Haines Borough
Borough Assembly Meeting #327
AGENDA

November 29, 2016 - 6:30 p.m. **Location: Assembly Chambers, Public Safety Bldg.**

Jan Hill
Mayor

Margaret Friedenauer
Assembly Member

Heather Lende
Assembly Member

Mike Case
Assembly Member

Tresham Gregg
Assembly Member

Tom Morphet
Assembly Member

Ron Jackson
Assembly Member

Bill Seward
Borough Manager

***Julie Cozzi**, MMC*
Borough Clerk

Alekka Fullerton
Deputy Clerk

1. CALL TO ORDER / PLEDGE TO THE FLAG / ROLL CALL

2. 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:

3 – Approve Assembly Meeting Minutes
11A1 – Adopt Resolution 16-11-694
11B1 – Introduce Ordinance 16-11-447 and Schedule Hearings
11B2 – Introduce Ordinance 16-11-448 and Schedule Hearings
11C2 – Adopt 2017 Meeting Preparation/Agenda Schedule

*3. APPROVAL OF MINUTES – 11/8/16 Regular

4. 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.

5. ASSEMBLY COMMENTS

6. MAYOR'S REPORT / COMMENTS

A. Brief Presentation of FY17 Audit

B. Magistrate Presentation

7. PUBLIC HEARINGS

A. Ordinance 16-10-446 – Second Hearing
An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(L) to adjust the comprehensive plan review frequency.

This ordinance is recommended by the borough manager and the planning commission was introduced on 10/25/16. The first hearing was on 11/8. **Motion**: Adopt Ordinance 16-10-446.

8. STAFF / FACILITY REPORTS

A. Borough Manager – *11/29/16 Report*

B. Chilkat Center – *Facility Report for October 2016*

9. COMMITTEE / COMMISSION / BOARD REPORTS & APPROVED MINUTES

A. Parks & Recreation Advisory Committee – *Minutes of 10/19/16 Meeting*

B. Port & Harbor Advisory Committee – *Minutes of 10/27/16 Meeting*

C. Planning Commission – *Minutes of 9/8/16 and 10/13/16 Meetings*

D. Assembly Board Liaison Reports

E. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

A. Ordinance 16-01-429

An Ordinance of the Haines Borough amending Haines Borough Code Section 18.30.040 to adjust code to match the actual planning commission meeting start time and to revise the review process for capital improvements and borough projects.

A version of the ordinance was introduced on 1/26/16. Public hearings were held on 2/9 and 3/8. Following the second hearing, the ordinance was substituted with a draft proposed by the administration. It was subsequently referred back to the planning commission for review. On 10/13, the planning commission voted to recommend a revision, and a new substitute ordinance was submitted for assembly consideration prior to adoption on 10/25/16. The assembly postponed action to this meeting pending more information from the Planning Commission. On 11/10, the commission reviewed the assembly's comments and the pending primary amendment. They support a change from $100K to $25K. However, they propose replacing "other public facility" in the first sentence with "other borough projects" rather than "other public structures" as proposed in the amendment motion.

Motions already on the table:

Motion: adopt the substitute Ordinance 16-01-429 proposed by the Planning Commission.

Primary Amendment: "change $100,000 to $25,000 and replace "other public facility" with "other public structures."

Debate on the amendment motion may resume, at this time.

11. NEW BUSINESS

A. Resolutions

*1. Resolution 16-11-694

A Resolution of the Haines Borough Assembly authorizing the allocation of FY17 Budgeted Funds to Non-profit Organizations.

This resolution is recommended by FY17 Nonprofit Grant Committee. There are sufficient funds in the budget to grant all requests this year. **Motion:** Adopt Resolution 16-11-694.

2. Resolution 16-11-695

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a cooperative agreement with the Alaska Department of Fish and Game for the Portage Cove Boat Launch in the amount of $500,000.

This resolution is recommended by the director of public facilities and the borough manager. **Motion:** Adopt Resolution 16-11-695.

3. Resolution 16-11-696

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Pacific Pile & Marine for the Portage Cove Harbor Expansion project for an amount not to exceed $385,549.

This resolution is recommended by the director of public facilities and the borough manager. **Motion:** Adopt Resolution 16-11-696.

4. Resolution 16-11-697

A Resolution of the Haines Borough Assembly supporting a Department of Transportation Nationally Significant Freight and Highway Projects (FASTLANE Grant) application for fiscal year 2017 for Lutak Dock improvements.

This resolution is recommended by the director of public facilities and the borough manager. **Motion:** Adopt Resolution 16-11-697.

5. Resolution 16-11-698

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed $872,941 for the Portage Cove Harbor Expansion project for Contract Administration and Construction Inspection Services during construction.

This resolution is recommended by the director of public facilities and the borough manager. **Motion:** Adopt Resolution 16-11-698.

11. NEW BUSINESS ---continued---

B. Ordinances for Introduction

***1. Ordinance 16-11-447**

An Ordinance of the Haines Borough amending Haines Borough Code Title 12 to designate Haines Borough parks and establish definitions and regulations.

This ordinance is recommended by the Planning Commission and the Parks & Recreation Advisory Committee. **Motion**: Introduce Ordinance 16-11-447 and set a first public hearing for 12/13/16 and a second public hearing for 1/10/17.

***2. Ordinance 16-11-448**

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(C) to clarify the publishing of planning commission agendas and packet.

This ordinance is recommended by the Planning Commission. **Motion**: Introduce Ordinance 16-11-448 and set a first public hearing for 12/13/16 and a second public hearing for 1/10/17.

3. Ordinance 16-11-449

An Ordinance of the Haines Borough amending Haines Borough Code Title 5 Subsection 5.18.080(I) to eliminate reference to a heliski map advisory committee in order to shift to the Borough Assembly the responsibilities for reviewing map amendment proposals.

This ordinance was drafted by assembly member Morphet. **Motion**: Introduce Ordinance 16-11-449 and set a first public hearing for 12/13/16 and a second public hearing for 1/10/17.

C. Other New Business

1. Board Appointments

(Re)appointment applications have been received for seats on the planning commission and tourism advisory board. The mayor plans to make the appointments and seeks assembly confirmation. **Motion**: Confirm the mayor's (re)appointment of Rob Goldberg and Jeremy Stephens to the Planning Commission for terms ending 11/30/19; and Kelleen Adams, Diana Lapham, and Lori Smith to the Tourism Advisory Board for terms ending 11/30/19.

***2. 2017 Assembly Meeting/Agenda Preparation Schedule**

This schedule is recommended by the clerk's office after conference with the mayor and manager. It establishes the assembly regular meeting schedule for 2017 and the agenda & packet deadlines. Special meetings may still be scheduled, as needed. **Motion**: Adopt the 2017 Haines Borough Assembly Meeting Agenda Preparation Calendar*.*

3. Appeal of Planning Commission Decision

The borough manager issued a land use permit to the director of public facilities for phase one of the harbor expansion project. Paul Nelson appealed to the planning commission and on October 13 the planning commission voted to uphold the manager's decision. On November 10, the planning commission adopted written findings of fact, so the PC's action became appealable on that date. HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. Mr. Nelson submitted an appeal to the borough clerk on November 16. The burden of proof is on the appellant to make the case that the planning commission erred in its decision and that a rehearing by the assembly is warranted.

Assembly Action Needed at THIS meeting: *Per HBC 18.30.060, following the appellant's presentation if he is in attendance, the assembly must decide by motion:*

- *whether or not to rehear the commission's decision and, if so,*
- *whether to rehear the entire decision or a particular portion.*

***Note**: Any rehearing must take place at the next regularly scheduled assembly meeting (12/13/16) and include a duly-noticed public hearing.*

4. **Appeal of Tourism Advisory Board Action (November 10, 2016)** – E.Holle
On 10/25/16, the assembly referred Ordinance 16-10-445 to the Tourism Advisory Board (TAB). That draft ordinance seeks to clarify the composition of heliski map amendment committees. On 11/10/16, the TAB reviewed the draft ordinance as requested by the assembly. Subsequently, a member of the public, Eric Holle, appealed the TAB's action under HBC 2.60.130. Mr. Holle does not believe this assignment is in the purview of the TAB, but the primary basis for his appeal is a belief two members of the TAB have a conflict of interest and should not have participated in the discussion or voting.

The assembly may hear from the appellant during this meeting or may choose to continue (postpone) the hearing to 12/13/16. It just needs to take place within 30 days of this meeting per code. After a hearing on the record, the assembly may, in whole or part, affirm, modify or deny the appeal.

5. **Appeal of Heliski Map Committee Action (November 7, 2016)** – D.Hallett
On 9/13/16, the assembly adopted Resolution 16-06-681 authorizing the borough manager to convene an advisory committee to consider 2016 heliski map amendment proposals. The manager appointed the committee per the requirements of HBC 5.18.080(I)(1)(c). That committee has been meeting to consider the proposals by going area-by-area. Subsequent to the 11/7/16 meeting, a member of the public, Dana Hallett, appealed the committee's action under HBC 2.60.130. Mr. Hallett contends the Heli-ski Map Committee Chair erred when he allowed committee members with a substantial financial interest to vote on any portion of the map change proposals.

The assembly may hear from the appellant during this meeting or may choose to continue (postpone) the hearing to 12/13/16. It just needs to take place within 30 days of this meeting per code. After a hearing on the record, the assembly may, in whole or part, affirm, modify or deny the appeal.

12. CORRESPONDENCE / REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS / ASSEMBLY COMMENTS

16. ADJOURNMENT

Haines Borough
Borough Assembly Meeting #326
November 8, 2016
MINUTES **Draft**

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

   Present: Mayor Jan **HILL**, and Assembly Members Tresham **GREGG**, Ron **JACKSON**, Margaret **FRIEDENAUER**, Mike **CASE**, Tom **MORPHET**, and Heather **LENDE**.

   Staff Present: Bill **SEWARD**/Borough Manager, Brad **RYAN**/Director of Public Facilities, Julie **COZZI**/Borough Clerk, Jila **STUART**/Finance Director, Shawn **BELL**/Harbormaster, Helen **ALTEN**/Museum Director, and Gabe **THOMAS**/Assistant Harbormaster.

   Visitors Present: John **STANG**/CVN, Bill **THOMAS**/Borough Lobbyist, Don **TURNER Jr.**, Diana **LAPHAM**, Haynes **TORMEY**, Mike **DENKER**, Jerry **ERNY**, Bill **MCCORD**, Andrew **GRAY**, Norman **HUGHES**, Sean **GAFFNEY**, Dave **LONG**, Paul **NELSON**, Karen **GARCIA**, Jeremy **STEPHENS**, Eric **HOLLE**, Bill **ROSTAD**, Bill **BROSTE**, Douglas **OLERUD**, Fred **GRAY**, Brad **BADGER**, Evelyna **VIGNOLA**, Dan **NORTHRUP**, and others.

2 **APPROVAL OF AGENDA & CONSENT AGENDA**
The following Items were on the published consent agenda indicated by an asterisk (*****):

3 – Approve Assembly Meeting Minutes
8B – Accept Finance Director's Report
8C – Accept Museum Director's Report
9A – Accept Library Advisory Board Minutes
11A1 – Adopt Resolution 16-11-691

Motion: CASE moved to "approve the agenda/consent agenda," and it was amended to move Item 11A2 up in the agenda to follow Item 6 Mayor's Report and to remove approval of the minutes from the consent agenda. The motion, as amended, carried unanimously.

3. **APPROVAL OF MINUTES** – 10/25/16 Regular and 11/1/16 Special

Motion: LENDE moved to "approve the minutes of the 10/25/16 regular and 11/1/16 special borough assembly meetings."

LENDE asked that the 10/25/16 minutes reflect the procedure for members to call for a special meeting and, also, under Assembly Comments, include a statement that she expressed concern about the rise of some serious drug issues in Haines. In the 11/1/16 minutes, **LENDE** wanted it to say the mayor asked Mr. Somerville to talk about the harbor expansion and a Q&A followed. Additionally, she requested an adjustment to the way Mr. Broste's public comments were worded. She would like more detail in the minutes. **CASE** said usually it is better for an assembly member to bring proposed wording when asking for corrections to the minutes, such as "it now says ____ and I would like it to say ____." **MORPHET** noted the minutes cannot reflect things that weren't said. No motion was made to amend the minutes.

The motion to approve the minutes, as presented, carried unanimously.

4. **PUBLIC COMMENTS**

TURNER Jr. – Explained he paid for the recent harbor-related display newspaper ad, and he asked the assembly to award the harbor contract.

HOLLE – Said there is controversy about the makeup of the Heliski Map Committee (HBC 2.62.040(A)). He also believes the Tourism Advisory Committee is not an appropriate group to work on the composition of the heliski map committee (HBC 2.56.030(A)). He is not in favor of dissolving the current map committee, because in spite of the imbalance, it is rolling along.

NELSON – Spoke against Resolution 16-11-692. He believes the project does not have a land use permit.

DENKER – Said he has concerns about the harbor display ad. It appears the Port & Harbor Advisory Committee placed the ad. Advisory committees advise the assembly and don't have the authority to make decisions like this. He provided the clerk with a memo he wrote expressing his concerns.

B.THOMAS – Said the expanded harbor will not only impact the fishing industry but the community as a whole. If the schools are to survive, this project is needed.

LONG – Spoke in support of Resolution 16-11-692, and he expressed support for the process of people volunteering for committees and boards.

TORMEY – Said he is in favor of Resolution 16-11-692. He asked them assembly to award the contract to the low bidder. He noted there are about 84 people on the waitlist.

GAFFNEY – Spoke in favor of the harbor expansion project moving forward at this time.

5. ASSEMBLY COMMENTS

SEWARD – Clarified the Tourism Advisory Board did not influence the Heliski Map Committee. The manager followed the ordinance to the letter of the law.

CASE – Noted Veteran's Day is coming up, and it is also an opportunity not only to honor veterans but widows and orphans of those who lost their lives.

JACKSON – Explained the Tourism Advisory Board recommended the original map committee ordinance.

6. MAYOR'S REPORT/COMMENTS

Mayor **HILL** said the 11/29/16 assembly meeting agenda will include assembly committee appointments. She, too, honored veterans in attendance and also thanked the public for voting in this Election.

Note: The following item was moved to this location during approval of the agenda:

11A2. Resolution 16-11-692
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Pacific Pile & Marine for the Portage Cove Harbor Expansion project for an amount not to exceed $13,202,938.

LAPHAM – Read aloud an email from Cynthia Adams in support of the resolution.

HUGHES – Stated the Port & Harbor Advisory Committee unanimously recommends the assembly award the contract to the low bidder, Pacific Pile and Marine.

VIGNOLA – Said she would support the resolution if the project had a good design.

NORTHRUP – Believes this has gone on too long and would like to see it move ahead. It is a good, well-designed project.

Motion: **CASE** moved to "adopt Resolution 16-11-692," and it was amended to delete Add Alternate C from the contract." The main motion, as amended, carried 5-1 in a roll call vote with **LENDE** opposed.

During debate, **MORPHET** read aloud a written statement about the harbor and some concerns he has about advisory committees. **LENDE** also read a statement about the harbor. These documents have been added to the meeting record.

7. PUBLIC HEARINGS

A. Ordinance 16-10-446 – First Hearing
An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(L) to adjust the comprehensive plan review frequency.

Mayor **HILL** opened and closed the public hearing; there were no public comments.

Note: Since the assembly already scheduled the second hearing for 11/29/16, no motion was needed now unless the second hearing date needed to change or some other action was desired.

8. STAFF/FACILITY REPORTS

A. Borough Manager – *11/8/16 Report*

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

Motion: **LENDE** moved that "hard copies relating to the execution of official duties be provided to assembly members upon request *[she is more comfortable with paper]*," and the motion carried 5-1 with **FRIEDENAUER** opposed.

Motion: **MORPHET** moved to "direct the manager to draft a letter asking the state to maintain a trooper presence in Haines *[both blue shirt and brown shirt]*," the motion FAILED 2-4 with **CASE**, **JACKSON**, **FRIEDENAUER**, and **GREGG** opposed. *Note: there was concern the timing was not right.*

*B. **Finance Director** – *FY17 General Fund First Quarter Summary*

*C. **Museum Director** – *Report for July-October 2016*

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

*A. **Library Advisory Board** – *Minutes of 8/17/16 Meeting*

B. **Assembly Board Liaison Reports**

FRIEDENAUER – Liaison for the Port & Harbor Advisory Committee (PHAC) addressed the display ad that was placed in the recent newspaper encouraging harbor support. There may have been confusion, but the PHAC should not be accused of anything nefarious. **SEWARD** explained he is already drafting a policy regarding appropriate committee actions.

Motion: **CASE** moved to "refer the matter of funding actions by committees to the Government Affairs & Services Committee," and it was amended to say 'committee authority' rather than 'funding actions by committees'." The motion, as amended, carried unanimously.

JACKSON – Chair of the Heliski Map Committee said seven of the fourteen areas have been covered, thus far.

C. **Assembly Standing Committee Reports** - None

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. **Resolutions**

*1. **Resolution 16-11-691**
A Resolution of the Haines Borough Assembly appointing election officials for the Regular Election to be held October 4, 2016, and establishing the wages.

The motion adopted by approval of the consent agenda: "Adopt Resolution 16-11-691."

2. **Resolution 16-11-692**

This item was moved up to follow the mayor's report during agenda approval.

3. **Resolution 16-11-693**
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Corvus Design for the Portage Cove Interpretive Trail and Harbor Park Conceptual Designs project for an amount not to exceed $39,341.

There were no public comments.

Motion: **CASE** moved to "adopt Resolution 16-11-693," and the motion carried 5-1 in a roll call vote with **CASE** opposed.

At 9:25pm, in compliance with HBC 2.10.010, **JACKSON** made the following **motion**: "continue the meeting to complete the agenda," and the motion carried 5-1 with **CASE** opposed.

B. **Ordinances for Introduction** - None

C. **Other New Business** - None

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

A. **Mandatory Field Trip to the Wastewater Treatment Plant** – Tuesday, 11/29, 2:00pm
B. **Assembly Strategic Planning Retreat** – Sunday, 12/11, 1-5pm, Location TBD.

14. PUBLIC COMMENTS

LAPHAM – Thanked the assembly for voting to award the harbor contract. Regarding committees, she said there are no people more giving and selfless than those serving on the advisory boards.

SCOTT – Explained there is no means for staff to sit down with the assembly in a public setting and share certain public safety information without either eroding the public's sense of security or violating confidentiality laws.

BROSTE – Apologized to the mayor and clerk for any difficulty he caused by his out-of-the-box request during the 11/1/16 assembly meeting to offer his comment time to Bill Thomas. He also suggested the assembly members periodically switch their seating during the meetings.

ALTEN – Announced there are now three vacancies on the Museum Board and soon a fourth.

STEPHENS – Said the assembly is doing a disservice to the harbor by eliminating Add Alternate C. The borough will not get this opportunity again. He asked the assembly to please understand what the elimination means.

HUGHES – Thanked the assembly for voting for the harbor contract. He doesn't understand why Add Alternate C was removed, since the manager and the Port & Harbor Advisory Committee both recommended it for spacing, maneuverability and safety reasons.

15. ANNOUNCEMENTS / ASSEMBLY COMMENTS

LENDE – Explained she did not vote for the harbor but promises to do everything she can to make it be as successful, as possible.

MORPHET – Said he harbors no ill will toward the mayor and his fellow assembly members. He would be happy to change seats every meeting. He added this is a new assembly so things have to be worked through.

GREGG – Said he wants to maintain his same seat at the dais. It's comfortable knowing where you belong.

JACKSON – Said the Borough Planner's expertise has helped the Heliski Map Committee discussions work well.

16. ADJOURNMENT – 9.57 p.m.

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

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

7A

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-689
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Change Frequency of Planning Commission Reviews of the Comprehensive Plan	1. Ordinance 16-10-446
Originator: Borough Manager	
Originating Department:	
Date Submitted: 8/18/16	

Full Title/Motion:

Motion: Adopt Ordinance 16-10-446.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ n/a	$ n/a	$ n/a	n/a

Comprehensive Plan Consistency Review:

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

Summary Statement:

Borough code currently requires the Planning Commission to undertake an overall review of the Comprehensive Plan at least once every two years. The Borough Manager recommended to the Planning Commission that this be changed to a more realistic five years. On 10/13, the Commission considered that recommendation and decided to suggest amending code to make it every SIX years.

This is only a minimum requirement. There is nothing in code that would prevent a review taking place sooner if deemed necessary.

Referral:

Referred to: Planning Commission by Manager	Referral Date:
Recommendation: A six-year review cycle	Meeting Date: 10/13/16

Assembly Action:

Meeting Date(s): 10/25, 11/8, 11/29/16	Public Hearing Date(s): 11/8, 11/29/16
	Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-10-446 **Draft**

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(L) to adjust the comprehensive plan review frequency.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Subsection 18.30.040(L). Subsection 18.30.040(L) of the Haines Borough Code is hereby amended as follows:

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

18.30.040 Planning commission.

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

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

_____
ATTEST: Janice Hill, Mayor

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 10/25/16
Date of First Public Hearing: 11/08/16
Date of Second Public Hearing: 11/29/16

8A

Report
from the
Borough Manager

Date: 11/29/2016

To: Mayor and Borough Assembly

From: William E. Seward, Borough Manager

Re: **Manager's Report**

FACILITIES / PUBLIC WORKS

- Repaired all damaged water valves.
- Exposed a problem sewer service to develop a plan for next spring to fix it.
- Launched custom maintenance program for public works equipment.
- Carry out PM work for all equipment.
- Removed hazardous cleaning supplies etc. from Mosquito Lake Community Center
- Hosted Biomass grant managers and developed a plan to begin biomass upgrades in the Old City Shop and the Lily Lake Water Plant

HARBOR

- Issued a contract to Pacific Pile and Marine for the first phase of the Portage Cove Harbor expansion.
- Continue to work with R&M to develop a plan for to upgrade the Lutak Facility
- Issued a contract to Corvus to develop conceptual designs for a Portage Cove Trail and Harbor

POOL

- All systems go.

WATER / SEWER

- Continue to provide shutoffs for people leaving town.
- The Piedad Spring Water plant is now providing half of the water supply for Haines

POLICE

- Nixle Update:
  - 102 user have signed up to receive SMS or email information delivery
  - 1508 landline from AP&T have been introduced to support critical time sensitive information through reverse 911 delivery
  - Anonymous tip line is up and running
  - Working to establish user accounts for Schools and Tourism
- Officer Long Has returned from bereavement leave
- Sgt. Dryden has returned from annual vacation.
- ALICE Training – All HBPD officers who attending the ALICE training have passed instructor level examination (Certificates will be forwarded to APSC)

Chilkat Center for the Arts

8B

A Community Facility Operated by the Haines Borough
(907) 766-3573
facsimile (907) 766-3574
E-mail business@khns.org

Facility Administration Report
October 2016

Usage:

Busy month in October for the Chilkat Center with classes and events.

In the civic arena, the polls for the national election had scores of voters visiting the lobby all day and through the evening. The committee set up the voter booths on the Monday afternoon before the vote and invited the fourth graders to come by and tour the lobby and experience the process of voting.

Governor Walker made an impromptu visit, meeting with constituents in the standing-room-only lobby of the Chilkat Center. The key conversation revolved around the road and ferry system.

Rivertalk started their fall season with a great opening night in October.
Geppetto's Junkyard brought back *Travels in the Belly* for a command performance and the Haines Arts Council presented two diverse but quality concerts with the *Women of the World* and *Dave McGraw and Mandy Fer.*

Ongoing classes and Sunday services rounded out the use in October.

Maintenance: Chilkat Center heating was brought online for the season; ongoing clean up in the scene shop; ceiling tile replacement work in KHNS production studio to replace rotted tiles.

Submitted by Facilities Manager, Kay Clements, for October2016

	Chilkat Center for the Arts		
	10/31/2016		
Contact	**Function**	**Participants**	**Amount**
	Dance Studio		
Chorus Bishop	Begins again in November	0	$0.00
Marilyn Harrold	Tai Chi	71	$255.00
	Lobby		
St Michael's - Anne Boyce	Sunday Services	70	$300.00
Well and Fit	Strength and Stretch	80	$135.00
Mandy Ramsey	Yoga	39	$75.00
Federal Election	National Election	900	$100.00
LCCP	Rivertalk	55	$75.00
Haines Borough	Governor Walker's Visit	100	$75.00
	Conference Room		
FCCA	Board Meeting	8	n/c
KHNS	Board Meeting	6	n/c
	Auditorium/ Basement		
HBSD	Honor Fest School Concert	260	$350.00
Haines Arts Council	Women of the World	160	$350.00
Geppetto's Junkyard	Travels in the Belly	150	$350.00
Haines Arts Council	Dave McGraw & Mandy Fer	200	$350.00
	Total income		
Haines Borough	Governor Walker's Visit	100	-$75.00
	October Net Totals	**2199**	**$2,340.00**

MINUTES
Parks and Recreation Advisory Committee
Meeting Date: October 19, 2016

Date of Approval: November 16, 2016

Call to Order: A meeting of the Haines Borough Parks and Recreation Advisory Committee was held in the library conference room on Wednesday, October 19, 2016; Richard Chapell presiding.

Members in Attendance: Rich Chapell, George Figdor, Meredith Pochardt, Patty Peters, Burl Sheldon, Lori Smith, Al Giddings and Ron Jackson.

Members Not in Attendance: Thom Ely

Others in Attendance: Carol Tuynman, Don Turner Jr., John Stang from the Chilkat Valley News, Travis Russell, Alekka Fullerton (Deputy Clerk for the Borough) and several others.

Approval of Minutes: Absent objection, the minutes of the September 21, 2016 meeting were approved unanimously.

Guest Speaker, Travis Russell: Travis Russell presented on the grant proposal he is writing for the rehabilitation of the Seduction Point trails. One of the goals is to make the trails more accessible. This is a shovel ready project. Travis would like to have a letter of support from the committee to show that the community is supportive of the project. Meredith moved that PRAC should give Travis a letter of support for the Seduction Point Trails by his deadline of November 1, 2016. Burl seconded the motion. Meredith will draft it and send it around by email. Motion passed unanimously.

Mosquito Lake Outhouse: Discussion was had regarding the desirability of an outhouse at Mosquito Lake. Travis stated that he agrees that it would be a good idea but that it is not supported by the State administration. Passive management is current status of the Mosquito Lake area and not the active management needed for an outhouse. The State does not want to manage it or maintain it. Travis would personally like to see an outhouse and the dock fixed—but it is not supported. Further ideas about ways to fund an outhouse WITHOUT the state managing it or maintaining it were discussed. Travis is willing to ask about an RFP (Request for Proposals) to have a private contractor bid on it. He will look into it more. Travis' thoughts were that an official RFP is a huge process and we would need to put out competitive bid requests, etc. Discussion was broached about either ADF&G funding it, or community members themselves, or even the Borough. George commented that if we pursue an outhouse, we should also put in bear-proof garbage cans. Travis will find out more about it and email Rich.

Reflective Trail Markers: Travis indicates that he has about 4,000 reflective trail markers. They are very helpful for search and rescue efforts. Travis will look at putting them out in the Spring. A priority will be the south Battery Point part of the Mt. Riley trail. There have been a lot of lost people there. Anyone who wants to take trail markers when they go are welcome to. There are also signs missing. George will work on getting pictures of the original signs so that they can be replicated.

Battery Point Trail: The trail looks great! The community response is overwhelmingly positive. Dallas,

especially, did a great job getting that done.

Comprehensive Review: Holly has provided 10 pages of information. A work meeting was scheduled for Monday, October 24 at 5:00pm at the library to complete this item. Alekka will do the public notice.

Carr's Cove: The workshop was successful. Families have lived and fished here for years. It is a historic picnic spot. It is a beautiful sport accessed by beach front along Mud Bay Road. Since it is not a lengthy trail, Burl reported that he thought it would be a nice picnic spot with a fire ring. It would be relatively easy to make it wheelchair accessible. It is currently being used as a palette fire area and there is a lot of trash around. There was historic discussion about how the Women's group in the 1990s was supposed to be maintaining it. Not sure what has happened to that or if the "agreement" was ever formalized. Fire hazard is the current concern since there are Birch forest areas nearby. A fire ring would be good. A small fire limited by a fire ring (to limit the size and scope of fires) would not require a permit. A work party was proposed for Saturday October 29 at Carr's Cove to get it cleaned up. After clean up, the next step toward improvement would be the official designation of the area as a park. It has currently been set aside by the Borough for recreation. We will need to advertise the clean-up day/work party. Saturday morning, October 29 at 10:00 a.m. John Stang from CVN was present.

Planning Commission: The subcommittee of the Planning Commission has drafted a proposed ordinance to designate parks in the Borough Code. Rob Goldberg, Heather Lende, Ron Jackson and Burl Sheldon drafted an ordinance which will go before the Assembly. The proposed ordinance defines both a "park" as well as "camping". It designates current recreational areas as Parks. It prohibits Camping except special events with Manager approval (it does not include Ft. Seward or the fairgrounds). Fires are proscribed and no cutting trees either alive or dead. Special events for allowed camping is anticipated to be Beerfest, during the State Fair and the bike race. Concern was expressed over the process to obtain "Manager Approval" every year. Next the proposed ordinance will go to the Planning Commission, then the assembly.

Report from Waterfront Asethics workshop: There will be a set of 4 public meetings regarding the Portage Cove Interpretive trail to give the design firm feedback needed to come up with a good design. [The first meeting will be held Tuesday, November 1, 2016 from 6:30 – 8:30 pm at the library]. There was a design exercise about concerns with the waterfront. The feeling was that it was a great meeting and that the Borough is trying to engage the public. At the meeting, Brad Ryan also mentioned that there may be federal money for a safety corridor out to the Battery Point trailhead, potentially from Federal highways funds.

Next Meeting: November 16, 2016 at 5:00 p.m at the library.

Adjournment: The meeting was adjourned at 6:42 pm..

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Alekka Fullerton, Deputy Clerk

MINUTES
Ports and Harbors Advisory

Meeting Date: October 27, 2016 at 10:30 am
Date of Approval: November 17, 2016

Call to Order: A meeting of the Haines Borough Ports and Harbors Advisory Committee was held at Assembly Chambers, 213 Haines Hwy on October 27, 2016. The meeting convened at 10:32 am with Terrance Pardee presiding.

Members in Attendance: Terrance Pardee, Don Turner, Jr., Bill Rostad and Fred Gray

Members Not in Attendance: Norman Hughes, Brad Badger, Glen Jacobson

Others in Attendance: Shawn Bell, Mayor Jan Hill and others.

Approval of Agenda: Add to New Business Discussion of Use of the $1,700,000 left over from the Harbor Expansion bid; Committee Letter to public- Don Turner moved to add the above to the agenda under new business; approved absent objection.

Approval of Minutes: Motion was made by Don Turner, Jr., and seconded by Bill Rostad to approve the minutes of the September 29, 2016 meeting. Motion carried unanimously.

Public Comments: No comments.

Reports:

Shawn Bell, Harbormaster reports the annual harbor billing were sent out, the amounts to be paid are much lower this year.

> The Harbor Expansion bid opening went extremely well- opened 6 bids, all competitive. We figured we had about $15,000,000 to spend and the low bid was about $13,000,000. This is really great news- it looks like we will have about $1,700,000 unallocated at this time. The actual numbers are on the website if anyone is interested. The bids have to be honored for 60 days and we will bring the contract to the Assembly November 8, 2016 to award that contract. We also have $500,000 for contingencies in their base bid and plus an additional $500,000 for other contingencies already built into the bid.

Motion: Don Turner Jr. moved that the Ports and Harbor Advisory Committee recommend to the Assembly that the low bid should be accepted including Add Alternates A, B and C. Such motion was seconded by **Bill Rostad**. The motion passed unanimously. The committee asked **Margaret Friedenauer** to convey to the Assembly that Add Alternate C is PHAC's last priority.

Old Business:

1. Ports and Harbors CIP List- Nothing new to report.
2. Title 16- Derelict Vessels & Other Code- Nothing new to report.

New Business: The committee would like to see any of the extra money from the existing grant go into floats. Brad indicated that there may be more money out there for transient floats from federal funds. Margaret will draft something to present to the committee about the history of the Harbor Expansion project and the public support for the project at the time.

Next Meeting: November 17, 2016 at 10:30 am in the Assembly Chambers, 213 Haines Hwy.

Adjournment: At 11:22 am.

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Alekka Fullerton, Deputy Clerk
Harbor Advisory Committee

Haines Borough
Planning Commission Meeting
October 13, 2016
MINUTES

1. **CALL TO ORDER/PLEDGE TO THE FLAG –** Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL – Present:** Chairman Rob **Goldberg**, and Commissioners Lee **Heinmiller**, Brenda **Josephson,** Don **Turner** III, Heather **Lende,** Rob **Miller** (via telephone), Larry **Geise** (via telephone)**.**

   Staff Present: Jan **Hill,** Mayor, **Bill Seward**, Borough Manager; Brad **Ryan**, Facilities Manager; Patrick Munson, Borough Attorney; Holly **Smith**, Borough Planner.

   Also Present: Diana **Lapham**, Assembly Member; Paul **Nelson**; Debra **Schnabel**, Sue **Waterhouse** (via telephone), Joe **Parnell**, Carol **Tuynman;** Don **Turner Jr.**; Mike **Denker**; Greg **Seymour**; Tom **Morphet,** Linda **Moyer;** Liz **Heywood;** Evelyna **Vignola;** Leonard **Dubber**.
3. **APPROVAL OF AGENDA**

Motion **Turner** moved to approve the agenda and **Lende** seconded. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – A mistake was found on the meeting minutes and it was decided to approve them at the next regularly scheduled meeting.
5. **PUBLIC COMMENTS** - Carol **Tuynman** commented on lack of historic building review. **Parnell** commented that the Portage Cove Harbor Expansion project should warrant a conditional use permit. **Turner Jr.** commented that the harbor is a public facility. **Vignola** commented about a survey she took.
6. **STAFF REPORTS**

   A. Planning & Zoning Staff Report

   Smith reported the number of permits issued and ongoing projects. Included in the projects is an Action Summary survey sent to Borough Staff and Committee members as part of the Phase I Comprehensive Plan Review. A copy of the survey was included in the Agenda packet and planning commissioners were asked to fill them out and return to her by October 19. The Planner will update the Commission on other developments of the Comp Plan Review when the contract with Sheinberg Associates is finalized.

7. **PUBLIC HEARINGS**

   A. **Requests to hear appeals regarding the issuance of a Land Use Permit for the Portage Cove Harbor Expansion Project:**

      1. **Paul A. L. Nelson -** Appealing the decision of the Borough Manager to grant the Land Use Permit of "Portage Cove Harbor Expansion" without a Conditional Use Permit.

Motion: **Lende** made a motion to hear Mr. Nelson's appeal and **Josephson** seconded. The motion carried 6-1, with **Miller** opposed.

Motion: **Turner III** moved to uphold the Manager's Decision with the stipulation that it is for Phase I of the Harbor Expansion, and **Geise** seconded.

Primary Amendment Motion: **Josephson** moved to amend so it says "Breakwater, Dredge, and Fill; and **Turner III** seconded. The amendment motion carried unanimously.

The main motion, as amended, passed 6-1 with **Lende** opposed.

      2. **Debra Schnabel** - Appealing the Manager's issuance of a land use permit for the harbor expansion project, citing violations of HBC 18.30.010, HBC 18.60.010, and HB 18.70.

Motion: **Josephson** made a motion to hear Ms. Schnabel's appeal and **Lende** seconded. The motion carried 6-1, with **Geise** opposed.

After presentation and discussion; Ms. Schnabel withdrew her appeal after discussion.

      3. **Sue Waterhouse -** Appealing the issuance of the land use permit for the harbor expansion project, citing incompliance with applicable borough code.

Motion: **Lende** made a motion to hear Ms. Waterhouse's appeal and **Josephson** seconded. The motion carried unanimously.

Motion: **Goldberg** moved to uphold the Manager's Decision as recommended. The motion passed 5-2 with **Lende** and **Josephson** opposed.

8. **Unfinished Business**

   A. **Capital Improvement Projects – Discussion Item –** This item was up for discussion at the request of Bill Seward, Borough Manager.

      Discussion: After extensive discussion, including proposals to reduce the $100,000 limitation, changes to the proposed Ordinance 16-01-429 were unanimously recommended to the Assembly for adoption.

Motion: **Turner** moved to recommend the Assembly adopt the code change as amended; **Heinmiller** seconded the motion; the motion passed **unanimously**.

9. **New Business**

   A. **Haines Borough Code Amendments**

1. **Parks Code Definitions – Discussion item –** This item was up for discussion at the request of the Parks and Recreation Committee. This item was continued until the November 10, 2016 meeting to accommodate a public hearing on the matter.

2. **Comprehensive Plan Review –** Review of Ordinance 16-10-446 at the request of William Seward, Borough Manager.

Motion: **Lende** moved to recommend to the Assembly to adopt the Amended draft ordinance 16-10-446 to require the Planning Commission to review the comprehensive plan every "six" years instead of two; **Turner** seconded the motion; it passed unanimously 6-0 (at this point **Geise** left the meeting).

B. Other New Business

1. **Discussion: Increase Height Limits from 30 feet to 35 feet** was requested by **Josephson** to address the difference between the Haines height restriction of 30 feet and other Southeast Alaskan communities' height restrictions of 35 feet.

Motion: **Lende** moved that Staff research this issue and provide a recommendation at the December meeting; seconded by **Josephson**; passed unanimously 5-0 (at this point Miller has left the meeting).

2. **Report from the Waterfront Aesthetics Subcommittee.** Ex-officio Diana **Lapham**, who chairs the Subcommittee, spoke about the community workshop held on October 12th. Facilities manager Brad Ryan gave a presentation about the Coastal Trails and Waterfront Design RFP and Planner Holly Smith led the group in a brainstorm/voting workshop.

3. **Planning Commission Resolution in Support of the Planning Commission's Role in the Public Planning Process**:

Motion: **Lende** moved to adopt the Planning Commission resolution supporting the public planning process; and it was seconded by **Turner**. The motion passed unanimously 5-0.

10. Commission Comments

Suggestion was made to codify due dates for packets like the assembly has in HBC 2.10.030. Chairman **Goldberg** indicated that he would be absent during the November 10th PC Meeting and **Heinmiller** acknowledged he would run the meeting. **Josephson** indicated that she would absent during the November 3rd workshop.

11. Correspondence

A. Letter from the **Haines Chamber of Commerce** in support of the Harbor Expansion Project by whatever regulatory measures the Commission deems appropriate.

B. Letter from property owner Linda **Moyer** requesting Planning Commission opinion on the zone in which her property is located. Currently, **Moyer**'s property is in a Rural Residential Zone, which has a minimum lot size restriction of one acre. Most properties in her neighborhood are smaller than the minimum requirement because of nonconformance. She would like to subdivide and build a second home her lot. **Goldberg** suggested he work with the planner to investigate a possible change to zoning code.

Haines Borough
Planning Commission Meeting
September 8, 2016
MINUTES

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

2. **ROLL CALL – Present:** Chairman Rob **Goldberg**, and Commissioners Lee **Heinmiller**, Brenda **Josephson,** Larry **Geise** (via telephone), Don **Turner** III, Heather **Lende.**
   Absent: Rob **Miller.**

   Staff Present: Jan **Hill,** Mayor, **Bill Seward**, Borough Manager; Brad **Ryan**, Facilities Manager; Shawn Bell, Harbor Master; Holly **Smith**, Borough Planner; and Kathryn **Friedle**, Interim Planning and Zoning Technician.

   Also Present: Paul **Nelson**; Carol **Tuynman;** Joe **Parnell;** Mike **Case;** Emily **Files**; John **Stang;** Bill **McCord**; Mike **Denker**; Steve **Cunningham**; Evelyna **Vignola;** Steve **Cunningham;** Greg **Seymour,** Tresham **Gregg**; Tom **Morphet**; Jean **Pullanco**; Jerry **Ballaneo;** Ellen **Larson**; Leonard **Dubber**; Margaret **Friedenhauer;** Fred **Einsbrook**;

3. **APPROVAL OF AGENDA**

   Motion Turner moved to amend agenda to move harbor discussion to beginning of agenda items and **Heinmiller** seconded. The motion carried unanimously.
   Motion: **Turner** moved to "approve the agenda as amended." **Josephson** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – August 11, 2016 Regular Meeting Minutes.

   Motion: **Heinmiller** moved to "approve the August 11, 2016 minutes," and **Turner** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS** - Carol **Tuynman** commented on the role of the planning commission in general. Pleased that **Ryan** is Facilities Director, but need the PC to have public meetings on the CIP process, enforcement, and public education, which will reduce conflict. Tom **Morphet** suggests creating code that mandates public comment or public vote when CIP project cost is at a certain dollar amount. Fred **Einsbrook** commented on the general procedure of CIP projects, that they should be aesthetically pleasing. Steve **Cunningham** thanked the planning commission for serving and thanked the audience for coming.

6. **CHAIRMAN'S REPORT**

   Goldberg thanked Kathy **Freidle** for helping to staff the planning commission during the last six months and congratulated her on her retirement from the borough.

7. **STAFF REPORTS**

   A. Planning & Zoning Staff Report

   Holly **Smith** reported the number of permits issued and ongoing projects.

8. **NEW BUSINESS**

   A. Other New Business

I. **Land Use Permit: Portage Cove Harbor Expansion – Discussion Item -** A land use permit had been approved by the borough; although not required under code, this topic was up for public comment. Topics of discussion included future funding for floats and slips, moving Lookout Park, the Sportfish ramp, the steel wave barrier, and future uses of the newly created uplands area:

1. **Future Funding** - Concerns were expressed that the existing funds would only pay to build the wave barrier and fill the uplands area, and that future maintenance cost could be high. Manager Seward said that grant funds were being used to build the first phase, and that additional funding would be sought from the federal government to complete the project. He said it is not uncommon for projects to proceed with partial funding in place. Concerns were raised that the harbor would operate at a deficit, but it was pointed out that none of the services the borough provides pays for itself with user fees. It was suggested that the Borough change the Charter wording about enterprise funds, and that a cost-benefit analysis of the project be done.
2. **Lookout Park** - There was general agreement that moving Lookout Park to a place at the southeast corner of the new uplands area is a good idea. Brad Ryan said that funding was available to do this.
3. **Sportfish Ramp** - The Alaska Dept. of Fish and Game is willing to put up $3 to 5 million for the sportfish ramp. There are parking requirements that come along with this grant, and these requirements are dictating the size of the uplands parking area.
4. **Wave Barrier** - There was discussion about the harbor substrate being too soft to allow the extension of the existing rubble mound breakwater. The steel wave barrier is the only affordable option. A question was asked about the possibility of 1% for the arts funding. Decorative steel designs could be added to the top of the wave barrier to make it more attractive.
5. **Uplands Area** - There was much discussion about future uses of this area, and how much should be used for parking, green space or parks. It was decided that a workshop will be held soon with the Planning Commission, the Parks and Rec committee and the Harbor Aesthetics committee. Date to be announced.

Motion: **Josephson** moved to "Recommend to the Assembly or Manager that the bid opening be delayed 30 days." **Lende** seconded. The motion passed 5-1 with **Turner** voting no. Thereafter, Manager **Seward** immediately extended the bid opening.

II. **Temporary Use in the Commercial Zone — Discussion Item –** This issue is being addressed by a committee formed by Mayor **Hill**. They will suggest revised Code language to the planning commission.

III. **Classification of Borough Lands for Sale – Discussion Item –** Foreclosure on property in Chilkat Acres (lots 35-37) has been finalized and deeded to the Haines Borough.

Motion: Heinmiller moved to to "Classify Chilkat Acres Lots 35, 36 and 37 for sale as one lot, vacating the lot lines to create one larger parcel." The motion passed 6-0.

9. Commissioners Comments

Lende expressed disappointment that the harbor expansion was not similar to the 3A concept published in the Comprehensive Plan, which is what the community agreed upon. **Lende** also commented that there has not been enough public and planning commission input in the process. **Josephson** agreed.

Goldberg notified the commission of his possible absence during the next regular meetings and workshops. **Heinmiller** affirmed that he would be available to step in if needed.

11. SET MEETING DATES

A. Regular Meeting — **Thursday, October 13, 2016 at 6:30 p.m.**

12. ADJOURNMENT– 10:18 p.m.

12. SET MEETING DATES

A. Regular Meeting — **November 10, 2016.**

B. Workshop – Coastal Management Plan Workshop, November 3rd at 6:30 in Assembly Chambers.

13. ADJOURNMENT– 11:27 p.m.

_____

Holly Smith, Planner

10A

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-619
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Revise Review Process for Capital Projects	1. Ordinance 16-01-429, current draft from 3/8/16 2. Substitute Ordinance as Proposed by the Planning Commission on 10/13/16 3. Additional Amendment Proposed by the Planning Commission on 11/10/16
Originator: Planning Commission	
Originating Department:	
Date Submitted: 10/13/16; initially 12/14/2015	

Full Title / Motion:

Motions Currently on the Table:
Main Motion: Adopt the substitute Ordinance 16-01-429 proposed by the Planning Commission.
Primary Amendment: "Change $100,000 to $25,000 and replace "other public facility" with "other public structures."

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

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

Summary Statement:

A version of the ordinance was introduced on 1/26/16. Public hearings were held on 2/9 and 3/8. Following the second hearing, the ordinance was substituted with a draft proposed by the administration. It was subsequently referred back to the planning commission for review. On 10/13, the planning commission voted to recommend a revision, and a new substitute ordinance was submitted for assembly consideration prior to adoption on 10/25/16. The assembly postponed action to this meeting pending more information from the Planning Commission. On 11/10, the commission reviewed the assembly's comments and the pending primary amendment. They support a change from $100K to $25K. However, they propose replacing "other public facility" in the first sentence with "other borough projects" rather than "other public structures" as proposed in the amendment motion currently on the table. See above for motions.

Referral:

Referred to: Planning Commission — Referral Date: 3/8, 10/25/16
Recommendation: Substitute Ordinance plus Additional Amendments — Meeting Date: 10/13, 11/10/16

Assembly Action:

Meeting Date(s): 1/26, 2/9, 2/23, 3/8, 10/25, 11/29/16 — Public Hearing Date(s): 2/9, 3/8/16
Postponed to Date:

CURRENT DRAFT
as referred to the Planning Commission 3/8/16

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

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.30.040 Sub-Section 18.30.040 of the Haines Borough Code is hereby amended as follows:

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

18.30.040 Planning commission.

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

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

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

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

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

CURRENT DRAFT
as referred to the Planning Commission 3/8/16

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

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

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

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

I. **The commission shall review conceptual designs of any new public facility or significant addition (greater than 25%) to a public facility and report to the borough assembly. In addition the commission shall review conceptual designs of any new collector or arterial street, park, green belt, or playground. The report and recommendation of the commission shall be based upon the comprehensive plan, and the capital improvements program.** ~~The commission shall review and report to the borough assembly regarding the location, design, construction, demolition or disposition of any public building, facility, collector or arterial street, park, green belt, playground or other public facility. The report and recommendation of the commission shall be based upon the comprehensive plan, coastal zone management plan and the capital improvements program.~~

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

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

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

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

_____
Janice Hill, Mayor

ATTEST:

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced:	01/26/16
Date of First Public Hearing:	02/09/16
Date of Second Public Hearing:	03/08/16 – Ordinance Substituted and Referred to Planning Commission (PC)
Date Returned to Assembly:	10/25/16 – Considered PC-proposed Substitute and Referred back to PC
Date Returned to Assembly:	11/29/16

PC-Proposed Substitute
(from 10/13/16 PC Meeting)

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

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Section 3. Effective Date. This ordinance is effective upon adoption.

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~~STRIKETHROUGH~~ ITEMS ARE DELETED

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

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

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

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

PC-Proposed Substitute
(from 10/13/16 PC Meeting)

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

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

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

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

I. The commission shall review and report to the borough assembly regarding the location, design, construction, demolition or disposition of any public building, facility, collector or arterial street, park, green belt, playground or other public facility. The report and recommendation of the commission shall be based upon the comprehensive plan, coastal zone management plan and the capital improvements program. **Routine maintenance shall be exempt from this requirement. Plans for the construction of new Borough facilities with a value over $100,000 shall come to the commission for review and a public hearing at the conceptual stage of design. At that time, the commission shall decide whether additional public hearings and design review are required at the 35%, 65%, and 95% stages of design.**

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

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

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

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

_____
ATTEST: Janice Hill, Mayor

_____
Julie Cozzi, MMC, Borough Clerk

Date Introduced:	01/26/16
Date of First Public Hearing:	02/09/16
Date of Second Public Hearing:	03/08/16 – Ordinance Substituted and Referred to Planning Commission
Date Returned to Assembly:	10/25/16 – Considered PC-proposed Substitute and Referred back to PC
Date Returned to Assembly:	11/29/16

November 10, 2016

Planning Commission Recommendation Regarding Ordinance 16-01-420:

On 11/10, the commission reviewed the assembly's 10/25/16 comments and a pending primary amendment. They support a change from $100K to $25K. However, they propose replacing "other facility" in the first sentence with "other borough projects" rather than "other structures" as stated in the following amendment motion before the assembly.

> *Primary Amendment: "change $100,000 to $25,000 and replace "other facility" with "other structures."*

= Additional Amendments Proposed

18.30.040 Planning commission.

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

I. The commission shall review and report to the borough assembly regarding the location, design, construction, demolition or disposition of any public building, facility, collector or arterial street, park, green belt, playground or other ~~public facility~~ **borough projects**. The report and recommendation of the commission shall be based upon the comprehensive plan, coastal zone management plan and the capital improvements program. **Routine maintenance shall be exempt from this requirement. Plans for the construction of new Borough facilities with a value over ~~$100,000~~ $25,000 shall come to the commission for review and a public hearing at the conceptual stage of design. At that time, the commission shall decide whether additional public hearings and design review are required at the 35%, 65%, and 95% stages of design.**

11A1

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-693
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Recommend FY17 Funding for Non-profit Organizations	1. Resolution 16-11-694 2. FY17 Application Spreadsheet Proposal 3. Application Requirements and Scoring Criteria 4. Nonprofit Grant Committee Recommendations
Originator: Mayor	
Originating Department: Administration	
Date Submitted: 11/10/2016	

Full Title / Motion:

Motion: Adopt Resolution 16-11-694.

Administrative Recommendation:

The Borough Manager recommends adoption of this resolution.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
$ Spreadsheet attached	$ Spreadsheet attached	$ Spreadsheet attached

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent:
Page 269, Community Services goal	☒ Yes ☐ No

Summary Statement:

Nine community Non-Profit organizations requested funds utilizing the criteria approved by the assembly. The FY17 ad hoc Non-Profit Funding Committee reviewed each application to determine that each application achieved the required criteria. The committee recommends fully funding each request since it determined that each request provides valuable services to the community and the total of all requests were within the budget allocation. The committee's recommendations are presented to the assembly in resolution form.

Referral:

Sent to: Ad Hoc Non-Profit Funding Committee Date: 10/25/16
Recommendation: As attached Refer to: Meeting Date:

Assembly Action:

Workshop Date(s): Public Hearing Date(s):
Meeting Date(s): 11/29/16 Tabled to Date:

HAINES BOROUGH, ALASKA
RESOLUTION No. 16-11-694 **Draft**

A Resolution of the Haines Borough Assembly authorizing the allocation of FY17 Budgeted Funds to Non-profit Organizations.

WHEREAS, the Haines Borough Assembly limited the funds to be granted to locally-controlled community organizations and non-profit corporations in the FY17 budget, as follows:

$32,500 from Fund 01: Areawide General Fund (Community Chest)
$15,000 from Fund 20: Medical Service Area Fund
$17,500 from Fund 23: Economic Development/Tourism; and

WHEREAS, nine community organizations and non-profit corporations requested FY17 funds; and

WHEREAS, the ad hoc Non-Profit Funding Committee reviewed each application to determine that the applicant was providing a service to the public; and

WHEREAS, the total of the 2017 Non-Profit Grant requests did not exceed the funds available for award,

NOW, THEREFORE, BE IT RESOLVED by the Haines Borough Assembly that the community organizations and non-profit corporations applying for FY17 funding be allocated as follows:

Fund 01 Community Chest

Alaska Arts Confluence	$3,000
Alaska Avalanche Info Center	$5,000
Chilkat Valley Preschool	$7,000
Haines Dolphin Swim Team	$2,500
Haines Friends of Recycling	$5,000
Takshanuk Watershed Council	$10,000

Fund 20 Medical Service Area

Southeast Senior Services	$6,600
Southeast Alaska Independent Living (SAIL)	$6,500

Fund 23 Economic Development/Tourism

Southeast Alaska State Fair	$17,000

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

FY17 Community Non-Profit Funding
Applications

Applicant	Requested Amt	FY16 Req	FY16 $$	Proposal	Source
Alaska Arts Confluence	3,000.00			3,000	CC
Alaska Avalanche Information Center	5,000.00	4,000	4,000	5,000	CC
Chilkat Valley Preschool	7,000.00	13,000	3901.5	7,000	CC
Haines Dolphins Swim Team	2,500.00	3,500	2,160	2,500	CC
Haines Friends of Recycling	5,000.00	5,000	3,500	5,000	CC
Southeast Alaska Independent Living (SAIL)	6,500.00	5,000	5,000.00	6,500	Med
Southeast Alaska Senior Services	6,600.00	6,600	6,600	6,600	Med
Southeast Alaska State Fair	17,000.00	17,000	17,000	17,000	Tourism
Takshanuk Watershed Council	10,000.00	9,400	3901.5	10,000	CC
	62,600.00			62,600	
To spend:					
$ 32,500 Community Chest				32,500	CF
$ 15,000 Medical Service Area Fund				13,100	Med
$17,500 Tourism and Econimic Development				17,000	Tourism
Total: $65,000				62,600	

Haines Borough

GRANTS
FOR NON-PROFIT ORGANIZATIONS

APPLICATION
MATERIALS FOR FY17

Complete grant applications to be returned to the
Borough Clerk's Office

<u>Grant Application Deadline</u> – Tuesday, October 18, 2016, 5:00 pm

For further information, please contact

Julie Cozzi, Borough Clerk
Haines Borough
Box 1209
(907) 766-2231
jcozzi@haines.ak.us -or- afullerton@haines.ak.us

GRANTS FOR NONPROFIT ORGANIZATIONS FROM THE HAINES BOROUGH

PROCEDURES

Applications are due into the Haines Borough Clerk's office by 5 pm, October 18, 2016.

Please submit the original and five (5) copies of the Summary Sheet and Elements A through G from Table A (7 pages plus the Summary Page.) Only one set of Required Documents needs to be submitted.

Table A outlines the rating schedule for grant applications from non-profits from the Haines Borough. Please limit your response to each element to the number of pages specified, with the exception for "Required Documentation." Please supply the required documentation as a separate, clearly labeled attachment so that staff may easily ascertain that each required document is supplied.

Refer to Table B for an explanation of "Grant Category." Refer to **Action Summary** **http://www.hainesalaska.gov/sites/default/files/fileattachments/planningzoning/action_summary_haines_2025_comp_plan_final.pdf** to respond to Element B: Statement of Need, to cite the alignment of your request with the Haines Borough Comprehensive Plan.

All applications will be scored by an ad hoc committee of the Assembly and Borough Administration composed of the Mayor, three members of the Assembly, and the Manager or his designee. Recommendation for funding is tentatively scheduled to be made to the Assembly on November 8, 2016.

SUMMARY SHEET

Name of Organization: _____

Name of Contact Person: _____

Phone: _____ Email: _____

Mailing address: _____

Grant Category (please apply for only one grant category):

- ☐ General Fund (Community Chest)
- ☐ Medical Service Area Fund
- ☐ Tourism and Economic Development

Dollars Requested: _____

Brief Description of the Purpose of the Grant: _____

_____

_____

I,_____, do hereby certify that all information provided for this grant application is accurate and complete to the best of my knowledge.

Name: _____

Title: _____ Date: _____

Table B.

Grant Category and Description		**Amount Available from FY16 Budgeted "Appropriations from Assembly"**
General Fund (Community Chest) **Description: Revenue for this fund comes from property tax, and from state and federal sources. Funds can be appropriated for any services that are approved for delivery area-wide by the Haines Borough Charter (see Charter Article VI: Powers).**		$32,500
Medical Service Area Fund **Description: Revenue for this fund comes from a 0.5% sales tax levied area-wide (except in Excursion Inlet) for ambulance service and financial support for local medical service. (See HBC 3.25.020)**		$15,000
Tourism and Economic Development **Description: Revenue for this fund comes from a 1% sales tax levied area-wide for tourism and economic development. (See HBC 3.23.010)**		$17,500

Description of Grant Application Procedures, Requirements & Restrictions

- Complete applications must be received in the Borough Clerk's office by the due date listed on the cover of this application.

- All timely received and complete applications shall be reviewed and scored by the Mayoral appointed, Assembly confirmed, scoring committee.

- Applicants must be current with all Haines Borough liabilities when the application is filed in order for the application to be considered, including sales taxes, property taxes, utility payments, lease payments, loan payments, promissory notes, etc.

- Grant monies shall not be used to pay for any tax debt (federal, state, or municipal).

- Nonprofit organizations can only receive one Nonprofit Organization grant during the same fiscal year.

- Grant monies not awarded or used during the fiscal year will rollover as nonprofit grant funds for the next fiscal year. Any rollover monies will be counted towards the total grant funds to be appropriated for the next fiscal year toward any of the grant categories.

If your organization received funding in FY16 and has not submitted FY16 Progress and Financial Reports you must submit them to the Borough Clerk with your FY17 application. Any grant funds not spent during the fiscal year shall be returned to the Haines Borough. Failure to timely submit complete reports or refund unspent grant monies shall result in the nonprofit organization being ineligible in the next fiscal year for general fund grants for nonprofit organizations.

Scored by: _____

Date Scored: _____

FY17 HAINES BOROUGH Non-Profit Grants
Table A.

Organization:_____

***Please submit each category on its own page for scoring purposes.**

Category	Description	Maximum Page Length*	Total Points Possible	
A. Detailed Plan for Funds	• Describe what will be done with the funds. • Who will do it? • Who will be served? • When will this service be provided? • Explain reasoning for grant category (Medical Service, Economic Development, or General) • Outcome -describe the tangible community benefit • Outcome - how will you measure success?	1	5	
B. Statement of Need	• Explain how the need you are proposing to address has been documented. • Does the funding from this request help leverage other funds for the project? • Alignment of request with the goals and objectives in the Haines Borough Comprehensive Plan (See Action Summary)	1	5	
C. Organizational Capacity	• Track record (toot your horn) • Board qualifications & involvement • List of grants received or pending for prior and current years. • % of total revenue from the Borough. Other additional financing secured / committed.	1	5	
D. Contributes to Economic Development	• Explain how funds will be used to stimulate the Haines economy.	1	3	
E. Serves Vulnerable Haines Residents	• Will funds provide essential services for children, the elderly, disabled, or other vulnerable populations in Haines? If yes please explain.	1	3	

F. Broad Community Support	• Evidence of broad community support for the organization. • Number of members / beneficiaries served in the last year –in the last 3 years. • Petitions / letters of support (may exceed 1 page).	1	5	
G. Budget	• Is the project budget appropriate to meet the need? • Does the need justify the expenditure?	1	5	
H. Timely Submission	• Application is complete and on time.	N/A	3	
I. Required Documentation	1) Copy of IRS 990 form and audit, if applicable. 2) Copy of non-profit documentation (IRS 501c3). 3) Current State of Alaska business license. 4) Minutes of meeting where the governing body approved request. 5) Organization structure including names of the board of directors and the executive director if applicable. 6) If funded in FY16, written report of use of funds. 7) Statement of assets, revenues, and expenditures for previous year. 8) Detailed budget for current year, including funds for this project.	N/A		
Total Score (34 possible)				

Applications receiving an average score of 17 points or lower are eliminated from funding.

From: Alekka Fullerton
To: Heather Lende; Tresham Gregg; Mike Case; Jan Hill
Cc: Julie Cozzi; William Seward
Subject: Non-Profit Grant Awards
Date: Tuesday, November 08, 2016 2:22:00 PM
Attachments: Nonprofit spreadsheet.Proposal.xlsx

Dear Non-Profit Grant Committee,

Since we have enough money to fund all of the Grant requests (so long as we fund the Alaska Arts Confluence from the Community Chest rather than the Tourism pot of money), I am not sure we really need to meet.

I have reviewed each Non-profit and confirmed that they are, in fact, a 501(c)(3) or (c)(4), do not owe any money to the Borough, Filed a 990 Tax Return and have a current Alaska Business License.

I attach a spreadsheet showing each grant request. If we fund the following from the Community Chest:

Alaska Art Confluence	$3,000	Requested from Tourism Funds
Alaska Avalanche	$5,000	
Chilkat Valley Preschool	$7,000	
Haines Dolphins Swim Team	$2,500	
Haines Friends of Recycling	$5,000	
Takshanuk Watershed Council	$10,000	

And Medical Service Area Funds:

SAIL	$6,500	Requested from Med Funds
SE Alaska Senior Services	$6,600	Requested from Med Funds

SE Alaska State Fair $17,000 Requested from Tourism Funds

Absent objection, I propose that the attached spreadsheet be presented to the Assembly as our recommendation for the November 29 meeting. If anyone would like to have a meeting to discuss it, Jan and I will be back from AML the week after next and we can schedule a meeting. If this proposal requires a motion, I move that the attached spreadsheet be the basis of our recommendation to the Assembly.

Comments are welcome.

Alekka Fullerton
Deputy Clerk
Haines Borough
P.O. Box 1209
Haines, Ak 99827

11A2

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-697
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Authorize Cooperative Agreement with Alaska Department of Fish and Game for Boat Launch Ramp	1. Resolution 16-11-695 2. Fish and Game Cooperative Agreement 3. PND Engineers Cost Estimate
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 11/21/16	

Full Title/Motion:

Motion: Adopt Resolution 16-11-695.

Administrative Recommendation:

This resolution is recommended by the director of public facilities and the borough manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$0	$0	$0	N/A

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: ■Yes ☐No
Objective 4B, page 144	

Summary Statement:

The Borough is requesting funding for construction of a two-lane boat launch ramp with boarding float and upland parking improvements at Portage Cove Harbor. PND Engineers, Inc. in June 2016 estimated the cost of this work at $4.6 million. The Alaska Department of Fish and Game offers Federal Aid in Sport Fish Restoration Recreational Boating Access Program funding that would reimburse 75 percent of this estimated project cost. The boat launch work would be completed in two phases: preliminary design and permitting; and final design and construction. The department has prepared a cooperative agreement for the first phase of the Portage Cove Boat Launch and will fund this phase in the amount of $500,000. The source of funding shall be 75 percent from the Federal Aid in Sport Fish Restoration Act and 25 percent from state matching funds. Once the phase is complete, this cooperative agreement will be amended to address additional funding needed for Phase II of the boat launch project. Contracted work on the uplands of the harbor expansion project would serve as the Borough match for the second phase.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

HAINES BOROUGH, ALASKA
RESOLUTION No. 16-11-695 **Draft**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a cooperative agreement with the Alaska Department of Fish and Game for the Portage Cove Boat Launch in the amount of $500,000.

WHEREAS, the Haines Borough is requesting funding for construction of a new two-lane boat launch ramp with boarding float and upland parking improvements at Portage Cove Harbor as part of the harbor expansion project; and

WHEREAS, PND Engineers, Inc. in June 2016 estimated the cost of this work at $4.6 million; and

WHEREAS, the Alaska Department of Fish and Game, through its Division of Sport Fish, offers Federal Aid in Sport Fish Restoration Recreational Boating Access Program funding that would reimburse 75 percent of this estimated project cost; and

WHEREAS, the boat launch work would be completed in two phases: preliminary design and permitting; and final design and construction; and

WHEREAS, the Alaska Department of Fish and Game has prepared a cooperative agreement for the first phase of the Portage Cove Boat Launch; and

WHEREAS, the department will fund this phase in the amount of $500,000; and

WHEREAS, the source of funding shall be 75 percent from the Federal Aid in Sport Fish Restoration Act and 25 percent from state matching funds; and

WHEREAS, once the phase is complete, this cooperative agreement will be amended to address additional funding needed for Phase II of the boat launch project; and

WHEREAS, contracted work on the uplands of the Portage Cove Harbor Expansion project would serve as the Haines Borough match for the second phase,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to enter into a cooperative agreement with the Alaska Department of Fish and Game for the Portage Cove Boat Launch in the amount of $500,000.

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

Alaska Department of Fish and Game
Division of Administrative Services
P.O. Box 115526
Juneau, AK 99811-5526

Cooperative Agreement Number 17-055
Title: Portage Cove Boat Launch

Between:
Alaska Department of Fish and Game
Division of Sport Fish

and
Haines Borough

I. AUTHORITY:

This agreement is entered into by and between the Alaska Department of Fish and Game, Division of Sport Fish (hereinafter referred to as the "ADF&G" or the "Department") and the Haines Borough (hereinafter referred to as "BOROUGH").

ADF&G enters into this agreement under authority AS16.05.050 (12), AS36.30.850(c) and the Federal Aid in Sport Fish Restoration Recreational Boating Access Program (CFDA # 15.605).

II. PURPOSE OF THE AGREEMENT:

To improve public recreational boating and sport fishing access to the marine waters near Haines by cooperatively constructing and maintaining a boat launch facility in Portage Cove Harbor. This will be accomplished in two phases: Phase I-preliminary design and permitting, and Phase II-final design and construction.

III. TERM OF THE AGREEMENT:

The effective date of this agreement shall be from the date of final signature. The design life of this facility is 20 years; therefore, this agreement shall remain in effect until December 31, 2039.

IV. COVENANTS OF THE ALASKA DEPARTMENT OF FISH AND GAME:

1. To hire a design consultant to complete planning activities (Phase I) for the future construction of the Portage Cove Boat Launch, hereinafter referred to as the launch facility. Phase I will consist of design, permitting, and compliancy activities and Phase II will consist of final design and construction-related activities. Once Phase I is complete, this agreement will be amended to address additional funding needed for Phase II of the project. The total estimated cost of Phase I is $500,000. The source of funding for Phase I shall be 75% from the Federal Aid in Sport Fish Restoration Act (Dingell- Johnson/Wallop-Breaux) and 25% from state matching funds. Availability of these funds shall be subject to approval of the project by the Federal Aid Office of the U.S. Fish and Wildlife Service (USF&WS).

2. To authorize the BOROUGH to manage and maintain the launch facility as a BOROUGH facility; which, will be operated primarily for the use of recreational power boaters and sport anglers.

3. To perform a final inspection of the completed project to verify compliance with this agreement.

V. COVENANTS OF HAINES BOROUGH:

1. To dedicate to this project, BOROUGH owned uplands and/or tidelands under and immediately adjacent to the launch facility. The parcel shall be used exclusively for boat launch ramps, boarding floats, a parking area for vehicles with boat trailers and other improvements incidental to this project. The parcel is shown on Attachment A.

   The BOROUGH warrants that it has the right, power, and authority to construct the improvements on the access site and that there are no restrictions, covenants, easements, rights-of-way, or uses which would prevent the BOROUGH from constructing the improvements on the access site.

2. To manage and maintain the launch facility for public use until December 31, 2039. The launch facility will be managed primarily for the benefit of the recreational boating and sport fishing public in providing access to public waters; consistent with current management. No change in this use will be made without prior written approval of ADF&G.

3. Management activities and maintenance services shall ensure orderly public use and keep the facility clean and in a good state of repair. Management and maintenance may be adjusted seasonally commensurate with seasonal public use.

4. ADF&G will consider the facility closed to the public if the BOROUGH physically denies access, fails to provide adequate management or maintenance or allows incompatible uses of the facility that effectively limits public use by recreational boaters and sport anglers.

5. To obtain and comply with all federal, state and local permits required for construction and maintenance of the project.

6. To install a sign identifying the participation of ADF&G , the Federal Aid in Sport Fish Restoration program , and sport anglers in facility development. To install additional signage as deemed appropriate, to indicate that the primary use of the facility is for sport fishing and recreational power boating access.

7. To be responsible, for a period of one year from the date of ADF&G's final inspection, for correcting all defects in the design or construction when the defect is brought to the attention of the BOROUGH, without additional cost to ADF&G. The BOROUGH will make good and be fully responsible for all damages to persons and property that arise from equipment or workmanship which is inferior, defective, or not in accordance with the terms of this agreement.

8. To maintain adequate insurance in conjunction with the design, construction and maintenance of the improvements.

9. The BOROUGH shall perform all aspects of the project in compliance with appropriate laws and regulations which include but are not limited to the following:

   a. Local Building Codes- BOROUGH shall comply with applicable local buildings codes and shall obtain a building permit if required (AS 35.10.025).

   b. Historic Preservation- BOROUGH shall comply with AS 41.35.070 to preserve historic, prehistoric and archeological resources threatened by public construction.

   c. Public Contracts- BOROUGH shall comply with AS 36.05 in determining the wages and hours of labor on public contracts.

   d. Political Activity- Federal funds cannot be used for partisan political purposes of any kind by any person or organization involved in the administration of federally assisted programs.

e. Civil Rights- Pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title I, II & III of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975 and Title IX of the Education Amendments of 1972, no person shall, on the grounds of race, color, national origin, age, or handicap, be excluded from participation in or be subjected to discrimination in any program or activity funded in whole or in part by federal funds.

f. Allowable costs/Cost principles-OMB 2 CFR 200 establishes principles and standards for determining costs applicable to grants, contracts, and other agreements with state and local governments. A cost is allowable for federal reimbursement only to the extent of benefits received by federal programs, and costs must meet the basic guidelines for allowability, reasonableness and allocability.

g. Drug-free Workplace Act- BOROUGH, by signing this agreement, certifies that they will provide a drug-free workplace.

h. Debarment/Suspension – BOROUGH, by signing this agreement, certifies that neither it, nor its principals or subcontractors is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from federal financial assistance programs or activities.

i. Audits- BOROUGH acknowledges that 75% of the funding for this agreement is from the Federal Aid office of the U.S. Fish and Wildlife Service under CFDA 15.605. The BOROUGH acknowledges that receipt of federal funds may create audit requirements under OMB 2 CFR 200.

j. Workers Compensation Insurance- BOROUGH shall provide and maintain, for all employees engaged in work under this agreement, coverage as required by AS 23.30.045, and, where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements.

k. Open Competition - BOROUGH shall comply with Executive Order 13202 dated February 17, 2001 prohibiting any requirements or bidding preferences based on contractor affiliation with labor organizations.

l. 41 United States Code (U.S.C.) 4712, Pilot Program for Enhancement of Recipient and Subrecipient Employee Whistleblower Protection: This requirement applies to all awards issued after July 1, 2013 and shall be in effect until January 1, 2017.

   i. This award and related subawards and contracts over the simplified acquisition threshold and all employees working on this award and related subawards and contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies in the pilot program on award recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 ofthe National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).

   ii. Recipients, and their subrecipients and contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.

   iii. The recipient shall insert this clause, including this paragraph (c), in all subawards and contracts over the simplified acquisition threshold related to this award.

10. If the BOROUGH handles hazardous materials on the site, the BOROUGH agrees to employ adequate procedures for safely storing, dispensing, and otherwise handling hazardous materials in accordance with applicable federal, state, and local laws. Hazardous materials include but are not limited to fuels and lubricants commonly used in vehicles and boats.

In the event of a hazardous materials spill by the BOROUGH or the public using the site, the BOROUGH shall act promptly, at its own expense, to contain the spill, repair any damage, absorb and clean up the spill area, and restore the site to a condition satisfactory to the ADF&G and in accordance with applicable federal, state, and local laws. The BOROUGH shall be the lead agency in requesting additional funds from the legislature to cover the cost of spill clean-up. ADF&G shall support such requests.

If contamination of the site occurs as a result of the BOROUGH's management of the site, the BOROUGH shall indemnify, defend, and hold harmless the ADF&G from any and all claims, judgments, damages, penalties, fines, costs, liabilities, or losses.

VI. GENERAL PROVISIONS

1. ADF&G and the BOROUGH shall cooperate in accomplishing the improvements to be provided under this agreement. ADF&G shall provide design criteria for the improvements and employ a private engineering firm to complete design and assist the BOROUGH in obtaining necessary permits. The BOROUGH shall be the lead agency in accomplishing all work necessary to make the improvements. The BOROUGH may employ construction contractors as may be appropriate. The project shall be designed by a professional engineer registered in the State of Alaska unless exempt under AS 08.48.331.

2. The BOROUGH shall perform the following tasks in accomplishing this project:

   Phase I:
   Design and land status: The BOROUGH shall obtain all required permits and dedicate the land as specified in paragraph V.I. above. Any funds not used for Phase I tasks shall be available for final design and construction-related (Phase II) activities.

   Phase II:
   Final design and bidding: The BOROUGH shall not proceed with final design or starting work with its own personnel or advertising for contractor bids until notified in writing by ADF&G that the USF&WS has approved the project. In the event USF&WS approval is not obtained by ADF&G or the non-federal match requirement cannot be acquired, this agreement shall be terminated. During the bidding process, the BOROUGH shall send to ADF&G a copy of the bid package and all addenda that may be issued.

   Construction: The BOROUGH shall provide ADF&G a copy of the proposed construction schedule. The BOROUGH shall also promptly notify ADF&G of all changes made to the schedule or the design. At the completion of the construction work, the BOROUGH shall provide ADF&G a copy of the as-built plans. Reimbursement for construction work shall be contingent on ADF&G approval of work actually performed.

   ADF&G review of designs, plans, specifications or other project-related documents will be to ensure conformance to the purpose of this agreement and shall not constitute engineering review nor relieve the BOROUGH from responsibility to prepare an adequate design, meet code compliance, or assure that cost principles are applied to change orders.

3. The BOROUGH will be reimbursed only for the cost of work actually completed which is directly related and allocable to the project and which ADF&G has approved. The BOROUGH will not be reimbursed for administrative work or overhead it incurred while completing the project. Reimbursement will be made within 30 days of receipt and approval, by ADF&G, of a request for reimbursement from the BOROUGH. All requests for reimbursement shall be adequately documented. Documentation may include copies of materials invoices, payroll ledgers, equipment logs, contract payments, etc. In the event of a late payment, ADF&G will not pay late fees.

   Requests for reimbursement shall be mailed no more frequently than once a month to Mike Wood at:

   State of Alaska
   Department of Fish and Game
   Division of Sport Fish, Region I
   2030 Sea Level Drive, Suite 205
   Ketchikan, Alaska 99901-6073

The BOROUGH shall maintain a separate set of accounting records for this project and shall retain these records for a period of three years from the termination of the agreement. These records shall be made available to the state for audit purposes.

With the exception of the final payment, requests for reimbursement shall be in amounts not less than $10,000. If the BOROUGH chooses to make monthly billings, such billings will be held by ADF&G until the total amount reaches at least $10,000.

4. The BOROUGH may charge user fees in accordance with Haines Borough Code 2.12.020(B), Ordinance #15-06-415 in effect on the effective date of this agreement. All future changes to the fee schedule shall be reviewed and approved by ADF&G. Fees shall be subject to the following criteria :

   a. Fees for recreational boating and sport fishing use shall not exceed fees for other uses at the launch facility.

   b. Fees shall not be imposed to recover the capital cost of the improvements covered by this agreement.

   c. Fees shall not exceed the cost of operation, maintenance and improvement of the site.

   d. Site specific fees that exceed the cost of operation, maintenance and improvement are program income. Fees collected and determined to be program income must be credited back to the Federal Aid in Sport Fish Restoration program through ADF&G. The basic policies for the treatment of program income by the USF&WS contained in OMB 2 CFR 200 apply to this agreement.

   e. The BOROUGH may establish a capital improvement account from user fees collected, to fund specified major improvements to the site and/or routine maintenance, repair or replacement of the infrastructure. Establishment of such an account shall be reviewed and approved by ADF&G. The BOROUGH shall specify the proposed improvement, the estimated cost, and completion date when requesting approval. Fees accumulated in a capital improvement account will not be considered program income if they are used for the approved improvement.

   f. If required by future changes to federal regulations or at the request of ADF&G, the BOROUGH shall provide ADF&G an accounting of fees collected and costs of operation, maintenance, and improvements. This accounting shall be on an annual basis and in sufficient detail to satisfy state and federal regulations.

   g. Trailerable boats owned and operated by ADF&G and the Department of Public Safety shall be allowed to use the facility at no cost in the course of carrying out their official duties to the extent such use does not interfere with public use of the facility .

5. The effective date of this agreement shall be from the date of final signature by ADF&G.

6. The design life of the facility is 20 years; therefore, this agreement shall remain in effect until December 31, 2039.

7. Either agency may terminate its involvement in this agreement by written notice to the other at least 90 days in advance of the date on which termination is to become effective. In the event that an agency terminates its involvement in this agreement, defaults in its duties under this agreement or this agreement expires, disposition of the sport fishing access improvements shall be accomplished by whichever of the following contingencies is appropriate:

   a. Agreement expires on December 31, 2039:

      ADF&G shall have the option to negotiate an extension of this agreement with the BOROUGH for the continued use of the facility for public sport fishing access. ADF&G shall have 90 days after the expiration of this agreement in which to notify the BOROUGH of its intent to exercise this option. If ADF&G does not exercise this option, all improvements shall become the property of the BOROUGH.

   b. ADF&G terminates its involvement:

      If prior to December 31, 2039, ADF&G finds that there is no longer a need for the sport fishing access improvements covered by this agreement, then this agreement shall be terminated. Improvements funded by ADF&G shall become the property of the BOROUGH at no additional cost to the BOROUGH.

c. The BOROUGH terminates its involvement:

If prior to December 31, 2039, the BOROUGH closes the facility to the public, does not comply with the requirements of this agreement or terminates its involvement in the purpose of this agreement, this agreement shall be terminated and the BOROUGH shall reimburse ADF&G for:

i. The total funding it provided at the rate of 5 percent for each full year between the date of termination and December 31, 2039.

ii. The appraised fair market value, on the date of the Borough's default, of any land acquired for the project with ADF&G funds.

This agreement shall be terminated when the Borough's reimbursement to ADF&G is completed. The BOROUGH shall not be required to reimburse ADF&G in the event the facility must be closed to protect public safety because of casualty damage arising from a catastrophic occurrence.

8. The BOROUGH may make improvements to the facility at its own expense provided the improvements are compatible with the purpose of this agreement and are approved in writing by ADF&G prior to construction.

9. Funding for major maintenance or repair of casualty damage will be negotiated on a case-by-case basis. Each agency's share of such funding shall be contingent on availability of funds.

10. The rights and responsibilities vested in each agency by this agreement shall not be assigned without the written consent of the other agency.

11. Agents and employees of each agency shall act in an independent capacity and not as officers, employees, or agents of the other agency in performance of this agreement.

12. Nothing in this agreement shall obligate either agency to the expenditure of funds or future payments of money in excess of those herein agreed upon or authorized by law.

13. Nothing in this agreement transfers title or land jurisdiction other than set forth herein.

14. The BOROUGH shall indemnify, hold harmless and defend ADF&G from and against any claim of, or liability for error, omission or negligent act of the BOROUGH under this agreement. The BOROUGH shall not be required to indemnify ADF&G for a claim of, or liability for, the independent negligence of ADF&G. If there is a claim of, or liability for, the joint negligent error or omission of the BOROUGH and the independent negligence of ADF&G, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. "BOROUGH" and "ADF&G" as used within this paragraph, include the employees, agents and other contractors who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in ADF&G's selection, administration, monitoring or controlling of the BOROUGH and in approving or accepting the BOROUGH's work.

15. All parties agree to comply with all applicable federal and state laws regulating ethical conduct of public officers and employees.

16. Each agency will comply with all applicable laws, regulations, and executive orders relative to Equal Employment Opportunity.

17. Nothing herein is intended to conflict with federal, state, or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.

18. This agreement may be revised as necessary by mutual consent of both parties, by the issuance of a written amendment, signed and dated by both parties.

19. All approvals and notices required by this agreement shall be written and shall be sent by registered or certified mail to:

Director	Borough Manager
Division of Sport Fish	Haines Borough
Alaska Dept. of Fish & Game	P.O. Box 1209
P.O. Box 115526	Haines, Alaska 99827
Juneau, Alaska 99811-5526	

20. This agreement is complete and has no other encumbrances, addenda, attachments, or amendments with the following exceptions: Attachment A: Parcel Location

VII. FINANCIAL CONSIDERATIONS

ADF&G will fully fund Phase I for accomplishing the purpose of this agreement in the amount of $500,000; any additional funding amount that may be needed to complete the project will be at the sole discretion of ADF&G. This cooperative agreement shall be amended to address additional funding for Phase II, construction.

The BOROUGH will be reimbursed only for the cost of work actually completed which is directly related and allocable to the project and which ADF&G has approved. All requests for reimbursement shall be adequately documented. Documentation may include copies of materials invoices, payroll ledgers, equipment logs, contract payments, etc. In the event of a late payment, ADF&G will not pay late fees.

The BOROUGH shall maintain a separate set of accounting records for this project and shall retain these records for a period of three years from the termination of the agreement. These records shall be made available to the state for audit purposes.

VIII. APPROVING SIGNATURES

IN WITNESS WHEREOF, the parties hereto have caused this Cooperative Agreement to be executed as of the date of last signature below.

HAINES BOROUGH

_____

William Seward, Borough Manager

_____

Date

ALASKA DEPARTMENT OF FISH AND GAME

_____

Tom Brookover, Director
Division of Sport Fish

_____

Date

_____

Carol Petraborg, Director
Division of Administrative Services

_____

Date

Attachment A: Parcel Location

PORTAGE COVE HARBOR EXPANSION
BOAT LAUNCH RAMP, BOARDING FLOAT & PARKING IMPROVEMENTS
Preliminary Budget - June 24, 2016
PND Engineers, Inc.
Project No. 162048.01

Item	Item Description	Units	Quantity	Unit Cost	Amount
	BASE BID				
1	Mobilization/Demobilization	LS	All Reqd	10%	$209,300
2	Construction Survey Measurement	LS	All Reqd	$40,000	$40,000
3	Excavation	CY	1,000	$20	$20,000
4	Class A Shot Rock Borrow	CY	5,000	$30	$150,000
5	Base Course, Grading A	CY	400	$60	$24,000
6	Base Course, Grading C-1	CY	2,800	$60	$168,000
7	Armor Rock	CY	2,000	$60	$120,000
8	Geotextile Fabric	SY	1,000	$6	$6,000
9	Timber Boarding Float	LS	All Reqd	$450,000	$450,000
10	Furnish and Install Steel Pipe Pile	EA	6	$8,500	$51,000
11	Boat Launch Apron and Abutment	LS	All Reqd	$75,000	$75,000
12	Precast Concrete Ramp Planks	LS	All Reqd	$550,000	$550,000
13	Drainage Improvements	LS	All Reqd	$75,000	$75,000
14	Sign Assembly/ Kiosk	LS	All Reqd	$25,000	$25,000
15	Parking Delineation	LS	All Reqd	$25,000	$25,000
16	Fuel Tank Loading Zone Fencing	LF	120	$120	$14,400
17	Relocate Look Out Park Amenities	LS	All Reqd	$300,000	$300,000
	ESTIMATED BASE BID PRICE				**$2,302,700**
	CONTINGENCY (10%)				**$230,270**
	PREDESIGN TOPOGRAPHIC SURVEY				**$25,000**
	PLANNING & PUBLIC INVOLVEMENT				**$75,000**
	NEPA ENVIRONMENTAL ASSESSMENT				**$300,000**
	FINAL ENGINEERING DESIGN & BID READY CONTRACT DOCUMENTS (8%)				**$184,216**
	CONTRACT ADMIN & CONSTRUCTION INSPECTION (7%)				**$161,189**
	RECOMMENDED PROJECT BUDGET				**$3,278,375**

Item	Item Description	Units	Quantity	Unit Cost	Amount
	ADDITIVE ALTERNATE OR FUTURE PROJECT				
1	Mobilization/Demobilization	LS	All Reqd	10%	$69,500
2	Construction Survey Measurement	LS	All Reqd	$25,000	$25,000
3	Asphalt Concrete Paving	TON	2,000	$250	$500,000
4	Painted Traffic Markings	LS	All Reqd	$20,000	$20,000
5	Concrete Curbs & Sidewalks	LS	All Reqd	$150,000	$150,000
6	Landscaping	LS	All Reqd	$100,000	$100,000
7	Area Lighting	LS	All Reqd	$200,000	$200,000
	ESTIMATED ADDITIVE ALTERNATE BID PRICE				**$1,064,500**
	CONTINGENCY (10%)				**$106,450**
	PREDESIGN TOPOGRAPHIC SURVEY				**$25,000**
	FINAL ENGINEERING DESIGN & BID READY CONTRACT DOCUMENTS (8%)				**$85,160**
	CONTRACT ADMIN & CONSTRUCTION INSPECTION (7%)				**$74,515**
	RECOMMENDED PROJECT BUDGET				**$1,355,625**

NOTE: This budget has been prepared prior to final scoping and engineering design. It should be regarded as a preliminary budget subject to change as the final scope of improvements is determined by the Borough.

11A3

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-695
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Authorize Change Order with Pacific Pile & Marine for Harbor Expansion Project ($385,549)	1. Resolution 16-11-696 2. Bid Results 3. Pacific Pile & Marine Contract 4. PHAC Action Request 5. Public Comments (Campbell and Vignola)
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 11/21/16	

Full Title/Motion:

Motion: Adopt Resolution 16-11-696.

Administrative Recommendation:

This resolution is recommended by the director of public facilities and the borough manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ 385,549	$ See summary	$ 0	Pending economic assessment

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: ■ Yes ☐ No
Objective 4B, page 144	

Summary Statement:

The assembly on 11/8/16 authorized a contract with Pacific Pile & Marine (PPM) for the Portage Cove Harbor Expansion for an amount not to exceed $12,817,389. The work included Additive Alternate A and B for additional dredging within the existing inner harbor and sacrificial pile anodes, respectively. The assembly removed Additive Alternate C, with wave barrier extension and additional basin dredging, from the scope of work prior to contract award. The PHAC met on 11/17/16 and requested the assembly award Additive Alternate C. PPM has entered into a contract with the Borough but agreed to hold its price of $385,549 for Additive Alternate C if the additional work were authorized by change order. The Director of Public Facilities recommends authorizing Additive Alternate C to reduce future mobilization costs. This change order would bring the total contract amount to $13,202,938. There is approximately $16.5 million remaining from FY13 Designated Legislative Grants for Haines Boat Harbor and Breakwater Improvements and Boat Harbor Upgrades, sufficient to cover the PPM contract and change order.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

HAINES BOROUGH, ALASKA
RESOLUTION No. 16-11-696 **Draft**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Pacific Pile & Marine for the Portage Cove Harbor Expansion project for an amount not to exceed $385,549.

WHEREAS, the Haines Borough Assembly on 11/8/16 authorized a construction contract with Pacific Pile & Marine for the Portage Cove Harbor Expansion project for an amount not to exceed $12,817,389; and

WHEREAS, the work included Additive Alternate A and B for additional dredging within the existing inner harbor and sacrificial pile anodes, respectively; and

WHEREAS, the assembly removed Additive Alternate C, with wave barrier extension and additional basin dredging, from the scope of work prior to contract award; and

WHEREAS, the Port and Harbor Advisory Committee met on 11/17/16 and requested the assembly award Additive Alternate C; and

WHEREAS, Pacific Pile & Marine has entered into a contract with the Borough for Portage Cove Harbor Expansion but agreed to hold its price of $385,549 for Additive Alternate C if the additional work were authorized by change order; and

WHEREAS, the Director of Public Facilities recommends authorizing Additive Alternate C at this time to reduce future mobilization costs; and

WHEREAS, this change order would bring the total contract amount to $13,202,938; and

WHEREAS, there is approximately $16.5 million remaining from FY13 Designated Legislative Grants for Haines Boat Harbor and Breakwater Improvements and Boat Harbor Upgrades, sufficient to cover the Pacific Pile & Marine contract and this change order,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to execute a contract change order with Pacific Pile & Marine for the Portage Cove Harbor Expansion project for an amount not to exceed $385,549.

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
Bid Opening Record

Location: Borough Admin. Building

Date/Time: 2pm, 10/25/16

Project: Portage Cove Harbor Expansion

Bidder	Bid Rcvd by Deadline	Bid on Req. Form, Complete, & Signed	Proof of AK Business Licensing	Bid Bond or Certf. Check of at least 5% of bid	Non-Collusion Affidavit	Addenda Noted (3)	Base Bid: Portage Cove Harbor Expansion ($)	Additive Alternate A ($)	Additive Alternate B ($)	Additive Alternate C ($)	Total ($)
Manson Construction	X	X	X	X	X	X	17,658,170	882,810	403,980	544,500	
						Modifications	(1,694,840)	135,040	66,920	(55,534)	
						Total	15,963,330	1,017,850	470,900	488,966	17,941,046
Pacific Pile & Marine	X	X	X	X	X	X	12,053,299	362,710	401,380	385,549	
						Modifications					
						Total	12,053,299	362,710	401,380	385,549	13,202,938
Turnagain Marine	X	X	X	X	X	X	16,370,150	424,800	398,100	418,810	
						Modifications	(1,811,750)	58,700	14,800	55,950	
						Total	14,558,400	483,500	412,900	474,760	15,929,560
Cruz Construction	X	X	X	X	X	X	13,569,270	395,660	417,000	515,950	
						Modifications					
						Total	13,569,270	395,660	417,000	515,950	14,897,880
Kiewit Pacific	X	X	X	X	X	X	17,639,097	1,084,080	427,200	548,915	
						Modifications	(1,652,255)	10,000	(55,480)	(104,139)	
						Total	15,986,842	1,094,080	371,720	444,776	17,897,418
Orion Marine	X	X	X	X	X	X	18,021,750	332,650	435,000	454,600	
						Modifications	(4,885,450)	(19,250)	(15,000)	(32,400)	
						Total	13,136,300	313,400	420,000	422,200	14,291,900

Present:

Bill Seward, Borough Manager
Brad Ryan, Director of Public Facilities
Shawn Bell, Harbormaster
Krista Kielsmeier, Executive Assistant
Alekka Fullerton, Deputy Clerk
Jan Hill, Mayor
Margaret Friedenauer, Haines Borough Assembly
Heather Lende, Haines Borough Assembly-elect
Tom Morphet, Haines Borough Assembly-elect
Melanie Reed, Pacific Pile & Marine
Mack Pennington, Cruz Construction
Don Turner Jr., Port and Harbor Advisory Committee

SECTION 00500 - AGREEMENT

THIS AGREEMENT is between **HAINES BOROUGH** (hereinafter called OWNER) and **PACIFIC PILE & MARINE** (hereinafter called CONTRACTOR) OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1. WORK.

CONTRACTOR shall complete the WORK as specified or as indicated under the Bid Schedule of the OWNER'S Contract Documents entitled:

PORTAGE COVE HARBOR EXPANSION

The Base Bid WORK generally consists of harbor basin dredging, steel pile supported wave barrier, moorage pile replacement and upland parking area.

Additive Alternate A WORK generally consists of additional dredging within the existing inner harbor.

Additive Alternate B WORK generally consists of sacrificial pile anodes.

~~Additive Alternate C WORK generally consists of wave barrier extension and additional basin dredging.~~

The WORK to be paid under this contract shall include the following: Base Bid, Additive Alternate A, **and** Additive Alternate B ~~and Additive Alternate C~~ as shown in Section 00310 - Bid Schedule.

ARTICLE 2. CONTRACT COMPLETION TIME.

The OWNER will open the site to the CONTRACTOR by ~~October 1, 2016~~ **November 21, 2016**. Substantial Completion for all WORK shall be achieved by May 31, 2018 and Final Completion of all WORK is required by June 30, 2018.

ARTICLE 3. DATE OF AGREEMENT

The date of this Agreement will be the date of the last signature on page three of this section.

ARTICLE 4. LIQUIDATED DAMAGES.

OWNER and the CONTRACTOR recognize that time is of the essence of this Agreement and that the OWNER will suffer financial loss if the WORK is not completed within the time specified in Article 2 herein, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense, and difficulties involved in proving in a legal proceeding the actual damages suffered by the OWNER if the WORK is not completed on time. Accordingly, instead of requiring any such proof, the OWNER and the CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) the CONTRACTOR shall pay the OWNER $2,500.00 for each Day that expires after the Substantial Completion time specified in Article 2 herein. The amount of liquidated damages specified above is agreed to be a reasonable estimate based on all facts known as of the date of this Agreement.

ARTICLE 5. CONTRACT PRICE.

OWNER shall pay CONTRACTOR for completion of the WORK in accordance with the Contract Documents in the amount set forth in the Bid Schedule. The CONTRACTOR agrees to accept as full and

complete payment for all WORK to be done in this contract for: **PORTAGE COVE HARBOR EXPANSION,** those Unit Price amounts as set forth in the Bid Schedule in the Contract Documents for this Project.

The total amount of this contract shall be Twelve Million Eight Hundred Seventeen Thousand Three Hundred Eighty Nine Dollars and No Cents ($12,817,389) except as adjusted in accordance with the provisions of the Contract Documents.

ARTICLE 6. PAYMENT PROCEDURES.

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by the ENGINEER as provided in the General Conditions.

Progress payments will be paid in full in accordance with Article 14 of the General Conditions until ninety (90) percent of the Contract Price has been paid. The remaining ten (10) percent of the Contract Price may be retained, in accordance with applicable Alaska State Statutes, until final inspection, completion, and acceptance of the Project by the OWNER.

ARTICLE 7. CONTRACT DOCUMENTS.

The Contract Documents which comprise the entire Agreement between OWNER and CONTRACTOR concerning the WORK consist of this Agreement (pages 00500-1 to 00500-6, inclusive) and the following sections of the Contract Documents:

- Table of Contents (pages 00005-1 to 00005-2, inclusive)
- Notice Inviting Bids (pages 00030-1, inclusive).
- Instructions to Bidders (pages 00100-1 to 00100-7, inclusive).
- Bid (pages 00300-1 to 00300-2, inclusive).
- Bid Schedule (pages 00310-1 to 00310-5, inclusive).
- Bid Bond (page 00320-1, inclusive) or Bid Security.
- Subcontractor Report (pages 00360-1 to 00360-2, inclusive).
- Performance Bond (pages 00610-1 to 00610-2, inclusive).
- Payment Bond (pages 00620-1 to 00620-2, inclusive).
- Insurance Certificate(s).
- General Conditions (pages 00700-1 to 00700-48, inclusive).
- Supplementary General Conditions (pages 00800-1 to 00800-4, inclusive).
- Labor Standards, Reporting, and Prevailing Wage Determination (pages 00830-1).
- Permits (page 00852-1 and all inclusive documents).
- Technical Specifications as listed in the Table of Contents.
- Drawings consisting of 32 sheets, as listed in the Drawing Index.
- Addenda numbers 1 to 3, inclusive.
- Change Orders which may be delivered or issued after the Date of the Agreement and which are not attached hereto.

There are no Contract Documents other than those listed in this Article 7. The Contract Documents may only be amended by Change Order as provided in Paragraph 3.3 of the General Conditions.

ARTICLE 8. MISCELLANEOUS.

Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents. This Agreement shall be governed by the laws of the State of Alaska. Jurisdiction shall be in the State of Alaska, First Judicial District.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have caused this Agreement to be executed on the date listed below by OWNER.

OWNER:

Haines Borough

(Signature)

By: William Seward, Borough Manager
(Printed Name)

Date: 11/9/16

OWNER's address for giving notices:

P.O. Box 1209

Haines, Alaska 99827

907-766-2231 (Telephone) 907-766-2716 (Fax)

CONTRACTOR:

Pacific Pile & Marine, LP
(Company Name)

(Signature)

By: Chris Willis, VP to General Partner
(Printed Name, Authority or Title)

Date: 11/9/16

CONTRACTOR's address for giving notices:

700 South Riverside Dr.

Seattle, WA 98108

(206) 331-3873 (Telephone) (206) 774-5958 (Fax)

triciab@pacificpile.com
(E-mail address)

Contractor License No. 33893

CERTIFICATE
(if Partnership)

STATE OF WA)
) SS:
COUNTY OF King)

I HEREBY CERTIFY that a meeting of the Partners of the

Pacific Pile & Marine, LP a partnership existing under the laws of the State of Delaware, held on 11/10, 2016, the following resolution was duly passed and adopted:

"RESOLVED, that Chris Willis, as Vice President of the Partnership, be and is hereby authorized to **execute the Agreement** with the HAINES BOROUGH and this partnership and that the execution thereof, attested by the Vice President shall be the official act and deed of this Partnership."

I further certify that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th, day of November, 2016.

Melanie Reed
Secretary

(SEAL)

MELANIE D. REED
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
11-01-18

Haines Borough

BOROUGH ASSEMBLY ACTION REQUEST

DATE: November 17, 2016

TO: Borough Assembly

FROM: PHAC

ACTION:

Motion: Ask the Assembly to reinstate add alt C into the Harbor Expansion Project.

Motion made by Turner, seconded by Rostad.

Motion passed with Turner, Rostad, Hughes, Badger, and Gray in favor.
None apposed.

RATIONALE:

Add alternate C was put in place because it was feared that the overall project could run over budget once bids were received. Now that the final bid numbers are in, it is clear that extra funds are available and the project is under budget.
By awarding the additional 33' of wave barrier and dredging, extra space is gained in the new harbor basin, allowing for maximum moorage capacity and vessel maneuverability.

BOARD REQUEST:

Direct Borough staff to reinstate add alternate C back into the harbor expansion project as a change order.

SUBMITTED BY: Shawn Bell / Harbormaster

From:	George Campbell
To:	DG_AssemblyMayor; William Seward; Julie Cozzi
Cc:	helen99827@live.com; Mike Denker; sgaffney@aasb.org; Roger Schnabel; Brenda; Dean Olsen; Doug Olerude; tholm79@gmail.com; thomasgroup@aptalaska.net
Subject:	Please fund Alt. 3 in Phase One
Date:	Thursday, November 10, 2016 8:07:37 AM

Dear Assembly,

Thank you for your consideration and vote on the harbor. I hope that this project will bring good fortunes to our community.

In reading the news it is reported that alternate 3, the final length to the wall, was removed. I am asking you to reconsider that deletion and have the Manager include Alternate 3 in the final contract for the harbor.

The phrase "in for a penny, in for a pound" comes to mind when reading about this decision. please allow me to offer some insight on discussions I recall in meetings prior to many of your term on the Assembly.

The project was designed with the ability to expand inside the protected basin. If you can imagine a chess game- move one part and three other changes need to happen- that is the best I can describe how the final plan and phase 1 bid was designed. The bid documents were broken up with the three alternates to ensure that the project could be funded in some capacity, as our anticipation was that phase 1 was going to cost around $20 million, a few more than we had to spend. At length the assembly, consultants and harbor board had to decide a way to bring the cost down. This was not a discussion on what was 'fluff' or unnecessary, but what could be done later if we could not afford to complete phase one. It was very clear that any alternate not completed for financial reasons would have repercussions in future expense and making the harbor useable.

Our fantastic luck at having such economical bids allows all of phase one to be completed, with extra for future work. Contracting for all of the alternates is a prudent decision at this time, each of them is important and improves the economics and the ability for not just fishermen, but for us the infrequent user.

Some of the reasons Alternate 3 is important:

The launch ramp was placed to the very southwest end of the basin, partly for convenience, partly for clearance while people are maneuvering on and off trailers. This location makes the ramp the least protected from swell and wind; in some ways a launch ramp is the place that protection is most important.

Imagine yourself out doing your subsistence fishing on a fine saturday morning, when a wind picks up from the south. As you run casually back to the harbor you hit a submerged object, and cause a hole. Though you are able to pack it with a shirt, your return to the harbor is slow, and the wind continues to pick up. Once arriving at the harbor you need to pull the boat. The extra two hours between wind starting to now a gale has built up, the launch ramp has rollers coming around of the seawall making it difficult for the boat to remain in place as you try to line it down and drive out on the trailer.

Please watch the float plane facility in a big wind if you question the ability of swell circling the end of the wall. Most pilots will not leave a plane there over night due to the winds and swell.

As a fiscal conservative I have been critical of the project's future operating expense. This particular pice of the project will save very little in construction or operating expense, but may very well offer economic income incentives not anticipated.

This portion of the seawall will cost less than $400,000 if built now. The steel will be ordered as part of the package, the equipment for installing will be in place, the inspectors, workers and associated people will already be there to build. No mob costs are associated with this portion... it is a great deal in construction. The operational costs will be almost nill, as you already have committed to a large steel barrier requiring anodes and all the other parts, taking care of that little extra is not much more, as again, when equipment needs to come to town to replace anodes and

such, an extra few hundred feet won't make a difference in the mob costs. You get the economies of scale.

To wait, you will then be required to have all the equipment come back as it took to do the original work. Same pile drivers, same divers, same welders, inspectors etc. The cost of steel will likely rise, plus a smaller run of specific steel size and shape will cost more per piece, and the shipping of large items in small quantities is often more per piece.

Benefits:

If we are going to build a big basin and accept the cost of operating it, let's make it the most useful we possibly can! The added protection the final piece of wall offers is important to one sector of this harbor's users often not discussed: subsistence fishermen and pleasure boaters. Yes, the every day folks that might only launch twice a year need that section of wall. My example above of pulling a boat is one case, but consider that we don't always make perfect decisions on our timing to pull boats out of the water; when it is rough out there the difference the section of wall can make might be the ramp being useable, or not by the average person. Please remember that the average person will be paying taxes to support the facility's operating budget, so deserve their piece to be useable.

Even the commercial fleet will see advantages. Many of our fleet fish late into fall, and do the final boat haul-out in October. October weather is not always nice, and the choice can easily be: pull it now in the wind, or later in the snow and ice. If windy, more protection is better. Consider the hope to increase the commercial fleet, some new boats might be longliners who finish in november. Their use of the ramp would be even later in less friendly weather.

Another reason to consider the extra wall length would be to afford options on net floats. Our present fleet is very friendly and tolerant as they try to mend nets on the dock by their slip. People need to walk over their nets to reach the end of the fingers. Every time someone steps on the web it causes damage. Fishermen don't like this, people feel uncomfortable to disturb working folks, but it is the current reality. Having more breakwater will allow options for placing net floats in different areas, or having larger floats to accommodate more fishermen at one time. I can remember people working long hours repairing their net so the next guy could get his fixed the next day, with more guys in line. Net floats are very important to our economy, and should not be overlooked.

If it is really a matter of dollars, I am willing to accept the Economic Development Fund be used to pay for this portion of the wall, as it really has an economic impact.

I realize that future float purchase is a worry, however, we currently have a package phase concept that the Assembly has approved through many meetings and votes. The decision to make alternates was not to limit the scope, but to ensure at least some could be done with the current funding. The small portion of the wall in ALT 3 was hotly debated and a need, only reluctantly put up as an alternate. For these reasons please reconsider that portion of your vote and direct the Manager to include Alternate 3 to the harbor contract.

Thank you,

George Campbell

From:	evelyna vignola
To:	Heather Lende; Tom Morphet; Tresham Gregg; Ron Jackson; Margaret Friedenauer; Mike Case
Cc:	Brad Ryan; Shawn Bell; William Seward; Julie Cozzi; Jan Hill
Subject:	Add Alternate C
Date:	Saturday, November 12, 2016 7:18:15 PM

Don Turner came to see me this afternoon but this not why he came and it's not why I'm writing. I had already made up my mind to speak of this at the next Assembly Meeting. He told me George Campbell had already written about this and that moved me to write now and not wait.

I'm a little slow to understand things but once I 'got it' about Add Alternate C, I said to myself what is going on here?

Please put Add Alternate C back. Please change your votes. My heart is broken at the loss of our beautiful harbor to a light industrial area. I'm coming to terms with that. Please make this light industrial harbor with a park the best possible functioning facility you can for boat owners. Please give the boat owners everything they want. Denying them any aspect does not make sense and does not give me a beautiful harbor back. It's not physically gone yet but it will be, so let's Do It Right if we're going to do this. Nothing that's done with the park will override the industrial look of the wall. We'll have a nice park. Give us a fabulous light industrial zone and call it good.

I don't remember how the vote went for this item but what a lack of integrity on the part of the Assembly Members who have been the champions of design 14. You couldn't bring yourselves to ask the PHAC to haul themselves in and to come up with a better design for the whole community 21 months ago at 35%, but you'll take this little piece away at the last minute because of money. Give me a break, what a sham, what ridiculousness.

And Ron, I'm not mad at you for bringing it up and I'm not mad at anyone voting for it, I'm sure stranger things have happened in government and in groups, but what a perfect place to use the word disingenuous. I had to look it up--

not truly honest or sincere : giving the false appearance of being honest or sincere

You of all people who did not like this design at the beginning, you who has a wife who spoke eloquently in opposition to this design at the beginning, so you changed your mind, all right. So (according to you and many others) the PHAC has not asked for anything excessive, all right. Leave the design alone now, put Add Alternate C back in. How could you think taking this piece away was a good idea? There's no real benefit in my humble opinion. At the meeting Shawn Bell and Norm Hughes said the extra space matters? Why would you doubt them now?

Good Grief, Charlie Brown!
Thank you all for your time and consideration,

Sincerely, Evelyna Vignola (still disappointed and broken hearted with zero interest in 33 feet one way or the other, and zero interest in $300,000 one way or the other)

From:	evelyna vignola
To:	Heather Lende; Tom Morphet; Tresham Gregg; Ron Jackson; Margaret Friedenauer; Mike Case
Cc:	Brad Ryan; Shawn Bell; William Seward; Julie Cozzi; Jan Hill
Subject:	Re: Add Alternate C
Date:	Sunday, November 13, 2016 7:18:09 PM

It's been brought to my attention that I really don't know how to think about all this.....
Putting this back in, leaving it out, it's different and it's the same.
I wish you the best whatever you do. This is too complex (and sad and heartbreaking) for yours truly.

From: evelyna vignola <eeevignola@hotmail.com>
Sent: Saturday, November 12, 2016 7:18 PM
To: hlende@haines.ak.us; tmorphet@haines.ak.us; tresham gregg; ron jackson; margaret friedenauer; mike case
Cc: brad ryan; sbell@haines.ak.us; bill seward; julie cozzi; jan hill
Subject: Add Alternate C

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11A4

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-698
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Support Federal FASTLANE Grant Application for Lutak Dock Improvements	1. Resolution 16-11-697 2. FASTLANE Notice of Funding Opportunity
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 11/21/16	

Full Title/Motion:

Motion: Adopt Resolution 16-11-697.

Administrative Recommendation:

This resolution is recommended by the director of public facilities and the borough manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$0	$0	$0	N/A

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: ■Yes ☐No
Objective 2B, Page 56-57	

Summary Statement:

The Haines Borough seeks a federal appropriation for the pre-construction planning and geotechnical analysis necessary to repair or replace Lutak Dock. The FAST Act established the Nationally Significant Freight and Highway Projects program to provide federal financial assistance to projects of national or regional significance. The program was authorized at $4.5 billion for fiscal years 2016 through 2020, including $850 million for FY 2017 to be awarded by the Secretary of Transportation. For small projects, the grants must be at least $5 million and maximum FASTLANE awards may not exceed 60 percent of future eligible project costs.
The Borough on 10/12/16 contracted with R&M Consultants, Inc. for an amount not to exceed $129,530 to provide conceptual options for replacing or refurbishing the Lutak Dock. R&M Consultants will prepare cost estimates and preliminary engineering for the 12/15/16 grant application deadline. Lutak Dock ranks as the top federal funding priority for the Borough.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

HAINES BOROUGH, ALASKA
RESOLUTION No. 16-11-697 **Draft**

A Resolution of the Haines Borough Assembly supporting a Department of Transportation Nationally Significant Freight and Highway Projects (FASTLANE Grant) application for fiscal year 2017 for Lutak Dock improvements.

WHEREAS, the Haines Borough seeks a federal appropriation for the pre-construction planning and geotechnical analysis necessary to repair or replace the Lutak Dock; and

WHEREAS, the dock is a year-round, sheltered harbor, with excellent road connectivity and the potential to develop spacious upland storage that could support the maritime services industry, bulk cargo handling and, potentially, ore transshipment; and

WHEREAS, a 2014 structural assessment prepared by PND Engineers, Inc. concluded "the structure has reached the end of credible 60-year service life" and "is effectively on borrowed time"; and

WHEREAS, the Fixing America's Surface Transportation Act (FAST Act) established the Nationally Significant Freight and Highway Projects (NSFHP) program to provide federal financial assistance to projects of national or regional significance; and

WHEREAS, the program was authorized at $4.5 billion for fiscal years 2016 through 2020, including $850 million for FY 2017 to be awarded by the Secretary of Transportation; and

WHEREAS, for small projects, the grants must be at least $5 million and maximum FASTLANE awards may not exceed 60 percent of future eligible project costs; and

WHEREAS, the Haines Borough on 10/12/16 contracted with R&M Consultants, Inc. for an amount not to exceed $129,530 to provide conceptual options for replacing or refurbishing the Lutak Dock, including research, analysis, cost estimating, and community outreach; and

WHEREAS, R&M Consultants will prepare cost estimates and preliminary engineering for the 12/15/16 grant application deadline; and

WHEREAS, Lutak Dock ranks as the top federal funding priority for the Haines Borough,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly supports a Department of Transportation Nationally Significant Freight and Highway Projects (FASTLANE Grant) application by the Haines Borough for fiscal year 2017 for Lutak Dock improvements.

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

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Docket No. DOT-OST-2016-0016

Notice of Funding Opportunity for the Department of Transportation's Nationally Significant Freight and Highway Projects (FASTLANE Grants) for Fiscal Year 2017

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation

ACTION: Notice of Funding Opportunity

SUMMARY: The Fixing America's Surface Transportation Act (FAST Act) established the Nationally Significant Freight and Highway Projects (NSFHP) program to provide Federal financial assistance to projects of national or regional significance and authorized the program at $4.5 billion for fiscal years (FY) 2016 through 2020, including $850 million for FY 2017 to be awarded by the Secretary of Transportation. The U.S. Department of Transportation (USDOT/Department) will also refer to NSFHP grants as Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) grants. The purpose of this notice is to solicit applications for FY 2017 grants for the FASTLANE program. The Department also invites interested parties to submit comments about this notice's contents to public docket DOT-OST-2016-0016 by December 31, 2016.

DATES: Applications must be submitted by 8:00 p.m. EST on December 15, 2016. The Grants.gov "Apply" function will open by November 14, 2016.

ADDRESSES: Applications must be submitted through www.Grants.gov. Only applicants who comply with all submission requirements described in this notice and submit applications through www.Grants.gov will be eligible for award.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the Office of the Secretary via email at FASTLANEgrants@dot.gov. For more information about highway projects, please contact Crystal Jones at (202) 366-2976. For more information about maritime projects, please contact Robert Bouchard at (202) 366-5076. For more information about rail projects, please contact Stephanie Lawrence at (202) 493-1376. For all other questions, please contact Howard Hill at (202) 366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. Additionally, the Department will regularly post answers to questions and requests for clarifications as well as information about webinars for further guidance on USDOT's website at https://www.transportation.gov/buildamerica/FASTLANEgrants.

SUPPLEMENTARY INFORMATION: This notice solicits applications for the FASTLANE program for FY 2017. Each section of this notice contains information and instructions relevant to the application process for FASTLANE grants, and the applicant should read this notice in its entirety to submit eligible and competitive applications.

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A. Program Description

The Nationally Significant Freight and Highway Projects (NSFHP) program, as established by the Fixing America's Surface Transportation Act (FAST Act), Pub. L. 114-94, section 1105 (23 U.S.C. 117), will provide Federal financial assistance to freight and highway projects of national or regional significance. The Department will also refer to NSFHP grants as Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) grants. The FASTLANE program provides dedicated, discretionary funding for projects that address critical freight issues facing our nation's highways and bridges. and for the first time in the U.S. Department of Transportation's 50-year history, establishes broad, multiyear eligibilities for freight infrastructure.

To better adapt to national and regional population growth, compete in the global economy, and meet the needs of consumers and industry, the United States needs a strong multimodal transportation system. Beyond Traffic 2045: Trends and Choices (Beyond Traffic)[1], the Department's 30-year framework for the future, outlines changing local and global patterns,

[1] https://www.transportation.gov/BeyondTraffic

including population and employment growth in burgeoning megaregions and significant growth in freight movement by ton and value. The report affirms the need to address freight bottlenecks that severely constrain system performance and capacity. The Department's draft National Freight Strategic Plan[2], released in October 2015, further explores these challenges for freight transportation and identifies strategies to address impediments to the flow of goods throughout the nation.

The FASTLANE program provides an opportunity to address nationally or regionally significant challenges across the nation's transportation system including improving the safety, efficiency, and reliability of the movement of freight and people; generating national or regional economic benefits and increasing the United States' global competitiveness; reducing highway congestion and bottlenecks; enabling more efficient intermodal connections; minimizing delays at international borders; improving inadequate first and last mile segments; modernizing port facilities to meet 21st Century demands, including connections between ports and their surface transportation systems; enhancing the resiliency of critical intermodal infrastructure and helping protect the environment; improving grade crossings; improving roadways vital to national energy security; and addressing the impact of population growth on the movement of people and freight. The program also offers resources to advance highway and bridge projects on the National Highway System (NHS), including those that improve mobility through added capacity on the Interstate or address needs in a national scenic area. Recognizing the interconnected and multimodal nature of the nation's transportation system, the Department will give additional consideration to nationally or regionally significant multimodal and multijurisdictional projects.

[2] https://www.transportation.gov/freight/NFSP

The Department will also consider whether projects enhance personal mobility and accessibility. Such projects include, but are not limited to, investments that better connect people to essential services such as employment centers, health care, schools and education facilities, healthy food, and recreation; remove physical or operational barriers to access; strengthen communities through neighborhood redevelopment; mitigate the negative impacts of freight movement on communities– such as road or railroad crossing congestion; and support workforce development, particularly for disadvantaged groups, which include low-income groups, persons with visible and hidden disabilities, elderly individuals, and minority persons and populations. The Department may consider whether a project's design is likely to generate benefits for all users of the proposed project, including non-driving members of a community adjacent to or affected by the project.

B. Federal Award Information

1. Amount Available

The FAST Act authorizes the FASTLANE program at $4.5 billion for fiscal years (FY) 2016 through 2020, including $850 million[3] for FY 2017 to be awarded by USDOT on a competitive basis to projects of national or regional significance that meet statutory requirements. The funding described in this notice is authorized for FY 2017 in FAST Act Section 1101(a)(5). The amount that will be available for awards is uncertain because the Department is issuing this notice before full-year

[3] Funds are subject to the overall Federal-aid highway obligation limitation, and funds in excess of the obligation limitation provided to the program are distributed to the States. While $850 million is authorized for FY 2017, DOT estimates that approximately $787 million will be available for award For additional information see FAST Act § 1102 (f) and the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016, Pub. L. 114-113, div. L § 120. Applicants should note that the provisions of the FY2016 appropriations act are only illustrative and may differ from what will be enacted in a full year FY 2017 appropriations act.

appropriations legislation has been enacted for FY 2017. The Department anticipates that up to approximately $787 million will be available for awards. But that estimate may be higher or lower than the final amount, which is dependent on future appropriations legislation. Any award selections under this notice will be subject to the availability of funds.

While the Department is initiating the process of soliciting applications for FY 2017, awards will be subject to the availability of funding; the Department is currently operating under a Continuing Resolution, and the obligation limitation distribution for the balance of the Fiscal Year will depend on Congressional action. However, as obligation limitation associated with this program currently expires at the end of the Fiscal Year, the Department is now beginning the process of soliciting applications to facilitate the possibility of awards with sufficient time for grantees to obligate in advance of peak construction season, while accounting for the requirement that the Department notify Congressional Committees 60 days ahead of awards.

2. Eligible Uses

FASTLANE grants may be used for the construction, reconstruction, rehabilitation, acquisition of property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, equipment acquisition, and operational improvements directly related to system performance. FASTLANE grants may also fund developmental phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements.

The FAST Act allows a FASTLANE grant recipient to use FASTLANE funds granted to pay the subsidy and administrative costs necessary to receive credit assistance for the associated project under the Transportation Infrastructure Finance and Innovation Act of 1998 ("TIFIA") program.

3. Other Restrictions

The Department will make awards under the FASTLANE program to both large and small projects. (Refer to section C.3.ii.for a definition of large and small projects.) For large projects, the FAST Act specifies that FASTLANE grants must be at least $25 million. For small projects, the grants must be at least $5 million. For both large and small projects, maximum FASTLANE awards may not exceed 60 percent of future eligible project costs. While 10 percent of available funds are reserved for small projects, 90 percent of funds are reserved for large projects. Applicants are strongly encouraged to submit applications only for eligible award amounts.

Pursuant to the FAST Act, not more than $500 million in aggregate of the $4.5 billion authorized for FASTLANE grants over fiscal years 2016 to 2020 may be used for grants to freight rail, water (including ports), or other freight intermodal projects that make significant improvements to freight movement on the National Highway Freight Network. After accounting for FY 2016 FASTLANE awards, approximately $326 million within this constraint remains available. Only the non-highway portion(s) of multimodal projects count toward the $500 million maximum. Improving freight movement on the National Highway Freight Network may include shifting freight transportation to other modes, thereby reducing congestion and

bottlenecks on the National Highway Freight Network. The Federal share for projects that count toward the $500 million maximum may fund only elements of the project that provide public benefit. Grade crossing and grade separation projects do not count toward the $500 million maximum for freight rail, port, and intermodal projects.

The FAST Act directs at least 25 percent of the funds provided for FASTLANE grants must be used for projects located in rural areas, as defined in Section C.3.iv. If the Department does not receive enough qualified applications to fully award the 25 percent reserved for rural projects, the Department may use the excess funding for non-rural awards. The USDOT must consider geographic diversity among grant recipients, including the need for a balance in addressing the needs of urban and rural areas.

4. Repeat Applications

In response to the FY 2016 FASTLANE solicitation (81 FR 10955), USDOT received applications for more eligible, excellent projects than could be funded in the first year of the program. Because the evaluation criteria described in this notice do not differ from the criteria in the FY 2016 solicitation and because USDOT requires applications to be submitted within 45 days of this notice, USDOT anticipates that some FY 2016 applicants who did not receive FY 2016 awards will resubmit their applications with few or no changes. If an applicant is re-applying for a project for which that applicant applied for FY 2016 funds and was not awarded, the applicant should highlight new or revised information in the application. This will improve the evaluation process by allowing USDOT to avoid redundant evaluations and focus

evaluation resources on new information. To the extent that a resubmitted application contains few or no changes, USDOT may rely on previous analysis when considering the project for a FY 2017 award.

C. Eligibility Information

To be selected for an FASTLANE grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project that meets the Minimum Project Size Requirement.

1. Eligible Applicants

Eligible applicants for FASTLANE grants are 1) a State or group of States; 2) a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals; 3) a unit of local government or group of local governments; 4) a political subdivision of a State or local government; 5) a special purpose district or public authority with a transportation function, including a port authority; 6) a Federal land management agency that applies jointly with a State or group of States; 7) a tribal government or a consortium of tribal governments; or 8) a multi-State or multijurisdictional group of public entities. Multiple States or jurisdictions that submit a joint application should identify a lead applicant as the primary point of contact. Each applicant in a joint application must be an Eligible Applicant. Joint applications should include a description of the roles and responsibilities of each applicant and should be signed by each applicant.

2. Cost Sharing or Matching

FASTLANE grants may be used for up to 60 percent of future eligible project costs. Other Federal assistance may satisfy the non-Federal share requirement for a

FASTLANE grant, but total Federal assistance for a project receiving a FASTLANE grant may not exceed 80 percent of the future eligible project costs. Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue funded programs, private funds or other funding sources of non-Federal origins. If a Federal land management agency applies jointly with a State or group of States, and that agency carries out the project, then Federal funds that were not made available under titles 23 or 49 of the United States Code may be used for the non-Federal share. Unless otherwise authorized by statute, local cost-share may not be counted as non-Federal share for both the FASTLANE and another Federal program. For any project, the Department cannot consider previously incurred costs or previously expended or encumbered funds towards the matching requirement. Matching funds are subject to the same Federal requirements described in Section F.2 as awarded funds.

3. Other

i. Eligible Project

Eligible projects for FASTLANE grants are: highway freight projects carried out on the National Highway Freight Network (23 U.S.C. 167); highway or bridge projects carried out on the NHS, including projects that add capacity on the Interstate System to improve mobility or projects in a national scenic area; railway-highway grade crossing or grade separation projects; or a freight project that is 1) an intermodal or rail project, or 2) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility. A project within the boundaries of a freight rail, water (including ports), or intermodal

facility must be a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility and must significantly improve freight movement on the National Highway Freight Network. For a freight project within the boundaries of a freight rail, water (including ports), or intermodal facility, Federal funds can only support project elements that provide public benefits.

ii. Eligible Project Costs

Eligible costs under the FASTLANE program include development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other pre-construction activities, as well as construction, reconstruction, rehabilitation, acquisition of real property, environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to system performance.

iii. Minimum Project Size Requirement

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for an FASTLANE grant. Previously incurred costs will be counted toward the minimum project size requirement only if they were eligible project costs under Section C.3.ii. and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size

thresholds described in this Section, they cannot be reimbursed with FASTLANE grant funds, nor will the count toward the project's required non-Federal share.

a. Large Projects

The minimum project size for large projects is the lesser of $100 million; 30 percent of a State's FY 2016 Federal-aid apportionment if the project is located in one State; or 50 percent of the larger participating State's FY 2016 apportionment for projects located in more than one State. The following chart identifies the minimum total project cost for projects for FY 2017 for both single and multi-State projects.

State	One-State Minimum (millions)	Multi-State Minimum* (millions)
Alabama	$100	$100
Alaska	$100	$100
Arizona	$100	$100
Arkansas	$100	$100
California	$100	$100
Colorado	$100	$100
Connecticut	$100	$100
Delaware	$51	$86
Dist. of Col.	$49	$81
Florida	$100	$100
Georgia	$100	$100
Hawaii	$51	$86
Idaho	$87	$100
Illinois	$100	$100
Indiana	$100	$100
Iowa	$100	$100
Kansas	$100	$100
Kentucky	$100	$100
Louisiana	$100	$100
Maine	$56	$94
Maryland	$100	$100
Massachusetts	$100	$100

Michigan	$100	$100
Minnesota	$100	$100
Mississippi	$100	$100
Missouri	$100	$100
Montana	$100	$100
Nebraska	$88	$100
Nevada	$100	$100
New Hampshire	$50	$84
New Jersey	$100	$100
New Mexico	$100	$100
New York	$100	$100
North Carolina	$100	$100
North Dakota	$76	$100
Ohio	$100	$100
Oklahoma	$100	$100
Oregon	$100	$100
Pennsylvania	$100	$100
Puerto Rico	$47	$74
Rhode Island	$67	$100
South Carolina	$100	$100
South Dakota	$86	$100
Tennessee	$100	$100
Texas	$100	$100
Utah	$100	$100
Vermont	$62	$100
Virginia	$100	$100
Washington	$100	$100
West Virginia	$100	$100
Wisconsin	$100	$100
Wyoming	$78	$100

* For multi-State projects, the minimum project size is the largest of the multi-State minimums from the participating States.

b. **Small Projects**

A small project is an eligible project that does not meet the minimum project size described in Section C.3.iii.a.

iv. Rural/Urban Area

The FASTLANE statute defines a rural area as an area outside an Urbanized Area[4] with a population of over 200,000. In this notice, urban area is defined as inside an Urbanized Area, as a designated by the U.S. Census Bureau, with a population of 200,000 or more.[5] Cost share requirements and minimum grant awards are the same for projects located in rural and urban areas. The Department will consider a project to be in a rural area if the majority of the project (determined by geographic location(s) where the majority of the money is to be spent) is located in a rural area. Rural and urban definitions differ in some other USDOT programs, including TIFIA and the FY 2016 TIGER Discretionary Grants Program.

v. Application Limit

To encourage applicants to prioritize their FASTLANE submissions, each eligible applicant may submit no more than three applications. The three-application limit applies only to applications where the applicant is the lead applicant. There is no limit on applications for which an applicant can be listed as a partnering agency. If a lead applicant submits more than three applications as the lead applicant, only the first three received will be considered.

vi. Project Components

[4] For Census 2010, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau website at http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/. For the purposes of the FASTLANE program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

[5] See www.transportation.gov/FASTLANEgrants for a list of Urbanized Areas with a population of 200,000 or more.

An application may describe a project that contains more than one component, and may describe components that may be carried out by parties other than the applicant. Applicants should clearly identify all highway, bridge, and freight-related components comprising the total project. The USDOT may award funds for a component, instead of the larger project, if that component (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C; (2) independently aligns well with the selection criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of USDOT funds even if no other improvements are made in the area, and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection with one another. (See Section D.2.f. for Required Approvals).

Applicants should be aware that, depending upon the relationship between project components and upon applicable Federal law, USDOT funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

The USDOT strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested FASTLANE funding for each component. If the application identifies one or more independent project components, the

application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses selection criteria.

D. Application and Submission Information

1. Address

Applications must be submitted through www.Grants.gov. Instructions for submitting applications can be found at https://www.transportation.gov/buildamerica/FASTLANEgrants.

2. Content and Form of Application

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), cover page, and the Project Narrative. More detailed information about the cover page and Project Narrative follows.

i. Cover Page including the following chart:

Project Name	
Was a FASTLANE application for this project submitted previously?	Yes/no
If yes, what was the name of the project in the previous application?	
Previously Incurred Project Cost	$
Future Eligible Project Cost	$
Total Project Cost	$
FASTLANE Request	$
Total Federal Funding (including FASTLANE)	$
Are matching funds restricted to a specific project component? If so, which one?	Yes/no
Is the project or a portion of the project currently located on National Highway Freight Network?	Yes/no

Is the project or a portion of the project located on the NHS? • Does the project add capacity to the Interstate system? • Is the project in a national scenic area?	Yes/no (for each question)
Do the project components include a railway-highway grade crossing or grade separation project? • If so, please include the grade crossing ID.	Yes/no
Do the project components include an intermodal or freight rail project, or freight project within the boundaries of a public or private freight rail, water (including ports), or intermodal facility?	Yes/no
If answered yes to either of the two component questions above, how much of requested FASTLANE funds will be spent on each of these projects components?	
State(s) in which project is located	
Small or large project	Small/Large
Urbanized Area in which project is located, if applicable	
Population of Urbanized Area	
Is the project currently programmed in the: • TIP • STIP • MPO Long Range Transportation Plan • State Long Range Transportation Plan • State Freight Plan?	Yes/no (please specify in which plans the project is currently programmed)

ii. Summary of Changes

If a FASTLANE application for this project was previously submitted, please describe any changes between the FY 2016 and FY 2017 applications. The changes should be summarized on a single page following the Cover Page AND highlighted throughout the application on a section-by-section basis. Because the

evaluation criteria described in this notice do not differ from the criteria in the FY 2016 solicitation and because USDOT requires applications to be submitted within 45 days of this notice, USDOT anticipates that some FY 2016 applicants who did not receive FY 2016 awards will resubmit their applications with few or no changes.

iii. Project Narrative

The USDOT recommends that the project narrative adhere to the following basic outline to clearly address the program requirements and make critical information readily apparent:

I. Project Description	See D.2.iii.a
II. Project Location	See D.2.iii.b
III. Project Parties	See D.2.iii.c
IV. Sources and Uses of all Project Funding	See D.2.iii.d
V. Merit Criteria	See E.1.i. a,b,c,d and E.1.ii.a.b
VI. Large/Small Project Requirements	See E.1.iii
VII. Cost Effectiveness	See D.2.iii.e
VIII. Project Readiness	See D.2.iii.f

The application should include information required for USDOT to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.1. To the extent practicable, applicants should provide data and evidence of project merits in a form that is

verifiable or publicly available. The USDOT may ask any applicant to supplement data in its application, but expects applications to be complete upon submission.

In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps, and graphics, as appropriate to make the information easier to review. The USDOT recommends that the project narrative be prepared with standard formatting preferences. (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins.) The project narrative may not exceed 25 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 25-page limit are supporting documents to support assertions or conclusions made in the 25-page project narrative. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in support of a different USDOT financial assistance program may be referenced and described as unchanged. The USDOT recommends using appropriately descriptive final names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments. The USDOT recommends applications include the following sections:

a. **Project Description** including a description of the project size, including previously incurred expenses, to show the project meets minimum project size requirements, a description of what requested FASTLANE and matching funds will support, how the project is nationally or regionally significant, information on the expected users of the project, a description of the transportation challenges the project aims to address, and how the project will address these challenges. The description should include relevant data for before and after the project is built, such as passenger and freight volumes, congestion levels, infrastructure condition, and safety experience, including citations for data sources. Examples of potentially relevant data can be found at www.transportation.gov/FASTLANEgrants, but USDOT encourages applicants to identify the most relevant information for their project.

b. **Project Location** including a detailed description of the proposed project and geospatial data for the project, as well as a map of the project's location and its connections to existing transportation infrastructure. If the project is located within the boundary of a Census-designated Urbanized Area, the application should identify the Urbanized Area.

c. **Project Parties** including information about the grant recipient and other affected public and private parties who are involved in delivering the project, such as port authorities, terminal operators, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, and the freight industry workforce.

d. Grant Funds, Sources and Uses of Project Funds including information to demonstrate the viability and completeness of the project's financing package, assuming the availability of the requested FASTLANE grant funds. The applicant should show evidence of stable and reliable capital and (as appropriate) operating fund commitments sufficient to cover estimated costs; the availability of contingency reserves should planned capital or operating revenue sources not materialize; evidence of the financial condition of the project sponsor; and evidence of the grant recipient's ability to manage grants. At a minimum, applicants should include:

i) Future eligible cost, as defined in Section C.3.ii-iii.

ii) Availability and commitment of all committed and expected funding sources and uses of all project funds for future eligible project costs, including the identity of all parties providing funds for the project and their percentage shares; any restrictions attached to specific funds; compliance or a schedule for compliance with all conditions applicable to each funding source, and, to the extent possible, funding commitment letters from non-Federal sources.

iii) Federal funds already provided and the size, nature, and source of the required match for those funds, as well as pending or past Federal funding requests for the project. This information should demonstrate that the requested FASTLANE funds do not exceed 60 percent of future eligible project costs and that total Federal funding will not

exceed 80 percent of future eligible project costs. This information should also show that local share for the FASTLANE grant is not counted as the matching requirement for another Federal program.

iv) A detailed project budget containing a breakdown of how the funds will be spent. That budget should estimate—both dollar amount and percentage of cost—the cost of work for each project component. If the project will be completed in individual segments or phases, a budget for each individual segment or phase should be included. Budget spending categories should be broken down between FASTLANE, other Federal, and non-Federal sources, and this breakdown should also identify how each funding source will share in each activity.

v) Amount of requested FASTLANE funds that will be spent on highway, bridge, freight intermodal or freight rail, port, grade crossing or grades separation project components.

e. **Cost-Effectiveness** analysis should demonstrate that the project is likely to deliver its anticipated benefits at reasonable costs. Applicants should delineate each of their project's expected outputs and costs in the form of a complete Benefit-Cost Analysis (BCA) to enable the Department to consider cost-effectiveness (small projects) or determine whether the project is cost effective (for large projects). The primary economic benefits from projects eligible for FASTLANE grants are likely to include time savings for passenger travel and freight shipments, improvements in

transportation safety, reduced damages from emissions of greenhouse gases and criteria air pollutants, and savings in maintenance costs to public agencies. Applicants should submit a BCA in support of each project for which they seek funding that quantifies each of these benefits, provides monetary estimates of their economic value, and compares the properly-discounted present values of these benefits to the project's estimated costs. Where applicants cannot adequately monetize benefits, they are urged to identify non-monetary measures for other categories of benefits (examples below) to assist the Department in making cost-effectiveness and other determinations about projects.

Many projects are likely to generate other categories of benefits that are more difficult to quantify and value in economic terms, but are nevertheless important considerations in determining whether a proposed project is cost-effective. These may include impacts such as improving the reliability of passenger travel times or freight deliveries, improvements to the existing human and natural environments surrounding the project, increased connectivity, access, and mobility, benefits to public health, stormwater runoff mitigation, and noise reduction. Applicants should identify each category of impact or benefits that is not already included in the estimated dollar value of their project's benefits (as described above), and wherever possible provide numerical estimates of the magnitude and timing of each of these additional impacts.

For the purpose of evaluating cost-effectiveness, project costs should include those for constructing, operating, and maintaining the proposed project, including a detailed breakdown of those costs by spending category and the expected timing or schedule for costs in each category.

To assist in USDOT's cost-effectiveness evaluation, applicants should provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail to allow the analysis to be reproduced by USDOT evaluators. Detailed guidance for estimating some types of quantitative benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, are available in USDOT's guidance for conducting BCAs for projects seeking funding under the FASTLANE program (see https://www.transportation.gov/buildamerica/FASTLANEgrants).

Applicants for freight projects within the boundaries of a freight rail, water (including ports), or intermodal facility should also quantify the benefits of their proposed projects for freight movements on the National Highway Freight Network, and should demonstrate that the Federal share of the project funds only elements of the project that provide public benefits.

f. **Project Readiness** including information to demonstrate that the project is reasonably expected to begin construction in a timely manner. For a large project, the Department cannot award a project that is not reasonably expected to begin construction within 18 months of obligation of funds for the project. The Department will determine that large projects with an obligation date beyond September 30, 2020 are not reasonably expected to begin construction within 18 months of obligation. Obligation occurs when a selected applicant and USDOT enter a written, project-specific agreement and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. Depending on the nature of pre-construction activities included in the awarded project, the Department may obligate funds in phases.

Preliminary engineering and right-of-way acquisition activities, such as environmental review, design work, and other preconstruction activities, do not fulfill the requirement to begin construction within 18 months of obligation for large projects.

To assist the Department's project readiness determination, the Department will consider information provided in this Section D.2.ii.d. (Grant Funds, Sources and Uses of Project Funds) in addition to the following information:

i) Technical Feasibility. The technical feasibility of the project should be demonstrated by engineering and design studies and activities; the

development of design criteria and/or a basis of design; the basis for the cost estimate presented in the FASTLANE application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed.

ii) Project Schedule. The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the STIP), start and completion of NEPA and other environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plan, specification and estimate (PS&E); procurement; State and local approvals; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

a) all necessary activities will be complete to allow grant funds to be obligated sufficiently in advance of the statutory deadline, and that any unexpected delays will not put the funds at risk of expiring before they are obligated;

b) the project can begin construction quickly upon receipt of a FASTLANE grant, and that the grant funds will be spent expeditiously once construction starts; and

c) all property and/or right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24 and other legal requirements or a statement that no acquisition is necessary.

iii) Required Approvals

a) Environmental Permits and Reviews: As noted in Section D.2.ii.f.iii above, the application should demonstrate receipt (or reasonably anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State and local requirements and completion of the NEPA process. Although Section C.3.vi (Project Components) of this notice encourages applicants to identify independent project components, those components may not be separable for the NEPA process. In such cases, the NEPA review for the independent project component may have to include evaluation of all project components as connected, similar, or cumulative actions, as detailed at 40 CFR § 1508.25. In addition, the scope of the NEPA decision may affect the applicability of the Federal requirements

on the project described in the application. Specifically, the application should include:

1) Information about the NEPA status of the project. If the NEPA process is completed, an applicant should indicate the date of, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, or any other NEPA documents prepared. If the NEPA process is underway but not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the NEPA documents are approaching ten years old, the applicant should include a proposed approach for updating this material.
2) Information on reviews, approvals, and permits by other agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies[6], indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and or demonstrate compliance with any other applicable Federal, State, or local requirements. Applicants should provide a

[6] Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

website link or other reference to copies of any reviews, approvals, and permits prepared.

3) Environmental studies or other documents—preferably through a website link—that describe in detail known project impacts, and possible mitigation for those impacts.

4) A description of discussions with the appropriate USDOT modal administration field or headquarters office regarding compliance with NEPA and other applicable environmental reviews and approvals.

5) A description of public engagement to date about the project including the degree to which public comments and commitments have been integrated into project development and design.

b. State and Local Approvals. The applicant should demonstrate receipt of State and local approvals on which the project depends, such as local government funding commitments or TIF approval. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project is broadly supported.

c. State and Local Planning. The planning requirements of the operating administration administering the FASTLANE project

will apply[7], including intermodal projects located at airport facilities.[8] Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included. If the project is not included in the relevant planning documents at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202). Applicants should provide links or other documentation supporting this consideration.

[7] In accordance with 23 U.S.C. § 134 and § 135, all projects requiring an action by the Federal Highway Administration (FHWA) must be in the metropolitan transportation plan, transportation improvement program (TIP) and statewide transportation improvement program (STIP). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a FASTLANE grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans in order to receive a FASTLANE grant. Port, freight rail, and intermodal projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008. However, applicants seeking funding for freight projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. Means of demonstrating this consistency would to include the projects in TIPs or a State Freight Plan that conforms to the requirements Section 70202 of Title 49 prior to the start of construction. Port planning guidelines are available at StrongPorts.gov.

[8] Projects at grant obligated airports, must be compatible with the FAA-approved Airport Layout Plan (ALP), as well as aeronautical surfaces associated with the landing and takeoff of aircraft at the airport. Additionally, projects at an airport: must comply with established Sponsor Grant Assurances, including (but not limited to) requirements for non-exclusive use facilities, consultation with users, consistency with local plans including development of the area surrounding the airport, and consideration of the interest of nearby communities, among others; and must not adversely affect the continued and unhindered access of passengers to the terminal.

Because projects have different schedules, the construction start date for each FASTLANE grant will be specified in the project-specific agreements signed by relevant modal administration and the grant recipients and will be based on critical path items identified by applicants in response to items (iv)(a) through (c) above, and be consistent with other relevant State or local plan, including bicycle and pedestrian plans, economic development plans, local land-use plans, and water and coastal zone management plans.

iv) Assessment of Project Risks and Mitigation Strategies. Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify the material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake in order to mitigate those risks. Information provided in response to Section D.2.ii.f.i-iv above should be referenced in developing this assessment. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks. The USDOT will consider projects that contain risks, but expects the applicant to clearly and directly describe achievable mitigation strategies.

The applicant, to the extent it is unfamiliar with the Federal program, should contact USDOT modal field or headquarters offices as found at www.transportation.gov/FASTLANEgrants for information on what steps are pre-requisite to the obligation of Federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

3. Unique entity identifier and System for Award Management (SAM)

Each applicant must: 1) be registered in SAM before submitting its application; 2) provide a valid unique entity identifier in its application; and 3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The USDOT may not make an FASTLANE grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time USDOT is ready to make an FASTLANE grant, USDOT may determine that the applicant is not qualified to receive an FASTLANE grant and use that determination as a basis for making an FASTLANE grant to another applicant.

4. Submission Dates and Timelines

i. Deadline

Applications must be submitted by 8:00 p.m. EST on December 15, 2016. The Grants.gov "Apply" function will open by November 14, 2016. The Department has determined that an application deadline fewer than 60 days after this notice is published is appropriate because the accelerated timeline is

necessary to satisfy the statutory 60-day Congressional notification requirement, as well as to ensure the timely obligation of available funds.

To submit an application through Grants.gov, applicants must:

a. Obtain a Data Universal Numbering System (DUNS) number:

b. Register with the System Award for Management (SAM) at www.sam.gov;

c. Create a Grants.gov username and password; and

d. The E-business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the POC as an Authorized Organization Representative (AOR). Please note that there can only be one AOR per organization.

Please note that the Grants.gov registration process usually takes 2-4 weeks to complete and late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner will not be considered. For information and instruction on each of these processes, please see instructions at http://www.grants.gov/web/grants/applicants/applicant-faqs.html. If interested parties experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1(800) 518-4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. EST.

ii. Consideration of Application

Only applicants who comply with all submission deadlines described in this notice and submit applications through Grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

iii. Late Applications

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined in Section 4.iv.

iv. Late Application Policy

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact FASTLANEgrants@dot.gov prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

a. Details of the technical issue experienced;

b. Screen capture(s) of the technical issues experienced along with corresponding Grants.gov "Grant tracking number";

c. The "Legal Business Name" for the applicant that was provided in the SF-424;

d. The AOR name submitted in the SF-424;

e. The DUNS number associated with the application; and

f. The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: 1) failure to complete the registration process before the deadline; 2) failure to follow Grants.gov instructions on how to register and apply as posted on its website; 3) failure to follow all of the instructions in this notice of funding opportunity; and 4) technical issues experienced with the applicant's computer or information technology environment. After USDOT staff review all information submitted

and contact the Grants.gov Help Desk to validate reported technical issues, USDOT staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

E. Application Review Information

1. Criteria

i. Merit Criteria For both large and small projects, the Department will consider the extent to which the project addresses the following criteria:

a. Economic Outcomes

Improving the efficiency and reliability of the surface transportation system at the regional or national level to increase the global economic competitiveness of the United States, including improving connectivity between freight modes of transportation, improving roadways vital to national energy security, facilitating freight movement across land border crossings, and addressing the impact of population growth on the movement of people and freight.

b. Mobility Outcomes

Improving the movement of people and goods by maintaining highways, bridges, and freight infrastructure in a state of good repair, enhancing the resiliency of critical surface transportation infrastructure, and significantly reducing highway congestion and bottlenecks.

c. Safety Outcomes

Achieving a significant reduction in traffic fatalities and serious injuries on the surface transportation system, as well as improving interactions between

roadway users, reducing the likelihood of derailments or high consequence events, and improving safety in transporting certain types of commodities.

d. Community and Environmental Outcomes

How and whether the project mitigates harm to communities and the environment, extends benefits to the human and natural environment, or enhances personal mobility and accessibility. This includes reducing the negative effects of existing infrastructure, removing barriers, avoiding harm to the human and natural environment, and using design improvements to enhance access (where appropriate) and environmental quality for affected communities. Projects should also reflect meaningful community input provided during project development.

ii. Other Review Criteria

a. Partnership and Innovation

Demonstrating strong collaboration among a broad range of stakeholders or using innovative strategies to pursue primary outcomes listed above including efforts to reduce delivery delays. Additional consideration will be given for the use of innovative and flexible designs and construction techniques or innovative technologies.

b. Cost Share

FASTLANE grants must have one or more stable and dependable sources of funding and financing to construct, maintain, and operate the project, subject to the parameters in Section C.2. Applicants should provide sufficient information to demonstrate that the project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor.

Additional consideration will be given to the use of nontraditional financing, as well as the use of non-Federal contributions. The Department may consider the form of cost sharing presented in an application. Firm commitments of cash that indicate a complete project funding package and demonstrate local support for the project are more competitive than other forms of cost sharing.

iii. Large/Small Project Requirements

For a large project to be selected, the Department must determine that the project generates national or regional economic, mobility, or safety benefits; is cost-effective; contributes to one or more of the goals described in 23 U.S.C 150; is based on the results of preliminary engineering; has one or more stable and dependable funding or financing sources available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases; cannot be easily and efficiently completed without other Federal funding or financial assistance; and is reasonably expected to begin construction no later than 18 months after the date of obligation. These requirements have been translated into a question format in the table below. If you are applying for an award for a large project, use this section to provide specific evidence on how your project addresses these requirements, or refer to where the evidence can be found elsewhere in your application.

1. Does the project generate national or regional economic, mobility, safety benefits?
2. Is the project cost effective?
3. Does the project contribute to one or more of the Goals listed under 23 USC 150 (and shown below)?

(b)National Goals.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals: (1)Safety.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads. (2)Infrastructure condition.—To maintain the highway infrastructure asset system in a state of good repair. (3)Congestion reduction.—To achieve a significant reduction in congestion on the NHS. (4)System reliability.—To improve the efficiency of the surface transportation system. (5)Freight movement and economic vitality.—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development. (6)Environmental sustainability.—To enhance the performance of the transportation system while protecting and enhancing the natural environment. (7)Reduced project delivery delays.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.
4. Is the project based on the results of preliminary engineering?
5a. With respect to non-federal financial commitments, does the project have one or more stable and dependable funding or financing sources to construct, maintain, and operate the project? 5b. Are contingency amounts available to cover unanticipated cost increases?
6. Is it the case that the project cannot be easily and efficiently completed without other federal funding or financial assistance available to the project sponsor?
7. Is the project reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project?

In responding to the Large Project Requirements, here are some guidelines which may assist you in completing your application:

-National or regional economic, mobility, and safety benefits, as well as a contribution to national goals, are often demonstrated in the Merit Criteria section of the application.

-NEPA completion is a sufficient indication the project is based on the results of preliminary engineering. For more information on preliminary engineering activities, please see: https://www.fhwa.dot.gov/federalaid/150311.cfm

-Historical trends, current policy, or future feasibility analyses can be used as evidence to substantiate the stable and dependable nature of the non-federal funding or financing committed to the project construction, operation, and maintenance.

-Contingency amounts are often, but not always, expressly shown in project budgets or the SF-424C. If your project cost estimates include an implicit contingency calculation, please say so directly.

-Discussing the impact that not having <u>any</u> federal funding, including a FASTLANE grant, would have on project's schedule, cost, or likelihood of completion, can help convey whether a project can be completed as easily or efficiently without federal funding available to the project sponsor.

2. For a <u>small</u> project to be selected, the Department must consider the cost effectiveness of the proposed project and the effect of the proposed project on mobility in the State and region in which the project is carried out. If you are applying for an award for a small project, use this section to provide specific evidence on how your project addresses these requirements, or refer to where the evidence can be found elsewhere in your application.

3. Review and Selection Process

i. USDOT Review

The USDOT will review all eligible applications received before the application deadline. The FASTLANE process consists of a Technical Evaluation phase and Senior Review. In the Technical Evaluation phase teams will, for each project, determine whether the project satisfies statutory requirements and rate how well it addresses selection criteria. The Senior Review Team will consider the applications and the technical evaluations to determine which projects to advance to the Secretary for consideration. Evaluations in both the Technical Evaluation and Senior Review Team phases will place projects into rating categories, not assign numerical scores. The Secretary will select the projects for award. A Quality Control and Oversight Team will ensure consistency across project evaluations and appropriate documentation throughout the review and selection process. The FAST Act requires Congressional notification, in writing, at least 60 days before making a FASTLANE grant.

4. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment required by 2 CFR § 200.205. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself. The Department will consider comments by the applicant in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and

record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at https://www.transportation.gov/buildamerica/FASTLANEgrants. Following the announcement, the Department will contact the point of contact listed in the SF 424 to initiate negotiation of a project specific agreement.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by USDOT at 2 CFR part 1201. Additionally, applicable Federal laws, rules and regulations of the relevant modal administration administering the project will apply to the projects that receive FASTLANE grants, including planning requirements, Stakeholder Agreements, Buy America compliance, and other requirements under USDOT's other highway, transit, rail, and port grant programs. A project carried out under this FASTLANE program will be treated as if the project is located on a Federal-aid highway. For an illustrative list of the applicable laws, rules, regulations, executive orders, policies, guidelines, and requirements as they relate to an FASTLANE, please see http://www.ops.fhwa.dot.gov/Freight/infrastructure/nsfhp/fy2016_gr_exhbt_c/index.htm.

3. Reporting

i. Progress Reporting on Grant Activity

Each applicant selected for an FASTLANE grant must submit the Federal Financial Report (SF-425) on the financial condition of the project and the project's progress, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the FASTLANE program.

ii. Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Secretary via email at FASTLANEgrants@dot.gov. For more information about highway projects,

please contact Crystal Jones at (202) 366-2976. For more information about maritime projects, please contact Robert Bouchard at (202) 366-5076. For more information about rail projects, please contact Stephanie Lawrence at (202) 493-1376. For more information about railway-highway grade crossing projects, please contact Karen McClure at (202) 493-6417. For all other questions, please contact Howard Hill at (202) 366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, up to the application deadline, USDOT will post answers to common questions and requests for clarifications on USDOT's website at https://www.transportation.gov/buildamerica/FASTLANEgrants. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact USDOT directly, rather than through intermediaries or third parties, with questions.

H. Other Information

1. Invitation for Public Comment on the FY 2017 Notice

The FAST Act authorized the FASTLANE program through FY 2020. This notice solicits applications for FY2017 only. The Department invites interested parties to submit comments about this notice's contents, the Department's implementation choices, as well as suggestions for clarification in future FASTLANE rounds. The Department may consider the submitted comments and suggestions when developing subsequent FASTLANE solicitations and guidance, but submitted comments will not affect the selection criteria for the FY 2017 round. Applications or comments about specific projects should not be submitted to the docket. Any application submitted to the docket will not be reviewed. Comments should be sent DOT-OST-2016-0016 by December 31, 2016, but, to the extent practicable, the Department will consider late filed comments.

2. Response to Comments on the FY 2016 Notice

The Department received four comments in response to the FY16 Notice of Funding Opportunity, published under docket DOT-OST-2016-0022. The Department appreciates the feedback from our stakeholders.

Two commenters addressed USDOT's intent to prioritize projects that enhance personal mobility and accessibility.[9] Congress established multiple goals for the FASTLANE discretionary grant program, including the improvement of the safety, efficiency, and reliability of movement of both people and freight. It is the view of USDOT that considering the impact that transportation projects have on personal mobility and accessibility, particularly of disadvantaged groups, is entirely compatible with the goals of the program.

Another goal for the program which was incorporated into USDOT's evaluation was the reduction of highway congestion and bottlenecks, including bottlenecks similar to the "Missing Links" described by one commenter.[10]

Two commenters requested that the USDOT publish a full list of applications for FASTLANE funding.[11] USDOT has published such a list at https://www.transportation.gov/buildamerica/FASTLANEgrants.

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[9] https://www.regulations.gov/document?D=DOT-OST-2016-0022-0005; https://www.regulations.gov/document?D=DOT-OST-2016-0022-0006

[10] https://www.regulations.gov/document?D=DOT-OST-2016-0022-0003

[11] https://www.regulations.gov/document?D=DOT-OST-2016-0022-0005; https://www.regulations.gov/document?D=DOT-OST-2016-0022-0006

Finally, one commenter encouraged DOT to change the population eligibility criteria for Metropolitan Planning Organizations.[12] Under 23 U.S.C. 117(c)(1)(B), an MPO that serves an urbanized area with a population of more than 200,000 is an eligible applicant, and DOT lacks discretion to change that statutory threshold. However, if an MPO is organized as a unit of local government or a political subdivision of a State or local government, then that MPO satisfies other eligibility criteria and the size of the urbanized area that it serves does not affect eligibility.

3. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) note on the front cover that the submission "Contains Confidential Business Information (CBI)"; (2) mark each affected page "CBI"; and (3) highlight or otherwise denote the CBI portions.

[12] https://www.regulations.gov/document?D=DOT-OST-2016-0022-0002

The USDOT protects such information from disclosure to the extent allowed under applicable law. In the event USDOT receives a Freedom of Information Act (FOIA) request for the information, USDOT will follow the procedures described in its FOIA regulations at 49 CFR § 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested.

Issued On:

_____

Blair C. Anderson

Under Secretary

U.S. Department of Transportation
Proposed FY 2016 FASTLANE Project Awards

Pursuant to Section 1105 of the FAST Act, the Department is providing this list of proposed awards to the authorizing committees of jurisdiction. This list must remain with the committees for 60 days before issuing the awards.

The U.S. Department of Transportation conducted a thorough and fully documented review process to choose projects that will have significant regional and national impacts by reducing congestion, expanding capacity, using innovative technology, improving safety, or moving freight more efficiently.

This list of proposed Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) grant awards is the culmination of a thorough technical assessment of 212 applications requesting a total of $9.8 billion, more than 10 times the available amount. Due to funding limitations, we were only able to fund a small percentage of the excellent, eligible applications.

Project Name	Applicant Organization	State	Project Size	FASTLANE Prosposed Award	Total Project Cost	117(d)(2)(A) Limitation*
Interstate 10 Phoenix to Tucson Corridor Improvements	Arizona Department of Transportation	AZ	Large	**$54,000,000**	$157,500,000	-
SR-11 Segment 2 and Southbound Connectors	California Department of Transportation	CA	Large	**$49,280,000**	$172,200,000	-
Arlington Memorial Bridge Reconstruction Project	National Park Service	DC	Large	**$90,000,000**	$166,000,000	-
Port of Savannah International Multi-Modal Connector	Georgia Ports Authority	GA	Large	**$44,000,000**	$126,700,000	$32,000,000
I-10 Freight CoRE	Louisiana Department of Transportation and Development	LA	Large	**$60,000,000**	$193,508,409	-
Conley Terminal Intermodal Improvements and Modernization	Massachusetts Port Authority	MA	Large	**$42,000,000**	$102,890,000	$42,000,000
I-390/I-490/Route 31 Interchange, Lyell Avenue Corridor Project	New York State Department of Transportation	NY	Large	**$32,000,000**	$162,900,000	-
US 69/75 Bryan County	Oklahoma Department of Transportation	OK	Large	**$62,000,000**	$120,625,000	-
Atlantic Gateway: Partnering to Unlock the I-95 Corridor	Virginia Department of Transportation	VA	Large	**$165,000,000**	$905,000,000	$45,000,000
South Lander Street Grade Separation and Railroad Safety Project	City of Seattle	WA	Large	**$45,000,000**	$140,000,000	-
I-39/90 Corridor Project	Wisconsin Department of Transportation	WI	Large	**$40,000,000**	$1,195,300,000	-
Truck Parking Availability System (TPAS)	Florida Department of Transportation	FL	Small	**$10,778,237**	$23,983,850	-
Cedar Rapids Logistics Park	Iowa Department of Transportation	IA	Small	**$25,650,000**	$46,500,000	$25,650,000
U.S 95 North Corridor Access Improvement Project	U.S 95 North Corridor Access Improvement Project	ID	Small	**$5,100,000**	$8,500,000	-
Maine Intermodal Port Productivity Project	Maine Department of Transportation	ME	Small	**$7,719,173**	$15,438,347	$7,122,485
Cross Harbor Freight Program (Rail)	The Port Authority of New York and New Jersey	NY	Small	**$10,672,590**	$17,787,650	$10,672,590
Coos Bay Rail Line - Tunnel Rehabilitation Project	Oregon International Port of Coos Bay	OR	Small	**$11,000,000**	$19,555,000	$11,000,000
Strander Boulevard Extension and Grade Separation Phase 3	City of Tukwila	WA	Small	**$5,000,000**	$38,000,000	-
			Total	**$759,200,000**	$3,612,388,256	$173,445,075

Legend:
Urban: White
Rural: Gray

*Number is estimated and subject to revision based on final negotiated project budgets

11A5

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-694
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Contract with PND Engineers, Inc. for Harbor Administration and Construction Inspection Services	1. Resolution 16-11-698 2. PND Proposal and Scope of Work
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 11/18/16	

Full Title/Motion:

Motion: Adopt Resolution 16-11-698.

Administrative Recommendation:

This resolution is recommended by the director of public facilities and the borough manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ 872,941	$ See summary	$ 0	N/A

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: ■ Yes ☐ No
Objective 4B, page 144	

Summary Statement:

PND Engineers, Inc. has provided a proposal for Contract Administration and Construction Inspection Services for the Portage Cove Harbor Expansion project on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed $872,941 without prior written authorization by the Borough. The PND proposal assumes onsite field inspections with one full-time engineer/inspector working six days a week, covering one 10-hour shift per day. Due to normal uncertainties associated with the contractor's performance, PND proposes to contract on a Time and Expenses (T&E) basis in accordance with May 2015 billing rates (attached). Contract administration and construction inspection services are necessary in order to address design, construction and quality assurance issues efficiently and promptly to avoid costly project delays for the Haines Borough. These services will be paid for out of the Legislative grants that were awarded for this purpose, and available monies are sufficient.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

HAINES BOROUGH, ALASKA
RESOLUTION No. 16-11-698 **Draft**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed $872,941 for the Portage Cove Harbor Expansion project for Contract Administration and Construction Inspection Services during construction.

WHEREAS, PND Engineers, Inc. has provided a proposal for Contract Administration and Construction Inspection Services for the Portage Cove Harbor Expansion project on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed $872,941 without prior written authorization by the Borough; and

WHEREAS, proposed PND services include: contract administration; civil and structural submittal reviews; field design modification assistance as needed; periodic structural fabrication inspections in the Pacific Northwest; onsite construction inspection with daily reports and photo logs; specialty services such as certified welding inspections and dynamic pile analyses; substantial completion inspection with punch list; final completion inspections and contract closeout documentation; and electronic as-builts of the completed project; and

WHEREAS, the PND proposal assumes onsite field inspections with one full-time engineer/inspector working six days a week, covering one 10-hour shift per day; and

WHEREAS, due to normal uncertainties associated with the contractor's performance, PND proposes to contract on a Time and Expenses (T&E) basis in accordance with May 2015 billing rates; and

WHEREAS, contract administration and construction inspection services are necessary in order to address design, construction and quality assurance issues efficiently and promptly to avoid costly project delays for the Haines Borough; and

WHEREAS, these services will be paid for out of the Legislative grants that were awarded for this purpose, and available monies are sufficient,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with PND Engineers, Inc. on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed $872,941 for the Portage Cove Harbor Expansion project for Contract Administration and Construction Inspection Services during construction.

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

P | N | D
ENGINEERS, INC.

November 18, 2016 PND 16J117

Brad Ryan
Public Facilities Director
Haines Borough
P.O. Box 1209
Haines, Alaska 99827

Subject: Portage Cove Harbor Expansion
Contract Administration and Inspection Services Proposal – Rev. 1

Dear Mr. Ryan:

PND Engineers, Inc. (PND) and our local subconsultant, ProHNS, are pleased to provide this revised fee proposal for engineering services during construction of the Portage Cove Harbor Expansion project. We have prepared the enclosed fee breakdown including the tasks we currently anticipate for the project based on our past experience with projects of a similar nature and following preliminary schedule discussions with Pacific Pile and Marine (PPM), the Borough's construction contractor. Based on our recent discussions with the Borough, ProHNS will subcontract to PND and will provide civil improvement inspections on a periodic basis as determined by PND. Together our team will provide:

- Contract administration – preconstruction conference, contract correspondence, project files, payment applications, field orders, change orders, RFI's, etc.
- Civil and structural submittal reviews
- Field design modification assistance as needed
- Periodic structural fabrication inspections in the Pacific Northwest
- Onsite construction inspection with daily reports and photo logs
- Specialty services such as certified welding inspections and dynamic pile analyses
- Substantial completion inspection with punch list
- Final completion inspections and contract closeout documentation
- Electronic asbuilts of completed project

Our objective is to address design, construction and quality assurance issues efficiently and promptly to avoid costly project delays for the Borough. Our proposal anticipates the Work will be performed by PPM within the contract completion schedule. Preliminary discussions with PPM indicate the majority of the Work will be performed over a nine month period beginning March 2017; however one subcontractor may begin prior to that time with some upland site preparation. We have therefore assumed the primary construction duration of 10 months in our fee estimate along with additional time to cover early start by subcontractors on a periodic basis. We assume that the fabrication of structural materials including steel pipe piles, sheet piles, steel waler and box cap assemblies will be completed within six months at fabrication plants in the Pacific Northwest. PND's Seattle office will provide periodic steel fabrication and coating inspections as quality assurance to verify that materials are being provided as designed and specified. We do not plan full time coverage for the fabrication inspections however believe our limited time in each plant will be valuable to detect most deficiencies prior to material shipment to Haines. Our onsite field inspections assume one full

time engineer/inspector working six days/week covering one 10 hour shift/day. We have not included budget for double shift coverage.

We hope that we have perceived your needs appropriately and offer the attached scope and fee proposal breakdown for your consideration. Due to normal uncertainties associated with the Contractor's performance, we propose to contract on a time and expenses (T&E) basis in accordance with our standard May 2015 billing rates, attached. We will monitor expenditures with you on a monthly basis and will not exceed the estimated budget without your prior written authorization.

Feel free to call me at any time should you have any questions or need additional information regarding this proposal. We look forward to working with you towards the successful completion of the Portage Cove Harbor Expansion project.

Sincerely,
PND Engineers, Inc. | Juneau Office

Dick Somerville, P.E.
Vice President

Chris Gianotti, P.E., S.E.
Vice President

Enclosures

PND ENGINEERS, INC.

PND ENGINEERS, INC.
STANDARD RATE SCHEDULE
EFFECTIVE MAY 2015

		Hourly Rate
Professional:	Senior Engineer VII	$180.00
	Senior Engineer VI	$165.00
	Senior Engineer V	$155.00
	Senior Engineer IV	$145.00
	Senior Engineer III	$135.00
	Senior Engineer II	$125.00
	Senior Engineer I	$115.00
	Staff Engineer V	$110.00
	Staff Engineer IV	$105.00
	Staff Engineer III	$100.00
	Staff Engineer II	$90.00
	Staff Engineer I	$85.00
	Environmental Scientist VI	$165.00
	Environmental Scientist V	$150.00
	Environmental Scientist IV	$135.00
	Environmental Scientist III	$120.00
	Environmental Scientist II	$105.00
	Environmental Scientist I	$90.00
	GIS Specialist	$90.00
Surveyors:	Senior Land Surveyor III	$120.00
	Senior Land Surveyor II	$110.00
	Senior Land Surveyor I	$100.00
Technicians:	Technician VI	$125.00
	Technician V	$110.00
	Technician IV	$90.00
	Technician III	$80.00
	Technician II	$70.00
	Technician I	$45.00
	CAD Designer VI	$110.00
	CAD Designer V	$100.00
	CAD Designer IV	$85.00
	CAD Designer III	$70.00

PND Engineers, Inc.
Portage Cove Harbor Expansion - Contract Administration and Construction Inspection Services
Engineering Services Fee Proposal - November 18, 2016
PND Proposal No. 16J117

Scope of Services	PND Senior Engineer VII	PND Senior Engineer V	PND Senior Engineer III	PND Senior Engineer II	PND Senior Engineer I	PND Staff Engineer V	PND Staff Engineer IV	PND Tech VI	PND Tech V	PND CAD Designer VI	Line Item Costs	Task Subtotal Costs
	$180.00	$155.00	$135.00	$125.00	$115.00	$110.00	$105.00	$125.00	$110.00	$110.00		
Contract Administration and Construction Inspection Services												
1. Contract administration - Contract and subcontract agreements, CA/CI file system, direct subconsultants & inspectors, prepare contract correspondence, pay applications, monthly invoicing, change orders, FO's, RFI's, DCM's. Assume 64 weeks.	256			640					256		$154,240	
2. Structural Submittal Reviews - pipe and sheet piles, wave barrier structural steel, fabrication QC and work plans, sacrificial anodes	16	40	80		20				8		$23,060	
3. Civil Submittal Reviews - dredging plans and surveys, waste water outfall system, storm drainage, oil water separator, concrete, soil and aggregate products	12			80					8		$13,040	
4. Design assistance for scope changes, unanticipated site conditions, review proposed substitutions, coordination with Borough scope change requests	8	24	16	48				16			$15,320	
5. Attend weekly progress meetings with Borough & Contractor, prepare written progress reports. Assume 36 mtgs - 25% on site attendance, 75% telephonic.	144			180					18		$50,400	
6. Periodic fabrication inspections for wave barrier piles and structural steel: photos & reports - periodic basis 16 hrs/wk x 24 weeks	12	48	192		192				24		$60,240	
7. On site construction inspections w/ daily reports & photos - assume 1 engineer on site 44 weeks at 60 hrs/wk through substantial completion and 3:1 rotation between two engineers				1980	660						$323,400	
8. Specialty Inspections: Periodic PDA Testing and Foundation Pile Analyses, Wastewater Outfall Piping Installation	8	16	60	60	120						$33,320	
9. Substantial Completion Inspection & Prepare Final Punch List	8			12							$2,940	
10. Punch List Inspections through Final Completion, Contract Closeout Documentation, O&M Manual	8	8		80				24	12		$17,000	
11. Transfer contractor provided as-built data to electronic files	2	4		8						24	$4,620	**$697,580**
Total Estimated Manhours	474	140	348	3088	992			40	326	24		

Estimated Third Party Expenses

ProHNS Inspection Services	Civil inspector: Periodic basis, assume 16 weeks * 50 hrs/wk	$71,555	
Lodging	10 months * $1,600/month + 30 days*$140/day	$20,200	
Meal Perdiem Allowance	330 days * $60/day	$19,800	
Travel Allowance	Mileage for steel fabrication inspections, airfares and ferry travel to job site	$15,000	
Vehicle	Project vehicle 10 months * $1,000	$10,000	
Materials Testing	Concrete, soil, aggregate and armor rock field testing allowance	$6,000	
Dynamic Pile Analysis	Dynamic Pile Analyzer equipment rental, consumables & shipping allowance (3 weeks allowance)	$14,150	
Misc. Expenses	Job consumables, fuel, freight, small tools, field supplies, communication, reproduction,etc. - 10 months * $750/mo	$7,500	
Admin Fee	10% of Third Party Expenses	$11,156	**$175,361**
	TOTAL ESTIMATED FEE (T&E)		**$872,941**

11B1

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-701
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Designate Haines Borough Parks and establish definitions and regulations	1. Ordinance 16-11-447 2. Request for Action from Planning Commission 3. Record of Decision PRAC
Originator: Planning Commission	
Originating Department:	
Date Submitted: 11/10/16	

Full Title / Motion:

Motion: Introduce Ordinance 16-11-447. Schedule first hearing for 12/13/16 and second hearing for 1/10/17.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ n/a	$ n/a	$ n/a	n/a

Comprehensive Plan Consistency Review:

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

Summary Statement:

The Borough Code does not currently describe the Borough parks nor does it provide any regulations for the same.

Referral:

Referred to: Planning Commission
Referral Date:
Recommendation:
Meeting Date: 11/29/16

Assembly Action:

Meeting Date(s):
Public Hearing Date(s):
Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-11-447 **Draft**

An Ordinance of the Haines Borough amending Haines Borough Code Title 12 to designate Haines Borough parks and establish definitions and regulations.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Title 12. Title 12: Streets, Sidewalks, and Public Places of the Haines Borough Code is hereby amended to add a new chapter, as follows:

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

Title 12: Parks, Streets, Sidewalks, and Public Places

Chapters

12.04 Street Grades
12.08 Road and Sidewalk Construction, Maintenance, and Repair
12.10 Driveways
12.12 Building Numbering System
12.16 Street and Sidewalk Use Restrictions
12.20 Street Lights
12.30 Parks
12.40 Picture Point Park
12.50 Chilkat River Beaches Recreational Zone.

Chapter 12.30
PARKS

Sections:

12.30.010 Definitions
12.30.020 Borough Parks
12.30.030 Regulations

12.30.010 Definitions.

"Park" is a park, reservation, playground, beach, recreation area, scenic area, or any other area of the borough, owned or controlled by the borough, and devoted to active or passive recreation.

"Camping" is the presence of any person sleeping in any motor vehicle or camper unit between the hours of midnight and 6am, or sleeping on the ground, with or without any shelter, sleeping pad, etc. between the hours of midnight and 6am on any land owned or controlled by the borough.

12.30.020 Borough Parks.

The following properties are designated as Haines Borough Parks:

A. Tlingit Park,

B. Tlingit Park Playground,

C. Picture Point Park,

D. Lookout Park,

E. Oslund Park (ballfields and skate park),

F. Emerson Field,

G. George Mark Park,

H. Library Totem Park, Tanani Point Park,

I. Chilkat River Beaches Recreation Area,

J. Carr's Cove Park,

K. Skyline Park, and

L. Portage Cove Park.

12.30.030 Regulations

A. Camping is prohibited except during special events approved by the Borough Manager.

B. Camp fires may only be made in fire rings provided by the borough.

C. Cutting standing trees, either live or dead, is prohibited.

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:	11/29/16
Date of First Public Hearing:	__/__/__
Date of Second Public Hearing:	__/__/__

Haines Borough

BOROUGH ASSEMBLY ACTION REQUEST

DATE: November 10, 2016

TO: Borough Assembly

FROM: Planning Commission

ACTION:

Josephson moved to amend Section 12.30.030(C) to say: **Cutting standing trees, either live or dead, is prohibited. Turner** seconded and the motion carried unanimously.

Turner moved to recommend the assembly adopt the draft Parks ordinance as amended. **Miller** seconded and the motion carried unanimously.

RATIONALE:

The amendment is offered to clarify the distinction between standing trees and felled trees.

BOARD REQUEST:

Adopt Ordinance 16-11-447, as amended.

SUBMITTED BY _____

Holly Smith

Haines Borough

Parks and Recreation Advisory Committee
RECORD OF DECISION

DATE: November 16, 2016
TO: Borough Assembly
FROM: Parks and Recreation Advisory Committee (PRAC)

BOARD DECISION:

PRAC unanimously supported Ordinance 16-11-447 but requests the following clarifications:

Clarify details in Section 12.30.020 as follows:

- Specify Picture Point Park **uplands** to distinguish from 12.40 Picture Point Park tidelands;
- Add **Overlook Park** (Skyline Estates Lot 13), to distinguish from Skyline Park (Skyline Estates Lot 15).

RATIONALE:

It is hoped that the above change will clarify the specific areas addressed.

SUBMITTED BY _____
Alekka Fullerton, Deputy Clerk

11B2

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-702
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Clarify Planning Commission Agenda Packet Publishing	1. Ordinance 16-11-448
Originator: Planning Commission	
Originating Department: Borough Assembly	
Date Submitted: 11/11/16	

Full Title/Motion:

Motion: Introduce Ordinance 16-11-448 and set a first public hearing for 12/13/16 and a second public hearing for 1/10/17.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ n/a	$ n/a	$ n/a	n/a

Comprehensive Plan Consistency Review:

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

Summary Statement:

On 11/10/16, the Planning Commission passed a motion recommending the assembly adopt this ordinance. It would amend Haines Borough Code Title 18 Subsection 18.30.040(C) to clarify the publishing of planning commission agendas and packets.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

11B3

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-703
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Eliminate Reference to a Heliski Map Committee in Code	1. Ordinance 16-11-449
Originator: Assembly Member Morphet	
Originating Department: Borough Assembly	
Date Submitted: 11/11/16	

Full Title/Motion:

Motion: Introduce Ordinance 16-11-449 and set a first public hearing for 12/13/16 and a second public hearing for 1/10/17.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$ n/a	$ n/a	$ n/a	n/a

Comprehensive Plan Consistency Review:

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

Summary Statement:

On 11/11/16, Assembly Member submitted a draft ordinance to the Borough Clerk amending Haines Borough Code Title 5 Subsection 5.18.080(I) to eliminate reference to a heliski map advisory committee in order to shift to the Borough Assembly the responsibilities for reviewing map amendment proposals.

Referral:

Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16 Public Hearing Date(s):
Postponed to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-11-449 **Draft**

An Ordinance of the Haines Borough amending Haines Borough Code Title 5 Subsection 5.18.080(I) to eliminate reference to a heliski map advisory committee in order to shift to the Borough Assembly the responsibilities for reviewing map amendment proposals.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Subsection 5.18.080(I). Subsection 5.18.080(I) of the Haines Borough Code is hereby amended, as follows:

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

5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.

I. Nontemporary Amendment of the Haines Borough Approved Commercial Ski Tour Areas Map.

1. Amendments to the Haines Borough Approved Commercial Ski Tour Areas map shall only be considered on a three-year cycle beginning in 2016. The process to review and amend the map shall be according to the following procedures:

a. At least 30 days prior to May 15th of every third year after 2016, the manager will solicit proposals for possible map amendments. Proposals are due by May 15th of that year and will contain illustrations of the specific areas and justification for the proposed amendments.

b. ~~As soon as possible after May 15th, the manager may establish an advisory committee to review any proposed map amendments received by the proposal deadline.~~ The ~~committee~~ **assembly** shall ~~convene~~ **meet** no later than June 15th **to review any proposed map amendments received by the proposal deadline.**

~~c. The committee shall include the following five voting members:~~

~~(1) A representative of a local conservation organization, appointed by the mayor;~~

~~(2) A member of the Haines Borough assembly;~~

~~(3) A representative from the heliskiing industry selected randomly by current Haines Borough commercial ski tour permit holders; and~~

~~(4) Two members chosen randomly from Haines Borough residents who petition to be members of the committee. The manager shall solicit applications by posting notice no less than 10 days.~~

~~d. The committee shall organize itself as to procedure.~~

~~c.~~**c.** The ~~committee~~ **assembly** shall to every extent possible involve ADFG area wildlife biologists and Bureau of Land Management (BLM) in its deliberations, including forwarding all proposals for map changes to the ADFG and BLM, seeking ADFG and BLM testimony, and

requesting comments from ADFG and BLM on all draft recommendations before they are sent to the manager.

~~f. The committee shall make a recommendation to the manager on or before September 30th. The manager shall prepare a recommendation for the assembly and will not be bound by the committee's recommendations. However, the manager shall also provide the committee recommendations to the assembly for consideration.~~

~~g.~~ **d.** For a proposal correctly submitted in accordance with the current map review policy, the borough assembly may adopt a resolution to provide for adjustments to the map amendment timeline to accommodate for reasonable date or schedule conflicts.

2. The Haines Borough assembly shall adopt a resolution, following a public hearing, to finalize any nontemporary amendments of the Haines Borough Approved Commercial Ski Tour Areas map.

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: 11/29/16
Date of First Public Hearing: __/__/__
Date of Second Public Hearing: __/__/__

HAINES BOROUGH, ALASKA
ORDINANCE No. 16-11-448 **Draft**

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(C) to clarify the publishing of planning commission agendas and packets.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Subsection 18.30.040(C). Subsection 18.30.040(C) of the Haines Borough Code is hereby amended as follows:

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

18.30.040 Planning commission.

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

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: 11/29/16
Date of First Public Hearing: __/__/__
Date of Second Public Hearing: __/__/__

11C1

Mayoral Appointments 11/29/16

Planning Commission

Rob Goldberg – reappointment to a term ending 11/2019

Jeremy Stephens – appointment to a term ending 11/2019

Tourism Advisory Board

Kelleen Adams – appointment to a term ending 11/2019

Diana Lapham – appointment to a term ending 11/2019

Lori Smith – appointment to a term ending 11/2019

Haines Borough

XXXX BOARD
RECORD OF DECISION

[Note: Use this form to inform the Assembly of something outside of the normal minutes that is important to highlight; NO Assembly action needed]

DATE: Nov. 10, 2016

TO: Borough Assembly

FROM: xxxx Board BOROUGH PLANNING COMMISSION

BOARD DECISION: RECOMMEND TO THE MAYOR TO APPOINT ROB GOLDBERG TO SEAT "E" AND APPOINT JEREMY STEPHENS TO SEAT "B" ON THE HAINES BOROUGH PLANNING COMMISSION. AYES 6-0

[put motions and voting results here]

RATIONALE:

[outline the board's reasons here...attach more information, if necessary]

ROB: LOCAL KNOWLEDGE, YEARS OF EXPERIENCE, INSTITUTIONAL MEMORY, PRIOR EVIDENCE OF ABILITY AS CHAIRMAN.

SUBMITTED BY Lee Hammelman (signature)
[Usually the Board Chair] VICE CHAIR

JEREMY: WELL SPOKEN, TECHNICAL KNOWLEDGE, CIVIL ENGINEER, INTERESTED

From: Rob Goldberg
To: Alekka Fullerton; Jan Hill
Cc: Julie Cozzi
Subject: Re: Planning Commission Term
Date: Tuesday, October 11, 2016 1:17:52 PM

Hi Jan and Alekka,

I would like to continue in my role on the Planning Commission. The harbor expansion is an important project for the community, and I think I can help by continuing to facilitate public meetings and by providing design input. I have been on the commission since consolidation in 2002. That experience and institutional knowledge is helpful when making decisions.

Thank you for considering my request to stay on the commission.

Sincerely,
Rob

Rob Goldberg and Donna Catotti
Catotti and Goldberg Art Studio
PO Box 1154 Haines, AK 99827 USA
907-766-2707
artstudioalaska.com

From: Alekka Fullerton <afullerton@haines.ak.us>
To: Rob Goldberg <artstudioalaska@yahoo.com>
Sent: Tuesday, October 4, 2016 2:40 PM
Subject: Planning Commission Term

Mr. Goldberg-

I notice that your term on the planning commission is about to end. If you are interested in continuing on the commission, please let me know.

It would be nice for the Mayor to know why you would like to continue on the commission if you are willing to share your reasons. The only requirement, however, is that your request to be reappointed be in writing.

Please let us know by the end of the month if you would like to continue so that the Mayor can make her appointments timely.

If you have any questions, please do not hesitate to contact me.

Alekka Fullerton

Planning Commission

RECEIVED HAINES BC

OCT 14 2016

CLERK'S

Haines Borough
Application for Board Appointment

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

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

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

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

Name: Jeremy Stephens
Residence Address: 1055 Small Tract Road
Mailing Address: P.O. Box 1041, Haines, Alaska 99827
Business Phone: (907) 314-3689 **Home Phone:** (907) 314-3689
Fax: _____ **Email:** solutions@proHNS.com

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

Signature of Applicant

10.13.16
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

Please see attached.

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

Form Rev.7-16

October 13, 2016

Haines Borough
Attn: Mayor Jan Hill
P.O. Box 1209
Haines, AK 99827

RE: Application for Appointment to the Haines Borough Planning Commission

Dear Madam Mayor

Please accept this as my letter of interest to join the Haines Borough Planning Commission. The purpose, powers, and duties of the Planning Commission align very well with my ongoing career as a civil engineer, which provides me the opportunity to deal with public and private entities on a daily basis to address the planning, design, and construction of projects of all sizes.

I have worked as a professional in planning, design, and construction with the United States Navy, State of Alaska Department of Transportation, and currently as an owner of proHNS LLC, an engineering firm that I established in Haines in 2015. My work has provided me experience with the Haines Borough Code, the Haines Borough Comprehensive Plan, as well as many other codes and specifications on the local, state, and federal level. It is my hope to use this experience to help the Planning Commission and the public that requires the commission's service.

My one concern is that proHNS often works as a consultant to the Haines Borough, which may occasionally require my recusal if I am selected to represent the Planning Commission. I am worried that this may be often, but am consoled by the fact that there are current members on the Planning Commission that are in a similar situation, yet there does not appear to be many conflicts. If awarded, my honesty and integrity will assure that all parties involved are aware of the slightest chance of a conflict of interest between my ownership in proHNS and my seat on the Planning Commission.

I understand that simply stating that I am a civil engineer with direct experience does not grant me special consideration for a seat on the Planning Commission. So I ask that you please contact Brad Ryan and Margaret Friedenhauer as professional references, whose information you no doubt already have but is provided below. Personal and additional professional references can be provided if you find them needed.

Brad Ryan	(907) 314-0648
Margaret Friedenhauer	(907) 303-3768

I truly appreciate your consideration in appointing me to the Haines Borough Planning Commission. Haines is an amazing community which I am sure has provided you with several qualified applicants, potentially making your decision more difficult. Good luck and please let me know if you would like to further discuss my application and this letter.

Respectfully

Jeremy Stephens, PE
(907) 314-3689
solutions@proHNS.com

RECEIVED HAINES BOROUGH

OCT - 5 2016

CLERK'S OFFICE

Haines Borough
Application for Board Appointment

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

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

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

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

Name: Diana Kaphram

Residence Address: PO Box 503

Mailing Address: 383 Allen Road

Business Phone: _____ **Home Phone:** 766-2503 / 314-0402-cell

Fax: _____ **Email:** kapham@ceptalaska.net

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

Diana K Kaphram
Signature of Applicant

10-5-2016
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

3 year Assembly member - liason to Planning & Zoning. I am current on issues facing the commission as well as I have the time to devote to this commission.

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

Form Rev.7-16

RECEIVED HAINES BOROUGH

OCT 10 2016

CLERK'S OFFICE

Haines Borough
Application for Board Appointment

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

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

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

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

Name: John Norton

Residence Address: 6 mile Mud Bay Rd.

Mailing Address: P.O. Box 421 Haines AK 99827

Business Phone: 766-3986 **Home Phone:** 766-3986

Fax: _____ **Email:** jnorton@aptalaska

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

John P Norton
Signature of Applicant

Oct 10, 2016
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

I have a long history of Haines residency and participation in our communities commerce as a commercial fisherman and craftsman/artist. I have served our community as a EMT, firefighter, and search & rescue coordinator.

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

Form Rev.7-16

I also served on the Borough "Sustainability" task force. over

Thank you for your consideration. John Norton

I HAVE A BACHELORS DEGREE IN BIOLOGY FROM CORNELL UNIVERSITY AS WELL AS A MASTER'S DEGREE IN MARINE BIOLOGY FROM SAN FRANCISCO STATE UNIVERSITY. I HAVE SPENT 19 YEARS AS AN EDUCATOR, BOTH IN RURAL ALASKAN COMMUNITIES AS WELL AS IN OUR CAPITAL CITY. I AM QUITE FAMILIAR WITH THE RESPONSIBILITIES OF PUBLIC SERVICE. I HAVE PARTICIPATED IN A NUMBER OF TRAININGS IN STRATEGIC PLANNING AS WELL AS SERVING ON PLANNING BOARDS / COMMISSIONS WITHIN THE EDUCATION COMMUNITY.

Haines Borough
Application for Board Appointment

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

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

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

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

Name: LEONARD DUBBER
Residence Address: 890 Spruce Grove Rd #5
Mailing Address: Box 349
Business Phone: _____ **Home Phone:** 907-766-3108
Fax: _____ **Email:** ~~dub~~ dubber@aptalaska.net

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

Leonard Dubber — Signature of Applicant

10-24-16 — Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):
letter attached

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

Form Rev.7-16

Dear Mayor Hill,
I would like to put my name in for the vacancy on the Planning Commission. I served on the Planning Commission when the unification vote passed and to make it easier on Mayor Case I told him I would be willing to step down because I expected that there would be new people from the unification that would want on the Planning Commission so I wanted to give him an easy choice of who to replace.

I think I would give a voice to the members of the public who want less regulation, which is where I come down on most issues. As a property owner I like as much freedom as possible and so I would represent that group who feel the same way. Planning means we are looking into the future and that is difficult at best so I think the best way to deal with that is to be both open minded and flexible.

I moved to Alaska in the second grade. I walked to school talking to Gov. Egan as he walked to his office, as a 7th grader walking to school, I was in the same class as Dennis Egan. I graduated from Homer High School 1965, when Homer was about the size Haines is now. I have also lived in Kodiak and Ketchikan. 95% of my work history I have been self employed, about 2/3 as a commercial fisherman.

I have observed in other towns where I have lived the haves got what ever they wanted but others not so much, I will do my best represent the others and try to have all treated equal.

Thank you for considering me,
Leonard Dubber

Haines Borough

TOURISM ADVISORY BOARD
RECORD OF DECISION

DATE: November 10, 2016

TO: Borough Assembly

FROM: Tourism Advisory Board

BOARD DECISION:

Recommend to the Mayor that Kelleen Adams, Diana Lapham, and Lori Smith be appointed to the Tourism Advisory Board.

SUBMITTED BY _____ (signature)
Alekka Fullerton, Deputy Clerk

Haines Borough
Application for Board Appointment

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

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

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

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

Name: Kelleen Adams
Residence Address: 1299 Lutak Road
Mailing Address: P.O. Box 1336
Business Phone: 907-766-3713 **Home Phone:** 512-789-3198
Fax: 766-3713 **Email:** info@lynnviewlodge.com

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

K Adams
Signature of Applicant

4/5/16
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):
Currently Manager/Artist at the Lynn View Lodge. Also long-term sub in the Art Department HBSD. Past: resided in Austin TX / Elementary Art Teacher LTSD / Visual Art Director for TexArts in Austin, TX. Current Board Member: Haines Sheldon Museum.

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

Form Rev.7-15

RECEIVED HAINES BOROUGH

OCT - 5 2016

CLERK'S OFFICE

Haines Borough
Application for Board Appointment

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

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

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

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

Name: Diana Kaphram

Residence Address: PO Box 503

Mailing Address: 383 Allen Road

Business Phone: _____ **Home Phone:** 766-2503 / 314-0402-cell

Fax: _____ **Email:** kapham@ceptalaska.net

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

Diana K Kaphram
Signature of Applicant

10-5-2016
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

3 year Assembly member - liason to Planning & Zoning. I am current on issues facing the commission as well as I have the time to devote to this commission.

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

Form Rev.7-16

Haines Borough
Application for Board Appointment

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

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

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

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

Name: Lori Ann Lapeyri Smith
Residence Address: 87 Haven Court Haines AK
Mailing Address: P.O. Box 729
Business Phone: _____ **Home Phone:** 256-658-0931 (cell)
Fax: _____ **Email:** lorismithrdh@aol.com

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

Lori A. Lapeyri Smith — Signature of Applicant

26 June 2016 — Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):
See Attached

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

Form Rev.7-15

Lori Lapeyri Smith
PO Box 729
Haines, Alaska 99827
256-658-0931
lorismithrdh@aol.com

Career Objective:

Seeking a position as a community volunteer on one of Haines Borough community boards, commissions or committees. Have lived in both military and civilian communities stateside and abroad. Having recently relocated back to Haines. Would like to contribute to the Chilkat Valley Community.

Personal Summary:
More the 25 years of experience as a community volunteer.
Recognized for excellent organizational and problem-solving skills
Excellent management and leadership skills
Ability to work well independently.
Ability to work well within a team.
Fund raising skills

Volunteer Experience:

American Legion -Haines Ak
Vice President Womens Auxiliary 2016-

Semper Fi Community Task Force, Wounded Warrior Committee -Huntsville Al
General Board, Warrior's Week Planning and Spouses Event Coordinator 2008-2014

Huntsville Botanical Gardens Womens Guild- Huntsville Al
Volunteer, annual plant sale 2008-2012

American Red Cross General Board, Huntsville Al
Liaison for Redstone Arsenal Military Post 2007-2012

Redstone Arsenal Officers and Civilian Women's Club, Huntsville Al
President 2007-2009

Redstone Arsenal Leadership Advisory Board, Huntsville Al
Hospital Advocate 2007-2011

Professional Experience:
Veteran US Army
Registered Dental Hygienist 30+ Years

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-692
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Adopt 2017 Assembly Meeting/Agenda Preparation Schedule	1. 2017 Assembly Meeting/Agenda Preparation Schedule, as proposed on 11/29/16
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 11/10/16	

Full Title/Motion:

Adopt the 2017 Haines Borough Assembly Meeting Agenda Preparation Calendar.

Administrative Recommendation:

Adopt the attached 2017 Haines Borough Assembly Meeting Agenda Preparation Calendar.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$0	$0	$0	N/A

Comprehensive Plan Consistency Review:

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

Summary Statement:

This schedule is recommended by the Clerk's office and is intended to establish the assembly regular meeting schedule for 2017 and the agenda & packet deadlines. Special meetings may still be scheduled, as needed.

It is recommended that the Assembly entertain a Motion to adopt this Assembly Meeting Agenda Preparation Calendar.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

2017 Regular Assembly Meeting Agenda Preparation Calendar

Topic or Item Description to Clerk's Office for Inclusion on Agenda - 5:00pm	Agenda Finalization Meeting - 10:00am	Draft Legislation (Resolutions & Ordinances) to Clerk's Office - 5:00pm	All Other Packet Documents to Clerk's Office - 10:00am	Begin Packet Processing & Departmental Review - 8:00am	Packet Published & Distributed - between noon and 3:00pm	**Assembly Meeting - 6:30pm**
[Friday prior to the packet being published]	*[Monday prior to the packet being published]*	*[Monday prior to the packet being published]*	*[Tuesday prior to the packet being published]*	*[Wednesday prior to the packet being published]*	*[Thursday prior to Assembly Meeting]*	
Dec. 30	Dec. 30[1]	Jan. 3[1]	Jan. 3	Jan. 4	Jan. 5	**Jan. 10**
Jan. 13	Jan. 16	Jan. 16	Jan. 17	Jan. 18	Jan. 19	**Jan. 24**
Feb. 3	Feb. 6	Feb. 6	Feb. 7	Feb. 8	Feb. 9	**Feb. 14**
Feb. 17	Feb. 17[2]	Feb. 21[2]	Feb. 21	Feb. 22	Feb. 23	**Feb. 28**
Mar. 3	Mar. 3	Mar. 6	Mar. 7	Mar. 8	Mar. 9	**Mar. 14**
Mar. 17	Mar. 20	Mar. 20	Mar. 21	Mar. 22	Mar. 23	**Mar. 28**
Mar. 31	Apr. 3	Apr. 3	Apr. 4	Apr. 5	Apr. 6	**Apr. 11**
Apr. 14	Apr. 17	Apr. 17	Apr. 18	Apr. 19	Apr. 20	**Apr. 25**
Apr. 28	May 1	May 1	May 2	May 3	May 4	**May 9**
May 19	May 22	May 22	May 23	May 24	May 25	**May 30**[3]
Jun. 2	Jun. 5	Jun. 5	Jun. 6	Jun. 7	Jun. 8	**Jun. 13**
Jun. 16	Jun. 19	Jun. 19	Jun. 20	Jun. 21	Jun. 22	**Jun. 27**
Jun. 30	Jul. 3	Jul. 3	Jul. 5[4]	Jul. 5	Jul. 6	**Jul. 11**
Jul. 14	Jul. 17	Jul. 17	Jul. 18	Jul. 19	Jul. 20	**Jul. 25**
Jul. 28	Jul. 31	Jul. 31	Aug. 1	Aug. 2	Aug. 3	**Aug. 8**
Aug. 11	Aug. 14	Aug. 14	Aug. 15	Aug. 16	Aug. 17	**Aug. 22**
Sep. 1	Sep. 1[5]	Sep. 5[5]	Sep. 5	Sep. 6	Sep. 7	**Sep. 12**
Sep. 15	Sep. 18	Sep. 18	Sep. 19	Sep. 20	Sep. 21	**Sep. 26**
Sep. 29	Oct. 2	Oct. 2	Oct. 3	Oct. 4	Oct. 5	**Oct. 10**
Oct. 13	Oct. 16	Oct. 16	Oct. 17	Oct. 17[6]	Oct. 19	**Oct. 24**
Oct. 27	Oct. 30	Oct. 30	Oct. 31	Nov. 1	Nov. 2	**Nov. 7**[7]
Nov. 16[8]	Nov. 16[8]	Nov. 17[8]	Nov. 20[8]	Nov. 21[8]	Nov. 22[8]	**Nov. 28**
Dec. 1	Dec. 4	Dec. 4	Dec. 5	Dec. 6	Dec. 7	**Dec. 12**[9]

[1] Day adjusted due to the New Year's Day holiday on Jan. 2

[2] Day adjusted due to the President's Day holiday on Feb. 20

[3] Date adjusted from 4th Tuesday to 5th Tuesday because of High School Graduation on May 23

[4] Date adjusted due to the Independence Day holiday on Jul. 4

[5] Dates adjusted due to the Labor Day holiday on Sep. 4

[6] Date adjusted due to the Alaska Day holiday on Oct. 18

[7] Date adjusted from 2nd Tuesday to 1st Tuesday because of AML Conference Nov. 13-17

[8] Date adjusted due to the Thanksgiving Holiday Nov. 23-24

[9] Only one meeting in December because of holidays

11C3

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-696
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Nelson Appeal of PC's Decision to Uphold the Manager's Decision to Issue Permit for Harbor Project	1. HBC 18.30.060 concerning appeals to the borough assembly. 2. Nelson Appeal of Planning Commission Decision received 11/16/16 3. Planning Commission Decision (Findings of Fact adopted 11/10/16)
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 11/16/16	

Full Title/Motion:

Possible Motion: Rehear the entire Planning Commission decision in the Nelson appeal to uphold the manager's issuance of a land use permit for the harbor phase I project.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$0	$0	$0	n/a

Comprehensive Plan Consistency Review:

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

Summary Statement:

On 10/13/16, the planning commission (PC) heard an appeal from Paul Nelson regarding the manager's decision to issue a land use permit for phase I of the harbor expansion project. The PC subsequently upheld the manager's decision and, on 11/10/16, adopted written findings as required by HBC 18.30.050(B). HBC 18.30.060 allows for an appeal to the assembly of a PC decision, and Mr. Nelson properly submitted an appeal to the clerk on 11/16/16.

At this meeting, the assembly must specifically decide by motion whether or not to rehear the commission's decision and, if so, whether to rehear the entire decision or a particular portion. Note: Any rehearing must take place at the next regularly scheduled assembly meeting (12/13/16) and include a duly-noticed public hearing. In all rehearings, the burden of proof shall be on the party challenging the planning commission's decision. If the appeal is heard, all documents relied on by the planning commission will be provided to the assembly as the "Record on Appeal."

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

18.30.060 Appeals to the borough assembly.

An appeal made to the borough assembly of the commission's decision on any permit shall be requested by filing with the borough clerk, within 10 business days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal. At the next regularly scheduled borough assembly meeting the borough assembly, by passage of a motion, may choose to rehear the commission's decision. Any aggrieved person, including the developer, may appear at that meeting and explain to the borough assembly why it should rehear the commission's decision.

A. If the borough assembly chooses to rehear the decision, it may choose to rehear the entire decision or any portion thereof. If it decides to rehear a decision or any portion thereof, it shall give public notice, conduct a public hearing and make its decision at its next regularly scheduled meeting.

B. In all re-hearings the burden of proof shall be on the party challenging the decision of the commission.

1. Findings of fact adopted expressly or by necessary implication shall be considered as true if, based upon a review of the whole record, they are supported by substantial evidence. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record as a whole affords a substantial basis of fact from which the fact in issue may be reasonably inferred, the fact is supported by substantial evidence. The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence. The evidence shall be limited to a review of the record, although further argument may be allowed.

2. In all decisions the burden of proof shall be on the party challenging the decision of the planning commission.

3. The borough assembly may confirm the commission's decision, reverse the commission's decision, or change the conditions which the commission placed on approval. The borough assembly shall support its action with written findings.

C. A decision by the commission shall not be stayed pending appeal, but action by the appellee in reliance on the decision, shall be at the risk that the decision may be reversed on appeal.

D. The borough assembly hereby provides for an appeal by a municipal officer or person aggrieved from a decision of a hearing officer or other body to the superior court. An appeal to the superior court under this section is an administrative appeal heard solely on the record established by the hearing officer or other body. (Ord. 12-05-291 § 6; Ord. 05-02-091; Ord. 04-05-078)

RECEIVED HAINES BOROUGH

NOV 16 2016

CLERK'S OFFICE

Paul A. L. Nelson
Box 858
Haines, Alaska 99827
907-303-0130

November 16, 2016

Haines Borough Clerk,
Mayor, Manager and Assembly Members
Box 1209
Haines, Alaska 99827

RE: Appeal to the Haines Borough Assembly as per HB Code 18.30.060

Honorable Haines Borough,

I hereby appeal the decision of the Haines Borough Planning and Zoning Commission to approve and allow the Manager to issue a Land Use Permit for the small boat harbor expansion without public hearing and without compliance with our laws.

My Appeal is based upon the Constitution of the State of Alaska, Article VIII, Section 10. Public Notice., Alaska State Statute (AS29.40.080), Haines Borough Charter Article VIII Planning (A) Purpose, Haines Borough Code 18.100.115, 18.110.010 thru 040, 18.30.010 (A thru I), 18.60.010 (U) and 18.50.010 Purpose. et al.

Please consider the intent of the Alaska State Constitution, Haines Borough Charter and Haines Borough Code. We are supposed to be a government of the people, by the people, for the people. The Haines Borough is not exempt from compliance with the law.

Sincerely,

Paul A. L. Nelson
paul.bigfoot@gmail.com

cc: KHNS
CV

HAINES BOROUGH PLANNING COMMISSION

IN RE APPEAL OF HAINES BOROUGH)
LAND USE PERMIT 16-61 BY)
MR. PAUL NELSON)
_____)

DECISION ON APPEAL

The Borough Manager's decision to issue Land Use Permit 16-61 is UPHELD subject to the requirement that the Permit be amended to specify that it applies to Phase 1 only. Phase 1 is defined as breakwater, dredge, fill and other work depicted in the schematic drawing attached as EXHIBIT A hereto, which shall be attached to and become a part of Permit 16-61.

FINDINGS AND CONCLUSIONS

The primary issue argued on appeal was whether the Borough was required to obtain a Borough conditional use permit rather than a land use permit in order to carry out the work covered by Permit 16-61.

To summarize the positions on appeal, the Appellant Mr. Nelson argued that a conditional use permit (CUP) was required because the use described by the permit is either a medium or large commercial use, an industrial use, a marine commercial use, or a marine industrial use. The Appellee, Mr. Ryan (Borough facilities manager and, on behalf of the Borough, the permit applicant), argued that no conditional use permit was required because the use described by the permit is a "public facility." The Borough Manager concluded that the use described in the Permit was a public facility and therefore did not require a conditional use permit to operate in the Waterfront Zone. Mr. Nelson's appeal asks the Planning Commission to reverse that decision and find that a conditional use permit was required.

The question is governed by Haines Borough Code Title 18. Chapter 18.70 identifies zoning districts within the borough Townsite. The zoning use chart in HBCO 18.70.040 defines what uses are permitted within each zone and what permits are required for such uses. If the zoning use chart indicates that the use described in the permit requires a conditional use permit in order to occur in the Waterfront Zone, then the Manager should have required Mr. Ryan to obtain a CUP and the decision to issue the Land Use Permit (LUP) should be reversed. If the use does not require a CUP, then the decision to issue the LUP should be upheld. There is no dispute that if the project described in the Permit is a public facility, then no CUP is required by HBCO 18.70.040.

Mr. Ryan, on behalf of the Borough, explained that the Permit is only intended to describe "Phase 1" of the proposed Harbor Expansion. Phase 1 is depicted in the schematic drawing attached as Exhibit A. It includes dredging and filling portions of the harbor, installation of additional wave barrier, armor rock, and fill in the uplands to construct a new parking area and to protect dredged area slopes, regrading the existing parking area, replacing

various piles and floats, and minor sewer modifications.

The Commission finds that the work and use described as Phase 1 of the Harbor Expansion Project is a public facility. HBCO 18.20.020 defines "public facility" as "a use, lot or building, owned, leased or used by a federal, state, or local government agency, school board or utility company, including fire stations, public education facilities, libraries, clinics, and accessory uses." The list of public facilities included in the definition is not exclusive.

The harbor is a city-owned facility. All construction work permitted by the Permit will occur within and/or is intended to improve the public harbor. The resulting facility will likewise be a public facility and/or accessory use and is intended for public use. Phase 1 includes items such as a breakwater that is intended to protect the harbor and all of its users from waves and weather, dredging portions of the harbor to facilitate better passage and utilization of space, and placing fill on the uplands to modify/create Borough-owned uplands. Such improvements will occur on public property and are intended to benefit all harbor users and the public. The Commission therefore finds that the harbor and Phase 1 of the proposed expansion are public facilities under Borough Code. As a public facility, it is a use by right for which a land use permit is required in the Waterfront Zone. No CUP is required.

The Commission does not agree with Mr. Nelson's points on appeal. Phase 1 of the Harbor Expansion Project is not a commercial or industrial use as defined in Haines Borough Code. *See* HBCO 18.20.020. The harbor (and Phase 1 of its expansion) is not a commercial or money-making venture, but a piece of public infrastructure. As such, it is more appropriately considered a public facility than any other type of use identified in HBCO 18.70.040.[1]

However, the Commission finds that the Permit needs to be amended to more accurately reflect the scope of work it authorizes. The existing Permit documents may be misinterpreted as authorizing the Borough to proceed with the entire scope of work permitted by various federal permits. In order to clarify the scope of work permitted by LUP 16-61, the Commission **ORDERS** that LUP 16-61 be amended to reflect the scope of work described by Mr. Ryan at the October 13 meeting, which the Commission understands is the breakwater, dredge, fill and other work depicted in the schematic drawing attached as Exhibit A. The Manager's decision is upheld in all other respects.

ADOPTED by a duly constituted majority of the Planning Commission this 10th day of November, 2016.

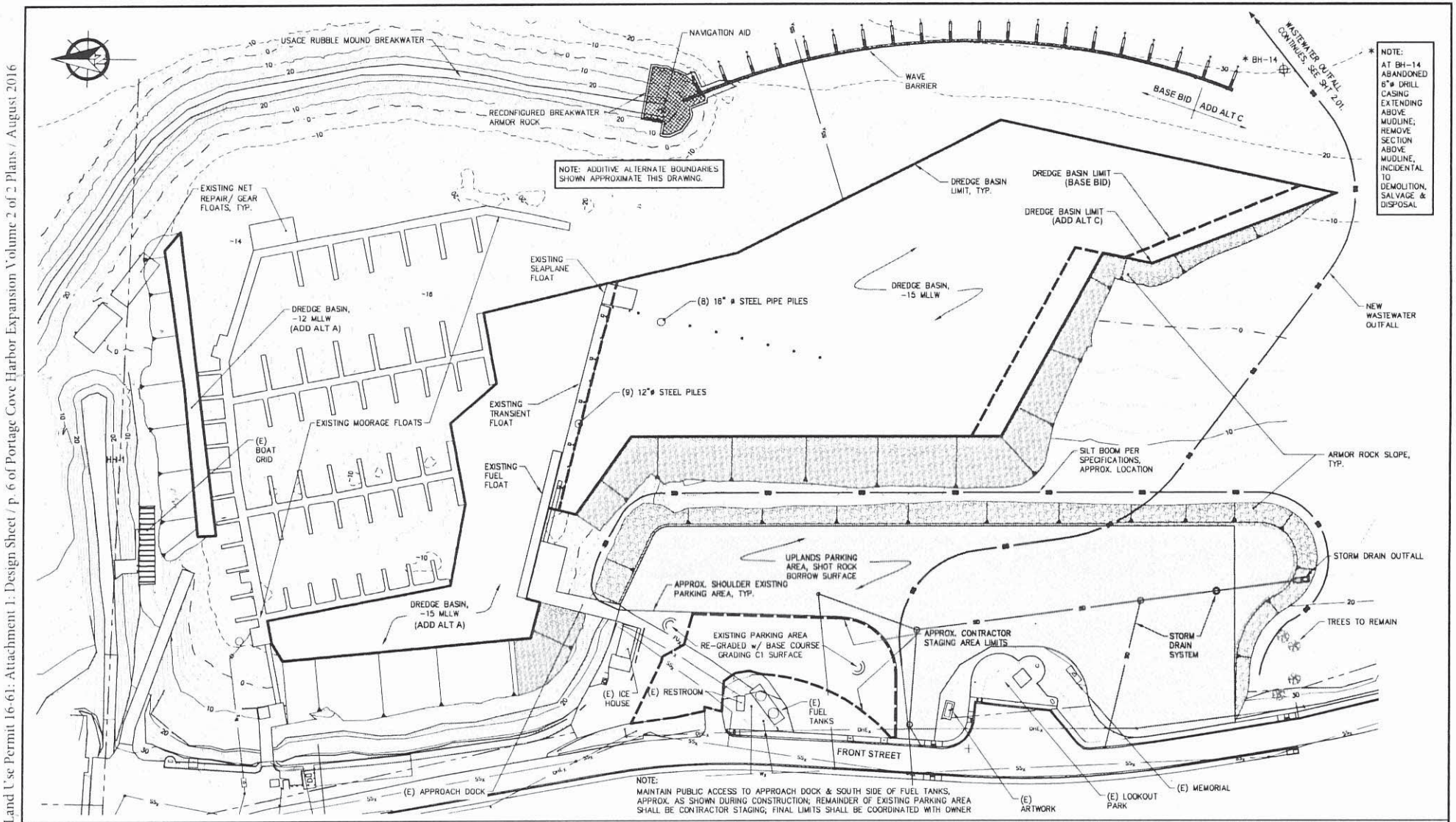
_____

Rob Goldberg
Chairman

[1] Mr. Nelson also vaguely argued that the permit violated the Haines Coastal Management Plan. *See, e.g.*, Nelson appeal, Sept. 7, 2016, citing violations of Sections 5 and 7 of the Haines Coastal Management Plan. As explained in another Planning Commission decision issued today, Permit 16-61 did not require a consistency review under the HCMP because, among other reasons, Federal and State permits were issued for the project.

EXHIBIT A

Land Use Permit 16-61: Attachment 1: Design Sheet / p. 6 of Portage Cove Harbor Expansion Volume 2 of 2 Plans / August 2016



HAINES BOROUGH ALASKA

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

P N D ENGINEERS, INC.

DESIGN: TCB CHECKED: CRS
DRAWN: PJD APPROVED: CRS
SCALE: SCALE IN FEET 0 50 100 FT.

STATE OF ALASKA 49TH

DATE: 8/23/16

HAINES BOROUGH
PORTAGE COVE
HARBOR EXPANSION

SHEET TITLE: GENERAL SITE PLAN

1.05

PND PROJECT NO. 102029.01

SHEET 5 OF 32

Sup. 4

11C4

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-696
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Holle Appeal of TAB Action on November 10 (Ordinance re. Heliski Map Committee Composition)	1. HBC 2.60.130 concerning appeals of a board's actions. 2. Holle Appeal of Tourism Advisory Board "Action" - received 11/14/16 3. Record of TAB "Action" - 11/10/16
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 11/15/16	

Full Title/Motion:

Following a hearing, the assembly may, in whole or part, affirm, modify or deny the appeal.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$0	$0	$0	n/a

Comprehensive Plan Consistency Review:

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

Summary Statement:

On 10/25/16, the assembly referred Ordinance 16-10-445 to the Tourism Advisory Board (TAB). That draft ordinance seeks to clarify the composition of heliski map amendment committees. On 11/10/16, the TAB reviewed the draft ordinance as requested by the assembly. Subsequently, a member of the public, Eric Holle, appealed the TAB's action under HBC 2.60.130. Mr. Holle does not believe this assignment is in the purview of the TAB, but the primary basis for his appeal is a belief two members of the TAB have a conflict of interest and should not have participated in the discussion or voting.

The assembly may hear from the appellant during this meeting or may choose to continue (postpone) the hearing to 12/13/16. It just needs to take place within 30 days of this meeting per code. After a hearing on the record, the assembly may, in whole or part, affirm, modify or deny the appeal.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

HBC 2.60.130 Appeal.

An action or decision of a committee, board or commission may be appealed to the assembly within 10 days by filing with the manager a written notice of appeal expressly setting forth the grounds of the appeal unless otherwise provided for by the code. The mayor shall place the appeal on the next assembly meeting agenda and the assembly may continue the appeal hearing up to 30 days. After a hearing on the record, the assembly may, in whole or part, affirm, modify or deny the appeal.

From:	Eric Holle
To:	Julie Cozzi
Cc:	William Seward; Krista Kielsmeier
Subject:	Agenda Request for Assembly Action-2nd attempt
Date:	Monday, November 14, 2016 10:28:19 AM

Hi Julie,

Following is the request that did not accompany the e-mail sent 2 minutes ago:

Name: Eric Holle
Date: November 14, 2016
Address: PO Box 1324, Haines, Ak 99827
Phone: 907-314-0320
e-mail: banjorebop@yahoo.com

I request to be scheduled on the Borough Assembly meeting agenda dated the 29th day of November, 2016.

Purpose of request: This is my petition to the borough to acknowledge and discuss the reasons for my appeal (sent separately) of actions taken by the Tourism Advisory Board regarding the composition of the Heli-ski Map Committee.

Estimated time required: five minutes

Action I wish the assembly to take: I would like the assembly to support the specific remedy in my appeal; also to consider the broader implications of tasking an advisory board whose stated purpose is to promote tourism and whose chair and co-chair are heli-ski permit holders with creating an impartial heli-ski map committee that will represent the public interest. I want the assembly to consider alternative means of evaluating proposed changes to the Haines Borough Heli-ski Map.

NOTICE OF APPEAL

To: William Seward, Haines Borough Manager
CC: Members of the Haines Borough Assembly
Jan Hill, Mayor
From: Eric Holle, PO Box 1324, Haines, AK 99827
Re: Tourism Advisory Board Member(s) Deliberating and Voting on Issues in which Member(s) has/have a Conflict of Interest
Date: November 14, 2016

As per HBC 2.60.130, I would like to formally appeal the actions taken by the Tourism Advisory Board (TAB) meeting on November 10, 2016. It is my contention that the Board Chair erred when he allowed members of the board who have a substantial financial interest to vote on matters pertaining to the composition of the heli-ski map amendment committee.

To fix this error I recommend that any TAB actions pertaining to a change in the composition of the heli-ski map committee that occurred in violation of Haines Borough Code be disregarded. Also, any further actions or decisions by the TAB concerning heli-ski matters must comply with all provisions in the Haines Borough Code regarding committees, boards and commissions and the Haines Borough Code of Ethics.

QUESTION PRESENTED

Under HBC 2.62.040, "no assembly member or member of any committee, board, or commission may vote on any question on which the member has a substantial financial interest." At the November 10, 2016, TAB public meeting, I informed the TAB of this and presented a written request that they comply with code in their deliberations. The TAB, which includes two commercial heli-ski tour permit holders, proceeded to deliberate and vote on recommendations to change the composition of the Heli-ski Map Committee.

Did the TAB chair err by allowing committee members with a substantial financial interest to deliberate and vote on heli-ski matters at the meeting, and in doing so violate the requirements set out in HBC 2.62.040 and in HBC 2.06.030 (C)?

SUMMARY OF ARGUMENT

The TAB clearly erred by allowing certain members to deliberate and vote on heli-ski matters. The reasons below support this conclusion.

1. All members of the TAB are subject to the requirements of HBC 2.06.040 and HBC 2.06.030 (C).

2. The TAB violated HBC 2.06.040 and HBC 2.06.030 (C) because two members were allowed to deliberate and vote on matters in which they have a substantial financial

interest.

STATEMENT OF FACTS

Public concerns regarding conflicts of interest on the current Heli-ski Map Committee provided an incentive for the Haines Borough Manager to propose an ordinance to the Haines Borough Assembly that would change the makeup of the heli-ski map amendment committee. (Ordinance 16-10-445, An Ordinance of the Haines Borough Amending Borough Code Subsection 5.18.080(I)(b) to Clarify the Membership Makeup of the Heliski Map Amendment Committees) During the assembly meeting of November 8, 2016, the assembly voted unanimously to send Ordinance 16-10-445 to the TAB for revision.

TAB Chair Sean Gaffney is a 74% owner of Alaska Mountain Guides and holds a commercial heli-ski tour permit issued by the borough. Co-chair Scott Sundberg is also a commercial heli-ski tour permit holder and is a 42.39% owner of Southeast Alaska Backcountry Adventures. Even though both of these TAB members have a substantial financial interest in heli-ski issues, at the November 10, 2016, TAB meeting they deliberated and voted on revisions to Ordinance 16-10-445 which would amend the makeup of the heli-ski map amendment committee.

ARGUMENT

While it could be argued that the TAB, whose primary purpose is to promote tourism, is not an appropriate board to advise the assembly on the makeup of the heli-ski map committee, the concern in this appeal is whether the TAB Chair erred when he allowed a member of the TAB who is a commercial heli-ski tour permit holder to deliberate and vote on matters concerning the composition of the heli-ski map committee, and whether the TAB Chair erred when he (also a commercial heli-ski tour permit holder) continued to chair the meeting and took part in the deliberations.

The Haines Borough Code of Ethics requires high moral and ethical standards of its public officers.

"It is declared that high moral and ethical standards among public officers of the borough are essential to the conduct of free government and that the assembly believes that a code of ethics for the guidance of public officers will encourage those officers to act in the public interest. This will improve standards of public service, and will promote and strengthen the faith and confidence of the people of this borough in their public officers. It is further declared that holding public office or employment is a public trust and that the people require public officers to adhere to a code of ethics." *HBC 2.06.010, Declaration of Policy*

In order to safeguard the will of the people and encourage our public officials to act in the best interest of the public, it is important that our public officials adhere to the standards of our code of ethics. Acting in the public's best interest also promotes and strengthens

the faith and confidence that the public has in our public officials.

The Haines Borough Code makes it clear under HBC 2.06 CODE OF ETHICS that a member of a board may ***not deliberate or vote*** on a question in which the member has a substantial financial interest.

HBC 2.06.030 Misuse of official position

A. A public officer may not use, or attempt to use, an official position in order to gain a benefit, and may not intentionally secure for, or grant to, any person unwarranted benefits, treatment, or advantage.

B. A public officer may not:
. . . 4. Take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

C. An assembly member or member of any board or commission may not deliberate or vote on any matter in which the member has a substantial personal or financial interest.

Furthermore, HBC 2.62.040, states that ***no*** member of any board may vote on ***any*** question on which the member has a substantial financial interest. There are no exceptions to this law. It does not give any member of a committee, board, or commission the right or responsibility to vote on any issue in which the member has a substantial financial interest.

No assembly member or the member of any committee, board or commission may vote on any question on which the member has substantial financial interest. *HBC 2.62.040(A)*

"Financial interest" means any interest, other than securities traded on a national exchange, held by an officer or an immediate family member, including involvement or ownership of an interest in a business, property, or a professional or private relationship, from which the person has received or expects to receive compensation. *HBC 2.06.990 Definitions.*

CONCLUSION

The purpose of our municipal government is to safeguard the public's interest. To best ensure this, the Haines Borough Code spells out the law that must be followed. We have a code of ethics that ensures, when followed, that the public's best interest is protected.

In short, when there is a conflict of interest, a public official may not "deliberate or vote" on issues in which the official has a "substantial financial interest."

The TAB has two members who have a "substantial financial interest" in heli-ski matters. HBC 2.62.040 states, "No assembly member or the member of any committee, board or commission may vote on any question on which the member has substantial financial

interest.” Since these members did not declare a substantial financial interest in certain actions taken at the meeting on November 10, 2016, these actions violate Haines Borough Code.

REMEDY REQUESTED

The remedy sought is that any TAB actions pertaining to a change in the makeup of the heli-ski map committee that occurred in violation of Haines Borough Code will be disregarded by the manager and assembly. Also, any further actions or decisions by the TAB concerning heli-ski matters must comply with all provisions in the Haines Borough Code regarding committees, boards and commissions and the Haines Borough Code of Ethics.

Haines Borough

TOURISM ADVISORY BOARD
RECORD OF DECISION

DATE: November 10, 2016
TO: Borough Assembly
FROM: Tourism Advisory Board

Introduction:

On October 25, 2016, the Borough Assembly unanimously referred Ordinance 16-10-445 to the Tourism Advisory Board.

BOARD DECISION:

TAB recommends to amend the Heli-Ski Advisory Committee to be a 7 person committee but keeping the 5 voting members. The voting members would be:

A member of TAB (Tourism Advisory Board)(voting)
A member of PRAC (Parks and Recreation Advisory Committee)(voting)
Assembly Liason Member (voting)
Two Haines Community Seats (voting)
Industry Seat (nonvoting)
Environmental or Conservation Seat (nonvoting)

The motion to add the TAB and PRAC members was made by Barbara Mulford, seconded by Scott Sundberg and passed unanimously. The motion to make the Industry Heli-Ski seat and the Environmental/Conservation Seat nonvoting members was made by Barbara Mulford, seconded by Rhonda Hinson and passed unanimously.

RATIONALE:

It is hoped that the above change allows for information and discussion from a wider range of community members while resolving potential conflicts of interest from industry members.

SUBMITTED BY _____
Alekka Fullerton, Deputy Clerk

11C5

Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 16-700
Assembly Meeting Date: 11/29/16

Business Item Description:	**Attachments:**
Subject: Hallett Appeal of Heliski Map Committee Action on November 7, 2016	1. HBC 2.60.130 concerning appeals of a board's actions. 2. Hallett Appeal of Heliski Map Committee "Action" - received 11/16/16 3. Record of Heliski Map Committee "Action" - 11/7/16 4. Attorney Ethics Opinion Memorandum - 10/26/16
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 11/17/16	

Full Title/Motion:

Following a hearing, the assembly may, in whole or part, affirm, modify or deny the appeal.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
$0	$0	$0	n/a

Comprehensive Plan Consistency Review:

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

Summary Statement:

On 9/13/16, the assembly adopted Resolution 16-06-681 authorizing the borough manager to convene an advisory committee to consider 2016 heliski map amendment proposals. The manager appointed the committee per the requirements of HBC 5.18.080(I)(1)(c). That committee has been meeting to consider the proposals by going area-by-area. Subsequent to the 11/7/16 meeting, a member of the public, Dana Hallett, appealed the committee's action under HBC 2.60.130. Mr. Hallett contends the Heli-ski Map Committee Chair erred when he allowed committee members with a substantial financial interest to vote on any portion of the map change proposals.

The assembly may hear from the appellant during this meeting or may choose to continue (postpone) the hearing to 12/13/16. It just needs to take place within 30 days of this meeting per code. After a hearing on the record, the assembly may, in whole or part, affirm, modify or deny the appeal.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 11/29/16	Public Hearing Date(s):
	Postponed to Date:

HBC 2.60.130 Appeal.

An action or decision of a committee, board or commission may be appealed to the assembly within 10 days by filing with the manager a written notice of appeal expressly setting forth the grounds of the appeal unless otherwise provided for by the code. The mayor shall place the appeal on the next assembly meeting agenda and the assembly may continue the appeal hearing up to 30 days. After a hearing on the record, the assembly may, in whole or part, affirm, modify or deny the appeal.

HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

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

Name: Dana Hallett Date: 14 Nov 16

Name of Group Represented (if applicable) _____

Address: HC 60 Box 3710, Haines, AK 99827 Phone: 907.767.5765

Email Address: ddhallett@gmail.com Fax: _____

I request to be scheduled on the Borough Assembly meeting agenda dated the 29th day of November, 2016, ~~or as soon thereafter as possible.~~ This request is time sensitive

Purpose of Request: My concern is that the Heli-Ski Map Committee Chair erred when he allowed both members of the committee, who have a significant financial interest, to deliberate and vote on any proposed heli-ski map changes, regardless who proposed them.

Estimated Time Required (if a presentation) 5 min.

Action you wish the Assembly to take:

The remedy requested is for the assembly to disband the current Heli-Ski Map Committee, and any committee recommendations that have been passed on to the manager and the assembly be disregarded due to the flawed procedures of the committee.

Note: The deadline for agenda topics is as noted on the most current assembly-adopted Agenda Preparation Calendar, available from the Clerk's Office or at www.hainesalaska.gov/borough assembly. Your request will most generally be placed on the agenda under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them. Whenever possible, issues will be reviewed by the manager. Should the issue be resolved ahead of an assembly meeting, the person will have the prerogative to decline to have it presented to the assembly.

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

NOTICE OF APPEAL

To: William Seward, Haines Borough Manager

CC: Members of the Haines Borough Assembly

Jan Hill, Mayor

From: Dana Hallett, HC 60 Box 3710, Haines, AK 99827

Re: Heli-ski Map Committee Member(s) Deliberating and Voting on Issues in which Member(s) has/have a Conflict of Interest

Date: November 16, 2016

As per HBC 2.60.130, I would like to formally appeal the actions taken by the Heli-ski Map Committee on November 7, 2016. It is my contention that the Heli-ski Map Committee Chair erred when he allowed both members of the committee, who have a substantial financial interest, to vote on any Heli-ski map change proposals.

The remedy requested is for the assembly to disband the current Heli-ski Map Committee. It is further recommended that any committee recommendations made by this committee that have been passed on to the manager and the assembly be disregarded due to the flawed procedures of the Heli-ski Map Committee.

QUESTION PRESENTED

Under HBC 2.06.030 (C), "An assembly member or member of any board or commission may not deliberate or vote on any matter in which the member has a substantial personal or financial interest." HBC 2.06.990 further defines "board or commission" to include a "committee." Also, under HBC 2.62.040(A), "No assembly member or the member of any committee, board or commission may vote on any question on which the member has substantial financial interest." At the November 7 public meeting, the Heliski Map Committee chair allowed

two members, with ownership interest in heli-ski tour companies, to deliberate and vote on matters before the committee. Did the committee chair err by allowing members with a substantial financial interest to deliberate and vote on matters before the committee, and in doing so violate the requirements set out in HBC 2.06.030 (C) and HBC 2.62.040(A)?

SUMMARY OF ARGUMENT

Yes. The Heli-ski Map Committee chair clearly erred by allowing the members to deliberate and vote. The reasons below support this conclusion.

I. All members of the committee are subject to the requirements of HBC 2.06.030 (C) and HBC 2.62.040(A).

II. The Heli-ski Map Committee chair violated HBC 2.06.030 (C) and HBC 2.62.040(A) when two members were allowed to deliberate and vote on matters in which they have a substantial financial interest.

STATEMENT OF FACTS

On September 13, 2016, the Haines Borough Assembly passed a resolution that established the current Heli-ski Map Committee. *Haines Borough Assembly Meeting #322, September 13, 2016, Minutes*

The committee is made up of five members: a representative of a local conservation organization, a borough assembly member, a representative from the heli-ski industry, and two members chosen randomly from Haines Borough residents. *HBC 5.18.080 (I)(1)(c)*

The Heli-ski Map Committee convened on October 17, 2016.

A heli-ski tour operator applied for and was chosen at random to serve on one of the seats designated to represent Haines Borough residents. *William Seward email, October 4, 2016, re: 2016 HELI MAP AMENDMENT COMMITTEE SELECTION*

One heli-ski tour operator, who serves on the committee on one of the Haines resident seats and has 42.39% ownership in Southeast Alaska Backcountry Adventures (SEABA), submitted proposals to change the heli-ski map. *https://www.commerce.alaska.gov/cbp/Main/CorporationDetail.aspx?id=72465D*
These areas are designated S1, S2, S3, S4, S5, S6 on the draft map.

Another heli-ski tour operator who serves as the representative from the heli-ski industry, and has 49% ownership in Alaska Heliskiing, also submitted a proposal to change the heli-ski Map. *https://www.commerce.alaska.gov/cbp/Main/CorporationDetail.aspx?id=91558*
These areas are designated AH1, AH2, AH3, AH4, AH5, AH6, and AH7 on the draft map.

The Borough Attorney, Patrick W. Munson was asked, "to provide an ethics opinion regarding the selection of a Borough heli-ski permit holder for membership on the Heli-ski Map Committee." *Memorandum, Patrick W. Munson; October 26, 2016, pg 1*

In Munson's ethics opinion memorandum, the questions presented were:

(A) Is the heli-ski permit holder eligible to serve in the "random resident" seat on the Heli-ski Map Committee?

(B) Does the Haines Borough Code of ethics preclude a heli-ski permit holder from deliberating and voting on matters before the Committee? *Memorandum, Patrick W. Munson; October 26, 2016, pg. 2*

In his analysis of question (B), Mr. Munson wrote, "The permit holder and the committee must decide whether any of it members should be disqualified from deliberating and voting on a particular issue." *Memorandum, Patrick W. Munson; October 26, 2016, pg. 3*

Subsequently, the Heli-ski Map Committee chair ruled that one of the two heli-ski permit holders on the Committee, a Haines Borough resident representative, was not allowed to vote, but could answer specific questions directed to him during the proceedings. *Heli-ski Map Committee meeting, November 1, 2016*

ARGUMENT

The concern presented is whether the Heli-ski Map Committee chair erred when he allowed a member(s) of the committee, who as a heli-ski tour permit holder(s) has a substantial financial interest, to deliberate and to vote on any of the proposed heli-ski map changes.

The Haines Borough Code of Ethics requires high moral and ethical standards of its public officers.

In order to safeguard the will of the people and encourage our public officials to act in the best interest of the public, it is important that our public officials adhere to the standards of our code of ethics. Acting in the public's best interest also promotes and strengthens the faith and confidence that the public has in our public officials.

HBC 2.06.030 Misuse of official position

A. A public officer may not use, or attempt to use, an official position in order to gain a benefit, and may not intentionally secure for, or grant to, any person unwarranted benefits, treatment, or advantage.

B. A public officer may not:

. . . 4. Take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

C. An assembly member or member of any board or commission may not deliberate or vote on any matter in which the member has a substantial personal or financial interest.

As stated by the Borough Attorney, "These provisions need to be considered in the context of other guidance in code . . ." *Memorandum, Patrick W. Munson; October 26, 2016, pg 4*

I completely agree.

"It is declared that high moral and ethical standards among public officers of the borough are essential to the conduct of free government and that the assembly believes that a code of ethics for the guidance of public officers will encourage those officers to act in the public interest. This will improve standards of public service, and will promote and strengthen the faith and confidence of the people of this borough in their public officers. It is further declared that holding public office or employment is a public trust and that the people require public officers to adhere to a code of ethics. " *HBC 2.06.010, Declaration of Policy*

Haines Borough Code specifies how high moral and ethical standards for public officers will be ensured.

HBC 2.62.040 Voting on certain questions prohibited

A. No assembly member or the member of any committee, board or commission may vote on any question on which the member has substantial financial interest.

2.06.990 Definitions.

"Financial interest" means any interest, other than securities traded on a national exchange, held by an officer or an immediate family member, including involvement or ownership of an interest

in a business, property, or a professional or private relationship, from which the person has received or expects to receive compensation.

This part of the code states that ***no*** member of any committee may vote on ***any*** question in which the member has a substantial financial interest. There are no exceptions to this law. It does not give any member of a committee the right or responsibility to vote on any issue which the member has a substantial financial interest.

The Haines Borough Code makes it clear under HBC 2.06 CODE OF ETHICS that a member of a committee may **not deliberate or vote** on a question in which the member has a substantial financial interest.

October 26, 2016, the Haines Borough Attorney, offered an opinion "regarding the selection of a Borough heli-ski permit holder for membership on the Heli-Ski Map Committee."

He posited that, "It seems much more likely that the member has a 'personal or financial interest' in such proposals because the member has already taken a position on the issues in the proposal." The attorney further opined that, "Having a member deliberate or vote on changes submitted by the member also creates a fairly obvious perception of a conflict of interest that may (understandably) trouble the public." *Patrick W. Munson; Memorandum, October 26, 2016, pg. 6*

However, there are no areas that are exclusive to one permit holder or another. All areas open on the heli-ski map are available for the use of all permit holders.

5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.
A. Number of Permits.
3. A permit does not create an exclusive right of use of an area by the permittee. However, the borough may specify areas of the map in which a permittee may operate.

Therefore, since the areas approved for heli-ski tours are not exclusive and are open to all permit holders, all permit holders would have a “substantial financial interest” in each proposal.

The Borough Attorney concluded, “We therefore recommend that the member recuse himself or herself from the deliberations regarding the map changes submitted by the member. The member should step down from the deus [sic] and participate in the discussion as a member of the public presenting his or her map changes." *Memorandum, Patrick W. Munson; October 26, 2016 pg. 6*

The Attorney wrote that there would be a conflict of interest if the member voted and/or deliberated on the submissions to the heli-ski map that he or she proposed. He left open the question of whether there is a conflict of interest when considering changes to areas that the member did not submit, but another party had.

CONCLUSION

The purpose of our municipal government is to safeguard the public’s interest. To best ensure this, the HBC spells out the law that must be followed. We have a code of ethics that ensures, when followed, that the public’s interest is protected. In short, when there is a conflict of interest, a public official may not “deliberate or vote” on issues that the official has a “substantial financial interest.”

The Heli-ski Map Committee has two members who have a “substantial financial interest”. The Haines Borough Attorney expressed the opinion that one member has a conflict and has advised that the member recuse himself. He further advised that the member should therefore refrain from deliberating on the issues that he brought before the committee, remove himself from the discussion, except as another member of the public.

The Borough attorney concluded that the Industry Representative would be allowed to participate in all committee matters. However, HBC 2.62.040 states, “No assembly member or the member of any committee, board or commission may vote on any question on which the member has substantial financial interest.” In addition, like his fellow permit holder, he too has

submitted proposals to the Heli-ski Map Committee and should not vote on any heli-ski map proposals.

The Haines Borough Attorney did not address the interest that both permit holders have in all areas of the heli-ski map. Since there is no exclusive right to any given area of the map, all permit holders have a substantial financial interest in all of the proposals, not just the proposals put forth by their company.

REMEDY REQUESTED

"A member of the committee who voted on the prevailing side of any and all relevant issues should make a motion to reconsider. Then, another vote should be taken, without the deliberation or vote from a member who has a "*significant* financial interest" in the matter." *Dana Hallett, Appeal to the Heli-ski Map Committee Chair, November 7, 2016*

Above is the recommended remedy that was given the Heli-ski Map Committee at their November 7, 2016 meeting. The chair did not completely implement this recommendation. Like the previous meeting, he chose to follow only part of the Borough Attorney's advice. He allowed the industry member filling the resident seat to remain seated with the committee, allowed him to deliberate, but did not allow him to vote.

The remedy sought in this appeal is that the Heli-ski Map Committee be disbanded. Any committee recommendations that have been passed on to the Manager and ultimately to the Haines Borough Assembly are not valid since the committee chair violated Borough code.

If a new Heli-ski Map Committee is formed, the committee makeup should be structured so that membership participation avoids conflicts of interest.

DRAFT

MINUTES
Heli-Ski Map Committee
Meeting Date: November 7, 2016

Date of Approval: _____

The meeting of the Haines Borough Heli-skiing Map Committee was held at the Haines Public Library on November 7, 2016. The meeting convened at 5:15 p.m. Ron Jackson presided. *Note: The meeting scheduled for November 3, 2016 was cancelled.*

Members in Attendance: Ron Jackson, Sean Brownell, Meredith Pochardt, Lori Smith, Scott Sundberg.

Members Not in Attendance: None.

Meeting Notes & Motions:

NOTE: All motions made in this committee serve as recommendations to the Borough Manager and Assembly. Map proposals are not finalized until Assembly approves map changes. The committee chose to proceed informally and to dispense with Roberts Rules in favor of a discussion atmosphere.

AKH-1**:** **Brownell** discussed this proposal as map error, explaining that the approved area should follow the boundary of ridges Correcting it would remove approved area from the map.

Motion: **Pochardt** moved to remove areas on the south side of the ridge and approve AKH-1 and **Sundberg** seconded. The motion carried unanimously.

S-2**:** Members of the public were concerned about the overlap between downhill ski areas and heli areas. **Sundberg** proposed removing a portion of the approved area to accommodate a more clear division between the two users.

Motion: **Smith** moved to remove a portion of the approved area and approve S-2; **Pochardt** seconded. The motion carried unanimously. **Sundberg** abstained.

AKH-2: Following a workshop with the planner, **Brownell** proposed splitting this proposal into two separate areas. AKH2a was approved for valley pickup previously. AKH2b provides road access from Constantine and possible fuel cache – use has already been permitted by Constantine. **Brownell** proposed that road access in this area would reduce helicopter trips and reduce noise.

Motion: **Pochardt** moved to approve AKH2a and **Sundberg** seconded. The motion carried unanimously.

Motion: **Sundberg** moved to approve AKH2b and **Smith** seconded. The motion carried unanimously.

S3: Following a workshop with the planner, **Sundberg** proposed splitting this proposal into two separate areas. Community members noted that S3b was also used by backcountry skiers; that the area is highly valued. **Sundberg** proposed a shared use policy for S3b whereby, for example, backcountry skiers would call SEABA for a 72 hour window and SEABA would not ski in the area. Community members noted that the compromise would be acceptable.

Motion: **Smith** moved to approve S3a and **Pochardt** seconded. The motion carried unanimously. **Sundberg** abstained.

Motion: **Pochardt** moved to approve S3b with a shared use policy (72-hour window) and **Smith** seconded. The motion carried unanimously. **Sundberg** abstained.

AKH3: This proposal was split into two (a) and (b) proposals following a workshop with the planner. AKH3a is located across from AKH heliport and provides intermediate skiers safe slopes. **Brownell** noted that it is a two-minute flight, which reduces flying time and that the neighbors would not see heli activity because of terrain. The area provides safety during low visibility days and is not used by backcountry skiers.

Motion: **Pochardt** moved to approve AKH3a and **Smith** seconded. The motion carried unanimously.

Motion: **Sundberg** moved to approve AKH3b and **Smith** seconded. The motion carried unanimously.

AKH4: Although the committee had agreed to alternate proposals, **Brownell** suggested addressing this proposal because he was aware of community concern. The proposal has been split into AKH4a and AKH4b. AKH4b was withdrawn by **Brownell**. After committee and community discussion, AKH4a was suggested to be approved as a one-year trial wherein the area would be removed if it caused too much noise for neighbors in Mosquito Lake. ADF&G commenters **Sell** and **Koch** were confident that there are bear dens in the area and that a 1500 buffer of dens would strongly discourage heliski use. **Sundberg** noted that the committee has not yet been presented with hard data on the matter and ADF&G confirmed that data would not be presented until Spring 2017.

Motion: **Sundberg** moved to approve AKH4a with the conditions that it be a one-year trial. **Pochardt** seconded and the motion carried unanimously.

Next Meetings and Review Schedule:

November 21, 2016 5:00pm Library Conference Room S4-7 & AH5-7 (alternating)

Meeting Adjournment: The committee adjourned at 7:36 p.m.
Holly Smith, Haines Borough Planner

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MEMORANDUM

TO: Mr. Ron Jackson
Chairman, Heli-Ski Map Committee

CC: Bill Seward, Haines Borough Manager

FROM: Patrick W. Munson
Boyd, Chandler & Falconer, LLP
Borough Attorney

RE: Ethics Opinion Regarding Heli-ski Permit Holder Serving on Map Committee

DATE: October 26, 2016

Our office was asked to provide an ethics opinion regarding the selection of a Borough heli-ski permit holder for membership on the Heli-Ski Map Committee. The Borough ethics code does not preclude a permittee from being eligible for the Board's "random resident" seat. The question of whether a permittee may deliberate and participate in particular matters before the Board is more difficult to answer. As the Borough Attorney, we can provide guidance on that issue, but the decision of whether a conflict exists is ultimately for the committee member, the presiding officer, and the committee as a whole. That said, in our opinion, the Borough code of ethics does not clearly preclude a permit holder's participation in most Committee deliberations and votes. However, a sitting member who also submitted map changes for consideration should probably recuse himself from consideration of the changes he submitted. The reasons for this conclusion are set forth below.

BACKGROUND

HBCO 5.18.080.I establishes an advisory committee to deliberate and provide recommendations to the Borough Manager regarding Borough lands that are available for helicopter skiing. The Committee is comprised of five voting members, including a representative of a local conservation organization, a member of the Haines Borough assembly, a representative from the heliskiing industry selected randomly by current Haines Borough commercial ski tour permit holders, and two members chosen randomly from Haines Borough residents who petition to be members of the committee.

The committee provides a recommendation to the manager regarding nontemporary adjustments to the Borough Approved Commercial Ski Tour Areas Map. The manager then prepares a recommendation to the Assembly. Neither the manager nor the Assembly are bound

by the Map Committee's recommendations. However, the manager is required to provide the committee recommendations to the assembly for consideration.

In order to fill the "random resident" seats, the manager solicited applications in accordance with HBCO 5.18.080.I.1.c(4). Several petitions were received. The manager used a computer to randomly select the two committee members from the pool of applicants. One of the selected applicants is a Borough heli-ski permit holder. The member has also submitted several proposed map changes for the committee to consider. We were asked to provide an opinion whether the member's participation on the committee is a violation of the Borough code of ethics.

QUESTION PRESENTED

(A) Is the heli-ski permit holder eligible to serve in the "random resident" seat on the Heli-Ski Map Committee?

(B) Does the Haines Borough Code of ethics preclude a heli-ski permit holder from deliberating and voting on matters before the Committee?

ANALYSIS

A. The heli-ski permit holder is eligible to sit on the committee as long as he is a Borough resident.

We believe the heli-permit holder is eligible to serve on the committee. The only restrictions regarding eligibility for the random resident seats were that a person (1) be a resident of the Borough, and (2) file a timely petition to be considered. We have not been provided with any information challenging the permit holder's residency or the fact that he timely filed a petition to be considered. We therefore assume his petition was timely, and that he is a resident of Haines as defined in HBCO 2.60.020. Neither code nor any other provision of law expressly prohibits a permit holder from serving on the committee. Because eligibility for the committee is not restricted to non-permit holders (or by any other test than residency[1]), the permittee is eligible for the random resident seat.

We understand that this outcome appears to "tip the balance" of the Committee by giving—or appearing to give— "industry" two seats rather than the one seat designated by Code. However, the decision to allot two seats to "random" residents inherently includes the possibility

[1] We offer no opinion on whether or how such a limitation could be imposed since there is no dispute that no such limitation existed in this case.

that a person with strong views or even a stake in the outcome will be selected for the committee. In other words, "random" does not equate to "neutral." People with strong views (or a stake in the outcome) on this topic are naturally the most likely to apply for the seat, just as commercial harbor users might be likely to seek a seat on the Port and Harbors Advisory Committee, for example. Presumably the Assembly understood that when it decided to leave those two seats unassigned to a particular group. The next committee could just as easily include someone who is perceived to be aligned with conservation groups. This is part of the compromise that was made to create the committee in the first place, and is inherent in the decision to fill the seats randomly.

B. The permit holder and the committee must decide whether any of its members should be disqualified from deliberating and voting on a particular issue.

The second inquiry is whether and how the Borough Code of Ethics applies to the committee and its members. Chapter 2.06 of the Haines Borough Code applies to all "public officers" (HBCO 2.06.030 et al). "Public officers" includes members of a "board or commission", which Code further defines to include a "committee." HBCO 2.06.990. The Code therefore applies to members of the Heli-Ski Map Committee.[2]

1. Relevant code provisions

The key relevant provisions of the ethics code are as follows:

2.06.030 Misuse of official position.
A. A public officer may not use, or attempt to use, an official position in order to gain a benefit, and may not intentionally secure for, or grant to, any person unwarranted benefits, treatment, or advantage.

B. A public officer may not:
...
4. Take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;....[3]
...

[2] One could argue as a policy matter that the code of ethics should not apply to advisory committees because they do not have legislative or executive authority to enact or enforce any laws. Borough Code, however, does not include such a limitation.

[3] "Official action" means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer. HBCO 2.06.990.

C. An assembly member or member of any board or commission may not deliberate or vote on any matter in which the member has a substantial personal or financial interest.

These provisions need to be considered in the context of other guidance in the code, such as the following:

2.06.020 Scope of code of ethics.

A. ... The public trust and this chapter do not prohibit an officer from following independent pursuits, so long as those pursuits do not interfere with the full and faithful discharge of an officer's public duties. The assembly further recognizes that:

1. In a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be entirely without personal and financial interests in the decisions and policies of government;

2. Citizens who serve as public officers retain their rights to interests of a personal or financial nature; and

3. Standards of ethical conduct for public officers need to distinguish between those inconsequential conflicts which are unavoidable in a free society, and those which are substantial and material.

B. There is no violation of this code of ethics if, as to a specific matter, a public officer's:

1. Personal or financial interest in the matter is insignificant; or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs;

2. Action or influence would have an insignificant or conjectural effect on the matter; ....

2. Procedural guidance

If a member is involved in a matter that may result in a violation of the code of ethics, it is incumbent upon the member with the potential conflict to disclose the potential conflict on the public record and ask to be excused from voting. In the unusual circumstance that a member does not recognize or acknowledge a potential conflict, another member may raise the issue as a

point of order. In either case, the presiding officer determines whether the member's involvement would violate the ethics code. If the presiding officer determines that a violation would exist if the member continued to participate, the member must refrain from voting, deliberating, or participating in the matter. The presiding officer's decision may be overridden by a majority vote of the body. The member with the perceived conflict should not vote on the question.

Note that the process above is intended to address specific, individual matters. There is no mechanism to exclude a member from all decisions or deliberations based on a perception of an over-arching conflict. Rather, each matter or item that comes before the committee is to be considered individually to determine whether a conflict of interest exists as to that particular item only. A member may rejoin the deliberations and actions as soon as any action in which he or she is believed to have a conflict is concluded.

3. *Analysis of potential conflicts*

Because it would not be efficient to provide advice as to every potential item on the committee's agenda, we are providing a summary of issues for the presiding officer and committee members to consider. First, we note that the Assembly specifically required that an industry representative be included on the committee. In our view, it is extremely likely that the Assembly understood and perhaps even expected that the industry seat would be filled by a permit holder. This suggests that the Assembly—the legislative body responsible for enacting the code of ethics—did not believe that allowing a permit holder to serve and participate in the committee's efforts was a conflict of interest. Rather, it suggests a deliberate choice to be sure that permit holders and industry professionals were included on the committee.

We do not believe the Assembly would have deliberately included a permit holder on the committee if it believed that the code of ethics precluded permit holders from participating in the committee's deliberations and votes. Doing so would eviscerate the role of the seat that the Assembly specifically designated to be filled by the industry representative. We therefore conclude that it is unlikely the code of ethics precludes permit holders from participating in all committee matters.

However, there may be specific matters from which committee members should recuse themselves. The committee member, presiding officer, and if necessary, the other committee members should consider any item raised as a potential conflict individually . In general, the main topics upon which the committee will deliberate and vote are areas to be opened and closed for heli-skiing. To the extent members believe that a committee member will "substantially and materially" benefit from the outcome of such deliberations, members may determine that the permittee-member has a conflict of interest. HBCO 2.06.020.A.3. The benefit must not be one

that "that is possessed generally by the public or a large class of persons to which the public officer belongs...." HBCO 2.06.020.B. Moreover, the action to be taken needs to have a significant effect on a personal or financial interest, not an insignificant or conjectural effect.

We cannot advise on all the issues that may need to be considered using these general guidelines. However, we note that the committee's authority is limited: it makes recommendations that go to the manager, who is free to use those recommendations or ignore them in preparing his own recommendation for the Assembly, who ultimately approves the heli-ski map. This tenuous relationship between the committee members actions and the final result suggests that most committee recommendations have a somewhat conjectural impact on the permittee-member because the member's recommendations have no reasonable assurance of ever becoming law. This suggests that allowing the permittee-member to participate and vote on most map changes would not violate the code of ethics. It may also explain why the Assembly did not perceive that an inherent conflict of interest would exist by allowing a permit holder to serve on the committee.

It will probably be difficult to determine whether a particular map change will have a significant and material impact on the permittee-member's financial interests. This may also suggest that the impact is "conjectural," but the committee members will be in a better position than we are to reach such a determination. If the presiding officer and/or committee members decide that certain map changes are likely to have a significant, substantial, and material financial benefit on the permittee-member, then it would be reasonable to conclude that the member should not participate in the deliberations and voting regarding that particular change.

Another scenario that needs to be considered is the committee's actions regarding a map change proposal that is submitted by a sitting committee member. It seems much more likely that the member has a "personal or financial interest" in such proposals because the member has already taken a position on the issues in the proposal. It is probably unrealistic to expect the member to be completely neutral on proposals he or she submitted. Having a member deliberate and vote on changes submitted by the member also creates a fairly obvious perception of a conflict of interest that may (understandably) trouble the public.

We therefore recommend that the member recuse him or herself from the deliberations regarding the map changes submitted by the member. Instead, the member should step down from the deus and participate in the discussion as a member of the public presenting his or her map changes. The member would still be involved in the discussion to the same extent as other advocates for particular map changes, but would not vote on the changes he submitted.