

Haines Borough  
Borough Assembly Meeting #310  
March 8, 2016  
MINUTES

Approved

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

2. **ROLL CALL**

**Present:** Mayor Jan **HILL**, and Assembly Members Diana **LAPHAM**, Mike **CASE**, Margaret **FRIEDENAUER**, Ron **JACKSON**, George **CAMPBELL**, and Tresham **GREGG**.

**Staff Present:** Brad **RYAN**/Interim Borough Manager, Julie **COZZI**/Borough Clerk, Josh **DRYDEN**/Interim Police Chief, and Helen **ALTEN**/Museum Director.

**Visitors Present:** Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS, Paul **NELSON**, Don **TURNER Jr.**, Mike **DENKER**, Sean **GAFFNEY**, Annette **SMITH**, Keri **EWING**, and others.

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

The following Items were on the published consent agenda indicated by an asterisk (\*):

- 4 – Approve Assembly Meeting Minutes
- 8B – Accept Lobbyist Report
- 9A – Accept PRAC Minutes & Meeting Summary
- 9B – Accept TAB Meeting Summary
- 9C – Accept PHAC Meeting Minutes

**Motion:** **LAPHAM** moved to “approve the agenda/consent agenda,” and it was amended to remove Item 9B from the consent agenda. The motion, as amended, carried unanimously.

\*4. **APPROVAL OF MINUTES** – 2/23/16 Regular

*The motion adopted by approval of the consent agenda: “approve minutes of the 2/23/16 borough assembly regular meeting.”*

5. **PUBLIC COMMENTS**

**NELSON** – Said he won the lawsuit he filed against the borough, and he asked to be reimbursed for his legal fees.

**DENKER** – Asked the assembly to reimburse **NELSON**’s attorney fees.

**A.SMITH** – Spoke in support of Item 11C2 (Chilkat Center audio/sound equipment MOA) and asked the assembly to approve it. The terms of the grant do not allow the Foundation to turn the equipment over to the borough at this time, so the next best thing is to lease it with full use rights.

6. **MAYOR’S COMMENTS/REPORT**

Mayor **HILL** said the last meeting was difficult to manage with half of the assembly attending by phone. She read aloud HBC 2.10.200(B) that refers to attendance being allowed for long-distance teleconferencing. She believes the intent of this part of code is that assembly members who are out of town (out of the borough) may call in. Additionally, her authority to limit assembly members to speaking two times has been called into question, but she is standing firm on her decision to limit. This rule helps the assembly to organize their thoughts. The public is asked to do the same thing with the 3-minute limit, so it’s only fair. **CASE** noted when he was mayor the code contained this speaking limitation, and he suggested the assembly might consider recodifying it. Additionally, pertaining to the **NELSON** lawsuit, **CASE** believes the fault lies with the assembly, and blame should not be laid on anyone else.

7. **PUBLIC HEARINGS**

A. **Ordinance 16-01-429** - Second Hearing

**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.**

Mayor **HILL** opened and closed the public hearing at 6:43 p.m.; there were no public comments.

**Motion:** **CASE** moved to “amend Ordinance 16-01-429 by substituting it in its entirety with the substitute ordinance proposed by the manager, and refer the ordinance back to the Planning Commission,” and it was seconded by **LAPHAM**.

**Primary Amendment #1:** **CAMPBELL** moved to "amend the motion to submit the existing ordinance back to the planning commission," and it was seconded by **JACKSON**. The motion **FAILED** 2-4 with **FRIEDENAUER, CASE, LAPHAM, and GREGG** opposed.

**Primary Amendment #2:** **JACKSON** moved to "amend Part I to require all projects estimated to be more than \$5 million to a life-cycle analysis," and the motion was **WITHDRAWN** with no objection from the group after it was pointed out this is most likely not the most appropriate place in code to add a requirement like this.

The main motion carried 5-1 with **CAMPBELL** opposed.

**8. STAFF/FACILITY REPORTS**

**A. Interim Manager – 3/8/16 Report**

The manager summarized his written report and responded to a few questions from the assembly. He added that he would like to bring back to the next meeting options concerning the Paul Nelson request for reimbursement of attorney fees.

**Motion:** **CAMPBELL** moved to "authorize the borough manager to immediately reimburse Paul Nelson's attorney bills," and it was seconded by **JACKSON**.

The motion **FAILED** 1-5 with **FRIEDENAUER, GREGG, JACKSON, CASE, and LAPHAM** opposed.

**\*B. State Lobbyist – Report of February 12-26, 2016**

**9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES**

**\*A. Parks & Recreation Advisory Committee – Minutes of 1/27/16 & Summary of 2/24/16**

**B. Tourism Advisory Board – Summary of 2/24/16 Meeting**

**JACKSON** said he noticed the TAB Board asked for a non-voting member, and it was explained that code allows a board to establish rules (including bylaws) and also requires that only voting members may be counted as part of a quorum.

**\*C. Port & Harbor Advisory Committee – Minutes of 1/8/16 and 1/28/**

**D. Assembly Board Liaison Reports**

**FRIEDENAUER** –Port and Harbor Advisory Committee

**LAPHAM** – Tourism Advisory Board and Planning Commission

**JACKSON** – Parks and Recreation Advisory Committee

**E. Assembly Standing Committee Reports**

**1. Commerce Committee** – **CAMPBELL** gave a brief report on two topics currently with the commerce committee: Solar aquatic wastewater treatment system and tax incentives.

**2. Government Affairs & Services** – The committee had no quorum so they did not come up with a recommendation for a strategic planning RFP. There was some thought that perhaps a committee of the whole meeting might work for coming up with some goals.

**10. UNFINISHED BUSINESS**

**A. Postponed motions pertaining to labeling all packet documents**

*Note: on 2/23/16, the assembly considered a recommendation from the Government Affairs & Services Committee concerning labeling packet documents. Action was postponed to this meeting.*

*Motions already on the table:*

*Main Motion: Direct staff to have dates on all documents in the packets.*

*Amendment Motion: "Amend the motion to have either dates or revision numbers on all documents in the packets."*

During discussion, the assembly became satisfied staff is working to address this.

The Amendment Motion **FAILED** unanimously.

The Main Motion **FAILED** unanimously.

**11. NEW BUSINESS**

**A. Resolutions - None**

**B. Ordinances for Introduction - None****C. Other New Business****1. Board Appointments**

*Note: a reappointment application was received for a seat on the Tourism Advisory Board. The mayor sought assembly confirmation.*

**Motion:** **LAPHAM** moved to "confirm the mayor's reappointment of Rhonda Hinson to the Tourism Advisory Board for a new term ending 11/30/19," and the motion carried unanimously.

**2. Memorandum of Agreement/Lease – Audio/Lighting Equipment, Chilkat Center**

*Note: the Foundation for the Chilkat Center purchased new sound & lighting equipment with grant funding. They requested the borough lease the equipment for \$1.00/year with the right of full use. The MOA requires the borough to insure the equipment and to cover the cost of maintaining it. The borough has the right to establish policies for the proper use of the equipment. During the meeting, the manager noted he is still awaiting confirmation of insurance coverage.*

**Motion:** **CAMPBELL** moved to "authorize the manager to enter into a Memorandum of Agreement with the Foundation for the Chilkat Center for the Haines Borough to lease certain grant-acquired lighting, audio, and stage equipment for \$1.00/year and to agree to insure and maintain the equipment."

**Motion to Postpone :** **FRIEDENAUER** moved to "postpone the motion to the next meeting or until there is an answer to the insurance question," and the motion carried 4-3 with **JACKSON**, **CAMPBELL**, and **GREGG** opposed and Mayor **HILL** breaking the tie in the affirmative. The main motion will be placed under Unfinished Business on the 3/29/16 agenda.

**12. CORRESPONDENCE/REQUESTS****13. SET MEETING DATES**

**Motion:** **JACKSON** moved to "schedule a Committee of the Whole meeting to discuss a strategic planning RFP," and the motion carried unanimously. [Note: the mayor and manager will look at potential dates to offer.]

**Motion:** **GREGG** moved to "hold a Committee of the Whole meeting for a pre-budget strategy session," and the motion DIED for lack of a second.

**Motion:** **CAMPBELL** moved to "have a Committee of the Whole meeting to discuss the assembly's goals for this year prior to the assembly getting the manager's budget," and the motion FAILED 3-4 with **FRIEDENAUER**, **CASE**, and **LAPHAM** opposed and Mayor **HILL** breaking the tie in the negative.

**CAMPBELL** would like to the Finance Committee to discuss an appropriate place in code to put in a requirement to prepare a life cycle analysis for all borough projects (from agenda Item 7A). Mayor **HILL** said the finance committee will be encouraged to add this to their next meeting agenda.

**14. PUBLIC COMMENTS**

**TURNER** – Said he will personally work to fix code to avoid scenarios like the **NELSON** violation/fines that ended up as a lawsuit.

**DENKER** – Offered a different interpretation of the section of code pertaining to attendance via teleconferencing. He disagreed that it is limited to an assembly member being out of town. A definition of *Absent* should be developed.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**CAMPBELL** – 1) Said he will be out of town on March 29, 2) stressed the importance of adhering to the Open Meetings Act, and 3) said the assembly needs to make the decision whether to allow teleconference participation; he will do his best to attend in person but believes the borough shouldn't discriminate against people who can't be here.

**CASE** – 1) Said "out of town" means out of town. He doesn't understand being sick enough to stay home yet well enough to attend by phone, and he would be supportive of a code amendment to clarify when phone attendance is appropriate. 2) Said the whole idea of the Open Meetings Act is to let people know what is going on, as much as possible. He told the executive search consultant his personal thoughts. **RYAN** said the borough attorney advised the solution was to discuss the results of the individual meetings in a public meeting, which did indeed happen.

**LAPHAM** - Believes this is blown out of proportion. She trusts the staff not to throw the assembly under the bus. Staff set up the interviews knowing there would be meetings with individual assembly members. She is sad that a lot of the issues have come up because of a lack of trust.

**CAMPBELL** - Believes the assembly is in violation of the Open Meetings Act through serial meetings, and there should be a public discussion to allow the public to hear what was discussed in the individual interviews. He takes umbrage to the consultants, in his opinion, just using the old job descriptions and essentially discounting the input they received from the public in the surveys.

**FRIEDENAUER** - Believes this is moot. The assembly approved a contract for services, and everything the consultants have done they were contracted for. It was discussed at the last meeting so any alleged violation has been addressed.

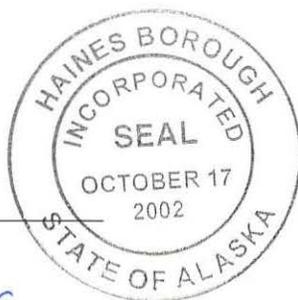
**JACKSON** - Imagines it was difficult last meeting to have three members attending by phone. However, he finds it offensive that he would have to pay to attend a meeting via teleconference. Mayor **HILL** noted it is a code requirement rather than something she came up with.

**16. ADJOURNMENT** - 9:08 p.m.

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

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk  
Deputy Clerk for  
J. Cozzi



  
Janice Hill, Mayor