


Haines Borough
Borough Assembly Meeting #215
AGENDA

January 10, 2012 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Stephanie Scott,
Mayor

Daymond Hoffman,
Seat A
Assembly Member

Steve Vick,
Seat B
Assembly Member

Debra Schnabel,
Seat C
Assembly Member

Joanne Waterman,
Seat D
Assembly Member

Norman Smith,
Seat E
Assembly Member

Jerry Lapp,
Seat F
Assembly Member

Mark Earnest
Borough Manager

Julie Cozzi,
Borough Clerk

Jamie Heinz,
Deputy Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. APPROVAL OF ASSEMBLY AGENDA & CONSENT AGENDA

[Approval of Consent Agenda passes all routine items indicated by an asterisk (). Consent Agenda items are not considered separately unless an Assembly Member so requests. Upon request, the item is returned to the Regular Agenda].*

*** 4. APPROVAL OF MINUTES – Regular: 12/13/11**

5. PUBLIC COMMENTS [Any topics not scheduled for public hearing]

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

A. Ordinance 11-10-274 - First Hearing

An Ordinance of the Haines Borough adding Haines Borough Code Title 12 Chapter 12.40 to establish a public park at Picture Point.

*The borough is obligated to establish a mechanism for protecting the compensatory mitigation measures at Picture Point for the PC Dock Waterfront Improvements project. The US Army Corps of Engineers requires it to be established "in perpetuity," and this ordinance will satisfy that requirement. It was introduced on 10/25. **Suggested motion:** Advance Ordinance 11-10-274 to a second public hearing on 2/14/12.*

B. Ordinance 11-10-275 - First Hearing

An Ordinance of the Haines Borough adding Haines Borough Code Title 12 Chapter 12. 30 to generally provide for the governance of borough parks.

*In looking for guidance in the code for the proposed Picture Point Park ordinance, the manager noted there was no general provision in code governing borough parks. This ordinance addresses that deficiency and was introduced on 10/25. **Suggested motion:** Advance Ordinance 11-10-275 to a second public hearing on 2/14/12.*

C. Ordinance 11-11-277 - Second Hearing

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 2 Sections 2.10.040(D), 2.10.050, 2.10.060(D-E), and 2.12.110 to modify assembly procedures.

*This is recommended by the mayor as a result of the assembly's discussions during the 11/3 committee of the whole work session. It was introduced on 11/15 and had a first public hearing on 12/13. **Suggested motion:** Adopt Ordinance 11-11-277.*

D. Ordinance 11-11-278 - Second Hearing

An Ordinance of the Haines Borough Assembly repealing Haines Borough Code Title 3 Section 3.04.050 to remove the requirement for assembly review and approval of invoices.

*This is recommended by the mayor as a result of the assembly's discussions during the 11/3 committee of the whole work session. It was introduced on 11/15 and had a first public hearing on 12/13. **Suggested motion:** Adopt Ordinance 11-11-278.*

8. STAFF/FACILITY REPORTS

A. Borough Manager – 1/10 Report

*** B. Haines Borough Public Library – 10/11 Staff Report, 10/17/11 Board Mtg Minutes**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Committees

1. Committee of the Whole

2. Commerce Committee

3. Finance & Budget

4. Personnel & Labor Relations – 12/28 Meeting Report

5. Government Affairs & Services – 12/27 Meeting Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES ---continued---
- * B. Planning Commission
 - * C. School Board
 - D. Advisory Boards
 - 1. Chilkat Center Advisory Board – Request for Assembly Action: Refinish Stage Floor
 - * E. Service Area Boards
 - F. Ad Hoc Boards & Committees
 - 1. Haines Port Development Steering Committee – 12/21 Meeting Report
10. UNFINISHED BUSINESS
- A. **2012 Capital Projects in the Haines Borough**
The assembly decided on 11/15 to discuss this item on 12/13 and subsequently postponed it to this meeting.
11. NEW BUSINESS
- A. Resolutions
1. **Resolution 12-01-323**
A Resolution of the Haines Borough Assembly supporting development of a veterans home in Haines.
*Requested by Haines Assisted Living. **Suggested motion:** Adopt Resolution 12-01-323.*
 2. **Resolution 12-01-324**
A Resolution of the Haines Borough Assembly supporting the recreation of an Alaska Coastal Management Program.
*Requested by Mayor Scott. **Suggested motion in order to discuss:** Refer Resolution 12-01-324 to the Planning Commission for a recommendation.*
 3. **Resolution 12-01-325**
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with The Professional Development Company to provide strategic planning facilitation services for a not-to-exceed price of \$3,750.
*Requested by the Mayor. **Suggested motion:** Adopt Resolution 12-01-325.*
 4. **Resolution 12-01-326**
A Resolution of the Haines Borough Assembly requesting that the Takshanuk Watershed Council be named as grantee for the Brown parcel acquisition and conservation grant (Alaska Coastal Impact Assistance Program AK, 10868296).
*Requested by the Borough Manager. **Suggested motion:** Adopt Resolution 12-01-326.*
 5. **Resolution 12-01-327**
A Resolution of the Haines Borough Assembly supporting Chilkoot Indian Association's (CIA) application for state capital funding to construct a community services center to house CIA programs and staff.
*Requested by Mayor Scott. **Suggested motion:** Adopt Resolution 12-01-327.*
 6. **Resolution 12-01-328**
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with aHa! Consulting, Inc. to provide website redesign and development services for an amount not to exceed \$19,300.
*Requested by the website proposal review committee. **Suggested motion:** Adopt Resolution 12-01-328.*
- B. Ordinances for Introduction
1. **Ordinance 12-01-279**
An Ordinance of the Haines Borough Assembly amending Haines Borough Code Section 5.18.080(f)(4) to provide that global positioning data submitted by ski tour operators is confidential.
*Requested by Mayor Scott. **Suggested motion:** Introduce Ordinance 12-01-279 and set a first public hearing for 1/24/12.*
 2. **Ordinance 12-01-280**
An Ordinance of the Haines Borough Assembly providing for the addition or amendment of specific line items to the FY12 budget.
*The Finance Committee will review this ordinance prior to the first public hearing. **Suggested motion:** Introduce Ordinance 12-01-280 and set a first public hearing for 1/24/12.*

11. NEW BUSINESS ---continued---

C. Other New Business

* 1. **Liquor License Renewals**

The Alaska Alcohol Beverage Control Board has notified the Borough of pending liquor license renewals for Mosey's, the Fogcutter, and The Kondike. The Board, prior to its final approval, is giving the local government an opportunity to make a statements, if so desired. Since these are preexisting liquor licenses, assembly action is optional.

2. **Composition of Task Force to Review Community Center RFQ**

*On 12/13, the assembly established this ad hoc group and directed the manager to bring his recommendations for the group's composition to this meeting. **Suggested motion:** Approve the borough manager's proposed composition of Community Center RFQ Task Force.*

3. **Planning & Zoning Technician III Position**

*On 12/28, the Personnel Committee reviewed the manager's request to create a Planning & Zoning Technician III position along with the proposed job description. The committee recommends assembly approval. **Suggested motion:** Approve the job description for a new Planning & Zoning Technician III position, and authorize the manager to recruit for this position in place of the current P&Z staff position.*

4. **Facilities Maintenance Technician II Position**

*Andus Hale has been serving as a temporary Facilities Maintenance Technician II since early 2011. The borough manager recommends this temporary position be reclassified as permanent. **Suggested motion:** Approve the Borough Manager's request to convert Andus Hale's Facilities Maintenance Technician II position from temporary to permanent with the wage to be Range N Step 1.*

5. **Acquisition of Fair Drive Right of Way**

*Requested by Mayor Scott. **Suggested motion:** Direct the manager to begin the Title 14 process of purchasing the CIA property along East Fair Drive that is being encroached upon, including an updated value assessment, survey, and draft resolution containing the purchase method and terms.*

6. **Chilkat Center Transfer of Ownership**

*Requested by Assembly Member Vick. **Suggested motion:** Direct the manager to investigate ways of transferring ownership of the Chilkat Center to a third party within a two-year time period.*

7. **Solid Waste Management**

*Requested by 12/6 Assembly C.O.W. **Suggested motion:** Direct the Borough Manager to acquire letters of interest from consultants who will be tasked to define the problem facing the community with respect to solid waste.*

8. **Recurring Assembly Standing Committee Dates**

Requested by Assembly Member Schnabel. Various scheduling options will be discussed.

9. **Items for Future Assembly Meetings**

10. **Borough Manager's Contract & Evaluation – to include an Executive Session**

*The mayor and manager request the assembly to, by motion, move into executive session in order to discuss with the manager the results of his performance evaluation (he has a right to request discussion in open session). This matter qualifies for executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03. **Recommended Motion:** Go into Executive Session to discuss the manager's evaluation & contract because discussion in open session may tend to prejudice the reputations of those involved.*

12. **CORRESPONDENCE/REQUESTS**

A. **Request for Snow Removal Policy – K. Menke**

B. **Concern about Snow Removal & Berms – J. Brower**

C. **Request for Introduction of Ordinance to Amend Title 16 – N. Hughes**

13. **SET MEETING DATES**

14. **PUBLIC COMMENTS**

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

16. **ADJOURNMENT**

Haines Borough
Borough Assembly Meeting #214
December 13, 2011
MINUTES

Draft

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

2. **ROLL CALL**

Present: Mayor Stephanie **SCOTT** and Assembly Members Jerry **LAPP**, Joanne **WATERMAN**, Daymond **HOFFMAN**, Debra **SCHNABEL**, and Steve **VICK**. **Absent:** Assembly Member Norm **SMITH**

Staff Present: Mark **EARNEST**/Borough Manager (via teleconference), Julie **COZZI**/Borough Clerk, Gary **LOWE**/Chief of Police, Brian **LEMCKE**/Director of Public Facilities, and Jila **STUART**/Chief Fiscal Officer.

Visitors Present: Krista **KIELSMEIER**/CVN, Tara **BICKNELL**/KHNS, Bill **KURZ**, Mike **DENKER**, Deborah **VOGT**, James **STUDLEY**, Melissa **ARONSON**, Kristin **WHITE**, Victoria **MOORE**, Sara **CHAPPELL**, Paul **NELSON**, Lenise **FONTENOT**, Barbara **MULFORD**, Ted and Anastasia **WILEY**, Pam **LONG**, Norman **HUGHES**, and others.

Motion: **VICK** moved to "excuse Assembly Member Smith from this meeting," and it was seconded. The motion carried 4-1 with **SCHNABEL** opposed.

3. **APPROVAL OF AGENDA & CONSENT AGENDA** (Items with the *asterisk are on the consent agenda)

Motion: **LAPP** moved to "approve the Agenda/Consent Agenda," and it was seconded. The motion carried unanimously.

* 4. **APPROVAL OF MINUTES** – Regular: 11/15/11 Special: 11/29/11

5. **PUBLIC COMMENTS**

FONTENOT, representing the Downtown Revitalization Committee, said they would like consideration to be given to including some type of public space in the development of the old school property, such as a town square or other type of public gathering spot.

MULFORD, representing the Haines Chamber of Commerce, agreed that the assembly should consider planning for open space as it makes decisions about using the old school property. She added that growth and development of downtown area are very important.

KURZ announced that recordings of the assembly meetings will be shown on cable channel 6. He is involved in efforts to create a Haines station.

MOORE currently serves on the Alcohol Task Force and, on behalf of the other members thanked the assembly for their support.

CHAPPELL, President of Chilkat Valley Preschool, said the preschool is the main occupant of the Human Resource Building. It's important to understand that disposal of the building could leave the preschool without a location. It's not as simple as moving to another spot, because suitable places are limited in Haines. The state inspectors of their program have identified no health or safety concerns. The preschool would appreciate working with the borough to come up with a solution.

STUDLEY said he plans to be present for agenda item 11C11 if there are questions.

WILEY has a PhD in archeology and has been working with Chilkoot Indian Association and Chilkat Indian Village. Part of her overall program is to have a native archeological training program---people trained to be site monitors. She distributed an archeological report of a dig at 13-mile along with a handout encouraging a program for the Chilkoot Village Site. It will take several months to document everything there and hopes to start it in June.

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

Mayor **SCOTT** said local and State equipment operators worked valiantly during the huge snowfall in November. It was a huge effort, and she acknowledged **LEMCKE** for keeping on top of the situation and providing management.

She thanked ED&D for airing the recorded assembly meetings.

The mayor has been busy attending meetings and teleconferences.

7. PUBLIC HEARINGS

- A. **Ordinance 11-10-273** - Second Hearing
An Ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY12 Budget.

Mayor **SCOTT** opened and closed the public hearing at 6:48 pm; there were no public comments.

Motion: **LAPP** moved to "adopt Ordinance 11-10-273," and it was seconded. The motion carried unanimously in a roll call vote.

- B. **Ordinance 11-10-276** - Second Hearing
An Ordinance of the Haines Borough amending Haines Borough Code Title 14 Chapter 14.24 to clarify and simplify the methods for disposal of borough personal property.

Mayor **SCOTT** opened and closed the public hearing at 6:49 pm; there were no public comments.

Motion: **WATERMAN** moved to "adopt Ordinance 11-10-276," and the motion was seconded.

Primary Amendment #1: **SCHNABEL** moved to "change 14.24.010(B) by inserting "in excess of \$1,000" immediately after *which has no commercial value* and striking the remaining text in that sentence," and it was seconded.

Secondary Amendment #1: **WATERMAN** moved to "insert the word "sale" following the word *destruction,*" and it was seconded. The motion carried unanimously.

The primary amendment motion carried unanimously.

Primary Amendment #2: **VICK** moved to "change 14.24.010(D) to replace *at less than \$25K* with the words "between \$1,000 and \$25,000," and it was seconded. The primary amendment motion carried unanimously.

The main motion carried unanimously in a roll call vote.

- C. **Ordinance 11-11-277** - First Hearing
An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 2 Sections 2.10.040(D), 2.10.050, 2.10.060(D-E), and 2.12.110 to modify assembly procedures.

Mayor **SCOTT** opened the public hearing at 7:05 pm.

VOGT believes the public's access to its government will be diminished with action-only minutes. It's important to have an explanation of why the assembly does what it does. She recommended some technical edits to the ordinance text, as well.

DENKER said action-only minutes will make it more difficult for the members of the public to find out what's happening in the government.

MCGUIRE lauded the efforts to streamline government but believes moving away from summary minutes is a real mistake. Summaries are useful for research.

Hearing no further comments, the mayor closed the public hearing at 7:10 pm.

Motion: **WATERMAN** moved to "advance Ordinance 11-11-277 to a second public hearing on 1/10/12," and it was seconded.

Primary Amendment #1: **LAPP** moved to "change 2.12.110(B) by replacing the word *reading* in the last sentence to "hearing"," and it was seconded. The motion carried unanimously.

The main motion carried unanimously.

- D. **Ordinance 11-11-278** - First Hearing
An Ordinance of the Haines Borough repealing Haines Borough Code Title 3 Section 3.04.050 to remove the requirement for assembly review and approval of invoices.

Mayor **SCOTT** opened and closed the public hearing at 7:15 pm. There were no public comments.

Motion: **LAPP** moved to "advance Ordinance 11-11-278 to a second public hearing on 1/10/12," and the motion carried unanimously.

8. STAFF/FACILITY REPORTS

- * A. **Borough Manager** – 12/13 Report
- * B. **Museum** – 10/11 Staff Report, 10/20 Approved Board Meeting Minutes

9. **COMMITTEE/COMMISSION/BOARD REPORTS AND MINUTES**

A. **Assembly Committees**

1. **Committee of the Whole** – *12/6 Meeting Report*
2. **Commerce Committee**
3. **Finance & Budget**
4. **Personnel & Labor Relations**
5. **Government Affairs & Services** – *11/22 Meeting Report*

* B. **Planning Commission** – *10/13 and 11/10 Approved Meeting Minutes*

* C. **School Board**

* D. **Advisory Boards**

E. **Service Area Boards**

* 1. **Riverview Drive RMSA Board** – *11/18 Meeting Report*

* F. **Ad Hoc Boards & Committees**

10. **UNFINISHED BUSINESS** - None

11. **NEW BUSINESS**

A. **Resolutions**

1. **Resolution 11-12-320**

A Resolution of the Haines Borough Assembly supporting and commending the Haines Alcohol Task Force.

Mayor **SCOTT** read aloud the resolution as required by HBC 2.12.110.

Motion: **LAPP** moved to “adopt Resolution 11-12-320,” and it was seconded. The motion carried unanimously in a roll call vote.

2. **Resolution 11-12-321**

A Resolution of the Haines Borough Assembly adopting the Borough’s 2012 State legislative priorities.

LAPP read aloud the resolution as required by HBC 2.12.110.

HUGHES thanked the borough for putting the boat harbor at the top of the list once again.

LEMCKE suggested putting the sewer/waste water treatment plant on the list, specifically an in-depth assessment and recommendation for a replacement building.

Motion: **VICK** moved to “adopt Resolution 11-12-321,” and it was seconded. The motion carried unanimously in a roll call vote.

Primary Amendment #1: **WATERMAN** moved to change pool locker room upgrades to #7 and add #6 - Haines waste water/sewer treatment plant building replacement,” and it was seconded. The motion carried unanimously.

Primary Amendment #2: **WATERMAN** moved to “remove the word *building* in #6,” and it was seconded. The motion carried unanimously.

Primary Amendment #3: **LAPP** moved to replace the word *building* with the word “plant” after water treatment in #5,” and it was seconded. The motion carried unanimously.

The main motion carried 4-1 in a roll call vote with **SCHNABEL** opposed.

3. **Resolution 11-12-322**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Jensen Yorba Lott, Inc. for \$17,270 to design and provide construction services for the replacement of the Haines High School gymnasium floor.

WATERMAN read aloud the resolution as required by HBC 2.12.110.

HUGHES encouraged the borough to move the boat harbor project along at the federal level.

Motion: **VICK** moved to “adopt Resolution 11-12-322,” and it was seconded. The motion carried 4-1 in a roll call vote with **SCHNABEL** opposed.

B. **Ordinances for Introduction** - None

C. **Other New Business**

1. **Board Appointments and Committee Assignments**

Note: (Re)appointment requests were received for various board positions, and the boards

recommended appointment by the mayor. The mayor sought assembly confirmation.

Motion: SCHNABEL moved to "confirm the mayor's appointments of Judy Heinmiller and Jason Gaffney to the Tourism Advisory Board for three-year terms ending 11/30/2014; Norm Hughes and Don Turner Jr. to the Boat Harbor Advisory Committee for two-year terms ending 11/30/2013; Lorraine Dudzik/Michael Marks, Bob Adkins, and Pamela Randles to the Museum Board of Trustees for three-year terms ending 11/30/2014; Tresham Gregg to the Chilkat Center Advisory Board for a three-year term ending 11/30/2014; and Chip Lende and Douglas Olerud to the Haines Port Development Steering Committee," and it was seconded. The motion carried unanimously.

2. Chilkat Center Roof Deficiencies

Motion: WATERMAN moved to "direct staff to develop an analysis of possible funding sources for the replacement of the Chilkat Center roof," and it was seconded. The motion was withdrawn.

Motion: SCHNABEL moved that "the Haines Borough allocate funds to repair the Chilkat Center roof to make it safe and dry," and it was seconded.

Primary Amendment #1: SCHNABEL moved to "replace the words *funds to repair* with "up to \$50K for engineering services leading to the repair of"," and it was seconded. The motion carried unanimously.

The main motion carried unanimously.

Motion: HOFFMAN moved to "send to the Government Affairs & Services Committee a discussion of Chilkat Center upgrades including a discussion of transfer of the Center to Alaska Indian Arts," and it was seconded.

Primary Amendment #1: SCHNABEL moved to "send the discussion to the Planning Commission rather than the Government Affairs & Services Committee," and it was seconded. The motion failed 1-4 with LAPP, VICK, HOFFMAN, and WATERMAN opposed.

The main motion carried unanimously.

Motion: HOFFMAN moved to "call for a recess for five minutes," and it was seconded. The motion carried unanimously, and the recess began at 8:42pm and ended at 8:47pm.

3. Classification of Primary School Property

Motion: SCHNABEL moved to "assign the classification of the Primary School Subdivision to the Planning Commission for recommendation to the Assembly by June 30, 2012 after conducting at least two public hearings," and it was seconded. The motion carried unanimously.

4. Letter to Commissioner of Alaska Department of Fish and Game

Motion: SCHNABEL moved to "direct the mayor to sign and send the drafted letter regarding Lynn Canal Sockeye Runs to the Commissioner of Fish and Game," and it was seconded. The motion carried unanimously.

5. Standing Committee Meeting Schedule

Motion: LAPP moved to "set recurring meeting dates for standing committees," and it was seconded. The motion carried 4-1 with VICK opposed.

6. Status of Heliskiing Work Group

Motion: LAPP moved to "confirm the Mayor's decision that the Heliskiing Work Group has completed its task and should sunset," and it was seconded. The motion carried unanimously.

7. Status of Community Center Request for Qualifications

Motion: SCHNABEL moved that "a task force be established to review the Community Center RFQ," and it was seconded. The motion carried unanimously.

Motion: VICK moved that "the manager propose the makeup of the task force and present it at the January 10, 2012 assembly meeting," and it was seconded. The motion carried 4-1 with SCHNABEL opposed.

8. Disposal of the Human Resources Building

Motion: SCHNABEL moved to "identify the disposal of the Human Resources Building within the next 12 months," and it was seconded.

Primary Amendment #1: HOFFMAN moved to "remove the text *within the next 12 months*," and it

was seconded. The motion failed 2-3 with **WATERMAN, LAPP,** and **SCHNABEL** opposed.

The main motion failed 3-2 with **VICK** and **HOFFMAN** opposed.

9. 2012 Capital Projects in the Haines Borough

Motion: **SCHNABEL** moved to postpone this agenda item to the 1/10/12 meeting," and it was seconded. The motion carried unanimously.

10. Manager Contract and Evaluation

Motion: **VICK** moved to "refer the evaluation of the manager's performance and disposition of a contract renewal to the Personnel Committee for a recommendation to the assembly at its 1/10/12 meeting," and it was seconded. The motion carried unanimously.

11. Support for Veterans Home in Haines

Motion: **LAPP** moved to "direct staff to prepare a resolution of support for a veterans' home in Haines for consideration at the January 10, 2012 assembly meeting," and it was seconded. The motion carried unanimously.

6. Items for the Future Assembly Meetings

Motion: **WATERMAN** moved to "include a resolution supporting the Alaska Coastal Management Plan Initiative, an ordinance making GPS data proprietary, and entertaining proposals from facilitators for an assembly strategic planning session," and it was seconded. The motion carried unanimously.

12. CORRESPONDENCE

- A. **Thank you for support** – JR Churchill/Lynn Canal Gillnetter's Association
- B. **Managing Solid Waste in Haines** – Melissa Aronson/Haines Friends of Recycling

13. SET MEETING DATES

- A. **HPDSC meeting** – TBD
- B. **Government Affairs & Services Committee Meeting** – Tuesday, 12/27, 5:30pm - Discuss Chilkat Center Upgrades & the Idea of Transferring the Center back to Alaska Indian Arts (the Chilkat Center Advisory Board will be invited to participate)
- C. **Personnel Committee** – Date & time at the call of the chair – Discuss Manager Evaluation/Contract
- D. **Public Meeting with AK-DOT Chief Engineer** - Monday, Dec. 19, 11:00 am - Beach Road/Front Street Improvement Project

14. PUBLIC COMMENTS

LEMCKE encouraged attendance at the 12/19 meeting with AK-DOT.

LOWE invited everyone to attend the New Year's Eve Party at the ANB Hall put on by the Alcohol Task Force.

NELSON said he has been in communication with AK-DEC, and his understanding is that the borough can store the sludge in a temporary location as long as there is no runoff.

LONG encouraged the assembly to work on a facilities priority list with the Comprehensive Plan update.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

The Comp Plan process will produce a facilities priority list, and the hope is to have the comp plan ready by May. The assembly understands total assessment of the borough's facilities is very important in addition to a strategic plan.

EARNEST provided an update on the sludge disposal situation. It is being treated as a priority issue, and he will keep the assembly apprised.

16. ADJOURNMENT – 10:09 p.m.

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

ATTEST

Stephanie Scott, Mayor



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-032
Assembly Meeting Date: 1/10/12

Business Item Description:		Attachments:
Subject: Ordinance establishing a public park at Picture Point	Originator: Mark Earnest, Borough Manager	1. Ordinance 11-10-274 2. 1/10/12 Memo from Clerk re. proposed amendment
Originating Department: Administration	Date Submitted: 10/25/11	

Full Title/Motion:
Motion: Advance Ordinance 11-10-274 to a second public hearing on 2/14/12.
Note: amendment to the ordinance is recommended per the Clerk's 1/10/12 memo (see attachment)

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
The borough is obligated to establish a mechanism for protecting the compensatory mitigation measures at Picture Point for the PC Dock Waterfront Improvements project. The US Army Corps of Engineers requires it to be established "in perpetuity," and this ordinance will satisfy that requirement. It was introduced on 10/25. The first public hearing was originally scheduled for 11/15, but it was rescheduled to 1/10/12 to provide the planning commission (PC) with an opportunity to review and comment. The PC delayed their review until their 1/19/12 meeting, so staff recommends the second public hearing be scheduled for the first assembly meeting in February when the PC comments are most likely to be available. The borough attorney has proposed an amendment to correct the legal property description, and it is outlined in a memo from the clerk. Staff recommends this amendment be made prior to advancing to the second public hearing.

Referral:

Sent to: Planning Commission	Date: 11/15/11
Recommendation:	Refer to: Meeting Date: 1/19/12

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/10/12
Meeting Date(s): 10/25/11, 11/15/11, 1/10/12	Tabled to Date:

An Ordinance of the Haines Borough adding Haines Borough Code Title 12 Chapter 12.40 to establish a public park at Picture Point.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance adds Title 12 Chapter 12.40 to establish a public park at Picture Point. The code is amended as follows:

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

Chapter 12.40
PICTURE POINT PARK

Sections:

- 12.40.010 Definitions
- 12.40.020 Picture Point Park Establishment and Values
- 12.40.030 Regulations for Protection of Natural Resources and Wildlife
- 12.40.040 Reserved Rights and Allowable Uses
- 12.40.050 Park Operation
- 12.40.060 Enforcement and Penalties

12.40.010 Definitions

As used in this chapter,

"Permit" means Department of the Army permit number POA-2009-1303 Portage Cove issued by the Juneau Regulatory District Corps of Engineers on June 24, 2010, required to mitigate for unavoidable impacts authorized by that permit.

"Property" means that area of tidelands and submerged lands located at Picture Point owned by the borough, whose legal description is:

Commencing at the southernmost property corner of Lot 3 Nukdik Point View Subdivision, Plat No. 2009-1, which is at the 1987 meander line at ATS 1308, from which the Northwest property corner of Lot 3 bears N 45° 42' 52" W a distance of 67.69 feet thus being the **Basis of Bearing** for this legal description; thence N 54° 55' 31" E a distance of 390.04 feet to the **True Point of Beginning**; thence S 49° 41' 53" E a distance of 141.47 feet; thence N 66° 46' 51" a distance of 81.68 feet; thence N. 10° 24' 31" W a distance of 73.92 feet; thence S 89° 31' 21" W a distance of 79.55; thence S 53° 52' 18" W a distance of 33.38; thence S 74° 16' 56" W a distance of 62.49 feet; thence S 47° 42' 21" W a distance of 88.92 feet; thence S 65° 54' 02" W a distance of 40.26 feet to the **Point of Beginning**, containing 0.649 acres more or less

12.40.020 Picture Point Park Establishment and Values

The establishment of a public park at Picture Point is a condition of the Permit. .

The Haines Borough recognizes the conservation, scenic, natural, or aesthetic value of the Property in its natural state. The purpose of this public park is to maintain aquatic resources and other natural values of the Property, and prevent the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its natural condition.

12.40.030 Regulations for Protection of Natural Resources and Wildlife.

Any activity on, or use of the Property inconsistent with the purpose of this public park is prohibited unless identified as an allowable use. Any construction activity on this restricted area is prohibited, except:

1. Public utilities may be constructed operated, maintained , extended or located in existing utility easements provided the Borough or its permittee returns any tideland disturbed from utility construction activity to its natural state.
2. Construction activities as allowed by the Permit for educational, cultural, or recreational purposes.
3. Construction of facilities to be used for educational, recreational, or cultural purposes after consultation with and approval of the U.S. Army Corps of Engineers.
4. An elevated walking trail for the purpose of environmental education and awareness may be constructed at the site provided the project is within the scope of the U.S. Army Corps of Engineers nationwide permit on minor discharges or structural discharges.

12.40.040 Reserved Rights and Allowable Uses.

The Haines Borough reserves for itself, its citizens, personal representatives, heirs, successors or assigns, the right to continue the use of the Property for all purposes consistent with this establishment of a public park, including, but not limited to, the right to quiet enjoyment of the Property, the rights of ingress and egress, including, but not limited to, traditional and contemporary subsistence and cultural activities, the right to hunt, fish, gather, and hike on the Property, the right to sell, transfer, gift or otherwise convey the Property, in whole or in part, provided such sale, transfer or gift conveyance is subject to the terms of, and shall specifically reference this Chapter. The following uses within the park boundaries are generally allowed:

- A. Hunting, fishing, trapping, or placement of a crab pot, shrimp pot, herring pound or fish wheel that complies with applicable municipal, state, and federal statutes and regulations on the taking of fish and game.
- B. Harvesting a small number of wild plants, mushrooms, berries, and other plant material for personal, non-commercial use. .
- C. Brushing or cutting a trail less than five feet wide using only hand-held tools such as a chainsaw.
- D. Hiking, backpacking, skiing, climbing, and other foot travel; bicycling, traveling by horse or dogsled or with pack animals.
- E. Landing an aircraft or using watercraft (such as a boat, jet-ski, raft, kayak, or canoe), in a manner that minimizes surface damage, without damaging the Property.
- F. Using dead and down wood for a cooking or warming fire.
- G. Setting up and using a camp for personal, non-commercial recreational purposes, or for any non-recreational purpose (such as an educational camp), for not more than 14 days.
- H. Using a tent platform or other temporary structure that can readily be dismantled and removed or a float house that can readily be moved.

I. Brushing or cutting a survey line less than five feet wide using only hand-held tools (such as a chainsaw), or setting a survey marker.

J. Signs may be displayed to state:

- a. The name and address of the property, or the owner's name;
- b. The area is protected by this Chapter as adopted by the Haines Borough Assembly;
- c. Prohibition of any unauthorized entry or use;
- d. An advertisement for the sale or rent of the Property;
- e. To warn the public of hazards (if any); or for
- f. Environmental education, awareness, or interpretive panels.

K. Placing riprap or other suitable bank stabilization material to prevent erosion of a contiguous privately owned upland parcel if material is placed onto stable shoreland and the project is otherwise in the scope of the U.S. Army Corps of Engineers nationwide permit on bank stabilization.

L. An event or assembly of 50 people or less, including events sponsored by non-profit organizations or commercial events.

M. Recreational or other uses not listed above may occur within the park boundaries provided the use

- a. Is not a commercial recreational camp or facility that remains overnight;
- b. Does not involve explosives or explosive devices (except firearms);
- c. Is not prospecting or mining using hydraulic equipment methods;
- d. Is not for geophysical exploration for minerals or an oil and gas exploration;
- e. Does not cause or contribute to significant disturbance of vegetation, drainage, or soil stability;
- f. Does not interfere with public access or other public uses or interests.

Notwithstanding the foregoing Restrictions, the owner reserves for itself, its successors and assigns, the right to construct wetland, intertidal and stream mitigation on the Property, in accordance with the Compensatory Mitigation Plan for the Permit dated April 2011.

12.40.050 Park Operation

A. Permits. Temporary Use Permits issued under HBC 14.16.200 are required for special events.

B. Park Fees. Fees as set by action of the Assembly shall be charged for special events accompanied with a damage deposit.

12.40.060 Enforcement and Penalties

A. Enforcement.

- a. The Haines Borough Manager shall have the right to issue administrative regulations pertaining to use of the Property subject to approval of the Assembly.
- b. The Haines Borough Police Department, other licensed peace officers, and designated Haines Borough employees, shall have the authority to enforce this Chapter and any city manager regulations and may eject from the park any persons acting in violation of this Chapter or any Temporary Use permit issued for use of the Property.
- c. Nothing in this Chapter shall prevent Haines Borough employees from performing their assigned duties.
- d. Enforcement of this Chapter shall be in the same manner set forth in HBC Chapter 9.01.

B. Penalties. Violations of this Chapter are subject to the same penalties as provided in HBC 1.24 and 9.01.

Haines Borough
Ordinance No. 11-10-274
Page 4 of 4

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2011.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 10/25/11
Date of First Public Hearing: 01/10/12 - Hearing postponed on 11/15 to give the PC an opportunity to review
Date of Second Public Hearing: __/__/__



Memo from the Clerk

Date: January 10, 2012
To: Mayor and Assembly
Cc: Borough Manager
From: Julie Cozzi, MMC, Borough Clerk

Re: Ordinance 11-10-274 – Proposed Amendment

The current ordinance draft contains an inaccurate legal property description. The Borough Attorney recommends the following corrective amendment. This may be made by motion, and I have provided suggested motion wording at the bottom of this memo for your consideration.

12.40.010 Definitions

As used in this chapter,

"Permit" means Department of the Army permit number POA-2009-1303 Portage Cove issued by the Juneau Regulatory District Corps of Engineers on June 24, 2010, required to mitigate for unavoidable impacts authorized by that permit.

"Property" means that area of tidelands and submerged lands located at Picture Point owned by the borough, whose legal description is:

~~Commencing at the southernmost property corner of Lot 3 Nukdik Point View Subdivision, Plat No. 2009-1, which is at the 1987 meander line at ATS 1308, from which the Northwest property corner of Lot 3 bears N 45° 42' 52" W a distance of 67.69 feet thus being the **Basis of Bearing** for this legal description; thence N 54° 55' 31" E a distance of 390.04 feet to the **True Point of Beginning**; thence S 49° 41' 53" E a distance of 141.47 feet; thence N 66° 46' 51" a distance of 81.68 feet; thence N. 10° 24' 31" W a distance of 73.92 feet; thence S 89° 31' 21" W a distance of 79.55; thence S 53° 52' 18" W a distance of 33.38; thence S 74° 16' 56" W a distance of 62.49 feet; thence S 47° 42' 21" W a distance of 88.92 feet; thence S 65° 54' 02" W a distance of 40.26 feet to the **Point of Beginning**, containing 0.649 acres more or less~~

Commencing at the southernmost property corner of Lot 3 Nukdik Point View Subdivision, Plat No. 2009-1, which is at the 1987 meander line of ATS 1308, from which the Northwest property corner of Lot 3 bears N 45° 42' 52" W a distance of 67.69 feet thus being the Basis of Bearing for this legal description; thence N 54° 55' 31" E a distance of 390.04 feet to the True Point of Beginning; thence S 49° 41' 53" E a distance of 138.82 feet; thence N 45° 54' 51" E a distance of 141.7 feet; thence N 66° 46' 51" a distance of 81.68 feet; thence N. 10° 24' 31" W a distance of 73.92 feet; thence S 89° 31' 21" W a distance of 79.55 feet; thence S 53° 52' 18" W a distance of 33.38 feet; thence S 74° 16' 56" W a distance of 62.49 feet; thence S 47° 42' 21" W a distance of 88.92 feet; thence S 65° 54' 02" W a distance of 40.26 feet to the Point of Beginning, containing 0.649 acres more or less.

Suggested amendment motion offered by the Clerk:

I move to amend Ordinance 11-10-275 by striking the existing legal property description and replacing it with the correct description as provided by the borough attorney.



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-033
Assembly Meeting Date: 1/10/12

Business Item Description:	Attachments:
Subject: Ordinance providing for general governance of borough parks.	1. Ordinance 11-10-275 2. 1/10/12 Memo from Clerk re. proposed amendments.
Originator: Mark Earnest, Borough Manager	
Originating Department: Administration	
Date Submitted: 10/25/11	

Full Title/Motion:
Motion: Advance Ordinance 11-10-275 to a second public hearing on 2/14/12.
Note: amendments to the ordinance are recommended per the Clerk's 1/10/12 memo (see attachment)

Administrative Recommendation:
This ordinance is recommended by the manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
In looking for guidance in the code for the proposed Picture Point Park ordinance (11-10-274), the borough manager noted there was no general provision in code governing borough parks. This ordinance addresses that deficiency and was introduced on 10/25. The first public hearing was originally scheduled for 11/15, but it was rescheduled to 1/10/12 to provide the planning commission (PC) with an opportunity to review and comment. The PC delayed their review until their 1/19/12 meeting, so staff recommends the second public hearing be scheduled for the first assembly meeting in February when the PC comments are most likely to be available. The borough attorney has proposed amendments to the current draft, and they are outlined in a memo from the clerk. Staff recommends these amendments be made prior to advancing to the second public hearing.

Referral:

Sent to: Planning Commission	Date: 11/15/11
Recommendation:	Refer to: Meeting Date: 1/19/12

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/10/12
Meeting Date(s): 10/25/11, 11/15/11, 1/10/12	Tabled to Date:

An Ordinance of the Haines Borough adding Haines Borough Code Title 12 Chapter 12.30 to generally provide for the governance of borough parks.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance adds Title 12 Chapter 12.30 to generally provide for the governance of borough parks. The code is amended as follows:

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

**Chapter 12.30
PARKS**

Sections:

- 12.30.010 Definitions
- 12.30.010 Park policy
- 12.30.010 Park regulations
- 12.30.010 Prohibited acts

12.30.010 DEFINITIONS.

A. "Park," as used in this chapter, includes any park, playground or water under the jurisdiction of the borough.

B. "Refuse," as used in this chapter, means waste paper, cans, bottles, glass, scrap, picnic refuse, garbage and other waste matter.

12.30.020 PARK POLICY.

All borough parks and playgrounds shall be maintained and governed under regulations which shall provide the greatest possible public use by all citizens as may be allowed by the finances available. No one group or organization shall have any special claim or privilege.

12.30.030 PARK REGULATIONS.

The borough manager is empowered to make such rules and regulations pertaining to the conduct and use of parks and playgrounds as are consistent with this chapter and as are necessary to administer the same or to protect public property or the safety, health, morals or welfare of the public.

12.30.040 PROHIBITED ACTS.

A. No person shall at any time scatter or deposit refuse or garbage upon or within any park in the borough.

B. No person shall at any time break bottles or other glass containers within any of the areas described herein in such manner that fragments of glass may be strewn around the playgrounds or recreation areas or parks.

Haines Borough
Ordinance No. 11-10-275
Page 2 of 2

C. No person shall operate a motor vehicle, off-the-road vehicle, all-terrain vehicle, motorcycle, snow machine or other motorized vehicle over, upon or through a public park, within the borough, unless as expressly provided for in the ordinances of the borough.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2011.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	10/25/11
Date of First Public Hearing:	11/15/11
Date of Second Public Hearing:	01/10/12



Memo from the Clerk

Date: January 10, 2012
To: Mayor and Assembly
Cc: Borough Manager
From: Julie Cozzi, MMC, Borough Clerk

Re: Ordinance 11-10-275 – Proposed Amendments

The Borough Attorney has reviewed the attached ordinance and recommends the following amendments. These may be made by motion, and I have provided suggested motion wording at the bottom of this memo for your consideration.

12.30.010 DEFINITIONS.

A. "Park," as used in this chapter, includes any park, ~~playground or water under the jurisdiction~~ **located on property owned, leased or otherwise under the control** of the borough **and established by action of the assembly.**

B. "Refuse," as used in this chapter, means waste paper, cans, bottles, glass, scrap, picnic refuse, garbage and other waste matter.

12.30.020 PARK POLICY.

All ~~borough parks and playgrounds~~ shall be maintained and governed under regulations which shall provide the greatest possible public use by all citizens as may be allowed by the finances available. No one group or organization shall have any special claim or privilege **for priority use of any park.**

12.30.030 PARK REGULATIONS.

The borough manager is empowered to make such rules and regulations pertaining to the conduct and use of parks and playgrounds as are consistent with this chapter and as are necessary to administer the same or to protect public property or the safety, health, morals or welfare of the public. **Regulations shall not be effective until approved by the assembly by resolution.**

Suggested amendment motion offered by the Clerk:

I move to amend Ordinance 11-10-275, as follows:

in 12.30.010(A), strike the words "playground or water under the jurisdiction of the borough" and replace it with "located on property owned, leased or otherwise under the control of the borough and established by action of the assembly;"

in 12.30.020, strike the words "borough" and "and playgrounds" in the first sentence, and insert "for priority use of any park" at the end of the second sentence; and

in 12.30.030, add a new sentence at the end that reads "Regulations shall not be effective until approved by the assembly by resolution."



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 11-014
Assembly Meeting Date: 12/13/2011

Business Item Description:		Attachments:
Subject:		1. Ordinance 11-11-277 2. Excerpt from The Complete Idiot's Guide to Robert's Rules by Nancy Sylvester, pp 204 & 205 3. S.McGuire comments 4. D.Vogt comments 5. 1/10/12 Memo from Clerk re. proposed amendments
Ordinance modifying assembly procedures		
Originator:		
Mayor Stephanie Scott		
Originating Department:		
Mayor/Assembly		
Date Submitted:		
11/11/11		

Full Title/Motion:
Motion: Advance Ordinance 11-11-277 to a second public hearing on 1/10/2012. Note: amendments to the ordinance are recommended per the Clerk's 1/10/12 memo (see attachment)

Administrative Recommendation:
The Clerk's Office recommends adoption.

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$ 0	\$ 0

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
This ordinance is recommended by the mayor as a result of the assembly's discussions during the 11/3 committee of the whole work session. It was introduced on 11/15. The Clerk and the Mayor recommend additional amendments (see attached memo) prior to adoption. If the assembly determines the additional amendments to be substantive, a third public hearing may be scheduled for 1/24/12.

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s): 11/3/11	Public Hearing Date(s): 12/13/11, 1/10/11
Meeting Date(s): 11/15/11, 12/13/11, 1/10/12	Tabled to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Sections 2.10.040(D), 2.10.050, 2.10.060(D-E), and 2.12.110 to modify assembly procedures.

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 2.10.040(D). Section 2.10.040(D) of the Haines Borough Code is hereby amended as follows:

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

2.10.040 Minutes.

D. The clerk, unless directed otherwise by the mayor, and with the consent of the assembly, will always enter in the minutes ~~a synopsis of the discussion~~ **only the assembly's action** on any question coming before the assembly. A vote by the assembly on any subject must be recorded in the minutes of the assembly meeting by the clerk.

Section 5. Amendment of Section 2.10.050. Section 2.10.050 of the Haines Borough Code is hereby amended as follows:

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

2.10.050 Assembly rules – Amendment, suspension and violation.

~~A. A proposed amendment to, or repeal of, any rule of the assembly shall be submitted in writing, be laid on the table at the meeting to which it is submitted and shall become the first item of unfinished business at the next regular meeting.~~

~~B.~~ **A.** In all matters of parliamentary procedure not covered in the rules of the assembly, Robert's Rules of Order shall be applicable and govern.

~~C.~~ **B.** The borough assembly rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose ~~of an emergency nature~~ by a vote of the majority of assembly members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it to consideration.

~~D.~~ **C.** If any member, in speaking or otherwise, transgresses the rules of the assembly, the presiding officer shall, or any member can, call that member to order; in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain; and the assembly, if appealed to, shall decide the question without debate. If the decision be in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the assembly to proceed in order.

Section 6. Amendment of Section 2.10.060(D-E). Section 2.10.060(D-E) of the Haines Borough Code is hereby amended as follows:

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

2.10.060 Assembly Rules – Speaking, Rules of Conduct

~~D. No member shall speak more than twice or for more than 10 minutes continuously to any one question, except that one or more additional periods of 10 minutes may be granted by unanimous consent.~~ **A member or the borough manager may speak more than once to the same question at the same stage of proceedings provided that priority of access to the floor shall be given to members who have not spoken on the question. Members shall endeavor to provide the body with relevant facts and arguments and shall strive to avoid redundancy.** The reading of papers desired by any member shall be read by the member or by the clerk, within the member's time limitation unless permission for the clerk to read such paper outside the time limitation is unanimously granted.

E. Asking Questions. After obtaining recognition from the chair, a member may ask direct questions of another member of the assembly or to a person appearing before the assembly. The questions may not be argumentative.

~~E. F.~~ No appeal from any decision of the presiding officer shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on the appeal is not debatable and shall be put as follows: "Shall the decision of the presiding officer stand as the judgment of the assembly?" It shall be deemed to be decided in the affirmative unless a majority of the votes given are to the contrary.

Section 7. Amendment of Section 2.12.110. Section 2.12.110 of the Haines Borough Code is hereby amended as follows:

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

2.12.110 Resolutions – Reading – Hearing – Final passage – Posting.

A. Every resolution shall be introduced in writing, **and** shall be noticed with the posted agenda ~~and shall be orally read before any vote for passage thereof is taken.~~

B. On any vote for passage of the resolution, all persons interested who appear shall be given an opportunity to be heard. After such hearing, the assembly may finally pass such resolution with or without amendments. First reading **hearing** of any resolution shall be final and no further passage shall be required.

C. After final passage, every resolution shall be posted in full on the borough office bulletin board for at least 14 days **website and a printed reference copy shall be permanently maintained in the clerk's office.** Every resolution, unless it shall specify a later date, shall become effective following final passage, or, if the resolution be submitted at a referendum election when state law or Borough Charter so requires, then upon a favorable vote of the requisite number of those voting thereon.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2012.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 11/15/11 - Amended
Date of First Public Hearing: 12/13/11 - Amended
Date of Second Public Hearing: 01/10/12

What to Put in the Minutes (and What to Leave Out)

Robert's recommends that minutes contain the following items:

- ◆ Kind of meeting (regular, special, and so on).
- ◆ Name of the organization.
- ◆ Date, time, and place of the meeting.
- ◆ Names of the presiding officer and secretary, or in their absence, the names of their substitutes.
- ◆ The approximate number of members present (optional).
- ◆ The establishment of a quorum (optional).
- ◆ Record of the action taken on the minutes of the previous meeting.
- ◆ The exact wording of each main motion as it was voted on, and whether it passed or failed, along with the name of the maker. In addition, if the vote was counted, the count should be included, as well as the tellers' reports, if any; in roll call votes, the record of each person's vote is included.
- ◆ Any notice given at the meeting. Previous notice is sometimes required, such as with amendments to the bylaws; if any such notice was given at the meeting, it should be included in the minutes.
- ◆ Points of order and appeals.
- ◆ For committee reports, the name of the committee, and the reporting member. If the committee provides a printed report, attach it to the minutes and note that it is attached.
- ◆ The hour of adjournment.

Robert's is equally clear about what should *not* be included in the minutes. The following should not be included:

- ◆ The opinion or interpretation of the secretary.
- ◆ Judgmental phrases such as "heated debate" or "valuable comment".



Robert's Says

Minutes are the written record of the proceedings of a deliberative assembly. They are a record of what was done at the meeting, not what was said at the meeting.



Parliamentary Pearls

Although it's not necessary to include the full report of the treasurer in the text of the minutes, many groups find it helpful to include the previous balance, income totals, disbursement totals, and current balance in the minutes.

- ◆ Discussion. Minutes are a record of what was *done* at the meeting, not what was *said* at the meeting.
- ◆ Motions that were withdrawn.
- ◆ Name of person who seconded a motion.
- ◆ Flowery language.
- ◆ Reports in detail.
- ◆ Transcripts of the meeting. While some groups choose to have a transcript of the meeting, it should never substitute as the minutes of the meeting.

Getting the Minutes Approved

The minutes are made official only after they are approved, which usually takes place at the next meeting.

If your organization frequently makes changes to the minutes, you might want to send out the initial, unapproved set with the word "draft" clearly printed on them. Then, when the minutes have been changed and approved, the official minutes can be sent out.

If your organization seldom has changes to the minutes, two sets, one draft and one approved, will probably be unnecessary.



Gavel Gaffs

Although including the words "Respectfully submitted" right before the secretary's signature used to be common practice, it is considered outdated to do so today. Instead, simply sign your name.

Sign 'em

After the minutes have been corrected and approved by the membership, they should be signed by the secretary (the president's signature isn't required). The word "approved" and the date of the approval should also be included.

Book 'em

The official copy of the minutes are the property of the organization. They should be entered in the *minutes book* and kept by the secretary if the organization doesn't have a headquarters office. If there is an office, the official copy of the minutes should be kept there.



Robert's Says

The minutes book is usually a three ring binder, that contains a complete copy of all of the minutes.

From: Sally McGuire [mailto:chilkootmcguire@yahoo.com]
Sent: Tuesday, November 22, 2011 12:59 PM
To: Julie Cozzi
Subject: proposal to abbreviate minutes

Julie, could you send this out to BA, Mayor, Manager (again!).- Not today, of course: it's for the next regular meeting. ... thanks! sally

I see that Mayor Scott wants to make some changes to the way that Haines Borough does business. Some of her suggestions are very good, eg no eating during meetings (how about a longer break, with hot water for tea or coffee available? Five minutes is way too short.). Also I find it reasonable that BA members might offer a short written or verbal justification for an agenda request (in exchange for which, the Mayor could perhaps pledge to actually put the item on the agenda). Greater freedom to comment is great too, though I do still support a time limit equal for all.

But I strongly disagree with the idea of getting rid of Haines' excellent written minutes and substituting only "action minutes". Thorough minutes are essential. Nobody gets to all the meetings and we need to know who said what; how they justified their votes. Of course the minutes are "filtered through the clerk"-- they always have been, everywhere. So what? Minutes are approved at the start of every meeting. If anyone objects to anything, he or she has the right to say so publicly and have the minutes modified. As for the time it takes to do them, well that's one of the essential jobs that we pay our clerk for, and anyhow it's been my impression that she does most of the work while sitting at the dias where she has to be anyway.

I gather that there are places where they do only this very abbreviated form of minutes. We can do better. Besides that, please note that Haines is lucky to still have a home-town newspaper that covers Assembly meetings- many places don't. If we should lose our paper then the minutes will be our only recourse- don't let's lose them!

One other thing, I noticed that there is a proposal to make more use of committees to do more of Haines' business. These are appointed of course, not elected. They most certainly need to keep complete minutes too so there is a clear record to help our elected officials in deciding whether or not to accept recommendations from those bodies.

Thank you, Sally McGuire

Deborah Vogt
P.O. Box 675
Haines, AK

December 5, 2011

Mayor Scott and Haines Borough Assemblymembers

Synopsis (Summary) or Action Minutes

Ordinance 11-11-277

I am writing to express my opposition to the proposed change to HBC 2.10.040 that would provide that the clerk enter in the minutes only the actions of the assembly, and not a synopsis of any discussion by the assembly. I think this change would diminish significantly the ability of the public to be informed, and to be involved in, our local government.

Many people to whom I have spoken access the minutes of the assembly meetings in order to understand not only what the assembly has done, but why it has done it. The minutes often reflect comments by assembly members expressing their reasons for voting the way that they do. Minutes also can provide a tool for doing research on a topic. You have asked, for example, that a member provide historic actions on a particular subject if the member introduces an ordinance. The historic record will be much more meaningful if the rationale for the assembly's prior action is available. Indeed, a member may be convinced by that prior rationale that the past action should not be disturbed.

I recognize that summary minutes are by nature subjective, and filtered through the clerk. However, there are a couple of reasons that this should not be a deterrent to using them. First, the minutes are backed up by the actual voice recording, which is available to anyone who needs absolute accuracy. Second, the minutes are available in draft form to the mayor and the Assemblymembers before they are finalized; they have the opportunity to make any corrections that they believe are appropriate. I further understand that some may argue that summary minutes expose the assembly or a member to liability. I have never heard of an instance when assembly comments were misrepresented, much less an instance in which liability was at issue. However, if this is a real concern, I suggest that the minutes be prefaced (or concluded) with a disclaimer such as; "Every effort has been made to insure the accuracy of these minutes; however if it is crucial to know the exact words spoken, the official voice record should be consulted."

Summary minutes are often used, to the great benefit of those who consult them. There are three or four volumes of summary minutes of the Alaska Constitutional Convention. These minutes are regularly used by lawyers such as myself to understand and argue about the purpose or correct interpretation of constitutional provisions. The Alaska Supreme Court regularly relies on those summary minutes. The same is true of our own charter committee -- the minutes of the meetings of that committee were consulted by our own borough attorney in researching the difference between the code and charter provisions dealing with filling an assembly vacancy. This research convinced

me to change my initial opinion that the two were inconsistent. Because of what he found in those minutes, I became convinced that the two provisions could be harmonized.

The Handbook of the Alaska Association of Municipal Clerks identifies three types of minutes: verbatim, summary and action, and supports these of summary minutes. AAMC Handbook, Chapter Two, page 10. The handbook states that "Summary minutes are generally used for municipal meetings. It is good to summarize points of any lengthy discussion or actions to help explain the governing body's thoughts."

Every committee of the Alaska Legislature produces summary minutes, which become a part of the historic record for every bill enacted by the legislature. At the State level, almost all of the work done on a bill happens in committee. These committees all have staff who both record the meeting and produce comprehensive notes. The floor sessions (House or Senate) do produce only action minutes -- a very frustrating thing for the researcher, in the rare occasion that substantive changes are made on the floor. I understand that Mayor Scott intends to make more use of the assembly's standing committees; if substantive work is done in committees the public will be able to track this work only by attending the meeting or by reviewing summary minutes of the committee. This last would require that either Julie attend every committee meeting to take notes, or that a member of the committee take notes that are as informative as the ones Julie has done for assembly meetings.

In sum, I believe that our public process would deteriorate if this change is adopted. I urge the members of the assembly to vote against the adoption of this provision.

Thank you.



Memo from the Clerk

Date: January 10, 2012
To: Mayor and Assembly
Cc: Borough Manager
From: Julie Cozzi, MMC, Borough Clerk
Re: Ordinance 11-11-277 – Proposed Amendments

Following are additional amendments recommended by the mayor and staff. These may be added to the draft ordinance by motion, and I have provided suggested motion wording below each section for your consideration.

2.10.030 Agenda.

A. Regular and Special Assembly Meetings. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the assembly shall be delivered to the clerk ~~by Tuesday the week before the meeting (one week plus one day prior)~~ **by the deadlines stipulated in the current assembly-approved agenda preparation schedule**, whereupon the mayor, with assistance from the ~~agenda for each meeting shall be prepared by the manager and the~~ clerk, **after consultation with the mayor**, shall arrange a list of such matters according to the order of business and ~~the~~ clerk shall furnish each member of the assembly, the mayor, manager and chief fiscal officer with a copy of the same in packet form five **calendar** days in advance of the assembly meeting, ~~including Saturdays, Sundays and holidays~~. Packets may also be prepared as necessary for other officers, department heads, and members of the press or other interested parties ~~as directed by the mayor~~.

2.10.050 Assembly rules – Amendment, suspension and violation.

~~A. A proposed amendment to, or repeal of, any rule of the assembly shall be submitted in writing, be laid on the table at the meeting to which it is submitted and shall become the first item of unfinished business at the next regular meeting.~~

~~B.A.~~ In all matters of parliamentary procedure not covered in the rules of the assembly, Robert's Rules of Order shall be applicable and govern.

~~C.B.~~ The borough assembly rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose ~~of an emergency nature~~ by a vote of the majority of assembly members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it to consideration.

~~D.C.~~ If any member, in speaking or otherwise, transgresses the rules of the assembly, the presiding officer shall, or any member can, call that member to order; in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain; and the assembly, if appealed to, shall decide the question without debate. If the decision be in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the assembly to proceed in order

Suggested amendment motion offered by the Clerk:

"I move to amend Ordinance 11-11-277, by adding Sections 2.10.030 and 2.10.050 and rewording the text as recommended in the January 10, 2012 memo from the clerk."



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 11-015
Assembly Meeting Date: 1/10/12

Business Item Description:	Attachments:
Subject: Ordinance repealing Haines Borough Code Section 3.04.050	1. Ordinance 11-11-278
Originator: Mayor Stephanie Scott	
Originating Department: Mayor/Assembly	
Date Submitted: 11/11/11	

Full Title/Motion:
Motion: Adopt Ordinance 11-11-278.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$ 0	\$ 0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
------------------------	--

Summary Statement:
This ordinance is recommended by the mayor as a result of the assembly's discussions during the 11/3 committee of the whole work session. It was introduced on 11/15 and had a first public hearing on 12/13.

Referral:

Sent to:	Date:
Recommendation:	Refer to: Meeting Date:

Assembly Action:

Workshop Date(s): 11/3/11	Public Hearing Date(s): 12/13/11, 1/10/12
Meeting Date(s): 11/15/11, 12/13/11, 1/10/12	Tabled to Date:

An Ordinance of the Haines Borough repealing Haines Borough Code Title 3 Section 3.04.050 to remove the requirement for assembly review and approval of invoices.

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. Repeal of Section 3.04.050. Section 3.04.050 of the Haines Borough Code is hereby repealed as follows:

NOTE: ~~STRIKETHROUGH~~ ITEMS ARE DELETED

~~3.04.050 Assembly review and approval.~~

~~The assembly shall designate which invoices for payment they wish to review for approval of payment and which are considered routine in nature and can be authorized by the chief fiscal officer. All bills for review shall be made available to the assembly finance committee prior to the beginning of the selected monthly assembly meeting.~~

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2012.

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 11/15/11
Date of First Public Hearing: 12/13/11
Date of Second Public Hearing: 01/10/12



Haines Borough Administration
Mark Earnest, Borough Manager
(907)766-2231 • Fax(907)766-2716
mearnest@haines.ak.us

January 10, 2012

Water Plant Roof Update

On December 21, 2011, John Koch of HDR Engineering, Inc. visited Haines at the request of the Borough to inspect the Wastewater and Water Treatment Plants. Mr. Koch is an engineer currently working on a utility project in Skagway. During the tour of the Water Treatment Plant, he stated that the roof of the structure was in imminent danger of failure and that immediate action was needed to make the necessary repairs to the structure. Due to concerns for worker safety and potential disruption of municipal water treatment and distribution and fire protection, I as Borough Manger deemed it necessary and in the public interest to immediately enter into a sole source contract pursuant to Section 3.60.180 of the Haines Borough Code as an emergency procurement.

3.60.180 Emergency contracts.

Whenever, because of any emergency, it is deemed necessary and in the public interest by the manager to enter into any contract without following the applicable competitive bidding procedures required by this title, the manager shall authorize such emergency contract if the estimated sum involved does not exceed \$50,000. If the estimated contract sum involved is greater than \$50,000, the manager shall refer any proposed emergency contract to the assembly for its approval and authorization to waive the competitive bid procedures. (Ord. 07-08-163)

At the recommendation of Brian Lemcke, Public Facilities Director, I entered into a contract with Stickler Construction for labor and equipment to perform the repairs, in an amount not-to-exceed \$50,000 on December 22, 2011, a copy of which is attached. The Borough purchased separately the materials, which consisted of framing, roofing, insulation, and related items. It should be noted that the main steel frame appears to be in relatively good condition, but the steel will be inspected when the existing roofing materials are removed.

Funding for the repairs is included in the proposed FY12 Budget Amendment scheduled for introduction at the January 10, 2012 Assembly meeting.

Solid Waste

Recent events regarding acceptance, processing, and treatment of solid waste in Haines has become a significant concern requiring a significant amount of attention over the past month. We are pursuing several courses of action to address immediate and long-term concerns.

The most compelling short-term issue for the Borough is the disposal of sludge and screenings from the Borough's Wastewater Treatment Plant. Community Waste Solutions is no longer able to accept these products at their landfill facility. Borough staff has come up with a plan and implemented a system for treating sludge. We will need to have the plan approved by the Alaska Department of Environmental Conservation, but Scott Bradford has been working with the department on this effort. Regarding the screenings, we have requested assistance from HDR Engineers to develop a plan for treating this product. The good news at least in the short term is that the volumes of both sludge and screenings are relatively small, and there are existing technologies and systems that can be incorporated into our existing facility.

To address the bigger-picture questions, I have requested from Jeff Brown of Epicenter Services, LLC a scope of work and fee proposal for a Haines Borough Waste Management System technical report. Mr. Brown is a consultant and colleague with Jeff Morris of Zerowaste who was very involved in the May 2000 Haines Borough Solid Waste Management Plan. The purpose of the current effort is to (1) work with the Borough to identify options and develop a shortlist of waste management system alternatives and (2) produce initial analysis of options with pros/cons of the various approaches, with order of magnitude of costs, as needed for the Borough to make decisions on how to proceed. I have authorized Mr. Brown to travel to Haines to begin this work. He is scheduled to arrive in Haines late in the afternoon on Wednesday, January 11 and depart early Saturday, January 14. This is a fairly complex undertaking, and consulting services are required in order for the Borough to navigate through the technical, regulatory, financial, and legal issues.

I have attached some background materials on these efforts to this report.

Budget Impacts from CWS Rate Increase

Included in the Assembly packet is information from Jila Stuart, CFO, regarding impacts to the Borough FY12 Budget as a result of the recent rate increase Community Waste Solutions for solid waste services.

Crystal Cathedrals Water System Update

Carson Dorn has delivered a draft technical memorandum titled: "Crystal Cathedral Water System Pressure Evaluation." The draft memorandum presents three options and associated capital cost estimates for connecting Crystal Cathedral water system to the Borough's water system. One of the most important considerations in this effort is achieving water pressures that are in an acceptable range. The options include booster pumps for individual residences at the higher elevations, a water booster pump station with standby generators, and water booster pump and water tank. There are approximately 20 lots within Cathedral View Drive and Hooter lane that cannot be adequately served by the current Borough water system due to elevation / water pressure constraints.

Community Center RFQ Selection Committee

The following is my recommendation for the Community Center RFQ Selection Committee composition.

1. Parks & Recreation Advisory Committee representative
2. Chilkoot Indian Association representative
3. Planning Commission member
4. Borough Assembly member
5. Borough Assembly member
6. Downtown Revitalization Committee representative
7. School District representative

Haines Borough Facilities

In an effort to accelerate the Borough Facility Master Plan project, which is currently identified as the Borough's #2 State Legislative priority project for 2012, I would offer the following option for Assembly's consideration: Fund the effort through existing Borough General Fund balance, and pursue design and construction funding for facility deferred maintenance through the Legislature.

The Master Plan effort is being proposed at a cost of \$150,000. If Assembly concurs with this direction, the current FY 12 Budget Amendment could be amended to fund this effort internally. It would also demonstrate to the State that the Borough is serious about this need and is willing to contribute Borough funds.

Additionally, the same approach can be taken for the Chilkat Center roof repairs. The Assembly approved a motion allocating up to \$50,000 to begin efforts to address the roof deficiencies at that facility at the December 13 meeting. I would recommend that this effort also be included as a budget

amendment to the CIP Fund. Although there are sufficient funds to accomplish this task, placing the Chilkat Center repairs above other Borough priorities means other important deferred maintenance projects will be delayed until funding for them is approved at a later date.

It is important to note that the CIP Fund is used regularly to develop preliminary design / cost estimates for grant submittals. This approach has proven to be very successful in achieving higher evaluation scores by grant agency reviews.

Suggestion for consideration: Add to the Budget Amendment (CIP Fund - General Fund Reserve):

- Chilkat Center Roof Repairs - \$50.0
- Borough Facility Master Plan - \$150.0

Picture Point Development Grant Application

The grant application to for Picture Point – Phase II development has been submitted to the Alaska Department of Transportation and Public Facilities. As previously reported, the grant funding source is the U.S. Department of Transportation, National Scenic Byways program. The proposed scope of work includes design and construction of visitor amenities and other improvements as envisioned by the land acquisition application last year.

Picture Point Park Ordinance

I met with Rob Goldberg, Chair of the Planning Commission, to make revisions to the Picture Point Park Ordinance. As previously reported, the Borough is obligated to establish a mechanism for protecting "in perpetuity" the compensatory mitigation measures at Picture Point for the Port Chilkoot Dock Waterfront Improvements project. The proposed ordinance establishing Picture Point Park satisfies the terms of the permit imposed by the U.S. Army Corps of Engineers. PND Engineers has outlined the special conditions, including restoration and enhancement of intertidal shoreline at Picture Point to establish tide pools and create a park. The revised ordinance will be taken up by the planning Commission at their next meeting.

Haines Port Development Request for Qualifications

The Borough has received four separate Qualification Statements from firms in response to the Borough's Request for Qualifications to assist in the Haines Port Development project. The Haines Port Steering Committee (HPSC) will be tasked with reviewing the submittals and make a recommendation for Assembly's consideration.

RFP/RFQ Update

We are currently working on the following Request for Proposals and Request for Qualifications:

- Lutak Port Development RFQ (Qualification Statements received – pending review by HPSC)
- Community Center RFQ (Qualification Statements received – pending review by SC)
- Chilkat Center Roof RFQ (alternate plan – scope and cost estimate provided by JYL)
- Borough Land Sales RFP (on hold pending Comp Plan)
- Junk and Impound Vehicle RFP (in progress)
- Excursion Inlet Hydro Reconnaissance Study RFP (currently being developed)

Personnel:

I overlooked a recent hire for a very important Borough position. Please take a moment in welcoming Jennifer F. Walsh as our new Firefighter/EMT. She is a wonderful addition to our public safety crew. She has amazing talents, is hard working, and a great perspective.



**HAINES BOROUGH
Construction Services Contract
and NOTICE TO PROCEED**

**Emergency Roof Repair Project
Water Treatment Plant**

The Haines Borough ("the Borough") hereby issues a Notice to Proceed to Stickler Construction, Inc., ("the Contractor") effective December 22, 2011. Pursuant to HBC 3.60.180 Emergency contracts, the borough manager has deemed it necessary and in the public interest to enter into this contract without following competitive bidding procedures.

After examination, several engineers have determined the roof of the Haines Water Treatment Plant is in imminent danger of collapse and requires immediate emergency repair. In order to safeguard the Borough's employees, equipment and ability to supply safe water to the community, the borough manager has authorized this emergency contract with the Contractor. The total funds payable to the Contractor under this contract are estimated not to exceed \$50,000.

The Borough enters into this agreement with the Contractor to provide labor and equipment rental for the following repairs:

1. Remove and dispose of the existing roofing, insulation and framing;
2. Attach new pressure-treated 4"x10" purlins to existing structural steel framing members;
3. Install ¾" OSB, 15lb felt and new 24-gauge steel roofing including all trims and closures, as required, (Tahoe Blue in color) over the entire roof system;
4. Install 6" fiberglass insulation, 6 mill CVB and ½ inch OSB to ceiling;
5. Protect the interior of the building and the equipment within from the elements and falling debris during construction;
6. Provide clean-up at the end of the job; and
7. Communicate with the Haines Public Facility Director prior to any changes in materials or methods.

The Contractor will provide the Borough with proof of all required licensing and insurances.

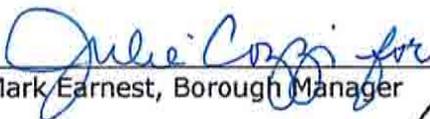
The Contractor will invoice the Borough for all labor and equipment rental as noted in the attached cost schedule. This project is subject to AS 36.5, Minimum Wage Rates, and certified payroll reporting.

The Borough will provide all necessary materials, related disposal fees, and sanding of the work area, as needed.

The Contractor recognizes the emergent nature of this project and will begin the work as soon as possible.

HAINES BOROUGH

STICKLER CONSTRUCTION INC.


Mark Earnest, Borough Manager


David Stickler, Principal

12-22-2011
Date

12-22-11
Date



Stickler Construction Company
P.O. Box 974
Haines, Alaska 99827
Ph:(907) 766-2949 Fax: (907) 766-2974
email: sticklerconstructionco@yahoo.com

ESTIMATE

DATE	ESTIMATE #
12/22/2011	349

NAME / ADDRESS
Haines Borough P.O. Box 1209 Haines, Ak. 99827

PROJECT

DESCRIPTION	QTY	COST	TOTAL
Hourly rate for roof repairs on water treatment plant (estimated +- 2.5-weeks x 3-men)	1	77.50	77.50
Equipment Rental as Described: daily rate for forklift (estimated 5-6 days)	1	300.00	300.00
Equipment Rental as Described:Daily rate for dump truck+hauling (estimated 3-4 days)	1	200.00	200.00
Equipment Rental as Described: Daily rate/ hand power (approximate 15 days)	1	25.00	25.00
Equipment Rental as Described: Daily Air compressor & hoses (approximate. 7-10 days)	1	35.00	35.00
Framing Materials as Described: No estimate (owner provided)		0.00	0.00
Roofing Materials as Described: no estimate (owner provided)		0.00	0.00
Insulation Materials as Described: No estimate (owner provide)		0.00	0.00
Job Materials: No estimate (owner provided) Ceiling plywood & paint		0.00	0.00
		TOTAL	\$637.50

E-mail	SIGNATURE
sticklerconstructionco@yahoo.com	_____

Water and Sewer Department
P.O. Box 1209
Haines Alaska 99827
766-2200

Haines Borough

Memo

To: Manager Mark Earnest
From: Scott Bradford
CC: Brain Lemcke
Date: January 4, 2012
Re: Sludge/Screenings

Manager Mark Earnest

With the land fill not taking sludge and screenings at this time, we are looking at our options to dispose of the sludge and screenings. Some of the options are shipping out of town, composting and there may be others that we looking for. Important note is sludge and screenings are treated differently and must be disposed of separately.

Disposal of Sludge:

1. Shipping out of town to another location that is approved to accept sludge. This needs to be looked in to more, for the cost of shipping, type of container, location to ship to etc.
2. Composting is an option and we have done some in house on a trial bases since 2008. It does work and it is done in other towns. (Fairbanks and Ketchikan) more on this.
3. We could develop our own sewage sludge monofill. We would to submit a monofill permit application to DEC following the regulations under 18 AAC 60.470. This is burying in the ground and keeping it covered.
4. Other options.

Disposal of Screenings:

1. Shipping out of town same problems as above with sludge. To reduce the volume and wait we would need a better screening system that does a better job of cleaning the screenings and to dewater the screens. This would make them lot lighter and reduce the volume. This could be bagged and shipped.
2. Monofill same as above.
3. Other options.

HDR during there short visit had some thoughts on the screenings and sludge. There services would be a great help and what ever we decide to do we will need to submit a plan to DEC for there approval and HDR could be a great help with that.

The composting that we have been doing in house for the last 3 years has been and in vessel composting and the way we have doing it is vary labor intensive so it has been done on a limited bases. This could be an option for disposal of our sludge. We would need some equipment, space, course sawdust or wood chips and a plan.

I have included some information from the EPA
http://water.epa.gov/scitech/wastetech/biosolids/503pe_index.cfm

Water and Sewer Plant Operator

Scott Bradford

Chapter 1

Use or Disposal of Sewage Sludge Biosolids

Background on the Part 503 Rule

As required by the Clean Water Act Amendments of 1987, the U.S. Environmental Protection Agency (EPA) developed a new regulation to protect public health and the environment from any reasonably anticipated adverse effects of certain pollutants that might be present in sewage sludge biosolids. This regulation, *The Standards for the Use or Disposal of Sewage Sludge* (Title 40 of the Code of Federal Regulations [CFR], Part 503), was published in the *Federal Register* (58 FR 9248 to 9404) on February 19, 1993, and became effective on March 22, 1993. This document will refer to the regulation as "the Part 503 rule" and also as "Part 503."

This guidance document is not a substitute for the actual rule, but it is intended as a helpful tool for interpretation and implementation of the rule.

In this document you will notice the nearly exclusive reference to sewage sludge as biosolids. *Biosolids* are a primarily organic solid product produced by wastewater treatment processes that can be beneficially recycled. The fact that the biosolids can be recycled does not preclude their being disposed. Whenever the document first quotes portions of the Part

503 rule that include the words "sewage sludge," the word "biosolids" is substituted in brackets (e.g., "[biosolids] incinerator" for sewage sludge incinerator). Subsequently, the word biosolids is used without brackets (e.g., sewage sludge incinerators are called "biosolids incinerators").

The Part 503 rule establishes requirements for the final use or disposal of sewage sludge [biosolids] when biosolids are:

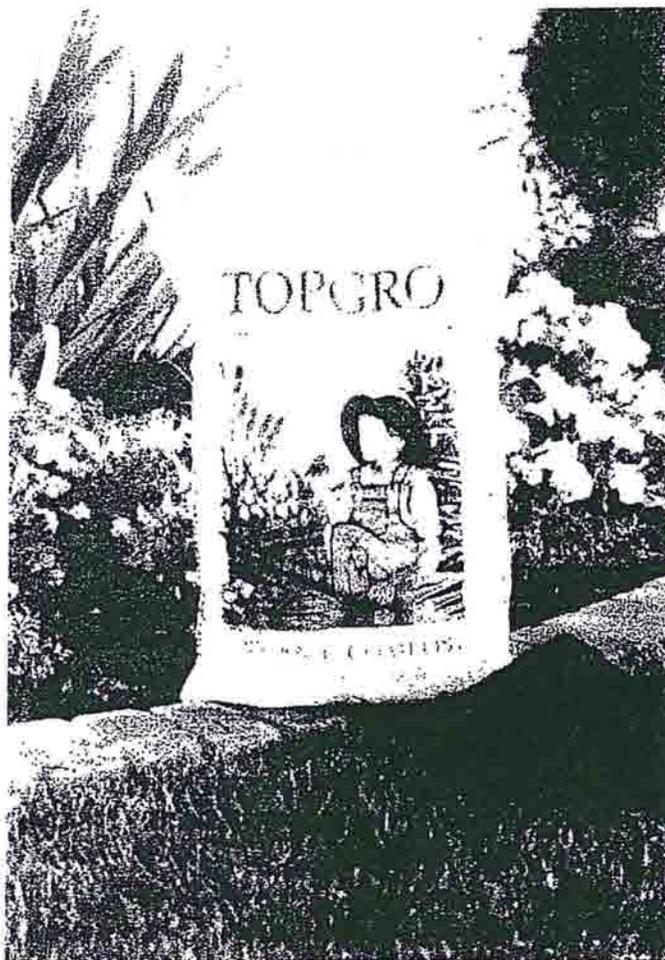
- applied to land to condition the soil or fertilize crops or other vegetation grown in the soil;
- placed on a surface disposal site for final disposal; or
- fired in a biosolids incinerator.

The rule also indicates that if biosolids are placed in a municipal solid waste landfill, the biosolids must meet the provisions of 40 CFR Part 258.

The Part 503 rule was amended on February 25, 1994 (59 FR 9095). The amendment made two changes. It deleted pollutant limits for molybdenum in biosolids applied to land but retained the molybdenum ceiling limits; and in certain situations, it permitted carbon monoxide (CO) monitoring in place of total hydrocarbon (THC) monitoring for biosolids incinerators. Please be aware that there may be further modifications to the currently amended molybdenum and CO provisions as well as changes in other requirements of the rule, mainly involving technical correction and litigation response.

The Part 503 rule is designed to protect public health and the environment from any reasonably anticipated adverse effects of certain pollutants and contaminants that may be present in [biosolids]. The provisions of the Part 503 rule are consistent with EPA's policy of promoting beneficial uses of [biosolids] (see 49 FR 24358, June 12, 1984). Land application takes advantage of the soil conditioning and fertilizing properties of biosolids. A separate EPA booklet (EPA/832-R-93-009), as well as other literature, describes the benefits of using biosolids (see References at the end of this document).

STATE RULES ALSO APPLY TO BIOSOLIDS USE OR DISPOSAL: It is important to note that persons using or disposing of biosolids are subject to State and possibly local regulations as well. Furthermore, these State and other regulations may be more stringent generally than the Federal Part 503 rule, may define biosolids differently, or may regulate certain types of biosolids more stringently than the Part 503 rule. For information on specific State biosolids regulations, consult the appropriate State biosolids permitting authorities listed in Appendix B.



TopGrow organic compost is produced from biosolids and other waste materials by the City of Los Angeles.

Risk Assessment Basis of the Part 503 Rule

Many of the requirements of the Part 503 rule are based on the results of an extensive multimedia risk assessment. This risk assessment was more comprehensive than for any previous Federal biosolids rulemaking effort, the earliest of which began in the mid-1970s. Research results and operating experience over the past 25 years have greatly expanded EPA's understanding of the risks and benefits of using or disposing of biosolids.

Development of the Part 503 rule began in 1984. During this extensive effort, EPA addressed 25 pollutants using 14 exposure pathways in the risk assessment. In this assessment, EPA also developed a new methodology that provided for the protection of the environment and public health. The new method for conducting the multimedia risk assessment was reviewed and approved by EPA's Science Advisory Board.

EPA proposed the Part 503 rule in February 1989. During the four years between the publication of the proposed and final rule, the data, models, and assumptions used in the risk assessment process were reviewed and revised in an effort involving internationally recognized experts working closely with EPA. EPA feels this process has resulted in the establishment of state-of-the-art risk-based standards for controlling the use or disposal of biosolids.

Detailed information describing the risk assessment and technical basis of the Part 503 standards is contained in the Preamble to the Part 503 rule and in several Technical Support Documents, available from the National Technical Information Service (NTIS) (see References at the end of this document).

Purpose of This Document

The purpose of this document is to explain the intent and requirements of the Part 503 rule and to assist owner/operators in determining the extent to which their biosolids management operation is covered. To help clarify the intent of the Part 503 rule, this guidance document sometimes uses terms that do not appear in the rule itself and organizes information differently from the rule. For example, Chapter Two first describes land application of biosolids with the fewest regulatory requirements, then provides a discussion of land application of biosolids for which more regulatory requirements apply.

CAUTION! This document does not serve as a substitute for the actual Part 503 rule and its amendments published in the *Federal Register* and the *Code of Federal Regulations*. Rather, this document is intended to be used as guidance to assist users or disposers of sewage sludge in complying with the rule. In addition, official interpretations of various portions of Part 503 may change after the publication of this guidance document. For clarification on any discussion contained in this guidance document, the actual rule and the appropriate EPA Regional [biosolids] permitting authorities listed in Appendix B should be consulted.

What Are Sewage Sludge Biosolids?

Part 503 defines **sewage sludge** as a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes scum or solids removed in primary, secondary, or advanced wastewater treatment processes and any material derived from sewage sludge (e.g., a blended sewage sludge/fertilizer product) but does not include grit and screenings or ash generated by the firing of sewage



Department of Transportation personnel plant flowers in composted biosolids beds at La Guardia Airport, New York.

sludge in an incinerator. Part 503 considers domestic septage as sewage sludge and sets separate requirements for domestic septage applied to agricultural land, forests, or reclamation sites. **Domestic septage** is defined as a liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar system that receives only domestic sewage. The Part 503 definition of domestic septage excludes grease-trap pumpings and commercial or industrial waste. As previously stated, this guidance document refers to sewage sludge as biosolids to emphasize the beneficial nature of this recyclable biological resource.

Overview of the Rule

The Part 503 rule includes five subparts: general provisions, and requirements for land application, surface disposal, pathogen and vector attraction reduction, and incineration. For each of the regulated use or disposal practices, a Part 503 standard includes general requirements, pollutant limits, management practices, operational standards, and requirements for the frequency of monitoring, recordkeeping, and reporting, as shown in Figure 1-1. For the most part, the requirements of the Part 503 rule are self-implementing and must be followed even without the issuance of a permit.

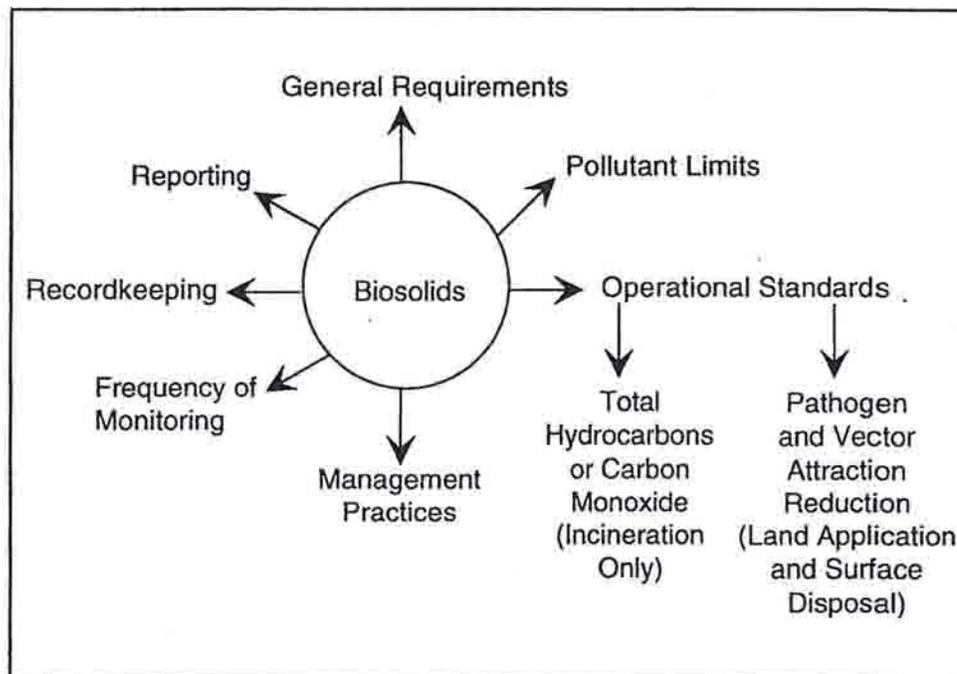


Figure 1-1. What a Part 503 standard includes.

Subpart A—General Provisions

Subpart A of the rule covers general provisions, such as the purpose and applicability of the rule, the compliance period, and exclusions from the rule. These general provisions apply to each of the three biosolids use or disposal practices.

Subpart B—Requirements for Land Application

Options for Land Application of [Biosolids] Under Subpart B:

Subpart B of the rule specifies requirements for biosolids applied to land. The term *apply* means to put biosolids on the land to take advantage of the nutrient content or soil conditioning properties of the biosolids.

The requirements for land application also pertain to material *derived* from biosolids; that is, biosolids that have undergone a change in quality through treatment (e.g., composting) or by mixing with other materials (e.g., wood chips, municipal solid waste, yard waste).

The biosolids land application requirements, which are explained in detail in Chapter Two of this guidance document, are summarized below. (See also *Process Design Manual: Land Application of Sewage Sludge and Domestic Septage*. U.S. EPA, Center for Environmental Research Information, Cincinnati, OH. Expected to be available in early 1995.) There are several options for land applying biosolids under Subpart B of the Part

503 rule, all of which are equally protective of human health and the environment. This guidance discusses these options in order of increasing regulatory complexity.

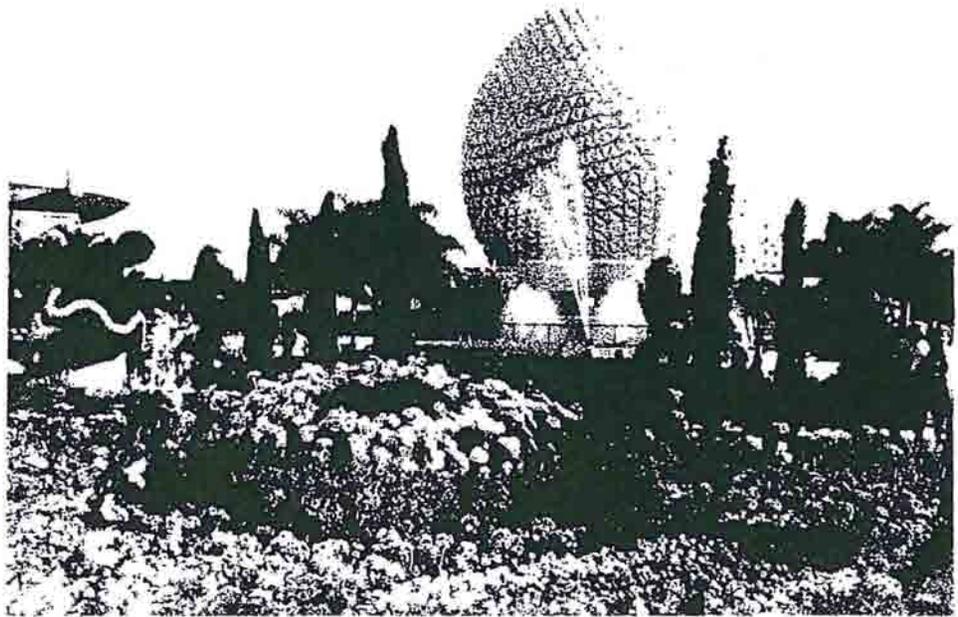
1 Exceptional Quality Biosolids: Although not explicitly defined in the Part 503 rule, this document uses the term *Exceptional Quality (EQ)* to characterize biosolids that meet low-pollutant and Class A pathogen reduction (virtual absence of pathogens) limits and that have a reduced level of degradable compounds that attract vectors. Once the requirements discussed in detail in Chapter Two are met, EQ biosolids are considered a product that is virtually unregulated for use, whether used in bulk, or sold or given away in bags or other containers.

2 Pollutant Concentration Biosolids: Although not explicitly defined in the Part 503 rule, this document uses the term *Pollutant Concentration (PC)* to refer to biosolids that meet the same low-pollutant concentration limits as EQ biosolids, but only meet Class B pathogen reduction and/or are subjected to site management practices rather than treatment options to reduce vector attraction properties. Unlike EQ biosolids, PC biosolids may only be applied in bulk and are subject to general requirements and management practices; however, tracking of pollutant loadings to the land is not required.

A majority of the biosolids currently generated in the United States are believed to be EQ or PC biosolids containing low levels of pollutants. EPA expects that many municipalities will strive to produce EQ or PC biosolids because of the reduced regulatory requirements and the anticipated improved public perception about using EQ and PC biosolids beneficially. Cumulative levels of pollutants added to land by EQ or PC biosolids do not have to be tracked because the risk assessment has shown that the life of a site would be at least 100 to 300 years under the conservative parameters assumed.

3 Cumulative Pollutant Loading Rate (CPLR) [Biosolids]: CPLR biosolids typically exceed at least one of the pollutant concentration limits for EQ and PC biosolids but meet the ceiling concentration limits (see Chapter Two). Such biosolids must be applied to land in bulk form. The cumulative levels of biosolids pollutants applied to each site must be tracked and cannot exceed the CPLR.

4 Annual Pollutant Loading Rate (APLR) [Biosolids]: APLR biosolids are biosolids that are sold or given away in a bag or other container for application to the land that exceed the pollutant limits for EQ biosolids but meet the ceiling concentration limits (see Chapter Two). These biosolids must meet APLR requirements and must be accompanied by specific biosolids application rate information on a label or handout that includes instructions on the material's proper use.



Biosolids compost enhances gardens at Walt Disney World Epcot Center in Orlando, Florida.



Compost derived from biosolids is used to condition mountain soils near Denver, Colorado.

Each of the options for land applying biosolids are affected by the Part 503 February 25, 1994, amendment, which states that EPA is reconsidering appropriate land application and pollutant limits for molybdenum.

During the period of reconsideration, only ceiling limits for molybdenum must be met. Molybdenum pollutant limits for EQ, PC, CPLR, or APLR biosolids have been deleted.

Options for Using or Disposing of Domestic Septage Under Subpart B:

If domestic septage is applied to land with a high potential for contact by the public (e.g., public parks, ball fields, cemeteries, plant nurseries, and golf courses), the Part 503 land application requirements apply. However, when domestic septage is applied to nonpublic contact sites (e.g., agricultural land, forests, and reclamation sites), less burdensome requirements may apply. A separate EPA guidance document, entitled *Domestic Septage Regulatory Guidance: A Guide to the EPA 503 Rule*, provides detailed guidance on how to comply with these requirements.

Subpart C—Requirements for Sewage Sludge Placed on a Surface Disposal Site

Subpart C of the rule covers requirements for biosolids—including domestic septage—placed on a surface disposal site.

Placement refers to the act of putting biosolids on a parcel of land at high rates for final disposal rather than using the organic content in the biosolids to condition the soil or using the nutrients in the biosolids to fertilize crops. Placing biosolids in a monofill, in a surface impoundment, on a waste pile, or on a dedicated site is considered surface disposal.

Treatment and **storage** of biosolids are not considered surface disposal. **Treatment** is the preparation of biosolids for final use or disposal through such activities as thickening, stabilization, and dewatering. **Storage** is the placement of biosolids on the land for 2 years or less. Placement on land for longer than 2 years is considered surface disposal unless the site owner/operator retains written records demonstrating clearly to the permitting authority that the area of land onto which biosolids are placed is not a surface disposal site but rather, based on management or operational practices, constitutes a treatment or temporary storage site.

Surface disposal requirements and the difference between disposal, treatment, and storage of biosolids are explained in Chapter Three of this document. (See also *Process Design Manual: Land Application of Sewage Sludge and Domestic Septage*.)

Certain materials *derived* from biosolids, the quality of which has been changed by treating the biosolids or by mixing them with other materials (e.g., wood chips), are subject to the surface disposal requirements in Part 503 with one exception. If biosolids are mixed with nonhazardous solid wastes, the mixture and the land onto which the mixture is placed are subject to the solid waste regulations (40 CFR Part 258) instead of Part 503.

Subpart D—Requirements for Pathogen and Vector Attraction Reduction

Subpart D of the Part 503 rule covers requirements for the control of disease-causing organisms, called *pathogens*, in biosolids and the reduction of the attractiveness of biosolids to *vectors*, such as flies, mosquitoes, and other potential disease-carrying organisms. These requirements are described in Chapter Five of this document. Pathogen and vector attraction reduction requirements also are briefly described for biosolids applied to land or placed on a surface disposal site in Chapters Two and Three of this document. More detailed guidance on meeting pathogen and vector attraction reduction requirements is provided in another EPA publication (see References, EPA/625-R-92-013).

Subpart E—Requirements for Sewage Sludge Fired in a Sewage Sludge Incinerator

Subpart E of the rule covers the requirements for biosolids fired in a [biosolids] incinerator. The firing of biosolids with auxiliary fuels also is covered by the Part 503 incineration requirements. *Auxiliary fuel* materials include gas, oil, coal, and other materials that serve as a fuel source.

The co-firing of biosolids in an incinerator with other wastes is generally not regulated under Part 503. It should be noted, however, that wastes either in auxiliary fuel or mixed and co-fired with biosolids are considered to be auxiliary fuel when the weight is less than or equal to 30 percent (by dry weight) of the total biosolids and auxiliary fuel mixture. The requirements in Subpart E for biosolids incineration are discussed in Chapter Four.

The February 25, 1994, amendment to the Part 503 rule states that under certain conditions EPA will allow continuous monitoring of carbon monoxide emissions from biosolids incinerators as an alternate to continuous monitoring of total hydrocarbons in emissions. The details of the amendment are also discussed in Chapter Four.

To Whom the Rule Applies

Part 503 applies to any person who applies biosolids to the land or fires biosolids in a biosolids incinerator, and to the owner/operator of a surface

disposal site, or to any person who is a preparer of biosolids for use, incineration, or disposal. Part 503 defines a **person** as an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. A **preparer** is a person who generates or derives a material from biosolids (i.e., changes the quality of biosolids).

Exclusions from the Rule

Part 503 specifies certain exclusions from the rule. These exclusions are listed in Figure 1-2. Also listed in Figure 1-2 are the Federal regulations that apply to biosolids-related activities not covered by the Part 503 rule.

Permits

Self-Implementing Nature of the Rule

In most cases, the Part 503 rule is **self-implementing**—that is, preparers, land appliers, owner/operators of surface disposal sites, or biosolids incinerators, and other users or disposers of biosolids must comply with the Part 503 rule (including the compliance dates listed in Table 1-2), even if they have not been issued a permit covering biosolids use or disposal requirements. Similarly, EPA (or an approved State) can take enforcement actions directly against persons who violate the Part 503 requirements.

Who Must Apply for a Permit

A person must apply for a permit covering biosolids use or disposal standards if they own or operate a treatment works treating domestic sewage. A person is an owner or operator of a **treatment works treating domestic sewage (TWTDS)** if the facility generates, changes the quality of, or provides final disposition of solids, practices for which are ultimately subject to the Part 503 rule.

Table 1-1 provides a more detailed summary of who does and does not have to apply for a Federal permit. Appendix A lists the type of information that should be provided in a permit application. Interim application forms are available from EPA's Office of Wastewater Management.

In most cases, Part 503 requirements will be incorporated over time into National Pollutant Discharge Elimination System (NPDES) permits issued to publicly owned treatment works (POTWs) and TWTDSs. As decided by the permitting priorities of EPA Regions and approved States, "biosolids-only" permits covering applicable Part 503 requirements are likely to be issued to non-NPDES facilities as well. A permit applicant who has not received a response from EPA should continue to comply with the applicable provisions of the Part 503 rule.

FIGURE 1-2
Exclusions from Part 503

Part 503 Does Not Include Requirements For:	Applicable Federal Regulation
<p>Treatment of Biosolids Processes used to treat sewage sludge prior to final use or disposal (e.g., thickening, dewatering, storage, heat drying).</p>	None (except for operational parameters used to meet the Part 503 pathogen and vector attraction reduction requirements)
<p>Selection of Use or Disposal Practice The selection of a biosolids use or disposal practice.</p>	None (the determination of the biosolids use or the disposal practice is a local decision)
<p>Incineration of Biosolids with Other Wastes Biosolids co-fired in an incinerator with other wastes (other than as an auxiliary fuel).</p>	40 CFR Parts 60, 61
<p>Storage of Biosolids Placement of biosolids on land for 2 years or less (or longer when demonstrated not to be a surface disposal site but rather, based on practices, constitutes treatment or temporary storage).</p>	None
<p>Industrial Sludge Sludge generated at an industrial facility during the treatment of industrial wastewater with or without combined domestic sewage.</p>	40 CFR Part 257 if land applied 40 CFR Part 258 if placed in a municipal solid waste landfill
<p>Hazardous Sewage Sludge Sewage sludge determined to be hazardous in accordance with 40 CFR Part 261, <i>Identification and Listing of Hazardous Waste</i>.</p>	40 CFR Parts 261-268
<p>Sewage Sludge Containing PCBs ≥ 50 mg/kg Sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry-weight basis).</p>	40 CFR Part 761
<p>Incinerator Ash Ash generated during the firing of biosolids in a biosolid incinerator.</p>	40 CFR Part 257 if land applied 40 CFR Part 258 if placed in a municipal solid waste landfill or 40 CFR Parts 261-268 if hazardous
<p>Grit and Screenings Grit (e.g., sand, gravel, cinders) or screenings (e.g., relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.</p>	40 CFR Part 257 if land applied 40 CFR Part 258 if placed in a municipal solid waste landfill
<p>Drinking Water Sludge Sludge generated during the treatment of either surface water or ground water used for drinking water.</p>	40 CFR Part 257 if land applied 40 CFR Part 258 if placed in a municipal solid waste landfill
<p>Certain Non-domestic Septage Septage that contains industrial or commercial septage, including grease-trap pumpings.</p>	40 CFR Part 257 if land applied 40 CFR Part 258 if placed in a municipal solid waste landfill

**TABLE 1-1
Who Must Apply for a Permit?**

Treatment Works Treating Domestic Sewage (TWTDS) Required to Apply for a Permit
All generators of biosolids that are regulated by Part 503 (including all POTWs)
Industrial facilities that <i>separately</i> treat domestic sewage and generate biosolids that are regulated by Part 503
All surface disposal site owner/operators
All biosolids incinerator owner/operators
Any person (e.g., individual, corporation, or government entity) who changes the quality of biosolids regulated by Part 503 (e.g., biosolids blenders or processors) ^a
Any other person or facility designated by the permitting authority as a TWTDS

TWTDS and Other Persons Not Automatically Required To Apply for a Permit^b
Biosolids land applicators, haulers, persons who store, or transporters who do not generate or do not change the quality of the biosolids
Land owners of property on which biosolids are applied
Domestic septage pumpers/haulers/treaters/appliers
Biosolids packagers/baggers (who do not change the quality of the biosolids)

^a If all the biosolids received by a biosolids blender or composter are exceptional quality (EQ) biosolids (see Chapter Two for full explanation of EQ biosolids), then no permit will be required for the person who receives or processes the EQ biosolids.

^b EPA may request permit applications from these facilities when necessary to protect public health and the environment from reasonably anticipated effects of pollutants that may be present in biosolids.

Site-Specific Permit Limits

Biosolids incinerator owner/operators are required to have site-specific pollutant limits in their permits, and certain surface disposal sites with unique site conditions may also apply for site-specific pollutant limits. Site-specific permit limits are not allowed for land application sites; to the extent the owner of a land application site desires permit limits exceeding pollutant ceiling concentrations, the site may be more appropriately addressed as a surface disposal site (and subject to the Part 503 requirements for surface disposal).

Who Issues the Permit?

At the time this guidance document was published, the permitting authority for Part 503 was EPA. Thus, applications for a Federal biosolids permit must be submitted to the appropriate EPA Regional Office, not the State. This will remain the case until the biosolids management programs of individual States are approved by EPA. Until a State has an EPA-approved program, EPA will remain the permitting authority.

Note that State laws regarding the use or disposal of biosolids, including permit requirements, must be complied with, even if the State program has not received Federal approval.

Unless Otherwise Specified by the Permitting Authority

There are a number of places in the Part 503 rule that indicate *unless otherwise specified by the permitting authority*. For example, two instances where a permitting authority could be asked to establish different requirements are: (i) to apply biosolids to reclamation sites in excess of the agronomic rate, or (ii) to apply biosolids closer than 10 meters to waters of the United States. The permitting authority could establish such different requirements for biosolids use or disposal through a permit or other enforceable means on a case-by-case basis (e.g., a letter of approval under the authority of Section 308 of the Clean Water Act [CWA] or a settlement agreement).

Compliance with, and Enforcement of, the Rule

Compliance deadlines under the Part 503 rule vary according to the type of requirement (e.g., compliance dates for frequency of monitoring and for recordkeeping and reporting requirements differ from compliance dates for other requirements) and whether new pollution control facilities will have to be constructed to meet the requirement. Compliance dates for all Part 503 requirements are provided in Table 1-2.

To ensure compliance with Part 503, regulatory authorities have the right to inspect operations involved in the use or disposal of biosolids; review and evaluate required reports and records; sample biosolids at regulated facilities; and respond to complaints from persons affected by an alleged improper use or disposal of biosolids. If records are not kept or other Part 503 requirements are not met, EPA can initiate enforcement actions.

Violations of the Part 503 requirements are subject to the same sanctions as wastewater effluent discharge violations—EPA can sue in civil court and seek remediation and penalties, and it can prosecute willful or negligent violations as criminal acts. If a problem occurred (e.g., ground-water

TABLE 1-2
Compliance Dates for Part 503 Requirements

Part 503 Requirement	Compliance Date
Land Application and Surface Disposal	
Initial monitoring and recordkeeping	July 20, 1993
All other requirements <i>when current pollution control facilities are adequate to meet requirements, including initial reporting when required</i>	February 19, 1994
All other requirements <i>when construction of new pollution control facilities is needed to meet requirements</i>	February 19, 1995
Incineration	
Initial monitoring, recordkeeping, and reporting (except for total hydrocarbons [THC] or carbon monoxide [CO])	July 20, 1993
All other requirements, including frequency of monitoring, recordkeeping, and reporting for THC (or CO), <i>when current pollution control facilities are adequate to meet requirements</i>	February 19, 1994
All other requirements, including frequency of monitoring, recordkeeping, and reporting for THC (or CO), <i>when construction of new pollution control facilities is needed to meet requirements</i>	February 19, 1995

contamination), the government could seek to have the offending party correct the situation. EPA can pursue civil fines of up to \$25,000 per day, per violation (a single violation that occurs over a 1-year period could result in a fine of over \$9 million). Filing a false report carries a fine of up to \$10,000 and up to 2 years in prison. Negligent violations carry a criminal fine of \$2,500 to \$25,000 per day of violation and up to 1 year in prison. Willful violations carry a criminal fine of \$5,000 to \$50,000 per day of violation and up to 3 years in prison.

Finally, where EPA is unable to take an enforcement action, Section 505 of the CWA authorizes any citizen (e.g., a landowner, neighbor, lending institution) to bring a civil action against the violator for corrective action and/or the same penalties that EPA could have sought (i.e., \$25,000 per violation per day).

Who Must Report

The Part 503 rule includes reporting requirements only for the following types of facilities:

- Publicly owned treatment works (POTWs) with a design flow rate equal to or greater than 1 mgd;

POTWs that serve a population of 10,000 or greater, and **Class 1 [biosolids] management facilities** that are POTWs required to have an approved pretreatment program (5 mgd or greater as per 40 CFR Part 403.3[a]) and POTWs located in states that have elected to assume local program responsibilities for pretreatment (140 CFR 403.10[e]), and treatment works processing domestic sewage (TWTDS) that EPA and/or the State have classified as Class 1 because of the potential to negatively affect public health and the environment.

Relationship of the Federal Requirements to State Requirements

Part 503 does not replace any existing State regulations; rather, it sets minimum national standards for the use or disposal of biosolids. In some cases, the State requirements may be more restrictive or administered in a manner different from the Federal regulation.

States can change their regulations to meet the minimum Federal standards. EPA will be working with States to encourage them to gain approval for administering the Part 503 rule. States can apply to EPA for approval of a biosolids program at any time, but they are under no obligation to do so.

Knowing exactly which State or Federal rules to follow can sometimes be complicated. Users or disposers of biosolids should keep the following situations in mind when considering the applicability of requirements:

In all cases, users or disposers of biosolids must comply with all applicable requirements of the new Federal rule (Part 503), as explained in this document.

If a State has its own rules governing the use or disposal of biosolids and has not yet adopted the Federal rule, the owner/operator will have to follow the most restrictive portions of both the Federal and State rules.

Users or disposers of biosolids are strongly encouraged to check with the appropriate sewage sludge [biosolids] coordinator (listed in Appendix B) regarding the specific State requirements.

Assistance with Technical, Permitting, and Compliance Issues

EPA will provide technical information and assistance on the Part 503 regulation. Also, on occasion EPA can provide project-specific assistance on biosolids use or disposal. The following EPA personnel and offices can provide assistance in the subject areas indicated.

Permitting

Wendy Miller (202) 260-3716

Wendy Bell (202) 260-9534

Regional & State Sewage Sludge [Biosolids] Coordinators (see Appendix B)

Compliance Monitoring and Enforcement

Joe Theis (Enforcement) (202) 260-8185

George Gray (Compliance) (202) 260-8313

Regional & State Sewage Sludge [Biosolids] Coordinators (see Appendix B)

Sampling & Analysis

Cristina Gaines (202) 260-6284

Incineration

Cristina Gaines (202) 260-6284

Wendy Bell (202) 260-9534

Beneficial Use and Biosolids Management Technology Issues

John Walker (202) 260-7283

Bob Bastian (202) 260-7378

Pretreatment/Removal Credits

Louis Eby (202) 260-2991

Technical Guidance for Incineration

Cristina Gaines (202) 260-6284

Dewatering

Jim Smith (513) 569-7355

Pathogen & Vector Control

Jim Smith (513) 569-7355

Bob Bastian (202) 260-7378

Bob Southworth (202) 260-7157

Odor Control, Composting, Bioaerosols

John Walker (202) 260-7283

Part 503 Regulation Development

Bob Southworth (202) 260-7157

Alan Hais (202) 260-1306

Risk Assessment

Jim Ryan (513) 569-7653
Bob Southworth (202) 260-7157
John Walker (202) 260-7283

Biosolids Publications

Sharie Centilla (202) 260-6052
Bernita Starks (202) 260-7287

For Further Information: See “References” listed after Chapter Six.

Common Questions and Answers

Q: If an industrial facility has separate treatment works for its domestic sewage and its process wastewater, are the biosolids generated from both treatment processes covered under Part 503?

A: No. Only the biosolids from the domestic sewage treatment process would be covered by Part 503 if used or disposed through land application, surface disposal, or solid incineration. The sludge from the industrial wastewater treatment process would not be covered. In fact, even if domestic sewage is mixed and treated in an industrial treatment works, the sludge from that system is not covered by Part 503.

Q: If a publicly owned treatment works (POTW) has only industrial wastewater influent, is the sludge generated at this treatment works considered sewage sludge [biosolids] and covered under the Part 503 rule?

A: No. By definition, the sludge is not sewage sludge [biosolids] because it is not a residual from the treatment of domestic sewage, but industrial wastewater. See Section 503.6(d).

Q: If the influent from a POTW or any treatment works other than an industrial facility is 99 percent industrial wastewater and only 1 percent domestic wastewater, are the biosolids generated at the treatment works sewage sludge covered under Part 503?

A: Yes. Because any domestic content in the wastewater being treated in a facility other than an industrial facility brings the biosolids generated within the scope of Part 503 if used or disposed through land application, surface disposal, or biosolids incineration.

Q: What does "new pollution control facilities" mean as referred to in Section 503.2?

A: A **new pollution control facility** is any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which must have begun after the promulgation of Part 503. A new pollution control facility includes any building, structure, or installation that replaces or substantially upgrades the process or production equipment necessary to meet a standard under this Part. An example of an acceptable new pollution control facility is the installation of an incinerator afterburner.

New pollution control facilities do not include:

(1) replacement of any building, structure, or installation due to normal operational wear and tear;

(2) installation of monitoring equipment or devices, including the purchase of computer hardware or software for monitoring purposes; or

(3) purchase of a special truck for land application of biosolids.

The permitting authority should be consulted for specific determinations.

Q: *If a treatment works is able to comply immediately with the standards for one use or disposal practice covered under Part 503 but would like to construct devices necessary for compliance with another use or disposal practice, does that treatment works have 2 years to achieve compliance? For example, if a treatment works needs 2 years to build pollution control processes, is that facility allowed to use or dispose biosolids that violate the requirements of Part 503 for 2 years?*

A: The treatment works may have up to 2 years to achieve compliance (i.e., until February 19, 1995—2 years after promulgation of the Part 503 rule) only for that use for which is requires construction. In all other instances, the treatment works must comply with Part 503 by the February 19, 1994, deadline. Thus, in the above example, if the treatment works is converting from surface disposal to incineration, the biosolids disposed until the incinerator comes on line must comply with surface disposal requirements under Subpart C of the Part 503 rule.

Q: *Suppose the only practice followed by a treatment works has been incineration and the treatment works cannot meet the 503 incinerator requirements without construction of new pollution control devices (e.g., a wet electrostatic scrubber), would the treatment works have until February 19, 1995 (2 years) to come into compliance?*

A: Yes.

Q: *Suppose the only practice followed at a treatment works is land application and the biosolids (a) cannot meet the pollutant ceiling limits or (b) have been aerobically digested and cannot meet either the pathogen reduction or the vector attraction reduction requirements. Would that treatment works have until February 19, 1995 (2 years) to come into compliance?*

A: (a) Possibly yes if the owner/operator of a treatment works could demonstrate that he or she had no other readily available alternative, such as shifting to a surface disposal operation or diluting the biosolids with other material prior to land use. (b) Probably no, because the treatment works could likely have readily provided pathogen and vector attraction reduction by using an additive process, such as lime stabilization, or alternatively by soil incorporation for vector attraction reduction.

Q: If the POTW gives/sells biosolids to a farmer, will the farmer be required to be permitted? How is the "poor farmer" going to know he has to keep records for 5 years?

A: The owner/operator of a treatment works treating domestic sewage (TWTDS) must apply for a permit if the biosolids being generated/disposed are regulated by Part 503. The Preamble to Part 122 addresses what is considered a TWTDS. Excluded from this definition are land applicators who do not change the quality of the biosolids prior to land application. Therefore, if a POTW provides a farmer with biosolids and the farmer merely land applies the biosolids, the farmer will not have to apply for a permit. There may be some requirements, however, that apply directly to the farmer under Part 503 (e.g., recordkeeping). The POTW is required to provide notice and necessary information to the farmer to ensure that the Part 503 requirements are met. This provision was included in Part 503 specifically to ensure that all parties involved in the land application of biosolids are aware of the requirements.

Q: How can the State continue to include in an NPDES permit State biosolids requirements that are less stringent than Part 503?

A: If the State has separate authority to include such limits, it can continue to do so. However, such limits will not be Federally enforceable because they are not issued under an approved State program, which would require the State to implement requirements at least as stringent as Part 503. Meanwhile, the permittee would have to follow the most restrictive portions of the State as well as the self-implementing Federal rules.

Q: If States already require cumulative metal loading tracking, will past loading count toward ultimate cumulative metal loadings on the site? If no, what position will EPA take if a State (or Region) chooses to acknowledge past loadings? Will EPA be more willing to support a State on this issue if the State is seeking program approval?

A: Part 503 built in certain assumptions about the background concentrations of metals in developing the limits for cumulative loadings. Because of these assumptions, previous land application of biosolids according to the CPLR concept are not considered prior to July 20, 1993. At that time, the recordkeeping requirements became effective, requiring the regulated community to track cumulative loadings under the Federal program. This requirement, however, will not affect existing State programs that already require tracking. These State requirements would generally be considered more stringent and would need to be complied with under State law. Again, if a State chooses to include pre-Part 503 loadings, EPA will take the position that this is a more stringent State requirement. It will not matter if the State is seeking program approval. However, EPA will

be working with all the States to provide an understanding of the Part 503 requirements and to encourage adoption of Part 503 as it exists. The permitting authority may choose to look at past loadings on a case-by-case basis if it determines that a more stringent requirement is necessary to protect public health and the environment from any adverse effect of a pollutant in biosolids.

Q: Can a State prohibit the use or disposal of biosolids generated outside that State? If a State cannot ban the importation of biosolids, how can the receiving State control the quality of biosolids generated in another State? Can it, for example, require analysis of additional pollutant prior to shipment?

A: Although a number of States have attempted to ban the importation of biosolids, the courts have generally struck down such State laws as being contrary to the Commerce Clause of the U.S. Constitution. Furthermore, courts have invalidated laws that discriminate against out-of-State wastes merely because of where those wastes were generated. However, the preparer of biosolids has to notify the permitting authority in the receiving state where the biosolids will be used or disposed. Moreover, the receiving State has the authority to control the use or disposal of biosolids within its borders, regardless of where they are generated. For example, the State could require permits for land application. In this case, anyone who land applies within the State, regardless of where the biosolids come from, would have to obtain a permit. Another option, is to require a joint permit for both the generator and the land applier. However, the State would need to ensure that its legal authority is adequate to go beyond its geographical boundaries.

Q: Does accepting authority for the Part 503 program automatically give the State jurisdiction over out-of-State biosolids that are imported for use or disposal?

A: Program approval does not give the State additional jurisdiction for dealing with out-of-State biosolids. Rather, it merely allows the State to implement the Federal program. The State will have to show that its laws ensure compliance with the Federal program at a minimum. One of the requirements for program approval is that the State demonstrate that it has adequate authority to regulate all biosolids that are used or disposed within its borders—regardless of where that biosolids material is generated. The State would not necessarily be required to regulate all generators of biosolids that are located outside its border, although many States might have this capability.

Q: *According to Part 503, the choice of a use or disposal option is a local decision. Does the receiving municipality have some say in the decision to permit land application?*

A: If allowed under State law, municipalities also may regulate the use or disposal of biosolids within their borders. The receiving municipality could require a permit or pass an ordinance, such as a zoning or land use requirement, to regulate where biosolids are applied or placed.

Q: *If biosolids are sent to a different State that has a permitting program, does the generator have to comply with the other State's requirements?*

A: Yes.

Sent: Friday, December 09, 2011 2:21 PM
To: Mark Earnest
Cc: Brian Lemcke; Scott Bradford; Moyers, Ryan; Hawley, Ted
Subject: RE: Geotubes

You are welcome Sir! Looking forward to meeting you and your professional staff on the 21st.

From: Mark Earnest [<mailto:mearnest@haines.ak.us>]
Sent: Friday, December 09, 2011 3:06 PM
To: Koch, John
Cc: Brian Lemcke; Scott Bradford
Subject: RE: Geotubes

Hi John,

Thank you for sending the link and for the time today on the phone regarding the sludge issue in Haines.

Mark

From: Koch, John [<mailto:John.Koch@hdrinc.com>]
Sent: Friday, December 09, 2011 1:57 PM
To: Mark Earnest
Subject: Geotubes

<http://www.tencate.com/5623/TenCate/TenCate-Industrial-Fabrics/Region-North-America/en/Region-North-America-en-Industrial-Fabrics/Geotube-Dewatering>

More to follow

JOHN KOCH
P.E., BCEE, CDT

HDR Engineering, Inc.
Vice President

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cell: 425-773-1384

John.Koch@hdrinc.com | hdrinc.com

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From: Moyers, Ryan [<mailto:Ryan.Moyers@hdrinc.com>]
Sent: Friday, December 09, 2011 3:14 PM
To: Mark Earnest
Cc: Brian Lemcke; Scott Bradford; Hawley, Ted; Koch, John
Subject: RE: Geotubes

Gentlemen,

Here is some additional information on the geotubes.
<http://www.dewateringsolutions.net/geotubes.htm>

I've also attached some photos and plan sheet from the installation in Homer as well as an alternative we looked at recently in Pelican.

Another alternative for an immediate solution that could be utilized in the plant might be Super Sacks:
http://www.bagcorp.com/p_su_ba_fourpanel.php

Let us know if you have any questions on the attachments or would like additional information.

Thanks,
Ryan

J. RYAN MOYERS, P.E.

HDR Alaska, Inc.
Senior Engineer

2525 C Street, #305 | Anchorage, AK 99503
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From: Koch, John
Sent: Friday, December 09, 2011 2:21 PM
To: Mark Earnest
Cc: Brian Lemcke; Scott Bradford; Moyers, Ryan; Hawley, Ted
Subject: RE: Geotubes

You are welcome Sir! Looking forward to meeting you and your professional staff on the 21st.

From: Mark Earnest [<mailto:mearnest@haines.ak.us>]
Sent: Friday, December 09, 2011 3:06 PM
To: Koch, John
Cc: Brian Lemcke; Scott Bradford
Subject: RE: Geotubes

Hi John,

Thank you for sending the link and for the time today on the phone regarding the sludge issue in Haines.

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I've also attached some photos and plan sheet from the installation in Homer as well as an alternative we looked at recently in Pelican.

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Subject: RE: Geotubes

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Thank you for sending the link and for the time today on the phone regarding the sludge issue in Haines.

Mark

From: Koch, John [<mailto:John.Koch@hdrinc.com>]
Sent: Friday, December 09, 2011 1:57 PM
To: Mark Earnest
Subject: Geotubes

<http://www.tencate.com/5623/TenCate/TenCate-Industrial-Fabrics/Region-North-America/en/Region-North-America-en-Industrial-Fabrics/Geotube-Dewatering>

Scott Bradford

From: Woods, Sandra M (DEC) [sandra.woods@alaska.gov]

Sent: Monday, December 19, 2011 2:40 PM

To: Scott Bradford

Subject: RE: Geotubes

Plain English guide to the EPA 503 rule.

From: Scott Bradford [mailto:sbradford@haines.ak.us]

Sent: Monday, December 19, 2011 2:36 PM

To: Woods, Sandra M (DEC)

Subject: FW: Geotubes

From: Moyers, Ryan [mailto:Ryan.Moyers@hdrinc.com]

Sent: Friday, December 09, 2011 3:14 PM

To: Mark Earnest

Cc: Brian Lemcke; Scott Bradford; Hawley, Ted; Koch, John

Subject: RE: Geotubes

Gentlemen,

Here is some additional information on the geotubes.

<http://www.dewateringsolutions.net/geotubes.htm>

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From: Koch, John

Sent: Friday, December 09, 2011 2:21 PM

To: Mark Earnest

1/3/2012

Scott Bradford

From: Woods, Sandra M (DEC) [sandra.woods@alaska.gov]

Sent: Monday, December 19, 2011 2:28 PM

To: Scott Bradford

Subject: RE: Sludge/Screenings

As for the sewage sludge, if you are thinking about creating your own compost with it, I recommend that you come up with an operation plan through HDR engineering and submit it to us for review. To store the compost, you can place it in a covered area that would protect it from the elements. If possible, place it on a tarp or some other type of liner to keep it from seeping into any soil. If you want to permit your own **sewage sludge monofill**, you would have to submit a monofill permit application to us and follow the regulations under 18 AAC 60.470.

From: Scott Bradford [mailto:sbradford@haines.ak.us]

Sent: Friday, December 16, 2011 10:06 AM

To: Woods, Sandra M (DEC)

Subject: Sludge/Screenings

Hi Sandra

I have some questions on the disposal of sewer sludge and screenings. The local garbage company has informed the Haines Borough that it cannot take any sludge or screenings at this time, I am looking for other ways or ideas to get ride of this stuff. Shipping it out or composting or something. Is there a difference in the way sludge vs screenings should be handled in disposing of. The screenings are ugly and nasty. The sludge makes good compost we have done some on site at the sewer plant a few years ago and with about a 50 – 50 mix sludge and corse sawdust we where getting 160 to 170 degrees for 4 to 6 days etc. We do have HDR coming to town next week to look at this. I just needed some info so I have an idea to take to them about some options.

Thank You

Scott Bradford

Scott Bradford

From: Woods, Sandra M (DEC) [sandra.woods@alaska.gov]
Sent: Monday, December 19, 2011 3:18 PM
To: Scott Bradford
Subject: Lime question

Here's the definition for Class A and Class B Classifications. Biosolids that are sold or given away in a bag or other container for application to land must meet the Class A standards. Biosolids that meet the Class B standards apply to bulk biosolids that are land applied to such areas as agricultural land, forests, public contact sites, or reclamation sites. Biosolids that are placed on a surface disposal site also must meet the Class B pathogen requirements, unless the active biosolids unit on which the biosolids are placed is covered at the end of each operating day (i.e., monofill or landfill). Class B biosolids cannot be given away or sold in bags or other containers.

Look at Tables 5-7 and 5-8 in chapter 5 of the plain English guide to 503 for treating Class B Biosolids.

As to your lime question, the last alternative for reducing Pathogens is Lime stabilization sufficient lime is added to the biosolids to raise the pH of the biosolids to 12 after 2 hours of contact. Biosolids are considered to be adequately reduced in vector attraction if sufficient alkaline material is added to raise the pH to at least 12, measured at 25C and without the addition of more alkaline material, maintain a pH of at least 12 for 2 hours; and maintain pH of at least 11.5 without addition of more alkaline material for an additional 22 hours.

If you were to create composted materials designed to meet the Class B standards, #4 in Table 5-7 Reduce Pathogens would apply. Using either the within vessel, static aerated pile, or windrow composting methods, the temperature of the biosolids is raised to 40C/ 104F or higher and maintained for 5 days. For 4 hours during the 5-day period, the temperature in the compost pile exceeds 55C/131F. Option 5 of Table 5-8 Vector Reduction would be the applicable option to meet the vector reduction requirement. Use aerobic processes at greater than 40C/ 104F for 14 days or longer.

Class A standards are more stringent. See Tables 5-1 and 5-2 for your options.

From: Scott Bradford [mailto:sbradford@haines.ak.us]
Sent: Monday, December 19, 2011 2:36 PM
To: Woods, Sandra M (DEC)
Subject: FW: Geotubes

From: Moyers, Ryan [mailto:Ryan.Moyers@hdrinc.com]
Sent: Friday, December 09, 2011 3:14 PM
To: Mark Earnest
Cc: Brian Lemcke; Scott Bradford; Hawley, Ted; Koch, John
Subject: RE: Geotubes

Gentlemen,

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Scott Bradford

From: Woods, Sandra M (DEC) [sandra.woods@alaska.gov]
Sent: Monday, December 19, 2011 3:58 PM
To: Scott Bradford
Subject: RE: Geotubes

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Subject: RE: Geotubes

1/3/2012

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From: Woods, Sandra M (DEC) [sandra.woods@alaska.gov]
Sent: Monday, December 19, 2011 4:01 PM
To: Scott Bradford
Subject: RE: Geotubes

Scott, Do you know what happens to the geotubes when they are full? Are they buried or shipped out down south? What are they using in Pelican?

Sandra Woods

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Sent: Monday, December 19, 2011 2:36 PM
To: Woods, Sandra M (DEC)
Subject: FW: Geotubes

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[Flickr](#)

From: Koch, John

1/3/2012

Scott Bradford

From: Woods, Sandra M (DEC) [sandra.woods@alaska.gov]
Sent: Tuesday, December 20, 2011 10:24 AM
To: Scott Bradford
Subject: FW: Geotubes

Sorry about that Scott. Here's the link to "A Plain English Guide to the EPA Part 503 Biosolids Rule." Also, after asking around, I think that the geo tubes are used to heat the biosolids so they meet the heat processing requirements for processing Sewage sludge to the Class A or Class B requirements. The sludge is then removed and used as fertilizer.

http://water.epa.gov/scitech/wastetech/biosolids/503pe_index.cfm

Here are EPA's fact sheets for processing biosolids.

Biosolids Technology Fact Sheet

- [Alkaline Stabilization of Biosolids](#) (PDF, 9pp., 189Kb)
- [Belt Filter Press](#) (PDF, 7pp., 90Kb)
- [Centrifuge Thickening & Dewatering](#) (PDF, 8pp., 101Kb)
- [Gravity Thickening](#) (PDF, 10pp., 118Kb)
- [Heat Drying](#) (PDF, 13pp., 415Kb)
- [In-Vessel Composting of Biosolids](#) (PDF, 9pp., 100Kb)
- [Land Application of Biosolids](#) (PDF, 9pp., 538Kb) or [\(Español\)](#) (PDF, 13pp., 320Kb)
- [Multi Stage Anaerobic Digestion](#) (PDF, 13pp., 251Kb)
- [Odor Control in Biosolids Management](#) (PDF, 16pp., 83Kb) or [\(Español\)](#) (PDF, 22pp., 232Kb)
- [Recessed-Plate Filter Press](#) (PDF, 7pp., 93Kb)
- [Use of Composting for Biosolids Management](#) (PDF, 10pp., 280Kb)
- [Use of Incineration for Biosolids Management](#) (PDF, 14pp., 168Kb)
- [Use of Land Filling for Biosolids Management](#) (PDF, 8pp., 247Kb)

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Sent: Monday, December 19, 2011 4:01 PM
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Sent: Monday, December 19, 2011 2:36 PM
To: Woods, Sandra M (DEC)
Subject: FW: Geotubes

Scott Bradford

From: Woods, Sandra M (DEC) [sandra.woods@alaska.gov]
Sent: Friday, December 23, 2011 10:08 AM
To: Scott Bradford
Subject: RE: Sludge/Screenings

How did the meeting with the engineers go? I'd like to hear what kind of ideas they had for your community.

Sandra Woods
Solid Waste Program
907-465-5318

From: Scott Bradford [mailto:sbradford@haines.ak.us]
Sent: Friday, December 16, 2011 10:06 AM
To: Woods, Sandra M (DEC)
Subject: Sludge/Screenings

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Biosolids Technology Fact Sheet

Use of Composting for Biosolids Management

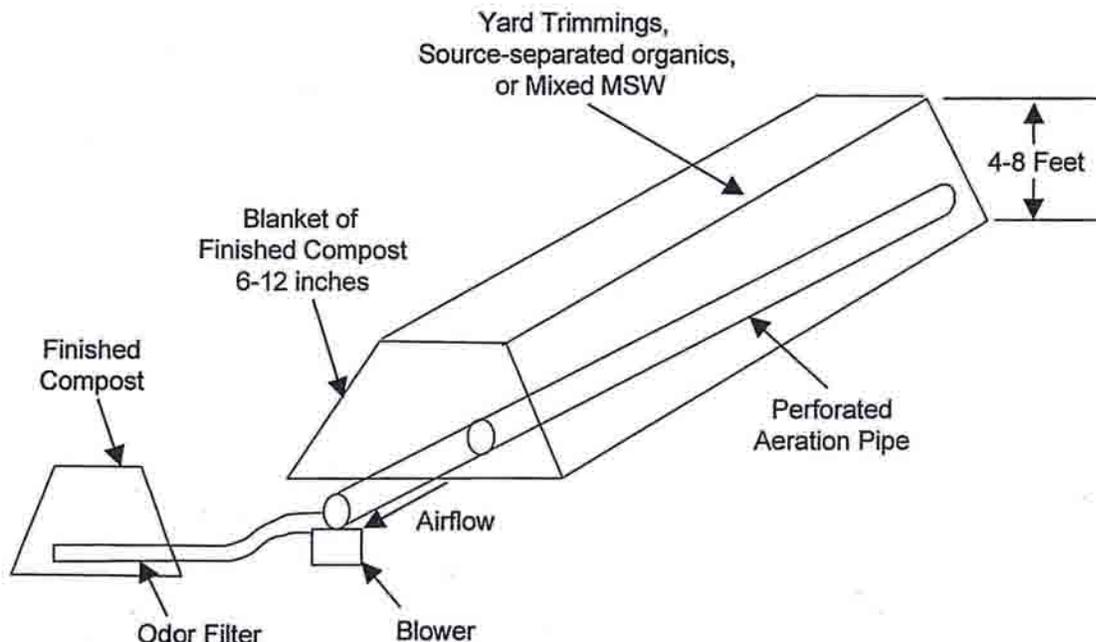
DESCRIPTION

Composting is one of several methods for treating biosolids to create a marketable end product that is easy to handle, store, and use. The end product is usually a Class A, humus-like material without detectable levels of pathogens that can be applied as a soil conditioner and fertilizer to gardens, food and feed crops, and rangelands. This compost provides large quantities of organic matter and nutrients (such as nitrogen and potassium) to the soil, improves soil texture, and elevates soil cation exchange capacity (an indication of the soil's ability to hold nutrients), all characteristics of a good organic fertilizer. Biosolids compost is safe to use and generally has a high degree of acceptability by the public. Thus, it competes well with other bulk and bagged products available to homeowners, landscapers, farmers, and ranchers.

Three methods of composting wastewater residuals into biosolids are common. Each method involves

mixing dewatered wastewater solids with a bulking agent to provide carbon and increase porosity. The resulting mixture is piled or placed in a vessel where microbial activity causes the temperature of the mixture to rise during the "active composting" period. The specific temperatures that must be achieved and maintained for successful composting vary based on the method and use of the end product. After active composting, the material is cured and distributed. The three commonly employed composting methods are described in the following paragraphs. A fourth method (static pile) is not recommended for composting wastewater solids based on a lack of operational control.

Aerated Static Pile - Dewatered cake is mechanically mixed with a bulking agent and stacked into long piles over a bed of pipes through which air is transferred to the composting material. After active composting, as the pile is starting to cool down, the material is moved into a curing pile.



Source: Hickman, 1999.

FIGURE 1 SCHEMATIC OF A STATIC-PILE FORCED-AIR COMPOSTING PROCESS

The bulking agent is often reused in this composting method and may be screened before or after curing so that it can be reused.

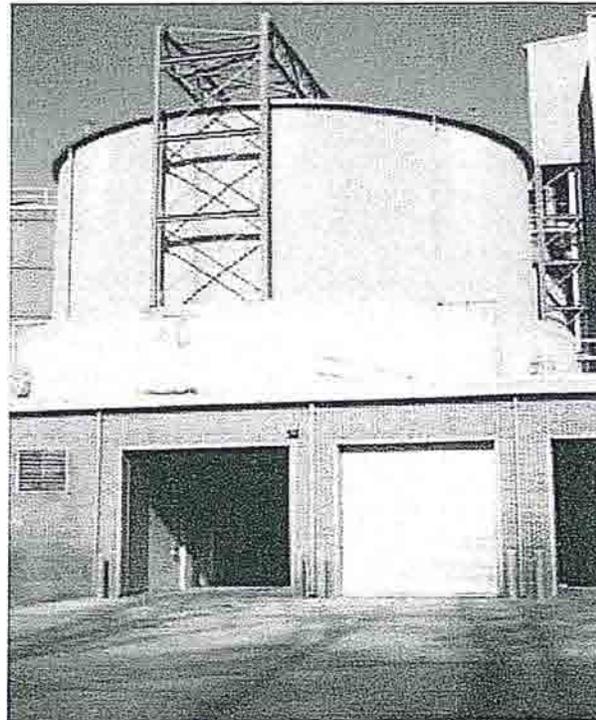
Windrow - Dewatered wastewater solids are mixed with bulking agent and piled in long rows. Because there is no piping to supply air to the piles, they are mechanically turned to increase the amount of oxygen. This periodic mixing is essential to move outer surfaces of material inward so they are subjected to the higher temperatures deeper in the pile. A number of turning devices are available, including: (1) drums and belts powered by agricultural equipment and pushed or pulled through the composting pile; and (2) self-propelled models that straddle the composting pile. As with aerated static pile composting, the material is moved into curing piles after active composting. Several rows may be laced into a larger pile for curing. Figure 2 shows a typical windrow operation.



Source: Parsons, 2002.

FIGURE 2 WINDROW OPERATIONS ARE TURNED TO PROVIDE ADEQUATE AERATION FOR ACTIVE COMPOSTING

In-Vessel - A mixture of dewatered wastewater solids and bulking agent is fed into a silo, tunnel, channel, or vessel. Augers, conveyors, rams, or other devices are used to aerate, mix, and move the product through the vessel to the discharge point. Air is generally blown into the mixture. After active composting, the finished product is usually stored in a pile for additional curing prior to distribution. A typical composting vessel is shown in Figure 3. This technology is discussed in greater detail in the fact sheet entitled *In-Vessel*



Source: Parsons, 2002.

FIGURE 3 TYPICAL COMPOSTING VESSEL

Composting of Biosolids (EPA 832-F-00-061).

All three composting methods require the use of bulking agents, but the type of agent varies. Wood chips, saw dust, and shredded tires are commonly used, but many other materials are suitable. The U.S Composting Council lists the following materials as suitable for use as bulking agents:

- Agricultural by-products, such as manure and bedding from various animals, animal mortalities, and crop residues.
- Yard trimmings, including grass clippings, leaves, weeds, stumps, twigs, tree prunings, Christmas trees, and other vegetative matter from land clearing activities.
- Food by-products, including damaged fruits and vegetables, coffee grounds, peanut hulls, egg shells, and fish residues.
- Industrial by-products from wood processing, forestry, brewery and pharmaceutical operations. Paper goods,

paper mill residues, and biodegradable packaging materials are also used.

- Municipal solid waste.

If municipal solid waste is used in compost, it is put through a mechanical separation process prior to its use to remove non-biodegradable items such as glass, plastics and certain paper goods (USCC, 2000).

The length of time biosolids are composted at a specific temperature is important in determining the eventual use of the compost end product. 40 CFR Part 503, *Standards for the Use and Disposal of Sewage Sludge* (Part 503) defines time and temperature requirements for both Class A and Class B products (Table 1). The production of a Class B product is not always economically justified since the product cannot be used without restrictions and the additional expense to reach Class A requirements can be marginal.

TABLE 1 PART 503 TIME AND TEMPERATURE REQUIREMENTS FOR BIOSOLIDS COMPOSTING

Product	Regulatory Requirements
Class A	Aerated static pile or in-vessel: 55 C for at least 3 days Windrow: 55 C for at least 15 days with 5 turns
Class B	40 C or higher for five days during which temperature exceed 55 C for at least four hours

Source: 40 CFR Part 503.

If the compost process conforms with the time and temperature requirements to produce a Class A product and the maximum pollutant levels of Part 503 are met, the material is considered "Exceptional Quality" (EQ) biosolids. If used in accordance with sound agronomic and horticultural practices, an EQ biosolids product can be sold in bags or bulk and can be used in household gardens without additional regulatory controls. Class A and EQ biosolids typically have greater marketing success than Class B biosolids. Control of industrial waste streams to

wastewater treatment plants (through pretreatment programs) greatly reduces the presence of metals in pre-processed wastewater residuals, enabling compost to meet the stringent EQ standards of Part 503.

If the compost produced is Class B, it can be used at agronomic sites with no public contact, with additional site restrictions. Class A biosolids can be used in home gardens with public contact and no site restrictions. Consistent and predictable product quality is a key factor affecting the marketability of compost (U.S. EPA, 1994). Successful marketing depends on a consistent product quality.

Stability is an important characteristic of a good quality compost. Stability is defined as the level of biological activity in the compost and is measured as oxygen uptake or carbon dioxide production. Oxygen uptake rates of 50 to 80 mg/L are indicative of a stable product with minimal potential for self-heating, malodor generation, or regrowth of pathogen populations. Stability is also indicated by temperature decline, ammonia concentrations, chemical oxygen demand (COD), number of insect eggs, change in odor, and change in redox potential (Haug, 1993).

Stable compost consumes little nitrogen and oxygen and generates little carbon dioxide. Unstable compost consumes nitrogen and oxygen and generates heat, carbon dioxide, and water vapor. Therefore, when unstable compost is applied to soil, it removes nitrogen from the soil, causing a nitrogen deficiency that can be detrimental to plant growth and survival. In addition, if not aerated and stored properly, unstable compost can emit nuisance odors (Epstein, 1998, Garcia, 1991).

APPLICABILITY

The physical characteristics of most biosolids allow for their successful composting. However, many characteristics (including moisture content, volatile solids content, carbon content, nitrogen content, and bulk density) will impact design decisions for the composting method. Both digested and raw solids can be composted, but

some degree of digestion (or similar stabilization) is desirable to reduce the potential for generation of foul odors from the composting operation. This is particularly important for aerated static pile and windrow operations. Carbon and nitrogen content of the wastewater solids must be balanced against that of the bulking agent to achieve a suitable carbon to nitrogen ratio of between 25 and 35 parts carbon to one part nitrogen.

Site characteristics make composting more suitable for some wastewater treatment plants than others. An adequate buffer zone from neighboring residents is desirable to reduce the potential for nuisance complaints. In urban and suburban settings, in-vessel technology may be more suitable than other composting technologies because the in-vessel method allows for containment and treatment of air to remove odors before release. The requirement for a relatively small amount of land also increases the applicability of in-vessel composting in these settings.

Another important consideration before selecting the technology to be used for composting is the availability of adequate and suitable manpower. Composting is typically labor-intensive for the following reasons:

- Bulking agents must be added.
- Turning, monitoring, or process control is necessary.
- Feed and finished material(s) must be moved with mechanical equipment.
- Storage piles must be maintained for curing and distribution.
- Bulking agents recovery adds another step.

Finally, proximity to the markets for the resulting compost is desirable, although the usefulness of the final product in home gardening and commercial operations generally makes the material marketable in urban as well as rural areas. This is especially true for good quality material that does not emit foul odors.

ADVANTAGES AND DISADVANTAGES

Biosolids composting has grown in popularity for the following reasons (WEF, 1995):

- Lack of availability of landfill space for solids disposal.
- Composting economics are more favorable when landfill tipping fees escalate.
- Emphasis on beneficial reuse at federal, state, and local levels.
- Ease of storage, handling, and use of composted product.
- Addition of biosolids compost to soil increases the soil's phosphorus, potassium, nitrogen, and organic carbon content.

Composted biosolids can also be used in various land applications. Compost mixed with appropriate additives creates a material useful in wetland and mine land restoration. The high organic matter content and low nitrogen content common in compost provides a strong organic substrate that mimics wetland soils, prevents overloading of nitrogen, and adsorbs ammonium to prevent transport to adjacent surface waters (Peot, 1998). Compost amended strip-mine spoils produce a sustainable cover of appropriate grasses, in contrast to inorganic-only amendments which seldom provide such a good or sustainable cover (Sopper, 1993).

Compost-enriched soil can also help suppress diseases and ward off pests. These beneficial uses of compost can help growers save money, reduce use of pesticides, and conserve natural resources. Compost also plays a role in bioremediation of hazardous sites and pollution prevention. Compost has proven effective in degrading or altering many types of contaminants, such as wood-preserved, solvents, heavy metals, pesticides, petroleum products, and explosives. Some municipalities are using compost to filter stormwater runoff before it is discharged to remove hazardous chemicals picked up when stormwater flows over surfaces such as roads, parking lots, and lawns. Additional

uses for compost include soil mulch for erosion control, silviculture crop establishment, and sod production media (U.S. EPA, 1997a).

Limitations of biosolids composting may include:

- Odor production at the composting site.
- Survival and presence of primary pathogens in the product.
- Dispersion of secondary pathogens such as *Aspergillus fumigatus*, particulate matter, other airborne allergens.
- Lack of consistency in product quality with reference to metals, stability, and maturity.

Odors from a composting operation can be a nuisance and a potential irritant. Offensive odors from composting sites are the primary source of public opposition to composting and have led to the closing of several otherwise well-operated composting facilities. Although research shows that biosolids odors may not pose a health threat, odors from processing facilities have decreased public support for biosolids recycling programs (Toffey, 1999). Many experts in the field of biosolids recycling believe that biosolids generating and processing facilities have an ethical responsibility to control odors and protect nearby residents from exposure to malodor.

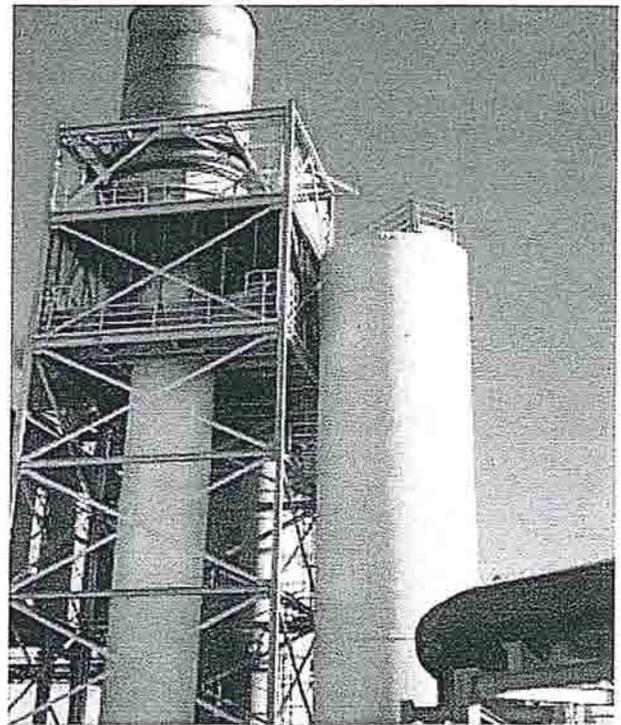
Composting odors are caused by ammonia, amine, sulfur-based compounds, fatty acids, aromatics, and hydrocarbons (such as terpenes) from the wood products used as bulking agents (Walker, 1992). A properly designed composting plant, such as the one shown in Figure 4, operated at a high positive redox potential (highly aerobic) will reduce, but not necessarily eliminate, odors and odor causing compounds during the first 10 to 14 days of the process (Epstein, 1998). Control of odors is addressed in further detail in the fact sheet entitled *Odor Management in Biosolids Management* (EPA 832-F-00-067).

In addition to odors, other bioaerosols, such as pathogens, endotoxins, and various volatile organic compounds, must also be controlled. Biofilters are

often used to control odors, but the biofilters themselves can give off bioaerosols.

Pathogens, such as bacteria, viruses, and parasites (helminth and protozoa), are present in untreated wastewater residuals. These organisms can potentially invade a normal, healthy human being and produce illness or debilitation. Composting reduces bacterial and viral pathogens to non-detectable levels if the temperature of the compost is maintained at greater than 55 C for 15 days or more. Additionally, it has been demonstrated that viruses and helminth ova do not regrow after thermal inactivation (Hay, 1996).

Regrowth of *Salmonella* sp. in composted biosolids is a concern, although research shows that salmonellae reach a quick peak during regrowth, then die off. Composting is not a sterilization process and a properly composted product maintains an active population of beneficial microorganisms that compete against the pathogenic members. Under some conditions, explosive regrowth of pathogenic microorganisms is possible. A stabilized product with strict control



Source: Parsons, 2002.

FIGURE 4 ODOR CONTROL EQUIPMENT CAN BE A SUBSTANTIAL PART OF CAPITAL INVESTMENT

of post-composting handling and addition of amendments coupled with four to six weeks of storage will mitigate *Salmonella* regrowth (Hay, 1996).

Compost workers may be exposed to a common fungus known as *Aspergillus fumigatus*, endotoxins, or other allergens. *A. fumigatus* is common in decaying organic matter and soil. Inhalation of its airborne spores causes skin rashes and burning eyes. While healthy individuals may not be affected, immunocompromised individuals may be at risk. The spores of *A. fumigatus* are ubiquitous and the low risk of exposure is not a significant health concern. However, spore counts at composting facilities are high, and the risk of operators and persons handling composted biosolids being exposed to these spores is also high (Epstein, 1998). Inhalation of spores, particulates, and other matter can be reduced or prevented by:

- Wearing masks and other protective devices.
- Equipping front end loaders with filters or air conditioners.
- Thoroughly ventilating composting halls.
- Installing biofilters or other odor scrubbing systems in composting halls (Epstein 1998).

Organic dust (such as pollen) is another nuisance that must be controlled at composting operations. These contaminants are primarily a concern to workers at the composting facilities and are generally not present in quantities that would cause reactions in most individuals that are not exposed outside of the facilities.

Environmental Impact

Potential environmental impacts may result from both composting operations and use of the compost product.

Composting Process

Dust and airborne particles from a composting operation may affect air quality. The impact to adjacent areas may need to be mitigated and permitted.

To protect area ecology and water quality, run-off from application sites must be controlled. The potential nitrogen and phosphorus rich run-off (or leachate) can cause algal growth in surface water and render groundwater unfit for human consumption.

Land Application of Compost Products

Excess nitrogen is detrimental to soil, plants, and water, so care must be taken when choosing application sites, selecting plant/crop types, and calculating the agronomic rate for biosolids land application. It should be noted that the most plant-available form of nitrogen in biosolids (ammonium ion (NH_4^+)) is converted to nitrate (NO_3^-) by the composting process. Improper use of biosolids can result in the contamination of water resources with leached nitrogen, because nitrate is more mobile than ammonium, and is taken up less easily by plants. However, applying compost in accordance with the Part 503 Regulations poses little risk to the environment or public health (Fermante, 1997). In fact, the use of compost can have a positive impact on the environment in addition to the soil improving characteristics previously discussed. Reduced dependence on inorganic fertilizers can significantly decrease nitrate contamination of ground and surface waters often associated with use of inorganic fertilizers.

PERFORMANCE

Composting is a viable, beneficial option in biosolids management. It is a proven method for pathogen reduction and results in a valuable product. According to a 1998 survey in *Biocycle*, *The Journal of Composting and Recycling*, 274 biosolids composting facilities were operating in the United States (Goldstein, 1999). Nearly 50 additional facilities were in various stages of planning, design, and construction. A large

number of these facilities (over 40 percent) use the aerated static pile composting method.

Since 1984, EPA has encouraged the beneficial use of wastewater residuals through formal policy statements. The implementation of Part 503 enhanced the acceptance of biosolids as a resource by standardizing metal and pathogen concentrations. Moreover, Part 503 officially identifies composting as a method to control pathogens and reduce vector attraction.

Discussions of the specific performance factors of the three primary composting methods are provided below.

Aerated static pile systems are adaptable and flexible to bulking agents and production rates. Aerated static pile is mechanically simple, thus with lower maintenance than other cost method. Conversely, this configuration can be labor intensive and may produce nuisance odors and dust. Cover, negative aeration, chemically scrubbing, or use of a well-maintained biofilter may be required to minimize off-site odor migration. The popularity of the aerated static pile method is based on the ease of design and operation and lower capital costs associated with facility construction. Selection of an appropriate method requires an assessment of the physical facility, process considerations, and operation and maintenance costs (WEF, 1995).

Windrow composting is adaptable, flexible and relatively mechanically simple. However, the windrow configuration requires a large area and can result in release of malodor, dust, and other airborne particles to the environment during natural processing, ventilation, and windrow turning.

In-vessel systems are less adaptable and flexible compared with aerated static pile and windrow systems. However, in-vessel composting requires a smaller area. Because the reactor is completely enclosed, the potential for odor and the need for controls is increased. Due to the greater complexity of in-vessel mechanical systems, trouble can be encountered meeting peak flows, breakdowns are more frequent, and repairs are more difficult and costly. Failure of aeration devices, under-designed aeration systems, or lack of a back-up aeration

method may cause large quantities of product to become anaerobic, and therefore, unacceptable. Often the compost residence time in in-vessel composting systems is inadequate to produce a stable product, particularly where the depth of the composting mass is great, (e.g., more than 3 m [10 feet]) and mixing does not occur. In addition, bridging sometimes occurs within these systems. Finally, depending upon the configuration and direction of air flow, the worker environment can be very hostile. However, in-vessel composting requires a smaller area and generates relatively little dust outside the facility.

Table 2 compares the three methods and highlights key features of each.

COSTS

The capital costs of aerated static pile or windrow configuration may be lower than in-vessel composting configurations, but costs increase markedly when cover is required to control odors. More highly mechanized in-vessel systems are often more costly to construct, but tend to be less labor intensive. On the other hand, in-vessel systems tend to be less flexible in their ability to adapt to changing properties of biosolids and bulking agent feedstocks.

Capital costs of in-vessel systems range from \$33,000 to \$83,000 per dry metric ton (\$30,000 to \$75,000 per dry ton) per day processing capacity. A typical aerated static pile facility costs approximately \$33,000 per dry metric ton (\$30,000 per dry ton) per day of processing capacity (Harkness, 1994; U.S. EPA, 1989).

Typical operation and maintenance (O&M) costs for in-vessel systems range from \$150 per dry ton per day to greater than \$200 per dry ton per day. Aerated static pile O&M costs average \$150 per dry ton per day (Harkness, 1994; U.S. EPA, 1989).

Costs for windrow systems fall between the costs for in-vessel and aerated static pile. The selling price for compost ranges from \$5 to \$10 per cubic yard or \$10 to \$20 per ton. Some facilities allow landscapers and homeowners to pick up compost for little or no charge.

TABLE 2 COMPARISON OF COMPOSTING METHODS

Aerated Static Pile	Windrow	In-Vessel
Highly affected by weather (can be lessened by covering, but at increased cost)	Highly affected by weather (can be lessened by covering, but at increased cost)	Only slightly affected by weather
Extensive operating history both small and large scale	Proven technology on small scale	Relatively short operating history compared to other methods
Large volume of bulking agent required, leading to large volume of material to handle at each stage (including final distribution)	Large volume of bulking agent required, leading to large volume of material to handle at each stage (including final distribution)	High biosolids to bulking agent ratio so less volume of material to handle at each stage
Adaptable to changes in biosolids and bulking agent characteristics	Adaptable to changes in biosolids and bulking agent characteristics	Sensitive to changes in characteristics of biosolids and bulking agents
Wide-ranging capital cost	Low capital costs	High capital costs
Moderate labor requirements	Labor intensive	Not labor intensive
Large land area required	Large land area required	Small land area adequate
Large volumes of air to be treated for odor control	High potential for odor generation during turning; difficult to capture/contain air for treatment	Small volume of process air that is more easily captured for treatment
Moderately dependent on mechanical equipment	Minimally dependent on mechanical equipment	Highly dependent on mechanical equipment
Moderate energy requirement	Low energy requirements	Moderate energy requirement

Source: Parsons, 2002.

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Other Related Fact Sheets

In-Vessel Composting of Biosolids
 EPA 832-F-00-061
 September 2000

Odor Management in Biosolids Management
 EPA 832-F-00-067
 September 2000

Centrifuge Thickening and Dewatering
 EPA 832-F-00-053
 September 2000

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Biosolids

Technology Fact Sheet

In-Vessel Composting of Biosolids

DESCRIPTION

Biosolids are primarily organic materials produced during wastewater treatment which may be put to beneficial use. Composting is the biological degradation of organic materials under controlled aerobic conditions. The process is used to stabilize wastewater solids prior to their use as a soil amendment or mulch in landscaping, horticulture, and agriculture. Figure 1 shows an example of a finished product of compost. Stabilization of wastewater solids prior to their use serves to destroy pathogens (disease causing organisms), minimize odors, and reduce vector attraction potential.

The Environmental Protection Agency's (EPA's) 40 CFR Part 503, *Standards for the Use and Disposal of Sewage Sludge*, (the Part 503 Rule) defines two types of biosolids with respect to pathogen reduction: Class A and Class B. The difference is defined by the degree of pathogen reduction on the solids. When federal performance standards are met, composting insures full destruction of



Source: U.S. EPA, 1986.

**FIGURE 1 FINISHED COMPOST
PRODUCT**

pathogens to *non-detectable levels* in the wastewater solids (i.e., to Class A standards.) The Part 503 Rule requires the composting process to maintain a temperature of at least 55 degrees Celsius for a minimum of three days to effectively destroy pathogens and qualify as Class A.

In addition to performance standards for the composting process, the Part 503 Rule established maximum concentrations for nine metals which cannot be exceeded in biosolids products, including compost. These are known as ceiling concentrations. The federal maximum allowable metals concentrations are provided in Table 1. The Part 503 Rule also established more stringent pollutant concentrations. Biosolids products which do not exceed pollutant concentrations, meet Class A pathogen reduction requirements, and are processed to reduce vector attraction potential are often referred to as *Exception Quality* products. Products meeting these requirements may be freely distributed for a variety of uses.

There are three general methods of composting biosolids: windrow, aerated static pile, and in-vessel. Each method uses the same scientific principals but varies in procedures and equipment needs. This Fact Sheet addresses in-vessel composting.

In-vessel composting occurs within a contained vessel, enabling the operator to maintain closer control over the process in comparison with other composting methods. A typical flow diagram for in-vessel composting is shown in Figure 2.

There are several types of in-vessel composting reactors: vertical plug-flow, horizontal plug-flow, and agitated bin. The primary difference involves

TABLE 1 MAXIMUM METAL CONCENTRATIONS

Metal	Ceiling Concentration (mg/kg)	Pollutant Concentrations (mg/kg)
Arsenic	75	41
Cadmium	85	39
Copper	4,300	1,500
Lead	840	300
Mercury	57	17
Molybdenum	75	NL
Nickel	420	420
Selenium	100	100
Zinc	7,500	2,800

NL = No established limit

Source: U.S. EPA, 1993 and 1994.

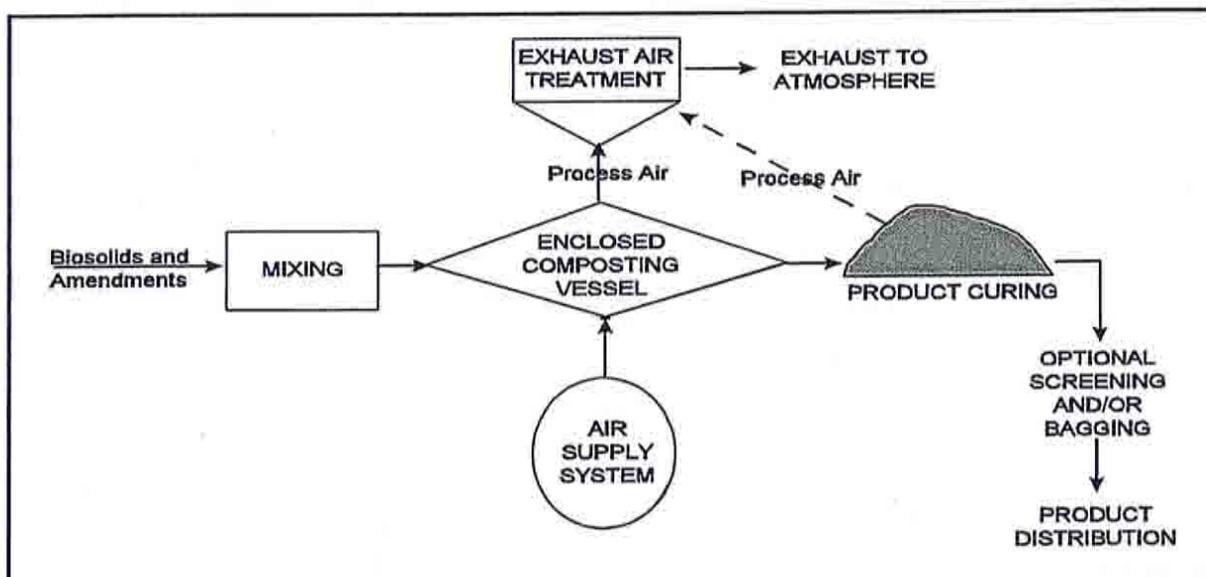
the aeration systems and loading/unloading provisions. The first two systems operate as plug-flow, which means that biosolids and bulking agent are loaded on a periodic basis (typically daily or weekly) while “finished” compost is discharged from the opposite end of the system on roughly the same schedule. The vessel is only completely emptied for maintenance.

In vertical plug-flow systems, the biosolids and bulking agent mixture is introduced into the top of the reactor vessel and compost is discharged out the bottom by a horizontally rotating screw auger. Air is introduced in these systems either from the bottom and travels up through the composting mass where it is collected for treatment or through lances hanging from the top of the reactor.

In horizontal plug-flow systems, the compost and bulking agent mixture is loaded into one end of the reactor. A steel ram pushes the mixture through the reactor. Air is introduced and exhausted through slots in the floor of the reactor. Compost is discharged from the end of the reactor opposite the ram.

The agitated bed reactors are typically open topped. The biosolids and bulking agent mixture is loaded from above. The composting mass is periodically agitated using a mechanical device and air is introduced through the floor of the reactors. Agitated bed reactors can be operated as either plug flow or batch operations. In batch operations, the vessel is loaded with biosolids and bulking agent, processing takes place, and the vessel is emptied.

As with other composting methods, the resulting product is generally cured for at least 30 days after



Source: Modified from U.S. EPA, 1989.

FIGURE 2 FLOW DIAGRAM OF A TYPICAL IN-VESSEL COMPOSTING FACILITY

Composting Basics

During composting, microorganisms break down organic matter in wastewater solids into carbon dioxide, water, heat, and compost. To ensure optimal conditions for microbial growth, carbon and nitrogen must be present in the proper balance in the mixture being composted. The ideal carbon-to-nitrogen ratio ranges from 25 to 35 parts carbon for each one part of nitrogen by weight. A lower ratio can result in ammonia odors. A higher ratio will not create optimal conditions for microbial growth causing degradation to occur at a slower rate and temperatures to remain below levels required for pathogen destruction. Wastewater solids are primarily a source of nitrogen and must be mixed with a higher carbon-containing material such as wood chips, saw dust, newspaper or hulls. In addition to supplying carbon to the composting process, the bulking agent serves to increase the porosity of the mixture. Porosity is important to ensure that adequate oxygen reaches the composting mass. Oxygen can be supplied to the composting mass through active means such as blowers and piping or through passive means such as turning to allow more air into the mass. The proper amount of air along with biosolids and bulking agent is important. Haug (1980) provides the basis for calculating the appropriate amounts of these materials.

active composting and before use. A properly operated facility produces a stable compost which can be easily handled and safely stored. Compost enhances soil properties, such as water holding capacity, nutrient availability, and texture. In *Compost Engineering*, R.T. Haug (1980) discusses several ways to determine the degree of stability achieved during composting including:

- Oxygen uptake rate.
- Low degree of reheating in curing piles.
- Organic content of the compost.
- Presence of nitrates and the absence of ammonia and starch in the compost.

Because this process results in a usable material, an important and often overlooked part of any composting facility is product storage and marketing. Unlike disposal-oriented technologies, end users and markets for the product are seasonal

with peak demand in the spring and fall. Therefore, provisions for storage of the final product until it is sold are necessary. In addition, product marketing efforts are essential to insure that end users understand the material, recognize its value, and are familiar with proper application techniques.

APPLICABILITY

The physical characteristics of most biosolids allow for their successful composting. However, many characteristics will impact design decisions. These characteristics are discussed in the Design Criteria section.

In-vessel technology is more suitable than other composting technologies in suburban and urban settings because the system allows for containment and treatment of air to remove odors before release. The requirement for a relatively small amount of land also increases its applicability in these settings over other types of composting. However, a market for use of the resulting product will generally be more readily available in suburban and rural areas rather than urban settings.

ADVANTAGES AND DISADVANTAGES

Advantages

Composting offers advantages and disadvantages that must be considered before selecting this option for managing biosolids. First, composting produces a reusable product as long as the feed materials are suitable. Use of the product returns valuable nutrients to the soil and enhances conditions for vegetative growth. Compost can be handled more easily than some other biosolids products such as digested biosolids. It is very friable and has the consistency of a peat soil. In addition, compost, unlike other Class A products, is not subject to end use restrictions. However, composting somewhat increases the amount of material to be managed through addition of bulking agent to improve aeration in the composting mass. Typically, one cubic yard of cake will produce three cubic yards of compost. Some bulking agents can be screened out and reused to minimize this disadvantage. This "disadvantage" may also be an advantage because the product can be sold.

In comparison with other types of composting, the in-vessel technology offers the following conveniences:

- The composting process can be more closely controlled.
- The effects of weather are diminished.
- Less bulking agent may be required.
- The quality of the resulting product is more consistent.
- Less manpower is required to operate the system and staff is less exposed to the composting material.
- Process air can be more easily collected for treatment to reduce odor emissions.
- Less land area is required.
- Public acceptance of the facility may be better.

Disadvantages

There are also disadvantages associated with in-vessel composting which must be considered before selecting this technology for wastewater solids management. In-vessel composting is generally more costly than other composting methods, particularly with respect to capital expenditures. In addition, because it is more mechanized, more equipment maintenance is necessary. A significant drawback of composting that must be addressed during facility design is the potential for fires. The large amount of carbonaceous material stored and used at composting facilities creates the potential for fires in storage areas as well as in the active composting mass. Sufficient aeration and moisture are necessary to avoid fires.

Environmental Impacts

Several aspects of an in-vessel composting facility can result in environmental impacts if the facility is mismanaged. Proper design and operation can reduce environmental impacts. Storage,

distribution, and use of the resulting product can also result in environmental impacts if not performed properly.

In-vessel composting facilities can impact air, water, and soil. The primary impact to the air is nuisance odors if process air is not properly treated before emission to the atmosphere. Most in-vessel composting facilities treat process air with either a biofilter or chemical scrubbing system prior to release to the atmosphere. Odors can result from several possible constituents in the air exiting a composting vessel. Much work has been done in the last several years to characterize and control odors from composting operations. Bioaerosols (organisms or biological agents in air that affect human health) are also a concern in compost emissions. The most widely studied bioaerosol is *Aspergillus fumigatus*, a fungal spore. Endotoxins (non-living components of cell walls of gram-negative bacteria) and organic dust (such as pollens) are also bioaerosols. These contaminants are primarily of concern to workers at the composting facilities and are generally not present in quantities that would cause reactions in most humans. Health effects to compost facility workers have not been readily apparent in studies conducted to identify such effects (Epstein *et al.*, 1998.)

Impacts to surface water bodies resulting from in-vessel composting are unlikely. The enclosed nature of the technology greatly diminishes the potential for impacts to surface water due to high nitrogen concentrations in runoff. Buildings should be designed with floor drains to sewers or holding tanks. Any unenclosed portions of an in-vessel composting operation, such as materials receiving and mixing, product curing, and product storage should be designed with leachate/runoff containment and provisions for disposal or treatment to avoid runoff potential.

The use of biosolids compost as a soil conditioner results in the following:

- Increases water holding capacity.
- Increases aeration and drainage for clay soils.

- Provides organic nitrogen, phosphorus, and potassium.
- Provides essential plant micronutrients.
- Can reduce the need for pesticides.

Other environmental benefits of producing and using compost include the recycling of a valuable resource, reduction of dependence on chemical fertilizers, and offsetting the use of natural resources such as trees or peat moss as mulch material.

DESIGN CRITERIA

The following biosolids characteristics must be considered in designing an in-vessel composting system:

- Moisture content.
- Volatile solids content.
- Carbon content.
- Nitrogen content.
- Bulk density.

These factors are discussed in detail in *Composting Engineering* (Haug, 1980.)

The following bulking agent characteristics must also be considered:

- Size.
- Cost/availability.
- Recoverability.
- Carbon availability.
- Preprocessing requirements.
- Porosity.
- Moisture content.

Metals content of the biosolids will affect the usability of the final product and must be considered during design to ensure a market for the final product.

An odor control system is an inherent part of in-vessel design. The cost of an odor control system can account for up to 50 percent of both capital and operation and maintenance costs. Composting facilities usually use either wet scrubbers or biofilters for odor control. The level of odor control required is a function of the quality and quantity of air to be treated, the results of air dispersion modeling, and proximity to occupied dwellings.

The most important design feature of a composting system is the ability to maintain uniform aerobic conditions during composting. The air distribution system may be controlled by cycle timers and/or temperature feedback control. The design must avoid compaction of the composting mass to maintain sufficient pore space for aeration. In addition, provisions for routine monitoring of temperatures must be included.

Equipment should be designed to provide maintenance staff with safe access. Equipment and instrumentation should be able to be removed or repaired without having to relocate composting material.

Systems that minimize worker exposure to hot exhaust process gases are preferable because workers can maintain the system and control odors with greater ease, including minimizing the volume of process air that must be treated.

Many in-vessel systems include a water spray system to add moisture to the composting mass, to control temperatures, and for fire protection.

Detention times, which vary with system configuration, will affect many design considerations, including equipment sizing. Horizontal agitated bed systems are designed for 21 days of aerated composting followed by curing. Other in-vessel systems use 10 to 21 days of active composting. Some state regulations dictate detention times for composting systems. In general, about 21 days is a good minimum time for adequate

stabilization. Provisions to monitor the degree of stabilization allow operators to determine when the biosolids are adequately processed and ready for removal to curing piles.

Features of the site on which the in-vessel composting facility is to be located must be considered during design, including size, relative position to residential areas, availability of wastewater treatment, drainage, and access. Examples of optimum locations for in-vessel composting include a large tract of land in an industrial area or a site near a municipal solid waste landfill. One needs to determine the meteorology of a potential site so that odors can be adequately treated, diluted and dispersed.

PERFORMANCE

According to a survey conducted by *BioCycle, Journal of Composting and Recycling*, in January 1999, there were 54 in-vessel composting facilities processing wastewater residuals across the United States (Goldstein and Gray, 1999) and 11 more facilities were in various stages of design or construction. Since that survey, at least two facilities (Portland, Oregon and Camden County, New Jersey) have closed. The vendor systems used at the facilities listed in this survey include:

- Davis Composting and Residuals Management (formerly Taulman Composting Systems.)
- Bedminster Bioconversion (co-composting with municipal solid waste.)
- US Filter/International Process Systems.
- Longwood Manufacturing.
- American Biotech Systems.
- Purac.
- Gicon Tunnels.
- Resource Optimization Technology (ROT Box.)

- Compost System Company Paygro.
- Green Mountain Technologies.
- Waste Solutions.
- Royer.
- Fairfield.
- Comporec.
- Compost System Company Dynatherm.
- Dano.

In addition to these, there are several aerated static pile systems contained within a building that are categorized as in-vessel systems.

The above list is not intended to be a comprehensive list of vendors who offer in-vessel composting facilities. There are also many facilities in operation which use non-patented systems and components.

The number of operating in-vessel composting facilities for biosolids in the United States has steadily increased in the last two decades but has leveled off in recent years. In spite of early operational difficulties and challenges, many early facilities have been upgraded and are successfully operating today.

OPERATION AND MAINTENANCE

In-vessel composting systems can be relatively complex but the skills required for successful operation are common to wastewater treatment plant personnel. Typical labor requirements include heavy equipment operators, maintenance personnel, and instrumentation/computer operators. A clear understanding of biological systems is necessary. Additional staff or consultants are needed to manage end use and to market the compost.

In-vessel composting facilities can require significant maintenance. Many early composting facilities constructed in the United States experienced a variety of operating problems. Odor complaints from neighboring residents have caused

facilities to operate at reduced capacity or to shut down for extended periods of time for system modification. For example, a horizontal plug-flow system in Hickory, North Carolina, was shut down for more than a year while an odor issue was addressed. The system reopened after the addition of air pollution control equipment. The lack of available spare parts has also caused extensive periods of downtime at some facilities. Design configurations have caused some facilities, primarily vertically oriented plug-flow systems, to experience month-long periods of inoperation while routine maintenance was performed. Difficulties in emptying the vessels have been cited as a reason for significant maintenance requirements (O'Brien, 1986.) A system in Lancaster, Pennsylvania, was shut down when state regulators determined it did not meet temperature requirements for Class A pathogen reduction.

There are three basic compost market strategies. The first is the use of compost areas used by the public sector, such as parks, ball fields, landfill cover, and urban reclamation projects. Second, direct marketing to users maximizes revenue and improves the public image of the producer. This strategy could include distribution centers run by the compost facility where customers, such as homeowners, greenhouses, landscapers, and nurseries, can come to pick up the compost. The third strategy is to use a compost broker. This may result in lower revenue but removes the administrative burden of compost marketing. About 25 percent of composters employ a broker. It should be noted that revenue from compost sales will not cover production costs but should offset market development costs. Sale prices range from \$5 to \$60 per ton.

COSTS

Costs associated with in-vessel composting systems vary considerably from facility to facility. Site specific factors and the many configurations and equipment choices make it difficult to provide general costs for this technology. Annual operation and maintenance costs as low as \$61 and as high as \$534 per dry ton of biosolids composted were cited in a 1989 survey (Alpert *et. al.*, 1989.) A more recent assessment estimated costs for composting

between \$100 and \$280 per dry ton of biosolids processed. In-vessel systems generally represent the high end of such cost ranges (O'Dette, 1996.)

The following items must be considered when estimate costs for a specific in-vessel composting facility:

- Land acquisition.
- Equipment procurement, including the composting vessel, loading equipment, conveyors, air supply equipment, temperature monitoring equipment, and odor control equipment.
- Operation and maintenance labor.
- Additives, such as bulking agents, to be used in the specific vessel selected.
- Energy (electricity and fuel for equipment).
- Water and wastewater treatment.
- Equipment maintenance and upkeep.
- Product distribution expenses and marketing revenues.
- Regulatory compliance expenses such as permitting, product analysis, process monitoring, record keeping and reporting.
- Preprocessing equipment for bulking agent.

REFERENCES

Other Related Fact Sheets

Odor Management in Biosolids Management
EPA 832-F-00-067
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Centrifugal Dewatering/Thickening
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September 2000

Other EPA Fact Sheets can be found at the following web address:
<http://www.epa.gov/owmitnet/mtbfact.htm>.

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15. Water Environment Federation, 1995. *Wastewater Residuals Stabilization, Manual of Practice FD-9*. Alexandria: Water Environment Federation.

ADDITIONAL INFORMATION

City of Davenport
Scott Plett
P.O. Box 2707
Davenport, Iowa 52808

E&A Environmental Consultants
Eliot Epstein
95 Washington Street; Suite 218
Canton, Massachusetts 02071

NC Division of Pollution Prevention
Craig Coker
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Raleigh, North Carolina 27699-1639

The mention of trade names or commercial products does not constitute endorsement or recommendation for use by the U.S. Environmental Protection Agency.

For more information contact:

Municipal Technology Branch
U.S. EPA
Mail Code 4204
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

OWM
MTB
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MUNICIPAL TECHNOLOGY BRANCH 

To: Mark Earnest, Brian Lemke, Scott Bradford –
Haines Borough

From: J. Ryan Moyers, P.E., John Koch, P.E. - HDR

Date: January 5, 2012

Subject: Haines Wastewater Treatment Plant – Sewage Screenings Handling



Introduction

The Haines Wastewater Treatment Plant currently uses wedge wire rotary drum screens (manufactured by Hycor) to separate the grit and solid materials from the raw influent flow. The drum screens generally retain small rags, paper, plastic materials, grit, undecomposed food waste, fecal matter, etc. Because the screenings contain fecal matter (as well as grease and scum), proper handling and disposal of the material is important. Currently, screenings from the Hycor units are discharged directly into a collection hopper and stored on-site. As the photos below (taken on recent site visits) illustrate, the screenings/grit at the Haines WWTP are wet and contain visible organic and fecal material.



Figure 1 – Existing Screenings Process

Handling and disposal of the screenings can be a time-consuming and costly operation. The screenings at the Haines plant cannot be composted with the sludge and are currently being stored in a large crate at the site. The location for ultimate disposal of the screenings is undetermined at this point and a cause for concern as screenings continue to accumulate at the plant. As the Borough determines a disposal site, one alternative that could offer some benefits

in terms of reducing the volume of screenings at the plant is a screenings washer/compactor. These devices can be used to wash, dewater, and compact screenings to significantly reduce the weight and volume of the screenings. The current screenings at the plant are heavy and wet and contain visible fecal matter. The washer/compactors can offer volume and weight reduction of the screenings by up to 75% and reduction of fecal matter by greater than 95% and can offer a cleaner, more efficient screenings handling operation. The photo below is taken from an installation at another facility, and illustrates the use of a washer/compactor where the reduced solids are discharged into a bag and hopper for a relatively clean and efficient disposal.



Figure 2 – Washer/compactor Installation

Fact Sheets for three different washer/compactor manufacturers are enclosed with this memorandum. The Fact Sheets provide a description of the potential equipment that may be available to the Borough and some of the benefits associated with each unit. Detailed information including equipment sizing, layout drawings, capital and O&M costs, etc. have not been included in the fact sheets but could be provided if the Borough would like to move forward with the design of a washer/compactor unit.

Haines WWTP Screenings Washer/Compactor Fact Sheets

1. FSM Washer/Compactors	
Manufacturer	FSM – Waste Tech a Division of Kusters Zima
Type	Screenings Washer Press
Description	<p>FSM Screenings Washer Press – SP(W)200x700 Washer/Compactors:</p> <ul style="list-style-type: none"> Reduces weight and volume of screenings while washing out as much as 95% of fecal matter 304 Stainless Steel 8” diameter screw auger with torque tube and nylon brushes fitted to screw flights to clean drainage trough perforations – Hardox 400. 6mm perforated curved drainage section. Drive system to include 2 HP, 1680 rpm, TEFC, gearedrive motor suitable for use in Class 1, Div. 2 environment and 460 Vac/3 PH/ 60 Hz electrical supply, direct coupled to hi-strength alloy steel drive shaft. <p>Controls:</p> <ul style="list-style-type: none"> Main Control Panel – NEMA 4X 304 Stainless Steel panel including transformer, PLC, VFD, relays, timers, operators, and all control devices for proper operation. Local control station – NEMA 7 with H-O-A Switch and mushroom head E-Stop push button.
	
Evaluation Criteria/ Options	Comments
Options	

Haines WWTP Screenings Washer/Compactor Fact Sheets

Evaluation Criteria/ Options	Comments
Install new washer/compactor	Current screenings/grit are wet and contain visible organic and fecal material.
Process Flexibility	
Benefits	<p>Complete System:</p> <ul style="list-style-type: none"> • Fecal matter reduction: Greater than 95% • Volume reduction: 60-70% • Weight reduction: 60-70% <p>Washer/Compactor:</p> <ul style="list-style-type: none"> • High reliability • Integral washing system
Throughput and flow capacity	<p>Throughput up to 450 ft³/hr.</p> <p>New washer/compactors should be designed to meet projected future peak hour flows; so, on average, an individual washer/compactor would be able to handle the average flowrates seen at the wastewater treatment plant.</p>
Operation and Maintenance Impact	
Footprint/Installation	Proposed washer/compactors should fit in existing space at plant.
Controls	<ul style="list-style-type: none"> • Main control panel, NEMA 4X 304SS including transformer, PLC, VFD, relays, timers, operators, and all control devices. • Local control stations, NEMA 7 with H-O-A switch and mushroom head E-stop push button.
Lead Time	<p>4-6 weeks from receipt of order.</p> <p>12-14 weeks from receipt of signed approvals.</p>

Haines WWTP Screenings Washer/Compactor Fact Sheets

2. Huber RotaMat Wash and Press WAP

Manufacturer	Huber Technology
Type	Huber RotaMat Wash and Press WAP
Description	<p>The washer compactor to treat discharge directly from screening. A stainless steel conveying and compacting screw transports screenings in the wash zone. There they are exposed to turbulence created by automatic introduction of wash water. The turbulence achieves excellent removal of organics. The washing intensity and cycles are individually adjustable. The washed screenings are further conveyed to the press zone where they are pressed and dewatered by the compacting screw to a DS content of up to 45%.</p> <p>The washed and compacted screenings are finally pushed through the conical discharge pipe into a container.</p> <p>Compatible with Huber Screening options.</p>



Evaluation Criteria/ Options	Comments
Options	
Install new washer/compactor	Current screenings/grit are wet and contain visible organic and fecal material.

Haines WWTP Screenings Washer/Compactor Fact Sheets

Process Flexibility	
Benefits	<ul style="list-style-type: none"> • Dewatering performance of up to 45% DR • Volume, weight and disposal cost reduction of up to 75% • Screening throughput capacity of up to 420 cubic feet per hour • Completely made of stainless steel • Acid treated in pickling back for corrosion protection • Return of carbon-rich filtrate to wastewater • Unaffected by coarse materials • Screened wastewater or process water can be used as wash water • Flexible feed through lengths
Throughput and flow capacity	New washer/compactors should be designed to meet projected future peak hour flows; so, on average, an individual washer/compactor would be able to handle the average flowrates seen at the wastewater treatment plant.
Operation and Maintenance Impact	
Impact	Significant reduction in waste weight and disposal.
Footprint	Proposed washer/compactors should fit in existing space at plant.
Lead Time	16 weeks after approved submittal receipt.

Haines WWTP Screenings Washer/Compactor Fact Sheets

3. Vulcan EWP Washing Press	
Manufacturer	Vulcan Industries, Inc.
Type	Model EWP Washing Press
Description	<p>The Model EWP Washing Press is a spiral press used to wash organic matter out of screenings material. The Washing Press washes, dewateres, compresses and transports screenings to the receiving device.</p> <p>The Washing Press receives the screenings from a primary screening device or conveyor through an inlet hopper. The spiral transports the screenings from the inlet to the washing zone where they are compacted and washed. In the washing zone, washwater is injected into the screenings from the openings in the hollow shaft of the spiral, and from a nozzle at the top of the unit.</p> <p>The Washing Press consists of a press body with separate washing and dewatering sections, hollow shaft spiral, axial thrust bearing, gear reducer and motor, drain pan, washwater headers and sequencing valves.</p> <p>The spiral is welded to the hollow shaft. The hollow shaft contains perforations located in the washing zone to introduce washwater to the screenings from the inside out. A nylon brush is attached to the trailing edge of the spiral to ensure debris is thoroughly removed from the drainage area. The drain pan is located directly under the press body and is easily removed for service.</p>
	
Evaluation Criteria/ Options	Comments

Haines WWTP Screenings Washer/Compactor Fact Sheets

Options	
Install new washer/compactor	Current screenings/grit are wet and contain visible organic and fecal material.
Process Flexibility	
Benefits	<ul style="list-style-type: none"> • Organic removal up to 90% • Screenings volume reduced by up to 85% • Volume, weight and disposal cost reduction of up to 75% • Stainless steel construction • Wedge wire drain with clog-free drainage of washwater • Flushing nozzle periodically rinses the drain pan
Throughput and flow capacity	New washer/compactors should be designed to meet projected future peak hour flows; so, on average, an individual washer/compactor would be able to handle the average flowrates seen at the wastewater treatment plant.
Operation and Maintenance Impact	
Impact	Significant reduction in waste weight and disposal.
Footprint	Proposed washer/compactors should fit in existing space at plant.

HAINES BOROUGH PUBLIC LIBRARY

[Best Small Library in America 2005]

Director's Report November 14, 2011

October Statistics

Circulation 7,841
Internet Use 1,492

Meeting Room Use: 16 groups, 220 attendance
Programs: 44 programs, 596 attendance

Updates

OWL – Warren, Aaron and Reba participated in a conference call with representatives from GCI determining the work needed to switch internet providers. The discussion was worthwhile as it was discovered that the switch will be simpler than was first anticipated. Staff email addresses will all be changed to _____@haineslibrary.org. James is assisting us with this and Warren has provided instructions for the staff. Anticipated change date is Nov. 16. Because of the potential internet downtime, we would like to close the library to the public but schedule a staff in-service day. The school library has been contacted about the potential interruption to Evergreen. This will be the first step, with other things such as public WiFi access, to be addressed at a later date. Some of the videoconferencing equipment has been received.

Staffing

Jedediah Blum-Evitts has been shadowing Holly to become familiar with the children's services position. Janine Allen has agreed to take on extra hours with the Storyboard project (new Enhancement grant) beginning in January when Jolanta goes on maternity leave.

We are currently advertising for:

- 1) Technology Coordinator, 32 hours per week plus benefits. This position is partially grant funded. Applications will be accepted through November 30th.
- 2) Two library page positions for the 2 year Enhancement grant cycle, completely grant funded. Applications for these positions will be accepted through November 18th. Job descriptions and applications are available at the Borough office or the library.

Programs

- The October 24th author's reading with Bob Hayes was cancelled due to a snafu with US Customs.
- Book club meets Saturday, Nov. 12 at 3pm to discuss the book, *Shadow of the Wind*.
- Frankie and her elves are busy at the library. The Lighting of the Library takes place Nov. 25th. Doors open at 7:00, lighting at 8:00pm.
- Monday, Nov. 28th at 7pm, Storyteller Brett Dillingham from Juneau
- Tuesday, Nov. 29th, 2-4:30 and 6-8:30, James-David Sneed and "Growing our Own Safe Carbohydrates in Local Gardens". This program is a collaboration with SEARHC.

Grants

The planning group for the new Enhancement grant is having an initial meeting on Wed, Nov. 9th. The Chilkat Valley Community Foundation Celebration happens Nov. 14th. We will share the progress of the Library Totem Park project.

I've completed the final report for the IMLS Basic grant and the last quarter reimbursement request for the Enhancement grant.



LIBRARY DIRECTOR

Patricia Brown

LIBRARY BOARD

Anne Marie Palmieri,
Chair

Heather Lende, Vice-
Chair

Richard Flegel, Treasurer
James Alborough,

Secretary

JoAnn Ross Cunningham

Cecily Stern

Lorrie Dudzik

Vanessa Salmon

Sara Poisson

Minutes
Haines Borough Public Library Board
October 17, 2011
4:00 pm

The mission of the Haines Borough Public Library is to be responsive to community needs by assembling, preserving and providing access to materials, information, and technology. Therefore, the Library will offer an environment conducive to providing programs, sharing information and stimulating ideas. The library will be a community gathering place where all ages are welcome.

Call to Order 4:10

Present: Dick, Heather (Secretary) Anne Marie, Patty (Lorrie arrived at the end.) Board members not present were all excused.

Additions or Revisions to Agenda

Consent Agenda Items- No action was taken at the meeting due to lack of a quorum, but there was discussion worth noting.

The following items are consent items for final action to be taken on all by a single vote. Any item may be removed for separate consideration if necessary.

1. Approval of Minutes 09/20/2011
2. Director's Report

Financial Report

Treasurer's Report for September – all well, Dick Flegel reported.

Updates

- Board member terms- All current board members have agreed to sign on for another term.
- OWL : A brief update from Patty that the project is preceding.
- Storage addition
- Staffing: Patty reported that John DeRosa's last day was Oct.13, and that we would be advertising for a new tech coordinator.

Discussion

- Board meeting time- To be worked out via email or at the next meeting.
- Budget revision and budget committee- It was agreed that Patty would write a draft budget and bring to the board as a whole to discuss/fine tune.
- General- Due to the lack of the quorum the members present enjoyed an informal chat with Patty about her first year, successes, areas of concern, hopes, and goals. Gratitude was voiced by all.

Next meeting, Tuesday, Nov. 15 at 4pm



Haines Borough
**BOROUGH ASSEMBLY
 ACTION REQUEST**

DATE: 12/16/11
~~xx/xx/xx~~

TO: Borough Assembly

FROM: Chilkat Center Advisory Board

RECEIVED Haines Borough

DEC 16 2011

Clerk's Office

BOARD ACTION:

M/S John Hunt/Lorrie Dudzik: To send an ARF requesting the refinishing of the stage floor; the process to include the testing for lead in the paint and any other tests needed. Motion carried.

RATIONALE:

The stage floor is in dire need of refinishing. The last time the floor was repainted was 1990. Not only has the paint come off in many places, but the wood is gouged in several areas making an uneven surface and allowing splinters to attack the feet of our little ballerinas. The floor must be sanded, filled and painted. It is a job that is beyond volunteer effort.

The Advisory Board has asked for the refinishing of the stage floor for about three years. The refinishing project was promised by Facilities Manager Brad Maynard, but he left before it could be scheduled. Brian Lemcke now says nothing can be done until the paint is tested for lead. Time is of the essence because work needs to be scheduled around activities on the stage. The Arts Council is bringing a dance troupe to Haines the first of April and needs a good stage floor for the dancers.

(There is nothing happening on stage during January. The Arts Council has an event on stage mid-March and then the dance troupe the first of April.)

BOARD REQUEST:

The Chilkat Center Advisory Board respectfully requests that the Mayor, Assembly or Manager arrange for the timely refinishing of the Chilkat Center Stage Floor to be cured and ready for dancers by end of March 2012.

SUBMITTED BY

 (signature)



Agenda Bill No.: 11-019
 Assembly Meeting Date: 1-10-2012

Business Item Description:	Attachments:
Subject: Status of 2012 Capital Projects within the Borough (including AK-DOT Projects)	1. Memorandum from the Borough Manager 2. Street Improvements Phase III Schedule 3. PC Dock Trestle Replacement Project Schedule 4. Memorandum from Carson Dorn re. Projects 5. AK-DOT Project Index 6. AK-DOT Project Milestone Report 7. AK-DOT Project Summary Report - Project 69316: Beach Road Widening & Front Street Intersection Improvements
Originator: Debra Schnabel	
Originating Department: Borough Assembly	
Date Submitted: By Assembly decision on 11/15/11	

Full Title/Motion:
 This discussion item may lead to some type of action.
 For example, depending on the manager's status report, Assembly Member Schnabel suggests a motion might be in order to recommend reallocation of funding from Front Street (Main to Lutak) to provide for realignment of the interesection of Front Street and Old Haines Highway.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ as necessary	\$	\$ as necessary

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
------------------------	--

Summary Statement:
 On 11/15/11, the borough assembly, by motion, asked the borough manager to provide a list of 2012 capital projects ongoing and planned for 2012 so that it might be discussed. During debate, it was mentioned that it was desirable to also have a list of AK-DOT projects. Since that meeting, Assembly Member Schnabel also requested that this discussion specifically include consideration of AK-DOT Project 69316: Beach Road Widening & Front Street Intersection Improvements. She was informed of a DOT proposal to forego construction of Front Street, Main to Lutak, and appropriate a portion of the allocated funds to the construction of the intersection of Front Street & Old Haines Highway, which is under-funded. DOT requested input from the Borough in May 2011, and it does not appear that a response has yet been given. This discussion item will provide the manager an opportunity to update the assembly on this particular matter in addition to the other projects on the 2012 list.

Referral:

Sent to:	Date:
Recommendation:	Refer to: Meeting Date:

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 12/13/11	Tabled to Date: 1/10/12



Haines Borough Administration
 Mark Earnest, Borough Manager
 (907)766-2231 • Fax(907)766-2716
 mearnest@haines.ak.us

December 13, 2011

2012 Capital Project Schedule

Port Chilkoot Dock

- Trestle and Access Gangway replacement (Fall/Winter 2012-13)

Note: These improvements are currently in the design phase. It is expected that the project will be construction bid-ready by March, with construction scheduled for 2012.

Haines Borough Streets - Phase 2

- 1st Avenue, Mission Street, Willard Street: punch list items (Summer 2012)
- 4th Avenue, 5th Avenue, 6th Avenue, Dalton Street: drainage improvements (Summer 2012)

Note: The Haines Borough Streets - Phase 2 work scheduled for 2012 includes the following: 6th Avenue, 5th Avenue, 4th Avenue, Dalton Street swale reconditioning. These improvements have previously been bid and are scheduled for completion June 2012.

Haines Borough Streets - Phase 3

- View, Lynnview, 4th Avenue (Summer/Fall 2012)
- 3rd Avenue (Summer/Fall 2012)
- Chilkat Lake Road, Eagle Bluff, Corrina Drive, Riverview Road, Porcupine Road improvements (Summer/Fall 2012)
- Borough Admin Building Parking Lot (optional)

Note: Haines Borough Streets - Phase 3 work scheduled for 2012 includes the following: (1) 4th Avenue, View, and Lynnvue: repair streets, drainage, install curb and gutter, new sidewalk on Lynnvue, and pave [note: asbestos waterline is being replaced in View, Lynnvue and 4th Avenue]; (2) 3rd Avenue improvements [note: state grant funding in the amount of \$92,000 will be used to as a match for a pending grant through the Denali Commission]; (3) Borough admin building parking pave (potential additive alternate); (4) Eagle Bluff and Corrina Drive, 1.4 miles: widen, rehabilitate ditches and gravel surface; (5) Chilkat Lake Road (5.3 miles): structural repairs, recondition shoulder ditches, chip coat resurface and Porcupine Road repairs and safety improvements; and (6) Riverview Road, 1.5 miles: widen, rehabilitate ditches and gravel surface. These improvements are currently in the design phase. It is expected that the project will be construction bid-ready by February, with the construction scheduled for 2012.

3 rd Ave Old Haines Highway to Union	\$987,000	(Denali funding with match)
1 st Ave, Main to Mission	\$425,000	
Mission, 3 rd Ave to 1 st Ave	\$204,000	
Willard, 2 nd Ave to 1 st Ave	\$185,000	
Borough parking lot	\$111,000	
RMSA Projects	\$750,000	
4 th Ave., View and Lynnvue	<u>\$1,321,000</u>	
Total	\$3,983,000	

School Projects

- Gym Floor replacement (Summer 2012)
- Voc-Ed Building improvements (Summer 2012)

Boat Harbor

- Small Boat Harbor geotechnical drilling program (Spring 2012)

Note: This proposed work is eligible for 75% federal funding cost share through the U.S. Army Corps of Engineers. If approved by the Assembly, the Borough will be making a substantial funding request for harbor improvements at the Small Boat harbor and Letnikof facility. PND has prepared some concept design drawings and cost estimates for the project. The geotechnical investigation is necessary to determine whether a rubble mound breakwater can be constructed or if a pile supported wave attenuator will be necessary.

Lily Lake Water Project

- Water Treatment Plant Emergency Power / Control System (Winter/Spring 2012)

Barnett Pump Station Replacement

- Punch list items (Spring/Summer 2012)

DOT&PF Roads

- Allen Road, Main Street, 2nd Avenue (Summer 2012)
- Front Street, Beach Road, Old Haines Highway improvements (Summer 2012)

Note: Keith Karpstein with the Alaska Department of Transportation and Public Facilities is scheduled to visit Haines on Monday, December 19 to discuss the Front Street, Beach Road, Old Haines Highway improvements project.

HAINES BOROUGH STREETS - PHASE 3 VIEW, LYNNVIEW, 4TH PROJECT SCHEDULE

ID	Task Name	Start	Finish	2012											
				Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
1	Ph 3 Design & Construction	Mon 11/21/11	Mon 10/1/12												
2	Receive Utility Asbuilt Dwgs & Incorporate into Plans	Mon 11/21/11	Fri 12/30/11												
3	Final Design Review Submittal - 95%	Mon 1/2/12	Wed 2/22/12												
4	HB Review 95% DRS	Thu 2/23/12	Thu 3/1/12												
5	Bid Ready Contract Docs - 100%	Fri 3/2/12	Mon 3/19/12												
6	Advertise & Award Construction Contract	Tue 3/20/12	Mon 4/30/12												
7	On Site Construction	Tue 5/1/12	Mon 10/1/12												

Project: PND No. 072071.05 November 18, 2011	Task	Summary	Rolled Up Progress	Deadline
Split	Rolled Up Task	External Tasks		
Progress	Rolled Up Split	Project Summary		
Milestone	Rolled Up Milestone	External Milestone		

PORT CHILKOOT DOCK TRESTLE REPLACEMENT PROJECT SCHEDULE

ID	Task Name	Start	Finish	2011												2012												2013					
				5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6				
1	Trestle Replacement Option Selected by HB	Mon 5/16/11	Tue 9/6/11	[Task Bar]																													
2	PND Design Contract Negotiated	Thu 6/16/11	Fri 7/15/11	[Task Bar]																													
3	PND 35% Design Review Submittal & Public Involvement	Wed 9/7/11	Mon 10/17/11	[Task Bar]																													
4	Permit Applications & Agency Review	Tue 10/18/11	Fri 3/23/12	[Task Bar]																													
5	PND Prepare 65% Design Review Submittal	Tue 10/18/11	Wed 12/21/11	[Task Bar]																													
6	HB Review 65% Design Submittal	Thu 12/22/11	Wed 1/4/12	[Task Bar]																													
7	PND Prepare 95% Design Review Submittal	Thu 1/5/12	Wed 2/22/12	[Task Bar]																													
8	HB Review 95% Design Submittal	Thu 2/23/12	Wed 2/29/12	[Task Bar]																													
9	Prepare Bid Ready Contract Documents	Mon 3/5/12	Mon 3/26/12	[Task Bar]																													
10	Advertise for Construction Bids	Tue 3/27/12	Mon 4/23/12	[Task Bar]																													
11	Open Bids	Tue 4/24/12	Tue 4/24/12	[Task Bar]																													
12	Council Award and NTP	Wed 4/25/12	Fri 5/4/12	[Task Bar]																													
13	In-water Work Restrictions	Sun 4/1/12	Fri 6/15/12	[Task Bar]																													
14	Contract Submittals, Material Procurement & Mobe	Mon 5/7/12	Fri 9/14/12	[Task Bar]																													
15	On Site Construction to Substantial Completion	Mon 9/17/12	Fri 5/3/13	[Task Bar]																													
16	Final Punch List Completion	Mon 5/6/13	Fri 5/31/13	[Task Bar]																													
17	Owner Occupy	Fri 5/3/13	Fri 5/3/13	[Task Bar]																													

PND No. 092014.04 September 16, 2009	Task		Rolled Up Split		External Milestone	
	Split		Rolled Up Milestone		Progress	
	Milestone		Rolled Up Progress		Deadline	
	Summary		External Tasks			
	Rolled Up Task		Project Summary			



712 West 12th Street
Juneau, AK 99801

Date: 11/22/2011

Tel: 907-586-4447
Fax: 907-586-5917

To: Mark Earnest, Borough Manager

Reference:

From: Jim Dorn

Subject: On-Going Haines Borough Projects

Following is a brief summary of on-going projects that Carson Dorn Inc. is working on with the Haines Borough. If you have any questions regarding any of the projects or would like more detail about any of them, please let me know and we would be happy to provide you with the additional information.

Haines Borough Project Status

First Avenue, Willard Street, and Oceanview Drive Water System Upgrade

Construction of this project is complete. The project was funded in part with American Recovery and Reinvestment Act (ARRA) funds. One of the national auditors was in Haines earlier this month to review and confirm that contract requirements, construction activities and accounting procedures were in compliance with the ARRA requirements. Final project closeout activities and compliance with the requirements for ADEC grant and loan funding are being completed.

Lily Lake Water Transmission Line Upgrade

Construction of the water transmission line portion of this project is complete. A change order was issued for this project that added replacement of the old control system in the water treatment plant and providing a new emergency power system at the water treatment plant. This change order work is still underway.

Barnett Pump Station Replacement

Construction of the Barnett Pump Station project is substantially complete and the new pump station has been operating successfully for several months. There are still a few minor electrical connections that need to be improved and a few changes to the operating system control

programming to provide operators an additional control strategy for operating the pumps. Final project closeout activities and compliance with the requirements for ADEC grant and loan funding are being completed.

View Street, Lynnview Drive and Fourth Avenue 2011 Water System Upgrade

Construction of this project is complete. Final project closeout activities and compliance with the requirements for ADEC grant and loan funding are being completed.

Primary School Leaking Underground Storage Tank

Approximately 200 cubic yards of contaminated soil were removed as part of the 2010 school demolition project. A much larger but unknown quantity of contaminated soil remains in the area influenced by the leaking primary school underground storage tank. Discussions are underway with ADEC to develop a site characterization plan and to develop an overall site management plan.

Haines School Demolition Project Phase 2

Demolition of the school took place this fall and building debris has been removed from the site. Backfill of the excavation has started but still remains to be completed. During the demolition it was discovered that fuel leakage had occurred from an underground storage tank associated with the gym addition. This area will be included in the discussions with ADEC about an overall site characterization and site management plan for the school site.

Piedad Springs-Ground Water Under the Direct Influence of Surface Water Evaluation

ADEC has expressed concern that Piedad Springs, one of the Borough's drinking water sources, may be under the direct influence of surface water. If it is determined that Piedad Springs is under the direct influence of surface water, it would trigger significant treatment requirements for the Piedad Springs water source. The evaluation included a field assessment of the source to review source protection improvements. The evaluation also includes long term water quality monitoring to determine seasonal variations in water temperature, pH, turbidity, and conductivity and to review response of these parameters to storm events. The long term water quality monitoring is continuing.

Crystal Cathedral Water System Evaluation

The Haines Borough wishes to consider serving the Crystal Cathedral area with water from the rest of the Borough's water system and to disconnect the wells currently serving the area. Unfortunately there are areas of the Crystal Cathedral water system that are at elevations higher than can be served by the Borough's existing system. Field surveys have been conducted to identify these areas. Cost estimates for alternatives to provide water from the Borough's existing water system to the Crystal Cathedral area are being developed and a final report summarizing the results is being prepared.

Chilkat Center Mold Investigation

A field inspection of the Chilkat Center has been performed for mold and a report of the findings has been submitted to the Borough. The Borough is currently considering the recommendations contained in that report.

Picture Point Limited Phase I Environmental Site Assessment

A limited Phase I Environmental Site Assessment is being conducted for the Picture Point area in support of the Borough's desire to acquire the property from the State Department of Transportation. This site assessment will not include the field inspection of the site due to snowfall but will include all other aspects of a Phase I site inspection.

PROJECT INDEX DESIGN

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<u>ANGOON</u>	68940	24433187	30144522	ANG Airport Eviromental Impact Statement	140
	69440	24433616	30096222	ANG Ferry Terminal Passenger Facility	109
<u>COFFMAN COVE</u>	67844	24432155	30251742	Coffman Cove Terminal	22
<u>ELFIN COVE</u>	69388	24433603	30106922	Elfin Cove Boardwalk Repair Ph. II	51
<u>GUSTAVUS</u>	68343	Not	Published	GST Small Boat Float Design (DC 388-08)	114
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69340	24433429	30280121	JNU Thane Road Pavement Rehabilitation	87	

PROJECT MILESTONE REPORT - Karpstein

Nov 2011

Project Name	AKSASID	FFY	Estimate	Designer:	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12
SGY Dyea Road Improvs	67424	12	\$3,200,000	Staff		E,G	D,V		U,V,Y		O,P,R	A						
KTN N Tongass Hwy Ward Cove - Refuge Cove-Pvmt Rehab	68973		\$8,450,000	Staff				D,E	G,V	U,Y	P,R,V	A,O						
✓ HNS Old Haines Hwy Sidewalk Construction	69178		\$1,000,000	Staff		D,E,V		V,Y		A								
✓ HNS Beach Rd Widen & Front St Intersection	69316		\$2,100,000	Staff		D,E,V	P	U,V,Y	R	A								
JNU Thane Rd. Curve at Sheep Creek Safety Improvement	69331	12	\$1,200,000	Staff				E	D,V	U	V,Y	O,R	A					
SIT Halibut Pt Rd Pavement Rehab & Drainage AK074/152	69351	12	\$17,700,000	Staff				E	D,V	U	V,Y	B,O,P,R	A					
HNS AIP Drainage Imp. Pavement Rehab. & Fence Recon.	69436	13	\$6,830,000	Staff			M							E,O				
JNJ Riverside Dr Rehab/Widen	69527	13	\$2,300,000	Staff							X		E	D,V		Y	V	

LEGEND

A = Authority to Advertise	E = Environmental Document Approval	P = Environmental Permit	U = Utility Agreement
B = Bridge	G = Draft Geotechnical	R = ROW Acquisition	V = Reviews
C = Consultant Solicitation	H = Hydrology	S = Field Surveying/Mapping	X = Public Meeting
D = Design Study Report	I = Inventory	T = Traffic	Y = Local Concurrence
	L = Location Survey		
	M = Scoping Management Plan		
	O = Construction Obligation		

Print Date: Select Supervisor:

AKSAS: 69316

Fed Proj #: N/A

Status: DESIGN

Project ID: 55754

Name: **HNS: BEACH ROAD WIDENING AND FRONT STREET INTERSECTION IMP.**

Manager: **KARPSTEIN, KEITH D**

Construction Manager: **HANSEN, MAUREEN A**

Remarks: **Funding: State Funds Cruise Ship related**

Obligations (amount in thousands of dollars)

Project Funding and Expenditure Summary (amounts in dollars)					
Phase	Programmed	Expended	Exp Last Month	Encumbrance	Balance
2	245,500.00	191,690.27	23,798.42	0.00	53,809.73
3	100,000.00	4,873.48	2,427.18	0.00	95,126.52
4	3,341,349.69	6,075.79	1,742.13	0.00	3,335,273.90
7	100,000.00	0.00	0.00	0.00	100,000.00
Totals	3,786,849.69	202,639.54	27,967.73	.00	3,584,210.15

Estimated Advertising Date: 03/15/2012

Scope Date	Scope Text
03-Nov-2009	ADD SHOULDERS ON BEACH ROAD FROM MP 0.544 TO MP 1.0 AT THE PORTAGE CAVE STATE RECREATION AREA. APPROXIMATELY 0.1 OF SIDEWALKS WILL BE INSTALLED FROM PORT CHILKOOT DOCK TO TOWER ROAD. REALIGN FRONT STREET MP 0.457.
Progress Date	Progress Text
28-Oct-2011	Project funded with cruise ship related state funds. Preliminary engineering and environmental work in progress. Plans-In-Hand review tentatively scheduled for November 17, 2011. Appears existing roadway is not within the current ROW, will require increased ROW work effort to verify and address ROW issues. Draft findings letter complete. Anticipate send to OHA early November. CE expected to be complete in December. Notifications of utility relocations for Front Street realignment sent to local utilities.
Problem Date	Problem Text
25-May-2011	Funding inadequate to cover realignment of Front Street per the original scope. Seeking additional funds which may come from Project #69327.

Environmental Information

Contact	Document	Undecided Expected:	Approved
SCHELB,			
Progress Date	Environmental Progress Text		
02-Nov-2011	USACE Nationwide Permit App sent to REM for approval to go to Statewide for final approval. Final copy of findings letter to REM. Copies for OHA and National Park Service. Findings letter to REM. Findings letter out for final review/edit		

Utility Information

Contact: CLUCHEY, CYNTHIA R	Agreement Complete:
Utility Company	Utility Prelim Reloc Estimate
Alaska Power & Telephone Company	
Alaska Power & Telephone Company	
Haines & Skagway Cable TV	
Scope Date	Utility Scope Text
25-Oct-2011	Relocate 3 utility poles at the intersection of Old Haines Highway and Front Street



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 11-010
Assembly Meeting Date: 1-10-12

Business Item Description:		Attachments:
Subject:	1. Resolution 12-01-323 2. Letter from James Studley, undated but submitted on 11/5/2011.	
Resolution of Support for VA Home in Haines		
Originator: James Studley, President, Haines Assisted Living Inc.		
Originating Department:		
Date Submitted: 11/5/2011		

Full Title/Motion:
Motion: Adopt Resolution 12-01-323.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$ 0	\$ 0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Pg 30, Objective - Foster local employment opps; Pg 39 Objective - Create an environment that attracts retirees	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Summary Statement:

The proposed Walter Soboleff Village is a community-based, grass roots project developed to meet the needs of veteran residents. It is envisioned that the entire community will benefit socially, spiritually, and economically. The late Tlingit elder Walter Sobeloff said, "I don't want to die away from Southeast. We need a veteran's home here for all the folks of our region who have served their country." Thanks to the Alaska Legislature and Representative Bill Thomas, a Vietnam veteran, HAL received a \$500,000 legislative grant for research and development and construction of this facility in Haines. Additionally, a Juneau Economic Development Council study supports the feasibility of building this facility locally. HAL requests assembly support in the form of a resolution, and on 12/13/11 by motion, the assembly directed the borough manager to prepare a draft resolution for consideration.

Referral:

Sent to:	Date:
Recommendation:	Meeting Date:
Refer to:	

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 12/13/11, 1/10/12	Tabled to Date:

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING
DEVELOPMENT OF A VETERANS HOME IN HAINES.**

WHEREAS, the Haines Borough and the community of Haines support sustainable economic development, especially when it expands local social and healthcare resources; and

WHEREAS, Haines Assisted Living (HAL) and the Haines Borough successfully collaborated on the development of its assisted living facility, the only LEED (Leadership in Energy and Environmental Design) Certified building of its kind in rural Alaska; and

WHEREAS, HAL is now one of the Borough's largest private local employers; and

WHEREAS, HAL is proposing to construct and operate the "Walter Soboleff Village", a housing project for senior Alaska Veterans and others that will include access to enhanced supportive services; and

WHEREAS, this project will significantly increase quality, affordable housing in Haines and improve the availability of local health and supportive services for veterans and others,

NOW, THEREFORE BE IT RESOLVED, by the Haines Borough Assembly strongly supports Haines Assisted Living in its efforts to develop the Walter Soboleff Village as an addition to the campus of Haines Assisted Living and St. Lucy's Senior Living.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ____ day of _____, 2012.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

Support Request From The Haines Borough Assembly

For The

Walter Soboleff Village

The Walter Soboleff Village will complete phase III of an innovative project that demonstrates ways to overcome barriers to sustainable development and human services in rural Alaska.

Soboleff Village will join Haines Assisted Living (HAL) and St. Lucy's Senior Living (SLSL) as an alternative to residence in facilities far from friends and home. Veterans of any age and others in search of permanent affordable housing, or assisted living and rehabilitation for any length of time will have a small, resident-centered, caring community, modeled on the success of Haines Assisted Living. Placing Soboleff Village here integrates all three phases of this unique senior project and maximizes the advantages of economies of scale for operation and supportive services.

Though open to all who qualify, the complex will exercise a Veteran's Preference to ensure that those who have sacrificed for us will always have a welcoming home, sheltered by the mountains and waters of Southeast Alaska.

It is estimated that the facility will be ten to twelve units (up to two residents per unit) with considerable common area dedicated to recreation and rehabilitation activities. Critical to sustainable operations will be the same engineering and design elements proven by construction experience with Haines Assisted Living—the only LEED Certified (Leading Environment and Energy Design) building of its kind in rural Alaska. Preliminary total project cost is projected at \$2.5 to \$3 million. HAL will contribute property valued at \$270,000 as well as other development resources. Upon completion, the HAL/SLSL/WSV campus would be comprised of 25 units of assisted and independent living with a total value of around \$8.5 million.

The first component of the Feasibility and Marketing study has been completed and demonstrates continued growth of both the general senior population and the senior veteran population in Haines and Southeast Alaska. Haines Assisted Living and SEARHC have begun discussions on ways to expand their current collaboration to include veteran's health services.

Haines Assisted Living and St. Lucy's Senior Living (5 independent living units for low-income seniors) combined total project costs, approximately \$5.5 million. Of that, about \$4.5 million was expended for hard construction costs—to a General Contractor from Ketchikan, sub-contractors from Sitka and Juneau, as well as architects and engineers from Juneau and Haines. When ever possible all construction labor, including the foreman were Haines residents. In addition, the site preparation, drainage and landscaping was contracted to Haines businesses and again, whenever possible, materials were purchased through local sources.

HAL is now one of the largest private employers in the Haines Borough. The combined budgets of HAL and SLSL are \$520,000 per year. Neither has debt service, so this is almost entirely goods, services and salaries in Haines--a \$520,000 annual return in economic activity for a one-time capital investment of \$5.5 million from public, private and the local community.

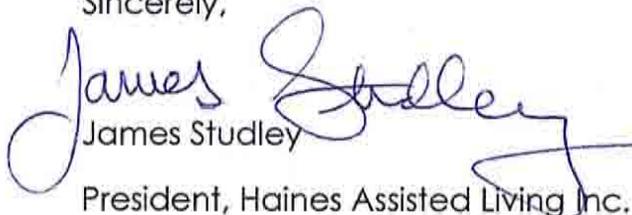
This is a 9% return on investment without any economic multipliers. The additional benefits paid to our community cannot be measured in dollars and cents but through example. We have given some of our elder's hope, and a place to call home with their family and friends, not in some far away place with strange surroundings.

The Walter Soboleff Village will build on the success of HAL and St. Lucy's. A community-based, grass roots project developed to meet needs as expressed by the individuals who will be the residents. In addition, the entire community will benefit socially, spiritually and economically. As the recently passed Tlingit elder Walter Sobeloff said, "I don't want to die away from Southeast. We need a Veteran's home here for all the folks of our region who have served their country."

As you're aware Representative Bill Thomas, a Vietnam Veteran, and the Alaska legislative body with the support from the local American Legion and the State of Alaska Veterans Association dedicated \$500,000.00 towards research and development of this facility here in Haines. A study by the Juneau Economic Development Council supports the feasibility of building this facility locally.

The Haines Borough Assembly has supported the development of the HAL facility and the St. Lucy Sr. project development. The HAL board of Directors respectfully request the Haines Borough Assembly support the further development of the Walter Soboleff Village and ask that a resolution be prepared for approval by the Assembly which shows the Borough supports the construction this veterans home.

Sincerely,


James Studley
President, Haines Assisted Living Inc.

RECEIVED Haines Borough

DEC 05 2011

Clerk's Office

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING
THE RECREATION OF AN ALASKA COASTAL MANAGEMENT PROGRAM.**

WHEREAS, the Haines Borough Assembly supports programs that contribute to the economic, social and community well-being of the residents of Alaska; and

WHEREAS, a state coastal management program

- gives the state and local communities a meaningful voice to protect Alaska's interests and values in the development of our coastal lands and waters,
- requires that the federal government listen to and respond to Alaskans' coastal issues,
- gives Alaskans the means to address the unique conditions existing along our coastline,
- balances competing demands on coastal resources and uses,
- reduces litigation by providing the means for effective cooperation among federal, state and local governments and Alaska's citizens,
- coordinates project authorizations among federal, state and local governments,
- enhances diverse and responsible economic development through resolution of disputes among conflicting and competing uses and demands for coastal resources, and
- brings local knowledge to bear on development decisions, but does not allow for a local veto of development projects; and

WHEREAS, Alaska is the only coastal state without a coastal management program despite having over a third of the entire tidal shoreline in the United States and more federal land and waters than any other state, and bordering two oceans,

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly supports the recreation of an Alaska coastal management program either through the Alaska Sea Party ballot initiative or legislation that is substantially the same as the initiative; and

BE IT FURTHER RESOLVED that this resolution be forwarded to Governor Sean Parnell, Senator Albert Kookesh, and Representative Bill Thomas encouraging them to support the recreation of the state's coastal management program.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ____ day of _____, 2012.

Stephanie Scott, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk



For more information:

www.alaskacoastalmanagement.org

Or contact the Alaska Sea Party:

coordinator@alaskacoastalmanagement.org

907-957-4540

ALASKA COASTAL MANAGEMENT PROGRAM INITIATIVE INFORMATION

When Alaska lost its coastal management program, we lost an important tool to influence and shape coastal development. The Alaska Sea Party citizens' coastal management program initiative lays the groundwork for the creation of a new, improved program that will give the state and local communities a meaningful voice to protect Alaska's interests and values in the development of our coastal lands and waters.

I. Historical Background

1972: In recognition of increasing coastal population and development pressures and the potential for conflicts, Congress enacted the Coastal Zone Management Act (CZMA) empowering states and local governments to manage, protect, and develop their coastal resources.

1977: Governor Hammond introduced the Alaska Coastal Management Act (ACMP) in response to increasing demands on state coastal resources. The final legislation provided for the establishment of local coastal districts and a strong role for local governments.

1979: The federal government approved Alaska's coastal management program.

1984: The Sheffield administration adopted a coordinated review process for coastal projects.

2003: Amendments to the coastal program reduced local communities' input into coastal development projects; removed consideration of air and water quality matters from the coordinated review process; and eliminated the regionally represented Coastal Policy Council, transferring its powers to a single agency, the Department of Natural Resources.

2011: The Alaska legislature and the governor failed to agree on conditions for extending the coastal program and the program sunset on July 1, 2011.

II. The Alaska Sea Party

The Alaska Sea Party is a statewide grassroots organization comprised of municipal leaders and concerned citizens allied for the purpose of promoting a ballot initiative to restore a coastal management program to Alaska.

The initiative was originally sponsored by Mayor Bruce Botelho of the City and Borough of Juneau, Mayor Jerome Selby of the Kodiak Island Borough, and Assemblyman Mako Haggerty of the Kenai Peninsula Borough, with the help of about 280 co-sponsors. Among the co-sponsors are several coastal mayors, including Willard Dunham (Seward), Cheryl Westover (Sitka), Eric Middlebrook (Bethel), Alice Ruby (Dillingham), and Dave Stone (Yakutat).

III. Supporters to Date

The following groups and officials publically support the ballot initiative:

Alaska Federation of Natives
Alaska Municipal League
Edward S. Itta, former North Slope Borough mayor
Representative Bryce Edgmon (Southwest Alaska)
Representative Beth Kerttula (Juneau)

The United Fishermen of Alaska publically support reestablishment of a coastal management program, though not specifically through the ballot initiative.

IV. The Coastal Management Program Initiative – Highlights

Alaska Coastal Policy Board

- The citizens' initiative creates the Alaska Coastal Policy Board in the Department of Commerce, Community and Economic Development (DCCED). The Board is comprised of nine public members from each coastal region and four state agency commissioners (Departments of Natural Resources, Environmental Conservation, Fish and Game, and DCCED).
- The Governor appoints the public members from a list of nominations from the coastal districts.
- The Board has the power to review and approve regulations to implement the coastal program; direct DCCED to seek federal approval of the new program and to apply for and accept grants; approve coastal district management plans; establish interagency coordination; evaluate the effectiveness of district plans; and take any reasonable action necessary to carry out program provisions.

Regulations

- The program will be achieved through regulations adopted and implemented by a new Division of Ocean and Coastal Management located in DCCED.

- The regulations must include
 - statewide coastal program standards against which coastal activities will be reviewed for consistency;
 - the criteria and process for preparation and approval of district coastal management plans; and
 - project consistency review procedures, including the types of activities subject to coastal program review and the establishment of review timelines.
- Through the public regulation process, all Alaskans will have the opportunity to participate in program development.

Program Objectives

- Rather than dictate the form of the new program, the initiative establishes a comprehensive list of objectives that address
 - the use, management, restoration, enhancement, development, and protection of the coastal environment;
 - coordination among government agencies and citizens; and
 - public and government participation in development and implementation of the coastal management program.
- The objectives also include the requirement that state resource agencies carry out their duties in accordance with the coastal program.
- The program regulations will be reviewed and approved by the Board in order to ensure that they are consistent with the initiative’s objectives.

Coastal Districts

- The initiative incorporates the coastal districts as they existed prior to the termination of the former coastal program. This includes the coastal resource service areas (CRSAs) created in the unorganized boroughs. Former statutes addressing CRSAs are incorporated into the initiative.

District Coastal Plans

- The coastal districts may use their prior approved coastal management plans as a starting place for local coastal management. These plans include “enforceable policies” that are used to address local matters.

- As with the prior coastal program, district enforceable policies cannot unreasonably or arbitrarily restrict a use of state concern nor duplicate, restate or incorporate by reference state or federal statutes or regulations.
- Enforceable policies must be clear and concise, not be preempted by state or federal law, may be prescriptive or performance-based, and address a coastal use or resource of local concern as demonstrated by local knowledge or supported by scientific evidence.
- Unlike the last version of the program, where allowable policies were so narrowly defined that almost no district policies were approved, the initiative sets broad parameters and gives the Board the approval authority over district plans rather than the Department of Natural Resources commissioner.
- District plans will be implemented the same as in prior programs – districts with zoning power will implement their plan, plans for districts without zoning power will be implemented by the appropriate state agencies.

V. Alaska Coastal Facts

- Alaska is the only coastal state without a coastal management program
- Over 75% of Alaskans live near the coast
- Alaska has more than 38% of the entire U.S. coastline
- Alaska is the only state that borders two oceans
- Alaska has more federal lands and waters than any other state

VI. Frequently Asked Questions

Why does Alaska need a coastal management program?

A state coastal program gives Alaskans a powerful voice in balancing potentially competing uses and activities along its coasts, including the ability to substantially influence federal decisions that impact coastal resources. The coastal area is subject to higher population and development pressures than other regions, and potential problems are sufficiently unique that they need to be addressed separately from general land use laws and policies.

How is the initiative different from the coastal program that was in effect prior to July 2011?

The initiative differs from the prior program in the following substantive ways:

- Rather than consolidating all decision-making in a single resource agency as was done under the prior program, the initiative creates the Alaska Coastal Policy Board to oversee

development and implementation of the new program, including approval of regulations and local coastal management plans. The Coastal Policy Board will bring local coastal district and state representatives together and ensure statewide input into the development and implementation of the coastal program.

- The new program will be located in the Department of Commerce, Community and Economic Development (DCCED) rather than in the Department of Natural Resources. DCCED has a long history of working with local governments, including management of coastal district funding. In addition, since DCCED is not a resource agency, it provides a neutral role when coordinating project reviews.
- Except for certain provisions dealing with coastal districts in the unorganized borough, the new program does not incorporate prior program statutes and regulations, but instead establishes a comprehensive list of objectives that will be addressed through regulations developed and approved by the Alaska Coastal Policy Board.

Why is there no industry, interest group or federal representation on the Alaska Coastal Policy Board?

The federal coastal management program is designed to empower state and local governments and it is their responsibility to implement the state coastal management program. There are strong public participation requirements in state and federal law so all stakeholders will have the ability to help shape the new program.

What administrative unit will be responsible for the program?

A new division, the Division of Ocean and Coastal Management, will be created in DCCED. The division will provide support to the Board and, with guidance from the Board, will implement the program, including coordinating coastal program project reviews.

What projects will be subject to review under the coastal program?

Activities proposed or permitted by a state or federal agency will be reviewed for consistency with coastal program enforceable policies. New regulations reviewed and approved by the Coastal Policy Board will include provisions for the types of activities that will trigger a consistency review and also provide for exclusions from review for certain activities.

What are coastal districts?

Coastal districts are local government organizations that participate in the coastal program by developing local coastal management plans. Coastal districts include municipalities (cities and boroughs) and four coastal resource service areas located in the unorganized boroughs.

Will the new program give coastal districts the ability to veto a development project?

While the initiative brings local enforceable policies and knowledge to bear on development decisions, it does not allow for a coastal district to veto development projects.

What happens to former coastal districts and their coastal management plans?

The coastal districts that were in place as of June 2011 and their coastal management plans will be incorporated into the new program. Districts may revise their plans at any time under the new program but will not be required to do so unless the plans conflict with the new law.

Can new coastal districts be formed?

New coastal districts may be formed by municipalities or by new coastal resource areas for areas of the unorganized boroughs.

What are coastal program enforceable policies?

Enforceable policies are legally binding policies applicable to public and private coastal activities. Policies include standards that apply in all coastal areas of the state (statewide standards) and local enforceable policies that are unique to each coastal district. Coastal district enforceable policies in effect as of June 30, 2011 will be incorporated into the new program. New regulations reviewed and approved by the Coastal Policy Board will include new statewide coastal program standards.

What are the criteria for development of local enforceable policies?

Under the initiative, district enforceable policies cannot unreasonably or arbitrarily restrict a use of state concern nor duplicate, restate or incorporate by reference state or federal statutes or regulations. Policies must be clear and concise, not be preempted by state or federal law, may be prescriptive or performance-based, and address a coastal use or resource of local concern as demonstrated by local knowledge or supported by scientific evidence.

When will project consistency reviews begin?

Project consistency reviews will begin once the regulations approved by the Coastal Policy Board are officially adopted. Reviews of federal activities and federally-approved permit activities will not begin until after the new program receives federal approval.

Are there other programs comparable to a state coastal management program that give Alaska the same ability to influence federal decisions?

While other federal environmental and resource laws give states the ability to comment on federal decisions, only the federal Coastal Zone Management Act requires federal agencies to receive approval from coastal states before issuing their final approval for projects. Once approved under the CZMA, the new coastal program will provide Alaska with its strongest tool to influence federal project decisions, including decisions on federal land and the Outer Continental Shelf. Before federal activities and federally-permitted projects can be approved, they must be found consistent with the statewide standards and local enforceable policies under the state coastal program. In addition, a coastal program will strengthen Alaska's offshore oil spill prevention and response requirements that were weakened with the demise of the coastal program.

How will the coastal management program promote economic development?

A state coastal program promotes economic development in several ways. Local coastal management plans identify areas suitable for development and provide guidance for development through their enforceable policies. The potential for lawsuits is reduced by coordinated project reviews that provide a forum for meaningful public participation by citizens and interest groups and the early identification and resolution of issues. Responsible development is also enhanced by a streamlined project review that coordinates federal, state, and local government permitting actions.

If the initiative is approved by voters in 2012, will it automatically be approved by the federal government?

A new program will not receive automatic federal approval. The federal Office of Ocean and Coastal Resource Management within the National Oceanic and Atmospheric Administration estimates it will take 18 to 24 months to review and approve the new program after submission.

How will the coastal program be funded?

Federal funding for the coastal program will be available once the program receives federal approval. In fiscal year 2010, the federal government provided Alaska with approximately \$2.6 million to implement the coastal program, including grants for special projects. State agencies and coastal districts provided matching in-kind and cash contributions totaling \$2.1 million.

Does the initiative change the previous coastal zone boundaries?

The coastal zone boundaries that existed as of June 2011 will be incorporated into the new program. Any changes to these boundaries would require legislative approval.

Will projects inland of the coastal zone be subject to review under the coastal program?

The federal Coastal Zone Management Act allows states to review projects inland of the coastal zone only if the projects would affect resources or uses of the coastal zone. Regulations developed by the Coastal Policy Board may impose additional criteria for review of these types of projects.

What happens to the former coastal program regulations?

The regulations in existence before the Alaska Coastal Management Program sunset in 2011 will not be incorporated into the new program. Instead, the Board must approve new regulations for statewide standards, coastal program project reviews, and criteria for development of coastal district plans.

1 **AN ACT ENTITLED**

2

3 **"An Act establishing the Alaska Coastal Management Program."**

4

5 **BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 46 is amended by adding a new chapter to read:

7

Chapter 41. Alaska Coastal Management Program

8 **Sec. 46.41.010 Coastal Policy Board**

9 (a) There is created in the Department of Commerce, Community and Economic
10 Development the Alaska Coastal Policy Board. The board consists of the following:

11 (1) nine public members and alternates appointed by the governor from a list
12 composed of at least three names from each region, nominated and submitted by the coastal
13 districts of each region; one public member shall be appointed from each of the following
14 regions:

15 (A) northwest Alaska, including, generally, the area of the North Slope
16 Borough and the Northwest Arctic Borough;

17 (B) Bering Straits, including, generally, the area of the Bering Straits regional
18 educational attendance area and the City of Nome;

19 (C) southwest Alaska, including, generally, the area within the Lower Yukon,
20 Lower Kuskokwim, and Southwest regional educational attendance areas, the City of
21 Bethel, and the Lake and Peninsula and Bristol Bay Boroughs;

22 (D) Kodiak-Aleutians, including the area of the Kodiak Island and Aleutian
23 East Boroughs and the Aleutian, Adak and Pribilof regional educational attendance
24 areas;

25 (E) Upper Cook Inlet, including the Municipality of Anchorage and the
26 Matanuska-Susitna Borough;

27 (F) Lower Cook Inlet, including, generally, the area within the Kenai Peninsula
28 Borough;

29 (G) Prince William Sound, including, generally, the area east of the Kenai
30 Peninsula Borough to 141 W. longitude;

31 (H) northern Southeast Alaska, including the area southeast of 141 W.
32 longitude and north of 57 N. latitude, including the entirety of the City and Borough

1 of Sitka; and

2 (I) southern Southeast Alaska, including that portion of southeastern Alaska
3 not contained within the area described in (H) of this paragraph;

4 (2) each of the following:

5 (A) the commissioner of environmental conservation;

6 (B) the commissioner of fish and game;

7 (C) the commissioner of natural resources; and

8 (D) the commissioner of commerce, community, and economic development.

9 (b) Public members serve staggered terms of three years. Except as provided
10 by (c) of this section, each member serves until a successor is appointed. A public member
11 may be reappointed.

12 (c) The alternate for a commissioner serving under (a)(2) of this section shall be a
13 deputy commissioner or the director of a division in the commissioner's department. The
14 names of alternates shall be filed with the board.

15 (d) The board shall designate co-chairs, one of whom shall be selected from among
16 the public members appointed under (a)(1) of this section and one from among the members
17 designated in (a)(2) of this section.

18 (e) The board may recommend that the governor remove a public member for cause.

19 (f) Five public members and two designated members of the board constitute a
20 quorum, but the board may delegate to one or more of its members the power to hold
21 hearings. All decisions of the board shall be by a majority vote of the members present and
22 voting.

23 (g) The board shall meet at least four times a year and as often as necessary to fulfill
24 its duties under this chapter. Meetings may be held and members may vote telephonically,
25 except one board meeting a year shall be held in person.

26 (h) Public members of the board or their alternates are entitled to per diem and travel
27 expenses authorized by law for members of boards and commissions.

28 (i) Administrative support for the board shall be provided by staff of the department.
29 The department, under the direction of the board shall contract with or employ personnel or
30 consultants the department considers necessary to assist the board in carrying out the board's
31 duties and responsibilities.

32 **Sec. 46.41.020. Powers and duties of the board.**

1 (a) The board shall

2 (1) review and approve regulations necessary to implement the coastal management
3 program in conformity with this chapter and 16 U.S.C. 1451 - 1464 (Coastal Zone
4 Management Act of 1972);

5 (2) direct the department to seek approval of the Alaska coastal management
6 program by the National Oceanic and Atmospheric Administration, Office of Ocean and
7 Coastal Resource Management in conformity with 16 U.S.C. 1451 – 1464 (Coastal Zone
8 Management Act of 1972);

9 (3) initiate an interagency program of strategic coastal and ocean planning for each
10 geographic region of the state;

11 (4) review and approve coastal district management plans after receiving the
12 department's recommendations, including local enforceable policies, that meet the provisions
13 of this chapter and the district plan criteria.

14 (5) establish continuing coordination among state agencies to facilitate the
15 development and implementation of the Alaska coastal management program;

16 (6) evaluate the effectiveness of district coastal management plans; and

17 (7) direct the department to apply for and accept grants, contributions, and
18 appropriations, including application for and acceptance of federal funds that may become
19 available for coastal planning and management.

20 (b) The board may

21 (1) contract for necessary services;

22 (2) take any reasonable action necessary to carry out the provisions of this chapter.

23 **Sec. 46.41.030. Division of Coastal Management.**

24 (a) There is created in the department the division of ocean and coastal management.

25 (b) The division shall

26 (1) render, on behalf of the state, all federal consistency determinations and
27 certifications authorized by 16 U.S.C. 1456 (Sec. 307, Coastal Zone Management Act of
28 1972), and each conclusive state consistency determination when a project requires a permit,
29 lease, or authorization from the department or from two or more state resource agencies.

30 (2) adopt regulations approved by the board necessary to implement this chapter
31 under the provisions of AS 44.62 (Administrative Procedure Act).

32 (3) assure continued provision of data and information to coastal districts to carry

1 out their planning and management functions under the program.

2 (4) develop and maintain a program of financial assistance to aid coastal districts in
3 the development and implementation of district coastal management plan.

4 **Sec. 46.41.040. Development of Alaska coastal management program.**

5 (a) The regulations developed under this chapter shall include

6 (1) statewide coastal program standards;

7 (2) the criteria and process for the preparation and approval of district coastal
8 management plans; and

9 (3) consistency review procedures in accordance with this chapter, including
10 provisions for

11 (A) review of activities proposed or permitted by a state or federal agency;

12 (B) the types of activities that will trigger a consistency review;

13 (C) review of phased activities and uses;

14 (D) public notice and opportunities for public comment;

15 (E) elevation of proposed consistency determinations to the resource agency
16 commissioners;

17 (F) establishment of review timelines;

18 (G) exclusion from an individual project review aspects of activities that are
19 covered by a general permit previously found consistent with the Alaska coastal
20 management program;

21 (H) exclusion of routine activities with insignificant effects to coastal uses or
22 resources from an individual consistency review.

23 b) The coastal districts, coastal district boundaries and approved coastal management
24 plans that were in effect as of June 30, 2011 are in effect and are incorporated into the Alaska
25 coastal management program.

26 **Sec. 46.41.050. Objectives.**

27 The Alaska coastal management program shall be consistent with the following objectives:

28 (1) the use, management, restoration, and enhancement of the overall quality of the
29 coastal environment for this and succeeding generations;

30 (2) the development of industrial or commercial enterprises that are consistent with
31 the social, cultural, historic, economic, and environmental interests of the people of the state;

32 (3) the orderly, balanced utilization and protection of the resources of the coastal

1 area consistent with sound conservation and sustained yield principles;

2 (4) the management of coastal land and water uses in such a manner that, generally,
3 those uses that are economically or physically dependent on a coastal location are given
4 higher priority when compared to uses that do not economically or physically require a
5 coastal location;

6 (5) the protection and management of significant historic, cultural, natural, and
7 aesthetic values and natural systems or processes within the coastal area;

8 (6) the prevention of damage to or degradation of land and water reserved for their
9 natural values as a result of inconsistent land or water usages adjacent to that land;

10 (7) the recognition of the need for a continuing supply of energy to meet the
11 requirements of the state and the contribution of a share of the state's resources to meet
12 national energy needs; and

13 (8) the full and fair evaluation of all demands on and uses of the land and water in
14 the coastal area.

15 (9) the coordination of planning and decision-making in the coastal area among
16 levels of government and citizens engaging in or affected by activities involving the coastal
17 resources of the state;

18 (10) the participation of the public, local governments, and agencies of the state and
19 federal governments in the development and implementation of a coastal management
20 program; and

21 (11) the requirement that state resource agencies carry out their duties, powers and
22 responsibilities that affect the use of coastal area resources in accordance with the coastal
23 program adopted pursuant to this Act.

24 **Sec. 46.41.060. Development of district coastal management plans.**

25 (a) Coastal districts shall

26 (1) develop and adopt district coastal management plans in accordance with the
27 provisions of this chapter. The plan adopted by a coastal district shall be based upon a
28 municipality's existing comprehensive plan or a new comprehensive resource use plan or
29 comprehensive statement of needs, policies, objectives, and standards governing the use and
30 conservation of resources within the coastal area of the district. The plan must meet the
31 district plan criteria adopted under AS 46.41.040 and must include

32 (A) a delineation within the district of the boundaries of the coastal area subject

1 to the district coastal management plan;

2 (B) a statement, list, or definition of the land and water uses and activities
3 subject to the district coastal management plan;

4 (C) a designation of any special management areas;

5 (D) enforceable policies to be applied to all the land and water uses subject to
6 the district coastal management plan as well as policies that apply to special
7 management areas.

8 (b) The board shall approve an initial or amended district coastal management plan if
9 the

10 (1) district coastal management plan meets the requirements of this chapter and the
11 district plan criteria in regulation adopted by the department; and

12 (2) enforceable policies of the district coastal management plan

13 (A) do not duplicate, restate, or incorporate by reference state or federal
14 statutes or regulations;

15 (B) are not preempted by federal or state law;

16 (C) do not arbitrarily or unreasonably restrict a use of state concern;

17 (D) are clear and concise as to the activities and persons affected by the
18 policies and the requirements of the policies;

19 (E) use prescriptive or performance-based standards that are written in precise
20 and enforceable language; and

21 (F) address a coastal use or resource of concern to the residents of the coastal
22 resource district as demonstrated by local knowledge or supported by scientific
23 evidence

24 (c) In (b)(2)(B) of this section, an enforceable policy of the district coastal
25 management plan is preempted

26 (1) by federal statutes or regulations if the United States Congress expressly
27 declares that local law or regulation is preempted, if the United States Congress demonstrates
28 the intent to occupy the field exclusively, or if there is an actual conflict between federal and
29 local law or regulation;

30 (2) by state law if it is prohibited, either by express legislative direction or direct
31 conflict with a state statute or regulation, or where a local law or regulation substantially
32 interferes with the effective functioning of a state statute or regulation or the underlying

1 purposes of a state statute or regulation.

2 **Sec. 46.41.070. Submission of district plans by coastal districts.**

3 (a) Within one year after the effective date of regulations implementing this chapter,
4 coastal districts shall review their coastal management plans and if changes are necessary to
5 meet the requirements of this chapter and implementing regulations, submit to the
6 department a revised district coastal management plan.

7 **Sec. 46.41.080. Implementation of district coastal management plans.**

8 (a) A district coastal management plan approved under this chapter for a coastal
9 district that does not have and exercise zoning or other controls on the use of resources
10 within the coastal area shall be implemented by appropriate state agencies. Implementation
11 shall be in accordance with the comprehensive use plan or the statement of needs, policies,
12 objectives, and standards adopted by the district.

13 (b) A coastal district that has and exercises zoning or other controls on the use of
14 resources within the coastal area shall implement its district coastal management plan.
15 Implementation shall be in accordance with the comprehensive use plan or the statement of
16 needs, policies, objectives, and standards adopted by the district.

17 **Sec. 46.41.090. Compliance and enforcement.**

18 (a) Municipalities and state resource agencies shall administer land and water use
19 regulations or controls in conformity with district coastal management plans approved under
20 this chapter and in effect.

21 (b) The superior courts of the state have jurisdiction to enforce lawful orders of the
22 board and the department under this chapter.

23 **Sec. 46.41.100. Coastal management plans in the unorganized borough.**

24 (a) A coastal resource service area incorporated into the coastal management program
25 under this chapter shall exercise those authorities and perform those duties required under
26 this chapter.

27 **Sec. 46.41.110. Coastal resource service areas.**

28 (a) Except as otherwise provided in this section, each regional educational attendance
29 area established under AS 14.08.031 containing a part of the coastal area may be organized
30 as a coastal resource service area.

31 (b) The commissioner of the department may, after public hearings held in the
32 affected area, consolidate two or more regional educational attendance areas as a single

1 coastal resource service area

2 (1) if a substantial portion of the coastal area contains land and water area owned by
3 the federal government over which it exercises exclusive jurisdiction or land held in trust by
4 the federal government for Alaska Natives over which the state would not exercise control as
5 to use; or

6 (2) if, after giving due consideration to the standards applicable to incorporation of
7 borough governments and the likelihood that a borough will be incorporated within the area,
8 the commissioner determines that the functions to be performed under this chapter could be
9 undertaken more efficiently through the combination of two or more regional education
10 attendance area as a single coastal resource service area.

11 (c) A determination under (b) of this section shall be made before the organization of
12 the coastal resource service area.

13 (d) For purposes of coastal management only, the commissioner of the department
14 may, after public hearings held in the regional education attendance area affected, divide an
15 existing regional education attendance area into no more than three coastal resource service
16 areas according to geographic, cultural, economic, environmental, or other features relevant
17 to coastal management planning. However,

18 (1) each coastal resource service area formed by dividing an existing regional
19 education attendance must contain at least one first class city or home rule city; and

20 (2) a city within a coastal resource service area formed by dividing an existing
21 regional education attendance area may not elect to exclude itself from the coastal resource
22 service area.

23 **Sec. 46.41.120. Organization of a Coastal Resource Service Area.**

24 (a) Organization of a coastal resource service area may be initiated by

25 (1) submission to the coastal policy board of a petition signed by a number of
26 registered voters equal to 15 percent of the number of votes cast within the coastal resource
27 service area at the last state general election; or

28 (2) by submission to the board of a resolution approved by the city council or
29 traditional village council of not less than 25 percent of the number of cities and villages
30 within the coastal resource service area.

31 (b) Acting at the request of the council, the lieutenant governor, not less than 60 nor
32 more than 90 days after receipt of a proper petition under (a)(1) of this section, a proper

1 resolution under (a)(2) of this section, or at the direction of the council under (a)(3) of this
2 section, shall conduct an election on the question of organization of a coastal resource service
3 area.

4 **Sec. 46.41.130. Coastal resource service area boards**

5 (a) Each coastal resource service area shall have an elected board representing the
6 population of the service area. The board shall have the powers and duties and perform the
7 functions prescribed for or required of coastal districts.

8 (b) A coastal resource service area board shall contain seven members. Board
9 members shall be elected at large by the qualified voters of the coastal resource service area.

10 (c) The term of office of a member of a coastal resource service area board is three
11 years. Members serve until their successors are elected and have qualified. This section does
12 not prohibit the reelection of a board member.

13 (d) The lieutenant governor shall provide for the election of the members of coastal
14 resource service area boards.

15 (e) Election of members of coastal resource service area boards shall be held annually
16 on the date of election of members of regional educational attendance area boards under AS
17 14.08.071(b). If no candidate files for election to a seat on the coastal resource service area
18 board, the seat is considered vacant at the time a newly elected member would have taken
19 office.

20 (f) A seat on a coastal resource service area board shall be declared vacant by the
21 board if the criteria under AS 14.08.045 (a) apply to the person elected. A vacancy on a
22 coastal resource service area board shall be filled by appointment as provided in AS
23 14.12.070 for vacancies in the membership of regional educational attendance area boards.

24 (g) Members of coastal resource service area boards are subject to recall on the same
25 grounds and in the same manner as provided for recall of municipal officials in AS 29.26.240
26 - 29.26.350. The lieutenant governor functions in place of the assembly or council and
27 municipal clerk for receipt and review of recall petitions and the conduct of recall elections.

28 (h) Members of a coastal resource service area board are entitled to per diem and
29 travel expenses authorized by law for members of boards and commissions and for
30 honorariums for meetings attended in person.

31 **Sec. 46.41.140. Elections in coastal resource service areas.**

32 Elections under AS 46.41.100 - 46.41.160 shall be administered by the lieutenant

1 governor in the general manner provided in AS 15 (Election Code). In addition, the
2 lieutenant governor may adopt regulations necessary to the conduct of coastal resource
3 service area board elections. The state shall pay all election costs.

4 **Sec. 46.41.150. Preparation of district coastal management program by the Department**
5 **of Commerce, Community and Economic Development**

6 (a) If residents of a coastal resource service area reject organization of the service
7 area at an election called for the purpose and the coastal policy board finds, after public
8 hearing, that major economic development activity has occurred or will occur within the
9 service area, the board may direct the department to prepare and recommend for
10 consideration by the council and for submission to the legislature a district coastal
11 management plan for the service area.

12 (b) At the request of the coastal policy board, the department shall complete the
13 district coastal management plan in accordance with this chapter and the guidelines and
14 standards adopted by the board for a coastal resource service area that has been organized but
15 that has failed to make substantial progress in the preparation of an approvable district coastal
16 management program within 18 months of certification of the results of an organization
17 election or that has not submitted for approval to the board a program within 30 months of
18 certification of the results of its organization election. Preparation of the program shall be
19 conducted in consultation with the coastal resource service area and shall, to the maximum
20 extent consistent with this chapter, reflect the expressed concerns of the residents of the
21 service area.

22 (c) Before requesting the department to complete the district coastal management
23 plan under (b) of this section, the board shall meet with members of the coastal resource
24 service area board to determine whether the board is able to complete a district coastal
25 management program within the time limitations established in this section.

26 **Sec. 46.41.160. Approval of plans in coastal resource service areas.**

27 (a) Before adoption by a coastal resource service area board, a district coastal
28 management plan shall be submitted for review to each city or village within the coastal
29 resource service area. The council of a city or traditional village council shall consider the
30 plan submitted for review. Within 60 days of submission, the council of a city or traditional
31 village council shall either approve the plan or enter objections to all or any portion of the
32 plan.

1 (b) If a city or village within a coastal resource service area fails to approve a portion
2 of the district coastal management plan prepared and submitted for approval under (a) of this
3 section, the governing body shall advise the coastal resource service area board of its
4 objections to the proposed plan and suggest alternative elements or components for inclusion
5 in the district coastal management plan. New matter submitted by a city or village that meets
6 the district plan criteria adopted under this chapter may be accepted by the district and the
7 district coastal management plan modified accordingly. If a city or village fails to provide
8 objections and suggested alternatives within the time limits established in this section, the
9 coastal resource service area board may adopt the district coastal management plan as
10 initially offered.

11 (c) Objection by a city council under (b) of this section is limited to objection to
12 elements of the plan affecting resources or the use of resources within the corporate limits of
13 the city. Objection by a traditional village council under (b) of this section is limited to
14 objection to elements of the plan affecting resources or the use of resources within the village
15 or within two miles of the village.

16 (d) For purposes of this section, "village" means an unincorporated community where
17 at least 25 persons reside as a social unit as determined by the Department of Commerce,
18 Community, and Economic Development.

19 **Sec. 46.41.170. Cooperative administration.**

20 (a) A city within the coastal area that is not part of a coastal resource service area
21 shall be included for purposes of this chapter within an adjacent coastal resource service area
22 unless its governing body, by resolution adopted by a majority of its membership, chooses to
23 exclude the city from an adjacent coastal resource service area and a copy of the resolution is
24 filed with the commissioner of commerce, community, and economic development.

25 (b) This chapter does not restrict or prohibit cooperative or joint administration of
26 functions between a municipality and a coastal resource service area organized under the
27 provisions of this chapter upon initiation of a mutual agreement for the purpose.

28 **Sec. 46.41.180. Construction with other laws.**

29 Nothing in this chapter shall be construed to

30 (1) diminish state jurisdiction, responsibility, or rights in the field of planning,
31 development, or control of land or water resources, submerged land, or navigable water;

32 (2) affect in any way any state requirement imposed under a federal authorization or

1 federal waiver of sovereign immunity; or

2 (3) diminish the zoning or planning authority of municipalities under AS 29.

3 **Sec. 46.41.900. Definitions.**

4 In this chapter, unless the context otherwise requires,

5 (1) "affected coastal district" means a coastal district with a publically reviewed draft or
6 approved plan in which a project is proposed to be located or that may experience a direct
7 and significant impact from a proposed project;

8 (2) "board" means the Alaska Coastal Policy Board established in AS 46.41.010;

9 (3) "coastal district" means each of the following that contains a portion of the coastal
10 area of the state:

11 (A) unified municipalities;

12 (B) organized boroughs of any class that exercise planning and zoning authority;

13 (C) home rule and first class cities of the unorganized borough or within boroughs
14 that do not exercise planning and zoning authority;

15 (D) second class cities of the unorganized borough, or within boroughs that do not
16 exercise planning and zoning authority, that have established a planning commission,
17 and that, in the opinion of the commissioner of commerce, community, and economic
18 development, have the capability of preparing and implementing a comprehensive
19 district coastal management plan under AS 46.41.030;

20 (E) coastal resource service areas established and organized under AS 29.03.020 an
21 AS 46.41.100 - 46.41.160;

22 (4) "coastal use or resource" means any land or water use or natural resource of the
23 coastal zone. Land and water uses include, but are not limited to, public access, recreation,
24 fishing, historic or cultural preservation, development, hazards management, marinas and
25 floodplain management, scenic and aesthetic enjoyment, and resource creation or restoration
26 projects. Natural resources include biological or physical resources that are found within a
27 State's coastal zone on a regular or cyclical basis. Biological and physical resources include,
28 but are not limited to, air, tidal and nontidal wetlands, ocean waters, estuaries, rivers,
29 streams, lakes, aquifers, submerged aquatic vegetation, land, plants, trees, minerals, fish,
30 shellfish, invertebrates, amphibians, birds, mammals, reptiles, and coastal resources of
31 national significance;

32 (5) "coastal zone" means the coastal water including land within and under that water,

1 and adjacent shoreland, including the water within and under that shoreland, within the
2 boundaries approved by the former Alaska Coastal Policy Council and by the United States
3 Secretary of Commerce under 16 U.S.C. 1451 - 1465 (Coastal Zone Management Act of
4 1972, as amended); "coastal zone" includes areas added as a result of any boundary changes
5 approved by the board and by the United States Secretary of Commerce under 16 U.S.C.
6 1451 - 1465; "coastal zone" does not include

7 (A) those lands excluded under 16 U.S.C. 1453(1); or

8 (B) areas deleted as a result of any boundary changes by the board in conformance
9 with 16 U.S.C. 1451 - 1465;

10 (6) "consistency review" means the evaluation of a proposed project against the
11 statewide standards and the approved enforceable policies of an affected coastal district
12 under the process developed by the board;

13 (7) "department" means the Department of Commerce, Community and Economic
14 Development;

15 (8) "direct and significant impact" means an activity which proximately contributes to a
16 material change or alteration in the natural or social characteristics of a part of the state's
17 coastal area and in which

18 (A) would have a net adverse effect on the quality of the resources of the coastal
19 area;

20 (B) would limit the range of alternative uses of the resources of the coastal area;

21 or

22 (C) would, of itself, constitute a tolerable change or alteration of the resources
23 within the coastal area but which, cumulatively, would have an adverse effect;

24 (9) "district coastal management plan" means a plan developed by a coastal district,
25 including enforceable policies of that plan, setting out policies and standards to guide public
26 and private uses of land and water within that district and approved by the board as meeting
27 the requirements of this chapter and the regulations adopted under this chapter;

28 (10) "enforceable policy" means a policy established by this chapter or approved by the
29 board as a legally binding policy of the Alaska coastal management program applicable to
30 public and private activities;

31 (11) "local knowledge" means a body of knowledge or information about the coastal
32 environment or the human use of that environment, including information passed down

1 through generations, if that information is

2 (A) derived from experience and observations; and

3 (B) generally accepted by the local community;

4 (12) "project" means all activities that will be part of a proposed development and
5 includes all federal agency activities as defined in 15 C.F.R. 930.31, including lease sales and
6 development projects affecting a coastal use or resource;

7 (13) "resource agency" means

8 (A) the Department of Environmental Conservation;

9 (B) the Department of Fish and Game; or

10 (C) the Department of Natural Resources.;

11 (14) "scientific evidence" means facts or data that are

12 (A) premised upon established chemical, physical, biological, or ecosystem
13 management principles as obtained through scientific method and submitted to the
14 department to furnish proof of a matter required under this chapter;

15 (B) in a form that would allow resource agency review for scientific merit; and

16 (C) supported by one or more of the following:

17 (i) written analysis based on field observation and professional
18 judgment along with photographic documentation;

19 (ii) written analysis from a professional scientist with expertise
20 in the specific discipline; or

21 (iii) site-specific scientific research that may include
22 peer-review level research or literature.

23 (15) "special management area" includes areas meriting special attention and means a
24 delineated geographic area within the coastal area which is sensitive to change or alteration
25 and which, because of plans or commitments or because a claim on the resources within the
26 area delineated would preclude subsequent use of the resources to a conflicting or
27 incompatible use, warrants special management attention, or which, because of its value to
28 the general public, should be identified for current or future planning, protection, or
29 acquisition;

30 (16) "use of state concern" means a land and water use that would significantly affect the
31 long-term public interest; a "use of state concern" includes

32 (A) uses of national interest, including the use of resources for the siting of ports

1 and major facilities that contribute to meeting national energy needs, construction and
2 maintenance of navigational facilities and systems, resource development of federal
3 land, and national defense and related security facilities that are dependent upon
4 coastal locations;

5 (B) uses of more than local concern, including those land and water uses that
6 confer significant environmental, social, cultural, or economic benefits or burdens
7 beyond a single coastal district;

8 (C) the siting of major energy facilities, activities pursuant to a state oil and gas
9 lease, a state gas only lease, or a federal oil and gas lease, or large-scale industrial or
10 commercial development activities that are dependent on a coastal location and that,
11 because of their magnitude or the magnitude of their effect on the economy of the
12 state or the surrounding area, are reasonably likely to present issues of more than
13 local significance;

14 (D) facilities serving statewide or interregional transportation and
15 communication needs; and

16 (E) uses in areas established as state parks or recreational areas under AS 41.21
17 or as state game refuges, game sanctuaries, or critical habitat areas under AS 16.20.

**Alaska Coastal Management Program Initiative
Comparison of Initiative Provisions with Past Programs and Legislation**

Topic	Initiative	June 2011 Program	Pre-2003 Program	CS SB 45 (CRA) am (failed House 6/11)
Location	DCCED	DNR	Governor's Office	DNR
Board	13-member board of 9 public members and 4 commissioners (DNR, DFG, DEC and DCCED).	No board - DNR commissioner responsible for all ACMP decisions with no checks and balances.	15-member board of 9 public members (local elected officials), the director of the Office of Management and Budget, and the commissioners of DCED, DEC, DFG, DNR, and DOTPF.	9-member board with 5 public members (one representing industry or a Native corporation), a deputy commissioner of DNR, and the commissioners of DEC, DFG, and DOTPF.
	Quorum: 5 public members and 2 agency members.	n/a	Quorum: 4 public members & 3 agency members.	Quorum: 3 public members and 3 agency members.
	Decisions made by a majority of members present and voting.	n/a	Decisions made by majority vote of those present.	Decisions require 2/3 vote of entire board.
	Governor appoints 9 public members from list of nominations from coastal districts.	n/a	Governor appoints 9 public members from a list of nominees from municipalities.	Governor appoints 5 public members; 4 members nominated by districts (may request subsequent lists of nominees).
	Board may recommend the Governor remove a public member for cause.	n/a	Public members removed only if they cease to meet qualifications.	Governor may remove public members for cause.
	Authority to approve regulations, direct DCCED to seek federal approval of program, approve district programs, establish interagency coordination, and evaluate effectiveness of district programs.	n/a	Authority for grants, adopting regulations (guidelines, standards and consistency reviews), interagency coordination, reviewing district plans, and developing procedures for coordination and consultation with federal agencies.	Advisory board makes recommendations, provides a forum for discussion, comments on regulations and directs districts to resubmit its coastal plan if policies duplicate new laws. Board annually solicits changes to state and federal laws.
Boundaries	Incorporates coastal zone boundaries approved by	Coastal zone boundaries were approved by former Coastal	Coastal Policy Council responsible for approving	Coastal zone boundaries were approved by former Coastal

Topic	Initiative	June 2011 Program	Pre-2003 Program	CS SB 45 (CRA) am (failed House 6/11)
	former Coastal Policy Council.	Policy Council.	coastal zone boundaries.	Policy Council.
Regional Planning	Board to initiate a program of strategic regional coastal and ocean planning.	DNR to initiate an interagency program of comprehensive coastal resource planning for each geographic region of state.	Coastal Policy Board to initiate an interagency program of comprehensive coastal resource planning for each geographic region of state.	DNR to initiate an interagency program of comprehensive coastal resource planning for each geographic region of state.
Enforceable policies	Policies cannot unreasonably or arbitrarily restrict a use of state concern.			
	Policies cannot duplicate, restate, or incorporate by reference state or federal statutes or regulations.			Policies cannot duplicate, restate, incorporate by reference, rephrase, or adopt state or federal statutes or regulations.
	Policies must be clear and concise, cannot address matters preempted by state or federal law, may be prescriptive or performance based, and may address a matter of local concern.	Policies must be clear and concise, address a matter of local concern, be prescriptive, and address a matter of local concern (not adequately addressed by state or federal law).	District programs must be consistent with the standards and guidelines adopted by the Coastal Policy Council.	Policies may not address matters preempted or in conflict with federal law and employ the least restrictive means to achieve objective. State agencies have broad authority to object to a policy.
	Designated areas not required.	Designated areas are optional but required by regulation for many subjects of enforceable policies (e.g., subsistence and habitat). DNR denied many of the designated areas proposed by districts.	Designated areas are not required.	Not specifically addressed in statute but DNR testified to the Legislature that it will not require designations in order to establish enforceable policies.
	Districts may establish Areas Meriting Special Attention and establish enforceable policies that are applicable only in those areas.			
Regulations	Board will approve new regulations for project reviews, statewide standards and district plan criteria.	According to DNR testimony to the Legislature, regulations were more stringent than intended by the Legislature.	Regulations were not more stringent than intended by the Legislature.	Amendments to the regulations would be required to implement amendments to the ACMP.
Citizen Appeals	Citizen appeals not addressed in bill.	Citizen appeals prohibited.	Citizen lawsuits allowed and pre-decision project petitions allowed pre-2002.	Citizen appeals prohibited.

Topic	Initiative	June 2011 Program	Pre-2003 Program	CS SB 45 (CRA) am (failed House 6/11)
ACMP Sunset	No sunset provision.	July 1, 2011 sunset date. No sunset prior to 2005.	No sunset provision.	ACMP sunsets July 2017 unless extended.
District Plan Amendments	Plans approved as of June 2011 incorporated into new program. No requirement to resubmit plans.	Districts must resubmit plans every 10 years.	No requirement to resubmit plan every 10 years.	This bill did not change the existing statutory requirement that requires districts to resubmit plans every 10 years. A new provision in the bill requires the board to review all new state and federal laws each year. If a district policy duplicates the new law, the board must direct the district to submit a new plan.
DEC Participation	DEC participates in the program the same as DNR and DFG.	DEC Carveout removed DEC permits from ACMP consistency reviews. Legislative intent was for DEC to participate in reviews, it but seldom did. DNR testimony to Legislature indicated districts could establish policies to fill gaps in DEC laws, but none were approved.	DEC participated in the program the same as DNR and DFG.	DEC permits excluded from ACMP project consistency reviews. Board to prepare a report about the DEC Carveout by 2/1/14 and include recommendations for changes to AS 46.40.
Review Timelines	Not addressed in bill.	Most reviews must be completed within 90-days even if there is not adequate information for decision	No 90-day limit.	Most reviews must be completed within 90-days even if there is not adequate information for decision.
	For reviews with federal permits, federal regulations require notification why there is a delay at 3 months, and review must be completed in 6 months.			
Elevations (pre-decision appeals)	No details about consistency review process. Regulations would be developed for reviews.	DNR commissioner has sole authority to make decision on elevations.	DEC, DFG & DNR made decision by consensus.	DEC, DFG & DNR decide elevations by written order signed by two resource agencies within 60 days.

Topic	Initiative	June 2011 Program	Pre-2003 Program	CS SB 45 (CRA) am (failed House 6/11)
Inland Projects	Review of inland projects not addressed.	Projects inland of the coastal zone cannot be reviewed for consistency with the ACMP.	Projects inland of the coastal zone reviewed only if there are impacts to coastal resources or uses.	Projects inland of the coastal zone cannot be reviewed for consistency with the ACMP.
Federally-initiated activities inland of coastal zone reviewed only if there are coastal effects.				
Outer Continental Shelf (OCS)	Activities in the OCS may be reviewed for consistency with the ACMP.	Activities in the OCS may be reviewed for consistency with the ACMP, but impacts to coastal resources/uses <u>in</u> OCS cannot be considered because of the designated area requirement in the ACMP regulations.	Activities in the OCS may be reviewed for consistency with the ACMP.	Activities in the OCS may be reviewed for consistency with the ACMP. DNR testified to the Legislature that it would remove the designated area requirements.
Activities on federal lands & waters	In addition to activities onshore and in state waters, the federal Coastal Zone Management Act (CZMA) allows states to review activities occurring in federal waters or on federal land (i.e., activities initiated or permitted by a federal agency). As described below, the ACMP regulations limited this ability.			
	The bill does not limit provisions in the CZMA for reviewing activities on federal lands and water.	Due to the designated area requirements in regulation, impacts to coastal resources and lands could only be considered <u>within</u> the designated area. Since the designated areas could not include federal land, the regulation limited powers given to the state in the CZMA.	No limits in bill on provisions in the CZMA for reviewing activities on federal lands and water.	No limits in bill on review of activities on federal lands or waters. Assuming the designated area requirement would be removed from the regulations, this bill would allow consideration of impacts to coastal resources and uses on federal lands and waters.

Paid for and approved by the Alaska Sea Party: Restoring Coastal Management

217 Second Street, Suite 200, Juneau, Alaska 99801

Bruce Botelho, Chair

Top Contributors: North Slope Borough-Alaska Conference of Mayors-Alaska Municipal League

www.alaskacoastalmanagement.org

Appendix A - Haines Enforceable Policies

The enforceable policies of the Haines Coastal Management Program are listed in this appendix.

The HCMP policies flow from the Issues, Goals and Objectives outlined in chapter 4 and the Resource Inventory and Analysis set out in Chapter 3. The enforceable policies of this HCMP apply only to land and water uses and activities within the Haines Coastal Management Area Boundary (Figure 2), which is the same as the former City of Haines corporate boundary. Uses and activities occurring on lands and waters outside the Haines Coastal District Boundary are subject to Haines and ACMP policies only if a proposed action will have a direct and significant affect on coastal resources within the Haines Coastal Management Area coastal district boundaries.

Coastal Development

ACMP Coastal Development Standard (11AAC 112.200)

- (a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location.
- (b) Districts and state agencies shall give, in the following order, priority to
 - (1) Water-dependent uses and activities;
 - (2) Water-related uses and activities; and
 - (3) Uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity.
- (c) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in 33 C.F.R. Parts 320 - 323, revised as of July 1, 2003.

CDLU-1. Waterfront property uniquely suited for water-dependent or water related uses are reserved for the following, listed in order of priority and consistent with permitted and conditionally zoned uses:

- a) Water dependent uses and activities. Such uses are economically or physically dependent upon a coastal location, and as such are given a higher priority than those land and water uses and activities that are not water-dependent. The following non-exhaustive list of land and water uses and activities are considered “water dependent”: fish hatcheries; mariculture activities; fish processing; log storage and transfer; float plane bases, boat harbors, freight, fuel, or other docks; marine-based tourism facilities; boat repair, haul

outs, marine ways and accessory attached housing; remote recreational cabins dependent on water access; and facilities that serve as inter-modal transportation links for the transfer of good and services and people between the marine transportation system and the road system.

- b) Water-related uses and activities. The following non-exhaustive list of uses and activities are considered “water-related”, and thus given a lower priority of use than those previously listed as “water dependent”: marine retail stores and commercial activities such as hotels, restaurants, and other similar uses that provide views and access to the waterfront.
- c) Uses and activities necessary to meet the public need for which there is not practicable inland alternative.

CDLU-3. Fill Below Mean High Water. Piling-supported or floating structures shall be used for construction below mean high water unless clear and convincing evidence shows that all of the following conditions exist:

- a) There is a documented public need for the proposed activity;
- b) There are no practicable inland alternatives that would meet the public need and allow development away from the waterfront;
- c) Denial of the fill would prevent the applicant from making a reasonable use of the property;
- d) The fill is placed in a manner that minimizes impacts on adjacent uses, public access easements along the shoreline and water views;
- e) The fill is the minimum amount necessary to establish a reasonable use of the property; and
- f) Development of the property would support a water dependent use.

The following publicly-owned facilities are exempt from this policy: Log and mining transfer facilities, bridges, causeways, boat ramps, utility transmission facilities, pipelines, treatment plant lines and outfalls, and transportation facilities.

CDLU-5. Tidelands Viewsheds. Placement of structures or dredged or fill material in tidelands below mean high water shall minimize to the maximum extent practicable obstruction of the values for which the water views are currently enjoyed.

CDLU-6. Floating Facilities. Floating facilities located in coastal waters in the Haines Coastal District shall be sited and operated to reduce exposure to storm and tidal action, utilize secure anchoring to prevent pulling of the anchor or grounding, and minimize proximity to other floating and fixed facilities.

CDLU-7. Maintenance of Public Access to Coastal Water. Proposed uses or activities shall not impede or degrade access to and within designated recreation areas as identified on Figure 15.

Natural Hazard Designation

The areas mapped on Figure 5 and described in Sections 3.2.4 and 3.5.3 of the Resource Inventory and Analysis are designated as Natural Hazard areas (in accordance with 11 AAC 112.210(a) and 11 AAC 114.250(b)) in the Haines coastal district.

Recreation

Recreation Designation. The following areas in the Haines Coastal district are designated as recreation areas in accordance with 11 AAC 114.250(c and d). These areas are mapped on Figure 15. Information that justifies their designation is provided in the Resource Inventory and Analysis in Section 3.5.2.

Designation as an area for recreation use under the HCMP does not mean that recreation is the only appropriate use of the area. However, uses and activities proposed to take place within these designated areas must comply with the enforceable Recreation policies of the HCMP.

- a) Tlingit Park and Lookout Park
- b) Oslund Park
- c) Beaches and tidal pools within the intertidal zone of Portage Cove as follows:
 - 1. Between the Port Chilkoot Dock and the Downtown Boat Harbor;
 - 2. Between the Klukwan Inc. petroleum dock and the State Park and Campgrounds; and
 - 3. Beyond the developed areas north of the Downtown boat harbor along the beaches of Portage Cove to Nukdik Point.
- d) The Southeast Alaska State Fairgrounds
- e) The Fort Seward Parade Grounds (as long as the current public land use agreement between the private owner and the Haines Borough remains in effect).
- f) Lutak Inlet
- g) McClellan Flats access
- h) Chilkat River Beaches and Tidelands (Carr's Cove to Jones Point, Borough lands south of Jones Point and south of Carr's)
- i) Chilkat Peninsula
- j) Tanani Point beaches

R-1. Protection of Recreation and Tourism Values. Projects and activities on lands and waters designated for recreational activities as shown in Figure 15, shall be located, designed, constructed, and operated to avoid, minimize, or mitigate significant adverse impacts to recreation values include activities such as fishing, beach combing, hiking, bird watching, boating and kayaking, boat anchorages, picnicking, camping and campfires, access, playing outdoor sports, bicycling, skiing, learning about local culture, and hunting.

R-3. Utilities. To the extent practicable, utilities shall be installed underground in the designated recreation use areas for which enjoying scenic views is listed as a recreational use in Section 3.5.2 of the Resource Inventory and Analysis

Subsistence Designation

The following areas in the Haines coastal district are designated for subsistence in accordance with 11 AAC 114.250(g). These areas are mapped on Figure 13. Information that justifies their designation is provided in the Resource Inventory and Analysis section 3.3.

Commercial Fishing and Seafood Processing

Commercial Fishing and Seafood Designation. The following areas in the Haines coastal area are designated as commercial fishing and seafood processing areas in accordance with 11 AAC 114.250(f). These areas are mapped on Figure 14. As described in 3.5.1, the fishing industry is of specific, critical concern to the vitality of Haines' economy, and measures to promote the industry are warranted. Information that justifies their designation is adequately provided in the Resource Inventory and Analysis in Section 3.5.1.

- a) The Port Chilkoot Dock area, and uplands and tidelands lots adjacent to (and north of) the downtown Boat Harbor in Portage Cove, and
- b) The Lutak Dock.

CFSP-1. Permitting Priority. Uses and activities in the designated area on Figure 14 shall avoid or minimize interference with the development and operation of facilities related to Commercial Fishing and Seafood Processing.

Sand and Gravel Extraction Processing

ACMP Sand and Gravel Extraction Standard (11 AAC 112.260)

Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits if there is no practicable alternative to coastal extraction that will meet the public need for the sand or gravel.

SG-1. Location of Sand and Gravel Sites. To the extent practicable, extraction of sand, gravel and rock shall be permitted in the following order of priority:

- a) Existing, approved upland sand and gravel pits;
- b) Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area;
- c) New upland sites approved for the purpose; and
- d) Streams that do not provide fish habitat.

Prehistoric, Historic, & Archaeological Resources

ACMP Historic, Prehistoric, and Archeological Resources Standard (11 AAC 112.320)

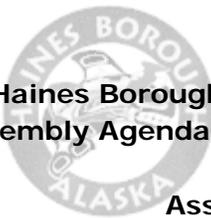
- (a) The department will designate areas of the coastal zone that are important to the study, understanding, or illustration of national, state, or local history or prehistory, including natural processes.
- (b) A project within an area designated under (a) of this section shall comply with the applicable requirements of AS 41.35.010 – 41.35.240 and 11 AAC 16.010 – 11 AAC 16.900.

Prehistoric, Historic and Archaeological Designation. The following areas in the Haines coastal district are designated as important to the study, understanding or illustration of national, state or local history or prehistory in accordance with 11 AAC 114.250(i). These areas are mapped on Figure 12. Information that justifies their designation is provided in the Resource Inventory and Analysis in section 3.3.2 Cultural and Archaeological Resources.

- a) Fort William H. Seward, listed on the National Historic Register as a National Historic Landmark.
- b) The Haines Town site Local Historic District is defined by the boundary lines established in the original 1913 Haines Town site Survey. Within the historic town site, the Division of Parks and Outdoor Recreation, Office of History and Archaeology have inventoried 35 structures. The Deishu Village site is also within the historic district.
- c) Tlingit Park and historic cemetery.
- d) The T'anani Village Site and Nukdik/Tanani Beach Site are within the area annexed to the former City in June 1993.
- e) Presbyterian Mission and Native School site
- f) Portage Cove burial site.
- g) South Portage Cove native fortification site.
- h) Anway Homesite historic structure and property.
- i) Yandeist'akye' historic native settlement.

PHAR-1. Coordination. For projects within the historic and prehistoric designated area as shown in Figure 12, if previously undiscovered artifacts or areas of historic, prehistoric, or archaeological importance are encountered during development, an artifact curation agreement will be developed between the landowner, appropriate state or federal preservation authorities, and curation facility if artifacts are disturbed by the project.

PHAR-2 Protection of Cultural Resources. For projects within the historic and prehistoric designated area as shown in Figure 12 the applicant shall submit with the consistency review packet an assessment of potential impacts to historic and prehistoric resources and a plan for the protection of those resources. As part of the assessment, the applicant shall consult with the Haines Coastal District and tribal entities.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-023

Assembly Meeting Date: January 10, 2012

Business Item Description:		Attachments:
Subject: Strategic Planning Facilitation Proposal		1. Resolution 12-01-325 2. Proposal from The Professional Development Company 3. Memo from Mayor Scott
Originator: Mayor Stephanie Scott		
Originating Department: Office of the Mayor		
Date Submitted: 12/29/11		

Full Title/Motion:
<u>Motion:</u> Adopt Resolution 12-01-325.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$3750.00	\$0	\$3750

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>A strategic planning session will enable the Assembly to lay out a 3-year plan of work and then to systematically work its plan, bearing in mind that no organization can plan for all contingencies. However, if an organization can reach agreement on some basic goals and objectives and establish some benchmarks for achieving them, teamwork, focus, and direction can be more easily maintained. The goals and directions selected will form the basis for upcoming budget sessions.</p>

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with The Professional Development Company to provide strategic planning facilitation services for a not-to-exceed price of \$3,750.

WHEREAS, a strategic planning session will enable the borough assembly to outline a 3-year work plan containing basic goals, objectives, and benchmarks; and

WHEREAS, the goals and objectives will form the basis for upcoming budget work sessions and provide a framework for staff to perform revenue and expense analyses; and

WHEREAS, a professional facilitator will enable a focused, efficient, and productive strategic planning process; and

WHEREAS, Lenise Henderson Fontenot of The Professional Development Company has submitted a proposal to provide strategic planning facilitation services for a non-to-exceed price of \$3,750; and

WHEREAS, the proposed facilitation services include pre-planning preparation, facilitation during the planning session (one full day or two half days), documentation of results, and follow up; and

WHEREAS, Henderson Fontenot is well-grounded in the dynamics of the Haines community, knowledgeable about the Haines Borough government structure, and experienced in professional facilitation; and

WHEREAS, HBC 3.60.170 allows exceptions to competitive bidding and submission of quotations for contracts involving the obtaining of professional or specialized services; and

WHEREAS, the funding source is the General Fund per FY12 budget amendment Ordinance 12-01-280,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to enter into a contract with The Professional Development Company for a not-to-exceed price of \$3,750.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2012.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

THE PROFESSIONAL

DEVELOPMENT COMPANY

PO Box 12 Haines, AK. 99827 907-314-0456

lenisepdc@aol.com

20 years of consulting & service in Alaska

Proposal for Strategic Planning Facilitation:

Pre-planning questions, preparation and communication

Facilitation of planning session (one full day or two half days)

Documentation of results (submitted within 14 days)

Follow up and reviews (up to four /1 hour facilitations or consulting as needed)

\$6250.00

Haines community discount -40 percent

\$3750.00 total amount due

Billed upon submission of planning document

Any major additions or deletions are open for discussion if needed.

I look forward to working with your team.

Thanks,

Lenise Henderson Fontenot

Strategic Planning will be facilitated through a grass-roots process described below.

The specific agenda for the facilitated strategic planning session will be developed after Steps 1 and 2.

Step 1:

- I will send out an email questionnaire to the assembly, mayor, & clerk of three or four questions.

Example:

What in your opinion are the top two or three priorities for the borough assembly in the next year?

- I will follow up with a short informal meeting or phone call if I have questions.

Step 2

- I will meet with the mayor to discuss goals for the meeting and goals for final document.
- I will ask questions that present themselves from the questionnaire.

Step 3

- Facilitate planning meeting
- Agenda to be developed after step 1 & 2 complete.

Example of barebones agenda:

- a. Review basics of good communication.
- b. Establish guidelines for interaction.
- c. Review assembly mission & goal statements with team.
 1. Brain storm priorities
 2. Label with broad time lines
 3. Identify possible road blocks
 4. Edit priority list
 5. Prepare Rough draft calendar
 6. Identify possible road blocks
 7. Edit calendar list
 8. Add wish list & any secondary goals

When setting a date, Ms. Henderson Fontenot asks that we keep in mind that two mornings is usually less stressful than a full day, if schedules allow.

To: Members, Haines Borough Assembly

Cc: Mark Earnest, Borough Manager; Julie Cozzi, Borough Clerk; Jila Stuart, Borough Chief Financial Officer; Gary Lowe, Borough Chief of Police; Brian Lemke, Borough Facilities Director

From: Stephanie Scott, Mayor, Haines Borough

Re: Strategic Plan Proposal

Date: January 1, 2012

When I became mayor, a former mayor offered this advice: Let your most frequently occurring pronoun be "we." I've given this a lot of thought. I've concluded that one of the best ways to make sure I am staying within the framework of "we" is to organize a planning session to create a plan that will guide our next three years. I am calling the session "strategic planning" because I believe that we need to have strategies in place to reach our goals. Although the plan I envision should relate to the 25-year Comprehensive Plan, it will drill down closer to answer specific year-by-year questions of what, when, and how.

It is my hope that during the session, we can agree to goals; establish target dates for achieving those goals; and organize step-by-step paths (i.e. strategies) to accomplish the goals. The document I envision creating with you will look like a master calendar covering FY2013, FY2014, and FY2015. I suggest that we meet annually around the 3-year strategic plan, approximately at the end of January.

Using a calendar-based approach, we will be able to work a proposed goal backwards. Given a goal, we will be able to plan Standing and Planning Committee sessions, schedule ordinances, target community information sessions, and schedule advisory ballot questions or issues that need voter ratification without being caught short for time. For example, this year I believe we all felt caught short with respect to the resolution we adopted December 13 regarding state and federal capital project legislative priorities. A master calendar, to which we all agree and contribute, could help us schedule committee work and assembly decision points, taking into consideration necessary deadlines. Strategic planning can help us be less reactive and more proactive.

A strategic planning session will also serve as a prelude to our annual budget work. The set of goals envisioned by the Assembly for the upcoming fiscal year will provide a framework for the revenue and expense analyses performed by staff.

Finally, the process of building a strategic plan is also designed to strengthen our capacity to communicate and collaborate with one another and with core staff: the Borough Manager, the Chief Fiscal Officer, the Clerk, the Chief of Police, and the Facilities Director. The process, as laid out in the proposal from Lenise Henderson

Fontenot, begins with the individual and builds into a plan authored by the Assembly.

I believe that Henderson-Fontenot is the best person to guide us through this planning process as she is well grounded in the dynamics of our community; she is knowledgeable about the Haines Borough government structure; she is experienced in facilitating positive discourse; she is a taskmistress. Her facilitation will enable us to proceed efficiently and get the job done.



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-022
Assembly Meeting Date: 1/10/12

Business Item Description:	Attachments:
Subject: Resolution requesting Takshanuk Watershed Council be named grantee for Brown Parcel CIAP Grant	1. Resolution 12-01-326 2. Explanation emails
Originator: Mark Earnest, Borough Manager	
Originating Department: Administration	
Date Submitted: 12/27/11	

Full Title/Motion:
Motion: Adopt Resolution 12-01-236.

Administrative Recommendation:
The borough manager recommends adoption of this resolution.

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
In 2011 the State of Alaska awarded funding to the Borough for completing the purchase of the Brown Parcel through the Alaska Coastal Impact Assistance Program (CIAP) and placing a conservation easement on the property. Even though the Borough is currently the grantee, the CIAP requires that the grantee be the title holder of the property, and Takshanuk Watershed Council is the intended title holder of this property. The solution to this conflict is to request the Alaska State Legislature to name TWC as the grantee.

Referral:			
Sent to:	Recommendation:	Date:	Meeting Date:
	Refer to:		

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY REQUESTING THAT THE TAKSHANUK WATERSHED COUNCIL BE NAMED AS GRANTEE FOR THE BROWN PARCEL ACQUISITION AND CONSERVATION GRANT (ALASKA COASTAL IMPACT ASSISTANCE PROGRAM AK, 10868296).

WHEREAS, the Brown Parcel is 1.58 acres of land in the Haines Borough located north of Sixth Street near the Dalton Street easement; and

WHEREAS, in 2009 Ms. Brown offered to sell the parcel to Takshanuk Watershed Council (TWC) for conservation and restoration purposes; and

WHEREAS, TWC completed a restoration project on the Brown Parcel, including re-routing a branch of Sawmill Creek from a roadside ditch to a more natural constructed stream channel on the property; and

WHEREAS, the Takshanuk Watershed Council (TWC) has been providing elementary, middle, and high school students in Haines Borough with habitat educational opportunities on this property by providing a permanent outdoor science laboratory for all Haines Borough school children; and

WHEREAS, in 2011 the State of Alaska awarded funding to the Haines Borough for completing the purchase of the Brown Parcel through the Alaska Coastal Impact Assistance Program (CIAP) and placing a conservation easement on the property; and

WHEREAS, the Borough is the grantee; however, CIAP requires that the grantee be the title holder of the property; and

WHEREAS, TWC is the intended title holder; and

WHEREAS, this conflict can be resolved by requesting that the Alaska State Legislature name the grantee as "Takshanuk Watershed Council,"

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly requests that the Alaska State Legislature name the Takshanuk Watershed Council as the recipient of the Brown Parcel Conservation Grant (AK, 10868296).

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ____ day of _____, 2012.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

From: Steve Ritzinger
Sent: Tuesday, September 06, 2011 5:23 PM
To: Mark Earnest; Julie Cozzi
Subject: FW: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

Hi Mark and Julie,

FYI: Forwarded is the notice from DCCED of the options for the CIAP grant to purchase the Brown parcel. I will be in contact with Sally and will forward any updates to you.

Steve

From: Cox, Sally A (CED) [<mailto:sally.cox@alaska.gov>]
Sent: Wednesday, August 17, 2011 11:33 AM
To: Steve Ritzinger
Cc: Brad Ryan; Spitz, Michela L (CED)
Subject: FW: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

Hi Steve,

As we just discussed on the phone, BOEMRE has determined that the subgrantee (Haines Borough, the legislatively-named recipient of the CIAP funds) must retain the title to the Brown Parcel property purchased with CIAP funds. See the email chain below for BOEMRE's decision on this issue.

I've also attached another email from Sylvia Kreel in which she also discussed this issue with the U.S. Fish and Wildlife Service (USFWS, who will be taking over the federal CIAP on October 1, 2011). As you can see in the attached email, USFWS basically agrees with BOEMRE's assessment of the CFR language.

So, the options appear to be:

1. Haines Borough accepts title to the land purchased with the CIAP funds. My understanding is that Takshanuk Watershed Council could still hold the conservation easement to the property.
2. We wait until the Legislature is in session and request that the named-recipient be changed to Takshanuk Watershed Council.

Please let me know how else Michela or I can provide assistance on this matter.

Thanks,
Sally

From: Bruce, Dominique [<mailto:Dominique.Bruce@boemre.gov>]
Sent: Tuesday, August 02, 2011 5:47 AM
To: Kreel, Sylvia A (DNR)
Cc: Gissel, Bill W; Blackman, Christian M [Contractor]; Norman, Stacey P (DNR)
Subject: RE: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

Hi,

We have had the scenario here before regarding applications having a non-profit organization hold title; we have consulted with the solicitor about these. Apparently only one sub-grant per project for real property is accounted for in the regulations at 43 CFR 12.71 (a) which states:

§ 12.71 Real property.

(a) *Title.* Subject to the obligations and conditions set forth in this section, title to real property acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.

In response there doesn't seem to be any authority for a subgrantee to subgrant property to a sub-subgrantee. Whoever you subgrant the funds to buy the land need to retain title of the property. So if

you subgrant the funds for the land to DCCED they cannot transfer it to Takshanuk Watershed Council (TWC) 501(c)(3) non-profit organization working in Haines, Alaska as suggested in the project narrative.

So is this something that can be changed? Perhaps DCCED can retain the title and just hire the TWC to handle the transaction as it says elsewhere in the project narrative, or the State could subgrant the funds directly to TWC if TWC is to hold title.

Please do not hesitate to call.

Thank you,

Dominique D. Bruce

Contracting Officer

Coastal Impact Assistance Program (CIAP)

Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)

From: Kreel, Sylvia A (DNR) [<mailto:sylvia.kreel@alaska.gov>]

Sent: Monday, August 01, 2011 3:25 PM

To: Bruce, Dominique; Gissel, Bill W; Blackman, Christian M [Contractor]; Norman, Stacey P (DNR)

Subject: RE: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

Hi,

I have confirmed that the title will be held by TWC. Please let me know if you need to me to provide you with any further documentation.

Sylvia A. Kreel

Project Coordinator

Alaska Coastal Impact Assistance Program

From: Bruce, Dominique [<mailto:Dominique.Bruce@boemre.gov>]

Sent: Monday, August 01, 2011 10:20 AM

To: Kreel, Sylvia A (DNR); Gissel, Bill W; Blackman, Christian M [Contractor]; Norman, Stacey P (DNR)

Subject: RE: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

Thank you for your attention to this matter, we will send this out for signature upon receipt of the answer.

Dominique D. Bruce

Contracting Officer

Coastal Impact Assistance Program (CIAP)

Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)

From: Kreel, Sylvia A (DNR) [<mailto:sylvia.kreel@alaska.gov>]

Sent: Monday, August 01, 2011 2:17 PM

To: Bruce, Dominique; Gissel, Bill W; Blackman, Christian M [Contractor]; Norman, Stacey P (DNR)

Subject: RE: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

I am checking on the answer and will respond as soon as I hear back from the applicant.

Sylvia

From: Bruce, Dominique [<mailto:Dominique.Bruce@boemre.gov>]
Sent: Monday, August 01, 2011 9:21 AM
To: Gissel, Bill W; Blackman, Christian M [Contractor]; Kreel, Sylvia A (DNR); Norman, Stacey P (DNR)
Subject: RE: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

Agree, but since the question came up in a Team Lead Review, I am required to address the questions and summarize the questions/answers in the summary for the file; I than would have met all requirements asked of me.

Dominique D. Bruce

Contracting Officer
Coastal Impact Assistance Program (CIAP)
Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)

From: Gissel, Bill W
Sent: Monday, August 01, 2011 12:37 PM
To: Blackman, Christian M [Contractor]; 'Kreel, Sylvia A (DNR)'; 'Norman, Stacey P (DNR)'
Cc: Bruce, Dominique
Subject: RE: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

This question doesn't seem pertinent since the Phase 1 is only for an appraisal. This question would seem more appropriate in the acquisition of the property to be funded in Phase 2. We really don't need any unnecessary delays in grant awards at this time.

From: Blackman, Christian M [Contractor]
Sent: Monday, August 01, 2011 5:10 AM
To: Kreel, Sylvia A (DNR); Norman, Stacey P (DNR)
Cc: Gissel, Bill W; Bruce, Dominique
Subject: AK, 10868296, Brown Parcel Acquisition and Conservation Phase 1

Good Morning,

Be advised that the subject draft grant award document went into final review by my Team Lead. As a result of the review, an additional question have been proposed to the recipient and negotiations re-opened.

This grant will be issued to the State of Alaska who will use a reimbursable services agreement (RSA) to sub award the grant to Haines Borough who will then pass thru the funds to the Takshanuk Watershed Council (TWC). Will title of the land be held with the sub grantee, Haines Borough or with TWC?

Thank you,

Ms. Christian Blackman

Grant Specialist
Coastal Impact Assistance Program (CIAP)
Bureau of Ocean Energy Management, Regulation and Enforcement

From: Kreel, Sylvia A (DNR) [mailto:sylvia.kreel@alaska.gov]
Sent: Tuesday, August 09, 2011 2:35 PM
To: Cox, Sally A (CED); Spitz, Michela L (CED); Norman, Stacey P (DNR)
Subject: FW: Land Acquisition

Hi,

Seems like there is no way around the title issue regardless weather the program is administered by BOEMRE or FWS. Please keep me posted on any progress with this one. I don't want BOEMRE to put it at the bottom of their pile.

Sylvia

From: Cliff_Schleusner@fws.gov [mailto:Cliff_Schleusner@fws.gov]
Sent: Tuesday, August 09, 2011 2:08 PM
To: Kreel, Sylvia A (DNR)
Cc: Joyce_Johnson@fws.gov; Steve_Klein@fws.gov
Subject: Re: Land Acquisition

Sylvia,

I reviewed the documents that you provided. I agree with your assessment of 43 CFR 12.71(a), title needs to vest in the grantee or subgrantee. That direct relationship helps to ensure properties acquired with federal dollars continue to fulfill the purpose for which they were acquired. The relationship of the Takshanuk Watershed Council is not clearly developed in the proposal. In our conversation you mentioned that they would hold title, but I found no mention of who would hold the conservation easement. If the CIAP funds were used to purchase the property and the title vested with the City of Haines (recorded with the appropriate notice of grant agreement) then the Takshanuk Watershed Council could be reimbursed for their expenses. The City Haines could then grant the Takshanuk Watershed Council a conservation easement to manage the property as a permanent outdoor science laboratory for the Haines Borough school children. I hope that this is helpful, it is an interesting proposal. Joyce Johnson is our agency lead for the CIAP program. Her number is (703) 358-2231. Feel free to give her a call if you have any further questions.

Cliff Schleusner
Grants Coordinator
U.S. Fish and Wildlife Service
Wildlife and Sport Fish Restoration Program
1011 East Tudor Road, MS 261
Anchorage, AK 99503
(907) 786-3631
cliff_schleusner@fws.gov

Hi Cliff,

Here is the original project narrative and budget narrative that we provided to BOEMRE. We have since revised it to include the appraisal as phase I and the purchase as Phase II. However, BOEMRE will not allow us to move forward with the appraisal until we rectify the ownership issue. The state is checking with Haines Borough to see if they object to holding the title. Thanks for taking the time to discuss it with me.

Sylvia A. Kreel
Project Coordinator
Alaska Coastal Impact Assistance Program



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-021

Assembly Meeting Date: 1/10/12

Business Item Description:	Attachments:
Subject: Resolution in Support of Chilkoot Indian Association's (CIA) Application for State Capital Funding to Construct a Community Services Center to House CIA Programs and Staff.	<ol style="list-style-type: none"> 1. Resolution 12-01-327 2. Project description & budget 3. Letter of support from Skagway Traditional Council 4. Email to Mayor from CIA tribal administrator Dave Berry
Originator: Mayor Stephanie Scott	
Originating Department: Mayor/Assembly	
Date Submitted: 12/29/11	

Full Title/Motion:
Motion: Adopt Resolution 12-01-327.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$0	\$0	\$0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

Chilkoot Indian Association is applying for CAPSIS funding to construct a Community Services Center which would enable easier access to those persons who need assistance from the CIA. They have asked the borough assembly to adopt a resolution of support.

Referral:

Sent to:	Date:
Recommendation:	Refer to: Meeting Date:

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING
CHILKOOT INDIAN ASSOCIATION'S (CIA) APPLICATION FOR STATE
CAPITAL FUNDING TO CONSTRUCT A COMMUNITY SERVICES CENTER TO
HOUSE CIA PROGRAMS AND STAFF.**

WHEREAS, the Chilkoot Indian Association (CIA) desires to provide services to all Alaska Natives and American Indians in the Haines Borough; and

WHEREAS, the programs CIA administers have outgrown present office space; and

WHEREAS, in order to provide services, the CIA is applying for funding to construct a Community Services Center on tribal land in the Haines Townsite that would enable easier access for those persons who need assistance from the CIA; offer better working conditions; and enable CIA to build capacity and add needed staff; and

WHEREAS, community members now have to climb steep stairs to access CIA services; and

WHEREAS, access to tribal programs is important for elders and those with disabilities; and

WHEREAS, the benefits of the Community Services Center will help build morale, enhance the community services programs offered by CIA, and add to the existing programs that are available by creating job opportunities for community members,

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. The Haines Borough Assembly supports the activities of the Chilkoot Indian Association in its endeavors to build the Community Services Center on tribal land in the Haines Townsite.

Section 2. Copies of this Resolution will be sent to David Berry, Tribal Administrator, Chilkoot Indian Association; Representative Bill Thomas; and Senator Albert Kookesh.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ____ day of _____, 2012.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

The project consists of constructing a single-floor ADA compliant Community Services Center. The proposed 50 ft. by 60 ft. building will have staff and Tribal Council offices. The building will also have a conference room for council and private meetings and an open space for medium size public meetings. The layout for the office space will lend itself to the displays of Tlingit art pieces including hanging art, standing art, and art in display cases. The master plan for the site and the buildings will be designed to highlight the uniqueness of our Tlingit heritage and have many “green building” features such as additional insulation and caulking, energy-star windows and doors, radiant floor heat, and heat recovery systems. The heat for the building will be provided by a commercial pellet heating system. The Tribe currently has two pellet heating systems in operation providing heat and hot water to our eight low-income rental units. The additional energy efficiency technologies incorporated into this project will lower the operating costs of this project to the Tribe’s resources. It is anticipated that the Tribe will realize a cost savings of approximately 20% due to the innovative energy efficiency designed into the structure

The project will be located on tribal land located in the center of downtown Haines allowing easy access for all residents of the Haines Borough. The single floor design will allow access for Tribal Membership who are disabled and cannot climb the stairs to our present location and may not benefit from all of the services they are eligible to receive. This Tribal Community Services Center will provide a means for the Chilkoot Indian Association to deliver services to all membership. The project has been identified by the Tribe as urgent as the local adult population of the Tribe currently consists of an average age of 45 years old. Tribal offices are currently located on the second floor of a local business with stairs-only access which severely limits the ability of most of our adult members to receive services.

The building will be constructed using the Tribes existing housing crew, all specialized aspects such as plumbing, heat recovery systems, heating systems, electrical, fire suppression, groundwork and landscaping to name a few will be contracted out to licensed companies. This project will provide continued employment for eight housing crew members and up to ten employees of various contractors for the length of the project.

Project timeline:

The ground work for the project can begin as soon as the Chilkoot Indian Association has completed all of the necessary documentation as required by the State of Alaska; and have received approval to proceed. The building design which will meet or exceed Alaskan Standards will be completed three weeks after the notice to proceed. The groundwork will start within two weeks with the foundation work to proceed two weeks later. In order to maximize our efforts and staff many stages of the project will be progressing simultaneously; materials listing and ordering will be happening alongside the groundwork and foundations work. The completion of the project will be completed by July 2014.

Budget Community Services Center

Building Design	\$65,000
Electrical/Heating Systems	\$65,000
Plumbing/HRV System	\$60,000
Fire Suppression System	\$50,000
Groundwork/landscaping	\$95,000
Foundation/Framing/ Roofing	\$385,000
Insulation/Vapor Barrier, Drywall/Paint	\$165,000
Finish Carpentry/Punch List	<u>\$160,000</u>
Total	\$1,045,000

Tribal Match Value of land/improvements	\$305,000
Tribal Match Parking Lot/Driveway/Paving	\$345,000
Total project costs including Tribal Match	\$1,695,000

December 27, 2011

David F. Berry Jr, Tribal Administrator
Chilkoot Indian Association
P.O. Box 490
Haines, Alaska, 99827

Dear Dave,

The Skagway Traditional Council supports the Chilkoot Indian Association's (CIA) desire to provide services to all of the Alaska Natives and American Indians in the Haines Borough, in order to do that CIA needs a Community Services Center to house their programs and staff.

Chilkoot Indian Association is applying for CAPSIS funding to construct a Community Services Center which would enable easier access to those persons who need assistance from the CIA.

Community members now have to climb steep stairs into an outdated office building. Access to tribal programs is important for elders and those with disabilities and given the amount of services that CIA provides it should have a building that that accessed by the community.

CIA houses programs that are beneficial to the community and provides employment to community members. The programs that CIA administers have outgrown the office space. With the Community Services Center CIA could offer better working conditions, accessible programs, and would be able to build capacity and add needed staff.

The benefits of the Community Services center will help build moral, enhance the community services programs offered by CIA, and add to the existing programs that are available by creating job opportunities to community members.

Skagway Traditional Council is a neighboring tribe and completely supports the activities of the Chilkoot Indian Association in its endeavors to build the Community Services Center.

Sincerely,

Delia Commander, Tribal President/Administrator

From: Dave Berry <dberry@chilkoot-nsn.gov>
Date: December 28, 2011 4:43:21 PM AKST
To: "sscott@aptalaska.net" <sscott@aptalaska.net>
Subject: letter of support

Madam Mayor, (sounds cool) The tribe is submitting a request with the State for funding to build our community services center, I have attached a draft copy of the narrative for the request and also a draft letter to use if you are willing to provide us a letter of support. Skagway Traditional Council has sent us a letter, we have sent the same request for a letter of support to the Village of Klukwan. It would show everyone that all three of the local governments can and have worked together.

Thank You

Dave

Revised Community Center.docx –CIA STC Letter of Support for CAPSIS Community Building.docx –



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-026
Assembly Meeting Date: 1/10/2012

Business Item Description:	Attachments:
Subject: Contract with aHa! Consulting for website redesign and development	1) Resolution 12-01-328 2) RFP & Notice 3) aHa! Proposal 4) Vision Internet Proposal 5) Civic Plus Proposal
Originator: Jamie Heinz	
Originating Department: Clerk's Office	
Date Submitted: 1/3/12	

Full Title/Motion:
Motion: Adopt Resolution 12-01-328.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 19,300	\$ 0	\$ 19,300 (Ord 12-01-280)

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
On 10/10/2011, the borough issued a request for proposals for website redesign and development and received ten proposals in response to the solicitation. A selection committee consisting of Julie Cozzi, Steve Vick, Jamie Heinz and Aaron Johnson was formed and the proposals were evaluated by each committee member. After evaluation, the committee identified three proposals to short list and named aHa! Consulting, Vision Internet and CivicPlus as the top three candidates. After deliberation, aHa! Consulting's base proposal price of \$12,000 was identified as the best value for the quality and quantity of work proposed and the committee recommends contracting with them for their proposal to redesign and develop the Borough's website. In addition, the committee has identified five optional add-ons to be included in the contract: a year of Maintenance and Support, Intranet, Citizen Support Center, ListServ/eNewsletter Email Subscriptions and Website Update Email Digest Subscriptions.

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with aHa! Consulting, Inc. to provide website redesign and development services for an amount not to exceed \$19,300.

WHEREAS, the Haines Borough (Borough) issued a Request for Proposals (RFP) from qualified firms for website redesign and development services; and

WHEREAS, the Borough received ten proposals from qualified firms: aHa! Consulting, Inc., Vision Internet, Civic Plus, Vitasys, Inc., Bear Star, LLC, iCompass Technologies, BCT Consulting, Viforce, Inc., Magic Logix and Diamond Solutions Group; and

WHEREAS, a committee consisting of the Borough Clerk, Deputy Clerk, System Administrator and an Assembly Member reviewed the proposals and developed a short list; and

WHEREAS, the proposals included in the short list were 1) aHa! Consulting, Inc, for a base price of \$12,000, 2) Vision Internet, for a base price of \$19,480, and 3) CivicPlus, for a base price of \$17,520; and

WHEREAS, after deliberation, the committee recommends award to aHa! Consulting, Inc. based on the value of the quality and quantity of work proposed as well as features included in their base offering; and

WHEREAS, in addition to the base proposal, the committee recommends five optional add-ons to be included in the contract: a year of Maintenance and Support, Intranet, Citizen Support Center, ListServ/eNewsletter Email Subscriptions and Website Update Email Digest Subscriptions for a total of \$7,300; and

WHEREAS, funding for the website redesign has been identified and a budget amendment ordinance (12-01-280) has been brought forth,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager, upon adoption of the budget amendment ordinance, to execute a contract with aHa! Consulting, Inc. to provide website redesign and development services for an amount not to exceed \$19,300.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this _____ day of _____, 2012.

Stephanie Scott, Borough Mayor

Attest:

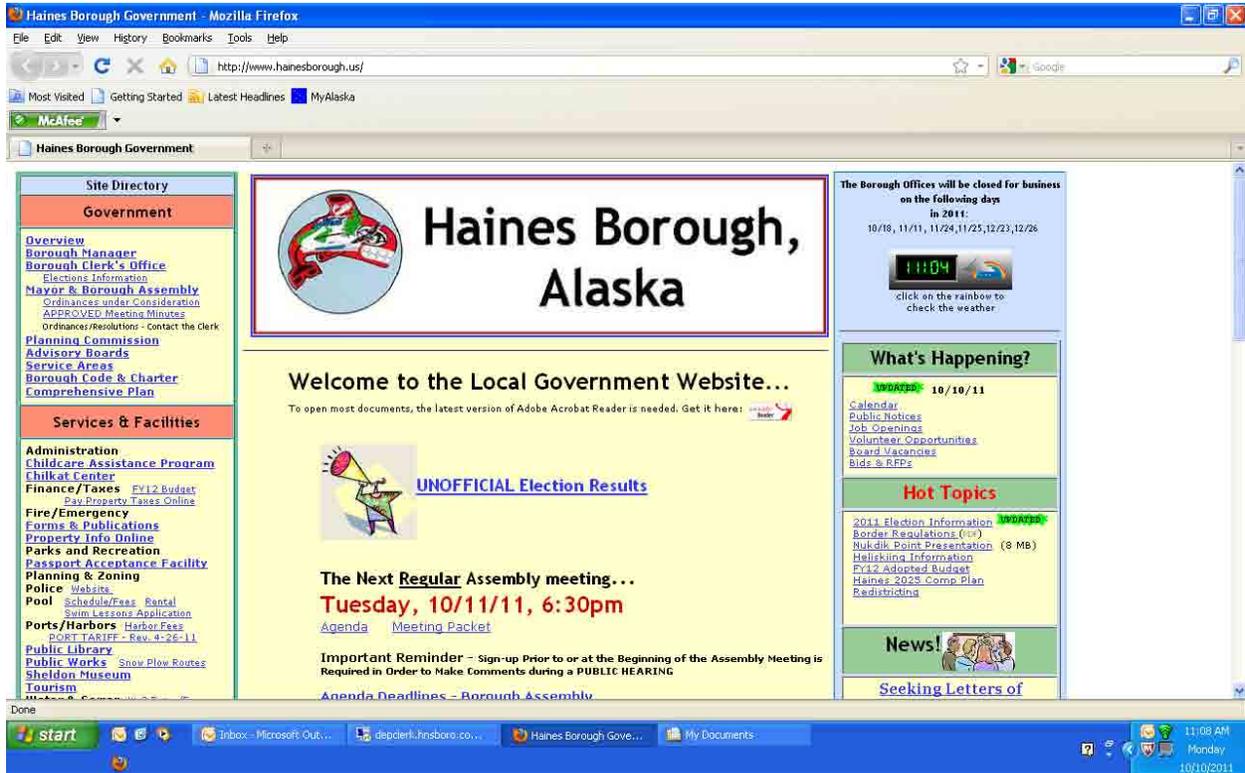
Julie Cozzi, MMC, Borough Clerk

HAINES BOROUGH HAINES, ALASKA

PUBLIC NOTICE

REQUEST FOR PROPOSALS

WEBSITE REDESIGN & DEVELOPMENT



The Haines Borough, Alaska is requesting proposals from qualified firms to submit written proposals to redesign and develop the borough's website. A firm that can handle all site planning, interface design, programming and production is required.

Proposals will be received until **5:00 p.m. AST, November 4, 2011**, at the Office of the Borough Clerk, Borough Administration Building, 103 Third Ave. S, P.O. Box 1209, Haines, Alaska 99827. Proposals are acceptable by mail, hand-delivery, fax or email. Late proposals will not be accepted.

Direct Inquiries to: Julie Cozzi, Borough Clerk
Telephone: 907-766-2231 ext.31
Email: jcozzi@haines.ak.us

A proposal packet including submission instructions are available from the Office of the Borough Clerk, 103 Third Ave, P.O. Box 1209, Haines, Alaska 99827, Phone 907-766-2231, email: jcozzi@haines.ak.us, or online at www.hainesborough.us.

Haines Borough

Request for Proposal for
Website Redesign and Development –
as revised by Addendum #1



131 Third Avenue S., Haines, AK 99827
PO Box 1209, Haines, AK 99827
Telephone: 766-2231 Fax: 766-2716

This packet contains information pertaining to a request for proposals to be used for submitting a proposal for the following website:

- www.hainesborough.us

Date RFP Issued: October 12, 2011
Response Required: November 4, 2011

Website Request for Proposal

1. Summary

The purpose of this Request for Proposal is to provide a fair evaluation for all candidates and to provide the candidates with the evaluation criteria against which they will be judged.

The existing website was designed and produced in-house and has been maintained in-house.

2. Proposal Guidelines and Requirements

This is an open and competitive process.

Proposals received after 5:00pm AST, November 4, 2011, will not be considered.

The proposal must contain the signature of a duly authorized officer or agent of the company submitting the proposal.

The price you quote should be all inclusive. If your price excludes certain fees or charges, you must provide a detailed list of excluded fees with a complete explanation of the nature of those fees.

Provisions of this RFP and the contents of the successful responses are considered available for inclusion in final contractual obligations.

3. Contract terms

The Haines Borough (hereinafter "Borough") will negotiate contract terms upon selection. All contracts are subject to review by Borough legal counsel, and a project will be awarded upon signing of an agreement or contract, which outlines terms, scope, budget and other necessary items. The contract may require assembly approval in a public meeting with a minimum of 4-2 vote. The successful firm will be required to submit a current Alaska business license and a Haines Borough business license.

4. Purpose, Description and Objectives

Purpose

The Borough currently has a web presence that has become a very important information source for the community and is well-used because it is the main online site for the local government and is dependably maintained. It is, however, somewhat outdated in appearance, structure and in the presentation of content, and more time-consuming to maintain than it needs to be. An opportunity exists to re-engineer the site to better organize content, improve organic SEO and to incorporate the latest web technology. Upon completion of the development of the site, the Borough will take full responsibility for website content maintenance and administration. All content, coding and graphics will become the sole property of the Borough. If there is a requirement for future web work outside of the scope of Borough staff, the successful bidder will be contracted on a per project basis or put on a monthly retainer.

Description

Create a fast to download, flexible and informative website that is easy to maintain. We need a friendly site that can deliver large amounts of constantly changing information to our key audiences. In addition to designing a user-friendly site with an intuitive interface, we must also develop a web-based, database-driven administration tool that allows Borough staff members to

easily update content without directly accessing source code. Currently, the Borough has a content management system which allows for all of the content to be updated.

To be effective, our websites must be:

- Quick to load
- Easy to operate

Objectives

Our primary Internet objective is to continue to provide easily accessible information to residents as well as the services the Borough provides.

Make it easy

Redesign the site to deliver intuitive navigation, an improved graphical user interface, easy-to-find content organization and a mobile friendly solution.

Make it compelling

Develop tools to deliver timely, relevant answers to the breadth and depth of resident and visitor questions.

5. Proposal and Award Schedule

<u>October 10, 2011</u>	Publish Notice & Distribute Proposal Packets
<u>November 4, 2011</u>	Proposal Due Date
<u>November 15, 2011</u>	Contract Award by Borough Assembly
<u>November 18, 2011</u>	Notice to Proceed

The Borough Assembly will award the Website Update contract based upon the amount of the bid, as long as the bidder has the qualifications and experience to perform the contract as specified in HBC 3.60.160. The Assembly may require the submittal of references and/or that the Contractor provides a performance bond on the services to be provided.

The Borough reserves the right to: 1) reject any or all proposals; 2) accept the proposal which in its judgment best suits the needs of the Borough; 3) waive any and all irregularities or informalities in any proposal.

Borough Contact: Julie Cozzi, MMC, Borough Clerk
Phone: (907) 766-2231, ext. 31
Fax: (907) 766-2716
Email: jcozzi@haines.ak.us

All proposals, including any amendment or withdrawal, must be received at the address and by the time and date shown above. Any proposal, amendment, or withdrawal that has not been actually received by that time will not be considered.

The outside of the envelope or cover sheet shall state "Website Update" and shall be sent to the Borough Clerk's Office, Haines Borough, P.O. Box 1209, Haines, Alaska 99827; faxed to (907) 766-2716; or emailed to jcozzi@haines.ak.us. Proposals or modifications to proposals submitted by facsimile will not be responsive or accepted unless all pages have been received and printed from the Borough's facsimile machine by the deadline. Proposers assume all risk the Borough's fax line will be busy or that the facsimile machine will not be operational at the time of submission.

The Borough is not liable for any costs incurred by the proposer prior to issuance of an approved contract. All costs incurred as a result of responding to this RFP are the sole responsibility of the proposer.

6. Background

The Haines Borough is a Home Rule Borough established under Alaska Statute and chartered to achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum control of our own local affairs.

The charter guarantees to the people of the Haines Borough the following rights that are in addition to the rights guaranteed by the Constitution of the United States of America and the Constitution of the State of Alaska:

The right to a government of the people, by the people and for the people, which safeguards our diversity, harmony between neighbors and respect for the environment;

The right to access a well maintained public record of all actions of public officials in accordance with this charter, so that the citizens of the borough may retain control over the affairs of their government;

The right to enjoyment of private property, chosen lifestyles, traditions, employment, and recreational activities without unnecessarily restrictive or arbitrary laws or regulations.

7. Audience

Customers and audience groups:

Our primary audience includes current residents and property owners, visitors to the area, community members and employees. Our secondary audience includes prospective residents.

8. Scope & Guidelines

The scope of this project is to update the existing Haines Borough website. The Borough Clerk's Office will create/provide all of the site copy and provide the successful candidate with the most necessary original and stock photography. A firm that can handle all site planning, interface design, programming and production is required. The site must include a technology solution that allows the in-house staff to easily and cost effectively update content and modify site design after initial launch. It is also desirable to include a technology solution that makes the site mobile friendly. Your input and advice will help us make a decision with regards to the best hosting solution. We are probably going to host the site off-site

Discovery:

Confirm audiences, objectives, graphic look and feel, navigation, site marketing, technology issues and assumptions, required functionality, phasing, and budgetary constraints, resulting in a creative brief.

Design:

Website information architecture, graphic look and feel, user navigation, home page and main navigation templates for each of the main navigation links for each website.

Development Guidelines:

The website designed by the successful candidate must meet the following criteria:

Create an easy content management system that will permit non-technical Haines Borough Staff to instantly update website content to specific pages.

- Easy updating – Once the site has been completed and accepted by Haines Borough, the site will be maintained by the Clerk’s office (web editor)
- Convert substantial amount of existing content to new website.
- Be visually appealing – The site must have an attractive mix of text and graphics.
- Easy to Navigate – The site should be easy to navigate. Information should be grouped and presented in a logical manner and require no more than three levels of “drill down” for the user to find the desired information.
- Development of web pages to accommodate the proposed navigation scheme.
- Provide the necessary software and licenses to maintain the site internally.
- Project Management – An assigned project manager will be made available to present information to and coordinate with Haines Borough staff, including a reasonable number of meetings to present design and development solutions.
- Once the website has been completed and accepted by Haines Borough, the website design and all of its contents, software and architecture become property of Haines Borough.
- Cross browser accessibility (i.e. Firefox, Internet Explorer 7-9, Safari)
- List Serv Capabilities

Site Specifications:

The Borough encourages creativity in the proposals submitted; however there are certain requirements for the website project. Your proposal must account for all of these requirements.

- Site must be compatible with Internet Explorer 7-9, Mozilla and all other current browsers.
- Website must not require plug-ins as a default.
- Fast Loading Pages
- The website must be designed with a balance of text and graphics such that each page loads in 8 seconds or less on the average computer.
- Site must recognize mobile devices and load content in mobile friendly format.

Testing:

Conduct testing of site on all applicable platforms and browsers to ensure entire website works as promised.

Delivery:

Delivery and uploading of site to client for internal hosting, to an outside third party, or hosting by consultant (to be determined).

9. Available technology resources

- We will use much of our existing web content.
- The main website is currently hosted off-site. The Geographic Information System portion of the website is currently hosted in-house.

10. Staff resources

A successful planning effort is driven by the Clerk’s Office.

Project Manager: Responsible for sign-off on key decisions, keeping the project on schedule and within budget – Julie Cozzi (907) 766-2231, ext. 31

11. Content of Submittal

Responders are to submit a written narrative corresponding to each of the numbered items:

1. Company Profile
 - a. Number of years in business
 - b. Office location(s) (Include business address)
 - c. Demonstrated company financial stability
2. Municipal Website Design Experience
 - a. Please list city name and website URL
 - b. If no previous municipal experience, please explain relevant government website experience (please list other government clients/URLs)
 - c. List other (non-government) website design experience
3. References (minimum three references, including all contact information below)
 - a. Client Name
 - b. Client Contact Person
 - c. Phone and Fax
 - d. Client Address
 - e. Website Address
4. Team Members/Roles (list all personnel to be assigned to this project)
 - a. Name, title, role (e.g., project management, programming, graphics)
 - b. Please include a brief background summary for each key staff member assigned to this project.
5. Contractor's Service Capabilities (Describe all available)
 - a. Web Development
 - b. Content Management System
 - c. Site maintenance
 - d. Client training
 - e. Availability of website diagnostics
 - f. Site marketing online
 - g. 24 x 7 support
 - h. Security for both Borough staff and users
 - i. Other
6. Description of the proposed process for the Scope of Work/Guidelines for the website design including how you intend to gather all of the required information, format preferred, and assistance expected from the Borough in order to complete this project.
7. Proposed phases or steps in implementation of the website design and infrastructure.
8. Accessibility features of the proposed website.
9. Description of how your company intends to meet the minimum requirements desired as well as the additional requirements outlined above.
10. Description of infrastructure, utilities and tools proposed for web page creation and maintenance. This should include the backroom content organization, link finders, etc.
11. Proposal for migration of current website content to the new website.
12. Options for training the Borough staff in creating and maintaining website content.
13. Description of ongoing support provisions.

14. Specifications and configurations required to support the proposed system, including specifications for all software components required for the system, but not provided as part of the proposal. In other words, hardware and software requirements for Borough workstations and network configuration.
15. Requirements, if any, for Borough bandwidth to the Internet necessary to support reasonable performance of website maintenance tools.
16. Separation of one time and recurring costs for: Website design; infrastructure; training, etc. Please note that the Borough expects this to be a "not to exceed" price.
17. Include pricing range/cost for services outlined.

Attachment: Hosting options/information.

- Do you provide hosting? If so, please, provide answers to the following questions:
- How often do you backup?
- How often do you have down time?
- How often do you upgrade software/hardware?
- Please describe your technical support
- Please describe your security
- Do you have a high-speed, direct connection to the Internet?
- Please describe your methodology and service level agreements.
- Pricing, terms and conditions.

If you do not provide hosting, please suggest a vendor/partner to provide this service and provide answers to the above questions.

12. Evaluation Criteria

The following criteria will form the basis upon which the Borough will evaluate proposals. The mandatory criteria must be met and include:

Your proposal must be received no later than 5:00pm, AST, November 4, 2011. Your proposal must include a cost proposal as described above. All costs associated with the delivery of the project should be presented in a flat rate, fee for service format.

Deliver proposals to the attention of:

Julie Cozzi, MMC, Borough Clerk
Phone: (907) 766-2231, ext. 31
Fax: (907) 766-2716
Email: jcozzi@haines.ak.us

Proposals that meet the mandatory requirements, as stated above, will be evaluated with the following criteria:

- Suitability of the proposal – the proposed solution meets the needs and criteria set forth in the RFP.
- Expertise in recommending and communicating appropriate technical and aesthetic solutions as evidenced by the proposals and references.
- Aesthetic capabilities – Prior work demonstrates artistic and innovative, user friendly interfaces that engage users.
- Candidate experience – Candidate has successfully completed similar projects and has the qualifications necessary to undertake this project

- Value/Pricing Structure and Price Levels – The price is commensurate with the value offered by the proposer.
- Depth and Breadth of Staff – The candidate firm has appropriate staff to develop the site in the timeframe needed.
- Proposal/Presentation - The information is presented in a clear, logical manner and is well organized.
- Demonstrated commitment to high service level agreements.

13. Format for Proposals

Please use the following as a guideline to format your proposal:

Title Page:

Haines Borough, Website Development Proposal, your company name, address, website address, telephone number, fax number, e-mail address and primary contact person.

Cover Letter:

Signed by the person or persons authorized to sign on behalf of the company.

Proposal (including attachment regarding hosting):

Discuss your proposed solution, including the features, benefits and uniqueness of your solution, qualifications and budget.



Project Costs

We will implement all the features and functionality defined in our base solution for a first-year fixed fee project cost of \$12,000 (includes project design and all travel costs)

We submit invoices monthly based on completed project work as detailed below.

Project Activities	Deliverables	Cost
<u>Phase 1 – Analyze and Confirm Requirements</u> Website Assessment, Organizational Overview Inventory/Survey, Departmental Survey, and Onsite Website Design Workshop	<ul style="list-style-type: none"> • Summary assessment sheet • Organization Survey • Department Surveys • Website design specification sheet 	\$4,000
<u>Phase II - Design and Build</u> Design concept creation and approval, and website setup	<ul style="list-style-type: none"> • Design concepts (JPG) • Finalized design (PhotoShop PSD) • Fully functional ‘draft’ website with Haines design and configurations 	\$5,000 + optional add-ons
<u>Phase IIIa - Train</u> Staff training	<ul style="list-style-type: none"> • 2 three-hour on-site training sessions with up to 10 staff in each session • User guides • Up to 3 additional two-hour web teleconference training as needed during the project 	\$2,000
<u>Phase IIIb– Migrate, Test, and Go-Live</u> Department Content Acceptance/Verification, aHa! functional Testing , Borough Acceptance Testing, Ready for Go-Live	<ul style="list-style-type: none"> • Create/migrate content • Departmental content ‘signoff’ • Completing Testing Checklists • Site acceptance by Borough • Accepted Final Live Website 	\$1,000
<u>Total Project Redesign Costs (excluding hosting, support, and other optional items)</u>		\$12,000

Optional Items

We offer add-on services and modules that we would be happy to demonstrate upon request:



Optional Add-ons	Cost
<p>Maintenance and Support</p> <p><u>Security upgrades:</u> aHa! will apply security upgrades to your solution’s core and contributed modules as they are published by drupal.org. This ensures that your website stays secure. aHa! will perform security upgrades and other web server and website optimizations during off-hours, typically between the hours of 12AM-3AM Pacific Time. In the event a scheduled upgrade is expected to take longer than 5 minutes, aHa! will get pre-approval prior to implementing the upgrade.</p> <p><u>Site Monitoring and Site Recovery:</u> aHa! will install auto-monitoring software routines that constantly monitor website performance and instantly alert us when problems occur. We will take immediate action as problems are detected 24x7 Customer support: We will provide your primary IT contact numbers to reach us for 24x7x365 for catastrophic site issues. We will also be available from Monday to Friday via email and telephone to handle routine questions from your staff related to the operation of the website</p> <p><u>24x7 Customer support:</u> We will provide your primary IT contact numbers to reach us for 24x7x365 for catastrophic site issues. We will also be available from Monday to Friday via email and telephone to handle routine questions from Borough staff related to the operation of the website.</p> <p><u>Free site upgrades:</u> as we update our base aHa! feature, you receive those upgrades for FREE</p>	<p>\$1,800 / year</p>
<p>Hosting</p> <p><u>Web server:</u> aHa! will host the website and ensure adequate bandwidth and performance. The site will reside at a data center located in Texas at a tier-1 hosting provider on aHa!-configured web servers.</p> <p><u>Backup:</u> An image of the server will be taken nightly and weekly. In addition, we provide a second redundant incremental backup of your website database to our web servers in Oregon. Thus, copies of your website data will reside in two separate geographical locations (Texas and Oregon).</p> <p><u>Disk space:</u> aHa! will provide up to 40GB of disk storage for the website files and database.</p> <p><u>Bandwidth:</u> aHa! will provide up to 1 Terabyte of data transfer per month to support website visitor traffic.</p> <p><u>FTP Access:</u> aHa will provide FTP access to the production website folders and files upon request. You can download copies of this data at any time.</p> <p><u>Guaranteed Uptime:</u> aHa will guarantee web server uptime of 99.9%. In the event this service level is not met within a given month, you will receive a credit for that month's hosting service.</p>	<p>\$600 / year</p>
<p>Online Payments and Integrated Shopping Cart</p> <p>We offer a full featured, integrated payment solution that allows you to collect secure SSL credit card payments for licenses, permits, event registration, etcetera.</p>	<p>starting at \$5,000</p>



Optional Add-ons	Cost
<p>Intranet</p> <p>We will build the capability to post secure web pages and calendar events to the City and Borough website that are only visible to logged in City and Borough staff. There will be a separate Intranet Home Page, Menu links, Calendar of Events, and File Attachments that are only viewable by City and Borough staff. Only Staff with the ‘post to intranet’ role will be able to post content to the intranet.</p>	\$1,000
<p>Citizen Support Center (Help Desk / Ticketing System / Approval Workflow)</p> <p>aHa! offers a feature rich “Customer Support Center” (CSC) application that includes the following features:</p> <ol style="list-style-type: none"> 1. All Citizen Comments and Questions captured in online system – online submissions, emails, phone calls, front desk, and public comment 2. Citizen Email notification and case number tracking 3. Borough Staff email notification and ability to assign/route requests to specific departments/individuals 4. Ability for Staff to provide email updates to citizen, all tracked and viewable online 5. Summary Reports of all CSC requests by department, individual, topic, and status 	\$2,000
<p>ListServ/eNewsletter Email Subscriptions (Meeting Agendas, General Notices, etc)</p> <ul style="list-style-type: none"> • We provide your residents a full subscribe/unsubscribe capability by category. Visit http://www.yorktownny.org/newsletter/subscriptions to see this feature in action • We can also provide linkages to your existing email notification systems such as Constant Contact or Mail Chimp. 	\$1,500
<p>Website Update Email Digest Subscriptions (Daily, Weekly Digests)</p> <p>We will provide your site visitors the ability to subscribe to daily or weekly email ‘digests’ of new and updated website content by department or by specific page type such as bids/rfps, press releases, and City and Borough projects. The website will automatically send updates to subscribers without the need for manual staff involvement.</p>	\$1,000



Optional Add-ons	Cost
Custom development We can customize your website to fit specific business processes unique to your municipality. We can perform custom graphic work, and we can also integrate with back-end systems as needed.	\$100 per hour

Total Cost

The budget below includes consulting, project management, graphic design, training, and our non-proprietary content management system, as well as all of the components and features listed on page 20.

Services	Hours	Rate per hour	Budget
Consulting	28	\$135	\$3,780
Project Management	22	\$135	\$2,970
Design	28	\$125	\$3,500
Design Production	14	\$95	\$1,330
Dynamic Programming	24	\$135	\$3,240
HTML Programming	14	\$105	\$1,470
Content Migration	8	\$85	\$680
Quality Assurance	12	\$105	\$1,260
Training/Documentation	10	\$125	\$1,250
Total not to Exceed			\$19,480

Vision Internet is looking forward to building a long-term relationship. As a token of our commitment to your success, we will offer the following services at no cost:

- Three months free maintenance and support⁶
- Included warranty

Optional Services

Depending upon your needs and available resources, you may opt for these additional services. They are not required to create a high-quality, successful project. Details are provided in the Vision Process outlined on page 27.

Optional Services	Budget
Onsite consulting <ul style="list-style-type: none"> • Onsite consulting and brainstorming sessions • Requirements gathering from project team • Creation of survey • All travel expenses 	\$4,860
Content migration – per 50 pages <ul style="list-style-type: none"> • Content formatting • Uploading related documents and images • Reduced pricing for quantities over 200 pages 	\$1,445

⁶ Up to three hours per month. The three months free offer does not apply to Vision Live, the hosted CMS option.

Optional Services	Budget
Onsite training program <ul style="list-style-type: none"> • One day onsite training • Classroom style content editor training • Advanced administrator training • All travel expenses 	\$3,290

Optional Components and Features

On page 22, we outlined a number of component options. You are in no way obligated to accept these recommendations; we offer them to demonstrate our forward thinking. Below is pricing for these options:

Optional Component	Budget
Approval Cycle ⁷	\$4,630
OneClick Social Networking™	\$1,500
visionMobile™ ⁸	\$2,000

Optional Maintenance and Support

Beyond the initial development of the website, Vision Internet is able to provide ongoing website maintenance services. The following table shows our maintenance fee structure for services on an as-needed basis. For a description of our maintenance services, refer to page 36.

Maintenance Pricing	Hourly Rate
Custom Programming	\$135
Graphic Design	\$125
Webmaster Service	\$105
Content Migration	\$85

Because Vision Internet is looking forward to building a long-term relationship with you, we will provide three months FREE website maintenance (up to three hours per month).

In addition to our no-contract, as needed maintenance option, we also offer a Maintenance Plan for a defined number of hours per month at a lower blended rate. Any unused hours can be applied to upgrades and enhancements relevant to your needs. For more information, please refer to page 37.

⁷ Please note that the price for this component will vary according to the total interactive components implemented for your website and that the price listed is an estimate based on the components currently included in your project.

⁸ This price will vary should the Borough decide to implement this component after development of the website has begun.



Optional Website Hosting

Hosting is an optional service that we provide to many of our clients. For a description of our hosting services, refer to page 38. Vision Internet can host your website for \$200 per month; however, you are free to host your site in-house or with a third-party provider. In the event that we do not host the website, a onetime \$475 fee applies for our technical staff to assist you with the transfer and configuration. There are no additional licensing fees, costs, or penalties for you to host the website on your own server.

Vision Live™ Optional Subscription Service

As an option to paying monthly fees for maintenance and hosting, we can also offer the new subscription version of the Vision CMS™ that allows us to significantly improve the value of our post-launch services. For a low annual subscription rate of \$4,800, we are able to provide maintenance, unlimited hosting services and upgrades for the VCMS™⁹.

Additional Information

Included Warranty

All programming code within the project developed by Vision Internet is warranted for a period of one-year from the date of completion. We will create a backup of the website when it is completed. If any problem arises while you are maintaining the site, we will be able to restore the site back to its condition as it existed at the time of completion. If we are maintaining and hosting the site, we can restore it to its condition as it existed at the day of the last backup, should a problem arise.

In our fifteen years of business, we have not had any significant problems arise, due to our extensive quality assurance process and technical expertise.

Terms and Conditions

Vision Internet agrees to perform the services at the prices quoted in this proposal. This quote is valid for 180 days.

⁹ Does not include updates to configuration, content, or formatting among other restrictions; does not include new features that require design customization to implement or any future components that the company may create.

CivicPlus Project Development Estimate

All Quotes are in US Dollars and Valid for 30 Days from November 4, 2011.

Project Development	\$17,520
First Year's Annual Support, Maintenance & Hosting <i>Server Storage not to exceed 10 GB; Media Center Storage not to exceed 10 GB</i>	FREE
Total Fees Year 1	\$17,520

With CivicPlus, you'll enjoy all the benefits of our Ultimate Service Plan – 24/7 support, software maintenance, unlimited upgrades, recurring training and access to the CivicPlus community. Protecting your investment is important, and our Ultimate Service Plan allows you to receive maximum benefit at minimal cost. Over the course of a year, you'll receive nearly \$500,000 in software upgrades, maintenance and optimization. Additionally, your staff will be able to take advantage of our support community, ensuring that they're always up-to-date on our latest features and functionality.

With the Ultimate Service Plan, CivicPlus will handle the workload, with redundant hosting services, daily backups and extensive disaster recovery plans. And if the Ultimate Service Plan isn't right for you, the site and software are yours – our websites are as portable as they are powerful.

Optional – Year 2-3 Annual Support, Maintenance & Hosting (\$3,150/year) <i>Not subject to annual 5% increase</i>	\$6,300
Optional – Year 2 and Beyond Annual Support, Maintenance & Hosting <i>Subject to annual 5% increase</i>	\$3,150

Optional Payment Plan – CivicPlus Advantage

CivicPlus Advantage offers local governments an alternative payment plan that eases the impact of a new website on your budget and spreads the one-time project development costs over a longer period of time.

Through a minimum three-year contract, CivicPlus Advantage dramatically lowers the one-time project development and start-up costs of launching a new website, **combining one-time and recurring fees and spreading them over the life of the contract.**

The CivicPlus Advantage Plan provides a fixed fee for an Agreement term of 36 months from the first date of billing. At 36 months, Client has the following options:

1. Terminate the CivicPlus Advantage Plan by providing written notice and contract for Annual Support, Maintenance & Hosting services. Base rate of \$3,473 is subject to 5% annual increase.
2. Terminate services with CivicPlus.

CivicPlus Advantage	1st Year	2nd Year	3rd Year	4th Year
Annual Recurring Fees	\$7,940	\$7,940	\$7,940	\$3,473



Project Development

Objective 1: Establishing Your Site's Focus	
Phase 1: Analysis and Timeline Development <u>Deliverable:</u> Project Timeline and worksheets	\$1,562
Phase 2: Website Design <u>Deliverable:</u> Website Design Composition	\$4,300
Phase 3: Navigation Architecture Development <u>Deliverable:</u> Navigation structure optimized for your website	\$720
Objective 2: Content Development and Page Layout	
Phase 4: Modules and Site Setup <u>Deliverable:</u> Set up fully functional site, software that runs the site, and site's statistical analysis.	\$1,558
Phase 5: Content Development of 50 standard pages and up to 250 supporting elements <u>Deliverable:</u> Website content development and module content.	\$2,595
Phase 6: Test and Review, Establish Future Expectations <u>Deliverable:</u> List of items that need to be addressed	\$1,585
Objective 3: Equipping Your Staff for Successful Website Maintenance	
Phase 7: 24 Hours Interactive Webinar Training (up to 6 employees) <i>Quote includes free use of up to 6 webcams and headsets</i> <u>Deliverable:</u> Train System Administrator(s) on GCMS Administration, permissions, setting up groups and users, module administration. Basic User training on pages, module entries, applying modules to pages. Applied use and usability consulting to result in effective communication through your website.	\$3,840
Objective 4: Website Deployment	
Phase 8: Go-Live and Project Review <u>Deliverable:</u> Final project review report	\$960
Phase 9: Marketing <u>Deliverable:</u> Registration of site with all major search engines	\$400
Phase 10: Ongoing Consultation <u>Deliverable:</u> Site review with recommendations for enhancements to improve visitor interaction; layout, design and content recommendations.	Included
Expandable Modules	
None	n/a
Additional Functionality	
None	n/a
Gov 2.0 Upgrades	
Blog	Included
Facebook Integration	Included
Share	
Twitter Integration	
Options Included in One-Time Fee	
None	n/a
Total Project Development Fee	
	\$17,520
First Year Annual Support, Maintenance and Hosting Fee	
Server storage not to exceed 10 GB; Media Center storage not to exceed 10 GB	INCLUDED
Total Fees Year 1	
	\$17,520



Project Enhancement Options

Options	One-Time Fee
<p>Pre-Implementation Option: On-Site Kick-Off Meeting One day meeting with website committee to discuss design goals, review audience goals and meet with departments to kick-off with a project overview <i>Quote includes travel expenses.</i></p> <p><u>Deliverable:</u> A document summarizing the meetings, with analysis and recommendations. Design information gathered.</p>	optional
<p>Pre-Implementation Option: On-Site Strategic Planning with Individual Departments Two days of meetings (up to 12 departments) to interpret current processes and services, resulting in recommendation for website solutions. <i>Quote includes travel expenses.</i></p> <p><u>Deliverable:</u> A document summarizing the meetings, with analysis and recommendations. Design information gathered.</p>	optional
<p>Phase 3 Option: Onsite Meeting for Individualized Content Planning Two days (up to 12 Departments) to analyze call logs, review assignments, review individual sections' navigation, identify services/needs of departments, demonstrate best practices, review functionality and how it applies to individual sections. <i>Quote includes travel expenses.</i></p> <p><u>Deliverable:</u> Presentation on best practices, review worksheet assignments and review design composite.</p>	optional
<p>Phase 5 Option: 50 Pages of Additional Content</p>	\$1,450
<p>Phase 7 Option: On-Site Training for up to 10 employees <i>Quote includes travel expenses</i></p>	optional
<p>Phase 7 Option: One day On-Site Training/Consulting Review website with department administrators and provide additional time for basic learners. Review website procedures. Must be held concurrently with original on-site training session.</p>	optional
<p>Phase 7 Option: Laptop Lab Laptops for use in your CivicPlus training session.</p>	optional
<p>Phase 8 Option: Website Presentation One day of on-site meetings to present website to stakeholders. <i>Quote includes travel expenses.</i></p>	optional
<p>Post-Training Option: Three Month Checkup Held three months after Go-Live, includes two days of additional consultation/training. <i>Quote includes travel expenses.</i></p>	optional
<p>Post-Training Option: Three Day Annual Refresher One day of consultation, two days refresher/advanced training. <i>Quote includes travel expenses.</i></p>	optional

Functionality Options	One-Time	Monthly
Forms – custom developed to client's specification	\$375/ea	n/a
LDAP Integration	\$1,250	\$200
Language Translation (hand translation, priced per single language)	\$125/page or \$1,000/10 pgs	n/a
Logo Development	\$5,000	n/a
Logo Development with Branding & Graphics Development	\$7,000	n/a
Department Header Package	\$2,500	\$60
Subsite	\$6,500	\$135



Project Development Includes the Following:	
Modules	Functionality
<ul style="list-style-type: none"> • Agenda Center • Alerts Center & Emergency Alert Notification • Archive Center • Bid Postings • Business/Resource Directory • Calendar • Carbon Calculator • Document Center • ePay • Facilities & Reservations • FAQs • Featured Info Module • Forms Development Tool • Healthy City Initiative • Intranet • Job Postings • Media Center • My Dashboard • NewsFlash • NotifyMe Email Subscription • Online Job Application w/1 Generic Application • Opinion Poll • Permits & Licensing • Photo Gallery • Postcard Module • Quick Links • Real Estate Locator • Request Tracker (5 users) • Staff Directory 	<ul style="list-style-type: none"> • Action Items Queue • Audit Trail / History Log • Automated PDF Converter • Automatic Content Archiving • Content Library • Dynamic Breadcrumbs • Dynamic Sitemap • Expiring Items Library • Graphic Link Administration • Links Redirect and Broken Links Finder • Menu Management • Mouse-over Menu Structure • Online Editor for Editing and Page Creation (WYSIWYG) • Online Web Statistics (Only with CivicPlus Hosting) • Page Wizard w/Multiple Layouts • Printer Friendly/Email Page • Rotating Content • RSS • Search Engine Registration • Site Layout Options • Site Search & Entry Log • Slideshow • User & Group Administration Rights • Web Page Upload Utility • Website Administrative Log

Annual Support, Maintenance & Hosting Service Include the Following:		
Support	Maintenance of CivicPlus Application & Modules	Hosting
7-7 (CST) Mon-Fri (excluding holidays) 24/7 Emergency Support Dedicated Support Personnel 2-hour Response during Normal Hours Usability Improvements Integration New & Upgraded Services Proactive Support for Updates & Fixes Online Training Manuals Monthly Newsletters Phone Consulting CivicPlus Connection CivicPlus University	Install Service Patches for OS Upgrades Fixes Improvements Integration Testing Development Usage License	Shared Web/SQL Server DNS Consulting & Maintenance Monitor Bandwidth-Router Traffic Redundant ISP Redundant Cooling Natural Gas Powered Generator Daily Tape Backup Intrusion Detection & Prevention Antivirus Protection Upgrade Hardware

Additional Option

CivicPlus Lite – You Have eGovernment Options, No Matter Your Community’s Size

More than 700 municipalities nationwide have turned to CivicPlus for a highly unique website solution. Our experienced development team has helped communities of all sizes – from the smallest villages and townships to state capitals – build and maintain award-winning websites.

CivicPlus is proud to offer CivicPlus Lite, an innovative web-development solution specifically for small- to mid-sized municipalities. This turnkey solution allows towns, villages and counties to maintain a professional, modern website powered by the same Government Content Management System behind some of the nation’s largest city and county websites.

The CivicPlus Lite package includes:

Crucial eGovernment tools that instantly improve your community’s online presence, including:



- Archive Center
- Calendar
- Document Center
- FAQs
- News Flash
- Notify Me
- Opinion Poll
- Quick Links
- Staff Directory
- And more...



A beautifully designed best-practice eGovernment website, complete with the name of your community, your logo, and your tagline or slogan.



Pre-populated menus and pages – all the content you’ll need to get your site up and running is included, and modifications to personalize the site are a snap with the Page Wizard and Page Editor tools.



Video self-training through CivicPlus University followed by up to 3 hours of Q&A sessions with a CivicPlus trainer for two people before your website goes live; plus, you’ll have unlimited access to CivicPlus’ online training library.



Reap the benefits of being a part of the CivicPlus client family, including:

- Site hosting at our secure Network Operations Center
- 7 a.m. to 7 p.m. CST access to our live, over-the-phone support team for your designated contact
- Continuous upgrades and enhancements to the solution
- Disaster recovery measures with daily website backups
- And more...

\$4,800

Project Development Fee

(includes setup and training)

\$2,340

Annual Fee

(includes hosting, maintenance, upgrades, support)

Getting Started is Easy!

With CivicPlus Lite, there are no contracts to sign. CivicPlus requires signoff of our End User License Agreement (EULA) and a purchase order or written authorization for the project development fee and authorization to bill for the annual fee. From there, we can have your CivicPlus Lite website up and running within a month of the project start date, with a dedicated project manager guiding you through the entire process.

Designs Created for Your Community

Visit our design gallery at www.CivicPlus.com/LiteSiteOptions for a more comprehensive display of our design capabilities.



<http://pa-manheimtownship.civiccities.com>



www.tavares.org



www.glen-carbon.il.us



www.cityofnormandy.gov



Modules Included	Functionality Included
<ul style="list-style-type: none"> • Archive Center • Bid Postings (1 Category) • Business Directory • Calendar • Citizen Request Tracker™ (5 Users) • Document Center • FAQs • Job Postings (1 Category) • News Flash • NotifyMe® Email Subscription • Online Job Application (1 Generic Application) • Opinion Poll • Quick Links • Staff Directory 	<ul style="list-style-type: none"> • Dynamic Breadcrumbs • Named Domain • Online Editor for Editing and Page Creation • Page Wizard for Preformatted Page Options • Printer Friendly / Email Page • RSS • Site Map • Site Search & Entry Log • Statistics • Social Media Integration

Project Details

Design & Project Overview Included

- Includes 5 global navigation buttons across the top of the site (names are preset for city/county)
- Fully customized banner (one design revision to the original allowed)
- Client must be ready to discuss banner color options
- No changes will be made to the existing layout. This includes changes to the banner size, navigation, layout, and graphic buttons.

Site Development

Included

- Client may opt to keep the generic homepage slideshow provided
- If a personalized slideshow is preferred, CivicPlus must receive a minimum of 12 photos. CivicPlus will choose those best-suited for the slideshow.
- Site population and training may occur before custom banner is complete

Training

Included

- Up to 15 hours of phone training for no more than two people (no carryover hours allowed)
- Client will have unlimited access to online training library

Annual Support, Maintenance & Hosting Service Include the Following:

Included

Support	Application & Modules	Hosting
7-7 (CST) Mon-Fri (excluding holidays)	Install Service Patches for OS	Shared Web/SQL Server
24/7 Emergency Support*	Upgrades	DNS Consulting & Maintenance
Dedicated Support Personnel	Fixes	Monitor Bandwidth-Router Traffic
2-hour Response during Normal Hours	Improvements	Redundant ISP
Usability Improvements	Integration	Redundant Cooling
Integration New & Upgraded Services	Testing	Natural Gas Powered Generator
Proactive Support for Updates & Fixes	Development	Daily Tape Backup
Online Training Manuals	Usage License	Intrusion Detection & Prevention
Monthly Newsletters		Antivirus Protection
Phone Consulting		Upgrade Hardware
CivicPlus Connection		
CivicPlus University		

*for authorized contacts



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-031
Assembly Meeting Date: 1/10/12

Business Item Description:		Attachments:
Subject: Ordinance to make commercial skiing GPS data confidential	Originator: Mayor Stephanie Scott	1. Ordinance 12-01-279 2. Opinions about GPS data availability from permittees, those who requested 2011 data, and Assembly Member Waterman.
Originating Department: Mayor's Office	Date Submitted: 12/8/11	

Full Title/Motion:
Motion: Introduce Ordinance 12-01-279 and schedule a first public hearing for 1/24/12.

Administrative Recommendation:
The manager recommends this ordinance.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:
Comp Plan Policy Nos.: Consistent: Yes No

Summary Statement:
The confidentiality provisions of this ordinance mimic HBC 3.80.240 applicable to sales tax records (confidential private business records). The GPS data would still be submitted to the borough and available should violations need to be verified.
HBC 3.80.240 Disposition of sales tax records:
Sales tax records in the possession of the borough shall be kept confidential except when their production is required in an official investigation or court proceeding. This restriction does not prohibit the publication of statistics presented in a manner that prevents the identification of particular reports and items, or prohibit the publication of tax lists showing the names of taxpayers who are delinquent and relevant information which may assist in the collection of delinquent taxes. Sales tax records shall be destroyed as per an adopted retention schedule.

Referral:
Sent to: _____ Date: _____
Recommendation: _____ Refer to: _____ Meeting Date: _____

Assembly Action:
Workshop Date(s): _____ Public Hearing Date(s): _____
Meeting Date(s): 1/10/12 Tabled to Date: _____

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Section 5.18.080(f)(4) to provide that global positioning data submitted by ski tour operators is confidential.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Section 4 of 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 5.18.080(F)(4). Section 5.18.080(F)(4) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **BOLDED/UNDERLINED ITEMS ARE ADDED**

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

F. General Permit Conditions and Regulations.

4. Every commercial ski tour operator shall use global positioning system ("GPS") equipment capable of tracking and preserving information establishing the route taken by the helicopter to and from the skiing and snowboarding area and all landings. This information shall be provided to the borough on a bi-weekly basis during each commercial ski tour season. **Information submitted to the borough as required by this section and in the possession of the borough shall be kept confidential except when its production is required in an official investigation or court proceeding. This restriction does not prohibit the publication of statistics presented in a manner that prevents the identification of particular ski tour operators, or prohibit the publication of lists showing the names of ski tour operators who are delinquent in submission of required information which may assist in the enforcement of this Chapter. Route and landing tax records shall be destroyed as per an adopted retention schedule.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2012.

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/10/12
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___

From: Scott Sundberg [mailto:sunny@skiseaba.com]
Sent: Friday, April 29, 2011 10:13 AM
To: Julie Cozzi
Cc: Nicholas Trimble; Shawn McNamara
Subject: Re: FW: Public Requests for GPS Data...

Julie,

When the working group discussed some of the gps options, it was agreed that all GPS Information remained proprietary and that it was the property of the operator until their was infringement upon public domain, or breaking the voluntary agreement. SEABA does not want any gps information released to any individual, organization, no-profit or government agency. We feel very strongly about this and will litigate if any information is released.

In the beginning of discussion we felt that the gps info might be beneficial to ADFnG to delineate between collared goats and our flight paths. However, after discussing this with our attorney and other biologist we feel that it will just become a heel in the efforts to create a positive operating environment, and we cannot be assured that ADFNG will be able to contain this info as well. In the future when ADF n G have established solid and viable multi year information from collared goats , we might be interested in sharing our data. Anything before this we think will lead to initiation of premature red flags and incomplete conclusions that could work against the industry.

As far as Tom Ely is concerned the borough and SEABA have admitted to the mistake, and there is no need to release data to to Tom for this specific purpose. If he continues to whine about this, then we can get him a jpeg of that day that shows the flight paths, as he will not have the software to view the form of data submitted to the borough.

Thank you

Scott Sundberg

-----Original Message-----

From: Julie Cozzi
Sent: Wednesday, April 27, 2011 4:24 PM
To: 'Scott Sundberg'; Nicholas Trimble; 'Alaska Mountain Guides'; 'Sean Brownell'; 'Vicki Gardner'
Cc: Mark Earnest
Subject: Public Requests for GPS Data...
Dear Heliski Permittees:

The borough has received three requests for GPS data. The Ely one applies only to SEABA for one particular day. The others apply to all of you for the entire season. Do you have any objections to the release of your GPS data? If you do, please list your specific reasons in detail when you respond to this email. Thank you.

The following documents are attached:

4-14-11 Ely Request for GPS data
4-18-11 Dyvig Request for GPS Data
4-19-11 Crupi Request for GPS Data

Julie Cozzi, MMC
Borough Clerk
Haines Borough

From: Alaska Mountain Guides [mailto:climb@alaskamountainguides.com]
Sent: Wednesday, April 27, 2011 4:59 PM
To: Julie Cozzi
Cc: Mark Earnest
Subject: RE: Public Requests for GPS Data...

Hi Julie,
We have no objections whatsoever.
Thanks!
Have a great day.

Eli

Eli Fierer
Director of Operations

Alaska Mountain Guides & Climbing School Inc.
800.766.3396 www.alaskamountainguides.com
International Wilderness Leadership School
800.985.4957 www.iwls.com

From: Julie Cozzi [mailto:jcozzi@haines.ak.us]
Sent: Wednesday, April 27, 2011 4:24 PM
To: Scott Sundberg; Nicholas Trimble; Alaska Mountain Guides; Sean Brownell; Vicki Gardner
Cc: Mark Earnest
Subject: Public Requests for GPS Data...

<<4-14-11 Ely Request for GPS data.pdf>> De <<4-18-11 Dyvig Request for GPS Data.pdf>> ar <<4-19-11 Crupi Request for GPS Data.pdf>> Heliski Permittees:

The borough has received three requests for GPS data. The Ely one applies only to SEABA for one particular day. The others apply to all of you for the entire season. Do you have any objections to the release of your GPS data? If you do, please list your specific reasons in detail when you respond to this email. Thank you.

The following documents are attached:

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4-18-11 Dyvig Request for GPS Data
4-19-11 Crupi Request for GPS Data

Julie Cozzi, MMC
Borough Clerk
Haines Borough

From: Sean Brownell [mailto:seandog@alaskaheliskiing.com]
Sent: Thursday, April 28, 2011 2:07 PM
To: Julie Cozzi
Subject: RE: Public Requests for GPS Data...

thanks,
proprietary information was the term I remember, and the data was for the borough manager to review it to identify any conflicts, not public information!
sean

-----Original Message-----

From: "Julie Cozzi" [jcozzi@haines.ak.us]
Date: 04/27/2011 08:17 PM
To: "Sean Brownell" <seandog@alaskaheliskiing.com>
Subject: RE: Public Requests for GPS Data...

Thank you, Sean. I'll pass this along to the Manager and will get back to you later.

Have a nice evening. :)

Julie

-----Original Message-----

From: Sean Brownell [mailto:seandog@alaskaheliskiing.com]
Sent: Wednesday, April 27, 2011 6:15 PM
To: Julie Cozzi
Subject: Re: Public Requests for GPS Data...

the only objection I have is that the gps data was supposed to be for discovery purposes this year and there was talk about a hold harmless clause in the heli advisory board meetings. This was supposed to show where the map was still flawed with lines running halfway through some runs still. My opinion of the current map was that it was not the one I agreed to and was changed between the time I saw it and it was submitted. When I told mark earnest about it and showed him a couple specific areas where the map had been changed he said as long as the were no complaints corresponding to specific days when we crossed a line by a smidge there should be no problem changing the map for next season. I would say wait until the advisory board does it's end of season meeting to discuss these minor problem areas and go over complaints versus our discrepencies and create a presentation or document that verifies these issues. If you give it to them too soon then there will be a headhunt going on and more of the same battle that is totally not necessary. If there is a specific complaint about an area with a date then they could possibly look at the data that corresponds to the complaint. otherwise the info should remain confidential. You will be giving away our trade secrets and competitors in the heliskiing industry would have access to all our research and confidential information about where we ski. This particular issue is very important to me and I don't want other operators or the opposition to pick me apart, I'm getting sick of the bad intentions of the anti heliskiers and they have one thing in mind, and that is to eventually shut us down or widdle our terrain down to something we can't live with. Total manipulative bull shizz if you ask me.

-----Original Message-----

From: "Julie Cozzi" [jcozzi@haines.ak.us]
Date: 04/27/2011 06:24 PM
To: "Scott Sundberg" <sunny@skiseaba.com>, "Nicholas Trimble" <nick@skiseaba.com>, "Alaska Mountain Guides" <climb@alaskamountainguides.com>, "Sean Brownell" <seandog@alaskaheliskiing.com>, "Vicki Gardner" <vicki@alaskaheliskiing.com>
CC: "Mark Earnest" <mearnest@haines.ak.us>

Subject: Public Requests for GPS Data...

<<4-14-11 Ely Request for GPS data.pdf>> De <<4-18-11 Dyvig Request for GPS Data.pdf>>
ar <<4-19-11 Crupi Request for GPS Data.pdf>> Heliski Permittees:

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The following documents are attached:

4-14-11 Ely Request for GPS data
4-18-11 Dyvig Request for GPS Data
4-19-11 Crupi Request for GPS Data

Julie Cozzi, MMC
Borough Clerk
Haines Borough

From: J. N. Waterman [mailto:blackdoghp@yahoo.com]
Sent: Sunday, May 01, 2011 9:56 AM
To: Julie Cozzi
Subject: Proprietary info

Julie,

Here is my two cents worth.

I do not think that the GPS information should be public information. If there are complaints about boundries those complaints should come to the Borough and the Borough will investigate the compaints. Again the GPS information is for Borough use only.....

Joanne

From: Thom Ely [mailto:akthome@yahoo.com]

Sent: Saturday, April 30, 2011 1:28 PM

To: Julie Cozzi

Cc: Daymond Hoffman; Mark Earnest; Joanne Waterman; Jerry Lapp; Greg Goodman; Jan Hill; Steve Vick; Lynn Canal Conservation

Subject: Re: Information Request...

Thanks for the update Julie. I believe that if there is going to be any accountability on the industry's part and trust in the public process, this information should be available to the public as part of the permit stipulations. These are public lands they are operating on not private, so this is not proprietary information.

Sincerely,
Thom Ely

--- On **Fri, 4/29/11**, **Julie Cozzi** <jcozzi@haines.ak.us> wrote:

From: Julie Cozzi <jcozzi@haines.ak.us>

Subject: Information Request...

To: "Thom Ely" <akthome@yahoo.com>

Cc: "Mark Earnest" <mearnest@haines.ak.us>

Date: Friday, April 29, 2011, 9:41 AM

Hi, Thom...

The Borough is following up on your information request received April 14 regarding GPS data provided by SEABA for their skiing activity on April 4. We have sent a request to them asking whether they have any objections regarding this release of information and, if so, to state the reasons for their objections. The Borough will then make a determination as to whether or not the raw GPS data is proprietary/undisclosable or if it can be released. I hope we will have a determination within two weeks.

Julie Cozzi, MMC

Borough Clerk
Haines Borough
P.O. Box 1209
Haines, AK 99827
907-766-2231, ext.31
907-766-2716 (fax)
www.hainesborough.us

LYNN CANAL CONSERVATION, INC.
Box 964 • HAINES, ALASKA 99827

Julie Cozzi
Borough Clerk
Haines Borough
P.O.Box 1209
Haines AK 99827.

May 31st 2011

Via Email

Dear Julie,

Re. Public Records request April 15th 2011.

Thank you for giving me opportunity to respond to the comments and concerns of Scott Sundberg of SEABA and Sean Brownell of Alaska Heliskiing regarding my Public Records request for GPS helicopter flight path raw data. As you know, I made this request in my capacity of Conservation Director for Lynn Canal Conservation (LCC).

LCC wishes to obtain the requested Public Record to ensure successful wildlife conservation outcomes from the Alaska Department of Fish and Game (ADF&G) monitoring study of Mountain Goat populations on public lands in our locality. Mountain Goats are harvested as an important subsistence food source and also have commercial value to sport hunters. Traditional Chilkat blankets are woven using Mountain Goat hair. Successful outcomes of the ADF&G study will be of benefit to communities outside Haines as well as to local stakeholders.

We acknowledge and understand the concerns expressed by both SEABA and Alaska Heliskiing, however, thorough review of applicable state laws pertaining to public records and proprietary information make clear that the data requested is part of the Public Record. And further, the data record of flight paths alone, within the permitted area of operations, cannot properly be classed a "trade secret" under applicable law.

With regard to the operator's assertions that the Borough gave assurances of "confidentiality" it is worthy of note that the Supreme Court has held that parties cannot immunize otherwise public documents from disclosure by entering into a confidentiality agreement (Attorney general Opinion No. 663-95-0424). Unless subject to specific exclusions - which do not apply in this case - public access to all records developed or recorded by a public agency, or by a private contractor for a public agency is provided for in law.

We also draw your attention to Legislative Finding "M" of Borough Ordinance 10-10-243 which states *"There are many stakeholders in the Haines Borough who must be respected. These stakeholders include, but are not limited to, commercial ski tour operators, residents, backcountry recreational users, subsistence users and wildlife"*. We urge you to act in the best interests of all stakeholders identified in the Ordinance, and in the wider public interest, by providing us with the requested Public Record.

Sincerely,

Alison Dyvig
Conservation Director

Scott Cary
President

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

P.O. Box 110024
Juneau, AK 99811-0024
PHONE: (907) 465-4265
FAX: (907) 465-4272

May 31, 2011

Mayor Jan Hill
Haines Borough
PO BOX 1209
Haines, AK 99827

RECEIVED Haines Borough

JUN 01 2011

Clerk's Office

Dear Mayor Hill:

Thank you for the letter dated May 17, 2011 concerning the Department of Fish and Game, Division of Wildlife Conservation's (department) request for heliskiing GPS data. We very much appreciate the information from Alaska Mountain Guides, and hope to receive the remaining GPS information in the future. I can appreciate concerns regarding proprietary information; the department is careful to avoid identifying specific animal locations. In working with the Heliskiing Working Group I was under the impression that the GPS data would be available and there was a sense of cooperation in the process; I hope that the information provided below will address the concerns of all the involved parties.

The department's intent is not to disclose any information related to a specific operator, or to act in a compliance role. I recognize and appreciate the time, energy and expertise required to successfully establish and maintain an enterprise such as heliskiing, and the department's request does not include any research or business related information. As stated in a letter from Mr. Crupi dated April 15, 2011, to Mayor Hill and the Haines Borough Assembly (assembly) the departments' intent is to use the GPS data to identify areas of skiing activity in conjunction with information collected by radio-collared mountain goats. This information can be used to modify the existing heliskiing area map to address potential conflicts between mountain goats and skiing activity, and to identify areas where there is potential for additional skiing activity. The department's current mountain goat project is not intended to evaluate the behavior of mountain goats in response to helicopters. The GPS information will be used to develop a model of each activity (skiing and mountain goat locations). With this information we can create a model to predict areas where conditions would be favorable for skiing, and where goats are likely to be found. Without both data sets it will be difficult to identify the areas described above, and we will not know where skiing and goats may overlap. In other words, we do not intend to depict individual goat locations, ski runs, flight tracks or helicopter landing and pickup locations, we simply need the data to construct the model. In mapping the model information we will use various color gradients to indicate areas where mountain goats and skiing occur. As additional years of data are collected the model will become a stronger representation of both skiing and mountain goats activity, and since the data has been collected it is most efficient to begin working with it now.

The information will be expanded to the entire study area (northwestern Lynn Canal) further reducing the concern that individual or specific operator information will be decipherable. By avoiding specific runs and landing and take-off areas we will not depict information that has been deemed proprietary by the operators. I do not believe the information will reveal anymore than advertising and marketing to promote Haines area heliskiing opportunities.

In the past, the department has been asked to provide recommendations concerning heliskiing areas near Haines, but we have been unable to provide such recommendations because we lacked the necessary data. Mountain goat collars have been downloaded four times since they were deployed in August 2010. We are currently analyzing the data so that it can be presented to the Heliskiing Working Group and Assembly. As additional data is collected the model will be updated. To provide the best recommendations to the assembly, both mountain goat location and skiing activity data are necessary.

If you would like to discuss this request, or if we can be of further assistance, please contact me by email at ryan.scott@alaska.gov or phone at (907) 465-4359.

Sincerely,



Ryan Scott
Area Management Biologist



Agenda Bill No.: 12-027
 Assembly Meeting Date: 01/10/12

Business Item Description:	Attachments:
Subject: FY12 budget amendment Ordinance #3	1. Ordinance 12-01-280 2. Amendment Worksheet
Originator: Mark Earnest, Borough Manager	
Originating Department: Administration	
Date Submitted: 12/29/11	

Full Title/Motion:
<u>Motion:</u> Introduce Ordinance 12-01-280 and schedule a first public hearing for 1/24/12.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$N/A	\$N/A	\$N/A

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: N/A	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
This ordinance provides for the addition or amendment of specific line items to the FY12 budget. A worksheet has been provided by the CFO as an attachment to this agenda bill. The Finance Committee will review the proposed amendments prior to the meeting and will make a recommendation(s).

Referral:	
Sent to: Finance Committee	Date:
Recommendation:	Refer to: Meeting Date: 1/10/12

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:

HAINES BOROUGH
ORDINANCE # 12-01-280

AN ORDINANCE OF THE HAINES BOROUGH ASSEMBLY PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY12 BUDGET.

BE IT ORDAINED BY THE ASSEMBLY OF THE HAINES BOROUGH, ALASKA:

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

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

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2011 through June 30, 2012.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY12 budget as follows:

(1) To appropriate areawide general funds for a professional services contract for the purpose of redesigning and developing the Borough's website including: site planning, interface design, programming, and implementation.

		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
01-01-10-7312	Professional Services (web redesign)	0	\$19,000	(\$19,000)

(2) To appropriate areawide general funds for professional services for an appraisal of Borough land related to the "Goat Lake Hydro" Lease.

		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
01-01-10-7312	Professional Services (appraisal)	0	\$5,000	(\$5,000)

(3) To recognize revenues from the sale of Borough surplus assets in October 2011.

		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4640	Sales of Fixed Assets	0	\$12,450	\$12,450

(4) To recognize property tax penalty and interest revenues which are higher than original budget projections.

		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4614	Penalty & Interest – Property Tax	\$20,000	\$30,000	\$10,000

(5) To appropriate areawide general funds for consulting services for a Borough Assembly strategic planning workshop.

		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
01-01-11-7312	Professional Svc (Strategic Plan)	0	\$3,750	(\$3,750)

(6) To appropriate areawide general funds to convert the temporary facility maintenance technician position to a permanent full-time position for the last three months of the fiscal year (the annual cost of the position would be approximately \$75,000) and to budget for 80% of the position to be funded by the Capital Improvement Projects Fund based on work orders for deferred maintenance on Borough facilities.				
		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
01-04-20-61XX	Payroll Expense	\$244,897	\$263,483	(\$18,586)
01-04-20-7908	Work Order – FROM Facilities	156,891	171,760	\$14,869
50-01-00-7908	Work Order – TO CIP for Deferred Maintenance	57,267	72,136	(\$14,869)
FY12 additional for Facility Maintenance Technician				(\$18,586)
(7) To appropriate Commercial Passenger Vessel (head) Tax revenues for public facilities work orders related to ongoing maintenance of the PC Dock, parking lot and restroom facility.				
		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
34-01-00-7908	Work Order – IN from Facilities	0	\$2,500	(\$2,500)
01-04-20-7908	Work Order – OUT from Facilities	0	\$2,500	\$2,500
(8) To appropriate funds from water utility service fees for the replacement of filter media at the water treatment plant. Funds were initially budgeted in FY11 however the media was not received or invoiced until FY12.				
		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
90-01-00-7230	Material & Equipment (filter media)	0	\$25,500	(\$25,500)
(9) To appropriate townsite service area general funds for eight months of electricity charge for streetlights for Chilkoot Estates Subdivision.				
		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
02-04-00-7360	Utilities - Public Works	66,720	68,020	(\$1,300)
(10) To appropriate funds from harbor user fees for the purchase of a structure on the Haines small boat harbor transient dock constructed and owned by the previous tenant and integral to the operations of fuel sales at the harbor.				
		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
92-01-00-8430	Improvements	0	\$3,000	(\$3,000)
(11) To recognize and appropriate grant funds for an Energy Efficiency & Conservation Block Grant which was awarded to the Borough in FY10 but which has not been incorporated previously into the budget.				
		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
31-01-00-4589	Federal Revenue	0	\$50,000	\$50,000
31-01-00-7392	Project Expenditures	0	\$50,000	(50,000)
Net for EECBG Grant				0

(12) To recognize and appropriate grant funds from an Alaska Department of Environmental Conservation municipal matching grant for replacement of the Barnett Drive Pump Station. The grant was awarded and accepted in FY08 and the required match was budgeted at that time however the grant revenue and related expenditures have not been incorporated into the budget previously. Construction work for this grant took place during the 2011 construction season. Construction work for this grant is now substantially complete.

		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
42-90-02-4341	State Revenue	0	\$238,000	\$238,000
42-90-02-7392	Project Expenditures	0	238,000	(\$238,000)
Net for Barnett Drive Pump Station Grant				0

(13) To appropriate additional funds for garbage disposal due to increases effective 8/1/2011 and 01/15/2012. Rate increases differ depending on the type of service, but they increased roughly 30% in August and will increase roughly another 70% in January (assuming the Borough opts not to separate garbage). Also, this amendment adjusts the facilities garbage disposal volume which has been greater than the initial budget.

		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
02-04-00-7360	Utilities - PW (garbage disposal)	\$8,750	\$14,450	(\$5,700)
01-01-10-7360	Utilities - Admin (garbage)	\$750	\$1,075	(\$325)
01-08-00-7360	Utilities - Chilkat Ctr (garbage)	\$900	\$1,400	(\$500)
92-01-00-7360	Utilities - Harbor (garbage)	\$7,400	\$18,300	(\$10,900)
23-02-00-7360	Utilities - Tourism (garbage)	\$4,350	\$11,300	(\$6,950)
01-04-20-7360	Utilities - Facilities (garbage)	\$2,110	\$9,300	(\$7,190)
Total for increased garbage disposal				(\$31,565)

(14) To appropriate funds for emergency repairs to the water treatment plant. 50% of the cost will be paid for with user fees from the enterprise fund and 50% of the cost will be paid for with CIP sales tax funds in the form of an operating transfer to the enterprise fund.

		Current FY12 Budget	Proposed FY12 Budget	Fund Balance Increase / (Decrease)*
90-01-00-7371	Repairs and Maintenance	22,000	\$72,000	(\$50,000)
90-98-00-8257	Transfer IN - from CIP	11,000	\$36,000	\$25,000
50-98-00-8257	Transfer OUT - from CIP	101,000	\$126,000	(\$25,000)
Total for repairs to water treatment plant				(\$50,000)

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

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2012.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/10/12
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___

HAINES BOROUGH

Proposed Amendments to the FY12 Budget - Ordinance #12-01-280



	Areawide General	Townsite General	Economic Dev. / Tourism	Passenger Vessel Tax	Capital Improvement Projects	Water Enterprise Fund	Harbor Fund	
FUND	01	02	23	34	50	90	92	
Fund/Cash Balance as of 06/30/2011	\$ 2,274,660	1,719,247	378,797	429,184	1,208,509	175,184	1,101,730	
FY12 Current BUDGET Excess Revenue Over (Under) CASH Expense	(140)	361,203	(144,650)	(24,240)	(9,999)	(9,749)	(33,178)	Totals
1 Website redesign	(19,000)							(19,000)
2 Appraisal services	(5,000)							(5,000)
3 Sale of surplus assets	12,450							12,450
4 Increased property tax penalty & interest	10,000							10,000
5 Strategic planning workshop	(3,750)							(3,750)
6 FY12 convert temporary position to permanent	(3,717)				(14,869)			(18,586)
7 Facility work orders for PC Dock parking / restrooms	2,500			(2,500)				-
8 Filter media material						(25,500)		(25,500)
9 Chilkoot Estates 8 months street lights		(1,300)						(1,300)
10 Purchase fuel building on transient dock							(3,000)	(3,000)
11 EECB Grant								-
12 Barnett Pump Station Grant								-
13 Increase in solid waste disposal expense	(8,015)	(5,700)	(6,950)				(10,900)	(31,565)
14 Emergency repairs to the water treatment plant					(25,000)	(25,000)		(50,000)
PROPOSED Excess Revenue Over (Under) CASH Expense	(14,672)	354,203	(151,600)	(26,740)	(49,868)	(60,249)	(47,078)	(135,251)
NEW Proposed Projected Fund/Cash Balance 06/30/2012	\$ 2,259,988	2,073,450	227,197	402,444	1,158,641	114,935	1,054,652	(135,251)



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

11C1

Sean Parnell, Governor
Joseph A. Masters, Commissioner

December 20, 2011

Renewal Application Notice

City & Borough of Haines
Attn: City & Borough Clerks
VIA EMAIL: jcozzi@haines.ak.us

DBA	Lic Type	Lic #	Owner	Premise Address
Fogcutter Bar & Restaurant	Beverage Dispensary	964	Fogcutter Bar & Restaurant Inc	122 Main Street
Moseys	Restaurant/Eating Place-Public Convenience	4673	Thad S Stewart	31 Tower Rd
Klondike, The	Restaurant/Eating Place-Public Convenience	5001	Steve Anderson & Kathleen O'Connor	10 Fair Drive

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance have been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director

/s/Christine C. Lambert
Christine C. Lambert
Licensing & Records Supervisor
269-0359
Christine.lambert@alaska.gov



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 11-018
Assembly Meeting Date: 1/10/12

Business Item Description:	Attachments:
Subject: Community Center Request for Qualifications	1. Memorandum from the borough manager re. composition of task force & report of responses to RFQ 2. Community Center RFQ document
Originator: Debra Schnabel	
Originating Department: Borough Assembly	
Date Submitted: By Assembly decisions at 11/15 & 12/13 meetings	

Full Title/Motion:
Motion: Approve the borough manager's proposed composition of Community Center RFQ Task Force.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
The Borough solicited Statements of Qualifications from firms licensed to do business in Alaska to provide professional design services related to a new Community Center. The purpose of RFQ was to obtain information related to experience, references and qualifications. Responses to this RFQ will be used in the process to select and negotiate with a qualified firm to perform professional design services including architectural, planning, landscape, civil, structural, mechanical and electrical, cost estimating and other specialties, as required. It is anticipated that services will be requested in an incremental and task-based approach. The deadline for qualification statements was 4pm, Friday, 12/9, and 5 responses were received. On 12/13, the assembly moved to create a task force to review the responses and also to task the manager with proposing the makeup of the group. Attached is a memo from him to that affect, and he seeks approval.

Referral:			
Sent to:	Recommendation:	Date:	Meeting Date:
	Refer to:		

Assembly Action:	
Workshop Date(s): Meeting Date(s): 12/13/11, 1/10/12	Public Hearing Date(s): Tabled to Date:



Haines Borough Administration
Mark Earnest, Borough Manager
(907)766-2231 • Fax(907)766-2716
mearnest@haines.ak.us

January 10, 2012
Community Center RFQ Selection Committee

As you are aware, the Borough issued a Request for Qualifications (RFQ) for professional services for a new community center. The Borough received Qualification Statements (QS) in response to the RFQ from the following firms:

- Bettisworth North, Architects and Planners
- Jensen Yorba Lott, Inc.
- Kumin Associates, Inc.
- McCool Carlson Green
- NorthWind Architects, LLC

During the December 13, 2011 Assembly meeting, two motions regarding the community center RFQ were approved: (1) that a task force be established to review the Community Center RFQ; and (2) that the Manager propose the makeup/composition of the task force and present it at the January 10 meeting.

The following is my recommendation for the Community Center RFQ Selection Committee composition.

1. Parks & Recreation Advisory Committee representative
2. Chilkoot Indian Association representative
3. Planning Commission member
4. Borough Assembly member
5. Borough Assembly member
6. Downtown Revitalization Committee representative
7. School District representative

In addition to the makeup of the selection committee, I would recommend that the Borough Manager and Public Facilities Director serve as ex-officio members and staff support. I look forward to working with the Committee and Assembly on this project.

1. SUMMARY STATEMENT

The Haines Borough is soliciting Statements of Qualifications to provide professional design services related to a new Community Center to be located in Haines, Alaska. Inquiries and Statements should be directed to:

Office of the Borough Clerk
Haines Borough Administration
P.O. Box 1209
103 Third Avenue
Haines, Alaska 99827
(907) 766-2716 ext 31 or 60

A total of one signed original and 10 copies of the Qualifications Statement should be submitted by 4pm, Alaska Standard Time on Friday, December 9, 2011. Electronically submitted Qualification Statements in Adobe format received by the deadline will also be accepted. Fax submittals are NOT acceptable.

2. PROJECT OVERVIEW

The supplemental information referenced in Section 2.1 may be found at the Haines Borough website.

2.1 Project Background

The Borough completed construction of a new Elementary/Middle school in 2007. The new facility created the opportunity to evaluate a number of reuse and redevelopment options to address the facility needs of the Borough. The Borough has been exploring options of how to best reprogram existing facilities or construct new facilities to meet the needs of a wide range of Borough departments and non-profit organizations.

The old K-2 and Elementary/Middle schools were located on property bounded by Main Street and Third and Fifth Avenues in Haines. A definitive location for the new Community Center has not been selected although the old school site is the most likely location.

The K-2 building has been demolished. A contract has been approved to demolish the old Elementary/Middle school with a completion date scheduled at the end of November 2011. A soils investigation is underway at the old K-2 location. Contamination was encountered and a remediation plan is being developed. The final resolution of this area is unknown. If the contaminated soils are left in place this could affect the site layout on this parcel.

The Borough had previously retained MRV Architects to look at Community Center options. The initial study investigated some of the Haines facility needs and evaluated reuse of the former school (14,423 sf) and Borough office (3,306 sf). MRV interviewed a number of potential user groups having a wide range of space needs and presented their findings in May 2011. As part of this study, three primary options and other less refined options were developed. All options assumed reuse of the surplus school buildings. The available space (17,729 sf) was substantially

less than the user group identified needs of over 47,000 sf. The exercise confirmed that meeting Haines's facility needs would have to be done in a measured and phased approach.

Subsequent to the May 2011 study the Borough Assembly decided to demolish the old school buildings. This freed up the old school site for potential construction of a new Community Center and/or other facilities.

Haines has other facility needs beyond what is envisioned as being included in the Community Center. Facility Assessment reports have been prepared for a number of their facilities including the Borough Administration, Public Safety, Human Resources, Chilkat Center for the Performing Arts, and Pool buildings. These reports are available on the Haines website.

2.2 Project Description

The Borough would like to construct a Community Center that is feasible, right sized, energy and operationally efficient, thoughtfully located, easy to maintain and considered by the community to be an architectural asset.

The Borough anticipates a phased development program. The initial construction project has not been firmly defined but the first phase is nominally envisioned to include Borough administrative offices and a recreation center. The initial scope of redevelopment could shift and other phases could be added with time.

Sustainable practices as applied to the Haines environment are required. Key examples include, but are not limited to, light penetration and balance, efficient building envelope and roof systems, storm water management, heating and ventilating systems that minimize energy costs but maintain indoor air quality and electrical systems that minimize power consumption.

2.3 Project Site

A firm location for the Community Center has not been identified. Discussions to date have primarily focused on reuse of the old school site. As part of the initial scoping, the Borough would like to confirm the best location for the Community Center. An abbreviated site selection evaluation with a public process component is anticipated. In the event the old school site property adjoining Main Street is selected the Borough would like to thoughtfully site the Community Center to allow for future additions or new construction.

Platting services may be required. Additional soils investigation and a foundation recommendation may also be required.

2.4 Project Budget

An order of magnitude Project Cost Estimate has not been developed and will be a function of the selected scope. The project is in the preliminary funding stages. The lack of defined funding dictates the professional services detailed in this RFQ will be done in a phased and incremental manner. It is anticipated that after definition of the initial services and successful negotiations the contract will be presented to the Assembly for funding and approval.

A plan of finance has not been developed. It is anticipated a combination of fund balance, other Borough appropriations, grants, and bond funding will be employed. It is anticipated the Architect will provide additional services to help refine both the scope of construction of the

Community Center as well as other facilities. The Borough anticipates the latter being done in a feasibility study looking at scoping, options and life cycle costs. Past successful experience of the proposer in performing feasibility studies of this nature and on helping deliver projects with funding uncertainties is desired.

2.5 Project Schedule

While a desired schedule has not been developed the goal is to start construction by the spring of 2014.

2.6 Project Approach

The Haines Borough may use a Construction Manager at Risk model for procuring construction. If this approach is used, the Construction Manager will likely be selected early in the design process. Experience with this contracting approach is desired.

2.7 Project Management

The Borough anticipates creation of a Steering Committee to help guide the scoping and other aspects of the project. It is anticipated the Committee will include Assembly and other community members. The Committee will serve in an advisory capacity with the Borough Administration retaining the overall decision making authority.

3. Design Team Selection Process

Architect's Qualifications Statements will be reviewed by a Selection Committee established by the Haines Borough. The top ranked respondents will be short listed. The Selection Committee may, at its discretion, decide to interview the short listed firms. The Committee will recommend the most highly qualified firm to the Borough Manager who will make a recommendation to the Borough Assembly for final approval. A Selection Committee member or designee may contact listed references. The selection process will comply with the Borough's procurement requirements to ensure a fair and open competition.

4. Scope of Work

The Architect will provide an architectural/engineering team to perform professional design services for the new Haines Community Center and other related services. The professional services will include architectural, planning, landscape, civil, structural, mechanical and electrical, cost estimating and other specialties as required.

It is anticipated that services will be requested in an incremental and task based approach. This is necessitated by the fluid nature of the scope and the lack of full funding. The Borough desires the Architect and key sub-consultants to have experience in helping public sector clients successfully deliver projects using this phased approach.

The initial work efforts are anticipated to include scoping the initial Community Center including an abbreviated site selection effort, additional programming as required, related public meetings, preparation of a cost estimate, and providing renderings to support the capital fund raising efforts. As part of the scoping effort for the initial Community Center construction the Borough would like an

analysis of the annual operating costs including avoided costs of the Borough Departments moving into the new facility.

The work will include a public involvement process to gather community input and build consensus for the initial construction. Public involvement efforts are also anticipated in subsequent design stages.

A concept master plan for the old school site may be included in the initial phase of work. It is anticipated future task orders will be provided for Schematic, Design Development and Construction Documents phases and other additional services. Other potential task based services include feasibility studies and additional programming for other facilities and/or user groups; Energy modeling and life cycle cost reviews to minimize long term energy costs; Geotechnical; Platting and other survey work; and Bidding and Construction Administration services. Interior design services including preparation of bid documents for the procurement of the Furniture, Fixtures, and Equipment may be added in the event full funding is obtained. As the scope of the project becomes more defined and additional funding is obtained a lump sum contract may be negotiated.

5. Selection Criteria

The following criteria will be the basis of evaluation. Each criterion is followed by its relative weight:

- Specialized experience and technical competence of the firm, consultants, and key personnel in design of similar public facilities, particularly Community Centers, or other projects of similar size and scope, and facilities located in similar remote Alaska and coastal environments: (30)
- Specialized experience and technical competence of the firm, consultants, and key personnel in design of energy efficient public facilities: (15)
- Previous experience of the architectural team, particularly the project manager, on successful delivery of funding constrained projects on a task based approval process: (15)
- Past performance on projects in terms of quality, cost control, and schedule: (15)
- Commitment statements of PM and staff availability during the project time period taking into consideration the current and planned workload of the firm. (10)
- Project approach and ability to successfully manage the project: (15)

6. Selection Schedule

The following is the anticipated schedule for the Design Team selection process. All dates are approximate and contingent upon the completion of previous activities.

Request for Qualifications Issued:	November 10, 2011
Qualifications Statements Due:	December 9, 2011
Review:	December 12-16, 2011
Interviews:	December 19-22, 2011
Assembly Contract/Funding Approval:	January 24, 2012
Notice of Intent to Award:	January 25, 2012
Notice to Proceed:	Following submittal of required documents by contractor (licensing, insurance, signed agreement, etc.)

7. Qualifications Content and Format

Qualifications Statements should respond directly to the evaluation criteria for this project. Additional material (other than that requested below) is not required or desired. Clarity and brevity are encouraged. Limit submittals as follows:

Cover Letter	2 pages maximum
Response to Criteria	15 pages maximum
Resumes	2 pages maximum each

One page is defined as one side of a standard 8 ½" by 11" sheet of paper. Submittals shall be presented in 8 ½" by 11" format. A limited number of larger sheets may be included if folded to the 8 ½" by 11" format. Larger sheets will count as two pages. Tabs and/or divider pages do not count against the maximums. Small print should be avoided. The following addresses the specific content expected for each section.

7.1 Cover Letter

Briefly state your team's understanding of the services to be performed and why your team is the best qualified to provide them. Describe the team make up and organizational relationships. Provide the name and contact information of the individual authorized to make representations and commitments for your firm.

7.2 Response to Criteria

- **Specialized experience and technical competence of the firm, consultants, and key personnel in design of similar public facilities, particularly Community Centers or other projects of similar size and scope, and facilities located in a similar remote Alaska and coastal environment: (30)**

Provide a summary of recent projects involving design of public community center and administrative facilities, or projects of similar size or scope, and facilities located in a similar Alaska remote and coastal environment for each of the major team members and their key personnel. For each project include information on the firm's/individual's role on the project, the size and scope of the project, examples of how the design responded to any special requirements, and a name and contact information for the Owner or Owner's representative.

- **Specialized experience and technical competence of the firm, consultants, and key personnel in design of energy efficient public facilities: (15)**

Provide a summary of recent projects, preferably public facilities of similar scope, requiring an emphasis on energy efficiency. Describe any innovative approaches and outcomes. The response shall specifically include the proposed mechanical and electrical engineers' experience in energy efficiency. For each project include information on the firm's/individual's role on the project, the scope and size of the project, and a name and contact information for the Owner or Owner's representative.

- **Previous experience of the architectural team, particularly the project manager, on successful delivery of funding constrained projects on a task based approval process: (15)**

Provide a summary of projects, detailing at least three projects managed by the key project leadership where the team successfully delivered projects where the scope and budget were not fully defined at the start of the project.

- **Past performance on projects in terms of quality, cost control, and schedule: (15)**

Using at least five of the projects listed in the three bullets above; discuss the firm's performance in terms of staying within the available project budget and staying on schedule. Indicate any awards received or other evidence of quality of design. Identify any law suits your firm has been involved in. Include references with contact information of project owners for at least five projects.

- **Commitment statements of PM and staff availability during the project time period taking into consideration the current and planned workload of the firm: (10)**

Provide a chart detailing availability of key project staff for 2012.

- **Project approach and ability to successfully manage the project: (15)**

Provide a work plan demonstrating your approach to this project. At a minimum the following should be addressed:

- *Describe your teams' design approach. Explain how you will help the Owner refine the scope and move forward with design.*
- *Explain how you will administer the task based services both internally and with your sub-consultants.*
- *Describe how you will manage the site selection effort.*
- *What is your approach to public involvement and how will it be encouraged?*
- *How will you insure energy efficiency is achieved?*
- *How will operational efficiency, as impacted by the facility design, be ensured?*
- *How will you analyze projected operating costs for the new facility?*

Provide an organizational chart indicating roles and lines of authority. Discuss what you see to be the primary challenge(s) of this project and your approach to meeting them.

7.3 Resumes

Provide resumes for key personnel who will be assigned to this project. Include references with contact information for the two most recent relevant projects for each key individual.

8. Submittal Requirements and Information

To be considered, all Qualification Statements must be delivered to the address below, on or before the deadline, and in the number of copies required.

Deadline – All Qualifications must be received by in the offices of the Borough Clerk no later than **4:00 PM Alaska Standard Time on Friday, December 9, 2011.**

Delivery Instructions – mail, hand- or courier-deliver sealed envelope to:

The Haines Borough
Request for Qualifications for Professional Design Services

Office of the Borough Clerk
Haines Borough Administration
P.O. Box 1209
103 Third Avenue
Haines, Alaska 99827
jcozzi@haines.ak.us

Electronically submitted Qualifications in Adobe pdf format received by the deadline will be acceptable. Faxed Qualifications will not be accepted.

If submitting by mail or by hand, mark the envelopes to identify the project "*Haines Community Center Statement of Qualifications: Professional Design Services*".

Required Number of Copies – If by mail or hand-delivery: provide one signed original and 10 copies of the Qualifications Statement. If by electronic mail (email), attach one Adobe pdf.

The Haines Borough reserves the right to reject or accept any or all Qualifications, to waive irregularities or informalities in the Statement, and to give particular attention to the qualifications of the Proposer.

The Borough reserves the right to issue written addenda to revise or clarify the RFQ, respond to questions, and/or extend or shorten the due date of the Qualifications Statement.

The Borough retains the right to cancel the RFQ process if it is in their best interest. Any cost incurred by proposers for the preparation and submittal of the statement is the sole responsibility of the proposer.

A statement may be corrected or withdrawn by a written request received prior to the deadline for receipt of statements.

All Qualification Statements become part of the public record and no part of any statement may be confidential.

All Statements and other material submitted become Borough property and may be returned only at the Borough's option.

The Borough does not assume responsibility or liability for the transmission, delay, or delivery of qualifications by either public or private carriers.

Any and all media announcements pertaining to this RFQ require the Borough's prior written approval.

This RFQ does not obligate the Borough or the selected proposer until a contract is signed and approved by all parties.

Questions regarding the project or this RFQ should be submitted in writing to:

Office of the Borough Clerk
Haines Borough Administration
P.O. Box 1209
103 Third Avenue
Haines, Alaska 99827
jcozzi@haines.ak.us

Substantive issues will be addressed in a written addendum to the RFQ.



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-028
Assembly Meeting Date: 1/10/12

Business Item Description:	Attachments:
Subject: Create Planning & Zoning Technician III Position and hire the planning & zoning staff person at that level	1. Position Description 2. FY12 Union Wage Chart
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 12/29/11	

Full Title/Motion:
Motion: Approve the job description for a new Planning & Zoning Technician III position, and authorize the manager to recruit for this position in place of the current P&Z staff position.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0 extra - FY12 (see below)	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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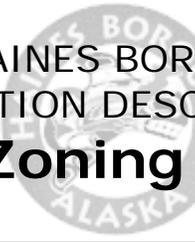
Summary Statement:
The existing P&Z Tech II position is currently vacant. The manager proposes to transform the position to a P&Z Tech III. The planning & zoning issues of the Borough have become more demanding and complex. As a result, this staff position requires higher level skills and more education and experience at the time of hire. The manager presented the proposed position job description to the Personnel Committee, and they recommend assembly approval. The Union has approved it for Range N on the wage chart because of the high level skill requirements and enforcement responsibilities. Using FY12 rates for wages, workers comp, health insurance etc and assuming Tech III at range N: P&Z Tech I for a full year would cost \$58,606; P&Z Tech II for a full year would cost \$62,339 (additional \$3,733 over Tech I); P& Z Tech III for a full year would cost \$70,456 (additional \$8,117 over Tech II) For FY12 the slight increase would be more than offset by the position being vacant so no increase is needed.

Referral:

Sent to: Personnel Committee	Date:
Recommendation:	Refer to: Meeting Date: 12/28/11

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:



HAINES BOROUGH POSITION DESCRIPTION **Planning & Zoning Technician III**

CLASSIFICATION:

Regular, full-time; hourly wage; union position governed by the Local 71 Collective Bargaining Agreement and Haines Borough Code, especially HBC 2.06, 2.38, 2.62, 2.72-96, and 3.70-74.

DESCRIPTION:

The Planning & Zoning Technician III is responsible for general administration and assistance with enforcement of the Haines Borough planning and zoning laws and policies, management of the GIS system, interaction with the Planning Commission, and other duties as directed by the Manager. This job description reflects the essential duties and responsibilities as assigned by the administration. It does not prescribe or restrict the tasks that may be assigned.

SUPERVISION RECEIVED AND EXERCISED:

This position reports directly to the Borough Manager or designee. The position does not presently supervise staff but may act as lead worker assigning and monitoring tasks for seasonal or temporary employees working in the planning and zoning area.

SPECIFIC DUTIES AND RESPONSIBILITIES:

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

ESSENTIAL:

- Performs a variety of routine and complex administrative, technical and professional work in the conduct and implementation of Borough Planning and Zoning functions and programs, including the development and implementation of land use and related Borough plans and policies.
- Evaluates land use proposals for conformity to established plans and ordinances; evaluates proposals' development impact as they relate to the adopted codes and plans of the Borough, prepares reports and makes recommendations.
- Assists Borough staff in the enforcement of local ordinances and in interpreting Borough Code and comprehensive plans.
- Manages all aspects of the Haines Borough Geographic Information System (GIS). Routinely coordinates the GIS database with the property tax database to reflect borough wide platting changes. Provides database analysis and map information to the borough administration via the GIS system. Manages geo-referencing of new subdivision plats and parcel data adjustment for new parcels.
- Provides technical and professional advice; makes presentations to supervisors, boards, commissions, civic groups and the general public. Provides information on land use applications, ordinances, codes, plans and related planning programs, services or regulations to architects, engineers, developers, contractors, owners, community groups and interested persons.
- Assists in the development and implementation of zoning, subdivision regulations, capital improvement plans, land use plans, annexation studies, and other plans, studies, and codes to meet the Borough's needs.
- Researches planning information and concepts, land use, and legal issues relating to current and long-range planning matters and policy issues.
- Assists in maintaining the database of information for planning purposes, updating Borough maps and assigning addresses and street names per Borough standards.
- Prepares a variety of studies, reports, and related information for decision-making purposes; coordinates department activities with other Borough divisions, departments and outside agencies as needed.

- Provides staff support to the Planning Commission. Prepares planning reports and supporting data, including recommendations for various land use proposals.
- Researches, analyzes and interprets social, economic, population, and land use data and trends.
- Establishes and maintains effective working relationships with other employees, officials, and all members of the general public.
- Operates a motor vehicle to assist in carrying out the business of the Borough.
- Assists in the coordination and management of planning consultant contracts, as assigned.
- Attendance at work is an essential function of this position.

NON-ESSENTIAL:

- Serves as a member of various staff committees, as assigned.

KNOWLEDGE AND ABILITIES:

The requirements, demands and characteristics listed below are representative of the knowledge, skill and/or ability required to successfully perform the essential job functions. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Working knowledge of: zoning and subdivision laws; principles of land use planning and development; comprehensive plans including their formation, process of adoption, and implementation; planning programs and processes; planning related software and GIS applications; basic statistics and mathematical calculations; computer and keyboard skills, and English usage, spelling, grammar, and punctuation.
- Ability to communicate effectively orally and in writing with architects, contractors, developers, owners, supervisors, employees, and the general public; ability to establish effective working relationships; ability to maintain a positive attitude in the workplace.

WORK CONDITIONS & ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Work is performed mostly in office settings. Some outdoor work is required in the inspection of various land use developments and construction sites. The employee is occasionally exposed to wet and/or humid conditions, or airborne particles.
- The noise level in the work environment is usually quiet in the office, and moderate in the field.
- While performing the duties of this job, the employee is occasionally required to stand or sit; walk; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; talk or hear.
- The employee must occasionally lift and/or move up to 10 pounds.
- Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

EVALUATION CRITERIA:

This position will be evaluated primarily on depth of knowledge required for the position and applicable state and borough laws and the ability to apply them to the Haines Borough planning and zoning program. Additional criteria include the ability to administer and enforce policy and to communicate clearly and concisely, completely and respectfully with property owners, public officials, peers and employees, orally and in writing.

EMPLOYMENT QUALIFICATIONS:

1. Bachelor's degree in land use planning or a related field and four years experience in municipal planning, administration, regulation, and enforcement preferred. Other combinations of education and experience may be considered ; and
2. Experience with and working knowledge of GIS systems; and
3. Experience working with local and state laws and regulations; and
4. Valid Alaska Driver's license (or ability to acquire within 30 days of hire) with acceptable driving record for the past three years.

Haines Borough - Wage and Step Chart for the period July 1, 2011 - June 30, 2012

▪ Includes \$.45 step increases for each step

Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17
A	8.05	8.50	8.95	9.40	9.85	10.30	10.75	11.20	11.65	12.10	12.55	13.00	13.45	13.90	14.35	14.80	15.25
B	10.68	11.13	11.58	12.03	12.48	12.93	13.38	13.83	14.28	14.73	15.18	15.63	16.08	16.53	16.98	17.43	17.88
C	11.26	11.71	12.16	12.61	13.06	13.51	13.96	14.41	14.86	15.31	15.76	16.21	16.66	17.11	17.56	18.01	18.46
D	11.79	12.24	12.69	13.14	13.59	14.04	14.49	14.94	15.39	15.84	16.29	16.74	17.19	17.64	18.09	18.54	18.99
E	13.36	13.81	14.26	14.71	15.16	15.61	16.06	16.51	16.96	17.41	17.86	18.31	18.76	19.21	19.66	20.11	20.56
F	13.76	14.21	14.66	15.11	15.56	16.01	16.46	16.91	17.36	17.81	18.26	18.71	19.16	19.61	20.06	20.51	20.96
G	14.38	14.83	15.28	15.73	16.18	16.63	17.08	17.53	17.98	18.43	18.88	19.33	19.78	20.23	20.68	21.13	21.58
H	14.94	15.39	15.84	16.29	16.74	17.19	17.64	18.09	18.54	18.99	19.44	19.89	20.34	20.79	21.24	21.69	22.14
I	15.31	15.76	16.21	16.66	17.11	17.56	18.01	18.46	18.91	19.36	19.81	20.26	20.71	21.16	21.61	22.06	22.51
J	16.17	16.62	17.07	17.52	17.97	18.42	18.87	19.32	19.77	20.22	20.67	21.12	21.57	22.02	22.47	22.92	23.37
K	16.89	17.34	17.79	18.24	18.69	19.14	19.59	20.04	20.49	20.94	21.39	21.84	22.29	22.74	23.19	23.64	24.09
L	18.27	18.72	19.17	19.62	20.07	20.52	20.97	21.42	21.87	22.32	22.77	23.22	23.67	24.12	24.57	25.02	25.47
M	19.19	19.64	20.09	20.54	20.99	21.44	21.89	22.34	22.79	23.24	23.69	24.14	24.59	25.04	25.49	25.94	26.39
N	21.27	21.72	22.17	22.62	23.07	23.52	23.97	24.42	24.87	25.32	25.77	26.22	26.67	27.12	27.57	28.02	28.47
O	22.29	22.74	23.19	23.64	24.09	24.54	24.99	25.44	25.89	26.34	26.79	27.24	27.69	28.14	28.59	29.04	29.49
P	22.91	23.36	23.81	24.26	24.71	25.16	25.61	26.06	26.51	26.96	27.41	27.86	28.31	28.76	29.21	29.66	30.11
Q	23.97	24.42	24.87	25.32	25.77	26.22	26.67	27.12	27.57	28.02	28.47	28.92	29.37	29.82	30.27	30.72	31.17

Range A Library Page/Intern Pool Cashier	Range G Museum Assistant Tourism Information Coordinator	Range K Accountant I Administrative Assistant Asst. Water/Sewer Operator Planning & Zoning Tech I Emergency Medical Tech. (EMT) Deputy Clerk	Range N Mechanic Operator II Facility Maint. Tech II Patrol Officer
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Range F Accounting Clerk I			



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-029
Assembly Meeting Date: 1/10/12

Business Item Description:	Attachments:
Subject: Temporary Facilities Maintenance Technician II Position - Convert to Permanent	1. Memo from Director of Public Facilities 2. Position Description 3. Union Wage Chart
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 12/29/11	

Full Title/Motion:
Motion: Approve the Borough Manager's request to convert Andus Hale's Facilities Maintenance Technician II position from temporary to permanent with the wage to be Range N Step 1.

Administrative Recommendation:
The borough manager recommends this change.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ xx	\$	\$ 18,586 (Ord 12-01-280)

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
Andus Hale was hired on 4/1/11 as a temporary Facilities Maintenance Technician II. He is a highly skilled and hard working employee who has proven to be indispensable in the Borough's efforts to address multiple maintenance issues, both regular and deferred. A temporary position must end after one year. The Borough Manager requests that this position be converted to permanent status and that Andus Hale be promoted to it. This would mean the borough would have two permanent facilities maintenance technicians as opposed to one permanent and one temporary. As a temporary, Andus is currently paid at step 3 range N on the Union wage chart. The manager proposes that he begin the permanent position at step 1 range N since he would now have benefits. A full year for a facility maintenance tech II at step 1 would cost the Borough \$72,000 using FY12 rates. For FY13 at step II it would cost the Borough \$74,000 (assuming FY12 rates for health insurance, workers comp, and taxes).

Referral:

Sent to:	Date:
Recommendation:	Refer to: Meeting Date:

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:



Memo

Public Facilities

Date: January 4, 2012
To: Mayor and Borough Assembly
Cc: Borough Manager
From: Brian Lemcke, Director of Public Facilities
Re: Facilities Maintenance Technician II

Andus Hale has worked as a full time temporary employee since last April in the position of Facilities Maintenance Technician II. I am very impressed with his work and would like to begin the process of making him a regular Borough employee. He is a very skilled carpenter with a great work ethic. During the recent bad weather he showed up every morning early and grabbed a snow shovel, he filled in on a loader when we were short handed, I sent him to the small boat harbor to help those guys get the floats cleared and he still managed to redo the kitchen at the fire hall and strip carpet at the museum. He has a refreshing "CAN-DO" approach to every project and I have yet to hear a grumble.

I think that, given the Borough's commitment to deferred maintenance and the ongoing efforts to upgrade different Borough facilities, Mr. Andus' skills could be very beneficial. I encourage the Assembly to consider this request favorably and change Mr. Andus' employment status to permanent full time.



HAINES BOROUGH
POSITION DESCRIPTION

Facilities Maintenance Technician

SUMMARY:

The Facilities Maintenance Technician position is primarily responsible for ensuring the repair and maintenance of Haines Borough public facilities. This is a permanent, full-time (40 hours per week) union benefited position. This job description reflects the administration's assignment of essential duties and responsibilities. It does not prescribe or restrict the tasks that may be assigned.

EXAMPLES OF DUTIES:

1. Maintain, troubleshoot, and repair borough facilities, equipment, and systems.
2. Perform preventive maintenance.
3. Conduct routine, periodic, or special inspections to determine repair and maintenance work necessary to prevent breakdowns of facilities and equipment.
4. Submit a written routine inspection report on a regular basis.
5. Responsible for the general maintenance and repair of office environments.
6. Office furniture installations, reconfigurations, and removal.
7. Painting and wall repairs.
8. Picture and display hanging.
9. Use hand and power tools.
10. Use blueprints, sketches, layouts, wiring diagrams, and specifications on a regular basis.
11. Collaborate with facility and department managers.
12. Attend meetings on occasion and participate in the borough's budget process.
13. Perform other duties as assigned.

KNOWLEDGE AND ABILITIES:

1. Knowledge to accomplish the above duties & responsibilities.
2. Skills in two or more of the maintenance trades: carpentry plumbing, painting, or electrical skills.
3. Ability to read and interpret mechanical blueprints and drawings.
4. Good verbal/written communication skills.
5. Ability to use a computer to prepare letters and reports, keep records, and communicate via email.
6. Ability to interact with others in a professional manner.
7. Ability to work independently with minimal supervision following general instructions.
8. Willingness and ability to upgrade skills through education and training.

EMPLOYMENT STANDARDS:

1. High school graduation or equivalent.
2. Two or more years related maintenance experience or equivalent combination of training and experience.
3. Computer literate.
4. Must be physically capable of climbing, reaching, kneeling, and bending. Physically capable of lifting 50 pounds.
5. Valid Alaska driver's license or ability to acquire one within 30 days of hire.

Haines Borough - Wage and Step Chart for the period July 1, 2011 - June 30, 2012

▪ Includes \$.45 step increases for each step

Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17
A	8.05	8.50	8.95	9.40	9.85	10.30	10.75	11.20	11.65	12.10	12.55	13.00	13.45	13.90	14.35	14.80	15.25
B	10.68	11.13	11.58	12.03	12.48	12.93	13.38	13.83	14.28	14.73	15.18	15.63	16.08	16.53	16.98	17.43	17.88
C	11.26	11.71	12.16	12.61	13.06	13.51	13.96	14.41	14.86	15.31	15.76	16.21	16.66	17.11	17.56	18.01	18.46
D	11.79	12.24	12.69	13.14	13.59	14.04	14.49	14.94	15.39	15.84	16.29	16.74	17.19	17.64	18.09	18.54	18.99
E	13.36	13.81	14.26	14.71	15.16	15.61	16.06	16.51	16.96	17.41	17.86	18.31	18.76	19.21	19.66	20.11	20.56
F	13.76	14.21	14.66	15.11	15.56	16.01	16.46	16.91	17.36	17.81	18.26	18.71	19.16	19.61	20.06	20.51	20.96
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M	19.19	19.64	20.09	20.54	20.99	21.44	21.89	22.34	22.79	23.24	23.69	24.14	24.59	25.04	25.49	25.94	26.39
N	21.27	21.72	22.17	22.62	23.07	23.52	23.97	24.42	24.87	25.32	25.77	26.22	26.67	27.12	27.57	28.02	28.47
O	22.29	22.74	23.19	23.64	24.09	24.54	24.99	25.44	25.89	26.34	26.79	27.24	27.69	28.14	28.59	29.04	29.49
P	22.91	23.36	23.81	24.26	24.71	25.16	25.61	26.06	26.51	26.96	27.41	27.86	28.31	28.76	29.21	29.66	30.11
Q	23.97	24.42	24.87	25.32	25.77	26.22	26.67	27.12	27.57	28.02	28.47	28.92	29.37	29.82	30.27	30.72	31.17

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Range F Accounting Clerk I			



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-030
Assembly Meeting Date: 1/10/12

Business Item Description:	Attachments:
Subject: Fair Drive Right-of-Way encroachment on CIA land and possible acquisition of the property	1. B.Lemcke recommendation w/IRR Project attachments 2. 12/28/11 emails between Mayor Scott & CIA 3. 11/22/11 Letter from CIA
Originator: Mayor Stephanie Scott	4. 9/28/11 email from S.Ritzinger re. Survey 5. 7/19/11 email re. 2nd potential solution - land swap
Originating Department: The Office of the Mayor	6. 6/27/11 email from CIA 7. 8/12/08 Mgr rpt, photos, BA minutes, CIA email
Date Submitted: 12/29/11	8. Assessor valuation of land in question 9. 7/10/08 Planning Commission recommendation

Full Title/Motion:
Motion: Direct the manager to begin the Title 14 process of purchasing the CIA property along East Fair Drive that is being encroached upon, including an updated value assessment, survey, and draft resolution containing the purchase method and terms.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 38K estimate	\$	\$ 38K estimate

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
The question of an encroachment along East Fair Drive has been discussed since the summer of 2008. The planning commission recommended the assembly purchase the strip of land from the Chilkoot Indian Association, but the administration at that time advised the assembly to delay consideration until further information was obtained. Because of staff turnover and issues with surveys, etc. the resolution of this issue has stalled. The Director of Public Facilities recommends this matter be settled as soon as possible so planning for this summer's projects in that area can begin. These projects include a new sidewalk, curb, gutter, and a bike lane along Fair Drive.

Referral:

Sent to:	Date:
Recommendation:	Refer to: Meeting Date:

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:

From: Brian Lemcke
Sent: Friday, December 30, 2011 10:23 AM
To: Julie Cozzi
Cc: Stephanie Scott
Subject: FW: Fair Drive development

Hi Julie,

I would like to recommend to the Assembly that the Borough go ahead and settle the Fair Drive encroachment issue with CIA. The figure discussed is \$38 K and was, as I understand it, arrived at by the former Borough Assessor. In my opinion the sooner we resolve this the sooner we can move forward with finalizing the CIA subdivision plat and begin planning for next seasons projects in that area.

Attached is an update of CIA's TIP which includes new sidewalk, curb, gutter and a bike lane along Fair Drive. This work would dovetail nicely with the Boroughs plans for "Safe Routes to School" sidewalks and the State's sidewalk plans along The Old Haines Highway.

I would like to get this on the agenda for the next Assembly meeting. Please let me know what else I need to do.

Brian Lemcke
Haines Borough
Public Facilities Director
Office 907-766-2257
Cell 907-314-0648

From: Scott Hansen [<mailto:shansen@chilkoot-nsn.gov>]
Sent: Thursday, December 29, 2011 4:11 PM
To: Brian Lemcke
Cc: Mark Earnest; Stephanie Scott
Subject: Fair Drive development

Brian –

As shown on page 2 of the attached Indian Reservation Roads Transportation Improvement Plan, the roadway designated as "East Fair Drive" is pre-approved by FHWA for funding for engineering and construction in similar fashion to the 1st Avenue sidewalk and ANB Hall parking lot projects on which we collaborated in the summer. We will soon submit a draft list of roadways to the Council for approval on an updated TTIP. Fair Drive will be on the list. All indicators are that the Council is highly interested in a curb/gutter and sidewalk along Fair Drive connecting our subdivision with the school.

Though administrative staff cannot predict the final TTIP list, much like the Borough's CIP list, we expect that Fair Drive will remain on the list, and we can move forward with plans to work with the Borough on this project.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association



Indian Reservation Roads Program Transportation Improvement Program

Consortium:			
Tribe	Chilkoot Indian Association	Date	5/1/2009
Funding Source	IRR	(examples: IRR, IRRBP, 2% Planning, PLH-D)	Current FY
			2009

PROJECT INFORMATION

Include In STIP STIP Amount

Project Name	EAST FAIR DRIVE		
Location	HAINES, ALASKA		
Type of Work	RECONSTRUCTION		
Route Number	0061	Project Number	E0186-0060
Length	0.1 Miles	County	HAINES
State	Alaska	Construction Year	2009

Comments Reconstruction of road bed, installation of a new culvert and enhancing drainage of the existing roadway system

Activity	CURRENT FY	CURRENT FY+1	CURRENT FY+2	CURRENT FY+3	CURRENT FY+4	TOTAL
Administration	\$0	\$0	\$0	\$0	\$0	\$0.00
Planning	\$0	\$0	\$0	\$0	\$0	\$0
Preliminary Engineering	\$20,000	\$0	\$0	\$0	\$0	\$20,000
Construction	\$0	\$150,000	\$0	\$0	\$0	\$150,000
Construction Engineering	\$0	\$10,000	\$0	\$0	\$0	\$10,000
Transit	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL	\$20,000	\$160,000	\$0	\$0	\$0	\$180,000

From: Stephanie Scott [mailto:sscott@aptalaska.net]
Sent: Wednesday, December 28, 2011 11:06 AM
To: Dave Berry
Cc: Mark Earnest; Scott Hansen; Julie Cozzi
Subject: Re: Emailing: HB encroachment ng ltr 11-22-11

Hi Dave,

I had conversations with the Manager about just this topic some weeks ago. He indicated that the Borough's surveyor registered some confusion regarding the corner survey monuments. Let's see if we can't all get on the same page on this with respect to each owner's perception of the problem. I'll talk with Mark Earnest when I come in this afternoon at 3:30 or earlier. I'll get back to you today or tomorrow.

Sincerely,

Stephanie

On Dec 28, 2011, at 10:08 AM, Dave Berry wrote:

> We really need to address this issue.

>

> Thank You,

> Dave

>

> -----Original Message-----

> From: Scott Hansen

> Sent: Wednesday, December 28, 2011 9:31 AM

> To: Dave Berry

> Subject: FW: Emailing: HB encroachment ng ltr 11-22-11

>

> Dave -

>

> Here's our most recent letter to the Borough regarding the encroachment.

>

> I have a final, friendly e-mail message out to Stephanie asking her for call me about the next steps. They have a legal obligation to record the plat legally. Hopefully she'll call today and tell me when the Assembly meets to discuss the encroachment money issue.

>

> I've a request in to RPK for the final review before they send the mylar. We won't give the mylar to the Borough yet. I'll also hold onto the redline drawings until this is ironed out.

>

> scott

>

> Scott Hansen

> Tribal Transportation Coordinator

> Chilkoot Indian Association

>



Chilkoot Indian Association



November 22, 2011

Mark Earnest, Haines Borough Manager
P.O. Box 1209
Haines, AK 99827

RECEIVED

NOV 22 2011

HAINES BOROUGH

Dear Mark:

This letter regards an outstanding encroachment on Tribal property by the Haines Borough along Fair Drive as described in our Chilkoot Estates Subdivision pre-construction meeting on 04-22-10. It is our intent to conclude this encroachment issue on Tribal land as soon as possible, particularly before the Chilkoot Estates Subdivision is dedicated to the public. To date, all other issues are resolved, but this obligation remains.

In 2006 the Tribe identified the encroachment after employing surveyors for a future subdivision project. In 2007 the Tribe, as part of a larger subdivision project, surveyed the encroachment area and produced a document showing a reasonable easement proposal. The Tribe presented this proposal through the appropriate channels of the Planning Commission and Assembly.

Recognizing the validity of resolving the issue, the Borough Assembly decided at their 08-12-08 meeting to direct the Manager to clear up the issue by assessing the situation and recommending a solution, including a valuation by the Borough Assessor. Several Managers later the matter was included in the pre-construction agreement signed before the Tribe began developing the subdivision. The subdivision is now effectively accepted and being maintained by the Borough, but the Borough has not yet conclusively addressed the outstanding encroachment.

The Tribe is highly interested in resolving this encroachment and considers it an obligation of the Borough to address the issue in a timely fashion, particularly as the Tribe's obligation to the subdivision is complete. Please contact us regarding this issue, as the signature on the plat is holding until the encroachment is resolved.

Sincerely,

David F. Berry
Tribal Administrator

A Federally Recognized Sovereign Indian Tribe

PO Box 490 Haines AK 99827 Phone 907-766-2323 Fax 907-766- 2365

From: Steve Ritzinger
Sent: Wednesday, September 28, 2011 1:12 PM
To: Mark Earnest
Cc: Julie Cozzi
Subject: Fair Drive encroachment survey

Hi Mark,

FYI: John Bean stopped by the office yesterday. I spoke to him about the Fair Drive encroachment issue. He mentioned that he may have to do a title search for Fair Drive ROW/easement which he estimated at \$500. He estimated that \$900 for the survey cost in addition to the \$500 title search.

Steve

Julie Cozzi

From: Mark Earnest
Sent: Tuesday, July 19, 2011 2:34 PM
To: Brian Lemcke; Steve Ritzinger; Dean Olsen
Subject: FW: Potential solution to Fair Drive encroachment
Attachments: easement chilkoot river land 07-19-11.pdf

A meeting has been scheduled with Scott Hansen on Monday, July 25 at 10:00 to discuss this idea.

Let's plan on a pre-meeting meeting among us to flesh it out.

Does Friday work for everyone?

Mark

-----Original Message-----

From: Scott Hansen [<mailto:shansen@chilkoot-nsn.gov>]
Sent: Tuesday, July 19, 2011 2:17 PM
To: Mark Earnest
Cc: Brian Lemcke; Tribal Administrator
Subject: Potential solution to Fair Drive encroachment

<<easement chilkoot river land 07-19-11.pdf>> Mark -

Attached is a second potential solution to the encroachment issue on Fair Drive, different than the cash figure - a land swap for a parcel on the Chilkoot River.

I'll call you again for comment. Thanks.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association
P.O. Box 490
Haines, AK 99827
(907) 766-2323
(907) 314-0014 cell
(907) 766-2365 fax

**POTENTIAL LAND EXCHANGE
for Fair Drive encroachment**

NATIVE ALLOTMENT
lacks legal access to road

recommend 60 ft. easement
for adjacent native allotment

ASLS 81-30
Haines Borough

POTENTIAL LAND EXCHANGE - US\$ 3748
11.63 acres on hillside
- would need easement for access to
Borough property

approximate accreted tideland area
not yet conveyed by state

Chilkoot River

Legend

-  Borough-owned land
-  Native Allotment Land
-  Private Property



750 375 0 750 Feet


Julie Cozzi

From: Scott Hansen [shansen@chilkoot-nsn.gov]
Sent: Monday, June 27, 2011 4:35 PM
To: Mark Earnest
Cc: Tribal Administrator; Steve Ritzinger
Subject: Fair Drive encroachment
Attachments: Fair Drive data sheet 06-27-11.pdf; road esmt figure 07-02-08.jpg; assessor valuation from 08-12-08 BA packet.pdf; BAmin081208 pg 4.pdf

Mark -

I appreciate our sunny site visit to the Chilkoot Estates subdivision today. We appreciate the contact and consideration of issues as we move through the various aspects of developing. We hope you recognize the top level of quality of construction and design of this road and the structures within. The Borough will own these assets.

As we move toward recording our subdivision plat we believe the existing Fair Drive encroachment issue is paramount for the property and assets to be conveyed to the Borough. To record the plat showing an easement would eliminate the need for the Borough to compensate the Tribe for the encroachment, and I don't think this is the intent of the Borough.

The following attachments pertain to the encroachment of Fair Drive onto Tribal land.

1. Fair Drive data sheet 06-27-11.pdf- this is a visual rendering of property corners drawn up after the Tribe paid surveyors to document the encroachment. Three points were installed (PC1, PC2, and PC3). PC2 was taken out by a grader, and we had trouble with the rebar puncturing truck tires. It would be good to keep this in mind as the Borough maintains this corridor.
2. Assessor valuation from 08-12-08 BA packet.pdf - particularly the last couple paragraphs
3. BA min081208 pg 4.pdf - some background of prior Assembly direction to the Manager (see page 4)
4. road esmt figure 07-02-08.jpg - this document was produced by our surveyors and proposes the boundaries of the easement area

My calculations show 19,182.06 square feet of easement area. At \$2.00/sf the value of the easement would be \$38,364.12. This is higher than the number I told you this afternoon. I apologize for the number confusion, as I was thinking about square footage rather than \$/sf. The Tribe is interested in a cash settlement. We consider this a fair request, considering the value and low-maintenance design of what the Borough will receive.

The recording of our subdivision plat depends on resolving this encroachment matter.

In anticipation of this, I am submitting Phase A subdivision plat paperwork to Steve for the July 14 Planning Commission meeting assuming that we'll resolve this issue in that time period. I'll copy you on this. Thanks for your help.

scott

Scott Hansen
Tribal Transportation Coordinator
Chilkoot Indian Association
P.O. Box 490
Haines, AK 99827
(907) 766-2323
(907) 314-0014 cell



Haines Borough Administration
Robert Ward, Int. Manager
(907)766-2231 • Fax(907)766-2716
bward@haines.ak.us

Report

August 12, 2008 – Supplement

Committee/Commission/Board Reports and Minutes

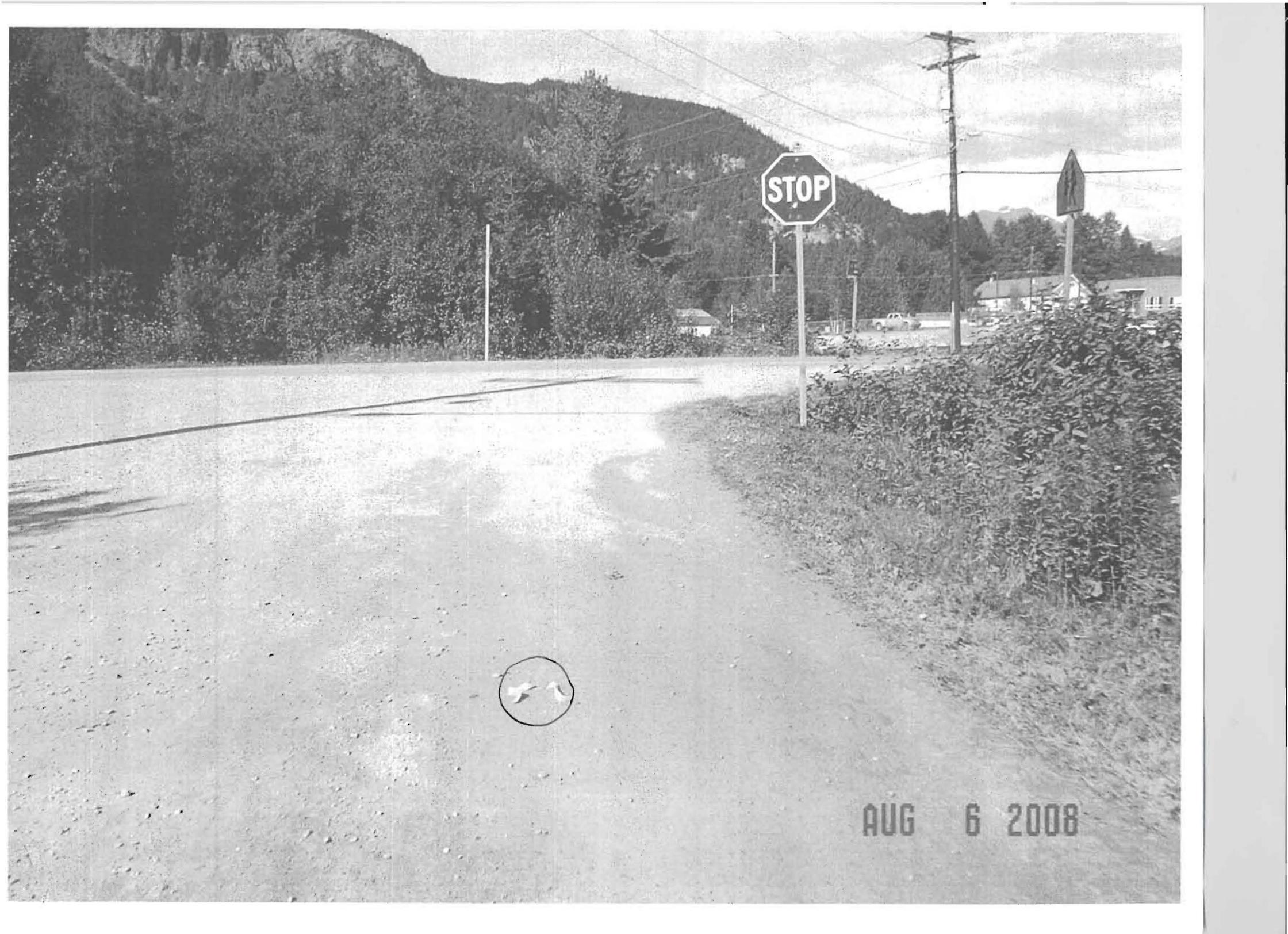
E. Planning Commission – The Planning Commission has asked that the Borough Assembly acquire an easement from the Chilkoot Indian Association to address an apparent encroachment of Fair Drive onto the CIA property. Lands Manager John Wurst has been working with CIA for an actual survey of the easement and the encroachment prior to establishing actual value. The reason for this is that the drawing that has been used to identify the encroachment (RPKA/Chilkoot Indian Association) bears little resemblance to the actual situation on the ground. The hand drawn sketch given to the Planning Commission was somewhat better. I was able to get up there today and saw that the corner maker of the CIA property is pretty much on the edge of the road near the CIA shop, and not across the road as represented. However, the CIA corner near the Haines Highway does appear to be further into the road than shown on the drawing. Additionally, work done by Fish and Game at some point in the past in terms of berming, planting and placement of interpretive signs has essentially established road margins at this intersection. These roadside developments would appear to be both on CIA property as well as on Borough property. In most cases the encroachments appear to be the result of the road gradually widening due to maintenance grading and materials from the road surface migrating onto the adjacent property. In conclusion, there is not sufficient information at this time to accurately establish the degree of encroachment, the impact of the encroachment on the CIA property, the terms of the easement as it pertains to future road improvements, or to assess other options for remediation other than purchase. Once we receive a survey from CIA that better identifies the issues we face, we can come back to the Assembly for action.



AUG 6 2008



AUG 6 2008



STOP



AUG 6 2008

Motion by **OLERUD**: Continue the Board of Equalization to August 26, 2008. It was seconded by **VICK**. The motion carried unanimously.

The mayor adjourned the Board of Equalization at 7:22pm and reconvened the regular assembly session.

8. STAFF REPORTS

A. Borough Manager

In addition to the information in his written report, **WARD** said the furnace chimney at the Human Resources Building was damaged by snow during the previous winter. The preschool program will be back in there September 2nd, so the situation needs to be corrected right away. Quotes are being solicited. As reported by the mayor, he met with Temsco and other Skagway officials. The beginning of the meeting was highly charged, but some progress was made by meeting's end. Temsco will be preparing a proposal. In light of the fact that both the borough and Temsco seem willing to take the issue to court, **WARD** asked the assembly to consider a special meeting in executive session to discuss Temsco's proposal. He hopes this issue will be resolved before his departure on August 31st.

★ **B. Borough Clerk**

★ **C. Chief Fiscal Officer**

★ **D. Chief of Police**

★ **E. Museum**

★ **F. Library**

★ **G. Chilkat Center**

9. COMMITTEE/COMMISSION/BOARD REPORTS

A. Commerce Committee

B. Finance & Budget

C. Personnel

D. Government Affairs & Services

E. Planning Commission

a. Action Request - Purchase Fair Drive ROW from CIA

WARD believes the assembly is not ready to address this issue. The borough has been trying to ascertain through a graphic survey what the encroachment entails. The CIA does not believe that is necessary and has offered an easement price to resolve the situation. Purchasing the easement is an option, but the encroachment is not so significant that it precludes other options including even moving the road. He believes a graphic representation of the encroachment is important--even critical, and he recommended that it be a prerequisite. "When you look at the road, it looks like the road grew.

It's a matter of ungrrowing the road to get it off the CIA property." **LAPHAM** believes the road should be moved. **VOGT** asked if the borough knows enough without a survey to move the road. **WARD** believes so. **VICK** wondered if there is a significant cost difference between moving the road and purchasing the easement. **WARD** said the public works superintendent is in favor of moving the road. He will work with him to estimate the cost and will bring it to the assembly. The assembly agreed.

- * F. School Board
- * G. Chilkat Center Advisory Board
- * H. Parks & Recreation Advisory Board
- * I. Tourism Advisory Board
- * J. Boat Harbor Advisory Committee
- K. Public Safety Commission

Regarding the crosswalk issue along Haines Highway, **LAPHAM** suggested that flashing lights at the school crosswalk might be a solution to slow down traffic. **SMITH** suggested extending the school zone all the way to the Public Safety Building, and **SHIELDS** agreed. **VICK** noted that a lot of tourists cross the highway in the summer. **SHIELDS** said the manager is working on this issue and will bring more information to the next assembly meeting. **WARD** said he will bring the State on board with this and will also talk to them about extending the 25 mph zone on Main Street all the way to the Y.

VICK said the Police Chief had some great responses to the Public Safety Commission's annual report. He suggested that the assembly should officially task them with a Neighborhood Watch project.

Motion by **VICK**: Task the Public Safety Commission with researching and developing a Neighborhood Watch Program for Haines and present ideas to the assembly. It was seconded by **SMITH** for the sake of discussion.

OLERUD said Haines has a pretty effective "neighborhood watch" program already. **VICK** agreed with that, but added that he wanted the Public Safety Commission to have a constructive project to spend their time on.

The motion failed 3-2 with **OLERUD** and **LAPHAM** opposed.

- *L. Waterfront Improvement Committee

10. OLD BUSINESS

- A. Rezoning Ordinance 08-06-185

Bob Ward

From: Scott Hansen [shansen@chilkoot-nsn.gov]
Sent: Tuesday, August 12, 2008 12:29 PM
To: bward@haines.ak.us
Cc: 'Greg Stuckey'; 'Dave Berry'; 'Lee Heinmiller'
Subject: Chilkoot easement data - errors
Attachments: road esmt figure 07-02-08.jpg

Mr. Manager –

Thanks for the discussion today regarding zoning lines. I appreciate your considering this issue and have faith that the Planning Commission will make a sound judgment.

We'd like to correct errors in the Borough packet regarding the Chilkoot Indian Association easement request. We want to avoid errors in judgment by the Assembly.

Here are some facts to consider:

1. The Assembly packet map (page 36) used to show the easement project area is incorrect (correct map attached). The correct map was submitted to the PC in their July 10 packet. The significant difference between the two drawings is incorrect "as-built" data included by the surveyor. They didn't survey it in – they added it using other drawings, but it was incorrectly placed. At our request they removed it because it wasn't helping the process, and we submitted that data to the Planning Commission on July 10. Solid dark lines on the drawing show surveyed property lines. We are referencing points on the ground to propose our easement.
2. This easement issue concerns the roadway constructed on Tribal property. As far as we know wetlands Informational signs are not maintained by the Borough. If the Borough believes that more easement should be purchased to accommodate the signs we are willing to consider the suggestion.
3. We've been told that data is missing. However, we have been unable to find out what that missing data is. Several times I asked what specific data is needed, but I got no response. We are open to discussion.
4. Our proposed easement width includes what we consider a reasonable amount of room to manage a ROW, using the widest point. It is reasonable to use rectangular widths for easements, rather than surveying along an irregularly-shaped dimension. In our understanding "reasonable" normally includes the road surface, slope, toe, and ditching/maintenance/snow removal. The dimension we have proposed matches up perfectly with and straightens out the "zig-zag" property line problem that so complicates the fairgrounds/CIA property line. To have the easement in place proposes to simplify future road development because the ROW will be straight instead of "zig-zagged".

It would seem important for the Borough Administration to consider these facts prior to a public meeting. The Assembly is dependent on good information. Please contact us at any time to discuss these issues if needed.
 Thanks for your consideration.

scott

Scott Hansen
 Environmental Services Coordinator
 Chilkoot Indian Association
 P.O. Box 490
 Haines, AK 99827
 (907) 766-2323
 Fax 766-2365

"Men of the Northland are early taught the futility of words and the inestimable value of deeds." Jack London

8/12/2008

The Haines Borough Planning Commission at its July 19th meeting made a recommendation that the Haines Borough Assembly purchase a roadway easement on Fair Drive from the Chilkoot Indian Association. A portion of the land has been used by Haines City to access the waste water treatment plant since it was built and now provides the main entry to the South East Alaska State Fair property and most recently, to provide access to a "private shop" permitted 5-31-2005 and built by and for the Chilkoot Indian Association for the storage of the Chilkoot Indian Associations construction equipment and tools. The Chilkoot Indian Association has surveyed the parcel for the purpose of developing and building a subdivision which will be located in the upper portion of the parcel. The remainder of the parcel was determined to be all wet lands and therefore not buildable. The survey pins set at the Haines Highway cut-off road and Fair Drive indicate that the road bed is some 6 feet onto the Chilkoot Indian Association property and the pin located at the opposite side of the road bed from the entrance into the fair grounds appears to be on the edge of or in the ditch along side of the road which is about 8 feet east of a sewer manhole cover located there. The photos taken exhibits the corner pins driven into the ground as to the actual location of the roadway.

The exhibit presented to the Planning Commission for the meeting has a note that it is "FOR INFORMATIONAL PURPOSES ONLY NOT FOR CONTRUCTION OR PLATTING". The spelling error is a copy from the document presented by the Chilkoot Indian Association proposed roadway easement document. On site pictures are attached to help provide on-site identification of the area in question. The easement area is part of the area that the Chilkoot Indian Association has conducted a wet lands survey of and it was reported in the Planning Commission meeting that this area was unbuildable. I have not seen this report and I do not know whether this road right-of-way area has been identified as being an area that could support a road right-of-way improvement(s).

The Alaska Department of Transportation has been buying road right-of-way easements on the Lutak road out to the Haines Ferry Terminal. The easement areas purchased were generally thin in depth and along the edge of the existing road bed. Purchases were made on both sides of the road all the way to the ferry terminal. The typical easement that did not include commercial or industrial lands ranged from \$2.00 to \$2.50 per square foot of land taken. For the most part, those parcels affected sold easements from 400 square feet to 4 or 5 thousand square feet. The borough had several parcels that were affected and a trade was agreed to in-lue of a cash settlement for the easement areas that were taken.

In the event that the borough purchases the proposed road easement right-of-way the true market value of this area is worth \$2.00 per square foot for land that has right-of-way that can be utilized by the borough.

John Wurst
Lands Manager/Assessor
Haines Borough

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: July 10, 2008

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: **M/S Goldberg/Brask** to recommend to the Assembly for the borough to purchase the part of Fair Drive right-of-way that encroaches into Chilkoot Indian Association property at fair market value.

Motion passed 4 to 1 with Goldberg, Brask, Hedden, and Heinmiller in favor of the motion, and Turner opposed.

RATIONALE: Fair Drive, a Borough Road was partially built on Chilkoot Indian Association land, and therefore should be purchased by the borough.

PLANNING COMMISSION REQUEST: for the borough to purchase the land occupied by the road.

SUBMITTED BY



(signature)

Lee Heinmiller

Planning Commission Chairman

Memorandum

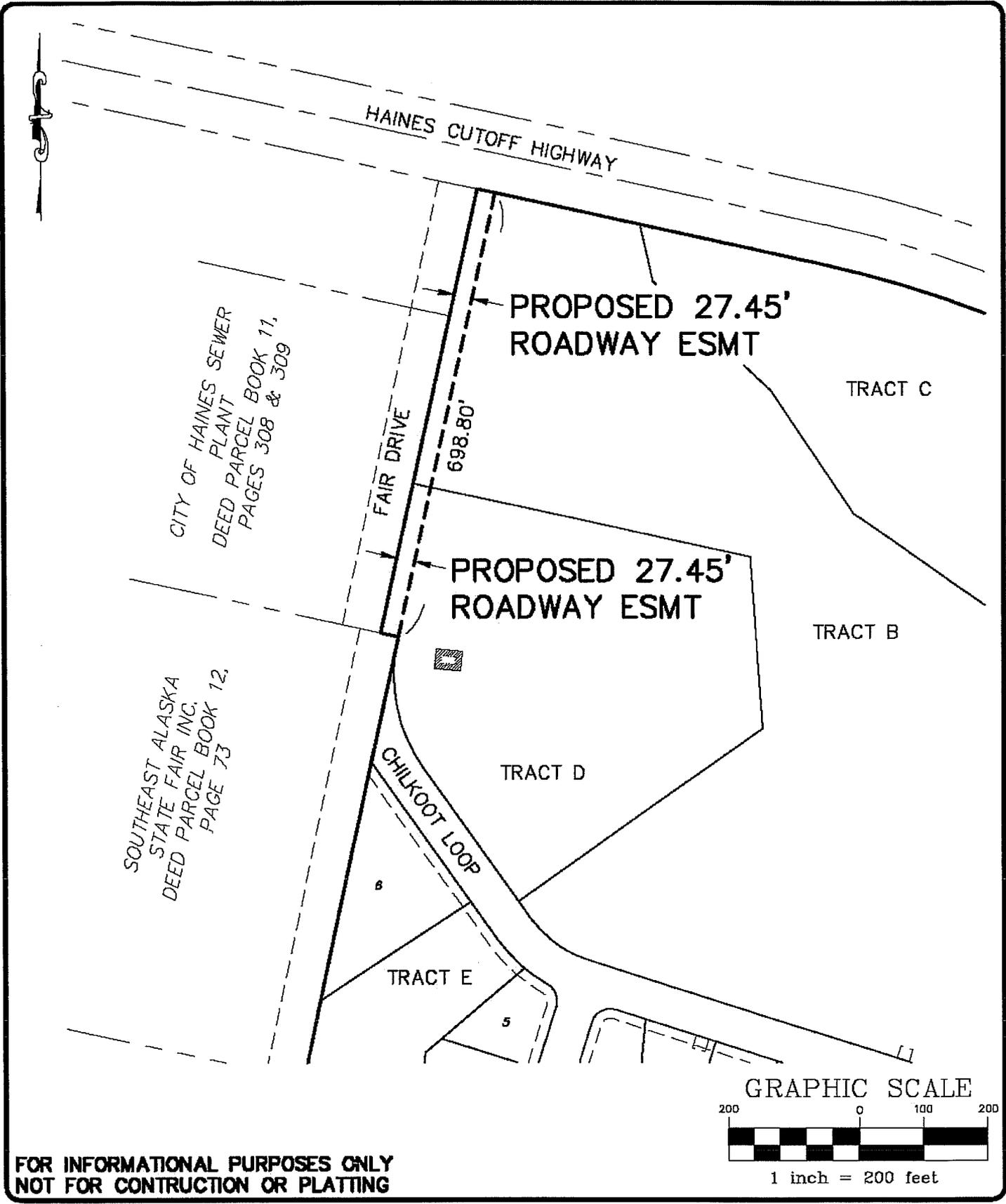
To: Planning Commission
From: Scott Hansen
Environmental Coordinator, Chilkoot Indian Association
Date: July 7, 2008
Re: Fair Drive Roadway Encroachment

The Chilkoot Indian Association is requesting that the Borough purchase an easement for public right-of-way purposes to correct a recently-documented problem caused by the Borough (then-City) a number of years ago. The City built an unsurveyed roadway that crossed a portion of tribal land. Recently the Tribe paid to survey the property and discovered the mistake. The tribe is requesting that the Borough purchase an easement granting rights to maintain this roadway and pay the same valuation as comparable right-of-way purchases.

Greg Palmieri was granted a right-of-way vacation request in 2005 to purchase a portion of public road right-of-way adjacent to his property. The dedicated area was devalued mostly by rugged topography and deemed surplus by the Planning Commission. As per Resolution 05-06-064 for \$8,643.00 in roadway improvements Palmieri acquired fee simple title to 9,333.6 sf of public right-of-way (average value of \$0.93/sf)

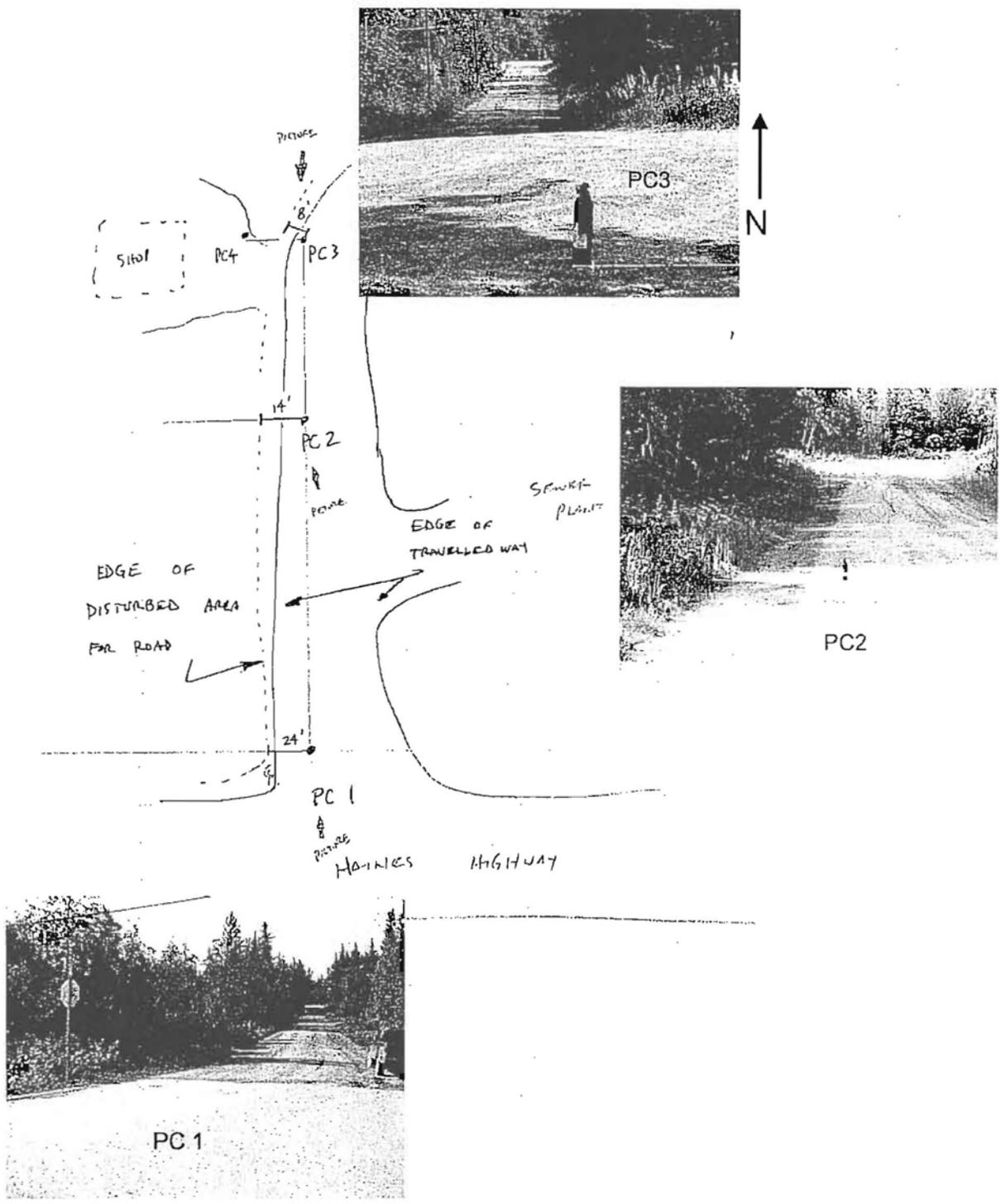
At its June 24, 2008, regular meeting the Borough Assembly officially directed the Chilkoot Indian Association to the Planning Commission to initiate a solution.

The Tribe is asking for a similar valuation for the affected Fair Drive encroachment. Proposed valuation for 19,182 sf at \$0.93/sf is **\$17,839.26**



 <p>RPKA Richard P. Ramsey Associates, Inc.</p>	 <p>Chilkoat Indian Association</p>	<p>CHILKOOT SUBDIVISION HAINES, ALASKA PROPOSED ROAD EASEMENT</p>	<p>FIGURE 1</p>
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Fair Drive as-built data
06-24-08



Note: drawing is not to scale



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-024
Assembly Meeting Date: 1/10/12

Business Item Description:		Attachments:
Subject:	N/A	
Chilkat Center Transfer of Ownership		
Originator:		
Assembly Member Steve Vick		
Originating Department:		
Borough Assembly		
Date Submitted:		
1/2/12		

Full Title/Motion:
Motion: Direct the manager to investigate ways of transferring ownership of the Chilkat Center to a third party within a two-year time period.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
The recommended motion would direct the manager to provide the assembly with a report outlining options for transferring ownership of the Chilkat Center to a third party. This report shall include: identification of potential third party owners, explanation of ownership transfer methods, effects on the budget (short term and long term), a plan to repair the roof (including funding sources) and options for providing monetary support to the new owner.

This investigation should be complete by January 31 and presented to a committee of the whole for review.

Referral:

Sent to:	Date:
Recommendation:	Refer to: Meeting Date:

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 12-025
Assembly Meeting Date: 1/10/12

Business Item Description:		Attachments:
Subject:	Solid Waste Management	1. 12/6 Committee of the Whole report 2. HDR 12-21-11 Site Visit Memo 3. 11-7-11 letter from CWS to Mayor Scott 4. CWS Letter to Mayor Scott (undated, rcvd 12-13-11) 5. Executive Summary - May 2000 Haines Borough Solid Waste Management Plan
Originator:	Mayor Stephanie Scott	
Originating Department:	Mayor's Office	
Date Submitted:	12/29/11	

Full Title/Motion:
 Motion: Direct the Borough Manager to acquire letters of interest from consultants who will be tasked to define the problem facing the community with respect to solid waste.
 There are various issues and assembly discussion may lead to additional action.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
------------------------	--

Summary Statement:
 Community Waste Solutions has made some specific requests and is seeking assembly response. On 12/6, the assembly met as a committee of the whole to discuss the topic and the result was a decision to recommend the manager be directed to solicit letters of interest from consultants. Since that C.O.W., Mayor Scott, Manager Earnest, Assembly Member Schnabel, and Brian Lemcke have participated in several meetings on this topic. Additionally, HDR made a site visit on 12-21-11 re. sludge & screenings and a summary of that visit is attached. An HDR report was received on 1-5-12, and it is part of attachment 2 in the manager's report to the assembly.

Referral:

Sent to: Committee of the Whole	Date:
Recommendation:	Refer to: Meeting Date: 12/6/11

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/10/12	Tabled to Date:

**Haines Borough Assembly Committee Meeting
Committee: Committee of the Whole**

December 6, 2011 Assembly Chambers 6:30 pm

Issue: Solid Waste Management	
<p>Discussion: Presentations were made by Community Waste Solutions (CWS) (represented by Burl Sheldon), Acme Transfer (Paul Nelson), CIA (David Berry), Haines Friends of Recycling (Melissa Aronson), The Chamber of Commerce (Ned Rozbicki), and Takanshanuk Water Shed Council (Brad Ryan) describing the problem with solid waste management through their points of view. Roger Schnable described his experience as an investor with Haines Sanitation (precursor to CWS) and his perception that CWS was at a cross roads financially due to high fixed costs and low customer participation. He emphasized the seriousness of the present situation.</p> <p>CIA indicated that they are engaged in partnership talks with CWS. CIA will promote source separation and training in separation to the community. CWS presented a list of possible actions the Borough could take. All presenters indicated a willingness to collaborate to find a community wide solution. Additionally, Pam Randles, representing the Bear Foundation, asked that bear proof dumpster covers be considered in any plan.</p> <p>When the discussion returned to the Committee, Norm Smith advocated for setting the examination of the state of municipal sludge disposal as a priority. Vick encouraged the formation of a task force and acknowledge the spirit of cooperation demonstrated by the current competitive providers of solid waste disposal. Schnable suggested that a local person could fulfill the need for independent assessment of the situation and analysis of options. Waterman raised the question of the ability of the municipality to inculcate responsible disposal of waste in citizens not so disposed. Schnable suggested reframing “mandatory fees” as incentives. Lapp described observing dumping of waste in outlying regions. Smith recommended determining the value of the RCA permits held by CWS and Acme Transfer.</p> <p>When asked about the municipality’s liability with respect to the landfill’s violation of DEC regulations, Lapp explained that the Borough allocated land around the landfill as buffer but sold land bordering the buffer. If leachate from the landfill travels across the buffer to borough sold lands, the borough may carry some liability.</p>	
<p>Recommended Action: Direct the Borough Manager to acquire letters of interest from consultants who will be tasked to define the problem facing the community with respect to solid waste management; to formulate a solution; and to work with local entities.</p>	<p>Who: Assembly</p> <hr/> <p>When: Dec. 13, 2011</p>

Meeting Chaired by Stephanie Scott, Mayor Minutes by Mayor Scott
 Committee Members Attending: Smith, Waterman, Lapp, Schnable, Hoffman, Vick, Scott
 Staff Attending: Mark Earnest, Manager
 Citizens and Consultants: Burl Sheldon, Dave Berry, Paul Nelson, Melissa Aronson, Ned Rozbiki, Pam Randles, Roger Schnable, Tom Morphet, Brad Ryan, Norm Hughes, Bill Kurg, Robert Butker, Judy Beauchemin-Hall, Mike Warren, tom Hall, Dick Flegel, Carol Flegel, Reilly Vrosinsk, Ed Gorman, Paul Mela, Julia Scott



Design Discipline A/E Site Visitation Memorandum

Project Name:	Haines, AK
Project Owner:	
HDR Project No.	Pending Our on-call agreement will be signed and returned

Date of Visitation	Name/Title
December 21, 2011	John Koch

Photos Taken Yes

Meeting discussion:

1. Met with the Mayor, Brian, and Scott from 10:00 am until 2:00 pm. Manager joined in our meeting from 1:00 to 2:00 pm.
2. Toured the WWTP and WTP basically doing a 100,000 foot condition assessment of their facilities and learning the issues.
3. WWTP Issues:
 - o As with most WWTPs in Alaska, the facility does not meet NFPA 820 separation requirements for the Raw and Primary Clarification Processes. All rooms and areas are tied together with common walls, doors etc.
 - o A major issue which was pointed out to the Mayor is that the wet well for the raw sewage pumping station is adjacent and contiguous with the WWTP operations/office/lab area. A fuel spill could be potentially disastrous to the facility
 - o Landfill (not Borough owned or controlled) has closed its doors to the Borough's sludge and screenings.
 - Sludge from the primary clarifier is airlifted to the aerobic digesters.
 - Digested sludge is pumped to a belt filter press periodically.
 - Belt press can achieve an average of 17%± solids.
 - Until early November 2011, solids were hauled to the landfill.
 - Currently the innovative plant staff has started to enhance their periodic/seasonal in-vessel composting operation to a full time operation by building insulated wooden crates in a 4 foot cube. They are using a local forest product wood chip waste as the amendment.
 - o Issue is this is very labor intensive for a full time operation as they do not have any automated means to mix the raw sludge and the chips other than manual labor with hand tools.
 - o Once the compost has reached temperatures in the range of 160-170 DegF the screening of the larger bark chips from the compost mixture is also a manual task with pitch forks and static screen.
 - Plant will typically produce approximately 60 yards of 17%± dewatered sludge per year, less in the winter months and more in the summer tourist months.
 - Wedge wire rotary drum screens are used to separate the grit and solid materials from the raw influent flow.
 - An issue with this is that the screenings/grit are wet and contain visible organic and fecal material.
 - Screenings cannot be composted and are currently being stored in a large crate for ultimate disposal at some still undetermined location.

- Plant flows typically are in the range of 250,000 to 275,000 gallons per day. They have seen flows as high as 1.4 MGD during runoff events when the ground is frozen and surface water finds its way into manholes, sump pump discharges, foundation drains, uncapped RV sewer connections, etc.
- Sewers are 1973 vintage PVC for the majority of the system. There is some asbestos cement pipe in limited locations.
- WWTP was constructed in 1973 as an IDI contact stabilization plant; however, currently the plant has a 301h waiver of secondary treatment.
 - In 1983 a building and roof was added to the process area.
 - The last major rehabilitation and upgrade occurred in 1993.
- Building has visible signs of rusted and deteriorated purlins, girts, doors, structural steel etc.
- Overhead doors are not insulated and visible light can be seen between the door frames and building structure.
- Electrical rate is in the low twenty cents per kilowatt range; however, the rate schedule has an instantaneous demand charge.
- There are three Sutorbilt rotary lobe 20 HP blowers which are the main energy consumer in the plant.
 - The blowers are used for the aerobic digesters as well all the airlift pumps.
 - The blowers are run on timers to reduce the energy consumption; however, during the summer months operators have to increase the run time of the blowers to reduce odor complaints.

4. Water Treatment Plant Issues:

- Plant was designed for 720,000 gallons-per-day. The facility can run for only a few hours between backwashes at this flowrate due to blinding of the filters.
- Actual sustained maximum flow is 400 gpm.
- Peak day demand is in the range of 400 gpm.
- Color is an issue and concern.
- Most THHM/HAA testing results have revealed that while the system is in compliance with the MCL's, both THHM and HAA are approaching the maximum allowable limits.
- Raw water reservoir (lake) is at elevation 650 feet MSL
- Plant site is at 200 feet MSL
- Water pressure is used as the motive force through the facility's flocculation and pressure filters to the ground storage reservoirs.
- Winter time operations:
 - Water temperatures are in the 37 DegF± range
 - 50-60 part of alum added prior to pressurized hydraulic flocculation tank.
- Summer time operations:
 - Water temps get up to 56 DegF± range.
 - 30 part of alum added prior to flocculation
- Polymer (filter aid) is added prior to the pressure filters.
- Soda ash is added to adjust pH which is about 6.4 from the reservoir (lake).
- Dry hypochlorite is dissolved for disinfection.
- There are four pressure filters each capable of producing on a continuous basis 100 gpm each.
- Backwash water is routed to an on-site open lagoon.
- The plant is housed in a metal sided wood framed building with structural steel primary framing elements.
 - Purlins and girts on the structural steel frame are untreated nominal 2-inch lumber.
 - Insulation is thin fiberglass batts with a visqueen vapor barrier and metal roofing/siding.
 - Building interior is finished with ½ inch ± painted plywood.
 - As normal in any water plant, the interior of the building is damp and has condensation wherever the damp warm air encounters cooler surfaces. At the location of the roof purlin/steel frame intersection, the plywood interior was cut. The roof purlins (joists) are laden with moisture and almost completely rotted through. Similar section of the interior wall as removed. Girts were laden with moisture and rotted.

Action Items

In a meeting with Mayor Scott, Mr. Earnest, Mr. Bradford, and Mr. Lemcke the immediate issues were prioritized.

1. After several minutes of discussion, it was agreed that the roof of the WTP should be repaired immediately under an emergency declaration. Mr. Lemcke scheduled a meeting with a local contractor at 3:00 pm on December 21, 2011.
2. Sludge/screening and the ability to dispose of the material was deemed the next priority.
 - a. Mayor Scott recommended that Mr. Bradford visit the Fairbanks, AK compost facility to see what they were doing as well as to get pointers on the issues they faced at their initial startup.
 - b. ADEC would require a "short" memorandum report/plan so that the Borough could continue with composting as their ultimate method of sludge disposal.
 - c. HDR's scope of services for "On-Call Services" would be signed so as to assist Mr. Bradford with preparing the sludge composting memorandum.
 - d. Disposal of the screening was discussed.
 - i. If the Borough could wash and compact the screening/grit, then there would be a smaller quantity and a cleaner material that could be shipped to an ultimate disposal site.
 - ii. HDR would work with the Borough to recommend different manufacturers of screen washing/compaction equipment with the potential of even obtaining used equipment.
3. Long Term issues:
 - a. 2004 Water-Sewer Master Plan is currently being updated by Carson Dorn.
 - b. HDR was given an electronic copy of the 2004 Plan.
 - c. HDR suggested during the next few months the following issues should be addressed at the water treatment plant.
 - i. TOC testing of raw as well as filtered water.
 - ii. Have an HDR lab/operational specialist assist water plant staff with bench scale testing of different coagulants to achieve more robust TOC removal.
 - iii. Investigate solutions to the THHM/HAA formation issue.
 - iv. Long term capacity issues and provisions for a footprint to allow expansion during the planning period.
 - v. Determine the remaining useful life of the facility including:
 - a) Building(s)
 - 1) Code compliance
 - i.) Fire Code (NFPA)
 - ii.) Structural code and seismic issues (IBC)
 - iii.) Electrical code (NEC)
 - iv.) OSHA
 - 2) Mechanical and Heating
 - b) Process Equipment
 - 1) Flocculation Equipment
 - 2) Disinfection system
 - 3) Soda Ash feed system
 - c) Site Planning for future requirements
 - d. HDR suggested that during the next few months a thorough condition assessment be made at the Wastewater Treatment Plant to:
 - i. Determine the remaining useful life of the facility including:
 - a) Building(s)
 - 1) Code compliance
 - i.) Fire Code (NFPA)
 - ii.) Structural code and seismic issues (IBC)
 - iii.) Electrical code (NEC)
 - iv.) OSHA
 - 2) Mechanical and Heating
 - b) Process Equipment
 - 1) Raw Wastewater Pumping
 - 2) Influent Screens
 - 3) Primary Clarification
 - 4) Aerobic Digester
 - 5) Blowers
 - 6) Belt Press

Pictures of Wastewater Treatment Plant



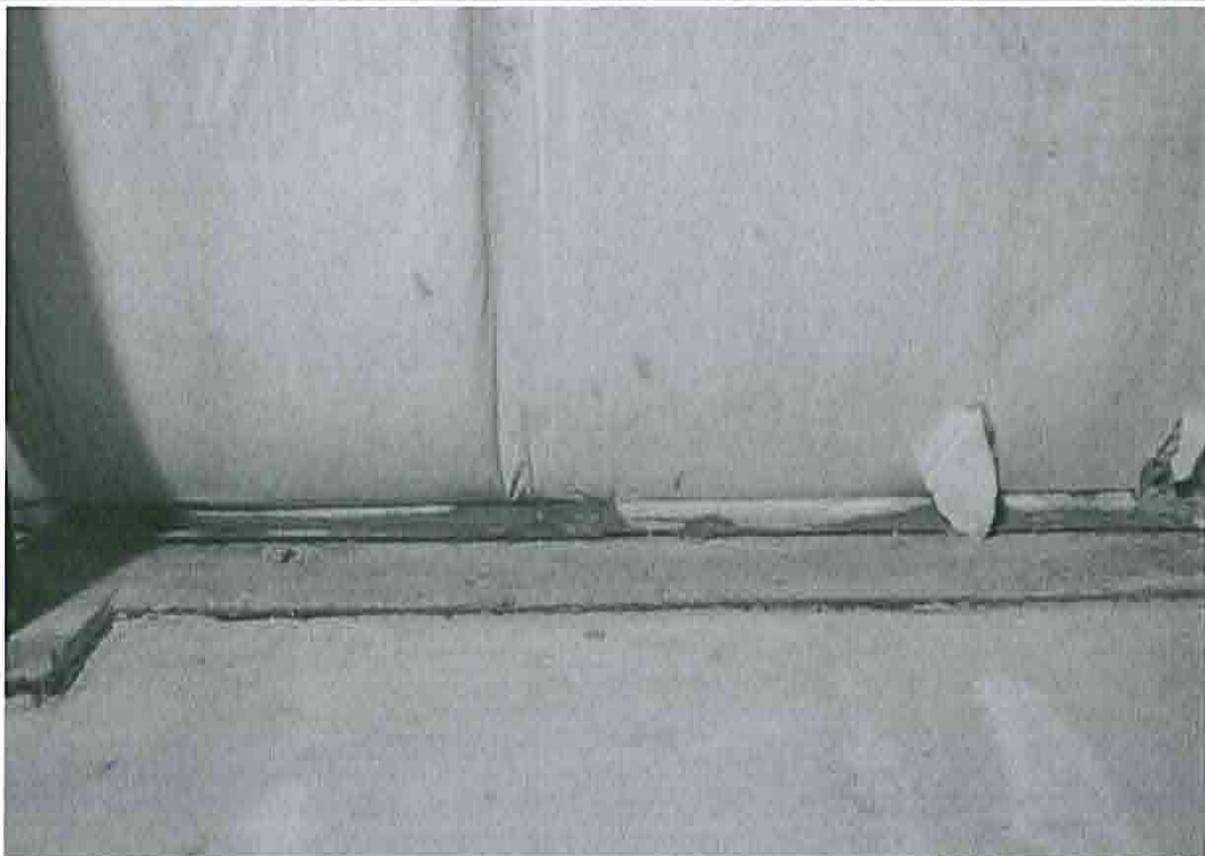
Influent Screen



Un-washed and Un-compacted Screening in Trailer



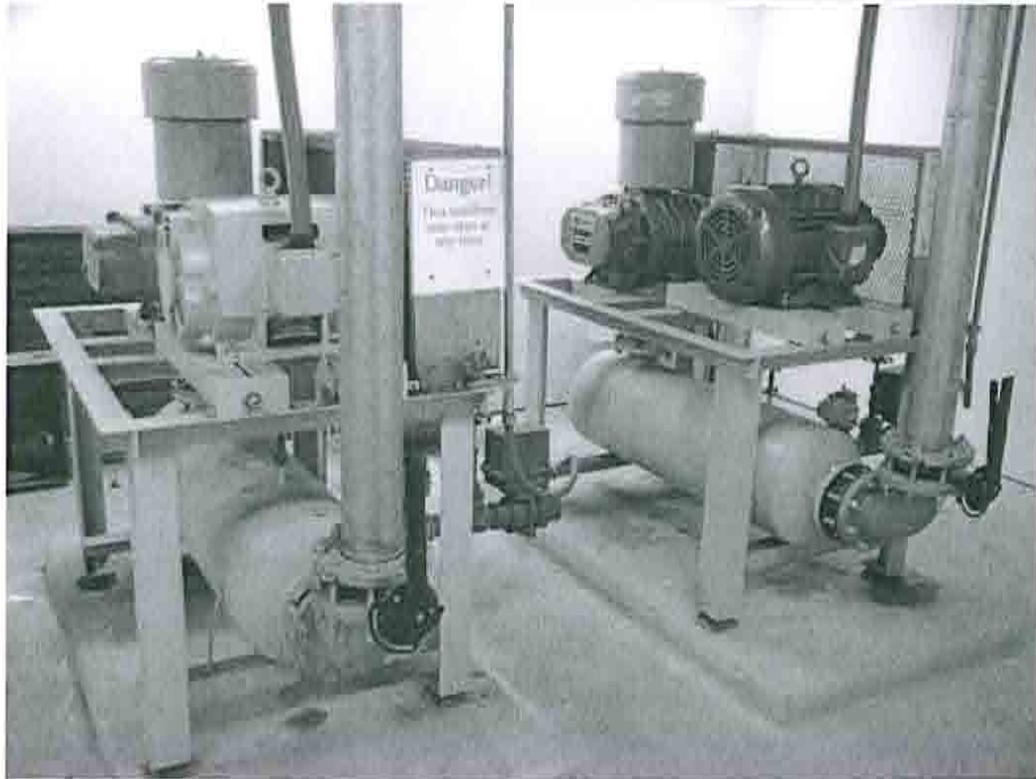
Un-insulated overhead door – Rusting Building Frame & Girts



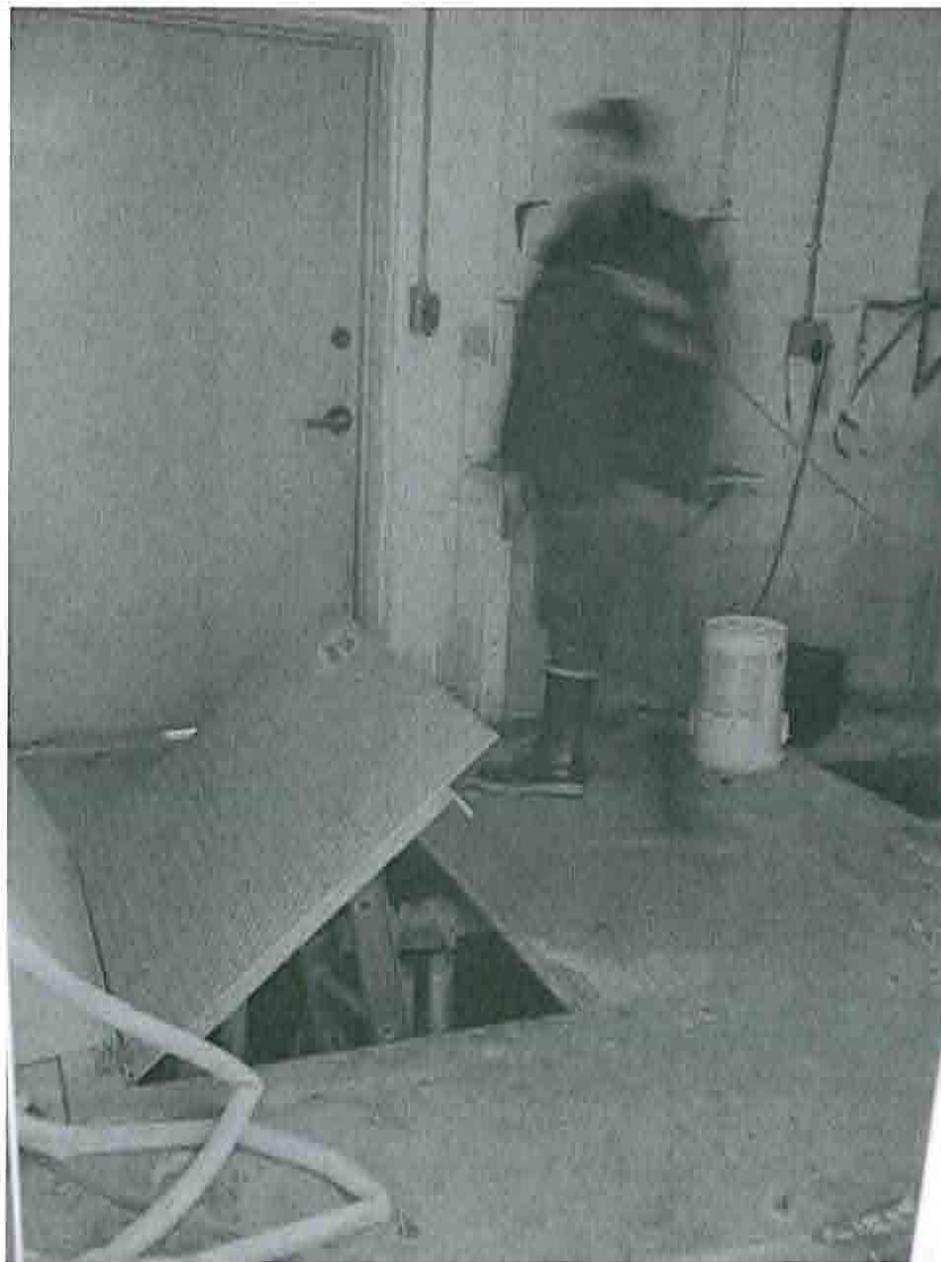
Rusted Building Perimeter Angle



Existing Building - Roof Design Allows Snow Slides which damage building/people/windows

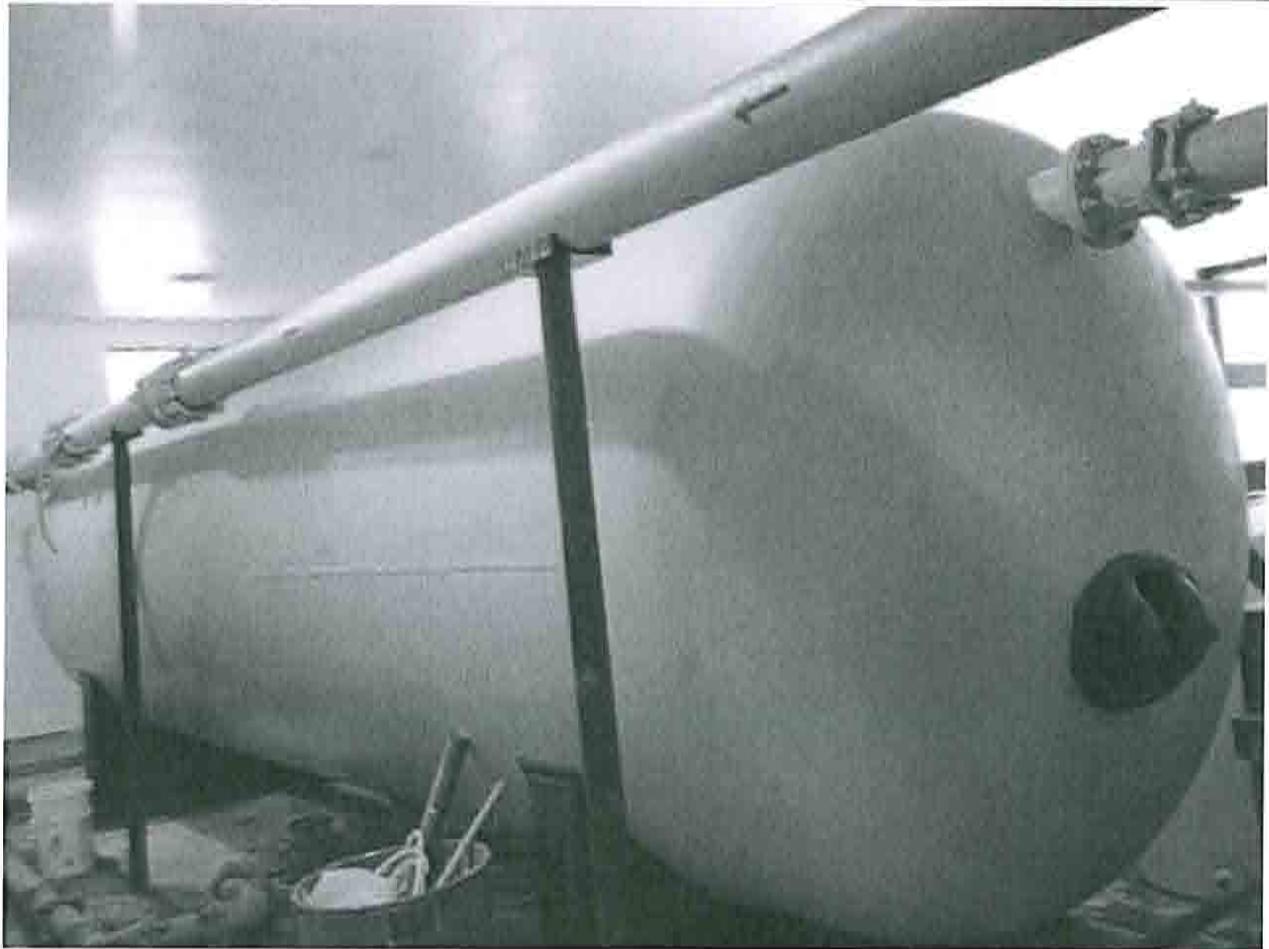


Noisy Inefficient Positive Displacement Blowers



Picture looking at Raw Sewage Pumping Wet Well from Operations Area - Fire Code Issue

Pictures of Water Treatment Plant



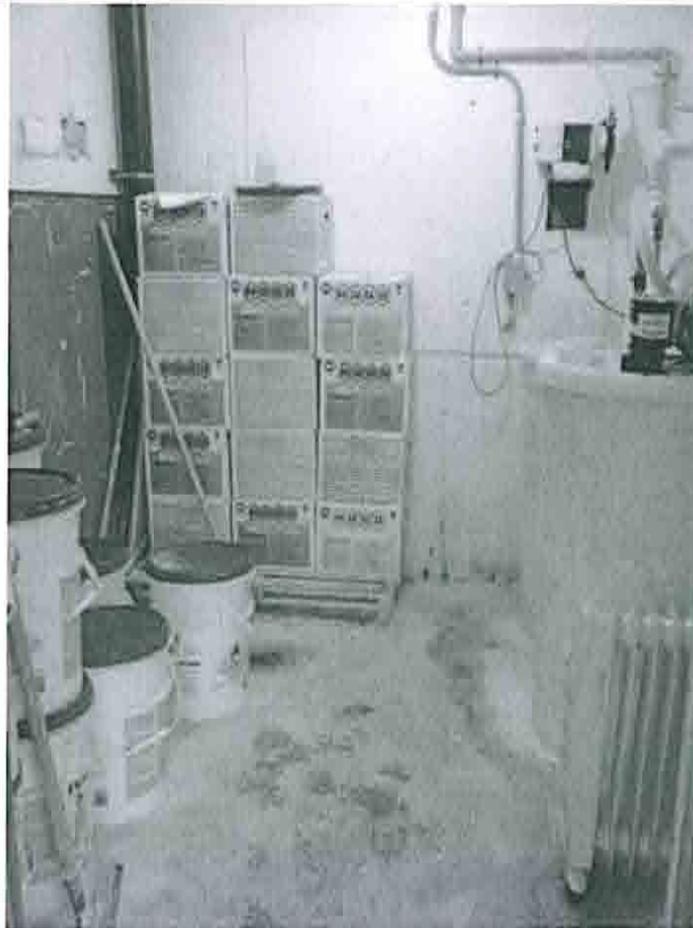
Pressurized Flocculation Tank at Water Plant



Wet and rotted girts on Water Plant Building Roof



Rusted building purlins and framing at Water Treatment Plant



Chemical Storage and Disinfection Area at Water Plant

COMMUNITY WASTE SOLUTIONS

Physical Address: 227 W Fair Drive, Haines, AK
Mailing Address: PO Box 575, Haines, AK 99827-0575

November 7, 2011

Stephanie Scott
Mayor,
Haines Borough
PO Box 1209
Haines, AK 99827

Dear Mayor:

RE: Acquisition of 5 acres and landfill buffer

In the mid-seventies the original owner in conjunction with the Borough of Haines picked the existing location for Haines landfill due to the deep blue clay deposits. Haines Sanitation, Inc. dba Community Waste Solutions (CWS) purchased the landfill and collection business in 1993.

As regulations changed over the years, it became a requirement that landfills have a leachate collection system installed around them and regular monitoring of ground water. The previous owner had landfilled to the edge of the property and CWS wanted to be able to take the water sample farther away from the actual landfill. In order to meet the regulations, the sample has to be taken at the boundary of the landfill or if the borough was to dedicate a buffer the sample could be taken on the boundary of the buffer.

CWS approached Haines Borough about dedicating a buffer around the landfill so that we could take the water samples on their property. We could not reach an agreement for the buffer so we basically had to purchase the land.

It is important to note that in all the years that we have been taking water samples, they have always come within the acceptable standards set by D.E.C.

On November 20th, 1997 we entered into a contract with Haines Borough to purchase lots 2 & 3, Section 2, T31S, R59E, CRM, Haines recording District. These two lots contained more or less 9.93 acres. We paid \$1,530.00 as a down payment and made monthly payments starting December 20, 1997 of \$280.53.

On July 20th, 2000 we entered into a contract with Haines Borough to purchase lots 4 & 19, Section 2, T31S, R59E, CRM, Haines recording District. These two lots contained more or less 9.61 acres. We paid \$2,132.50 as a down payment and made monthly payments starting August 15, 2000 of \$391.00.

We continued to make payments on these loans until August 31, 2002 when we felt we could no longer keep our rates level and make the loan payments. The original purchase price for both lots totaled \$73,250.00. Our payments towards this purchase totals approximately \$30,000.00.

In 2001 CWS installed compost equipment to allow us to compost municipal solid waste (MSW) straight from the back of the garbage truck and turn it into an inert product that could be landfilled with no damage to the environment.

D.E.C., Alaska Division of Investments and Juneau Economic Development Corporation looked very favorably on CWS. We implemented creative alternatives to Municipal Solid Waste Management that improve substantially upon previous strategies of exporting, burning and burying municipal waste products. CWS is kept the jobs locally, and treated the MSW instead of disposing of it.

CWS's license with DEC was then changed from a Solid Waste Disposal permit to a treatment facility for MSW. CWS is the only licensed treatment facility in the State of Alaska.

During the first eight years of operating the compost facility CWS received very good inspections from DEC. There is no doubt that the last 1 1/2 to 2 years we have had difficulties internally which has affected our operation. We are in the process of rectifying these issues.

CWS did not increase the garbage rates for 10 years. This was definitely a windfall for the consumer, but did cause a lot of financial problems for us as a company. CWS recently increased our rates to help offset the ever increasing costs of operating.

It has been known for many years that the existing leachate collection tank is located on the boundary line between CWS's and Haines Borough's property. Because of this location, the collection tank would be better re-located away from the edge of the filled landfill property line onto the adjacent 5 acres of property, where a new modernized leach collection system could be installed to replace the existing 20 year old system.

We are not asking the Borough for money, but rather that they allocate money we already paid for the purchase of lots 2, 3, 4, and 19, which totals 20 acres, to a five acre parcel that consists of a 150 foot strip of land that surrounds the north and east side of our existing landfill property, lots 20 & 21. This is noted in orange on the attached drawing.

If this would happen, CWS could then move forward on the repair of the existing leachate collection tank and the installation of a new leachate field in the 5 acre parcel outline in orange on the drawing. This would be at a cost to CWS of approximately \$30,000.

If we could not acquire the 5 acre parcel, to relocate the tank into our existing property, we would have to move the MSW that has been landfilled to the property line to another area of the landfill before we could dig up the tank and relocate it within our boundaries. The cost would be substantially higher. It is more cost effective and a better long term solution to use the 5 acre parcel than to move the tank onto our existing property.

We would also ask that the Borough dedicate the other 15 acres as a buffer around the North and West boundaries of the landfill. This would not be used for disposal. This is noted in blue on the attached drawing.

We would like the council to make a decision on this issue because we need to let D.E.C. know what our plan is to rectify this situation. We would like your cooperation on the acquisition of the land and a dedication of a buffer to keep the cost to repair the leachate collection system as low as possible.

In an effort to show our commitment to the community and environment, CWS is getting ready to launch a source separation recycle program. We have purchased colored bags which should be arriving in Haines next week. We recently entered into a 5 month contract with a marketing person to help us market this program. We are also making a proposal to CIA to help educate the community. We will be coming forward later to fully explain this program to the Borough and to seek your cooperation in making source separation a reality.

- It takes everyone to find sustainable solutions to Municipal Solid Waste -

Sincerely,

Tom Hall

Tom Hall
President

COMMUNITY WASTE SOLUTIONS

Physical Address: 227 W Fair Drive, Haines, AK
Mailing Address: PO Box 575, Haines, AK 99827-0575

Stephanie Scott, Mayor
Haines Borough
P.O. Box 1209
Haines, AK 99827

RECEIVED

DEC 13 2011

HAINES BOROUGH

RE: Addressing Issues at CWS Landfill

Dear Mayor Scott,

Thank you for leading the focused discussion this past Tuesday dealing with solid waste management. I am sure that the meeting will result in the public seeing the very difficult situation our company, and the community, is facing. We are relieved to get these issues on the table.

For your reference, the sewage sludge stored at the landfill is now contained in a lined and covered Conex container. At this time we currently cannot accept sludge unless you would like us to make arrangements to have it shipped out, until we are able to process it by composting which we did effectively for eight years. Sandra Wood of DEC is aware that the sludge is containerized and covered.

As we described in our November 7th letter to the borough, and has been made clear by DEC, we must address the dual issues of a landfill buffer and replacement of the leachate-capture and separation system.

Plainly stated, the company's current financial condition does not allow us to pay for this work at this time. Also, the company does not have the right to site the tank on the adjoining borough-owned property, which is, by far, the best solution. If we had the resources, this work would have already been done. The work needs to be completed as soon as possible and we request that the borough address the land issue and provide the financial support to complete this needed work.

*lease value =
sludge
mitigation*

On Wednesday and Thursday (12/7 and 12/8), I met with Brad Ryan of the Takshanuk Watershed Council (TWC) and also spoke with Sandra Wood of DEC about a third-party monitoring program and actions that would be needed to provide a science-based evaluation of any E. coli/fecal coliform contamination concerns. The company is not being required by DEC to provide any additional monitoring of water-quality, but we certainly understand the public concern. Our routine DEC water quality testing protocol has never required E coli/fecal coliform testing. Our most recent DEC water quality test reports are attached. The test results were routine and we have not been notified by the State of any water quality issues or concerns.

The recent unusual run-off event, the result of 11 feet of snow, an extended warming cycle and heavy rainfall, did produce a downstream effluent that may possibly have originated from the landfill. I personally walked from the landfill following the water down to Portage Cove. There are many tributaries that converge together to come out as a stream at Portage Cove. If in fact it is determined

there is/was a problem, the complete watershed needs to be evaluated before the responsibility is put on the landfill.

If the community wants to have a multi-site, scientific water-quality assessment to address any concerns, we are entirely supportive of that effort. This type of scientific testing regimen could be a component of an overall assessment of the landfill condition, an idea that was brought forth by CWS at the 12/6/11 Committee of the Whole meeting as a possible assembly "Action Option". Our preliminary conversation with Brad Ryan suggests that his staff-time on GIS work and field evaluation to develop a quality testing program would cost upwards of \$2,500—costs that would not include implementation of multi-site, multi-season collection, lab work, reporting, etc.

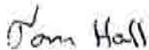
Mr. Ryan also quoted CWS the cost of one-time sampling and testing cost for E. coli/fecal coliform at four-sites as \$817. However, both Ms. Woods and Mr. Ryan were skeptical of the value of a single set of tests in mid-December, 2011. Such testing certainly does not represent a "program" and, by itself, will not allay concerns about landfill conditions. Nevertheless, we are contracting with Takshanuk to perform these tests, immediately.

In summary, we respectfully ask for the borough consider the following actions to address issues at the FAA Rd landfill—

- Dedication as a landfill buffer the borough-owned lands adjacent to the landfill, so that a new leachate collection and separation tank system can be sited and DEC concerns addressed;
- Financial support from the borough to CWS to promptly replace and repair the separation tank and leachate collection system or we ask the borough to take a leadership role in financing and executing the work to the satisfaction of DEC;

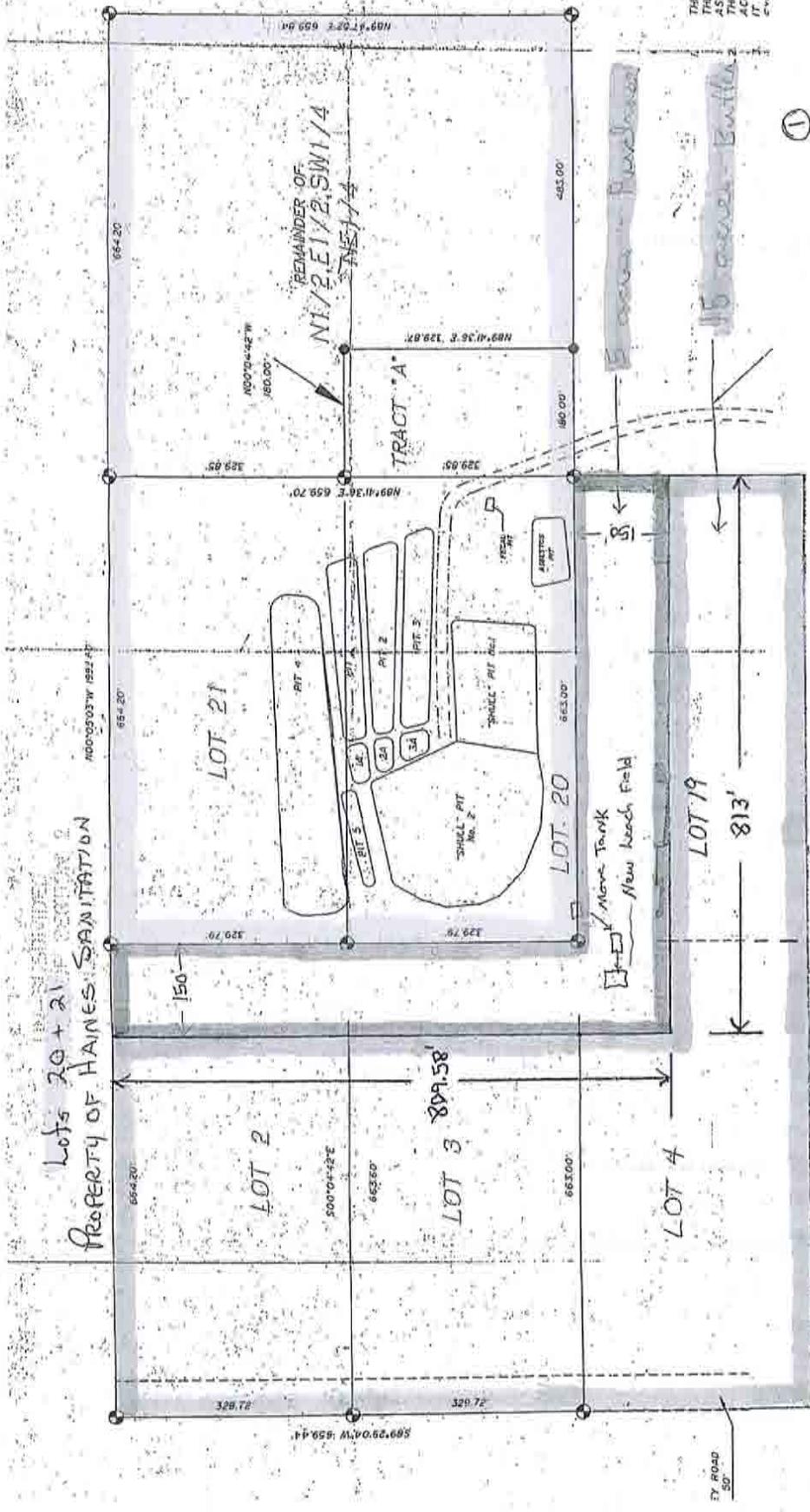
We regret that we are unable to support this important work with our own resources. Thank you for your consideration.

Sincerely,



Tom Hall, President
Community Waste Solutions, Inc.

Lots 20 + 21
PROPERTY OF HAINES SANITATION



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①

RY ROAD
50'

Haines Borough Solid Waste Management Plan

May 2000

**(Haines Borough Assembly Unanimous Approval of this Document "In Concept" at a
Special Borough Assembly Meeting held on June 5, 2000)**

**Sound Resource Management Group, Inc.
Seattle and Bellingham, Washington**

Haines Borough Solid Waste Management Plan

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APPENDIX A: DISPOSAL OPTION COSTS

APPENDIX B: RECYCLING COST ESTIMATES

Executive Summary

In November 1999, the voters of the Haines Borough approved and adopted a Solid Waste Management Service Area (SWMSA). The scope and powers of the SWMSA were not defined in the election, rather the vote simply created the service area. This solid waste management plan was developed for the Haines Borough to determine how to structure its new SWMSA.

The planning project included reviewing existing conditions; needs and opportunities; analyzing waste management alternatives; providing recommendations and outlining implementation steps. Planning activities occurred during the Winter and Spring of 2000, with the draft plan presented to the Solid Waste Management Service Area Board and the Borough Assembly in mid-May, 2000.

Existing Conditions

Since June 1999, solid waste generated within the Haines Borough has been exported to an out-of-state landfill. Haines Sanitation, Inc. (HSI) had previously operated a local landfill, but closed that landfill in the face of increasing regulations and the costs of meeting those regulations. The City granted HSI a one year interim rate increase (until May 31, 2000) to offset increased disposal costs due to the shift to waste export. The increase in customer charges resulted in a loss of customers (and revenue) for the company. Improper disposal such as backyard burning, burying and illegal dumping increased, which further reduced disposal volumes and could ultimately increase the rates charged for the remaining users of the garbage collection and disposal system.

Haines Friends of Recycling (HFR) operates a recycling drop-off site in the parking lot of the City's wastewater treatment facility. Materials delivered to the drop-off site are typically loose-loaded into large cardboard containers, which then are loaded into shipping containers destined for Seattle markets. The current low volume and lack of baling equipment has resulted in an inefficient and time-consuming operation. The site recovers a relatively small percentage of available materials, in spite of high collection and disposal fees for garbage.

HSI, the City and the Borough are currently in disagreement over collection authority within the City. The City has stated that the Borough now has control over collection within the City as a result of the Service Area establishment, and is thus responsible for administering the City's contract. The Borough has not asserted this authority, nor has it specifically determined whether to assume solid waste functions that are not offered and administered consistently throughout the Service Area. This legal dispute has limited the ability of the City and Borough to jointly develop the plan for implementing Service Area solid waste management activities.

Alternatives

Both disposal and waste diversion (e.g. recycling and composting) alternatives were considered during this planning process. The original goal of the plan was to develop an array of disposal and recycling options for evaluation by the SWAMP. The plan alternatives and recommendations were to have been developed in conjunction with SWAMP preferences for evaluation criteria.

Disposal Alternatives

Shortly after the planning process started, HSI announced that they had decided to build a modular incinerator and could not wait for the completion of the planning process. This sharply accelerated the planning process and shifted the emphasis away from planning an overall system through a SWAMP process to a more technical analysis of disposal options.

The disposal options considered for this plan can be grouped into three categories:

- developing a local landfill (either reopening the HSI landfill or developing a new Borough landfill);
- installing a modular incinerator or using the City of Skagway's incinerator, as well as developing an ash and bypass landfill to support either incineration option; and
- waste export, including export to regional landfills in Washington, Oregon and/or the Yukon.

The analysis of alternatives was somewhat complex in that a wide range of costs were reported by private and public sources and a significant effort was required to ensure that various financing methods and equipment lifespans were consistently evaluated. The analysis assumed public ownership and thus did not include any assumptions about return on private investment.

An 8% interest rate¹ was used for forecasting the costs of a Skagway-style incinerator (Ecowaste alternative), a Borough Landfill and a Borough-controlled transfer/export scenario. A 12% lease interest rate was used for the Westland incinerator alternative, consistent with the private lease terms offered by the company.

The analysis indicated that initial year disposal² costs, based on a wastestream of 1,825 tons, ranged between \$120 and \$188 per ton. Costs would vary over the 10-year analysis period due to changes in waste quantities and, in the case of incineration, periodic equipment retrofits. Section 3.2 of the Plan describes assumptions and modeling methodologies in detail for the interested reader.

Based on the results of the disposal options analysis, waste export is the most reasonable option with the lowest unit cost, capital cost and capital risk, as well as the most flexibility to respond to waste quantity fluctuations. Waste export is also the only option that will allow significant levels of waste diversion without raising unit disposal costs (i.e. the cost per ton for disposal). This finding is consistent with what other communities have discovered, and is reflected in the general trend in solid waste management toward large scale regional landfills.

The degree of capital cost and capital risk is important to the Borough in that high capital costs represent sunk, fixed costs that must be recovered regardless of future wastestream quantities. Reductions in the wastestream due to decreased levels of economic activity, changing packaging or increased waste diversion can sharply raise disposal costs under disposal systems with high fixed costs due to debt service. Changes in regulations or disposal practices can also expose the community to the prospect of a closed or non-performing facility ("stranded debt,") which must still be paid off.

Diversion Options

Diversion alternatives considered included waste reduction, composting and recycling. Specific waste reduction programs were not evaluated other than creating economic incentives for waste diversion and gradually implementing waste reduction education programs over time.

A number of centralized composting systems and approaches were considered, but none could provide cost-effective diversion considering the extremely small volumes of available organics, the seasonality of generation, the lack of significant amounts of yardwaste and the high unit costs of small scale modular composting systems capable of handling foodwaste and other postconsumer products. Composting retains future potential and is worth investigating once the new solid waste management system is implemented and functioning smoothly.

¹ assumes public financing

² Disposal costs are the costs of disposing of solid waste once it is delivered to a transfer or disposal site. Disposal costs do NOT include collection costs, which are the costs of collection routes for homes and businesses.

Recycling offers the most cost-effective and significant diversion potential for the Haines area. The residents and businesses of Haines are fortunate in that they have access to Puget Sound recycling markets with only minimal transportation costs. Alaskan non-profit recycling organizations have access to free/low cost backhauls from marine shippers. Loaded containers can be shipped to Seattle, which currently has one of the strongest recycling markets in the U.S. For example, in May, 2000, the average ton of material collected in Puget Sound residential collection programs was worth approximately \$100 per ton after processing, with commercial paper and cardboard worth even more.

Recycling rates in western Washington communities typically range between 40% and 60%, with most diversion occurring from commercial and residential recycling. With access to Seattle markets, the Haines community could recycle a significant amount at a relatively low cost. As most of Alaska has access to these markets through non-profit shipping arrangements, it is surprising that Alaskan recycling programs have only recently accelerated. This may be due to the historically low costs of disposal, ignorance of the availability of low cost transportation for recyclables, or a lack of incentives for appropriate waste diversion.

A comprehensive recycling program has been evaluated for the Plan, based on the availability of good access to recycling markets and a reasonable population density within the City of Haines and its immediate surroundings. The planned program includes curbside recycling for residences and businesses in developed areas and a centralized drop-off program for more remote areas. This mix of programs would likely yield a diversion rate of around 25%, which, although significantly lower than other communities in the Seattle market area, should be easily achievable in Haines. The cost of a comprehensive program would be approximately \$75,000, if operating space and a surplus vehicle were made available at no cost. Costs could be reduced further with grants and other in-kind contributions.

Recommendations

Consultant recommendations were developed, based on our informal weighing of the evaluation criteria presented in Section 3.2.1, and Borough preferences presented at SWAMP and Assembly meetings. Our initial recommendations were based on providing a lower cost disposal system, a more economical range of collection options, a comprehensive recycling system and an administrative/enforcement system capable of addressing improper disposal.

Financing recommendations were based on balancing the need to provide consistent disposal system funding while retaining incentives for appropriate waste diversion. Recommendations include funding system administration, transfer station operation/availability and recycling components from as broad a tax base as possible, with both residents and visitors helping to fund waste management infrastructure. Collection costs and actual disposal costs would continue to be paid through direct user fees, although those fees would be lower under the new system.

MSW Collection

- Develop a new collection contract for the City of Haines service area that includes incentive rates such as reduced collection frequencies or smaller container sizes. The wider range of service options and the potential for lower costs could serve both to attract customers back into the system as well as provide financial incentives for minimizing wastes.
- Expand disposal facility hours and review fees to encourage self-haul in the Highway area. Once disposal costs have stabilized, consider costs and fee structure to develop Moose Valley waste disposal convenience center (i.e. transfer site).

- Hold off implementing any collection system or fees for Excursion Inlet until stability is achieved in the rest of system. Once further development occurs, investigate a transfer operation based on a service fee for that area.

MSW Disposal

- Develop a Borough waste export system, perhaps with contracted operation at the existing HSI site. Obtain bids for 5 year and 10 year options, with the longer term exercised only if a substantial discount over 5 year prices is offered.
- Retain option to develop an incinerator or a local landfill if export prices escalate excessively.

Diversification

- Implement residential and commercial collection programs targeted to reach 25%.
- Pursue grants for developing composting system. Gradually build capacity, based on pilot, focusing first on commercial food waste diversion. Promote backyard composting.

Administration and Enforcement

- Develop half time Borough solid waste manager position to implement system and oversee collection, disposal and recycling/composting contracts.
- Establish and enforce (through the Borough solid waste manager) ordinances related to backyard burning, burying, illegal disposal and littering.

Financing

- Fund MSW collection through user fees.
- Fund waste export transfer costs (building, loader, labor) through a Borough-wide sales tax.
- Fund actual waste export costs through a tipping fee.
- Fund recycling and administration/enforcement through a Borough-wide sales tax.

Implementation

The Borough will need to raise approximately \$175,000 annually to fund tax-based activities. These funds include \$30,000 for Borough staffing, \$75,000 for recycling and about \$70,000 for transfer station fixed costs. This funding level would require a 0.5% increase in the Borough sales tax and voter approval.

Unfortunately, the Borough has a limited ability to develop the ordinances and contracts needed to administer the system, review rates and charges, and fund transfer station costs without a source of funding. The need for a public vote on funding will delay implementation of some components of the system. Without improvement of services and rates, Borough voters may be unwilling to approve such a sales tax. The SWAMP and the Borough Assembly will need to gain public comment and consensus prior to making commitments that require significant funding levels.

The following sequence of tasks will be needed to implement this plan.

- Task 1: Resolve legal issues related to respective City, Borough and HSI roles for collection, disposal and system administration.
- Task 2: Proceed with a rate review to determine the cost basis for collection and/or transfer contracts. This rate review could be conducted jointly by the City/Borough (irrespective of the legal disagreement) or by the Regulatory Commission of Alaska (RCA), if they assert interim or full authority.
- Task 3: The Borough will need to draft implementing ordinances for:
- Defining specific Borough solid waste authorities and activities;
 - Setting sales tax rates and uses; and
 - Specifying restrictions and penalties for improper disposal and littering.
- Task 4: If the City of Haines retains responsibility for the collection contract within its jurisdiction, the City will need to negotiate a new contract with HSI which incorporates rate and expanded service requirements. If the City does not retain responsibility, the Borough will need to either negotiate a collection contract with HSI or allow the collection system to revert to RCA ("APUC") regulation.
- Task 5: The Borough will need to develop and issue a waste export RFP, and then based on the results, negotiate a long-term disposal agreement.
- Task 6: A vote of the people will be needed to provide taxing authority for administration, transfer station costs and recycling.
- Task 7: The Borough will need to make staffing or contract arrangements for both solid waste system implementation and on-going management.
- Task 8: The Borough will need to either competitively bid or develop a sole-source contract with HSI for transfer station operation.
- Task 9: Review availability of recycling facility grants to determine whether firm grant prospects warrant delaying recycling program implementation. The Borough will then need to either competitively bid or develop a sole-source contract with HFR for recycling system operation. The actual timeline for the implementation of a new recycling system will depend on who does it, where processing occurs and which grants are available.
- Task 10: The Borough will need to develop public education materials describing the new system, timelines and emerging diversion and disposal opportunities.



Agenda Bill No.: 11-008
 Assembly Meeting Date: 1/10/12

Business Item Description:		Attachments:
Subject:	1. Suggested scheduling options 2. Committee Meeting Minutes Template	
Recurring Meeting Dates for Standing Committees		
Originator: Debra Schnabel		
Originating Department: Assembly		
Date Submitted: 12/5/2011		

Full Title/Motion:
 On 12/13, the assembly passed the following motion: "set recurring meeting dates for standing committees." As a result, the meeting dates need to be set.

Administrative Recommendation:
 N/A

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$ 0	\$ 0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: N/A	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
 Borough business can be facilitated with greater predictability and efficiency when committee meeting dates and times can be programmed. There are four standing committees. Please consider allowing one hour per meeting. Two committees can meet on the same date if we can agree to schedule committee meetings between 5 and 7 pm on any two of these days: Wednesday, Friday or Monday following Assembly Meetings. This would allow committee chairs to submit agenda bills to the clerk by the Tuesday prior to the next Assembly meeting. A suggested template for both setting agendas and reporting committee meetings is attached for approval.
 Assembly Member Schnabel prepared three meeting schedule options for consideration, and they are attached.

Referral:

Sent to:	Date:
Recommendation:	Refer to: Meeting Date:

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 12/13/11, 1/10/12	Tabled to Date:

January 2012

January 2012						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2012						
Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Jan 1, 12	2	3	4	5	6	7
Jan 1 - 7				Docs 10:00			
	8	9	10	11	12	13	14
Jan 8 - 14			Assembly 6:30	Govt. Aff. 6:00 Personnel 5:00			
	15	16	17	18	19	20	21
Jan 15 - 21		Agenda 10:00		Docs 10:00			
	22	23	24	25	26	27	28
Jan 22 - 28			Assembly Finance 5:00	Commerce 5:00 TBA 6:00			
	29	30	31	Feb 1	2	3	4
Jan 29 - Feb 4							

February 2012

February 2012							March 2012						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18	11	12	13	14	15	16	17
19	20	21	22	23	24	25	18	19	20	21	22	23	24
26	27	28	29				25	26	27	28	29	30	31

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Jan 29	30	31	Feb 1	2	3	4
Jan 29 - Feb 4							
	5	6	7	8	9	10	11
Feb 5 - 11		Agenda 10:00		Docs 10:00			
	12	13	14	15	16	17	18
Feb 12 - 18			Assembly	Govt. Aff. 6:00 Personnel 5:00			
	19	20	21	22	23	24	25
Feb 19 - 25		Agenda 10:00		Docs 10:00			
	26	27	28	29	Mar 1	2	3
Feb 26 - Mar 3			Assembly	Commerce 5:00 Finance 6:00			

March 2012

March 2012							April 2012						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Feb 26	27	28	29	Mar 1	2	3
Feb 26 - Mar 3							
	4	5	6	7	8	9	10
Mar 4 - 10		Agenda 10:00		Docs 10:00			
	11	12	13	14	15	16	17
Mar 11 - 17			Assembly	Govt. Aff. 6:00 Personnel 5:00	Commerce 5:00 Finance 6:00		
	18	19	20	21	22	23	24
Mar 18 - 24		Agenda 10 am		Docs 10:00			
	25	26	27	28	29	30	31
Mar 25 - 31			Assembly	Govt. Aff. 6:00 Personnel 5:00	Commerce 5:00 Finance 6:00		

Haines Borough Assembly Committee Meeting
Committee: Finance

Issue:	
Discussion:	
Recommended Action:	Who:
	When:

Issue:	
Discussion:	
Recommended Action:	Who:
	When:

Issue:	
Discussion:	
Recommended Action:	Who:
	When:

Meeting Chaired by Minutes by
Committee Members Attending:
Staff Attending:
Citizens and Consultants:



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 11-007
Assembly Meeting Date: 1/10/12

Business Item Description:		Attachments:
Subject:	1. Current Manager's Contract 1/11/10 thru 1/15/12 2. Goals from last evaluation	
Manager Contract & Evaluation		
Originator: Mayor Stephanie Scott		
Originating Department: Mayor/Assembly		
Date Submitted: 12/5/2011		

Full Title/Motion:
 Motion: Go into Executive Session to discuss the manager's evaluation & contract because discussion in open session may tend to prejudice the reputations of those involved. The manager has waived his right to open session. The assembly's discussion may lead to some type of action when they come out of executive session. As much as possible will be discussed in public.

Administrative Recommendation:
 N/A

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: N/A	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
 The borough manager's current contract goes through 1/15/2012. On 12/13, the matter of the manager's evaluation and contract were referred to the Personnel Committee who met on 12/28. The assembly will meet in executive session to discuss the manager's evaluation along with consideration of contract renewal and terms.

Referral:

Sent to: Personnel Committee	Date: 12/13/11
Recommendation:	Refer to: Meeting Date: 12/28/11

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 12/13/11, 1/10/12	Tabled to Date:

EMPLOYMENT AGREEMENT

Borough Manager

This Agreement effective January 11, 2010, is between the Haines Borough, Alaska, (hereinafter "the Borough"), a municipal corporation, and Mark Earnest ("the Manager"), and is effective as provided below.

This Agreement is based upon the following premises:

WHEREAS, the Borough wishes to employ the Manager, in accordance with the Borough's authority under State law, the Haines Borough Charter and the Haines Borough Code, and the Manager wishes to be employed by the Borough; and

WHEREAS, the Borough and the Manager wish to memorialize the terms and conditions of the Manager's employment by the Borough, including benefits, conditions of employment, and working conditions.

Section 1: DUTIES

The Manager shall be employed by the Haines Borough and hold the title 'Borough Manager'. The Manager shall perform all duties and discharge all responsibilities of that position as prescribed by the laws of the State of Alaska, the Charter of the Haines Borough, the Haines Borough Code, and the direction of the Borough Assembly. The Manager reports to the Mayor and the Borough Assembly and shall maintain residency within the Haines Borough during the entire term of this Agreement.

Section 2: COMPENSATION

1. **Salary**. In return for services, the Manager shall receive an annual salary of \$100,000, payable in installments in accordance with the Borough's code and customary practice. This salary shall be effective for the term of this Agreement, subject to annual review by the Borough Assembly.

2. **Exempt Position**. The Manager acknowledges that the position of Borough Manager is salaried and exempt from overtime requirements. The Manager understands and agrees that he is exempt under the Fair Labor Standards Act (FLSA) and the Borough and the Manager further acknowledge that, while the Manager will often be required to work in excess of 40 hours per week and 8 hours per day, the Manager shall have the flexibility in scheduling the performance of his duties customarily allowed to salaried, exempt administrative employees.

3. **Union**. The Manager is an officer of the Borough and, as such, shall not be a member of the borough employee's union or subject to the collective bargaining agreement.

4. **Benefits**. The Manager shall be entitled to benefits provided under Haines Borough Code Title 2 (Sections 2.72 through 2.92) and those benefits customarily

provided to a permanent, full-time, exempt Borough employee, including annual leave, personal leave, executive leave, sick leave, insurance, and PERS participation in accordance with generally applicable policies in effect from time to time, provided that such benefits shall not be reduced during the term of this Agreement. Leave by the Manager or cashing-in of leave benefits by the Manager shall be subject to prior approval by the Mayor or Borough Assembly.

- A. Annual Leave – The Manager shall be entitled to 30 working days annual leave, including executive leave, except that any request for leave exceeding two consecutive weeks must be approved by the Borough Assembly.

5. **Travel, Meetings, and Professional Development.** The Manager shall receive allowance for travel, out-of-town meetings, and professional development expenses as authorized by the Borough Assembly in the budget for each fiscal year or as approved in advance by the Borough Assembly from time to time.

6. **Dues and Subscriptions.** The Borough agrees to pay the Manager's professional dues and subscriptions necessary for the Manager's full participation in no more than two national, regional, state or local associations and organizations necessary and desirable for the Manager's continued professional participation, growth, and advancement, and for the good of the Borough.

Section 3: PERFORMANCE EVALUATION

The Mayor and individual members of the Assembly may but are not required to periodically identify their concerns to the Manager by either informal discussions with the Manager or by more formal means during Assembly meetings. The Assembly may but is not required to meet with the Manager annually for the purpose of setting Assembly goals and priorities. The Assembly may but is not required to meet with the Manager annually to evaluate and assess the performance of the Manager in meeting or progressing toward the goals of the Assembly. If the Assembly chooses to evaluate the Manager, the Manager is required to fully cooperate with the Assembly in completing that evaluation process.

- A. In the event the Assembly determines that the performance of the Manager is unsatisfactory in any respect or needs significant improvement in an area, the Assembly may but is not required to describe these concerns in writing.

Section 4: TERM, TERMINATION AND SEVERANCE PAY.

1. **Term.** The term of this Agreement shall begin at 8:00 am on the date first written above and expire on January 15, 2012 at 5:00 pm. The Manager's employment pursuant to the terms of this Agreement automatically expires on January 15, 2012. This Agreement may only be extended in writing signed by both the Borough and the Manager. In the event the Manager remains as the Borough Manager after January 15, 2012 without a written Agreement or written extension of this Agreement, the terms and conditions of this Agreement specifically do not apply to employment after January 15, 2012 in those circumstances.

2. **Termination.** This Agreement and the Manager's employment under this Agreement are terminable at will and at any time by the Borough Assembly without any notice of any kind whatsoever, it being expressly and explicitly understood by the Manager that he holds his position at the will of the Borough Assembly. The Manager understands and agrees that no representations or course of conduct by the Borough Assembly will establish any legally enforceable expectation of his continued employment by the Borough.

The Manager shall provide the Borough Assembly with written notice of his resignation no less than sixty (60) days prior to the effective date of his resignation or expiration of this employment agreement. If the Manager quits or resigns without providing such notice, then the Manager shall forfeit all benefits which the Manager otherwise may be entitled to receive under this Agreement.

Dismissal and grievance procedures for borough employees provided in the Haines Borough Code shall not apply to the termination of the Manager's employment by the Borough Assembly.

3. **Severance Pay.** In the event that the Borough Assembly terminates the Manager's employment without cause, the Borough shall pay the Manager severance pay of three month's benefited salary for the Manager. Benefited salary, purposes of this section, shall mean an amount equal to three months prorated salary and benefits, and all cashable leave the Manager is otherwise entitled to under Section 2 (Compensation) of this Agreement. Severance pay shall be subject to all applicable local, state, and federal withholdings. A decision of the Borough Assembly not to renew this Agreement upon the expiration of its term under Section 4.1 (Term) of this Agreement shall not constitute a termination without cause event for purposes of this section.

If Borough Assembly terminates the Manager's employment with cause, or if the Manager terminates his employment, regardless of cause, then the Manager shall receive no severance pay. For purposes of the Agreement, any of the following shall constitute "cause" for termination:

- A. The Manager's failure to satisfactorily perform his duties in accordance with the provisions of this Agreement, or establish or maintain his Haines Borough residency as required by this Agreement;
- B. The Manager's failure to obey any lawful directive of the Assembly;
- C. The Manager's willful failure to comply with the Charter of the Haines Borough Charter or the Haines Borough Code;
- D. Conduct which the Borough Assembly reasonably believes reflects adversely on the Manager's position as the Manager's or on the Borough, including but not limited to:
 - 1. acts involving dishonesty;

2. fraudulent acts;
 3. embezzlement; or
 4. substance abuse;
- E. The Manager's death; or illness, incapacity or serious health condition that renders the Manager unable to adequately perform the duties and to discharge the responsibilities contemplated by this Agreement, with or without reasonable accommodation, for more than eight (8) consecutive work weeks. The Manager expressly waives any statutory right to additional paid or unpaid leave, available under state or federal law governing family leave or disability, acknowledging that the demands and responsibilities of the Borough Manager position do not permit extended leave beyond eight (8) consecutive weeks. Without waiver of this limitation, the Borough reserves the right, at the Manager's request and at the Borough's exclusive option, to continue benefits or payroll status for the Manager, despite the Borough's replacement of the Manager or termination of any statutory reinstatement right, for any period of time that would otherwise be available for leave qualified under state or federal family leave acts, not to exceed 18 weeks total.

4. **Termination Due to Charter Amendment:** If the voters of the Haines Borough approve an amendment to the Charter of the Haines Borough that has the effect of abolishing the office of Borough Manager, The Manager's employment shall be treated as terminated without cause as of the effective date of the Charter amendment, and the Manager shall be entitled to severance pay for a termination without cause as provided in this Agreement; *provided, however*, that the Manager shall not be entitled to severance pay if the Borough offers the Manager immediate reemployment within 30 days after the effective date of the Charter amendment in another Borough position with pay and benefits at least equal to the pay and benefits received by the Manager immediately before the effective date of the Charter amendment.

5. **Suspension:** The Borough may suspend the Manager with full pay and benefits at any time during the term of this Agreement, upon a vote of a majority of the Borough Assembly.

Section 5: OTHER EMPLOYMENT

It is recognized that the Manager must devote a great deal of time outside normal Borough office hours to the business of the Borough. Normal Borough office hours hereunder shall be construed to mean Monday through Friday (excluding Borough holidays), an 8-hour period sometime between 7:00am and 7:00pm. The Manager shall not undertake employment with any person or entity other than the Borough without prior approval of the Borough Assembly.

Section 6: INDEMNIFICATION

The Borough shall indemnify, hold harmless and defend the Manager against all claims and liability which may result from any claim, action or suit by any person based

upon alleged injury to or death of a person or alleged loss of or damage to property that may occur or that may be alleged to have been caused by the Manager in the course of performance of his official duties during the duration of his employment with the Borough under this Agreement. PROVIDED HOWEVER, that the Borough shall NOT be obliged to indemnify, hold harmless or defend the Manager against any such claim to liability arising out of or resulting from acts or omissions that, in the sole judgment of the Borough, may occur or that may be alleged to have been caused by the Manager while acting outside the course of performing his official duties, or from any false, deceptive, dishonest or criminal act/omission under the laws and regulations of the United States of America, the State of Alaska and/or any political subdivision thereof.

Section 7: GENERAL PROVISIONS

1. Any controversy or claim arising out of or related to this Agreement or the breach thereof shall be governed by the laws of the State of Alaska, and the Haines Borough, Alaska, and the forum for any legal proceeding thereon shall be the Superior Court for the State of Alaska, First Judicial District. The Manager agrees that venue for trial in any such action shall be in Haines, Alaska.

2. This Agreement constitutes the entire Agreement between the Manager and the Borough, supersedes all prior oral and written understandings, if any, between the Borough and Mark P Earnest, Borough Manager, which shall terminate as of the effective date of this Agreement.

3. Any amendment to this Agreement must be in writing and signed by both parties to be effective. The Manager understands and agrees that no Borough employee, nor the Mayor nor any individual member of the Assembly, has any authority to make any promises to the Manager, nor any authority to modify or alter the terms and conditions of this Agreement.

4. Except as required by this Agreement, or the laws of the State of Alaska, the Charter of the Haines Borough or the Haines Borough Code, the Borough's generally applicable personnel and employment policies and rules shall apply to the Manager's employment under this Agreement.

Section 8: MEDIATION:

As a condition precedent to filing any action in court with respect to any dispute arising out of or relating to this Agreement or arising out of or relating to the Manager's employment with the Borough, the Manager agrees to submit that dispute to mediation with a professional mediator mutually agreed to by the Manager and the Borough, and the Manager agrees to make a good faith effort to resolve the dispute in mediation.

Section 9: ACKNOWLEDGEMENT OF REPRESENTATION:

The Manager acknowledges that he has had a full opportunity to consult with attorneys of his choice before signing this Agreement. The Manager acknowledges that he is not relying on any statements or representations made by any employees, representatives, officers, consultants, the Mayor, or Assembly members of the Borough

in entering this agreement, and he further acknowledges that he has not received and is not relying on any legal advice or representations by the Borough attorneys.

Section 10. NOTICES:

Notices pursuant to this Agreement shall be given by personal delivery or by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) Borough:
Haines Borough Clerk
Haines Borough
P.O. Box 1209
Haines, Alaska 99827

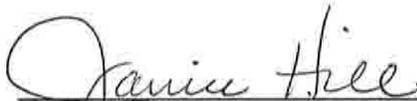
- (2) Manager:
Mark Earnest

Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

IN WITNESS WHEREOF, the Haines Borough Assembly has caused this Agreement to be signed and executed on the Borough Assembly's behalf by its Borough Manager and duly attested by its Borough Clerk, and Mark Earnest has executed this Agreement for and on behalf of himself, on the day and year first written above.

THE UNDERSIGNED HAVE READ THIS AGREEMENT CAREFULLY, AND HAVE HAD THE OPPORTUNITY TO HAVE THE AGREEMENT FULLY EXPLAINED BY THEIR RESPECTIVE ATTORNEYS. THE UNDERSIGNED FULLY UNDERSTAND THE BINDING EFFECT OF THIS AGREEMENT AND ACKNOWLEDGE THAT THEY SIGN IT VOLUNTARILY.

HAINES BOROUGH



Jan Hill, Mayor

BOROUGH MANAGER



Mark Earnest

ATTEST:



Julie Cozzi, Borough Clerk

From: Kathleen Menke [mailto:ci@akmk.com]

Sent: Friday, December 16, 2011 1:40 PM

To: Julie Cozzi

Subject: Please include in correspondence for the next Assembly meeting/Snow Removal Policy

Dear Mayor, Manager, Public Works Director, and Haines Borough Assembly:

I would like to call your attention to the snow removal policy in Homer, Alaska, and ask you consider adopting a similar policy for Haines.

"While we do, most times, operate our snow removal equipment with "snow gates" to minimize snow berms, there are periods when we experience heavy and/or wet snow falls that require removal of our snow gates so we can plow in a timely and efficient manner. We will, time and manpower permitting, return to assist you with the removal of snow berms."

Regards, Kathleen

Kathleen M.K. Menke

Crystal Images Photography and Publishing

Haines, Alaska

<http://www.akmk.com>

From: John Brower [mailto:johnandkathy@aptalaska.net]
Sent: Tuesday, January 03, 2012 11:18 AM
To: 'Stephanie Scott'; steve.vick@gmail.com; blackdoghp@yahoo.com; fortseward@yahoo.com; 'daymond hoffman'
Cc: mearnest@haines.sk.us; Julie Cozzi
Subject: snow berms are a health and safety issue

I usually do not like to make an issue of the job that the State and City snow removal crews do, on the contrary, I acknowledge the fine job they do under usually difficult circumstances. And please note this is coming from someone who commutes to Klukwan for work, and lives on Mud Bay Road, at the top of cemetery hill. But, I do have to make some remarks that I hope you consider in assisting to make the situation better for all of us.

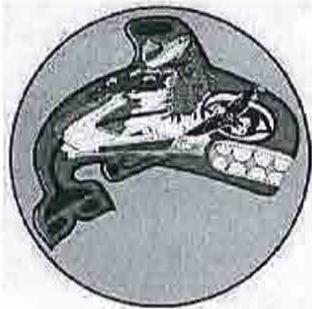
My resident location at the top of cemetery hill is fairly well known, as is the nature of the difficulty I have every winter in digging myself out. I enjoy snow shoveling as a way to get some physical exercise, to a point. That point being the practice of snow berming. For us on the hill, it is difficult enough to constantly shovel ourselves out every snowfall. The heart break is the berming us in by the plows that clear the roadway. They do little to help us out, rather they put us in a situation that actually could cause health related issues such as a stroke or a heart attack. Already this winter, I am aware of three related health injuries to our citizens due to shoveling snow. This includes a stroke, heart attack and a death. Is this any way to care for our people? Snow shoveling is not a major problem when removing fresh snowfall. However, removing snow berms are a serious health risk.

I experienced this issue two winters ago when I was suddenly medivaced to Juneau due to a neck and back injury due to snow removal of berms. I do not want to experience that again. But, here we are again, just finishing removing a snow berm for the "I do not know how many times this winter". And this one is typical of the berms that are dangerous to remove. After the most recent snowfall, and initial snow removal work of the past few days, the plow comes down the hill again and berms us in with heavy snow ice and sand. Why not send down another plow to follow to try to clear the berms blocking everyone into their driveways? People have to get to work and this is taxing for all of us trying to get out to meet our daily responsibilities. It is not right that this keeps happening and nothing gets done about it. I remember a few years back when Pete Lapham was in charge of DOT, quite often, he took the time to help people out and had his crews clear some berming problems that existed after road clearing.

I realize that Mud Bay Road may be a state maintained roadway, but there is no reason not to believe you cannot discuss this matter between the city and state to act in the best interest of its citizens safety. The Borough must assume some responsibility here in protecting its residents. Perhaps a start would be to identify the real berm problem areas that should get needed attention. This hill should be right up there in meriting attention.

I would appreciate this being passed along to Brian Lemcke and get him involved in proposing solutions to the problem. I recommend giving this attention so we can see action this winter season.

Thank you for your consideration of these comments.



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, your issue must be on the agenda. To be included on an agenda, please provide the following:

Name of Presenter: Norm Hughes, Chair Date: Dec 30 2011
 Name of Group Represented (if applicable) Boat Harbor Advisory Committee
 Address: Box 1136 Phone: 907-723-4848
 Email Address: stormisurf@yahoo.com Fax: _____

I hereby request to be scheduled on the Borough Assembly meeting agenda dated the 10 day of January, ~~2004~~¹², or as soon thereafter as possible.

Purpose of Request: To introduce ordinance
revising Title 14

Estimated Time Required _____

Action you wish the Assembly to take: Place Ordinance^{on}
January 24 Agenda ^{for introduce}

Note: Placement on an Assembly agenda is subject to all necessary paperwork being submitted, as well as Borough staff requirements being met. This request should be submitted no later than 4:00 p.m. the Tuesday (one week and one day) prior to the desired Assembly meeting. All supporting documents for the meeting packets should also be submitted at that time. Your request will be referred to the Mayor and/or the Borough Manager and, if approved, placed on the requested agenda. Please be aware that we may ask for supportive and/or background information on your request in order for the Assembly to make an informed decision. The Clerk will provide copies of your written request to the Assembly.

Return this form to the Borough Clerk in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716.

Stephen K. Scott
 Signature of Mayor or Manager

12-30-11
 Date

Revision 11/2/2011

Chapter 16.04

General Provisions

Sections:

16.04.010 Definitions

16.04.020 Purpose and Construction

16.04.030 Policy and intent – Use of Boat Harbor

16.04.010 Definitions.

In construing the provisions of this title, except when otherwise stated or when other meaning is apparent from the context, the following words shall have the meaning indicated in this section.

“Aircraft” means and includes aircraft of every kind or description which are capable of being landed upon or taking off from the water.

“Vessel” means and includes any ship, boat or skiff and watercraft of every kind and description.

“Vessel length” For the purpose of any fee or assessment, the term “vessel length” means the actual overall length of the vessel, as moored, including anchors, bowsprits, swim-steps, outboards or other extensions.

“Clerk” means the duly appointed, qualified and acting clerk of the borough.

“Commercial Vessel” means any vessel engaged in commerce for which it is intended.

“Derelict” means any vessel moored, or otherwise located within the boundaries of the Haines Borough Port and Harbor Facilities, which is left in a condition such that it will not rise and fall with the tide, or has suffered such neglect as to be unfit for navigation on the seas.

“Finger floats” means numbered floats attached and connected to the master float.

“Hazardous condition” means any condition which may be considered dangerous or hazardous by a borough, state or federal official.

“Portage Cove Harbor” means that area of tidelands and uplands owned or controlled by the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

“Enterprise Funds” describes the funding mechanics proscribed by state law that limits revenue over expenses to reinvestment in the enterprise as in Boat Harbor Fund, Lutak Fund and Port Chilkoot Fund.

“Letnikof Cove Small Boat Harbor” means the area of tidelands, submerged lands and uplands owned or controlled by the Haines Borough, together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

“Lutak Dock Facility” means that area of tidelands, submerged lands and uplands owned, or controlled by the Haines Borough, together with its breakwaters, dolphins, docks, wharves floats, ramps, gridirons, utilities, approaches and appurtenances.

“Port Chilkoot Dock Facility” means that area of tidelands, submerged lands and uplands owned, or controlled by, the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

“Swanson Harbor Facility” means that area of tidelands, submerged lands and uplands owned, or controlled by, the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats ramps, gridirons, utilities approaches and appurtenances.

“Excursion Inlet Facility” means that area of tidelands, submerged lands and uplands owned , and controlled by the Haines Borough, together with its breakwaters, dolphins, wharves, floats ramps, gridirons, utilities, approaches and appurtenances.

“Harbormaster” means the duly appointed Harbormaster of Haines Borough who also serves as a Peace Officer and Facility Security Officer for all Port and Harbor Facilities.

“Master Float” means the main float, reached by ramp, from the pier or dock.

“Transient Vessel” means vessels not assigned permanent moorage or permanent open moorage.

“Manager” means the Chief Executive Officer of Haines Borough.

16.04.020 Purpose and Construction.

The purpose of this title is to protect the lives, health, safety and well being of the residents of the Haines Borough and those persons who have property in, or use or work upon the vessels using the Haines Borough Port and Harbor Facilities or who make sales and deliveries of goods and merchandise to vessels therein or who use the facilities for mooring commercial or pleasure vessels; to protect the property of such vessel owners by regulating the port and harbor facilities to ensure the widest possible public use thereof; to prevent the maintenance of nuisances and fire and health hazards; and to make reasonable charges for the use of certain facilities, to enable the Borough, insofar as

possible, to pay the cost of maintenance, operation and supervision of the Haines Borough Port and Harbor facilities from the revenue therefrom.

16.04.030 Policy and intent – Use of Harbor Facilities.

It is the intent of this title to provide regulations concerning the use of and moorage in the Haines Borough Port and Harbor Facilities. It is also the intent of this title to prevent and discourage the use of Port and Harbor Facilities by vessels which have become derelicts, or a charge and nuisance to the borough, the Harbormaster and the general public

16.04.035 – Livaboards.

- A. From October 15th to April 1st it shall be unlawful to live aboard vessels moored in the Port and Harbor Facilities except on a transient moorage basis for periods of two weeks or less. Commercial vessels actively engaged in related trade are exempt with the Harbormaster's approval.
- B. At no time of year shall a watercraft, used as a combination domicile and pleasure, or commercial vessel, be permitted in the Port and Harbor Facilities unless such vessel meets the following criteria:
 1. Vessel is capable of getting underway at all times.
 2. Vessel meets all US Coastguard requirements for safe navigation on the water.
 3. Vessel has on board an operating Type II or Type III marine sanitation device. Discharges from these devices within Port and Harbor Facilities are prohibited, except when using pump-out equipment connected to the Borough sewer system.
 4. As it pertains to 16.04.030, a vessel is a watercraft constructed and maintained for the primary purpose of navigating the waterways and not for the primary purpose of providing living quarters such as "float homes" or "houseboats."
 5. The vessel occupant(s) are owners, and or signers, of the moorage agreement. The agreement is a license not a rental agreement. Therefore no rental rights can be presumed. Transient vessels, which use the Port and Harbor Facilities for two weeks or less are exempted from this section.
 6. Animals are prohibited on Live Aboard vessels.
- C. Owners of vessels used for live aboard purposes shall be assessed for increased usage of Port and Harbor Facilities in addition to paying moorage fees in accordance with HBC 16.16.080 through 16.16.100.
- D. Occupants of live aboard vessels shall not park more than one vehicle per vessel in the Port and Harbor Facility areas at any one time. During periods of snow accumulation, the owners of such vehicles shall park vehicles as directed by the Harbormaster to facilitate snow removal. Failure to follow direction of the Harbormaster may result in removal of the vehicle at the owner's expense.

Chapter 16.08 Harbor Management.

Sections:

- 16.08.10 Government of Port and Harbor facilities.
- 16.08.20 Harbormaster – Appointment.
- 16.08.30 Harbormaster – Powers and duties.

16.08.010 Government of Port and Harbor Facilities.

- A. The governance of the Haines Borough Port and Harbor Facilities and all additions and improvements thereto, whether or not contiguous to the present facilities, shall be under the exclusive jurisdiction of the Haines Borough, its assembly, and its administration.
- B. There shall be a seven member Port and Harbor Advisory Committee comprised of three commercial boat owners, two noncommercial vessel owners, one tariff regulated company owner or representative, and a community member at large who has a business related to harbor activities. Such appointments shall serve staggered terms of two years. Members shall serve until their successors have been confirmed by the assembly. There shall be no pay for committee membership. The committee shall organize itself and function according to the provisions of Chapter 2.60 HBC. The assembly may appoint a liaison who shall serve in an ex-officio capacity and shall assist the committee administratively.
- C. The Port and Harbor Advisory Committee shall deliberate over matters concerning the construction, improvement, maintenance, use, operation, and regulation of Haines Borough Port and Harbor Facilities, and make recommendations regarding these issues to the assembly, either directly or through the Manager or Harbormaster.
- D. The Port and Harbor Advisory Committee shall otherwise conduct its meetings and activities in accordance with Chapter 2.60 HBC. (Ord. 09-01-195)

16.08.20 Harbormaster – Appointment.

There is created the office of Harbormaster for the Borough. The Harbormaster, under the direction of the Manager, shall supervise and manage all Haines Port and Harbor Facilities and shall be appointed, paid, removed and succeeded in office as other Borough employees.

16.08.30 Harbormaster – Powers and duties.

- A. Enforcement of Title: The Harbormaster is charged with the duty of enforcing all the provisions of this title, and any rules and regulations adopted hereunder, and is empowered to do so as a Peace Officer of the Borough. In the performance of such duties, the Harbormaster shall have the power to issue citations for violations under this title, and to carry out all the other legal responsibilities therein. The Harbormaster may delegate the enforcement of the provisions of this title to the Assistant Harbormaster, who shall have authorization to issue citations to any person violating any provisions, rules and regulations set forth herein.
- B. Rules and Regulations: The Harbormaster shall bring to the attention of the Advisory Board such rules and regulations as should be adopted to supplement the provisions of this title. Said rules and regulations shall not be inconsistent with the provisions of this title.
- C. Refusal of Moorage Facilities: The Harbormaster may, at the Harbormaster's discretion, refuse mooring facilities to vessels with delinquent accounts, boathouses, floats, scows, rafts, pile drivers, and other cumbersome floating structures, or to any boat, vessel or floating structure which is, or may become or create a fire hazard, or to otherwise become a menace to the safety and welfare of other vessels and their occupants.
- D. Assignment of Mooring Facilities: The Harbormaster shall supervise and manage the assignment of all mooring spaces in the Haines Borough Port and Harbor Facilities, and the Harbormaster may, in the Harbormaster's discretion, in the interests of safety, order, convenience and health, require the owner or operator of any boat, vessel or floating structure to change from one mooring to another.
- E. Posting of Signs and Mooring Numbers: The Harbormaster shall have the duty and exclusive power to post signs designating harbor speed limits, classification of harbor areas, numbers of exclusive mooring spaces, and other signs and notices to inform the public at large, and all vessel owners and operators, of authorized and prohibited use of the Haines Port and Harbor Facilities. The Harbormaster shall have the power to order the making of appropriate signs giving notice of all orders and decisions of the assembly and rules and regulations relating to the use of such facilities.
- F. Identification of Finger Floats: Finger floats shall be suitably identified by the Harbormaster.

- G. Loading and Unloading of Cargo Carried for Hire: No cargo to be carried for hire shall be loaded or unloaded at any point or part of the Port or Harbor without the approval of the Harbormaster.

Chapter 16.12 Classification of Harbor Areas.

Sections:

- 16.10.10 Purpose of classification.
- 16.12.20 Dock area.
- 16.12.30 Gridiron use.
- 16.12.40 Net tending and storage of fishing gear.
- 16.12.50 Open mooring.
- 16.12.60 Slips.
- 16.12.70 Wharf areas.
- 16.12.80 Boat launch ramps.

16.12.10 Purpose of Classification.

In recognition of the federal and state funds used in the original construction of the Port and Harbor Facilities, and the construction and maintenance of its improvements, and of the services rendered to the vessel owners by the United States Coast Guard, in addition to the varying needs of different types of vessel owners for different types of services, the harbor areas are classified as follows in this chapter.

16.12.20 Dock Area.

The dock area is the area sitting on piling and decked for use as an approach to the gangplank and master float. The dock is to be used by the general public without charge for the purposes of ingress and egress from the float system and for the loading and unloading of supplies, equipment and stores. No vehicle, cart, conveyance or any other form of transportation shall remain in such designated area for any period longer than is reasonably necessary for loading and unloading.

16.12.30 Gridiron Use.

No vessels over 65 feet in length shall use the present grid. Use of the grid shall be under the direction of the Harbormaster and fees shall be charged according to the most current assembly-approved harbor fee schedule.

16.12.40 Net Tending and Storage of Fishing Gear.

Areas set aside for net tending and storage of fishing gear shall be at the discretion and under the direction of the Harbormaster.

16.12.50 Open Mooring.

Float areas not otherwise occupied or posted for restricted use shall be designated for open mooring. Such areas shall be open to all members of the public primarily for transient and other temporary use for mooring vessels. Large vessels shall be assigned designated mooring spaces in open moorage by the Harbormaster.

16.12.60 Slips.

Slips are numbered areas enclosed by floats set at an angle to the finger floats and designated for the exclusive use of privately owned vessels, both commercial and pleasure, upon the owners thereof having first made arrangements with the Harbormaster and having paid in advance to the borough finance department or Harbormaster the slip license fee provided in this title. Each slip shall be numbered in such a manner that its location can be readily determined.

16.12.70 Wharf Areas.

Wharf areas are the areas suitably posted and marked, designated by the Harbormaster, for the purposes of loading and unloading supplies, equipment and stores, passengers, and cargo. No vessel shall be moored in such designated areas for any longer than is reasonably necessary for loading and unloading.

16.12.80 Boat Launch Ramps.

The boat launch ramps located in the Haines Borough Port and Harbor Facilities are facilities maintained by the borough under the direction of the Harbormaster. Such facilities shall be open to all members of the public for the launching and recovering of vessels at a fee set out in HBC 16.16.135.

Chapter 16.16 Fees and Payments

Sections:

- 16.16.10 Assignment of spaces.
- 16.16.20 Use of stall as it pertains to owner of boat.
- 16.16.30 Fees due when – License period.
- 16.16.40 Appeal of charges or assessments.
- 16.16.50 Delinquent rental and moorage fees.
- 16.16.60 Failure to pay – Harbormaster’s report.
- 16.16.70 Boat harbor fund created.
- 16.16.80 Rental, moorage and seaplane float use fees.
- 16.16.90 Computation of annual fees.
- 16.16.100 Live-aboard assessment.
- 16.16.105 Permanent open moorage vessels.
- 16.16.110 Rental waiting list and seniority list.
- 16.16.120 Unoccupied slips. (Deleted)

- 16.16.130 Transient vessel moorage fees.
- 16.16.135 Boat launch ramp use/fees.
- 16.16.140 Seaplane moorage and float rental fees.
- 16.16.150 Boat houses, floats, scows, barges, pile drivers and dredges – Fee assessment basis.
- 16.16.160 Electric service – responsibility for payment.
- 16.16.170 Electrical connection regulations and rates.
- 16.16.180 Conducting business in the harbor from any vessel.
- 16.16.190 Unlawful to moor without payment.
- 16.16.200 Dead storage prohibited.
- 16.16.210 Harbor crane use and fees.

16.16.10 Assignment of Spaces.

Assignment of use of a designated and numbered space, either slip side mooring or bow mooring, shall be made by the Harbormaster who shall give the vessel owner a duplicate of the slip license agreement. Presentation of this duplicate, signed by the vessel owner, shall be made to the borough finance department or Harbormaster when payment of the fee indicated thereon is made. Assigned licensees may retain space licensed by them only so long as they continue to be vessel owners. If a licensee sells or disposes of their vessel, the licensee may retain the space until the end of the license period and may not renew the same unless the licensee has acquired or given notice of intent to acquire another vessel within a reasonable time. If a licensee's new vessel is inappropriately sized for the assigned space, the licensee shall be placed at the end of the wait list for the new size, unless they already hold an appropriately sized position on a wait list. Otherwise, the slip shall be assigned to another customer on the size appropriate waiting list for the space. Vessels owned or leased by government entities, U.S. corporations, or Limited Liability Companies may be assigned license of a slip for a term not to exceed 10 years, at which time the license will be reviewed for renewal. Any changes in the Corporation or the specific vessel occupying the space may initiate a review and possible revocation of the licensed space. The intent of this section of code is to ensure that slips can not be held in perpetuity.

16.16.20 Use of Slip as it Pertains to Owner.

No property rights are created by this section or this title. The slip licensee shall have only a license to use the space reserved to him or her as provided in this title. There shall be no loaning or sublease of slips except by the Harbormaster. Slips are assigned to vessel owners, rather than vessels; a person buying a vessel previously moored in the harbor shall have no rights to the previous owner's boat slip except as established by the harbor slip waiting list. The borough assembly, upon recommendation of the manager, may permit a person or business to bypass the slip waiting list when such an exception is justified in the public interest as in transfer to a surviving spouse in the case of death of the slip holder. The borough assembly may establish conditions that limit the vessel owner's use of the slip and

may revoke the use of the slip if continued occupancy is no longer justified in the public interest. The Harbormaster has the authority to utilize the holder's reserved space for other vessels during the absences of the holder's vessel and to move moored vessels to other locations in the event of fire or other emergency requiring such action.

16.16.30 Fees Due When – License Period.

- A. License fees, moorage and launch ramp fees provided in this chapter shall be paid for prior to the occupancy or use of the facilities during the period for which the fees are assessed and shall be delinquent unless then paid. Except as specifically provided in this chapter, license payments for slips, permanent moorage and launch ramp fees shall be made annually, in advance, for a one-year period commencing October 1st and ending September 30th.
- B. A vessel owner or agent who licenses a slip or permanent open moorage on or after April 1st shall pay the entire annual fee for the period ending September 30th; however, the owner or agent shall be entitled to a 50 percent reduction in the moorage fee for the next 12-month period beginning October 1st.
- C. Anyone wishing to terminate the use of their slip before April 1st shall be eligible for a refund in the amount of one-half the moorage fees paid for that billing year.

16.16.40 Appeal of Charges or Assessments.

The rates stated in this chapter are determined and found to be fair, just and reasonable rates. All rates charged or assessed by the Harbormaster shall be charged or assessed according to the rates either set forth in this title or in the most current assembly-approved harbor fee schedule and paid by the owner, master or other persons having charge of the vessel on the demand of the Harbormaster. Any person or vessel owner against whom a charge is so levied or assessed by the Harbormaster who considers the same to be improperly computed or assessed may apply to the assembly in writing for an adjustment and refund of such charge. Such application shall be made within 50 days from the date on which the charge is made, and the assembly shall determine whether the charge shall be adjusted or sustained at the first meeting at which the assembly has sufficient evidence available to make the determination; provided, however, that the assembly shall not hear any such protest or application unless the charge and assessment made by the Harbormaster shall have been paid at the time the assessment was due.

16.16.50 Delinquent License and Moorage Fees.

In the event license and/or moorage fees are not paid within 60 days from the date of delinquency as outlined in HBC 16.16.30, a penalty of 10 percent of the license and/or moorage fees due shall be levied against and added to the delinquent account. Additionally, interest of 1.5 percent per month shall accrue upon all

unpaid fees, not including penalty, from the due date until paid in full. Transient moorage which must be invoiced will be charged at twice the normal rate.

16.16.60 Failure to Pay – Harbormaster’s Report.

Any owner, master or managing agent of any vessel who fails to pay the moorage fees in this chapter and service fees as provided elsewhere in this title, at the time and place when such fees are due and payable, and for a period of 30 days thereafter, shall be personally liable to the borough for such fees and charges. If a slip or open moorage licensee has not paid moorage fees 60 days after they are due, or made financial arrangements with the Haines Borough to do so, the licensee shall be notified by mail that unless the delinquent amounts are paid within 60 days from the time the assessment was due, the delinquent slip licensee shall lose the slip and the delinquent open moorage vessel shall be impounded by harbor personnel. The Harbormaster shall submit a report to the borough assembly of all such delinquencies and such report shall include the description of the boat, the name and address of its owner and the type and value of such fees as are delinquent. The Borough may pursue any necessary legal action in the recovery of moorage fees and penalties.

16.16.70 Boat Harbor, Lutak and Port Chilkoot Enterprise Funds Created.

The chief fiscal officer of the borough shall open and maintain separate accounts entitled the “Haines Boat Harbor, Lutak and Port Chilkoot Enterprise Funds.” All mooring, licensing and other fees received by the borough arising out of the operation of these operations shall be deposited in these enterprises and used exclusively for such costs of operation, maintenance and supervision of them as the Assembly may from time to time authorize.

16.16.80 Rental Moorage and Seaplane Float Use Fees.

Permanent open moorage vessels shall have priority over transient vessels for available mooring space. Only one slip shall be allowed to any vessel owner, except that the owner of a commercial vessel shall be permitted to rent one additional slip for a vessel used solely for recreational purposes. An assigned licensee may not designate any other person as the recipient of the licensee’s slip if the licensee surrenders or forfeits it for any reason whatsoever. Slip rentals, moorage fees and seaplane float use fees provided in this chapter shall be paid to the borough finance department or to the Harbormaster. A receipt shall be given to each person upon payment. The Harbormaster shall deliver to the finance department all the money collected and a duplicate of each receipt.

16.16.90 Computation of Annual Fees.

Unless otherwise provided, annual fees for slip licenses and moorage shall be assessed according to the most current assembly-approved harbor fee schedule.

16.16.100 Live-aboard Assessment.

The Harbormaster shall assess a monthly fee for all vessels on which people are living aboard according to the most current assembly-approved harbor fee schedule. This fee will be in addition to the regular moorage rate to compensate for their increased use of the harbor facilities. Per HBC 16.04.030 (B), live-aboards are prohibited for periods longer than 14 days from October 15th to April 1st.

16.16.105 Permanent Open Moorage Vessels.

- A. Permanent open moorage licensees are long-term licensees that shall qualify for a moorage rate equal to the regular moorage rate for their size vessel by meeting the following conditions:
 - 1. Licensee has been on the waiting list for a permanent stall for at least one year;
 - 2. Fees are paid in advance, as per 16.16.030.
 - 3. Permanent open licensees must reside in the Haines Borough and be on call, or arrange for a responsible person, approved by the harbormaster, to be on call to move their boat if necessary for any reason.
 - 4. Permanent Open Licensees must pay annually for the full year to retain their permanent open status.
- B. The licensee of a permanent slip may receive the same moorage rate described in subsection (A) of this section for a second vessel by meeting the conditions in subsections (A)(2) and (3), provided the permanent slip fee is paid. If the conditions are not met, transient moorage rates shall apply, and from April 1st through September 30th these vessels shall be charged long-term transient moorage rates as set out in the most current assembly-approved harbor fee schedule.

16.16.110 Licensee Waiting-list and Transfer List.

The Harbormaster shall maintain a waiting list of all persons desiring slip space and a list of slip licensees wishing to improve their slip location. As slip space becomes available, the first person on the moving list shall have the option of exchanging the space and the first person on the waiting list shall then be assigned the vacant slip provided all harbor fees are paid current. The licensee has 90 days to occupy the slip or provide proof of ownership of a vessel of the appropriate length. Slips of similar size may be exchanged at any time by mutual consent of

the licensees and the Harbormaster. An annual fee shall be charged to be on the waiting list as set out in the most current assembly approved harbor fee schedule.

16.16.120 Deleted

16.16.130 Transient Vessel Moorage Fees.

- A. Transient vessels are vessels not assigned permanent moorage or permanent open moorage. Transient moorage fees shall be based upon the overall vessel length, measured as moored.
- B. Transient moorage fees for vessels using the harbor shall be assessed according to the most current assembly approved harbor fee schedule.

16.16.135 Boat Launch Ramp Use Fees.

Any person launching or recovering a vessel from a trailer using a launch ramp owned or operated by the Haines Borough must have first either purchased an annual launch ramp sticker from the Harbormaster or paid a daily fee according to the most current assembly-approved harbor fee schedule and shall be provided for in HBC 16.16.030. Upon payment of such fees, a sticker shall be provided by the Harbormaster, which shall be prominently displayed on the boat trailer. Payment of such fees shall allow unlimited launching and retrieval of one boat per permit at any borough boat launch facility. Any person not wishing to obtain the annual permit sticker shall be charged a daily ramp use fee according to the most current assembly approved harbor fee schedule. It is presumed that a trailer in a ramp parking lot or in the parking lot adjacent to the Borough's boat harbor or port facilities either has been used or is intended to be used to launch or recover a vessel via the launch ramp owned and operated by the Haines Borough. Accordingly, an annual permit or receipt for daily use shall be displayed on all boat trailers parked in Port and Harbor Facilities and owners shall park in compliance with signage. Use of any Borough launch ramp facility without payment of appropriate fees shall result in a fine determined by the most current Borough schedule of fees and charges per violation. All boat launch ramp revenue shall be maintained in a separate cash reserve account and appropriated only for the maintenance, repair, reconstruction or new construction of boat launch ramps operated by the Borough.

16.16.140 Seaplane Moorage and Float License Fees.

Fees for the moorage of seaplanes or for the rental of the seaplane float shall be according to the most current assembly approved harbor fee schedule.

16.16.150 Boat Houses, Floats, Scows, Barges, Pile Drivers and Dredges – Fee Assessment Basis.

Boat houses, floats, scows, barges, pile drivers and dredges shall be moored in the harbor only on a temporary basis and only by permission of the Harbormaster. When moorage for the above is allowed, fees for the same shall be assessed according to the most current assembly approved harbor fee schedule. The vessels and watercraft mentioned in this section shall not be used for the live-aboard purposes while moored in the harbor.

16.16.160 Electricity service – Responsibility for Payment.

Electricity is supplied to the harbor by the Alaska Power and Telephone Co., a private utility. It shall be the responsibility of owners of boats moored in permanent slips or in open moorage to arrange with the utility for electricity provided to the slips and payment therefore. Electrical usage by transient vessels shall be charged at the rate set out in the most current assembly approved harbor fee schedule.

16.16.170 Electrical Connection Regulations and Rates.

- A. Electrical connections to any vessel are under the direction of the Alaska Power and Telephone Co., the local electrical utility, and must comply with the following regulations:
 - 1. Flexible cords shall be used only in continuous lengths without splice or tape.
 - 2. Cords shall not be smaller than required for rated current of the connected equipment.
 - 3. Attachment plugs and connector bodies shall not be smaller than that required for rated current of the attached cord.
 - 4. Infrared heating lamps may be used with porcelain type sockets only.
 - 5. Any heater capable of causing a fire if overturned must be equipped with a safety switch that will automatically disconnect electrical current if the heater is overturned.
 - 6. Attachment plugs shall be of the weatherproof type.
- B. Only power cords with a water rating are approved for use on boats within the boat harbor.
- C. Any cord not listed must be inspected and approved by the Alaska Power and Telephone Co., prior to being put into use.
- D. No electric cord from receptacles or meters shall be installed so that it lies on top of any walkway or in such a manner that it may accidentally be disconnected during snow removal or at any other time, and such installation shall be protected from mechanical damage at all times.

- E. Electrical usage by transient vessels shall be charged at the rate set out in the most current assembly approved harbor fee schedule.
- F. Owners of vessels in permanent slips to which electrical service is available or owners of vessels in permanent open moorage (winter rate) as defined by HBC 16.16.105 who are placed in stalls to which electrical service is available shall pay the borough an annual service maintenance fee according to the most current assembly approved harbor fee schedule if the electrical service is activated.
- G. Licensees wishing to hook up to electrical service, must read and sign a copy of the electric regulations as outlined herein, and pay the annual electrical fee, before obtaining service from the local power utility.

16.16.180 Conducting Business in the Harbor From Any Vessel

Any vessel conducting retail business in the Haines Borough Port and Harbor Facilities shall abide by all Borough codes and regulations.

16.16.190 Unlawful to Moor Without Payment.

It shall be unlawful for any person to moor berth, tie, attach or connect to any part of the Haines Borough Port and Harbor Facilities, any vessel, or other waterborne structure, without paying the rental charges prescribed in this title. Failure to pay designated berthing fees constitutes trespass and abandonment of the vessel; provided, however, it shall not be a violation of this section to temporarily moor a vessel for a time not to exceed three hours.

16.16.200 Dead Storage Prohibited.

- A. It is declared that the Haines Port and Harbor Facilities are installed and have been installed for the convenience of owners of vessels who use them for navigation and not for the purpose of providing moorage for vessels in dead storage or used as a residence.
- B. Permits may be issued allowing exception to this section under such conditions and regulations as the assembly may impose. An application for such permit shall be for a period of time not to exceed six months. Permits shall be issued fairly and without discrimination and shall be applicable to all under like conditions.

16.16.210 Harbor Crane Use and Fees.

Any person using the harbor crane owned by the Haines Borough must have first either purchased an annual crane use permit from the Harbormaster or paid a daily

fee according to the most current assembly approved harbor fee schedule. Prior to use, fees shall be paid and all persons will receive information on how to properly operate the crane. Crane users will certify, on a form provided by the borough, that they can operate the crane properly and that the Haines Borough is held harmless for any improper or unauthorized use. The Harbormaster shall implement a procedure to ensure use of the crane is limited to those with permits and Hold Harmless Agreements.

Chapter 16.20 Duties of Vessel Owners

Sections:

- 16.20.10 Registration
- 16.20.20 Control and securing regulations.
- 16.20.30 Traffic lanes and parking.
- 16.20.40 Snow removal, See also 16.28.005 “Hazardous Conditions”

16.20.10 Registration.

Every owner, master or managing agent of any vessel using the mooring facilities of the Haines Borough Port and Harbor Facilities is required to register their name, telephone number, post office box and street address, and the name and number of their vessel, its length, width and registered tonnage, if any, with the Harbormaster on forms to be provided by the Harbormaster for that purpose, within eight hours after such vessel enters and moors at any float in the Port and Harbor Facilities. No slip or space shall be used until it has been assigned and the license fee therefore has been paid.

16.20.20 Control and Securing Regulations.

In addition to the duties of registering as provided in HBC 16.20.10, every owner, master or managing agent of any boat using the moorage or the other facilities of the Haines Borough Port and Harbor Facilities (hereinafter called “user”) must:

- A. Use all reasonable precautions in keeping the vessel in the user’s charge free from fire hazards of any type or nature.
- B. Use all reasonable precautions in keeping the vessel in the user’s charge in a reasonably clean and sanitary condition, with special attention to pure water and sanitary toilets.
- C. Use all reasonable effort and precautions in keeping the vessel in the user’s charge well secured, securely moored, properly fendered, with lines in reasonably fit condition, sufficiently pumped out at all times to keep the vessel afloat, and to otherwise attend the needs of the vessel to avoid attention by the Harbormaster.

- D. Use adequate precautions to lock up and stow and otherwise safeguard all movable gear and tackle.
- E. Promptly pay all charges and taxes assessed or levied under this title, and all rentals and charges for utilities used on the vessel.

16.20.30 Vessel Traffic Lanes and Mooring

- A. Traffic lanes are to be left free. Double mooring is allowed only at the direction of the Harbormaster and transient moorage rates will apply.
- B. No vessels shall be allowed or permitted to park in the approach to any of the floats mentioned in this title or so as to obstruct the approach in any manner except for the purpose of discharging freight or passengers.
- C. Float plane moorage in the boat harbor shall be permitted at the float plane ramp or with the explicit direction of the Harbormaster.

16.20.40 Snow Removal.

During the winter months, it is the responsibility of slip licensees to remove snow from adjacent fingers if they are occupying their assigned slips. It is prohibited to leave snow removed from vessels on any dock, float, or finger.

Chapter 16.24 Harbor Nuisances

Sections:

- 16.24.010 Nuisances declared – Removed.
- 16.24.020 Abandoned property.
- 16.24.030 Sunken or obstructive vessels.
- 16.24.040 Floating objects.
- 16.24.050 Services of Harbormaster – Fees.
- 16.24.060 Unpaid license and other fees – Lien.
- 16.24.070 Impounded vessel – Disposition procedure.

16.24.010 Nuisances Declared – Removed.

- A. Derelicts. For the purposes of this title and in the interest of the greatest use of the facilities of the Haines Borough Port and Harbor Facilities and the municipal waters by the general public, vessels in the Port and Harbor Facilities and elsewhere on the municipal waters which are derelicts and unfit and unseaworthy or which are maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance, or which are maintained in a manner as to constitute a fire hazard, and sunken vessels and vessels in imminent danger of sinking, are hereby declared to be nuisances and subject to abatement and removal at owner's expense, from the Port and Harbor Facilities or other municipal waters by the Borough or its agents, without liability to the Borough for any damage done by virtue of the removal or for any of its consequences.

- B. Other Nuisances. Refuse of all kinds, structures or pieces of any structure, dock sweepings, dead animals or parts thereof, timber, logs, piles, broom sticks, lumber, boxes, paint, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature are hereby declared to be public nuisances, and it shall be unlawful for any person to throw or place in or cause or permit to be thrown or placed any of the above-named articles or substances in the Port and Harbor Facilities or the municipal waters, or upon the shores thereof or in such position that the same may or can be washed into said Port and Harbor Facilities or municipal waters, either by high tides, storms, floods or otherwise. Nets, gear, and other material left on any float or dock that harbor officials deem to impede passage for more than 24 hours is hereby declared a nuisance, and upon failure to do so, the nuisance may be removed or stored commercially, all costs of such commercial removal or storage shall be paid by and recoverable from the person creating said nuisance. The abatement of any such public nuisance shall not excuse the person responsible therefore from prosecution hereunder.
- C. Abatement of Disposal. Nuisances described under this section constituting a clear and present danger to the public health, safety, morals or general welfare may be summarily abated. Vessels declared a nuisance under HBC 16.24.010(A) which do not constitute a clear and present danger to the public health, safety, morals or general welfare may be removed, impounded, and disposed of as provided in HBC 16.24.070.
- D. Other nuisances under subsection (B) of this section shall be impounded, disposed of by destruction, public sale or any other means deemed reasonable by the Harbormaster.

16.24.20 Abandoned Property.

Any property in the Port and Harbor Facilities or in any of the municipal waters, unattended, may be deemed abandoned, and may be impounded, removed, sold or otherwise disposed of as provided herein. Failure of any vessel owner, master, operator or managing agent to register, pay moorage fees or service fees provided by this title shall be presumed to constitute an abandonment.

16.24.30 Sunken or Obstructive Vessels.

When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, moored boats or any harbor vessels, the Harbormaster may order the same immediately removed, and if the owner or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the Harbormaster may take immediate possession thereof and remove the same, using

such methods as in the Harbormaster's judgment will prevent unnecessary damage to such vessel or watercraft or obstruction. The expense and or damages incurred by the Harbormaster in such removal shall be paid by the owner or other person in charge of such vessel or watercraft or obstruction; and in case of failure to pay the same, the Borough shall impose an action for the recovery thereof.

16.24.40 Floating Objects.

All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in the municipal waters of the Borough shall be taken in charge by the Harbormaster or the US Coast Guard and shall be subject to reclamation by the owner thereof on payment by the Harbormaster and may be subject to reclamation by the owner thereof on payment by the owner to the Borough of any expenses incurred by the Borough, and in case of failure to reclaim, shall be sold or disposed of as abandoned property.

16.24.050 Services of Harbormaster – Fees.

The Harbormaster is hereby granted the power and authority to, but without any obligation or duty to do so, and without any obligation or liability on the Harbormaster's part or that of the borough for failure to do so, replace defective mooring lines, pump vessels which are in dangerous condition for lack thereof, and to move any vessel for the purpose of protecting the vessel from fire or other hazard, or for the protection of other vessels therefrom. Whenever the Harbormaster shall perform any of the acts hereinbefore authorized, after having given notice to the vessel owner or operator at the registered address of the immediate need therefore, or having attempted to give such notice, the vessel and owner or operator thereof is hereby required to pay to the borough the actual personnel cost to the borough for such services plus any applicable fees stated in the most current assembly approved harbor fee schedule. Any call-out for the emergency provision of these services by the Harbormaster outside of regular working hours shall be billed at the Harbormaster's overtime hourly rate – minimum of two hours – in addition to the other charges.

16.24.60 Unpaid License Fees – Lien.

The Borough shall have a lien for any unpaid mooring license fees, and a lien for any unpaid fees for services provided by the Harbormaster; and should any of such license fees and fees be unpaid or unsecured for 90 consecutive days after due, any boat, vessel or other floating structure upon which such license fees have accrued shall be impounded and sold by the Harbormaster for the unpaid charges and fees under the provisions of HBC 16.24.070.

16.24.70 Impounded Vessels – Disposition Procedure.

- A. Impoundment of Boats or Vessels for Violations: The Harbormaster is hereby authorized to impound any vessel in the Port and Harbor Facilities whose owner, operator, master, or managing agent is not aboard and which is not properly identified by name and number; or any boat or vessel in the Port and Harbor Facilities which is in violation of any of the parking, mooring, or traffic regulations of the Port and Harbor Facilities; or any vessel in the Port and Harbor Facilities whose owner, operator, master or managing agent has not paid the slip license fee or any other fee or charge due the borough for the boat or vessel by the due date of such license fee, fee or charge; or any vessel which has become a nuisance and whose owner, operator, master or managing agent has failed to remove it. The Harbormaster may, pursuant to this section, impound a vessel by immobilizing it or removing it or having it removed from the water and placed in borough or commercial storage with all expenses and risks of haul-out and storage to be borne by the owner of such vessel.
- B. Storage Charge: The owner, master, operator or managing agent of any impounded vessel shall be subject to and liable for a storage charge, and shall be subject to and liable for all costs incurred by the Borough by reason of the impounding or removal.
- C. Notice to Owner: At least 10 days prior to impounding any vessel, the borough shall cause to be posted on the vessel, in the Harbormaster's office, the borough clerk's office and on the bulletin board at the entrance of the United States Post Office, notice of such action to be taken by the borough. A copy of the notice shall be mailed to the owner's, master's or registered agent's last know address, which address shall be the same as that furnished in accordance with the provisions of HBC 16.20.010. The notice shall contain the name and number of the vessel, the name and address, if known, of the owner, master, operator or managing agent and the location of the vessel.
- D. As to any vessel proposed for impoundment pursuant to this chapter by or at the request of the borough, its agents or employees, a person in lawful possession of the vessel has the right to a pre-impoundment administrative hearing to determine whether there is probable cause to impound the vessel if such person files a written demand, on forms so provided for such a hearing with the borough within 10 days after such person has learned such vessel will be impounded or within 10 days after such person has learned such vessel will be impounded or within 10 days after the mailing of such notice required by subsection (C) of this section, whichever occurs first.
- E. A hearing shall be conducted before a hearing officer, or officers, designated by the manager within five business days of receipt of a written demand, unless such person waives the right to a speedy hearing. Calculation of the five days shall commence with the first business day following receipt of the

written demand and exclude Saturdays, Sundays and borough holidays. The hearing officer(s) shall be someone other than the person who will direct the impounding and storage of the vessel. The sole issue before the hearing officer(s) shall be whether there is probable cause to impound the vessel in question. "Probable Cause to Impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was a breach of local, state or federal law rendering the vessel subject to impoundment. The hearing officer(s) shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vessel. The Harbormaster shall carry the burden of establishing that there is probable cause to impound the vessel in question. At the conclusion of the hearing the hearing officer(s) shall prepare a written decision. A copy of such decision and the reasons therefore shall be provided to the person demanding the hearing and the owner of the vessel if such owner is not the person requesting the hearing. The hearing officer(s)' decision in no way affects any criminal proceedings in connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer(s) is final. Failure of the owner, operator, master or managing agent to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right to such hearing.

- F. The hearing officer(s) shall only determine that, as to the vessel in question, either there is probable cause to impound the vessel or there is no such probable cause. In the event that the hearing officer(s) determine(s) that there is no probable cause, the hearing officer(s) shall prepare and date a Certificate of No Probable Cause, copies of which shall be given to the owner, operator, master or managing agent and to the Harbormaster. In the event that the hearing officer(s) determine(s) that there is probable cause, the hearing officer(s) shall prepare and date a Certificate of Probable Cause, copies of which shall be given to the owner, operator, master or managing agent and the Harbormaster. Upon receipt of such certificate of probable cause, the Harbormaster may proceed with impoundment and disposition of the vessel by removal, sale or destruction as authorized by this chapter.
- G. Notice of Sale. Any vessel impounded shall be held by the Borough for a period of not less than 30 days during which the borough shall publish in a newspaper of general circulation in the Borough a notice describing the vessel in general terms, the name and number, if any, the name and address of the owner, master, operator or managing agent, if known, or if not known shall so state, the location of the vessel and the intention of the Borough to sell the same at public auction, on a day and at a place and time certain, not less than 10 days prior to the sale for cash to the highest and best bidder. At any time prior to the date of the auction, the owner, master, operator or managing agent may redeem the vessel by a cash payment of all borough charges against the

vessel; however, if sold as a derelict vessel, other conditions specified by the Harbormaster or hearing officer(s) shall also be met.

- H. Sale. The minimum acceptable bid shall be a sum equal to the Borough's charges against the vessel. The proceeds of the sale shall be first applied to the costs of sale, then to moorage and service fees accrued, and the balance, if any, shall be held in trust by the Borough for the owner of the vessel to claim; and if not claimed within one year, the balance shall be deposited into the appropriate Port or Harbor Fund. Upon the sale being made, the Borough shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer.
- I. Other Disposition. If at the public sale there are no bidders for the vessel, the borough may destroy, sell at private sale or otherwise dispose of the vessel. The disposition is to be made without liability to the owner, master or lien holder of the vessel.

Chapter 16.24.080 Disposition of Abandoned Property.

- A. Port and Harbor Departments to receive unclaimed property:
When lost, stolen, abandoned or otherwise unclaimed property or money, except vehicles covered under the traffic code, comes into the possession of the Port and Harbor Departments the departments shall hold and store such property in a safe place or with some responsible person until it is claimed and all just and reasonable charges for saving and storage thereof have been paid. The Harbormaster shall establish rules and regulations for the storage of such unclaimed property and shall establish fees and charges for saving and storage of the same, subject to approval by the Manager and in cooperation with the Chief Financial Officer.
- B. Dangerous or perishable property – Immediate disposal:
Property in possession of the Port and Harbor Departments determined by the Harbormaster to be perishable or constitute an immediate danger to the public may be disposed of immediately by the Harbormaster in any manner without notice.
- C. Abandoned vehicles: As outlined in AS 28.11.030, a vehicle left unattended and without permission from Port or Harbor staff on Borough property, and more than 10 feet from any road, shall be considered abandoned and shall be removed by Borough employees or a private contractor. A written report of the removal shall be made by the Peace Officer (Harbormaster) or employee who removes, or has removed a vehicle, under this section, and the report shall be sent immediately to the department and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, the date, time and place of the removal, the grounds for removal and the place of impoundment of the vehicle. The vehicle may be placed in

impound and fees for removal and storage assessed to the owner of record. Within 30 days of removal a written notice must be sent to the owner of record stating the reason for removal, place of impound and fees due. As outlined in AS 28.11.070, a vehicle that has had the notification requirements satisfied may be auctioned or scrapped. A vehicle abandoned within 10 feet of a highway or vehicular way for more than 48 hours may be removed following the same procedure and reporting requirements.

Chapter 16.28

Hazardous Conditions, Prohibited Acts and Enforcement

Sections:

- 16.28.05 Hazardous Conditions.
- 16.28.10 Prohibited Acts.
- 16.28.010 Each Day a Separate Offense
- 16.28.030 Penalties for Violation
- 16.28.040 Citation.
- 16.28.050 Mail-in Fine Procedure.
- 16.28.060 Promise to Appear.

16.28.05 Hazardous Conditions.

It shall be unlawful for any vessel owner or person in charge of any vessel to allow a hazardous condition endangering life or property to continue on with regard to the vessel. Determination of a hazardous condition shall be at the direction of the Harbormaster and shall consider any local, state or federal regulations. Any of the following constitutes a hazardous condition, though this list is not considered all inclusive:

- A. Allowing a vessel to remain in a sunken condition more than five days whether on a navigable channel or not.
- B. Allowing a vessel to remain in a sunken condition more than the time required to buoy and mark it as a warning to others to whom it might be a navigational danger.
- C. Maintaining or allowing a condition on or in any vessel to continue more than five days after it has been declared a hazardous condition following inspection and report by the Harbormaster, the chief of police, the fire chief or designated agent, or the director of public works. One copy of such report shall be filed with the borough clerk and one copy given to the person involved.
- D. No wood fires are allowed in the Port and Harbor Facilities - unless they are contained within a USCG Approved Marine wood burning stove.
- E. Electrical systems on any vessel shall be designed and constructed for marine usage and shall be maintained so as to avoid hazards from electrical shock, fire or galvanic corrosion. Only marine-type battery chargers shall be used. Vessels discharging stray electrical current into the water may be

disconnected from the shore power hook-up until the condition is remedied. Owner shall be liable for any damages incurred by stray currents originating from their vessels. Vessel owners wishing to hook up to electrical service must read and sign a copy of the electrical system rules before permission will be granted for new service.

16.28.010 Prohibited Acts.

It shall be unlawful for any vessel owner, master or manager or other person in charge of the operation of a vessel using the Haines Port and Harbor Facilities to commit any of the prohibited acts:

- A. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the Haines boat harbor or port facilities, in excess of three miles per hour. All vessel operators are legally liable for any damages from their wake.
- B. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the Haines boat harbor or port facilities, in a negligent manner in willful and wanton disregard for the safety of persons or property.
- C. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the Haines boat harbor or port facilities, in a negligent manner likely to endanger the safety of person or property.
- D. To throw or otherwise cause to be deposited gasoline, oil, trash, garbage or refuse on any float or into the water of the Haines boat harbor or port facilities. It is prohibited to leave snow removed from vessels on any dock, float, or finger. During winter months, licensees in occupied slips are responsible for removal of snow on adjacent fingers.
- E. To fail to register with the Harbormaster, as provided in HBC 16.20.010 within 30 days after the effective date of the ordinance codified in this title, any boat or vessel on which license fee is not being currently paid as provided in HBC 16.20.010 and which is occupying the Haines boat harbor or port facilities.
- F. To leave any vessel or floating structure moored at any of the Haines boat harbor or port facilities unattended while an open fire is burning thereon. Any such fire shall be deemed unattended unless the owner or operator is within 100 feet of the same. No wood fires are allowed, except in USCG Approved Marine wood burning stoves. No fires are allowed on floats or docks.
- G. To create and maintain any nuisance within the Haines boat harbor or port facilities, or to conduct or carry on any unlawful business or occupation therein; and all the titles of the borough defining offenses and prescribing penalties for the violation thereof are hereby expressly extended to the Haines Boat Harbor or Port Facilities.

- H. To live aboard a vessel moored in the harbor at any time from October 15th to April 1st, except on a transient moorage basis for periods of two weeks or less. Commercial vessels actively engaged in related trade are exempt with the Harbormaster's approval.
- I. For any person or owner in charge of any dog or animal to allow or permit such dog or animal to run at large within the Haines boat harbor or port facilities or to become a nuisance therein. Animals are prohibited on live-aboard vessels, except by the discretion of the Harbormaster.
- J. To deposit, place or leave any cargo, merchandise, supplies, freight, articles or thing, including fecal matter deposited on docks, upon any float, ramp, walk or other public place in the Haines Borough Ports and Harbor Facilities, except while loading to or from a boat or vehicle. Dog owners may be subject to a fine set out in the most current assembly approved schedule of fees and charges for failure to clean up after their animals.
- K. To tap, disconnect, interfere with or tamper with any water outlet, water pipe, water connection, or any electrical wiring, electrical outlet, or electrical device of any kind installed or maintained in the Haines boat harbor or port facilities by the borough without first having obtained the permission of the Harbormaster; or to interfere with the any wharf, gangplank, ramp or any other facility of the Haines boat harbor or port facilities.
- L. To write or post any written or printed matter or sign upon any bulletin board constructed or maintained by the borough without first having obtained the permission of the Harbormaster. To erect, place, post or maintain any advertising matter, sign or other printed matter other than legal notices on any part of Port and Harbor facilities without approval thereof first being obtained from the Harbormaster. All unauthorized advertising and signs shall be removed.
- M. To disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the Harbormaster or by the direction of the Borough Assembly relating to the use of mooring areas or other uses of the Haines Port and Harbor Facilities.

16.28.020 Each Day a Separate Offense.

Each day that a violation of any of the provisions of this title continues constitutes a separate offense.

16.28.030 Penalties for Violations.

Any person violating any of the provisions of this title will be fined according to the fees set out in the most current assembly approved fee schedule.

- A. For the first offense \$X
- B. For the second offense \$X x 2
- C. For the third offense \$X x 3

- D. For the fourth offense the person may be denied the privilege of using the Facilities of the Port and Harbors.

16.28.040 Citation.

Any person who commits a violation of this title shall receive a citation unless otherwise required by law or by the circumstance.

16.28.050 Mail-in Procedure.

If the violation for which a citation is issued is one for which only a fine may be imposed, the person to whom it is issued may plead no contest or guilty to the offense without a court appearance by signing in the appropriate space on the citation and paying the specified fine. Acceptance of payment of the prescribed fine is complete satisfaction for the violation and the offender shall be given a receipt that states so, if requested.

16.28.060 Promise to Appear.

The citation shall contain a place for the accused to sign acknowledging receipt Of the citation and promising to appear in court at a time specified on the citation.

- A. If the accused person refuses to accept the citation or refuses to sign acknowledgement of receipt and promise to appear, the amount of any fine shall be included in the accused person's moorage fees owing. If the penalty is loss of Port and Harbor privileges the accused shall lose privileges from the date the accused is to appear in court.
- B. If the accused accepts the notice but fails to pay the fine or appear in court as required, the amount of any fine shall be included in the person's moorage fees owing. If the penalty is loss of Port and Harbor privileges, the accused shall lose Port and Harbor privileges from the date the accused is to appear in court.

16.32 Letnikof Cove Mooring.

16.32.40 Special Joint Use Permit Available to Harbor Tenants.

- A. Any vessel for which annual moorage fees for the boat harbor are paid current and who have paid an additional annual joint-use permit fee as is set out in the most current assembly approved fee schedule and received a decal shall be entitled to moor such craft at the Letnikof Cove facility at no additional fee provided the decal is displayed clearly on the craft.
- B. The owner or master or managing agent of any vessel for which

Moorage Fees in the Haines Boat Harbor are not paid current, or any vessel without a boat in a harbor slip, shall, within three hours of mooring at the Letnikof Cove Facility, register and pay the required use permit fees according to the most current assembly approved fee schedule at the pay station provided at the facility pier and launch ramp or directly to harbor staff.

It shall be unlawful for any person to moor, berth, tie, attach or connect to any part of the Letnikof Cove Facility any boat or other waterborne structure without paying the fees or charges prescribed in this title; provided, however, no fees shall be required to temporarily moor.

16.32.045 Parking.

Long term parking of vehicles, boats or trailers is prohibited outside of the designated long term parking areas at the Letnikof Cove Facility. “Long Term” is defined as 24 or more continuous hours. Areas shall be posted or otherwise marked by an appropriate sign or by combinations of placed and painted signs indicating prohibited and authorized parking areas. Enforcement of this section shall be in the same manner as set forth in HBC 16.28.



Resolution of Support

HAINES ALCOHOL TASK FORCE

WHEREAS the mission of the Haines Borough School District is to, "*graduate life-long learners with the confidence, skills, and knowledge to realize their aspirations and contribute to a changing world.*"

WHEREAS our entire community depends on, and has a stake in, the ability of our youth to fully live up to that mission as it is they who will be the ones responsible for the future health and welfare of our community and the world.

WHEREAS, far too many young people are currently misusing and abusing alcohol, putting themselves and others at risk, and diminishing the full development of their abilities and potential;

WHEREAS, the community of Haines has convened an Alcohol Task Force, to oppose alcohol abuse and misuse, that includes school district and government officials, behavioral health providers, parents, law enforcement, tribal members, and youth;

WHEREAS, the Haines Borough School Board believes the community-led Alcohol Task Force will endeavor to establish and maintain a culture that does not tolerate alcohol abuse or violation of alcohol laws in our community and will work to create an environment of personal responsibility, respect for the safety and well-being of others, and a healthy society;

NOW, THEREFORE, BE IT RESOLVED: The Haines Borough School Board supports the important work of the Alcohol Task Force.

PASSED AND APPROVED this 13th day of December 2011.

HAINES BOROUGH SCHOOL BOARD

Carol Kelly, President

Brian Clay
Sean Cone
Nelle Jurgeleit-Greene

Brenda Jones
Anne Marie Palmieri
Sarah Swinton

Royal Henderson, Student Representative
Michael Byer, Superintendent

FYI

LISA MURKOWSKI
ALASKA

COMMITTEES:
ENERGY AND NATURAL RESOURCES
RANKING MEMBER
APPROPRIATIONS
HEALTH, EDUCATION, LABOR,
AND PENSIONS
INDIAN AFFAIRS

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November 18, 2011

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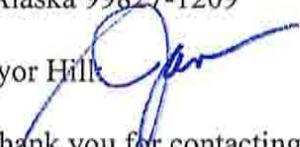
805 FRONTAGE ROAD, SUITE 105
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(907) 283-5808

4079 TONGASS AVENUE, SUITE 204
KETCHIKAN, AK 99901-5526
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307
WASILLA, AK 99654-7142
(907) 376-7665

The Honorable Janice Hill
Mayor
Haines Borough Alaska
Post Office Box 1209
Haines, Alaska 99827-1209

Dear Mayor Hill:



Thank you for contacting me about the Haines Borough's application for a National Scenic Byway Grant to acquire the Picture Point Scenic Wayside. It is a pleasure to hear from you.

I was very happy to hear that the Haines Borough's application was one of 123 successful projects to receive funding under the National Scenic Byways Program for fiscal year 2011. I would like to congratulate you and the Haines Highway National Scenic Byway.

Please do not hesitate to contact my office in the future, and I look forward to seeing the progress of "Picture Point" in person.

Sincerely,



Lisa Murkowski
United States Senator

RECEIVED Haines Borough

DEC 15 2011

Clerk's Office