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.16.020	Crash post does not meet specifications	100	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
16.12.020	Obstruction of dock area by vehicle, cart, conveyance, or other transportation system	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.12.030	Vessel in excess of 65 feet using gridiron	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor

			privileges Each day is a separate offense
16.16.135	Launching or recovering vessel without paying fee or obtaining annual ramp launch sticker	100	Current Assembly-Adopted Harbor Fee Schedule - \$60 per violation
16.16.150	Unapproved vessel mooring in harbor	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.16.170	Non-compliant electrical connection	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.16.190	Mooring without payment	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.16.200(A)	Dead storage prohibited	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50

			<p>3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.16.210	Use of harbor crane without permit of paying fee	100	\$50 per violation
16.20.040	Snow must be removed from dock, float, or finger	50	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.005(D)	Wood fires not permitted in port and harbor facilities	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.005(E)	Unlawful electrical system or connection	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(A)	Operating vessel in excess of three MPH within borough port and harbor facilities	50	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50</p>

			<p>3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(B)	Operating vessel in a negligent manner	300	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(C)	Operating vessel in a negligent manner likely to endanger the safety of person or property	500	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(D)	Unlawful depositing of refuse or prohibited materials	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(E)	To fail to register with the harbormaster	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor</p>

			use privileges Each day is a separate offense
16.28.010(F)	Leaving vessel or floating structure moored unattended while fire is burning	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(G)	Starting or allowing any fire on a float or dock	500	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(I)	Conducting unlawful business within the port and harbor facilities	100	Current Assembly-Adopted Harbor Fee Schedule - \$50 per violation
16.28.010(J)	Living aboard a vessel moored in the harbor while prohibited or allowing animal to run at large	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(K)	Leaving cargo or other material on docks or other public place	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50

			<p>3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(L)	To fail to clean up after an animals	50	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(M)	Tapping, disconnecting, interfering with, or tampering with any water or electrical connection	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(N)	Interfering with any wharf or any other harbor facility	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(O)	Writing or posting printed matter upon any bulletin board without permission of the harbormaster	50	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75</p>

			4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(P)	Erecting or maintaining any advertising or other printed matter without approval from the harbormaster	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(Q)	To disregard or tamper with any notice relating to the use of mooring areas or other uses of port and harbor facilities	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(R)	To moor or connect to Letnikof Cove facility without paying fees	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.32.040(B)	Use of small boat harbor without paying required fees	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor

			use privileges Each day is a separate offense
16.32.045	Long-term parking outside designated area at Letnikof Cove Harbor	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
18.40.010	Land use permit required	250	<u>Beginning Work with No Permit</u> – HBC 18.30.070(B)(1) - \$250.00 or 3% of the project value to a maximum of \$2,500 <u>Working with Revoked/Suspended Permit</u> - HBC 18.30.090(B) – up to \$300; HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.40.040(A)	Temporary use permit required	250	<u>Beginning Work with No Permit</u> – HBC 18.30.070(B)(1) - \$250.00 or 3% of the project value to a maximum of \$2,500 <u>Working with Revoked/Suspended Permit</u> - HBC 18.30.090(B) – up to \$300; HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.40.040(B)	Exceeding scope of temporary permit	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000

			HBC 18.30.090(A) - Each act & every day a separate violation
18.50.020	Conditional use permit required	250	<u>Beginning Work with No Permit</u> – HBC 18.30.070(B)(1) - \$250.00 or 3% of the project value to a maximum of \$2,500 <u>Working with Revoked/Suspended Permit</u> - HBC 18.30.090(B) – up to \$300; HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(A)	Violating restrictions in townsite planning/zoning district	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(B)	Violating restrictions in Mud Bay planning/zoning district	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(B)(3)(g)	Setback violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(B)(3)(h)	Maintaining a prohibited use in RRZ	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation

18.70.030(B)(4)(f)	Maintaining a prohibited use in Cannery Zone	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)	Violating restrictions in Lutak Inlet planning/zoning district	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(f)	Maintaining a prohibited use in RRZ	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(h)	Setback violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(i)	Building height violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(j)	Sign violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(k)	Use of RV as permanent dwelling or excessive RV's on property	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil

			<p>or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.70.030(C)(3)(l)	Noise violation	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.70.030(C)(4)(f)	Maintaining a prohibited use in Riparian Zone	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.70.030(D)	Violating restrictions in general use planning/zoning district	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.80.030(A)	Setback violation	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.80.040	Unlawful parking provided	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.90.030(A)	Failure to obtain sign permit	250	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) -</p>

			Each act & every day a separate violation
18.90.040	Excessive number of signs	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.050(B)	Projecting sign violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.050(C)	Portable sign obscuring traffic or sight angles	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.070	Prohibited sign in use	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.080(C)	Prohibited sign in Significant structures area zone	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.100(B)	Prohibited sign in residential zoning districts	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation

10.06.030 Fine Schedule for Local Traffic Offenses

In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. These fines may not be judicially reduced. If an offense is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Code Section	Offense Description	Fine Amount	Current Fine
10.08.010	Starting parked vehicle - excessive acceleration	15	HBC 10.16.200 - \$15
10.08.020(A)	Driving on sidewalks - vehicle	20	HBC 10.26.220 - \$20
10.08.020(B)	Driving on sidewalk in CBD - bicycle	20	HBC 10.26.220 - \$20
10.08.020(C)	Failure to yield - bicycle	20	HBC 10.26.220 - \$20
10.08.030	U-turn where prohibited	30	HBC 10.26.230 - \$30
10.08.040	Projections on wheels or tracks prohibited	20	HBC 10.26.240 - \$20
10.08.050	Dragging objects prohibited	150	AK Bail Schedule - \$125
10.08.060	Projecting load on passenger vehicles	20	HBC 10.26.260 - \$20
10.08.070	Carrying animals on outside of vehicles	125	AK Bail Schedule - \$125
10.08.080(A)	Use of coaster, roller skates, sleds or skis on roadway	25	HBC 10.26.300(D) – 1 st offense - \$25 Increase by \$5 each subsequent offense
10.08.080(B)	Use of skateboard or human powered device in prohibited area	25	HBC 10.26.300(D) – 1 st offense - \$25 Increase by \$5 each subsequent offense
10.08.080(C)	Negligent operation of device	25	HBC 10.26.300(D) – 1 st offense - \$25 Increase by \$5 each subsequent offense
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(D)	Driver's license required to operate snow	30	HBC 10.34.050

	machine or ATV		1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(E)	Registration of snow machine or ATV required	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(F)	Proof of insurance	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(G)	Excess passengers - 13 AAC 02.445	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(I)	Failure to signal turn	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(M)	Owner responsibility for violation	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, tallight, and brake light	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.009(B)	Failure to maintain equipment in good working order	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.010(A)	Parental responsibility for violation	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100

			4 th violation - \$150
10.42.010	Bicycle violations: operator to obey rules of the road	30	AK Bail Schedule - \$40
10.42.020	Bicycle violations: parents responsible for actions/violations	30	AK Bail Schedule - \$40
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30	AK Bail Schedule - \$40
10.42.040	Bicycle violations: two or more on bike made for one	30	AK Bail Schedule - \$40
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30	AK Bail Schedule - \$40
10.42.060	Bicycle violations: minimum of one hand on handle bars	30	AK Bail Schedule - \$40
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30	AK Bail Schedule - \$40
10.42.080	Bicycle violations: ride on right side of roadway	30	AK Bail Schedule - \$40
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30	AK Bail Schedule - \$40
10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30	AK Bail Schedule - \$40
10.42.110	Bicycle violations: must use shoulder when available	30	AK Bail Schedule - \$40
10.42.120	Failure to give audible signal passing pedestrian	30	AK Bail Schedule - \$40
10.42.130	Bicycle violations: turn and signal requirements	30	AK Bail Schedule - \$40
10.42.140	Bicycle violations: ride in business district where prohibited	30	AK Bail Schedule - \$40
10.42.160	Bicycle Violations: Bike Parking Requirements	30	AK Bail Schedule - \$20
10.42.170	Bicycle violations: bike not to enter limited use areas	30	AK Bail Schedule - \$50
10.42.180	Bicycle violations: yield to traffic	30	AK Bail Schedule - \$40
10.42.190	Bicycle violations: headlight requirements	30	AK Bail Schedule - \$40
10.42.200	Bicycle violations: taillight requirements	30	AK Bail Schedule - \$40
10.42.210	Bicycle violations: reflector requirements	30	AK Bail Schedule - \$20
10.42.220	Bicycle violations: brake requirements	30	AK Bail Schedule - \$40
10.44.010	Parking during snow removal	25	HBC 10.44.230 - \$25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25	HBC 10.44.230 - \$25

10.44.030	Time limit parking	25	HBC 10.44.230 - \$25
10.44.050	Standing or parking close to curb	25	HBC 10.44.230 - \$25
10.44.060(A)	Signs or markings indicating angle parking	25	HBC 10.44.230 - \$25
10.44.070	Obedience to angle-parking signs or markings	25	HBC 10.44.230 - \$25
10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25	HBC 10.44.230 - \$25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25	HBC 10.44.230 - \$25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25	HBC 10.44.230 - \$25
10.44.100	Parking not to obstruct traffic	25	HBC 10.44.230 - \$25
10.44.110	Parking in alleys	25	HBC 10.44.230 - \$25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25	HBC 10.44.230 - \$25
10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25	HBC 10.44.230 - \$25
10.44.130(B)	Parking adjacent to schools	25	HBC 10.44.230 - \$25
10.44.140(B)	Parking prohibited on narrow streets	25	HBC 10.44.230 - \$25
10.44.150	Standing or parking on one-way streets	25	HBC 10.44.230 - \$25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25	HBC 10.44.230 - \$25
10.44.210(A)	Abandonment of vehicle	25	HBC 10.44.230 - \$25
10.44.210(B)	Exceeding time limit for parking in designated areas	25	HBC 10.44.230 - \$25
10.44.220	Unauthorized parking on private property	25	HBC 10.44.230 - \$25
10.48.010	Pedestrians must obey regulations	25	AK Bail Schedule - \$40
10.48.020	Pedestrians not to enter limited use areas	25	AK Bail Schedule - \$50
10.48.030	No pedestrian may walk into path of vehicle	25	AK Bail Schedule - \$50
10.48.040	Pedestrian must cross at crosswalk	25	AK Bail Schedule - \$25
10.48.050	Pedestrian must yield to vehicles	25	AK Bail Schedule - \$25
10.48.060	Crossing roadway where prohibited	25	AK Bail Schedule - \$25
10.48.070	Diagonally cross intersection must use sidewalks	25	AK Bail Schedule - \$40
10.48.080	Must walk on left side/shoulder of roadway	25	AK Bail Schedule - \$40

10.48.090	Pedestrian creates hazard/interferes with traffic	25	AK Bail Schedule - \$40
10.48.100	Sleep/loiter/obstruct highway	25	AK Bail Schedule - \$40
10.48.110	Solicit ride/distracts driver	25	AK Bail Schedule - \$50
10.48.120	Nonblind pedestrian not to use cane/dog	25	AK Bail Schedule - \$150
10.48.130	Pedestrian must yield to emergency vehicle	25	AK Bail Schedule - \$50
10.48.140	Pedestrian not to cross against "don't Walk" signal	25	AK Bail Schedule - \$40

BOYD, CHANDLER & FALCONER, LLP
ATTORNEYS AT LAW
SUITE 302
911 WEST EIGHTH AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
FACSIMILE: (907) 274-3698
bcf@bcfaklaw.com

MEMORANDUM

TO: Haines Borough Assembly

CC: Dave Sosa, Borough Manager

FROM: Patrick W. Munson
Boyd, Chandler & Falconer, LLP 

RE: Minor Offense and Fine Schedule Ordinance

DATE: June 30, 2015

This memo summarizes the minor offenses and fine schedule ordinance. Our office, the Borough manager, department heads, and staff from the State court system have been working on this project for over a year in order to bring Haines into compliance with the new Alaska State Court system rules regarding minor offenses. Key issues and decisions for the Assembly are described below and included as comments throughout the draft ordinance.

A. Enforcement of Borough Ordinances

First, an overview of what this ordinance seeks to accomplish. In 2013, the Alaska Court system enacted the Alaska Rules of Minor Offense Procedure (RMOP). These new rules established a uniform system for processing low level infractions known as “minor offenses.” Minor offenses are defined in Rule 2 of the RMOP and essentially include minor violations of law that are not so serious as to rise to the level of a misdemeanor. They are sometimes called “quasi-criminal” offenses. Common examples are traffic tickets or leash law violations. The punishment for a minor offense cannot include incarceration, loss of a valuable license,¹ or a fine greater than either \$1,000 or \$500 depending on the circumstances (see sections E and F, below). Most violations (namely, all those listed in the “fine schedule” at proposed HBC 1.24.040) result

¹ This limitation means that a court cannot take away a valuable privilege (such as a driver’s license) as a result of a single conviction or no contest plea. If the court can take away a license or privilege as a result of a violation, the violation cannot be designated a minor offense. Note that the Borough will retain authority to administratively revoke certain permits or licenses based on violations of the law, but the revocation would be separate from the court proceeding adjudicating the minor offense. See, e.g., proposed HBC 5.04.140.

in tickets that can simply be paid by remitting a fixed amount to the court. If a person chooses to contest the citation, the court conducts a simplified proceeding that is fully consistent with due process requirements. Because possible punishment for a conviction is limited, the defendant is not entitled to a jury trial or a court-appointed attorney, but may appear in court to contest the charge (and may hire their own attorney if they wish). People may be familiar with this process from contesting traffic tickets.

Almost all municipalities enforce their laws at least in part as minor offenses. Therefore, almost all have been required to update their ordinances to be consistent with the new Court rules, just as Haines is proposing to do in this ordinance. Among other things, municipalities must ensure that all ordinances they intend to enforce as minor offenses are officially called “minor offenses” both in their own codes and in the Uniform Minor Offense Table on file with the state (<http://courts.alaska.gov/trialcourts/umot.htm>). The court system will not process citations citing ordinances that are not consistent with the new Rules.

Because some of Haines’s ordinances establish other enforcement mechanisms, we also recommend harmonizing those provisions with the minor offense procedures in Borough Code and the new Rules. First and foremost, we recommend changing many of the current “administrative” enforcement offenses to minor offenses. Administrative enforcement proceedings are those that are initiated by Borough staff by a notice of violation. These are often carried out in a rather *ad hoc* fashion of hearings with the Borough manager or other staff, and sometimes an appeal to the Assembly. This *ad hoc* process is confusing, inconsistent, and extremely inefficient because it often require hours of meetings with Borough staff and the Assembly. Moreover, neither staff nor the Assembly is necessarily the best forum in which to adjudicate routine enforcement matters that could just as easily be handled in a courtroom (likely with better safeguards to the accused). It would make much more sense – legally and practically – for as many of these offenses as possible to be cited as minor offenses like other ordinance violations. The court system provides a more efficient and consistent judicial forum to hear such cases than the borough administration building and the Assembly. Using the courts is also likely to be more effective than the informal proceedings that characterize most current administrative enforcement efforts.

Another significant result of converting to minor offenses is that the Borough, rather than the State, will consistently be the prosecuting entity for violations of Borough law. This is not currently the case. Traffic tickets, for example, are currently cited as violations of state law, not Borough code. The State is therefore the official prosecuting entity for such cases and receives the fine money even though Borough officers do much of the enforcement work.

This would change under the proposed new system. When an officer issues a citation for a violation of any law designated a minor offense under Borough law (including but not limited

to traffic laws), the citation will indicate that the offender violated a Borough ordinance, not a state law. The Borough will be the prosecuting entity and will therefore receive the fine money. Because the violations are minor offenses, the Borough is not required to provide a public defender and need not have its own attorney appear even if the charge is contested. Police officers appear in court to support their own citations. This happens anyway under current law, so there should be very little practical change (in traffic enforcement at least) except the Borough will receive fine money instead of the State.

Note that these changes should decrease, not increase, the time Borough employees and officers spend on enforcement. When officers write citations for minor offenses, the citations are filed with the court system for processing. The court handles everything else. Staff's only involvement may be to appear at a brief court hearing to explain the basis for the citation so the judge can adjudicate guilt or innocence (if that is even contested).

Equally important, collection of fines will improve. If the offender pleads or is found guilty he pays the court, which conveys the payment to the Borough. The court system retains a 10% administrative fee of all penalties collected through it. We believe that this fee is well worth the simplicity of enforcing laws through the court system and will be more than offset by the increased fine payments the Borough receives. We therefore recommend that as many ordinances as possible be enforced as quasi-criminal minor offenses.

B. Choosing ordinances to designate as minor offenses

It is important to understand what this ordinance does, and equally, what it does not do. The goal of this ordinance is to facilitate enforcement through the court system of laws that are already on the books, not to outlaw activities that are currently legal. The ordinance is not intended to change the substance of Borough laws. Rather, it implements (now legally required) terminology and clarifies/applies procedures that are consistent with or required by the new court Rules. It also eliminates ordinances that are redundant or unnecessary now that the RMOPs and the new HBC Ch. 1.24 establish rules and procedures for almost all violations of Borough ordinances. Finally, the ordinance proposes to align some penalties with state law.

The Assembly may choose what ordinances to designate as minor offenses. The current draft proposes those that we believe are most likely appropriate, but they are just suggestions. Some of these suggestions apply the correct terminology to violations that are already legally minor offenses under Borough law. Other proposed amendments would re-categorize certain violations that are not currently minor offenses but probably should be. This includes "administrative" offenses as described above and also most offenses currently designated as misdemeanors. We recommend most of the offenses currently referred to as misdemeanors be re-categorized as minor offenses because, as a practical matter, the Borough does not charge

offenders with misdemeanor violations of Borough ordinances. Rather, such offenses are prosecuted by the state (as are felonies). This makes sense because the State's Attorney is the local prosecutor, not the Borough Attorney, and the state is equipped to provide misdemeanor and felony defendants with a public defender, jury trial, and other process necessary to prosecute such crimes. The Borough does not have that institutional infrastructure or capacity. That is perfectly acceptable, but it means that as a practical matter, Borough laws designated as misdemeanors are either unenforced or enforced only as state crimes. In either case, it makes sense to re-categorize such offenses to minor offenses or to eliminate them altogether rather than allow them to go unenforced.

Nor do most of the so-called misdemeanor offenses seem to be the kind of offense that justifies that label. For example, failing to obtain a business license is not an offense for which jail time is likely to be appropriate. Yet HBC 5.02.020 designates this offense as a misdemeanor, meaning jail time is possible and an accused violator is entitled to a jury trial and a public defender at Borough expense. As a result, it will almost never make practical sense for the Borough to charge someone with a violation because the time and expense required to prosecute a misdemeanor likely outweighs any benefit obtained by doing so. So this violation can instead be designated a minor offense with a fine up to \$1,000. This should be equally sufficient to deter violations, is more in line with the severity of the offense, and avoids the expense of charging and trying a person for a misdemeanor.

Again, this does not mean the Borough is becoming more or less aggressive, or that it is legalizing activities that are currently illegal. We believe all the "misdemeanors" under current code that we have proposed deleting or re-categorizing are also illegal under state law (and in fact, are regularly prosecuted by the State as such). So removing these offenses from the Haines Code is more to reflect the reality of what is already occurring (i.e., the offender is prosecuted for a violation of state law; the borough law is effectively irrelevant) than to change existing laws.

In sum, we recommend re-categorizing or eliminating those types of offenses from the code if there is a state statute that covers the same conduct. However, the Assembly can elect to keep any such provision if it prefers. We have identified these in the draft.

C. Civil penalties, administrative enforcement, or minor offenses

There may be a small number of ordinances that the Borough chooses not to designate as minor offenses. Planning and zoning offenses for example, are sometimes problematic. Some of these are appropriately treated as minor offenses, such as failing to obtain a permit. Others, such as encroachments, require more options because issuing a one-time citation is not sufficient to compel compliance. We have proposed multiple enforcement options for some such offenses and flagged specific issues for consideration where appropriate.

D. Traffic laws incorporated by reference

We propose to amend Title 10 significantly to make the Borough's traffic laws easier to use, understand, and enforce. Currently, this title incorporates individual state statutes and regulations one at a time, section by section, essentially codifying state law as the Borough traffic code, but doing so in a way that is extremely cumbersome and inefficient; so confusing in fact, that it is causing the Borough not to collect the traffic fines it should be collecting (because traffic violations are currently cited as state law violations rather than Borough ordinance violations). We therefore recommend amending this title to incorporate into Borough law "all the traffic offenses of the state" except felony and misdemeanors. If this change is approved, Borough police officers will do exactly what they are doing now to issue tickets for traffic violations, but the court system will treat each such citation as a violation of Borough law, not state law, and remit the fine amount to the Borough. Officers and citizens will also be able to look up or refer to traffic laws by their state law designations without also having to look up the parallel cite to Borough code. Note that we have maintained a separate chapter for Haines-specific offenses, which can be amended any time the Assembly determines a change is needed.

E. Fine schedule - mandatory and optional appearances

The final significant change is the fine schedule. The new HBC § 1.20.040 sets forth a table, called a fine schedule, that will include offenses for which a fixed fine has been established. An offender can resolve any "scheduled violation" (*i.e.*, a violation of any ordinance listed in the table) simply by paying the amount listed in the table. He or she is not required to appear in court, but may if he or she wants to contest the charge. These violations are therefore called "optional court appearance" offenses. Any infraction not listed in the table is a "mandatory court appearance" infraction.

The Assembly decides which ordinances are optional and mandatory appearance offenses. There are two main reasons to require court appearances. The most common is where different violations of the same law are likely to be so different in severity that it is appropriate to use a range of possible fines (typically, "up to" a certain amount), rather than a single fixed amount. These offenses are mandatory appearance offenses because a judge must set the specific fine out of the range set by Code. Typically, optional appearance offenses are those for which a single penalty is likely to be sufficient.²

² Of course this does not mean that a fixed fine will exactly fit the severity of the offense in every case. Nor should that level of precision be expected. Fixed fines inevitably mean that some minor violators are fined an amount that seems excessive, or that major violators escape with a lighter fine than might be justified. This limitation is recognized, but in our view it is a reasonable trade-off for more regular enforcement, less time in court for Borough police officers,

Another common reason to require a court appearance is if the Borough wants to compel compliance or change behavior. Failing to connect to Borough sewer, for example, could be an appropriate mandatory appearance offense because the judge could order the offender to connect to the sewer system.

We have proposed the current fine schedule based on our evaluation of the ordinances for which it probably makes sense to set a fixed fine. However, the decision of whether to designate a particular offense optional or mandatory appearance is for the Assembly (subject to some limitations dictated by state law). It is also, admittedly, an inexact science. However, the consequences of choosing “wrongly” on this detail in any particular instance are minimal. In other words, whether someone is *required* to appear in court is generally less critical to the overall justice process than other factors because an accused person can always *choose* to appear.

Note that these tables can be amended at any time just like any other ordinance, so it is not necessary for the Assembly to agree on absolutely every detail prior to enacting the comprehensive ordinance.

F. Fine schedule - Setting fine amount

Finally, the Assembly must set an appropriate fine amount for each offense that is included in the fine schedule, and a maximum fine amount for mandatory court appearance offenses. We have proposed fines (or a range of fines) for every violation of a Borough ordinance that will be treated as a minor offense. Some of these amounts were stated in code already. Others are established by state fine schedules, or have been imposed by the court in past cases. We have not changed the amounts that were already stated in code (with exceptions, explained below) because, as stated earlier, it is not our intent to re-legislate every ordinance or fine that the Assembly has previously enacted. Rather, our goal has been to reorganize existing law into a framework that complies with new court rules, eliminates some discretion in imposing fines, and allows the Borough to receive fine payments rather than the State.

Where the previous Code did not establish the fine for a particular violation, we have proposed fine amounts that seem generally appropriate based on our estimate of what amount might be sufficiently high to deter violations but not so high as to be unreasonable in light of a particular offense. But the amounts in this ordinance right now are just suggestions. Again, the Assembly is free to amend any or all of the fine amounts we have proposed.

and less discretion for a judge in setting fine amounts (which poses its own risks of unfair application).

A brief explanation of the rationale we used for these proposals is in order. The maximum fine for a minor offense is \$1,000 for optional appearance offenses (scheduled fines), and \$500 for mandatory court appearance offenses. AS 29.25.070(a); R. Minor Off. P. 2(d) and (e). There was previously some uncertainty on this point, so the proposed maximum fines throughout this ordinance are currently \$500, but this can be amended if desired. We have reserved that highest amount for serious offenses: those that pose a potentially serious risk to the health and safety of the Borough, its citizens, facilities or infrastructure. We also proposed that amount as the fine for the failure to obtain certain high value permits, such as commercial tour and alcoholic beverage licenses. (Fines may be assessed for every day a violation occurs if necessary.)

We proposed a \$250-300 fine for serious offenses that do not warrant the greatest possible fine. These violations include failing to obtain other permits (such as those in Chapters 5.08 and 18.40), various nuisances, and maintaining dangerous conditions or activities. The offenses may threaten the orderly functioning of the community, pose a risk to property or safety, or involve potential damage to Borough property or interests. Some of these offenses already had fines set in this amount.

We have proposed approximately \$100 fines for violations that are not necessarily or inherently dangerous, but which are more serious than the nominal offenses in the lesser category below. These include exceeding the scope of or violating conditions of a permit, tampering with property, failing to pay for certain services (such as harbor use), engaging in prohibited activities on public Borough land, and smoking (which was set by previous ordinance).

Finally, we propose nominal fines for bicycle and pedestrian offenses. Some of these were established by earlier Code. These offenses likely require only a modest fine, not one that is particularly punitive. Note that all vehicle traffic citation fine amounts are established by state law under the new system proposed here.

Additionally, we propose to eliminate “graduated fines.” These are fines that increase for subsequent violations after the first conviction. The new court rules require a court appearance for all offenses with graduated fines because a judge must confirm the number of previous violations to impose the required fine. This simply is not efficient for violations of, for example, the leash law or dog license violations. A Haines police officer should not be required to go to court to testify for every subsequent dog license violation (nor, arguably, should a citizen who does not contest the charge). Yet that is required in order to enforce graduated fines. In our opinion, the slightly increased fines for subsequent violations does not provide enough additional deterrence over a fixed fine to justify this use of police officers’ time. We have therefore proposed setting a uniform fine for all violations (at an amount equal to the fine for the second violation under the old system).



Agenda Bill No.: 15-589
 Assembly Meeting Date: 8/25/15

Business Item Description:	Attachments:
Subject: Amend Code to Allow Cooling Water Discharge into the Sewer System w/Borough Approval	1. Ordinance 15-08-418 2. Memo from the Interim Director of Public Facilities
Originator: Interim Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 8/3/15	

Full Title/Motion:
 The assembly already scheduled the second hearing for 9/8/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.

Administrative Recommendation:
 The Borough Manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	N/A

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives: Objective 3F, Page 108	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

Summary Statement:

There is a need to update code to allow on a case-by-case basis cooling water discharge into the borough's waste water system. One example is the local distillery whose process involves a certain amount of cooling water discharge.

Objective 3F of the Comprehensive Plan: Strengthen entrepreneurial activity and businesses. Provide entrepreneurs with the resources that will enable them to develop and expand their businesses

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 8/11, 8/25/15	Public Hearing Date(s): 8/25, 9/8/15
	Postponed to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 13, Section 13.08.260 to allow the discharge of cooling water into the municipal sewer system with specific approval from a designated borough official.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 13.08.260. Haines Borough Code is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.260 Prohibited connections.

It shall be unlawful and a violation of this chapter for any customer or other person to connect or cause to be connected to the sanitary sewer system any inflow source. The term "inflow source" is defined as any source of water from such sources as, but not limited to, roof gutters, cellar, yard, and area drains, foundation drains, cooling water discharges **(unless specifically approved by a designated borough official)**, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, and street wash waters or drainage, but does not include water entering the sanitary sewer system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. All new sewers and connections from wastewater sources to the sewer system shall be designed and constructed in accordance with such guidelines as the Administrator of the U.S. Environmental Protection Agency or the Alaska Department of Environmental Conservation, as applicable, shall publish from time to time.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 08/11/15
Date of First Public Hearing: 08/25/15
Date of Second Public Hearing: 09/08/15



Memo

Public Facilities

Date: August 25, 2015
To: Mayor and Borough Assembly
Cc: Borough Manager
From: Brian Lemcke, Interim Director of Public Facilities
Re: Ordinance 15-08-418

The Haines Borough code sometimes needs to be updated to address changing requirements of local citizens and business'. For example the brewing and distillery operations and their needs were never anticipated when certain areas of the code were written. This minor ordinance change is an attempt to address one of these instances and to maybe accommodate future similar needs.

The cooling water section of the ordinance applies to large hot water discharges to the borough waste water system from things like big power generation plants and not small breweries, distilleries and other similar enterprises. It is my view that the best way to handle this is to look at each individual case as described in the ordinance change language.



MANAGER'S REPORT

DATE: August, 25 2015
 TO: Mayor and Borough Assembly
 FROM: David B. Sosa, Borough Manager

BOROUGH ADMINISTRATION MISSION

Under the guidance and direction of the Borough Assembly, the mission of the Haines Borough Administration is to deliver critical and desired services; to protect the safety and well-being of the community; and to create conditions for a vibrant, sustainable economy that enhances and safeguards quality of life

Manager's Comments:

Noise Study: The Final DRAFT of the Noise study was posted on the Borough website on Monday 17 August. I am coordinating with Mead & Hunt to schedule a presentation to the Assembly and the public for late September.

Police Study: The Police Management Audit was posted on the Borough website on 14 August. On 17 August the Borough Manager updated the Public Safety Commission on some of the elements contained within the report and the PSC scheduled an additional meeting to determine the qualifications the Borough seeks in a permanent police chief. A number of the items within the report are being addressed and will be commented on later in this Manager's Report.

Facilities & Public Works Director Hire: A hiring committee met and conducted interviews with four applicants. The committee will now determine whether to recommend one candidate, narrow the field, or restart the search.

Community Non-profit Funding Applications: A revised application packet was prepared and posted to the Borough website. A submission deadline of 5pm, 24 August was set with a plan for the item to be before the Assembly on 22 September.

Update to the Multi-Hazard Mitigation Plan: The State Department of Emergency Management has completed their review of the Borough's update to the Multi-Hazard Mitigation Plan. Staff members are updating the plan based on the guidance from the State and will schedule a public process to obtain comments on the report.

Possible FY 16 Budget Amendment: As we move through the first quarter of FY 16 the staff will identify items that may require budget amendments. My goal for FY16 is to present these to the assembly on a quarterly basis.

Website Upgrade: Staff has been reviewing options to upgrade the Borough website with our consultant aHa (<http://www.ahaconsulting.com/>). Options for upgrade include incorporating a Responsive Design (Mobile Friendly), adding Mega Menus, advanced searching, improved e-mail notifications, link projects etc. to geo mapping (see this link for an example: <http://www.losaltosca.gov/projects>) . Anticipated cost of the re-design will be approximately \$7,000.

Road Maintenance: The Summer road maintenance plan has been completed. An updated road status map is being prepared and will be posted on the Borough web site when complete.

Major Maintenance Meeting: On Thursday 20 August a Major Maintenance Meeting was held at the school. This was the first such meeting with the new Superintendent. Among the items discussed were:

VocEd Building Upgrades: Will be approximately 1 week behind schedule but the Superintendent felt that there would be no impact to instruction. He also noted that the work crew has been very positive and proactive.

School Roof Repairs: will start soon and will last approximately 10 days. No impact to instruction.

Pellet Boiler Discussion: Reviewed options for the school and suggested a separate meeting between the Manager and the Superintendent to discuss details.

Facilities & Public Works: (See Attached Spreadsheet)

Finance:

Property Tax – First half property tax payments are due 9/1. \$2,807,359 in 2015 property tax bills were sent out in July. Of this amount, \$915,483 (33%) has been paid as of the date of this report.

Sales Tax – Per the procedure set out in HBC 3.80.120, the names of businesses delinquent in filing Haines Borough sales tax returns were published in the paper this week.

Supplemental Funding From ADEC – In the last week the Borough was notified that two drinking water infrastructure construction projects which were completed in recent years have become eligible for a loan subsidy. Both the Barnett Water Tank replacement project and the 4th, View, Lynnview AC pipe replacement project were partially funded with loans from the Alaska Department of Environmental Conservation. Recently the Borough received loan amendment documents which forgive \$142,428 of principal previously owed to ADEC for these projects.

Pool: The reel for the new pool blanket has been installed. The blanket will be loaded soon which will help keep the pool at temperature and save on heating costs.



Ports & Harbor:

Excursion Inlet Visit: The Harbormaster will be going to Excursion Inlet on the 25th Aug to inspect facilities and meet with individuals there to discuss potential projects.

Vessels in Distress: Harbor personnel responded to two vessels in distress on the 17th as weather deteriorated. Just outside the breakwater, one vessel had a small hydraulic/electrical fire in the stern. This caused the vessel to lose all steering capability. Gabe was able to respond by getting aboard the Carolyn, Dan Martin as Captain, and assisted with rafting the two vessels together. They were then able to bring the disabled vessel safely in the harbor.

At about the same time, I received a call from dispatch saying that a small sail boat had been seen dragging anchor and coming dangerously close to the rocky shore at Paradise Cove. Mark immediately went to the area to get the vessel name and assess the situation. We were then able to make contact with the owner in town and advise him of the problem. After the owner re-boarded his vessel, he found that he had trouble with his rudder and prop. We contacted additional vessels in the area to assist if needed and stayed on standby until the sail boat was safely moored at Letnikof Cove.

Police:

Hiring: Four individuals were interviewed in the past week.

Improvements to Discrepancies noted in the Russell Report: The Department is furthering efforts to implement improvements pursuant to the Russell Report:

- Evidence Room being organized and prescription medications turned in during previous DEA drug days destroyed.
- Jail improvements ongoing with one cell completed, the other two ready for install of new camera screens
- Storage room cleaning/purging ongoing along with staging of old documents for destruction, pending authorization

Other: School started without any traffic incidents. The PD deployed two unoccupied marked cars (along with one occupied patrol unit) in the school zones to remind drivers school started and to slow down. Only one morning traffic stop was necessary resulting in speed and license warnings. The warning lights for the Haines Hwy zone were programmed for the new school schedule and appear to be working correctly.

Clerk's Office:

Elections:

- Candidates - The candidate filing period has ended, and the 2015 Borough Election ballot will have three individuals vying for two assembly seats (Friedenauer, Gregg, and Lapp) and three people running for three school board seats (Chapell, Gross, and Wilson).
- Election Workers - The election workers have been determined, and the training is scheduled for September 17.
- Voting Locations - The polling location for the Haines #1 precinct will change this year. The American Bald Eagle Foundation is no longer able to provide the space, so the borough clerk is working closely with the Alaska Division of Elections to choose another location. It is tentatively going to be the Chilkat Center Lobby. As soon as the state completes its assessment of the location and a final decision is made, letters will go out to every registered voter in that precinct. Additionally, we will advertise the location change and provide extra signage on voting day, October 6. The polling location for the Haines #2 precinct will remain the Klehini Valley Fire Hall.
- Voting Absentee - Absentee voting information is available on the borough's website: www.hainesalaska.gov/administration/2015-borough-election-information.
- Voter Eligibility - To be eligible to vote in this Election, a person must be registered in the Haines Borough no later than September 6. It's not enough to just be registered to vote some place in Alaska. A person must be registered with the Division of Elections with a Haines Borough physical address. It's an easy change to make, but it must be done or the vote would be disqualified. The clerk would hate to see that happen! Forms are at the borough office or it can be done online through the Division of Elections: <http://www.hainesalaska.gov/administration/how-register-vote>.

Records: Various departments are working on lists of records ready for destruction per the borough's record retention schedule. The clerk will compile them into a single list to bring to the assembly for approval by resolution. That is expected to be ready for the second meeting in September.

A	B	C	D	E	F	G
Ongoing Public Works and Facilities Projects						
Item	Planning Lead	Scheduled Start Date	Scheduled Completion Date	Status	Remarks	Other
VocEd Building	Facilities	Last week of May	Final Completion Sep 18		Project is moving forward as planned but substantial completion will be delayed for 9 days due to critical sprinkler system parts that will not show up timely. The contractor has coordinated with HBSD and part of the building will be available for class on the first day of school.	Change orders to this date total \$81k, mostly for additions to the scope of work, some due to unanticipated conflicts. Class was able to be held on 8-19-15.
Allen Road	W/S	May 1 (delayed due to Dec-SEE REMARKS)	15-Aug		Project is essentially complete lacking only some close out paperwork and final payment. As built drawings have been submitted.	Change order being developed to cover cost of additional work and material added to improve subgrade in bad areas. Site was visited and documents were reviewed by EPA reps. CONSTRUCTION IS COMPLETE. NEED CLOSE OUT PROCESS, AS BUILTS, ETC. Final CO has been processed and as built drawings are being finished by CD
School Roof Project	Facilities	NET 7 June	NLT 18 Sept		Contract awarded to Silverbow Const. of Juneau. Start of project has been delayed until the end of August by the contractor.	Change order issued to have roof over the newer school inspected, some problem areas were identified and will be addressed in the CO. An completion extension may be required at some point. WILL START SEP 1 AND WILL LAST 10 DAYS
Sledding Hill	Facilities	In progress	1-Oct		Trees removes, stumps next (Whiterock)	Don't expect action until the fall on this one
Piedad Water Transmission Line Replacement	W/S	Project will be bid in the normal fashion, does not meet "emergency" criteria.	TBD		Design is essentially complete and DEC review is in progress	Engineer and others walked and climbed the site to determine best building location and pipe route. Property owned has agreed to sign a use agreement until final sale goes through. Property final sale is delayed to the platted lot size being smaller than allowed by borough code. Options being explored at this time.
Summer Road Maintenance	PW	Started	Through Oct		Road maintenance matrix currently being updated	Beach road and Soap Suds alley chip sealed. Additional D1 and grading taking place through out the townsite road system. COMPLETE FOR SUMMER. NEW MAP DUE BY 27 AUGUST
Picture Point	Tourism	In progress	Ongoing		Bathrooms installed and open as of July 1, 2015	Met with this committee July 6, 2015, agreement that phased project with trails first is the best way to proceed. RFP for trail, log parking barrier and grass seeding closes August 13, if an acceptable Proposal is presented work should begin by last week in August. RFP PLACED FOR GRASS PLANTING, LOG PARKING BARRIERS, 60-70 FOOT TRAIL TO BEACH ON SOUTH SIDE. SRI was the only proposer, work was awarded and will start
Waste Water Treatment Facility	W/S				\$1.7 mill DEC loan secure, plans approved by DEC and submitted for grant point review. Received high points so we await grant approval and award.	Working to coordinate with pellet grant folks and building designers to accommodate pellet heat with oil backup. Design continues with the hope of putting out to bid this fall. If the grant is not received fund will be a problem.
Public Safety Building/Jail Cells:	Facilities		Complete		Heating upgrades are complete, new jail toilets and other maintenance and upgrades are under way by borough staff.	Installing new toilets in two cells and ventilation system in crawspace. Working on better ventilation in the upstairs server room as directed by IT. PF office moved from temp. trailer into former space.
Small Boat Harbor Expansion	Harbormaster				95% documents presented and under review	
Letnikof Float repair	Harbormaster	NLT mid Jul	NLT Late July		Work completed with little complication	Work completed slightly ahead of schedule after minor alignment adjustment. CO for additional work totals approximately \$19k. Project still under estimated cost.
Excursion Inlet Bridge	EconDev					
School Renovation Completion Project						
Repeater Station					Kyle Sinclair and Assoc. Explored the repeater station issues and provide and assessment, several deficiencies were identified and corrected, the antenna was determined to be the major cause of trouble.	Receive a quote from APT to provide and install new cable and antenna. We are currently using APT's area wide antenna to provide communication to the upper valley. New equipment has been ordered and will be installed by APT as soon as it shows up.
Haines Senior Center, siding ,windows,doors	Facilities	TBD			JYL made site visit and followed up with a estimated budget for the entire job that is within the available funding. Moving forward with the bid process.	Bid ready documents to be delivered before September 15th. Should be out to bid shortly after that with construction to start mid OCT weather permitting. Substantial completion will be next June 1, 2016 in case we have a harsh early winter.
Mathias-Lutak sewer improvement project	W/S	August 17 start date	30-Aug		Clearing and grubbing under way this date, material is on site and pipe install to start on Aug. 17	
Roll on Roll off ramp at Lutak Dock	harbors	tbd			Air leak discovered at the RORD 7-9-2015, Temporary patch installed. Ramp is severely degraded, replacement	Discussion with Western Marine to make permanent repair under way.

June Statistics

Visits: 10,252

Monthly Circulation: 10,218

Internet Use: 1,908; Wi-Fi: 3,119

Library Programs: 70, Attendance: 919

Non-Library Programs: 3, Attendance: 31

Meeting Room Reservations: 31; Attendance: 176

July 15, 2015**Director's Report****Updates:**

- The ALA annual conference was a busy time. In addition to attending author events and sessions related to acquisitions, gaming, and the future of libraries, I was also able to attend, as Alaska Library Association President, the general Council sessions for ALA. Following my presentation for ALA's Rural, Native and Tribal Libraries association, we received 2 other invitations to present about our library, the partnership with CIA, and successful projects.
- The Summer Reading program continues on with high numbers. Currently, 185 youth are signed up for summer reading. In addition to prizes earned from the ever-popular treasure chest, \$545 has been raised for the chosen humanitarian special projects.
- 2,500 digitized topo maps of the Yukon and northern British Columbia have been added to our Reference Station. This was in response to requests from library patrons. Thanks to Erik for these updates. During this past year, the reference station has been used 174 times.
- The statewide OWL program had an excess of iPads and offered them to libraries. We've requested 4 iPads to use with our Enhancement grant project. In addition, OWL has excess funding for distance learning programs through videoconferencing, such as the Robot Garage program we held a year or so ago, which participating libraries are able to access.
- As a part of our current Enhancement grant project, we are creating a special area for Tlingit materials. Reba has pulled the pertinent materials from the Alaska and general collection and edited records. She is also doing original cataloging of our cultural program DVDs. The next phase will be actively building the collection.
- As you all know, The Rasmuson Foundation Board visit was a successful event. The Board members sent the library a thank you note, mentioning the warm welcome and reception they received. Jeff Baird sent a note saying Reba's presentation was "awesome!" Many thanks to Reba for her extra time and efforts.

Staff:

- Abbie Diggins' final day for the summer season will be July 24th. She will be returning to school soon in August. Abbie is the talented staff member who put together the information packets for the Rasmuson Foundation Board members.

Haines Borough Public Library

- I am looking into hiring Jolanta Ryan as an emergency hire for 90 days. Jolanta will assist with OWL programming and Enhancement grant program planning and reporting.

Special Events:

- On Friday, July 17, we will be participating in a webcast program from the National Museum of the American Indian in Washington, DC. This is a Living Earth Symposium entitled *On the Table: Creating a Healthy Food Future*. Webcast begins at 10am.
- Thursday, July 23, 7pm, Storyteller Tom Cosgrove will share his part of a 360 North televised 2-person show, entitled, *Coming Out: Actions & Reactions*.
- Cultural Event, Friday, July 24, 6pm and Saturday, July 25, 1pm. On Friday participants will learn about the harvest process for Devil's Club and acquire plants. Saturday the event continues at the library where participants will learn how to make ointment and juice.

Upcoming:

- Association of Tribal Libraries, Archives, and Museums conference in Washington DC, September 9-15, 2015
- Alaska Library Association Executive Council meeting in Anchorage, September 26-27, 2015

Other:

- Many thanks to those of you able to attend the Rasmuson Foundation Board event. The warm welcome they received came from all of you. Thanks!

Haines Borough Public Library Board
Approved Meeting Minutes
June 17, 2015
4:00 PM

9A

The mission of the Haines Borough Public Library is to be responsive to community needs by assembling, preserving and providing access to materials, information, and technology. Therefore, the Library will offer an environment conducive to providing programs, sharing information, and stimulating ideas. The library will be a community gathering place where all ages are welcome.

Call to Order - 4:05pm

present - Patty Brown, Tracy Wirak, Diana Lapham, Lorrie Dudzik, Anne Marie Palmieri, Dick Flegel, James Alborough

excused - Cecily Stern, Heather Lende, Stacey Gala has submitted a letter of resignation.

absent - JoAnn Ross Cunningham

Additions or Revisions to Agenda - none

Consent Agenda Items

The following items are consent items for final action to be taken on all by a single vote. Any item may be removed for separate consideration if necessary. Dick/Anne Marie moved/seconded to approve the agenda. Approved unanimously.

1. Approval of Agenda
2. Approval of Minutes 5/20/2015
3. Director's Report

Items for Discussion

- Room occupancy numbers and large events - The fire chief has reviewed the premises to determine the capacity for each area. We will add this information to our policy manual under Safety.
- Review of membership agreement of Joint Library catalog and MOU - We are ready to sign documents as soon as the board reviews them. Costs will be less than what we currently pay.
- Building plan review - We will request the finalized plan and cost estimate by July 20 in order to begin construction next summer.
- LEAP promo – James - Poster is ready to be mounted and displayed.
- Rasmuson Foundation Board visit - On June 29, 6-8pm there will be a meet and greet at Harriet Hall. The Rasmuson Board will visit the library on June 30 at 10:30am. James, Anne Marie and Dick will be present.

Other

- Radio
June 19 - N/A, June 26 - Dick,
July 3 - FOL, July 10 - Heather

Board Comments - Some discussion about who will take Stacey's place on the board.

Director's Comments – The Alaska State Library has asked Patty to lead a training for directors of small libraries, but she will be at another conference.

Adjournment - 4:50pm - James/Dick moved/seconded to adjourn. Approved unanimously.

Meeting Minutes **Approved**

Parks & Recreation Advisory Committee (PARC) meeting

12:00 noon, Friday July 17, 2015

Location: Library Conference Room

Attendance

PARC members: Burl, Tresham, Meredith, Rich,

Guests: DPOR Ranger, Travis Russell

Approval of Agenda

Motion to approve the agenda passed

Approval of Minutes from 5/27/2015

M/S: Sheldon/Pochardt

Motion to approve May 27 minutes.

Motion carries 4-0

New Business

Chilkat State Park trail building update from Ranger Travis Russell

Ranger Travis Russell introduced himself to the PARC. He is the new DPOR ranger. Russell noted that July 27 is a planned airlift to get gravel in to continue the work on Batery Pt. Trail improves. He noted that DPOR tech., Dallas Anderson is his "lead" w/ Haines DPOR. Gravel (10 tons) will be used to further the trail. Russell characterized the nature of the development as "one step below wheelchair access." He noted that "the last third" of the old BP trail will be "cut out", with the new lower/beach-front trail development being added to avoid the need for bridges and high flow/high erosion areas. Ranger Russell said that he would keep the PARC committee apprised of the Bat Pt. developments as they change.

Discussion on Public Use Cabins in the Haines Area and Funding

Abbreviations: Public Use Cabins (PUC), Chilkat State Park (CSP)

Ranger Russell described the potential for the CSP "Host Cabin" becoming managed as a PUC. Russell noted that there is a ventilation issue in the CSP host cabin log building, but that with repairs it could be made available as a PUC. Booking is on line and entry key would, in theory, be available through DPOR office in Haines. Pochardt expressed support about the possible change to the cabin designation and having this be avail. through the winter for ski-in access. Ranger Russell noted that window replacement was an immediate need which "might improve the ventilation (mold) problem."

Pochardt expressed her support for a back country “huts” or “cabins” (back county ski huts) and noted that the first priority, to her taste, is establishing a low elevation cabin in the Battery Pt trail area. Other areas that were suggested include Moose Meadows and Twin Coves, on the Seduction Pt. Trail. Ranger Russell posited that the total cost for fully constructed PUC, w/ logistics and construction included, might range around \$100,000. He described this price-tag as being “typical” for the 16X16 size. Sheldon discussed the prospect of there being a collaboration with Haines High School T&I for partial pre-fabrication or full construction. Maintenance and vandalism issues were discussed.

Lookout Park in Portage Cove Harbor Expansion

Purpose: Choosing a PARC member to serve on the new Joint Portage Cove Expansion aesthetics committee

Motion/Sec. – Chapell/ Pochardt

Motion to appoint Sheldon to the Joint Portage Cove Expansion Aesthetics Committee, being formed to address aesthetics in the SBH Expansion project.

Motion passes 3 to 1 with Gregg voting in opposition.

Application by George Figdor for PARC membership

A vote was held to approve George Figdor’s appointment as a PARC member
The application of George Figdor was unanimously approved and forwarded to the Assembly for consideration.

Pochardt departed meeting.

Downtown core park land discussion

Purpose -- Discuss a strategy for identifying park and recreation lands adjacent to the track, library, borough administration building, brewery, and hotel.

Item was not discussed and will be re-considered at the next meeting.

Old Business-- None

Public Comment --None

Next meeting – The next meeting scheduled for 5:00pm, Monday August 17th.

Adjournment – The meeting adjourned at 1:05pm



**Haines Borough
Planning Commission Meeting
July 9, 2015
MINUTES**

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Heather **Lende**, Brenda **Josephson**, Rob **Miller**, and Don **Turner III**. **Absent:** Robert **Venables**.

Staff Present: Jan **Hill**/Mayor, and Tracy **Cui**/Planning and Zoning Technician III

Also Present: Mike **Case** (Assembly liaison), Karen **Garcia** (CVN), Jessica **Edwards**, Sean **Copeland**, Ron **Jackson**, Kathryn **Friedle**, John **Brower**, Steve **Fossman**, Cindy **Jackson**, Tresham **Gregg**, and others.
3. **APPROVAL OF AGENDA**
Lende suggested adding “Harbor Expansion Project” in the agenda as 10D2.
Motion: **Heinmiller** moved to “approve the agenda as amended.” **Miller** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – May 14, 2015 and June 11, 2015 Regular Meeting Minutes
Motion: **Heinmiller** moved to “approve the May 14, 2015 and June 11, 2015 minutes as amended.” **Turner** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS**
6. **CHAIRMAN’S REPORT**
Goldberg said he attended the Picture Point Design Committee meeting. He briefed the current status of the project.
7. **STAFF REPORTS**
A. Planning & Zoning Staff Report
Cui reported monthly permits, enforcement orders, and updates on projects.
8. **PUBLIC HEARINGS**
A. Southeast Alaska State Fair – Recreational Climbing Tower Variance Proposal
Goldberg opened the public hearing at 6:50 p.m.
Goldberg closed the public hearing at 6:51 p.m.
Motion: **Lende** moved to “approve the Southeast Alaska State Fair recreational climbing tower height variance proposal.” **Miller** seconded it. The motion carried unanimously.
9. **UNFINISHED BUSINESS** – None
10. **NEW BUSINESS**

A. Historic District/Building Review

1. Sean Copeland – Exterior Stairs and Attic Office Space – 34 Blacksmith Street

Motion: Lende moved to “approve the proposed exterior stairs and attic office space.” Miller seconded it. The motion carried unanimously.

B. Haines Borough Code Amendments

1. Temporary Residence in HBC 18.60.020(H)

Cui said the proposed ordinance allows a temporary dwelling to be occupied during construction of a permanent residence. After reviewing the ordinance, staff believe that a temporary residence permit should also be considered for the purpose of providing temporary housing to individuals engaged in commercial projects.

The commission would like to see the actual language before the commission votes on it. **Cui** said she will work on revising the ordinance and bring it back to the commission at the next regular meeting.

2. On-Site Wastewater System

Goldberg said the existing code requires a developer to provide a DEC written approval of the on-site wastewater system design prior to permit approval. However, DEC acknowledged that installation of a conventional on-site wastewater system does not need a plan approval. The Borough code needs to be amended.

Cui said she attended a teleconference with several DEC staff. She was told that the state statute allows conventional on-site wastewater treatment systems to be installed without prior plan approval by DEC, if the system is installed by a certified installer or under the direction of a registered engineer. Unfortunately, there are no certified installers in Southeast Alaska.

Turner said that it seems like DEC staff interpret regulations a lot differently. DEC used to require every septic system in Southeast Alaska to be engineered. He said it may cause problems if we allow building permits to be issued without DEC’s approval.

Miller suggested the code be amended to allow approval with the submission of a wastewater treatment design from a licensed engineer or certified installer.

Goldberg said he will work with **Cui** to draft an ordinance.

C. Project Updates – None

D. Other New Business

1. Lowering Speed Limit on Mud Bay Road

Goldberg said this item is up for discussion at the request of Ann Marie Fossman. Mud Bay Road is a state-maintained road. The commission has no authority to reduce the speed limit on state-owned roads. DOT has not been very responsive to the Borough. However, he welcomed public comments.

Several citizens spoke in favor of this request. They hoped the commission would support this petition, and write a recommendation letter to the state.

Cindy Jackson disagreed about lowering the speed limit to 20 mph. She thinks 30 mph is a reasonable speed. She pointed out that speeding is an enforcement issue.

Goldberg suggested residents talk to DOT representative Matt Boron and the Police Chief.

Lende spoke in favor of lowering the speed limit. She said this is a real discussion of planning. As the sole planning body, the commission should weigh in on this request. She pointed out the petition area is zoned single residential, which is to provide for and protect areas for low density, individual home sites and quiet residential use.

Turner said Small Tracts Road has twice as many houses as Mud Bay Road does, and most of the houses are close to the road. He thinks it is not practical to push the traffic to a more congested area.

Miller said if the commission wants to deal with this issue, it should be dealt as a whole. Property owners that live on Small Tracts Road and Mud Bay Road in the petition area should be invited to comment. He pointed out that Mud Bay Road is signed as a preferred route.

Josephson said it sounds like an enforcement issue. She would not encourage the commission to write a recommendation letter to the state.

More discussion ensued.

Goldberg said he will schedule this topic on the next meeting's agenda. He will invite the Police Chief, DOT staff, and the Chairman of the Public Safety Committee. The public will also be invited to attend and comment at the meeting.

2. Harbor Expansion Project

Lende asked about the meeting scheduled on July 13.

Case said that meeting is not about the harbor expansion. It is intended to be an initial meeting to receive and discuss input on the aesthetic design elements of the waterfront.

Lende said she would like to request the Borough provide the public with copies of artistic renderings of the project.

11. **COMMISSION COMMENTS** - None

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

A. Regular Meeting—Thursday, August 13, 2015.

14. **ADJOURNMENT**— 8:20 p.m.

From: [Judy](#)
To: [Julie Cozzi](#)
Subject: Note to Public Safety Commission
Date: Monday, August 17, 2015 3:05:07 PM

Hi Julie, would you please send a copy of this note on to the Public Safety Commission before their meeting this evening and also place a copy in the Assembly's next packet under correspondence . Thank you !

To: Public Safety Commission/
Haines Borough

It has come to our attention that the rating for our Fire service area (# 3) Has been down graded to a 10 . This will greatly increase our fire insurance payments. The fire service to our property at 39.8 mile Haines Hwy. is problematic at best and almost non- existent when you factor in the distance and that it is provided by a totally volunteer Fire Department that is under staffed and under funded for training purposes. We feel this situation needs to be seriously addressed by your commission and the Haines Borough Assembly.

We thank you for your time and efforts on this issue.
Sincerely,

Rich & Judy Tolles
Haines Highway

From: [David Sosa](#)
To: [mark and mardell](#)
Cc: [Robert Venables](#); [Scott Bradford](#); [Sage and Holly Thomas](#); [Jim Stanford](#); [Robert Griffiths](#); [Julie Cozzi](#); [Jila Stuart](#); [Jan Hill](#)
Subject: RE: a letter sent to Public Safety Commission FYI
Date: Monday, August 17, 2015 8:13:44 AM

Thank you for reaching out. I was not aware of the reduced rating and will mention this to the Public Safety Commission. I have included the Chair of the Service Area Board and members of the department on this e-mail to ensure they are aware of your concern.

As you state, being so far up the highway brings with it issues of remoteness and limited access to services. This is one of the reasons the Charter and Code provide for the creation of service areas the purpose of which is to "provide services not provided on an area wide basis or to provide a higher level of service than that provided on an area wide basis." (HBC 7.04.010). In the case of the area up the Highway Fire Service Area No. 3 was created to provide fire protection and prevention. With the service area concept the members of the service area "tax" themselves to provide services. For Fire Service Area 3 in FY 16 this is .90 mils so in this case it is \$90.00 in tax for every 100K of value. For the area this translates to \$31,908 for FY 16.

As you point out, this amount is not always enough and in recognition of that the Assembly made sure to include the provision of additional monies in the Capital Improvement Fund to secure equipment for Fire Service Area 3. This is a departure from the past when these funds were provided by the Borough in the form of a loan that the Service Area needed to repay. For FY 16 this meant the inclusion of \$45,800 towards the purchase of equipment (Tanker and SCBA- details here: <http://www.hainesalaska.gov/finance/haines-borough-budget>). These contributions will continue in out years until sufficient money is available to purchase the desired equipment. I recognize that this does not address your immediate concern but it is a start. For more information on the details of the KVVFD Budget go to page 154 in the Haines Borough Budget (see link above)

With respect to levels of training I will need to speak with the Fire Chief and the Fire Board Chair. With volunteer departments there can be challenges getting enough volunteers and then having volunteers who are available for training given all of their other responsibilities. I will look into this and see what can be done to ensure training opportunities are available so that those who are able and willing to attend can attend.

Regards,

Dave Sosa

David B. Sosa
Borough Manager
Haines Borough, Alaska
www.hainesalaska.gov
dsosa@haines.ak.us

“Be a yardstick of quality. Some people aren't used to an environment where excellence is expected.”

Steve Jobs

From: mark and mardell [mailto:mardiz@aptalaska.net]
Sent: Monday, August 17, 2015 12:17 AM
To: David Sosa
Subject: a letter sent to Public Safety Commission FYI

Public Safety Commission
Haines Borough

As a resident at 38 ½ mile on the Haines highway we are dependent on the Kleheni Fire Department for fire protection. Recently our house insurance costs more than doubled. Upon calling my insurance company they told me that rating for our fire service provider has been reduced to a 10, the lowest rating possible. This happened 2 years ago, but it just came to our attention with the increased rates.

This information led me to make a few phone calls locally to find out if this problem can be fixed. It appears that the problems are numerous and complicated. From what I can determine, there are few volunteers and they are doing what they can with the level of training they have; training is sporadic or nonexistent so qualified firefighters are not supported and new volunteers do not become qualified; equipment and water resources are problematic. Small town personalities and politics play a part. This information and the ISO rating of 10, leads me to the conclusion that we do not have the local fire protection that we thought we had. Fortunately, there is an agreement that the Haines Fire department will come out the road but that allows approximately one hour for a fire to burn after a call from our location.

Is it time for the Borough to assist? I understand that this is a volunteer fire department. I also understand that I pay \$100 for each \$100,000 property value for this service. I think it is reasonable to expect a dependable service. What can we do about this? How can we get the rating back up and service restored? Your attention to this matter and a response will be appreciated.

Mardell Gunn
Mark Kistler
Haines Highway

cc: David Sosa Borough Manager
Fire District 3 Board of Directors



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 15-590

Assembly Meeting Date: 8/25/15

Business Item Description:	Attachments:
Subject: Admin-PSB Janitorial Services Contract	1. Resolution 15-08-638 2. Request for Proposals 3. Proposal received from Machineworks
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 8/17/15	

Full Title/Motion:
Motion: Adopt Resolution 15-08-638.

Administrative Recommendation:
The Borough Manager recommends adoption.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 16,910	\$ \$16,635	\$ None, see summary	Renewed contract subject to budget

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>In response to a request for proposals, the borough received a bid from Machineworks to continue to provide janitorial services for the Administration and Public Safety Buildings. The funding is budgeted annually, split between the administration, assembly, fire and ambulance....\$12,485, \$2,400, \$900, and \$850, respectively. The \$275 difference between the bid and the budget can be easily covered by budgeted professional & contractual funds.</p> <p>The Borough Manager recommends award of this contract. There are sufficient funds, and the work is necessary.</p>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 8/25/15	Public Hearing Date(s):
	Postponed to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a contract with Machineworks to provide 2015-2016 janitorial services for the Borough Administration Building and specified areas in the Public Safety Building for an amount not to exceed \$16,910.

WHEREAS, the Borough issued a Request for Proposals (RFP) from interested businesses or individuals to provide 2015-2016 janitorial services for the Borough Administration Building and specified areas in the Public Safety Building; and

WHEREAS, the scope of services includes the following:

- *Borough Administration Building* - cleaned twice each week from September 1, 2015 through August 31, 2016, and
- *Public Safety Building* – Assembly Chambers, entry-way, stairs, hallway and upstairs restrooms in the Public Safety Building cleaned once each week from September 1, 2015) through August 31, 2016.

WHEREAS, the Borough received one bid in response to the RFP, Machineworks, for \$18,960 that was revised to \$16,910; and

WHEREAS, Machineworks has provided the same scope of services for the Borough under a contract due to expire August 31, 2015 and for the current annual lump sum of \$16,910; and

WHEREAS, funding for the services are budgeted annually and are currently in the FY16 budget in an amount sufficient to cover the contract,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly:

Section 1: Authorizes the Borough Manager to enter into a contract with Machineworks to provide 2015-2016 janitorial services for the Borough Administration Building and specified areas in the Public Safety Building for an amount not to exceed \$16,910; and

Section 2: Recognizes this contract period shall expire on August 31, 2016 but may, subject to available funding and upon mutual agreement between the Borough Manager and the contractor, be renewed in one-year intervals for a total contract period of no more than three years.

Adopted by a duly-constituted quorum of the Haines Borough Assembly this ____ day of _____, 2015.

Janice Hill, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

Haines Borough
Request for Bids
Janitorial Services
Administration Building and
Portions of the Public Safety Building

The Haines Borough, Alaska is requesting sealed bids for a business or individual to provide year-round, janitorial services for the Borough Administration Building (twice-weekly) and portions of the Public Safety Building (once-weekly).

SCOPE OF SERVICES

• **Services Required:**

The Borough Administration Building, offices and restrooms as well as Assembly Chambers, entry-way, stairs, hallway and the upstairs restrooms in the Public Safety Building are to be vacuumed, dusted, sanitized and generally cleaned in the most appropriate method for the specific area or item. Bathroom fixtures and floors shall be thoroughly disinfected and paper towel and soap dispensers shall be filled regularly. All rugs and carpeted areas shall be vacuumed and any tile or vinyl areas shall be mopped during each cleaning. All trash is to be emptied and placed in designated areas at the Borough Administration Building or the Public Safety Building. Trash which has been separated for recycling shall be properly disposed of.

• **Minimum Frequency of Work Required:**

BOROUGH ADMINISTRATION BUILDING

The **Borough Administration Building** (including restrooms) shall be cleaned **TWICE EACH WEEK** from the date of the Notice to Proceed (September 1, 2015) **through August 31, 2016**. Cleaning will take place outside of normal office hours, as appropriately arranged with the Borough Clerk.

PUBLIC SAFETY BUILDING

The **Assembly Chambers, entry-way, stairs, hallway and upstairs restrooms in the Public Safety Building** shall be cleaned **ONCE EACH WEEK**, from the date of the Notice to Proceed (September 1, 2015) through August 31, 2016. Cleaning will take place outside of normal office hours, as appropriately arranged with the Borough Clerk.

• **Supplies and Equipment:**

The Haines Borough will provide all cleaning equipment and materials necessary for the performance of the services requested. The contractor is responsible for ordering routine cleaning supplies and is authorized to charge necessary supplies to the Borough's local charge accounts. Any supplies which are not available for local purchase must be ordered by the Contractor through the Borough's purchase order system. Purchase of any replacement equipment must be authorized by the Borough Clerk.

MINIMUM QUALIFICATIONS

- Current Haines Borough and State of Alaska business licenses prior to contract award.
- May NOT be an employee or officer of the Haines Borough (per HBC 2.62.030).
- Can demonstrate janitorial experience and expertise.
- Can comply with the following contract conditions.

CONTRACT CONDITIONS

- **INSURANCE**: The Borough requires that the Contractor carry public liability insurance insuring the Contractor and its assigns and the Borough against liability for bodily injury to any one person in an amount not less than \$300,000. Contractor shall also carry the State minimum-required workman's compensation insurance coverage if the contractor has employees. A certificate of insurance must be provided to the Borough showing all required coverage prior to the effective date of the contract.
- **INSURANCE NOT LIMITING CONTRACTOR'S LIABILITY**: The provisions of this contract requiring insurance shall not limit the liability of the Contractor or anyone acting on behalf of the Contractor.
- **INDEMNITY**: Contractor agrees to defend, indemnify and hold the Borough harmless from any and all claims, demands or liability for bodily injury or death of any person, or damage to property arising out of the Contractor's execution of the contractual duties of the Contractor, its agents, employees or assigns.
- **DAMAGE TO BUILDINGS OR EQUIPMENT**: Any problems, including building or equipment damage, caused by or discovered by the Contractor during the execution of the contractual duties of the Contractor should be reported as soon as possible.
- **COMPLIANCE WITH LAWS**: The Contractor and all persons acting on behalf of the Contractor shall comply with all applicable laws and regulations of Federal, State or Local government agencies with respect to the activities of the Contractor or anyone acting on behalf of the Contractor.
- **LIENS AND ASSESSMENTS**: The Contractor agrees that it will pay all employment security contributions required to be paid as a result of any services performed for the Borough regardless of whether they are performed by the Contractor or someone engaged by the Contractor. The Contractor shall not allow any lien to be placed against the Borough by reason of non-payment of such contributions or any other reason, and shall indemnify the Borough against any such lien.
- **EXPENSES AND ATTORNEY'S FEES UPON DEFAULT**: Contractor agrees to pay all actual costs, expenses and actual attorney's fees incurred by the Borough upon an Event of Default.
- **DEFAULT**: The Contractor shall be declared in default of the contract if the Contractor fails to adequately perform the contract services. If, in the opinion of the Borough, the Contractor's services do not adequately fulfill the intent of the contract (that is, to keep the premises in a clean and sanitary condition), the Borough Clerk shall notify the Contractor in writing of service deficiencies. If the Contractor fails to correct such deficiencies within ten days of receiving this written notice, or consistently fails to provide adequate services as documented in writing by the Borough, the contractor shall be in default of the contract and the Borough shall terminate the contract.
- **BILLING/PAYMENT**: Billings for services shall be submitted to the Borough monthly and will be processed for payment according to the accounts payable check processing schedule.

BID AND AWARD SCHEDULE

August 3, 2015 Publish Notice & Distribute Bid Packets

August 19, 2015 Bid Deadline and Opening

August 25, 2015 Contract Award by Borough Assembly

September 1, 2015 Notice to Proceed Date

The Borough Assembly will award the janitorial services contract based upon the amount of the bid, as long as the bidder has the qualifications and experience to perform the contract as specified in HBC 3.60.160. The Assembly may require the submittal of references and/or that the Contractor provides a performance bond on the services to be provided. The

Borough Assembly reserves the right to reject any and all bids and to negotiate with the low bidder.

Response to this request for bids should be delivered or mailed in a sealed envelope marked ***Admin/PSB Janitorial Services*** to:

Haines Borough
Attention: Borough Clerk
P.O. Box 1209
Haines, AK 99827

Responses will be accepted until 4:00 p.m. on Wednesday, August 19, 2015.

Receipt is made when delivered to the above address either in person or via mail. Postmark date does not constitute receipt. Faxed or emailed bids are not acceptable.

SELECTION PROCEDURE

The Borough Manager and the Borough Clerk shall review all bids. Based on qualifications, compliance with bid requirements, and the bid amount, a bidder will be recommended to the Borough Assembly for approval and contract award.

CONTRACT PERIOD

Following contract award, all parties shall negotiate and sign a contract, and the contractor will be given a Notice to Proceed. The contractor will be expected to meet with the Borough Clerk to establish a cleaning schedule and needed supplies/equipment. Thereafter, the contractor will provide the required services as noted in the Scope of Services section of this document. This contract period shall expire on August 31, 2016 but may, upon mutual agreement between the parties, be renewed in **one**-year intervals. This contract, including any renewals, may not exceed a total of **three** years.

CONTRACT TERMINATION

Either party may cancel the written contract by giving a minimum 30-day notice, in writing, to the other party.

From: [E.C. Lorentz](#)
To: [Julie Cozzi](#)
Subject: Janitorial contract re: Administration Building & portions of Public Safety Building.
Date: Friday, August 21, 2015 9:49:07 AM

Good morning Julie,

Per our telephone conversation this morning re: Janitorial contract bid, I talked with Faith. We decided to revise our bid, to the current amount of (\$16,910.00). In addition we are requesting a two week personal leave in the month of November 2015.

We are contemplating some monetary increase when this contract is due for renewal. My operating cost for vehicle, vehicle maintenance, fuel, insurance and other cost have been increasing.

Thank you for your time in this matter,

"Ike" E.C. Lorentz
Machineworks

**HAINES BOROUGH
Janitorial Services
Borough Administration Building and Portions of the Public Safety Building**

BID FORM

Bids for providing janitorial services for the Borough Administration Building and portions of the Public Safety Building must be submitted on this form.

Bid of Machineworks (hereinafter called Bidder), doing business as (underline one) a corporation, partnership or individual, to the Haines Borough (hereinafter called Owner).

Bidder hereby proposes to perform all work as directed by the Owner for janitorial services in accordance with the Owner's Request for Bids and Information for Bidders.

The Owner will award the contract to the responsive and qualified bidder who submits the lowest lump-sum bid. The Owner reserves the right to reject any and all bids, or to negotiate with the low bidder.

Bidder acknowledges receipt of the following Addendum(s):

Addendum No. _____ Initial: _____

BIDDER INFORMATION:

Company Name: Machineworks

Address: PO Box 1588 Phone: 766-3757 Email: clorentz@aptalaska.net

Alaska Business License No.: 738337 (attach copy)

Haines Borough Business License No: 9151 (attach copy)

The contractor hereby agrees to perform the required janitorial services at the Borough Administration Building and Portions of the Public Safety Building for the lump sum price of:

\$ 18,960-

LUMP SUM BID Eighteen thousand nine hundred
Written Amount sixty + 00/100's

Ervin C. Lorentz
Bidder's Signature

8.17.2015
Date

Ervin C. Lorentz
Printed Name



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 15-591Assembly Meeting Date: 8/25/15

Business Item Description:	Attachments:
Subject: Authorize Issuance of General Obligation Bonds Authorized by Voters in October 2014	1. Resolution 15-08-639 2. Form of Loan Agreement
Originator: K&L Gates LLP (Borough's Bond Counsel)	
Originating Department: Finance	
Date Submitted: August 20, 2015	

Full Title/Motion:

Motion: Adopt Resolution 15-08-639.

Administrative Recommendation:

The borough manager and finance director recommend adoption.

Fiscal Impact:

This project has qualified with the State of Alaska's Department of Education and Early Development for 70% debt reimbursement. Authorizing bond funding will allow the Borough to receive 70% reimbursement from the State of Alaska.

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Objective 18B: Foster and maintain Haines
School District excellence.Consistent: Yes No**Summary Statement:**

The attached resolution was drafted by K&L Gates LLP, the Borough's bond counsel, and reviewed by the finance director and the Alaska Municipal Bond Bank Authority. This resolution authorizes participation in the bond banks next bond sale to fund two school projects. On October 14, 2014 the Haines voters authorized the issuance of bonds to fund (1) the replacement of the high school air handling unit for an amount not to exceed \$412,367 and (2) mechanical system upgrades to the vocational education building not to exceed \$1,711,027. The total amount authorized by the voters is \$2,123,394. Because both projects will come in under budget no more than \$1,375,000 will be needed for both projects. Both projects have been approved for 70% debt reimbursement by the State of Alaska.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 8/25/15

Public Hearing Date(s):

Postponed to Date:

Haines Borough, Alaska
RESOLUTION NO. 15-08-639

A RESOLUTION of the Assembly of Haines Borough, Alaska, authorizing the issuance of a general obligation bond of the Borough in a principal amount not to exceed \$1,375,000 to finance a portion of the cost of capital improvements to Haines High School, as authorized by Ordinance No. 14-07-388 and ratified by the Borough's voters at an election held on October 7, 2014; authorizing tax levies to pay the principal thereof and interest thereon; and authorizing the sale of the bond to the Alaska Municipal Bond Bank on the terms and conditions provided in this resolution.

WHEREAS, at an election held in Haines Borough, Alaska (the "Borough"), on October 7, 2014, the number and proportion of qualified electors of the Borough as required by law for the adoption thereof voted in favor of two propositions authorizing the issuance of general obligation bonds of the Borough in a principal amount not to exceed \$2,123,394 to finance a portion of the cost of capital improvements to Haines High School (the "Project"), as authorized by Ordinance No. 14-07-388 of the Borough passed on August 26, 2014 (the "Election Ordinance"); and

WHEREAS, the Assembly wishes to authorize the issuance of not to exceed \$1,375,000 principal amount of the general obligation bonds authorized by the Election Ordinance and approved by the Borough's voters; and

WHEREAS, it is in the best interest of the Borough to sell the bonds to the Alaska Municipal Bond Bank (the "Bond Bank") on the terms and conditions set forth herein and in a loan agreement authorized by this resolution to be entered into by the Borough Manager;

NOW, THEREFORE, BE IT RESOLVED by the Assembly of Haines Borough, Alaska, as follows:

Section 1. Definitions. As used in this resolution, the following words have the following meanings, unless a different meaning clearly appears from the context:

"Assembly" means the Assembly of Haines Borough, the general legislative authority of the Borough, as the same shall be duly constituted from time to time, or any successor body.

"Bond" means the Haines Borough, Alaska, General Obligation Bond, 2015, in a principal amount not to exceed \$1,375,000, authorized to be issued and sold to the Bond Bank pursuant to this resolution.

"Bond Bank" means the Alaska Municipal Bond Bank, a public corporation and instrumentality of the State of Alaska, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended.

“Bond Bank Bonds” means bonds to be issued by the Bond Bank to provide funds to be loaned to the Borough pursuant to the Loan Agreement.

“Bond Fund” means the “Haines Borough General Obligation Bond Redemption Fund, 2015,” authorized to be created by Section 5 of this resolution.

“Bond Premium” means proceeds of the Bond representing an allocation of the original issue premium, if any, on the Bond Bank’s Bonds.

“Bond Register” means the registration books for the Bond maintained by the Registrar, for the purpose of complying with the requirements of Section 149 of the Code and listing, inter alia, the names and addresses of the Registered Owner of the Bond.

“Borough” means Haines Borough, a home rule municipal corporation duly organized and existing under the Constitution and laws of the State of Alaska and its Charter.

“Chief Fiscal Officer” means the Borough’s Chief Fiscal Officer (also known as the Finance Director) or the successor to the duties of that office.

“Code” means the federal Internal Revenue Code of 1986, as amended, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended with respect thereto by the United States Treasury Department or the Internal Revenue Service, to the extent applicable to the Bond.

“Election Ordinance” means Ordinance No. 14-07-388 of the Borough, adopted by the Assembly on August 26, 2014, and ratified by the Borough’s voters in an election held in the Borough on October 7, 2014.

“Government Obligations” means any bonds or other obligations that, as to principal and interest, constitute direct obligations of, or are unconditionally guaranteed by, the United States of America.

“Loan Agreement” means the Loan Agreement by and between the Borough and the Bond Bank authorized to be entered into pursuant to Section 12 of this resolution.

“Project Fund” means the “Haines High School Project Fund, 2015,” created pursuant to Section 11 of this resolution.

“Registrar” means the Chief Fiscal Officer, for the purposes of registering and authenticating the Bond, maintaining the Bond Register, and paying principal of and interest on the Bond.

“Registered Owner” means the person in whose name the Bond is registered on the Bond Register.

“Rule” means the SEC’s Rule 15c2-12 under the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Tax Certificate” means the certificate with respect to federal tax matters relating to the Bond authorized to be executed by the Chief Fiscal Officer pursuant to the provisions of Section 7 of this resolution.

Words of the masculine gender will be deemed and construed to include correlative words of the feminine and neuter genders. Words imparting the singular number include the plural numbers and vice versa unless the context otherwise indicates. Reference to sections and other subdivisions of this resolution are to the sections and other subdivisions of this resolution as originally adopted unless expressly stated to the contrary. The headings or titles of the sections hereof, and the table of contents appended hereto, are for convenience of reference only and do not define or limit the provisions hereof.

Section 2. Authorization of the Bond. The Borough shall now issue and sell not to exceed \$1,375,000 principal amount of the general obligation bonds authorized by the Election Ordinance and approved by the Borough’s voters at an election held on October 7, 2014, to finance a portion of the cost of capital improvements to the Haines High School as described in the Election Ordinance and to pay costs of issuance of the bonds, all as authorized by the Election Ordinance. The bonds shall be issued and sold to the Bond Bank as a single bond in a principal amount not to exceed \$1,375,000, designated as the “Haines Borough, Alaska, General Obligation Bond, 2015” (the “Bond”). The Bond shall be fully registered as to both principal and interest, shall be numbered separately in such manner as the Registrar determines, shall be dated as of the date to be established in accordance with Section 12 hereof, and shall mature on the date or dates, bear interest at the rate or rates, and be payable on the dates and in the principal amounts to be established in accordance with Section 12 hereof. Interest on the Bond shall be computed on the basis of a 360-day year consisting of twelve 30-day months.

Section 3. Registration, Payment and Transfer. The Chief Fiscal Officer will act as authenticating agent, transfer agent, paying agent and registrar for the Bond (collectively, the “Registrar”). Both principal of and interest on the Bond are payable in lawful money of the United States of America. Interest on the Bond will be paid by check or draft of the Registrar mailed (on the date such interest is due) to the Registered Owner or nominee at the addresses appearing on the Bond Register on the fifteenth day of the month preceding each interest payment date. Principal of the Bond is payable upon presentation and surrender of the Bond to the Registrar by the Registered Owner or nominee at the office of the Registrar in Haines, Alaska. Notwithstanding the foregoing, if the Bond is sold to the Bond Bank pursuant to the provisions of Section 12 of this resolution, and for so long as the Bond Bank is the owner of the Bond, payments of principal of and interest on the Bond will be made to the Bond Bank in accordance with the Loan Agreement.

The Bond may be transferred only on the Bond Register maintained by the Registrar for that purpose upon the surrender thereof by the Registered Owner or nominee or his or her duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bond of like principal amount, maturity and interest rate will be issued to the transferee in exchange therefor. Upon surrender thereof to the Registrar, the Bond is

interchangeable for a bond or bonds (in denominations of \$5,000 or any integral multiple thereof) of an equal aggregate principal amount and of the same interest rates and principal payment amounts as the Bond. Such transfer or exchange will be without cost to the Registered Owner or transferee.

The Borough may deem the person in whose name the Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on the Bond and for any and all other purposes whatsoever.

Section 4. Prepayment. Provisions for the optional prepayment of some or all principal installments of the Bond may be established pursuant to Section 12 and will be set forth in the Loan Agreement. Portions of the principal amount of the Bond, in increments of \$5,000 or any integral multiple of \$5,000, may be prepaid.

So long as the Bond Bank is the owner of the Bond, notice of prepayment will be given according to the terms of the Loan Agreement. If the Bond Bank is not the owner of the Bond, notice of prepayment thereof will be given not less than 20 nor more than 60 days prior to the date fixed for prepayment by first class mail, postage prepaid, to the Registered Owner of the Bond at the address appearing on the Bond Register. The requirements of this section will be deemed complied with when notice is mailed as herein provided, regardless of whether it is actually received by the owner of the Bond. Each official notice of prepayment will be dated and state: (i) the prepayment date, (ii) the prepayment price or prepayment premium, if any, payable upon prepayment; (iii) if less than all of an installment of principal is to be prepaid, the principal amount to be prepaid (which must be an integral multiple of \$5,000); (iv) that the interest on the Bond, or on the principal amount thereof to be prepaid, designated for prepayment in the notice, will cease to accrue from and after the prepayment date; and (v) that on that date there will become due and payable on the Bond the principal amount thereof to be prepaid and the interest accrued on that principal amount to the prepayment date.

Section 5. Bond Fund; Pledge of Taxes. A special fund of the Borough known as the "Haines Borough General Obligation Bond Redemption Fund, 2015" (the "Bond Fund"), is hereby authorized to be created in the office of the Chief Fiscal Officer. The Bond Fund may only be drawn upon for the purpose of paying principal of and interest on the Bond.

The Bond is a general obligation of the Borough. As authorized by the Election Ordinance, the Borough hereby irrevocably covenants that, unless the principal of and interest on the Bond are paid from other sources, it will make annual levies of property taxes without limitation as to rate or amount, and in amounts sufficient, together with other legally available funds, to pay such principal and interest as the same become due. The full faith, credit and resources of the Borough are hereby irrevocably pledged for the annual levy and collection of such property taxes and for the prompt payment of such principal and interest.

Section 6. Defeasance. If money and/or Government Obligations, maturing at such time or times and bearing interest to be earned thereon in amounts sufficient to redeem and retire the Bond or a portion thereof in accordance with its terms, are set aside in a special account to effect such prepayment and retirement, and such money and the principal of and interest on such

obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on the Bond or portion thereof so provided for, and the Bond or portion thereof will cease to be entitled to any lien, benefit or security of this resolution except the right to receive the money so set aside and pledged, and the Bond or portion thereof will be deemed not to be outstanding hereunder.

Section 7. Tax Covenants.

(a) General. The Borough covenants not to take any action, or knowingly to omit to take any action within its control, that if taken or omitted would cause the interest on the Bond to be includable in gross income, as defined in section 61 of the Code, for federal income tax purposes.

(b) Tax Certificate. Upon the issuance of the Bond, the Chief Fiscal Officer is authorized to execute a federal tax certificate (the "Tax Certificate"), which will certify to various facts and representations concerning the Bond, based on the facts and estimates known or reasonably expected on the date of their issuance, and make certain covenants with respect to the Bond as may be necessary or desirable to obtain or maintain the benefits conferred under the Code relating to tax-exempt bonds.

The Borough covenants that it will comply with the Tax Certificate unless it receives advice from nationally recognized bond counsel or the Internal Revenue Service that certain provisions have been amended or no longer apply to the Bond.

Section 8. Lost or Destroyed Bond. If a Bond is lost, stolen or destroyed, the Registrar may authenticate and deliver a new Bond of like amount, date, and tenor to the Registered Owner upon such owner's paying the expenses and charges of the Borough in connection with preparation and authentication of the replacement Bond and upon his or her filing with the Registrar evidence satisfactory to the Registrar that the Bond was actually lost, stolen or destroyed and of his or her ownership, and upon furnishing the Borough with indemnity satisfactory to the Registrar.

This bond is a general obligation bond of the Borough, as authorized by Ordinance No. 14-07-388 of the Borough, which was approved by the voters of the Borough, and issued pursuant to Resolution No. 15-08-639, adopted by the Borough Assembly on August 25, 2015 (the "Bond Resolution"), to finance capital improvements to the Haines High School. Capitalized terms used in this bond and not otherwise defined herein have the meanings given those terms in the Bond Resolution.

Principal installments of this bond are subject to prepayment as provided in the Loan Agreement.

The Borough hereby irrevocably covenants that, unless the principal of and interest on this bond are paid from other sources, it will make annual levies of property taxes without limitation as to rate or amount, and in amounts sufficient, together with other legally available funds, to pay such principal and interest as the same becomes due. The full faith, credit and resources of the Borough are hereby irrevocably pledged for the annual levy and collection of such property taxes and for the prompt payment of such principal and interest.

The pledge of tax levies for payment of principal of and interest on this bond may be discharged prior to maturity of the bond by making provision for the payment thereof on the terms and conditions set forth in the Bond Resolution.

This bond will not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication hereon has been manually signed by the Registrar.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Alaska and the charter, ordinances, and resolutions of the Borough, that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed, and that this bond does not exceed any Constitutional or statutory limitations.

IN WITNESS WHEREOF, Haines Borough, Alaska, has caused this bond to be signed on behalf of the Borough with the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Borough Clerk, and the seal of the Borough to be imprinted or impressed hereon, as of this ___ day of _____, 2015.

HAINES BOROUGH, ALASKA

By _____ /s/ _____
Mayor

[SEAL]

ATTEST:

/s/
Borough Clerk

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This is the Haines Borough, Alaska, General Obligation Bond, 2015, dated _____, 2015, as described in the Bond Resolution.

Chief Fiscal Officer, Haines Borough,
Alaska, as Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER OF TRANSFEREE

[Empty rectangular box]

(Please print or typewrite name and address, including zip code of Transferee)

the within bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ of _____, or its successor, as agent to transfer said bond on the books kept by the Registrar for registration thereof, with full power of substitution in the premises.

DATED: _____, _____.

SIGNATURE GUARANTEED:

NOTE: The signature of this Assignment must correspond with the name of the Registered Owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Section 10. Execution of the Bond. The Bond will be signed on behalf of the Borough by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Borough Clerk, and the seal of the Borough will be impressed or imprinted thereon.

Only a Bond that bears thereon a Certificate of Authentication in the form set forth in Section 9 hereof, manually executed by the Registrar, will be valid or obligatory for any purpose or entitled to the benefits of this resolution. The executed Certificate of Authentication will be conclusive evidence that the Bond so authenticated has been duly executed, authenticated, registered, and delivered hereunder and is entitled to the benefits of this resolution.

If any officer who has signed or attested the Bond ceases to be an officer of the Borough authorized to sign bonds before the Bond bearing his or her signature is authenticated or delivered by the Registrar or issued by the Borough, that Bond nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, will be as binding on the Borough as though that person had continued to be an officer of the Borough authorized to sign bonds. The Bond also may be signed on behalf of the Borough by any person who, on the actual date of signing of the Bond, is an officer of the Borough authorized to sign bonds, although he or she did not hold the required office on the date of issuance of the Bond.

Section 11. Application of Bond Proceeds. A special fund of the Borough known as the "Haines High School Project Fund, 2015" (the "Project Fund") is hereby authorized to be created in the office of the Chief Fiscal Officer. At the time of delivery of the Bond, the proceeds of the sale of the Bond will be deposited as follows:

(a) The accrued interest, if any, to the date of delivery will be deposited in the Bond Fund and used to pay a portion of interest on the Bond on the first interest payment date; and

(b) The remaining Bond proceeds will be deposited in the Project Fund and used to pay costs of the Project and costs of issuance of the Bond, as authorized by the Election Ordinance; provided, however, that any Bond Premium exceeding the costs of issuing the Bond must be deposited in the Bond Fund.

Money remaining in the Project Fund after all such costs have been paid or reimbursed will be deposited in the Bond Fund. Money in the Project Fund may be invested as permitted by law. All interest earned and profits derived from such investments will be retained in and become a part of the Project Fund.

Section 12. Sale of the Bond. The Chief Fiscal Officer and Borough Manager are authorized to complete the sale of the Bond to the Bond Bank on terms and conditions consistent with this resolution and a loan agreement in substantially the form set forth on Exhibit A attached to this resolution (the “Loan Agreement”). Following the sale of the Bond Bank Bonds, such terms and conditions, including the final principal amount, date, principal installment payment schedule, interest rates and prepayment provisions for the Bond, all as provided for in this resolution, will be set forth in the Loan Agreement, subject to the Borough Manager’s approval, which approval will be conclusively evidenced by his signing and delivering the Loan Agreement to the Bond Bank.

Section 13. Ongoing Disclosure. The Borough acknowledges that, under Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Borough may now or in the future be an “obligated person” with respect to the Bond Bank Bonds. In accordance with the Rule and as the Bond Bank may require, the Borough will undertake to provide certain annual financial information and operating data as set forth in the Loan Agreement.

Section 14. General Authorization; Prior Acts. The Mayor, Borough Manager, Chief Fiscal Officer and Borough Clerk and any other appropriate officers of the Borough are each hereby authorized and directed to take such steps, to do such other acts and things, and to execute such letters, certificates, agreements, papers, financing statements, assignments or instruments as in their judgment may be necessary, appropriate or desirable to carry out the terms and provisions of, and complete the transactions contemplated by, this resolution. All acts taken pursuant to the authority of this resolution but prior to its effective date are hereby ratified and confirmed.

Section 15. Severability. If any covenant or agreement provided in this resolution to be performed on the part of the Borough is declared by any court of competent jurisdiction to be contrary to law, then that covenant or agreements will be null and void and deemed separable from the remaining covenants and agreements of this resolution and shall in no way affect the validity of the other provisions of this resolution or of the Bond.

Section 16. Effective Date. This resolution will be in full force and effect immediately upon its adoption by the Assembly.

APPROVED AND ADOPTED by the Assembly of Haines Borough, Alaska, at a regular meeting thereof, held on August 25, 2015.

HAINES BOROUGH, ALASKA

By _____
Mayor

ATTEST:

Borough Clerk

**FORM OF
LOAN AGREEMENT**

THIS LOAN AGREEMENT, dated as of the ___ day of _____ 20___, between the Alaska Municipal Bond Bank (the "Bank"), a body corporate and politic constituted as an instrumentality of the State of Alaska (the "State") exercising public and essential governmental functions, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended (the "Act"), having its principal place of business at Juneau, Alaska, and the [City] [Borough], Alaska, a duly constituted _____ [City] [Borough] of the State (the "[City] [Borough]"):

WITNESSETH:

WHEREAS, pursuant to the Act, the Bank is authorized to make loans of money (the "Loan" or "Loans") to governmental units; and

WHEREAS, the [City] [Borough] is a Governmental Unit as defined in the General Bond Resolution of the Bank hereinafter mentioned and pursuant to the Act is authorized to accept a Loan from the Bank to be evidenced by its municipal bonds; and

WHEREAS, the [City] [Borough] desires to borrow money from the Bank in the amount not to exceed \$_____ and has submitted an application to the Bank for a Loan in the amount not to exceed \$_____, and the [City] [Borough] has duly authorized the issuance of its fully registered bond in the aggregate principal amount of \$_____ (the "Municipal Bond"), which bond is to be purchased by the Bank as evidence of the Loan in accordance with this Loan Agreement; and

WHEREAS, the application of the [City] [Borough] contains the information requested by the Bank; and

WHEREAS, to provide for the issuance of bonds of the Bank in order to obtain from time to time money with which to make Loans, the Bank has adopted the General Obligation Bond Resolution on July 13, 2005, as amended (the "General Bond Resolution") and Series Resolution No. 20__-__, approved on _____, 20___ (together with the General Bond Resolution, the "Bond Resolution"), authorizing the making of such Loan to the [City] [Borough] and the purchase of the Municipal Bond; and

WHEREAS, the Board of the Bank approved certain modifications to the General Bond Resolution, effective on the date when all bonds issued under the terms of the General Bond Resolution, prior to February 19, 2013, cease to be outstanding.

NOW, THEREFORE, the parties agree:

1. The Bank hereby makes the Loan and the [City] [Borough] accepts the Loan in the aggregate principal amount of \$ _____. As evidence of the Loan made to the [City] [Borough] and such money borrowed from the Bank by the [City] [Borough], the [City] [Borough] hereby sells to the Bank the Municipal Bond in the principal amount, with the principal installment payments, and bearing interest from its date at the rate or rates per annum, stated in Exhibit A appended hereto.

2. The [City] [Borough] represents that it has duly adopted or will adopt all necessary ordinances or resolutions, including [Ordinance] [Resolution] No. _____, adopted on _____, 20__ (the "[City] [Borough] [Ordinance] [Resolution]"), and has taken or will take all proceedings required by law to enable it to enter into this Loan Agreement and issue its Municipal Bond to the Bank and that the Municipal Bond will constitute [a general obligation bond, secured by the full faith and credit] [a revenue bond, a special and limited obligation] of the [City] [Borough], all duly authorized by the [City] [Borough] [Ordinance] [Resolution].

3. Subject to any applicable legal limitations, the amounts to be paid by the [City] [Borough] pursuant to this Loan Agreement representing interest due on its Municipal Bond (the "Municipal Bond Interest Payments") shall be computed at the same rate or rates of interest borne by the corresponding maturities of the bonds sold by the Bank in order to obtain the money with which to make the Loan and to purchase the Municipal Bond (the "Loan Obligations") and shall be paid by the [City] [Borough] at least seven (7) business days before the interest payment date so as to provide funds sufficient to pay interest as the same becomes due on the Loan Obligations.

4. The amounts to be paid by the [City] [Borough] pursuant to this Loan Agreement representing principal due on its Municipal Bond (the "Municipal Bond Principal Payments"), shall be paid at least seven (7) business days before the payment date stated in the Municipal Bond so as to provide funds sufficient to pay the principal of the Loan Obligations as the same matures based upon the maturity schedule stated in Exhibit A appended hereto.

5. In the event the amounts referred to in Sections 3 and 4 hereof to be paid by the [City] [Borough] pursuant to this Loan Agreement are not made available at any time specified herein, the [City] [Borough] agrees that any money payable to it by any department or agency of the State may be withheld from it and paid over directly to the Trustee acting under the General Bond Resolution, and this Loan Agreement shall be full warrant, authority and direction to make such payment upon notice to such department or agency by the Bank, with a copy provided to the [City] [Borough], as provided in the Act.

6. In the event Loan Obligations have been refunded and the interest rates the Bank is required to pay on its refunding bonds in any year are less than the interest rates payable by the [City] [Borough] on the Municipal Bond for the corresponding year pursuant to the terms of the Municipal Bond, then both the Municipal Bond Interest Payments and the Municipal Bond Principal Payments will be adjusted in such a manner that (i) the interest rate paid by the [City] [Borough] on any principal installment of the Municipal Bond is equal to the interest rate paid by the Bank on the corresponding principal installment of the Bank's refunding bonds and (ii) on a present value basis the sum of the adjusted Municipal Bond Interest Payments and Municipal Bond Principal Payments is equal to or less than the sum of the Municipal Bond Interest Payments and Municipal Bond Principal Payments due over the remaining term of the Municipal Bond as previously established under this Loan Agreement. In the event of such a refunding of Loan Obligations, the Bank shall present to the [City] [Borough] for the [City's] [Borough's] approval, a revised schedule of principal installment amounts and interest rates for the Municipal Bond. If approved by the [City] [Borough] the revised schedule shall be attached hereto as Exhibit A and incorporated herein in replacement of the previous Exhibit A detailing said principal installment amounts and interest rates.

7. The [City] [Borough] is obligated to pay to the Bank Fees and Charges. Such Fees and Charges actually collected from the [City] [Borough] shall be in an amount sufficient, together with the [City's] [Borough's] Allocable Proportion (as defined below) of other money available therefor under the provisions of the Bond Resolution, and other money available therefor, including any specific grants made by the United States of America or any agency or instrumentality thereof or by the State or any agency or instrumentality thereof and amounts applied therefor from amounts transferred to the Operating Fund pursuant to Section 606 of the General Bond Resolution:

(a) to pay, as the same become due, the [City's] [Borough's] Allocable Proportion of the Administrative Expenses of the Bank; and

(b) to pay, as the same become due, the [City's] [Borough's] Allocable Proportion of the fees and expenses of the Trustee and paying agent for the Loan Obligations.

The [City's] [Borough's] Allocable Proportion as used herein shall mean the proportionate amount of the total requirement in respect to which the term is used determined by the ratio that the principal amount of the Municipal Bond outstanding bears to the total of all Loans then outstanding to all Governmental Units under the

General Bond Resolution, as certified by the Bank. The waiver by the Bank of any fees payable pursuant to this Section 7 shall not constitute a subsequent waiver thereof.

8. The [City] [Borough] is obligated to make the Municipal Bond Principal Payments scheduled by the Bank. The first such Municipal Bond Principal Payment is due at least seven (7) business days prior to the date indicated on Exhibit A appended hereto, and thereafter on the anniversary thereof each year. The [City] [Borough] is obligated to make the Municipal Bond Interest Payments scheduled by the Bank on a semi-annual basis commencing seven (7) business days prior to the date indicated on Exhibit A appended hereto, and to pay any Fees and Charges imposed by the Bank within 30 days of receiving the invoice of the Bank therefor.

9. The Bank shall not sell and the [City] [Borough] shall not redeem prior to maturity any portion of the Municipal Bond in an amount greater than the Loan Obligations which are then outstanding and which are then redeemable, and in the event of any such sale or redemption, the same shall be in an amount not less than the aggregate of (i) the principal amount of the Municipal Bond (or portion thereof) to be redeemed, (ii) the interest to accrue on the Municipal Bond (or portion thereof) to be redeemed to the next redemption date thereof not previously paid, (iii) the applicable premium, if any, payable on the Municipal Bond (or portion thereof) to be redeemed, and (iv) the cost and expenses of the Bank in effecting the redemption of the Municipal Bond (or portion thereof) to be redeemed. The [City] [Borough] shall give the Bank at least 50 days' notice of intention to redeem its Municipal Bond.

In the event the Loan Obligations with respect to which the sale or redemption prior to maturity of such Municipal Bond is being made have been refunded and the refunding bonds of the Bank issued for the purpose of refunding such Loan Obligations were issued in a principal amount in excess of or less than the principal amount of the Municipal Bond remaining unpaid at the date of issuance of such refunding bonds, the amount which the [City] [Borough] shall be obligated to pay or the Bank shall receive under item (i) above shall be the principal amount of such refunding bonds outstanding.

In the event the Loan Obligations have been refunded and the interest the Bank is required to pay on the refunding bonds is less than the interest the Bank was required to pay on the Loan Obligations, the amount which the [City] [Borough] shall be obligated to pay or the Bank shall receive under item (ii) above shall be the amount of interest to accrue on such refunding bonds outstanding.

In the event the Loan Obligations have been refunded, the amount which the [City] [Borough] shall be obligated to pay or the Bank shall receive under item (iii) above, when the refunded Loan Obligations are to be redeemed, shall be the applicable premium, if any, on the Loan Obligations to be redeemed.

Nothing in this Section shall be construed as preventing the [City] [Borough] from refunding the Municipal Bond in exchange for a new Municipal Bond in conjunction with a refunding of the Loan Obligations.

10. Simultaneously with the delivery of the Municipal Bond to the Bank, the [City] [Borough] shall furnish to the Bank evidence satisfactory to the Bank which shall set forth, among other things, that the Municipal Bond will constitute a valid and binding [general obligation] [special and limited obligation] of the [City] [Borough], secured by the [full faith and credit] [revenue of the _____] of the [City] [Borough].

11. Invoices for payments under this Loan Agreement shall be addressed to the [City] [Borough], Attention: _____, _____, _____, Alaska 99____. The [City] [Borough] shall give the Bank and the corporate trust office of the Trustee under the General Bond Resolution at least 30 days' written notice of any change in such address.

12. [The [City] [Borough] hereby agrees that it shall fully fund, at the time of loan funding, its debt service reserve fund (in an amount equal to \$_____) which secures payment of principal and interest on its Municipal Bond, that such fund shall be held in the name of the [City] [Borough] with the Trustee, and that the yield on amounts held in such fund shall be restricted to a yield not in excess of _____ percent. **(Applies to revenue bonds only.)**

13. [Rate covenant language – if applicable.]

14. The [City] [Borough] hereby agrees to keep and retain, until the date six years after the retirement of the Municipal Bond, or any bond issued to refund the Municipal Bond, or such longer period as may be required by the [City's] [Borough's] record retention policies and procedures, records with respect to the investment, expenditure and use of the proceeds derived from the sale of its Municipal Bond, including without limitation, records, schedules, bills, invoices, check registers, cancelled checks and supporting documentation evidencing use of proceeds, and investments and/or reinvestments of proceeds. The [City] [Borough] agrees that all records required by the preceding sentence shall be made available to the Bond Bank upon request.

15. Prior to payment of the amount of the Loan or any portion thereof, and the delivery of the Municipal Bond to the Bank or its designee, the Bank shall have the right to cancel all or any part of its obligations hereunder if:

(a) Any representation, warranty or other statement made by the [City] [Borough] to the Bank in connection with its application to the Bank for a Loan shall be incorrect or incomplete in any material respect.

(b) The [City] [Borough] has violated commitments made by it in the terms of this Loan Agreement.

(c) The financial position of the [City] [Borough] has, in the opinion of the Bank, suffered a materially adverse change between the date of this Loan Agreement and the scheduled time of delivery of the Municipal Bond to the Bank.

16. The obligation of the Bank under this Loan Agreement is contingent upon delivery of its General Obligation Bonds, 20__ Series _____ and receipt of the proceeds thereof.

17. The [City] [Borough] agrees that it will provide the Bank with written notice of any default in covenants under the [City] [Borough] [Ordinance] [Resolution] within thirty (30) days from the date thereof.

18. The [City] [Borough] agrees that it shall file its annual financial statement with the Municipal Securities Rulemaking Board not later than two hundred ten (210) days after the end of each fiscal year of the [City] [Borough] for the term of the Municipal Bond. The [City] [Borough] further agrees that filings under this Section 16 shall be made in connection with CUSIP Nos. 01179P, 011798 and 01179R. Additional or alternate CUSIP number(s) may be added from time to time by written notice from the Bank to the [City] [Borough]. The [City] [Borough] agrees that if it shall receive from the Bank CUSIP number(s) in addition to those set forth in this Section then it shall make its filings using both CUSIP numbers herein stated and any additional CUSIP number(s).

19. The [City] [Borough] agrees that it shall not take, or omit to take, any action lawful and within its power to take, which action or omission would cause interest on the Municipal Bond to become subject to federal income taxes in addition to federal income taxes to which interest on such Municipal Bond is subject on the date of original issuance thereof.

The [City] [Borough] shall not permit any of the proceeds of the Municipal Bond, or any facilities financed with such proceeds, to be used in any manner that would cause the Municipal Bond to constitute a "private activity bond" within the meaning of Section 141 of the Code.

The [City] [Borough] shall make no use or investment of the proceeds of the Municipal Bond which will cause the Municipal Bond to be an "arbitrage bond" under

Section 148 of the Code. So long as the Municipal Bond is outstanding, the [City] [Borough], shall comply with all requirements of said Section 148 and all regulations of the United States Department of Treasury issued thereunder, to the extent that such requirements are, at the time, applicable and in effect. The [City] [Borough] shall indemnify and hold harmless the Bank from any obligation of the [City] [Borough] to make rebate payments to the United States under said Section 148 arising from the [City's] [Borough's] use or investment of the proceeds of the Municipal Bond.

20. Upon request of the Bank, the [City] [Borough] agrees that if its bonds constitute ten percent (10%) or more of the outstanding principal of municipal bonds held by the Bank under its General Bond Resolution, it shall execute a continuing disclosure agreement prepared by the Bank for purposes of Securities and Exchange Commission Rule 15c2-12, adopted under the Securities and Exchange Act of 1934.

21. The [City] [Borough] agrees that if its bonds constitute ten percent (10%) or more of the outstanding principal of municipal bonds held by the Bank under its General Bond Resolution it shall provide the Bank for inclusion in future official statements, upon request, financial information generally of the type included in Appendix D, under the heading "Summaries of Borrowers Representing 10% or More of Outstanding Principal of Bonds Issued Under the 2005 General Bond Resolution," to the Official Statement and attached hereto as Exhibit B.

22. If any provision of this Loan Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Loan Agreement and this Loan Agreement shall be construed and enforced as if such invalid or unenforceable provision had not been contained herein.

23. This Loan Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. Each party agrees that it will execute any and all documents or other instruments, and take such other actions as are necessary, to give effect to the terms of this Loan Agreement.

24. No waiver by either party of any term or condition of this Loan Agreement shall be deemed or construed as a waiver of any other term or condition hereof, nor shall a waiver of any breach of this Loan Agreement be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase or other provision of this Loan Agreement.

25. In this Loan Agreement, unless otherwise defined herein, all capitalized terms which are defined in Article I of the General Bond Resolution shall have the same

meanings, respectively, as such terms are given in Article I of the General Bond Resolution.

26. This Loan Agreement merges and supersedes all prior negotiations, representations and agreements between the parties hereto relating to the subject matter hereof and constitutes the entire agreement between the parties hereto in respect thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Loan Agreement the day and year first above written.

ALASKA MUNICIPAL BOND BANK

By: _____
DEVEN J. MITCHELL
Executive Director

[CITY] [BOROUGH] OF _____,
ALASKA

By: _____

Its: _____

EXHIBIT A

\$ _____
[City] [Borough], Alaska
[General Obligation] [Revenue] Bond, 20__[_]
("Municipal Bond")

<u>Due</u>	<u>Principal</u>	<u>Interest</u>
<u>_____ 1</u>	<u>Amount</u>	<u>Rate</u>

Principal installments shall be payable on _____ 1 in each of the years, and in the amounts set forth above. Interest on the Municipal Bond shall be payable on _____ 1, 20__, and thereafter on _____ 1 and _____ 1 of each year.

Prepayment Provisions: The Municipal Bond principal installments are not subject to prepayment prior to maturity.

Optional Prepayment: The Municipal Bond principal installments due on or after _____ 1, 20__ are subject to prepayment in whole or in part at the option of the [City] [Borough] on any date on or after _____ 1, 20__, at a price of 100% of the principal amount thereof to be prepaid, plus accrued interest to the date of prepayment.

EXHIBIT B

DRAFT



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 15-591

Assembly Meeting Date: 8/25/15

Business Item Description:	Attachments:
Subject: Request for Community Purpose Exemption for Level Two of Soboleff-McRae Veteran's Village	1. Resolution 15-08-640 2. Assessor Recommendation 3. HAL Application for CPE status
Originator: Assessor	
Originating Department: Lands/Assessment	
Date Submitted: 8/17/15	

Full Title/Motion:
Motion: Adopt Resolution 15-08-640.

Administrative Recommendation:
The Assessor recommends adoption.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$	Loss of Partial Prop Tax Revenue

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>A complete application was received from Haines Assisted Living, Inc. (HAL) requesting a Community Purpose Exemption for the eleven Level Two apartments of the Soboleff-McRae Veterans Village located on the corner of 3rd Avenue and Dalton Street. The assessor evaluated the request and recommends the assembly grant a partial exemption based on his review, specifically that the six apartments housing tenants with one or more of the recognized characteristics (low income, 50% disability, or long term illness) be granted community exemption status, and the remaining five apartments be considered non-exempt, taxable real property.</p> <p>Borough Code requires assembly action on a request for community purpose exemptions.</p>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 8/25/15	Public Hearing Date(s):
	Postponed to Date:

A Resolution of the Haines Borough Assembly approving in response to an application from Haines Assisted Living, Inc., as recommended by the borough assessor, a partial community purpose exemption for the Level Two apartments of the Soboleff-McRae Veterans Village.

WHEREAS, Haines Borough Code 3.70.040(D) provides for a Community Purpose Exemption for real property owned by an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided the organization applies and meets the code and policy community purpose standards and requirements, and receives assembly approval; and

WHEREAS, a complete application was received from Haines Assisted Living, Inc. (HAL) requesting a Community Purpose Exemption for the eleven Level Two apartments of the Soboleff-McRae Veterans Village located on the corner of 3rd Avenue and Dalton Street; and

WHEREAS, the borough assessor evaluated the request and recommends the borough assembly grant a partial exemption based on his review, specifically that the six apartments housing tenants with one or more of the recognized characteristics (low income, 50% disability, or long term illness) be granted community exemption status, and the remaining five apartments be considered non-exempt, taxable real property; and

WHEREAS, HBC 3.70.040(D)(2) allows that a property may be apportioned into community-purpose and non-community-purpose areas in order to calculate a partial exemption, if appropriate, because only that portion of the property that is actually used exclusively for the purpose of providing a benefit to the community is eligible for the exemption; and

WHEREAS, HBC 3.70.040(D)(5)(c) requires the assessor to forward community purpose exemption applications to the assembly along with a recommendation for approval or denial,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly approves in response to an application from Haines Assisted Living, Inc., as recommended by the borough assessor, a partial community purpose exemption for the Level Two apartments of the Soboleff-McRae Veterans Village.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2015.

Janice Hill, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

Haines Borough Lands Department
P.O. Box 1209
Haines, Alaska 99827
Phone (907) 766-2231 (ext. 33)
Fax (907) 766-2716



Memorandum

To: Haines Borough Assembly Members
CC: Dave Sosa, Borough Manager

From: Dean Olsen
Assessor 

Re: Soboleff-McRae Veterans Village (SMVV), Community Purpose Tax Exemption (HBC 3.70.040)

Date: 8/18/2015

This memo explains the Assessor's recommendation of the Community Purpose Tax Exemption application received from Haines Assisted Living, Inc. (HAL), for level two (the SMVV Apartments), of the Soboleff-McRae Veterans Village located on the corner of 3rd Avenue and Dalton Street. (1)

Vince Hansen submitted a completed application along with all requested documentation for Haines Assisted Living, Inc. The documentation provided with the application, and the available information online at <http://www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Select-Check> demonstrates that HAL is a recognized non-profit in good standing.

Upon review of the application I noticed an explanation of tenant's status on page 2 that supports a Community Purpose Exemption. I requested further details of the tenant's status and Mr. Hansen completed a chart to provide a visual of the tenant's status per apartment. (See page 2 for tenant chart).

Based on the completed application, additional documentation, and information provided by Mr. Hansen I recommend the Community Purpose Tax Exemption be granted to Haines Assisted Living as an apportionment of the six (6) apartments housing seniors with one or more of the recognized characteristics: (a) low income, (b) 50% disability, or (c) long term illness, and the remaining five (5) apartments being non-exempt, taxable real property. (2)

(1) Note that level one of the SMVV is already exempt from real property tax as a required exemption under HBC 3.70.030 (A) (3), and AS 29.45.030 (C) (3).

(2) **Local exemptions and exclusions: HBC 3.70.040 D.** (2) A property may be apportioned into community-purpose and non-community-purpose areas in order to calculate a partial exemption if appropriate. Only that portion of the property that is actually used exclusively for the purpose of providing a benefit to the community is eligible for the exemption.

Soboleff-McRae Veteran Village Apartments

Apartment Number	Low income (HUD)	Additional \$200/Sub	Over 65	50% disability	Long-term illness
1	√	√	√		√
2			√		
3			√		
4	√	√		√	√
5			√		
6			√		√
7	√	√	√		
8			√		
9	√	√		√	√
10			√		√
11			√		

Haines Assisted Living, Inc.

P.O. Box 916 Haines, Alaska 99827
Ph: (907) 766-3616 Fax: (907) 766-3617
halincn@aptalaska.net

July 10, 2015

Dean Olsen, Assessor
Haines Borough
Box 1209
Haines, AK 99827

RECEIVED Haines Borough

JUL 13 2015
Clerk's Office

Dear Dean,

As required under the new Community Purpose Tax Exemption ordinance, Haines Assisted Living is submitting the required application and documentation for the Soboleff-McRae Veterans Village Apartments property tax exemption for calendar year 2015.

The Soboleff-McRae Veterans Village (SMVV) Apartments were built to provide affordable housing to veterans. Lower than market rate rents are offered to veterans, and four of the eleven apartments are specifically designated for low-income households. Although SMVV does not specify eligibility criteria for the remaining seven apartments, all of the veteran tenants are either disabled, elderly or dealing with long-term illnesses. The development is meeting the mission of the board to serve those in need, and also assisting the community at the same time.

As you are aware, 100% of this portion of the parcel is for those renting apartments. The rental income received for the apartments was \$35,288. The amount of the expenses for the apartments, after deducting the amount for depreciation, is \$63,278.

Please let me know if you need additional information. Thanks for your assistance.

Sincerely,



Vince Hansen, Community Manager
Haines Assisted Living, Inc.

APPLICATION FOR LOCAL EXEMPTIONS & EXCLUSIONS



**Haines Borough
Office of the Assessor**
103 Third Avenue S.
P.O. Box 1209
Haines, AK 99827
907-766-2231

RECEIVED Haines Borough

JUL 13 2015
Clerk's Office

This form is to be used to apply for a community purpose exemption of real property assessments. Community Purpose Exemptions are regulated by HBC 3.70.040 Local exemptions & exclusions and the current assembly-adopted administrative policy. The applicant has the burden of proof to show the property is eligible for exemption from property tax. The Assessor may require additional information, to be provided in a timely manner. **POSTMARK DEADLINE is March 31, of the applicable year.**

Return applications to: Haines Borough Administration Building, 103 Third Ave S., or FAX to 907.766.2716. Telephone assistance is available at 907.766.2231 (Ext. 33).

Applicant Contact Information:

Name Vince Hansen Phone # 766-3616
Address Box 916 Email halincn@aptalaska.net

Assessment/Tax Year 2015
Parcel # C-TNS-08-0500

Organization Name HAINES ASSISTED LIVING - SOBOLEF-MCRAE VETERANS VILLAGE APARTMENTS

Property Description: (type of property, building size, lot size, etc.)

Upper Level of the Sobolef-McRae Veterans Village - 11 apartments & common area
10,000 Square feet.

Non-profit Community Purpose Exemption

(HBC 3.70.040 Local exemptions and exclusions)

Initial **yes** or **no** to answer the following:

1. Is the organization organized as a not-for-profit profit entity? Yes No
2. Does the organization have a current IRS 501(c)(3) or 501(c)(4) exemption ruling? Yes No
3. Is this property used exclusively (100%) for the exemption sought? Yes No If no explain:

4. Is any portion of the building or lot used for other purposes? Yes No If yes explain:

5. Was any of this property used for rental purposes last year or previous year? YES NO (If yes, please provide the total amount received and all expenses associated with the rental cost.)
Total rent collected: 35,288. Expenses: 120,916.
Explain: Currently subsidized by other HAL operations.

Continued >>

APPLICATION FOR LOCAL EXEMPTIONS & EXCLUSIONS

6. Is there a Membership Fee or fee to use or enter the property? YES _____ NO If yes explain:

7. Was property utilized as long-term residential housing? YES NO _____ If yes, was property used for at least one of the following:

YES NO _____ Providing affordable rental housing for low income residents
 YES NO _____ Providing affordable rental housing with access to care for Senior Citizens (age 65 and older)
 YES NO _____ Providing affordable rental housing with access to care for US military Veterans with a service related disability of 50% or higher as determined by the Veteran's Administration
 YES NO _____ Providing affordable rental housing with access to care for members of the community with a long term illness, injury, or disability

8. Describe the nature and uses of this property as it is related to the exemption requested (non-profit function), and explain how the use of this property is eligible for the exemption sought with relation to HBC 3.70.040(D)(1) [Attach additional information, as needed.]

*4 of the 11 units are occupied & reserved for low-income tenants in accordance with HUD low income guidelines. These 4 receive an additional \$200/mo. subsidy.
 10 of the 11 units are occupied by tenants over the age of 65 years.
 2 of the 11 units are occupied by tenants with a 50% service disability. (Not verified.)
 6 of the 11 units are occupied by tenants with a long term illness, injury or disability.*

Applying for an exemption of real property assessments under HBC 3.70.040, Local exemptions and exclusions, does not guarantee tax exempt status, but is granted case by case upon review of each application. If approved the exemption is valid for a period of three (3) years and claimants must submit annual validation statements to the assessor no later than March 31st of each year the exemption remains valid. VH (Applicants initials)

I hereby certify that the information provided is true and correct to the best of my knowledge.

Principal/Agent: Vincent Hansen Title: Executive Director/Community Manager
 Signature: Vincent Hansen Date: 7/10/2015

Attention: All information required on page 3 of this application must be included when applying before exempt status is considered.

APPLICATION FOR LOCAL EXEMPTIONS & EXCLUSIONS

HBC 3.70.040 Local exemptions and exclusions:

D. Community purpose exemption. The borough exempts from taxation the real property of an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided that income derived from rental of that property does not exceed the actual cost to the owner of the use by the renter.

A request for exemption from the property taxes must be received by **March 31** of the applicable tax year. The property must be in use as of January 1 of the tax year in order to obtain an exemption for that year. Exemptions are not prorated and are granted based on two critical criteria: 1) not for profit ownership and, 2) exclusive use of the property for an exempt purpose. Typically vacant land is not exempt.

The property owner is responsible for proving that the property is used exclusively for an exempt purpose and qualifies for an exemption.

Documentation Requirements:

- A letter to the Assessor requesting exemption
 - Must provide a description of the use of the property and consistency with the requested exemption
 - Must describe any rental income received by the applicant organization including;
 - Any property, or portions of the property from which rentals of income are derived
 - Actual operating expenses, excluding debt service or depreciation
- Copy of By-Laws
- Copy of Articles of Incorporation
- Copy of IRS 501(c)(3) or 501(c)(4)
- Where property is leased by the organization to other entities, financial statements for the past tax year including income and expense reports, and description of any debt service or depreciation included in the financial statements for the property
- Documentation supporting/describing the activities of the organization. For example, brochures, pamphlets and web pages are acceptable forms of documentation.
- The municipal assessor or designee may request additional information prior to its determination, as reasonably necessary to determine the exempt status of a property in accordance with municipal code and regulations and state law.

DO NOT WRITE IN SHADED AREA

Assessor Approval * Yes No Signature Dean M. Olson Date 8-17-15

* See details in Memo

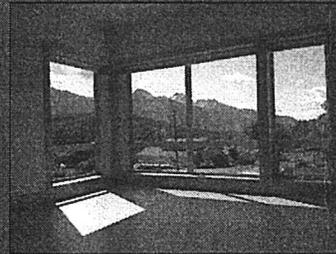


You're Invited to the Public Grand Opening Event for

THE SOBOLEFF-MCRAE

VETERANS VILLAGE

Please join us at the Soboleff-McRae Veterans Village on Dalton and Second in Haines for a celebration of this first-of-its-kind housing facility. The event is an open house for the community and a housewarming party for the new residents. Tours, treats and entertainment provided. Email info@HainesVeteransVillage.org for more information.



THURSDAY, SEPTEMBER 11, 1 - 3 PM

Veterans move into Soboleff home; open house Sept. 11

By Tom Morphet

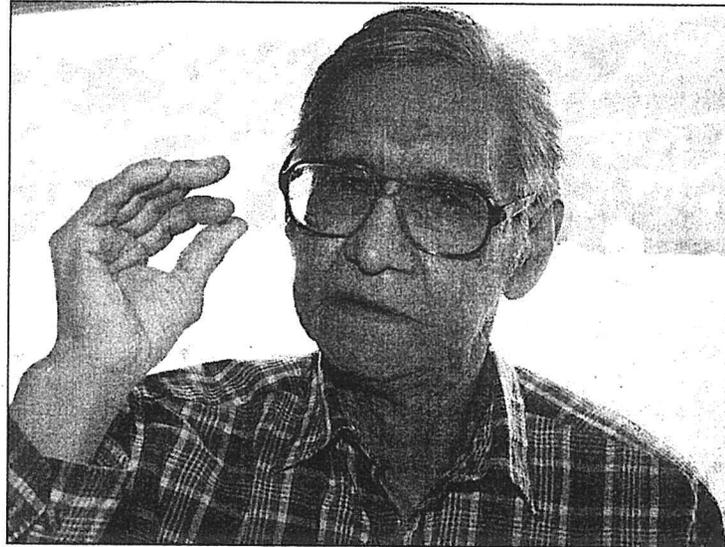
Tom Stevens can't hunt rabbits out his back door anymore and he needs a new hobby to fill the time he once spent bringing in firewood. But he's not complaining.

"I was thinking of taking up carving again," said Stevens, 63.

The lifelong Klukwan resident is one of about seven veterans who have moved into the Soboleff-McRae Veterans Village in recent weeks. Project staff expect the downtown building's 11 units to be occupied or reserved before an open house scheduled for Sept. 11.

Stevens said he likes the convenience of grocery stores nearby and appreciates living among fellow veterans. "Just talking to the guys (makes a difference). The years and the issues just fly away," he said, describing a veterans' reunion he attended.

Stevens said he's still "full of shrapnel" from a rocket-propelled grenade that struck a tank he was on during fighting for Vietnam's contested "Iron Triangle." He attends counseling sessions and must make trips to the Lower 48 for medical treatments. In February, a Seattle surgeon removed a pea-sized piece of shrapnel from his neck that kept



Vietnam veteran Tom Stevens has moved into the new veterans' building. Here he shows a piece of shrapnel removed from his neck in February.

him awake at night for years.

Without the veterans' building, Stevens said his plan was to live in Klukwan as long as he could. "I had a chance to go north to a home, but I didn't want to. I grew up in this valley. I know every crack in the sidewalk around here."

Jim Moran, 48, is a disabled veteran who spent 11 years in the Army. Moran said his \$600-per-month, one-bedroom apartment is a big step up from a trailer where

he paid rent of \$350 a month plus utilities. He'll no longer worry about his electric bill and chores that were tough on his injured back.

"All (I) have to do is lock the door... It's a huge step up for me. There's no way you can beat this building and its facilities for anywhere near that kind of rent," Moran said.

Moran, who has a local job coordinating veterans' programs,

said the building is a model for veterans' housing in Alaska. "I think we're going to run out of space. People have seen the facility and learned more about it. I think more people are interested in it."

Octogenarian Bob Lix, a retired Air Force colonel, and wife Sally said moving into their two-bedroom apartment will allow them to stay in Haines. They bought a house here six years ago and can no longer keep up with shoveling snow and mowing the lawn. The building's covered parking and extra storage areas also were pluses, Sally Lix said.

"We're both in our 80s, so we're looking to simplify our lives." She also pointed to features like self-closing drawers, a programmable thermostat and sliding doors that allow a second bedroom to be used as part of the apartment's living area. "Everything is done first rate. Nothing is flimsy."

Lani Hotch of Klukwan, whose brother Ralph Strong is living at the new building, said she's impressed.

"We have a small veteran's memorial in Klukwan, but this is a great way to honor the service of veterans," Hotch said.

There are seven, two-bedroom units (up to 860 square feet) and

four, one-bedroom units (610 square feet). Rents start at \$750 to \$1,050 per month.

Tara Bicknell, community relations coordinator for developer Haines Assisted Living, said considerations at the new building included choosing carpeting hard enough for wheelchairs to run atop and for feet to shuffle over, but soft enough to cushion falls.

The project subsidizes rents by about 25 percent. In addition, four units are set aside for rent reductions for tenants who qualify for federal, low-income housing.

Bicknell said there are 28 individuals on a waiting list for the apartments. Veterans go to the top of the waiting list, she said. A secondary preference is given to spouses of deceased veterans and active-duty members of the military.

About \$6.4 million has been spent on the building to date. The building's ground floor is expected to be completed in about a year, Bicknell said.

HAL still needs to raise about \$700,000 to pay for interior walls, sheetrock, plumbing fixtures and electrical extensions. Bicknell said HAL has memoranda of understanding with seven local offices looking to move into the planned Haines Wellness Center, including health care providers.

"They've been helping to design this so far," Bicknell said.

She provided paperwork from project manager Dan Austin that, based on operating costs, HAL buildings are 40 percent more energy-efficient than buildings of conventional construction.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAY 31 2007**

HAINES ASSISTED LIVING INC
PO BOX 916
HAINES, AK 99827

Employer Identification Number:
20-5805082
DLN:
17053339035006
Contact Person:
DONNA ELLIOT-MOORE ID# 50304
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
DECEMBER 31
Public Charity Status:
509(a) (2)
Form 990 Required:
YES
Effective Date of Exemption:
MARCH 29, 2006
Contribution Deductibility:
YES
Advance Ruling Ending Date:
DECEMBER 31, 2010

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c) (3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c) (3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c) (3) for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (DO/CG)

Alaska Entity #: 100135

State of Alaska
Department of Commerce, Community, and
Economic Development
Corporations, Business and Professional Licensing

CERTIFICATE
OF
INCORPORATION
Nonprofit Corporation

THE UNDERSIGNED, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that Articles of Incorporation duly signed and verified pursuant to the provisions of Alaska Statutes has been received in this office and have been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

Haines Assisted Living, Inc.

and attaches hereto the original copy of the Articles of Incorporation for such certificate.



IN TESTIMONY WHEREOF, I execute this certificate and affix the Great Seal of the State of Alaska on **March 29, 2006.**

A handwritten signature in black ink, appearing to read "William C. Noll".

William C. Noll
Commissioner

State of Alaska
Department of Commerce, Community and Economic Development
Corporations, Business and Professional Licensing

Certificate of Amended and Restated Articles

The undersigned, as Commissioner of Commerce, Community and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

Haines Assisted Living, Inc.



IN TESTIMONY WHEREOF, I execute the certificate
and affix the Great Seal of the State of Alaska
effective April 15, 2013.

A handwritten signature in black ink that reads "Susan K. Bell".

Susan K. Bell
Commissioner

ARTICLES OF INCORPORATION
Of
Haines Assisted Living, Inc.
A Nonprofit Corporation



Pursuant to the provision of the Nonprofit Corporation Act of Alaska (AS10.20), the undersigned natural persons, of the age of 18 years or more acting as incorporator(s) hereby adopt the following Articles of Incorporation:

ARTICLE 1

The name of this corporation is: Haines Assisted Living, Inc.

ARTICLE 2

The name and address of the registered agent and registered office of this corporation is: James M. Studley, PO Box 946, Haines, AK 99827, physical address is 527 Dalton, Haines, Alaska, 99827.

ARTICLE 3

The purposes for which this corporation is organized are: To maintain and operate a compassionate and affordable assisted living facility for seniors, and to conduct any other lawful business for non-profit corporations in the State of Alaska that benefit senior citizens of Haines, Alaska and their families.

This corporation is organized exclusively for the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

ARTICLE 4

The number of initial directors of this corporation shall be seven and the names and addresses of the initial directors are as follows:

James M. Studley, PO Box 946, Haines, Alaska, 99827
Beth MacCready, P. O. Box 407, Haines, Alaska 99827
Phillip Lende, P. O. Box 936, Haines, Alaska 99827
Marcia Scott, P. O. Box 138, Haines, Alaska, 99827
Dick Flegel, P. O. Box 70, Haines, Alaska, 99827
Lucy Harrell, PO Box 889, Haines, Alaska, 99827
Vincent Hansen, PO Box 1667, Haines, Alaska, 99827

ARTICLE 5

The names and addresses of the incorporators of this corporation are: James M. Studley, PO Box 946, Haines, AK 99827, Lucy Harrell, P. O. Box 889, Haines Alaska 99827, Vincent Hansen, PO Box 1667, Haines, Alaska, 99827

ARTICLE 6

The period of the duration of this corporation is perpetual.

ARTICLE 7

The classes, rights, privileges, qualifications, and obligations of members of this corporation are as follows: no members.

ARTICLE 8

Additional provisions:

Upon the dissolution of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporations shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or shall be distributed to the federal government, or to a state or local government, for a public purpose.

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation [except as otherwise provided by Section 501(h) of the Internal Revenue Code], and this corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of, or in opposition to, any candidate for public office.

No part of the net earnings of this corporation shall inure to the benefit of, or be distributed to, its members, directors, officers, or other private persons, except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these Articles.

Notwithstanding any other provision of these Articles, this corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or (2) by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue code.

The Directors shall not be personally liable for the debts, liabilities or other obligations of the Corporation.

The undersigned incorporators hereby declare under penalty of perjury that the statements made in the foregoing Articles of Incorporation are true.

Dated: March 27, 2006
James M. Studley

James M. Studley
PO Box 946
Haines, AK 99827

James M. Studley
Vincent Hansen

Vincent Hansen
PO Box 1667,
Haines, Alaska, 99827

Vincent Hansen

Dated: March 29, 2006
Lucy W Harrell

Lucy Harrell
P. O. Box 889
Haines, Alaska 99827

Lucy W Harrell

HAINES ASSISTED LIVING, INC.

Financial Statements

As of and For the Year Ended December 31, 2014

with Independent Auditor's Report

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Haines Assisted Living, Inc.
Haines, Alaska

Report on the Financial Statements

I have audited the accompanying financial statements of Haines Assisted Living, Inc. (a nonprofit organization), which comprise the statement of financial position as of December 31, 2014, the related statements of activities and changes in net assets, functional expenses and cash flows for the year then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that I plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of providing an opinion on the effectiveness of the entity's internal control. Accordingly, I express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Independent Auditor's Report

Page 2

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Haines Assisted Living, Inc. as of December 31, 2014, and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Other Matter – Supplementary Information

My audit was performed for the purpose of forming an opinion on the financial statements as a whole. The accompanying Supplementary Information Required by the State of Alaska, including the Schedule of State Financial Assistance as required by the *State of Alaska Audit Guide and Compliance Supplement for State Single Audits*, is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and certain additional procedures in accordance with auditing standards generally accepted in the United States of America. In my opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

Report on Other Legal and Regulatory Requirements – Government Auditing Standards

In accordance with *Government Auditing Standards*, I have also issued my report dated May 11, 2015 on my consideration of Haines Assisted Living, Inc.'s internal control over financial reporting and my tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of my testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Haines Assisted Living, Inc.'s internal control over financial reporting and compliance.

May 11, 2015



Kirkland, Washington

Haines Assisted Living, Inc.
Schedule of Program Activity
For the Year Ended December 31, 2014

	Program Services <u>Assisted Living</u>	Program Services <u>Vets Village</u>	Investment Expenses <u>309 Union Street</u>	<u>Total</u>
REVENUE AND SUPPORT				
Resident fees	\$ 383,000			\$ 383,000
Rental income	110,500	35,288		145,788
Management fees	2,921			2,921
Investment income	-	-	6,172	6,172
	<u>496,421</u>	<u>35,288</u>	<u>6,172</u>	<u>537,881</u>
EXPENSES				
Personnel costs				
Salaries	249,187			249,187
Payroll taxes	22,300			22,300
Employee benefits	33,020			33,020
	<u>304,507</u>			<u>304,507</u>
Food	25,887	1,518		27,405
Resident supplies and other expenses	6,601			6,601
Utilities	27,771	16,583		44,354
Insurance	8,527	14,794	605	23,926
Property taxes		5,401	994	6,395
Facility expenses	5,904	3,499	2,115	11,518
Professional services		11,318		11,318
Telephone and office expense		7,235		7,235
Advertising		1,344		1,344
Bad debt expense	2,913			2,913
Other expenses	1,200	1,586	20	2,806
Depreciation	90,877	57,688	-	148,565
	<u>474,187</u>	<u>120,966</u>	<u>3,734</u>	<u>598,887</u>
	<u>\$ 22,234</u>	<u>\$ (85,678)</u>	<u>\$ 2,438</u>	<u>\$ (61,006)</u>

The accompanying notes should be read with these financial statements.

Haines Assisted Living, Inc.
Statement of Financial Position
December 31, 2014

ASSETS

Current assets	
Cash	\$ 45,477
Accounts receivable	4,797
Grants receivable	99,900
Other receivable	4,822
Prepaid expenses	28,419
	183,415
Reserve accounts	
Replacement reserve	10,976
Replacement reserve - SMVV	1,650
Operating reserve	143,319
Operating costs - 309 Union Street	8,072
Security deposits	8,750
Endowment fund	2,501
	175,268
Fixed assets	
Land	1,094,913
Land improvements	232,166
Buildings and improvements	8,404,568
Furniture and equipment	84,102
	9,815,749
Accumulated depreciation	(580,779)
	9,234,970
Construction in process	1,628,785
Investments	
Equity securities - see Note 4	-
Property - 309 Union Street	62,154
Note receivable	145,272
	207,426
Total assets	\$ 11,429,864

The accompanying notes should be read with these financial statements.

Haines Assisted Living, Inc.
Statement of Financial Position - Continued
December 31, 2014

LIABILITIES AND NET ASSETS

Current liabilities	
Accounts payable	\$ 102,847
Accrued payroll and related liabilities	32,148
Deferred revenue	2,863
Security deposits	<u>8,750</u>
Total liabilities	<u>146,608</u>
 Net assets	
Unrestricted net assets	11,074,830
Temporarily restricted net assets	<u>208,426</u>
Total net assets	<u>11,283,256</u>
 Total liabilities and net assets	<u>\$ 11,429,864</u>

The accompanying notes should be read with these financial statements.

Haines Assisted Living, Inc.
Statement of Activities and Changes in Net Assets
For the Year Ended December 31, 2014

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Total</u>
REVENUE AND SUPPORT			
Resident fees	\$ 383,000		\$ 383,000
Rental income	145,788		145,788
Grant revenue	2,469,615		2,469,615
Contributions	26,378	\$ 65,026	91,404
Management fees	2,921		2,921
Investment income	6,172	-	6,172
Total revenue and support	<u>3,033,874</u>	<u>65,026</u>	<u>3,098,900</u>
Releases from restriction	<u>79,078</u>	<u>(79,078)</u>	<u>-</u>
 EXPENSES			
Program services	595,153		595,153
Management and general	100,364		100,364
Investment expenses	<u>3,734</u>		<u>3,734</u>
Total expenses	<u>699,251</u>		<u>699,251</u>
Change in net assets	2,413,701	(14,052)	2,399,649
Net assets, beginning of year	<u>8,661,129</u>	<u>222,478</u>	<u>8,883,607</u>
Net assets, end of year	<u>\$ 11,074,830</u>	<u>\$ 208,426</u>	<u>\$ 11,283,256</u>

The accompanying notes should be read with these financial statements.

Haines Assisted Living, Inc.
Statement of Functional Expenses
For the Year Ended December 31, 2014

	Program Services <u>Assisted Living</u>	Program Services <u>Vets Village</u>	Management and General <u>and General</u>	Investment Expenses <u>309 Union Street</u>	<u>Total</u>
Personnel costs					
Salaries	\$ 249,187	\$ -	\$ 48,000	\$ -	\$ 297,187
Payroll taxes	22,300		4,296		26,596
Employee benefits	<u>33,020</u>	-	-	-	<u>33,020</u>
	304,507	-	52,296	-	356,803
Food	25,887	1,518			27,405
Resident supplies and other expenses	6,601				6,601
Utilities	27,771	16,583	4,901		49,255
Insurance	8,527	14,794	1,504	605	25,430
Property taxes		5,401		994	6,395
Facility expenses	5,904	3,499	1,043	2,115	12,561
Professional services		11,318	16,427		27,745
Telephone and office expense		7,235	6,054		13,289
Advertising		1,344	2,102		3,446
Bad debt expense	2,913				2,913
Other expenses	1,200	1,586		20	2,806
Depreciation	<u>90,877</u>	<u>57,688</u>	<u>16,037</u>	-	<u>164,602</u>
	<u>\$ 474,187</u>	<u>\$ 120,966</u>	<u>\$ 100,364</u>	<u>\$ 3,734</u>	<u>\$ 699,251</u>

The accompanying notes should be read with these financial statements.

Haines Assisted Living, Inc.
Statement of Cash Flows
For the Year Ended December 31, 2014

CASH FLOWS FROM OPERATING ACTIVITIES

Change in net assets	\$ 2,399,649
Adjustments to reconcile change in net assets to net cash provided by operating activities	
Depreciation	164,602
Change in fair value of investments	2,495
Changes in assets and liabilities	
Accounts receivable	3,270
Grants receivable	335,079
Other receivable	(4,822)
Prepaid expenses	(7,245)
Endowment fund	(1,501)
Accounts payable	(968,285)
Accrued payroll and related liabilities	3,213
Deferred revenue	363
Net cash provided by operating activities	1,926,818

CASH FLOWS FROM INVESTING ACTIVITIES

Payment of construction in progress	(2,604,116)
Withdrawals from reserve accounts	60,969
Deposits into reserve accounts	(16,520)
Collections of note receivable	11,557
Net cash provided (used) by investing activities	(2,548,110)

CASH FLOWS FROM FINANCING ACTIVITIES

Contribution of construction costs	(23,661)
Net cash provided (used) by financing activities	(23,661)

Net change in cash (644,953)

Cash, beginning of year 690,430

Cash, end of year \$ 45,477

The accompanying notes should be read with these financial statements.

Haines Assisted Living, Inc.
Notes to the Financial Statements
As of and For the Year Ended December 31, 2014

NOTE 1 – ORGANIZATION

Haines Assisted Living, Inc. is a nonprofit Alaska corporation, organized to develop, build and manage affordable and supportive housing opportunities for special needs populations, including but not limited to seniors, veterans, and those who experience disabilities; and to foster affordable housing opportunities for those in need in the Haines Borough. Haines Assisted Living, Inc. accomplishes this through operating an assisted living facility for up to 10 individuals and through an affordable housing facility for veterans known as the Soboleff McRae Veterans Village (SMVV), which has 11 apartments, both located in Haines, Alaska.

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES

Basis of Presentation

The financial statements of Haines Assisted Living, Inc. have been prepared under the accounting principles generally accepted in the United States of America (the financial reporting framework).

Cash Equivalents

For the statement of cash flows, all unrestricted demand deposits are cash equivalents. Balances in cash accounts may, at times, exceed federally insured limits.

Allowance for Bad Debts

Generally accepted accounting principles in the United States require the use of an allowance method for recording bad debts. Accounts receivable, consisting of amounts due from tenants for rent and residential services, are considered delinquent when greater than thirty days past due. Management has reviewed accounts receivable and determined that all of accounts receivable is collectible.

Grant Receivables

Grants receivable consists of amounts earned under the terms of the grant agreement with State of Alaska but not yet received.

Other Receivable

Other receivable consists of an amount due resulting from the sale of a donated asset.

Replacement Reserve

AHFC requires \$3,150 to be deposited into an replacement reserve on an annual basis, until the balance reaches or exceeds \$15,750. Withdrawals from the replacement reserve are only for the purposes of repair and replacement of major structural components of the facility.

State of Alaska requires \$3,300 to be deposited into a replacement reserve on an annual basis. Withdrawals from the replacement reserve are only for purposes of repair and replacement of major structural components for the SMVV building.

Haines Assisted Living, Inc.
Notes to the Financial Statements
As of and For the Year Ended December 31, 2014

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES, continued

Operating Reserve

The Board of Directors has identified these funds to be set aside to be used for future operations.

Operating Costs – 309 Union Street

Management deposits all collections of the note receivable into a separate account to pay for costs associated with the property. See also Note 4 – Investments.

Endowment Fund

The endowment fund has been established to provide assistance to individuals in need of affordable housing and assisted care. Haines Assisted Living, Inc. invests its endowment funds in interest bearing, federally insured accounts. Management believes this is the best vehicle to comply with its investment objective of accepting only minimal risk. Amounts are spent from the endowment funds upon board approval for expenses meeting the purpose of the endowment.

The endowment fund consists of board-designated amounts and contributions from donors. At December 31, 2014, the endowment included the following types of net assets:

Unrestricted net assets	\$	1,500
Temporarily restricted net assets		1,000
Interest income		-
		-
	\$	2,500

A reconciliation of the endowment fund for the year ended December 31, 2014 is as follows:

Beginning balance	\$	1,000
Board designated amount		1,500
Interest income		-
		-
	\$	2,500

Fixed Assets

Fixed assets are recorded at cost. Improvements are capitalized while expenditures for maintenance and repairs are expensed as incurred. Depreciation is calculated using the straight-line method over the useful lives of the assets. The estimated useful lives may be different than their actual economic useful lives. Useful lives for land improvements are 15 years, buildings and improvements are 39 years, and furniture and equipment are 7 years.

Fixed assets are reviewed for impairment whenever events or changes in circumstances indicate that the carrying value of such property may not be recoverable. No impairment losses were recognized during the year ended December 31, 2014.

Haines Assisted Living, Inc.
Notes to the Financial Statements
As of and For the Year Ended December 31, 2014

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES, continued

Net Assets

Haines Assisted Living, Inc. reports information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets. Unrestricted net assets are net assets that are not subject to donor-imposed stipulations or restrictions. Temporarily restricted net assets are contributions that are received with donor restrictions and for which the restriction has not yet been met. Restrictions consist of either time-requirements or purpose requirements. There were no permanently restricted net assets at December 31, 2014.

Revenue Recognition – Revenue

Resident fees are recognized for services provided. Rental revenue is recognized as earned. Advance receipts of resident fees and rental revenue are classified as liabilities until earned.

Revenue Recognition – Support

Grants and contributions that are restricted by the donor as to time or purpose are reported as increases in temporarily restricted net assets or permanently restricted net assets, depending on the nature of the restriction. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions. Contributions of long-lived assets are recognized as temporarily restricted net assets with an implied time restriction. Contributions that are unrestricted are recorded as revenue when received. Contributions with donor-imposed restrictions are recorded as temporarily restricted revenue when received, and are released from restriction as the restriction is met.

Contributions at Fair Value

Haines Assisted Living, Inc. has received contributions of noncash assets which are carried at fair value. The framework for measuring fair value provides a hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The fair value hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1) and the lowest priority to unobservable inputs (level 3). The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques maximize the use of relevant observable inputs and minimize the use of unobservable inputs.

Level 3 inputs to the valuation methodology are unobservable inputs for the assets or liability to the extent that relevant observable inputs are not available, representing the company's own assumptions about the assumptions that a marked participant would use in valuing the asset or liability, and that would be based on the best information available. All of the Organization's contributed noncash assets at December 31, 2014 were valued using level 3 inputs.

Haines Assisted Living, Inc.
Notes to the Financial Statements
As of and For the Year Ended December 31, 2014

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES, continued

Advertising

Advertising expenses are expensed as incurred.

Functional Allocation of Expenses

Haines Assisted Living, Inc. classifies its expenses on a functional basis according to the objectives they support. The Board of Directors spend significant time and effort fundraising on behalf of Haines Assisted Living, Inc. In accordance with accounting principles generally accepted in the United States of America, these costs are not included in these financial statements.

Income Taxes

Haines Assisted Living, Inc. is organized under Section 501(c)(3) of the Internal Revenue Code as a nonprofit, tax-exempt organization. Tax years 2011 through 2014 are open for examination by federal taxing authorities. Management has evaluated its tax positions for years ended December 31, 2011 through 2014 in conformity with accounting principles generally accepted in the United States and has determined its tax positions are more likely than not to be upheld upon audit.

Management's Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Subsequent Events

Subsequent events have been evaluated through May 11, 2015, which approximates the date the financial statements were available to be issued.

NOTE 3 – CONSTRUCTION IN PROCESS

Haines Assisted Living, Inc. has been constructing the SMVV building. Funding has been provided for this project under grants from the State of Alaska and from the Rasmusson Foundation, as well as contributions and other sources. Related to this activity, Haines Assisted Living, Inc. had \$99,900 in construction costs payable at December 31, 2014 which are included in accounts payable. Haines Assisted Living, Inc. has completed all of its outstanding commitments related to construction.

In August 2014, a portion of the SMVV building, consisting of 11 apartments was placed in service. The remaining portion of the building has not been built out or placed in service.

Haines Assisted Living, Inc.
Notes to the Financial Statements
As of and For the Year Ended December 31, 2014

NOTE 3 – CONSTRUCTION IN PROCESS, continued

At the current time, Haines Assisted Living, Inc. does not have adequate funds to build out the remaining portion of the building. Haines Assisted Living, Inc. is currently pursuing additional funding and potential users of the space.

NOTE 4 – INVESTMENTS

Haines Assisted Living, Inc. received in a prior year a contribution of shares of common stock in the Port Chilkoot Company, a privately held company. At the time of the contribution, the donor indicated the value of the contribution was \$100,000. In accordance with accounting principles generally accepted in the United States of America, management is carrying this investment at no value. Any gains associated with this investment will be recognized when received.

Haines Assisted Living, Inc. received in a prior year a contribution of real property, subject to providing the existing resident tenancy for life. The investment is presented at fair value using level 3 inputs, which estimates the fair value at the appraised value of the property less the present value of the tenancy.

Haines Assisted Living, Inc. received in a prior year a related contribution of a note receivable. The note receivable is presented at fair value using level 3 inputs, which estimates the fair value at the present value of cash flows expected over the life of the note receivable.

The activity for assets measured at fair value using level 3 inputs during 2014 consisted of the following:

Beginning balance	\$ 221,478
Collections of note receivable	(11,557)
Change in fair value	<u>(2,495)</u>
	<u>\$ 207,426</u>

NOTE 5 – TEMPORARILY RESTRICTED NET ASSETS

At December 31, 2014, temporarily restricted net assets consisted of net assets with the following restrictions:

Time restriction associated with property	\$ 62,154
Time restriction associated with note receivable	145,272
Endowment fund	<u>1,000</u>
	<u>\$ 208,426</u>

Haines Assisted Living, Inc.
Notes to the Financial Statements
As of and For the Year Ended December 31, 2014

NOTE 6 – RELATED PARTY TRANSACTIONS

Haines Assisted Living, Inc. earned \$2,921 in management fees for services provided to St. Lucy's Senior Living, Inc. during 2014, of which \$98 were receivable at December 31, 2014. HUD regulates the management fee Haines Assisted Living, Inc. can charge.

Haines Assisted Living, Inc. also paid certain operating costs in the amount of \$36,204 which were reimbursed by St. Lucy's Senior Living, Inc., of which \$3,233 were receivable at December 31, 2014. Haines Assisted Living, Inc. had received \$2,863 of deferred revenue related to these costs as of December 31, 2014.

Haines Assisted Living, Inc. has a lease with St. Lucy's Senior Living, Inc. for the use of the land the project is on. The terms of the lease are for annual rental of \$1, with the lease expiring in 2065.

NOTE 7 – CONCENTRATIONS

During 2014, eighty percent (80%) of the grant revenue earned by Haines Assisted Living, Inc. was from the State of Alaska, with the remaining grant revenue from the Rasmusson Foundation. The purpose of these grants was to fund the construction of the SMVV building. Haines Assisted Living, Inc. does not expect to receive such grants in the future.

Contributions during 2014 from one individual consisted of \$ 77,661, which was eight-five percent (85%), of total contributions. Such contributions are unusual and not expected to continue in future years.

NOTE 8 – CONTINGENT LIABILITY

Haines Assisted Living, Inc. is subject to various federal and state regulations. Noncompliance with these regulations could result in a significant liability to the Organization. Haines Assisted Living, Inc. is also subject to grant agreement stipulations and requirements, noncompliance with which could result in a repayment of grant funds.

Haines Assisted Living, Inc.
Schedule of Findings and Questioned Costs
As of and For the Year Ended December 31, 2014

SECTION A – SUMMARY OF AUDITOR’S RESULTS

Financial Statements

1. The auditor’s report expresses an unmodified opinion on the financial statements and the accompanying supplementary information, in relation to the financial statements as a whole.
2. There were no were no significant deficiencies in internal control over financial reporting reported.
3. There was no noncompliance material to the financial statements disclosed in the auditor’s report.

State Financial Assistance

4. There were no significant deficiencies in internal control over state major programs reported
5. The auditor’s report expresses an unmodified opinion on compliance for major state programs.
6. The dollar threshold used to distinguish a state major program was \$75,000.

The state program tested as a major program was:

<u>Grant Number</u>	<u>Name</u>
13-DC-599	Department of Commerce, Community, and Economic Development Division of Community and Regional Affairs

SECTION B – FINANCIAL STATEMENT FINDINGS

Haines Assisted Living, Inc. did not have any findings that relate to the financial statements.

SECTION C – STATE AWARD FINDINGS AND QUESTIONED COSTS

Haines Assisted Living, Inc. did not have any findings that relate to its state major program.

Haines Assisted Living, Inc.
Summary Schedule of Prior Audit Findings
As of and For the Year Ended December 31, 2014

SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS

2013-1

This finding has been resolved. Our financial statements included all accrual basis revenue and expenses.