Haines Borough
Borough Assembly Meeting #307
AGENDA

January 26, 2016 - 6:30 p.m. **Location: Assembly Chambers, Public Safety Bldg.**

Jan Hill,
Mayor

Margaret Friedenauer,
Assembly Member

Diana Lapham,
Assembly Member

Mike Case
Assembly Member

Tresham Gregg,
Assembly Member

George Campbell,
Assembly Member

Ron Jackson,
Assembly Member

Brad Ryan
Interim 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 – Finance Director Report
8C – Fire Department Report
8D – Accept Museum Report
9A – Accept Port & Harbor Advisory Committee Minutes and Meeting Summary
9B – Accept Public Safety Commission Minutes
9C – Accept Museum Board Minutes
9D – Accept Planning Commission Meeting Summary
11C2 – No statement regarding pending liquor license renewals

∗ 4. APPROVAL OF MINUTES – 1/12/16 Regular

5. PUBLIC COMMENTS - Sign-up is NOT required

[This is for any topics not scheduled for public hearing.]

6. MAYOR'S COMMENTS / REPORT

7. PUBLIC HEARINGS

A. Ordinance 15-12-426 - Second Hearing

An Ordinance of the Haines Borough authorizing amendments to the lease of the Human Resources Building by Chilkat Valley Preschool for the purpose of providing preschool educational services, including extending the lease term to June 30, 2017; waiving the monthly rent from January 1 through June 30, 2016; and stipulating no rent will be required July 1, 2016 through June 30, 2017.

This ordinance is recommended by the borough manager and was introduced on 12/15/15. The first hearing was on 1/12/16, after which it was amended to incorporate the borough attorney's recommendations. **Motion**: Adopt Ordinance 15-12-426.

B. Ordinance 15-12-425 - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160 to increase the local bidder preference from three percent to five percent and require the local bidder preference to be noted in all Requests for Bids or Quotes issued by the borough.

This ordinance was introduced on 12/15/15 and referred to the Finance Committee. That committee has returned with a recommendation that the current draft be substituted with a new one "to increase the local bidder preference from three percent to seven percent with a $1,000,000 bid price cap and to include an exception when a local preference is disallowed by the project's funding source." **Motion**: Substitute Ordinance 15-12-425 in its entirety with the draft recommended by the Finance Committee. *(Note: The assembly already scheduled the second hearing for 2/9/16.)*

C. Ordinance 16-01-427 - First Hearing

An Ordinance of the Haines Borough amending the Port of Haines Terminal Tariff No. 3 to adjust dockage, wharfage rates, and per-gallon fuel flow-through rates at dock facilities.

This ordinance is recommended by the harbormaster and Port and Harbor Advisory Committee and was introduced on 1/12/16. The assembly already scheduled the

second hearing for 2/9/16. No motion is needed now unless the second hearing date needs to change or some other action is desired.

7. PUBLIC HEARINGS ---continued---

D. <u>Ordinance 16-01-428</u> - First Hearing

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY16 budget.

This ordinance is recommended by the manager and was introduced on 1/12/16. The assembly already scheduled the second hearing for 2/9/16. No motion is needed now unless the second hearing date needs to change or some other action is desired.

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – *1/26/16 Report*
∗ B. Finance Director – *Summer Season Sales Tax Comparison Report*
∗ C. Fire Department – *2015 Annual Report*
∗ D. Museum – *December 2015 Report*

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

∗ A. Port & Harbor Advisory – *Minutes of 11/19/15 & 12/17/15 & Summary of 1/8/16*
∗ B. Public Safety Commission – *Minutes of 12/7/15*
∗ C. Museum Board of Trustees – *Minutes of 12/16/15*
∗ D. Planning Commission – *Meeting Summary of 1/14/16*
E. Assembly Board Liaison Reports
F. Assembly Standing Committee Reports

1. Commerce Committee

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

1. <u>Resolution 16-01-653</u>

A Resolution of the Haines Borough Assembly increasing Borough Clerk Julie Cozzi's annual salary to $85,000, effective February 1, 2016.

This resolution is requested by Assembly Member Case. **<u>Motion</u>:** Adopt Resolution 16-01-653.

B. Ordinances for Introduction

1. <u>Ordinance 16-01-429</u>

An Ordinance of the Haines Borough amending Haines Borough Code Section 18.30.040 to adjust code to match the actual planning commission meeting start time, to revise the review process for capital improvements and borough projects, and to delete references to the state-eliminated coastal zone management plan.

This ordinance is recommended by the planning commission. **<u>Motion</u>**: Introduce Ordinance 16-01-429 and set a first public hearing for 2/9/16 and a second public hearing for 2/23/16.

2. <u>Ordinance 16-01-430</u>

An Ordinance of the Haines Borough repealing Haines Borough, Alaska Ordinance 12-10-308 (Motor Vehicle Registration Tax).

On 1/12/16, Assembly Member Campbell requested the assembly consider a repeal of the Motor Vehicle Registration Tax, and the assembly passed a motion that this issue would be on this agenda for introduction. Staff drafted an ordinance that would repeal the tax, and it could certainly be introduced at this meeting. However, the interim manager and other staff strongly recommend this matter be referred to committee prior to introduction. Staff will provide background information and other data to enable the committee to make an informed recommendation for assembly consideration at a meeting in the near future. **<u>Motion</u>**: Refer Ordinance 16-01-430 to committee prior to introduction and direct the manager to provide background information and other pertinent data to assist the committee in preparing a recommendation for the assembly.

C. Other New Business

1. <u>Board Appointments</u>

Appointment applications have been received for seats on the museum board and Tourism Advisory Board. The mayor plans to make the appointments and seeks assembly confirmation.

Motion: Confirm the mayor's appointment of Tim Ackerman to the Museum Board of Trustees for a term ending 11/30/18; and Alison Jacobson to the Tourism Advisory Board for a term ending 11/30/18.

11C. NEW BUSINESS / Other New Business ---continued---

∗2. Liquor License Renewals

The Alaska Alcohol Beverage Control Board has notified the borough of pending liquor license renewals for Alaskan Liquor Store, 33 Mile Roadhouse, Fireweed Restaurant, Harbor Liquor Store, and The Klondike. The Board, prior to its final approval, is giving the local government an opportunity to make a statement, if so desired. Since these are pre-existing liquor licenses, assembly action is optional.

3. Agenda Request Form

In response to a citizen request, the assembly tasked the clerk & manager with making sure HBC 2.10.030 and the policy on the Agenda Request form are aligned. The manager and clerk submitted a proposed ordinance to clarify the code procedure for assembly meeting agenda preparation, and the clerk revised the Agenda Request form and submitted that edited version with the ordinance. On 12/1/15, both the ordinance and the form were referred to the Government Affairs & Services Committee (GASC). That committee discussed the form & has recommended revisions. The ordinance (15-12-424) itself will be discussed at another GASC meeting to be scheduled. In the mean time, the GASC chair requested the revised form come to the assembly for consideration and approval. **Motion**: Approve the revisions to the Agenda Request form as recommended by the Government Affairs & Services Committee and the Clerk's Office.

12. CORRESPONDENCE / REQUESTS

A. Strategic Planning (5 min. presentation) – B. Josephson

B. Juneau Access Project – E. Ferry/Deputy Director, Southeast Alaska Conservation Council

C. Chilkoot River Corridor – S. Gaffney, Tourism Advisory Board; and L. Ross, Tourism Director *(see agenda item 13A)*

D. Comment on Skagway Area Stocking Program – Skagway Community Fish Hatchery

13. SET MEETING DATES

A. Commerce Committee – Letter of Support for State Parks Assuming Management Responsibility for the Chilkoot River Corridor Right of Way *(see agenda item 12C)*

Note: The assembly referred this item to the Commerce Committee on 11/10/15.

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS / ASSEMBLY COMMENTS

16. ADJOURNMENT

Haines Borough
Borough Assembly Meeting #306
January 12, 2016
MINUTES

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Deputy Mayor **LAPHAM** 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** (via telephone), Deputy Mayor Diana **LAPHAM**, and Assembly Members George **CAMPBELL**, Mike **CASE**, Margaret **FRIEDENAUER,** Tresham **GREGG**, and Ron **JACKSON**.

Staff Present: Krista **KIELSMEIER**/Deputy Clerk, Jila **STUART**/Finance Director, Helen **ALTEN**/Museum Director, Brad **RYAN**/Interim Borough Manager, Shawn **BELL**/Harbormaster, Josh **DRYDEN**/Interim Police Chief, and Patty **BROWN**/Library Director.

Visitors Present: Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS, Paul **NELSON**, Bill **MCCORD**, Tim **HOLM**, Don **TURNER Jr.**, Carol **TUYNMAN**, Debra **SCHNABEL**, Sierra **JIMENEZ**, Susan **TANDY**, Valery **MCCANDLESS**, Kathleen **MENKE**, Sarah **ELLIOTT**, Melissa **GANEY**, Kathryn **CHENEY**, Ann **MYREN**, Mike **DENKER**, Gershon **COHEN**, Burl **SHELDON**, Tracey **HARMON**, Norman **HUGHES**, Bill **MILLS**, Jordan **WELCH**, and others.

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

The following Items were on the published consent agenda:

4 – Approve Assembly Meeting Minutes
8B – Accept Chilkat Center Report
9A – Accept Parks & Recreation Advisory Committee Minutes
9B – Accept Port & Harbor Advisory Committee Meeting Summary
11C2 – No statement regarding pending liquor license renewals
11C3 – No objection to Fireweed Restaurant's liquor license premises extension

Motion: CASE moved to "approve the agenda/consent agenda," and it was amended to 1) remove item 4 from the consent agenda, and 2) move item 8A to 6B. The motion to approve the agenda/consent agenda, as amended, carried unanimously.

4. **APPROVAL OF MINUTES** – 12/15/15 Regular, 12/29/15 Special

Motion: CASE moved to "approve the minutes as amended by Ron," and the motion carried unanimously.

Clerk's note: This motion corrected the table showing the membership of the Personnel Committee in the 12/15/15 minutes.

5. **PUBLIC COMMENTS**

HUGHES spoke on behalf of the Port and Harbor Advisory Committee and its recommendation to budget funds for lobbying of federal officials for South Portage Cove Harbor Expansion.

SCHNABEL said few issues in 2015 were more contentious than the design of the proposed harbor expansion, specifically the relationship of Lookout Park to the overall facility purpose. She acknowledged a $5,000 gift from Lucy Harrell for relocating the park and asked how this would be addressed.

NELSON asked what the advantage is to the borough of granting a sales tax exemption to The NRA Foundation.

6. **MAYOR'S COMMENTS/REPORT**

Mayor **HILL** commented on upcoming meetings with legislators and "Operation Warm," which will donate coats to children in Alaska.

Mayor **HILL** read aloud the following proclamation:

A. Proclamation – Recognizing January as Mentoring Month

B. Interim Borough Manager – *1/12/16 Report (moved here during agenda approval)*

RYAN summarized his written report and responded to a few questions from the assembly. He also recognized Lt. Bill **MILLS** and officer Jordan **WELCH** from the Hoonah Police Department, who were assisting the Haines police while they were short-staffed.

7. **PUBLIC HEARINGS**

A. Ordinance 15-12-426 - First Hearing

An Ordinance of the Haines Borough authorizing a one-year extension of a lease of the Human Resources Building by Chilkat Valley Preschool for the purpose of providing preschool educational services and waiving the monthly rent amount scheduled to start in 2016.

Deputy Mayor **LAPHAM** opened the public hearing at 7:11 p.m.

TUYNMAN stated she raised three children in New York City and all three said nursery school was the most important part of their education.

HARMON requested rent-free support from the borough to assist the preschool in having a safe, licensed home in the next school year. The preschool has provided education for more than 500 families. Increased rent would significantly impact their budget and mission.

GANEY said the maintenance costs to the borough have gone down significantly with a new boiler at the Human Resources Building. The preschool will need every dime to help pay expenses of the expansion project, including architects and engineers, grant writing services and inspections.

ELLIOTT reported the Presbyterian Church basement is no longer an option to temporarily host the preschool due to a fire marshal requirement to install a sprinkler system before starting classes.

MCCANDLESS urged the assembly to extend the lease. Moving from one location to another takes a tremendous amount of time and energy. In order to move this project forward, it would be extremely helpful if the preschool could focus energy on raising funds.

Hearing no further comments, the deputy mayor closed the hearing at 7:21 p.m.

Motion: FRIEDENAUER moved to "amend the ordinance to include the attorney's recommendations from today's e-mail, dated January 11," and the motion carried unanimously.

Note: The assembly already scheduled the second hearing for 1/26/16.

8. STAFF/FACILITY REPORTS

***B. Chilkat Center** – *December 2015 Report*

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

***A. Parks & Recreation Advisory Committee** – *Committee-Approved Minutes of 11/4/15*

***B. Port & Harbor Advisory Committee** – *Meeting Summary of 12/17/15*

C. Assembly Board Liaison Reports

LAPHAM – Planning Commission
FRIEDENAUER – Port & Harbor Advisory Committee

D. Assembly Standing Committee Reports

JACKSON – Government Affairs & Services Committee
CASE – Personnel Committee
LAPHAM – Finance Committee

Motion: **JACKSON** moved to "set a first public hearing for 1/26/16 and a second public hearing for 2/9/16 for Ordinance 15-12-425," and the motion carried unanimously.

10. UNFINISHED BUSINESS

A. Sales Tax Exemption Request – The NRA Foundation

The NRA Foundation, a 501(c)3 organization, applied for sales tax exemption status as allowed by HBC 3.80.050(13). The borough has granted sales tax exemption certificates to other non-profit organizations. On 12/15/15, the assembly postponed this item to this meeting to give the foundation an opportunity to provide information regarding Haines activities.

Motion: CASED moved to "approve the request from The NRA Foundation for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate," and the motion carried 5-1 in a roll call vote with **JACKSON** opposed.

11. NEW BUSINESS

A. Resolutions – None

B. Ordinances for Introduction

1. <u>Ordinance 16-01-427</u>
An Ordinance of the Haines Borough amending the Port of Haines Terminal Tariff No. 3 to adjust dockage, wharfage rates, and per-gallon water flow-through rates at dock facilities.

<u>Motion</u>: CAMPBELL moved to "introduce Ordinance 16-01-427 and set a first public hearing for 1/26/16 and a second public hearing for 2/9/16," and the motion carried unanimously.

2. <u>Ordinance 16-01-428</u>
An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY16 budget.

<u>Motion</u>: CASE moved to "introduce Ordinance 16-01-428 and set a first public hearing for 1/26/16 and a second public hearing for 2/9/16," and the motion carried unanimously.

<u>Motion</u>: CAMPBELL moved to "repeal Ordinance 12-10-308 and have it on our next agenda for introduction," and the motion carried 4-2 in a roll call vote with **LAPHAM** and **CASE** opposed.

C. Other New Business

1. <u>Board Appointments</u>
(Re)appointment applications have been received for seats on the Museum Board of Trustees and the Parks and Recreation Advisory Committee. The mayor sought assembly confirmation.

<u>Motion</u>: FRIEDENAUER moved to "confirm the mayor's appointment of John Carlson to the Museum Board of Trustees for a term ending 11/30/18; Patricia Peters to the Parks and Recreation Advisory Committee for a term ending 11/30/17; and Richard Chapell to the Parks and Recreation Advisory Committee for a term ending 11/30/18," and the motion carried unanimously.

∗2. <u>Liquor License Renewals</u>
The Alaska Alcohol Beverage Control Board has notified the borough of pending liquor license renewals for the Pioneer Bar, Fogcutter Bar and Halsingland. The Board, prior to its final approval, is giving the local government an opportunity to make a statement, if so desired. Since these are pre-existing liquor licenses, assembly action is optional.

∗3. <u>Liquor License Premises Extension – Fireweed Restaurant</u>
The Alaska Alcohol Beverage Control (ABC) Board has notified the borough of a pending liquor license premises extension request from the Fireweed. The business wants to add alcohol storage areas, beer coolers/taps and a counter. The ABC Board's final decision is pending local government review of the diagram included in the packet. **<u>Motion</u>**: The Assembly does not object to the ABC Board's approval of the liquor license premises extension for Fireweed Restaurant.

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

A. Government Affairs & Services Committee – Thursday, January 28, 5pm – Committees, Communications and Code

14. PUBLIC COMMENTS

TUYNMAN suggested Southeast Alaska tourism departments come together to promote the Alaska Marine Highway System and its economic benefits.

MCCORD said he was encouraged to hear the assembly raise questions about confidentiality in reports prepared by the borough lobbyist.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

FRIEDENAUER said she contacted local government specialists regarding the mayor voting but not chairing the last meeting. It was unusual but there was no impropriety. She recommended a better explanation be given at meetings to alleviate questions when there are unusual circumstances.

GREGG asked about the procedure for communicating with the borough lobbyist and setting priorities and strategy. He also requested a total assessment of the harbor expansion project and its financial impact to the borough, potentially as a town hall meeting.

CASE stated the assembly members and mayor were elected to represent the community's interests. Elected officials have done, individually and collectively, that to the best of their ability. There will be those who disagree with the results.

LAPHAM said there have been many public meetings discussing the harbor project. The timeline of those meetings was posted on the borough website. There were times when no one was in the audience, but work has to progress.

JACKSON referred to the concept of expanding the Senior Center to share space with the Chilkat Valley Preschool. It is difficult to approve a concept before knowing, totally, what it is. There is some work being done to pull that together, such as the business case and projected revenues.

CAMPBELL reported the Alcan 200 is this weekend and there also will be a snowmachine race at Mosquito Lake. He also credited **RYAN** for his first week as interim manager and the police department for bringing in officers from Hoonah.

HILL thanked the assembly for taking care of the borough while she is out of town.

16. ADJOURNMENT – 8:30 p.m.

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

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

7A

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 15-613
Assembly Meeting Date: 1/26/16

Business Item Description:	Attachments:
Subject: Extension of Human Resource Bldg Lease & Waiver of Monthly Rent for Chilkat Valley Preschool	1. Ordinance 15-12-426 - current draft 2. Email from Attorney with Recommendations that the Assembly Considered on 1/12/16 3. Update from the Preschool 4. Chilkat Valley Preschool Request for Extension/Waiver 5. MOU with Southeast Senior Services 6. Existing lease agreement for Human Resource Bldg
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 12/7/15	

Full Title / Motion:

Motion: Adopt Ordinance 15-12-426.

Administrative Recommendation:

The administration recommends this ordinance.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$0	$0	$ 0	Extra year of HR Bldg maintenance

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: ■ Yes ☐ No
Objective 17E(7), Page 294 Objective 18A(3), Page 299	

Summary Statement:

The Chilkat Valley Preschool (CVP) has leased the Human Resources Building on a year-to-year basis since the year 2000, and the current lease was authorized by the assembly on 2/24/15 for a period ending 6/30/16. The CVP has requested a one-year extension for a new term date of 6/30/17 to allow time for construction of an addition onto the borough-owned Senior Center building. Additionally, the CVP has requested a waiver of the $500 monthly rent required under the existing lease to begin on 1/1/16. The basis for this waiver is the documentation showing an agreement with Southeast Senior Services for the concept of sharing the building provided it is expanded. On 12/15/15. the assembly adopted Resolution 15-12-652 approving the concept of adding onto the building.

The borough attorney reviewed the ordinance and existing lease and provided recommendations. On 1/12/16, the assembly voted to incorporate those recommendations. Staff redrafted the ordinance, accordingly.

Referral:

Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:

Meeting Date(s): 12/15/15, 1/12, 1/26/16
Public Hearing Date(s): 1/12, 1/26/16
Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 15-12-426 **Draft**

An Ordinance of the Haines Borough authorizing amendments to the lease of the Human Resources Building by Chilkat Valley Preschool for the purpose of providing preschool educational services, including extending the lease term to June 30, 2017; waiving the monthly rent from January 1 through June 30, 2016; and stipulating no rent will be required July 1, 2016 through June 30, 2017.

WHEREAS, HBC 14.16.060 provides that "[t]he lease of any borough land may be made to any state or federal agency, nonprofit organization, or political subdivision of the state for less than the appraised value, and for a consideration to be determined by the assembly to be in the best interests of the borough"; and

WHEREAS, the nonprofit organization known as Chilkat Valley Preschool (CVP) has been leasing the downstairs portion of the borough's Human Resources Building situated on Lots 8 and 9, Block 13, Haines Townsite Subdivision to provide a preschool program; and

WHEREAS, CVP has leased this property on a year-to-year basis since the Haines City Council first granted the lease on September 20, 2000; and

WHEREAS, the existing lease is effective July 1, 2015 through June 30, 2016; and

WHEREAS, on December 7, 2015, the borough received a request from CVP for an extension of the lease period to June 30, 2017; and

WHEREAS, the current lease includes a requirement for $500 monthly rent beginning January 1, 2016 with provision for a waiver if the CVP provides the borough before December 15, 2015 with documentation that a structure suitable for use as a preschool has been obtained; and

WHEREAS, on December 1, 2015, CVP provided the borough with documentation consisting of a Memorandum of Understanding with Southeast Senior Services supporting the idea of a shared community building at the current Haines Senior Center with construction of an addition; and

WHEREAS, the assembly will consider adoption of Resolution 15-12-652 on December 15, 2015 approving the concept of expanding the borough-owned Senior Center building to accommodate a preschool; and

WHEREAS, knowing the borough still desires to dispose of the Human Resources Building, CVP has been aggressively pursuing relocation to another facility while at the same time attempting to operate the program with minimal disruption; and

WHEREAS, Borough Charter 3.03(8) stipulates that the leasing of borough property must be granted by the assembly by ordinance,

NOW THEREFORE BE IT ENACTED, by the Haines Borough Assembly, that it is hereby determined to be for a public purpose and in the public interest of the Haines Borough to **amend by** extend**ing** through June 30, 2017 the existing lease of the Human Resources Building with the Chilkat Valley Preschool for the purpose of providing preschool educational services; and

BE IT ALSO ENACTED, the Assembly **also amends the existing lease by** ~~waives~~ **waiving** the $500 monthly rent amount**,** set to begin January 1, 2016, **through June 30, 2016, and stipulating no rent will be required for the period July 1, 2016, through June 30, 2017** ~~subject to the adoption of Resolution 15-12-652~~.

Section 1. Classification. This ordinance is a non-code ordinance.

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 shall become effective immediately upon adoption.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2016.

_____
Janice Hill, Mayor

Attest:

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced:	12/15/15
Date of First Public Hearing:	01/12/16
Date of Second Public Hearing:	01/26/16

From: Brooks Chandler [mailto:BChandler@bcfaklaw.com]
Sent: Monday, January 11, 2016 5:56 PM
To: Brad Ryan
Subject: RE: Lease Agreement

Greetings Brad:

I reviewed the Lease Agreement and Chapter 14.16 (which is not a precise fit since this agreement only allows use of a portion (main floor) of a building). The current agreement does not contemplate an extension since it states "under no circumstances will the lease be renewed". However, two parties to an agreement can almost always decide to amend the agreement. And a lease term up to 10 years is "legal" under HBC 14.16.080(C).

The correct legal document to use in accomplishing a goal of allowing occupancy past June 30, 2016 is a formal written amendment which replaces the current language of the "TO HAVE AND TO HOLD" paragraph with new language reflecting a revised termination date.

This in turn will require an amendment of the Rent provision which is very specifically tied to the June 30, 2016 date. That could be a simple sentence changing the "through" date for the current monthly rent assuming the parties intend the possibility for future rent waivers should apply to the new lease term. Alternatively the amendment to paragraph 1 could eliminate the possibility of a rent waiver after June 30, 2016.

No other provisions would need to be amended just because the term of the lease was changed. So it is not necessary to prepare an entirely new lease. Just a document titled "Amendment to In-Kind Lease Agreement" will be sufficient.

As long as the ordinance authorizes an amendment to extend the current termination date beyond June 30 AND specifically identifies the rent to be paid from July 1 forward preparing the formal written amendment will just be ministerial and will not need subsequent Assembly approval.

Let me know if you or the Assembly have any additional questions or need us to prepare the lease amendment.

Senior Center/Preschool Addition
A Solution for Everyone

January 18, 2015

TO: Mayor Hill and Members of the Assembly (**for the January 26, 2016 meeting packet**)

FROM: Facility Projects Steering Committee for the Senior Center/Chilkat Valley Preschool project

RE: Ordinance 15-12-426 and the Senior Center/Preschool Project

Dear Mayor Hill and Members of the Assembly;

Thank you for your continued consideration of the Chilkat Valley Preschool's (CVP) request for a one-year extension of a lease of the Human Resources building and the waiving of the monthly rent. We appreciate your time and support.

Attached you will find a document showing The Foraker Group's Pre-Development Process. The CVP Board has essentially followed this proven process throughout the years as they have been working on finding a new home for CVP. Recently, a Facilities Project Steering Committee was formed to assist the CVP Board and staff, Southeast Senior Services, and designated independent seniors with the project. Together we are working to refine the project cost estimate and analyze operations costs.

We are ready to go and CVP has the necessary money in hand for the architectural and engineering phase of the project. Once the Borough Assembly gives the go ahead to construct the addition we will immediately contract with Jensen Yorba and Lott for architectural drawings. The Solution for Everyone Steering Committee will work on revising the previously developed CVP business plan and a Capital Campaign will be launched to raise the remaining needed funding.

Some of you have requested more detailed information to help you in your decision making process. To address those requests we have compiled the attached information which is based on the best available data at this time. Also, please note that based on our best estimates, CVP and Headstart, with a maximum capacity of 24 preschoolers each, serve 90 to 95% of the children entering kindergarten in the Haines School District. Hopefully the attached information will help answer some of your questions.

RECEIVED HAINES BOROUGH

JAN 19 2016

CLERK'S OFFICE

Again, thank you for your time and support.

Sincerely,

Renée Hoffman
On behalf of the CVP Steering Committee

Sierra Jimenez, Susan Tandy, Valery McCandless, Cindy Jackson, Melissa Ganey, Sara Chapell, Ann Myren

Attachments: Pre-Development Process chart and Project Fact Sheet

Senior Center/Preschool Addition
A Solution for Everyone

Project Description
The proposed project is a 1,225 square foot addition to the back of the Senior Center building. A conceptual design is in place and has been reviewed by the CVP Board, Southeast Senior Services, and designated independent seniors, and the Borough Facilities Manager. The proposed design will provide enough teaching space for an enrollment of up to 24 children as well as required storage areas. Equipment needed by the Seniors will be incorporated, including a washer/dryer and mop sink. According to Alaska Energy Authority the current mechanical and heating systems are large enough to handle the addition.

Project Timeline	
2016	**2017**
January Steering Committee formed	**January** Solicit bids from contractors, award contract
February Architectural and mechanical design	**April-July** Construction; Inspections late July/early August
February-July Capital Campaign—local fundraising	**June-August** CVP vacates Human Resources Building (by June 30)
June-December Rasmuson Tier 2 Letter of Inquiry/application Crosset Foundation application Chilkat Valley Community Foundation application	**Late July-August** CVP moves from storage into new facility Grand Opening Celebration First Day of Preschool in new facility

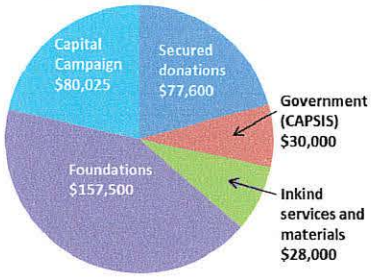
Project Budget			
Expenses		**Revenues**	
Administration including construction mgmt	$15,000	Government (CAPSIS grant)	$30,000
Architects/Engineering	$27,000	Foundations	$157,500
Construction (based on $225/sq ft)	$275,625	Individuals/Businesses/Corporations	$157,625
Permits/Inspections	$5,000	Inkind contributions	$28,000
Furniture/Equipment	$20,000		
Contingency @ 10%	$27,500		
Relocation expenses	$3,000		
Total project costs	**$373,125**	**Total project revenues**	**$373,125**

Funding Strategy – A public/private partnership

Project cost $373,125

- ✓ **Local campaign:** $57,600 in hand for project
- ✓ **CAPSIS grant:** $30,000 ($18,000 spent on furniture/equipment in 2015 –will be moved to new facility)
- ✓ **Pledge:** $20,000 for challenge campaign
- ☐ **Grants – foundations/gov't:** $157,500 projected
- ☐ **Inkind donations:** $28,000 services/materials/move
- ☐ **Capital Campaign:** $80,025

✓ = *Funds already raised*



Chilkat Valley Preschool

PO Box 1165 Haines AK 99827

(907) 766-3213

cvpreschool@aptalaska.net www.chilkayvalleypreschool.org

A program dedicated to the fullest development of the whole child.

20015-2016 BOARD OF DIRECTORS

Alissa Henry
President

Melissa Ganey
Vice President

Katherine Lee
Treasurer

Lexie Dewitt
Secretary

Sarah Elliott
Emily McMahan

STAFF

Erin Kelly
Lead Teacher

Elissa Brooks
Assistant Teacher

Vija Pelekis
Assistant Teacher

Tracey Harmon
Office Manager

December 7, 2015

To Whom It May Concern,

The Chilkat Valley Preschool would like to formally request a continued rent free extension of our lease of the Human Resources Building through June 30, 2017. This request is being made in anticipation of the timeline for our current Facility Project addition at the Senior Center for the following reasons:

First of all, because of our status as a State Licensed Child Care Facility, we need to have a secure facility for next school year.

Secondly, we are requesting this extension because construction timelines are extremely unpredictable. We feel that having another year in our current facility will give us ample time to allow for the addition so we only have to move once.

Lastly, extending our lease without the cost of rent for another year will free up the resources necessary to secure additional funding through grant writing and fundraising.

We believe that in helping the Chilkat Valley Preschool by extending our lease in the HR Building you are serving not only the community of young families and the needs of early childhood education, but also the entire community of elders and Senior Citizens CVP has entered a Memorandum of Understand with. Both populations contribute significantly to the economic growth and development of Haines. Please help us with this first step to make that happen.

Sincerely,

Chilkat Valley Preschool Board of Directors

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Sincerely,

Chilkat Valley Preschool Board of Directors

Alissa
Sarah Elliott
Emily McMahan
Kat

RECEIVED Haines Borough
DEC 09 2015
Clerk's Office

Memorandum of Understanding

The Southeast Alaska Senior Services and the Chilkat Valley Preschool agree to support a shared community building at the current Haines Senior Center (HSC) Location, providing space for the Haines Senior Community and the Preschool Population:

Whereas the current area will be maintained for senior programs, provided Southeast Senior Services continues to rent the facility at the current rate of $800/month through Dec. 31 2016.

Whereas the Chilkat Valley Preschool will provide an initial $50,000 in funding to expand the HSC facility by 1,000 square feet for the future location of the Chilkat Valley Preschool.

Whereas the Haines Borough will continue to provide major maintenance for the HSC building as it stands now and into the future.

Whereas the Chilkat Valley Preschool will provide management of rentals upon a signed management agreement with the Haines Borough.

Whereas the Haines Borough will provide the costs of utilities and the Chilkat Valley Preschool will collect rentals and provide them to the Haines Borough.

Whereas as an incentive to the Chilkat Valley Preschool, the Haines Borough will provide a 25% management fee for all rentals excluding the rental to Southeast Senior Services on a quarterly basis.

Whereas the Haines Borough provides free rental for the continued occupancy of the Chilkat Valley Preschool through June 30th 2017 in the current Haines Borough Human Resources Building.

Signature: Cindy Jackson Date: 12/1/2015
Cindy Jackson
Southeast Senior Services

Signature: Alissa Henry Date: 12/1/2015
Alissa Henry, Board President
Chilkat Valley Preschool

Haines Borough
Human Resource Building

In-Kind Lease Agreement

LEASE AGREEMENT made as of the **25th** day of **February, 2015**

BY and BETWEEN the Lessor: **Haines Borough**

and the Lessee: **Chilkat Valley Preschool**

The Lessor and the Lessee agree as set forth below.

WITNESSETH:
That for and in consideration of the agreements hereinafter mentioned to be kept and performed by the Lessee, Lessor does hereby lease unto said Lessee the main floor of the building known as the Human Resources Building, situated on Lots 8 and 9, Block 13, Haines Townsite Subdivision, and such area as necessary to carry out the preschool program.

TO HAVE AND TO HOLD the above described premises, with the rights, privileges, easements and appurtenances thereunto belonging or in any way appertaining, unto Lessee for a **term commencing on the 1st day of July, 2015 and terminating on the 30th day of June, 2016,** and yielding possession thereof as hereinafter provided with both parties in agreement that there is no option to renew this lease and under no circumstances will the lease be renewed.

1. **RENT**: No charge for rent from 1 July 2015 through 31 December 2015. From 1 January 2016 through 30 June 2016 monthly rent will be $500.00. The monthly rent from 1 January 2016 through 30 Jun 2016 will be waived if the Lessee provides the Lessor a certified copy of a lease or a document of sale (hereafter referred to as the "Document") demonstrating that a structure suitable for use as a preschool has been obtained. The Document must be provided before the 15th day of December 2015 to be eligible to waive the rent for January 2016 and beyond. Thereafter, the Lessee has until 4:00 PM on the 15th of each month to provide the Lessor a certified copy of the Document in order for rents in succeeding months to be waived. The Lessee will have no ability to receive already paid rents back from the Lessor. Should the Lessee's arrangements for lease or purchase fall through, the Lessee shall owe the Lessor all back rents for months in which rent was waived.

2. **USE**: Preschool

3. **ALTERATIONS AND REPAIRS**: Lessee shall not make any alteration or repair of the said premises, or any part thereof, without first obtaining the written consent of Lessor. Lessee shall, at its sole cost and expense, repair all damage to the leased premises caused by the Lessee's use of the premises. Lessee shall keep and maintain the leased premises in good condition and repair, normal wear and tear excepted.

4. **LIENS**: Lessee shall not cause the demised premises to be encumbered by any liens, and shall, whenever and as often as any such liens may be recorded against said property, purporting to be for labor or materials furnished or to be furnished to the Lessee, take steps to discharge such liens within a reasonable time after the date of filing. Lessor shall not be liable for any labor or materials furnished or to be furnished to the Lessee upon credit.

5. **UTILITIES**: Lessee shall pay for all heat, lights, power, water, sewer and phone services supplied to the property used by them.

6. **INDEMNIFICATION**: Lessee shall defend, indemnify and save harmless Lessor from and against any and all losses, damages, liabilities, expenses, claims and demands of whatsoever

character, direct or indirect, arising out of or in any way connected with, this lease of the demised premises or use or occupancy thereof by Lessee.

7. **INSURANCE**: Lessor shall provide and maintain fire insurance on the leased building. Lessee shall provide the necessary insurance on its personal property on the premises and liability insurance of not less than $500,000 bodily injury, $100,000 property damage and $5,000 medical payments. Proof of such insurance shall be provided to Lessor by Lessee's insurance company upon execution of this lease and upon any renewal of said policies. Lessee shall provide lessor written notice thirty days in advance of any cancellation of insurance coverage.

8. **ENTRY BY LESSOR**: Lessee shall permit Lessor and its agents to enter the premises at all reasonable times for the purposes of access to areas in the leased building not covered in this lease and for the purpose of inspecting the same or making repairs.

9. **SUBLETTING AND ASSIGNMENT**: Lessee shall not assign this lease, or any interest thereof, without the written consent of Lessor.

10. **COMPLIANCE WITH LAW**: Lessee shall, at their sole cost and expense, comply with all the requirements of the Haines Borough, State of Alaska and Federal laws, regulations, statutes or ordinances pertaining to said premises and their use, including all regulations prohibiting smoking in public buildings.

11. **DESTRUCTION OF PREMISES**: In the event of damage or destruction of the leased premises from any cause, the Lessor shall have the option to repair the same. In the event Lessor does not elect to make such repairs, this lease may be terminated at the option of either party. A total destruction of the premises shall terminate the lease. Lessor shall give notice of its election to repair within ten days from the date of the damage or destruction.

12. **REMEDIES OF LESSOR ON DEFAULT**: In the event of any breach of this lease by Lessee, then Lessor shall have the right of re-entry subject to the Landlord and Tenant Act provisions.

13. **OCCUPANCY**: Lessee shall have the right of occupancy as of the signing of this lease.

14. **TERMINATION**: The Lessee may terminate this lease upon giving thirty days written notice to the Lessor if the use of the premises by the Lessee ceases for any reason. In such a case, upon quitting the premises, the Lessee shall remove all personal and business property from the premises and shall leave the premises in good condition, normal wear and tear excepted. The Lessor may terminate this lease upon giving the Lessee thirty days written notice.

15. **ENTIRE AGREEMENT**: This lease sets forth the entire understanding of the parties, and no modifications may be made hereto except by written addendum signed by the parties. This lease binds the heirs, personal representatives, successors and legal assigns of all the parties hereto.

IN WITNESS WHEREOF, the parties have executed this lease as of the day, month and year first above written.

This Lease Agreement entered into as of the day and year first written above.

LESSOR

David B. Sosa, Borough Manager
Haines Borough

LESSEE

Alissa Henry, Board President
Chilkat Valley Preschool

Attest:

Julie Cozzi, MMC, Borough Clerk

Authorized by Borough Assembly 2/24/15 – Ordinance 15-01-396

7B

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 15-606
Assembly Meeting Date: 12/15/15

Business Item Description:	Attachments:
Subject: Local Bidders Preference	1. Ordinance 15-12-425 2. Proposed Substitute Ordinance 3. Finance Committee Report 4. Southeast Alaska Comparison Chart; Recent Bids 5. E-mail from DEC 6. Hypothetical Bid Examples 7. Results of Deputy Clerk's Research 8. 9/18/15 Memo from the Manager 9. 9/11/15 Request from Haines Contractors
Originator: Haines Contractors	
Originating Department:	
Date Submitted: 9/11/15	

Full Title / Motion:

Motion: Substitute Ordinance 15-12-425 in its entirety with the draft recommended by the Finance Committee.

Note: The assembly already scheduled the second hearing for 2/9/16.

Administrative Recommendation:

This ordinance is recommended by the manager.

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:	Consistent: ■ Yes ☐ No

Summary Statement:

On 9/22/15, in response to a request from several Haines contractors, the assembly directed the manager to investigate the issue of Local Bidders Preference and bring a recommendation to the assembly. Former manager David Sosa's 9/18/15 memo is attached to this agenda bill. The deputy clerk was tasked with researching this. Those results also are attached.

The ordinance was introduced on 12/15/15 and referred to the Finance Committee. That committee has returned with a recommendation that the current draft be substituted with a new one "to increase the local bidder preference from three percent to seven percent with a $1,000,000 bid price cap and to include an exception when a local preference is disallowed by the project's funding source." The Finance Committee report, a Southeast Alaska comparison chart, recent bid results, and an e-mail from DEC regarding loan funding are attached as additional supporting documents.

Referral:

Referred to: Finance Committee
Referral Date: 12/15/15
Recommendation: Proposed Substitute Ordinance
Meeting Date: 1/7/16

Assembly Action:

Meeting Date(s): 10/13/15, 10/27/15, 12/15/15, 1/26/16
Public Hearing Date(s):
Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 15-12-425 **Draft**

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160 to increase the local bidder preference from three percent to five percent and require the local bidder preference to be noted in all Requests for Bids or Quotes issued by the borough.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendments 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 3.60.160 Section 3.60.160 of the Haines Borough Code is hereby amended as follows:

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

3.60.160 Award of contract – Lowest bidder – Evaluation and exception – Negotiation.

A. Lowest Responsible and Responsive Bidder. A contract shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, there shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract;

2. Whether the bidder can perform the contract within the time specified, without delay or interference;

3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

4. The quality of performance of previous contracts for the borough by the bidder;

5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;

6. The sufficiency of the financial resources and ability of the bidder to perform the contract;

7. The number and scope of conditions attached to the bid;

8. If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to ~~three~~ **five** percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder. **The percent difference shall be calculated as the difference between the low overall bid and the lowest local bid. The local bidder preference shall be noted in all Requests for Bids or Quotes issued by the borough.**

...

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2016.

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced:	12/15/15 – Referred to Finance Committee
Date of First Public Hearing:	01/26/16
Date of Second Public Hearing:	02/09/16

HAINES BOROUGH, ALASKA
ORDINANCE No. 15-12-425

SUBSTITUTE

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160 to increase the local bidder preference from three percent to seven percent with a $1,000,000 bid price cap and to include an exception when a local preference is disallowed by the project's funding source.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendments 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 3.60.160 Section 3.60.160 of the Haines Borough Code is hereby amended as follows:

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

3.60.160 Award of contract – Lowest bidder – Evaluation and exception – Negotiation.

A. Lowest Responsible and Responsive Bidder. A contract shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, there shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract;

2. Whether the bidder can perform the contract within the time specified, without delay or interference;

3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

4. The quality of performance of previous contracts for the borough by the bidder;

5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;

6. The sufficiency of the financial resources and ability of the bidder to perform the contract;

7. The number and scope of conditions attached to the bid;

8. If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to ~~three~~ **seven** percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder**. No local bidder preference shall be allowed if the lowest responsible nonresident bid exceeds $1,000,000 or if such an award is contrary to state or federal regulations.**

...

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2016.

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced:	12/15/15 – Referred to Finance Committee
Date of First Public Hearing:	01/26/16
Date of Second Public Hearing:	02/09/16

Finance Committee

Jan 7, 2016. 5:00pm.

Chair: Diana Lapham
Tresham Gregg
Ron Jackson
Mike Case

Staff: Interim Manager Brad Ryan, CFO Jila Stuart, Tourism Director Leslie Ross

Audience: Jillan KHNS

Topic: Local Bidders

Tresham moved to recommend to Assembly that a project up 1,000,000.00, that there would be a 7% local bidder preference. Ron seconded. Vote 4-0

Tourism:

Mike moved to recommend to the Assembly to restore the advertising budget to the Tourism Dep. Diana second. Vote 3-1 with Ron opposed

Tresham moved to recommend to the Assembly to authorized the Tourism Director to persue The professional consultant audit. Mike second. Vote 4-0

Mike Case asked to be excused from the meeting.

Ron moved to recommend to the Assembly to adopt remaining budget amendments. Tresham second. Vote 3-0

Jila had a power point presentation for the local bidders that was very helpful.

This committee was working very well together

Meeting adjourned at 6:50p

Report submitted by: Diana Lapham

Local Bidder Preference for Sealed Bid Construction Projects - Southeast Alaska Comparison Chart

January 7 Finane Committee Meeting

Municipality	Tier I	Tier II	Tier II	Grant Qualification Language
Staff Recommendation 1	*If local bid is within 10% of the lowest bid the local contractor may match the low bid and be awarded the contract.*			*"unless contrary to federal or state law, regulation, or funding stipulations"*
Staff Recommendation 2	*$500,000 or less 7% local preference*	*$5,000,000 or less 5% local preference*	*Over $5,000,000 2%*	
Examples From Other SE Communities:				
City of Ketchikan	$100,000 or less 10% local preference	$200,000 or less 7% local preference	No local preference allowed over $200,000	"Unless contrary to federal or state law or regulation"
City & Borough of Juneau	No local Preference for "Capital construction improvement"			N/A
Ketchikan Gateway Borough	$5,000,000 or less 5% local preference	Over $5,000,000 2.5% local preference		"unless such an award is contrary to state or federal regulation"
Petersburg	$500,000 or less 5% local preference	No local preference allowed over $500,000		"unless contrary to federal or state law, regulation, or funding stipulations"
Sitka	No local preference for sealed bids			N/A
Skagway	5%			none
Wrangell	$1,000,000 or less 5% local preference	Over $1,000,000 3% local preference		"unless contrary to state or federal law or regulation or as otherwise provided"

Haines Borough Recent Sealed Bids

Project	Amount	#of Local Bidder	# of non-local	Award	lowest local % over low bid
Pool Lighting Replacement	$ 16,500	0	3	Non-Local	
Administration Building Windows	$ 17,903	1	0	Local	
Klehini Fire Septic	$ 23,195	3	0	Local	
Chilkat Center Windows Replacement	$ 24,731	1	0	Local	
Contaminated Soil Removal	$ 44,500	1	1	Non-Local	28%
High School Roof	$ 50,900	0	3	Non-Local	
VocEd Building Improvements	$ 77,975	1	2	Non-Local	43%
Haines Gym, CCtr Doors, Mat Hoist	$ 89,000	3	1	Local	
Admin Building Roof	$ 89,005	1	1	Local	
Picture Point Wayside	$ 95,945	1	0	Local	
Senior Center Siding	$ 106,250	2	6	Non-Local	6%
Chilkat Center Roof	$ 121,160	2	3	Local	
HS Air Handling Unit	$ 319,235	1	2	Non-Local	7%
Allen Road Waterline	$ 468,748	1	2	Local	
Barnett Bolted Steel Water Tank	$ 537,950	1	1	Local	
Highland Estates Waterline	$ 594,075	2	0	Local	
VocEd Building Mechanical	$ 750,000	0	3	Non-Local	
Third Avenue Improvements	$ 1,130,500	1	0	Local	
Street Improvements (May 2012)	$ 1,358,226	1	2	Local	
PC Dock & Letnikof	$ 5,804,340	0	3	Non-Local	

From: Verrelli, Beth A (DEC) [beth.verrelli@alaska.gov]
Sent: Tuesday, January 19, 2016 9:31 AM
To: Krista Kielsmeier
Subject: RE: Local Preference for Bidders?

Hi Krista,

I am sorry, but a local bidder preference is not allowed for SRF loan projects.

B.

From: Krista Kielsmeier [mailto:kkielsmeier@haines.ak.us]
Sent: Monday, January 18, 2016 4:51 PM
To: Verrelli, Beth A (DEC) <beth.verrelli@alaska.gov>
Subject: Local Preference for Bidders?

Beth,
Our engineer requested that we confirm with you that a local bidder preference is allowed for municipal grants and loans. The Borough currently has a 3 percent local bidder preference in code.

Thank you,

Krista Kielsmeier
Deputy Clerk
Haines Borough
Office: 907-766-2231 ext. 36

Hypothetical Bid #1 (with current local bidder preference)
Results

Local Larry: $103,100
Far Away Fred: $100,000

If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to three percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder.

Local Larry's bid is 3.1 percent higher than the bid of Far Away Fred. The local bidder preference does not apply in this case.

Hypothetical Bid #2 (with proposed local bidder preference)
Results

Local Larry: $103,100
Far Away Fred: $100,000

*If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to ~~three~~ **five** percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder.* ***The percent difference shall be calculated as the difference between the low overall bid and the lowest local bid. The local bidder preference shall be noted in all Requests for Bids or Quotes issued by the borough.***

Local Larry's bid is 3.1 percent higher than the bid of Far Away Fred. The local bidder preference does apply in this case.

Note: Grant language such as for the Haines Borough Vocational Education Building Upgrade – "Award selection is based on competitive sealed bids; local hire is not a consideration."

City of Ketchikan (3.12.040 Purchases of supplies, materials, equipment or services – When competitive bidding or quotations are required):
(4) Local Bidder Preference Award.
(A) Unless contrary to federal or state law or regulation, a contract or purchase for supplies, materials, equipment or contractual services the amount of which is less than $200,000 shall be awarded to a local bidder where the bid by such local bidder is in all material respects comparable to the lowest responsible nonlocal bid if the amount bid by such local bidder does not exceed the lowest responsible nonlocal bid by more than:
(i) Ten percent of the amount bid by the lowest responsible nonlocal bidder if that nonlocal bidder's bid is $100,000 or less;
(ii) Seven percent of the amount bid by the lowest responsible nonlocal bidder or $10,000, whichever is less, if that nonlocal bidder's bid is greater than $100,000 but less than or equal to $200,000.
No local bidder preference will be allowed if the lowest responsible nonlocal bidder's bid exceeds $200,000. The council may by motion adopted prior to bid opening exempt any contract or purchase from the local bidder preference set forth in the preceding sentence.

Haines Borough (3.60.160 Award of contract – Lowest bidder – Evaluation and exception – Negotiation): If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to three percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder.

Juneau (Chapter 53.50 – Purchasing of supplies and services):
A bid shall be awarded to a Juneau bidder if its bid is not more than five percent higher than the lowest responsive nonresident bidder's, but shall be awarded to a bidder with disabilities if its bid is not more than ten percent higher than the lowest responsive nondisabled bidder's, unless the bid is for a capital construction improvement or such an award is contrary to state or federal law or regulations.

Ketchikan Gateway Borough:
11.20.080 Local bidder preference award.
(a) A contract or purchase shall be awarded to a local bidder where the bid by such local bidder is, in all material respects, comparable to the lowest responsible nonlocal bid if the amount bid by such local bidder does not exceed the lowest nonlocal bid by more than the following percentages, unless such an award is contrary to state or federal law or regulation, or

unless the assembly, at its discretion, determines prior to giving notice soliciting bids that the provisions of this section shall not apply to the contract or purchases:

Nonlocal bid is:	**Local bid is not more than:**
$0 – $5,000,000	5 percent higher than nonlocal bid
Over $5,000,000	2.5 percent higher than nonlocal bid

Petersburg (4.04.050 – Bid preference for residents)
A.
Unless contrary to federal or state law, regulation or funding stipulations, a contract or purchase for supplies, materials, equipment or contractual services may, at the discretion of the borough assembly, be awarded to a resident bidder where the bid by such resident bidder is in all material respects comparable to the lowest responsible nonresident bid and the amount bid by such resident bidder does not exceed the lowest responsible nonresident bid by more than five percent. The borough assembly may, after consideration of the bids and other relevant factors, including the public interest, elect not to grant a resident preference.
B.
No resident bidder preference will be allowed if the lowest responsible nonresident bid exceeds $500,000.00. The assembly may by motion, adopted prior to bid opening, exempt any other contract or purchase from a resident bidder preference.

Sitka (3.16.030 Open market procedures):
C. All purchases less than **twenty-five thousand dollars** shall be made on the open market with such competition as is reasonable and practical in the circumstances as long as by doing so, does not interfere with the ability of the city and borough of Sitka to receive grants and other funding sources. It is the city and borough of Sitka's intent to promote local purchases whenever the availability, quality, price and delivery is:
1. Within a four percent advantage to what is available outside the municipality for purchases under two thousand five hundred dollars; and
2. Within a two percent advantage to what is available outside the municipality for purchases two thousand five hundred dollars and above.

Skagway (4.05.040 Competitive sealed bid procedure): A bid shall be awarded to a Skagway bidder if its bid is not more than five percent higher than the lowest responsive nonresident bidder's.

State of Alaska (AS 36.30.321 (a)):
Alaska Bidder Preference – A contract award is made to the lowest responsive and responsible bidder after applying the 5% bidder preference.

Wrangell (5.10.040 When competitive bidding or quotations are required):

D. Local Bidder Preference Award.

1. Unless contrary to federal or state law or regulation, or as otherwise provided in section (D)(2) of this section, a contract for, or purchase of, supplies, materials, equipment, contractual services, or public improvements shall be awarded to a local bidder where the bid by such local bidder is in all material respects comparable to the lowest responsible nonlocal bid, and if the amount bid by such local bidder does not exceed the lowest responsible nonlocal bid by more than:

   a. Five percent of the amount bid by the lowest responsible nonlocal bidder if that nonlocal bidder's bid is $1,000,000 or less;

   b. Three percent of the amount bid by the lowest responsible nonlocal bidder if that nonlocal bidder's bid is $1,000,001 or more.

2. This preference shall not be interpreted to mean that the borough is precluded from making the purchase from whatever source is most advantageous to the borough after considering all factors in the public interest even when the price quoted by the local bidder satisfies subsection (D)(1)(a) or (b) of this section.

5.10.070 Local hire required on public improvement contracts

Contracts for public improvements which are funded in whole or in part by local funds or by funds which, in accordance with a federal grant or otherwise, the borough expends or administers, and to which the borough is signatory, may include the requirement that 90 percent of the work shall be accomplished by bona fide local residents, if qualified and available. In the case of federal funds used on a public improvement, the federal program should be intended to encourage economic revitalization, including improvement opportunities for the poor and unemployed.

DATE: 18 September 2015

To: Mayor Hill & Haines Borough Assembly

From: David B. Sosa, Borough Manager

Subject: LOCAL BIDDER PREFERENCE

1. In this week's packet the Assembly will find correspondence from local business owners regarding local preference.
2. I have directed staff to review the request and provide recommendations. From my initial review I offer the following thoughts:
    a. The request to have the Local Bidder Preference clearly identified in bid documents is worth strong consideration and, barring any legal concerns, I would recommend implementing this.
    b. The request for Haines to match other communities in offering a 5% local bidder preference is worth strong consideration. I have directed staff to review the policies of other communities in Southeast Alaska and make a recommendation.
    c. The desire for mandatory local bidder selection requires more detailed staff work and a thorough review before any recommendation can be offered.
3. Staff will continue to provide feedback on this item and I hope to have a staff report to the Assembly included in the packet for the 27 October Assembly Meeting.

Respectfully,

D.B. Sosa

David B. Sosa
Haines Borough Manager

HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name: Roger Schnabel Date: 09/11/15

Name of Group Represented (if applicable) Haines Contractors

Address: HC 60 Box 4800, Haines, AK 99827 Phone: (907) 766-2833

Email Address: roger@seroad.com Fax: (907) 766-2832

I request to be scheduled on the Borough Assembly meeting agenda dated the 22nd day of September, or as soon thereafter as possible.

Purpose of Request: Local Bidder Preference, HBC 3.60.160 A.8 and 3.60.160 B. The Haines local contractors whose names appear on the attached memo request a review of the local bidder preference in HBC 3.60.160 A.8. and 3.60.160 B. The contractors recognize the language of the code invites interpretation and inconsistency in the treatement of bid and award procedures. See attached letter from Haines Contractors.

Estimated Time Required (if a presentation) 5 minutes

Action you wish the Assembly to take: Review Local Bidder Preference in HBC 3.60.160 A.8 and HBC 3.60.160 B. and criteria for all bids and awards administered by the Haines Borough, making local preference part of the specifications for each bid, and (2) Increase the allowable local preferential margin to 5%, the factor factor adopted by other municipalities including Skagway. Please also note that the State of Alaska, both DNR and DOT, offers a 5% local preference in many of their solicitations.

Note: Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are not within the assembly's purview and are more appropriately handled by staff. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. You will be contacted and informed of the best and most appropriate avenue for action. If your request ends up on an assembly agenda, it will most generally be placed under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. The deadline for agenda topics is 10:00 a.m. the Monday (one week and one day) prior to an assembly meeting. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them.

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

Date: August 30, 2015

To: Dave Sosa, Manager
Haines Borough

From: Haines Contractors

Re: Local Bidder Preference
HBC **3.60.160 A. 8. and 3.60.160 B.**

Referenced borough code currently allows the potential for local bidders to receive a preference in the award of competitive bids if the bid is within 3% of the apparent low bid. The potential is underscored by the discretion of the Assembly. Additionally, code does not guarantee transparency in the award to "other than low bidder," as it allows meeting minutes to stand for a statement or reason; bid awards can be dispensed on a consent agenda, and Assemblies are not required to engage in meaningful discussion on matters that may involve personal opinion.

The local contractors, whose names appear below, recognize the language of the code invites interpretation and inconsistency in the treatment of bid and award procedures.

We request a review of this Section with the intent to (1) standardize the specifications and criteria for all bids and awards administered by the Haines Borough, making local preference part of the specifications for each bid and (2) increase the allowable local preferential margin to 5%, the factor adopted by other municipalities including Skagway. As noted the State of Alaska, both DNR and DOT, offers this in many of their solicitations, also at 5%.

Stickler Construction Co., Dave Stickler

Henry Construction, Inc., Ira Henry

Turner Construction, Don Turner Jr. III

Wolverine Ready Mix, Robin Stickler

Southeast Roadbuilder's Inc., Roger Schnabel

Northern Construction, John Floreske

JB Strong Hydroseeding, James Strong

Pac Rim Mechanical, Shawn O'Brien

Whiterock Construction, Jack Smith Jr.

Dave Ricke Builders, Dave Ricke

Darkhorse Customs, Tony Malone

The Stump Company, Scott Rossman

Newman Plumbing, Willie Newman

Houlberg Plumbing, Keith Houlberg

Date: August 30, 2015

To: Dave Sosa, Manager
Haines Borough

From: Haines Contractors

Re: Local Bidder Preference
HBC **3.60.160 A. 8. and 3.60.160 B.**

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See Page 1
Stickler Construction Co., Dave Stickler

Don Turner Jr.
Turner Construction, Don Turner Jr.

See Page 1
Southeast Roadbuilder's Inc., Roger Schnabel

See Page 1
JB Strong Hydroseeding, James Strong

See Page 1
Whiterock Construction, Jack Smith Jr.

See Page 1
Darkhorse Customs, Tony Malone

See Page 1
Newman Plumbing, Willie Newman

See Page 1
Henry Construction, Inc., Ira Henry

See Page 1
Wolverine Ready Mix, Robin Stickler

See Page 1
Northern Construction, John Floreske

See Page 1
Pac Rim Mechanical, Shawn O'Brien

See Page 1
Dave Ricke Builders, Dave Ricke

See Page 1
The Stump Company, Scott Rossman

See Page 1
Houlberg Plumbing, Keith Houlberg

INVITATION TO BID **INVITATION NUMBER 2515S067**

RETURN THIS BID TO THE ISSUING OFFICE AT:

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
PROCUREMENT OFFICE
PO BOX 112500
3132 CHANNEL DRIVE, ROOM 310
JUNEAU, ALASKA 99811-2500

THIS IS NOT AN ORDER **DATE ITB ISSUED: April 22, 2015**

AGGREGATE E-Chip, B-Chip – Haines, Alaska
(Non-Participating State Funded and Federally Funded)

Sealed bids must be submitted to the State of Alaska, Department of Transportation and Public Facilities, Statewide Procurement Office from which they were issued, and must be time and date stamped by the purchasing section ***prior to 2:00 PM on April 29, 2015***, at which time they will be publicly opened.

DELIVERY LOCATION: DOT&PF, Maintenance Stations; Haines, Alaska.

DELIVERY DATE: See Delivery / Material Availability (page 9)

IMPORTANT NOTICE: If you received this solicitation from the State's "Online Public Notice" web site, you must register with the Procurement Officer listed on this document to receive subsequent amendments. Failure to contact the Procurement Officer may result in the rejection of your offer.

BIDDER'S NOTICE:

Contracts for purchases resulting from this bid will be made utilizing Federal Funds. As such, and per AS 36.30.890, no State of Alaska Bidder or Product Preferences may apply.

Sec. 36.30.890. Federal Assistance

If a procurement involves the expenditure of federal funds or federal assistance and there is a conflict between a provision of this chapter or a regulation adopted under a provision of this chapter and a federal statute, regulation, policy, or requirement, the federal statute, regulation, policy, or requirement shall prevail.

2 AAC 12.730. Federal Assistance

If a procurement involves the expenditure or federal funds or requires federal assistance and there is a conflict between a provision of this chapter and federal statute, regulation, policy, or requirement, the procurement officer shall comply with the federal statute, regulation, policy, or requirement.

Authority: AS 36.30.040; AS 36.30.890

Michael Williams, **Procurement Officer** michael.williams@alaska.gov PH: 907-465-8855 FX: 907-465-2024 Pages 1 through 14	Southeast Road Builders, Inc. COMPANY SUBMITTING BID AUTHORIZED SIGNATURE Roger Schnabel PRINTED NAME April 29, 2015 DATE	Note: An Alaska Business License will be required prior to award. Out-of-State bidders must also comply with all corporate laws of the State of Alaska regarding performing business in the State. 228340 ALASKA BUSINESS LICENSE NUMBER 92-0159551 VENDOR TAX ID NUMBER

17. **DISPUTES**: If a contractor has a claim arising in connection with a contract resulting from this ITB that it cannot resolve with the State by mutual agreement, it shall pursue a claim, if at all, in accordance with the provisions of AS 36.30.620 – 632.

18. **CONSUMER ELECTRICAL PRODUCT**: AS 45.45.910 requires that "...a person may not sell, offer to sell, or otherwise transfer in the course of the person's business a consumer electrical product that is manufactured after August 14, 1990, unless the product is clearly marked as being listed by an approved third party certification program." Electrical consumer products manufactured before August 14, 1990, must either be clearly marked as being third party certified or be marked with a warning label that complies with AS 45.45.910(e). Even exempted electrical products must be marked with the warning label. By signature on this bid the bidder certifies that the product offered is in compliance with the law. A list of approved third party certifiers, warning labels and additional information is available from: Department of Labor, Labor Standards & Safety Division, Mechanical Inspection Section, P.O. Box 107020, Anchorage, Alaska 99510-7020, (907)269-4925.

19. **SEVERABILITY:** If any provision of the contract is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected; and, the rights and obligations of the parties will be construed and enforced as if the contract did not contain the particular provision held to be invalid.

20. **GOVERNING LAW; FORUM SELECTION:** A contract resulting from this ITB is governed by the laws of the State of Alaska. To the extent not otherwise governed by section 17 of these Standard Terms and Conditions, any claim concerning the contract shall be brought only in the Superior Court of the State of Alaska and not elsewhere.

SPECIAL CONDITIONS:

1. **ORDER DOCUMENTS**: Except as specifically allowed under this ITB, an ordering agency will not sign any vendor contract. The State is not bound by a vendor contract signed by a person who is not specifically authorized to sign for the State under this ITB. The State of Alaska Purchase Order, Contract Award and Delivery Order are the only order documents that may be used to place orders against the contract(s) resulting from this ITB.

2. **BILLING INSTRUCTIONS**: Invoices must be billed to the ordering agency's address shown on the individual Purchase Order, Contract Award or Delivery Order. The ordering agency will make payment after it receives the merchandise or service and the invoice. Questions concerning payment must be addressed to the ordering agency.

3. **CONTINUING OBLIGATION OF CONTRACTOR**: Notwithstanding the expiration date of a contract resulting from this ITB, the Contractor is obligated to fulfill its responsibilities until warranty, guarantee, maintenance and parts availability requirements have completely expired.

PREFERENCES:

Note to Bidders.

Alaska Preferences apply for Lot 1 (Non-Participating Funds), and will not apply for Lot 2 (Federal Funds).

1. **ALASKA BIDDER PREFERENCE:** Award will be made to the lowest responsive and responsible bidder after an Alaska bidder preference of five percent (5%) has been applied. The preference will be given to a person who: (1) holds a current Alaska business license at the time designated in the invitation to bid for bid opening; (2) submits a bid for goods or services under the name on the Alaska business license; (3) has maintained a place of business within the state staffed by the bidder, or an employee of the bidder, for a period of six months immediately preceding the date of the bid; (4) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under AS 32.06 or AS 32.11 and all partners are residents of the state; and, (5) if a joint venture, is composed entirely of ventures that qualify under (1) - (4) of this subsection. AS 36.30.170, AS 36.30.321(a) and AS 36.30.990(2)

2. **ALASKA VETERAN PREFERENCE**: If a bidder qualifies for the Alaska bidder preference under AS 36.30.321(a) and AS 36.30.990(2) and is a qualifying entity as defined in AS 36.30.321(f), they will be awarded an Alaska veteran preference of five percent (5%). The preference will be given to a (1) sole proprietorship owned by an Alaska veteran; (2) partnership under AS 32.06 or AS 32.11 if a majority of the partners are Alaska veterans; (3) limited liability company organized under AS 10.50 if a majority of the members are Alaska veterans; or (4) corporation that is wholly owned by individuals and a majority of the individuals are Alaska veterans, and may not exceed $5,000. The bidder must also add value by actually performing, controlling, managing, and supervising the services provided, or for supplies, the bidder must have sold supplies of the general nature solicited to other state agencies, other governments, or the general public - AS 36.30.321(i).

3. **USE OF LOCAL FOREST PRODUCTS**: In a project financed by state money in which the use of timber, lumber and manufactured lumber is required, only timber, lumber and manufactured lumber products originating in this state from Alaska forests shall be used unless the use of those products has been determined to be impractical, in accordance with AS 36.15.010 and AS 36.30.322.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

INVITATION FOR QUOTES FOR A SMALL PROCUREMENT (CONSTRUCTION RELATED)

INSTRUCTIONS TO OFFERORS

The State of Alaska desires that all Offerors submitting quotes on construction contracts are given a fair and equal opportunity to compete. Offerors are required to follow these instructions:

REVIEW THE PROJECT DOCUMENTS: Most construction Projects in excess of $1,000 will have some type of written documentation prepared expressly for the Work. If you are asked to submit a quote and no written information has been provided, you should ask the procurement Agency for written documentation. If the scope of services have been described to you verbally, and you are selected for Contract Award, you must ensure that the information of the services to be performed (scope of work) is put in writing prior to accepting the Contract. When providing a Quote, carefully review and consider all materials related to the solicitation and work of the contract. **By submitting a quote the Offeror warrants that they are familiar with the Project requirements, have visited or otherwise examined the site, and are aware of the conditions to be encountered.** Offeror's can verify the contents and completeness of their quote documents by contacting the procurement Agency individual named on the front of this form.

SUBMITTING THE QUOTE: The Quote must be submitted in one of the following formats as called for in the Invitation:

1. **ORALLY** - if a verbal quote is solicited, the Offeror must provide, in addition to their quote amount and mailing address -- (1) their valid Alaska Business License number, (2) if applicable, a valid Contractor's Registration number, (3) their status as an Alaskan Bidder (Offeror), (4) their intended use of Alaskan products, (5) the carrier's name and policy number for their Workers' Comp Insurance (or a statement of sole proprietorship, if applicable), and (6) the Employer (Tax) Identification Number or Social Security Number. The Procurement Agency will enter this information on the quote schedule.

2. **WRITTEN** - if a written quote is solicited, the Offeror must complete, in ink or typewritten, the *Small Procurement Quote Submittal*, Form SPC-002. Failure to acknowledge receipt of addenda or to execute the form correctly and completely may disqualify the quote.

NOTE: The *Department of Labor requires an Offeror to be licensed and registered for the required type of work prior to submitting a quote. If the procurement Agency determines the Offeror is improperly registered or licensed, their quote may be deemed nonresponsive.*

SUBCONTRACTOR LISTING: Subcontractors intended to be utilized on this contract must be listed in the response to the solicitation. Work shall not be awarded to any subcontractor without prior approval from the procurement Agency. Subcontractors may be added or removed only as approved by the procurement Agency.

DETERMINATION OF THE LOWEST RESPONSIBLE QUOTE AND CONTRACT AWARD: Following receipt and determination of all **responsive** oral, written or sealed quotes, the procurement Agency will compare the quotes and determine the lowest Offeror. If the procurement Agency discovers a discrepancy between the unit price amount and the extended amount; the unit price amount will prevail. Conditioned quotes, unless expressly requested, will not be considered. When the quote schedule is composed of a basic amount with alternates, the procurement Agency will base its determination of the low quote and the amount of the Contract Award solely upon those quotes, basic and alternates, that are priced within the extent of available construction funds. Alternates will be considered for Award in the order listed, except that if the order of Offerors is not affected, the Award may include any combination of funded alternates, or none, as may be in the best interest of the procurement Agency.

When determining the lowest quote, the procurement Agency will also give a 5% Alaska Offeror's preference and an appropriate Alaska Products preference to quotes designating the applicability of a preference. To qualify for the Offeror's preference (per AS 36.30.170) the Offeror **must** (1) hold a current Alaska Business License, (2) submit the quote under the name appearing on the license, (3) have staffed and maintained a place of business within Alaska for the previous six months and (4) be incorporated or qualified to do business under the laws of the State. In addition, if the Offeror is a partnership or joint venture, all parties must meet the criteria to be eligible for the preference. A booklet fully describing the Alaska Preferences (Bidder, Offeror, Product, Disabilities, Veteran) program is available at **http://doa.alaska.gov/dgs/pdf/pref2.pdf**. A detailed description of the Alaska Products Preference Program is available at **http://www.commerce.state.ak.us/ded/dev/prodpref/prodpref.htm**.

The procurement Agency will make a determination of **responsibility** as required by 2 AAC 12.500. If the lowest Offeror is declared responsible, the procurement Agency will execute the *Notice of Award / Notice to Proceed*, Form SPC-003, and send it to the Offeror for acknowledgement. If the lowest Offeror is found to be nonresponsible, this process will be repeated with the second lowest Offeror -- and so on until the lowest responsive and responsible Offeror is determined.

NOTICE OF AWARD AND PROTEST: A written notice will be provided on all Awards exceeding $ 25,000 (2 AAC 12.400(h)). All protests must be filed with the Commissioner of the procurement Agency (or designee) and copied to the Procurement Officer. Protest procedures are described in AS 36.30.560 and 2 AAC 12.695. The extent of the protest remedy is limited to quote preparation costs (AS 36.30.585).

C. Tabulation. A tabulation of all bids received and opened shall be made with appropriate recommendations for acceptance or rejection of bids. A copy of the tabulation shall be furnished to each bidder, along with notice of intent to award.

3.60.150 Action on bids.

Upon receipt and opening of the bids, the assembly or its delegate shall have the authority to:

A. Waive any and all irregularities on any or all bids;

B. Reject defective or nonresponsive bids;

C. Reject all bids;

D. Re-advertise the project for bidding, with or without making changes in the project plans, specifications or scope of work;

E. Award the contract in accordance with HBC 3.60.160.

3.60.160 Award of contract – Lowest bidder – Evaluation and exception – Negotiation.

A. Lowest Responsible and Responsive Bidder. A contract shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, there shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract;

2. Whether the bidder can perform the contract within the time specified, without delay or interference;

3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

4. The quality of performance of previous contracts for the borough by the bidder;

5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;

6. The sufficiency of the financial resources and ability of the bidder to perform the contract;

7. The number and scope of conditions attached to the bid;

8. If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to three percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder.

B. Award to Other than Low Bidder. A decision to award a contract to other than the bidder offering the lowest price shall be made only by the assembly. When an award is given to other than the lowest bidder, a full and complete written statement of the reasons therefor shall be delivered by the mayor or the mayor's designee to the unsuccessful low bidder or bidders and filed with the other papers

Failure to Execute Contract: Failure of the successful Bidder to execute and return the contract agreement and other documents within seven (7) days after receipt of the Municipality's Notice of Intent to Award, will be just cause for the rejection of the award. Award may then be made to the next lowest responsive, responsible and qualified Bidder, or the work may be re-advertised, in the sole discretion of the Municipality.

If the Municipality does not execute the contract agreement within fifteen (15) days following receipt from the Bidder of all required documents appropriately executed for the award of the contract, the Bidder shall have the right to withdraw its bid without penalty.

Skagway Bidder Preference: A bid shall be awarded to a Skagway bidder if Bidder's bid is not more than five percent higher than the lowest responsive nonresident bidder's. A bid shall be rejected if it contains a material alteration or an erasure. The Municipality may reject the bid of a bidder who failed to perform or failed to timely perform on a previous contract with the Municipality or any municipality. The Borough manager may reject any and all bids and waive any informalities or minor irregularities in the bids. Where all bids are rejected, and new bids are called for on substantially the same purchase or contract, each of the bidders whose bids were rejected shall be timely notified of the new call for bids and of changes, if any, in the specifications and requirements.

Permit Responsibility: Successful Bidder/Contractor shall obtain any and all necessary permits from Federal, State and local authorities for this project, including any applicable fees and costs associated with the permit/process.

Davis Bacon: Alaska Labor Standards, reporting and prevailing wage rate determination is made part of this bid package. If this project is over $25,000, a notice of award will be sent to the Alaska Department of Labor - Wage and Hour Section. The State will require that certified payroll forms are completed and the State has the right to randomly audit the successful bidders company to ensure Davis Bacon Wages are being paid for this project.

Payment and Performance Bond: If this project is under $50,000 no bonding is required and the bonding bid sheet does not need to be completed. If this project is over $50,000 but under $150,000, bidder must sign the bonding exemption checklist & have it notarized. Answers to questions on Bonding Exemption Checklist page may require bonding papers or a letter from bonding company saying contractor is bondable for this project for the amount of the project. If this project is over $150,000, bonding **IS** required. For purposes of bid documents, a signed letter from a surety company committing to the bonding of the contactor in the amount of the project will suffice until the time of actual signing of the contract, when bond must be on hand. (See Bonding Exempt Checklist)

Ownership of Bid Submittals: Once bids are opened, they become the property of the Municipality, and shall not be returned. Bids may be withdrawn by submitting a written withdrawal request to the same address to which the bid was submitted if said request is received by the Municipality one (1) hour prior to the bid opening time and date. The bid shall be returned to the Bidder unopened.

7C

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-617
Assembly Meeting Date: 1/26/16

Business Item Description:	Attachments:
Subject: Amend Port Tariff to Adjust Various Rates to Reflect 2016-2020 Years	1. Ordinance 16-01-427 2. Tariff pages 15, 15B, 16, and 18 from Terminal Tariff to show how they will look after ordinance adoption 3. Harbormaster Memo 4. Lutak Dock Expenditures FY12 - FY16 5. PHAC Recommendation
Originator: Harbormaster	
Originating Department: Ports and Harbors	
Date Submitted: 12/28/15	

Full Title / Motion:

The assembly already scheduled the second hearing for 2/9/16. No motion is needed now unless the second hearing date needs to change or some other action is desired.

Administrative Recommendation:

This ordinance is recommended by the harbormaster and Port and Harbor Advisory Committee.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$	$	$	Increases in Dock Revenue

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	
4.5.5 Borough Enterprise Funds; Page 53	Consistent: ■ Yes ☐ No

Summary Statement:

The current Port Tariff Fee Schedule does not project the Lutak Dockage Rates nor the Wharfage Rates past 2015. It is the recommendation of the Port & Harbor Advisory Committee(PHAC), and the Harbormaster, that a revised Port Tariff Fee Schedule be adopted to reflect an annual 3% rate increase the next five years, 2016-2020. Additionally, staff recommends the other pages of the tariff showing annual increases be amended to make the date ranges consistent.

Referral:

Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:

Meeting Date(s): 1/12/16, 1/26/16 Public Hearing Date(s):
Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-01-427 **Draft**

AN ORDINANCE OF THE HAINES BOROUGH AMENDING THE PORT OF HAINES TERMINAL TARIFF NO. 3 TO ADJUST DOCKAGE, WHARFAGE RATES, AND PER-GALLON FUEL FLOW-THROUGH RATES AT DOCK FACILITIES.

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance shall not 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 Rule No. 34, 300, Page 15, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 is amended to adjust dockage rates to reflect 3% annual increases over a five-year period, 2016-2020, and shall read, as follows:

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

RULE NO. 34 TERMINAL TARIFFS

300. ITEM 300 DOCKAGE RATES (C)

Dockage charges are assessed upon Length-Over-All (LOA) of the vessel. LOA is defined as the linear distance, in feet, from the most forward point at the stem to the aftermost part of the stern of the vessel, measured parallel to the base of the vessel.

LOA of the vessel as published in "Lloyds Register of Shipping" will be used and when not published, the Port reserved the right to: (a) obtain the LOA from the vessel's register, or (b) measure the vessel.

Except as otherwise provided below, dockage rates per foot per 24-hour period:

~~2011 2012 2013 2014 2015~~

Dockage: ~~$2.50 $2.75 $3.00 $3.30 $3.65~~

Dockage Rate	**2016**	**2017**	**2018**	**2019**	**2020**
3% Annual Increase	**$3.76**	**$3.87**	**$3.99**	**$4.11**	**$4.23**

Minimum charge of $80.00

These rates shall be increased 3% annually, effective January 1 of each year.

Section 5. Amendment of Rule No. 34, 306, Page 15B, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 is amended to add the 2020 5% PC Dock Lightering rate increase to the rate table and shall read, as follows:

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

RULE NO. 34 TERMINAL TARIFFS

306. PORT CHILKOOT DOCK LIGHTERING FACILITY RATES

For use of Port Chilkoot Dock lightering float dock, including lightering to transfer passengers to or from larger vessels; to pick up or discharge passengers for local marine tours; moorage of vessels; and moorage of vessels unable to moor in the small boat harbor.

1. Rates:

A. Lightering or transfer of passengers to or from a larger vessel: Two hundred fifty ($250) dollars flat rate per 24-hour period.

B. Use of the facility by vessels with a capacity of ten passengers or more to load or unload passengers for tours or charters originating or ending in Haines (per docking):

Per-Docking Fee	~~2014~~	~~2015~~	2016	2017	2018	2019	2020
5% Annual Increase	~~$20.00~~	~~$21.00~~	$22.05	$23.15	$24.31	$25.53	**$26.80**

2. Use of the Port Chilkoot Dock Facility including the Lightering Float on a permanent or routine basis must be approved by the Borough Assembly in the form of a special use agreement ("SUA").

3. In case of an emergency or lack of moorage space in the small boat harbor when the Port Chilkoot Dock Facility must be used for transient moorage, standard transient moorage rates shall apply for no more than seventy-two consecutive hours per vessel. Such use shall not interfere with the scheduled use of the dock by other vessels. Following expiration of the seventy-two hour period, standard dockage rates shall apply.

4. All other vessels shall pay standard dockage rates.

Section 6. Amendment of Rule No. 34, 310, Page 16, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 is amended to adjust per-gallon flow-through rates to reflect 3% annual increases over a five-year period, 2016-2020, and shall read, as follows:

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

RULE NO. 34 TERMINAL TARIFFS

340. ITEM 340 PER-GALLON FLOW-THROUGH RATES

For the transport of fluids, including, but not limited to, fuel, through pipelines across Borough port and dock facilities in both directions in any one calendar year.

~~Up to five million gallons $ 0.02 per gallon~~
~~Five million gallons and over $ 0.0175 per gallon~~

Per-Gallon Rate	**2016**	**2017**	**2018**	**2019**	**2020**
Up to 5 million gallons	**$.0232**	**$.0239**	**$.0246**	**$.0253**	**$.0261**
5 million gallons & over	**$.0203**	**$.0209**	**$.0215**	**$.0222**	**$.0228**

These rates shall be increased 3% annually, effective January 1 of each year.

Section 7. Amendment of Rule No. 34, 306, Page 18, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 is amended to adjust wharfage rates to reflect 3% annual increases over a five-year period, 2016-2020, and shall read, as follows:

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

RULE NO. 34 TERMINAL TARIFFS

400. ITEM 400 WARFAGE AND HANDLING (C)

Except as otherwise provided, wharfage rates named below are in dollars and cents per ton (2,000 pounds) or 40 cubic feet, as freighted.

Handling charges are by special arrangement with terminal use permit holders.

WHARFAGE

ITEM 401: Freight, N.O.S.

ITEM 402: Logs

ITEM 403: Gravel, Pit run Sand or Gravel; Sand; Crushed Aggregate; Process Stone or Boulders

ITEM 404: Explosives and other Hazardous Cargo, Viz.:
Powder, gun or blasting; Blasting Caps and Agents; Dynamite; High Explosives; Ammunition other than small arms; and other cargo deemed hazardous by the Haines Borough. (See Note 1)

	~~2013~~	~~2014~~	~~2015~~
~~Item 401: NOS~~	~~$4.25~~	~~$4.65~~	~~$5.15~~
~~Item 402: Logs~~	~~$0.50~~	~~$0.55~~	~~$0.60~~
~~Item 403: Gravel~~	~~$0.30~~	~~$0.35~~	~~$0.40~~
~~Item 404: Explosives/ Hazardous Waste~~	~~$9.70~~	~~$10.65~~	~~$11.70~~

Wharfage Rates	**2016**	**2017**	**2018**	**2019**	**2020**
Item 401: NOS	**$5.30**	**$5.46**	**$5.63**	**$5.80**	**$5.97**
Item 402: Logs	**$0.62**	**$0.64**	**$0.66**	**$0.67**	**$0.69**
Item 403: Gravel	**$0.41**	**$0.42**	**$0.44**	**$0.45**	**$0.46**
Item 404: Explosives & Hazardous Waste	**$12.05**	**$12.41**	**$12.79**	**$13.17**	**$13.56**

NOTE 1) Material subject to Rule 34.250. Written permission of the Haines Borough must be obtained prior to any movement of explosives and other hazardous cargo over Borough Port facilities.

These rates shall be increased **3% annually**, effective January 1 of each year.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2016.

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/12/16
Date of First Public Hearing: 01/26/16
Date of Second Public Hearing: 02/09/16

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

299. SECTION 3 - DOCKAGE AND UTILITY RATES

RESERVED.

300. ITEM 300 DOCKAGE RATES (C)

Dockage charges are assessed upon Length-Over-All (LOA) of the vessel. LOA is defined as the linear distance, in feet, from the most forward point at the stem to the aftermost part of the stern of the vessel, measured parallel to the base of the vessel.

LOA of the vessel as published in “Lloyds Register of Shipping” will be used and when not published, the Port reserved the right to: (a) obtain the LOA from the vessel’s register, or (b) measure the vessel.

Except as otherwise provided below, dockage rates per foot per 24-hour period:

	~~2011~~	~~2012~~	~~2013~~	~~2014~~	~~2015~~
Dockage:	~~$2.50~~	~~$2.75~~	~~$3.00~~	~~$3.30~~	~~$3.65~~

Dockage Rate	**2016**	**2017**	**2018**	**2019**	**2020**
3% Annual Increase	**$3.76**	**$3.87**	**$3.99**	**$4.11**	**$4.23**

Minimum charge of $80.00

These rates shall be increased 3% annually, effective January 1 of each year.

(continued on page 15.A)

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

306. PORT CHILKOOT DOCK LIGHTERING FACILITY RATES

For use of Port Chilkoot Dock lightering float dock, including lightering to transfer passengers to or from larger vessels; to pick up or discharge passengers for local marine tours; moorage of vessels; and moorage of vessels unable to moor in the small boat harbor.

1. Rates:

A. Lightering or transfer of passengers to or from a larger vessel: Two hundred fifty ($250) dollars flat rate per 24-hour period.

B. Use of the facility by vessels with a capacity of ten passengers or more to load or unload passengers for tours or charters originating or ending in Haines (per docking):

Per-Docking Fee	~~2014~~	~~2015~~	2016	2017	2018	2019	2020
5% Annual Increase	~~$20.00~~	~~$21.00~~	$22.05	$23.15	$24.31	$25.53	**$26.80**

2. Use of the Port Chilkoot Dock Facility including the Lightering Float on a permanent or routine basis must be approved by the Borough Assembly in the form of a special use agreement ("SUA").

3. In case of an emergency or lack of moorage space in the small boat harbor when the Port Chilkoot Dock Facility must be used for transient moorage, standard transient moorage rates shall apply for no more than seventy-two consecutive hours per vessel. Such use shall not interfere with the scheduled use of the dock by other vessels. Following expiration of the seventy-two hour period, standard dockage rates shall apply.

4. All other vessels shall pay standard dockage rates.

307. ITEM 307 ACCOMMODATION LADDER USE RATES

There shall be a charge of $100 for each use by a vessel of the Port's passenger accommodation ladder.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

310. ITEM 310 WATER RATES

Water may be furnished to vessels at the discretion of the Haines Borough at the following rates:

$50 service charge plus $4.50 per 1,000 gallons for water at any Haines Port Facility.

320. ITEM 320 ELECTRICITY RATES

Electrical Outlets: Subject to availability, electricity will be furnished at cost plus ten percent (10%). It will be the responsibility of the user to provide receptacles with proper voltage. The Haines Borough will not be responsible for electric power failure.

330. ITEM 330 TERMINAL USE PERMITS

The services of handling, loading, unloading and other terminal services not specified herein are provided by independent agents at the Port of Haines under terminal use permits issued by the Haines Borough.

340. ITEM 340 PER-GALLON FLOW-THROUGH RATES

For the transport of fluids, including, but not limited to, fuel, through pipelines across Borough port and dock facilities in both directions in any one calendar year.

~~Up to five million gallons $ 0.02 per gallon~~
~~Five million gallons and over $ 0.0175 per gallon~~

Per-Gallon Rate	**2016**	**2017**	**2018**	**2019**	**2020**
Up to 5 million gallons	**$.0232**	**$.0239**	**$.0246**	**$.0253**	**$.0261**
5 million gallons & over	**$.0203**	**$.0209**	**$.0215**	**$.0222**	**$.0228**

These rates shall be increased 3% annually, effective January 1 of each year.

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

400. ITEM 400 WHARFAGE AND HANDLING (C) ---continued---

~~WHARFAGE~~

ITEM 403:

Gravel, Pit run Sand or Gravel; Sand; Crushed Aggregate; Process Stone or Boulders

ITEM 404:

Explosives and other Hazardous Cargo, Viz.:

Powder, gun or blasting; Blasting Caps and Agents; Dynamite; High Explosives; Ammunition other than small arms; and other cargo deemed hazardous by the Haines Borough. (See Note 1)

	~~2013~~	~~2014~~	~~2015~~
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~~Item 403: Gravel~~	~~$0.30~~	~~$0.35~~	~~$0.40~~
~~Item 404: Explosives/ Hazardous Waste~~	~~$9.70~~	~~$10.65~~	~~$11.70~~

Wharfage Rates	**2016**	**2017**	**2018**	**2019**	**2020**
Item 401: NOS	**$5.30**	**$5.46**	**$5.63**	**$5.80**	**$5.97**
Item 402: Logs	**$0.62**	**$0.64**	**$0.66**	**$0.67**	**$0.69**
Item 403: Gravel	**$0.41**	**$0.42**	**$0.44**	**$0.45**	**$0.46**
Item 404: Explosives & Hazardous Waste	**$12.05**	**$12.41**	**$12.79**	**$13.17**	**$13.56**

NOTE 1) Material subject to Rule 34.250. Written permission of the Haines Borough must be obtained prior to any movement of explosives and other hazardous cargo over Borough Port facilities.

These rates shall be increased **3% annually**, effective January 1 of each year.

Memo
Ports & Harbors

Date: December 17, 2015

To: Brad Ryan, Haines Borough Interim Manager

From: Shawn Bell, Harbormaster

Re: Revised Port Tariff Fee Schedule

The current Port Tariff Fee Schedule does not project the Lutak Dockage Rates nor the Wharfage Rates past 2015. It is the recommendation of the Ports & Harbors Advisory Committee (PHAC), and the Harbormaster, that a revised Port Tariff Fee Schedule be adopted.

Background

In 2011 an ordinance was brought before the assembly to significantly increase the Port Tariff Wharfage Rates as well as increase and change the rate structure to the Dockage Rate. Under Wharfage, this proposal was set to change Freight (NOS) from $2.00 per ton to $7.50 per ton and Explosives from $8.00 per ton to $20.00 per ton. In the end, the proposed base Dockage Rate was adopted but the Wharfage Rate was reworked. To compromise between the need to increase revenue but still remain business friendly, the assembly voted to increase Wharfage Rates to a lesser degree and to phase the increase over several years. Dockage and Wharfage Rates have now been increasing by 10% annually from 2011 till present. The current rate for Freight is $5.15 per ton and Explosives is $11.70 per ton. The current rate for Dockage is $3.65 per linear foot.

Note: Freight (NOS) and Explosives is quoted because these are the two most commonly used wharfage rates at Lutak.

Options

The assembly could choose from any number of options:

- Keep rates flat at current level.
- Increase rates to any other desired percentage.
- Have rates increase at 3% annually, as recommended.

I believe that if rates are not slightly increased each year, we would eventually find ourselves in the same position that the Borough faced in 2011. Because rates were not kept up with, drastic changes were proposed and a fairly large increase of 10% annually was adopted. This is not healthy for businesses that require rate stability when using our facility or for the facility's financial wellbeing.

Any number of percentages could be chosen for a rate increase, but I would caution against too small or too large a change. If it is too small, you do little more than keep the rates flat. Eventually the rates would again need to be increased, and if too much time elapses, you again are faced with the 2011 scenario. If too large of an increase, business can be either chased away or decreased.

Why 3% Annually

We cannot easily compare ourselves with other Alaskan Ports and see how our rates match up; there are too many factors to consider. We can, however, see how rates are increased, once a desired rate level is achieved. The Port of Anchorage and the Alaska Railroad (Seward and Whittier Terminals) are both good examples. The Port of Anchorage has a set annual increase of 4% with both Wharfage and Dockage, while the Alaska Railroad increases its Wharfage and Dockage rates by 3% annually.

A 3% annual increase would, at a minimum, keep the port rates up with annual cost increases. According to the state of Alaska, the Consumer Price Index (CPI) for the US has risen an average of 2.93% over the last 30 years. Likewise, the CPI for Anchorage has risen an average of 2.63%.

Projected Revenue Vs. Expenses

Based off of 2015 revenue numbers, if rates were raised by 3%, we could expect an additional $3,000.00 in wharfage and $2,500.00 in dockage. Attached is an expense report from FY 12 – budgeted FY 16. Depending on what work is being completed, Lutak expenses can fluctuate a fair amount.

Lutak Dock Expenditures

	FY12	FY13	FY14	FY15	*Budget* FY16
Payroll	$ 99,310	$ 108,373	$ 111,152	$ 92,737	$ 96,727
Materials & Supplies	9,599	11,115	5,181	8,671	9,250
Professional & Contractual	20,171	22,838	59,335	50,317	108,800
Travel & Training	1,485	2,820	1,835	1,181	2,400
Maintenance	3,806	11,177	2,807	11,731	9,000
Utilities	4,594	4,828	7,040	5,658	5,260
Insurance	3,883	2,690	3,931	3,563	3,650
Vehicle Expense	867	1,655	1,793	1,434	2,400
Depreciation	149,691	162,773	172,119	172,116	165,000
Other	223	549	492	810	400
	$ 293,628	$ 328,818	$ 365,685	$ 348,218	$ 402,887
% Increase		12%	11%	-5%	16%

Haines Borough

BOROUGH ASSEMBLY ACTION REQUEST

DATE: 12-17-15

TO: Borough Assembly

FROM: Haines Borough Ports and Harbor Advisory Committee

BOARD ACTION: Motion. Hughes, sec Pardee passed 5-1 HBPHAC request Borough Assembly consider a 3% annual increase on Dockage and Wharfage tariffs. As per pg 15 and 18 of Port of Haines Terminal Tariff, FMC NO.3 dated 5-13-14.

RATIONALE: Shawn Bell, harbormaster, requested HBPHAC review and recommend a 3% annual increase on wharfage and dockage. The past rate of increase was 10% annually and ends 12-31-15. The annual increases were set to raise tariffs to the present level. The 3% annual increase is reasonable and will (estimated) generate between $5,000 and $6,000 annually.

HBPHAC REQUEST: Haines Borough Assembly to adjust dockage and wharfage 3% annually by updating the Port of Haines Terminal Tariff Schedule in a timely manner.

SUBMITTED BY Norman Hughes Chair HBPHAC

7D

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-618
Assembly Meeting Date: 1/26/16

Business Item Description:	Attachments:
Subject: FY16 Budget Amendment Ordinance #2	1. Ordinance 16-01-428 2. Budget Amendment Worksheet 3. Tourism Budget Amendment Supporting Documents
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 1/5/16	

Full Title / Motion:

The assembly already scheduled the second hearing for 2/9/16. 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 these budget amendments.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ see ordinance	$ see ordinance	$ see ordinance	

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: ■ Yes ☐ No

Summary Statement:

Proposed amendments to the FY16 Budget: 1) Adjust revenue projection for FY16 Federal Payment in Lieu of Taxes based on the final receipt of funds, 2) Adjust revenue projection for FY16 Raw Fish Tax from the State of Alaska revenues based on the final receipt of funds, 3) Recognize revenue from the August 2015 sale of surplus assets, 4) Decrease the FY16 appropriation for the Community & Economic Development Director payroll by $64,000 and increase the FY16 appropriation for Haines Tourism Promotion Advertising; Travel & Per Diem; Training & Registration; and Professional & Contractual Services by the same amount, 5) Recognize grant revenue of $142,428 for principal forgiveness for loans made the Haines Borough, 6) Move budgeted revenue and related expenditures for the Haines Motor Vehicle Registration Tax from Fund 01 to the new Vehicle Impoundment and Retirement Program Fund, 7) Transfer from the new Vehicle Impoundment and Retirement Program Fund in FY16, 8) Adjust the FY16 appropriation for Banking & Insurance for Fire District #1. See the ordinance for more detail.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 1/12/16, 1/26/16	Public Hearing Date(s):
	Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-01-428 **Draft**

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY16 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2015 through June 30, 2016.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY16 budget as follows:

(1) To adjust revenue projection for FY16 Federal Payment in Lieu of Taxes based on the final receipt of funds. The adopted budget was $340,000 but $344,344 was received.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4532	Federal Revenue – P.I.L.T	$340,000	$344,344	$4,344
(2) To adjust revenue projection for FY16 Raw Fish Tax from the State of Alaska revenues based on the final receipt of funds. The adopted budget was $219,200 but $212,855 was received.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4363	State Revenue – Raw Fish Tax	$219,000	$212,855	($6,145)
(3) To recognize revenue from the August 2015 sale of surplus assets.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4640	Sale of Fixed Assets	$0	$13,609	$13,609
(4) To decrease the FY16 appropriation for the Community & Economic Development Director payroll by $64,000 and to increase the FY16 appropriation for Haines Tourism Promotion Advertising; Travel & Per Diem; Training & Registration; and Professional & Contractual Services by the same amount.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
23-03-00-6110	Salaries & Wages	$64,958	$24,638	40,320
23-03-00-6115	Employee Burden	$19,910	$7,750	12,160
23-03-00-6140	Health Insurance	$18,948	$7,428	11,520
23-02-00-7340	Advertising	$77,850	$102,850	($25,000)
23-02-00-7334	Travel & Per Diem	$11,672	$14,672	($3,000)
23-02-00-7335	Training & Registration	$5,625	$6,125	($500)
23-02-00-7312	Professional & Contractual Services	$13,000	$48,500	($35,500)
			Net Change to Economic Development Fund Expenditures	($0)

(5) To recognize grant revenue of $142,428 for principal forgiveness for loans made the Haines Borough from the State of Alaska's Drinking Water Fund for the Barnett Water Tank Replacement (ADWF#395151) and the 4th, View & Lynnvue A/C Pipe Replacement (ADWF#395141).				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
90-50-00-4341	State Revenue (Water Fund)	$0	$142,428	$142,428
(6) To move budgeted revenue and related expenditures for the Haines Motor Vehicle Registration Tax from Fund 01 to the new Vehicle Impoundment and Retirement Program Fund, as authorized by Ordinance #12-10-308.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4365	State Revenue – Fund 01	$40,000	$0	($40,000)
35-01-00-4341	State Revenue – Fund 35	$0	$40,000	$40,000
35-01-00-7230	Material & Equipment	$0	$3,000	($3,000)
01-98-00-8235	Operating Xfer OUT fr Fund 01	$40,000	$0	$40,000
50-98-00-8235	Operating Xfer IN to Fund 50	$40,000	$0	($40,000)
(7) In FY14 a vehicle transport flatbed truck was purchased with $25,000 of areawide general funds. The ordinance appropriating funds (Ord#13-10-351) stated that the general fund would be repaid using future year's Motor Vehicle Registration Tax funds. In FY15 $7,504.44 was received to repay the general fund. This amendment budgets for the remaining balance to be transferred from the new Vehicle Impoundment and Retirement Program Fund in FY16.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
35-98-00-XXX	Operating Xfer OUT fr Fund 35	$0	$17,496	($17,496)
01-98-00-XXX	Operating Xfer IN to Fund 01	$0	$17,496	$17,496
(8) To adjust the FY16 appropriation for Banking & Insurance for Fire District #1. The cost of Worker's Compensation Insurance for the volunteer fire fighters was inadvertently left out of the FY16 Manager's budget.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
25-01-00-7351	Banking & Insurance	$7,700	$12,135	($4,435)

* A positive amount in this column is favorable. A negative amount is unfavorable.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2016.

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/12/16
Date of First Public Hearing: 01/26/16
Date of Second Public Hearing: 02/09/16

HAINES BOROUGH

Proposed Amendments to the FY16 Budget - Ordinance #16-01-428

		Areawide General	Economic Development	Fire Service Areas	Vehicle Impoundment	Capital Improvement	Water Fund	
FUND		01	23	25	35	50	90	
FundBalance as of 06/30/2015	$	2,827,849	441,050	47,279	-	1,552,456	6,469,542	
FY16 Current BUDGET Excess Revenue Over (Under) Expense		(17,359)	(24,352)	(5,703)	0	(231,138)	(245,927)	Totals
Proposed Amendments:								0
1. Increased Federal PILT Revenues		4,344						4,344
2. Decreased State Raw Fish tax Revenues		(6,145)						(6,145)
3. Sale of Surplus Assets		13,609						13,609
4. Decrease CommEcDev / Increase Tourism			0					0
5. State of Alaska Grant Revenue							142,428	142,428
6. Move Motor Vehicle Registration		0			37,000	(40,000)		(3,000)
7. Transfer for Flatbed Truck		17,496			(17,496)			0
8. FD#1 Worker's Comp Insurance				(4,435)				(4,435)
								0
PROPOSED Excess Revenue Over (Under) CASH Expense		11,945	(24,352)	(10,138)	19,504	(271,138)	(103,499)	146,801
Proposed Fund Balance 06/30/2016	$	2,839,794	416,698	37,141	19,504	1,281,318	6,366,043	146,801

Annual Operating Budget	4,844,429
Projected Fund Balance as % of Operating Budget	59%
Amount in excess of 6 months of operating budget	417,580

Budget Amendment for Tourism FY16: **Final Draft: 1-5-16**

The Tourism Department is requesting a budget amendment to restore the FY16 marketing funds to or near the levels of FY15. During budget negotiations, a percentage of the Tourism budget appropriated for Web Marketing was moved to Economic Development. This fund is currently not being used in EconDev and is requested to be returned. In addition, along with all departments, Tourism cut the overall budget by 6%. However, Tourism is funded by the 1% tax (Fund 23), this money should not be in deficit and should be reallocated after a prosperous summer season. The Tourism Budget was cut in Advertising, Travel, Discretionary Fund, and Web based marketing. The Tourism Director is requesting that these amounts be returned to previous levels at or near the FY 2015 budget. The Tourism Director is asking that these funds be re-appropriated from Economic Development to Tourism. With an already small marketing budget, and cuts from State marketing, it is imperative that the Haines CVB maintain a strong online and print marketing campaign.

1. **Web-based Marketing. $25,000** requested for web/online marketing that was allocated to ComEcDev. This is not a new ask, but an amount that has been in the Tourism budget for years (between $20,000-$30,000). With today's market it is the primary focus of our marketing plan. It is important to make as point that these funds are to be a part of the Tourism budget now and in the future with a separate Web-based Marketing budget line item. In addition the miscellaneous funds from paper marketing were decreased to $250; this request is to bring it up to $2500. This is necessary for last minute or unbudgeted opportunities that arise.

Web Marketing				
Google Network Ads	$12/day	$	4,380.00	USD
Facebook Ads	$5/day	$	1,800.00	USD
Trip Advisor	Site Ownership 1 yr & Banner Ad	$	6,000.00	USD
Web Banner Ads	Major site banner campaign		$5,000.00	USD
ATIA Web Banner	Dec -Jun	$	1,020.00	USD
Survey Monkey	Annual Gold Membership	$	300.00	USD
YouTube/ Instagram Campaign	Ads and links	$	1,000.00	
Misc. Extra online accounts		$	3,000.00	
Additional Misc. Print		$	2,500.00	
	Total	**$**	**25,000**	

2. **Computer Consulting and Website Work. $ 3000.** Our current website needs to be updated and maintained to be Mobile friendly and more accessible. We need to have accessible assistance on website support as it is in constant motion and in need of upgrades. This budget was reduced to $0 in FY16 from $3000 in FY15.

3. **Travel / Training: $3500** three trips were removed from this budget cycle. Trade shows for marketing Haines and Training Conferences to keep Haines competitive. This request is to return funds for these important marketing trips..

Total amount asking to return to budget levels near or at 2015: $31,400

Tourism FY16 Budget Amendment Worksheet:

Web Marketing & Advertising				
Google Network Ads	$12/day	$	4,380.00	USD
Facebook Ads	$5/day	$	1,800.00	USD
Trip Advisor	Site Ownership 1 yr & Banner Ad	$	6,000.00	USD
Web Banner Ads	Major site banner campaign		$5,000.00	USD
ATIA Web Banner	Dec -Jun	$	1,020.00	USD
Survey Monkey	Annual Gold Membership	$	300.00	USD
YouTube/ Instagram Campaign	Ads and links	$	1,000.00	
Misc. Extras online		$	3,000.00	
Other Advertising		$	2,500.00	
	Total	**$**	**25,500.00**	

<u>Request to be reallocated from ComEcDev to Tourism:</u>

$ 25000 23-02-00-7340 Advertising

$ 3000 23-02-00-7334 Travel & Per Diem

$500 23-02-00-7335 Training & Registration

$3000 23-02-00-7312 Professional & Contractual

$31400 Total

Additional Funds Requested from Fund 23

<u>Web and Online Marketing Consultation, Plan and Implementation: $32,500</u>

<u>(See attached proposal)</u>

$10,000 – Strategic Consultation and overview of current online presence

$ 20,000 – Contract out professional to install an array of online marketing ads and campaigns

$2500 – Training

Total

$32,500

Online Marketing Planning and Professional Consultation: 1-5-2016

The Tourism Director is asking for a budget amendment to launch an aggressive consultation and overhaul of our online marketing campaign. Online, web-based and Mobile Marketing are at the forefront of a successful marketing campaign. Haines Tourism is behind in this fast moving area of PR**.**

> ***In 2015 studies by Google and Trip Advisor, almost 50% of travelers now research and book travel on their mobile devices and almost three quarters of travelers use their mobile devices to search activities, planning, and restaurants while traveling.***

Similar studies with national Destination Marketing Organizations/ Convention and Visitor Bureaus state, DMO's and CVB's are (or should be) spending ***30-50% of their marketing budge****t* to online, social media, and mobile device marketing. In the 2002 Haines Tourism Study by McDowell, over 50% of Alaskan travelers used the web to plan their trips. That study is over 10 years old and online and mobile marketing is grown faster than any other form of communication.

With a limited and small marketing budget, it is in the CVB's best interest to be assured our marketing dollars are efficiently placed. With state funding cuts, we will receive less co-op marketing from the state and will be more reliant on local budget. In the same 2002 Tourism Study, being efficient with our small marketing budget was listed as a top concern. It is of the most importance that we utilize current funding to the best means. The proposed campaign will assist the Haines Tourism Director to make financially stable choices in ad placement and online outlets. At a bonus, once established many online advertising campaigns have free benefits of becoming shared, liked and linked to other sites and travelers.

Proposal:

The Haines Tourism Department seeks to have professional consultation to assist us directing these marketing dollars correctly, to audit and review our current website and mobile presence, and to establish a robust online marketing plan. This plan will include: consultation, professional restructure, content management, video content, website and mobile site assessment and staff training for future maintenance. This project would likely span two budget cycles.

Research:

Tourism has and continues to seek advice from neighboring CVBs, and marketing firms - including Juneau CVB, Alaska Travel Industry Association, Southeast Alaska Tourism Council, Switch Consulting, and Thompson PR (PR firm for the state). The Juneau CVB is currently going through this same process and we are in contact proposing to share ideas and consultants.

We are looking at several different firms for this work and would solicit formal bids upon budget approval. Below is a detailed proposal, time line and funding request. As well, attached is a section from a sample proposal from Switch Consulting.

Haines Tourism Online Marketing Project – Details by phase:

Phase One:

Consultation and audit of Online Presence: $10,000

Initial consultation including audit of present status, recommendations, strategies and timeline. Creation of a cohesive aggressive campaign.

- In depth analysis, with issues and recommendations for current online presence
- Assessments of technology, content, and design.
- Propose a streamlined, targeted, and more effective ROI for current accounts
- Review website against online trends and the most recent best practices for digital marketing.
- Review target audience, competitors, and goals.
- Reviewing Google Ads, Analytics, Search presence

Phase Two:

Implementation: $22,500

Contractual services to create a robust and cohesive content campaign to span social media, websites, mobile sites, search engines, travel pages, blogs, and online ads including Facebook, Google, Tripadvisor, YouTube, etc.

- Comprehensive upgrade to existing web site
- A competitive Mobile web site
- Training and Ongoing web site updating
- A Google AdWords & Remarketing campaign for both desktop and mobile device searches
- Ongoing SEO (Search Engine Optimization) and Link Building
- Placement/correction of listing in online directories such as Yelp, Near Me, etc
- Create a Google My Business page
- Training on Google Analytics and Ads to track online presence
- Ongoing performance Strategy

Financial Estimates and Timeline of Online Marketing Project:

Consultation:	Proposed Consultants: Thompson PR, Anchorage Switch Consulting, CA	**Estimated Cost : $10,000** Estimated Time Frame: start immediately estimated finish May 2016
Implementation:	Proposed Consultants: Google Digital Strategy Thompson PR Switch Consulting Trip Advisor Support	**Estimated Cost: $22,500** Estimated Time Frame: April – June, 2016
		Total Proposal : $32,500

-

Methodology

Define and set up the webmarketing strategy, provide technical, semantic and editorial recommendations to optimise the natural web indexing, or SEO, for your website.

To improve your website SEO we suggest setting up online paid media campaigns and SEO.

Goals :

_ You must be expertly positioned on search engines in relation to your competition and you need to exhibit clearly what makes you different from other tourist destinations.

_ Improve your visibility with your target audience by promoting your digital Internet spaces.

Methodology :

1. Throughout the mission, we will produce a regular audit of your website's position on search engines, to be able to adapt our recommendations according to the mission's progress and to anticipate our actions depending on any difficulties encountered (bad buzz, opportunity/weakness detected, etc.).

2. During our first meeting, we will define your goals in terms of positioning and visibility on the search engines and social networks: key words and specific expressions, competitive environment, coherence of your digital spaces, etc.

3. We will create an SEO guideline that presents all of our recommendations to optimize your pages (content, tags, internal linking, etc.), global coherence between your different spaces and their visibility on search engines (internal and external linking)

4. We will act in a targeted and effective way to create quality content on your internet pages and ensure its promotion (social networks, blogs, etc.)

5. We will guarantee strategic and operational support for all of the recommendations we provide. We will roll out the advertising campaigns bought on Facebook, Google, etc.

6. A detailed report with recommendations will be transmitted at the end of the campaign (format: PPT), as well as intermediary bi-monthly reports (format: Excel).

HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-2231 * FAX (907) 766-2716

Dear Mayor and Haines Borough Assembly, December 2, 2015

The Tourism Advisory Board would like to support Tourism Director, Leslie Ross, with a requested amendment to the Tourism Department FY16 budget. In the last budget sessions understandably, all departments cut budgets. However, Tourism is funded by the 1% tax which to our knowledge did not decrease this year, if anything we had a prosperous tourism season.

This 1% tax should be used to generate Economic Development including Tourism. Ms. Ross has requested to replete the Advertising Budget to which $25,000 was reallocated by Mr. Mandeville to Economic Development. In particular the Web-based Advertising funds were moved. As the Economic Development Director is now nonexistant these funds should be returned to the Tourism Budget where they can directly support our low online marketing campaign and other advertising that was cut. As well, we support increasing the Travel, Discretionary, and Computer support funds back to at least, FY15 levels. Ms. Ross has proposed moving these funds from the CED fund.

The TAB also supports the Tourism Departments efforts to build up our Online and Web-based Marketing Presence. Ms. Ross has been researching firms and ways to receive professional consultation, training, maintenance and implementation of a robust Web-based Marketing Campaign. TAB would like to see this at least started this season. Fund 23 should not be building or sitting in an account when it is determined for Economic Development.

Sincerely,

Sean Gaffney ,
Chair, Tourism Advisory Board

January 11, 2016

Dear Madam Mayor and Haines Assembly,

As I will not be present at the Jan. 12th Assembly meeting, I would like to submit my comments to you for your folders to add clarification to questions I have received. I would like to thank the Finance Committee for their time and understanding of both areas of consideration in the Tourism budget amendment. I would like to clarify that there are two separate budget items presented for Tourism. As both are related to online or web-based marketing, they could be confused. I would like to ask that the two areas are considered separately for several reasons.

First, and most importantly, the first ask is to simply restore the levels of the Tourism budget to or near the FY15 budget. In FY16 all departments cut budgets by 6%, however, as the Tourism budget is part of Fund 23 it should not be affected by borough wide cuts. As well as significant part of the Tourism Advertising fund -more precisely, the web-based marketing line items - were moved to Economic Development by Mr. Mandeville for a larger online marketing project he envisioned. This project was never started, yet there is still a vital need for an online marketing campaign to continue for Tourism and Economic Development. This is a budget that has always been in Tourism and my request is to return these funds so we can continue and improve our current online advertising accounts – simply the most important part of the Tourism Marketing budget. So this first request is simply reallocating funds from Economic Development back to Tourism where they have been in past budgets bringing the advertising budget back to the $102,000 level of FY15. It is good to note that even this amount is very low for a CVB advertising budget.

The second request is a new and limited ask to fund an audit, consultation, and strategic plan for our entire online presence. This includes website, mobile, social media, and online advertising. This is a strategy to strengthen our online presence, ensure our advertising dollars are placed strategically, study our use of GoogleAd words, search engine optimization (SEO), and make sure that we have a cohesive marketing plan. Many organizations and CVB's have audits every 3 months if not once a year. Haines has, to my knowledge, never had an encompassing study of our online presence. After the initial audit, I will be seeking support from local and regional PR and Marketing firms to assist us in content marketing and creation of a daily, weekly, monthly and annual plan for a robust online marketing program. As well I will be seeking training for myself and my staff to assure we are capable required to keep Haines competitive in today's market.

I believe it is necessary to have a professional company outside of Haines assist in the audit and consultation. After this process I will be depending on local partners for web development, bloggers, videos and online content. Both firms I have recently been working with, Thompson PR and Spawn Marketing, are Alaska firms – giving them an outside view of Haines but understanding the unique needs of marketing rural Alaska. As well, the Tourism Dept. will create an overview of our findings to share will local businesses and organizations so that all of Haines can benefit from analysis and training in online marketing.

Thank you for considering both of these portions of the Tourism Budget. Online and web marketing is the fastest growing type of advertising yet, and Haines Tourism needs to remain competitive.

I am available for any questions.

Leslie Ross

Tourism Director, Haines Borough

Report
from the
Borough Manager

Date: 1/21/16

To: Mayor and Borough Assembly

From: Brad Ryan, Interim Borough Manager

Re: **Manager's Report**

WATER AND SEWER

Piedad Springs: Seven companies attended the mandatory site visit and the bid will be closing at 2:00 p.m. on February 2, 2016. This is a grant-funded project that must be completed by July 15, 2016 and no bidder preference is allowed by the grant.

Tower Road Water Tank: The Tower Road water tank's roof is coming off and a design-build RFP was scheduled to be released January 14, 2016. However, we are waiting for confirmation from DEC on our project scope before releasing the RFP.

Wastewater Treatment Plant: Still working with Jim Dorn on bid documents for the building and monitoring the Governor's Budget. I have also talked with Bill Thomas about working to make sure this stays in the budget.

Water: The Haines Borough has been selected for the EPA's WaterCare program. We are waiting for details of the program.

FACILITIES

Mosquito Lake School: A draft MOU has been developed between the Friends of Mosquito Lake School and the Haines Borough. The draft review was not received on time for the January 26th meeting but we now have it and it will be added to the February 9th meeting. This MOU is good for a single quarter and renews automatically unless one of the parties provides 30-day written notice. The limited time commitment is intended for the Borough and Friends of Mosquito Lake to be able to exit the agreement if it is not an agreeable arrangement.

Senior Center – Chilkat Valley Preschool: The Chilkat Valley Preschool has significant information in the packet for the Assembly to consider about a potential expansion.

HARBOR

Small Boat Harbor: The harbormaster and I had a conversation with David Seris from the Coast Guard and he confirmed that there should not be a problem with security and the harbor entrance. The preliminary review by Harvey Smith from DOT of the PND plans was distributed to the

community and created some excitement but, in general, the review was positive. From the summary of the report, he says: *"I concur that a vertical partial penetrating (curtain wall) wave barrier may be the best choice based on the local wave climate, soils, and other site conditions."*

Lutak Dock: We have a draft RFP for Lutak that we plan on presenting to the Port & Harbor Advisory Committee on the 28th of January.

POLICE/FIRE

Haines Borough Police Department: Chris Brown from Asotin, Washington traveled to Haines to visit the Haines Police Department. What was supposed to be a single-day visit extended to several days including his stay in Juneau. He met with AST Matt Hightower, AST Andrew Neason, Bob Griffiths, Josh Dryden and myself. All of his reviews were positive and he has been extended an offer to join the department.

Chief of Police and Borough Manager Hire: Julie Cozzi is working with Richard Fursman of Brimeyer Fursman regarding travel to Haines and scheduling interviews of assembly members, the mayor, key staff, and community members to develop an effective search for a Chief of Police and Borough Manager.

ADMIN.

Strategic Planning: I reached out to Denali Daniels, Samantha Dye, and George Cuff for information on strategic planning for the Haines Borough. George has been unresponsive but I have talked with both Denali and Samantha and both of them had a lot of questions about what we were looking for. Denali thought she could provide a one-day strategic planning session that could lead to a one-year action plan for around $5,000. Denali thought a more intensive long-term plan that would include a one-year action plan would take several days and cost around $25,000. Samantha provided a potential scope of work, which I have attached to this report. As an oversight, I did not contact Barbara Sheinberg in time for the packet update. I will follow up with her.

Motor Vehicle Registration Tax: The question of what is happening with this tax came up at the last assembly meeting. To date, we have collected approximately $24,000 and used it to pay for a portion of the tow truck and a fence for an impound lot. The staff has been reviewing the original plan put forth on October 8, 2013 and will continue developing this plan depending on the decision by the assembly to repeal the tax. Staff recommends the question of repealing be referred to committee.

Negotiating Team: I outlined a negotiating team for the upcoming union negotiations of the Manager, the Mayor, Jila Stuart, and Mike Case. One question I have received was when the assembly will have the opportunity to review the contract. My understanding of the events is that the contract is negotiated in a series of closed/confidential meetings. Once a contract is negotiated, it will simultaneously go to the union membership and to the borough assembly for approval. It cannot take effect unless approved by a majority of each group.

TOURISM

Freeride World Tour: There is at least a tentative agreement that ADF&G will provide the observers for the out-of-bounds areas. However, in the case that they cannot travel or if there are schedule conflicts, we will need a local backup.

DYNAMIC CONSULTING

We help you reach your full potential

Date: 01/20/16

Client: Brad Ryan, Interim Haines Borough Manager
bryan@haines.ak.us
(w) 907.314.0648

Initial Consultation: 01/19/16 (by phone with Brad)

Overview: The Haines Borough Assembly (6 members) would like to do some strategic planning for a work plan for 2016 and some longer term goals for a 5 year plan. Brad's understanding is that the Assembly wants to gain some focus for what they want to see happen within the community that allows them to give better direction to staff.

PROPOSAL: Strategic Planning

My work with boards, groups, businesses, etc. is always client-tailored. I have various tools, processes, etc. that I use depending on your unique situation. The expertise that I bring as a consultant is to create and facilitate you through a process that best allows you/your group to accomplish your goals. As a coach, I bring presence and questions that help you go deeper to discover and create your own solutions.

Strategic Planning is an investment of time and money in the present for the sake of the future. With any strategic planning process, we start with the bigger picture - clarifying 'why' you are doing what you are doing. Time and energy is then given to the questions 'who are we?' and 'where are we going?' Once those questions are clarified you can better answer 'how will we get there?'

The goal of strategic planning is to to set a direction and to then use that direction to best focus energy and resources. To best do this at an Assembly level, where the group is thinking about direction and strategy for an entire community, I would suggest starting with a 6-hour session. I strongly encourage that the initial session be followed up with measures that provide accountability to the process, i.e. quarterly check-ins to see how you're proceeding, reflecting on what is/is not working on the strategic plan, annual retreats that review and reinvigorate the longer-term process, etc.

SUGGESTED PROCESS

This is an outline of a basic format that I use with groups for strategic planning. This process is not set in stone - we would have continued dialogue to further clarify the purpose of your specific strategic planning.

Purpose: create a strategic roadmap to guide the Haines Assembly for 2016-2020

Process: a WHY-WHAT-HOW process that uses various tools to make the most efficient use of time and presence - a process that brings those present together in new ways and successfully accomplishes the objectives (in bold below)

WHY - **Crafting a Vision**
outcome: a 2-3 sentence vision for Haines in 2020

WHAT, part I - **Identifying Opportunities & Obstacles**
outcome: a list of opportunities & obstacles unique to Haines

WHAT, part II - **Creating Strategic Objectives**
outcome: 3-5 strategic objectives to bring about the vision of 2020

HOW, part I - **Action Steps**
outcome: a list of 5-8 action steps for each strategic objective

HOW, part II - **Prioritization**
outcome: action steps prioritized with timelines for 2016-2020

COST ESTIMATE
facilitation hourly rate = $175.00

Preparation: 8-10 hours
Facilitation: 6 hours
Final Report/Documentation: 2-6 hours

Estimated Total: $2,800.00 - $3,850.00*
*estimate does not include cost for travel from Juneau or an overnight stay in Haines, if needed

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Samantha Dye, MA, PCC
Dynamic Consulting, Owner

Credentials:
M.A., Organizational Management & Development (Fielding Graduate University)
Evidence-Based Coaching Certificate (Fielding Graduate University)
Professional Certified Coach (International Coach Federation)
Mentor Coach (International Coach Federation)
Center for Transformational Presence Coaching and Leadership, certification in process
Center for Non-Profit Coaching, international partner coach
Being at Full Potential - Human Potential Assessment, certified coach
WILEY's The Five Behaviors of a Cohesive Team process, certified facilitator
WILEY's EverythingDiSC assessments, certified facilitator

HAINES BOROUGH
Summer Season Sales Tax Comparison

Sales Tax Reported for Sales Made During the Month:

	2011	2012	2013	2014	2015
May	225,522	228,442	235,691	232,565	244,381
June	306,826	311,788	305,306	332,105	354,780
July	364,987	376,256	377,895	415,448	408,514
August	382,232	390,974	384,883	409,872	412,342
September	300,043	298,637	307,458	312,644	320,897
	$ 1,579,610	$ 1,606,096	$ 1,611,233	$ 1,702,634	$ 1,740,914
$ Increase from PY		$ 26,486	$ 5,137	$ 91,401	$ 38,280
% Increase from PY		1.7%	0.3%	5.7%	2.2%

The officers of the Haines Volunteer Fire Department for 2015 were as follows: Fire Chief Scott Bradford, Assistant Chief Chuck Mitman, Secretary Vince Hansen, and Treasurer Thom Andriesen.

Company Officers	ENGINE	FIRE	AMBULANCE SAR
Captain	Larry Jurgeleit	Greg Palmieri	Thom Andriesen
1st Lieutenant	Lyle Huff	Vince Hansen	Julie Anderson
2nd Lieutenant	Chris Downer	Roy Josephson	Darwin Feakes
3rd Lieutenant	James Sage	Brian Clay	Penny Fossman

There were many events, activities, and other trainings aside from our three scheduled training meetings per month. A brief recap of some of those events is as follows:

Twelve new members have joined the HVFD: Shawn Bell, Matt Boron, Dwight Downer, Kyle Fossman, Ryan Harms, Nicole Holm, Tim Holm, David Lockerman, Amber Long, Dru Neason, Ken VanSpronsen, and Tracy Wirak. Nine members left the department; Randy Bachman, Michael Borcik, Andrew Cardella, Adam DuPaul, Dave Gross, Rosalie Loewen, James Sage, Brandie Stickler, and Tim Walter. We thank them for their service to the HVFD. A 15-minute weekly safety report is aired on KHNS radio with Lyle Huff and Al Badgley. There were many First Aid/CPR and AED classes offered to the public, the ETT class, and work-study students. Penny Fossman certified as a new EMT 3 and Jenn Walsh became an AHA Instructor trainer. We gave out three, $500 scholarships and two, $750 scholarships with monies raised from our 4th of July BBQ. Eight members attended a PEARS class taught by Julie Anderson, three traveled to Seward for Fire Conference, three attended Nozzle Forward, a two day engine class, in Fairbanks, two went to a Wilderness Advanced Life Support Class, and seven attended the SE Region EMS Symposium in Juneau where Al Badgley was presented with a SEREMS Lifetime Achievement Award. Ten certified with their Red Card (wild land fire fighting).

We participated in community events, parades, and standbys (Polar Bear Dip, Alcan, Kluane Bike Race, etc.). We also did fire prevention presentations in the schools and hosted our annual open house with hands on events such as the smoke room, escape ladder, fire extinguisher use, jaws of life demos, blood pressures, and fire truck rides. We also had a voucher program for ice grippers & CO detectors.

We responded to 24 fire callouts including two chimney fires, one grass fire, one MVC, one brush fire mutual aid, two structure fires, 15 false alarms, and two fires out on arrival. The total fire loss of 2015 was $110,000.

We responded to 294 ambulance callouts. Calls included Abdominal Pain 11, Fall Victim 18, Recall 8, Breathing Problem 10, Chest Pain 20, Medical Transport 40, MedEvac 93, Standby 6, Altered Mental Status 14, Medical Alarm 5, Pain 3, Headache 3, Patient Refusal 3, Nausea/Vomiting 3, Weakness 6, Stroke 4, Seizure 6, Psychiatric Emergency 1, Epistaxis 1, MVC 1, Bleeding 1, Attended Death 3, Unattended Death 5, Anaphylactic Shock 1, Traumatic Injury 15, Unconscious/Unknown 3, OB 1, Sick Person 3, Back Pain 1, Syncope 1, Septic Shock 1, Dizziness 2, and Numbness 1.

Haines Volunteer Fire Department 2015 Yearly Report

Year	Fire Callouts	Working Fires	Total Yearly Fire Loss	Total EMS	Total SAR
2006	20	6	$ 111,000	267	
2007	28	13	$ 228,100	241	
2008	32	18	$ 75,000	250	
2009	30	12	$ 16,000	202	
2010	25	10	$ 77,000	250	
2011	33	14	$ 47,000	325	
2012	27	12	$ 4,500	251	
2013	40	19	$ 95,000	249	
2014	25	7	$ 82,500	263	
2015	24	4	$ 110,000	294	

Volunteer Hours HVFD Fire 1560 Ambulance 3200 SAR 0 Total: 1394

Thank you to all of our volunteers for their dedicated efforts in protecting the lives and property of the citizens and visitors of Haines, Alaska.

Sheldon Museum and Cultural Center
Director's Report: December 2015

December Visitor count: 383
December Volunteer hours: 97.4 hours (19 people)
Student Programs: 3rd Grade Formline Program (23 students, 2 adults), 2 Junior Curator Programs (6 children are participating in the program)
Collections Cataloged or Updated: 92
Research Requests: 5

Sheldon Museum and Cultural Center had a good December. In the past month we received:

- $25,000 from Rasmuson Foundation for the shelving project.
- $21,000 from Rasmuson's Art Acquisition Initiative, managed by Museums Alaska, for 10 pieces of artwork, including two outdoor sculptures.
- $10,000 from Lucy Harrell to be used at our discretion.
- Acquired 6 Takshanuk file cabinets Dec. 11, as part of the reorganization of staff office areas.
- Dawson Construction installed 13 compactor shelving units donated by the Alaska State Historical Library. We will begin moving collections in January.

Programs, Events and Staff Training

- Volunteer Appreciation Luncheon, December 4, noon, at the Aspen Hotel. Sandwiches and soup by Sarah J's. 16 Volunteers attended.
- First Friday, December 4, 5-7 p.m.: . 'Holiday Caroling and Holiday Decorations' with Nancy Nash in the decorated museum was attended by 43 people.
- *New Archives and Research Area*: December 3-8 installation of compactor shelving units; December 28, Amy Lowery, Intern arrives.
- 'Through the Lens: the Changing Seasons of the Alaska Chilkat Bald Eagle Preserve' evening lecture with Joe Ordoñez, December 17
- *Harry Potter's World* Exhibit Opening and Holiday Open House, December 19, 2015-January 30, 2016. 75 people attended the opening. We served non-alcoholic butter beer, hosted Hans the Eurasian Eagle Owl from the American Bald Eagle Foundation, provided ornament crafts that included making a golden snitch and a potions ornament, and had potions demonstrations by Tracy Witek.

Administration:

- Holiday card designed, printed and sent to every box holder in Haines.
- Working on 1099s. Ran report and ordered forms.
- Paid sales tax of $13.17 for month of November.
- Brought paperwork for 990's to Richmond Accounting.
- Had a booth at the 12/5/15 Christmas Bazaar. Net profit $331.54
- Prepared e-newsletter for January 2016.
- Cleaning out older file cabinets and moving files into newer file cabinets.
- Executed media marketing campaign for archives move. Sent press release to ten news outlets across Alaska and the Yukon promoting the donation of the Alaska Indian Arts collection.
- Edited letter to the Sheldon family (and others) in response to the name change.

- Assisted volunteers with new system in Lobby, namely cashiering as several volunteers are uncomfortable with ringing up purchases.
- Researched options for new register system for Museum Store.
- Decorated the Museum for Christmas.
- MRV Architects: Some response to inquiries about finishing project. They will send exterior designs in January.
- Staff Holidays: Madeline Witek 12/28/15 to 1/7/16; Jessy Shaw 12/28/15 to 1/1/16

Exhibits

- **Zach James' Formline Exhibition 'our voices are still heard on our grandparents' land'**: *Formline Exhibit* (guest curator Zachary James) closed December 11, 2015. Coordinated with volunteer (Cherri Price) to assist with disassembly in Zach's absence (she and Wayne picked up his loans). Disassembled exhibit: returned objects into storage, updated Past Perfect, removed infrastructure from gallery, sent messages to loan owners to pick up artifacts.
- ***Harry Potter's World* Exhibit:** Completed research and graphics search, text development, editing and printing for in-house signage. Coordinated with lenders for artifact loans, including the American Bald Eagle Foundation's (ABEF) Koken Collection. Coordinated with ABEF for live owl demonstration at exhibit opening. Used borough van for loan pick-ups. Completed loan paperwork, cataloging and entry into Past Perfect. Assembled traveling interpretive panels. Completed and submitted condition report for traveling portion. Designed and installed Curiousity Cabinet, Apothecary and Alaska sections (all objects in exhibit). Designed graphics for additional narrative and banners for entrance. Wrote and distributed press release that was published in Juneau and Whitehorse papers. Created and distributed Harry Potter bookmarks at the school and the library as part of the Harry Potter exhibit
- ***Six-Week Spotlight 2016-2017:*** Applications due December 31 for next round. Followed application process in Mail Chimp. 29 people of 52 opened the original invitation. An additional email was sent on December 23rd reminding people of the upcoming deadline and including quotes from previous participants. Re-working guidelines, based on artist concerns, to be proposed to Board at future date. As of December 30, only 2 applications were submitted.
- Finalized **2016 Exhibits Schedule**:
    - **December 18, 2015 - January 30, 2016**: Harry Potter's World
    - **February 5-March 19, 2016**: Sixweek Spotlight, Kerry Cohen
    - **March 26 – May 7, 2016:** Gil Smith Landscape Exhibit
    - **May 14 – June 11, 2016:** Student Art show
    - **May 14 – October 31, 2016:** Objects of Haines History (working Title) – in the former museum store space
    - **June 18 –July 30, 2016:** Six Week Spotlight – Mud Bay Artists (curated by Donna Cattoti)
    - **Aug. 5 – Sept. 17, 2016:** Lyn Fabio – Gut and Fiber
    - **Sep. 24 – Nov. 5, 2016:** Six Week Spotlight
    - **Nov. 19 - February 24, 2017:** White Fang
    - **January 2017:** Snow Machine Exhibit (Alcan) – mini exhibit
- **Lyn Fabio Gut Exhibit:** Looked into US and Canadian border requirements for bringing in (gut) art works of Lyn Fabio next fall. Sent details and gallery dimensions to artist.

Collections

- **NAGPRA compliance:** Developing SMCC procedures for ensuring new acquisitions comply with NAGPRA with input from Steve Henrikson and Andrew Washburn of Alaska State Libraries, Archives and Museums.
- **Restricted Archaeological Records:** Richard Vanderhook, State Archaeologist, of SHPO helping determine requirements for donated archaeological records that are currently restricted in archives.
- **Gil Smith Painting donation:** Will be picked up January 31 in Haines Junction.
- **Gate Valve Acquisition**: correspondence ongoing with Bristol.
- **Pastperfect Database:** Locations found to be incorrect for many previously exhibited items. Archives move is helping identify items not listed in the database. Inventory of archives will be part of the Archives move project. Throughout, minor records corrections are occurring, too.
- **Art Acquisition Awards:** Purchased 10 artworks from 4 artists: Tresham Gregg, Katie Craney, Judd Mullady and Rebecca Brewer. Two are outside sculptures that will be installed properly in the spring. Funded by Rasmuson Foundation.
- **Donations/Purchases:** Nearly 90 new donations/purchases have come to the museum and await processing. Began processing 50-item accession from Jim Shook donation. Donations from out-of-town donors were completed with return of signed donation slips. A total of 81 items cataloged completely since October, with zero loose ends. This included Pat Noonkaster items.
- **"Green Book"** will be restarted in 2016. It is a list a master written list of accession numbers that ended in 2004 when only one person was doing accessions. This will assist tracking and consistency as well as minimize mistakes and confusion with multiple catalogers in the Museum.
- **Study Collection:** 70 dolls donated to be cataloged in the Study collection and used for Doll Fair displays. Most are antique. One was selected for accession as it advertised a steamship company.
- **Storage Upgrades:** Compactor shelving from Juneau – installed by Dawson in the lower level of the museum December 3 to 8.
- **KHNS History Talks,** 8:45-9 a.m. every other Tuesday morning**:** 12/1: discussed Jewish Alaska; 12/22: Christmas Traditions

Archives

- Archival move planning (new locations for different collections/holdings, shelf configuration, consolidation, equipment needed, materials needed etc.)
- **Total number of archival inquiries for December: 5**

Education

- **Junior Curator Program, Thursdays 2:15-3:15:** Decorated the museum for First Friday (12/3); pulled objects for Cabinet of Curiosities (12/10); discussed Harry Potter exhibit and conservation (12/17)
- Organized Thursday afterschool reading program called "**Read Aloud Book Club**" starting in January.
- **Volunteer Luncheon** December 4 at the Aspen Hotel attended by 16 volunteers. Soup and sandwiches by Sarah J's.

- **'Through the Lens: the Changing Seasons of the Alaska Chilkat Bald Eagle Preserve'** evening event with Joe Ordoñez for December 17, 7-8:30pm. Attended by 20.
- Designed posters for Brown Bag Lunch, Harry Potter Reading Program, Harry Potter Opening.

Upcoming Activities

- 2016 Brown Bag lunch series, Fridays, Jan. 8 – April 29, 2016
- Harry Potter Read Aloud Program, Thursdays, starts Jan. 14.
- *Six Week Spotlight: Kerry Cohen*: Feb 5-Mar 19, 2016

Unscheduled:

- Reprint "The Tlingit" by Wallace Olson (fall 2015?)
- Totem Pole book/brochure (2016?)
- *MRV Architects:* Final concepts in Public meeting

Future Funding Needs

- Server is in need of replacement. All technology needs to be rethought and upgraded.
- Public Bathrooms need to be upgraded and made to meet ADA requirements (CIP request)
- Painting building needs to be completed. (Maintenance funds)
- Grounds improvements – plantings and water access to museum.
- More space needed – building expansion.

9A

Action minutes from 19Nov15 PHAC meeting.

1. M/S. Terry motioned/ Bill second to send the 95% Harbor Plans back to the Assembly

   Vote 6-0

2. M/S Don motioned/ Fred second to support the 408 permit app to move forward

   Vote 6-0

Chair Norm Hughes absent. All other committee present. No Assembly liaison present.

Manager Dave Sosa present

Ex Officio Mayor Hill

Audience. Jeremy Stephens, Mike Case, Diana Lapham, KHNS reporter

Shawn Bell

Haines Harbormaster

Approved Minutes HBPHAC 12-17-15

10:30 CALL TO ORDER, Roll call--- **Terry Pardee, Don Turner Jr, Bill Rostad, Brad Badger, Glen Jacobson, Norman Hughes chair. Shawn Bell Harbormaster. Absent—Fred Gray**

Approve Agenda, Hughes 2nd Pardee Approved 6-0

Approve Minutes of 11-19-15 HBPHAC Meeting. Hughes, 2nd Rostad Approved 6-0

No public comment made

Harbormaster's Report—Update on replacement of halogen with LED lighting on docks of Portage Cove Small Boat Harbor. Will get back to committee on funding timeline.

Update on failing pilings on F float and looking for suggestions from committee on temporary fixes.

Old Business: Section 408 Permit Application. PND is submitting for 408 permit without studies. Borough is waiting for Army Corps to tell Borough what studies will be needed before spending monies on studies that may not be needed (Brad Ryan).

Motion Hughes , 2nd Pardee, passed 6-0

HBPHAC request Haines Borough Assembly budget funds for lobbying of federal officials for South Portage Cove Harbor Expansion.

New Business: Lutak Tariff Rates, Shawn Bell recommended a 3% annual increase starting 2016.

Motion Hughes, 2nd Pardee, Passed 5-1 , Pardee opposed

HBPHAC request Borough Assembly consider a 3% annual increase on Dockage and Wharfage tariffs. As per pg 15 and 18 of Port of Haines Terminal Tariff, FMC NO.3 dated 5-13-14.

Set next meeting date, 01-28-16

Public comment, none was given

Motion to adjourn, Turner, 2nd Pardee, passed 6-0

◯ **REGULAR MEETING**

X SPECIAL MEETING

◯ TAB **X PHAC** ◯ LIBRARY ◯ PSC ◯ PRAC
◯ CCAB ◯ MUSEUM ◯ Other_____
Please Check Appropriate Box

Committee Meeting Summary

Date 01—8-16 **Time of Meeting** 10:30 **Location** Municipal Chambers

Committee Members Present: DON TURNER Jr, BILL ROSTAD, BRAD BADGER, GLEN JACOBSON, FRED GRAY **Chair Person:** Norman Hughes

Person Filling out form: NORMAN HUGHES

Topics of Discussion:

- SOUTH PORTAGE COVE HARBOR EXPANSION UPDATE
- SHAWN BELL HARBORMASTER AND BRAD RYAN BOROUGH MANAGER ANSWERED
- QUESTIONS FROM COMMITTEE MEMBERS ON HARBOR PROJECT .
- MINOR OFFENSES ORD. WAS ADDED PER BILL THOMAS REQUEST.
-

Action Taken: (Include any motions made and the vote)

- MOTION: APPROVAL OF DRAFT MINUTES HBPHAC 12-17-15, ROSTAD 2ND TURNER 6-0 PASSES
- VERBAL AGREEMENT TO KEEP LINES OF COMMUNICATION OPEN BETWEEEN BOROUGH AND
- HBPHAC.
- VERBAL APPROVAL TO ALLOW CHAIR TO ADDRESS BOROUGH ASSEMBLY TO RELAY
- COMMITTEE REQUEST FOR CONTINUED ATTENTION OF SPCHE

Next Mtg Date: 1-28-16 * **NOTE: This Summary should NOT replace Minutes or Requests for Assembly Action**

Haines Borough

Haines Borough Ports and Harbor Advisory Committee

RECORD OF DECISION

DATE: 1-8-16

TO: Borough Assembly

FROM: Haines Borough Ports and Harbors Advisory Committee

BOARD DECISION: MOTION: APPROVAL OF DRAFT MINUTES HBPHAC 12-17-15, ROSTAD 2ND TURNER 6-0 PASSES

RATIONALE: HOUSE KEEPING APPROVAL OF LAST MEETING MINUTES, NO EDITING OF MINUTES REQUIRED

SUBMITTED BY Norman Hughes Chair HBPHAC

9B

MINUTES
Public Safety Commission
Meeting Date: 12/7/2015

Date of Approval: 1/11/2016

Call to Order: The Public Safety Commission was called to order at 5:30pm, 12-7-2015 in Assembly Chambers. Chair Jim Stanford presiding.

Members in Attendance: *Judy Ewald, Kay Clements, and Jim Stanford, Assembly Liaison Margaret Friedenauer. Bob Duis, absent and Judy Erekson, excused*
Others in Attendance: *Karen Garcia, Jillian Rogers*
Approval of Agenda: Motion made by JE,KC/2 to approve agenda. Approved unanimously
Approval of Minutes: Motion made by JE, JS/2 to approve the minutes of the November meeting and forward to borough clerk. **Motion carried unanimously.**

Public Comment: none

Old Business:

- Minor offense list – JE asks if the list can come back to the commission for review and further editing. Assemblywoman Friedenauer reported that a committee to review the process around the minor ordinance list including who would dispense fines will meet on Dec 17th. Their recommendation will be forwarded to PSC for review and comment.

- Chair Stanford gave an update on work regarding Klehini Valley Fire Department. JS contacted the ISO representative in Oregon who had helpful suggestions on how to resolve the issue and said she would lend support as required. ISO representative pointed to a problem with documents not being submitted as the primary cause of rating downgrade along with water access. JS also contacted Robert Venables, one of the KVFD trustees, to discuss a meeting which was cancelled before it was able to take place. Trustee McLaughlin is also becoming involved in resolving these issues. A report is due from the KVFD in January at which time the PSC will review progress. PSC would still like to be better informed as to budget, expenses, management and training opportunities of the dept. so that it can respond to citizens.

New Business:

1) Hiring of police chief and borough manager: Assemblywoman Friedenauer reported that the personnel committee is meeting to discuss PSC recommendation to hire firm to help with hiring process. They had requested more information from firms regarding price of combining the search and will advise PSC as they move forward.

2) Chair asked for comments/input on PSC annual report to Assembly.
Commissioners all noted the way PSC has felt marginalized in the last year. The commission suggested a better need for tracking input from all committees and relevant meetings to ensure the assembly is accurately informed.

3) Cell phone and internet transmission unreliable during cruise ship dockings. How should this be addressed? Noted in minutes, intent to address in new year.

Announcements: none

Public Comments: none

Next meeting January 4th, 5:30pm in council chambers

Adjournment: KC moved to adjourn meeting, JS/2 unanimous.

The meeting was adjourned at 6:05pm

Kay Clements, Secretary
Public Safety Commission

9C

SHELDON MUSEUM AND CULTURAL CENTER, INC.
Board of Trustees Meeting Minutes
December 16, 2015 at 2:30 p.m. at the Sheldon Museum

CALL TO ORDER: 2:49 p.m. by Acting Board President Jim Shook

ATTENDANCE:
Board: Jim Shook, Acting Board President
Michael Marks, Treasurer and Acting Secretary for this meeting
Lorraine Dudzik
Diana Kelm
Kelleen Adams
Gregg Richmond

Staff: Helen Alten with additional information provided by Madeline Witek
Borough Liaison: George Campbell not present
Guests: Bill Thomas, Jim Studley, Diana Sly, Lucy Harrell, Tim Alten, Tom Morphet, Blythe Carter and C.J. Jones, and Tresham Gregg.

ADDITIONS TO AGENDA: None

APPROVAL OF AGENDA: M/S Lorraine Dudzik/Diana Kelm made a motion to approve agenda and move up after public comment the Public Process & Upcoming Changes - approved unanimously.

APPROVAL OF MINUTES: M/S Michael Marks/Kelleen Adams made a motion to approve minutes of last meeting with the following changes: the cost of moving portable walls would have been $3,500 instead of $5,000 - approved unanimously.

Public Comments:
- Lucy Harrell shared her love and commitment to the Museum by presenting a check for $10,000 as a donation.
- Bill Thomas spoke about historical sites in Haines that have undergone name changes. Recommended keeping the Sheldon name in the Museum name.
- Diana Sly informed that she felt it important to use Haines in the new name change and that another area of the Museum could be named after Sheldon.
- C.J. Jones presented a letter from the Sheldon family appointing her as their representative in the name changing discussion and shared their recommendation to keep the name Sheldon in the new name or keep the name the same.
- Jim Shook spoke about including Haines and Sheldon in the new name.
- Lorraine Dudzik mentioned she felt we need to rescind the previous motion to change the name.
- Kelleen Adams spoke in favor of Haines Sheldon Museum as a name.
- Phyllis Sage called Michael Marks to mention she was in favor of Haines Sheldon Museum and Cultural Center.
- Gregg Richmond offered that the information provided at the Oct. 14 meeting about the name change was inaccurate. The rationale to change the name was not compelling.
- Tresham Gregg requested a special event for further public comment on the name change and recommended the Sheldon Haines People's Museum.
- Helen Alten suggested additional public comments were necessary.
- Diana Kelm shared that she opposed any name changes due to costs, loyalty to the family and the community.

- Bill Thomas provided the idea of the Haines Sheldon Community Museum.
- Michael Marks said the Board was too hasty in making a motion to change the name of the Museum without consulting with the family and community.
- Gregg Richmond requested paperwork justifying why we need to change the name of the Museum.
- C.J. Jones speaking for herself opposed taking out Sheldon from the name of the Museum.

Business

- Public Process & Upcoming Changes

M/S Michael Marks/Diana Kelm made a motion to rescind the motion made on Oct. 14, 2015 to change the name of the Museum - approved unanimously.
Comments were made about the best way to go about reaching the community to involve them in a name change. The use of the newspaper, radio and mailings were discussed.
M/S Michael Marks/Kelleen Adams made a motion to have community input on if the Museum needs to change its name or not and take recommendation for potential name changes.

- New Board Member - John Carlson submitted a Board Appointment Form.
- M/S Michael Marks/Gregg Richmond made a motion of accept John Carlson as a new Board member - approved unanimously. Michael Marks will write a letter of recommendation to accept the new board member to the Mayor and provide meeting minutes.

STAFF/BOARD REPORTS:

- Museum Director - Grants received $21,000 from Rasmuson Art Acquisition Fund to purchase artwork and $25,000 from Rasmuson Foundation to pay for new archive units. 11 Sparks' Baskets - donation pending. Engineer and Architect reports received. Shelving units installed. Janitor position is open.
- Will table the possible purpose for Lucy Harrell's recent $10,000 donation until next meeting.
- Server needs replacement and have received one bid. More bids needed.
- Recommendation to change store computer to an iPad with Square.
- Request food for opening of new exhibit this weekend. Michael Marks will not be able to attend and donated $20 and Kelleen Adams donated $10 and will also drop off some food.
- Jim Shook will craft a letter to the paper and Sheldon family about the name change.

NEXT BOARD MEETING: January 13, 2016 at 3:30 p.m.

MEETING ADJOURNED: 5:10 p.m.

Respectfully submitted,
Michael Marks, Treasurer

9D

HAINES BOROUGH ALASKA

☒ REGULAR MEETING

◯ SPECIAL MEETING

◯ TAB ◯ PHAC ◯ LIBRARY ◯ PSC ◯ PRAC
◯ CCAB ◯ MUSEUM ◯ Other PC
Please Check Appropriate Box

Committee Meeting Summary

Date 1/14/16 Time of Meeting 6:30 p.m. Location Assembly Chambers

Committee Members Present: Chair Person: Rob Goldberg

Larry Geise, Diana Lapham (Liaison), Lee Heinmiller, ~~Brad Ryan~~, Rob Goldberg, Rob Miller, Brenda Josephson

Person Filling out form: Kathryn Friedle

Topics of Discussion:

- Building Height code clarification wording
- Harbor Project - preliminary report from
- Harvey Smith, State Coastal Engineer
- Update on heliport planning in H.B.
-

Action Taken: (Include any motions made and the vote)

- None
-
-
-
-

Next Mtg Date: 2/11/16 * NOTE: This Summary should NOT replace Minutes or Requests for Assembly Action

9F1

From: George Campbell
To: Julie Cozzi
Cc: Jan Hill; Debra Schnabel
Subject: Commerce committee
Date: Tuesday, January 19, 2016 2:27:48 PM
Attachments: IncentiveProposalHeatherRewrite.pdf

Commerce committee met on Monday, January 18th.

Present were assembly members: T. Gregg, M. Friedenauer, G. Campbell

Community members: Karen Garcia (CVN) Paul Wheeler, Jeanie Kitiama, Deborah Schnabel (representing the Chamber of Commerce), and Heather (last name?) from the Port Chilkoot Distillery.

The Chamber had a proposed suggestion for the tax incentive program and presented it.

All participants were involved in a round table type discussion on the proposal and tax incentive. Some questions for later date were asked also.

Here are some of the talking points:

There are issues with some business types being seasonal- should they be included?

There needs to be an application process developed by the Borough

A set time frame needs to be included in the ordinance to identify allowed timeframe between investment and application for relief

Authority to approve needs to be established in a manner that allows all decisions to be on equal terms

All development must meet zoning for their purpose

The incentive should be used to encourage expansion where there is a need, and new types of businesses

There was discussion about certain zones having more incentive, and that relief would only be available from additional tax fees incurred due to business investment, (increased value of a property from investment and expansion of buildings).

M. Friedenauer and D. Schnabel are planning on writing this in ordinance form early next week, to present it at a Committee meeting on Wed. Jan 27th for more review. The desire is to have this on the agenda the first assembly meeting of February.

Please see the enclosed proposal from the chamber

George Campbell
Chair, Commerce Committee

PROPOSED INVESTMENT INCENTIVE POLICY:
Property TAX-PHASE-IN for Economic Development
Presented by the Haines Chamber of Commerce to
Commerce Committee, Haines Borough; George Campbell, Chair

PURPOSE

The desired result of the Property Tax Phase-in Policy is to attract, retain, expand and relocate targeted business investment to support economic development in the Haines Borough. The policy demonstrates a commitment to support for under-represented business types, small and start-up businesses. The policy further encourages rational community development by offering incentives for business location within specified zones within the Borough.

TARGETED BUSINESSES

Targeted business categories are manufacturing, processing, advanced technology, tourism and entertainment.

- Manufacturing: Fabricating, or the process of converting raw materials, components, or parts into finished goods that meet a customer's expectations or specifications. Often on a large scale, using machinery and division of labor.
- Processing: Movement of data or material towards a known goal or end result, by passing it through a series of stages or a sequence of actions
- Advanced technology: Activity that depends upon advanced scientific knowledge, computer software, communications technology or biotechnology.
- Tourism and Entertainment: sustainable commercial activities that attract visitors to Haines and/or contribute to residents' recreational opportunities.

POLICY

Upon meeting eligibility and performance requirements of the tax exemption policy, a business that locates to, relocates, or expands facilities within the Haines Borough may receive an exemption from property tax assessment in accordance with the regressive schedule outlined in this policy.

Exemption from property tax assessment shall be assigned to applicants based on eligibility as a percent of the value of real estate improvements consisting of new construction, renovation of facilities, and/or equipment in excess of $100,000. A regressive schedule of exemption may: continue up to five years for an investment greater than $1,000,000; shall not exceed three years for an investment of $300,000 to $1,000,000; shall not exceed two years for an investment of $100,000 - $299,999.

An eligible business' rate of exemption may include consideration of the value of added payroll generated in the borough and the location of the real estate improvements. The rate of exemption may be amended or updated by resolution adopted following a public hearing by the Haines Borough Assembly. Amendments may be requested by application.

PROPOSAL

- A “five year schedule” base exemption shall regress 80%, 60%, 40%, 20%, 20%
- A “three year schedule” base exemption shall regress 50%, 30%, 20%
- A “two year schedule” base exemption shall regress 50%, 25%
- Payroll in excess of $50,000 per annum may, by application and amendment as provided, activate an additional 10% exemption per year through the approved exemption period.
- Location of the investment shall activate additional waivers as follows:
    - Downtown (per zoning boundary identified by the Downtown Revitalization Committee): 10%
    - Peripheral Downtown (two blocks surrounding the Downtown district): 5%
    - Ft. Seward: 10%
    - Lutak Industrial Zone: 5%

PERFORMANCE REQUIREMENTS

An eligible business may not receive a tax phase-in exemption benefit until it has met all of the eligibility requirements and conditions applied to the incentive.

ELIGIBILITY REQUIREMENTS

To be eligible for an incentive, the applicant must:

(a) be a business entity registered with the State of Alaska; and

(b) be approved by the Borough as a target business in the application process; and

(c) account for a minimum investment of $100,000 in real estate improvements, facilities and/or equipment (note: real estate or land purchase/acquisition alone is not eligible); and

(d) demonstrate an equity level of at least 50% ; and

(e) possess a realistic and acceptable business plan that includes a market analysis and financial forecasts for a minimum of three years; and

(f) IF the application involves an activity which is in competition to, is like or is the same as any existing business in the Haines Borough, that applicant must demonstrate that the market is sufficiently large or capable of being expanded to the point that both the applicant and existing business will be and remain viable; and

(g) IF the application involves consideration of payroll, it shall be so in the second and subsequent years if applicable, to be validated by submission of federal payroll tax report forms.

APPLICATION PROCESS

PROPOSAL

HAINES BOROUGH, ALASKA
RESOLUTION No. 16-01-656 **Draft**

A resolution of the Haines Borough Assembly increasing Borough Clerk Julie Cozzi's annual salary to $85,000, effective February 1, 2016.

WHEREAS, Julie Cozzi serves as the Haines Borough municipal clerk and has done so for many years (since May 2003); and

WHEREAS, Ms. Cozzi has attained the top level of certification in her profession (Master Municipal Clerk); and

WHEREAS, she has guided and mentored many newly elected borough assembly members and enabled them to serve more effectively in their respective positions; and

WHEREAS, Ms. Cozzi is widely recognized by her peers in Alaska Municipal circles as a top professional resource; and

WHEREAS, she has filled in for borough managers who were absent, as well as when there was no incumbent borough manager; and

WHEREAS, Ms. Cozzi is currently paid 25.94% less than the average for positions of similar scope and responsibilities; and

WHEREAS, the Haines Borough Assembly recognizes that Julie Cozzi's value to the Haines Borough is significantly more than her current salary,

NOW, THEREFORE, BE IT RESOLVED by the Haines Borough Assembly that Julie Cozzi's salary be increased, effective February 1, 2016, to an annual salary of $85,000 per year.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2016.

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

11B1

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-619
Assembly Meeting Date: 1/26/16

Business Item Description:	Attachments:
Subject: Revise Review Process for Capital Projects	1. Ordinance 16-01-429 2. Email from R.Goldberg explaining Planning Commission Recommendation
Originator: Planning Commission	
Originating Department:	
Date Submitted: 12/14/2015	

Full Title / Motion:

Motion: Introduce Ordinance 16-01-429 and schedule a first public hearing for 2/9/16 and a second hearing for 2/23/16.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ none	$ n/a	$ n/a	n/a

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	
Page 56, Objective 2A; Page 199, Goal 5	Consistent: ■ Yes ☐ No

Summary Statement:

This ordinance is recommended by the planning commission (PC). It calls for adjustments to HBC 18.30.040 to match the actual planning commission meeting start time, to revise the review process for capital improvements and borough projects, and to delete references to the coastal zone management plan that the state eliminated several years ago.

The code specifies that long plats be reviewed by the PC at 35% & 100% of design completion, but there is no similar requirement for borough projects. It just says "shall review", which the PC believes is too vague. A systematic review of design plans with public participation at PC meetings may lead to more public understanding and acceptance of borough public improvement projects.

Referral:

Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:

Meeting Date(s): 1/26/16 Public Hearing Date(s):
Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-01-429 **Draft**

An Ordinance of the Haines Borough amending Haines Borough Code Section 18.30.040 to adjust code to match the actual planning commission meeting start time, to revise the review process for capital improvements and borough projects, and to delete references to the state-eliminated coastal zone management plan.

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 18.30.040 Sub-Section 18.30.040 of the Haines Borough Code is hereby amended as follows:

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

18.30.040 Planning commission.

The borough planning commission ("planning commission") consists of seven registered voters who have resided in the borough for 30 days or longer immediately prior to appointment. Planning commission members shall serve staggered terms of three years, and all appointments to the committee shall be made according to the provisions of HBC 2.60.055. Vacancies on the commission shall be determined by the mayor under the same regulations as HBC 2.10.240, guidelines for vacancies of the borough assembly, and shall be filled only for the unexpired portion of the term. Applications from persons interested in serving on the borough planning commission shall be solicited by public advertisement annually for the seats which are expiring and all applicants, as well as incumbent members, shall be given consideration for filling those seats.

A. The commission shall annually, after each general election of the borough, elect a chair who has the ability to vote on any question and is considered as part of a constituted quorum and such other officers as it deems necessary or desirable in the discharge of its powers and duties.

B. No action shall be taken by the commission except where a duly authorized quorum (four members) exists and where an affirmative vote of the quorum at a properly noticed public hearing is taken.

C. The commission shall meet on the second Thursday of each month at ~~7:00~~ **6:30** p.m., or at another regularly scheduled time as determined by a majority vote of the commission, or upon call of the chair. An agenda shall be prepared for each meeting. The agenda shall state the name of the Haines planning commission, the time, date and place of the meeting and a list of all agenda items. The agenda shall give a brief description of each item to be addressed, proposed development or other activity and state the action requested of the planning commission. The commission shall establish, by resolution, at least three locations in the borough for posting of the agenda. The agenda shall be posted at these locations at least 72 hours prior to the time of the meeting.

D. The commission shall keep a permanent record of its meetings in the form of meeting minutes, and the manager shall provide secretarial and other assistance to the commission to assist in this duty. The minutes of the meetings shall be copied and placed in the packets of the

borough assembly members for their next regularly scheduled meeting. Minutes and records shall be filed with borough clerk and retained as public records.

E. The commission shall conduct its activities within the requirements of Chapter 2.60 HBC, Committees, Boards and Commissions, unless specifically superseded by a section under this chapter.

F. The commission shall make such other rules and regulations governing the conduct of its business as it deems necessary or desirable.

G. The commission may prepare and make recommendations to the borough assembly for amendments to this title.

H. The commission ~~may~~ **shall** review annually the capital improvements program of the borough and submit its recommendations thereon to the borough assembly. The manager shall submit the capital improvements program to the commission in a reasonable period in advance of the fiscal year.

I. The commission shall review and report to the borough assembly regarding the location, design, construction, demolition or disposition of any public building, facility, collector or arterial street, park, green belt, playground or other public facility. The report and recommendation of the commission shall be based upon the comprehensive plan, ~~coastal zone management plan~~ and the capital improvements program. **The manager shall submit conceptual design plans for the construction of any Borough facility to the commission for review and recommendation to the assembly. Plans will be submitted again at 35% to 65% of completion, and finally at 95% of completion. The commission shall hold public hearings as part of the review of the design plans.**

J. The commission shall report to the borough assembly on all preliminary and final plats the commission has processed as the platting authority (see Chapter 18.100 HBC).

K. ~~The commission shall, at least once every two years, review, prepare and adopt recommendations to the borough assembly and the State Coastal Policy Council respectively for amendments to the coastal zone management plan. The commission is responsible for implementing and enforcing the provisions of the coastal zone management program prior to the issuance of any permit approval under this title. (See Chapter 18.110 HBC for specific regulations.)~~

~~L.~~ A comprehensive plan is a compilation of policy statements and maps for guiding the physical, social and economic development, both private and public of the borough, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a lands classification plan and requirements for disposal of borough lands, a community facilities plan, a transportation plan, coastal development and management plan, and recommendations for plan implementations. The assembly shall be guided in the adoption of the comprehensive plan by the recommendations of the planning commission. The assembly may modify the plan, provided it first obtains the recommendations of the planning commission. The planning commission shall undertake the overall review of the plan at least once every two years and shall present recommendations based on the review to the assembly.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2016.

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/26/16
Date of First Public Hearing: __/__/__
Date of Second Public Hearing: __/__/__

From: Rob Goldberg [mailto:artstudioalaska@yahoo.com]
Sent: Monday, December 14, 2015 12:09 AM
To: Kathy Friedle; Julie Cozzi
Cc: Jan Hill
Subject: Code revisions to 18.30.040

Hi Kathy and Julie,

At the Planning Commission meeting of December 10 the commission made several changes and additions to 18.30.040. Deletions are in <red>. *[Clerk's note: for the assembly packet, this was changed to bolded/underlined to make it easier to view.]* Additions are in green. *[Clerk's note: for the assembly packet, this was changed to strikethroughs to make it easier to view.]* In C we changed the meeting time from 7pm to 6:30 pm. In H we changed "may" to "shall". In I we eliminated reference to the coastal zone management plan because the state eliminated this program. Two sentences were also added to the end of I.

Rationale: The Code specifies that long plats be reviewed by the planning commission at 35% and 100% of design completion, but there is no similar requirement for borough projects. It just says "shall review", which is too vague. As we saw with the design of the harbor expansion, a scheduled review of the design plans with public participation at planning commission meetings will lead to projects being more readily accepted by the community.

We didn't notice this at the meeting, but section K deals with the coastal zone management plan, and should probably be eliminated also. That would make section L the new K.

There is also an entire section, 18.110 that is all about the coastal zone management plan. This section should probably disappear also, but since we didn't discuss it at the meeting I don't feel comfortable doing it now. Maybe it can wait for another meeting.

Thanks.
Rob

18.30.040 Planning commission.

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same regulations as HBC 2.10.240, guidelines for vacancies of the borough assembly, and shall be filled only for the unexpired portion of the term. Applications from persons interested in serving on the borough planning commission shall be solicited by public advertisement annually for the seats which are expiring and all applicants, as well as incumbent members, shall be given consideration for filling those seats.

A. The commission shall annually, after each general election of the borough, elect a chair who has the ability to vote on any question and is considered as part of a constituted quorum and such other officers as it deems necessary or desirable in the discharge of its powers and duties.

B. No action shall be taken by the commission except where a duly authorized quorum (four members) exists and where an affirmative vote of the quorum at a properly noticed public hearing is taken.

C. The commission shall meet on the second Thursday of each month at ~~7:00~~ **6:30** p.m., or at another regularly scheduled time as determined by a majority vote of the commission, or upon call of the chair. An agenda shall be prepared for each meeting. The agenda shall state the name of the Haines planning commission, the time, date and place of the meeting and a list of all agenda items. The agenda shall give a brief description of each item to be addressed, proposed development or other activity and state the action requested of the planning commission. The commission shall establish, by resolution, at least three locations in the borough for posting of the agenda. The agenda shall be posted at these locations at least 72 hours prior to the time of the meeting.

D. The commission shall keep a permanent record of its meetings in the form of meeting minutes, and the manager shall provide secretarial and other assistance to the commission to assist in this duty. The minutes of the meetings shall be copied and placed in the packets of the borough assembly members for their next regularly scheduled meeting. Minutes and records shall be filed with borough clerk and retained as public records.

E. The commission shall conduct its activities within the requirements of Chapter 2.60 HBC, Committees, Boards and Commissions, unless specifically superseded by a section under this chapter.

F. The commission shall make such other rules and regulations governing the conduct of its business as it deems necessary or desirable.

G. The commission may prepare and make recommendations to the borough assembly for amendments to this title.

H. The commission ~~may~~ **shall** review annually the capital improvements program of the borough and submit its recommendations thereon to the borough assembly. The manager shall submit the capital improvements program to the commission in a reasonable period in advance of the fiscal year.

I. The commission shall review and report to the borough assembly regarding the location, design, construction, demolition or disposition of any public building, facility, collector or arterial street, park, green belt,

playground or other public facility. The report and recommendation of the commission shall be based upon the comprehensive plan, ~~coastal zone management plan~~ and the capital improvements program. **The manager shall submit conceptual design plans for the construction of any Borough facility to the commission for review and recommendation to the assembly. Plans will be submitted again at 35% to 65% of completion, and finally at 95% of completion. The commission shall hold public hearings as part of the review of the design plans.**

J. The commission shall report to the borough assembly on all preliminary and final plats the commission has processed as the platting authority (see Chapter 18.100 HBC).

K. ~~The commission shall, at least once every two years, review, prepare and adopt recommendations to the borough assembly and the State Coastal Policy Council respectively for amendments to the coastal zone management plan.~~

~~The commission is responsible for implementing and enforcing the provisions of the coastal zone management program prior to the issuance of any permit approval under this title. (See Chapter 18.110 HBC for specific regulations.)~~

~~L.~~ A comprehensive plan is a compilation of policy statements and maps for guiding the physical, social and economic development, both private and public of the borough, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a lands classification plan and requirements for disposal of borough lands, a community facilities plan, a transportation plan, coastal development and management plan, and recommendations for plan implementations. The assembly shall be guided in the adoption of the comprehensive plan by the recommendations of the planning commission. The assembly may modify the plan, provided it first obtains the recommendations of the planning commission. The planning commission shall undertake the overall review of the plan at least once every two years and shall present recommendations based on the review to the assembly.

11B2

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-621
Assembly Meeting Date: 1/26/16

Business Item Description:	**Attachments:**
Subject: Repeal Ordinance 12-10-308 (Motor Vehicle Registration Tax)	1. Ordinance 16-01-430 2. Adopted Ordinance 12-10-308
Originator: Assembly Member George Campbell	
Originating Department: Assembly	
Date Submitted: 1/12/16	

Full Title / Motion:

Motion: Refer Ordinance 16-01-430 to committee prior to introduction and direct the manager to provide background information and other pertinent data to assist the committee in preparing a recommendation for the assembly.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ none	$ n/a	$ n/a	n/a

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: ■ Yes ☐ No

Summary Statement:

On 1/12/16, Assembly Member George Campbell requested the assembly consider a repeal of the Motor Vehicle Registration Tax, and the assembly passed a motion that this issue would be on this agenda for introduction. Staff drafted an ordinance that would repeal the tax, and it could certainly be introduced at this meeting. However, the interim manager and other staff strongly recommend this matter be referred to committee prior to introduction. Staff will provide background information and other data to enable the committee to make an informed recommendation for assembly consideration at a meeting in the near future.

Referral:

Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:

Meeting Date(s): 1/26/16 Public Hearing Date(s):
Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-01-430 **Draft**

An Ordinance of the Haines Borough repealing Haines Borough, Alaska Ordinance 12-10-308 (Motor Vehicle Registration Tax).

WHEREAS, Ordinance 12-10-308 was adopted on October 8, 2013 and became effective January 1, 2014; and

WHEREAS, the Haines Borough Assembly desires to repeal the ordinance in it's entirety,

NOW, THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted repeal shall be codified as 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 of Ordinance 12-10-308: Haines Borough, Alaska Ordinance 12-10-308, entitled:

> **AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 3 TO ESTABLISH A VEHICLE IMPOUNDMENT AND RETIREMENT PROGRAM FUND, TO LEVY A MOTOR VEHICLE REGISTRATION TAX, AND TO EXEMPT FROM PROPERTY TAXES ALL VEHICLES SUBJECT TO THE REGISTRATION TAX.**

is hereby repealed.

Section 8. Notice. The Manager shall give notice to the State of Alaska pursuant to AS 28.10.431 that the Haines Borough has elected to repeal this tax.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2016.

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced: __/__/__
Date of First Public Hearing: __/__/__
Date of Second Public Hearing: __/__/__

HAINES BOROUGH, ALASKA
ORDINANCE No. 12-10-308

Adopted

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 3 TO ESTABLISH A VEHICLE IMPOUNDMENT AND RETIREMENT PROGRAM FUND, TO LEVY A MOTOR VEHICLE REGISTRATION TAX, AND TO EXEMPT FROM PROPERTY TAXES ALL VEHICLES SUBJECT TO THE REGISTRATION TAX.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Sections 5, 6, and 7 of this ordinance are of a general and permanent nature and shall become a part of the Haines Borough Code. Sections 4 and 8 of this ordinance shall not be codified.

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. Section 8 of this ordinance shall be effective upon adoption. All other sections shall be effective on January 1, 2014.

Section 4. Rationale for Legislation.

A. Vehicles that are subject to impoundment must be removed and stored in a safe and secure manner.

B. Vehicles that have exhausted their useful life must be disposed of in a manner that ensures against threats to the environment, reclaims resources that may be reused, and is financially feasible.

C. Environmental issues associated with the improper disposal or abandonment of vehicles often fall to local governments to address.

D. The cost of tracking down the owners of abandoned and junked vehicles to require them to pay the costs of disposal has not proven economical.

E. It is reasonable to require vehicle owners to participate in paying the costs of properly disposing of and recycling parts of retired vehicles, rather than using general tax revenues.

F. The State of Alaska allows local governments to levy taxes on motor vehicle registrations collected by the state, with an eight percent administrative fee.

G. State law requires that boroughs give notice of election to come under the state motor vehicle registration program by January 1st of the year before the tax goes into effect.

H. Vehicles subject to motor vehicle registration tax are exempted by state law from municipal personal property tax, and therefore, non-commercial trailers identified under AS 28.10.421(b)(6) are expressly excluded from participating in the Haines Borough Vehicle Impoundment and Retirement Program.

I. The state motor vehicle registration program includes exemptions such as senior citizens, disabled persons, and certain military personnel.

Section 5. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.46 titled "Vehicle Impoundment and Retirement Program Fund" to read as follows:

Chapter 3.46
VEHICLE IMPOUNDMENT AND RETIREMENT PROGRAM FUND.

Sections:
3.46.010 Policy and intent.
3.46.020 Allocation.
3.46.030 Management
3.45.040 Investment policy

3.46.010 Policy and intent.
The intent of this chapter is to provide for the proper accounting and management of public funds derived from the motor vehicle registration tax established by Chapter 3.85 of the Haines Borough Code of Ordinances and AS 28.10.431.

3.46.020 Purpose.
There is established a separate fund entitled the "Vehicle Impoundment and Retirement Program Fund." All proceeds derived by the borough from the motor vehicle registration tax shall be deposited in said fund and used for the impoundment and the responsible disposal of retired and abandoned vehicles within the borough.

3.46.030 Management.
The borough chief fiscal officer is designated as the official with the responsibility for managing the moneys received and disbursed by the Vehicle Impoundment and Retirement Program Fund and as directed by the assembly.

3.46.040 Investment policy.
Investment policy is set forth in Chapter 3.08 HBC.

Section 6. Amendment of Section 03.70.040(A). Haines Borough Code 03.70.040(A) is amended, to read as follows:

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

3.70.040 Local exemptions and exclusions.
A. The following property is exempt from general taxation:
1. Business inventory and items held for resale;
2. ~~Personal motor vehicles.~~ **All motor vehicles which are subject to the Motor Vehicle Registration Tax described in Chapter 03.85**.

Section 7. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.85 titled "Motor Vehicle Registration Tax" to read as follows:

Chapter 3.85
MOTOR VEHICLE REGISTRATION TAX.

Sections:
3.85.010 Levy of Motor Vehicle Registration Tax.
3.85.020 Allocation.

3.85.010 Levy of Motor Vehicle Registration Tax.
A. There is levied a biennial motor vehicle registration tax within the borough pursuant to the provisions of AS 28.10.431 and as such statute may be hereafter amended, revised or replaced. The rate of said tax shall be flat and established by resolution of the Haines Borough Assembly. The categories under

"Type" are intended to coincide with the categories provided in AS 28.10.431(b), as now enacted or as may be hereinafter amended.

B. The annual motor vehicle tax on commercial vehicles that are registered annually is one-half the rate of the biennial tax.

MOTOR VEHICLE TAX SCHEDULE

BIENNIAL SCHEDULE Tax:

VEHICLE TYPE	RATE
(1) Motorcycle	$22
(2) Passenger (AS 28.10.421(b)(1)): non-commercial passenger vehicles, motor homes, and low speed vehicles; taxicabs	$22
(3) Commercial (AS 28.10.421(c)(1-4))	
5,000 pounds or less	$22
5001–12,000 pounds	$22
12,001 – 18,000 pounds	$22
18,001 pounds or over	$22
(4) Commercial motor bus (AS 28.10.421(b)(4)): motor buses with a seating capacity for 20 or more persons and used exclusively for commercial purposes in transporting of visitors or tourists	$22
(5) Non-commercial pickup/van (AS 28.10.421(b)(2): less than 10,000 pounds and not registered to a company or business	$22
(6) amateur mobile radio station vehicles (AS 28.10.421(d)(8))	$22
(7) vehicles eligible for dealer plates (AS 28.10.421(d)(9))	$22

3.85.020 Allocation.

Subject to assembly appropriations, all of the money received by the borough under this section and AS 28.10.431, and as such statute may hereafter be amended, revised or replaced, shall be deposited in the Vehicle Impoundment and Retirement Program Fund established in Chapter 3.46 of the Haines Borough Code of Ordinances.

Section 8. Notice. The Manager shall give notice to the State of Alaska pursuant to AS 28.10.431 that the Haines Borough has elected to levy this tax.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 8th DAY OF OCTOBER, 2013.

HAINES BOROUGH INCORPORATED SEAL OCTOBER 17 2002 STATE OF ALASKA

Stephanie Scott

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	10/23/12
Date of First Public Hearing:	11/06/12
Date of Second Public Hearing:	11/27/12 – Adoption Postponed
Postponed until after RFP is issued & proposals reviewed	12/11/12
Adopted:	10/08/13

Mayoral Appointments 1/26/16

Museum Board of Trustees

Tim Ackerman – term ends 11/2018

The board recommends this appointment (see attached).

This would leave one vacancy.

Tourism Advisory Board

Alison Jacobson – term ends 11/2018

The board recommends this appointment (see attached).

This would leave one vacancy.

Sheldon Museum and Cultural Center
P.O. Box 269 . Haines . Alaska . 99827 . 907-766-2366

RECEIVED HAINES BOROUGH

JAN 14 2016

CLERK'S OFFICE

January 14, 2016

Jan Hill
Mayor
Haines Borough
P.O. Box 1209
Haines, Alaska 99827

Dear Jan Hill,

On January 13th the Sheldon Museum Board of Trustees Meeting was conducted at the Sheldon Museum. On the Board Agenda under Business was the subject new Board Members.

Helen Alten, Museum Director shared with Board members Tom Ackerman's Application for Board Appointment. During the discussion on this topic a motion was made, seconded and passed by all Board members present to accept the appointment application of Tim Ackerman.

During the Sheldon Museum's Board discussion on the appointment of Tim Ackerman it was shared that Tim possesses talents that would greatly enhance the Sheldon Museum. His vast experience in storytelling, dance & music, art and life & history of Haines would be a true asset to the Board.

As a result the Board would like to recommend to you to consider approving Tim Ackerman as a new Board appointment. We hope you and the Haines Borough Assembly members feel the same way. I have attached the minutes from the meeting for your review and his Application for Board Appointment.

Sincerely,

Michael Marks
Sheldon Museum Board Secretary

SHELDON MUSEUM AND CULTURAL CENTER, INC.
Board of Trustees Meeting Minutes
January 13, 2016 at 3:30 p.m. at the Sheldon Museum

CALL TO ORDER: 2:50 p.m. by Acting Board President Jim Shook

ATTENDANCE:
Board: Jim Shook, Acting Board President
Michael Marks, Treasurer and Acting Secretary for this meeting
Lorraine Dudzik
Diana Kelm
Kelleen Adams
Gregg Richmond

Staff: Helen Alten
Borough Liaison: George Campbell not present, a recommendation was made to request a new Borough representative due to the fact that Mr. Campbell has not attended any Board meeting since appointed the Borough Liaison.
Guests: None

ADDITIONS TO AGENDA: Request to add two new items under Business, Preparation for Tourist Season and Annual Meeting for Members.

APPROVAL OF AGENDA: M/S Michael Marks/Gregg Richmond a motion to approve agenda with the addition of the two items mentioned above - approved unanimously.

APPROVAL OF MINUTES: M/S Michael Marks/Diana Kelm made a motion to approve minutes of last meeting - approved unanimously.

STAFF/BOARD REPORTS
Presidents Report:
- Acting President reported that Sealaska was asked to provide assistance in transferring the AIA collection to the Sheldon Museum but no funds available for assistance.
- Sealaska is interested in digital copies of tape recordings by Carl Heinmiller but at this time it is predicted it will take several years to process the AIA donation.
- Spoke with Sheldon family about the name change process and will post a letter in the CVN requesting submissions for a name change to the general public and request they submit ideas prior to the Feb. Board meeting
- A donor would like to donate a collection of Mildred Sparks baskets if the Sparks Family approved and the Sparks Family approved the donation.

Treasurer's Report:
- Treasurer reported funds were transferred to the Alaska Community Giving Foundation to set up the Museum Endowment Fund. Two accounts were set up a permanent account for $139,000 and a transferable account for $54,000. Interest will build for four years prior to the ability to draw on earned interest.
- The Sheldon Museum continues to provide economic development in Haines through its purchasing of art from local artists and employing professionals to install the Archive Storage Area.

Director Report:

- New Intern Amy Lowery is doing an excellent job working in the Archives. Kelleen Adams suggested a car could be donated for Amy's use if she can provide a valid driver's license and auto insurance.
- Upcoming events include 2016 Brown Bag Lunch Series, Children's Read-a-Loud, donation of a Gil Smith painting and shortly the MRV Architects shall provide their update of Museum re-design.

HOUSEKEEPING:

- Elect Officers - M/S Lorraine Dudzik/Kelleen Adams to elect Jim Shook as President - approved unanimously. M/S Michael Marks/Gregg Richmond to elect Kelleen Adams as Vice President - approved unanimously. M/S Gregg Richmond/Diana Kelm to request Michael Marks and Anastasia Wiley switch roles Mr. Marks to be Secretary and Mrs. Wiley to be Treasurer if Mrs. Wiley approves - approved unanimously.
- Committee Assignments - It was determined that this should be placed on the next agenda when more Board Members can be present.

Business

- Resolution to approved loan of Sharon Svenson artwork to the Rasmuson Foundation for 15 months. M/S Michael Marks/Gregg Richmond to approve loan of artwork - approved unanimously.
- Champ Fly In Jan. 27-29, 2016. M/S Michael Marks/Gregg Richmond to approve the Director to attend with an approved budget of $1,000 or less - approved unanimously.
- Square System for Store. M/S Michael Marks/Kelleen Adams to purchase the system for $700 or less - approved unanimously.
- Ethics of purchasing artwork from Board members. Meeting arranged for Jan. 19, 2016 at 5:00 p.m. to discuss further.
- New Board member. M/S Michael Marks/Kelleen Adams to approve Tim Ackerman as a new Board member - approved unanimously. Secretary to submit minutes and letter of recommendation to Mayor for final approval.
- Board Job Descriptions to be reviewed at the next board meeting.
- Director Evaluation shall begin after requesting staff evaluation form from Borough.
- Letter requesting suggestions for name change. M/S Michael Marks/Kelleen Adams to approve the letter as written for the CVN and provide 30 days for the public to respond - approved unanimously.
- Preparation for tourist season. Request a special session to collect ideas on how the museum can maximize its appeal to tourists to increase admission sales. Meeting date set for Feb. 15, 2016 at 4:00 p.m. at the museum.
- Annual members meeting set for March 24, 2016 from 5:00 p.m.-7:00 p.m..

NEXT BOARD MEETING: Febuary 17, 2016 at 3:30 p.m.

MEETING ADJOURNED: 6:25 p.m.

Respectfully submitted,
Michael Marks, Treasurer

Haines Borough
Application for Board Appointment

RECEIVED Haines Borough
JAN 12 2016
Clerk's Office
-KK

☑ **Appointment** (I am not currently on the board)

☐ **Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying☑:

	Planning Commission		Port and Harbor Advisory Committee
	Tourism Advisory Board		Fire Service Area Board #3 (Klehini)
	Chilkat Center Advisory Board		Letnikof Estates Road Maintenance Service Area Board
	Parks and Recreation Advisory Committee		Riverview Road Maintenance Service Area Board
✓	Museum Board of Trustees		Historic Dalton Trail Road Maintenance Service Area Board
	Library Advisory Board		Four Winds Road Maintenance Service Area Board
	Public Safety Commission		
	Temporary (Ad-hoc) Board/Committee _____		

Name: Ackerman Tim
Residence Address: #25 Soapsuds Alley Port Chilkoot
Mailing Address: Box 733 Hns AK 99827
Business Phone: NA **Home Phone:** 766-2114
Fax: _____ **Email:** Ackerman@APT Alaska.Net

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Tim Ackerman
Signature of Applicant

1-12-2016
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):
I worked in the Museum with Lib Haikinen
Also am Contact person for the Shipping and Recieving
of The Sockeye trust Regalia in Museum.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below…a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

From: Alaska Mountain Guides - Exec [exec@alaskamountainguides.com]
Sent: Wednesday, January 20, 2016 3:22 PM
To: Krista Kielsmeier
Cc: Julie Cozzi; Leslie Ross; Alaska Mountain Guides - Exec
Subject: TAB Letter of Recommendation for Alison Jacobson

Dear Madam Mayor and Haines Assembly,

The Tourism Advisory Board has approved the nomination of Alison Jacobson to the board to replace the seat of Jeff Butcher.

Mrs. Jacobson has been involved in the tourism industry in Haines for the past 25 plus years and will add vision from her experience with independent travelers, retail, and marine transportation and tours. Alison and her family own Alaska Fjordlines and the Gillnetter Gearshed Gift store as well they started the Haines Skagway Water Taxi.

The TAB believes she will be a great asset to our board.

Please don't hesitate to contact me if I can be of any further assistance in this matter.

Thank you,

Sean Gaffney
Chair, Tourism Advisory Board.

Subject:

Jan Hill
RE: Tourism Advisory Board

From: "alison@alaskafjordlines.com" <alison@alaskafjordlines.com>
Date: December 15, 2015 at 12:42:08 PM AKST
To: Jan Hill <jhill@haines.ak.us>
Subject: Tourism Advisory Board

Hello Mayor Hill,
I am interested in serving on the Tourism Advisory Board. I am the CEO of Alaska Fjordlines, Inc. and for the last 25 years I have managed our tour boat and transportation service based in Haines Alaska. I have also managed our gift shop and apartment rental. The focus of Alaska Fjordlines has been primarily the independent traveler and I would like to see that market segment represented on the Tourism Advisory Board.
Thank you for considering my request to serve on this board.
Sincerely,
Alison Jacobson

Alaska Fjordlines, Inc
POB 246
Haines, Alaska 99827
907-766 3395 1-800-320-0146
info@alaskafjordlines.com
www.alaskafjordlines.com
www.juneaualaskawhales.com
www.skagwaywhales.com

Haines Borough
Application for Board Appointment

☒ **Appointment** (I am not currently on the board)

☐ **Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying ☑:

	Planning Commission		Port and Harbor Advisory Committee
X	Tourism Advisory Board		Fire Service Area Board #3 (Klehini)
	Chilkat Center Advisory Board		Letnikof Estates Road Maintenance Service Area Board
	Parks and Recreation Advisory Committee		Riverview Road Maintenance Service Area Board
	Museum Board of Trustees		Historic Dalton Trail Road Maintenance Service Area Board
	Library Advisory Board		Four Winds Road Maintenance Service Area Board
	Public Safety Commission		
	Temporary (Ad-hoc) Board/Committee _____		

Name: Alison Jacobson
Residence Address: 111 Barnett Drive
Mailing Address: POB 246 Haines AK 99827
Business Phone: 907 766-3395 **Home Phone:** 907 766-3613
Fax: _____ **Email:** alison@alaskafjordlines.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Alison Jacobson
Signature of Applicant

12/14/15
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):
I am the CEO of Alaska Fjordlines, Inc. For the last 25 years I've been managing a tour boat & transportation business based in Haines. I also manage a gift shop and apartment rental.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below…a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

11C2

THE STATE of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

Sarah Daulton Oates
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
Phone: 907.269.0350
alcohol.licensing@alaska.gov

January 7, 2016

Ms. Julie Cozzi
City & Borough of Haines
VIA Email: jcozzi@haines.ak.us

Re: Notice of 2016/2017 Liquor License Renewal Applications

Dear Ms. Cozzi,

We have received a renewal application for each of the following licenses within your jurisdiction:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
42	Alaskan Liquor Store	Package Store	Alaska Business Growth Corporation	208 Main Street
127	33 Mile Roadhouse LLC	Restaurant/Eating Place	33 Mile Roadhouse, LLC	33 Mile Haines Hwy.
4106	Fireweed Restaurant	Restaurant/Eating Place	A Plus A, LLC	Historic Bldg. #37 Blacksmith Road
4372	Harbor Liquor Store	Package Store	The Harbor, LLC	101 Front Street
5001	The Klondike	Restaurant/Eating Place-Public Convenience	Steve Anderson & Kathleen O'Connor	10 Fair Drive

A local governing body as defined under AS 04.21.080(b)(18) may protest the approval of an application(s) pursuant to AS 04.11.480 by providing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is arbitrary, capricious, and unreasonable. Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of

alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify our office and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind when responding to this notice.
AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application(s) referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information regarding local governing body protests, please refer to 3 AAC 304.145.

If you have any questions or concerns or require additional information, please feel free to contact our licensing unit at alcohol.licensing@alaska.gov.

Sincerely,

Sarah Daulton Oates
Records & Licensing Supervisor
sarah.oates@alaska.gov

Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Renewal Liquor License
2016/2017

Phone: (907) 269-0350
Email: alcohol.licensing@alaska.gov
http://commerce.alaska.gov/web/abc/Home.aspx

License is: ☑ Full Year OR ☐ Seasonal If seasonal, list dates of operation: _____

SECTION A - LICENSE INFORMATION

License Number:	License Type:	Statute Reference:
12	Package Store	Sec. 04.11. 270

Local Governing Body: Haines Borough	Community Council (if applicable): Haines Borough Assembly
Name of Licensee: Alaska Business Growth Corporation	Doing Business As (DBA): Alaskan Liquor Store
Mailing Address: Box 1309 Haines AK 99827	Street Address or Location of Premises: 208 Main St. Haines AK
Phone: 907-766-	Fax: 907-766-2787
Email: iqusupermarket@optalaska.net	

SECTION B – OWNERSHIP INFORMATION – CORPORATION (if owner is a sole proprietor, skip to SECTION C)

Corporations, LLCs, LLPs and LPs must be registered with the Alaska Division of Corporations.

Name of Entity (Corporation/LLC/LLP/LP):
Alaska Business Growth Corporation

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No

If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with 10% or more of stock)

Name	Title	%	Mailing Address	Telephone Number
Michael D Ward	President	95.5	Box 1309 Haines AK 99827	907-766-2991
Mike B Stuart	Sec/Treas	4.5	Box 53 Haines AK 99827	907-766-2586
Kevin B Shove	Vice-Pres	—	Box 1256 Haines AK 99827	907-766-3539

NOTE: If you need additional space, please attach a separate sheet.

DEC 21 2015 PM 2:43

SECTION C – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "affiliate" as the spouse or significant other of a licensee. Each affiliate must be listed.)

Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:
Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:

SECTION D – SUPPLEMENTAL QUESTIONS

Was your business open at least 30 days for 8 hours each day in 2014?	☒ Yes	☐ No
Was your business open at least 30 days for 8 hours each day in 2015?	☒ Yes	☐ No
Has any person named in this application been convicted of a felony or Title 4 violation? If yes, attach a written explanation.	☐ Yes	☒ No
Has the licensed premises changed from the last diagram submitted? If yes, attach a new diagram with designated premises areas outlined in red.	☐ Yes	☒ No
For Package Stores only: Do you intend to sell alcoholic beverages in response to a written order?	☐ Yes	☒ No
For Restaurant / Eating Places only: Were your gross receipts from the sale of food at least 50% of your total gross receipts for 2014 and 2015?	☐ Yes	☐ No

DECLARATION

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.
- As a licensee (sole proprietor or partner), I certify that I have received Alaska alcohol server training and my certification is currently valid.
- As a corporate/LLC licensee, I certify that all agents and employees who serve, sell, or are otherwise responsible for the service, sale, or storage of alcoholic beverages have received Alaska alcohol server training and their certification is currently valid. I further certify that certain shareholders, officers, directors, or members of the entity who are not directly or indirectly responsible for the service, sale, or storage of alcoholic beverages are not Alaska alcohol server training certified and will not be required to be certified.
- As a licensee, I certify that all of my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

License Fee	$ 1500.00
Filing Fee	$ 200.00
TOTAL	$ 1700.00
Late Fee of $500.00 – if received or postmarked after 12/31/2015	$
Fingerprint Fee – $49.75 per person (only for new owners/members)	$
GRAND TOTAL	$ 1700.00

Licensee Signature	Printed Name & Title: Mike Stuart Sec/Treas
Notary Signature	Subscribed and sworn to before me this 4th day of December, 2015.
Notary Public in and for the State of: Alaska	My commission expires: August 29, 2016

KRISTA J. LAMPKINS
My Commission Expires
NOTARY PUBLIC
Aug 29, 2016
STATE OF ALASKA

DEC 14 '15 PM 12:51

13520

Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Renewal Liquor License
2016/2017

Phone: (907) 269-0350
Email: alcohol.licensing@alaska.gov
http://commerce.alaska.gov/web/abc/Home.aspx

License is: ☒ Full Year OR ☐ Seasonal If seasonal, list dates of operation: _____

SECTION A - LICENSE INFORMATION

License Number:	License Type:	Statute Reference:
127	Restaurant/Eating Place	Sec. 04.11.100

Local Governing Body: Haines, City & Bor Other(Anch,Sit,Jno,Com.Car,WA)	**Community Council (if applicable):**
Name of Licensee: 33 Mile Roadhouse LLC	**Doing Business As (DBA):** 33 Mile Roadhouse LLC
Mailing Address: HC 60 Box 3300 Haines, AK. 99827	**Street Address or Location of Premises:** 33 Mile Haines Highway
Phone: 907-767-5510 **Fax:** 767-5756	**Email:**

SECTION B – OWNERSHIP INFORMATION – CORPORATION (if owner is a sole proprietor, skip to SECTION C)

Corporations, LLCs, LLPs and LPs must be registered with the Alaska Division of Corporations.

Name of Entity (Corporation/LLC/LLP/LP):

33 Mile Roadhouse LLC

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No

If no, attach written explanation. Your entity ***must*** be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with 10% or more of stock)

Name	Title	%	Mailing Address	Telephone Number
Robert W. Harris	Member	100	HC 60 Box 3300 Haines AK 99827	767-5510

NOTE: If you need additional space, please attach a separate sheet.

DEC 28 '15 PM12:13

SECTION C – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "affiliate" as the spouse or significant other of a licensee. Each affiliate must be listed.)

Name: Robert W. Harris Address: HC 60 Box 3380 Phone: 907-767-5510	Applicant ☒ Affiliate ☐ Date of Birth: 9-7-63	Name: Address: Phone:	Applicant ☒ Affiliate ☐ Date of Birth:
Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:

SECTION D – SUPPLEMENTAL QUESTIONS

Was your business open at least 30 days for 8 hours each day in 2014?	☒ Yes	☐ No
Was your business open at least 30 days for 8 hours each day in 2015?	☒ Yes	☐ No
Has any person named in this application been convicted of a felony or Title 4 violation? If yes, attach a written explanation.	☐ Yes	☒ No
Has the licensed premises changed from the last diagram submitted? If yes, attach a new diagram with designated premises areas outlined in red.	☐ Yes	☒ No
Were your gross receipts from the sale of food at least 50% of your total gross receipts for 2014 and 2015?	☒ Yes	☐ No

DECLARATION

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.
- As a licensee (sole proprietor or partner), I certify that I have received Alaska alcohol server training and my certification is currently valid.
- As a corporate/LLC licensee, I certify that all agents and employees who serve, sell, or are otherwise responsible for the service, sale, or storage of alcoholic beverages have received Alaska alcohol server training and their certification is currently valid. I further certify that certain shareholders, officers, directors, or members of the entity who are not directly or indirectly responsible for the service, sale, or storage of alcoholic beverages are not Alaska alcohol server training certified and will not be required to be certified.
- As a licensee, I certify that all of my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

License Fee	**$ 600.00**
Filing Fee	**$ 200.00**
TOTAL	**$ 800.00**
Late Fee of $500.00 – if received or postmarked after 12/31/2015	**$**
Fingerprint Fee – $49.75 per person (only for new owners/members)	**$**
GRAND TOTAL	**$ 800.00**

Licensee Signature:	Printed Name & Title: Robert W. Harris owner/operator
Notary Signature:	Subscribed and sworn to before me this 17 day of December, 2015.
Notary Public in and for the State of: ALASKA	My commission expires: 8/31/2019

JULIE FERRIN
My Commission Expires
NOTARY PUBLIC
Aug 31, 2019
STATE OF ALASKA

DEC 28 '15 PM12:13

13471

Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Renewal Liquor License
2016/2017

Phone: (907) 269-0350
Email: alcohol.licensing@alaska.gov
http://commerce.alaska.gov/web/abc/Home.aspx

License is: ☒ Full Year OR ☐ Seasonal If seasonal, list dates of operation: _____

SECTION A - LICENSE INFORMATION

License Number:	License Type:	Statute Reference:
4106	Restaurant/Eating Place	Sec. 04.11.100

Local Governing Body: Haines, City & Bor Other(Anch,Sit,Jno,Com.Car,WA)	**Community Council (if applicable):**
Name of Licensee: A Plus A, LLC	**Doing Business As (DBA):** Fireweed Restaurant
Mailing Address: PO Box 571 Haines, AK 99827	**Street Address or Location of Premises:** Historic Bld. #37 Blacksmith Road
Phone: 907.766.3838 / **Fax:**	**Email:** aplusa.fireweed@gmail.com

SECTION B – OWNERSHIP INFORMATION – CORPORATION (if owner is a sole proprietor, skip to SECTION C)

Corporations, LLCs, LLPs and LPs must be registered with the Alaska Division of Corporations.

Name of Entity (Corporation/LLC/LLP/LP): A Plus A, LLC

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No

If no, attach written explanation. Your entity ***must*** be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with 10% or more of stock)

Name	Title	%	Mailing Address	Telephone Number
Adam Richard	Member/ Manager	100	PO Box 571 Haines, AK 99827	907.314.0802
Amelia Nash	Manager	0	PO Box 1328 Haines, AK 99827	907.314.0702

NOTE: If you need additional space, please attach a separate sheet.

DEC 24 '15 AM 11:23

SECTION C – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "affiliate" as the spouse or significant other of a licensee. Each affiliate must be listed.)

Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:
Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:

SECTION D – SUPPLEMENTAL QUESTIONS

Was your business open at least 30 days for 8 hours each day in 2014?	☒ Yes	☐ No
Was your business open at least 30 days for 8 hours each day in 2015?	☒ Yes	☐ No
Has any person named in this application been convicted of a felony or Title 4 violation? If yes, attach a written explanation.	☐ Yes	☒ No
Has the licensed premises changed from the last diagram submitted? If yes, attach a new diagram with designated premises areas outlined in red.	☒ Yes	☐ No
Were your gross receipts from the sale of food at least 50% of your total gross receipts for 2014 and 2015?	☒ Yes	☐ No

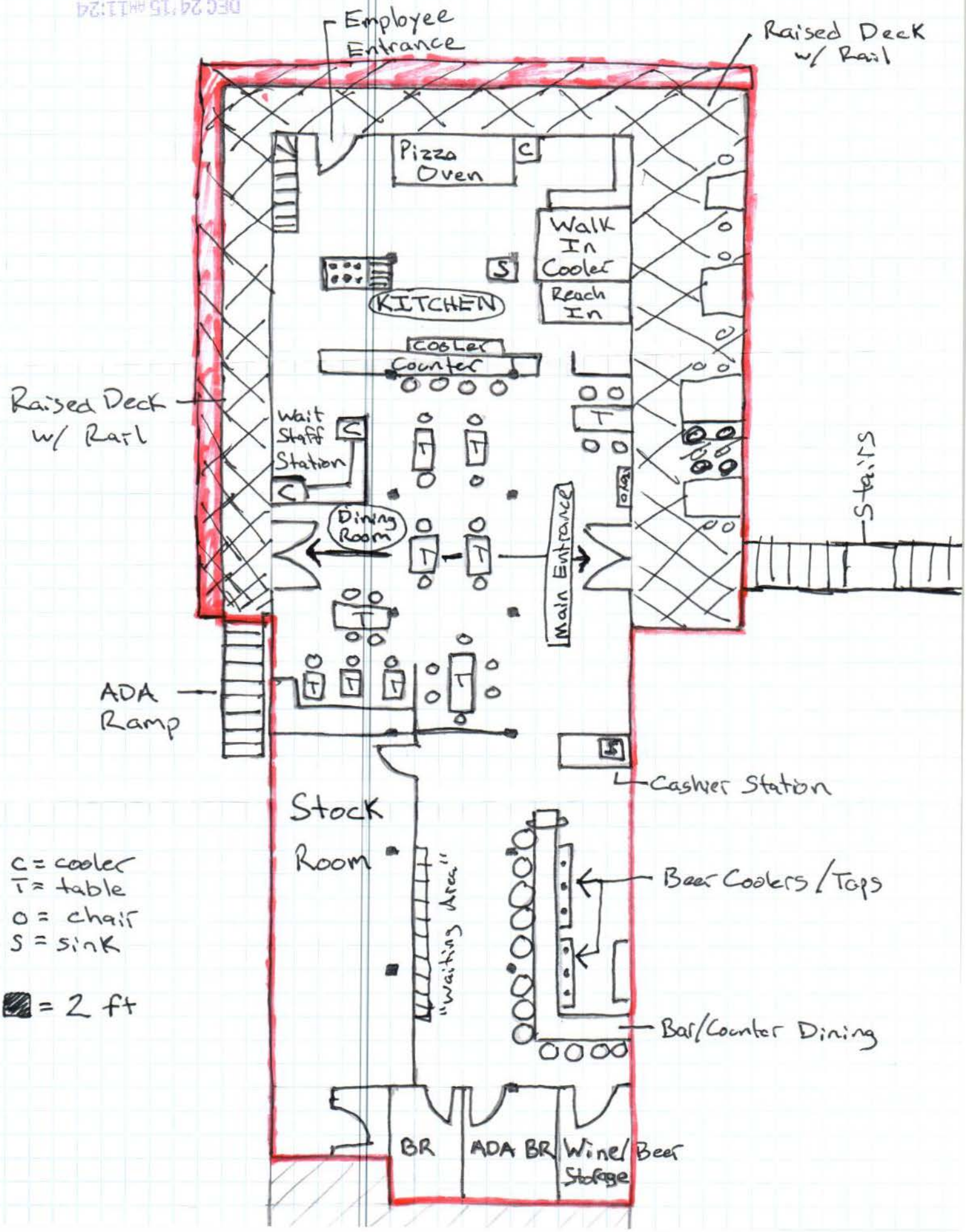
DECLARATION

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.
- As a licensee (sole proprietor or partner), I certify that I have received Alaska alcohol server training and my certification is currently valid.
- As a corporate/LLC licensee, I certify that all agents and employees who serve, sell, or are otherwise responsible for the service, sale, or storage of alcoholic beverages have received Alaska alcohol server training and their certification is currently valid. I further certify that certain shareholders, officers, directors, or members of the entity who are not directly or indirectly responsible for the service, sale, or storage of alcoholic beverages are not Alaska alcohol server training certified and will not be required to be certified.
- As a licensee, I certify that all of my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

License Fee	**$ 600.00**
Filing Fee	**$ 200.00**
TOTAL	**$ 800.00**
Late Fee of $500.00 – if received or postmarked after 12/31/2015	**$**
Fingerprint Fee – $49.75 per person (only for new owners/members)	**$**
GRAND TOTAL	**$**

Licensee Signature [signature]	Printed Name & Title: Adam Richard Member/Manager
Notary Signature Bonnie Hedrick, clerk of court	Subscribed and sworn to before me this 22 day of Dec., 2015.
Notary Public in and for the State of: Alaska	My commission expires: with office

DEC 24 '15 AM 11:23


Employee Entrance
Raised Deck w/ Rail
Pizza Oven
C
Walk In Cooler
S
KITCHEN
Reach In
Cooler Counter
Raised Deck w/ Rail
Wait Staff Station
C
C
T
T
T
Dining Room
T
T
Main Entrance
Stairs
T
ADA Ramp
T
T
T
T
S
Cashier Station
Stock Room
"Waiting Area"
Beer Coolers / Taps
Bar/Counter Dining
BR
ADA BR
Wine/Beer Storage
C = cooler
T = table
O = chair
S = sink
= 2 ft

13268

Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Renewal Liquor License
2016/2017

Phone: (907) 269-0350
Email: alcohol.licensing@alaska.gov
http://commerce.alaska.gov/web/abc/Home.aspx

License is: ☒ Full Year OR ☐ Seasonal If seasonal, list dates of operation: _____

SECTION A - LICENSE INFORMATION		
License Number: 4372	**License Type:** Package Store	**Statute Reference:** Sec. 04.11.150
Local Governing Body: Haines, City & Bor Other(Anch,Sit,Jno,Com.Car,WA)	**Community Council (if applicable):**	
Name of Licensee: The Harbor, LLC	**Doing Business As (DBA):** Harbor Liquor Store	
Mailing Address:	**Street Address or Location of Premises:** 101 Front Street	
Phone:	**Fax:**	**Email:**

SECTION B – OWNERSHIP INFORMATION – CORPORATION (if owner is a sole proprietor, skip to SECTION C)

Corporations, LLCs, LLPs and LPs must be registered with the Alaska Division of Corporations.

Name of Entity (Corporation/LLC/LLP/LP):

The Harbor, LLC

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No

If no, attach written explanation. Your entity ***must*** be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with 10% or more of stock)

Name	Title	%	Mailing Address	Telephone Number
M&D Ward Inc.	owner	100	PO Box 1709 Haines AK 99827	907-766-3214 766-2330
Michael D Ward	managing member	NA	PO Box 1305 Haines AK 99827	907-766-2991 907-314-0399

NOTE: If you need additional space, please attach a separate sheet.

DEC 14 '15 PM 12:51

SECTION C – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "affiliate" as the spouse or significant other of a licensee. Each affiliate must be listed.)

Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:
Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:

SECTION D – SUPPLEMENTAL QUESTIONS

Was your business open at least 30 days for 8 hours each day in 2014?	☒ Yes	☐ No
Was your business open at least 30 days for 8 hours each day in 2015?	☒ Yes	☐ No
Has any person named in this application been convicted of a felony or Title 4 violation? If yes, attach a written explanation.	☐ Yes	☒ No
Has the licensed premises changed from the last diagram submitted? If yes, attach a new diagram with designated premises areas outlined in red.	☐ Yes	☒ No
Do you intend to sell alcoholic beverages in response to a written order?	☐ Yes	☒ No

DECLARATION

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.
- As a licensee (sole proprietor or partner), I certify that I have received Alaska alcohol server training and my certification is currently valid.
- As a corporate/LLC licensee, I certify that all agents and employees who serve, sell, or are otherwise responsible for the service, sale, or storage of alcoholic beverages have received Alaska alcohol server training and their certification is currently valid. I further certify that certain shareholders, officers, directors, or members of the entity who are not directly or indirectly responsible for the service, sale, or storage of alcoholic beverages are not Alaska alcohol server training certified and will not be required to be certified.
- As a licensee, I certify that all of my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

License Fee	**$ 1500.00**
Filing Fee	**$ 200.00**
TOTAL	**$ 1700.00**
Late Fee of $500.00 – if received or postmarked after 12/31/2015	**$**
Fingerprint Fee – $49.75 per person (only for new owners/members)	**$**
GRAND TOTAL	**$**

Licensee Signature Michael D. Ward	Printed Name & Title: Michael D. Ward MANAGING MEMBER
Notary Signature Genevieve Bell	Subscribed and sworn to before me this 9 day of December, 2015
Notary Public in and for the State of: Alaska	My commission expires: with office

HAINES, AK. 99827 DEC 9 2015 USPS

DEC 14 '15 PM 12:51

rev. 09/21/2015

13577

Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Renewal Liquor License
2016/2017

Phone: (907) 269-0350
Email: alcohol.licensing@alaska.gov
http://commerce.alaska.gov/web/abc/Home.aspx

License is: ☐ Full Year OR ☑ Seasonal If seasonal, list dates of operation: May - Oct

SECTION A - LICENSE INFORMATION

License Number:	License Type:	Statute Reference:
5001	Restaurant/Eating Place-Public Convenience	Sec. 04.11.400(g)

Local Governing Body: Haines, City & Bor Haines, City & Borough	Community Council (if applicable)
Name of Licensee: Steve Anderson & Kathleen O'Connor	**Doing Business As (DBA):** The Klondike
Mailing Address: PO Box 1083 Haines AK 99827	**Street Address or Location of Premises:** 10 Fair Drive
Phone: 907-766-3700 **Fax:**	**Email:**

SECTION B – OWNERSHIP INFORMATION – CORPORATION (If owner is a sole proprietor, skip to SECTION C)

Corporations, LLCs, LLPs and LPs must be registered with the Alaska Division of Corporations.

Name of Entity (Corporation/LLC/LLP/LP): Steve Anderson & Kathleen O'Connor Klondike Pizza

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☑ Yes ☐ No

If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice President, Manager and Shareholder/Member with 10% or more of stock)

Name	Title	%	Mailing Address	Telephone Number
Steve Anderson	Sole proprietor	100	PO Box 1083 Haines AK 99827	766-3700
				766-2142

SA

NOTE: If you need additional space, please attach a seperate sheet.

DEC 23 '15 AM 8:06

SECTION C – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "affiliate" as the spouse or significant other of a licensee. Each affiliate must be listed.)

Name: Steve Anderson Address: PO Box 1093 Homer AK 99827 Phone: 766-2142	Applicant ☑ Affiliate ☐ Date of Birth: 03/27/59	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:
Name: Kathleen O'Connor Address: PO Box 1050 Homer AK 99827 Phone: 766-2142	Applicant ☑ Affiliate ☐ Date of Birth: 05/24/1963	Name: Address: Phone:	Applicant ☐ Affiliate ☐ Date of Birth:

SECTION D – SUPPLEMENTAL QUESTIONS

Was your business open at least 30 days for 8 hours each day in 2014?	☑ Yes	☐ No
Was your business open at least 30 days for 8 hours each day in 2015?	☑ Yes	☐ No
Has any person named in this application been convicted of a felony or Title 4 violation?	☐ Yes	☑ No
If yes, attach a written explanation.		
Has the licensed premises changed from the last diagram submitted?	☐ Yes	☑ No
If yes, attach a new diagram with designated premises areas outlined in red.		
Were your gross receipts from the sale of food at least 50% of your total gross receipts for 2014 and 2015?	☑ Yes	☐ No

DECLARATION

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
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- As a corporate/LLC licensee, I certify that all agents and employees who serve, sell, or are otherwise responsible for the service, sale, or storage of alcoholic beverages have received Alaska alcohol server training and their certification is currently valid. I further certify that certain shareholders, officers, directors, or members of the entity who are not directly or indirectly responsible for the service, sale, or storage of alcoholic beverages are not Alaska alcohol server training certified and will not be required to be certified.
- As a licensee, I certify that all of my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

License Fee	$ 600.00	300
Filing Fee	$ 200.00	
TOTAL	$ 800.00	500
Late Fee of $500.00 – If received or postmarked after 12/31/2015	$	
Fingerprint Fee – $49.75 per person (only for new owners/members)	$	
GRAND TOTAL	$	

Licensee Signature:	Printed Name & Title: Steve Anderson - Owner
Notary Signature:	Subscribed and sworn to before me this 23 day of December, 2015
Notary Public in and for the State of: Alaska	My commission expires: 4/31/2019

JULIE FERRIN
NOTARY PUBLIC
STATE OF ALASKA
My Commission Expires April 31, 2019

Renewal Application

rev. 09/21/2015

DEC 23 '15 AM 8:06

11C3

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-622
Assembly Meeting Date: 1/26/16

Business Item Description:	Attachments:
Subject: Revise Agenda Request Form	1. Edited Agenda Request form containing revisions recommended by the GASC and Clerk's Office 2. GASC Recommendations 3. Memo from M.Denker
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 8/31/15	

Full Title / Motion:

Motion: Approve the revisions to the Agenda Request form as recommended by the Government Affairs & Services Committee and the Clerk's Office.

Administrative Recommendation:

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:	Consistent: ■ Yes ☐ No

Summary Statement:

In response to a citizen request, the assembly took action on 6/23/15 to task the clerk & manager with making sure HBC 2.10.030 and the policy on the Agenda Request form are aligned. No deadline was specified but it was understood to be as soon as possible. The manager and clerk recommended a proposed ordinance to clarify the code procedure for assembly meeting agenda preparation, and the clerk revised the Agenda Request form and submitted that edited version with the ordinance for information purposes. On 12/1/15, both the ordinance and the form were referred to the Government Affairs & Services Committee (GASC). That committee discussed the form & has recommended revisions. The ordinance (15-12-424), itself, will be discussed at another GASC meeting to be scheduled. In the mean time, the GASC chair requested the revised form come to the assembly for consideration and approval.

Referral:

Referred to: Government Affairs & Services Committee
Referral Date: 12/1/15
Recommendation: (attached to this agenda bill)
Meeting Date: 1/11/16

Assembly Action:

Meeting Date(s): 12/1/15. 1/26/16
Public Hearing Date(s):
Postponed to Date:

1st gray-shaded area = changes recommended by the Clerk's Office

2nd gray-shaded area = changes recommended by the Government Affairs & Services Committee

HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name:_____ Date: _____

Name of Group Represented (if applicable) _____

Address: _____ Phone: _____

Email Address: _____ Fax: _____

I request to be scheduled on the Borough Assembly meeting agenda dated the _____ day of _____, or as soon thereafter as possible.

Purpose of Request: _____
_____
_____

Estimated Time Required (if a presentation) _____

Action you wish the Assembly to take: _____
_____
_____

Note: The deadline for agenda topics is ~~10:00 a.m. the Monday (one week and one day) prior to an assembly meeting~~ **as noted on the most current assembly-adopted Agenda Preparation Calendar, available from the Clerk's Office or at www.hainesalaska.gov/borough assembly**. ~~If y~~**Your** request ~~ends up on an assembly agenda, it~~ will most generally be placed **on the agenda** under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them. ~~Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are **may** not **be** within the assembly's purview and**, as such,** are **would be** more appropriately handled by staff **the borough manager**. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. **If that is the case,** Y**y**ou will be contacted and informed of **we will discuss with you our recommendations for** the best and most appropriate avenue**s** for action.~~ **Whenever possible, issues will be reviewed by the manager. Should the issue be resolved ahead of an assembly meeting, the person will have the prerogative to decline to have it presented to the assembly.**

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

DRAFT

GASC Committee

Jan 11, 2016. 5:00pm.

Chair: Ron Jackson,
Tresham Gregg, Diana Lapham, George Campbell.

Audience: Mike Case, Mike Denker, Margaret Friedenauer, Carol Tuynman, Paul Nelson, Karen Garcia, CVN

Topic: Ordinance 15-12-424/ Agenda Preparation...recommendations to the Assembly

M/ George, S/ Tresham.....Direct staff/ agenda preparation committee: To include all outstanding "Agenda Request for Assembly Action" to correspondence section on agenda, if it is not addressed elsewhere on the agenda. Vote 3-1 with Lapham opposed

M/ Ron, S/ George.....Ron recommended to strike a portion of the "Note" section of the Agenda Request for Assembly Action, specifically the part beginning with “In a manager form of government…..” through “…avenues for action.” Vote- 4-0

M/ Tresham, S/ Diana.....new wording of the "Note" section,

Whenever possible issues will be reviewed by the Manager, should the issue be resolved ahead of an Assembly meeting, the person will have the prerogative to decline to have it presented to the Assembly. Vote 4-0

Meeting adjourned at 6:45 pm

Report submitted by: Diana Lapham

From: Mike Denker [denker99827@gmail.com]
Sent: Friday, January 15, 2016 6:54 AM
To: Krista Kielsmeier
Cc: Julie Cozzi
Subject: Fwd: Ord. 15-12-424: Agenda Preparation Policy
Attachments: 01.10.16_Memo_ Ord15-12-424 Agenda Request.pdf

Good morning, Krista. As Julie may still be out of town, I am sending this to you.

I submitted the below email, along with the attached memorandum, for consideration during the GAS meeting on Jan 11 (see below and attached). It is regarding ORD 15-12-424. I understand this ordinance will be considered for introduction before the assembly at its next meeting. As such, I would like to request that the memorandum be attached to the ordinance as supplemental information for the upcoming meeting as the committee is recommending an action based on this information. The memorandum addresses concerns I have with the proposed policy statement in the Agenda Request form, and I am requesting assembly action to address those concerns.

Thanks for your consideration to this matter. Let me know if you have any questions.

Take care.
Mike Denker
P.O. Box 298
Haines, AK 99827

I would like to request the memorandum be attached as supplemental informal
---------- Forwarded message ----------
From: **Mike Denker** <denker99827@gmail.com>
Date: Sun, Jan 10, 2016 at 6:01 PM
Subject: Ord. 15-12-424: Agenda Preparation Policy
To: Ron Jackson <rjackson@haines.ak.us>, Ron Jackson <ronphotos@hotmail.com>, Diana Lapham <dlapham@haines.ak.us>, George Campbell <gcampbell@haines.ak.us>, tgregg@haines.ak.us
Cc: mfriedenauer@haines.ak.us, Mike Case <mcase@haines.ak.us>, Jan Hill <jhill@haines.ak.us>, bryan@haines.ak.us, Julie Cozzi <jcozzi@haines.ak.us>

Good evening, Ron. I hope all is going well.

I would like to submit the attached memorandum for consideration during tomorrow nights GAS committee meeting. Please note that the second page contains a one page "Short Answer" overviewing the points of the argument for the readers convenience. Page numbers are provided to guide the reader to the specific points for further details. I have also included recommendations for committee and assembly consideration.

Additionally, I would like to request 10 minutes of the committees time to formally present the argument and the results of my research. I will also be present for the entirety of the meeting should there be any questions.

Note to Borough Staff: I would like to request that this memorandum be retained and attached to Ord. 15-12-424 as it works its way through the public process. According to the attached, the memorandum itself qualifies as First Amendment petitioning activity because:

1. It is directed to the assembly; and
2. It addresses a matter of citizen concern; and
3. It seeks assembly action to address this concern.

As such, citizens have a right to access this information.

I feel this is a matter of significant importance to our community as we move forward with the many issues we are dealing with. For this reason, I have devoted much time and research to this project. The information I have presented is intended in good faith not to place blame anywhere, but to argue ***why*** what we are doing is inappropriate constitutionally. Thus, I am arguing a position in the only way I know how - by using research to present well-founded arguments based on text, intent, precedent, history and tradition.

I feel we have tremendous opportunities to use this information to increase the effectiveness and efficiency of our public process. I hope it is in this spirit that this information is received.

I thank you for your continued service to our community, and consideration to this matter.

Respectfully.

Mike Denker
907-766-3235

Memorandum

To: Members of the Haines Borough Assembly, Govt. Affairs & Services Committee

CC: HB Assembly; Mayor Jan Hill; Int. Mgr. Brad Ryan; Clerk Julie Cozzi

From: Mike Denker, 203 Union St. / P.O. Box 298, Haines, AK 99827

Re: Ord. 15-12-424 - First Amendment issues with the proposed policy statement on the *Agenda Request for Assembly Action* form

Date: January 10, 2016

I wish to submit this memorandum for Assembly consideration. I argue the proposed changes to the *Agenda Request* form included in Ord. 15-12-424 fail to protect a person's First Amendment right to petition the Assembly. While there are welcome changes to the policy statement in the "Note" section of the *Agenda Request* form, it still comes up short. Recommendations are provided as a conclusion to this argument.

NOTE: A "Short Answer" with recommendations has been provided for the reader's convenience. This section begins on page two of the document. Page numbers have been provided in the "Short Answer" for reference to the various sections of the argument.

Question Presented

The assembly tasked the manager and clerk "with making sure HBC 2.10.030 and the policy on the *Agenda Request* form are aligned."[1] The former manager, along with the clerk, responded with proposed changes to the wording of the policy in the "Note" section on the *Agenda Request* form.[2] The policy being proposed now contains the following statement:

> *"In a manager form of government, some matters may not be within the assembly's purview and, as such, would be more appropriately handled by the borough manager. If that is the case, you will be contacted and we will discuss with you our recommendations for the best and most appropriate avenues for action."*[3]

The question presented is whether the policy being proposed in the "Note" section of the *Agenda Request* form aligns with the First Amendment.

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[1] See Haines, Alaska, Borough Assembly Meeting Packet, Item 11B1, Summary Statement of

[2] *Id.*

[3] Haines, Alaska, Borough Assembly meeting packet, Item 11C1, Ordinance 15-12-424, proposed amendment to the policy on the *Agenda Request for Assembly Action* form, December 1, 2015 (herein "policy").

Short Answer

No. The policy being proposed in the "Note" section of the *Agenda Request* form fails to align with the First Amendment.

I.

Except under very limited circumstances, a person has a First Amendment right to have an *Agenda Request* included in an assembly meeting packet. First, submitting an *Agenda Request* to the clerk is petitioning activity protected under the First Amendment, except under very limited circumstances. Second, the Supreme Court's public forum doctrine protects a person's right to have an *Agenda Request* included in an assembly meeting packet. *(Pgs. 3 - 11)*.

II.

The policy being proposed in the *Agenda Request* form allows the Borough to abridge a person's First Amendment right to petition the Assembly. First, the policy being proposed allows the Borough to impose a prior restraint on First Amendment petitioning activity by denying a person access to a limited public forum designed to deliver petitions to the assembly. Second, the policy being proposed is unconstitutionally vague because it does not provide sufficient information about what matters are within the assembly's purview. Third, the policy being proposed is overly broad and unconstitutionally allows both protected and unprotected petitioning activity to be restrained. *(Pgs. 11 - 18)*.

III.

The Borough fails to have the sufficient justification to abridge a person of the First Amendment right to petition the assembly. First, the Borough's stated interests for using the proposed policy are less than compelling. Second, the provisions of the proposed policy are not narrowly drawn and are improperly tailored to further the borough's purpose. Third, the Borough does not provide a reasonable alternative means to publically deliver petitions to the Assembly. *(Pgs. 18 - 22)*.

Recommendations

(Pg. 22)

The points mentioned above argue strongly for amending the *Agenda Request* form as follows:

1. The offending statement in the "Note" section of the *Agenda Request* must either be removed in its entirety, or information must be provided to the public defining what matters are not within the assembly's purview. However, it must be remembered that only under very limited circumstances are *Agenda Requests* not protected under the First Amendment *(see next point)*. As such, only under these limited exceptions can an *Agenda Request* be withheld from an assembly meeting packet.
2. In the body of the *Agenda Request*, the following questions should be asked:
   a. "Are you an employee of the Haines Borough?"
   b. "If yes, is your request a matter related to your employment with the Borough?"

Additionally, development of a reasonable alternative means to deliver petitions to the assembly could be investigated. However, this alternative must be publically accessible.

Argument

I.

Except under very limited circumstances, a person has a First Amendment right to have an Agenda Request included in an assembly meeting packet.

The first inquiry is whether a person has a First Amendment right to have an *Agenda Request* included in an assembly meeting packet. Except under very limited circumstances, a person is entitled this right.

(A) Submitting an Agenda Request form to the clerk is petitioning activity protected under the First Amendment, except under very limited circumstances.

The Right to Petition

The First Amendment guarantees a person the right to petition the government for a redress of grievances.[4] Petitioning "allows citizens to express their ideas, hopes, and concerns to their government and their elected representatives."[5] The Supreme Court has stated that a person's right to petition the government is "among the most precious of the liberties guaranteed by the Bill of Rights."[6] It is no surprise, then, that "the right to petition the government requires stringent protection."[7]

Petitioning Defined

The act of petitioning is clearly defined. A petition is "a formal, written request addressed to some government authority."[8] Petitioning "is generally concerned with expression directed to the government seeking redress of a grievance."[9] The Supreme Court has stated that a petition "conveys the special concerns of its author to the government and, in its usual form, requests action by the government to address those concerns."[10]

Forms of Petitioning Activity

A petition can take many forms. The most common, recognized form of a petition in the modern era is submitting a statement or concern to the government that is signed by multiple persons. However, a petition can also be a formal, written request to the government submitted by only one person, either through physical or electronic

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[4] *U.S. Const., Amend. I.*
[5] *Borough of Duryea v. Guarnieri*, 564 U.S. ___(2011), Pg. 7.
[6] *Mine Workers v. Illinois Bar Assn.*, 389 U.S. 217, 222 (1967).
[7] See *Duryea*, Pg. 18.
[8] *Black's Law Dictionary*, Pg. 1145 (6th Ed. 1990).
[9] See *Duryea*, Pg. 7.
[10] See *Duryea*, Pg. 8; See also *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 896-897 (1984).

means. Additionally, petitioning can be an act by one or more persons such as picketing or marching in protest of a government action.[11] Thus, petitioning can take many forms outside of the most common recognized form of a written petition containing many signatures.

When Petitioning Activity is Protected

A person has a right to petition the government on a matter of public or private concern. The Court has held that petitioning is protected under the First Amendment when a person is commenting as a citizen on a matter of private concern.[12] However, the Court has also stated, "petitions to the government assume an added dimension whey they seek to advance political, social, or other ideas of interest to the community as a whole."[13] Thus, the First Amendment protects a person's right to petition the government as a citizen on matters of both public and private concern.

When Petitioning Activity is Not Protected

The Court has identified limited circumstances where petitioning is not protected under the First Amendment. One such exception occurs in the context of public employment. The First Amendment does not protect petitioning activity if the person is a government employee petitioning on a matter of private concern related to the workplace.[14] However, if a government employee petitions as a citizen on a matter of public concern, the "First Amendment interest must be balanced against the government's countervailing interest in the effective and efficient management of its internal affairs."[15] At this point, the competing interests must be balanced as such;

> "If that balance favors the public employee, the employee's First Amendment claim will be sustained. If the interference with the government's operations is such that the balance favors the employer, the employee's First Amendment claim will fail even though the petition is on a matter of public concern."[16]

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[11] See *Edwards v. South Carolina*, 372 U.S. 229 (1963), where the Court held that negro high school and college students who were peacefully marching in protest of the laws of South Carolina were deprived of their rights of free speech, freedom of assembly and freedom to petition when they were arrested, convicted and punished as a result of their march.

[12] See *Pickering v. Board of Education*, 593 U.S. 563, 568 (1968), regarding freedom of speech; See also *Connick v. Myers*, 461 U.S. 138, 140 – 148; See also *Duryea*, Pgs. 13 – 18, Applying *Pickering* and *Connick* to the right to petition.

[13] Id.

[14] See *Duryea*, Pg. 17; see also *Pickering v. Board of Ed.*, 391 U.S. 563 (1968); *Connick v. Myers*, 462 U.S. 138 (1983).

[15] *Duryea,* Pg. 17 – 18.

[16] *Duryea*, Pg. 18.

Thus, in the context of public employment, a balance must be struck between the government employee's interest in participating as a citizen in the democratic process, and the government's interest in providing efficient and effective public services.

Under very limited circumstances, the content of a petition may also result in a petition being unprotected by the First Amendment. These exceptions occur when the contents pose "a clear and present danger"[17], are libelous or "constitute a defamatory falsehood"[18], or are otherwise unprotected under the rules developed by the Court.[19] The Court has stated that there is "no sound basis for granting greater constitutional protection" to the petition in these circumstances.[20] In general, the "speech contained within a petition is subject to the same standards for defamation and libel as speech outside a petition."[21] This exception also appears to apply to certain other areas where speech is unprotected, such as using "fighting words" directed at another person which are "likely to provoke the average person to retaliation, and thereby cause a breach of the peace."[22]

Applying the First Amendment Rules to the Agenda Request

Framed against this backdrop, it becomes clear that submitting an *Agenda Request* to the clerk is protected under the First Amendment, except under very limited circumstances. First, submitting an *Agenda Request* satisfies the definition of "petitioning" as defined by the Court. Submitting an *Agenda Request* is formal, written and directed to the Assembly.[23] Additionally, the *Agenda Request* form allows a person to express a concern or grievance directly to the Assembly.[24] Finally, the *Agenda Request* form specifically asks what actions the person wishes the Assembly to take to address the stated concerns.[25] Thus, submitting an *Agenda Request* clearly meets the definition of "petitioning" as defined by the Court.

Second, except under limited exceptions, submitting an *Agenda Request* is protected under the First Amendment. As noted above, submitting an *Agenda Request* to the clerk is protected under the First Amendment if a person is petitioning as a citizen on

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[17] Tribe, Lawrence H., *American Constitutional Law*, The Foundation Press, Inc. (University Textbook Series), 2nd Ed., 1988, Pgs. 791 – 792.
[18] *Id.*
[19] *Id.*
[20] *McDonald v. Smith*, 472 U.S. 479, 485 (1985).
[21] See *Duryea*, Pg. 8; See also *McDonald v. Smith*, 472 U.S. 479 (1985).
[22] Chemerinsky, Erwin. *Constitutional Law: Principles and Policies*, 4th Ed., Aspen Student Treatise Series, 2011, Pgs. 1033 - 1035; referencing *Street v. New York*, 394 U.S. 576, 592 (1969); *Cohen v. California*, 403 U.S. 15 (1971); *Texas v. Johnson*, 491 U.S. 397 (1989).
[23] See Haines, Alaska, Borough Assembly meeting packet #304, Dec. 1, 2015, Item 11B1 regarding Ord. 15-12-424, Pgs. 33 – 36, proposed "Agenda Request for Assembly Action" form.
[24] Id.
[25] Id.

a matter of public or private concern.[26] The exception here would be if the content represents a "clear and present danger", is libelous or constitutes a defamatory falsehood, or is otherwise unprotected under the rules developed by the Supreme Court such as through the use of "fighting words".[27]

The second exception revolves around the context of public employment. Submitting an *Agenda Request* to the clerk is not protected under the First Amendment if the person submitting the request is petitioning as an employee of the borough regarding a matter of private concern related to the workplace.[28] Under these circumstances, the request should more appropriately be handled administratively as a workplace matter.

However, should an employee of the Borough submit an *Agenda Request* to the clerk as a citizen on a matter of public or private concern unrelated to the workplace, a balancing test would need to be performed. Specifically, the employee's interest in petitioning the Assembly as a citizen on a matter of public or private concern unrelated to the workplace, along with societies interest in hearing that concern, would need to be balanced against the Borough's interest in providing effective and efficient services to the residents of the community.[29] If the balance favors the employee, then the *Agenda Request* is protected under the First Amendment.[30] However, if the employee's *Agenda Request* disrupts the workplace or negatively affects the efficiency and effectiveness of the services provided by the Borough, then the First Amendment does not protect that activity.[31]

Therefore, except under these very limited circumstances, submitting an *Agenda Request* to the clerk is petitioning activity protected under the First Amendment.

(B) The Supreme Court's public forum doctrine protects a person's right to have an Agenda Request included in an assembly meeting packet.

The second inquiry is whether the Supreme Court's public forum doctrine protects a person's right to have an *Agenda Request* included in an assembly meeting packet. In this matter, it clearly does.

Public and Non-Public Forums

The Supreme Court has developed rules for regulating various types of forums used by citizens for speech, assembly, association and petition. There are two types of forums; the "public" forum, and the "non-public" forum. Both are defined below.

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[26] See *Pickering* at 563, 568; see also *Connick* at 140 – 148; *Duryea* at Pgs. 13 – 18.
[27] See Tribe, Pg. 791 – 791; see also *McDonald* at 479, 485.
[28] See *Duryea*, Pg. 17; see also *Pickering,* 563, 568; *Connick*, 140 - 148.
[29] *Duryea*, Pg. 18.
[30] *Id*.
[31] *Id.*.

A public forum is public property that can be used for expressive activity.[32] Expressive activity includes activities such as individual or group speech[33]; marching or picketing[34]; and petitioning by one or more persons[35]. These activities have been found essential to a fully functioning and healthy democracy[36], and are integral to our system of government.

The Court has defined different types of public forums. First, *traditional* public forums are forums "which, by long tradition or by government fiat, have been devoted to assembly and debate."[37] These include public areas such as streets, parks and sidewalks.[38] A *traditional* public forum "ha[s] immemorially been held in trust for use of the public and, time out of mind, ha[s] been used for purposes of assembly, communicating thought between citizens, and discussing public questions."[39] Government may not enforce a content-based exclusion in a *traditional* public forum unless it can be shown that "its regulation is necessary to serve a compelling state interest and it is narrowly drawn to achieve that end."[40] The government "may also enforce regulations of time, place, and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication."[41]

The second type of public forum is one by designation. These *designated* public forums are "public property which the State has opened for use by the public as a place for expressive activity."[42] Examples of a *designated* public forum include university meeting facilities[43], public comment periods during school board meetings[44], and municipal theatres[45]. The Court has stated, "The Constitution forbids a State to enforce certain exclusions from a forum generally open to the public even if it was not required to

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[32] See *Perry Ed. Assoc. v. Petty Local Ed. Assoc.*, 460 U.S. 37, 44 – 54 (1983); See also *United States v. Kokinda*, 497 U.S. 720, 725 – 727 (1990); *Cornelius v. NAACP Leg. Def. Fund*, 473 U.S. 788, 799 – 806 (1985); *City of Madison, Joint School Dist. No. 8 v. Wisconsin Employment Relations Commission*, 429 U.S. 167, 174 – 176 (1976).
[33] See *Duryea*, Pgs. 4 – 8.
[34] See *Edwards v. South Carolina*, 372 U.S. 229 (1963)
[35] See *Duryea*, Pgs. 4 – 8.
[36] *Id.,* Pgs. 14 – 17.
[37] See *Perry,* 460 U.S. 37, 45.
[38] *Id.;* quoting *Hague v. CIO*, 307 U.S. 496, 515 (1939).
[39] *Id.*
[40] See *Perry,* 460 U.S. 37, 45; referenced also *Carey v. Brown*, 447 U.S. 455, 447 U.S. 461 (1980).
[41] See *Perry*, 460 U.S. 37, 45; referenced also *United States Postal Service v. Council of Greenburgh Civic Assns.*, 453 U.S. 114, 132 (1981); *Consolidated Edison Co. v. Public Service Comm'n*, 447 U.S. 530, 535 – 536 (1980); *Grayned v. City of Rockford*, 408 U.S. 115; *Cantwell v. Connecticut*, 310 U.S. 296 (1940); *Schneider v. State*, 308 U.S. 147 (1939).
[42] *Id.*
[43] See *Widmar v. Vincent*, 454 U.S. 263 (1981).
[44] See *City of Madison Joint School District v. Wisconsin Employment Relations Comm'n*, 429 U.S. 167 (1976).
[45] *Southeastern Promotions, Ltd. V. Conrad*, 420 U.S. 546 (1975).

create the forum in the first place."[46] In the *designated* public forum, government "is bound by the same standards as apply in a traditional public forum."[47] Additionally, "reasonable time, place, and manner regulations are permissible, and a content-based prohibition must be narrowly drawn to effectuate a compelling state interest."[48]

On the other side of the spectrum are *non-public* forums. A *non-public* forum is public property "which is not, by tradition or designation, a forum for public communication."[49] An example here is a school districts internal mail system.[50] With respect to the *non public* forum, the Court has stated, "the State, no less than a private owner of property, has power to preserve the property under its control for the use to which it is lawfully dedicated."[51] Enforcement regulating access to the *non-public* forum is relaxed. As such, along with time, place, and manner regulations, "the State may reserve the forum for its intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view."[52]

Limited Public Forums

A sub-category of the *designated* public forum mentioned above is the *limited* public forum. A *limited* public forum "may be created for a limited purpose such as use by certain groups, or for the discussion of certain subjects."[53] A *limited* public forum may be created if, "by policy or practice, [the forum] has [been] opened for indiscriminate use by the general public."[54] An example of a *limited* public forum is a university meeting facility for use by a student group.[55] Additionally, the public comment period during a school board meeting created to discuss school board business is a *limited* public forum as defined by the Court.[56] Rules governing access to a *limited* public forum are the same as those governing the *traditional* and *designated* public forums. Specifically, "reasonable time, place, and manner regulations are permissible, and a content-based prohibition must be narrowly drawn to effectuate a compelling state interest."[57] In some later cases, however, the Court has stated, "when the State applies the forum criteria and excludes a speaker based on the subject matter of his speech, the

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[46] See *Perry*, at 45; referencing *Widmar v. Vincent*, 454 U.S. 263 (1981).
[47] See *Perry*, at 46.
[48] *Id.*, at 45; referencing *Widmar v. Vincent*, 454 U.S. 263 (1981).
[49] See *Perry*, at 46.
[50] *Id.*
[51] Id.; quoting *United States Postal Service v. Council of Greenburgh Civic Assoc.*, 453 U.S. 129; also quoting *Greer v. Spock*, 424 U.S. 828, 836 (1976); and *Adderley v. Florida*, 385 U.S. 39, 47 (1966).
[52] See *Perry*, at 46; referencing *United States Postal Service v. Council of Greenburgh Civic Assoc.*, 453 U.S. 129, 131, n. 7.
[53] See *Perry*, Footnote 7, defining a "limited" public forum as a type of "designated" public forum.
[54] See *Perry*, at 47.
[55] See *Perry*, Footnote 7.
[56] *Id.*
[57] *Id.*, at 45; referencing *Widmar v. Vincent*, 454 U.S. 263 (1981).

exclusion need only be 'reasonable in light of the purposes served by the forum'."[58] Thus, in the *limited* public forum, the Court has demonstrated some intent to consider the purpose of the forum when evaluating whether First Amendment rights have been violated.

Applying Public Forum Doctrine to the Assembly Meeting Packet

With these rules in mind, it becomes evident that access to an assembly meeting packet to deliver an *Agenda Request* to the assembly is guaranteed in most instances. The reasons stated below support this claim.

To begin, a brief look at the role of the assembly meeting packet is in order. Haines Borough Code provides for a meeting packet to accompany regular and special meetings of the assembly.[59] The meeting packet is designed to include "[a]ll reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the assembly."[60] The meeting packet is provided to assembly members, the mayor, the manager and the chief fiscal officer.[61] Meeting packets "may also be prepared as necessary for other officers, departments heads, and members of the press or other interested parties."[62] Therefore, the assembly meeting packet has been created for indiscriminate use by the general public as a channel of communication for all matters related to assembly business.

The assembly meeting packet clearly meets the definition of a *limited* public forum as defined by the Supreme Court. First, the assembly meeting packet is public property. Recall that a public forum is public property that can be used for expressive activity, such as speech, assembly or petitioning.[63] Recall also that Haines Borough Code provides an assembly meeting packet for official Borough use during assembly meetings.[64] As such, an assembly meeting packet is public property that provides a channel of communication between citizens and their government.

Second, the assembly meeting packet has been created for expressive activity. Haines Borough Code provides an assembly meeting packet to deliver "[a]ll reports, communications, ordinances, resolutions, contract documents, or other matters" to the

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[58] Lidsky, Larissa, *Public Forum 2.0*, Boston University Law Review, Vol. 91:1975, Pgs. 1984 – 1989, quoting *Rosenberger v. Rector & Visitors of the Univ. of Virginia*, 515 U.S. 819, 828 – 837 (1995).
[59] See *Haines, Alaska, Borough Code § 2.10.030 (A).*
[60] *Id.*
[61] *Id.*
[62] *Id.*
[63] See *Perry Ed. Assoc.* at 460 U.S. 37, 44 – 54; See also *United States v. Kokinda*, 497 U.S. 720, 725 – 727 (1990); *Cornelius* at 473 U.S. 788, 799 – 806; *City of Madison, Joint School Dist. No. 8* at 429 U.S. 167, 174 – 176 (1976).
[64] See *Haines, Alaska, Borough Code § 2.10.030 (A).*

assembly.[65] These "Reports", "communications" and "other matters" may include First Amendment expressions of speech and petition from members of the public to the Assembly. They can also include other types of First Amendment expression such as letters, emails or memos. The bottom line here is the assembly meeting packet is designed for citizens to express their feelings, wishes and concerns to their government for their consideration during meetings.

Third, the assembly meeting packet was created for a limited purpose. The meeting packet was created for the limited purpose of delivering matters to the assembly for their consideration during assembly meetings. As such, only matters for assembly consideration are included within the meeting packets. Additionally, use of meeting packets is limited solely to matters of Assembly business, and does not include other types of expressive activity outside of this limited purpose.

Given these conditions, an assembly meeting packet clearly qualifies for regulation as a *limited* public forum under the rules developed by the Supreme Court. First, the meeting packet is public property. Second, the meeting packet was designed for expressive activity, such as speech and petitioning between citizens and the assembly. Lastly, the meeting packet is limited solely to matters of Assembly business. Thus, the Supreme Court definition is satisfied.

Now, because an assembly meeting packet is a *limited* public forum, citizen access to the packet to deliver an *Agenda Request* to the assembly is strictly regulated under the rules developed by the Supreme Court. As stated above, the Borough may not deny a person access to an assembly meeting packet based on the content of an *Agenda Request*, except under limited circumstances. First, an *Agenda Request* is First Amendment petitioning activity, and access to the meeting packet to deliver these petitions is guaranteed except under limited circumstances involving employees of the borough. Second, access is guaranteed except when the content of the *Agenda Request* represents a "clear and present danger"; or if the content is libelous or constitutes a defamatory falsehood; or if the expression is otherwise unprotected under the First Amendment such as in cases involving "fighting words". Lastly, access is guaranteed unless the expressive activity falls outside of the limited purpose the assembly packet was created for in the first place. However, it must be remembered that a petition is *always* the business of the assembly given the First Amendment interests at play. Thus, except under very limited circumstances, a person is guaranteed access to an assembly meeting packet to deliver an *Agenda Request* to the assembly.

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[65] *Id.*

II.

The policy being proposed in the Agenda Request form allows the Borough to abridge a person's First Amendment right to petition the Assembly.

The next inquiry is whether the proposed changes to the policy in the *Agenda Request* form abridge a persons First Amendment right to petition the Assembly. As will be demonstrated, the proposed changes abridge a person's right to petition.

A. The policy being proposed allows the Borough to impose a prior restraint on First Amendment petitioning activity by denying a person access to a limited public forum designed to deliver petitions to the assembly.

Prior Restraints on First Amendment Expression

Citizens have a right to be free of government-imposed restraints on protected forms of speech and petitioning prior to the expression occurring. A "prior restraint" on First Amendment activity is "any scheme which gives public officials the power to deny use of a forum in advance of its expression."[66] Constitutional law scholar Erwin Chemerinsky states that the clearest definition of a prior restraint is "an administrative system or judicial order that prevents speech from occurring."[67] The prior restraint normally "involve[s] either an administrative rule requiring some form of license or permit before one may engage in expression."[68] However, the central feature of the prior restraint is it "attempts to suppress speech prior to publication."[69] In essence, a system of prior restraint puts into the hands of those in government the power to allow or deny First Amendment expression from occurring. So, while threats of punishment may "chill" First Amendment expression, a prior restraint tends to "freeze" that expression for at least some amount of time.[70]

The Supreme Court has stated, "Prior restraints on speech and publication are the most serious and least tolerable infringement on First Amendment rights."[71] This type of suppression on First Amendment expression has been described as "the worst form of speech regulation."[72] First Amendment scholar Thomas Emerson has stated,

> "A system of prior restraint is in many ways more inhibiting than a system of subsequent punishment: it is likely to bring under government scrutiny

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[66] *Black's Law Dictionary*, Pg. 1194 (6th Ed. 1990).
[67] Chemerinsky, Erwin. *Constitutional Law: Principles and Policies*, 4th Ed., Aspen Student Treatise Series, 2011, Pgs. 978 – 979.
[68] *Id.;* quoting Rodney Smolla, Smolla and Nimmer on Freedom of Speech, 8-4 (1994).
[69] Tribe, Laurence H., *American Constitutional Law*, Second Ed., University Textbook Series, 1988, Pgs. 1039 – 1042.
[70] *Nebraska Press Assoc. v. Stuart*, 427 U.S. 539, 559 (1976).
[71] Chemerinsky*, Pg. 978*; quoting *Nebraska Press Assn. v. Stuart*, 427 U.S. 539, 559 (1976).
[72] *Id.*, Pg. 982.

> a far wider range of expression; it shuts off communication before it takes place; suppression by a stroke of the pen is more likely to be applied than suppression through a criminal process; the procedures do not require attention to the safeguards of the criminal process; the system allows less opportunity for public appraisal and criticism; the dynamics of the system drive toward excesses, as the history of all censorship shows."[73]

Thus, it is no surprise that "[a]ny system of prior restraints of expression comes to [the Supreme] Court bearing a heavy presumption against its constitutional validity."[74]

Applying the Prior Restraint Doctrine to the Policy Being Proposed

The policy being proposed constitutes a prior restraint on petitioning activity. In this matter, the prior restraint is defined as an administrative decision to deny a person access to an assembly meeting packet prior to its publication due solely to the subject matter of an *Agenda Request*. The following reasons support this conclusion.

First, administrative officials are granted the power to assess an *Agenda Request* based solely on content. The proposed policy clearly states,

> "In a manager form of government, some matters may not be within the assembly's purview and, as such, would be more appropriately handled by the borough manager. If that is the case, you will be contacted and we will discuss with you our recommendations for the best and most appropriate avenues for action."[75]

By stating, "some matters may not be within the assembly's purview", the proposed policy grants administration officials the power to screen an *Agenda Request* for its subject matter. This power is granted even though an *Agenda Request* clearly meets the criteria for petitioning activity as defined by the Court; i.e., the *Agenda Request* is clearly addressed to the assembly, it states a concern or grievance, and it seeks action by the assembly to address the concern or grievance. Thus, the proposed policy imposes the type of content-based infringement of First Amendment protected petitioning activity that is unconstitutional under the Court's "Public Forum" doctrine.[76]

Second, the policy being proposed allows administration officials to restrain petitioning activity prior to its expression based on content. Administration officials can decide that an *Agenda Request* is not in the assembly's purview after the request is screening for subject matter. They can then divert the request away from the intended recipient; i.e., the assembly. Now, recall that an assembly meeting packet qualifies as a

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[73] *Id.*; quoting Thomas Emerson, *The System of Freedom of Expression* 506 (1970).
[74] *New York Times v. United States*, 403 U.S. 713, 714 (1971); see also Ne*braska Press Assoc. v. Stuart*, 427 U.S. 539, 558 (1976).
[75] See *Policy*.
[76] See *Perry,* 460 U.S. 37, 45 – 47.

limited public forum under the rules developed by the Supreme Court. Thus, according to the policy, a person can be denied access to a *limited* public forum prior to a petition being delivered to the assembly based solely on its subject matter.

Therefore, the policy being proposed grants administration officials the power of prior restraint as defined by the Court. The policy being proposed clearly satisfies this definition because First Amendment petitioning activity can be restrained prior to realizing its full expression based solely on its content or subject matter.

B. The policy being proposed is unconstitutionally vague because it does not provide sufficient information about what matters are within the assembly's purview.

Vagueness Doctrine

A person has a right to rely on laws and policies that do not require guesswork as to their meaning.[77] Laws and policies that regulate First Amendment expression are considered unconstitutional on "void-on-vagueness grounds when they are so ambiguous that the reasonable person cannot tell what expression is forbidden and what is allowed."[78] The vagueness doctrine is about fairness to avoid selective enforcement by government officials based on personal views or politics.[79] Additionally, vague laws and policies may be objectionable under vagueness grounds because "the First Amendment's demand for specificity is also a product of the concern for a statute's chilling effect."[80] In this context, the freedom of expression is "chilled" when citizens "restrict their conduct to that which is unquestionably safe."[81]

There are certain criteria that are likely to result in a law or policy being considered too vague. First, "the individual challenging the statute [must] indeed [be] one of the entrapped innocent."[82] Second, the findings should indicate, "it would have been practical for the legislature to draft [the law or policy] more precisely."[83] Also, excessive vagueness occurs when "the expression deterred by the vague statute [is] both real and substantial."[84] Lastly, "*perfectly vague*" laws or policies are "one which provides no 'ascertainable standard[s] for inclusion or exclusion' and is thus vague in all

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[77] See *Chemerinsky*, Pgs. 970 – 971; referencing *Connally v. General Constr. Co.*, 269 U.S. 385, 391 (1926) ("a law is unconstitutionally vague when people of common intelligence must necessarily guess at its meaning").
[78] See *Chemerinsky*, Pg. 971.
[79] Id., Pg. 970.
[80] Tribe, Lawrence H., *American Constitutional Law*, The Foundation Press, Inc. (University Textbook Series), 2nd Ed., 1988, Pg. 1034.
[81] Id.; *Quoting Baggett v. Bullitt*, 377 U.S. 360, 372 (1964).
[82] Id.; Pg. 1034.
[83] Id., Pg. 1034; referencing *United States v. Petrillo*, 332 U.S. 1, 7- 8 (1947).
[84] Id., Pg. 1035; referencing *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976).

its applications."[85] In this last instance, "*perfectly vague*" laws and policies specify no advance standard at all, so a person may never know what types of expressive activity the language is targeting.[86]

Applying the Vagueness Doctrine to the Policy Being Proposed

The policy being proposed is clearly unconstitutional under the vagueness doctrine. First, the proposed policy statement is ambiguous when stating, "some matters may not be the purview of the assembly."[87] A reasonable person is left to ask exactly what matters are "not the purview of the assembly." No specifics or advanced standards are provided to members of the public about what these matters are. As stated above, impermissibly vague laws and policies "are so ambiguous that the reasonable person cannot tell what expression is forbidden and what is allowed."[88] Thus, the statement fails to provide the public with sufficient information about what matters are guaranteed to be included in an assembly meeting agenda.

Second, the lack of specificity is objectionable and poses a "chilling effect" to First Amendment petitioning activity. By not providing sufficient information about what matters are within the assembly's purview, the power over the agenda is transferred from the citizen to administration officials. This reduces the expectation and certainty that the petition will be delivered to its recipient. The citizen may also be left to wonder if a request will be denied on the basis of personal views or politics. Thus, without an expectation of certainty, a citizen might only submit those requests that unquestionably will be delivered to the assembly. This clearly "chills" First Amendment petitioning activity.

Lastly, restraining petitioning activity prior to expression is both "real and substantial."[89] The Supreme Court has stated, "the value in the right of petition as an important aspect of self-government is beyond question." First Amendment expression reflects a commitment that debate "should be uninhibited, robust, and wide open."[90] And, as stated, "The right to petition is 'among the most precious of the liberties guaranteed by the Bill of Rights.'"[91] Considering the First Amendment interests at stake here, and considering that the policy grants administration officials the power to deny a person access to an assembly meeting packet to deliver a First Amendment petition to the assembly, there can be little doubt of the seriousness of this type of government action.

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[85] Id., Pg. 1036; referencing *Coates v. Cincinnati*, 402 U.S. 611, 6`4 (1971); also *Smith v. Goguen*, 415 U.S. 566, 578 (1974).
[86] Id.
[87] See *Policy*.
[88] See *Chemerinsky*, Pg. 971.
[89] See Tribe, Pg. 1035; referencing *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976).
[90] *McDonald v. Smith*, 472 U.S. 479, 485 – 486 (1985) (Brennan, J., concurring); quoting *New York Times v. Sullivan*, 376 U.S. 254, 279 (1964).
[91] *Id.,* at 486; quoting *Mine Workers v. Illinois Bar Assn.*, 389 U.S. 217, 222 (1967).

Thus, the policy being proposed in the *Agenda Request* is clearly void on vagueness grounds. The policy is ambiguous, and leaves a person wondering what matters administration officials feel are "within the assembly's purview."[92] No advance standards are provided so a person has clear information about the matters covered by the assembly. Additionally, there is no certainty in the policy, which "chills" petitioning activity. Finally, the interests being affected are both "real and substantial."[93] The proposed policy, then, is clearly unconstitutionally vague.

C. The policy being proposed is overly broad because it unconstitutionally allows both protected and unprotected petitioning activity to be restrained.

Overbreadth Doctrine

Overly broad laws and policies have been found to violate First Amendment rights. An overly broad law or policy "regulates substantially more speech than the Constitution allows to be regulated."[94] The Supreme Court has stated, "A law is void on its face if it 'does not aim specifically at evils within the allowable area of [government] control, but…sweeps within its ambit other activities that constitute an exercise' of protected expressive or associational rights."[95] Essentially, overly broad laws and policies restrain both unprotected expression, as well as expression protected under the First Amendment.

Plausible challenges to laws and policies on overbreadth grounds require two conditions. First, a law or policy "must restrict significantly more speech than the Constitution allows to be controlled."[96] In *Broaderick v. Oklahoma*, the Court stated that for a law to be considered overly broad, it "must not only be real, but substantial as well." In subsequent cases, the court has affirmed this requirement of substantiality stating that "'substantial overbreadth' was required for a law to be invalidated" under overbreadth grounds.[97] This substantiality "might be demonstrated by showing a significant number of situations where a law could be applied to prohibit constitutionally protected speech."[98]

Overly broad laws and policies can also be shown to exist "by demonstrating great harm to particularly important speech."[99] Under this argument, a "balancing test" is employed to demonstrate "a standard that is broader than the less restrictive substitutes'

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[92] See *Policy*.
[93] See Tribe, Pg. 1035; referencing *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976).
[94] See Chemerinsky, Pg. 972.
[95] See Tribe, Pg. 1022; referencing *Thornhill v. Alabama,* 310 U.S. 88, 97 (1940).
[96] See Chemerinsky, Pg. 972 - 973.
[97] Id., Pg. 973; quoting *Board of Airport Commrs. Of Los Angeles v. Jews for Jesus, Inc.,* 482 U.S. 569, 574 (1987); see also *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 800 (1984).
[98] See Chemerinsky, Pg. 973.
[99] Id., Pg. 973.

against 'the First Amendment interest in…avoiding the chilling of constitutionally protected conduct."[100] This standard seeks greater protection for expression that resides at the core of the First Amendment.

In the second condition, "a person to whom the law constitutionally may be applied can argue that it would be unconstitutional as applied to others."[101] In this condition, a person may employ an exception to the normal rules of standing before a court. Overbreadth is thus regarded as "strong medicine" because persons may "raise the claims of others" not before the Court.[102] This is justified because the First Amendment "needs breathing space" to protect expression that may be "chilled" by overly broad laws or policies.[103]

Applying the Overbreadth Doctrine to the Policy Being Proposed

The policy being proposed is clearly overly broad. First, because of its vagueness, administration officials are granted the power to restrain protected petitioning activity as well as unprotected activity. For instance, administration officials have interpreted the language of the policy as a green light to "reroute" assembly-addressed requests away from the assembly "to those who can best address the question or concern."[104] While ordinary questions that do not rise to the level of defined First Amendment petitioning activity can be rerouted in this manner, administration officials have admitted that "concerns" addressed to the assembly may also be rerouted.[105] Now, recall that concerns addressed to the assembly meet the requirements of First Amendment petitioning activity as defined by the Supreme Court.[106] Thus, administration officials have admitted that they interpret their role in this process as inadvertently rerouting both protected and unprotected petitioning activity away from the assembly.

Second, the threat posed by the policy is both real and substantial. As stated previously, First Amendment petitioning activity does not need to resemble the quintessential form of a petition; that is, a statement signed by numerous individuals. Petitioning can also occur in the form of normal communications such as handwritten letters and emails intended for the assembly. Thus, First Amendment petitioning occurs whenever a person is directing concerns to a government body, and requesting action by the body to address that concern.

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[100] Id., Pg. 974.
[101] Id., Pg. 975.
[102] See Chemerinsky, Pgs. 975 – 976.
[103] Id.
[104] *Citizens Scrutinize Meeting Procedures*, Chilkat Valley News, Vol. XLV No. 22, Thursday, June 4, 2015, Pg. 1,4, quoting Haines Borough Clerk Julie Cozzi.
[105] *Id*.
[106] See *Duryea*, Pg. 8; See also *Sure-Tan, Inc.*, at 896-897; a petition "conveys the special concerns of its author to the government and, in its usual form, requests action by the government to address those concerns."

Now, administration officials have admitted that they interpret the policy as granting them the power to determine "what merits getting on the agenda."[107] The former borough manager admitted they "try and identify what's of sufficient public interest and of import to get on the agenda" and in the meeting packet.[108] He continues;

> "And you know what? Not everything is important. It might be important to one person, and that's great, but part of what we are looking at here is what has the greatest importance to the community at large. And are we always going to get it right? No."[109]

Thus, administration officials admit they screen *Agenda Requests* for content, arbitrarily determine what they feel is of significant public import, and then decide whether to direct these requests to the assembly.

Nowhere in the First Amendment, nor in the decisions of the Supreme Court, has a hierarchy been defined for petitioning activity. Recall that First Amendment petitioning activity can be both a matter of public or private concern. Additionally, petitioning can occur on a formal written request signed by thousands of individuals, or in an email directed to the borough clerk coming from a single person. The take away here is that the First Amendment protects every petition the same, whether from one person or many. Additionally, both matters of great public concern and matters of intense private interest are protected by the First Amendment. Thus, the First Amendment does not allow Government officials to "high grade" petitioning activity based on arbitrary conditions such as deciding what is "of sufficient public interest and import."

Because the policy being proposed is so ambiguous as to allow administration officials the leeway for arbitrary decision-making with regard to agendas and meeting packets, "a great harm to particularly important speech" exists.[110] As stated by the Supreme Court, petitioning is "an important aspect of self-government"[111] that is "fundamental to liberty."[112] This ambiguity in the policy leads to administration officials interpreting their role in the process as having the power to high-grade petitioning activity for merit and public import. In doing so, both protected and unprotected petitioning activity may be rerouted away from the assembly. Thus, violations of the Court's overbreadth doctrine are both very real and substantial, affecting a particularly important element of First Amendment activity.

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[107] See *Citizens Scrutinize Meeting Procedures*, Pg. 4, quoting former Haines Borough manager David Sosa.
[108] Id.
[109] Id.
[110] See Chemerinsky, Pg. 973.
[111] See *McDonald v. Smith*, 472 U.S. 479 (1985).
[112] See *Duryea v. Guarnieri*, 564 U.S. ___(2011), Pg. 5.

III.

The Haines Borough fails to have the sufficient justification to abridge a person's First Amendment right to petition the Assembly.

The final inquiry is whether the Borough has the sufficient justification to use the policy, even though there are real, significant threats to First Amendment petitioning activity. Recall that government may not enforce a content-based exclusion from a *traditional*, *designated*, or *limited* public forum unless it can be shown that "its regulation is necessary to serve a compelling state interest and it is narrowly drawn to achieve that end."[113] Additionally, "reasonable time, place, and manner regulations are permissible, and a content-based prohibition must be narrowly drawn to effectuate a compelling state interest."[114] Lastly, the purpose of the limited public forum should be considered to ensure the exclusion is 'reasonable in light of the purposes served by the forum'."[115] The final section of the argument will demonstrate that the borough's justification for using the proposed policy does not meet these requirements.

A. The Borough's stated interests for using the proposed policy are less than compelling.

As previously stated, administration officials interpret the policy as granting them the power to determine "what merits getting on the agenda" and in meeting packets.[116] They have justified their use of the policy by stating that *Agenda Requests* must be "ready for 'prime time'"[117], and making sure "everything is prepared."[118] Additionally, they have justified use of the policy by stating that not every *Agenda Request* is of "sufficient public interest and import to get on the agenda" and in meeting packets.[119] Finally, they have stated that some requests may be rerouted away from the assembly "to those (on the staff) who can best address the question or concern."[120] These justifications fail to justify abridging a person of their First Amendment right to petition.

As stated above, the borough must meet a "compelling interest" to justify excluding an *Agenda Request* that is protected under the First Amendment from being included in an assembly meeting packet. An example of a compelling interest could include instances where an *Agenda Request* presents a "clear and present danger" to the borough.[121] Additionally, should an *Agenda Request* be libelous or otherwise defame a

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[113] See *Perry,* 460 U.S. 37, 45; referenced also *Carey v. Brown*, 447 U.S. 455, 447 U.S. 461 (1980).
[114] *Id.*, at 45; referencing *Widmar v. Vincent*, 454 U.S. 263 (1981).
[115] Lidsky, Larissa, *Public Forum 2.0*, Boston University Law Review, Vol. 91:1975, Pgs. 1984 – 1989, quoting *Rosenberger v. Rector & Visitors of the Univ. of Virginia*, 515 U.S. 819, 828 – 837 (1995).
[116] See *Citizens Scrutinize Meeting Procedures*, Pg. 4, quoting former Haines Borough manager David Sosa.
[117] Id.
[118] Id., quoting Haines Borough mayor Jan Hill.
[119] Id., quoting former Haines Borough manager David Sosa.
[120] Id., quoting Haines Borough clerk Julie Cozzi.
[121] See Tribe, Pgs. 791 – 792.

person, excluding this content might meet a compelling state interest.[122] Lastly, "maintaining a stable political system"[123] and "preventing race and sex discrimination"[124] are other examples that have been found to be compelling interests under the First Amendment context.

However, the justifications put forth by the administration fall woefully short of this compelling standard. Making sure things are prepared, and making sure requests are of significant public interest and import do not rise to the level of importance required to abridge a person of such a significant First Amendment right. Additionally, arbitrary decisions that staff can better address a person's concern in no way justifies routing First Amendment petitioning activity away from the assembly.

Some may also argue that maintaining an uncluttered assembly meeting packet, or running an efficient meeting are sufficient justifications for depriving a person access to an assembly meeting packet for an *Agenda Request*. Additionally, avoiding offense and restricting bad ideas may also be used as justifications.[125] But here again, these reasons do not rise to the sufficient level in light of the First Amendment interests at play. Thus, the borough's interests for using the policy to abridge a person's right to petition the assembly fails to meet the demands of the First Amendment.

B. The provisions of the proposed policy are not narrowly drawn and are improperly tailored to further the borough's purpose.

To prove that a policy is narrowly drawn, the government must satisfy four components. First, "the government must prove to the Court that the law actually advances the interest."[126] Second, "a law is not narrowly tailored if it restricts a significant amount of speech that doesn't implicate the government interest."[127] Third, there must be less speech-restrictive means available that would serve the government's interest. Fourth, it is not narrowly tailored if it "fails to restrict a significant amount of

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[122] See Tribe, Pgs. 791 – 792.

[123] *Eu v. San Francisco County Democratic Cent. Comm.*, 489 U.S. 214, 226 (1989).

[124] *See Roberts v. United States Jaycees*, 468 U.S. 609, 623 (1984) (sex discrimination); *Bob Jones Univ. v. United States*, 461 U.S. 574, 604 (1983) (race discrimination).

[125] Volokh, Eugene, *Freedom of Speech, Permissible Tailoring and Transcending Strict Scrutiny*, 144 U. Pennsylvania L. Rev. 2417 (1997); referencing *Simon & Schuster, Inc. v. Members of the N.Y. State Crime Victims Bd.*, 502 U.S. 105, 118 (1991) (quoting *Texas v. Johnson*, 491 U.S. 397, 414 (1989)).

[126] See Volokh; referencing *Eu*, 489 U.S. at 226, 228-29 (1989); *Meyer v. Grant*, 486 U.S. 414, 426 (1988); *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238, 262 (1986); *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 609-10 (1982); *First Nat'l Bank v. Bellotti*, 435 U.S. 765, 789-90 (1978); *Buckley v. Valeo*, 424 U.S. 1, 45-47, 53 (1976).

[127] See Volokh; See, e.g., *Simon & Schuster, Inc. v. Members of the N.Y. State Crime Victims Bd.*, 502 U.S. 105, 120-21 (1991); *FEC v. National Conservative Political Action Comm.*, 470 U.S. 480, 500-01 (1985); *First Nat'l Bank*, 435 U.S. at 794.

speech that harms the government interest to about the same degree as does the restricted speech."[128] The policy being proposed fails these four requirements.

First, the policy advances interests that are not compelling. The ambiguous language allows for administration officials to advance interests that do not meet the level of scrutiny required to abridges such a significant fundamental right. Thus, in essence, the policy not only fails to be narrowly tailored, it is actually improperly tailored given the nature of the fundamental right involved.

Second, the policy restricts a significant amount of petitioning activity that aligns with non-compelling borough interests. As stated, the ambiguous nature of the language in the policy allows officials to restrict protected petitioning activity to make sure items are ready for the agenda. It also allows for officials to reroute requests if they feel staff can better address the concerns. In doing so, a significant amount of protected petitioning activity may be restricted based on these non-compelling interests. Once again, this results in the policy not being narrowly tailored and, in fact, is improperly tailored to these non-compelling borough interests.

Third, there are less restrictive means available to serve the borough's stated interests. For example, providing information to citizens to educate them on effective means of communicating to the borough regarding a variety of issues may be a possible solution. Additionally, an alternative means for delivering petitions to the assembly may satisfy some borough interests. These will be further addressed in the recommendations of this memorandum.

Finally, the ambiguous policy arbitrarily allows for some communication to be included in meeting packets that may qualify for exclusion. An example here includes regular correspondence that may be included on the agenda and in meeting packets that does not rise to the level of petitioning activity. This can include correspondence from powerful interest groups, companies, or well-connected individuals. Yet, at the same time, *Agenda Requests* from individual citizens that fully satisfies the definition of First Amendment petitioning activity are excluded from meeting packets through use of the policy.

Thus, the policy being proposed is not narrowly drawn. In fact, the policy is improperly tailored to further the borough's interests that are not sufficiently compelling given the fundamental nature of the rights at stake.

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[128] See Volokh; *See, e.g.*, *Florida Star v. B.J.F.*, 491 U.S. 524, 540 (1989); *Carey v. Brown*, 447 U.S. 455, 465 (1980); *First Nat'l Bank v. Bellotti*, 435 U.S. 765, 793 (1978); *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 213-14 (1975) (not specifically mentioning strict scrutiny, but discussing over- and underinclusiveness).

C. The Borough does not provide a reasonable alternative means to publically deliver petitions to the Assembly.

The Supreme Court has stated that First Amendment expression within public forums may not be abridged unless the law or policy "leaves open adequate alternative channels for communication."[129] Within these forums, government may "impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions…leave open ample alternative channels for communication of the information."[130] Additionally, even within a non-public forum, the Court has found that reasonable restrictions on access for expressive purposes may be supported by "substantial alternative channels that remain open" for the expression.[131]

As stated above, Haines Borough Code provides for a meeting packet to accompany regular and special meetings of the assembly. The meeting packet is designed to include "[a]ll reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the assembly."[132] The meeting packet is the sole means provided by the borough that guarantees a person public access to the full assembly outside of attending an actual assembly meeting. Thus, as demonstrated previously, the meeting packet is a *limited* public forum that serves as a vital channel of communication between citizens and the assembly.

In this matter, there exists no other reasonable alternative means for a person to publically deliver petitions to the assembly. First, one may argue that a person can simply attend an assembly meeting and petition the assembly directly. However, it is unreasonable to expect residents living in remote areas of the borough to travel the vast distances to personally attend an assembly meeting to deliver a petition to the assembly. Examples here include residents living in Excursion Inlet, or individuals living up the highway, especially during the winter months when road conditions may be unsafe.

Second, alternatives such as emailing or personally contacting individual assembly members are unreasonable restrictions on this fundamental right. The Petition Clause's history "reveals the frequent use of petitions to address a wide range of political, social, and other matters of great public import and interest."[133] As such, petitions "assume an added dimension when they seek to advance political, social, or other ideas of interest to the community as a whole."[134] Petitioning may "allow the public airing of

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[129] See Tribe, Pg. 992; see e.g., *Consolidated Edison Co. v. Public Service Comm'n.*, 447 U.S. 530, 535-536 (1980); *Grayned v. Rockford*, 408 U.S. 104, 121 (1972); *United States Postal Service v. Council of Greenburgh Civic Assn.*, 453 U.S. 114, 132 (1981).
[130] *United States v. Kokinda*, 497 U.S. 720, 738 (1990); quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).
[131] *Perry Educ. Assn. v. Perry Local Educ. Assn.*, 460 U.S. 37, 53 (1983).
[132] *Id.*
[133] See *Duryea*, Pgs. 13 – 17.
[134] *Id.*

disputed facts" and "promote the evolution of the law."[135] As such, citizens have a right to hear the views of other citizens and benefit from their participation in petitioning the government.[136] The use of email and individual meetings does not further this vital citizen interest because these communications are not open public forums and would most likely not be released for normal public inspection and review. Thus, the use of these types of communications are unreasonable alternatives to the assembly meeting packet for delivering petitions to the assembly.

Therefore, there is no reasonable alternative means provided to deliver a petition to the assembly that meets the strict demands of the First Amendment. First, it is unreasonable to expect residents to travel great distances to personally attend meetings to deliver petitions to the assembly. Second, it is an unreasonable restriction on First Amendment petitioning to rely on alternatives such as email and personal meetings to deliver petitions to assembly members given the fundamental nature of the right involved. Thus, under the current conditions, a person must be guaranteed access to the assembly meeting packet to deliver petitions to the assembly as it is the sole reasonable means provided to do so.

Recommendations

For the reasons stated above, the *Agenda Request* should be revised as follows:

1. The offending statement in the "Note" section of the *Agenda Request* must either be removed in its entirety, or information must be provided to the public defining what matters are not within the assembly's purview. However, it must be remembered that only under very limited circumstances are *Agenda Requests* not protected under the First Amendment *(see next point)*. As such, only under these limited exceptions can an *Agenda Request* be withheld from an assembly meeting packet.

2. In the body of the *Agenda Request*, the following questions should be asked:
   a. "Are you an employee of the Haines Borough?"
   b. "If yes, is your request a matter related to your employment with the Borough?"

Additionally, development of a reasonable alternative means to deliver petitions to the assembly could be investigated. However, if an alternative means is developed, it must be publically accessible due to the fundamental nature of the rights involved.

[135] *Id.*; see also *BE&K Constr. Co. v. NLRB*, 467 U.S. 883, 896 – 897 (1984).
[136] *Id.*

12A

HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name: Brenda Josephsen Date: 1/17/2016

Name of Group Represented (if applicable) _____

Address: PO Box 51, Haines, AK 99827 Phone: 766-2170

Email Address: brendajones57@gmail.com Fax: _____

I request to be scheduled on the Borough Assembly meeting agenda dated the 26th day of January, 2016, or as soon thereafter as possible.

Purpose of Request: Provide information on the Strategic Planning Process and how it can benefit decision making.
I plan to provide a brief overview of the general process.

Estimated Time Required (if a presentation) 15 to 20 minutes

Action you wish the Assembly to take: Provide an opportunity for the information to be presented.
I would like to use a projector for the presentation.

Note: Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are not within the assembly's purview and are more appropriately handled by staff. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. You will be contacted and informed of the best and most appropriate avenue for action. If your request ends up on an assembly agenda, it will most generally be placed under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. The deadline for agenda topics is 10:00 a.m. the Monday (one week and one day) prior to an assembly meeting. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them.

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

From: Emily Ferry [emily@seacc.org]
Sent: Wednesday, January 13, 2016 2:35 PM
To: Krista Kielsmeier
Subject: Economic benefits of the Katzehin Road
Attachments: Smart Mobility CSA on JAI DSEIS_2014.pdf

Hi Krista,

Could you share the following email with the Mayor and Assembly Members? We look forward to working for a strong ferry system for all of Southeast Alaska.

Thanks so much,
- Emily Ferry
(907) 723-6599

Dear Mayor Hill and Haines Borough Assembly Members,

The recently released report from First Things First on the Juneau Access project, while well-intentioned, misses several major points.

1) The supposed economic benefits to Juneau are based on a deeply flawed traffic forecast demand study commissioned by DOT that posited that 10 to 14 times more people would travel the Northern Lynn Canal corridor than do so today. This idea defies common sense and the State's own experience; for example, when access to Juneau has improved in the Lynn Canal over the past decade with more frequent ferry service, the number of travelers actually decreased. The Fehr and Peers traffic study is so faulty that a retired engineer who spent his career evaluating massive projects for the Navy voluntarily put together an entire website dedicated to refuting the study. SEACC also commissioned national transportation modeling expert Smart Mobility to critique the traffic forecast study (please see the attached report).

2) The First Things First study, like those commissioned by DOT, does not take into account the cost to the State, the City and Borough of Juneau, and the Haines Borough for providing emergency services "out the road". Even without considering these costs, studies preformed by McDowell for DOT show that the operating cost of the Katzehin Road (the current preferred alternative) would be *greater* than the current cost of operating the Alaska Marine Highway System, a point made by Representative Sam Kito in an interview yesterday. Economist Gregg Erickson did an excellent job summing up the cost question in the piece he wrote for the Juneau Empire. In summary, it is clear that the short term benefits are not worth the long term costs.

3) If declining ferry service is a problem (which it is), the CBJ and the State should be addressing that directly. In so doing, Juneau could once again be a leader in building prosperity for the region. The same federal National Highway System funds that would be used to construct 50 miles of controversial new road could by

used to replace an aging mainline vessel (actually, with the over half-billion dollars the Katzehin road is predicted to cost, Alaska could replace two mainline vessels), a move that could benefit all of coastal Alaska.

Please contact me if you like to discuss this issue further.

Sincerely,
- Emily Ferry

Emily Ferry - Deputy Director
Southeast Alaska Conservation Council
224 Gold St., Juneau AK, 99801
(907) 586-6942 (o) (907) 723-6599 (c)
www.insidepassagewaterkeeper.org
www.seacc.org

Norm Marshall, Principal
Smart Mobility, Inc.
P.O. Box 750
16 Beaver Meadow Rd. #3
Norwich, VT 05055

October 13, 2014

RE: Provision of Consulting Services Pertaining to the Juneau Access Improvement Project.

Dear Norm,

This letter sets forth the terms of service to be provided by you for the Southeast Alaska Conservation Council (SEACC).

You are authorized to analyze the traffic forecast demand modeling performed for the Alaska Department of Transportation in the Juneau Access Improvements Project 2014 Draft Supplemental Environmental Impact Statement. The State's primary justification for its preferred alternative, a road extension to the Katzehin River and shuttle ferry, is that there is an unmet demand to travel the route. The state posits that constructing the road and shuttle ferry will lead to a 10-fold increase in travel along the corridor. We believe that these figures are unjustified and request that you focus on flaws in the assumptions used in DOT's model. In addition to identifying questionable assumption in the model, we would like you to provide an alternative model using more realistic assumptions.

Comments are due on the DSEIS by November 10, 2014. We intend to attach your analysis/report as an exhibit to SEACC's comments on the DSEIS. Please provide a draft copy of your analysis/report to SEACC by October 30th. A final analysis/report following our review will be submitted to SEACC by November 6, 2014.

Your rate is $130.00 per hour. Your assistants' rates are $38.00 per hour. The cost for this service will not exceed $5,000 without additional authorization from SEACC. You will submit an invoice to SEACC for your time and necessary expenses. SEACC will pay for this service following the timely completion of the work and its acceptance by SEACC,

If you find the terms outlined about agreeable, please sing this letter and return it to SEACC. Please do not hesitate to contact us if you have any questions about the expectations outlined in this letter.

Sincerely,

Malena Marvin,
Executive Director
Southeast Alaska Conservation Council

Norm Marshall
Principal
Smart Mobility

12C

HAINES
The Adventure Capital of Alaska

January 19, 2016

Dear Madam Mayor and Haines Borough Assembly,

The Tourism Advisory Board and Tourism Director request that the Haines Borough Assembly support Alaska State Parks (DNR) and the Department of Transportation (DOT) in moving forward on the Chilkoot Rd project, encouraging DOT to give permission and support to DNR to proceed with the planned and funded improvements to the Chilkoot Rd, including the proposed bear viewing platforms.

The current levels of use and interactions in this corridor during the peak tourism and bear activity periods, puts this long awaited project as crucial and time sensitive. If current management stays in place for DOT to control the road, it is necessary for DNR to have the needed permission to move forward with building the platforms and road improvements. The TAB recommends the Mayor and Assembly submit a letter of support to DOT and DNR to encourage this project.

Thank you.

Sincerely,

Sean Gaffney
Chair, Tourism Advisory Board
Haines Borough

Leslie Ross
Tourism Director
Haines Borough

12D

Skagway Community Fish Hatchery
PO Box 415
Skagway,Alaska 99840
January 8, 2016

Mr. Andrew Garry
Alaska Sport Fish Co-ordinator
941 N. Reeve Blvd.
Anchorage, AK 99501

Dear Mr. Garry,

In reviewing the State of Alaska, Sport Fish Enhancement Plan, we would like to comment on the future of the Skagway area stocking program. In the plan it is under the South-east region, specifically page I-5. This page describes the program and the goal which has not been achieved, and speaks of discontinuation of the program.

We would like to request a review and continuation of a possible release. Our hope is the department would consider a salt water net pen release for a few years while we try to develop and build a hatchery for the area. The program has failed to take any eggs for two of the past three years and this will likely cause very poor sport fishing within the region. A net pen release in the Haines or Skagway area would continue to provide opportunities and give us time to develop a solution.

While the use of Tahini river stock is not likely, hopefully there is some extra stock, (King or even Coho) that could be used. By doing a salt water release, hopefully any interference with any wild stock would be minimal. Without any release we fear that sport fishing will be very poor, or worse in the region. The region has many summer visitors with several businesses depending on fishing

Our goal is to have a plan and facility in place in the next three years, able to develop and rear a sustainable sport fish population. Any help to support our goal and to bridge this gap would provide a opportunities for fishing while we look to a future local solution.

Thank you for consideration.

Sincerely,

Matt O'Boyle
President, Skagway Community Fish Hatchery

cc: Municipality of Skagway
Upper Lynn Canal Advisory Committee
Haines Borough

RECEIVED Haines Borough
JAN 18 2016
Clerk's Office