

  
**Haines Borough**  
**Borough Assembly Special Meeting #85**  
**October 27, 2005**  
**MINUTES**

**Approved**

THIS WAS A SPECIAL MEETING HELD SOLELY FOR THE PURPOSE OF CONSIDERATION OF AND APPOINTMENT TO ASSEMBLY SEAT B. NO OTHER BUSINESS WAS CONDUCTED.

1. CALL TO ORDER/PLEDGE TO THE FLAG: Mayor **SHIELDS** called the meeting to order at 6:30 p.m. in the Assembly Chambers of the Public Safety Building and led the pledge to the flag.
2. ROLL CALL Present: Mayor Fred **SHIELDS** and Assembly Members Scott **ROSSMAN**, Norm **SMITH**, Jerry **LAPP**, Luck **DUNBAR**, and Stephanie **SCOTT**.

**Staff Present**: Julie **COZZI**/Borough Clerk.

**Visitors Present**: Bonnie **HEDRICK**/CVN, Chris **SHARPE**/KHNS, Madeline **SHIELDS**, Lucy **HARRELL**, Patricia **BLANK**, Douglas **OLERUD**, Mike **CASE**, Deborah **VOGT**, Tim **MCDONOUGH**, Burl **SHELDON**, Karen **HESS**, Greg **STUCKEY**, Leonard **DUBBER**, Laverne **BRYANT**, and others.

3. APPROVAL OF AGENDA:

M/S **LAPP/SCOTT** Motion to approve the Agenda.

The mayor requested the addition of a Mayor's Report to the agenda. There was no objection.

The motion carried unanimously.

4. MAYOR'S REPORT

Mayor **SHIELDS** announced that at 5:30pm on 10/28, the group of engineers studying the Haines water system this week, will be issuing a report. The report should include some suggestions for optimizing the system.

The mayor responded to a request from Assembly Member **ROSSMAN** to change the rule allowing a member to speak only twice on a subject and for ten minutes total. **SHIELDS** said that most of the time, that rule will be followed. It is in the borough code and that was taken from Robert's Rules of Order. He noted that the discussion period is not intended to be a time for banter or conversation. When an assembly member speaks, the comments should be thought out. **ROSSMAN** disagreed. **SHIELDS** said there may be times that it would be appropriate to suspend the rule, but the presiding officer will make that

call.

#### 4. ASSEMBLY SEAT B VACANCY - One Year Appointment

The mayor explained that the charter says the assembly shall "attempt" to fill a vacancy, but he would rather follow the code that says shall appoint a person to fill a vacancy on the assembly. Regarding a procedure, he offered that the assembly could narrow the field to three by prioritizing, but it is the assembly that decides the process.

M/S **SCOTT/SMITH** Motion to appoint Deborah Vogt to the vacant assembly seat.

**SMITH** said he understands that four votes are required to pass a question. **SCOTT** spoke in favor of her motion. She wants to show support for those people who stand for election, and she wants **VOGT** to have the seat since she ran most recently. She isn't necessarily more qualified than the other interested people. In fact, the only requirement is to gain the support of the community to win an election.

The vote failed 3-2 with **LAPP** and **DUNBAR** opposed.

M/S **LAPP/DUNBAR** Motion to appoint Doug Olerud to the vacant assembly seat.

**LAPP** said **OLERUD** has served on the assembly before and would hit the ground running. He is well versed in the current issues of the community and has well-represented the borough on the boat harbor project. **SCOTT** said prior experience is not a necessary qualification.

The vote failed 3-2 with **SCOTT** and **SMITH** opposed.

M/S **ROSSMAN/LAPP** Motion to appoint Lucy Harrell to the vacant assembly seat.

**ROSSMAN** said **HARRELL** has plenty of experience and is perhaps less controversial. **LAPP** noted that **HARRELL** ran in the most current election. **SCOTT** pointed out that Harrell did not get 40% of the vote.

The motion failed 3-2 with **SCOTT** and **SMITH** opposed.

M/S **SMITH/** Motion to hold a special election for the filling of the vacancy.

The mayor called the motion is out of order. He said borough code is quite clear in not allowing it. **SMITH** said the charter says the assembly shall "attempt" to appoint. **SHIELDS** said the code is not in disagreement with the charter. It is

just more specific. **SCOTT** asked the mayor to reverse his ruling on **SMITH's** motion. She offered to second it and reminded the mayor of his right to veto it if it should pass. **SHIELDS** declined to reverse his ruling.

M/S **LAPP/DUNBAR** Motion to appoint Leonard **DUBBER** to the assembly.

**LAPP** said **DUBBER** has wanted to be on the assembly and ran in a past election. **SCOTT** disagreed that a person wanting to be on the assembly is reason enough.

The motion failed 3-2 with **SCOTT** and **SMITH** opposed.

M/S **ROSSMAN/** Motion to nominate Deborah Vogt to the vacant assembly seat for 6 months and Olerud for 6 months.

The mayor ruled the motion out of order but thanked **ROSSMAN** for his creativity.

M/S **LAPP/SMITH** Motion to narrow down the field to three candidates and then the assembly rank the three in the order they would prefer...first, second, and third.

**SHIELDS** said he spoke with the Ketchikan mayor, and city council has had to fill a vacancy twice this year. He said it is never easy. One of those times they used a secret ballot process. He suggested narrowly the field to three. **LAPP** explained that each person would rank the applicants. Then the top three are ranked 3-2-1. Whoever gets the most votes would be the appointed person. He said the former borough did this in the past, and it worked well. **SCOTT** said she does not want a secret ballot. **SHIELDS** said the Ketchikan mayor said one advantage of a secret ballot is that whoever prevails has no reason for hard feelings. **SCOTT** disagreed. **SMITH** said the assembly should not ignore the October 4th election results. He said an assembly seat is an elected position, and it is only fair to the public. **ROSSMAN** reminded **SMITH** that he voted against the motion to take the 3<sup>rd</sup> highest vote getter and voted for taking applications and going with the appointment method. **SCOTT** asked if she has to prioritize. **SHIELDS** said she could vote "no" on the motion if she objects to it. **ROSSMAN** said the idea is to narrow the applicants down to three. **DUNBAR** said it is a good idea and a step forward. **SCOTT** said she did not understand what would happen next. **SHIELDS** said the motion calls for voting for the top three. **LAPP** said the way it was done in the past was to rank and assign points. **SCOTT** said there is no criteria here and nothing that makes any of the applicants more qualified than any other except for personal preference.

The motion failed 3-2 with **SCOTT** and **SMITH** opposed.

The mayor called a brief recess at 7:06pm.

The meeting reconvened at 7:14pm.

M/S **SCOTT/ROSSMAN** Motion to appoint Deborah Vogt to the vacant assembly seat.

**SCOTT** said she is voting on a principal and not voting on a particular person.

The motion failed 3-2 with **LAPP** and **DUNBAR** opposed.

M/S **SCOTT/ROSSMAN** Motion to hold a special election for filling this seat.

Mayor **SHIELDS** ruled the motion out of order, because it is in disagreement with the code.

M/S **ROSSMAN/** Motion to appoint Fred Shields to the vacant assembly seat.

Mayor **SHIELDS** ruled the motion out of order.

M/S **LAPP/DUNBAR** Motion to appoint Doug Olerud to the vacant assembly seat.

**LAPP** said again that he believes **OLERUD** will work well with the assembly. He believes he is very fair, a good listener, and represents the community well.

The motion failed 3-2 with **SCOTT** and **SMITH** opposed.

M/S **SCOTT/SMITH** Motion to adjourn the meeting.

The motion failed 2-3 with **LAPP**, **DUNBAR**, and **ROSSMAN** opposed.

M/S **ROSSMAN/DUNBAR** Motion to appoint Lucy Harrell to the vacant assembly seat.

The motion failed 3-2 with **SCOTT** and **SMITH** opposed.

The mayor said he agrees with **SCOTT**'s concept. He finds her argument compelling but agreed that any candidate would serve well. He asked for someone to consider some conciliation for the sake of the borough. **ROSSMAN** asked the mayor to explain why an election is out of order. **SHIELDS** said it is because the code does not allow it. It is not the right thing to do. The assembly is charged with filling the appointment.

*Clerk's Note: The following is a complete transcription of the remaining minutes of the meeting.*

**SHIELDS:** Scott

**ROSSMAN:** I move that we take Lucy Harrell, Deborah Vogt and Doug Olerud and rank them as Jerry said to try and end this.

**DUNBAR:** Second

**SHIELDS:** Any discussion on the motion to take those three names and prioritize in a ballot and add the numbers

**ROSSMAN:** Prioritize 3-2-1 and add the numbers.

**SCOTT:** It would be less than honest if I didn't say that I can only put one number on that ballot. And I just want you to know that right up front.

**ROSSMAN:** In this particular case with three it wouldn't matter because you are only selecting one. That would have only mattered when we were trying to narrow it from six to three. So that's perfectly fine.

**SHIELDS:** Good thinking.

**ROSSMAN:** You could just put three. That's all you need to do.

**SHIELDS:** Any further discussion

**ROSSMAN:** Because I just narrowed the field

**SCOTT:** I need to think.

**LAPP:** I think in kind of the dilemma we're in because I sat through this at one time. And I was on the receiving end not the giving in. the exact same thing was happening and this is the way they solve it because they could not get a consensus. This was the fairest and most effective way to solve it. And just to carry on when you talked about a special election. I think that would not look right upon the assembly to do a special election because we're elected to make the hard decisions and a special election is probably going cost us 6500 to 7000 dollars if I have the figures right. I don't know how that would play well.

**SHIELDS:** Aside from being against code. That's not what code says.

**LAPP:** Right. I just think we can solve it this way if we would just do it.

**ROSSMAN:** I also wanna...this won't be secret. You can hold your sheet up and show the world. I will. So it doesn't have to be secret...to alleviate the secrecy thing.

**SCOTT:** Thank you.

**SHIELDS:** Yeah. I take it back. I wish I had never said secret.

**SCOTT:** You know, some famous person said that precedent is the least useful source of analogy, and I... maybe Fred knows who said that. I can't remember.

**SHIELDS:** Anonymous. Anonymous said so much

**SCOTT:** But I don't know what was the situation before but what is so poignant about this situation is that we just had an election. There is almost no gap between the time of this appointment and the election. So it is an opportunity for us in the borough...the Haines Borough who has almost never had more than a fifty percent voter turnout which is at 50% of the 50% of the people registered to vote. We need to support the electoral process here in this borough. And I don't think any amount of money is really too much money to spend to solidify the electoral process. It's in our strategic plan that we will increase the voter turnout and I think we need to tell people that it matters that they come out to vote. And this is an opportunity because we are doing it after the fact. We're saying we think it is so important that you come out to vote that we are going to defer our opinion to your opinion. And I really think that's important so I'm not into ranking. The people have ranked it for us.

**ROSSMAN:** Stephanie, a special election isn't going to happen. So we have to do it tonight somehow so let's proceed with something. I mean if...he said it's against the code ... we can't do it.

**SCOTT:** I understand that.

**SHIELDS:** Stephanie's not calling for a special election now. She's reiterating...

**ROSSMAN:** I understand but that's what she was talking about...a special election. I'm just saying this is an option we have to pursue because we're not going to do that...even though I am not 100% against it.

**SCOTT:** I ineloquently was referring to the "no" votes of the two members of the assembly for the vote appointment. Because that is the way we signal to the people that we treasure the electoral process. And as I said, it wouldn't matter if that person were Mike Case, Leonard Dubber, Lucy Harrell, Debra Schnabel, Burl Sheldon. It wouldn't matter to me who that

person was. And I would like to make kind of a personal statement about that. I think it's been said before by another member of the assembly that you, Scott Rossman, are the best thing that ever happened to the Haines Borough assembly because you get along with us. And you are...who would have thought. I don't mean to be insulting. What I mean is that whoever is elected by the people becomes a member of the assembly and works well with the people who are seated at this table because the people have elected them. It doesn't matter what I think. It matters what the people think. So I would hope...

**SMITH:** Okay, let's move on here.

**SHIELDS:** Is there a call for the question.

**SMITH:** I call for the question. I have a question. What is the question?

**SCOTT:** To rank...

**SHIELDS:** To...the three names...that would be Lucy, Doug, and Deborah. And then the assembly will prioritize those three names and if they just want to prioritize one, that's fine.

**ROSSMAN:** Or if you don't want to put anything down that's fine, too.

**SMITH:** That doesn't help anybody that way.

**ROSSMAN:** I know, but...

**SHIELDS:** All those in favor of doing this, raise your right hand. [Smith, Lapp, Dunbar, and Rossman] And those opposed? [Scott] Four to one. The motion carries.

**SHIELDS:** We could use the ballot that's before you. That way they will all look uniform. Joseph Stalin said, it's not who votes. It's who counts the votes.

**ROSSMAN:** Stalin Shields?

**SHIELDS:** 3-2-1. Between Lucy, Doug, and Deborah.

**DUNBAR:** Three being highest?

**SHIELDS:** Three is the highest.

**ROSSMAN:** Three is the highest. One is the lowest.

**SCOTT:** Give them to the Clerk?

**SHIELDS:** Ummm. Just pass your papers forward. The Clerk's

in charge of elections. Can I tally? Do I get to say "tally?"

**COZZI:** Okay. We have three for Deborah Vogt. One Lucy Harrell. Three Douglas Olerud. Two Deborah Vogt. Two Lucy Harrell. Three Douglas Olerud. One Deborah Vogt. Three Deborah Vogt. Two Lucy Harrell. Three Douglas Olerud. One Deborah Vogt.

**SHIELDS:** As I count this up, I get Lucy Harrell with five, Doug Olerud with nine, and Deborah Vogt with ten.

**SMITH:** We're done.

**SHIELDS:** I think we are.

**SMITH:** Okay, let's go.

**SCOTT:** I would like to see a motion. I would like to move that we appoint Deborah Vogt to the vacancy on the borough assembly in accordance with our tally.

**SHIELDS:** And, actually in accordance with the tally...is there a second to the motion?

**LAPP:** I'll second it for the sake of discussion. Okay, but when we did this, didn't that automatically appoint her because we agreed to do this?

**SHIELDS:** Yes, but actually I think Stephanie's motion is in order and actually the chair would ask for unanimous approval. I think that would be the thing to do.

**SMITH:** And, if that doesn't happen?

**SHIELDS:** Anyone objecting to unanimous approval? To approve the balloting and appointment of Deborah Vogt to the assembly? [No objection voiced] Hearing no objection, let it be recorded that there was unanimous approval to appoint Deborah Vogt to the assembly.

**5. ADJOURNMENT - 7:43pm**

M/S **LAPP/SMITH** Motion to adjourn.

The motion carried unanimously.

ATTEST:

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Fred Shields, Mayor

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Julie Cozzi, Borough Clerk