

Date: December 16, 2014

From: Mike Denker, 203 Union Street, Haines, Alaska, 99827

To: Jan Hill, Mayor, Haines Borough

Cc: Julie Cozzi, Haines Borough Clerk; Members of the Haines Borough Assembly

Re: Port and Harbor Advisory Committee – HBC 16.08.010 (B) - Terms of Expiration not “Staggered”

Good day, Madam Mayor.

I spoke with Borough Clerk Julie Cozzi yesterday and expressed my concern regarding the Port and Harbor Advisory Committee (PHAC) dates of expiration of membership seats. This most current agenda lists four appointments to be made at tonight’s Assembly Meeting. All four seats that are to be appointed this evening are listed with terms expirations of “11/2016”. Comparing these seats with the three seats not up for appointed then results in all seven PHAC membership seats expiring at exactly the same time; “11/2016”.

The issue here is that code clearly stipulates that terms of membership have staggered terms of expiration. A review of the “staggered terms” clause in HBC 16.08.010 (B) is as follows:

“Such appointments shall serve staggered terms of two years.”

Should you make the appointments tonight, and the Assembly confirms them, these actions will be in violation of the “staggered terms” clause in HBC 16.08.010 (B). These appointments, coupled with the existing seats not up for appointment, will result in all seven PHAC seats with identical expirations of “11/2016”.

While the text in HBC 16.08.010 (B) is clear on this issue, confirmation of this interpretation can be found by looking at other borough committees, boards, and commissions. A review of all other committees, boards and commissions illustrates that all have staggered terms of expiration. And as you are aware, Assembly member seats also have staggered terms of expiration. Thus, the text coupled with a

holistic review of all borough committees, boards and commissions leads to a confirmation of this clearly stipulated directive in code.

Staggering terms of expiration on seats of committees, boards and commissions is crucial to a well functioning local government. This ensures a government that effectively serves its citizenry. The intent for staggering terms is to provide elected officials with current information by constantly updating committee membership to closely reflect the current will of the community. It is also designed to maintain committee structure and integrity by not overwhelming the committee with a mass of seats open for appointment all at the same time. Community leaders were wise to structure the borough's committees, boards and commissions with this "staggered terms" requirement.

Therefore, I would strongly urge an investigation of the terms of expiration on the three seats not up for appointment this evening. I believe this investigation will reveal expiration dates on these three seats that should be "11/2015" and not "11/2016". I would then recommend that prior to the appointments this evening, the expiration dates on these three seats be changed to "11/2015" to conform to the text and intent of the "staggered terms" clause of HBC 16.08.010 (B).

Thank you for your consideration to this matter.

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