
Haines Borough
Borough Assembly Meeting #316
AGENDA

June 14, 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 – Accept Chilkat Center Report
- 8C – Accept Fire Department Report
- 9A – Accept PRAC Minutes and Meeting Summary
- 9B – Accept PHAC Minutes and Meeting Summary
- 11A2 – Adopt Resolution 16-06-679
- 11A3 – Adopt Resolution 16-06-680

*** 4. APPROVAL OF MINUTES – 5/24/16 Regular**

5. PUBLIC COMMENTS - Sign-up is NOT required

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

Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time. Instead, comments and requests may be referred for further consideration to the administration, a committee, or a future assembly agenda. Individuals offering citizen comment will not be permitted to make personal attacks.

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

A. Ordinance 16-04-434 – Third Hearing

An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the operating budget, capital budget, and capital improvement plan of the Haines Borough for the period July 1, 2016 through June 30, 2017.

*This ordinance is recommended by the interim manager and was introduced on 4/26/16. The first hearing was on 5/10 and the second hearing was 5/24. Per Haines Borough Charter 9.01(D), the budget must be adopted by June 15. **Motion:** Adopt Ordinance 16-04-434.*

B. Ordinance 15-06-413 – Second Hearing on New Ordinance Draft

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

*On 10/13/15, the assembly postponed adoption of this ordinance and established an ad hoc committee to review it and make recommendations for the assembly's consideration. That committee has been meeting for several months and, with borough attorney assistance, prepared a substitute ordinance. The committee also recommended two public hearings on the new draft to give the community and assembly ample time to consider the recommended changes. On 5/10/16, the assembly replaced the ordinance with the substitute and scheduled the recommended hearings. The first hearing on the new draft was on 5/24/16. **Motion:** Adopt Ordinance 15-06-413.*

7. PUBLIC HEARINGS ---continued---

C. Ordinance 16-05-435 – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 to add a new Chapter 2.51 establishing a Code Review Commission.

*On 5/10/16, the assembly passed a motion to create a standing code review committee and also decided it should be established by ordinance. This ordinance was introduced on 5/24/16. The assembly already scheduled the second hearing for 6/28/16. The interim manager referred the ordinance to the borough attorney for review, and staff has prepared a substitute ordinance based on the attorney's suggestions and comments. **Motion:** Amend Ordinance 16-05-435 by substituting it in its entirety with the substitute ordinance proposed by the borough attorney and staff.*

D. Ordinance 16-05-436 – First Hearing

An Ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage to revise the boat launch ramp use fees.

This ordinance is recommended by the port & harbor advisory committee and was introduced on 5/24/16. The assembly already scheduled the second hearing for 6/28/16. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 6/14/16 Report

*B. Chilkat Center – Facility Report of May 2016

*C. Fire Department – Report of May 2016

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

*A. Parks & Recreation Advisory Committee – 4/20/16 Minutes and 5/18/16 Meeting Summary

*B. Port & Harbor Advisory Committee – 4/28/16 & 5/5/16 Minutes and 5/26/16 Meeting Summary

C. Assembly Board Liaison Reports

D. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

1. Resolution 16-06-678

A Resolution of the Haines Borough Assembly approving in response to an application from Alaska Indian Arts, Inc., as recommended by the borough assessor, a community purpose property tax exemption for the Parade Grounds property at Fort Seward, and requiring an updated plat within one year of exemption approval.

*This resolution is recommended by the assessor. **Motion:** Adopt Resolution 16-06-678.*

*2. Resolution 16-06-679

A Resolution of the Haines Borough Assembly establishing investment objectives for the Haines Permanent Fund, and adopting investment asset allocation goals and performance benchmarks.

*This resolution is recommended by the finance director. **Motion:** Adopt Resolution 16-06-679.*

*3. Resolution 16-06-680

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Southeast Road Builders for the Bjornstad Street Culvert Replacement project for an amount not to exceed \$54,000.

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 16-06-680.*

B. Ordinances for Introduction - None

C. Other New Business

12. CORRESPONDENCE/REQUESTS

A. Request for Repeal of 1% Tourism/Economic Development Sales Tax – D.Churchill

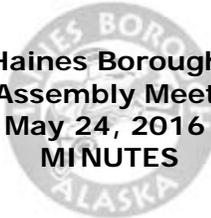
Note: Mr. Churchill requests referral of this matter to the finance committee.

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #315
May 24, 2016
MINUTES

Draft

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**, Margaret **FRIEDENAUER**, Ron **JACKSON**, Tresham **GREGG**, Mike **CASE**, and George **CAMPBELL** (via telephone).

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

Visitors Present: Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS, Deborah **VOGT**, Mike **DENKER**, Don **TURNER** Jr., Evelynna **VIGNOLA**, Debra **SCHNABEL**, Carol **TUYNMAN**, Darsie **CULBECK**, Paul **NELSON**, 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 Museum Report
- 8C – Accept Fire Department Report
- 9A – Accept PHAC Meeting Summary
- 9B – Accept PC Meeting Summary
- 9C – Accept Museum Board Meeting Minutes
- 11A1 – Adopt Resolution 16-05-677
- 11B2 – Introduce Ordinance 16-05-436 and Schedule Public Hearings

Motion: **LAPHAM** moved to “approve the agenda/consent agenda,” and it was amended to renumber item 11C2 as 11C3, add a new 11C2 Executive Session to discuss contract negotiations for the manager and police chief, and add a discussion item as 11C4 Lobbyist Discussion; and remove item 11B2 from the consent agenda,” and the motion as amended carried unanimously.

* 4. **APPROVAL OF MINUTES** – 5/10/16 Regular, 5/14/16 Special

The motion adopted by approval of the consent agenda: “approve minutes of the 5/10/16 borough assembly regular meeting and the 5/14/16 special meeting.”

5. **PUBLIC COMMENTS**

SCHNABEL – Said she was surprised to see the mayor at this meeting because she understood the diplomas to be handed out by the mayor. She is disappointed the assembly meeting was not rescheduled because of this evening’s high school graduation. Mayor **HILL** explained the school board president hands out the diplomas. It was unfortunately too late to fix the conflicting schedules but assured her it has already been addressed for next year.

NELSON and **VOGT** – Said they support introduction of the code review commission ordinance.

VIGNOLA – Said she is disappointed in what she believes to be a lack of leadership by the assembly.

TUYNMAN – Said she is disappointed with the way the harbor is going, and she wondered if there has been a test for sewage-contaminated soil in that area. *[Clerk’s note: the manager addressed this under agenda item 8A.]*

6. **MAYOR’S COMMENTS/REPORT**

Mayor **HILL** expressed appreciation to everyone for spending the weekend recently to interview manager and police chief candidates. She thanked Patty Brown, Library Director, for all of her extra work and effort. She also acknowledged Diana Lapham, Margaret & John Friedenauer, Mike & Kathy Binkie, and Jeremy Stephens for extra work on food and clean-up. Finally, she expressed appreciation to River Adventures for loaning a nice airporter vehicle for the candidate tour of the area.

7. **PUBLIC HEARINGS**

A. **Ordinance 16-04-434** – Second Hearing

An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the operating budget, capital budget, and capital improvement plan of the Haines Borough for the period July 1, 2016 through June 30, 2017.

Mayor **HILL** opened the public hearing at 6:46 pm.

SCHNABEL – Said she is concerned about the allocation of tax revenue, such as raw fish tax not being used for the harbor and bed tax not being used for tourism-related issues. Also, concerning the organization chart, she does not believe the planning commission is truly an advisory board to the assembly.

Hearing no further comments, the mayor closed the public hearing at 6:51 pm.

Motion: **LAPHAM** moved to “adopt Ordinance 16-04-434.”

Motion to Amend: **JACKSON** moved to “amend the motion to hold a third public hearing on Ordinance 16-04-434 at the 6/14/16 meeting and ask the personnel committee to review the organization chart prior to the third hearing,” and the motion carried unanimously.

B. Ordinance 15-06-413 – First Hearing

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

Mayor **HILL** opened the public hearing at 6:59 pm.

VOGT – Said she served as part of the Minor Offenses Committee. They addressed the penalties for violations that are already in the code. The committee did recommend the creation of a code review commission to consider the violations themselves and whether they should remain as is.

Hearing no further comments, the mayor closed the public hearing at 7:02 pm.

Note: Since the assembly already scheduled the second hearing for 6/14/16, no motion was needed now unless the second hearing date needed to change or some other action was desired.

8. STAFF/FACILITY REPORTS

A. Interim Manager – 5/24/16 Report

The manager summarized his written report and responded to a few questions from the assembly.

RYAN assured (as a result of **TUYNMAN**'s public comment) that the harbor soil was thoroughly tested and indicated no contamination. The 408 Permit has been issued, and the borough is just waiting for the 404 Permit. Bid documents could be ready August 2016 with contract award October 2016 and project completion 2018. **FRIEDENAUER** asked when the harbor parking, trail, and park decisions will be made. **RYAN** responded that would be after a sport ramp cooperative agreement with ADF&G is in place. He has talked with the harbormaster and public meetings are planned for the parking, trail, and park.

* **B. Haines Sheldon Museum – Report of April 2016**

* **C. Fire Department – Report of April 2016**

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

* **A. Port & Harbor Advisory Committee – Summary of 5/5/16 Meeting**

* **B. Planning Commission – Summary of 5/12/16 Meeting**

* **C. Museum Board of Trustees – Minutes of 4/19/16 Meeting**

D. Assembly Board Liaison Reports

JACKSON – Parks & Recreation Advisory Committee

E. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

* **1. Resolution 16-05-677**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order with Polar Supply Company of Anchorage to purchase high-density polyethylene (HDPE) and associated material for the Bjornstad Street Culvert Replacement project for an amount not-to-exceed \$41,000.

The motion adopted by approval of the consent agenda: “adopt Resolution 16-05-677.”

B. Ordinances for Introduction

1. Ordinance 16-05-435

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 to add a new Chapter 2.51 establishing a Code Review Commission.

Motion: LAPHAM moved to "introduce Ordinance 16-05-435 and set a first public hearing for 6/14/16 and a second public hearing for 6/28/16," and the motion carried unanimously.

2. Ordinance 16-05-436

An Ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage to revise the boat launch ramp use fees.

Motion: JACKSON moved to "introduce Ordinance 16-05-436 and schedule public hearings for 6/14/16 and 6/28/16," and the motion carried unanimously.

C. Other New Business

1. Sales Tax Exemption Request – Haines Ski & Hike Club

Note: the Haines Ski & Hike Club, a 501(c)3 organization, applied for sales tax exemption status as allowed by HBC 3.80.050(13).

Motion: CAMPBELL moved to "approve the request from the Haines Ski & Hike Club for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate," and the motion carried unanimously in a roll call vote.

2. Executive Session – Contract Negotiations for Manager & Chief (added during approval of the agenda)

Motion: FRIEDENAUER moved to "go into executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03 to discuss the contract negotiations for the positions of the Chief of Police and Borough Manager; this qualifies for executive session because it contains matters, the immediate knowledge of which could have an adverse effect upon the finances of the borough; the assembly invites Interim Borough Manager Brad Ryan to attend." The motion carried unanimously.

Present: Mayor Hill; Assembly Members Lapham, Jackson, Campbell, Friedenauer, Case, and Gregg; and Interim Manager Brad Ryan.

Motion: CASE moved to "authorize the manager and mayor to finalize the details of an employment contract for Bill Seward for borough manager," and the motion carried unanimously.

3. Confirm Chief of Police Hire (Changed from item 11C2 to 11C3 during agenda approval)

Motion: LAPHAM moved to "confirm the manager's decision to hire Heath Scott as Chief of Police for the Haines Borough," and the motion carried unanimously in a roll call vote.

4. Lobbyist Discussion (added during approval of the agenda)

JACKSON said there is confusion about the amount of the lobbyist contract and the scope and timing of the work. RYAN explained Mr. Thomas opted for installments over the year as opposed to a lump-sum payment. LAPHAM noted other lobbyists are paid for session-only. FRIEDENAUER said the scope of service was too vague and the problem is everyone has their own interpretation. Mayor HILL said Mr. Thomas' services were valuable this year with one of the biggest results being the borough still has wastewater treatment plant money in the Governor's budget. There were many people wanting the money to be reapportioned and the borough still has it because Mr. Thomas was there watching our interests. GREGG suggested the assembly could ask Thomas to work with the new manager to bring him up to speed on the state legislature, etc. Mayor HILL said she has already discussed that with him and he is prepared to do that. JACKSON said he is concerned about the lobbyist getting \$45K for such a vague scope of work.

Motion: JACKSON moved to "direct the manager to work with the borough attorney to clarify the termination clause in the lobbyist contract and, if possible, terminate that contract effective June 30, 2016," and the motion FAILED 1-5 with LAPHAM, GREGG, FRIEDENAUER, CASE, and CAMPBELL opposed.

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

A. Finance Committee – Tuesday, 6/7, 5:00pm – Topic: Sales Tax Exemption Process Review

B. Commerce Committee – Thursday, 6/9, 5:00pm – Topic: Economic Stimulus Idea proposed by T.Gregg on 5/10/16

C. Personnel Committee – Will be scheduled by the Chair – Topic: Review organization chart.

14. PUBLIC COMMENTS

TUYNMAN – Said the application period is open for a National Endowment for the Arts grant. She has suggested applying for a planning grant for up to \$100K for the waterfront. It could help raise other funds for other aspects including the parking lot.

CULBECK – Said the borough received a \$250K biomass grant. The borough is looking to do a public workshop shortly after the new manager arrives.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

CASE – Encouraged citizens to please contact any one of the assembly members if there is a problem.

FRIEDENAUER – Said she went to the recent Mosquito Lake Facility opening and there were about 50 people in attendance. They are trying to generate some interest in using the facility.

16. ADJOURNMENT – 8:52 p.m.

Motion: **LAPHAM** moved to “adjourn the meeting,” and the motion carried unanimously.

Janice Hill, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-649
Assembly Meeting Date: 6/14/16

Business Item Description:	Attachments:
Subject: Adopt FY17 Haines Borough Operating Budget	1. Ordinance 16-04-434
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 4/1/16	

Full Title/Motion:
Motion: Adopt Ordinance 16-04-434.

Administrative Recommendation:
The borough manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ See proposed budget	\$ See proposed budg	\$ See proposed budget	undetermined

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives: Pages 44-55 and Objective 2B	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

The manager submitted a proposed budget on 4/1/16, and the assembly conducted budget work sessions as a committee of the whole. Per the Charter 9.01(D), the budget must be adopted by 6/15. Two public hearings were required prior to June 1st, and those occurred 5/10 and 5/24. The assembly decided to hold a third public hearing.

The attached ordinance reflects amendments to the manager's budget that the assembly made following the first hearing.

The FY17 manager's budget is available on the borough website: <http://www.hainesalaska.gov>

Referral:

Referred to: Assembly COW	Referral Date: 3/29/16
Recommendation:	Meeting Date: 4/12, 4/18, 5/3

Assembly Action:

Meeting Date(s): 4/26, 5/10, 5/24/16	Public Hearing Date(s): 5/10, 5/24, 6/14/16
	Postponed to Date:

AN ORDINANCE OF THE HAINES BOROUGH, ALASKA, PROVIDING FOR THE ESTABLISHMENT AND ADOPTION OF THE OPERATING BUDGET, CAPITAL BUDGET, AND CAPITAL IMPROVEMENT PLAN OF THE HAINES BOROUGH FOR THE PERIOD JULY 1, 2016 THROUGH JUNE 30, 2017.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

Section 2. General Provisions. The following FY17 budget document, listing estimated resources and expenditures is hereby adopted and established as the budget for the period of July 1, 2016 through June 30, 2017 and made a matter of record for that purpose. Except in the case of appropriations for capital improvements, all unexpended balances not otherwise encumbered or disposed of in this ordinance as of June 30, 2017, shall lapse to those appropriate funds.

Section 3. Authorization and Appropriation. The expenditures set forth herein are authorized and appropriations as provided for are hereby made.

01 AREAWIDE GENERAL FUND

REVENUES

Property Tax	\$ 1,827,500
Sales Tax	632,000
State Revenue	525,200
Federal Revenue	339,600
Interest Earnings	110,000
User Fees	59,500
License, Permits, & Fees	74,135
Penalty & Interest	62,000
Rents	104,609
Sale of Fixed Assets	25,000
TOTAL AREAWIDE REVENUES	\$ 3,759,544

EXPENDITURES

Administration	551,439
Borough Assembly	108,991
Elections	5,736
Finance	420,350
Assessment/Land Management	294,145
Information Technology	88,669
Dispatch	378,327
Public Facilities	290,116
Solid & Hazardous Waste	26,755
Chilkat Center for the Arts	117,544

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Road Maintenance Service Areas	27,500
Haines Borough School District	1,779,500
Library	408,774
Museum	200,836
Parks	43,455
Community Youth Development	29,364
Swimming Pool	222,187
Transfers	(226,865)
Allocated Expense	<u>(799,471)</u>
TOTAL EXPENDITURES & TRANSFERS	3,967,352
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (207,808)</u>

02 TOWNSITE SERVICE AREA

REVENUES	
Property Tax Revenue	\$ 436,000
Sales Tax	720,000
State Revenue	280,234
Miscellaneous Revenues	<u>7,500</u>
	1,443,734
EXPENDITURES	
Police	520,270
Public Works	537,462
Animal Control	28,541
Transfers	50,000
Allocated Expense	<u>386,383</u>
TOTAL EXPENDITURES & TRANSFERS	1,522,656
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (78,922)</u>

17 LAND DEVELOPMENT & SALES

REVENUES	<u>\$ 20,000</u>
EXPENDITURES	
Direct Expenditures	31,900
Allocated Expense	<u>8,990</u>
TOTAL EXPENDITURES	40,890
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (20,890)</u>

20 MEDICAL SERVICE AREA

REVENUES	<u>\$ 268,000</u>
EXPENDITURES	
H.E.L.P. Committee	8,000
Other Medical Services	15,000
Ambulance	52,473
Operating Transfers	10,000
Allocated Expense	<u>190,176</u>
TOTAL EXPENDITURES & TRANSFERS	275,649
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (7,649)</u>

23 ECONOMIC DEVELOPMENT & TOURISM PROMOTION

REVENUES	<u>\$ 536,000</u>
EXPENDITURES	
Tourism	397,051
Economic Development	71,570
Transfers	104,000
Allocated Expense	<u>72,811</u>
TOTAL EXPENDITURES & TRANSFERS	645,432
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (109,432)</u>

25 FIRE SERVICE AREAS

REVENUES	
Fire District #1	\$ 195,500
Fire District #2	<u>32,408</u>
TOTAL REVENUES	227,908
EXPENDITURES	
Fire District #1	225,469
Fire District #2	28,918
Allocated Expense	<u>(23,661)</u>
TOTAL EXPENDITURES & TRANSFERS	230,726
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (2,818)</u>

34 COMMERCIAL PASSENGER VESSEL TAX

REVENUES	<u>\$ 185,000</u>
EXPENDITURES	
Direct Expenditures	106,500
Operating Transfers	<u>86,000</u>
TOTAL EXPENDITURES & TRANSFERS	192,500
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (7,500)</u>

35 VEHICLE IMPOUNDMENT FUND

REVENUES	<u>\$ 26,000</u>
EXPENDITURES	
Direct Expenditures	25,000
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 1,000</u>

50 CAPITAL IMPROVEMENT PROJECTS

REVENUES	<u>\$ 804,000</u>
EXPENDITURES	
Direct Expenditures	556,503
Operating Transfers	298,900
Allocated Expense	<u>48,597</u>
TOTAL EXPENDITURES & TRANSFERS	904,000
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (100,000)</u>

61 EQUIPMENT SINKING FUND

TRANSFERS	(182,635)
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 182,635</u>

75 LIBRARY BOND FUND

REVENUES	\$ 14,100
EXPENDITURES	14,148
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (48)</u>

76 SCHOOL G.O. BOND FUND

REVENUES	\$ 1,277,894
EXPENDITURES	1,286,894
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (9,000)</u>

90 WATER REVENUE FUND

REVENUES	<u>\$ 393,750</u>
EXPENDITURES	
Direct Expenditures	401,723
Transfers	(18,400)
Allocated Expense	(1,617)
Depreciation Expense	<u>269,500</u>
TOTAL EXPENDITURES	651,206
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (257,456)</u>

91 SEWER REVENUE FUND (WASTEWATER TREATMENT)

REVENUES	<u>\$ 1,778,500</u>
EXPENDITURES	
Direct Operating Expenditures	364,093
Allocated Expense	62,177
Depreciation Expense	251,500
Capital Expenditures	1,827,000
Transfers	<u>(200,000)</u>
TOTAL EXPENDITURES	2,304,770
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (526,270)</u>

92 BOAT HARBOR FUND

REVENUES	<u>\$ 435,000</u>
EXPENDITURES	
Direct Expenditures	553,460
Transfers	(31,000)
Allocated Expense	<u>(93,395)</u>

Depreciation Expense	<u>316,000</u>
TOTAL EXPENDITURES	745,065
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (310,065)</u>

93 LUTAK DOCK FUND

REVENUES	<u>\$ 350,000</u>
EXPENDITURES	
Direct Expenditures	188,630
Allocated Expense	90,858
Depreciation Expense	<u>173,000</u>
TOTAL EXPENDITURES	452,488
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (102,488)</u>

94 PORT CHILKOOT DOCK FUND

REVENUES	<u>\$ 69,300</u>
EXPENDITURES	
Direct Expenditures	40,950
Allocated Expense	58,153
Transfers	(49,000)
Depreciation Expense	<u>370,000</u>
TOTAL EXPENDITURES	420,103
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (350,803)</u>

97 PERMANENT FUND

REVENUES	<u>\$ 337,200</u>
EXPENDITURES	
Direct Expenditures	23,250
Operating Transfers	293,000
TOTAL EXPENDITURES & TRANSFERS	<u>316,250</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 20,950</u>

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Section 4. Rates of Levy. The following are rates of levy on taxable property within the Haines Borough for the Calendar Year beginning January 1, 2016, based upon the proposed Year FY17 beginning July 1, 2016.

	<u>Borough Areawide</u>	<u>Fire Service Area</u>	<u>Road / Other Service Area</u>	<u>Debt Service Mills</u>	<u>FY17 Total Levy</u>
Townsite	5.95	0.84	2.38	1.30	10.47
Fire District #1 (outside the Townsite)	5.95	0.84	-	1.30	8.09
Fire District #3	5.95	0.92	-	1.30	8.17
Dalton Trail RMSA	5.95	0.92	0.62	1.30	8.79
Dalton Trail RMSA (no fire service)	5.95	-	0.62	1.30	7.87
Dalton Trail & Eagle Vista RMSA	5.95	0.92	4.12	1.30	12.29
Dalton Trail & Chilkat Lake RMSA	5.95	-	0.62	1.30	7.87
Riverview RMSA	5.95	0.92	0.90	1.30	9.07
Letnikof RMSA	5.95	0.84	1.17	1.30	9.26
Borough	5.95	-	-	1.30	7.25

Section 5. Effective Date. This ordinance becomes effective July 1, 2016.

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 04/26/16
Date of First Public Hearing: 05/10/16
Date of Second Public Hearing: 05/24/16
Date of Third Public Hearing: 06/14/16



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 15-576

Assembly Meeting Date: 6/14/16

Business Item Description:	Attachments:
Subject: Comprehensive Minor Offenses Ordinance to put the fines for existing laws into a single table	1. Ordinance 15-06-413, current draft 2. Attorney Advice regarding Ordinance Effective Date 3. Transmittal Memo from Minor Offenses Committee 4. Borough Attorney Memo 5. Recommendations from the GASC; advisory boards PSC, PHAC, PC & TAB; and HARK.
Originator: Borough Attorney	
Originating Department:	
Date Submitted: 5/2/16 substitute ordinance (6/1/15 initial ordinance)	

Full Title/Motion:
Motion: Adopt Ordinance 15-06-413.

Administrative Recommendation:

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

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>On 10/13/15, the assembly postponed adoption of this ordinance and established an ad hoc committee to review it and make recommendations for the assembly's consideration. That committee met for several months and, with borough attorney assistance, prepared a substitute ordinance that was presented on 5/10/16. The committee also recommended two public hearings on this new draft to give the community and assembly ample time to consider the recommended changes. The assembly accepted the substitute ordinance recommended by the committee and scheduled the recommended hearings before adopting the ordinance.</p> <p>As advised by the attorney, the effective date on the draft ordinance has been written to say "[t]his ordinance shall become effective thirty days following adoption." The assembly may amend it if there is any objection.</p>

Referral:	
Referred to: ad hoc Minor Offenses Committee	Referral Date: 10/13/15
Recommendation: Adopt Committee Draft of Ordinance after two hearings	Meeting Date: Various

Assembly Action:	
Meeting Date(s): 6/9, 7/14, 8/25, 9/8, 9/22/15, 5/10 5/24, 6/14/16	Public Hearing Date(s): 8/25, 9/8/15, 5/24, 6/14/16 Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 15-06-413

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

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 shall become effective thirty days following adoption.

Section 4. Amendment of Chapter 1.04. Chapter 1.04 of the Haines Borough Code is hereby amended to include a new Section 1.04.005 to read as follows:

1.04.005 Purpose and Intent

The purpose and intent of this code is to enhance and protect the lives, health and safety of the public and government employees; to protect public and private property; and to protect the rights guaranteed in the United States Constitution, the State of Alaska Constitution, and the Haines Borough Charter Preamble and Bill of Rights. Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this code.

Section 5. Repeal and Reenactment of Chapter 1.24. Chapter 1.24 of the Haines Borough Code is hereby repealed in its entirety and reenacted to read as follows:

1.24.010 General penalty

A. Every act prohibited by borough ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person who commits an infraction or violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code, commits a minor offense as that term is defined in the Alaska Rules of Minor Offense Procedure and may be punished by a fine of not more than five hundred (\$500) dollars.

B. In addition to any other remedies or penalties that may be provided in this code, or may otherwise be available, the borough or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction.

C. Each act of violation and every day upon which the violation shall occur will constitute a separate offense. A separate citation must be issued for each calendar day upon which a violation is alleged to have occurred.

D. The Borough Clerk's office shall maintain a record of the amount of all fines imposed by the borough or a court and all fines remitted to the borough as a result of all violations of the ordinances in this code. The total dollar amount of fines remitted to the borough each fiscal year shall be provided to the Public Safety Commission or the Borough Assembly upon request, and to

members of the public pursuant to normally applicable laws governing requests for public records. Nothing in this ordinance is intended to require the borough to create records in response to public records requests that are not otherwise maintained by the borough in the normal course of business.

1.24.015 Surcharge required

In addition to any penalty prescribed by law, a person found to have violated a borough ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

1.24.020 Procedure.

A. The charge for the violation of a code provision may be brought by a borough police officer based upon information personally known to the police officer or upon sworn statement by the borough manager or other borough official responsible for the administration and enforcement of the code provision which has been violated. Police officers are authorized, but not required, to issue warnings for a first violation of any provision of this code.

B. The borough shall use the Alaska Uniform Citation form, or the electronic version if authorized, to provide notice of a minor offense to anyone accused of violating any provision of this Code.

1.24.030 Disposition of minor offenses.

A person charged with a minor offense listed on a fine schedule may appear in court to contest the charge. If an offense is not listed on a fine schedule, or if the citation indicates that a court appearance is mandatory, the defendant must appear in court to answer the charges. As a minor offense, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

1.24.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Court System's Rules of Minor Offense Procedures apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found to have committed the offense, the court shall impose the penalty set forth in the fine schedule below for that offense. Citations charging these offenses must meet the requirements of the Rules of Minor Offense Procedure. The penalty imposed for any offense may not exceed the fines set forth below.

Code Section	Offense Description	Fine Amount
3.80.035(D)	Failure of operator to collect and/or remit sales tax for rental space	300
3.80.080	Failure to identify and add amount of sales tax to taxable transaction	300
3.80.090(A)	Failure to timely file sales tax returns	300
3.80.090(B)	Failure to remit taxes with returns	300

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3.80.170	Failure to obtain business license	300
3.80.190(A)	Failure to file final sales tax return	300
5.04.030(C)	Failure to obtain required permit (general)	500
5.04.080(E)(2)	Sign violation	100
5.04.140(A)	commercial tour/ enterprise operating w/o permit or failure to follow permit condition	500
5.08.010(A)	Permit required for solicitation on public property	300
5.08.020	Solicitation on private property without invitation prohibited	300
5.08.030(A)	Permit required for transient/ itinerant merchants/ vendors	300
5.08.040	Permit required for circus, carnival, fair/other concessions	300
5.08.050(A)	Sale/solicitation of commercial magazines on public sidewalks/ streets prohibited	300
5.12.010(A)	License required to manufacture/ sell any alcoholic beverage	500
5.12.020	Closing hours for licensed alcoholic beverage premises between 5:00 a.m. and 8 a.m.	500
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300
5.18.015	Commercial tour permit required	500
5.20.030	Failure to display commercial passenger	100

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	vehicle / tour vehicle permit	
5.20.040(A)(1)	Failure to display license	100
5.20.040(A)(2)	Failure to display rates	100
5.20.040(A)(3)	Failure to display contact information of Borough Clerk	100
5.20.040(B)	Taxicab soliciting passenger or otherwise blocking traffic	100
5.20.050	Soliciting persons along the roadway	100
5.22.010(C)	Use of commercial parking vehicle areas when not engaged in commercial tour activity	100
5.22.040(C)	Failure to display parking permit	100
5.22.040(D)	Unreasonable interference with efficient operations	100
5.22.040(E)	Leaving commercial vehicle unattended	100
5.22.040(F)	Improper signage	100
5.22.040(H)	Unauthorized use of parking area	100
5.22.040(J)	Unauthorized display of sales material	100
6.08.010(A)	Dog license required	Altered dog: \$50
6.08.010(A)	Dog license required	Unaltered dog: \$150
6.08.010(D)	Failure to display tag	Altered dog: \$50
6.08.010(D)	Failure to display tag	Unaltered dog: \$150
6.08.010(F)	Failure to obtain kennel permit	Altered dog: \$50
6.08.010(F)	Failure to obtain kennel permit	Unaltered dog: \$150
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50

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6.08.010(H)	Using dog license receipt or license tag issued for another dog	Unaltered dog: \$150
6.08.020(A)	At-large dog	Altered dog: \$50
6.08.020(A)	At-large dog	Unaltered dog: \$150
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50
6.08.020(B)	Barking, howling, or other noises	Unaltered dog: \$150
6.08.020(C)	Run, chase, jump at moving vehicles	Altered dog: \$50
6.08.020(C)	Run, chase, jump at moving vehicles	Unaltered dog: \$150
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50
6.08.020(D)	Snap, jump, injure another person	Unaltered dog: \$150
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50
6.08.020(E)	Chase, harass deer or moose	Unaltered dog: \$150
6.08.020(G)	Female dog in season confined	Unaltered dog: \$150
8.08.020(A)	Littering in any place other than in an appropriate refuse container	50
8.08.020(B)	Littering upon a public place	50
8.08.020(C)	Sweeping or depositing litter into a public place from private property	50
8.08.020(D)	Littering from vehicle	100
8.08.020(E)	Depositing any litter on private property	50
8.08.020(F)	Failure to maintain private property in a litter-free condition	50
8.08.020(G)	Posting any handbill without permit under HBC Title 18	50

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8.08.020(H)	Littering in a body of water	50
8.08.020(I)	Depositing litter generated in a refuse container belonging to another	100
8.08.020(J)	Burning without a permit and police department notification or in violation of conditions	100
8.08.020(K)	Depositing offensive, noxious, or otherwise dangerous litter	100
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100
8.12.020(A)	Burying a person outside an established cemetery	300
8.12.020(B)	Annoy, injure or endanger the public	300
8.12.020(C)	Offending public decency	300
8.12.020(D)	Interfere with a street, highway, lake or stream	100
8.12.020(E)	Making loud or unreasonable noise	100
8.12.020(F)	Operating device that causes preventable electric interference	100
8.12.020(G)	Allowing animal access to an unoccupied building	300
8.12.020(H)	Unsafe condition due to disrepair of building	300
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300
8.12.020(J)	Accumulation of stagnant water or discharge of	300

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	wastewater	
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300
8.12.020(L)	Causing emission of noxious fumes	300
8.12.020(M)	Exposure or distribution of materials offending the public decency	300
8.12.020(N)	Obstruction of traffic	300
8.12.020(O)	Public exposure of a person having a contagious disease	300
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300
8.12.030	Hazardous building or public nuisance	300
8.16.015	Use of fireworks prohibited	100
8.16.020	Sale prohibited of fireworks	300
8.16.025	Use of fireworks near port facilities prohibited	300
8.16.030	Conducting fireworks display without permission of chief of police	300
8.18.020(A)	Smoking in an enclosed public area	100
8.18.020(B)	Smoking in an enclosed public area	100
8.18.020(C)	Smoking inside an enclosed area within a place of employment	100
8.18.020(D)	Smoking inside an enclosed area within a private club licensed to sell alcoholic beverages	100
8.18.030	Smoking within unreasonable distance outside an enclosed area where smoking is prohibited	100
8.18.040(A)	Smoking within 50 feet of entrance to hospital or medical clinic	100

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8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100
8.18.040(C)	Smoking within 5 feet of licensed premises	100
8.18.040(D)	Smoking in an outdoor arena	100
8.18.070(A)	Failure to post signs prohibiting smoking	200
8.18.070(B)	Failure to remove ashtrays	200
8.18.070(C)	Failure to provide smoke-free workplace	200
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200
8.18.080(B)	Smoking where prohibited	100
8.18.080(C)	Permitting smoking in public place where prohibited	200
8.20.020	Creating or permitting a bear attraction nuisance	100
9.04.010(A)	Open container of alcoholic beverages within vehicle	100
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100
9.04.010(B)(2)	Consuming alcoholic beverage in public	100
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200
9.08.010	Curfew For Minors	250
9.08.020	Parental responsibility for curfew violation	250
9.24.010(A)	Discharging pistol or firearm	300
9.24.010(C)	Hunting in prohibited area	300
9.24.020(A)	Obstructing highways and other public passages	100
9.24.020(B)(1)	Failure to obey order to move to prevent obstruction	100
9.24.020(B)(2)	Failure to obey order to move to maintain public	100

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	safety	
9.24.030	Disrupting meetings and processions	100
12.08.160(B)	Utility permit required	300
12.10.010	Construction work on driveway in a right of way without a permit	300
12.12.040(A)	Failure to install street numbers in compliance with code	100
12.16.010	Street and sidewalk obstructions prohibited	50
12.16.030(A)	Use of streets for private purposes	50
12.40.030	Prohibited activity or construction in Picture Park restricted area	100
12.50.020	Motorized vehicle use in Chilkat River beaches recreational zone	100
13.04.310(A)	Unlawful opening of fire hydrant	300
13.08.100(A)	Failure to connect to sewer system after notice	300
14.34.030(A)(1)	Cutting timber that is not already dead or downed	300
14.34.030(A)(2)	Cutting firewood for other than personal use	300
14.34.030(A)(3)	Using unlawful mechanical means to cut firewood	300
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100
15.08.060	Smoking where prohibited for safety reasons	100
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300
15.12.020(D)	Failure to file required report by a person handling consumer quantities of hazardous material or chemical	300

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15.12.070(A)	Failure to file required transshipment facility report	300
15.12.070(C)	Failure to display marking or warnings with respect to transshipment facility	100
15.12.070(D)(3)	Failure to notify fire department of time and quantity of a shipment of extremely hazardous substance	300
15.12.090(A)	Failure to obtain certificate of compliance	300
15.16.020	Crash post does not meet specifications	100
16.12.020	Obstruction of dock area by vehicle, cart, conveyance, or other transportation system	50
16.12.030	Vessel in excess of 65 feet using gridiron	50
16.16.135	Launching or recovering vessel without paying fee or obtaining annual ramp launch sticker	100
16.16.150	Unapproved vessel mooring in harbor	100
16.16.170	Non-compliant electrical connection	100
16.16.190	Mooring without payment	100
16.16.200(A)	Dead storage prohibited	100
16.16.210	Use of harbor crane without permit of paying fee	100
16.20.040	Snow must be removed from dock, float, or finger	50
16.28.005(D)	Wood fires not permitted in port and harbor facilities	100
16.28.005(E)	Unlawful electrical system or connection	100
16.28.010(A)	Operating vessel in excess of three MPH within borough port and harbor facilities	50
16.28.010(B)	Operating vessel in a negligent manner	300

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16.28.010(C)	Operating vessel in a negligent manner likely to endanger the safety of person or property	500
16.28.010(D)	Unlawful depositing of refuse or prohibited materials	100
16.28.010(E)	To fail to register with the harbormaster	100
16.28.010(F)	Leaving vessel or floating structure moored unattended while fire is burning	100
16.28.010(G)	Starting or allowing any fire on a float or dock	500
16.28.010(I)	Conducting unlawful business within the port and harbor facilities	100
16.28.010(J)	Living aboard a vessel moored in the harbor while prohibited or allowing animal to run at large	100
16.28.010(K)	Leaving cargo or other material on docks or other public place	50
16.28.010(L)	To fail to clean up after an animal	50
16.28.010(M)	Tapping, disconnecting, interfering with, or tampering with any water or electrical connection	100
16.28.010(N)	Interfering with any wharf or any other harbor facility	100
16.28.010(O)	Writing or posting printed matter upon any bulletin board without permission of the harbormaster	50
16.28.010(P)	Erecting or maintaining any advertising or other printed matter without approval from the harbormaster	50
16.28.010(Q)	To disregard or tamper with any notice relating to the use of mooring areas or other uses of port and	100

	harbor facilities	
16.28.010(R)	To moor or connect to Letnikof Cove facility without paying fees	100
16.32.040(B)	Use of small boat harbor without paying required fees	100
16.32.045	Long-term parking outside designated area at Letnikof Cove Harbor	50

1.24.060 Ordinances Affecting Minor Offenses Sent to Borough Attorney

Immediately after the Assembly enacts a code ordinance affecting, creating, or eliminating a minor offense, the Borough Clerk shall transmit the ordinance to the Borough Attorney. The Borough Attorney shall submit any necessary updates to the Alaska Court System for inclusion in the Uniform Table of Minor Offenses.

Section 6. Amendment of Section 2.06.035(C). Section 2.06.035(C) of the Haines Borough Code is hereby amended as follows:

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

2.06.035 Public financial disclosure.

C. The disclosure must be true, correct and complete and shall be signed under oath or affirmation, or certified to be true under penalty of perjury. A person required to file a financial disclosure statement under this section who refuses or knowingly fails to disclose required information within the time required in this chapter, or who provides false or misleading information, knowing it to be false or misleading, **commits a minor offense** ~~is guilty of a violation and upon conviction is punishable by a fine of not less than \$100.00 nor more than \$500. \$1,000 notwithstanding Chapter 1.24 HBC.~~ A municipal officer or candidate for an office who refuses or fails to file a financial disclosure statement required under this section when due shall not hold office, and the person's name shall not be submitted to the assembly for appointment or reappointment, until the person complies. The person may not be confirmed, hired, or appointed, and the person forfeits and may not be paid any salary, per diem, or travel expenses, until the person complies. If, after installation in office or beginning employment in the position, the person refuses or fails to file the required financial disclosure statement when due, the person **commits a minor offense** ~~is guilty of a violation and upon conviction is punishable by a fine of not less than \$100.00 nor more than \$500. \$1,000 notwithstanding Chapter 1.24 HBC.~~ Any citizen eligible to vote in Alaska may bring a civil action to enforce any of the provisions of this section.

Section 7. Amendment of Section 2.96.010. Section 2.96.010 of the Haines Borough Code is hereby repealed and reenacted as Sections 2.96.010 and 2.96.020, as follows:

2.96.010 Unlawful activity and conduct.

A. It shall be unlawful for:

1. Any person to give, render, pay, offer, solicit, or accept any money, service, or other valuable thing in attempting to secure any appointment, promotion, or advantage in a position in the borough service.
2. Any person to require personnel to subscribe, contribute, or provide a service to any political party.
3. Any person to seek or attempt to use any political party endorsement to secure any appointment or promotion in the borough service.
4. Any elected official or employee to solicit, negotiate for, or promise to accept anything of substantial value from any person, firm or company which is engaged in the transaction of business with the borough.
5. Any elected official or employee to use information which is obtained in the person's official capacity as an employee of the borough and which concerns the property, government or affairs of the borough to advance the financial or other private interests of the person or others.
6. Any elected official or employee to accept any loan, gift, gratuity, remuneration or compensation from any person, business or organization other than the borough when the same is offered in exchange for performing or discharging any official duty or responsibility.

B. A violation of this section is a minor offense and subject to a maximum fine of up to \$500 for each offense.

2.96.020 Prohibited conduct

A. It shall be prohibited for:

1. Any person, except a school district employee, to continue as an employee of the borough after being elected to the borough assembly.
2. Any person to take any action which affects the employment status of any other person when the reason for such action is predicated on race, color, religion, sex, or national origin.
3. Any person to make any false statement on any application, report or other document relating to employment status or to commit any other fraud which would prevent the fair and impartial execution of this code.
4. Any person to be employed in any position in any department whose immediate family member is the elected official, borough officer or department head under whom such person is employed.
5. Any elected official or employee to demand or request an applicant for employment to provide information relating to the applicant's religion, ancestry, race, or political convictions.
6. Any elected official or employee to invest, either directly or indirectly, in any business or participate in any private business transaction which conflicts with his official duties.
7. Any elected official or employee to be a party to the purchase of or influence the purchase of goods or services for the use of the borough from any business in which the person has a substantial financial interest unless the purchase is approved in advance by the assembly.

B. Any employee or official who violates this section shall be subject to discipline or those penalties provided in Chapter 2.06.

Section 8. Amendment of Section 3.80.260. Section 3.80.260 of the Haines Borough Code is hereby amended as follows:

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

3.80.260 Violations a minor offense ~~misdemeanor~~.

A seller, including a person, firm, co-partnership or corporation, or an officer, director or agent of a corporation acting on behalf of the seller, including a person with signatory authority over any corporate savings or checking accounts, who violates a provision of this chapter or who fails or refuses to comply with a request or demand of the clerk authorized or made under this chapter ~~commits a misdemeanor, is guilty of a misdemeanor.~~ **Prosecution under this chapter shall not limit the Borough's right to collect in a civil action all unpaid taxes, penalty and interest which may be owed.**

Section 9. Amendment of Section 5.02.020. Section 5.02.020 of the Haines Borough Code is hereby amended as follows:

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

5.02.020 Violation a minor offense ~~misdemeanor~~.

An individual or entity subject to this chapter, or a responsible officer, director, or agent of an entity subject to this chapter, who violates the requirements of this chapter ~~commits a misdemeanor, is guilty of a misdemeanor, which is punishable by not more than 30 days in jail and/or a \$1,000~~ **a fine in the amount of \$100 for each month or part thereof a business operates without a license, up to a maximum total fine of \$1,000. Each month or part thereof of operation in violation of this chapter shall constitute a separate offense.**

Section 10. Amendment of Section 5.04.140. Section 5.04.140 of the Haines Borough Code is hereby amended as follows:

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

5.04.140 Penalties.

A. Operation of any commercial tour or business enterprise for which a permit is required under this title without a permit, or the failure to follow any permit condition, shall constitute ~~an~~ **a minor** offense punishable, ~~upon conviction,~~ by a fine ~~not exceeding \$1,000~~ **of \$500** for each offense, **unless a different amount is specified in HBC 1.24.040,** plus any surcharge required to be imposed by AS 12.55.039.

B. The securing of a permit through deceit, fraud, or intentional misrepresentation shall constitute an offense punishable, ~~upon conviction,~~ by a fine ~~not exceeding \$500~~ ~~1,000,~~ plus any surcharge required to be imposed by AS 12.55.039. **The permit may also be revoked through administrative proceedings.** ~~as well as revocation of the permit.~~

C. The commission by a permittee of an act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under a permit, is, ~~upon conviction,~~ punishable by a fine ~~not exceeding \$300.00~~ **of \$500** ~~not exceeding \$300.00~~ for each violation plus any surcharge required to be imposed by AS 12.55.039.

D. The borough may institute a civil action against a person who violates this chapter. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction.

Section 11. Amendment of Section 5.04.150. Section 5.04.150 of the Haines Borough Code is hereby amended as follows:

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

5.04.150 Offenses separable.

Each ~~such~~ person **who violates a provision of this Title or a provision of any permit issued under this Title commits a** ~~is guilty of separate offense for each and every day during any portion of which any violation of any provision of any permit issued under this chapter is committed, continued or permitted by~~ **the** ~~any such~~ person. **A separate citation shall be issued for each day upon which a violation is alleged to have occurred.**

Section 12. Amendment of Section 5.08.020. Section 5.08.020 of the Haines Borough Code is hereby amended as follows:

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

5.08.020 Solicitation on private property without invitation prohibited.

The practice of going in and upon private residences in the borough by transient solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of the private residence for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or disposing of and/or peddling or hawking the same is **unlawful.** ~~declared to be a nuisance and punishable as such nuisance.~~

Section 13. Amendment of Section 6.08.060. Section 6.08.060 of the Haines Borough Code is hereby amended as follows:

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

6.08.060 Impoundment and citations.

A. The manager shall appoint an animal control officer or firm whose duties shall be to enforce the provisions of this title. The borough shall provide an animal shelter where dogs may be impounded. In the absence of an animal control officer or firm contracted to enforce the animal control regulations, or if the assembly determines that additional personnel are necessary, the manager may appoint someone on a temporary basis to fulfill the animal control officer's duties.

B. The animal control officer shall have the authority to impound any dog found running at large or kept in violation of this title and any unlicensed dog found, other than a seeing-eye dog. Whether the dog is impounded or not, if the owner or keeper is known, the police department or animal control officer shall immediately give notice verbally or in writing to the owner or keeper that such dog has been impounded, is running at large or is otherwise in violation of this title. The police department **or animal control officer or firm** may cite the owner or keeper of the dog to appear in court to answer a charge of violation of this title. **Any**

citation issued for a violation of this title shall be processed by the court system in accordance with Chapter 1.24 HBC.

C. Any person may file a complaint with the animal control officer or police that a dog is running at large or is otherwise in violation of this title and it shall be the duty of the animal control officer or police department to give notice to the owner or keeper as provided in subsection (B) of this section.

D. When a dog has been impounded, and if the owner or keeper is known or can be ascertained from the dog tag or records of the borough, the police department shall notify the dog's owner or keeper of the impoundment as soon as possible and of the fact that the animal may be redeemed according to the provisions of this title. The police department shall keep a record of all dogs impounded including the dog's description and the disposition of the dog.

Section 14. Amendment of Section 6.08.130(A). Section 6.08.130(A) of the Haines Borough Code is hereby amended as follows:

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

6.08.130 Penalties for violations.

A. Any person **accused** ~~convicted~~ of violating HBC 6.08.030 concerning dangerous dogs or HBC 6.08.040 or 6.08.050 concerning rabies, **shall appear in court and fined up to \$500 if the court determines the person committed the offense.** ~~control shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment up to 30 days.~~

B. Any person violating the provisions of, or failing to comply with, any other section of this chapter **commits a minor offense** ~~is guilty of a violation~~ and, unless otherwise specifically provided, shall be fined as follows: **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500.**

~~1. Spayed or Neutered Dog (Owner or keeper must provide veterinarian's proof of spay/neuter procedure):~~

First violation	_____	\$25.00
Second violation	_____	\$50.00
Third and subsequent violations	_____	\$100.00

~~2. Nonspayed or Nonneutered Dog:~~

First violation	_____	\$75.00
Second violation	_____	\$150.00
Third and subsequent violations	_____	\$300.00

~~C. A past violation taken into account in determining a fine payable under subsection (B) of this section will be deleted from an animal's record if such animal has had no violations for a period of three calendar years from the date of that prior violation. A fine imposed under subsection (B)(2) of this section shall be vacated and a lesser fine imposed under subsection (B)(1) of this section, if, within 30 days of the date of the violation, proof from a licensed veterinarian showing that the offending dog has been spayed or neutered is presented to the police department.~~

Section 15. Amendment of Section 8.08.050. Section 8.08.050 of the Haines Borough Code is hereby amended as follows:

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

STRIKETHROUGH ITEMS ARE DELETED

8.08.050 Compliance – Enforcement.

A person violating a provision of this chapter shall be subject to punishment according to the provisions of HBC **Chapter** 1.24.040.

Section 16. Repeal and reenactment Section 8.12.140. Section 8.12.140 of the Haines Borough Code is hereby repealed and reenacted as follows:

8.12.140 Enforcement.

A. The abatement official or any police officer may cite an offender or property owner for a violation of any provision of this chapter, whether or not abatement proceedings are instituted. Such a violation shall be considered a minor offense and is punishable by a fine set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500. Any proceeding instituted for such a violation is separate from, and shall not affect, the abatement process provided for in this chapter.

B. Each act of violation and every day upon which the violation occurs shall constitute a separate offense. A separate citation shall be issued for each day upon which a violation is alleged to have occurred.

C. In addition to prosecuting a violation of this section, the borough may initiate the nuisance abatement procedures set forth in HBC 8.12.040 - .130 against any person maintaining a nuisance or against any property upon which a nuisance is deemed to exist, whether or not the person is cited for a violation of this chapter.

D. In addition to other remedies or procedures provided in this chapter, any public nuisance may be restrained, enjoined or otherwise abated by the borough in a civil action.

Section 17. Amendment of Section 8.16.025. Section 8.16.025 of the Haines Borough Code is hereby amended as follows:

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

8.16.025 Use of fireworks near port facilities prohibited.

A. It is unlawful for any person other than a licensed pyrotechnician who has a contract with the borough and their agents and employees to discharge fireworks in, on, under, or within 250 feet of any of the borough's port facilities, including, but not limited to, Letnikof Cove, Port Chilkoot Dock, Lutak Dock, and the boat harbor.

~~B. A person violating the provisions of, or failing to comply with the prohibitions of, this chapter is guilty of a violation, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.~~

Section 18. Amendment of Chapter 8.16. Chapter 8.16 of the Haines Borough Code is hereby amended to include a new Section 8.16.040 to read as follows:

8.16.040 Violations a minor offense

A person violating the provisions of, or failing to comply with the prohibitions of, this chapter **commits** a minor offense, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.

Section 19. Amendment of Section 8.18.080. Section 8.18.080 of the Haines Borough Code is hereby amended as follows:

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

8.18.080 Violations and penalties.

A. It is unlawful for any person to smoke in any area where smoking is prohibited or for any person who owns, manages, operates, or otherwise controls the use of premises subject to this chapter to fail to comply with the provisions of this chapter.

B. A person who smokes in an area where smoking is prohibited by the provisions of this chapter is subject to a fine of \$100.00.

C. A person, owner, manager, employer, or operator who controls a public place, a business, an enclosed area, place of employment or place of child care or other premises in violation of this chapter is subject to HBC 8.18.090(B) and **a penalty in the amount of \$200 for every violation of this chapter.** ~~the following penalties:~~

- ~~1. A fine of \$100.00 for a first violation;~~
- ~~2. A fine of \$200.00 for a second violation within a 24-month period; and~~
- ~~3. A fine of \$300.00 for a third or additional violation within a 24-month period.~~

~~D. Each and every day that a violation occurs is a separate violation.~~

Section 20. Amendment of Section 8.18.090. Section 8.18.090 of the Haines Borough Code is hereby amended as follows:

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

8.18.090 Enforcement.

A. The borough ~~manager or designee~~ **police department shall enforce** ~~must administer~~ this chapter. A person who desires to register a complaint hereunder may initiate enforcement consideration with the borough manager **or borough police department.** ~~or designee.~~ **A person or entity believed to have violated any provision of this chapter may be cited pursuant to Chapter HBC 1.24. Any violation of this chapter is a minor offense.**

B. Before citing an operator for violation of this chapter, the borough manager **or police department** must provide the operator with a written warning for the violation. Thereafter, the operator is subject to the penalties set out in HBC 8.18.080.

C. In addition to the remedies provided in this chapter, a person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in a court of competent jurisdiction.

Section 21. Amendment of Section 8.20.040. Section 8.20.040 of the Haines Borough Code is hereby amended as follows:

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

8.20.040 Fines.

A. Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property shall be charged with **a minor offense** ~~an infraction~~ and subject to a fine as set forth in HBC 1.24.0440.

B. Each and every day **after notice** during any portion of which a violation or failure to comply is committed, permitted, or continued, shall be treated as a separate offense, and subject the offender to separate charges and a fine as provided in subsection (A) of this section.

Section 22. Repeal of Chapter 9.01. Chapter 9.01 of the Haines Borough Code is hereby repealed in its entirety.

Section 23. Amendment of Section 9.04.010. Section 9.04.010 of the Haines Borough Code is hereby amended as follows:

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

9.04.010 Consumption of alcoholic beverages in public places.

A. It is unlawful to possess an open bottle, can, or other receptacle containing an alcoholic beverage within the passenger compartment of a vehicle.

B. It is unlawful ~~or~~ to consume alcoholic beverages
(1) upon the public streets or highways; ~~or~~
(2) in any public place other than a premises covered by a liquor control license; ~~or~~
(3) on any public school property; ~~or~~
(4) at any public or private school-related function.

Section 24. Amendment of Section 9.08.030. Section 9.08.030 of the Haines Borough Code is hereby amended as follows:

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

9.08.030 Penalty for violation of curfew ordinance.

A person who fails to abide by the provisions of this chapter **commits a minor offense punishable by** ~~shall be guilty of a violation and subject to a fine of not more than \$250.00.~~

Section 25. Repeal and reenactment Chapter 10.06. Chapter 10.06 of the Haines Borough Code is hereby repealed and reenacted as follows:

10.06.010 State traffic laws and regulations adopted by reference.

A. The borough adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, including those which apply to motorcycles.

B. Notwithstanding subsection A of this section, the borough does not adopt those state traffic laws that establish misdemeanor and felony offenses which are not listed on Alaska Supreme Court bail forfeiture schedules, including AS 28.35.030.

C. All citations issued under this chapter shall use the appropriate "AS" or "AAC" or CFR statute or regulation numbers, include a description of the offense, indicate that the offense was adopted by reference as a borough ordinance, and that the charging entity or plaintiff is the Haines Borough.

D. Additional traffic ordinances of the borough that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.

E. When the context requires, the term "Alaska State trooper" or "peace officer" when used in a provision incorporated by reference under subsection (A) of this section shall be deemed to mean and construed as identical with chief of police, police officer, or such other local police officer sworn to undertake the duties prescribed in HBC 10.02.020. When the context requires, the term "department" appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be construed to mean the Haines police department.

10.06.020 Fine Schedule for State Traffic Offenses Adopted by Reference.

A. The borough adopts as its traffic fine schedule for state traffic offenses adopted by reference the "Traffic Bail Forfeiture Schedule" and the "Oversize Vehicle Bail Forfeiture Schedule" in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the borough adopts all amendments of those schedules that become effective after the effective date of the ordinance codified in this chapter. Citations for offenses listed on those schedules may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one of these offenses appears in court and is found to have committed the offense, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

B. For violation of a provision of this title that does not adopt an Alaska Statute ("AS") or state regulation ("AAC") by reference and that may be satisfied by the payment of bail, the applicable fine for such violation is listed in HBC 1.24.040.

10.06.030 Fine Schedule for Local Traffic Offenses

In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found to have committed the offense, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. These fines may not be judicially reduced. If an offense is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

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Code Section	Offense Description	Fine Amount
10.09.010	Starting parked vehicle - excessive acceleration	15
10.09.020(A)	Driving on sidewalks - vehicle	20
10.09.020(B)	Driving on sidewalk in CBD - bicycle	20
10.09.020(C)	Failure to yield - bicycle	20
10.09.030	U-turn where prohibited	30
10.09.040	Projections on wheels or tracks prohibited	20
10.09.050	Dragging objects prohibited	150
10.09.060	Projecting load on passenger vehicles	20
10.09.070	Carrying animals on outside of vehicles	125
10.09.080(A)	Use of coaster, roller skates, or sleds on roadway	25
10.09.080(B)	Use of skateboard or human powered device in prohibited area	25
10.09.080(C)	Negligent operation of device	25
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30
10.34.005(D)	Driver's license required to operate snow machine or ATV	30
10.34.005(E)	Registration of snow machine or ATV required	30
10.34.005(F)	Proof of insurance	30
10.34.005(G)	Excess passengers - 13 AAC 02.445	30
10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30
10.34.005(I)	Failure to signal turn	30
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30
10.34.005(M)	Owner responsibility for violation	30
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, tallight, and brake light	30
10.34.009(B)	Failure to maintain equipment in good working order	30
10.34.010(A)	Parental responsibility for violation	30
10.42.010	Bicycle violations: operator to obey rules of the road	30
10.42.020	Bicycle violations: parents responsible for	30

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	actions/violations	
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30
10.42.040	Bicycle violations: two or more on bike made for one	30
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30
10.42.060	Bicycle violations: minimum of one hand on handle bars	30
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30
10.42.080	Bicycle violations: ride on right side of roadway	30
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30
10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30
10.42.110	Bicycle violations: must use shoulder when available	30
10.42.120	Failure to give audible signal passing pedestrian	30
10.42.130	Bicycle violations: turn and signal requirements	30
10.42.140	Bicycle violations: ride in business district where prohibited	30
10.42.160	Bicycle violations: Bike Parking Requirements	30
10.42.170	Bicycle violations: bike not to enter limited use areas	30
10.42.180	Bicycle violations: yield to traffic	30
10.42.190	Bicycle violations: headlight requirements	30
10.42.200	Bicycle violations: taillight requirements	30
10.42.210	Bicycle violations: reflector requirements	30
10.42.220	Bicycle violations: brake requirements	30
10.44.010	Parking during snow removal	25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25
10.44.030	Time limit parking	25

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10.44.050	Standing or parking close to curb	25
10.44.060(A)	Signs or markings indicating angle parking	25
10.44.070	Obedience to angle-parking signs or markings	25
10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25
10.44.100	Parking not to obstruct traffic	25
10.44.110	Parking in alleys	25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25
10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25
10.44.130(B)	Parking adjacent to schools	25
10.44.140(B)	Parking prohibited on narrow streets	25
10.44.150	Standing or parking on one-way streets	25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25
10.44.210(A)	Abandonment of vehicle	25
10.44.210(B)	Exceeding time limit for parking in designated areas	25
10.44.220	Unauthorized parking on private property	25
10.48.010	Pedestrians must obey regulations	25
10.48.020	Pedestrians not to enter limited use areas	25
10.48.030	No pedestrian may walk into path of vehicle	25
10.48.040	Pedestrian must cross at crosswalk	25
10.48.050	Pedestrian must yield to vehicles	25
10.48.060	Crossing roadway where prohibited	25
10.48.070	Diagonally cross intersection must use sidewalks	25

10.48.080	Must walk on left side/shoulder of roadway	25
10.48.090	Pedestrian creates hazard/interferes with traffic	25
10.48.100	Sleep/loiter/obstruct highway	25
10.48.110	Solicit ride/distracts driver	25
10.48.120	Nonblind pedestrian not to use cane/dog	25
10.48.130	Pedestrian must yield to emergency vehicle	25
10.48.140	Pedestrian not to cross against "don't Walk" signal	25

10.06.040 Mandatory appearance and surcharges.

A person who violates a provision of this title that is not on the Fine Schedule for State offenses adopted by reference or on the borough's Fine Schedule for local traffic offenses is subject to a mandatory court appearance and shall pay the fine imposed pursuant to this code plus the state surcharge required by AS 12.55.039 and AS 29.25.074.

Section 26. Repeal of Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40. Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40 of the Haines Borough Code are hereby repealed in their entirety.

Section 27. Addition of new Chapter 10.09. There is enacted a new Chapter 10.09 of the Haines Borough Code to read, as follows:

Chapter 10.09 Miscellaneous offenses

10.09.010 Starting parked vehicle – Excessive acceleration.

A person may not accelerate a vehicle which is stopped, standing, or parked on or along a highway, or which is entering a highway, so rapidly as to unnecessarily cause the tires to squeal or spin on the highway or on the surface on which the vehicle is standing immediately before it enters the highway or which causes the driver to lose control of the vehicle or causes the vehicle to fishtail.

10.09.020 Driving on sidewalks

A. The driver of any vehicle, except a bicycle, shall not drive within any sidewalk area except at a permanent or temporary driveway.

B. No person shall ride a bicycle upon a sidewalk within the central business traffic district or any business district excepting police and emergency response personnel operating a bicycle during the discharge of their duties.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

10.09.030 U-turns prohibited where posted.

Where posted, a driver of a vehicle shall not turn within a street or intersection such vehicle so as to proceed in the opposite direction.

10.09.040 Projections on wheels or tracks prohibited.

No person shall drive or propel any vehicle or object upon any street or highway in the townsite service area which shall have any wheel, tire, or track made or equipped with spikes, cleats, lugs or other attachments or projections, except tire chains. Studded tires which fall within the exclusion of 13 AAC 04.230(b)(3) are not prohibited.

10.09.050 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the hub caps on its left side or more than eight feet in total width.

10.09.060 Carrying animals on outside of vehicles.

It is unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle, unless suitable harness, cage, or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom.

10.09.080 Use of coaster, roller skates, and sleds.

A. No person upon roller skates, or riding in or by means of any coaster, sleds, toy vehicles, or similar device, shall go upon any townsite service area roadway except while crossing a street on a crosswalk and, when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. For the purposes of this section, the term "roadway" means that portion of a highway, street, or road designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, shoulder, or right-of-way. The berm or shoulder of the right-of-way may be used by persons riding bicycles or other similar human-powered vehicles. Skateboards, coasters, sleds, toy vehicles, or similar devices are prohibited on sidewalks in business districts, or where otherwise regulated by signage.

B. Prohibited Sidewalks and Areas. No person shall ride a skateboard or other similar human-powered vehicle as defined in subsection (A) of this section:

1. On the sidewalks on Main Street between Third Avenue and Front Street;
2. On the sidewalks on Second Avenue between Main Street and Dalton Street;
3. On the sidewalks on Third Avenue between Main Street and Haines Highway;
4. At Lookout Park;
5. On the sidewalks on Main Street between Third Avenue and Fifth Avenue during school hours and one-half hour before and one-half hour after.

C. Negligent Operation. No person shall operate one of the devices described in subsection (A) of this section in a negligent manner. "To operate in a negligent manner" means the operation of a device in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic control devices, failure to yield right-of-way to pedestrians and/or vehicular traffic.

Section 28. Repeal of Section 10.34.050. Section 10.34.050 of the Haines Borough Code is hereby repealed.

Section 29. Repeal of Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250. Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250 of the Haines Borough Code are hereby repealed in their entirety.

Section 30. Repeal and reenactment of Chapter 10.50. Chapter 10.50 of the Haines Borough Code is hereby repealed and re-enacted as follows:

10.50.010 Citations for violations and disposition of fines.

A. When a person is stopped or contacted by a borough peace officer for the commission of a motor vehicle or traffic offense that is a violation of this title, the officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person in charge of, or operating, the motor vehicle involved. A citation issued pursuant to this subsection must meet the requirements of AS 12.25.200 and the Alaska Rules of Minor Offense Procedures. The borough shall use the Alaska Uniform Citation form, or the electronic version, if authorized.

B. A citation for a violation of a state motor vehicle law that has been incorporated by reference in this Title shall reference the Alaska Statute or Alaska Administrative Code section that has been violated and indicate that the law or regulation has been incorporated in the borough Code by reference. All such citations shall list the Haines Borough as the prosecuting entity and shall be submitted to and processed by the Alaska court system. Fines paid to the court for that violation shall be remitted to the borough.

C. A citation for a violation of a provision of this title that does not adopt by reference a provision of the state motor vehicle laws shall reference only the appropriate borough code section. Fines paid to the court for that violation shall be remitted to the borough.

D. If the offender refuses to accept the citation the citing peace officer shall arrest the offender in the manner otherwise provided by law.

10.50.020 Lesser penalty controlling.

In the event conflicting maximum penalties are prescribed by adopted statute or regulation, or by Alaska Supreme Court bail forfeiture schedules or by separate code section, the lesser penalty shall be the controlling maximum.

Section 31. Amendment of Section 11.44.030. Section 11.44.030 of the Haines Borough Code is hereby amended as follows:

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

11.44.030 Penalty.

~~Any person convicted of a **A** violation of any of the sections of this chapter shall be subject to punishment as provided in this code.~~ is a minor offense.

Section 32. Amendment of Section 12.12.040. Section 12.12.040 of the Haines Borough Code is hereby amended as follows:

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

12.12.040 Installation of numbers.

~~A.~~ Numbers at least four inches high, of a color which contrasts with the background on which they are mounted, or with a reflective surface, must be installed on each and every building as designated in the official building numbering index kept in the planning office. The developer shall place the numbers assigned by the planner on the developer's building at a location specified by the fire department for maximum visibility for police, fire, and rescue crews.

~~B. Any person violating a provision of this chapter shall be punished by a fine not exceeding \$300.00.~~

Section 33. Amendment of Section 12.40.060. Section 12.40.060 of the Haines Borough Code is hereby amended as follows:

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

12.40.060 Enforcement and penalties.

A. Enforcement.

1. The Haines Borough manager shall have the right to issue administrative regulations pertaining to use of the property subject to approval of the assembly.

2. The Haines Borough police department, other licensed peace officers, and designated Haines Borough employees shall have the authority to enforce this chapter and any borough manager regulations and may eject from the park any persons acting in violation of this chapter or any temporary use permit issued for use of the property.

3. Nothing in this chapter shall prevent Haines Borough employees from performing their assigned duties.

4. **A violation of this chapter or a permit issued under it shall be a minor offense.** Enforcement of this chapter shall be in the same manner set forth in Chapter **1.24** ~~9.01~~ HBC.

B. Penalties. Violations of this chapter are subject to the ~~same penalties as provided in~~ **HBC** Chapters 1.24 and ~~9.01~~ HBC.

Section 34. Amendment of Section 13.04.350. Section 13.04.350 of the Haines Borough Code is hereby amended as follows:

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

13.04.350 Penalties.

Any person violating a provision of this chapter shall, ~~upon conviction thereof,~~ be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

Section 35. Amendment of Section 13.08.100. Section 13.08.100 of the Haines Borough Code is hereby amended as follows:

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

13.08.100 Required connections.

A. Wherever there is now, or may hereafter be constructed within the borough limits, an interceptor for the purpose of transmitting sewage to the sewage treatment plant, the owner or owners of the property abutting on any street, alley, or right-of-way along which the interceptor is constructed must connect all improvements on such property in which sewage or liquid waste is produced with a customer service line and an interceptor. Whenever the borough shall notify in writing any owner or owners of property to connect such improvements to such line and interceptor, it shall be the duty of such owner or owners to make application, pay the prescribed

fees, and complete the connection with the interceptor within 30 days from the date of said notice. The department may, for good and sufficient reason, extend the time for completion of the connection.

B. Failure to connect any property that is required to be connected to the sewer system is a minor offense subject to penalty as set forth in HBC Chapter 1.24 for each offense. Each week a property that is required to be connected to the sewer system is not connected constitutes a separate offense.

Section 36. Amendment of Section 13.08.270. Section 13.08.270 of the Haines Borough Code is hereby amended as follows:

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

13.08.270 Connection made without permit.

A. It shall be unlawful ~~and a misdemeanor~~ for any customer or other person to connect a customer service line to an interceptor without first making application, paying the connection fee, and securing a permit therefor from the clerk.

B. Any person who connects or attempts to connect a service line in violation of this section commits a minor offense subject to penalty as set forth in HBC Chapter 1.24 for each offense. Each week a property is connected in violation of this section constitutes a separate offense. ~~A person who violates subsection (A) of this section is subject to a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.~~

Section 37. Amendment of Section 13.08.310. Section 13.08.310 of the Haines Borough Code is hereby amended as follows:

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

13.08.310 Penalties.

Unless otherwise specifically provided, any person violating a provision of this chapter shall, ~~upon conviction thereof,~~ be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

Section 38. Amendment of Section 14.16.170. Section 14.16.170 of the Haines Borough Code is hereby amended as follows:

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

14.16.170 Responsibility to properly locate on leased premises.

A. It shall be the responsibility of the lessee to properly locate improvements on the leased land.

B. It is unlawful for a lessee to encroach on other lands of the borough or on lands owned or leased by another.

~~C. A violation of subsection (B) of this section is a misdemeanor, punishable by a fine of up to \$1,000 and up to 90 days imprisonment.~~

Section 39. Repeal of Section 14.34.020. Section 14.34.020 of the Haines Borough Code is hereby repealed.

Section 40. Amendment of Section 14.34.030. Section 14.34.030 of the Haines Borough Code is hereby amended as follows:

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

14.34.030 Violations.

A. The following acts are minor offenses under this chapter:

- 1. Cutting for firewood any timber that is not already dead or downed.**
- 2. Cutting firewood for other than personal use.**
- 3. Using mechanical means other than chainsaws and vehicles to cut firewood.**

B. The taking of any wood that is green and standing, no matter what it is used for, is considered a trespass. The penalty for taking green standing timber is \$1,000 plus triple stumpage, **which may be collected in a civil action whether or not the violator is cited for a violation of this chapter.**

Section 41. Amendment of Section 15.04.020. Section 15.04.020 of the Haines Borough Code is hereby amended as follows:

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

15.04.020 Enforcement.

The fire department and its members shall enforce the provisions of the fire code and all provisions of this title. **The police department may cite an offender for a violation of any provision of this title.** ~~and may be assisted therein by the chief of police.~~

Section 42. Amendment of Section 15.08.060. Section 15.08.060 of the Haines Borough Code is hereby amended as follows:

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

15.08.060 Smoking restricted.

In addition to the prohibitions set forth in Chapter 8.18, ~~There shall be no~~ smoking in beds of hotels, motels, apartments or rooming houses, in dry-cleaning plants, or in areas where combustible materials are stored or handled **is prohibited.**

Section 43. Amendment of Section 15.20.020. Section 15.20.020 of the Haines Borough Code is hereby amended as follows:

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

15.20.020 Violation – Penalty.

~~A. Violation of any of the provisions of this title shall, upon conviction, be punishable as a~~ **minor offense** violation as provided in **HBC Chapter 1.24 and fined in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense.** ~~HBC 1.24-010.~~ In addition, a person who violates a provision of this title **may** shall be subject to injunctive relief.

~~B. Each day of violation shall constitute a separate offense for the purposes of this title.~~

Section 44. Amendment of Section 16.08.030. Section 16.08.030(A) of the Haines Borough Code is hereby amended by the addition of a new subsection 16.08.030(H) to read as follows:

H. Harbormaster will develop and document and with approval by manager implement a training and certification process for harbor personnel that will enforce harbor regulations. Policy will include training in conflict resolution and constitutional rights and responsibilities and visible identification. All harbor staff with enforcement authority shall be administered an oath of office.

Section 45. Amendment of Section 16.28.030(A). Section 16.28.030(A) of the Haines Borough Code is hereby amended as follows:

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

16.28.030 Penalties for violations.

A. Any person violating any of the provisions of this title will be fined **in the amount set forth in HBC section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense.** ~~according to the fees set out in the most current assembly approved fee schedule.~~

Section 46. Amendment of Section 16.28.040. Section 16.28.040 of the Haines Borough Code is hereby amended as follows:

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

16.28.040 Citation.

A person who commits a violation of this title shall **be cited in the manner set forth in HBC Chapter 1.24.** ~~receive a citation unless otherwise required by law or the circumstances.~~

Section 47. Repeal of Sections 16.28.050 and 16.28.060. Sections 16.28.050 and 16.28.060 of the Haines Borough Code are hereby repealed in their entirety.

Section 48. Amendment of Section 16.32.045. Section 16.32.045 of the Haines Borough Code is hereby amended as follows:

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

16.32.045 Parking.

Long-term parking of vehicles, vessels, or trailers is prohibited outside of the designated long-term parking area at the Letnikof Cove Small Boat Harbor. "Long-term" is defined as 24 or more

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continuous hours. Areas shall be posted or otherwise marked by an appropriate sign or by combinations of placed and painted signs indicating prohibited and authorized parking areas. ~~Enforcement of this section shall be in the same manner as set forth in Chapter 16.28 HBC.~~

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, Borough Clerk

Date Introduced: 06/09/15
Date First Public Hearing: 08/25/15
Date Second Public Hearing: 09/08/15 – Adoption postponed
Adopted with Conditions: 09/22/15
Adoption Reconsidered: 10/13/15 – Amended, referred to ad hoc committee, and adoption postponed to 4/26/16
Date Committee Draft Presented: 05/10/16
Date First Hearing, New Draft: 05/24/16
Date Second Hearing, New Draft: 06/14/16

From: [Brad Ryan](#)
To: [Julie Cozzi](#); [Margaret Friedenauer](#); [Ron Jackson](#)
Subject: FW: For Patrick RE: minor offenses
Date: Monday, May 16, 2016 12:47:50 PM

Brad A. Ryan
(907) 314-0648
bryan@haines.ak.us
Haines Borough Interim Manager

From: Patrick Munson [<mailto:PMunson@bcfaklaw.com>]
Sent: Monday, May 16, 2016 9:23 AM
To: Brad Ryan
Subject: RE: For Patrick RE: minor offenses

Good morning Brad –

The effective date can be any time after the ordinance is adopted. I'm sure Julie is familiar with the standard language used for that section and should be able to update the draft ordinance accordingly. Good catch on her part.

Typically we use "effective immediately upon passage", but in the minor offense case I might recommend a 30 day delay to allow the paperwork to be filed with the court system. We have to provide the ordinance and a spreadsheet of minor offenses to the court system so they can enter the ordinances into their computer system, which allows enforcement. That takes a little time, so as a practical matter, the ordinance will not be enforceable through the court system for a few weeks anyway. So the Assembly would actually be *more* correct to acknowledge that by giving it a slightly delayed effective date such as 30 days, but I don't view this as a critical issue so either is ultimately fine.

In a brief response to the comment about training the harbor staff, I agree it probably makes sense to start thinking about what this training and certification program will consist of and to develop a plan for same (probably in consultation with the police department). It may not make sense to commit any resources to the training until the ordinance passes because the Assembly could decide not to give harbor staff enforcement power, but it would certainly be better to certify them ASAP since peak harbor season is rapidly approaching. This is a judgment call for you though.

Patrick Munson
Boyd, Chandler & Falconer LLP
(907) 272-8401

From: Brad Ryan [<mailto:bryan@haines.ak.us>]
Sent: Monday, May 16, 2016 8:22 AM
To: Patrick Munson
Subject: FW: For Patrick RE: minor offenses

Brad A. Ryan
(907) 314-0648
bryan@haines.ak.us
Haines Borough Interim Manager

From: Margaret Friedenauer
Sent: Wednesday, May 11, 2016 8:17 PM
To: Brad Ryan
Cc: Ron Jackson
Subject: For Patrick RE: minor offenses

Brad,
As discussed, can you please forward to Patrick our question below? Also (as discussed) please note that if this draft ordinance passes as is, it states in 15.20.020, Section 44, H. *"Harbormaster will develop and document and with approval by manager implement a training and certification process for harbor personnel that will enforce harbor regulations. Policy will include training in conflict resolution and constitutional rights and responsibilities and visible identification. All harbor staff with enforcement authority shall be administered an oath of office."*

The minor offenses committee included this section with the intent that no matter when the final ordinance is adopted, BEFORE the harbormaster and assistant harbormaster would be authorized to enforce minor offenses under Title 16, that the training and certification process must be implemented and completed. So, technically, unless you want to wait to see if that provision remains in the final ordinance that is adopted, the training and certification process could be implemented now, or soon, so that Shawn and Gabe could begin enforcing harbor minor offenses as soon as the ordinance is adopted. But the way the committee intended this, and the way we interpret it to read, they cannot enforce harbor minor offenses even once the ordinance is adopted, until they develop and complete the training and certification process.

Thanks Brad,
M

FOR PATRICK:

Our borough clerk, Julie Cozzi, pointed out today that the "Effective Date" of our draft minor offenses ordinance is awkward and may need changing. It currently reads *"Section 3 Effective Date. This ordinance shall become effective _____ provided the borough manager develops a policy addressing the issuance of Citations. Such policy must....."* and it continues.

Patrick, do you have a recommendation of any rewording we need for that section? The new, draft ordinance is being discussed at the assembly, with a first public hearing scheduled for 5/24/16 and a second hearing (where it can also be adopted) at the 6/14/16 assembly meeting. Can we make this effective on 6/15/16 provided it is adopted then? Do we need to change any other wording in that section?

Thank you,
Margaret

Transmittal

To: Members of the Haines Borough Assembly

From: Minor Offenses Ad Hoc Committee

Re: Submission of Final Recommendations

Date: May 2, 2016

The Minor Offenses Ad Hoc Committee would like to submit its final recommendations for Assembly consideration (see attached.) The Committee has spent significant time over the past few months reviewing the information. Along with the actual substance of the Ordinance, the Committee considered administration concerns, the concerns from other committees, and the concerns of the public. Consideration was also given to the concerns of various department heads that may be affected, including the police and fire departments. Finally, the Committee was provided legal guidance by the borough attorney, along with committee member Deb Vogt. The help by all who have given their time to this project is deeply appreciated.

As such, the Committee feels it important to provide the Assembly and Mayor with some of the highlights of the recommendations. These highlights are outlined below.

1. Need for Minor Offenses Ordinance

The Committee believes there is a need for the Minor Offenses Ordinance. First, using the State court process assists the community with providing equitable enforcement of our local laws. Second, it can assist the community with protecting individual rights. Finally, the Ordinance can protect those who serve our community to enforce our laws, and protect the Borough from unnecessary lawsuits. The Committee feels these reasons provide justification for incorporating the Minor Offenses Ordinance into our local law.

2. Purpose and Intent

The Committee incorporated a Purpose and Intent into the General Provisions of the Ordinance. The Purpose and Intent reads as follows:

“The purpose and intent of this Title is to enhance and protect the lives, health and safety of the public and government employees; to protect public and private property; and to protect the rights guaranteed in the U.S. Constitution, the Alaska Constitution, and the Haines Borough Charter Preamble and Bill of Rights. Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this Title.”

The inclusion of the Purpose and Intent is structured to provide clear guidance to protect the public, government employees, and the borough. It is also structured to ensure that fundamental rights are protected. Finally, it is structured to provide clear guidance to those who administer enforcement of the provisions that revenue generation shall not be used as a motive to enforce the provisions of the Ordinance. The Committee feels this statement is crucial to the overall tone of the Ordinance itself.

3. Emphasis on Compliance, not Enforcement

The Committee recommends that emphasis be placed on compliance, and not just strict enforcement. As such, enforcement discretion is provided within the bounds of the Purpose and Intent. This discretion grants authorization for issuing warnings instead of citations for first offenses. This discretion emphasizes compliance with the law, and not just strict enforcement.

4. Alignment with the Recommendations of Other Committees

As stated, the Committee considered the recommendations of various Borough committees. These committees included the Port and Harbor Advisory Committee, the Public Safety Commission, the Planning Commission, and the Tourism Advisory Board. As these committees spent considerable time and effort reviewing the details of the Ordinance in public meetings, the Minor Offenses Ad Hoc Committee has aligned its recommendations with most of the recommendations from these various

committees. The assistance and work of these committees has been greatly appreciated.

5. Authority to Issue Citations

The Committee also recommends that the authority to issue citations be granted only to police officers, and to the Harbormaster and Assistant Harbormaster after proper training and certification. This change is designed to protect the public's rights, and to protect those issuing citations. It is also designed to assist with protecting the Borough from unnecessary lawsuits from untrained and uncertified Borough personnel issuing citations. The Committee feels this is an important aspect of ensuring the provisions within the Purpose and Intent are honored.

6. Transparency and Oversight

The Committee has also recommended language within the Ordinance that requires recordkeeping of all fines imposed, along with the dollar amounts collected. This information is to be provided to the Public Safety Commission and the Borough Assembly upon request. This recommended provision is key to providing transparency and oversight of the overall enforcement of the Ordinance, and aligns with the Purpose and Intent.

7. “Softened” Language within the Ordinance

The Committee is recommending that language within the Ordinance be softened. As such, the Borough attorney was requested to remove references to “guilty”, “conviction” and “punishable” from the text and replaced with softened language such as “commits a minor offense”. The Committee feels these changes create a tone of compliance, and not just strict enforcement.

8. Wording, Grammar, and Numbering within the Ordinance

With the assistance of the Borough attorney and committee member Deb Vogt, many technical details of the Ordinance were reviewed. Recommended changes to some wording and grammar have been incorporated following this review. Additionally, some numbering of

sections and chapters has been changed following edits to the wording of the provisions. These recommended changes clean up the technical aspects of the Ordinance. Additionally, the interpretational implications of these changes were also considered when developing these recommendations.



The Committee would also like to make two recommendations that fall outside of the actual substance of the Ordinance. These recommendations are as follows:

9. Two Public Hearings to Consider Recommended Changes to the Ordinance

During one of the final meetings of the Committee, the following statements was made by a member of the public:

“The Minor Offenses Ordinance is not minor; it’s major!”

This statement sums up some of the public sentiment surrounding the Ordinance. Because of this, it is recommended that the Assembly hold two public hearings on the Ordinance. The Committee feels this would be appropriate to give the community and assembly ample time to consider the recommended changes.

10. Creation of a Code Review Commission

The Committee received many comments from members of the public regarding why individual violations were not specifically addressed in the recommendations. Because of these comments, the Committee recommends the Assembly create an Ad Hoc Code Review Commission. This would allow for the community the time to focus on individual violations for their appropriateness to our community.



Thank you for your consideration to our recommendations.

Recommendations of Minor Offenses Committee

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.

Passed unanimously.

Recommend take Title 18 out of the minor offenses schedule have appeals dealt with by the planning commission.

Passed unanimously.

Recommend keeping violations in Chapter 10.

Passed unanimously.

Recommend borough use the magistrate for resolution of all minor offenses citations with exception of Title 18.

Passed unanimously.

Recommend creating 1.24.050 “Purpose and Intent” to read:

“The purpose and intent of this Title is to enhance and protect the lives, health and safety of the public and government employees; to protect public and private property; and to protect the rights guaranteed in the U.S. Constitution, the Alaska Constitution, and the Haines Borough Charter Preamble and Bill of Rights. Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this Title.”

Passed unanimously.

Recommend adding to 1.24.010 (D) “... and shall be cited accordingly” to end of sentence.

Passed unanimously.

Recommend assembly adopt provision in 10.42 dealing with bicycle violations along with fine structure as proposed in most recent attorney memo.

Vote passes 4-1.

Recommend changing “shall” to “may” in last sentence of 1.24.010 (D)

Passed unanimously.

Recommend Title 16 include wording:

“Harbormaster will develop and document and with approval by manager implement a training and certification process for harbor personnel that will enforce harbor regulations. Policy will include training in conflict resolution and constitutional rights and responsibilities and visible identification. All Harbor staff with enforcement authority shall be administered an oath of office.”

Passed unanimously.

Recommend removing section (d) from 1.24.010 that says....” And be cited according.
Passed unanimously.

Recommend adding an additional chapter 05 to Chapter 8 titled “General Provisions.”
Passed unanimously.

Recommend adding ‘any enforcement officer granted enforcement discretion in this title – shall exercise that discretion according to the principals of the purpose and intent in this section.’
Passed unanimously.

Other items not recommended as changes to ordinance but to highlight for assembly:

Under Title 8 – correctable offense – “any offense under this chapter taking place on private property is correctable.”
Intent should be compliance, not enforcement. Property owners should be given opportunity to correct offense on private property before citation is issued.

Recommend borough/police department/public safety committee distribute educational information for compliance about bicycle laws.
Intent is compliance through education. Police report getting many complaints about bicyclists in the summer; bicyclists and motorists need to be educated about road laws.

Under Chapter 12 there is issues with enforcing violation for not having proper house number visible. ***This violation shouldn’t be enforced until proper house numbering system is developed by borough.***

Recommendations on specific chapters of offenses

Chapter 3

No recommended changes

Chapter 5

Adopt TAB recommendations on Chapter 5

Chapter 6

Adopt HARK recommendations

Chapter 10 – Supports Public Safety Commission recommendations with following additions/notes:

- Remove skis from 10.26.300 and treat as 13 AAC 02.175 Pedestrian on highways.
 - ATVs ordinance adopted in 2014 – adopted recently enough that no changes needed – should stay as is.
 - Bicycles – 10.42 – all cited is state law. Remain as same.
 - 10.44 Parking – keep as is – was passed in 2013
-

Chapter 12 – House numbers ordinance – see “*other recommendations*” at end of memo

Chapter 13 – No recommended changes

Chapter 14 – No recommended changes

Chapter 15 – No recommended changes

Chapter 16 – No recommended changes (based on Ports and Harbors Committee recommendation)

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bcf@bcfaklaw.com

MEMORANDUM

TO: Haines Borough Assembly

FROM: Patrick W. Munson
Boyd, Chandler & Falconer 

RE: Ad Hoc Committee Recommendations Regarding the Proposed Minor Offense Ordinance

DATE: May 2, 2016

Our office has worked closely with the Ad Hoc Committee to prepare the proposed draft Minor Offense Ordinance. Our office recommends the Assembly adopt the ordinance or an amended version of it. The ordinance codifies existing laws of the Borough in a way that is consistent with the State of Alaska Court Uniform Rules of Minor Offense Procedure. It would provide consistency in enforcement by allowing the court system to adjudicate minor violations of Borough law. Major violations of law will remain designated and treated as state misdemeanors and felonies. The ordinance would also eliminate most of the “administrative proceedings” that require Borough staff and the Assembly to adjudicate violations. This would benefit both citizens and the Borough because it is much more efficient and appropriate under our system of government to allow courts to adjudicate most alleged violations rather than staff members or legislative bodies.

In short, we perceive substantial benefits from this ordinance and no negative impacts. The ordinance is fully consistent with due process requirements and is very similar to the law enforcement systems used in the vast majority of communities in Alaska and the United States. We believe the Committee’s extensive review and revisions have generated an ordinance that also addresses the local concerns that have become apparent during this process.

Our office has provided extensive analysis and commentary on every draft of the ordinance generated by the Committee. We have attended multiple of the Committee’s meetings by teleconference to answer detailed questions and provide feedback on proposed changes. The Assembly and the public should feel free to review any of the memoranda and comments we have provided. We can also be available to discuss the ordinance with the Assembly at any time.

We also provide the following information in an effort to summarize some of the concerns that have been apparent throughout this process and to summarize our understanding of

the Committee's response/recommendations regarding same. This is not intended to be a definitive or exhaustive list of issues addressed by the Committee.

1. *The "Daily Violation Provision"*

Proposed Section 1.24.010(C) clarifies that violations occurring multiple times, on different days, or extending for multiple days in a row, can be treated as separate offenses. An illegally parked car commits two violations if it remains parked illegally for two days. A person who violates curfew on Friday and again on Saturday commits two separate violations. A person who operates a business without obtaining a permit can receive a citation for a separate offense every day he or she operates the business without getting the permit. After much deliberation, the Committee recommended this provision be included in the MOO because it concluded that it is important for the Borough to have the legal authority to issue multiple or separate citations for ongoing or repeated violations.

Our office agrees and strongly recommends this provision be adopted. It would be extremely unusual for a provision like this *not* to be included in a local ordinance enforcement system. Without it, any offender has at least a plausible argument that he or she can only be cited once for committing any offense because the code would not specify any way to distinguish one offense from another one. The constitutional prohibition against double jeopardy gives any violator in that scenario an argument that, for example, after a driver is cited for parking in an illegal location, the car can stay there indefinitely because the owner has already been cited for the violation once and cannot be cited again. In sum, not including a "daily fine provision" potentially would allow all violators of code to pay a one-time fine for the privilege of continuing to violate the law. The Committee did not believe that would be a good policy. For example, why would anyone bother to obtain a business permit (or clean a nuisance, get his or her dog licensed, pay daily mooring fees, move an illegally parked car, not violate curfew a second, third, or fourth time, *etc.*), if they can only be fined once for not getting the permit?

The Committee debated whether it should include an "umbrella" provision like this one (HBCO 1.24.010(C)) that applies to all ordinances unless otherwise noted, or whether it should specifically identify each ordinance where daily violations were authorized. It concluded that there are very few ordinances that might not be appropriate for daily enforcement, so it included the daily provision as the default with exceptions provided where warranted. One such exception is failing to connect to the sewer system, an offense which the Committee believed could not reasonably be corrected in a single day. See Section 36 of the Proposed MOO, amending HBCO 13.08.270(B), establishing weekly violations for this offense. The Committee recommends that similar offenses be addressed later as needed.

The Committee significantly clarified the original version of the Minor Offense Ordinance by including a requirement that separate violations be cited individually. This eliminates any confusion as to how enforcement will and must occur under the authority provided by subsection HBCO 2.24.010(C). A person operating a business without a permit, for example, would have to receive a separate citation for every day of unlawful operation, not one ticket purporting to include multiple days. Each of those citations could be challenged individually in court, so the citizen's rights are not diminished at all and the Borough retains authority to enforce its ordinances meaningfully. Our office recommends the Assembly include this provision if it chooses to adopt the daily violation provision.

2. *Borough Staff Enforcement Authority*

The Committee recommends that only police officers, the harbormaster, and assistant harbormaster have authority to issue citations for violations of Borough law. Neither the manager nor other staff would have such authority. Instead, borough staff would have to report suspected violations to police who could investigate the allegation and issue a citation if warranted. This system makes sense because police are trained to carry out such activities and do so every day.

The Committee concluded that the harbormaster and assistant need citing authority because he or she is in a position of enforcement and it could be impracticable to call the police for many violations, such as failure to pay registration fees, dumping garbage, *etc.* The harbormaster's authority is limited to enforcement of Title 16 (HBCO 16.08.030(A)). The Committee recommended that the harbormaster undergo training in order to exercise his or her enforcement authority (proposed HBCO 16.08.030(H)).

Our office recommends these provisions be adopted as well because they are entirely logical and consistent with the law enforcement systems nationwide and address what was once a contentious issue with the MOO. We would recommend discussions with the police to determine an appropriate training system for the harbormaster and assistant. Those individuals should also be encouraged to consult with our office on enforcement matters if they have any questions.

3. *Title 18 - Land Use Ordinances*

The Committee removed all Title 18 offenses from the Minor Offenses Ordinance. The Committee concluded that the land use provisions of Title 18 require a more detailed analysis before being considered for inclusion in the Minor Offenses Ordinance.

The Committee wanted the Assembly to understand that it was not concluding that violations of Title 18 should not be minor offenses; but rather, the Committee was not prepared to make any recommendations as to whether such violations should be minor offenses or not. Some members of the Committee opposed making such violations minor offenses, while others appeared to support enforcing violations as minor offenses. It was noted that the Planning Commission has extensive experience with Title 18 and has either not been adequately consulted or has not recommended any changes. In light of the lack of consensus, the Committee decided to essentially table the question as to Title 18 so that the rest of the Ordinance could proceed.

This appears to be a reasonable approach for the short term given the lack of any clear consensus among the Committee with regard to Title 18, but we recommend Title 18 be considered for updating in the near future. By tabling the decision, the existing enforcement system (as described in Chapter 18.30, most specifically HBCO 18.30.070-.090) will remain in place unless amended. Under the existing system, the Borough and Planning Commission do have enforcement authority over Title 18, so those ordinances are enforceable at this time. However, the existing enforcement system for Title 18 includes many of the issues and concerns that the Committee has endeavored to eliminate in other sections of Code, such as borough manager enforcement authority (HBCO 18.30.030 and .080(B)), criminal sanctions (HBCO 18.30.090(D)), vagueness as to daily violations (HBCO 18.30.090(A)), and an extremely cumbersome administrative enforcement process. That said, these mechanisms are not the only enforcement avenues under existing code and are not often used, so the effect may be minimal if the Assembly takes up this question relatively soon.

4. Number of Code Violations

The Minor Offense Ordinance has led some people to question whether Haines has “too many” ordinances. The Committee therefore recommended that a separate committee be established to allow the public and Assembly members to purge the Code of “unnecessary” ordinances. We understand this may be occurring or likely to occur in the near future, but we have no opinion on this matter. Our general perception is that Haines does not have a particularly excessive number of ordinances or minor offenses compared to other sophisticated, medium sized communities in Alaska, but if a majority of the Assembly believes certain offenses are no longer necessary then there is no harm in deleting them (using the normal ordinance amendment process). If the Assembly decides this would be a worthwhile project, we will be glad to assist in whatever way we can.

Recommendations from:

- Government Affairs & Services Committee
- Public Safety Commission
- Port & Harbor Advisory Committee
- Planning Commission
- Tourism Advisory Board
- Haines Animal Rescue Kennel

Gas Committee Meeting 8/31/2015, 6:30PM

Committee members: Chair Dave Berry, Ron Jackson, George Campbell, Diana Lapham

Report: Diana Lapham

Attendance: Ex Officio Mayor Jan Hill, Margaret Friedenaur, Mike Case, Paul Nelson, Brenda Josephson, Bill Kurz, Jillian Rogers (News Director KHNS)

Topic: Minor Offenses

Recommendations to the Assembly:

12.12.040 (A)-Failure to install street numbers in compliance with code

Ron/George Motion: make sure appropriate dept from the Borough sends a
Second Letter before citation issued. With a 30 provisionor.

Vote 4-0

George/Dave Amend: letter must include house numbers
Vote 4-0

12.16.010-Street and sidewalk obstructions prohibited

George/Ron motion, second: strike alley from 1st sentence
Vote: 4-0

12.16.030 (A)-Use of streets for private purposes

George/Diana motion, second to strike this paragraph in its entirety
Vote: 4-0

12.40.030- Prohibited activity or construction in Picture Park restricted area

This is incorrectly identified in code. It is referenced as 12.40.020. We respectfully request staff to identify the correct number.

12.50.020-Motorized vehicle use in Chilkat River beaches recreational zone

Dave/George motion, second to request staff to obtain legal opinion of Borough fining on State land. State vs. Municipality Code.
Vote4-0

George/Dave motion, second to delay minor offenses until all committees have brought back all comments and recommendations and public has a chance to weigh in.
Vote 3-1 Diana opposed

Dave/George motion,second, delete subsection 1.24.010 (C), everyday is a new offense and move it back to Title 9
Vote 3-1 Ron opposed

Meeting Adjourned at 8:40pm

Public Safety Commission Recommendations re. Minor Offenses Ordinance

Below

Code Section	Offense Description	Fine Amount	Comments
5.22.040(H)	Unauthorized use of parking area	100	OK
6.08.010(A)	Dog license required	Altered dog: \$50	Remove Altered / Unaltered
6.08.010(A)	Dog license required	Unaltered dog: \$150	Remove Altered / Unaltered Remove Altered / Unaltered
6.08.010(D)	Failure to display tag	Altered dog: \$50	Remove Altered / Unaltered
6.08.010(D)	Failure to display tag	Unaltered dog: \$150	Remove Altered / Unaltered
6.08.010(F)	Failure to obtain kennel permit	Altered dog: \$50	Remove Altered / Unaltered
6.08.010(F)	Failure to obtain kennel permit	Unaltered dog: \$150	Get rid of this
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50	Remove Altered / Unaltered
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Unaltered dog: \$150	Get rid of this
6.08.020(A)	At-large dog	Altered dog: \$50	
6.08.020(A)	At-large dog	Unaltered dog: \$150	
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50	Remove Altered / Unaltered
6.08.020(B)	Barking, howling, or other noises	Unaltered dog: \$150	Get rid of this
6.08.020(C)	Run, chase, jump at moving vehicles	Altered dog: \$50	Remove Altered / Unaltered
6.08.020(C)	Run, chase, jump at moving vehicles	Unaltered dog: \$150	Get rid of this
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50	Remove Altered / Unaltered
6.08.020(D)	Snap, jump, injure another person	Unaltered dog: \$150	Get rid of this
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50	Remove Altered / Unaltered
6.08.020(E)	Chase, harass deer or moose	Unaltered dog: \$150	Get rid of this
6.08.020(G)	Female dog in season not confined	Unaltered dog:	Remove Altered / Unaltered

8.08.020(G)	Female dog in season not confined	\$150
8.08.020(A)	Littering in any place other than in an appropriate refuse container	50
8.08.020(B)	Littering upon a public place	50
8.08.020(C)	Sweeping or depositing litter into a public place from private property	50
8.08.020(D)	Littering from vehicle	100
8.08.020(E)	Depositing any litter on private property	50
8.08.020(F)	Failure to maintain private property in a litter-free condition	50
8.08.020(G)	Posting any handbill without permit under HBC Title 18	50
8.08.020(H)	Littering in a body of water	50
8.08.020(I)	Depositing litter generated in a refuse container belonging to another	100
8.08.020(J)	Burning without a permit and police department notification or in violation of conditions	100
8.08.020(K)	Depositing offensive, noxious, or otherwise dangerous litter	100
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100
8.12.020(A)	Burying a person outside an established cemetery	300
8.12.020(B)	Annoy, injure or endanger the public	300
8.12.020(C)	Offending public decency	300
8.12.020(D)	Interfere with a street, highway, lake or stream	100
8.12.020(E)	Making loud or unreasonable noise	100
8.12.020(F)	Operating device that causes preventable electric interference	100
8.12.020(G)	Allowing animal access to an unoccupied building	300
8.12.020(H)	Unsafe condition due to disrepair of building	300
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300
8.12.020(J)	Accumulation of stagnant water or discharge of wastewater	300
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300
8.12.020(L)	Causing emission of noxious fumes	300
8.12.020(M)	Exposure or distribution of materials offending the public decency	300
8.12.020(N)	Obstruction of traffic	300
8.12.020(O)	Public exposure of a person having a contagious disease	300
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300

Conduct

Offending needs clarification

offending

any contagious disease??

8.12.030	Hazardous building or public nuisance	300	
8.16.015	Use of fireworks prohibited	100	
8.16.020	Sale prohibited of fireworks	300	
8.16.025	Use of fireworks near port facilities prohibited	300	
8.16.030	Conducting fireworks display without permission of chief of police	300	
8.18.020(A)	Smoking in an enclosed public area	100	State Law? One code, not two.
8.18.020(B)	Smoking in an enclosed public area	100	State Law?
8.18.020(C)	Smoking inside an enclosed area within a place of employment	100	State Law?
8.18.020(D)	Smoking inside an enclosed area within a private club licensed to sell alcoholic beverages	100	State Law?
8.18.030	Smoking within unreasonable distance outside an enclosed area where smoking is prohibited	100	State Law?
8.18.040(A)	Smoking within 50 feet of entrance to hospital or medical clinic	100	State Law?
8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100	State Law?
8.18.040(C)	Smoking within 5 feet of licensed premises	100	State Law?
8.18.040(D)	Smoking in an outdoor arena	100	State Law?
8.18.070(A)	Failure to post signs prohibiting smoking	200	State Law?
8.18.070(B)	Failure to remove ashtrays	200	State Law?
8.18.070(C)	Failure to provide smoke- free workplace	200	State Law?
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200	State Law?
8.18.080(B)	Smoking where prohibited	100	State Law?
8.18.080(C)	Permitting smoking in public place where prohibited	200	State Law?
8.20.020	Creating or permitting a bear attraction nuisance	100	
9.04.010(A)	Open container of alcoholic beverages within vehicle	100	
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100	
9.04.010(B)(2)	Consuming alcoholic beverage in public	100	
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200	
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200	
9.08.010	Curfew For Minors	250	
9.08.020	Parental responsibility for curfew violation	250	
9.24.010(A)	Discharging pistol or firearm	300	
9.24.010(C)	Hunting in prohibited area	300	
9.24.020(A)	Obstructing highways and other public passages	100	
9.24.020(B)(1)	Failure to obey order to move to prevent obstruction	100	

9.24.020(B)(2)	Failure to obey order to move to maintain public safety	100	
9.24.030	Disrupting meetings and processions	100	
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100	
15.08.060	Smoking where prohibited for safety reasons	100	
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300	
15.12.020(D)	Failure to file required report by a person handling consumer quantities of hazardous material or chemical	300	
15.12.070(A)	Failure to file required transshipment facility report	300	
15.12.070(C)	Failure to display marking or warnings with respect to transshipment facility	100	
15.12.070(D)(3)	Failure to notify fire department of time and quantity of a shipment of extremely hazardous substance	300	
15.12.090(A)	Failure to obtain certificate of compliance	300	
15.16.020	Crash post does not meet specifications	100	
10.08.010	Starting parked vehicle - excessive acceleration	15	
10.08.020(A)	Driving on sidewalks - vehicle	20	
10.08.020(B)	Driving on sidewalk in CBD - bicycle	20	
10.08.020(C)	Failure to yield - bicycle	20	
10.08.030	U-turn where prohibited	30	
10.08.040	Projections on wheels or tracks prohibited	20	
10.08.050	Dragging objects prohibited	150	
10.08.060	Projecting load on passenger vehicles	20	? 10.08.050
10.08.070	Carrying animals on outside of vehicles	125	10.08.060
10.08.080(A)	Use Of coaster, roller skates, sleds or skis on roadway	25	pedestrian rules
10.08.080(B)	Use of skateboard or human powered device in prohibited area	25	
10.08.080(C)	Negligent operation of device	25	
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30	
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30	
10.34.005(D)	Driver's license required to operate snow machine or ATV	30	
10.34.005(E)	Registration of snow machine or ATV required	30	
10.34.005(F)	Proof of insurance	30	? Where (on a public roadway)
10.34.005(G)	Excess passengers - 13 AAC 02.445	30	
10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30	
10.34.005(I)	Failure to signal turn	30	
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30	

10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30
10.34.005(M)	Owner responsibility for violation	30
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, taillight, and brake light	30
10.34.009(B)	Failure to maintain equipment in good working order	30
10.34.010(A)	Parental responsibility for violation	30
10.42.010	Bicycle violations: operator to obey rules of the road	30
10.42.020	Bicycle violations: parents responsible for actions/violations	30
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30
10.42.040	Bicycle violations: two or more on bike made for one	30
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30
10.42.060	Bicycle violations: minimum of one hand on handle bars	30
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30
10.42.080	Bicycle violations: ride on right side of roadway	30
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30
10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30
10.42.110	Bicycle violations: must use shoulder when available	30
10.42.120	Failure to give audible signal passing pedestrian	30
10.42.130	Bicycle violations: turn and signal requirements	30
10.42.140	Bicycle violations: ride in business district where prohibited	30
10.42.160	Bicycle Violations: Bike Parking Requirements	30
10.42.170	Bicycle violations: bike not to enter limited use areas	30
10.42.180	Bicycle violations: yield to traffic	30
10.42.190	Bicycle violations: headlight requirements	30
10.42.200	Bicycle violations: taillight requirements	30
10.42.210	Bicycle violations: reflector requirements	30
10.42.220	Bicycle violations: brake requirements	30
10.44.010	Parking during snow removal	25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25
10.44.030	Time limit parking	25
10.44.050	Standing or parking close to curb	25
10.44.060(A)	Signs or markings indicating angle parking	25
10.44.070	Obedience to angle-parking signs or markings	25

Should say improper parking?

10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25
10.44.100	Parking not to obstruct traffic	25
10.44.110	Parking in alleys	25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25
10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25
10.44.130(B)	Parking adjacent to schools	25
10.44.140(B)	Parking prohibited on narrow streets	25
10.44.150	Standing or parking on one-way streets	25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25
10.44.210(A)	Abandonment of vehicle	25
10.44.210(B)	Exceeding time limit for parking in designated areas	25
10.44.220	Unauthorized parking on private property	25
10.48.010	Pedestrians must obey regulations	25
10.48.020	Pedestrians not to enter limited use areas	25
10.48.030	No pedestrian may walk into path of vehicle	25
10.48.040	Pedestrian must cross at crosswalk	25
10.48.050	Pedestrian must yield to vehicles	25
10.48.060	Crossing roadway where prohibited	25
10.48.070	Diagonally cross intersection must use sidewalks	25
10.48.080	Must walk on left side/shoulder of roadway	25
10.48.090	Pedestrian creates hazard/interferes with traffic	25
10.48.100	Sleep/loiter/obstruct highway	25
10.48.110	Solicit ride/distracts driver	25
10.48.120	Nonblind pedestrian not to use cane/dog	25
10.48.130	Pedestrian must yield to emergency vehicle	25
10.48.140	Pedestrian not to cross against "don't Walk" signal	25

Above are PSC meeting recommended changes (in

Below are individual PSC members recommended

8.12.020(F)	Operating device that causes preventable electric interference	100	Needs better definition
10.42.190	Bicycle violations: headlight requirements	30	Should be if riding at night only
10.42.200	Bicycle violations: taillight requirements	30	Should be only if riding at night

6.08.010(A)	Dog license required	Altered dog: \$50	Remove Altered / Unaltered	keep	
6.08.010(A)		0	Remove Altered / Unaltered	incentive	
		\$0	Remove Altered / Unaltered	to license	
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50	Remove Altered / Unaltered	\$100	
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50	Remove Altered / Unaltered	\$100	
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100	Refuse containers are part of bear nuisance prevention and a public safety issue	\$100	
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100		\$100	
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100		\$50.00	\$100
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100		\$100	
8.16.015	Use of fireworks prohibited	100	Make the same as selling fireworks?	\$300	
8.20.020	Creating or permitting a bear attraction nuisance	100	Public Safety issue	\$300	
9.08.010	Curfew For Minors	250	Why is this so high ? More than 8.20.020 bears	\$100	
9.08.020	Parental responsibility for curfew violation	250		\$100	
9.24.010(A)	Discharging pistol or firearm	300	Serious consequences possible current code 12.12.040(B) says \$300.	\$150.00	
12.12.040(A)	Failure to install street numbers in compliance with code	100			
12.40.030	Prohibited activity or construction in Picture Park restricted area	100		"Picture Park"?? Picture Point Park.	
10.08.010	Starting parked vehicle - excessive acceleration	15	Losing control, dangerous action	\$25	
10.08.020(A)	Driving on sidewalks - vehicle	20		\$150	
10.48.140	Pedestrian not to cross against "don't Walk" signal	25	Not applicable to Haines-no signals.		

6.08.010(D)	Failure to display tag	Unaltered dog: \$150	Remove Altered / Unaltered	50
6.08.020(A)	At-large dog	Unaltered dog: \$150		\$50.00
6.08.020(G)	Female dog in season not confined	Unaltered dog: \$150	Remove Altered / Unaltered	\$50.00

8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100		\$50.00
8.12.020(E)	Making loud or unreasonable noise	100		\$50
8.12.020(G)	Allowing animal access to an unoccupied building	300		\$150
8.12.020(H)	Unsafe condition due to disrepair of building	300		\$100
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300	has never been enforced in Haines	\$100.00
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300		\$200
8.12.020(O)	Public exposure of a person having a contagious disease	300	any contagious disease??	\$100
9.24.010(A)	Discharging pistol or firearm	300		\$150.00
10.08.010	Starting parked vehicle - excessive acceleration	15		\$25
10.08.050	Dragging objects prohibited	150	conditional on circumstances	\$50
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30		\$100
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30		\$50
10.44.010	Parking during snow removal	25		\$100
10.44.210(A)	Abandonment of vehicle	25	may be uncollectable	\$200



Haines Borough
Ports and Harbors Advisory Committee
RECORD OF DECISION

DATE: 8-27-15

TO: Borough Assembly

FROM: Haines Borough Ports and Harbor Advisory Committee

BOARD DECISION: Motion Fred, 2nd Brad. Passed 7-0
HBPHAC says let stand as is. Ord 15-06-413 to Borough Assembly

RATIONALE: After review of the fines of the Prohibited act Ord. committee is going along with the Assembly to pass Ord 15-06-413 and fix corresponding code later

SUBMITTED BY Norman Hughes Chair HBPHAC 9-24-15

Minutes hbphac 8-27-15

10:30am

Attendance: Fred Gray, Bill Rostad, Don Turner Jr., Terry Pardee, Glen Jacobson, Brad Badger and
10:40am Norman Hughes via phone

Minor offenses stopped

PND 95% questions

Motion Fred, 2nd Brad passes 7-0

Hbphac says let stand as is. Ord 15-06-413 to Borough assembly.

Set meeting dates 9-10-15 for PND review of wave study

Set meeting date 9-24-15 regular hbphac meeting

Motion Norman, 2nd Fred passes 7-0

Hbphac endorses 95% as proposed.

Meeting adjourned.

----- Forwarded Message -----

From: Rob Goldberg <artstudioalaska@yahoo.com>

To: Julie Cozzi <jcozzi@haines.ak.us>; Jan Hill <jhill@haines.ak.us>; David Sosa <dsosa@haines.ak.us>

Sent: Saturday, September 12, 2015 10:28 AM

Subject: Minor Offenses Ordinance

To Mayor Hill, Borough Staff and the Assembly:

At the September 10th meeting of the Planning Commission concern was expressed about proposed changes to fines in Title 18. Last year the Commission recommended, and the Assembly approved, a fine structure for Title 18:

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

Animal husbandry, not including conditional use permits for these uses

\$25.00

Sign permit

\$25.00

Land use permit

\$50.00

Lot line vacation/adjustment

\$50.00

Short plat

\$75.00

Special conditions permit

\$150.00

Conditional use/variance permit

\$150.00

Rezoning/subdivision permit

\$200.00

B. Penalties.

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration

\$250.00 or 3% of the project value to a maximum of \$2,500

2. Penalty for violation of any section of this title (except beginning work without a permit – see after-the-fact fee above)

\$100.00

3. The procedure for assessing penalties shall be as follows: After-the-fact fees for beginning work without a permit or construction declaration shall be assessed upon discovery of the violation. In all other violations of this title, borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation

and inform the violator that they will have 10 business days to conform to the code. If the violation is not corrected within 10 business days, a penalty of \$100.00 shall be assessed.

4. If a penalty is not paid within 30 days, interest of one and one-half percent per month (18 percent annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

The Planning Commission worked very hard on this section, and we would like to see it remain as is. We think the fines and the letter of warning are fair and promote compliance and good relations between the community and the government that serves it.

Thank you.

Sincerely,

Rob Goldberg

Planning Commission Chairman

Code Section	Offense Description	Fine	Current Penalty	
5.04.030(C)	Failure to obtain required permit (general)	500	HBC 5.04.140(A) - Not exceeding \$300 each day plus required state surcharge (AS 12.55.039)	TAB Recommends keeping this as is not exceeding \$300/day, to prevent multiple day offenses.
5.04.080(E)(2)	Sign violation	100	HBC 1.24 & 5.04.150 - Up to \$300 each day plus state surcharge when applicable (AS 12.55.039)	TAB agrees to change to \$100 flat fee. However, if this can fall under normal sign ordinance, this offense could be dropped. Is there an allowance for portable signs to be used at PC Dock, Ferry Terminal, Boat Harbor?
5.04.140(A)	commercial tour/ enterprise operating w/o permit or failure to follow permit condition	500	HBC 1.24 - Not exceeding \$300 each day plus required state surcharge (AS 12.55.039)	TAB: Proposes to leave as is – including wording from 5.04.040 C Need to address: Repeat offenders – complete disregard for laws. Link to language from 5.04.040 to make aware that tour operators will fined twice.
5.08.010(A)	Permit required for solicitation on public property	300	HBC 1.24 - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	TAB voted to accept the minor offense change to not to exceed (up to) \$300/day. (instead of \$1000) plus state surcharges
5.08.020	Solicitation on private property without invitation prohibited	300	HBC 1.24 - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	TAB voted to accept the minor offense change to not to exceed (up to) \$300/day. (instead of \$1000) plus state surcharges
5.08.030(A)	Permit required for transient/ itinerant merchants/ vendors	300	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	Leave as is. TAB voted to accept the minor offense change to not to exceed (up to) \$300/day. (instead of \$1000) plus state surcharges
5.08.040	Permit required for circus, carnival, fair/other concessions	300	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	Leave as is. TAB voted to accept the minor offense change to not to exceed (up to) \$300/day. Note: NO borough permit actually exists. It is currently only a letter of

				approval from the manager that is required
5.08.050(A)	Sale/solicitation of commercial magazines on public sidewalks/streets prohibited	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	Leave as is. TAB voted to accept the minor offense change to not to exceed \$300/day. (instead of \$1000) Add "Per Day" to MO suggested.
5.12.010(A)	License required to manufacture/sell any alcoholic beverage	500	Class A Misdemeanor – AS 4.16.200 - Up to \$10,000 fine and one year in jail	N/A to TAB
5.12.020	Closing hours for licensed alcoholic beverage premises between 5:00 a.m. and 8 a.m.	500	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	N/.A
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	N/A
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	n/A Needs wording to be changed from conducting to participation???
5.18.015	Commercial tour permit required	500	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	This section is redundant – fines are already covered in 5.04.140A. Changes only should be changed to per/day – not flat
5.20.030	Failure to display commercial passenger vehicle / tour vehicle permit	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	Change fine to one time \$50 – all the way through 5.20.050
5.20.040(A)(1)	Failure to display license	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""
5.20.040(A)(2)	Failure to display rates	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""
5.20.040(A)(3)	Failure to display contact information of City Borough Clerk	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""
5.20.040(B)	Taxicab soliciting passenger or otherwise blocking traffic	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""

5.20.050	Soliciting persons along the roadway	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""
5.22.010(C)	Use of commercial parking vehicle areas when not engaged in commercial tour activity	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	Leave as is at \$100.
5.22.040(C)	Failure to display parking permit	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	Change this to \$50/ fine 5.22.040 C - J
5.22.040(D)	Unreasonable interference with efficient operations	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above
5.22.040(E)	Leaving commercial vehicle unattended	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above
5.22.040(F)	Improper signage	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above
5.22.040(H)	Unauthorized use of parking area	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above
5.22.040(J)	Unauthorized display of sales material	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above

Recommendations from HARK

From: HARK Director [director@harkalaska.org]

Sent: Wednesday, February 03, 2016 3:53 PM

To: Margaret Friedenauer

Subject: RE: Minor offenses committee

Hi Margaret,

It's interesting to me that ALL of the dog related offenses and corresponding fines are divided into altered/un-altered categories. I was, obviously, aware of the difference in fines (altered vs. intact) for "At-large dog" and the "fees" that HARK has charged for impounds, in previous contracts, were based on the same structure/amounts. It was a tool for us in encouraging spaying/neutering when owner's retrieved their dog. In the time that I've been at HARK we've never focused on "fees" - as that doesn't seem to ever fix the problem. Instead we've tried to identify the root of the problem and do what we can to help remedy the situation (often times spaying/neutering). So, even though HARK doesn't assess impound "fees" with our current contract and HARK also does not assess "fines", I think that there is some benefit to having the altered/unaltered difference for "At-large dog". I'm not sure that I see as much benefit using it for the other offenses (kennel license, barking, license display, chasing vehicles, etc.), but maybe it's simpler if it's that way right across the board? I feel that the tiered amounts in regards to 1st, 2nd, 3rd violations are appropriate for offenses 6.08.020 A,B,C,D,E, and G. I'm not sure that it makes as much sense for offenses 6.08.010 A,D,F, and H.

I'm happy to talk about it if you want to call (or I can attempt to explain more in writing too).

Tracy

Haines Animal Rescue Kennel

Box 1533, Haines, AK 99827

(907) 766-3334

www.harkalaska.org



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-652

Assembly Meeting Date: 6/14/16

Business Item Description:	Attachments:
Subject: Establish a Code Review Commission	1. Ordinance 16-05-435 2. SUBSTITUTE Ordinance Proposed by Borough Attorney and Staff 3. Attorney Comments & Suggested Amendments 4. Memo from D.Vogt with proposed initial draft ordinance language to establish a commission
Originator: Minor Offenses Ad Hoc Committee	
Originating Department:	
Date Submitted: 5/2/16 Committee (and 4/26/16 by Jackson motion)	

Full Title/Motion:

Motion: Amend Ordinance 16-05-435 by substituting it in its entirety with the substitute ordinance proposed by the borough attorney and staff.
 Note: the assembly already scheduled the second hearing on the ordinance for 6/28/16.

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: Yes No

Summary Statement:

On 5/10/16, in response to a recommendation from the Minor Offenses Committee (MOC), the assembly passed a motion to introduce on 5/24/16 a draft ordinance creating a code review commission, The assembly agreed the commission should be an ongoing board as opposed to an ad hoc group. One member of the MOC (D.Vogt) provided the assembly with suggested ordinance language. Staff prepared a draft ordinance for the assembly's consideration that is patterned after the Public Safety Commission ordinance. It incorporated most of the provisions found within the Vogt draft.

The interim manager referred the ordinance to the borough attorney for review, and staff has prepared a substitute ordinance based on the attorney's suggestions and comments. It is recommended.

Referral:

Referred to: _____ Referral Date: _____
 Recommendation: Recommended by Minor Offenses Committee Meeting Date: _____

Assembly Action:

Meeting Date(s): 4/26, 5/10, 5/24, 6/14/16 Public Hearing Date(s): 6/14, 6/28/16
 Postponed to Date: _____

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 to add a new Chapter 2.51 establishing a Code Review Commission.

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. Purpose. This ordinance adopts Chapter 2.51 creating a Code Review Commission for the purpose of reviewing and recommending changes to the Haines Borough Code to:

- Achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum control of local affairs;
- Retain control over the affairs of government; and
- Enjoy life without unnecessarily restrictive or arbitrary laws or regulations.

**Chapter 2.51
CODE REVIEW COMMISSION**

Sections:

- 2.51.010 Composition.
- 2.51.020 Organization and meetings.
- 2.51.030 Vacancies – Filling vacancies.
- 2.51.040 Duties and responsibilities.

2.51.010 Composition.

The code review commission shall serve as advisory to the borough assembly and shall consist of seven members who shall serve staggered terms of three years. Commission members shall not receive compensation for services rendered.

2.51.020 Organization and meetings.

A. The commission shall elect a chairperson, a vice-chairperson, and a secretary who shall hold their offices for one year but may be re-elected to the same or other positions.

B. The commission shall initially operate under the provisions of Robert's Rules of Order but may develop bylaws to reflect unique characteristics of their purpose.

C. Commission meetings shall be held as often as necessary and if a quorum so desires. A quorum shall be determined as provided by HBC 2.60.100.

D. The commission may hold public hearings.

E. The commission may establish one or more subcommittees to assist it in the performance of its duties.

F. Meeting notifications and minutes shall be according to the provisions of HBC 2.60. Subject to availability, a borough employee will be assigned to attend commission meetings for the purpose of recording minutes.

G. Subject to appropriation for the purpose, the commission may request the assembly to contract with other persons for the performance of necessary services.

2.51.030 Vacancies – Filling vacancies.

A member's position on the commission shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the commission. All appointments to the commission shall be made according to the provisions of HBC 2.60.055.

2.51.040 Duties and responsibilities.

A. The code review commission shall:

1. Examine Haines Borough Code, Alaska Statutes and judicial decisions to discover defects, anachronisms, inconsistencies and redundancies in the code.

2. Review and consider proposed changes in the code recommended by the Alaska Municipal League, model municipal codes, the National League of Cities, and principal departments, agencies, boards, and commissions of the Haines Borough.

3. Receive and consider suggestions from local attorneys, the district court, public officials, organizations, and individuals as to areas of code needing review and possible remedy.

4. Recommend changes in code needed to eliminate antiquated, overly-complicated, unnecessary and inadequate provisions and to bring the code into harmony with current needs and conditions, consistent with principles outlined in the Haines Borough Charter.

5. Submit its reports and recommendations, and draft ordinances as to revision of code, to the assembly. Each draft submitted by the commission shall be accompanied by a sectional analysis. The commission shall prepare the sectional analysis using language that is understandable to a layman.

6. With borough manager approval, the commission may request from borough staff the information and documents the commission considers necessary to the accomplishment of its work.

B. If the commission considers it necessary to seek funds to meet expenses, the commission shall make a formal request to the assembly. Funds appropriated to the commission are to be disbursed and accounted for under procedures established by the Haines Borough.

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 05/24/16
Date of First Public Hearing: 06/14/16
Date of Second Public Hearing: 06/28/16

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 to add a new Chapter 2.51 establishing a Code Review Commission.

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. Purpose. This ordinance adopts Chapter 2.51 creating a Code Review Commission for the purpose of reviewing and recommending changes to the Haines Borough Code to:

- Achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum control of local affairs;
- Retain control over the affairs of government; and
- Enjoy life without unnecessarily restrictive or arbitrary laws or regulations.

**Chapter 2.51
CODE REVIEW COMMISSION**

Sections:

- 2.51.010 Composition.
- 2.51.020 Organization and meetings.
- 2.51.030 Vacancies – Filling vacancies.
- 2.51.040 Duties and responsibilities.

2.51.010 Composition.

The code review commission shall serve as advisory to the borough assembly and shall consist of seven members, each a resident of the borough as defined in HBC 2.60.020, who shall serve staggered terms of three years. Commission members shall not receive compensation for services rendered.

2.51.020 Organization and meetings.

A. The commission shall elect a chairperson, a vice-chairperson, and a secretary who shall hold their offices for one year but may be re-elected to the same or other positions.

~~B. The commission shall initially operate under the provisions of Robert's Rules of Order but may develop bylaws to reflect unique characteristics of their purpose.~~

~~B.~~ Commission meetings shall be held as often as necessary and if a quorum so desires. A quorum shall be determined as provided by HBC 2.60.100.

~~C.~~ The commission may hold public hearings.

~~D.~~ The commission may establish one or more subcommittees to assist it in the performance of its duties.

F. Meeting notifications and minutes shall be according to the provisions of HBC 2.60. Subject to availability, a borough employee will be assigned to attend commission meetings for the purpose of recording minutes.

G. Subject to appropriation for the purpose, the commission may request the assembly to contract with other persons for the performance of necessary services.

2.51.030 Appointments and vacancies — Filling vacancies.

~~A member's position on the commission shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the commission.~~ All appointments to the commission shall be made according to the provisions of HBC 2.60.030055. **The office of a commission member shall become vacant according to the provisions of HBC 2.60.050. Vacancies shall be filled according to the provisions of HBC 2.60.055.**

2.51.040 Duties and responsibilities.

A. The code review commission shall:

1. Examine Haines Borough Code, Alaska Statutes and judicial decisions to discover defects, anachronisms, inconsistencies and redundancies in the code.

2. Review and consider proposed changes in the code recommended by ~~the Alaska Municipal League~~, model municipal codes, the National League of Cities, **the publisher of the borough code**, and principal departments, agencies, boards, and commissions of the Haines Borough.

3. Receive and consider suggestions from local attorneys, the district court, public officials, organizations, and individuals as to areas of code needing review and possible remedy.

4. Recommend changes in code needed to eliminate antiquated, overly-complicated, unnecessary and inadequate provisions and to bring the code into harmony with current needs and conditions, consistent with principles outlined in the Haines Borough Charter.

5. Submit ~~its~~ reports and recommendations, and draft ordinances as to revision of code, to the assembly **and the borough manager**. Each draft submitted by the commission shall **may** be accompanied by a sectional analysis. The commission shall prepare ~~the~~ **any** sectional analysis using language that is understandable to a layman.

6. With borough manager approval, the commission may request from borough staff the information and documents the commission considers necessary to the accomplishment of its work.

B. If the commission considers it necessary to seek funds to meet expenses, the commission shall make a formal request to the assembly. Funds appropriated to the commission are to be disbursed and accounted for under procedures established by the Haines Borough.

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 05/24/16
Date of First Public Hearing: 06/14/16
Date of Second Public Hearing: 06/28/16

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-05-435 **Draft**

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 to add a new Chapter 2.51 establishing a Code Review Commission.

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. Purpose. This ordinance adopts Chapter 2.51 creating a Code Revision Commission for the purpose of reviewing and recommending changes to the Haines Borough Code to:

- Achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum control of local affairs;
- Retain control over the affairs of government; and
- Enjoy life without unnecessarily restrictive or arbitrary laws or regulations.

**Chapter 2.51
CODE REVISION COMMISSION**

Sections:

- 2.50.010 Composition.
- 2.50.020 Organization and meetings.
- 2.50.030 Vacancies – Filling vacancies.
- 2.50.040 Duties and responsibilities.

2.51.010 Composition.

The code revision commission shall serve as advisory to the borough assembly and shall consist of seven members each a resident of the borough as defined in HBC 2.60.020 who shall serve staggered terms of three years. Commission members shall not receive compensation for services rendered.

Comment [B1]: This differs from the 1 year default of HBC 2.60.030.

2.50.020 Organization and meetings.

A. The commission shall elect a chairperson, a vice-chairperson, and a secretary who shall hold their offices for one year but may be re-elected to the same or other positions.

~~B. The commission shall initially operate under the provisions of Robert's Rules of Order but may develop bylaws to reflect unique characteristics of their purpose.~~

Comment [B2]: This is not necessary. HBC 2.60.080 already provides for a commission to develop it's own rules and sets Robert's Rules as the default.

C. Commission meetings shall be held as often as necessary and if a quorum so desires. A quorum shall be determined as provided by HBC 2.60.100.

D. The commission may hold public hearings.

E. The commission may establish one or more subcommittees to assist it in the performance of its duties.

Amendments
Recommended by the
Borough Attorney

F. Meeting notifications and minutes shall be according to the provisions of HBC 2.60. Subject to availability, a borough employee will be assigned to attend commission meetings for the purpose of recording minutes.

G. Subject to appropriation for the purpose, the commission may request the assembly to contract with other persons for the performance of necessary services.

2.50.030 Appointments and Vacancies—Filling vacancies.

~~A member's position on the commission shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the commission.~~ All appointments to the commission shall be made according to the provisions of HBC 2.60.03055, however member terms shall be three (3) years commencing on _____ of the year of appointment. ~~The office of a commission member shall become vacant according to the provisions of HBC 2.60.050. Vacancies shall be filled according to the provisions of HBC 2.60.055.~~

2.50.040 Duties and responsibilities.

A. The code revision commission shall:

1. Examine Haines Borough Code, Alaska Statutes and judicial decisions to discover defects, anachronisms, inconsistencies and redundancies in the code.

2. Review and consider proposed changes in the code recommended by ~~the Alaska Municipal League~~, model municipal codes, the National League of Cities, ~~the publisher of the Borough Code~~ and principal departments, agencies, boards, and commissions of the Haines Borough.

3. Receive and consider suggestions from local attorneys, the district court, public officials, organizations, and individuals as to areas of code needing review and possible remedy.

4. Recommend changes in code needed to eliminate antiquated, overly-complicated, unnecessary and inadequate provisions and to bring the code into harmony with current needs and conditions, consistent with principles outlined in the Haines Borough Charter.

5. Submit ~~its~~ reports and recommendations, and draft ordinances as to revision of code, to the assembly ~~and the Borough Manager~~. Each draft submitted by the commission ~~may~~ shall be accompanied by a sectional analysis. The commission shall prepare ~~any the~~ sectional analysis using language that is understandable to a layman.

6. With borough manager approval, the commission may request from borough staff the information and documents the commission considers necessary to the accomplishment of its work.

B. If the commission considers it necessary to seek funds to meet expenses, the commission shall make a formal request to the assembly. Funds appropriated to the commission are to be disbursed and accounted for under procedures established by the Haines Borough.

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced:

05/24/16

Comment [B3]: AML does not get involved in recommending changes to municipal codes.

Comment [B4]: Most Code publishing companies will (for a fee) provide a comprehensive review of a local code. If that was done in the future it would be logical to have any recommendations reviewed by this Commission.

Comment [B5]: This is just a suggestion. It is not required by HBC 2.32.020. But when creating a permanent commission in the code one should anticipate the possibility there may not always be members on the commission with background in drafting ordinances even if they are retired or active lawyers. The Manager could make the call on whether the draft should be reviewed by the Borough Attorney before the ordinance is considered in an Assembly work session/COW.

Comment [B6]: Again just a suggestion for more flexibility. Not all ordinances require a "sectional analysis" (changing a current deadline for example is self-explanatory). And this can be a lot of work to ask volunteers to accomplish.

May 2, 2016

Madam Mayor, Members of the Assembly

Attached is language for an ordinance that would establish a Code Revision Commission for the Haines Borough. I served on the ad hoc Minor Offenses Ordinance committee, and it was the unanimous recommendation of that committee that the Assembly create, and the Mayor appoint, such a committee.

The need for such a review became apparent in a number of ways during our work. First and most apparent was the staggering list of more than 250 offenses that a Haines citizen can commit under our code. Most of us believed that this list can and should be pared down. Next is the perplexing question of whether it is better to -- for example -- incorporate state traffic code into ours by reference; draft our own traffic code; or just let the state law be the only law. At other times we honestly could not agree what a particular provision meant. And in places, the code seems unnecessarily complex and poorly worded.

The goal of such a committee should be to make the Haines Borough Code serve the particular needs of our community. The Code should be accessible, clear, consistent and simple. There are many resources available to assist a committee in meeting those goals.

Thank you.

Deborah Vogt

Code Revision Commission

HAINES BOROUGH CODE REVISION COMMISSION.

- (a) The Haines Borough Code Revision Commission is established as a permanent commission of the Haines Borough Assembly.
- (b) The Code Revision Commission shall consist of seven members appointed by the mayor, with the approval of the assembly, to three-year staggered terms.
- (c) The commission shall:
- (1) examine the Haines Borough Code, Alaska Statutes and judicial decisions to discover defects, anachronisms, inconsistencies and redundancies in the code;
 - (2) review and consider proposed changes in the code recommended by the Alaska Municipal League, model municipal codes, the National League of Cities, and principal departments, agencies, boards, and commissions of the Haines Borough;
 - (3) receive and consider suggestions from local attorneys, the district court, public officials, organizations, and individuals as to areas of code needing review and remedy;
 - (4) recommend changes in code needed to eliminate antiquated, overly complicated, unnecessary and inadequate provisions and to bring the code into harmony with current needs and conditions, consistent with principles outlined in our charter to
 - i. achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum control of our own local affairs;
 - ii. retain control over the affairs of our government;
 - iii. enjoy life without unnecessarily restrictive or arbitrary laws or regulations.
- (d) The commission may:
- (1) hold public hearings and other meetings as necessary and shall determine an appropriate quorum for conducting business;
 - (2) establish one or more subcommittees to assist it in the performance of its duties.
- (e) The Borough Clerk serves as staff for the commission. Subject to appropriation for the purpose, the commission may request the assembly to contract with other persons for the performance of necessary services.
- (f) The commission shall submit its reports and recommendations, and draft ordinances as to revision of code, to the assembly. Each draft submitted by the commission shall be accompanied by a sectional analysis. The commission shall prepare the sectional analysis using language that is understandable to a layman.
- (g) All branches of Haines Borough government shall provide information and documents requested by the commission necessary to the accomplishment of its work.
- (h) The commission shall make a formal request to the assembly for funds it considers necessary to meet the expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedures required by the Haines Borough. The commission chairman shall approve all expenditure documents.



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-657
Assembly Meeting Date: 6/14/16

Business Item Description:	Attachments:
Subject: Harbor Fee Schedule Revision	1. Ordinance 16-05-436 2. Port & Harbor Advisory Committee Recommendation
Originator: Port & Harbor Advisory Committee	
Originating Department: Ports & Harbors	
Date Submitted: 4/7/16	

Full Title/Motion:

The assembly already scheduled the second hearing on this ordinance draft for 6/28/16. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.

Administrative Recommendation:

The borough manager and harbormaster recommend this.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$ n/a	\$ n/a	Small reduction to harbor revenue

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: Yes No

Summary Statement:

The current Harbor Fee Schedule was adopted via ordinance on 8/11/15. The Port & Harbor Advisory Committee recommends a revision of the boat launch ramp fees. This amendment would allow reduced fees for a person having multiple vessels (up to four).

Note: When the current ordinance was adopted last August, it included removal of the penalty/non-compliance sections, but the effective date for those parts was not to be until such time as the minor offenses ordinance was adopted to avoid a gap. Since that ordinance is still pending, the struck-through penalty sections are still reflected in this new harbor schedule ordinance, and there is still the same conditional effective date.

The ordinance was introduced on 5/24/16.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:

Meeting Date(s): 5/24, 6/14/16

Public Hearing Date(s): 6/14, 6/28/16

Postponed to Date:

An ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage to revise the boat launch ramp use fees.

WHEREAS, the Haines Borough owns and operates the Portage Cove Harbor and the Letnikof Cove Harbor; and

WHEREAS, the Borough Assembly establishes rates, fees, and penalties for Haines Borough harbor facilities; and

WHEREAS, Haines Borough Code, section 2.12.020(B), requires fines and penalties be provided by ordinance,

NOW THEREFORE BE IT ENACTED, by the Haines Borough Assembly, that the following Harbor Fee Schedule is hereby adopted by ordinance.

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not become a part of the Haines Borough Code of Ordinances.

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 2. Effective Date. This ordinance shall become effective immediately upon adoption with the exception of the "Penalties" and the "Boat Launch Ramp Use" non-compliance fee which shall become effective immediately upon adoption of Ordinance 15-06-413 provided that ordinance includes penalties pertaining to harbor violations.

Section 3. Purpose. To adopt, via ordinance, the following revised Harbor Fee Schedule:

Haines Borough – Harbor Fee Schedule

(See HBC Title 16 for regulations and more information)

Transient Boat Moorage Fees

Short-term (less than two weeks)	\$.55 per lineal foot per day*
Long-term (two weeks and longer)	\$5.50 per lineal foot per month*

Winter Rates – From October 1 through March 31, transient moorage vessels qualify for winter rates: one-half the amount that the vessel would ordinarily be charged. To qualify vessel must be up-to-date on all Port and Harbor Fees and pay for the winter moorage rate in advance.

* Transient moorage which must be invoiced will be charged at twice the normal rate (HBC 16.16.050).

Boat Launch Ramp Use Fees

Annual Launch Ramp Sticker – Recreational Vessel	\$60.00 per first trailer per year <u>\$30.00 each for second, third, & fourth trailers per year (same owner) with proof of ownership</u> <u>\$60.00 each additional trailer per year</u>
Daily Launch Ramp Use Fee	\$15.00 per trailer per day
Non-Compliance Fee	\$60.00 per violation

Live-Aboard Fees

1 to 14 days	No charge other than the regular moorage rate
Over 14 days (prohibited October 15 th to April 1 st)	\$70.00 per month in addition to the regular moorage rate

Boat Houses, Floats, Scows, Barges, Pile Drivers, and Dredges

These vessels are allowed only on a temporary basis at the harbormaster's discretion and, when allowed, are assessed a fee twice the rate of other vessels. Note: Living aboard is not allowed on these vessels and watercraft.

Seaplane Moorage Fees

Open Moorage	Fee
Less than 3 hours	No charge
3 to 24 hours	\$15.00
Each additional 24-hour period or fraction thereof	\$15.00

Electrical Connection and Service Rates

Connection Costs (permanent stalls or open moorage) <i>Paid to the local utility</i>	Actual cost of connection (boat owner makes the arrangements with the local utility and pays them directly)
Service Fee (all vessels utilizing electrical service) <i>Paid to the borough</i>	\$10.00 per day
Service Fee (utilizing 240 service)	\$20.00 per day
Annual Service Maintenance fee (if Electrical service is activated)	\$15.00 annual

Harbor Crane Use

Annual Crane Use Permit (not available for transient vessels)	\$50.00 per year
Transient Vessels	\$20.00 per hour

Letnikof Cove Harbor Moorage

Special Joint-Use Permit Fees

(only for boat harbor stall renters who are paid current)

Length of Vessel	Annual Fee
Up to 40 feet	\$100.00
41 to 60 feet	\$125.00
61 to 80 feet	\$150.00
Over 80 feet	\$200.00

Regular Use Permit Fees

(for vessels without a boat harbor stall OR stall renters who are not paid current)

Short-term (less than two weeks)	\$.55 per lineal foot per day
Long-term (two weeks and longer)	\$5.50 per lineal foot per month

Miscellaneous Fees

Grid Use	\$15.00 min or \$.50 per ft per tide cycle
Harbor Staff Labor (8-5 Monday-Saturday)	\$40.00 per hour (one hour minimum)
Harbor Staff Labor (After regular hours)	\$80.00 per hour (one hour minimum)
Tie-up Fee	\$20.00 per time plus cost of line (Harbor staff time not included)
Fee to Move a Boat	\$50.00 per time
Waitlist Fee	\$25.00 (first year) and \$10.00 per year thereafter
Seniority Transfer list Fee	\$10.00 per year
Pump Fee	\$20.00 per hour
Portable Electric Generator Fee	\$20.00 per day
Upland Storage Fee	\$.20 per square foot per month
Boat Stand Fee	\$2.50 per month or portion of a month

Hazardous Waste Disposal

Motor Oil	Included in moorage fees
Hydraulic Oil	Included in moorage fees
Diesel	Included in moorage fees
Gasoline	Included in moorage fees
Antifreeze	Included in moorage fees
Oil filters and Oiled Rags	Included in moorage fees
Paint	Included in moorage fees
Hazardous Materials Not Listed From Vessel	Included in moorage fees

Penalties for Violations (see Section 2, Effective Date)

First Violation	\$50.00
Second Violation	\$100.00
Third Violation And Any there After	\$150.00

Permanent Open Moorage Vessels

Long-term vessels with no permanent stall that meet the conditions outlined in HBC 16.16.105(A) shall qualify for rates equal to the regular moorage rate for their size vessel (see #14 - *Annual Moorage Rates*). If the conditions are not met, transient rates apply (see #1 – *Transient Boat Moorage Fees*).

Permanent stall renters that have a second commercial vessel and meet the conditions outlined in HBC 16.16.105(A) shall qualify for rates equal to the regular moorage rate for their size vessel (see #14 - *Annual Moorage Rates*) provided the permanent stall fee is paid. If the conditions are not met, transient rates apply (see #1 – *Transient Boat Moorage Fees*), and from April 1st through September 30th these vessels shall be charged the long-term transient moorage rate.

Annual Moorage Rates

Length (feet)	10/1/15 to 9/30/16 (\$22/ft up to 40 ft; \$28/ft over 40 ft)	10/1/16 to 9/30/17 (\$23/ft up to 40 ft; \$29/ft over 40 ft)	10/1/17 to 9/30/18 (\$24/ft up to 40 ft; \$30/ft over 40 ft)	10/1/18 to 9/30/19 (\$25/ft up to 40 ft; \$31/ft over 40 ft)	10/1/19 to 9/30/20 (\$26/ft up to 40 ft; \$32/ft over 40 ft)
up to 25	\$550	\$575	\$600	\$625	\$650

Haines Borough
Ordinance No. 16-06-436
Page 4 of 6

Length (feet)	10/1/15 to 9/30/16 (\$22/ft up to 40 ft; \$28/ft over 40 ft)	10/1/16 to 9/30/17 (\$23/ft up to 40 ft; \$29/ft over 40 ft)	10/1/17 to 9/30/18 (\$24/ft up to 40 ft; \$30/ft over 40 ft)	10/1/18 to 9/30/19 (\$25/ft up to 40 ft; \$31/ft over 40 ft)	10/1/19 to 9/30/20 (\$26/ft up to 40 ft; \$32/ft over 40 ft)
26	\$572	\$598	\$624	\$650	\$676
27	\$594	\$621	\$648	\$675	\$702
28	\$616	\$644	\$672	\$700	\$728
29	\$638	\$667	\$696	\$725	\$754
30	\$660	\$690	\$720	\$750	\$780
31	\$682	\$713	\$744	\$775	\$806
32	\$704	\$736	\$768	\$800	\$832
33	\$726	\$759	\$792	\$825	\$858
34	\$748	\$782	\$816	\$850	\$884
35	\$770	\$805	\$840	\$875	\$910
36	\$792	\$825	\$864	\$900	\$936
37	\$814	\$851	\$888	\$925	\$962
38	\$836	\$874	\$912	\$950	\$988
39	\$858	\$897	\$936	\$975	\$1014
40	\$880	\$920	\$960	\$1000	\$1040
41	\$1148	\$1189	\$1230	\$1271	\$1312
42	\$1176	\$1218	\$1260	\$1302	\$1344
43	\$1204	\$1247	\$1290	\$1333	\$1376
44	\$1232	\$1276	\$1320	\$1364	\$1408
45	\$1260	\$1305	\$1350	\$1395	\$1440
46	\$1288	\$1334	\$1380	\$1426	\$1472
47	\$1316	\$1363	\$1410	\$1457	\$1504
48	\$1344	\$1392	\$1440	\$1488	\$1536
49	\$1372	\$1421	\$1470	\$1519	\$1568
50	\$1400	\$1450	\$1500	\$1550	\$1600
51	\$1428	\$1479	\$1530	\$1581	\$1632
52	\$1456	\$1508	\$1560	\$1612	\$1664
53	\$1484	\$1537	\$1590	\$1643	\$1696
54	\$1512	\$1566	\$1620	\$1674	\$1728
55	\$1540	\$1595	\$1650	\$1705	\$1760
56	\$1568	\$1624	\$1680	\$1736	\$1792
57	\$1696	\$1653	\$1710	\$1767	\$1825
58	\$1624	\$1682	\$1740	\$1798	\$1856
59	\$1652	\$1711	\$1770	\$1829	\$1888
60	\$1680	\$1740	\$1800	\$1860	\$1920
61	\$1708	\$1769	\$1830	\$1891	\$1952
62	\$1736	\$1798	\$1860	\$1922	\$1984
63	\$1764	\$1827	\$1890	\$1953	\$2016
64	\$1792	\$1856	\$1920	\$1984	\$2048

Haines Borough
Ordinance No. 16-06-436
Page 5 of 6

Length (feet)	10/1/15 to 9/30/16 (\$22/ft up to 40 ft; \$28/ft over 40 ft)	10/1/16 to 9/30/17 (\$23/ft up to 40 ft; \$29/ft over 40 ft)	10/1/17 to 9/30/18 (\$24/ft up to 40 ft; \$30/ft over 40 ft)	10/1/18 to 9/30/19 (\$25/ft up to 40 ft; \$31/ft over 40 ft)	10/1/19 to 9/30/20 (\$26/ft up to 40 ft; \$32/ft over 40 ft)
65	\$1820	\$1885	\$1950	\$2015	\$2080
66	\$1848	\$1914	\$1980	\$2046	\$2112
67	\$1876	\$1943	\$2010	\$2077	\$2144
68	\$1904	\$1972	\$2040	\$2108	\$2244
69	\$1932	\$2001	\$2070	\$2139	\$2208
70	\$1960	\$2030	\$2100	\$2170	\$2224
71	\$1988	\$2059	\$2130	\$2201	\$2272
72	\$2016	\$2088	\$2160	\$2232	\$2304
73	\$2044	\$2117	\$2190	\$2263	\$2336
74	\$2072	\$2146	\$2220	\$2294	\$2368
75	\$2100	\$2175	\$2250	\$2325	\$2400
76	\$2128	\$2204	\$2280	\$2356	\$2432
77	\$2156	\$2233	\$2310	\$2387	\$2464
78	\$2184	\$2262	\$2340	\$2418	\$2496
79	\$2212	\$2291	\$2370	\$2449	\$2528
80	\$2240	\$2320	\$2400	\$2480	\$2560
81	\$2268	\$2349	\$2430	\$2511	\$2592
82	\$2296	\$2378	\$2460	\$2542	\$2624
83	\$2324	\$2407	\$2490	\$2573	\$2656
84	\$2352	\$2436	\$2520	\$2604	\$2688
85	\$2380	\$2465	\$2550	\$2635	\$2720
86	\$2408	\$2494	\$2580	\$2666	\$2752
87	\$2436	\$2523	\$2610	\$2697	\$2784
88	\$2464	\$2552	\$2640	\$2728	\$2816
89	\$2492	\$2581	\$2670	\$2759	\$2848
90	\$2520	\$2610	\$2700	\$2790	\$2880
91	\$2548	\$2639	\$2730	\$2821	\$2912
92	\$2576	\$2668	\$2760	\$2852	\$2944
93	\$2604	\$2697	\$2790	\$2883	\$2976
94	\$2632	\$2726	\$2820	\$2914	\$3008
95	\$2660	\$2755	\$2850	\$2945	\$3040
96	\$2688	\$2784	\$2880	\$2976	\$3072
97	\$2716	\$2813	\$2910	\$3007	\$3104
98	\$2744	\$2842	\$2940	\$3038	\$3136
99	\$2772	\$2871	\$2970	\$3069	\$3168
100	\$2800	\$2900	\$3000	\$3100	\$3200

Haines Borough
Ordinance No. 16-06-436
Page 6 of 6

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:	05/24/16
Date of First Public Hearing:	06/14/16
Date of Second Public Hearing:	06/28/16



Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: 4-07-16

TO: Borough Assembly

FROM: Haines Borough Ports and Harbor Advisory Committee

BOARD ACTION: MOTION...TO AMEND BOROUGH ASSEMBLY APPROVED FEE SCHEDULE. 2ND, 3RD, 4TH LAUNCH RAMP PERMITS TO BE CHARGED AT \$30.00 EACH. ANY ADDITIONAL PERMITS WILL BE CHARGED AT \$60.00. 1ST NORMAN HUGHES, 2ND TERRY PARDEE. PASSED 5-0

RATIONALE: A HARBOR USER ASKED FOR RELIEF FROM \$60 PER TRAILER ANNUAL FEE. THIS HARBOR USER HAS 2 TRAILERS. AFTER DISCUSSION, THE HARBORMASTER MADE A SUGGESTION, WHICH IS REFLECTED IN THE MOTION.

BOARD REQUEST: AMEND FEE SCHEDULE TO ALLOW REDUCED FEE FOR 2ND, 3RD, 4TH TRAILER PERMITS.

SUBMITTED B: Norman Hughes, Chair, HBPHAC



Report

from the
Borough Manager

Date: 6/9/16
 To: Mayor and Borough Assembly
 From: Brad Ryan, Interim Borough Manager
 Re: **Manager's Report**

ROADS

Allen Road Water System Upgrade: During the course of the Allen Road Water System Upgrade, DOT notified the Haines Borough that there was a thick patch of pavement at the intersection of Union and Allen Road that would need to be replaced after the Haines Borough installed the new water line. In August of 2015 a string of correspondence indicates the Haines Borough committed to replace the pavement when Southeast Road Builders (SRI) started paving plans for the ferry terminal paving. In May of 2016 SRI started paving and we instructed them to complete the patch at Union and Allen. However, the invoice exceeds the \$25,000 amount the manager may authorize via change order. This did not affect the loan amount as that was already spent in its entirety and would have only resulted in an increased loan amount. Therefore, I am suggesting we use roads money to pay for this project and would like to request a motion to authorize this payment. A suggested motion follows and the string of correspondence follows my manager's update.

Motion: Authorize the Borough Manager to execute a contract with Southeast Road Builders for the Allen Road asphalt patch for an amount not to exceed \$36,564.

FACILITIES/PUBLIC WORKS

- The primary effort for facilities has been the reconstruction of the women's showers in the swimming pool locker room.
- Graded Porcupine Road and replaced a failing culvert in the road.
- Picked up the new Public Works truck.
- Mowed lawns and brush clearing around signs and fire hydrants, burned brush pile at fairgrounds, improved drainage on Blacksmith, and Brew Fest support. A big thank you to Ted Cheney and Kyle Klinger for their hero's effort of keeping the restrooms and parks running and clean on Brew Fest weekend.
- Porcupine Road washed out and we had to make emergency repairs. Fortunately, Southeast Road Builders was working in the Sunshine pit when it washed out and they managed to repair the road before the river completely washed out the road. However, this brings up the bigger question of how much money and effort we want to put into the Porcupine Road. It appears we are going to have similar issues not far downstream of the latest washout and we will need to put more money and effort into the road. In addition, the road was relocated about 10 years ago and now we need an as-built survey for an easement on DNR land. This was part of the conditions for the movement of the road.

TOURISM

- Into our fourth week of cruise ships with good numbers of people getting off to go on tours of Haines.
- Tourism Director Leslie Ross attended Cruise 360 in Vancouver, a tradeshow/conference geared toward travel agents and cruise ship sales. The time allowed for several visits with high-end tour planners as well as visiting with ship officials.
- We have a lot of travel writers coming through, with one strong visit to cover the Heritage Center and the Whale House Art.
- Preparing for Bike Race with porta potties, signs and extra staff.
- We will have a site visit with Seabourne next week to prepare for 2017.
- Working on new flag/banners for Main Street and Fort Seward poles.
- Working on ad campaign for Yukon planner, Yukon Transit bus, Juneau radio and print.
- Received first updates from the SPAWN Ideas online audit and are preparing to put in action.

FIRE/EMS

- The 2007 fire engine transmission failed and will need to be replaced. We are awaiting cost estimates.

HARBOR

- I received the following request from the Parks and Recreation Advisory Committee: “PRAC requests that the Haines Borough harbor expansion design include an area equivalent in size to the current Lookout Park to be allocated for the relocation of Lookout Park, and that the new park include professionally designed landscaping and safe, pedestrian access to the park and across the harbor parking lot. The PRAC also requests that the Borough Manager designate a Borough employee to manage the harbor development project so that the Borough waterfront uplands continue to meet the dual needs of a working harbor and public recreational use.” My response is that as the interim borough manager and facilities director I am charged with managing the harbor development project. I also intend to continue the management of the harbor development project when I return to full-time facilities director. It was my understanding when I was hired that I would be taking over this project and, unless the new borough manager changes this direction, it is my intention to continue with the project oversight. The FY17 budget has money designated to begin the process for conceptual designs of moving Lookout Park and routing pedestrians around the entire waterfront. If this budget item is upheld I will begin drafting an RFP for these conceptual designs for the harbor. In addition, I have started working with ADF&G on a cooperative agreement for a sport ramp of which a major component is the location of Lookout Park and the flow of vehicle and pedestrian traffic.
- With the new conditions of the 408 permit, we needed to amend the 404 permit which PND completed and has been submitted to the USACE.
- The Excursion Inlet float, pile hoops for the lightering float and LED lights are on order.
- Power washed the old dock section at the PC Dock and the ramp at Lutak.
- HSFF hit the lightering float and there was minor damage that the harbor staff is repairing.

LANDS

- Owner of Record for Deed Changes have been updated through June 1, 2016.
- Applications for Disabled Veterans/Senior Citizens have been reviewed with three applications pending PFD approval.
- Tax roll will be certified upon completion of Disabled Veterans/Senior Citizens final approval.
- Priority for assessor to date is annual report due to the Office of the State Assessor July 1.

WATER/SEWER

- We received bid documents from Jim Dorn for the wastewater treatment plant and we are reviewing them. Mr. Dorn also provided a copy to DEC to prepare them for the upcoming submittal. The plan is still to go to bid this fall and the scope of the project will depend on the Governor’s budget.

Brad Ryan

From: Gray, Scott J (DOT) <scott.gray@alaska.gov>
Sent: Wednesday, August 05, 2015 9:58 AM
To: Boron, Matthew S (DOT); Brian Lemcke; Krista Kielsmeier
Cc: David Sosa
Subject: RE: Allen Road
Attachments: 02_24_2015_AC_Pavement_Apron_Paving_Letter.docx

Here is the letter I received a while back, I am pretty sure I have a signed copy somewhere.

From: Boron, Matthew S (DOT)
Sent: Wednesday, August 05, 2015 9:41 AM
To: Brian Lemcke; Krista Kielsmeier
Cc: Gray, Scott J (DOT); David Sosa
Subject: RE: Allen Road

Thank you Brian. I'll add my own two cents so we are all on the same page. Basically, over the years we had complete chipseal failure over and over on the Union/Allen intersection due to the heavy usage of trucks by AML. We finally resolved this about 6 years ago when the State repaved Union, we were able to put actual pavement in this intersection which is of course much stronger structurally. It was my assumption and memory that the new water line associated with the Union job was stubbed out to the edge of the asphalt. Therefore, I never brought it up during pre-con because I thought it was a non-issue until I saw it ground up! At any rate, here we are, and as Brian indicated, the State would like to see asphalt concrete back in the intersection whenever there is paving going on. Probably a thickness of 3 to 4 inches. With Brian leaving and folks coming and going at the Borough and the State, I just don't want it to be forgotten. Thanks.

Matt Boron
Haines Foreman &
Airport Manager
907-766-2340



From: Brian Lemcke [<mailto:blemcke@haines.ak.us>]
Sent: Sunday, August 02, 2015 11:34 AM
To: Krista Kielsmeier
Cc: Boron, Matthew S (DOT)
Subject: Allen Road

Hi Krista,

As I am working on my exit plan a few things come to mind that will be important to have a record of. I will be sending them on to you as they occur me and you can file them in the most appropriate place. First one is on the Allen Road job: As the connection of the new system was made to the existing on Union St. it was necessary to make a bigger excavation than was anticipated, this resulted in larger quantities of material, that will show up on a change order we can deal with

later. What I don't want get lost is as we opened up that area we had to take up some heavy asphalt in the intersection that had been installed to accommodate the large heavy truck traffic into AML. The state did chip coat the area but that won't hold up so the next time there is a paving project going on in town (Probably when the ferry terminal is paved) I assured Matt Boron, DOT superintendent, that the borough would have that area paved with asphalt.

Brian Lemcke

Interim Public Facilities Director

Haines Borough, Alaska

blemcke@haines.ak.us

Office 907-766-2231 ex 28

Cell 907-314-0648

Mr. Scott Gray
Maintenance and Operations Specialist
Alaska Department of Transportation and Public Facilities
P.O. Box 112506
MS-2506
Juneau, AK 99811-2506

Re: Haines Borough Allen Road 2015 Water System Upgrade

Dear Mr. Gray:

As you may know, we need to replace a short length of old cement asbestos water line that was left under the AC pavement apron at the intersection of Union Street and Allen Road.

The Haines Borough agrees to remove the AC pavement apron and to replace it with a new AC pavement apron matching the existing pavement apron after completion of the Allen Road 2015 Water System Upgrade project and prior to ADOTPF chip sealing Allen Road.

Sincerely yours,

David Sosa
Borough Manager

Cc: Martin Peters, ADOTPF
Carlos Jimenez, Haines Borough
Krista Kielsmeier, Haines Borough
Jim Dorn, Carson Dorn, Inc.

Krista Kielsmeier

From: Brian Lemcke
Sent: Sunday, August 02, 2015 11:34 AM
To: Krista Kielsmeier
Cc: matthew.boron@alaska.gov
Subject: Allen Road

Hi Krista,

As I am working on my exit plan a few things come to mind that will be important to have a record of. I will be sending them on to you as they occur and you can file them in the most appropriate place. First one is on the Allen Road job: As the connection of the new system was made to the existing on Union St. it was necessary to make a bigger excavation than was anticipated, this resulted in larger quantities of material, that will show up on a change order we can deal with later. What I don't want get lost is as we opened up that area we had to take up some heavy asphalt in the intersection that had been installed to accommodate the large heavy truck traffic into AML. The state did chip coat the area but that won't hold up so the next time there is a paving project going on in town (Probably when the ferry terminal is paved) I assured Matt Boron, DOT superintendent, that the borough would have that area paved with asphalt.

Brian Lemcke

Interim Public Facilities Director

Haines Borough, Alaska

blemcke@haines.ak.us

Office 907-766-2231 ex 28

Cell 907-314-0648



Chilkat Center for the Arts

A Community Facility Operated by the Haines Borough

(907) 766-3573

facsimile (907) 766-3574

E-mail business@khns.org

8B

Facility Administration Report May 2016

Usage:

Busy month at the Chilkat Center in May. We kicked off in the first week with the Synthesis Dance group from New York. This gave the center a chance to try out the new dance floor that was purchased as part of the big grant and was clearly a success given all the rave reviews.

Update on the Tank Farm cleanup, four evenings of theater with the *The Incorruptibles*, directed by Amanda Randles, generously sponsored by the Lynn Canal Community Players.

The Arts Confluence and the National Park Service hosted a series of discussion and practical application of masonry as well as creative ideas for the future of the Fort Seward Barracks. And the Haines School Music Festival, directed by Jason Muccino, drew a loyal crowd of enthusiasts. Geppetto's Junkyard, swift on the heels of their success in Petersburg, played two shows on the last Friday of the month to very respectable crowds.

The Arts Confluence is hoping to install an artwork by Debi Knight-Kennedy in the foyer of the CCA. John Carlson is providing a custom case. The installation challenge is how to light the case; electrical options are being explored.

With a couple of weddings in town, tables and chairs were a hot commodity. The Chilkat Center made \$100 renting some of each for some local nuptials.

Classes are taking a hiatus this summer – no more Stretch and Strength until September, Morning Muscles is out until August, Yoga is down to once a week and Jujutsu has bought a building in the Fort that they are renovating over the summer and will occupy in fall-ish.

Maintenance:

Volunteers needed for the front garden maintenance, lots of weeds – also lots of strawberries by the looks of the plants. Get in early before the community theater begins and brings lots of little foragers.

Submitted by Facilities Manager, Kay Clements, for May 2016

	Chilkat Center for the Arts		
	5/31/2016		
Contact	Function	Participants	Amount
	Dance Studio		
Chorus Bishop	Jujutsu	113	\$292.50
Marilyn Harrold	Tai Chi	38	\$210.00
	Lobby		
Well and Fit - Marnie Hartmann	Morning Muscles	56	\$105.00
St Michael's - Anne Boyce	Sunday Services	75	\$375.00
Well and Fit - Judy Ewald	Strength and Stretch	70	\$120.00
Mandy Ramsey	Yoga	54	\$75.00
Northwind	May 5th Meeting	30	\$100.00
Alaska Arts Confluence	Masonry Symposium	50	\$300.00
Alaska Mountain Guides	Training	50	\$75.00
	Conference Room		
KHNS	Board Meeting	7	n/c
FCCA	Board Meeting	8	n/c
	Auditorium/ Basement		
LCCP	<i>The Incurruptibles</i> - Amanda Randles, Director	300	\$1,300.00
Haines Arts Council - Matt Whitman	Dance Synthesis	250	\$350.00
Gene Kennedy	Geppetto's Junkyard	300	\$350.00
HBSD	Music Festival with Jason Muccino	250	\$350.00
	MISC		
Alisa Beske	Chair & Table Rental		\$100.00
	May Totals	1651	\$4,102.50

The Haines Vol. Fire Dept. had two (32 responders /88 hours) fire callouts in May. The first call was a controlled burn that spread through a culvert and ignited a fire across the road. The second was for a fire in an abandoned building that was fully involved upon arrival. The fire was contained to the structure of origin. Fire callouts for 2016 total 12. The Haines Vol. Fire Dept. responded to 30 (90 responders/ 92 hours) ambulance calls in May. Calls included a trauma victim, one with abdominal pain, a back pain, 3 with respiratory distress, a swollen face, a genital bleeding, a general weakness, 2 with hypothermia, 2 with headaches, a chest pain, 2 standbys, 2 canceled enroute, 2 patient refusals, and 10 medivac/ transports. Ambulance callouts for 2016 total 126. There were no SAR callouts in May.

The first joint meeting (14 Fire & 10 EMS, 3 hrs) was a business meeting followed with our response drill at the boat harbor. Fire response teams practiced hookups to the harbor fire suppression connections while ambulance responders practiced patient removal from fishing vessels. The EMS training meeting (11 volunteers, 2 hrs) was run reviews with Physician sponsor Dr. Dave McCandless and that was followed by a presentation on spinal stabilization by Lt. Thom Andriesen with assistance from Suzanne Vuillet-Smith on using vacuum mattresses. Tim Holm & Kyle Fossman made short presentations on SEREMS symposium classes they attended. The fire training (19 volunteers, 2hrs) was deploying and filling a foldatank. Engineers then practiced drafting with Rescue 1 and general operation on Engine 2. Fire responders practiced operation of a Mark 3 pump (used to transfer water long distances) mainly in wildland fire situations. Thanks to Engine Capt. Larry Jurgeleit and Fire Chief Greg Palmieri for their assistance with these presentations. Thanks to all that help with our training presentations.

Kyle Fossman & Tim Holm completed an EMT 1 class this month, thanks guys for upgrading your skills. AMG offered the class for no charge to the HVFD in exchange for use of the training room and equipment usage. This was a win for both agencies.

There are many major events this month and upcoming this summer. Thanks for Suzanne, Patty & Jacob for standing by at the beerfest. Next month we have the bike race and in July there are the HVFD B-B-Que, 4th of July activities, and Southeast State Fair along with other general summer events. Another issue on the horizon is that ISO (Fire Insurance Rating) is coming in July to evaluate our department.

Summertime means hose testing time, so listen up and help out when you can as we have purchased a hose tester and Jenn will be conducting tests periodically all summer.

Kyle Fossman's last day as a paid staff employee was May 31. We thank him for his service and he still plans to remain as an active volunteer on the ambulance crew. That means that we are short staffed as his replacement has not been selected. Please stop by and find out how you can be of service to our dept.

Volunteer Hours for May 2016

HVFD Fire 214	HVFD Ambulance 318	SAR
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Volunteer Hours HVFD for 2016

HVFD Fire 901	HVFD Ambulance 1435	SAR
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Total Volunteer Hours HVFD for 2016 2346 Hours

Respectfully Submitted,



AL Badgley, EMS Company Captain


 REGULAR MEETING

 Parks and Recreation
Advisory Committee
(PRAC)

 SPECIAL MEETING

Approved

COMMITTEE MEETING SUMMARY AND MINUTES

Meeting date: 4/20/2016

Time: 5:00 pm

Location: Library

Committee members present:

Chair person: Richard Chapell

Burl Sheldon, Thom Ely, George Figdor, Patty Peters, Richard Chapell

Guests: Ron Jackson (BA Liaison), Jeremy Stephens (Public)

Person filling out form: Richard Chapell

Topics of discussion:

- Approve minutes from 3/15/2016 meeting: No changes suggested.
- Invite guest speakers to next PRAC meeting:
 - **Rich** will invite Travis Russell, State Park Ranger
- Haines waterfront walk and harbor uplands design.
 - Portage Cove waterfront trail and pavilion is a \$45k CIP item in Manager's FY17 Budget.
- Zoning downtown core park on Borough owned lot 8A for recreation.
 - Parks & Rec sent letter recommending Lot 8A rezone as REC letter to Assembly. Without discussion, Assembly referred the idea to Planning and Zoning Committee.
 - P&Z will consider at their May 12 meeting. **Burl's talking points:**
 - Value of town square to downtown businesses
 - Value to community
 - In 2025 Comprehensive Plan
 - **Burl will** invite Carol Tuynman, Lenise Fontenot, Kyle Gray, Dick Flegel to support
- PRAC prioritizes tasks identified from 2025 Comprehensive Plan
 - Town square - in progress
 - Waterfront trail - in progress
 - Identify & acquire easements needed to maintain access to shoreline and rec sites, e.g.
 - River Rd to Jones Pt, Mt. Riley trail from Mud Bay Rd
 - **George** will report back to PRAC after reviewing Comp. Plan for salient references about access challenges.

- Parks ordinance
 - Designate Borough recreation lands in code
 - Codify allowed activities in parks
 - **Burl** agreed to research parks-related ordinances contained in muni codes in other SE AK communities and report back to PRAC.
- Borough-wide recreation plan
 - Trail Mix history
 - NPS grant availability for trail planning
 - No PARC action planned at this time
- Outhouse at (or near) Mosquito Lake state recreation area
 - State Parks says they do not want install unless they get funding to maintain
 - Build on Borough property? Mosquito Lake School, skate park
 - Discuss with Park Ranger Russell at next PRAC meeting
 - **Rich** will contact Mosquito Lake School and Community Center board to ask if they are interested in taking on the task of providing a public restroom.
- Joint meeting with Ports & Harbors on April 25 re: Lookout Park during harbor expansion
 - As early as May 1, totem and memorial will be moved to prepare for construction
 - Pavilion is structurally unsound and will not be saved or moved
 - Ely believes the vista and surroundings at Dog Cart sculpture site are more suitable for Lookout Park than the expanded harbor parking bulge in 95% design.
 - The PRAC recommendation below will be conveyed at this meeting.

Action Taken:

- M/S Sheldon/Ely, passed 5-0: Approve minutes from 3/16/2016.
- M/S Ely/Sheldon, passed 4-1: Consider a permanent move of Lookout Park to the Dog Cart Sculpture area to the West of the PC Dock. Request the Manager leads land ownership and space evaluation, and procure conceptual drawings. When the expanded harbor parking lot ground work is complete, the fishermen's memorial will anchor a park space on the SE corner of the pad.

Next meeting date: May 18, 2016, 5 pm at the library.



REGULAR MEETING

Parks and Recreation
Advisory Committee
(PRAC)

SPECIAL MEETING

Draft

COMMITTEE MEETING SUMMARY AND MINUTES

Meeting date: 5/18/2016

Time: 5:00 pm

Location: Library

Committee members present:

Chair person: Richard Chapell

Burl Sheldon, George Figdor, Patty Peters, Richard Chapell

Guests: Ron Jackson (BA Liaison), Margaret Freidenauer (BA), Debra Schnabel (Public),
Jeremy Stephens (Public)

Person filling out form: Richard Chapell

Topics of discussion:

- Approve minutes from 4/20/2016 meeting: No changes suggested.
- Public testimony
 - Schnabel – Park lands in the Borough are suffering from a lack of use planning. For example, on the DNR Chilkat River Beaches parcel, fire pits and social trails are proliferating, there needs to be trash cans and dog waste bag dispensers.
- Haines harbor uplands design and waterfront walk.
 - We need to make sure there is a balance between two important uses of the Borough waterfront on Portage Cove: a working harbor and public recreation.
 - The Dog Cart sculpture site is not adequate to replace the functions of Lookout Park due to limited space and parking.
- Zoning downtown core park on Borough-owned lot 8A for recreation.
 - Sheldon – At the May 12 Planning Commission meeting, several members were opposed to rezoning Borough-owned Lot 8A as Recreation, so the matter was dropped.
 - **Sheldon will meet with the Manager and the Planning Technician** to learn about other avenues for designating certain Borough parcels as parks.
- Develop parks definition and regulation in Borough code - Not discussed due to lack of time.
- Request that the Mayor ask Alaska State Parks to rebuild the outhouses at Mosquito Lake Recreation Site - Not discussed due to lack of time. **Peters will circulate her draft letter** to Parks & Rec members by email for discussion at the next meeting.

Action Taken:

- Minutes from 4/20/2016 meeting unanimously approved.
- M/S Sheldon/Figdor, passed unanimously: Rescind PRAC's 4/20/2016 meeting motion to consider a permanent move of Lookout Park to the Dog Cart Sculpture area to the West of the PC Dock.
- M/S Sheldon/Figdor, passed unanimously: *PRAC requests that the Haines Borough harbor expansion design include an area equivalent in size to the current Lookout Park to be allocated for the relocation Lookout Park, and that the new park include professionally designed landscaping and safe, pedestrian access to the park and across the harbor parking lot. The PRAC also requests that the Borough Manager designate a Borough employee to manage the harbor development project so that the Borough waterfront uplands continue to meet the dual needs of a working harbor and public recreational use.*

Next meeting date: June 22, 2016, 5 pm at the library.

PHAC Meeting Minutes: APPROVED
28Apr16

Members Present:

Terrance Pardee, Bill Rostad, Fred Gray, Brad Badger & Norm Hughes

Assembly Liaison: Margaret Friedenauer

Harbormaster: Shawn Bell

Borough Manager: Brad Ryan

Members Absent:

Glen Jacobson & Don Turner Jr.

Audience Present:

Jeremy Stephens, Diana Lapham, Susan Waterhouse, Bill Thomas, & Patricia Peters

Meeting Details:

- Agenda Approved.
- 7Apr16 meeting minutes approved.
- Public Comment:
 - o Susan Waterhouse and Bill Thomas spoke.
- Harbormaster Report :
 - o Aging Report made.
 - o No updates with 408 permit review, hope to have comments at the end of April.
- Old Business:
 - o Lookout Park
 - Committee members spoke about previous joint meeting with Parks & Rec and gave their views with what role the PHAC should play.
 - No action taken.
 - o Lutak Dock:
 - Nothing new reported from Borough staff.
 - No action taken.
- New Business:
 - o FY17 Budget Review:
 - Committee reviewed the Harbor, Lutak Dock, and PC Dock funds.
 - No action taken.
- Public Comments:
 - o Susan Waterhouse, Bill Thomas, and Patricia Peters spoke.
- Next meeting 26May16, this meeting will be moved to the evening.

MINUTES OF SPECIAL MEETING 5-5-16 - **APPROVED**
HAINES BOROUGH PORTS AND HARBOR ADVISORY COMMITTEE

IN ATTENDANCE... **FRED GRAY, BILL ROSTAD, GLEN JACOBSON, BRAD BADGER, DON TURNER JR, NORMAN HUGHES**

PUBLIC COMMENT

408 PERMIT, ARMY CORPS REQUEST FOR PUBLIC COMMENT. DOES COMMITTEE WANT TO COMMENT?

Motion, Norman Hughes1st, Bill Rostad2nd. Passed 6-0

Haines Borough Ports and Harbor Advisory Committee agrees with the findings of the PND letter # 102029.12 and encourages the Army Corps to issue the 408 permit.

PUBLIC COMMENT

ADJOURN



REGULAR MEETING

SPECIAL MEETING

TAB PHAC LIBRARY PSC PRAC

CCAB MUSEUM Other _____

Please Check Appropriate Box

Committee Meeting Summary

Date 5-26-16 Time of Meeting 5 Location MUNICIPAL CHAMBERS

Committee Members Present:

Chair Person: NORMAN HUGHES

NORMAN HUGHES, FRED GRAY, DON TURNER jr, BILL ROSTAD, BRAD BADGER,

Person Filling out form: NORMAN HUGHES

Topics of Discussion:

- HARBOR MASTERS REPORT
- OLD BUSN. 408 LETTER TO JULIE AT ARMY COR. LUTAK DOCK NO UPDATE
- NEW BUSN. CIP LISTS FOR HARBOR PROJECTS(START), HARBOR RULES TO BE REFINED.
- TALKED ABOUT LARGER HARBOR BOAT FOR RESCUES AND ASSISTS.
- _____

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

- APPROVED MINUTES FROM THE HBPHAC MEETINGS DATED 4-28-16 AND 5-5-16
- _____
- _____
- _____
- _____

Next Mtg Date: 6-30-10:30 * NOTE: This Summary should NOT replace Minutes or Requests for Assembly Action



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 16-659
Assembly Meeting Date: 6/14/16

Business Item Description:	Attachments:
Subject: Request for Community Purpose Exemption for Alaska Indian Arts (Parade Grounds)	1. Resolution 16-06-678 2. Memo from the Assessor 3. AIA Application for CPE status
Originator: Assessor	
Originating Department: Lands/Assessment	
Date Submitted: 6/1/16	

Full Title/Motion:
Motion: Adopt Resolution 16-06-678.

Administrative Recommendation:
The Assessor recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$	Continued Reduced Prop Tax Rev.

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: _____
Consistent: Yes No

Summary Statement:
A complete application was received from Alaska Indian Arts requesting a Community Purpose Exemption for real property account C-PTC-0G-0000 (Block G, Port Chilkoot Subdivision (Parade Grounds). The applicant states the "parade grounds, tribal house and log cabin listed are an integral part of the National Historic landmark, so additional construction of Block G would be limited to additions to 'Totem Village'. The tribal house was named 'Noow Hit' by the elders of the Gaanaxteidi Clan of Klukwan and as a named clan house the site exists forever as such. The value of the parade grounds as public space for relaxation and recreation is an important component of the National Landmark." This property was previously exempt. The assessor evaluated the request and recommends the assembly grant Community Purpose Exemption status because the property qualifies for this exemption under the factors outlined in HBC 3.70.040(D)(1)(a-k). Borough Code requires assembly action on a request for community purpose exemptions.

Referral:
Referred to: _____ Referral Date: _____
Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 6/14/16 Public Hearing Date(s): _____
Postponed to Date: _____

A Resolution of the Haines Borough Assembly approving in response to an application from Alaska Indian Arts, Inc., as recommended by the borough assessor, a community purpose property tax exemption for the Parade Grounds property at Fort Seward, and requiring an updated plat within one year of exemption approval.

WHEREAS, Haines Borough Code 3.70.040(D) provides for a Community Purpose Exemption for real property owned by an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided the organization applies and meets the code and policy community purpose standards and requirements, and receives assembly approval; and

WHEREAS, a complete application was received from Alaska Indian Arts, Inc. (AIA) requesting a Community Purpose Exemption for real property account C-PTC-OG-0000, Block G, Port Chilkoot Subdivision, also known as the "Parade Grounds"; and

WHEREAS, the parade grounds property is located at Fort William H. Seward and is an integral part of the National Historic Landmark and serves as a public space for recreation and cultural events; and

WHEREAS, the borough assessor evaluated the request and recommends the borough assembly grant Community Purpose Exemption status because the property qualifies for this exemption under the criteria outlined in HBC 3.70.040(D)(1)(a-k); and

WHEREAS, this property has some unique circumstances including 1) access to and from the property does not follow the platted right-of-way, 2) the most recent plat does not identify parking areas for either public or private use that are currently being used for that purpose, and 3) the one acre, taxable parcel which is leased for commercial use also has two structures on it (the tribal house and art gallery) that have been exempt from real property taxes as a local exemption along with the parade grounds; and

WHEREAS, while the assessor may disregard insignificant non-community-purpose use, the above circumstances have been questioned by the general public; therefore, the assessor recommends an updated plat amending the right of way, identifying parking areas, and identifying the commercial use parcel as a "conforming" lot with an appropriate name be recorded with the Haines Recording District within one year of the assembly's approval of this exemption; and

WHEREAS, HBC 3.70.040(D)(5)(c) requires the assessor to forward community purpose exemption applications to the assembly along with a recommendation for approval or denial,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly:

Section One: Approves in response to an application from Alaska Indian Arts, Inc., as recommended by the borough assessor, a Community Purpose Property Tax Exemption for properties specified in this resolution; and

Section Two: Requires Alaska Indian Arts, Inc. to record within one year of the adoption of this resolution an updated plat amending the right of way, identifying parking areas, and identifying the commercial use portion as a "conforming" lot with an appropriate name.

Haines Borough
Resolution No. 16-06-678
Page 2 of 2

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

Haines Borough Lands Department
P.O. Box 1209
Haines, Alaska 99827
Phone (907) 766-2231 (ext. 33)
Fax (907) 766-2716



Memo:

To: Haines Borough Assembly
From: Dean Olsen
Assessor
Date: 6/1/2016
Re: Alaska Indian Arts Community Purpose Exemption Application

Honorable Members of the Haines Borough Assembly;

A completed application from Alaska Indian Arts, Inc. (AIA), requesting the Non-profit Community Purpose Exemption per HBC 3.70.040 (D), for Block G, Port Chilkoot Subdivision (C-PTC-0G-0000), also known as the "Parade Grounds," was submitted on March 31, 2016. This application was reviewed extensively and discussed at length with Interim Manager Brad Ryan. The 11 qualifying factors from HBC 3.70.040 (D) 1. a-k were considered when reviewing this application and support justification for approval.

While there is no doubt the subject property is unique and public use of the property impacts the quality of life of borough residents in a positive way, there are some circumstances around the property that are out of the ordinary when compared to previously approved community purpose exemptions.

1. Access to and from the property does not follow the platted right-of-way.
2. The most recent plat does not identify parking areas for either public or private use that are currently being used for that purpose.
3. The one acre, taxable parcel which is leased for commercial use also has two structures on it (the tribal house and art gallery), that have been exempt from real property taxes as a local exemption along with the parade grounds. (See lease documentation attachments.)

While the assessor may disregard insignificant non-community-purpose use, the above circumstances have been questioned by the general public. Therefore, it is recommended that an updated plat amending ROW, identifying parking areas, and identifying the commercial use parcel as a "conforming" lot with an appropriate name be recorded with the Haines Recording District within one year of the Assembly's approval of this exemption.

After evaluating AIA's application it is recommended the Haines Borough Assembly grant its request for the local exemption outlined in Haines Borough Code.

Dean Olsen
Haines Borough Assessor



ALASKA INDIAN ARTS, INC.

Specialists in Northwest Coast Indian Art
"Home of the Chilkat Dancers"
Box 271 Haines, Alaska 99827



President-Lee D. Heinmiller

RECEIVED

MAR 31 2016

Dean Olsen, Assessor
Haines Borough Land Dept.
PO Box 1209
Haines, AK 99827

HAINES BOROUGH

Dear Dean,

3/30/2016

Enclosed is the form and supporting documents to reapply for the Community Purpose exemption for Alaska Indian Arts, Inc. AIA, Inc. is a 501(c)(3) not for profit organization under IRS code.

The parade grounds, tribal house and log cabin listed are an integral part of the National Historic landmark, so additional construction of Block "G" would be limited to additions to "Totem Village".

The tribal house was named "Noow Hit" by the elders of the Gaanaxteidi Clan of Klukwan and as a named clan house the site exists forever as such.

The value of the parade grounds as public space for relaxation and recreation is an important component of the National Landmark.

Alaska Indian Arts has been an important part of the cultural revival of the NW Coast art and dance. We have made substantial contributions to the community of Haines for the past 50 years.

The Chilkat Dancers have been seen at local venues by of 250,000 tourists from 1965 to 2000.

National and International film and print advertising of Haines has reached millions of viewers.

Alaska Indian Arts provides educational talks to visitors and students, our staff support cultural events in Haines and Klukwan. We provide instruction and lend regalia to various local dance groups.

We participate with the Haines Library and Museum to offer cultural lectures to the public. Our artists allow visitors to observe them at work carving and engraving at no charge.

We are donating a large collection from our archives to the Haines Sheldon Museum to aid in their continued development as a repository of art and culture.

Some items will still be available to local dance groups on loan. The continuing development of our young people's interest in Tlingit art and dance is very important to the ongoing revival of NW Coast Cultural Heritage. The Borough uses portions of Block "G" for snow storage in the winter, AIA allows limited used of motorized winter recreation on the grounds. Skiers and other outdoor enthusiasts use the parade field for sledding and snowboarding. It is a gentle slope and unobstructed for young learners.

Thank you for your assistance in considering our request.

Lee Heinmiller, Director
Alaska Indian Arts, Inc.

APPLICATION FOR LOCAL EXEMPTIONS & EXCLUSIONS



Haines Borough
Office of the Assessor
103 Third Avenue S.
P.O. Box 1209
Haines, AK 99827
907-766-2231

RECEIVED

MAR 31 2016

HAINES BOROUGH

This form is to be used to apply for a community purpose exemption of real property assessments. Community Purpose Exemptions are regulated by HBC 3.70.040 Local exemptions & exclusions and the current assembly-adopted administrative policy. The applicant has the burden of proof to show the property is eligible for exemption from property tax. The Assessor may require additional information, to be provided in a timely manner. **POSTMARK DEADLINE is March 31, of the applicable year.**

Return applications to: Haines Borough Administration Building, 103 Third Ave S., or FAX to 907.766.2716. Telephone assistance is available at 907.766.2231 (Ext. 33).

Applicant Contact Information:

Name LEE HEINMILLER Phone # (907) 766-2160
Address BOX 271 HAINES Email LEE@ALASKA INDIAN ARTS.COM

Assessment/Tax Year 2016
Parcel # C-PTC-06-0000

Organization Name ALASKA INDIAN ARTS, INC.

Property Description: (type of property, building size, lot size, etc.)
FORT SEWARD PARADE GROUNDS
TRIBAL HOUSE AND CABIN -
"TOTEM VILLAGE"

Non-profit Community Purpose Exemption

(HBC 3.70.040 Local exemptions and exclusions)

Initial **yes** or **no** to answer the following:

1. Is the organization organized as a not-for-profit profit entity? Yes ✓ No
2. Does the organization have a current IRS S01(c)(3) or 501(c)(4) exemption ruling? Yes ✓ No
3. Is this property used exclusively (100%) for the exemption sought? Yes ✓ No If no explain: _____
4. Is any portion of the building or lot used for other purposes? Yes ✓ No If yes explain:
HAINES BOROUGH USES APPROX. 1 1/2 ACRES
FOR WINTER SNOW STORAGE
5. Was any of this property used for rental purposes last year or previous year? YES NO ✓ (If yes, please provide the total amount received and all expenses associated with the rental cost.)
Total rent collected: _____ Expenses: _____

Explain: _____

Continued >>

APPLICATION FOR LOCAL EXEMPTIONS & EXCLUSIONS

6. Is there a Membership Fee or fee to use or enter the property? YES _____ NO If yes explain:

7. Was property utilized as long-term residential housing? YES _____ NO If yes, was property used for at least one of the following: N/A

- YES _____ NO _____ Providing affordable rental housing for low income residents
 YES _____ NO _____ Providing affordable rental housing with access to care for Senior Citizens (age 65 and older)
 YES _____ NO _____ Providing affordable rental housing with access to care for US military Veterans with a service related disability of 50% or higher as determined by the Veteran's Administration
 YES _____ NO _____ Providing affordable rental housing with access to care for members of the community with a long term illness, injury, or disability

8. Describe the nature and uses of this property as it is related to the exemption requested (non-profit function), and explain how the use of this property is eligible for the exemption sought with relation to HBC 3.70.040(D)(1) [Attach additional information, as needed.]

THE PARADE GROUNDS IS USED BY THE PUBLIC AS PARKLAND: KITE FLYING, SUN BATHING, DOG WALKING, OUTDOOR RECREATION WHICH INCLUDES HIGH SCHOOL SPORTS GROUPS, HAINES SKI CLUB, SAIL (FOR ASSISTED SNOW SPORT ACTIVITIES), KARATE AND DANCE GROUPS, YOUTH GROUPS AND OTHER LOCAL ORGANIZATIONS, FOURTH OF JULY EVENTS SLIP & SLIDE DAYS, AND OTHER RECREATIONAL ACTIVITIES, WEDDINGS, CULTURAL EVENTS, AND MEETINGS OF LOCAL NON-PROFIT ORGANIZATIONS -

⊗ THE CHILKAT-KLUANE BIKE RACE UTILIZES THE ENTIRE PROPERTY @ NO CHARGE FOR 3 DAYS EACH YEAR.

Applying for an exemption of real property assessments under HBC 3.70.040, Local exemptions and exclusions, does not guarantee tax exempt status, but is granted case by case upon review of each application. If approved the exemption is valid for a period of three (3) years and claimants must submit annual validation statements to the assessor no later than March 31st of each year the exemption remains valid. LL (Applicants initials)

I hereby certify that the information provided is true and correct to the best of my knowledge.

Principal/Agent: LEE HEINMILLER Title: PRESIDENT

Signature: Lee Heinmiller Date: MARCH 30, 2016

Attention: All information required on page 3 of this application must be included when applying before exempt status is considered.

APPLICATION FOR LOCAL EXEMPTIONS & EXCLUSIONS

HBC 3.70.040 Local exemptions and exclusions:

D. Community purpose exemption. The borough exempts from taxation the real property of an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided that income derived from rental of that property does not exceed the actual cost to the owner of the use by the renter.

A request for exemption from the property taxes must be received by **March 31** of the applicable tax year. The property must be in use as of January 1 of the tax year in order to obtain an exemption for that year. Exemptions are not prorated and are granted based on two critical criteria: 1) not for profit ownership and, 2) exclusive use of the property for an exempt purpose. Typically vacant land is not exempt.

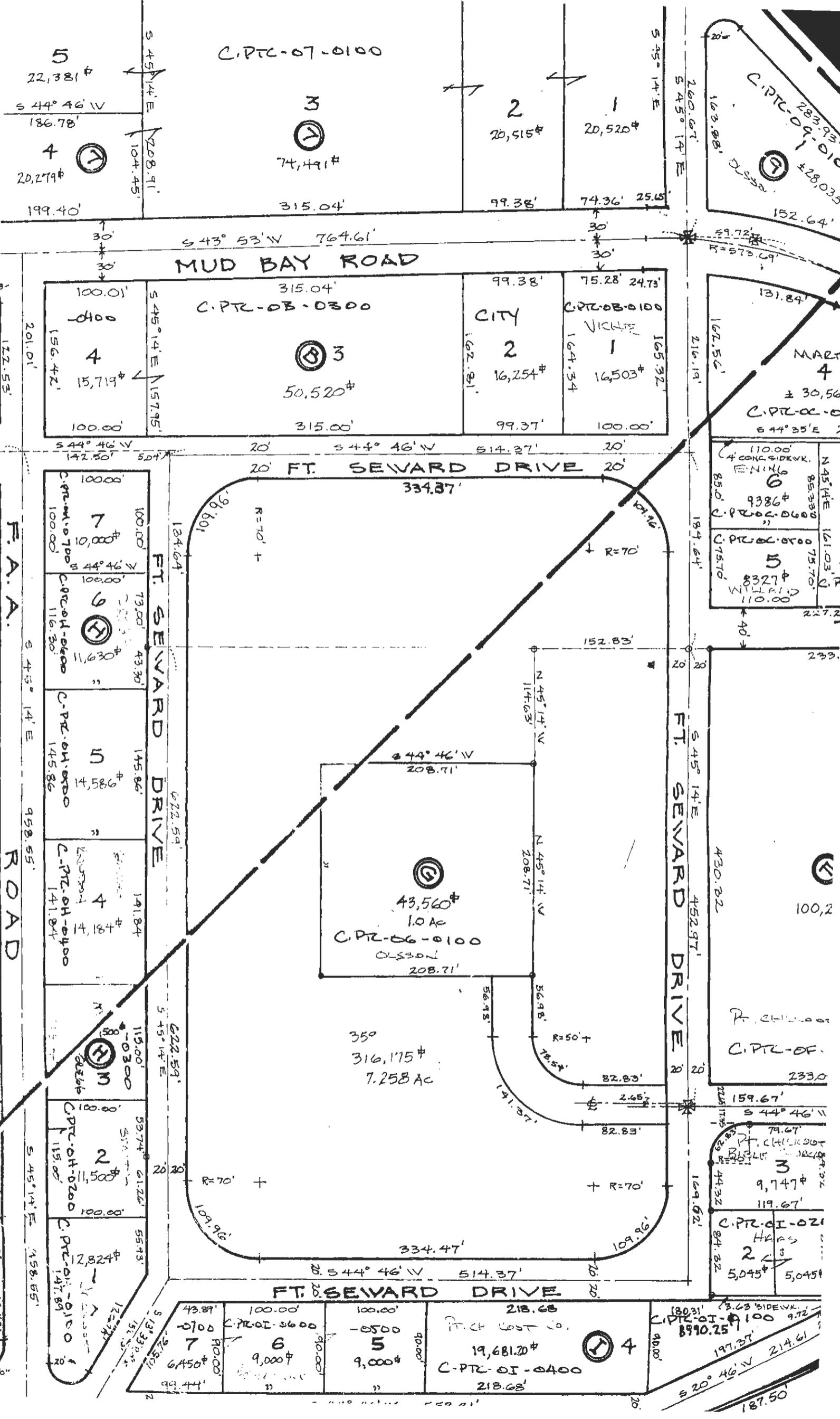
The property owner is responsible for proving that the property is used exclusively for an exempt purpose and qualifies for an exemption.

Documentation Requirements:

- A letter to the Assessor requesting exemption
 - Must provide a description of the use of the property and consistency with the requested exemption
 - Must describe any rental income received by the applicant organization including;
 - Any property, or portions of the property from which rentals of income are derived
 - Actual operating expenses, excluding debt service or depreciation
- Copy of By-Laws
- Copy of Articles of Incorporation
- Copy of IRS 501(c)(3) or 501(c)(4)
- Where property is leased by the organization to other entities, financial statements for the past tax year including income and expense reports, and description of any debt service or depreciation included in the financial statements for the property
- Documentation supporting/describing the activities of the organization. For example, brochures, pamphlets and web pages are acceptable forms of documentation.
- The municipal assessor or designee may request additional information prior to its determination, as reasonably necessary to determine the exempt status of a property in accordance with municipal code and regulations and state law.

DO NOT WRITE IN SHADED AREA

Assessor Approval	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Signature <u>Dean M. Olsen</u>	Date <u>4-4-2016</u>
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C.P.T.C-07-0100

MUD BAY ROAD

F.A.A. ROAD

ROAD

FT. SEWARD DRIVE

FT. SEWARD DRIVE

FT. SEWARD DRIVE

5
22,381#
S 44° 46' W
186.78'
4
20,279#
199.40'

3
74,491#
315.04'

2
20,515#
99.38'

1
20,520#
74.36' 25.15'

C.P.T.C-09-0100
283,933#
152.64'

4
15,719#
100.00'

C.P.T.C-03-0300
3
50,520#
315.00'

CITY
2
16,254#
99.37'

C.P.T.C-03-0100
VICHE
1
16,503#
100.00'

MART
4
± 30,56#
C.P.T.C-02-0100
S 44° 35' E

7
10,000#
100.00'

9
11,630#
100.00'

5
14,586#
145.86'

4
184#
141.84'

3
115,000#
103.00'

2
11,500#
100.00'

1
12,824#
100.00'

3
43,560#
1.0 AC
C.P.T.C-06-0100
CLASSOL
208.71'

350
316,175#
7.258 AC

6
9386#
C.P.T.C-02-0600

5
8327#
WILLARD
110.00'

100,2

3
9,747#
119.67'

2
5,045#
5,045#

7
6,450#
99.44'

6
9,000#
90.00'

5
9,000#
90.00'

4
19,681.20#
C.P.T.C-01-0400
218.68'

100
89,025#
197.37'

ARTICLES OF INCORPORATION

OF:

ALASKA INDIAN ARTS, INC.

WE HEREBY CERTIFY BY THESE PRESENTS, That we, the undersigned, who are bona fide residents of the Territory of Alaska, hereby voluntarily associate ourselves together for the purpose of forming a charitable non-profit corporation without capital stock, to be operated on a mutual basis under the provisions of Section 36-4, Alaska Compiled Laws Annotated, 1949, and we do certify and set forth as follows:

FIRST: The name of said corporation shall be

"ALASKA INDIAN ARTS, INC."

SECOND: The purposes for which this corporation is formed are:

To establish youth centers and to provide vocational education for Alaskan youths and others in need thereof; to build character, integrity and self-reliance;

To establish and operate a museum of Northwest Indian art and artifacts and to encourage the perpetuation of Northwest Indian culture;

To produce, market and sell articles of Indian crafts and art work;

To engage in the timber, lumber and construction industries in connection with the vocational education of Alaskan youths and others in need thereof;

To encourage tourists to travel to Southeastern Alaska by perpetuating Indian dances, arts, crafts, costumes and culture so that visitors may see authentic reproductions as well as genuine examples of Indian arts and related activities;

To obtain contributions to be used exclusively for charitable, scientific, literary or educational purposes or for the prevention of cruelty to children; said contributions to be used within the United States of America or its possessions.

To make contributions to be used exclusively for charitable, scientific, literary or educational purposes or for the prevention of cruelty to children; said contributions to be used within the United States of America or its possessions; to award scholarships for the vocational education of worthy Alaskan youths and others in need thereof.

To buy, sell or hold; use, lease, let or hire real or personal property of every description; and to deal in and with the same and to use the same in any manner necessary for the conduct and operation of the business of the Association or incidental thereto; to buy, hold and exercise all privileges of ownership of such real and personal property of every nature as may be necessary or convenient for the conduct and operation of the business of the Association or incidental thereto;

To borrow money up to the limit of the corporate indebtedness of liability;

To establish reserves and to invest the funds thereof in bonds or in such other property as may be provided in the By-Laws, such investments, however, to be merely incidental to the purposes set forth in first through seventh paragraphs of this article, and said investments being expressly prohibited for the purpose of benefiting any individual or member of this corporation;

To do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the subjects herein enumerated, or conducive to or expedient for the interest or benefit of the Association; and to contract accordingly; and, in addition, to exercise and possess all powers, rights, and privileges necessary or incidental to the purposes for which the Association is organized or to the activities in which it is engaged, and also any other rights, powers and privileges granted by the laws of this State to ordinary corporations except such as are inconsistent with the express provisions of the Act under which it is incorporated.

THIRD: The principal place of business of this corporation shall be Port Chilkoot, Alaska.

FOURTH: The time of existence of this corporation shall begin on the date that these Articles are executed and shall extend for a period of fifty years, or until legally dissolved.

FIFTH: The corporation shall not issue stock. Any person interested in the purposes for which the corporation has been formed shall be eligible for membership upon making a contribution to the corporation of \$10.00 or more during any calendar year and actively engaging in the work of the corporation for a period of at least fourteen days during any calendar year or any person or corporation may become a member by contributing \$100.00 or more during any calendar year. To become a member, the person or corporation must further sign a list to be affixed to the By-Laws of the corporation.

SIXTH: The highest amount of indebtedness or liability to which the corporation shall at any time be subject to is \$100,000.00.

SEVENTH: The affairs of the corporation shall be managed by a board of not less than three nor more than seven directors, the exact number each year to be determined at the annual meeting of the members held each year, who shall be elected at the corporation's annual meeting to be held on the first Tuesday in March in each year, and which directors shall elect from among their members a President, Vice-President, and Secretary-Treasurer. They shall hold office for a term of one year or until their successors are duly elected and qualified.

EIGHTH: These Articles of Incorporation may be altered or amended at any regular meeting or at a special meeting called for such purpose, by a majority of the members comprising the corporation.

Such amended Articles shall be acknowledged by the directors and shall be filed and recorded in the same and manner as the original articles.

IN WITNESS WHEREOF, we have hereunto set our hands this 13th day of December, 1957.

WITNESSES:

CARL W. HEINMILLER

BETTY HEINMILLER

R. BOOCHEVER

UNITED STATES OF AMERICA)
: ss
TERRITORY OF ALASKA)

THIS CERTIFIES that on this _____ day of _____ 1957, before me, the undersigned, a Notary Public in and for the Territory of Alaska, duly commissioned and sworn, personally appeared

CARL W. HEINMILLER
BETTY HEINMILLER and
R. BOOCHEVER

to be known to be the individuals described in and who executed the foregoing instrument, and severally duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska. My
commission expires:

BY-LAWS

OF

ALASKA INDIAN ARTS, INC.

ARTICLE I

MEMBERSHIP

1. The corporation shall not issue stock. Members of the corporation shall be the three original incorporators, and those qualifying as follows: Any person interested in the purposes for which the corporation has been formed shall be eligible for membership upon making a contribution to the corporation of \$10.00 or more during any calendar year and actively engaging in the work of the corporation for a period of at least fourteen days during any calendar year or any person or corporation may become a member by contributing \$100.00 or more during any calendar year. To become a member the person or corporation must further sign a list to be affixed to the By-Laws of the corporation.

2. All persons complying with the requirements for membership in Alaska Indian Arts, Inc., shall be eligible to vote in all elections and at all meetings of the membership and shall be entitled to be heard by the Board of Directors and shall be entitled to receive reports no less than annually upon the activities and affairs of the organization.

ARTICLE II

MEMBERS

1. The annual meeting of the members of this corporation shall be held at a place to be designated in Fort Chilkoot, Alaska, at 2:00 p.m. on the first Tuesday in March of each year.

2. Special meetings of the members may be called at any time or place by resolution of the Board of Directors, or upon the written request of forty per cent of the members.

3. Notice of meeting, written or printed, for each regular and special meeting of the members shall be prepared and mailed to the last known post office address of each member not less than fifteen days before any such meeting; and the notice shall state the place, time and the object or objects thereof; provided, however, that for any meeting, regular or special, personal delivery to each member of the

Notice of Meeting shall be equivalent to mailing. Nor failure or irregularity of notice of any regular meeting shall invalidate the meeting or any proceeding therewith.

4. A Quorum at any meeting of the members shall consist of ten (10) members, or fifty (50%) per cent of the membership, whichever shall be smaller. A majority of the quorum shall decide any question that may come before the meeting unless specifically otherwise provided for herein; but no business except to adjourn to a later date shall be transacted unless a quorum as herein defined is present.

5. The election of directors shall be held at the annual meeting of the members and shall, after the first election, be conducted by two inspectors of election appointed by the President for that purpose. The election shall be by ballot and each member shall be entitled to one vote for each director to be chosen; said votes may be voted cumulatively.

6. The President of the corporation shall preside at all regular and special meetings of the members. In his absence, the Vice-President shall preside and in his absence, one of the members present shall be elected pro tempore chairman. Complete minutes of each meeting shall be kept by the secretary or in his absence by a secretary pro tempore chosen from among the members present. The minutes of each meeting shall be preserved and entered in the Record Book of the corporation.

7. The order of business at the annual meetings and, so far as possible, at all other meetings of the members, shall be:

1. Calling of roll
2. Proof or notice of meeting
3. Reading and disposal of unapproved minutes.
4. Annual reports of officers and committees
5. Other reports of officers and committees
6. Election of directors and officers
7. Unfinished business
8. New business
9. Adjournment

8. Any member may, at the meeting of the Board of Directors, move that any member, other than members who are directors or officers of the corporation, be removed. If such motion is duly seconded, the same shall be tabled for the remainder of said meeting. Immediately thereafter, the secretary shall cause to be forwarded to each of the members a written notice stating that such a motion has been made and that the matter will be presented at a special meeting, said meeting to be called within thirty days of such motion having been made and each member notified of such meeting place and time. Thereafter and at such

subsequent special meeting, such motion shall be called by the presiding officer and it shall require a two-thirds affirmative vote to sustain such motion of such removal, and such vote shall be by secret ballot. This shall be the only means of removal except as follows:

If any member so appears before the Board of Directors and moves that any member other than a director or officer of the corporation, be removed, and no member of the Board of Directors seconds such motion, then the member may, by obtaining the signature of 5% of the members of the corporation to a petition, cause a special meeting to be called by the secretary and the motion shall be made at the special meeting and it shall require a two-thirds affirmative vote to remove any member.

ARTICLE III

DIRECTORS

1. The business and property of the corporation will be managed by a Board of not less than three nor more than seven directors, the exact number each year to be determined at the annual meeting of the members held each year, and who shall be elected at the corporation's annual meeting upon the expiration of their terms of office as proscribed in the Articles of Incorporation. Directors shall serve until the election and acceptance of office of their duly elected successors. Any vacancy of the Board of Directors may be filled by the remaining members of the Board for the unexpired term. Directors shall receive no compensation for their services except as otherwise provided herein, and no person shall be eligible to serve as director unless he is a member of the corporation.

2. Full authority to administer all properties, monies and affairs of the Association shall be vested in the Board of Directors and these responsibilities may in turn be transferred by the Board of Directors to such staff, employees and committees as they see fit from time to time to employ or as shall be appointed.

3. Members of the Board of Directors shall, wherever possible, personally supervise the activities of the Association, which are not entrusted to committees or employees.

4. A quorum shall consist of a majority or more members of the Board of Directors.

5. The members of the Board of Directors shall elect from the Board of Directors a President, a Vice-President and a Secretary-Treasurer.

6. The directors and any officer may be recalled or removed from office in the following manner: Any member may bring charges against any officer or director by filing them in writing with the Secretary of the Association, together with a petition signed by 25% of the members, requesting the removal of the director or officer in question. The

removal shall be voted upon at the next regular or special meeting of the corporation and by a vote of a majority of the members the corporation may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charge against him shall have the same opportunity.

7. Meetings of the Board of Directors to be held at Port Chilkoot, Alaska, or such other place as may be designated, may be called at any time by the President or by two members of the board, or may be so held without notice, by unanimous consent of all directors or with the presence of all the members at the meeting.

8. Notices of meetings of the board shall be mailed by the Secretary to each member of the board not less than five days before any meeting, or delivered to each member personally not less than two hours before the meeting, and notices of meeting shall state the time, place and the purpose thereof. No failure or irregularity of notice of any regular meeting shall invalidate the meeting or any proceeding therewith.

9. Each director, before entering upon the discharge of his duties, shall take, subscribe and file with the Secretary an oath in writing in substantially the following form:

UNITED STATES OF AMERICA)
: ss
TERRITORY OF ALASKA)

I, _____, do solemnly swear that I will faithfully and honestly perform all the duties devolving upon me as director of Alaska Indian Arts, Inc. to which office I was elected on the _____ day of _____

Director

Subscribed and sworn before me this _____ day of _____, 19____

(Signature of officer administering oath)

10. Officers of the corporation shall be elected by ballot by the members of the Board of Directors at their annual meeting. If any office become vacant during the year the directors may fill it for the unexpired term.

ARTICLE IV

OFFICERS

1. The officers of the corporation shall be a President, Vice-President, Treasurer and Secretary.
2. The President, or in the absence of the President, the Vice-President, shall preside at all meetings of the Board of Directors. In the event of the absence of both, the Board of Directors may elect its presiding officer for such meetings.
3. The President, with the Secretary or Vice-President, shall sign all vouchers of which the funds of the corporation are to be disbursed. In the absence of the President, the Vice-President, with the Secretary-Treasurer shall sign all vouchers of which the funds of the corporation are to be disbursed. The President shall with the Secretary or Vice-President, sign all deeds, mortgages, contracts and other instruments affecting the properties of the corporation. The Secretary-Treasurer shall keep a correct account of all the business transactions of the corporation, shall collect the dues of the members and all other monies coming to the corporation, and shall pay the same into a depository account as may be designated by the Board of Directors. He shall keep the records and conduct the general correspondence of the corporation. He shall notify each person elected to membership of his election and he shall make all reports and perform all other duties incident to his office or as required of him by the Board of Directors.
4. The President shall, at his will and discretion, audit the books of the corporation and shall, with a board of two corporation members, make an annual audit at the end of each fiscal year and report of such audit at the annual meeting of the membership.
5. No officer of the corporation shall, as such, receive any compensation for services rendered unless specifically ordered by the Board of Directors.

ARTICLE V

FINANCE

The monies of the corporation shall be deposited in the name of the corporation in such bank or depository as the Directors shall order and shall be drawn out only by checks signed by the President and counter-signed by the Secretary or Vice-President, or in the absence of the President, signed by the Vice-President and counter-signed by the Secretary.

ARTICLE VI

AMENDMENTS

These By-Laws may be amended by an affirmative vote of two-thirds of the corporation's members present at any special meeting called for that purpose or at any regular meeting; provided, however,

that any proposed amendments to these By-Laws which shall be submitted to any regular meeting shall be read and voted upon at the next regular meeting or at a special meeting called for that purpose.

Any notice of all meetings or any special meeting which is required by these By-Laws, the laws of the United States or the Territory of Alaska, or the Articles of Incorporation, to be given to the members or the directors of the Corporation may be waived in writing by any member or director present at the meeting or by the member or director and filed with the minutes of the Corporation.

Roberts Muller, Secretary of the Corporation, may waive any rule or procedure prescribed in these By-Laws at any regular or special meetings of members and directors may be waived by a resolution adopted by a majority of those present or in writing by the unanimous consent noted in the Minutes.

The seal of the Corporation shall be circular with concentric circles between which is the name of the Corporation and in the center shall be inscribed the year of the incorporation and the words, "Corporate seal, Alaska."

I HEREBY CERTIFY that the foregoing are the By-Laws of Alaska Indian Arts, Inc., a corporation organized under the laws of Alaska on the 13th day of December, 1957, adopted by the members thereof by a majority vote at the meeting held at Juneau, Alaska, on December 13, 1957, at which all members were represented.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed the corporate seal of the corporation this _____ day of December, 1957

State of Alaska

Department of Commerce

Juneau

CERTIFICATE OF AMENDMENT

The undersigned, as Commissioner of Commerce of the State of Alaska, hereby certifies that duplicate originals of Articles of Amendment to the Articles of Incorporation of Alaska Indian Arts, Inc.

duly signed and verified pursuant to the provisions of the Alaska Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Commissioner of Commerce, and by virtue of the authority vested in him by law, hereby issues this Certificate of Amendment to the Articles of Incorporation of

ALASKA INDIAN ARTS, INC.

and attaches hereto a duplicate original of the Articles of Amendment.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at Juneau, the Capital, this

24th day of January A.D. 1969



GEORGE SHARROCK
COMMISSIONER OF COMMERCE



AMENDMENT TO ARTICLES OF INCORPORATION

JAN 24 1969

OF

ALASKA INDIAN ARTS, INC.

Pursuant to AS 10.20.181, the undersigned non-profit corporation hereby adopts the following amendment to its Articles of Incorporation:

1. The name of the corporation is ALASKA INDIAN ARTS, INC.

2. Article Seventh of the Articles of Incorporation is amended to read as follows:

"SEVENTH: The affairs of the corporation shall be managed by a Board of not less than five nor more than twenty-five trustees, the exact number each year to be determined at the annual meeting of the members. Said trustees shall be elected at the corporation's annual meeting and said trustees shall elect from their members a President, a Vice President, a Secretary and a Treasurer. Said trustees shall hold an office for a term of three years or until their successors are duly elected and qualified."

3. All members of the corporation were entitled to vote on the amendment, which amendment was adopted at a meeting of the members held on December 18, 1968 at Port Chilkoot, Alaska.

A quorum was present at said meeting, and the amendment was adopted by a unanimous vote of the members.

DATED at Haines, Alaska, this 24th day of January, 1969.

ALASKA INDIAN ARTS, INC.

By Carl Heinmiller
Carl Heinmiller, President

By Betty J. Heinmiller
Betty J. Heinmiller, Secretary



U. S. TREASURY DEPARTMENT.
INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR

905 SECOND AVENUE BUILDING
SEATTLE 4, WASHINGTON

APR 22 1959

201505

Alaska Indian
Arts, Inc

IN REPLY REFER TO
~~201505-104~~
A:R:ME
SEA:EO:59-52

AIR MAIL

Alaska Youth, Inc.
Box 71
Haines, Alaska

Gentlemen:

RECEIVED
MAY 22 1959
TECHNICAL REFERENCE
BRANCH

Your application for exemption from Federal income tax under the provisions of section 501(a) of the Internal Revenue Code of 1954, as an organization described in section 501(c)(3) of the Code, has been considered.

It is the determination of this office, based upon the evidence presented, that you are exempt from Federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954, as it is shown that you are organized and operated exclusively for charitable and educational purposes.

Accordingly, you are not required to file income tax returns unless you change the character of your organization, the purposes for which you were organized, or your method of operation. Any such changes should be reported immediately to the above District Director of Internal Revenue, in order that their effect upon your exempt status may be determined.

You are required, however, to file an information return, Form 990 A, annually, with the District Director of Internal Revenue, so long as this exemption remains in effect. This form may be obtained from the District Director and is required to be filed on or before the fifteenth day of the fifth month following the close of your accounting period.

Failure to file the required information return or to otherwise comply with the provisions of section 6033(a) of the Code and regulations applicable thereto may result in the termination of your exempt status on the grounds that you have not established that you are observing the conditions required for the continuation of an exempt status.

Contributions made to you are deductible by the donors in computing their taxable net income in the manner and to the extent provided in section 170 of the Internal Revenue Code of 1954.

Bequests, legacies, devises, or transfers, to or for your use are deductible in computing the value of the net estate of a decedent for estate tax purposes in the manner and to the extent provided by sections 2055 and 2106 of the Internal Revenue Code of 1954.

Gifts of property to you are deductible in computing net gifts for gift tax purposes in the manner and to the extent provided by section 2522 of the Internal Revenue Code of 1954.

No liability is incurred by you for the taxes imposed under the Federal Insurance Contributions Act (social security taxes) unless you have filed a waiver of exemption certificate in accordance with the applicable provisions of such Act. In the event you desire social security coverage for your employees but have not filed a waiver certificate you should take the matter up with this office. Tax liability is not incurred by you under the Federal Unemployment Tax Act by virtue of section 3306(c)(8) of such Act.

Your attention is called to the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 under which your exemption will be revoked if any substantial part of your activities consists of carrying on propaganda, or otherwise attempting, to influence legislation, or if you participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

It is important that any change in your mailing address be reported at once to the above District Director of Internal Revenue, attention: Chief, Collection Division, **1122, Tacoma 2, Washington.**

*Reviewed & Approved
T.A. E.C. 4
Permit
10-10-59*

Very truly yours,

Chief, Audit Division

- Search and Database Download Information
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Search License Data

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 - Guide Use Area Download

NAME(S)

Type	Name
Legal Name	ALASKA INDIAN ARTS, INC.

ENTITY DETAILS

Entity Type: Nonprofit Corporation
Entity #: 3896D
Status: Good Standing
AK Formed Date: 12/13/1957
Duration/Expiration: Perpetual
Home State: ALASKA
Next Biennial Report Due: 7/2/2017
Entity Mailing Address: PO BOX 271, HAINES, AK 99827-0271
Entity Physical Address: HISTORIC 13 FORT SEWARD DRIVE, HAINES, AK 99827-0271

REGISTERED AGENT

Agent Name: Simpson, Tillinghast, Sorensen & Sheehan, P.C.
Registered Mailing Address: ONE SEALASKA PLAZA SUITE 300, JUNEAU, AK 99801
Registered Physical Address: ONE SEALASKA PLAZA SUITE 300, JUNEAU, AK 99801

OFFICIALS

Show Former

AK Entity#	Name	Titles	Percent Owned
	CHARLES JIMMIE	Director	
	JOHN HAGEN	Director	
	JUDY EREKSON	Director, Secretary, Treasurer	



THE STATE
of **ALASKA**

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: Corporations.Alaska.gov

AK Entity #: 3896D
Date Filed: 08/22/2015
State of Alaska, DCCED

FOR DIVISION USE ONLY

Nonprofit Corporation
2015 Biennial Report
For the period ending June 30, 2015

Web-8/22/2015 1:40:32 PM

- This report is due on July 02, 2015
- \$25.00 if postmarked before August 02, 2015
- \$30.00 if postmarked on or after August 02, 2015

Entity Name: ALASKA INDIAN ARTS, INC.
Entity Number: 3896D
Home Country: UNITED STATES
Home State/Province: ALASKA

Registered Agent

Name: Simpson, Tillinghast, Sorensen & Sheehan, P.C.
Physical Address: ONE SEALASKA PLAZA SUITE 300, JUNEAU, AK 99801
Mailing Address: ONE SEALASKA PLAZA SUITE 300, JUNEAU, AK 99801

Entity Physical Address: HISTORIC 13 FORT SEWARD DRIVE, HAINES, AK 99827-0271

Entity Mailing Address: PO BOX 271, HAINES, AK 99827-0271

Please include all officials. Check all titles that apply. Must use titles provided. All domestic non-profit corporations must have a president, vice president, secretary, treasurer, and at least three directors. The secretary and the president cannot be the same person.

Name	Address	% Owned	Titles
JOHN HAGEN	PO BOX 224, HAINES, AK 99827-0224	N/A	Director
CHARLES JIMMIE, SR	PO BOX 278, HAINES, AK 99827-0278	N/A	Director
LEE D HEINMILLER	PO BOX 572, HAINES, AK 99827-0572	N/A	Director, President, Vice President
JUDY EREKSON	PO BOX 271, HAINES, AK 99827-0271	N/A	Director, Secretary, Treasurer

Purpose: YOUTH CENTERS EDUCATION ACTIV

NAICS Code: 611699 - ALL OTHER MISCELLANEOUS SCHOOLS AND INSTRUCTION

New NAICS Code (optional):

Estimated value of all real or personal property of the corporation:

I certify under penalty of perjury under the Uniform Electronic Transaction Act and the laws of the State of Alaska that the information provided in this application is true and correct, and further certify that by submitting this electronic filing I am contractually authorized by the Official(s) listed above to act on behalf of this entity.

Name: Lee D Heinmiller



2002-000145-0

Recording Dist: 106 - Haines
3/20/2002 9:55 AM Pages: 1 of 2

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CC

302-218

**THIS COVER SHEET HAS BEEN ADDED
TO THIS DOCUMENT
BY
FIRST AMERICAN TITLE OF ALASKA
TO PROVIDE SPACE FOR RECORDING
DATA. THIS COVER SHEET APPEARS
AS THE FIRST PAGE OF THE
DOCUMENT IN THE OFFICAL PUBLIC
RECORD.**

DO NOT DETACH

by Wells Fargo Bank Alaska, N.A. (formerly known as National Bank of Alaska) (the "Bank"), whose address is 301 West Northern Lights Blvd., Anchorage, AK 99503, to Jeffrey L. and Shannon D. ~~xxxxxxx address is~~ Butcher, husband and wife, whose address is 10790 Mendenhall Loop Road, Juneau, Alaska 99801, of that certain Lease between the

Alaska Indian Arts, Inc., Lessor, and Port Chilkoot Potlatch, Inc., as Lessee, dated June 1, 1986, recorded August 28, 1986, in Book 14, Page 953, Haines Recording District, State of Alaska, covering the following described real property:

That portion of Block G, port Chilkoot Subdivision, Haines Recording District, First Judicial District, State of Alaska, described as follows:

A point of beginning at the North corner of Block G; thence North 45 degrees 14' West, a distance of 25 feet; thence South 44 degrees 46' West, a distance of 100 feet; thence South 45 degrees 14' East, a distance of 100 feet; thence North 44 degrees 46' East, a distance of 100 feet; thence North 45 degrees 14' West, a distance of 75 feet to the point of beginning.

Together with an easement for road and access purpose over the following described property:

Starting at the North corner of Block G, U.S. Survey 2716; thence North 45 degrees 14' West, a distance of 25 feet to the most Northerly corner of the above described 100 x 100 feet tract of land and the true point of beginning of the herein described easement; thence South 44 degrees 46' West, along the Northwesterly line of said 100 x 100 feet tract of land a distance of 25 feet; thence North 45 degrees 41' 12" West, a distance of 254.28 feet to a point on the Southeasterly right of way line of Seward Drive a distance of 25 feet; thence South 45 degrees 41' 12" East, a distance of 254.28 feet to the true point of beginning.

DATED this 18th day of MARCH, 2002.

LESSOR:

ALASKA INDIAN ARTS, INC.

By: Lee Heinmiller

Its: PRESIDENT

STATE OF ALASKA)

) ss.

FIRST JUDICIAL DISTRICT)

The forgoing instrument was acknowledged before me this 18th day of MARCH, 2002, before me, the undersigned, a Notary Public in and for Alaska, by LEE HEINMILLER, to me known and known to me to be the PRESIDENT, on behalf of ALASKA INDIAN ARTS, INC., named in the foregoing instrument, and he/she acknowledged to me that he/she had, in his/her official capacity aforesaid, executed the foregoing instrument as the free act and deed of Alaska Indian Arts, Inc., for the uses and purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first herein above written.

GROUND LEASE

This lease effective June 1, 1986, by and between Alaska Indian Arts, Inc., a corporation organized under the laws of the State of Alaska, having its principal place of business in the City of Haines, State of Alaska, herein referred to as Lessor, and Port Chilkoot Potlatch, Inc., an Alaska Corporation, of P. O. Box 1589, Haines, Alaska, herein referred to as Lessee.

SECTION ONE

DEMISE, DESCRIPTION, AND USE OF PREMISES

Lessor leases to Lessee and Lessee hires from Lessor, for the purpose of conducting therein any lawful business and for no other purpose, those certain premises with the appurtenances, situated in the City of Haines, State of Alaska, and more particularly described in Exhibit A attached hereto and made a part hereof. As used herein, the term "premises" refers to the real property above described and to any improvements located thereon from time to time during the term of this Lease.

SECTION TWO

TERM

This Lease shall run from June 1, 1986, and shall terminate on May 31, 2011. As used herein the expression "term" refers to such term and to any renewal of this Lease as provided in Section 19 of this Lease.

SECTION THREE

RENT

Subject to adjustment as provided below, the rent for the first 2 years shall be Three Thousand Dollars (\$3,000.00), which Lessee shall pay to Lessor, without deduction or offset, at such place or places as may be designated from time to time by Lessor, in monthly installments of \$125.00, commencing effective the 1st day of June, 1986 and payable on the first day of each month thereafter through May 1, 1988. The parties agree to enter

into good faith negotiations to determine rental for the rental period beginning June 1, 1988 and for the subsequent ~~years~~ ^{ON OR BEFORE JUNE 1st OF EACH YEAR THEREAFTER.} Said negotiations shall be completed by the parties no later than April 1, 1988. If the parties have failed to agree upon a new rental rate by April 1, 1988, then the parties shall select, by mutual agreement, a qualified ~~real estate appraiser~~ ^{MAL} real estate appraiser who shall establish a fair market rental for the property. If the parties are unable to agree upon an appraiser then each party shall select a qualified appraiser, and the fair market rental established by each such appraiser shall be averaged to obtain the rental value. The cost of such appraisal shall be borne equally by the parties.

BHJ ~~cut~~
KAO ~~jo~~

BHJ ~~cut~~
KAO ~~jo~~

Beginning June 1, 1989, and each year on June 1, for the rest of the term hereof, the rent shall ^{NOT} be increased by the percentage equal to the Revised Consumer Price Index for Urban Wage Earners and Clerical Workers, Anchorage Metropolitan Area, All Items, Revised Series (1967 = 100) published by the United States Department of Labor, Bureau of Labor Statistics (the Index herein) for the month of ~~the~~ ^{MARCH} in the year before the adjustment. For example, the May, 1986 Index herein was 281.8, which was a 3.6% increase over the May, 1985 Index herein, so an adjustment in the rent for that one year period would be 3.6% for the one year. In no event, except by consent of Lessor, shall the rent be decreased during the term hereof.

~~cut~~ BHJ
KAO ~~jo~~ - TMAN

KAO
BHJ ~~cut~~
KAO ~~jo~~ MORE

MARCH
BHJ ~~cut~~
KAO ~~jo~~

If for any reason the Index is discontinued or if there is a change of any kind in the method of calculation or formulation of the Index (including without limitation a change in the base year for calculation purposes), then Lessor and Lessee shall mutually select a conversion factor or alternative index which is reasonably satisfactory to both and which shall serve as the upper limit of any increase. If the parties cannot agree then such conversion factor and/or alternative index shall be selected by three

arbitrators in accordance with the then rules of the American Arbitration Association and such determination shall be final and binding upon the parties. For information with respect to the CPI, contact:

Bureau of Labor Statistics
Region X
450 Golden Gate Avenue
P. O. Box 36017
San Francisco, CA 94102
Phone: (415) 556-4678

SECTION FOUR

WARRANTIES OF TITLE AND QUIET POSSESSION

Lessor covenants that Lessor is seized of the premises in fee simple and has full right to make this Lease and that Lessee shall have quiet and peaceable possession of the premises during the term hereof.

SECTION FIVE

DELIVERY OF POSSESSION

If Lessor, for any reason whatsoever, cannot deliver possession of the premises to Lessee at the commencement of the Lease term, this Lease shall not be void or voidable, nor shall Lessor be liable to Lessee for any loss or damage resulting therefrom; but in that event there shall be a proportionate reduction of rent covering the period between the commencement of the lease term and the time when Lessor can deliver possession.

SECTION SIX

USES PROHIBITED

Lessee shall not use, or permit the premises, or any thereof, to be used, for any purpose or purposes other than the purpose or purposes for which the premises are hereby leased; and no use shall be made or permitted to be made of the premises, or acts done, which will cause a cancellation of any insurance policy covering the building located on the premises, or any part thereof, nor shall Lessee sell, or permit to be kept, used, or sold, in or about the premises, any article which may be prohibited by the standard form of

fire insurance policies. Lessee shall, at its sole cost, comply with all requirements, pertaining to the premises, of any insurance organization or company, necessary for the maintenance of insurance, as herein provided, covering any building and appurtenances at any time located on the premises.

SECTION SEVEN

WASTE AND NUISANCE PROHIBITED

During the term of this Lease, Lessee shall comply with all applicable laws affecting the premises. Lessee shall not commit, or suffer to be committed, any waste on the premises, or any nuisance.

SECTION EIGHT

ABANDONMENT OF PREMISES

Lessee shall not vacate or abandon the premises at any time during the term hereof, if Lessee shall abandon, vacate or surrender the premises, or be dispossessed by process of law, or otherwise, any personal property belonging to Lessee and left on the premises shall be deemed to be abandoned, at the option of Lessor, except such property as may be encumbered to Lessor.

SECTION NINE

LESSOR'S RIGHT OF ENTRY

Lessee shall permit lessor and the agents and employees of Lessor to enter into and upon the premises at all reasonable times for the purpose of inspecting the same or to show the premises for lease or sale.

SECTION TEN

ENCUMBRANCE OF LESSEE'S LEASEHOLD INTEREST

Lessee may encumber by mortgage or deed of trust, or other proper instrument, its leasehold interest and estate in the premises, together with all buildings and improvements placed by Lessee thereon, as security for any indebtedness of lessee. The execution of any such mortgage, or deed of trust, or other instrument, or the foreclosure

thereof, or any sale thereunder, either by judicial proceedings or by virtue of any power reserved in such mortgage or deed of trust, or conveyance by Lessee to the holder of such indebtedness, or the exercising of any right, power, or privilege reserved in any mortgage or deed of trust, shall not be held as a violation of any of the terms or conditions hereof, or as an assumption by the holder of such indebtedness personally of the obligations hereof. No such encumbrance, foreclosure, conveyance, or exercise of right shall relieve Lessee from its liability hereunder.

SECTION ELEVEN

SUBLETTING AND ASSIGNMENT

Lessee may sublet the premises in whole or in part upon obtaining Lessor's written consent, which consent shall not be unreasonably withheld, but the making of any such sublease shall not release Lessee from, or otherwise affect in any manner, any of Lessee's obligations hereunder. Lessee shall not assign or transfer this Lease, or any interest herein, without the prior written consent of Lessor, and a consent to an assignment shall not be deemed to be a consent to any subsequent assignment. Any such assignment without such consent shall be void, and shall, at the option of Lessor, terminate this Lease. Neither the Lease nor the leasehold estate of Lessee nor any interest of Lessee in the premises or any buildings or improvements thereon shall be subject to involuntary assignment, transfer, or sale, or to assignment, transfer, or sale by operation of law in any manner whatsoever, and any such attempted involuntary assignment, transfer, or sale shall be void and of no effect and shall, at the option of Lessor, terminate this Lease.

SECTION TWELVE

NOTICES

All notices, demands, or other writings in this Lease provided to be given or made or sent, or which may be given

or made or sent, by either party hereto to the other, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, registered and postage prepaid, and addressed as follows:

TO LESSOR: Alaska Indian Arts, Inc.
P. O. Box 271
Haines, Alaska 99827

TO LESSEE: Port Chilkoot Potlatch, Inc.
P. O. Box 1589
Haines, Alaska 99827

The address to which any notice, demand, or other writing may be given or made or sent to any party as above provided may be changed by written notice given by such party as above provided.

SECTION THIRTEEN

TAXES AND ASSESSMENTS

(a) Taxes as additional rental. As additional rental under this Lease, Lessee shall pay and discharge as they become due, promptly and before delinquency, all taxes, assessments, rates, charges, license fees, municipal liens, levies or excises, whether general or special, or ordinary or extraordinary, of every name, nature and kind whatsoever, including all governmental charges of whatsoever name, nature, or kind, which may be levied, assessed, charged, or imposed, or which may become a lien or charge on or against the leased land, or any part thereof, the leasehold of lessee herein, the premises described herein, any building or buildings, or any other improvements now or hereafter thereon, or on or against Lessee's estate hereby created which may be a subject of taxation, or on or against Lessor by reason of its ownership of the fee underlying this Lease, during the entire term hereof, excepting only those taxes hereinafter specifically excepted.

(b) Assessments affecting improvements. Specifically and without in any way limiting the generality of the foregoing, Lessee shall pay all special assessments and levies or charges made by any municipal or political

subdivision for local improvements, and shall pay the same in cash as they shall fall due and before they shall become delinquent and as required by the act and proceedings under which any such assessments or levies or charges are made by any municipal or political subdivision. If the right is given to pay either in one sum or in installments, Lessee may elect either mode of payment and its election shall be binding on lessor. If, by making any such election to pay in installments, any of such installments shall be payable after the termination of this Lease or any extended term thereof, such unpaid installments shall be prorated as of the date of termination, and amounts payable after such date shall be paid by Lessor. All of the taxes and charges under this section shall be prorated at the commencement and expiration of the term hereof.

(c) Contesting taxes. If Lessee shall in good faith desire to contest the validity or amount of any tax, assessment, levy or other governmental charge herein agreed to be paid by lessee, lessee shall be permitted to do so.

(d) Disposition of rebates. All rebates on account of any such taxes, rates, levies, charges, or assessments required to be paid and paid by Lessee under the provisions hereof shall belong to Lessee.

SECTION FOURTEEN

CONSTRUCTION OF NEW BUILDING

(a) Plans and specifications and construction. The building has been constructed and completed to the satisfaction of the Lessor. Landscaping and restoration of adjacent grounds due to construction shall be completed to satisfaction of Lessor.

(b) Alterations, improvements, and changes permitted. Lessee shall have the right to make such alterations, improvements, and changes to said building as lessee may deem necessary, provided that prior to making any structural alterations, improvements, or changes, or to replacing any

such building, Lessee shall obtain Lessor's written approval of plans and specifications therefor, which approval Lessor shall not unreasonably withhold, provided that the value of the building shall not be diminished and the structural integrity of the building shall not be adversely affected by any such alterations, improvements, or changes, or that any proposed new building is at least equal in value to the one which it is to replace, as the case may be. In the event of disapproval, Lessor shall give to Lessee an itemized statement of reasons therefor.

(c) Disposition of new improvements. Any new building constructed by Lessee on the premises, and all alterations, improvements, changes, or additions made in or to such premises shall be the property of Lessee, except for any art work or other property provided by Lessor, and Lessee shall remove any improvements/buildings and restore the land to its original condition, or to the satisfaction of the Lessor, at the termination of this Lease.

SECTION FIFTEEN

UTILITIES

Lessee shall fully and promptly pay for all water, gas, heat, light, power, telephone service, and other public utilities of every kind furnished to the premises throughout the term hereof, and all other costs and expenses of every kind whatsoever of or in connection with the use, operation, and maintenance of the premises and all activities conducted thereon, and Lessor shall have no responsibility of any kind for any thereof.

SECTION SIXTEEN

LIENS

(a) Lessee's duty to keep premises free of liens. Lessee shall keep all of the premises and every part thereof and all buildings and other improvements at any time located thereon free and clear of any and all mechanics', materialmen's, and other liens for or arising out of or in

connection with work or labor done, services performed, or materials or appliances used or furnished for or in connection with any operations of Lessee, any alteration, improvement, or repairs or additions which Lessee may make or permit or cause to be made, or any work or construction, by, for, or permitted by lessee on or about the premises, or any obligations of any kind incurred by Lessee.

SECTION SEVENTEEN

INDEMNIFICATION OF LESSOR

Lessor shall not be liable for any loss, injury, death, or damage to persons or property which at any time may be suffered or sustained by Lessee or by any person whosoever may at any time be using or occupying or visiting the premises and the Tribal House adjacent to the premises, or be in, on, or about the same, whether such loss, injury, death, or damage shall be caused by or in any way result from or arise out of any act, omission, or negligence of Lessee or of any occupant, subtenant, visitor, or user of any portion of the premises, or shall result from or be caused by any other matter or thing whether of the same kind as or of a different kind than the matters or things above set forth, and Lessee shall indemnify Lessor against all claims, liability, loss, or damage whatsoever on account of any such loss, injury, death, or damage. Lessee hereby waives all claims against Lessor for damages to the building and improvements that are now on or hereafter placed or built on the premises and to the property of Lessee in, on, or about the premises, and for injuries to persons or property in or about the premises, from any cause arising at any time.

SECTION EIGHTEEN

ATTORNEYS' FEES

If any action at law or in equity shall be brought to recover any rent under this Lease, or for or on account of

any breach of, or to enforce or interpret any of the covenants, terms, or conditions of this Lease, or for the recovery of the possession of the premises, the prevailing party shall be entitled to recover from the other party as part of the prevailing party's costs reasonable attorneys' fee, the amount of which shall be fixed by the court and shall be made a part of any judgment or decree rendered.

SECTION NINETEEN

OPTION TO RENEW

Lessor grants to Lessee, subject to the conditions set forth below, the right and option to renew this Lease for a term and at a yearly rental to be determined by the parties upon good faith negotiation, and subject to all of the terms and conditions of this Lease. This option must be exercised by the giving to Lessor, on or before April 1, 2009, a written notice of the exercise thereof by Lessee, but Lessee shall in no event be entitled to renew the term hereof, even though such notice be timely given, unless Lessee shall have timely performed all of its obligations hereunder, and shall not be in default in the performance of any thereof, on the date of the expiration of the initial term hereof.

SECTION TWENTY

REDELIVERY OF PREMISES

Lessee shall pay the rent and all other sums required to be paid by Lessee hereunder in the amounts, at the times, and in the manner herein provided, and shall keep and perform all the terms and conditions hereof on its part to be kept and performed, and, at the expiration or sooner termination of this Lease, peaceably and quietly quit and surrender to Lessor the premises in good order and condition subject to the other provisions of this lease. In the event of the non-performance by Lessee of any of the covenants of Lessee undertaken herein, this Lease may be terminated as herein provided.

SECTION TWENTY-ONE

REMEDIES CUMULATIVE

All remedies conferred on Lessor by this Agreement shall be deemed cumulative and no one exclusive of the other, or of any other remedy conferred by law.

SECTION TWENTY-TWO

INSURANCE

(a) Public liability insurance. Lessee shall, at all times during the term hereof, at its sole cost and expense, procure and maintain in full force and effect a policy or policies of comprehensive public liability insurance assuring against loss, damage or liability for injury or death to persons and loss or damage to property occurring from any cause whatsoever in connection with Lessee's use of the leased premises, including the Tribal House located adjacent to the premises and which is used by the Lessee and to any buildings, and structures on the premises, and the sidewalks, if any, fronting thereon. Such liability insurance shall be in an amount of not less than Three Hundred Thousand dollars (\$300,000.00) for a combined single limit bodily injury and property damage policy. Lessee and Lessor shall be named as assured (and at Lessor's option, any other persons, firms or corporations designated by Lessor shall be additionally named assureds) under each such policy of insurance.

(b) Insurance coverage of premises. Lessee shall, during the months The Tribal House is being used by Lessee, at its sole cost and expense, procure and maintain fire legal liability insurance. Any loss adjustment with respect to The Tribal House shall require the written consent of both Lessor and Lessee.

Lessee shall be responsible for any and all replacement and repair to its own structure and for cleanup to the site should loss or damage to its structure occur.

(c) Lessor's right to pay premiums on behalf of Lessee. All of the policies of insurance referred to in

this section shall be written in form satisfactory to Lessor and by insurance companies satisfactory to Lessor. Lessee shall pay all of the premiums therefor and deliver such policies, or certificates thereof, to Lessor, and in the event of the failure of Lessee, either to effect such insurance in the names herein called for or to pay the premiums therefor or to deliver such policies, or certificates thereof, to Lessor, Lessor shall be entitled, but shall have no obligation, to effect such insurance and pay the premiums therefor, which premiums shall be repayable to Lessor with the next installment of rental, and failure to repay the same shall carry with it the same consequence as failure to pay any installment of rental. Each insurer mentioned in this section shall agree, by endorsement on the policy or policies issued by it, or by independent instrument furnished to Lessor, that it will give to Lessor Sixty (60) days' written notice before the policy or policies in question shall be altered or cancelled. Lessor agrees that it will not unreasonably withhold its approval as to the form or to the insurance companies selected by Lessee.

SECTION TWENTY-THREE

PROHIBITION OF INVOLUNTARY ASSIGNMENT

Neither this Lease nor the leasehold estate of Lessee nor any interest of Lessee hereunder in the premises or in the building or improvements thereon shall be subject to involuntary assignment, transfer, or sale, or to assignment, transfer, or sale by operation of law in any manner whatsoever (except through statutory merger or consolidation, or devise, or intestate succession) and any such attempt at involuntary assignment, transfer, or sale shall be void and of no effect.

SECTION TWENTY-FOUR

NOTICE OF DEFAULT

Lessee shall not be deemed to be in default hereunder in the payment of rent or the payment of any other monies as herein required or in the furnishing of any bond or insurance policy when required herein unless Lessor shall first give to Lessee three (3) days' written notice of such default and Lessee fails to cure such default within such ten (10) days.

Except as to the provisions or events referred to in the preceding sentence of this section, Lessee shall not be deemed to be in default hereunder unless Lessor shall first give to Lessee three (3) days' written notice of such default, and Lessee fails to cure such default within such ten (10) day period, or, if the default is of such a nature that it cannot be cured within ten (10) days, Lessee fails to commence to cure such default within such period of ten (10) days or fails thereafter to proceed to the curing of such default with all possible diligence.

SECTION TWENTY-FIVE

DEFAULT

In the event of any breach of this Lease by Lessee, Lessor, in addition to the other rights or remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the premises; such property may be removed and stored in a public warehouse or elsewhere at the cost of, and for the account of Lessee. Should Lessor elect to re-enter, as herein provided, or should it take possession pursuant to legal proceedings or pursuant to any notice provided for by law, Lessor may terminate this Lease.

SECTION TWENTY-SIX

LESSEE'S OPTION TO TERMINATE

Lessee shall have the right, by written notice to Lessor given at least thirty (30) days prior to (a) the expiration of the first year period of the term hereof, or (b) the expiration of any subsequent year period of the term

hereof thereafter, to terminate this Lease and surrender its leasehold interest hereunder to Lessor, effective on the expiration of such year in which notice is given, and on such effective date Lessee shall be relieved from all further liability hereunder, and shall deliver possession of the premises to Lessor.

SECTION TWENTY-SEVEN

EFFECT OF EMINENT DOMAIN

(a) Effect of total condemnation. In the event the entire premises shall be appropriated or taken under the power of eminent domain by any public or quasi-public authority, this Lease shall terminate and expire as of the date of such taking, and Lessee shall thereupon be released from any liability thereafter accruing hereunder.

(b) Effect of partial condemnation. In the event a portion of the premises shall be so appropriated or taken and the remainder of the property shall not be suitable for the use then being made of the property by Lessee, or if the remainder of the property is not one undivided parcel of property, Lessee shall have the right to terminate this Lease as of the date of such taking on giving to Lessor written notice of such termination within thirty (30) days after Lessor has notified Lessee in writing that the property has been so appropriated or taken.

(c) Condemnation award. In the event of the termination of this Lease by reason of the total or partial taking of the premises by eminent domain, any condemnation award as to the real property shall go to the Lessor.

SECTION TWENTY-EIGHT

DISPOSITION OF IMPROVEMENTS ON TERMINATION OF LEASE

On termination of this Lease for any cause, Lessee shall remain the owner of any building or improvements on the premises, but shall remove said building or improvements and restore the land to its original condition, or to the

satisfaction of the Lessor. Such removal and restoration shall be completed within ninety (90) days of termination.

SECTION TWENTY-NINE

WAIVER

The waiver by Lessor of, or the failure of Lessor to take action with respect to any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition, or subsequent breach of the same, or any other term, covenant, or condition therein contained. The subsequent acceptance of rent hereunder by Lessor shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant, or condition of this Lease, other than the failure of Lessee to pay the particular rental so accepted, regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

SECTION THIRTY

EFFECT OF LESSEE'S HOLDING OVER

Any holding over after the expiration of the term of this Lease, with consent of Lessor, shall be construed to be a tenancy from month to month, at the same monthly rental as required to be paid by Lessee for the period immediately prior to the expiration of the term hereof, and shall otherwise be on the terms and conditions herein specified, so far as applicable.

SECTION THIRTY-ONE

PARTIES BOUND

The covenants and conditions herein contained shall, subject to the provisions as to assignment, transfer, and subletting, apply to and bind the heirs, successors, executors, administrators, and assigns of all of the parties hereto; and all of the parties hereto shall be jointly and severally liable hereunder.

SECTION THIRTY-TWO

TIME OF THE ESSENCE

Lessee:
PORT CHILKOOT POTLATCH, INC.

By: Kjell A. Olsson
Kjell Olsson
Its: President

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

Before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn as such Notary Public, this day personally appeared Kjell Olsson, known to me to be the President of Port Chilkoot Potlatch, Inc., and he acknowledged to me that he executed the foregoing on behalf of said corporation by virtue of authority granted in the bylaws or by resolution of the Board of Directors.

WITNESS my hand and official seal this the 20th day of August, 1986.

Miriam G. Press
Notary Public in and for Alaska
My Commission Expires: March 11, 1987



ATTEST:

By: Joyce Olsson
Joyce Olsson
Its: Secretary

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

Before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn as such Notary Public, this day personally appeared Joyce Olsson, known to me to be Secretary of Port Chilkoot Potlatch, Inc., and she acknowledged to me that she executed the foregoing on behalf of said corporation by virtue of authority granted in the bylaws or by resolution of the Board of Directors.

WITNESS my hand and official seal this the 20th day of August, 1986.

Miriam G. Press
Notary Public in and for Alaska
My Commission Expires: March 11, 1987



Exhibit(s)

EXHIBIT A

The leased premises is more particularly described as follows:

Starting at the north corner of Block G of U. S. Survey #2716, a tract of land 100 x 100 feet, more fully described as follows:

A point of beginning at the North Corner of Block G; thence N. 45°14' W. a distance of 25 feet; thence S. 44°46' W. a distance of 100 feet; thence S. 45°14' E. a distance of 100 feet; thence N. 44°46' E. a distance of 100 feet; thence N. 45°14' W. a distance of 75 feet to the point of beginning.

TOGETHER WITH an easement for road and access purposes over the following described property:

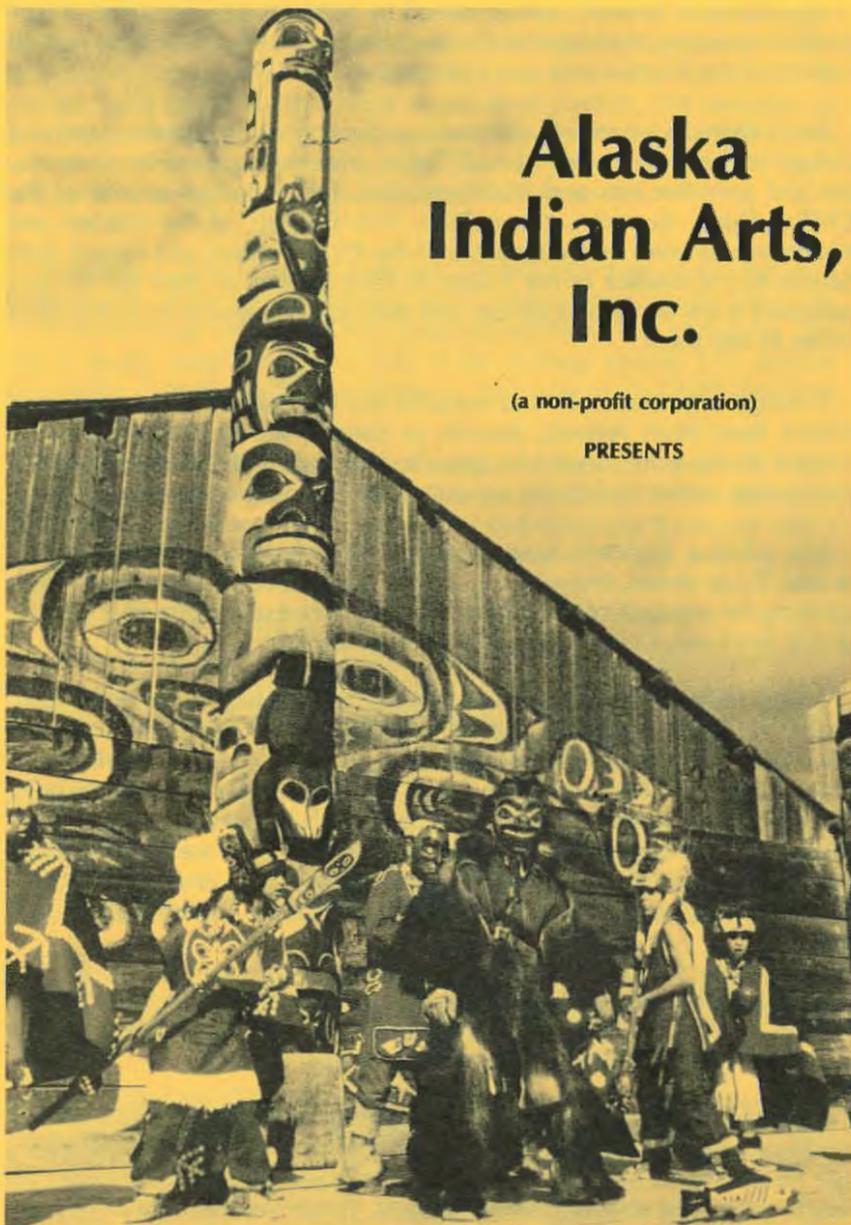
Starting at the north corner of Block G of U. S. Survey #2716; thence N. 45°14' W. a distance of 25 feet to the most northerly corner of the above described 100 x 100 feet tract of land and the TRUE POINT OF BEGINNING of the herein described easement; thence S. 44°46' W. along the Northwesterly line of said 100 x 100 feet tract of land a distance of 25 feet; thence N. 45°41'12" W. a distance of 254.28 feet to a point on the Southeasterly right of way line of Seward Drive; thence N. 44°46' E. along the Southeasterly right of way line of Seward Drive a distance of 25 feet; thence S. 45°41'12" E. a distance of 254.28 feet to the TRUE POINT OF BEGINNING.

All within U. S. Survey #2716, Haines Recording District, First Judicial District, State of Alaska. Said property is outlined in yellow on the attached plat.

Alaska Indian Arts, Inc.

(a non-profit corporation)

PRESENTS



The Internationally Famous
CHILKAT DANCERS

Authentic performers of the unsurpassed art and dance
of the Northwest Coast Indian

CHILKAT CENTER FOR THE ARTS
HAINES, ALASKA

The "Chilkat Dancers" are presented by Alaska Indian Arts, Inc., a non-profit corporation dedicated to the revival and perpetuation of the art and culture of the Northwest Coast Indian tribes.

More than 25 years ago, the serious decline of the dances, arts and culture of the Indian tribes caused Carl W. Heinmiller, a retired Army Major and primitive arts and crafts specialist, to encourage several of the Chilkat Elders to revive the culture. The Chilkats of the Haines and Klukwan area were the war leaders of the Tlingit Indians and ranged from Seattle to the Interior of the Yukon in their trading. In their travels they gathered many songs and dances and received permission from the other tribes to use them.

Through extensive study and research, the basic dances, art and cultural theory have been revived. Sources in Europe, Russia, Canada and the United States were tapped to provide materials and ideas. Ceremonial costuming, rattles and masks are utilized in the performances.

The Chilkat Dancers have presented performances throughout the world. Trade shows, festivals, art exhibits and fairs have found the Chilkats carrying the message of this outstanding and unsurpassed primitive art. The group has been a grand prize winner at many shows.

Alaska Indian Arts, Inc. employs several outstanding craftsmen and artisans and has a number of potential artisans in training. These craftsmen have produced art for many public buildings and for several World's Fairs -New York, 1964-65; Expo '70 in Japan, with the world's tallest totem pole, 132 feet high; and at Expo '74 in Spokane, Wash. Art work of these artisans is on display throughout the Haines area and large poles are now in various states, Illinois, California, Columbia, S.A., six in Japan, Red China, Port of Seattle, Anchorage, Alaska and 14 poles in Haines (Totem Village, Fort Seward.)

Alaska Indian Arts, Inc. maintains this project through income from its dances and the sale of its art work to the public and private collectors. The youthful dancers receive compensation for their services.

The costumes which you will see tonight are authentic reproductions of traditional dance items, many of which have been made by the young people themselves. The group also has in its possession many priceless artifacts, including several Chilkat Blankets, which will be used during the performance.

You are welcome to take pictures at any time. Following the program the group will pose together or singly for you.

The dances performed vary at most performances. Some of the main ones that will be seen begin with the WELCOME or ENTRANCE DANCE of the Interior Indians, the Athabaskan. Each dancer shows his costume and a special step as he or she comes in.

BEAR AND RAVEN DANCE: A famous dance of the Chilkat people, based on a tradition of their history. A chief is killed by a huge brown bear. The warriors discover his body and inform the women, who come forth to carry his body home in his Chilkat ceremonial blanket. The warriors, in searching for the killer, kill many bears until the Raven informs them who the bear is with human hair in his teeth. The old people say they still have the original bear hide, which is more than 100 years old.

CANNIBAL GIANT DANCE: A dance that tells of a huge giant who used to eat people. When he became old and could no longer catch them, he ate all the fish that the women had prepared for the winter grubstake. The giant is finally caught and destroyed in an unusual climax. The original totem of the Cannibal Giant is at Klukwan, the home of the Chilkat Indians.

TIDE WOMAN DANCE: The first people of the earth were the otter people, who were starving. The Raven asks an old lady to let the tide out so his people could collect clams. She refuses and drives the Raven off with a wolf. The Raven wins over the old lady in the end. This is a dance with several masks with movable parts.

FOG WOMAN DANCE: This is a Tsimshian dance which uses many masks and tells a story of why the old people choose the partners in marriage. The tribe lived around the mainland at Prince Rupert and the Skeena River.

PTARMIGAN DANCE: The courting dance of the Ptarmigan in the spring when he is all white. He attempts to attract the female bird, but has a competitor. Finally the females are attracted as the dance ends. This is an Interior dance.

THE SPEAR, or WAR DANCE: The warriors are at war and attack each other until one is killed. The defeated warriors flee, with the victors decapitating the fallen foe.

CHILKAT BLANKET DANCE: The famous Chilkat Blankets are worn in this competitive dance with each clan choosing its champion to uphold the honor of the clan, either Eagle or Raven. This is a very tiring dance requiring exceptional footwork.

SHAMAN DANCE: In this dance, the featured dancer is the Indian Doctor. In days of old, it was used to make the ailing well, but when the missionaries came with modern medicines, this dance became one of entertainment.

FAREWELL DANCE: Again, each dancer is given the chance to present his own step or to show off his costume or a piece of art work. This dance is used by all the Northwest tribes, with variations.

Members of the Chilkat Dancers and those at the door will give any information they can. Postcards, slides, arts and crafts, and souvenirs can be purchased in the local gift shops. Income from the dances and the sales assist in continuing the program. Many of the summer dancers are now college students and earn their costs of education in this way.

Co-founder of the Chilkat Dancers was Dr. Mildred Sparks who died in March, 1984. Her knowledge as the matriarch of the Chilkat Clan has been the most valuable asset to this revival program. Mrs. Sparks received her honorary doctorate by the University of Alaska for her services and dedication.

Thank you for your interest and attendance.

ALASKA INDIAN ARTS, INC.

P.O. Box 271

Haines, AK 99827

Phone/FAX 907-766-2160

Lee D. Heinmiller, Director

Charles Jimmie, Sr., Cultural Director

All contributions are deductible for income tax purposes.
(Tax Exempt. Int. Rev. SAE:EO:59-52 Ltr. April 22, 1957)



Native art is prominent in the daily lives - and sights - of Haines. Above, Tlingit Elder Charlie Jimmie Sr. in regalia. At right, the Eagle family totem at Lookout Park.

Native Culture





*the
Humble
Way*

FIRST QUARTER 1972

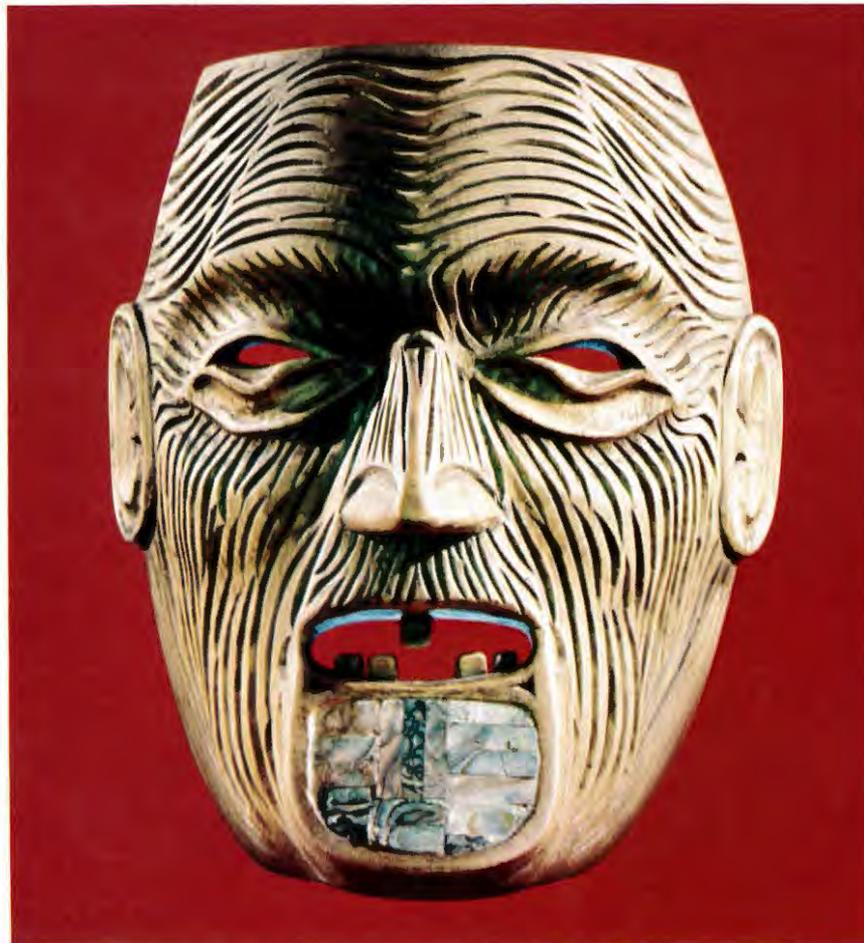
Reproducing Alaska's Aboriginal Art

IN TIME WITH A TOM-TOM's slow thumping, a dancer garbed magnificently in a Chilkat chief-tain's tunic pantomimes a bear hunt for his charmed audience of tourists from the Lower 48. He grapples fiercely with a hulking figure wearing a carved wooden bear mask. Killed in the struggle, the chief is borne away by his tribesmen on a blanket of mountain goat's wool.

Then come the hunters to avenge his death. They search long and unsuccessfully until a friendly raven leads them to the killer. Around and about the dancers wheel, slaying the bear. The raven, with his sharp-beaked mask, hovers apocalyptically over the scene.

They are the Chilkat dancers performing their Bear and Raven Dance, a classic among the Tlingit Indians of the Alaskan coast. Their tunics, cloaks, headdresses, masks, and the dance itself, are products of an artistic heritage which one expert describes as "unique among the world's art traditions." It is a tradition, however, on the verge of extinction. Today, it is being kept alive by a handful of talented Natives working together as Alaska Indian Arts, Inc., under the direction of a former Ohioan named Carl Heinmiller.

When Heinmiller arrived at Port Chilkoot-Haines in 1947, he found fewer than a hundred members remain-



"Old woman" mask, a Chilkat original, has abalone shell lip plug, or labret.

cultural shock, the Tlingits could not cope with 20th century change. The survivors lapsed into hopeless poverty and renounced an artistic heritage considered to be the richest and most highly developed of any aboriginal group in North America.

But Heinmiller, who had worked with tribesmen in the Fiji Islands, befriended the Tlingits. To give the children something to do, he formed a Boy Scout troop. As a project, he assigned them to learn the dances and ceremonies by which tribal history and mythology were expressed. He per-

skills of dance and art which would have perished with them. Thus the Chilkat Dancer came into being. Performing for tourists traveling to Port Chilkoot from Juneau or Skagway, they soon achieved nationwide fame for the unusual beauty and authenticity of their performance and costumes.

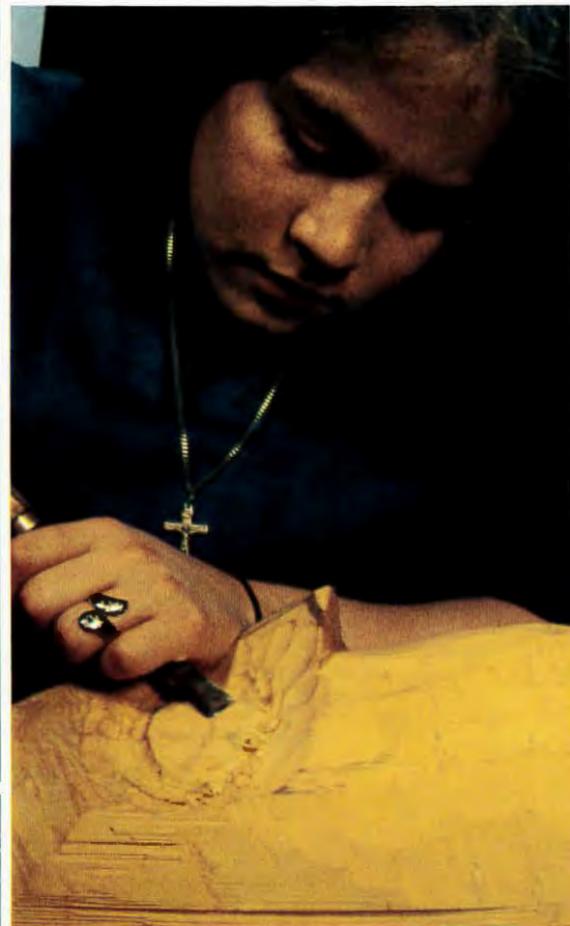
In creating their costumes, the young Tlingits had to learn to carve the wooden masks by which various roles are symbolized. Their extraordinary aptitude for handicrafts led Heinmiller to start a program to teach craftsmanships to the unemployed and handicapped Natives of the area. In 1957, Alaska Indian Arts was incorporated with funds from the Indian Arts and

Crafts Board of the Department of the Interior, the Alaska Rural Development Agency, and the Manpower Development and Training Administration. Over 40 Natives have learned valuable skills in the program; of these, a gifted half-dozen have developed into artists of unusual ability. Their output ranges from totem poles (including a 132-foot skyscraper, the tallest in the world) to block prints of traditional motifs. Achieving a high degree of expertise, the artisans of Alaska Indian Arts produce carvings which the tribe's elders say equal the work of master carvers of bygone years.

Their accomplishments led Hein-

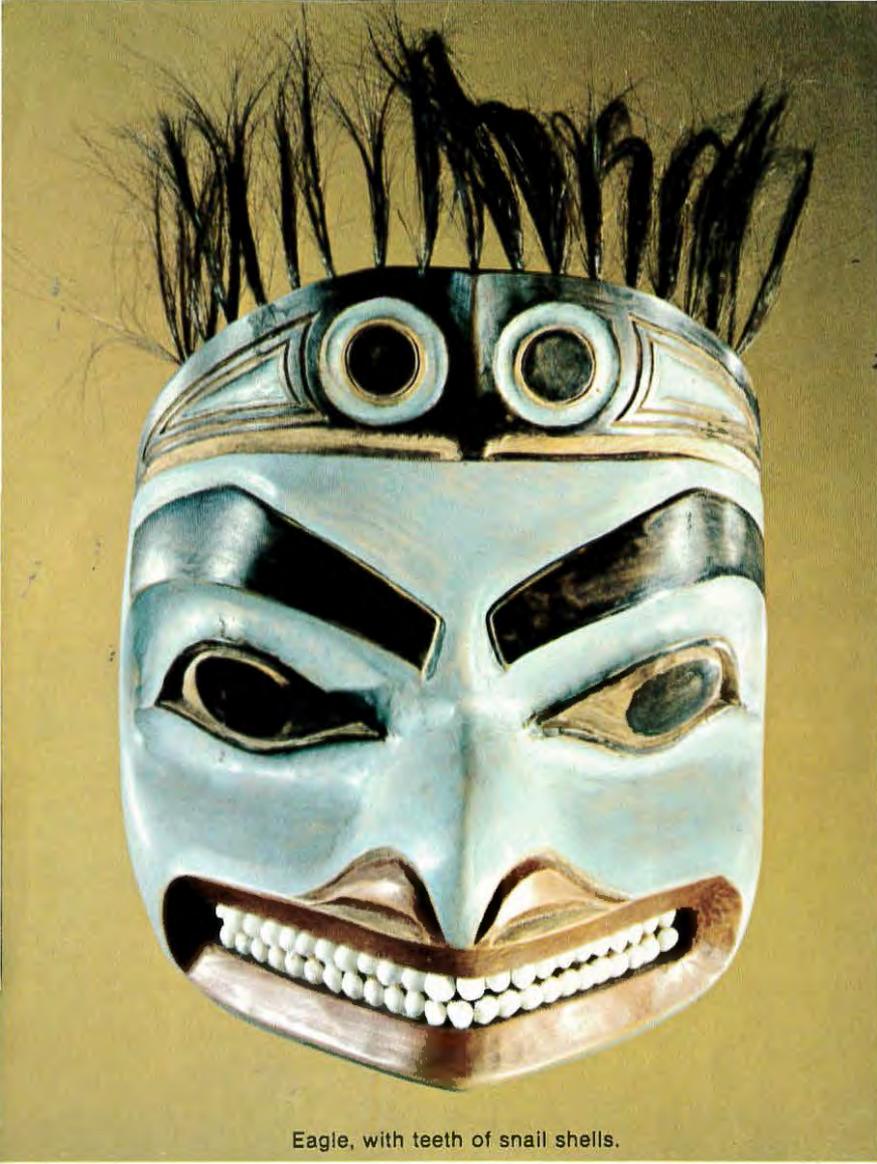


With the aid of a grant from Humble, Native artists such as Leo Jacobs, left, were able to duplicate ancient Indian artwork contained in museums in Soviet Russia. An example of the artistic carving which Alaskan aboriginals lavished on even workaday objects can be seen in the halibut hook, center left, which they used in fishing.

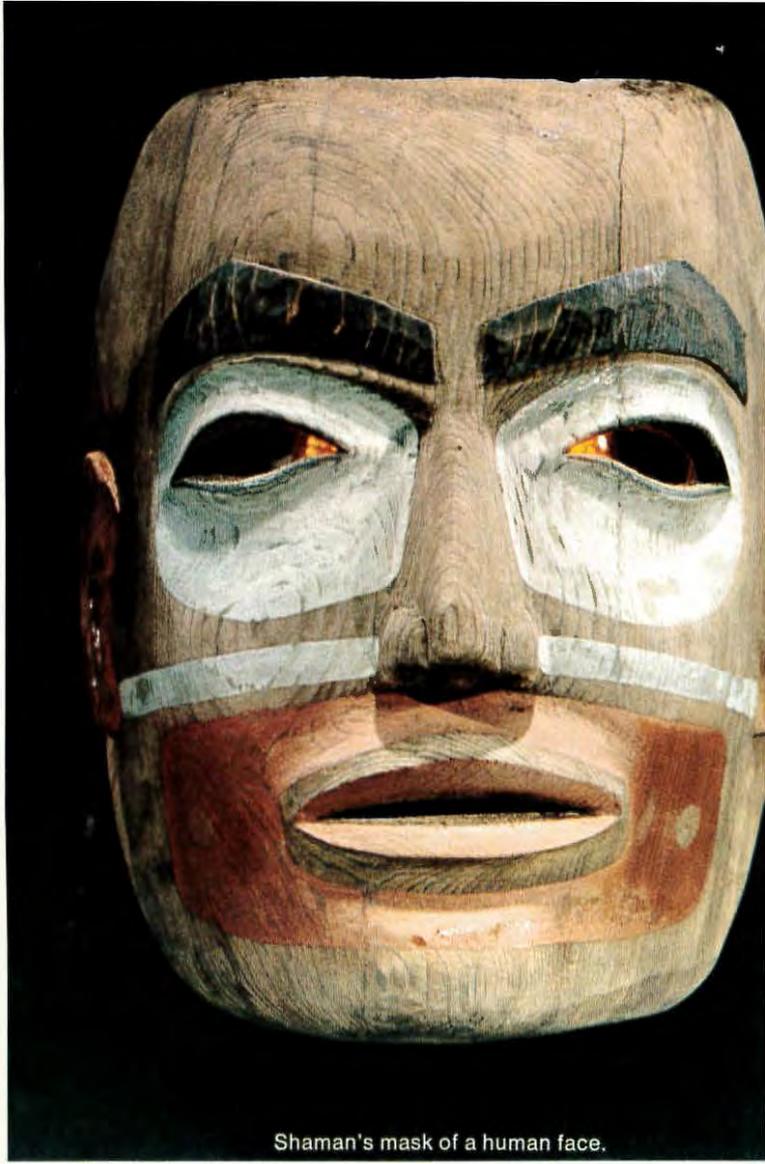


Above, Sue Clayton, a Tlingit high school girl who is learning to carve at Alaska Indian Arts, roughs out the shape of a woman mask. At left, Ed Kasko, a Tlingit, carves the features of the "old man" mask, and John Avatock, an Aleut, shapes bits of abalone shell to be used as mask ornamentation.

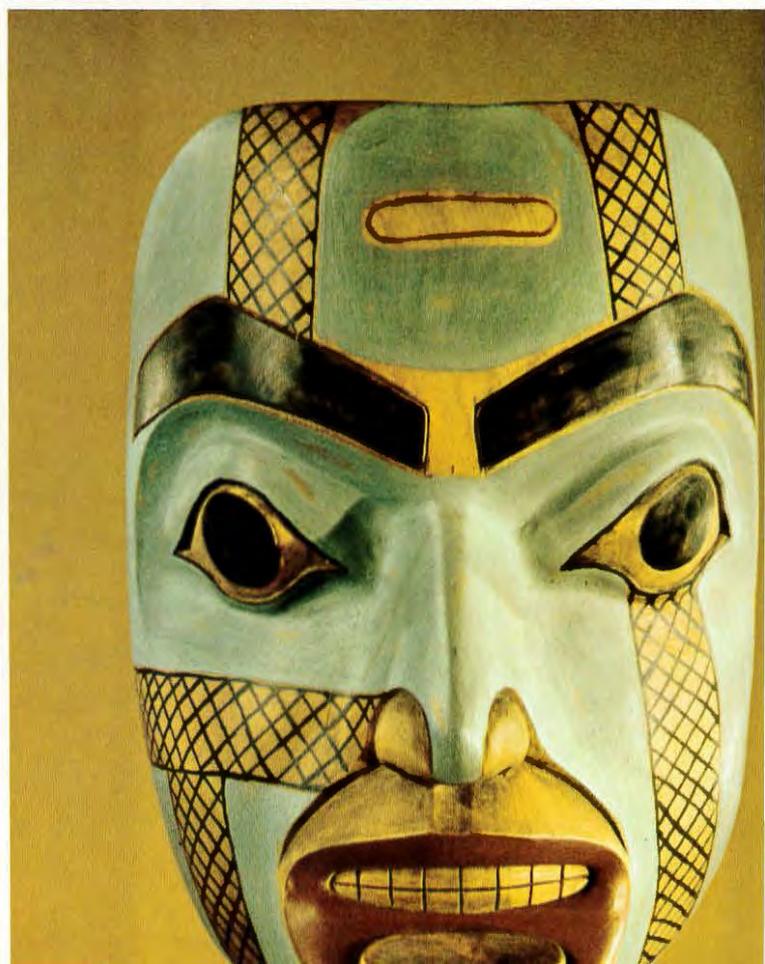
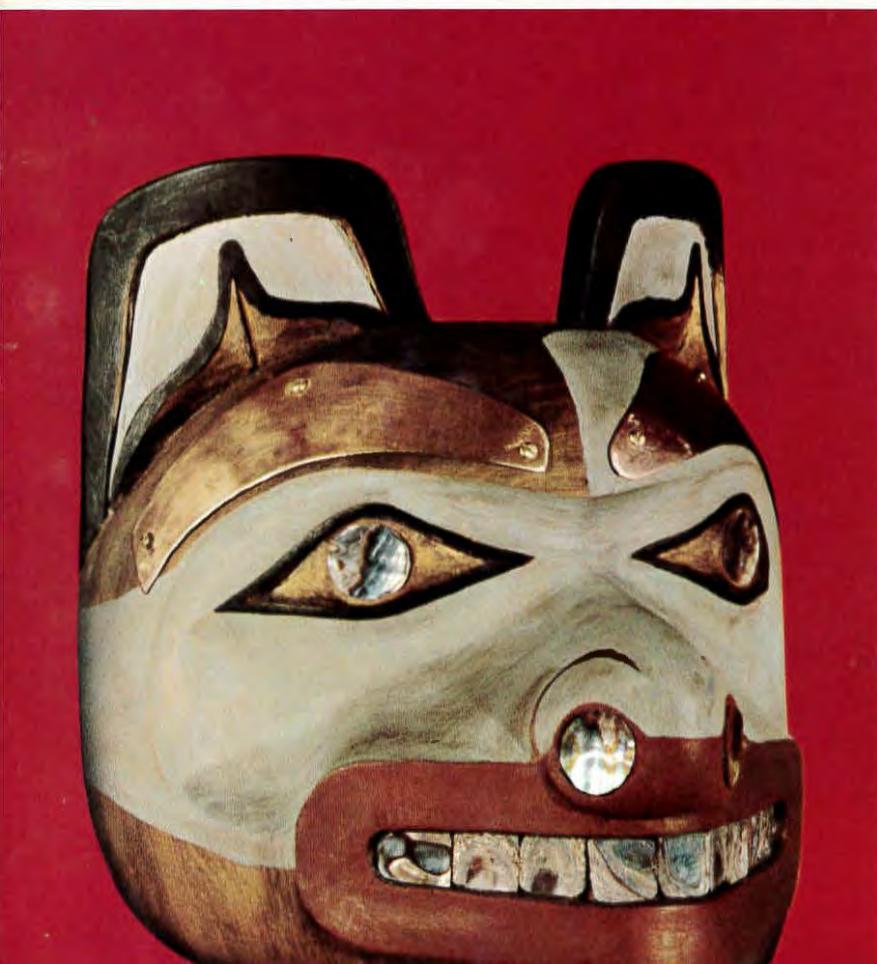




Eagle, with teeth of snail shells.



Shaman's mask of a human face.



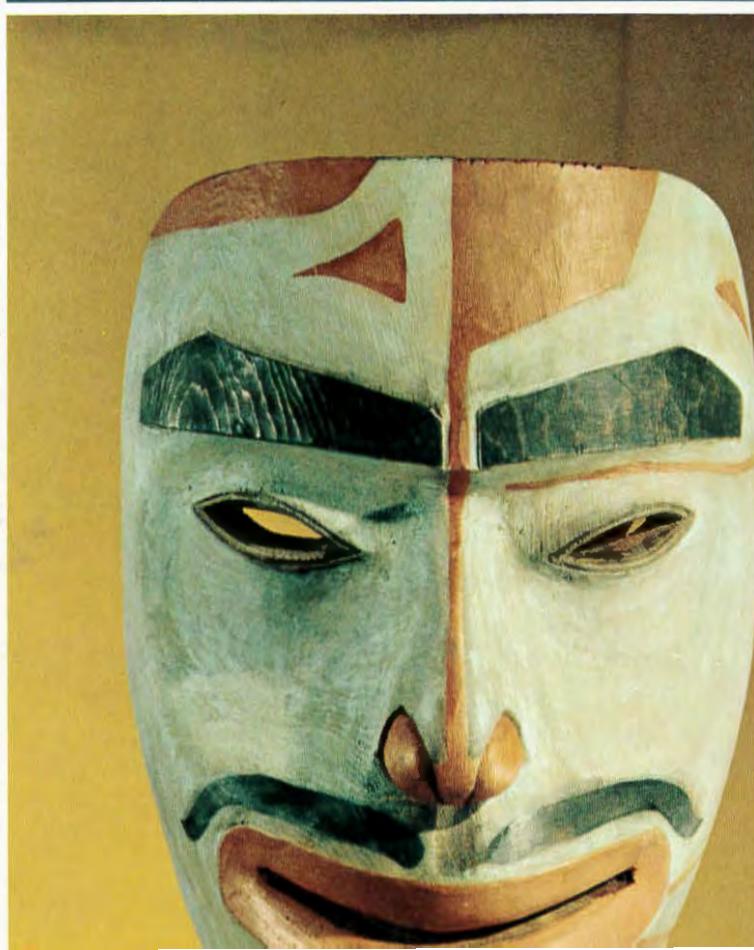
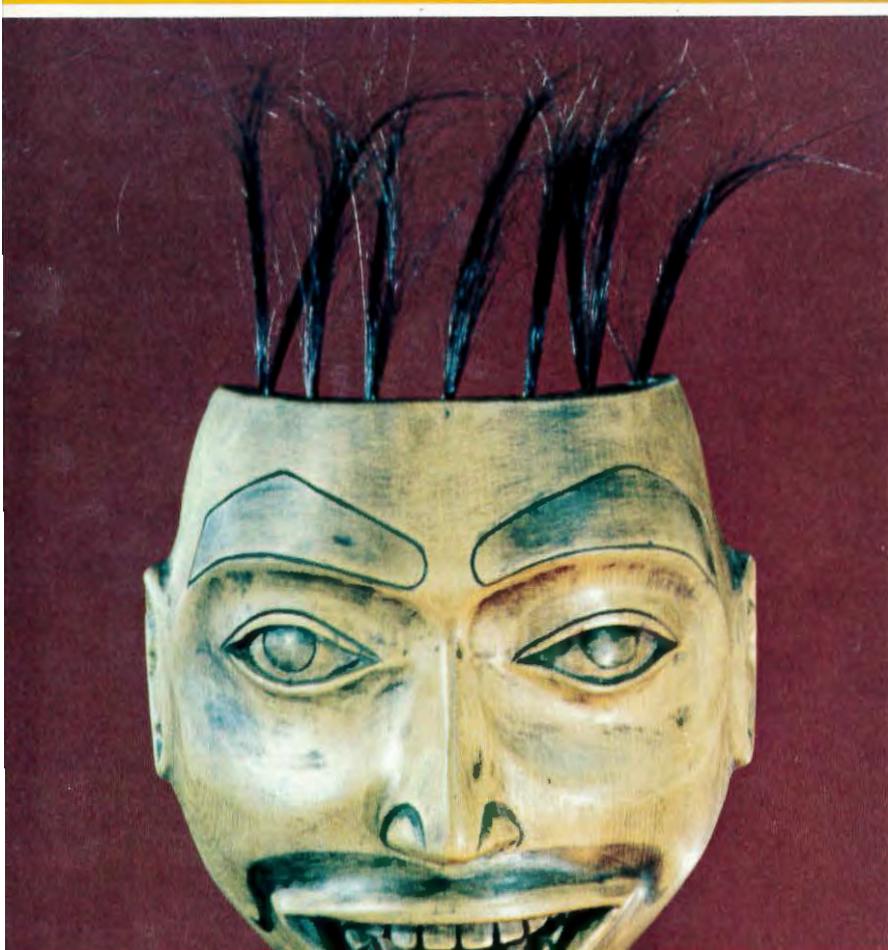




Woman, with eyebrows of copper



Battle mask of angry man, worn with helmet.



ture: reproducing Northwest Coast Indian art contained in Russian collections. "The best and most authentic examples in the world are in Russian museums," says Heinmiller, who has examined the collections personally. "The Russians owned Alaska from 1741 to 1867," Heinmiller points out. "Their explorers and traders assembled some superb collections when aboriginal Alaskan art was at its peak. We felt that if Alaska Indian Arts could reproduce these masterpieces, we could bring back some of our lost heritage to Alaska."

A grant from Humble Oil & Refining Company made it possible for Heinmiller to realize his ambition. Working from a reference work by a Russian ethnologist, Heinmiller selected for reproduction seven masks and a halibut hook from a collection housed in the Museum of Anthropology and Ethnography of the Academy of Sciences in Leningrad, and two masks from the Anthropological Museum of the Lomonosov State University in Moscow. He decided to add two unusual masks of Chilkat origin to provide variety in motifs and ethnic traditions.

Completed, the 12-piece collection is being exhibited throughout Alaska, and will be displayed at selected museums in the Lower 48 in coming months.



"Killer whale" mask, the original of which was collected by Russian explorer Voznesensky around 1840.

Coast Indians," Heinmiller says. "Artists who created them were among the most honored personages of the tribe. They were exempt from military service and other tribal responsibilities." Carving red cedar or birch with wooden hasps tipped with shell, stone, or beaver teeth, artists ornamented their work with natural pigments, beaten copper strips, abalone shell, walrus and seal whiskers, feathers, fur, and sometimes human hair. The masks represented totem animals, spirits, and mythological beings, and were handed down from generation to

winter months and commemorate events. The dancers used masks to represent specific animal and spirit characters. The clan's shaman, or medicine man, had a particularly large number which he would use in healing ceremonies. Some masks covered the wearer's face, while others were attached to ceremonial head-dresses or to helmets worn in battle. Art motifs stressed the close relationship between man and animal, and masks frequently combined both human and animal features. Symbols characterized specific animals: A long straight beak indicated a raven; a hooked beak was the

eagle's symbol; a hooked beak curving under to touch the mouth was the sign of the hawk. Bear, beaver, whale, wolf, mountain goat, and sometimes fish and insects played a role in tribal mythology.

But Northwest Coast Indians didn't restrict their art to masks alone. In their hands, ordinary possessions became works of art. The wooden walls of communal houses were open books recording tribal history in glowing symbolism. Cooking utensils, dug-out canoes, articles of clothing, fishing lures, tools and weapons, all displayed the artistic talent and perception of their makers.

"This is the tradition we are trying to renew," Heinmiller explains. "These

THE PROBLEM IS VEXATIOUS, immediate and increasing. To solve it, Bill Shiels activates a precision-made, thoroughly tested, highly effective instrument standard in Alaskan oceanography:

"... Stick, round, tapered, of straight-grain ash, exactly 1.067 meters long, maximum of 69.5 millimeters in diameter, stamped with an oval trademark, "Louisville Slugger."

Swinging his big league baseball bat, Shiels shuffles up and down the slippery, heaving decks of the Research Vessel *Acona*. He flails away at the

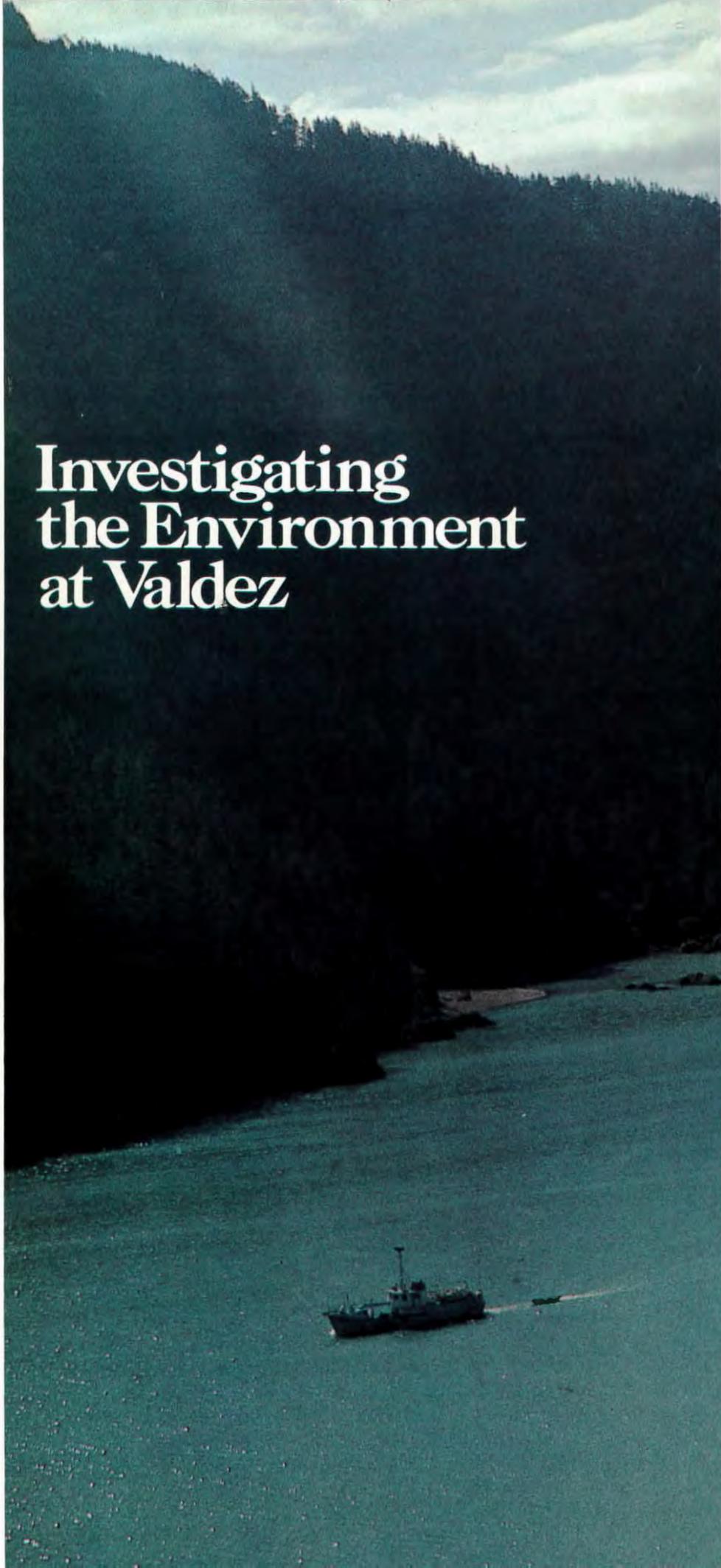


Dr. Mark Pelto, oceanographer with the National Marine Fisheries Service, examines facilities aboard the *Acona*.

crusts of frozen spray clinging to rails, jackstaff, winches, wire ropes and superstructure. With every smite, shards of ice fly away on a wintry wind. And the *Acona*, relieved of her burden, makes her way toward another station in the Valdez Arm of Prince William Sound. Bill Shiels stows his bat in the pilot house, and brings into play yet another apparatus familiar to northern latitudes, a snow scoop. Hampered by bulky clothing, Shiels gingerly clears slush from a solar meter, from seawater incubators, from coils of plastic tubing leading to a laboratory aft.

If "exploration is the sport of the scientist" (Auguste Piccard), the men of the *Acona* are participating sportsmen in a championship academic expedition. Their contest is unique in oceanography: to pursue history's first modern, comprehensive, long-term study of a pristine fiord

Investigating the Environment at Valdez





**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 16-660

Assembly Meeting Date: 6/14/16

Business Item Description:	Attachments:
Subject: Investment Objectives for Haines Permanent Fund and Investment Asset Allocation Goals	1. Resolution 16-06-679 2. About the Benchmarks 3. APCM Presentation 4. Asset Allocation
Originator: Finance Director	
Originating Department: Finance	
Date Submitted: 6/6/16	

Full Title/Motion:
Motion: Adopt Resolution 16-06-679.

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	TBD

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>On 6/24/14, the assembly adopted via Resolution 14-06-571 the current investment objectives and allocation goals. This new resolution changes the benchmark for our international equity asset classes because of changes in the Vanguard fund the borough owns.</p> <p>Bill Lierman from Alaska Permanent Capital Management (APCM) would like to visit the borough sometime within the next few months to make a presentation to the assembly or Finance Committee regarding the Borough's Permanent Fund, managed by APCM. This would be an opportunity to revisit the asset allocation more generally.</p>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 6/14/16	Public Hearing Date(s):
	Postponed to Date:

A Resolution of the Haines Borough Assembly establishing investment objectives for the Haines Permanent Fund, and adopting investment asset allocation goals and performance benchmarks.

WHEREAS, the Haines Borough Charter, Article 9, Section 9 establishes the Haines Permanent Fund; and

WHEREAS, the Assembly is charged with broad powers to safeguard, protect, invest and account for the Haines Permanent Fund; and

WHEREAS, the investment objective for the Haines Permanent Fund is to maintain principal while maximizing total return; and

WHEREAS, setting asset allocation policy is an essential element of the Assembly's work to ensure that the level of investment risk in the Fund is prudent and appropriate for the stated objective; and

WHEREAS, the Assembly has reviewed recent capital market return and risk assumptions; and

WHEREAS, using these assumptions, the asset allocation adopted herein is expected to produce, over time, the following return:

Assumptions

Median Expected total Fund return:	4.3%
Standard Deviation of Returns:	7.1%
Inflation Assumption:	2.25%; and

WHEREAS, it is important to provide for measuring the investment manager(s) performance against appropriate benchmarks,

NOW, THEREFORE, BE IT RESOLVED by the Haines Borough Assembly that the Assembly adopts the following asset allocation and benchmarks for the Fund which will remain effective until modified by subsequent resolution:

Section 1: The asset allocation target weightings with range restrictions are as follows:

<u>Asset Class</u>	<u>Target %</u>	<u>Range %</u>
U.S. Fixed Income	70%	60-80%
Equities		
Large Cap Equity	17%	10-25%
Mid Cap Equity	2%	0-5%
International Equity	6%	0-10%
Emerging Markets Equity	2%	0-5%
REITs	<u>3%</u>	0-5%
Total Equities	30%	

Section 2: The performance of the Fund and investment managers will be measured as follows:

Asset Class & Benchmarks

U.S. Fixed Income

Benchmark – Barclay’s Intermediate Government/Credit Index

Large Cap Equity

Benchmark – Standard & Poor’s 500 Index

Mid Cap Equity

Benchmark – Standard & Poor’s 400 Mid-Cap Index

International Equity

Benchmark – ~~Financial Times Stock Exchange Developed ex North America Index~~
Morgan Stanley Capital International Europe, Australasia and Far East Index (MSCI EAFE)

Emerging Markets Equity

Benchmark – ~~Financial Times Stock Exchange Emerging Index~~ **Morgan Stanley Capital International Emerging Markets Index (MSCI EM)**

REITs

Benchmark – Standard & Poor’s US REIT Index.

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

Jan Hill, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

Benchmark Descriptions

Barclays U.S. Intermediate Government/Credit Index

The Barclays U.S. Intermediate Government/Credit Index measures the performance of U.S. dollar denominated debt securities issued by the U.S. Treasury, U.S. government related agencies, and domestic corporations. All securities in the Index must be rated investment grade and have a maturity between one and ten years.

Standard & Poor's 500 (S&P 500)

The Standard and Poor's 500 index is a capitalization-weighted index of 500 stocks. The index is designed to measure performance of the broad domestic economy through changes in the aggregate market value of 500 stocks representing all major industries. The average market capitalization of the companies in the Index is approximately \$37 billion as of May 16, 2016.

Standard & Poor's MidCap 400 (S&P 400)

The S&P MidCap 400 is designed to measure the performance of 400 mid-sized companies in the U.S., reflecting this market segment's distinctive risk and return characteristics. This index is broad based and includes equity securities from all major industry groups. The average market capitalization of the companies in the index is approximately \$4 billion as of May 16, 2016.

Morgan Stanley Capital International Europe, Australasia and Far East Index (MSCI EAFE)

The MSCI EAFE Index is designed to represent the performance of large and mid-cap equity securities across 21 developed markets, including many European countries, Australia, Japan, and Hong Kong. Companies from the U.S. and Canada are excluded. The Index covers approximately 85% of the free float-adjusted market capitalization in each of the 21 countries it tracks.

Morgan Stanley Capital International Emerging Markets Index (MSCI EM)

The MSCI Emerging Markets Index includes equity securities from 23 different countries. Some of the countries included in this index are: Brazil, Russia, India, China, and South Africa. The economies of these countries are developing and are less advanced than those represented in the MSCI EAFE Index. The Index covers approximately 85% of the free float-adjusted market capitalization in each of the 23 countries it tracks.

Standard & Poor's US REIT Index

The S&P U.S. REIT Index defines and measures the investable universe of publicly traded real estate investment trusts (REITs) domiciled in the United States. The Index represents diversified ownership of commercial real estate such as office buildings, multi-family residential properties, hospitals, retail locations, and hotels.

Haines Borough

INVESTMENT REVIEW

for period ending December 31, 2013



Asset Allocation

APCM's Annual Asset Allocation Review

Annual Review of ETFs and Funds

Examine performance, tracking error, tradability, and expense ratios of existing and prospective vehicles.

Change in benchmark on two international Vanguard ETFs.

Asset Class Review

Ensure adequate coverage of the investable marketplace and consider role of opportunistic asset classes.

Exposure to 3 asset classes. APCM covers 11 strategic and 4 opportunistic asset classes which could be added to effectively balance risk/return.

Review Allocation with Clients

Present new return/risk assumptions, downside risks, and wealth simulations.

Discuss changes in client circumstances.

Affirm allocation or change as needed.

Update Capital Market Projections

Seven year return outlook based on changing economic conditions and valuations in the market.

Slow GDP growth with muted inflation likely to suppress real & nominal returns.

Portfolio Review

Actual Historical Allocation

as of December 31, 2013

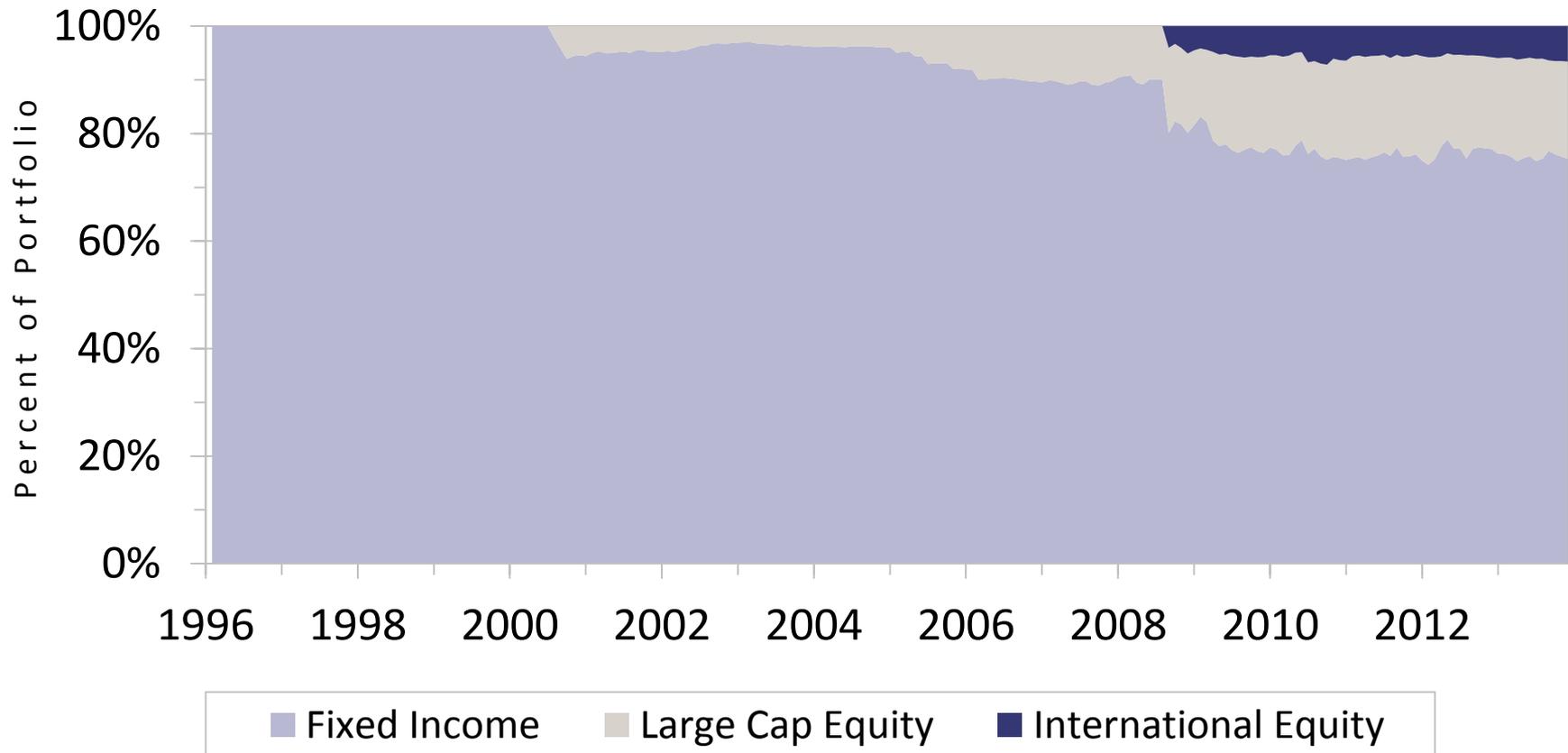
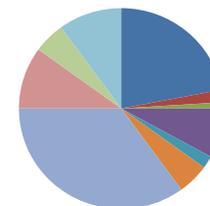
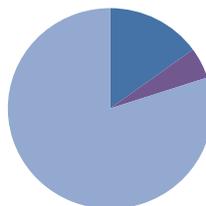


Chart shows month end data based upon portfolio market value.

Asset Allocation



Asset Class		Haines Borough	40% Equity
Large Cap Equity		15.0%	22.0%
Mid Cap Equity		-	2.0%
Small Cap Equity		-	1.0%
International Equity		5.0%	8.0%
Emerging Markets Equity		-	2.0%
REITs		-	5.0%
U.S. Fixed Income		80.0%	35.0%
TIPS		-	10.0%
International Bonds		-	5.0%
Commodities		-	0.0%
Cash		-	10.0%
APCM's Forward Looking Assumptions	Return	3.5%	5.0%
	Risk	5.8%	8.0%
	Ratio	0.61	0.62
Annualized Historical Returns 3/1997 - 12/2012	Return	6.6%	6.9%
	Risk	4.4%	7.2%
	Ratio	1.48	0.96
Best 12 Month Period		18.3%	30.2%
Worst 12 Month Period		-8.4%	-18.9%

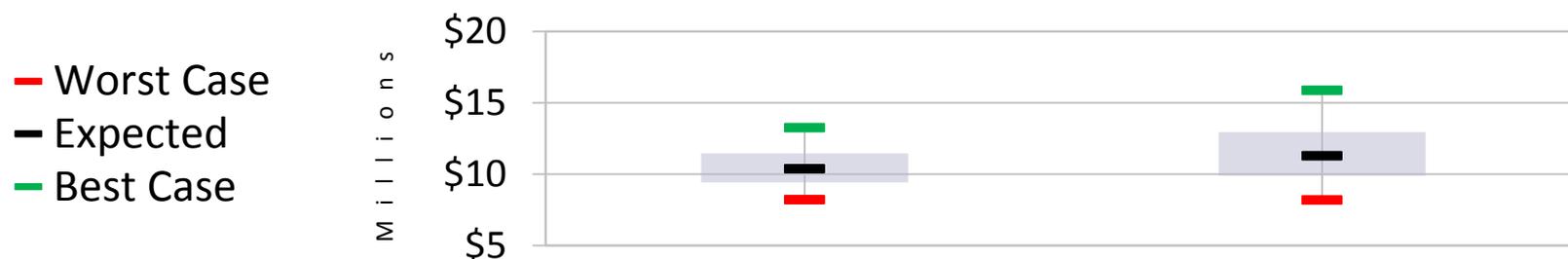
Risk and return data from Windham Portfolio Advisor.

Expected Return of Current Allocation

	2008	2013
Average Annual Expected Return	+5.53%	+3.54
Standard Deviation of Expected Return	7.45%	5.78%
Inflation Assumption	+3.0%	+2.5%

Wealth Simulation

Ranges of Expected Real Portfolio Value Over 7 Years



Confidence Level			Haines Borough	40% Equity
<i>Likelihood of Achieving this Market Value or Better Out of 5,000 Trials</i>				
Best Case	5%	250/5,000	\$13,245,030	\$15,852,970
	25%	1,250/5,000	\$11,445,660	\$12,933,150
Expected	50%	2,500/5,000	\$10,362,910	\$11,269,530
	75%	3,750/5,000	\$9,410,115	\$9,874,392
Worst Case	95%	4,750/5,000	\$8,187,934	\$8,176,278

Data: Windham Portfolio Advisor. Portfolio starting value of \$8.2 million.

Asset Allocation Considerations

Factors	Haines Borough
T Time Horizon	Long Term
R Risk Tolerance	Commensurate with Return Objective
E Expected Return	Maintain Principal While Maximizing Total Return
A Asset Class Preference	Domestic Large Cap Equity, International Developed Equity, REITs, U.S. Intermediate Bonds
T Tax Status	Tax Exempt

- Current allocation has 20% equity exposure and 80% bonds with an **expected long-term annual return of +3.5%**

Summary

- Expected return from 2008 of +5.53% has been revised down to +3.54% due to changes in the financial markets and asset class valuations
- Inflation assumption of +2.5% per year leaves room for +1.04% real growth
- Given changes in projected return/risk, does the current allocation meet the objectives for Haines Borough?

ALASKA
PERMANENT
CAPITAL MANAGEMENT COMPANY

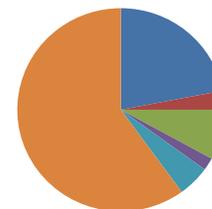
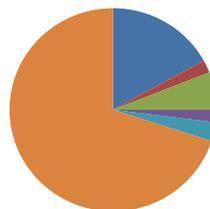
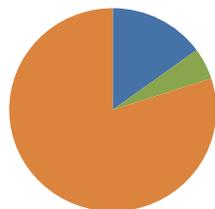
IS RELATIONSHIP DRIVEN AND VIEWS ITSELF AS
A LONG-TERM PARTNER WITH ITS CLIENTS

YOUR BUSINESS IS IMPORTANT TO US!

VISIT US AT OUR WEBSITE: APCM.NET



Asset Allocation



Asset Class		Haines Borough	30% Equity	40% Equity
Large Cap Equity		15.0%	17.0%	22.0%
Mid Cap Equity		-	2.0%	3.0%
International Equity		5.0%	6.0%	8.0%
Emerging Markets Equity		-	2.0%	2.0%
REITs		-	3.0%	5.0%
U.S. Fixed Income		80.0%	70.0%	60.0%
APCM's Forward Looking Assumptions	Return	3.5%	4.3%	4.9%
	Risk	5.8%	7.1%	8.3%
Annualized Historical Returns 3/1997 - 12/2012	Return	6.6%	7.0%	7.2%
	Risk	4.4%	5.7%	7.2%
Best 12 Month Period		18.3%	25.2%	30.7%
Worst 12 Month Period		-8.4%	-13.1%	-17.7%

Risk and return data from Windham Portfolio Advisor.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 16-661

Assembly Meeting Date: 6/14/16

Business Item Description:	Attachments:
Subject: Contract with Southeast Road Builders for the Bjornstad Street Culvert Replacement Project	1. Resolution 16-06-680 2. Bid Solicitation 3. Bid Results 4. Southeast Road Builders Bid
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 6/8/16	

Full Title/Motion:
Motion: Adopt Resolution 16-06-680.

Administrative Recommendation:
The Interim Borough Manager recommends adoption of this resolution.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 54,000	\$ 380,000	\$ 0	Reduced maintenance costs

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives: Objective 2B, Pages 56-57	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>The Bjornstad Street Culvert Replacement project consists of removal and replacement of approximately 375 feet of steel, 36-inch culvert. The Borough recently issued a request for sealed bids from qualified, licensed contractors for the project. The Borough obtained one responsive, sealed bid: 1) Southeast Road Builders for \$54,000. The Interim Borough Manager has reviewed the bid and recommends award to Southeast Road Builders. There is approximately \$380,000 appropriated for Road Improvements in the Capital Improvement Projects (CIP) fund, sufficient to cover this contract.</p>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 6/14/16	Public Hearing Date(s):
	Postponed to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Southeast Road Builders for the Bjornstad Street Culvert Replacement project for an amount not to exceed \$54,000.

WHEREAS, the Bjornstad Street Culvert Replacement project consists of removal and replacement of approximately 375 feet of steel, 36-inch culvert; and

WHEREAS, the Borough recently issued a request for sealed bids from qualified, licensed contractors for the project; and

WHEREAS, the Borough obtained one responsive, sealed bid: 1) Southeast Road Builders for \$54,000; and

WHEREAS, the Interim Borough Manager has reviewed the bid and recommends award to Southeast Road Builders; and

WHEREAS, there is approximately \$380,000 appropriated for Road Improvements in the Capital Improvement Projects (CIP) fund, sufficient to cover this contract,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to execute a contract with Southeast Road Builders for the Bjornstad Street Culvert Replacement project for an amount not to exceed \$54,000.

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

NOTICE INVITING BIDS

Bjornstad Street Culvert Replacement

The Haines Borough is soliciting sealed bids from qualified and licensed contractors to perform the work for the **Bjornstad Street Culvert Replacement** project. All contractors are required to have a current Alaska Contractor's License and Alaska Business License. A Haines Business License is required prior to contract award.

RECEIPT OF BIDS / BID DEADLINE: Bids will be accepted until 2:00 p.m., Local Time, Wednesday, June 8, 2016 (per Addendum #2), at the Office of the Borough Clerk in the Borough Administration Building in Haines, Alaska. Bids must be mailed or hand-delivered and will not be accepted by email or fax.

Submit Bids to:

<u>Physical Address:</u> Office of the Borough Clerk Borough Administration Building 103 Third Ave S. Haines, Alaska	<u>Mailing Address:</u> Haines Borough Attn: Borough Clerk PO Box 1209 Haines, AK 99827
--	---

BID OPENING: The bid opening will be shortly after 2:00 p.m. on the same date in the Borough Administration Building conference room.

BID DOCUMENTS: A Bid packet including instructions, forms, and description of work is available on the Haines Borough website: www.hainesalaska.gov/rfps for viewing and printing. If prospective bidders request that borough staff print the documents, the cost will be 20 cents per standard 8½x11 page and 50 cents per 11x17 page. (Each side of a page counts as one.)

QUESTIONS:

For technical questions:

Attn: Brad Ryan
Interim Borough Manager
103 Third Ave / P.O. Box 1209, Haines, AK 99827
Phone: 907-314-0648
Email: bryan@haines.ak.us

DESCRIPTION OF WORK: The work consists of removal and replacement of approximately 375 feet of steel, 36-inch culvert in the Bjornstad Street area of Haines, Alaska.

Prospective bidders are required to attend a Pre-Bid Conference to be held in Haines on April 21, 2016 beginning at 10:00 a.m. at the Borough Administration Building (103 Third Avenue), immediately followed by a mandatory site visit.

LOCAL BIDDER PREFERENCE: If a bid by a responsible and responsive bidder whose principal place of business is within the borough is higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder, as follows:

- a. \$1,000,000 or less - 7% local preference,
- b. \$1,000,001 to \$5,000,000 - 5% local preference, or
- c. Over \$5,000,000 - 2% local preference.

Haines Borough
Bid Opening Record

Location: Borough Admin. Building

Date/Time: 2:15pm, 6/8/16

Project: Bjornstad Street Culvert Replacement

Bidder	Bid Rcvd by Deadline	Bid on Req. Form, Complete, & Signed	Proof of AK Business Licensing	Proof of AK Contractor's Cert. of Reg.	Bid Bond or Certf. Check of at least 5% of bid	Non-Collusion Affidavit	Addenda Noted (3)	Base Bid: Bjornstad Street Culvert Replacement
Southeast Road Builders	X	X	X	X	X	X	X	\$54,000
Modifications								
Total								\$54,000

Present:

Brad Ryan, Interim Borough Manager
Ralph Borders, Public Works Superintendent
Krista Kielsmeier, Deputy Clerk

HAINES BOROUGH
Bjornstad Street Culvert Replacement

BID SCHEDULE

Bid of Southeast Road Builders, Inc. (hereinafter called *Bidder*), doing business as (underline one) a corporation, partnership or individual, to the Haines Borough (hereinafter called *Borough*). The Bidder agrees to furnish to the Haines Borough all information and data that may be requested to give evidence that the undersigned is properly qualified to carry out the obligations of the Contract Documents.

The undersigned Bidder agrees, if this bid is accepted, to furnish all tools, equipment, supplies, manufactured articles, labor, materials, services and incidentals, and to perform all work necessary to complete the work required under the Invitation to Bid by the completion dates and to accept as full payment the Contract Price stated on this Bid Form, and in the manner stipulated by the Request for Bids, subject to any negotiated changes in the work that might increase or decrease the contract amount. The Borough reserves the right to reject any and all bids and negotiate with the responsible bidder submitting the lowest bid amount.

Bidder accepts all of the terms and conditions of the Request for Bids and, if this bid is accepted, will furnish, within ten calendar days after the Notice of Intent to Award letter, the following documents required by borough code for this project:

1. *Contract document or Agreement;*
2. *[Proof of insurance: general liability, auto insurance, worker's compensation];*
3. *Any overdue unpaid debts owed the borough must be current prior to award;*
4. *Payment and Performance bonds, if applicable; and*
5. *Subcontractor report, if applicable.*

Bidder acknowledges receipt of the following addenda: Addendum #. 1 Initials:  Addendum #. 2 Initials: 
Addendum #. 3 Initials: 

Total BASE BID (Price in Digits): \$54,000.00

BIDDER INFORMATION:

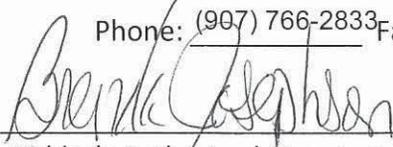
Principal Contact: Roger Schnabel

Business Name: Southeast Road Builders, Inc.

Business Physical Address: 4.5 Mile Haines Highway, Haines, AK 99827

Business Mailing Address, if different: HC 60 Box 4800, Haines, AK 99827

Phone: (907) 766-2833 Fax: (907) 766-2832 Email: roger@seroad.com ; cheryls@seroad.com



Bidder's Authorized Signature

Brenda Josephson, Treasurer

Printed Name

June 8, 2016

Date

From: [Donald Churchill](#)
To: [Margaret Friedenauer](#); tgregg@haines.a.us; [George Campbell](#); [Diana Lapham](#); [Mike Case](#); [Ron Jackson](#)
Cc: [Jan Hill](#); [Julie Cozzi](#); [Brad Ryan](#)
Subject: Repealing the 1% Tourism and Economic Development Tax
Date: Monday, June 06, 2016 10:15:38 PM

Dear Assembly Members,

The time has come to repeal the 1% tourism & economic development tax. The community of Haines has been very generous to the tourism industry. The tax payers have bonded and rebuilt the cruise ship dock, we paid for a 1 million dollar restroom, rebuilt sidewalks, curbs, and signage from the cruise ship dock to downtown, and on top of all that for the last 30 years we gave 1% of every dollar we spend in town specifically to one industry: tourism. While short-term incentives to help fledgling businesses succeed can be a useful economic tool at some point this tool can go from an incentive to a subsidy. And after 30 years we are well past that point.

I have heard the argument that by collecting this tax and spending this money it brings more tourists to town who in turn spend their money thereby generating more sales tax. I could make the same argument for almost any industry in town. For instance if you purchase new gill nets for every commercial fisherman in town I can guarantee the fleet would catch more fish and thereby sending more fish to Excursion Inlet's Ocean Beauty plant which in turn would pay more raw fish tax to the Borough. I could easily make the same argument for many other businesses in town but you get the point.

If in fact the tour operators and tourist related businesses in town feel that the 1% tax being collected from every person in town by the Borough and spent on their behalf is essential to the future of their businesses I have a suggestion: They can follow our lead and tax themselves. All salmon fishermen pay 3% of their gross annual income to a regional aquaculture association who in turn produces more salmon for us to catch, thereby increasing our production. With increased production more salmon is landed at Excursion Inlet which in turn means more raw fish tax for the Borough. And the only businesses taxed were fishermen not tourist related business nor any other person in town, as it should be. In the past 12 years the Borough has collected almost five and a half million dollars for the tourism industry. In FY2015 alone \$525,794 was collected from the 1% tourism and economic development tax. In the same 12 year period commercial fisherman asked for and received just \$15,000 from the Borough. As fisherman we have to ask ourselves why has the tourism industry alone been granted this special economic status above all other industries in Haines. To receive a subsidy paid for by taxpayers to benefit one private industry tourism. To be clear commercial fishing has been, is now, and will continue to be for the foreseeable future the No.1 economic driver of the Haines economy. After voluntarily taxing ourselves 3% of our gross annual income to strengthen and grow our own industry we should not then be taxed 1% of every dollar we spend in Haines to subsidize an industry we have nothing to do with and are often at odds with. What we are proposing is that the Borough assembly vote to put the 1% Tourism and Economic Development Tax on the fall ballot and let the voters decide if this is something they still support. It has been over 10 years since the voters have been given the opportunity to vote on this tax and with no sunset clause it is time to give the taxpaying voters the opportunity to let their voices be heard.

Sincerely,

Donald Churchill F/V Red Dog

From: [Donald Churchill](#)
To: [Julie Cozzi](#)
Subject: Repealing the 1% Tourism & Economic Development Tax
Date: Wednesday, June 08, 2016 9:36:43 AM

Julie, Thank you for your help and insight.

What I am trying to accomplish is to have the Borough Assembly vote to put the 1% Tourism & Economic Development tax on the fall ballot to let voters decide to either keep the 1% tax in place or to eliminate it altogether, both, the dedication and the 1% tax itself.

My hope is that this can be put before the finance committee a.s.a.p. to get the ball rolling. I realize the time restraint we are facing.

Thanks again,
Jr Churchill