

Dec. 18 , 2015 Minor offenses

MINUTES *(Approved Feb. 4, 2016)*

• CALL TO ORDER 5:35 p.m.

Present: Don Turner, Mike Case, Bill Thomas, Deb Vogt, Ron Jackson absent, Margaret Friedenauer. Mike Denker excused.

Staff:

Audience: Assemblymember Diana Lapham, Jillian Rogers/KHNS, Carol Tuynman, Paul Nelson, Brenda Josephson, Tom Morphet, Erik Stevens

• Agenda approved

• Minutes approved

•Public comment:

Tuynman – Suggests committee finds out how many infractions there are each year to Title 18. Suggests idea of using an ombudsman as fine line of communication to hear citizen complaints.

Josephson – Expressed concerns with “policing for profit.” Doesn’t want Haines to see minor offenses enforcement as revenue source.

Nelson – Corrected comment from last meeting – the alternative to contesting violation is to pay fine.

Stevens – Cited 10.26.300 – prohibits skiing on roads. Read citizen petition that recommends removing skiing on roads as a violation.

• Old Business

Enforcement:

Discussion of enforcement options, if harbormaster should be allow to issue citations in addition to police officers, or if admin staff can issue. Discussion of various committee recommendations for minor offenses.

•MOTION Friedenauer moves to “Recommend to the assembly that Haines Borough police officers enforce minor offenses as listed in borough code. The Haines Harbormaster and assistant harbormaster may enforce violation of minor offenses in Chapter 16 and borough planning and zoning technician and lands manager may enforce violations of minor offenses in Chapter 18.”

Case seconds.

Discussion about if Planning Commission should deal with violations in Chapter 18. Case discusses having notices of violations before citations issued.

Case moves to amend to strike the portion of the motion about Chapter 18. **Denker** seconds. Amendment passes unanimously. Motion carries.

Case Ticketing process for minor offenses is too simplistic for land violations so they should be dealt with administratively. Suggests Planning Commission should weigh in on recommendation.

Vote on amendment – passes unanimous. Motion carries.

Vote on main motion: *Motion reads as amended:* “Recommend to the assembly that Haines Borough police officers enforce minor offenses as listed in borough code. The Haines Harbormaster and assistant harbormaster may enforce violation of minor offenses in Chapter 16.”

Passes unanimous. Motion carries.

Vogt moved to “Recommend take Title 18 out of the minor offenses schedule have appeals dealt with by the planning commission.”

Denker – second

Vogt – we have yet to decide what the appeals process will be for those lands violations.

Vote – unanimous yes. Motion carries.

Denker – By lack of inclusion of animal control officer, that enforcement remains within minor offenses.

Vogt – who enforces Title 18?

Denker says now that Title 18 violations are recommended removed from minor offenses that are out of the hands of this committee how they are enforced.

Vogt Moved to adopt changes proposed by attorney.

Case second.

Discussion of if daily fines should remain for some/all violations. Vogt will go through and identify violations with daily fines.

Vogt – Committee should go through attorney’s suggestions on language changes more thoroughly. Will review and come back to committee with some recommendations.

Vogt Withdraws motion, Denker (as second to motion) agrees.

Discussion on whether appeals should go to admin process or magistrate. Denker suggests that should be a well-publicized topic at next meeting for more input.

Denker moved “The issue of appeals as an agenda item on next meeting.”

Friedenauer second.

No objection

Its suggested Sgt. Dryden be invited to next meeting for consultation.

Next meeting to include discussion of individual offenses.

•Public comment:

McCord – state law vs homerule – it overlaps with undue burden – urges committee to look at whether it's an undue burden to assume state law would dictate to borough.

Josephson – The intent of code enforcement is compliance – additionally – police are trained in conflict resolution. I believe the credentialing standards should be directed in Title 16 directly. You don't have to think through enforcement of Title 18 – you're keep code as is.

Morphet –Recommend that there be more direction to skiing on roads – headlamp after dark? Skiing against or with traffic?

Tuynman - Education key component of enforcement.

Committee comments:

Next meeting date; Jan 14, 3-5 p.m. in assembly chambers (to accommodate Sgt. Dryden attending.)

•MOTION Case moves to adjourn. **Denker** seconds.

Meeting adjourns 7:10 pm.