


Haines Borough
Borough Assembly Meeting #231
AGENDA

September 11, 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

Michelle Webb,
Deputy Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. APPROVAL OF AGENDA & CONSENT AGENDA

[Consent Agenda items will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the item will be removed from the Consent Agenda and placed under the appropriate regular agenda item for assembly consideration.]

4. CONSENT AGENDA

A. Approval of Minutes

- 1. August 28, 2012 Regular Meeting**

B. Staff/Facility Reports

- 1. Sheldon Museum** - Staff Report of July 2012
- 2. Public Library** - Staff Report of July 2012

C. Committee/Commission/Board Reports & Minutes

- 1. Tourism Advisory Board** – *Minutes of July 19, 2012 Meeting, and Board action items & comments on 1) EPA ECA rules, 2) leasing the Klukwan Dock, 3) shuttle buses for special events, and 4) music at the PC Dock when cruise ships are in port*
- 2. Museum Board of Trustees** – *Minutes of July 12, 2012 Meeting*
- 3. Library Board of Trustees** – *Minutes of July 25, 2012 Meeting*

D. Ordinances for Introduction

1. Ordinance 12-09-303

An ordinance of the Haines Borough amending Haines Borough Code Title 18, Sections 18.80.030 and 18.90.050 to clarify the allowance of incidental items within setbacks.

This is recommended by Planning Commission. Introduction was delayed because of the related off-premises signs ordinance that was pending. Motion: Introduce Ordinance 12-09-303 and set a first public hearing for September 25, 2012.

E. Resolutions

1. Resolution 12-09-399

A Resolution of the Haines Borough Assembly appointing election officials for the Regular Election to be held October 2, 2012, and establishing the wages.

This resolution complies with HBC 2.68.330. Motion: Adopt Resolution 12-09-399.

2. Resolution 12-09-400

A Resolution of the Haines Borough Assembly supporting a design and construction grant through the Alaska Energy Authority for installing wood pellet boilers in borough facilities.

This is recommended by the borough manager. Motion: Adopt Resolution 12-09-400.

3. Resolution 12-09-401

A Resolution of the Haines Borough Assembly authorizing the borough manager to enter into a grant agreement and notice to proceed with the Alaska Department of Transportation and Public Facilities for the Picture Point Land Acquisition project funded through the National Scenic Byways Grant Program.

This is recommended by the borough manager. Motion: Adopt Resolution 12-09-401.

4. CONSENT AGENDA ---continued---

F. Other Business

1. Mayoral Board Appointments

Appointment requests have been received for various board vacancies. The appropriate boards have reviewed them. The mayor intends to follow the board recommendations and seeks assembly confirmation. Motion: Confirm the mayor's appointments of Barbara Mulford to the Tourism Advisory Board, Meredith Pochardt to the Parks & Recreation Advisory Committee, Richard Buck to the Fire Service Area #1 Board, Robert Venables to the Port Development Steering Committee (planning commission rep), and Patty Campbell to the Facilities Master Plan Steering Committee (chamber of commerce rep).

2. Assign Richard Boyce's Small Boat Harbor Slip

HBC 16.16.020 states that harbor "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 vessel 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." Karen Boyce has made written request to assume the slip previously assigned to her deceased father. The borough manager and the port and harbor advisory committee recommend assembly approval. Motion: Permit Karen Boyce to bypass the waiting list and assume the harbor slip previously assigned to her father, the late Richard Boyce.

3. Letter of Support for Skagway – West Creek Hydro

Skagway has asked the Haines Borough for a letter of support for their application to the Alaska Energy Authority (AEA) for a Renewable Energy Fund grant to conduct a West Creek hydroelectric feasibility study. A draft letter has been prepared for the mayor's signature with assembly approval. Motion: Approve the draft letter of support for the Municipality of Skagway's AEA Renewable Energy Fund grant application for a West Creek Hydroelectric Feasibility Study.

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

6. MAYOR'S COMMENTS/REPORT

A. Streamlining Community Service Grants – Special Informational Presentation

The assembly showed some interest in exploring the idea of collaborating with the Chilkat Valley Community Foundation (CVCF) to streamline community service grants from the General Fund. The CVCF will give a presentation on its program, what it does and how it might assist the borough with community service funding. Following the presentation, the assembly may choose to assign the topic to one of the standing committees, such as Finance or Government Affairs & Services.

7. PUBLIC HEARINGS

A. Ordinance 12-08-301 – Second Hearing

An Ordinance of the Haines Borough Assembly adopting a major update of the Haines Borough Comprehensive Plan pursuant to Haines Borough Charter and Alaska Statute requirements.

This is recommended by the planning commission and was introduced on 8/14 and had a first public hearing on 8/28. The draft plan is available on the borough's website or it may be requested from the borough clerk's office. Suggested motion: Adopt Ordinance 12-08-301.

B. Ordinance 12-07-297 – Second Hearing

An Ordinance of the Haines Borough adopting a new water-sewer rate schedule to set rates, fees and charges for water and sewer services.

On 7/10, an ordinance to increase the water-sewer rates was recommended by the manager and CFO and was referred to the Government Affairs & Services Committee; it was not introduced. That committee met on 7/17 and again on 8/2, and the result is an amended version of the original draft that was introduced on 8/14. The first hearing took place on 8/28. The CFO has provided text to clarify the residential vs. commercial bulk water sales. Suggested motion: Adopt Ordinance 12-07-297.

C. Ordinance 12-08-302 – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.

This ordinance is recommended by the manager and was introduced on 8/28. A substitute ordinance has been prepared to address the absence of an appeal procedure in the current draft. Suggested motion: Advance Ordinance 12-08-302 to a second public hearing on 9/25/12.

8. STAFF/FACILITY REPORTS

- A. **Borough Manager** – 9/11 Report
- B. **Finance Director** – FY12 General Fund Financial Report

Note: Staff recommends referral of this report to the Finance Committee for examination with the guidance of the Finance Director Jila Stuart.

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

10. UNFINISHED BUSINESS

A. Ordinance 12-07-296

An Ordinance of the Haines Borough repealing Ordinance 08-09-189 and amending Borough Code Title 2 to add Section 2.06.035 to establish a Local Financial Disclosure Requirement and Process and add applicable definitions to Title 2 Section 2.990.010.

This was introduced on 7/10 and public hearings were held on 7/24, 8/14, and 8/28. It was postponed to provide the assembly time to consider further amendments at a committee of the whole meeting to be held prior to this assembly meeting. Motions Currently on the Table:

Main Motion: LAPP moved to “adopt Ordinance 12-07-296,” and it was amended to strike “retirement accounts” from 2.06.035(A).

Primary Amendment #2: SCHNABEL moved to amend the ordinance draft by replacing the *Source of income* definition text in HBC 2.990.010 with the following text, and the motion was seconded:

“Source of income” means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them hold a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them hold a controlling interest.

11. NEW BUSINESS

A. Resolutions

1. Resolution 12-09-402

A Resolution of the Haines Borough Assembly authorizing acceptance of a late-filed 2012 Senior Citizen/Disabled Veteran Property Tax Exemption Application from Carl Lehman for property account C-207-TL-0110.

HBC 3.70.030(A)(6)(e) - If an otherwise qualified claimant is unable to comply with the March 1st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

*The borough received a 2012 Senior Citizen Prop Tax Exemption Application from Carl Lehman for Acct. C-207-TL-0110 after the 3/1/12 deadline, and he has explained the reason for the late filing was that he didn't receive notification of PFD approval until 7/16/12 and he didn't want to falsely claim PFD eligibility on the application form. It is the assistant assessor's opinion that this may be considered an extraordinary event beyond the applicant's control, and he recommends accepting it with assembly approval. **Motion:** Adopt Resolution 12-09-402.*

B. Ordinances for Introduction

11. NEW BUSINESS ---continued---

C. Other New Business

1. **Final Recommendations from Administration for 2013 Heliskiing Season**

*The manager recommends a combination of policy and code changes for the 2013 heliskiing season. If the assembly approves the recommendations, those that involve code amendments will come to the assembly in ordinance form for introduction at the 9/25/12 meeting. **Suggested motion:** Adopt the Administration's Recommendations for the 2013 Heliskiing Season.*

2. **Manager's Travel Approval**

*In conformance with his contract and to keep the assembly informed, the manager has prepared a list of his planned borough business travel for the remainder of FY13. He seeks approval for any travel the assembly believes to be outside of that already authorized through the FY13 budget. **Suggested motion:** Approve the manager's planned business travel for the remainder of FY13.*

3. **FY13 Federal Lobbying Services Agreement**

*During the FY13 budget work sessions and the 7/24 committee of the whole meeting with Brad Gilman via teleconference, the assembly discussed the topic of federal lobbying services. A draft agreement has been developed between the borough and the firm Robertson, Monagle & Eastaugh with whom Mr. Gilman is associated. **Suggested motion:** Authorize the FY13 agreement for federal lobbying services between the Haines Borough and Robertson, Monagle & Eastaugh, effective July 1, 2012.*

4. **Late-filed 2012 Senior Citizen Property Tax Exemption Application – K. Bryant**

HBC 3.70.030(A)(6)(e) - If an otherwise qualified claimant is unable to comply with the March 1st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

*The borough received a 2012 Senior Citizen Prop Tax Exemption Application from Karen Bryant for property account 4-RBA-02-1900 after the 3/1/12 deadline. In spite of several requests from the assistant assessor, the applicant has not provided any explanation or justification for the late filing. Therefore, in the absence of information demonstrating one of the two allowable reasons---either a serious medical condition or an extraordinary event beyond the applicant's control, **the assistant assessor cannot recommend acceptance of this late application.** For this reason, a resolution was not provided. If evidence of allowable cause does come forward, a resolution could be presented at the next meeting for assembly consideration.*

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #230
August 28, 2012
MINUTES

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Deputy Mayor **LAPP** 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**, Norman **SMITH**, Steve **VICK**, Debra **SCHNABEL**, and Daymond **HOFFMAN**.

Staff Present: Julie **COZZI**/Borough Clerk, Jerrie **CLARKE**/Museum Director, Jila **STUART**/Chief Fiscal Officer, Gary **LOWE**/Chief of Police, Phil **BENNER**/Harbormaster, Darsie **CULBECK**/Executive Assistant to the Manager.

Visitors Present: Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill and Libby **KURZ**, Mike **DENKER**, Jack **WENNER**, Doris **WARD**, David **KAMMERER**, Kristy **LEGASSIE**, Jerry and Diana **PYLE**, Doris **PECK**, and others.

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 amended to remove Items 11C4 and 11C6 because they both pertain to the manager who is absent due to illness. The motion carried unanimously.

* 4. **APPROVAL OF MINUTES** - Regular: 8/14 Special: 7/31 BOE: 4/30

5. **PUBLIC COMMENTS**

KAMMERER read a written statement expressing concerns he has about the police department. He plans to pursue a remedy through the appropriate state agency. He would like a full investigation and as a last resort will join in a class-action suit.

DENKER, representing the Haines Golf Association, announced that Haines and Skagway competed in the first annual mayor's cup golf tournament recently in Haines, and the Haines team won. He presented the cup to the mayor. Mayor **SCOTT** said eight people came over from Skagway and two Haines people played for their team to even it out. It was a lot of fun. **DENKER** said the Valley of the Eagles Golf course hosted the event. He thanked them and the businesses that sponsored it.

6. **MAYOR'S COMMENTS/REPORT** –

The mayor summarized the written report provided as part of the meeting packet.

For this meeting, **SCOTT** wore a kuspuk she purchased while in Bethel attending the mid-summer AML meetings. Buying it was not an easy thing to do. She was informed that you have to wait until a kuspuk calls your name. She ended up finding the perfect one for her at Lucy's Cache, a shop owned by a Yupik elder.

Cathy Keller, accounts payable/payroll clerk, was honored as employee of the month. Mayor **SCOTT** read a statement written by her supervisor Jila Stuart, Finance Director. She is a dedicated, efficient, and capable employee.

7. **PUBLIC HEARINGS**

A. **Ordinance 12-07-296** – Third Hearing

An Ordinance of the Haines Borough repealing Ordinance 08-09-189 and amending Borough Code Title 2 to add Section 2.06.035 to establish a Local Financial Disclosure Requirement and Process and add applicable definitions to Title 2 Section 2.990.010.

Mayor **SCOTT** opened and closed the public hearing at 6:46pm; there were no public comments.

Motion: **LAPP** moved to "adopt Ordinance 12-07-296," and it was seconded.

Primary Amendment #1: **SCHNABEL** moved to amend by striking 'interests in trusts and retirement accounts' from section 2.06.035(A), and it was seconded. She said it is hard for her to understand how an assembly member's retirement account would influence their vote on an issue. **SMITH** disagreed with picking the ordinance apart at the eleventh hour. **SCOTT** said issues arise and people think deeply about things. She reminded that she had proposed an amendment that would just use the borough's existing

Code of Ethics. **WATERMAN** questioned striking the *'interests in trusts'* portion saying there could be some local ones that might cause a conflict. Trusts are not in the same league as a retirement account.

Secondary Amendment: **VICK** moved to "amend the primary amendment motion to reinstate *'interests in trusts'* to that clause," and the motion carried unanimously.

The Primary Amendment #1 motion, as amended, carried unanimously.

SCHNABEL said her main issue is with the proposed definition of *'source of income.'* As she understands it, it currently requires that if a person is self-employed in a corporation, they must identify the clients or customers who pay into the corporation. The City of Kodiak definition appeals to her because it requires the opposite---a corporation would not have to report clients.

Primary Amendment #2: **SCHNABEL** moved to amend the ordinance draft by replacing the "Source of income" definition text in HBC 2.990.010 with the following text, and the motion was seconded:

"Source of income" means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them hold a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them hold a controlling interest.

SCOTT suggested a recess might be in order to make copies of the proposed definition and provide an opportunity for review, or it might be postponed until the next meeting.

Motion: **VICK** moved to "postpone the matter until the 9/11/12 meeting," and the motion carried 5-1 with **SMITH** opposed.

B. Ordinance 12-07-298 – Second Hearing

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 2, Sections 2.10.030, 2.10.200, and 2.12.110 to clarify the borough assembly consent agenda and to provide the option of including resolutions.

Mayor **SCOTT** opened and closed the public hearing at 7:07pm; there were no public comments.

Motion: **VICK** moved to "adopt Ordinance 12-07-298," and the motion carried 5-1 in a roll call vote with **LAPP** opposed.

During discussion, **LAPP** expressed concern that allowing audience members to ask for removal of consent agenda items might set the assembly up for longer meetings. **SCHNABEL** moved to amend it by striking the words *'and other interested persons'*. **VICK** spoke against the amendment. Members of the public should have an option to comment on resolutions that are on the consent agenda. **LAPP** said during the public comments portion of the agenda, they can speak to an item even if it's on the consent agenda. He wondered if removal could be with assembly approval. **WATERMAN** noted that the public may request removal but the assembly has the final say in approving the agenda. **SCHNABEL** said she doesn't like the idea of the mayor asking if there are any assembly members or other interested persons who wish to remove a consent agenda item. **WATERMAN** said if removal of an item is requested by an audience member, an assembly member would need to support it by moving to have it taken from the consent agenda. The amendment motion failed 2-4 with **SMITH**, **VICK**, **WATERMAN**, and **HOFFMAN** opposed.

C. Ordinance 12-07-299

An Ordinance of the Haines Borough Assembly approving the sale to the State of Alaska, Department of Transportation and Public Facilities ("ADOT&PF") of Parcel 3, Parcel E-4 and Parcel TCE-4 as described and identified by ADOT&PF for the Haines Ferry Terminal Improvements project (state project #68433).

Mayor **SCOTT** opened and closed the public hearing at 7:17pm; there were no public comments.

Motion: **WATERMAN** moved to "postpone Ordinance 12-07-299 until the negotiations with ADOT are concluded," and the motion carried unanimously. There was no discussion.

D. Ordinance 12-07-300 – Second Hearing

An Ordinance of the Haines Borough, Providing for the Addition or Amendment of Specific Line Items to the FY13 Budget.

Mayor **SCOTT** opened the public hearing at 7:21pm.

PECK and **WENNER** expressed support for the senior meal program.

Hearing no further comments, the mayor closed the public hearing at 7:23pm.

Motion: **LAPP** moved to "adopt Ordinance 12-07-300," and the motion carried unanimously in a roll call vote. There was no discussion.

E. Ordinance 12-08-301 – First Hearing

An Ordinance of the Haines Borough Assembly adopting a major update of the Haines Borough Comprehensive Plan pursuant to Haines Borough Charter and Alaska Statute requirements.

Mayor **SCOTT** opened the public hearing at 7:24pm.

WENNER would like the assembly to consider including a concise definition of what Haines wants for a Westside road. His written comments were part of the meeting packet.

Hearing no further comments, the mayor closed the public hearing at 7:25pm.

Motion: **VICK** moved to "advance Ordinance 12-08-301 to a second public hearing on 9/11/12," and the motion carried unanimously. There was no discussion.

F. Ordinance 12-07-297 – First Hearing

An Ordinance of the Haines Borough adopting a new water-sewer rate schedule to set rates, fees and charges for water and sewer services.

Mayor **SCOTT** opened and closed the public hearing at 7:27pm; there were no public comments.

Motion: **LAPP** moved to "advance Ordinance 12-07-297 to a second public hearing on 9/11/12," and the motion carried unanimously.

During discussion, **SCHNABEL** asked how many seasonal bulk water permits are issued and what volume of water is involved. **STUART** said it varies from year to year. Approximately half a dozen families per year have tanks they fill up at the water treatment plant---usually 250-gallon tanks filled two or three times. The charges were not explicit in the fee schedule until now. **SMITH** asked if it includes cruise ship water sales. He believes there should be separate categories for bulk private residential and bulk commercial, and **STUART** agreed it should be distinguished more clearly. She suggested that staff could bring a proposed amendment to the next meeting. **SMITH** asked how many thousands of gallons of water the borough sells to the cruise ships, and **BENNER** responded it is about 180K gallons per visit.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 8/28 Report

HOFFMAN asked for an update on the Chilkat Center roof project, and **COZZI** said she expects to issue the Notice to Proceed to the contractor in the next few days. **VICK** asked about boilers, and **CULBECK** said the old boilers have been removed and new ones have been ordered.

*** B. Library – July 2012 report and board minutes**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Committees

- 1. Committee of the Whole – SCOTT** noted the assembly received via email her written notes from the Heliskiing Committee of the Whole meeting held on 8/21.
- 2. Commerce Committee**
- 3. Finance & Budget**
- 4. Personnel & Labor Relations**
- 5. Government Affairs & Services**

VICK said the committee has a meeting scheduled on 9/4 to discuss off-premises signs. He has been informed there is a 660-ft buffer where signs cannot exist along state-owned roads, including Main Street. The borough cannot adopt a code that allows off-premises signs when the state law doesn't allow it. He suggested cancelling the committee meeting.

*** B. Planning Commission – Approved minutes: 7/12/12 Regular**

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

1. Resolution 12-08-398

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Whiterock LLC for the Sunshine Street and Piedad Road Water System Upgrades project for an amount not-to-exceed \$63,721.80.

There were no public comments.

Motion: LAPP moved to "adopt Resolution 12-08-398," and the motion carried unanimously in a roll call vote. There was no discussion.

B. Ordinances for Introduction

1. Ordinance 12-08-302

An Ordinance of the Haines Borough amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.

Motion: WATERMAN moved to "introduce Ordinance 12-08-302 and schedule a first public hearing for 9/11/12," and the motion carried 5-1 with SCHNABEL opposed.

During the discussion, SCHNABEL said the fact that this type of legislation has to be considered is disheartening. It's a sad day for her that this language has to come forward, and SCOTT agreed it is difficult. SMITH asked if this has been reviewed by the borough attorney, and COZZI responded the ordinance was drafted by him. WATERMAN is happy to see it. VICK supports it, but wondered if there is recourse for appeal if privileges are suspended or revoked.

Motion: VICK moved to "direct staff to prepare an amendment for the next meeting that provides an appeal procedure," and the motion carried unanimously.

C. Other New Business

1. AMHS 2013 Summer Ferry Schedule

The comment period for the draft 2013 summer ferry schedule was 8/28, but the mayor was assured the borough could still submit comments on 8/29 to give the assembly an opportunity to weigh in. The mayor drafted comments for assembly approval prior to submittal.

Motion: VICK moved to "approve the comments prepared by Mayor Scott for submittal on 8/29 regarding the draft 2013 ferry schedule," and the motion carried unanimously.

During the discussion, SCOTT explained some changes she wanted to make to her draft comments. She is concerned about the future definition of a "day boat" for the Upper Lynn Canal and she would like to include a request not to categorize the Columbia sailing as a day boat. For the future, it is important to establish that a day boat in the Upper Lynn Canal is one that completes its Haines-Skagway-Juneau circuit and returns in one day.

Motion: SCHNABEL moved to "accept the mayor's proposed changes to the comments," and it carried unanimously.

SMITH said this has become a political football, and he doesn't know what good these changes to the letter will do. SCOTT said the borough needs to go on record that there's a problem with the schedule. WATERMAN said currently on Monday, there are two south-bound sailings, and the majority of the traffic on the Columbia is headed for destinations south of Juneau, predominantly Bellingham. She does not envy the job of the ferry schedulers, especially in Southeast Alaska. They do a great job with all that goes on. They keep increasing service to more and more communities. Even after the schedules are published, they still do amazing things to accommodate the special needs. SCOTT added Captain Neussl has been very responsive.

*** 2. Planning Commission Appointment**

Planning Commission Seat B became vacant with the resignation of Roger Maynard. In response to a public notice, one appointment application was received. The commission reviewed the application at its 8/9/12 meeting and recommended appointment. The mayor sought assembly confirmation. The motion adopted by approval of the consent agenda: "confirm the mayor's appointment of Robert W. Miller to Planning Commission Seat B with a term ending November 30, 2013."

*** 3. Liquor License Renewals**

The Alaska Alcohol Beverage Control Board notified the borough of pending liquor license renewals for the American Legion, Harbor Bar & Lighthouse Restaurant Fort Seward Lodge, Outfitter Liquor Store, Haines Brewing Company, Mountain Market and Captains Choice Motel. The Board, prior to its final approval, gave the local government an opportunity to make statements, if so desired. Since these are preexisting liquor licenses, assembly action is optional. By approval of the consent agenda, the assembly had no objection.

4. Manager's Travel Approval

This item was removed during approval of the agenda and will be on the 9/11 agenda.

5. Establish Subcommittee to Work on Federal Priorities

The mayor proposed the creation of an ad hoc subcommittee to advise the assembly on federal legislative priorities and to work with the borough's Washington D.C. lobbyist Brad Gilman.

Motion: LAPP moved to "confirm the mayor's proposal for formation of an ad hoc federal priorities subcommittee," and the motion carried 4-2 with **WATERMAN** and **SCHNABEL** opposed.

During discussion, **SCHNABEL** said she would like the assembly to focus on the public facilities and capital needs. She's lukewarm about having a new committee for this. **VICK** said it's a new idea. It remains to be seen whether it would make it better or more complicated. **SCOTT** said this would be a screening tool to make sure the priorities are the most important to the community, and the recommendations would require assembly approval. **SMITH** likes the idea.

6. FY13 Federal Lobbying Services Agreement

This item was removed during approval of the agenda and will be on the 9/11 agenda.

12. CORRESPONDENCE/REQUESTS – None

13. SET MEETING DATES

- A. Commerce Committee – Wednesday, 9/5, 5:00pm – Purpose: Continue Discussion of Solid Waste.
- B. Government Affairs & Services Committee – The 9/4 meeting was cancelled
- C. Public Informational Meetings on the APOC ballot measure - 9/12, 9/19, and 9/26, 6:30-7:30pm – Haines Borough Public Library
- D. Assembly Committee of the Whole – Tuesday, 9/11, 5:30pm – Purpose: Discussion possible amendments to Ordinance 12-07-296 (local financial disclosure law).

14. PUBLIC COMMENTS

WARD thanked the assembly for supporting the senior citizens.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

WATERMAN thanked Jerrie Clarke for her dedication to the Museum and her service to the community, and **HOFFMAN** offered his appreciation, as well. **CLARKE** said she will be in her position for another four months, and she appreciates the comments.

VICK said the seal pup that was found by a woman he works with at HARK was released in Juneau and is expected to survive.

SCHNABEL said the "Talk Around Town" program is coming back to KHNS, and she will return as host. The first show is scheduled for 9/6.

SCOTT said she has been in communication with Ryan Scott of Fish & Game related to bears in the Mud Bay area, and she encouraged everyone to be careful.

LAPP said he's always been an advocate of a Westside road, and he thanked **WENNER** for bringing it up. It could open up many possibilities for the borough.

SMITH believes Haines should have a representative at the upcoming gas symposium in Valdez. The new grader arrives soon, and it comes with a simulator. He will encourage the assembly to try it out and, possibly, there could be a day to celebrate the equipment and let people sign up to "run the grader."

16. ADJOURNMENT – 8:29 p.m.

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

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

**Sheldon Museum
Monthly Staff Report
July 2012**

JULY VISITOR NUMBERS

Local Walk-in	296
Paying Walk-in	1,202
Non-paying Walk-in	97
Children local and non-local	93
With School Group	0
Special Events at Museum	215
Off-site Activity	0
In tours	11
Web Site Hits:	483

YEAR THROUGH JULY

Local Walk-in	982
Paying Walk-in	2,504
Non-paying Walk-in	221
Children local and non-local	197
With School Group	139
Special Events at Museum	1,269
Off-site Activity	126
In tours	127
Web Site Hits:	3,508

JULY VOLUNTEERS

Number:	38		
Total Hours:	438.5	Hours Year Total	1,499.28

USE OF MUSEUM

- Haines Home School – exhibit in Lower Gallery all month
- Lael Morgan, historian and author presentation on her books, *Good Time Girls of Alaska-Yukon Gold Rush* and *Eskimo Star: From Tundra to Tinseltown: the Ray Mala Story*, July 2.
- Dan Henry presentation on Eagle Preserve 30th Anniversary, July 17.

UPCOMING EVENTS/PROJECTS

- Tresham Gregg Six-Week Spotlight solo exhibition opening, August 31st, 5:00 to 7:00. Exhibit will be up through Oct. 13th.
- Nature photographer Amy Gulick's photography October 18 through November 17.

ADMINISTRATION and OPERATIONS

- **Fair Booth** (replacing the Art & Antiques Auction). Rather than soliciting local artists this year, we featured archival photos from the Museum's collections and store merchandise, all for immediate sale. Many visitors to our booth in previous years were only there for that day and weren't interested in even looking at the merchandise. Having everything for immediate sale seemed to work out well and saved staff time. A rough guess for staff time in 2011 is about 120 (10 solicitation, 90 set up, 30 follow up), compared to 2012 at 70 (50 set up, 20 follow up.).
- With the loss of two key staff members earlier this year and without an increase in our personnel appropriation, it was necessary to hire new staff and re-arrange the staff responsibilities. Museum Aide Kris Reeves who worked 15 hours during the 4-month tourist season and 10 hours the rest of the year was given a small promotion to Museum Assistant and is learning to document artifacts, taking on some of the responsibilities of the departing Collections and Exhibits Coordinator Karen Meizner who will not be replaced. The other responsibilities will be absorbed by the director. Stacie Evans was hired as a 14.75-hour per week Aide to help cover the summer hours. Scott Pearce replaced Susannah Dowds as

Education Coordinator with a 7 month season rather than the traditional 9 months. Grants will be sought to add hours to these positions.

- Museums Alaska awarded a \$250 scholarship to Director Jerrie Clarke to help defray expenses for the Museums Alaska Conference in Sitka in October where she will be part of a panel presentation. The topic is "Walking the Leadership Tightrope." Kris Reeves will also attend the Conference.

COLLECTIONS / ARCHIVE

- Karen Meizner and Susannah Dowds were working with the Library on their Tlingit Place Names project. In their place, Jerrie attends meetings and Nancy helps with research for locations and photographs. The project actually fits well with the photo documentation and cross-referencing Nancy has been doing all summer. If she can't find appropriate photos already accessioned, she digs into the Sheldon photograph collection to find appropriate shots and adds them to the database.
- This is a record breaking month for use of the Archive. There are 16 recorded walk-in, e-mail, correspondence, and telephone visits.
 - National Geographic fact checking the date of the Klucktoo landslide.
 - The owner of the pending Haines Distillery looking at Fort Seward building plans
 - Members of Anastasia Wiley's archaeology class (thanks to Andrea Nelson, former employee now Anastasia's assistant for instructing the group on archive use); with 2 return visits.
 - Yukoner researching Bill Muncaster's work in British Columbia and Yukon; with a return visit.
 - Sheila Greer of Champagne Aishihik seeking and sharing information about Long Ago Man Found.
 - Cruise ship passenger asking information about former Governor Mike Stepovich.
 - Another passenger looking up John Haines, Alaska bush pilot.
 - KTOO television seeking information for ferry anniversary documentary.
 - Mary Sorrels Carr whose father was raised in Haines and who lived here as a child seeking and sharing information about family. Also donated artifacts from her family.
 - Student from Anastasia' class made 2 visits on her own to research for the class.
 - Local wanting pictures of the missionary ship *Princeton*.

EXHIBITS

- The Haines Home School students' exhibit in the Lower Gallery was so popular with visitors that it is staying up all summer rather than just June. Next year we will let them put up an exhibit in the children's Discovery Corner so that we can hang pieces from the museum's permanent collection in the art area.

HAINES BOROUGH PUBLIC LIBRARY

[Best Small Library in America 2005]

Director's Report

August 15, 2012

July Statistics

Circulation 3,288

Internet Use 2,373

Meeting Room Use: 17 groups, Total Attendance, 118

The following statistics reflect totals from fiscal years 2011 and 2012:

Total	FY11	FY12
Circulation	97,999	103,093
Public Internet Use	18,978	22,461
Interlibrary loans	459	470
ListenAlaska	365	1012
# of library programs	622	592
Program attendance	6,975	7,148
Annual Visits	88,205	90,420
Non-library meeting room use		75 groups/individuals 2,135 attendance

Highlights from this list include the increased use of Listen Alaska materials and increased interlibrary loans. In the last 2.5 years, we have seen a significant increase in the number of items we loan to other libraries and are therefore eligible for NetLender grant funds. These funds reimburse libraries for postage costs associated with in-state interlibrary loans. In the final row of the table, it is worthy to note that the number for the non-library meeting room groups/individuals reflects the total number of different organizations that use the library meeting room space, not the number of times per year each group uses the space.

Updates

Jolanta and I had a productive meeting with the manager of the new Heritage Centre in Haines Junction. We are currently working on setting up an evening program of cultural exchange that will include Native foods, a panel discussion of place names, tribal hunting and fishing, and storytelling. Ishmael Hope, storyteller from Juneau and author of *Strong Man, A Tlingit Story*, will join us for this event.

Janine and I attended the Pacific Northwest Library Association conference, August 1 – 3. We were pleased to hear from two Alaskan authors for the keynote addresses. Debby Dahl Edwardson, finalist for the National Book Award for *My Name is Not Easy* and Dana Stabenow. In addition to the sessions we attended, I also met with Bill Hall of Alaska Common Ground in anticipation of his future visit and the Director of the Alaska Library Network to plan set the agenda for our next meeting, Monday, August 13.

P.O. Box 1089 Haines, Alaska 99827 Ph: 907-766-2545 Fx: 907-766-2551

[haineslibrary.org]



LIBRARY DIRECTOR

Patricia Brown

LIBRARY BOARD

Anne Marie Palmieri,

Chair

Heather Lende, Vice-

Chair

Richard Flegel, Treasurer

James Alborough,

Secretary

Lorrie Dudzik

JoAnn Ross Cunningham

Cecily Stern

Meredith Pochardt

Stacey Gala

HAINES BOROUGH PUBLIC LIBRARY

[Best Small Library in America 2005]



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Upcoming Programs

- On Wednesday, August 22nd, the library will host author Ron Mitchell. Ron and his wife, Marilyn Windust, are the summer Chilkat State Park camp hosts. Ron will do a reading and book signing of his novel, *Broken Collar*.
- On Thursday, August 30th at 2pm, Lani Hotch will talk about subsistence living in the Chilkat Valley.
- The Film Noir Series which meets on Tuesday evenings at 7pm continues through August 28th.

Grants and Reports

- I am currently working on the Alaska Public Library state statistical report. The final report for the Public Library Assistance Grant for FY2012, the final report for the IMLS Basic Grant, and the 3rd quarter financial report for the IMLS Enhancement Grant.
- FY2013 budget revisions and reimbursement requests have been done for the Public Library Assistance grant and the new IMLS Basic Grant.

Travel and Time Off

- September 19 -22, (Wed. through Sat.) OWL Sustainability Summit in Anchorage. This is a required meeting for OWL libraries and will be paid for through OWL grant funds.
- September 26th – October 3rd, vacation

Tourism Advisory Board Meeting Agenda / Meeting Minutes

Thursday, July 19 – 9:30 am

Meeting Call to Order: Jason Gaffney – 9:39 am

Roll Call: **Present** - Ross Silkman, Karen Hess, Jason Gaffney, Judy Heinmiller, John Hunt, Jeff Butcher

Absent -

Also Present - Tanya Carlson

Approval of excused / unexcused absences: N/A

***Approval of Agenda:** Hunt motioned to approve agenda and consent agenda, Heinmiller seconded. Hunt motioned to add PC dock commerce and music to the Old Business section. Heinmiller seconded; all in favor of agenda amendment. Hunt motioned to approve the amended agenda and consent agenda, Heinmiller seconded; all in favor.

***Approval of Minutes:** 5/31 and 6/28

Public Comments: N/A

Chair Report: *Michael Ahmuty – formal resignation has been submitted to the Borough*

Gaffney wishes Ahmuty best of luck as he moves on and thanks him for his service.

TAB Bylaws

Gaffney handed out the TAB bylaws as there were some discussions in the previous meeting to what the bylaws address.

New Business: *Head Tax Money for Fast Ferry / Lease of Klukwan Dock*

Hess sent the mayor a letter about the possibility of utilizing the cruise head tax money to subsidize the fast ferry. If the fast ferry received head tax money to subsidize it, it may also bring down the local price but it would ensure that the fast ferry would continue to operate in the future. The fast ferry does not really make money with increased fuel they had to increase the price. All the operators then had to either eat the increase or increase their rates to the cruise lines. This year the fast ferry is seeing less ridership.

The other item that Hess offered to the mayor was the possibility of the borough buying or renting/leasing the Klukwan dock. The reason for this is because the fast ferry is being booted off the float over to the small boat harbor when the American Spirit is in. The main reason for this request is because she feels the fast ferry will cause a conflict with the fisherman. The other reason is when next year the entire dock gets shut down for the work to start on the dock.

Hunt asked about what the dock project would entail. Carlson described the plans that are in place for tearing out the dock beginning September 2013.

Hess also mentioned the interior could be leased to a business or restaurant. Butcher asked about the fast ferry leasing the dock directly. Hess answered that they have no plans of leasing the dock themselves mainly because it is not currently insured. The fast ferry would not be able to afford rent and added insurance. Hess is worried that if the fast ferry keeps getting kicked over to the harbor the fisherman will not be happy. Heinmiller believes it would be easier for the borough to lease rather than purchase the dock. Hess feels that the dock lease or purchase would fall under the parameters of what the cruise ship funds can pay for, thus not costing the borough anything directly. Hess is not in favor of the borough purchasing the Klukwan dock with public funds.

Butcher feels that he would be in full support of this going forward. Hess is looking for the TAB to create letter of support and recommendation to pursue, after they have all had the opportunity to look at it.

Gaffney motioned for everyone to review the materials Hess submitted to the mayor and Gaffney can draft a letter to the borough in support of leasing the Klukwan dock. Everyone can have discussion regarding Hess's letter to the mayor via email. Heinmiller seconded; all in favor (Hess abstained from voting due to conflict of interest).

Old Business:

EPA – State of Alaska Lawsuit has been filed

Gaffney feels the state will do a good job moving forward with this. He doesn't feel there is anything required from the borough or TAB. Carlson said that the resolution is back on the Skagway assembly agenda. Carlson asked if TAB wanted to move forward with a resolution as well. Gaffney is not sure what was in Skagway's resolution. Hess feels that our resolution could be very simple and just support the states stance and their lawsuit.

Hess motioned for TAB to draft a resolution to support the state suite and for the resolution to go to the Haines borough and have them also draft a resolution of support to the states law suit, Hunt seconded; all in favor. Gaffney will draft the resolution.

Election of New Chair

Gaffney said we may do it now or later as our bylaws give the option either way. Gaffney would like to put it off and wait for the opportunity to have a full board. Gaffney is willing to remain in the Chair seat for the time being. Hunt feels that if something happens to Gaffney it would leave TAB without a chair. Hess is not comfortable electing at this time. Heinmiller does not see it as a sense of urgency and feels that if we were put the position of no Chair TAB could appoint one at that time by vote. Butcher feels that TAB can move forward at the present time without a problem and thanks Gaffney for stepping in. Silkman is also comfortable with not electing anyone today.

Butcher asked if there were any people interested in joining. Hess mentioned that Barbara Mulford may apply to the seat. Carlson has also asked Mulford to apply and she would like to ask store owners Rod or Ronda to consider applying to the seat as well. Heinmiller also mentioned that we have non-voting seats available. Gaffney mentioned that was how Ahmuty came to TAB. Gaffney mentioned that running a PSA may help get interest in the board. Butcher thought it would be good to utilize PSA's to invite people to get involved in tourism in general and attend meetings. Hunt would like to see each meeting put in the CVN and on the radio.

Carlson will take care of this.

PC Dock Commerce and Music

Hunt missed the meetings where this was talked about and would like to know what people's ideas and thoughts were regarding these issues. He feels that right now we have an empty dock and he can see a number of opportunities for local business people to have a kiosk, small shop or information booth to direct them to their shop. It should be art, restaurants, etc. Gaffney is not in support of other tour operators to be on the dock in competition with the cruise line. He also feels that it would take away from our shops and restaurants. Hunt feels that the shops would be happy for another revenue stream. Gaffney looked back at the efforts of trying to start a bazaar last year and what the store owners complaint were, mainly not having the staff and funds to be at the bazaar and their store.

Carlson mentioned that this was discussed in April. Ahmuty brought the PC Dock ordinance which prevents sales on the dock. She also mentioned that the dock will be losing space with the new design.

Hess understands that Hunt sees it as an opportunity for local businesses to invest but it also opens the door for businesses that have no investment in the community taking always from businesses who are struggling to get people downtown shopping. Butcher agrees. People who have invested in the community it would be nice to have them down there but there is nothing stopping someone from the lower 48 coming in for the summer to operate a booth on the dock. Carlson also mentioned that after working with the Chamber on a couple of fundraising functions. The first one included food and the Chamber dropped their second event because the businesses were upset that the Chamber was competing with them by offering food. Heinmiller feels that there is a reason there is an ordinance and doesn't feel that should be changed.

Carlson said that she does support having live music on the dock. She would like to make sure that there is quality control for the music played but very much likes the idea. Gaffney feels that it is something to be subsidized; pay the musicians that are playing and guarantee quality.

Gaffney will add to old business for the next meeting that TAB look at t request for the borough to look at subsidizing music/entertainment on the dock for next year.

Directors Update: *Spring TIA Yukon Conference*

Haines won the TIA Yukon spring conference for May 2-4, 2013.

WACVB CEO Forum

Carlson will be departing in a week to attend the Western Association of CVB's CEO forum.

Board Comments:

Gaffney wanted to follow up on a comment that Heinmiller made that everyone should keep themselves abreast of discussion in TAB through the minutes that sent out when not able to attend meetings. Hunt mentioned that he wanted it brought back up because he was the board member who requested to have it on the agenda and was then unable to attend the meeting. He did not have a chance to voice his opinion and why he felt it important.

Silkman brought up the problem of public transportation issue in Haines for public events. The person who usually does this for the fair cannot do it this year. Silkman would like to see event dates included in the ship shuttle contract when it goes out to bid next year. Carlson asked if the

fair had a budget for transportation; Silkman said they do not. Hunt wonders if we should place this item on our agenda come budget time to urge the borough to consider transportation. Carlson said the plan is to build the event in with the cruise shuttle contract. The money itself will come from the borough. Gaffney agrees and thinks we should include trash clean-up, rest rooms needs and other services needed during events while planning next year's budget.

Set Next Meeting Date: Thursday, August 23, 2012 - 9:30 am

Assembly Chambers, Safety Building

Hunt motioned to adjourn, Heinmiller seconded; all in favor. Meeting adjourned at 10:57 am.

Haines Borough
Tourism Advisory Board
8-22-2012

Haines Borough Assembly
103 Third Avenue S.
Haines, AK 99827

Mayor Scott and Borough Assembly,

I am writing you on behalf of the Haines Tourism Board regarding the recent litigation between the State of Alaska and the United States Environmental Protection Agency (EPA). The litigation is a vital step by the state to prevent the EPA from changing the standards for the level of sulfur contained in the fuel of vessel's operating within 200 miles of the coastline.

The proposed standards are focused on more populated regions and have been developed without appropriate scientific research or application to our state's specific circumstances. This change will have a huge increase on both the cost of shipped goods and the cost of visitors to our state.

The State is doing an excellent job of taking action to prevent these standards from being realized. The TAB feels that having local support from all of the communities will further demonstrate the uniform position of the state's residents.

The TAB is in support of the state's lawsuit and would request that the Borough pass a resolution in support of the litigation as well.

I appreciate your consideration,

Regards,

Jason Gaffney
Acting President
Tourism Advisory Board

Attached:

AK State vs EPA

Haines Borough
Tourism Advisory Board
8-22-2012

Haines Borough Assembly
103 Third Avenue S.
Haines, AK 99827

Mayor Scott and Borough Assembly,

I am writing you on behalf of the Tourism Advisory Board to request the Borough access the feasibility of leasing the Klukwan Dock.

The combination of increased cruise ship traffic and the needs of the Haines Skagway Fast Ferry (HSFF) have the potential to be a great fit at this facility.

I would urge the Assembly to consider the financial return the ferry provides to the community at the same time as potential lease structures. The ferry provides an invaluable connection between our community and the more visited port of Skagway. For the cruise industry this is not only vital for the sale of Haines based tours in Skagway but also the sale of Skagway based tours sold from vessels in Haines.

If the ferry does not succeed the base of tours in Haines will not survive. First, tour operators in Haines cannot operate on the amount of business from one cruise ship a week. Second, without the ability to sell Skagway tours (specifically the train) the Haines based Holland America Wednesday vessels will also look for another port where they can reach their revenue targets.

The evaluation of potential lease structures should incorporate the return that these tour businesses provide. The tax and employee base from this industry are strong contributors to our community and these returns need to be considered in addition to the lease expenses and direct moorage fees.

The other important considerations are the impacts to the small boat harbor when cruise traffic forces the ferry to dock there. This not only poises safety issues to the ferry passengers but has a negative impact on our fishing fleet and other users. The fishing industry is also vital to our community and a solution for the ferry should encompass these needs as well.

I appreciate your consideration,

Regards,

Jason Gaffney
Acting President
Tourism Advisory Board

Haines Borough
Tourism Advisory Board
8-22-2012

Haines Borough Assembly
103 Third Avenue S.
Haines, AK 99827

Stephanie and Mark,

I am writing you on behalf of the Tourism Advisory Board to request that the Borough provide shuttle bus transportation for special events including Brew Fest, SE AK State Fair, and the Kluane Bike Race.

It is my understanding that the Borough is already taking steps to include these events in the contract for the shuttle bus that also serves the PC dock when cruise ships are in.

With AMHS including ferry support for these dates in their preliminary 2013 schedule I support the Borough's efforts to be prepared to provide this service.

Further, I would like to see the contract structured where, as available; the Borough could request the shuttle provider to support other events. This would provide an immediate go to for the Borough, at a controlled rate, if we have the good fortune to secure other conferences or groups that would also benefit from having the shuttle service.

I realize that the current taxi provider indicated that the special event shuttle has and would have a negative impact on their business. However, I would request the Borough seek to secure the shuttle regardless. A one person, one cab taxi service can simply not meet the needs of these events or other potential groups.

I appreciate that the Borough is already in motion on this issue and that the TAB's comments will be incorporated in your decision.

Thank you for your consideration.

Regards,

Jason Gaffney
Acting President
Tourism Advisory Board

Attached:

Haines Borough
Tourism Advisory Board
8-22-2012

Haines Borough Assembly
103 Third Avenue S.
Haines, AK 99827

Mayor Scott and Borough Assembly,

I am writing you on behalf of the Tourism Advisory Board to request an increase in the Tourism Department Budget to support paid entertainment at the PC dock while vessels are in port.

As we continue to invest in developing our cruise ship facilities it is important to strive to provide our visitors with a unique, quality experience. The live music provides a great welcome to our guests and sets us apart from our neighboring ports.

The music we have been able to provide so far has been very well received and generated many positive comments. Guest satisfaction is a key part in providing motivation to the cruise lines to bring additional vessels to Haines.

Although not every guest may recognize our investment in the PC facilities, none will forget being greeted by music as part of their introduction to our community.

Thank you for your consideration.

Regards,

Jason Gaffney
Acting President
Tourism Advisory Board

Attached:

SHELDON MUSEUM AND CULTURAL CENTER, INC
Board of Trustees Meeting Minutes
Thursday, July 12, 2012, 1:15 p.m. at the Sheldon Museum

Informational Meeting: 1:20 p.m. by Board Members while awaiting enough members for a quorum.

ATTENDANCE: BOARD – Frankie Perry, Jim Shook, Janine Allen, and Michael Marks

STAFF - Jerrie Clarke and Blythe Carter

VISITORS – None

BOROUGH LIAISON - Debra Schnabel

CORRESPONDENCE:

- Received a letter from Diana Kaplan of the Rasmuson Foundation thanking our staff for the hospitality the Rasmuson staff received during their visit to Haines.
- Reviewed a letter from Senator Mark Begich that stated the Coast Guard will be shortly announcing that the Eldred Rock Lighthouse will be offered to be acquired to a suitable party through the State Historic Preservation Office during a two-step process. A similar letter was sent to Mark Earnest at the Haines Borough.

STAFF REPORT:

Jerrie shared the Borough Staff Report and decided to eliminate the second Museum staff report with the goal of saving staff time for other duties.

QUORUM ATTAINED: 1:40 p.m.

CALL TO ORDER: 1:40 p.m. by Board President Frankie Perry

ATTENDANCE: BOARD – Frankie Perry, Jim Shook, Diana Pyle, Janine Allen, and Michael Marks

STAFF - Jerrie Clarke and Blythe Carter

VISITORS – None

BOROUGH LIAISON - Debra Schnabel

APPROVAL OF AGENDA: M/S Jim & Diana - approved

APPROVAL OF MINUTES: M/S Diana & Jim – approved

COMMITTEE REPORTS:

- The Finance Committee met and recommended updating the Museum Fee Schedule. A discussion of private use fees took place with Debra pointing out that she saw no difference between regular fees and non-profit fees. Jim shared that we don't want to drive away our regular customers. Motion to adopt the new fees as presented. M/S Jim & Michael - approved - one nay

- Jerrie stated the Personnel descriptions are not ready for presentation. Not all members of the Personnel Committee have had a chance to review them. They will be ready for the next meeting.
- Collections Committee presented artwork by Sarah Cohen, Jim Heaton, Wayne Price, Sharon Svenson, and Donna Catotti for review with the ability to select their artwork for purchase under the Rasmuson Art Acquisition Fund. Discussion of the artworks followed. This included a review that Wayne Price's Warrior Helmut with a purchase price of \$23,000 would be an expensive purchase and eliminate the ability to possibly purchase additional pieces. It was agreed that since Donna Catotti will be having a Six Week Spotlight Show next year, that would be an appropriate time to recommend a purchase of one of her works of art.
- Motion to approve the purchase of Jim Heaton's "Sun and Moon" M/S Michael & Diana – approved.
- Motion to approve the purchase of Sharon Svenson's "Lynn Canal Fault Line" M/S Michael & Janine - approved
- Motion to approve the purchase of Sarah Cohen's "Soul Bowl" M/S Michael & Diana - approved one nay

OLD BUSINESS:

- Review of July 4th expenses and \$109.29 in profit. Additional revenue will be collected from the sales of the remaining helium balloons at the upcoming State Fair. Frankie shared that the Museum will offer the children's game booth to another organization in Haines to run in place of the Sheldon Museum. Debra informed Board and Staff that the Borough feels it is not proper for paid staff to run children's game booths as part of the July 4th activities.
- Slogan survey forms were lost and there was discussion on the slogans that were up for review. Blythe shared that a proper slogan would help define the Museum on advertising, signs, letter head and business cards. Debra mentioned that a slogan would be beneficial to the Museum.
- A motion was made to adopt the slogan "Preserving our Past for the Future" M/S Michael & Janine - approved This motion was later overturned.
- Jim made the suggestion of "Our Art and History" which resulted in a round table discussion with the conclusion that discussion on the slogans will continue at the next meeting. The Board was asked to email more slogan ideas to Blythe.
- The upcoming State Fair Booth preparations are underway with large format historic photographs printed for direct sales to the public. A portion of the booth will feature items from the Museum Gift Shop for sale along with helium balloons. Blythe is seeking two people per shift. Some artists have donated items for the auction, but due to the new format of direct sales their donated art items will be sold in the booth.

NEW BUSINESS:

- Eldred Rock information was shared which included a letter from Senator, Mark Begich. A letter was received from the Coast Guard informing the Museum it had 60 days to file

a letter of interest in acquiring the historic Light House. Similar information was sent to Mark Earnest and the Haines Borough.

COMMITTEE MEETINGS:

Eldred Rock Committee will meet July 23 at 6:00 p.m.

BOARD COMMENTS/DISCUSSION:

It was discussed that the Board would like to have Staff offer Docent Tour training to Board members in September.

NEXT BOARD MEETING: Thursday August 23, 2012, at 1:15 p.m.

MEETING ADJOURNED at 2:30 p.m.

Respectfully submitted,
Michael Marks

Haines Borough Public Library
Approved Meeting Minutes
7/25/12

Call to Order: 9:40am

Present: Cecily Stern, Stacey Gala, Lorrie Dudzik, Dick Flegel, JoAnne Ross-Cunningham, Patty Brown, Meredith Pochart, James Alborough, Anne Marie Palmieri
Excused: Heather Lende

Welcome to new Board members
Introductions from Meredith and Stacey

Additions or Revisions to Agenda
None

Consent Agenda Items
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.

- * Approval of Agenda
- * Approval of Minutes 06/20/2012
- * Director's Report

Some discussion about circulation numbers and graphs.
M/S Alborough/Stern to approve the consent agenda. All approved.

Financial Report
* Treasurer's Report for June (Dick)
Checking: \$32,638.49
Savings: \$14,189.62
CD: \$20,503.81

Check register was passed around for board signatures.

* 4th Quarter financial report FY12
Patty reviewed the 4th quarter financial report and highlighted various items that were higher or lower than budgeted.

Business

* Updated FY13 budget
Some changes have been made to the submitted budget (increase in Borough funding, some line items updated based on actuals).
Patty reviewed the various budget categories for the benefit of new board members.
M/S Flegel/Ross-Cunningham to approve the FY13 budget. No discussion.
All approved.

* Set policy committee meeting date to discuss videoconferencing policy and policy proposal for patrons to work off fines.
Policy committee will set a time to meet.

* Revolving art displays and art committee Patty introduced the idea of using the wall space up high in the main atrium to display revolving art collections.
M/S Alborough/Stern to allow interested parties to spearhead the display of art work up high in the main atrium. Lorrie volunteered to be the board liaison. All approved.

Other

* Policy Review -

XIV. Volunteers

Some small grammatical edits.

XV. Public Relations

No substantive edits.

XIV. Accounting Policies

Credit card limits are all at \$3000, but should be stricken from Policy manual.

Under Credit Cards, remove first bullet and change credit card section to a single paragraph.

* Radio

August 10 (Dick), August 17 (Meredith), August 24 (James)

Board Comments

None

Director's Comments

Library will be closed on Saturday for the Fair.

Next Meeting: August 15 4pm.

Adjournment: 11:00 am

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James Alborough



Agenda Bill No.: 12-157
Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Allowing Incidental Items within Setbacks	1. Ordinance 12-09-303 2. Excerpt of 10/13/11 Planning Commission Minutes 3. Backup Documentation from 10/13/11 PC Packet
Originator: Planning Commission (Agenda Bill by Clerk's Office)	
Originating Department: Planning & Zoning	
Date Submitted: November 2011	

Full Title/Motion:
 Motion: Introduce Ordinance 12-09-303 and set a first public hearing for 9/25/12.

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:

This is recommended by planning commission. Introduction was delayed until now because of the related off-premises signs ordinance that was still pending in committee. It was thought that the two ordinances might be addressed at the same time since they are similar. Since the off-premises signs ordinance has recently been shelved, this particular ordinance is being brought forward as originally requested by the planning commission.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 18, Sections 18.80.030 and 18.90.050 to clarify the allowance of incidental items within setbacks.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Sections 4 and 5 of this ordinance are of a general and permanent nature and the adopted amendments shall become a part of the Haines Borough Code.

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

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

Section 4. Amendment of Section 18.80.030: Section 18.80.030 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **BOLDED/UNDERLINED ITEMS ARE ADDED**

18.80.030 Setbacks and height.

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Incidental architectural features such as window sills, cornices and eaves may not project into any required setback. This exemption also applies to cantilevered floors, decks or other similar building extensions. No building or structures may be located within a setback, except that fences may be constructed within the required setback by permit. ~~Driveways are not subject to setback requirements.~~ **The following items shall be exempt from setback requirements provided the item is located to achieve its purpose without constituting a hazard to vehicles or pedestrians, is located such that it does not obscure sight angles at intersections or driveways, and is not in any location prohibited by state regulation:**

- 1. Driveways and culverts that meet HBC 12.08;**
- 2. Parking areas that meet HBC 10.44;**
- 3. Satellite Dishes;**
- 4. Signs that meet HBC 18.90; and**
- 5. French drains, culverts, or similar infrastructure.**

Where more than one setback standard is applicable, the most restrictive setback standard applies.

Section 5. Amendment of Section 18.90.050: Section 18.90.050 of the Haines Borough Code is hereby amended to read as follows:

NOTE: ~~STRIKETHROUGH ITEMS ARE DELETED~~

18.90.050 Required setback, placement, construction and lighting standards.

...
C. Freestanding and Portable Signs. Freestanding and portable signs shall not be located so that they obscure traffic or sight angles at intersections or driveways, or in any location prohibited by state regulation. ~~Freestanding signs shall not be located within the required building setback.~~

Haines Borough
Ordinance No. 12-09-303
Page 2 of 2

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: 09/11/12
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___

Haines Borough Planning Commission Meeting October 13, 2011 Excerpt of Approved Minutes

Present: Chairman Lee **Heinmiller**, Commissioners Roger **Maynard**, Donnie **Turner**, Rob **Goldberg**, Andy **Hedden**, and Robert **Venables** (via teleconference).

Staff Present: Steve **Ritzinger** – Planning and Zoning Technician, Brian **Lemcke** – Public Facilities Manager, Scott **Bradford** – Water & Sewer Operator, Stephanie **Scott** – Mayor Elect

Visitors Present: Ross **Silkman** – SE Alaska State Fair, Terry **Povey**, Scott **Hansen** – Chilkoot Indian Association

B. Haines Borough Code Amendments – Incidental Items in Setbacks

Turner inquired about current status of fences within setbacks. **Ritzinger** responded that the Borough has been allowing fences within setbacks up to the lot line with a stipulation in the permit stating that the property owner is responsible for damage to the fence due to snow removal. **Turner** stated that he had no objection to allowing fences up to the lot line adjacent to another property but expressed concern allowing them up to the right-of-way. Roads are often not centered in the ROW leaving insufficient room for snow removal. **Maynard** pointed out that the setback is private property and that he is reluctant to prevent people from utilizing private property. **Goldberg** suggested considering allowing fences within the setback adjacent to the ROW as a conditional use. He questioned as an example whether the fences on Portage Street adjacent to the sidewalk were problematic. **Heinmiller** suggested removing fences from the list and eliminating the strikethrough on the draft ordinance and allowing fences as a conditional use. **Venables** stated that the conditional use process is not necessary and that removing fences from the list and reinserting the strikethrough sentence on the draft ordinance would create a good ordinance to move forward and that the Borough could administratively figure out the (fence within the setback adjacent to the ROW) requirement language on a case by case basis.

Motion: Venables moved to “approve the draft ordinance to allow incidental items within setbacks with revisions to eliminate fences from the list and to reinsert the strikethrough statement,” and the motion carried unanimously.

Back up Documents from 10-13-11 PC Packet



HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-2231 FAX (907) 766-2716

October 7, 2011

To: Haines Borough Planning Commission
From: Haines Borough Planning and Zoning Technician
Re: HBC 18.80.030 & 18.90.050C Revision – Incidental Items within setbacks

Dear Planning Commission,

In response to the September 8th motion to table the Haines Borough Code revision to allow political signs within setbacks, after dialog with Borough management and the Planning Commission Chairman, staff drafted the subsequent ordinance to revise Haines Borough Code that would clarify in code the allowance of incidental items to exist within setbacks. In addition to the allowance of fences within setbacks, the other items listed as exempt in the ordinance have been allowed to exist within setbacks as recommended by the Planning Commission to staff, as recently approved code amendments, as uncodified policy, or have been discussed by the commission:

1. Fences
2. Driveways and culverts that meet 12.08
3. Parking areas that meet HBC 10.44;
4. Satellite Dishes
5. Signs that meet HBC 18.90
6. French drains, culverts, or similar infrastructure

HBC 18.80.030 states: *“No building or structure shall be located within a setback...”*

HBC 18.20.020 Definitions – Regulatory. The definitions in this section are intended to be specific to this title.

“Building” means any structure intended or used for the support, shelter or enclosure of persons, animals, or property of any kind.

“Structure” means anything constructed or erected and located on or under the ground, or attached to something fixed to the ground, including:

1. A building, regardless of size, purpose or temporality;
2. A tower, sign, antenna, pole or similar structure;

3. A basement, foundation, or mobile home pad;
4. A fence;
5. A street, road, sidewalk, or storage area;
6. Television satellite dish.

Borough policy has been to allow commercial signs to zero lot line, (as commercial buildings are allowed) if the sign placement meets the criteria of 18.90.050. These standards adequately address public safety concerns regarding sign placement, and therefore the statement in HBC 18.90.050C “*freestanding signs shall not be located within the required building setback*” is proposed to be struck from code to eliminate a conflict.

The standards for sign placement in HBC 18.90.050 regarding public safety are prudent to apply to other proposed exempt items such as satellite dishes, and thus have been included as a qualifier for the exempt items in the draft ordinance:

The following items shall be exempt from setback requirements provided that the item is located to achieve its purpose without constituting a hazard to vehicles or pedestrians, is located such that it does not obscure sight angles at intersections or driveways, and is not in any location prohibited by state regulation:

If you wish to revise the ordinance or recommend for the Assembly to approve it as proposed please do so. Thank you for considering this draft ordinance.

Steve Ritzinger
Haines Borough Planning and Zoning Technician
(907) 766-2231 Ext. 23
sritzinger@haines.ak.us

HAINES BOROUGH, ALASKA **Draft**
ORDINANCE No. xx-xx-xxx

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.90.050C & 18.80.030 TO CLARIFY THE ALLOWANCE OF INCIDENTAL ITEMS WITHIN SETBACKS.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.90.050C and 18.80.030 to clarify the allowance of incidental items within setbacks.

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

18.90.050 Required setback, placement, construction and lighting standards.

C. Freestanding and Portable Signs. Freestanding and portable signs shall not be located so that they obscure traffic or sight angles at intersections or driveways, or in any location prohibited by state regulation. ~~Freestanding signs shall not be located within the required building setback.~~

18.80.030 Setbacks and height.

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Incidental architectural features such as window sills, cornices and eaves may not project into any required setback. This exemption also applies to cantilevered floors, decks or other similar building extensions. No building or structures may be located within a setback. ~~except that fences may be constructed within the required setback by permit. Driveways are not subject to setback requirements.~~ **The following items shall be exempt from setback requirements provided that the item is located to achieve its purpose without constituting a hazard to vehicles or pedestrians, is located such that it does not obscure sight angles at intersections or driveways, and is not in any location prohibited by state regulation:**

- 1. Fences**
- 2. Driveways and culverts that meet 12.08**
- 3. Parking areas that meet HBC 10.44;**
- 4. Satellite Dishes**
- 5. Signs that meet HBC 18.90**
- 6. French drains, culverts, or similar infrastructure**

Where more than one setback standard is applicable, the most restrictive setback standard applies.



Agenda Bill No.: 12-160
Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Appoint Election Workers for the October 2, 2012 Borough Election Originator: Borough Clerk Originating Department: Administration Date Submitted: 8/30/12	1. Resolution 12-09-399

Full Title/Motion:
Motion: Adopt Resolution 12-09-399

Administrative Recommendation:
The borough clerk recommends adoption.

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:
HBC 2.68.330 provides that prior to each election the borough clerk, with assembly approval through resolution, shall appoint election workers for each polling place, and if a worker is unable to serve on election day, the clerk may appoint a replacement. Additionally, the election workers shall be compensated for their services as is determined by assembly resolution. The FY13 budget provides for specific hourly rates and estimates the number of hours based on previous elections, and it is anticipated the budget will be sufficient for the October 2, 2012 Election. This resolution complies with the code requirements.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

A RESOLUTION OF THE BOROUGH ASSEMBLY APPOINTING ELECTION OFFICIALS FOR THE REGULAR ELECTION TO BE HELD OCTOBER 2, 2012, AND ESTABLISHING THE WAGES.

WHEREAS, HBC 2.68.330 provides that prior to each election, the borough clerk, with assembly approval through resolution, shall appoint election workers for each polling place, and if a worker is unable to serve on election day, the clerk may appoint a replacement; and

WHEREAS, the election workers shall be paid such compensation for their services as is determined by resolution of the assembly; and

WHEREAS, the FY13 budget provides for specific hourly rates and estimates the number of hours based on previous elections, and it is anticipated the budget will be sufficient for the October 2, 2012 Election,

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

Section 1. The following persons shall be appointed election officials and alternates for the Haines Borough Regular Election to be held on October 2, 2012:

Precinct 34-710 – Haines #1

Jeannette Heinrich – Chair/Judge
Donna Truax-Hess – Judge/Alternate Chair
Leslee Downer – Judge
Diann Ahrens – Judge
Donna Catotti – Clerk
Nancy Schnabel – Clerk

Precinct 34-715- Haines #2

Frances Perry - Chair/Judge
Marlys Johnson – Judge/Alternate Chair
John Hunt – Clerk
Holly Thomas – Clerk;

Section 2. Should any of these persons be unable to work as an election official on Election Day, the borough clerk is hereby authorized to appoint a qualified replacement; and

Section 3. The election chair/judges shall be paid \$12.50 per hour, and the election judges and clerks shall be paid \$11.00 per hour.

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk



Agenda Bill No.: 12-161
Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: AEA Renewable Energy Grant Application to Install Wood Pellet Boilers	1. Resolution 12-09-400 2. 9/5/12 Memo from the Manager
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 9/4/12	

Full Title/Motion:
 Motion: Adopt Resolution 12-09-400

Administrative Recommendation:
 The borough manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ See summary 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 Haines Borough is applying for a Round VI Alaska Energy Authority (AEA) Renewable Energy Grant to install wood pellet boilers in multiple Borough Facilities, including the following: Voc-Tech Building, Swimming Pool, Human Resources Building, Visitor Center, and Borough Offices.

Assembly approval of the proposed resolution establishes governing body support, and this support is a component of the grant application scoring matrix. The manager will keep the assembly apprised of the application status and any matching fund requirements should the borough be awarded a grant.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

HAINES BOROUGH, ALASKA
RESOLUTION No. 12-09-400

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING A DESIGN AND CONSTRUCTION GRANT THROUGH THE ALASKA ENERGY AUTHORITY FOR INSTALLING WOOD PELLET BOILERS IN BOROUGH FACILITIES.

WHEREAS, the Haines Borough places a high priority on reducing its use of fossil fuels; and

WHEREAS, the Haines Borough is committed to reducing airborne carbon emissions; and

WHEREAS, the Haines Borough is interested in renewable energy sources that make economic sense; and

WHEREAS, wood pellets boilers produce less airborne carbon than heating oil; and

WHEREAS, the use of wood pellet boilers will save the Borough money over their life cycle; and

WHEREAS, multiple borough facilities are in need of new boilers; and

WHEREAS, the AEA is accepting Round VI applications for grants from the Renewable Energy Fund and will make project recommendations to the Legislature for FY2014 funding; and

WHEREAS, Round VI grant funds will enable the Haines Borough to install Wood Pellet Boilers in multiple Borough Facilities,

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly supports the application for funding for design and construction of wood pellet boiler systems in Borough Facilities; and

BE IT FURTHER RESOLVED that the Haines Borough Assembly authorizes the borough manager to sign all application and grant documents.

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk



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

September 5, 2012

Alaska Energy Authority Renewable Energy Grant round VI

The Haines Borough is applying for funding from the Alaska Energy Authority to install wood pellet boilers in multiple Borough Facilities, including the following: Voc-Tech Building, Swimming Pool, Human Resources Building, Visitor Center, and Borough Offices.

The Haines Borough has completed two economic feasibility studies regarding the use of wood pellet boilers. The first report by CE2 Engineers found that wood pellet boilers would become economically viable when heating fuel reached \$3.75 per gallon and fuel inflation rates approached 8%. When heating fuel reached \$4.00 and the ten year average fuel inflation rates exceeded 10%, The Haines Borough commissioned a second study. This study by Jim Rehfeldt of Alaska Energy Engineering found that wood pellet boilers did not make economic sense at this point. However these findings were challenged by the U.S. Coast Guard, the Tongass National Forest, and the Alaska Energy Authority.

These agencies disagreed with Mr. Rehfeldt's assumptions regarding pellet boiler maintenance, inflation rates for heating fuel, and the need for redundant systems. The Rehfeldt study left the current oil system in place and added an additional wood pellet system. This inflated the costs due to the continued maintenance of the oil system and the construction of new structures to house the wood pellet boilers.

Recent economic analysis by Bob Deering of the Coast Guard and Devany Plentovich of the Alaska Energy Authority make a strong case for using wood pellet boilers.

In addition, Chilkoot Indian Association is moving forward with their plans to acquire funding to build a wood pellet plant in Haines. This plant will ensure a stable long term supply of wood pellets for the Haines Borough.

Assembly approval of the proposed resolution establishes governing body support. This support is a component of the grant application scoring matrix.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-162
Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: ADOT&PF Grant Agreement & Notice to Proceed for Picture Point Acquisition	1. Resolution 12-09-401
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 9/4/12	

Full Title/Motion:
Motion: Adopt Resolution 12-09-401

Administrative Recommendation:
The borough manager recommends adoption.

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
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Summary Statement:

The U.S. Department of Transportation approved grant funding in the amount of \$495,840 to the ADOT&PF for the project to purchase three acres more or less of land referred to as "Picture Point" to create a public park.

This resolution authorizes the borough manager to enter into a grant agreement and notice to proceed with the Alaska Department of Transportation and Public Facilities for the Picture Point Land Acquisition project funded through the National Scenic Byways Grant Program.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

HAINES BOROUGH
RESOLUTION No. 12-09-401

A Resolution of the Haines Borough Assembly authorizing the borough manager to enter into a grant agreement and notice to proceed with the Alaska Department of Transportation and Public Facilities for the Picture Point Land Acquisition project funded through the National Scenic Byways Grant Program.

WHEREAS, the Borough Assembly is the governing body of the Haines Borough; and

WHEREAS, the Borough submitted a grant application to the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the purchase three acres more or less of land referred to as "Picture Point"; and

WHEREAS, the U.S. Department of Transportation approved grant funding in the amount of \$495,840 to the ADOT&PF for the project; and

WHEREAS, the Borough has been working with the ADOT&PF to complete all of the tasks required by the Federal Highway Administration (FHWA) related to the project; and

WHEREAS, the required documentation has been completed; and

WHEREAS, the ADOT&PF has offered to the Borough a grant agreement for the project pursuant to Alaska Statute (AS) 19.05.040 and any regulations promulgated hereunder; and

WHEREAS, the "Intermodal Surface Transportation Efficiency Act of 1991" (ISTEA), P.L. 102-240, Dec. 18, 1991, Title I, Part A, 105 Stat. 1996, section 1047, which appears as a note to 23 U.S.C. §101, instituted a program entitled the "National Scenic Byways Grant program," which offers Federal financial assistance for designated scenic byways through a grant program for carrying out eligible projects on highways which the state has designated as scenic byways; and

WHEREAS, the "Transportation Equity Act for the 21st Century," P.L. 105-178, 112, June 9, 1998, and the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users," P.L. 109-59, Aug. 10, 2005, continued that program; and

WHEREAS, AS 19.05.040(13) authorizes the ADOT&PF to administer National Scenic Byway Grants; and

WHEREAS, the authority to receive and expend funds has been approved by the Alaska State Legislature,

NOW, THEREFORE BE IT RESOLVED, the Haines Borough Assembly hereby authorizes the borough manager to enter into a grant agreement and notice to proceed with the Alaska Department of Transportation and Public Facilities for the Picture Point Land Acquisition project funded through the National Scenic Byways Grant Program.

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

Attest:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk



Agenda Bill No.: 12-156
Assembly Meeting Date: 9/11/2012

Business Item Description:	Attachments:
Subject: Mayoral Board Appointments	1. Mayor's Intended Appointments 2. TAB - Applications & Board Recommendation 3. PRAC - Application & Committee Recommendation 4. FSA#1 Board - Application 5. HPDSC - Committee Recommendation 6. FMPSC - Application
Originator: Mayor Scott (agenda bill by the Clerk's Office)	
Originating Department: Mayor's Office	
Date Submitted: 9/4/12	

Full Title/Motion:
 Motion: Confirm the mayor's appointments of Barbara Mulford to the Tourism Advisory Board, Meredith Pochardt to the Parks & Recreation Advisory Committee, Richard Buck to the Fire Service Area #1 Board, Robert Venables to the Port Development Steering Committee (planning commission rep), and Patty Campbell to the Facilities Master Plan Steering Committee (chamber of commerce rep).

Administrative Recommendation:
 N/A

Fiscal Impact:

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

Comprehensive Plan Consistency Review:
 Comp Plan Policy Nos. : _____ Consistent: Yes No

Summary Statement:
 Appointment requests have been received for various board vacancies. The appropriate boards have reviewed them, when possible. The mayor intends to follow the board recommendations and seeks assembly confirmation.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

Mayoral Appointments 9/11/12

Tourism Advisory Board

Barbara Mulford – New Appointment – term expires 11/13

This will leave 0 vacancies

Parks and Recreation Advisory Committee

Meredith Pochardt – New Appointment – term expires 11/14

This will leave 0 vacancies

Fire Service Area #1 Board

Richard Buck – New Appointment – term expires 11/13

This will leave 1 vacancy

Port Development Steering Committee

Robert Venables (Planning Commission Rep) – New Appointment

This will leave 0 vacancies

Facilities Master Plan Steering Committee

Patty Campbell (Chamber of Commerce Rep) – New Appointment

This will leave 0 vacancies

Remaining Board Vacancies:

Chilkat Center Advisory Board – 1 seat

Public Safety Commission – 3 seats

Fire Service Area #1 – 1 seat

Four Winds RMSA Board – up to 4 seats

Riverview Drive RMSA Board – 2 seats

From: Alaska Mountain Guides - Exec [mailto:exec@alaskamountainguides.com]
Sent: Thursday, August 23, 2012 11:55 AM
To: Stephanie Scott
Cc: Julie Cozzi; Tanya Carlson
Subject: TAB Board Appointments

Hi Stephanie,

I wanted to follow up with you for the Tourism Board applicants.

The TAB unanimously voted today in support of Barbara Mulford. We felt that her background not only in tourism but in business administration and finance would make her a strong contributor.

I would also like to offer a non-voting advisory role to Rhonda Hinson. I think that this is a great way to develop board members and incorporate an additional business perspective as well. For instance, Michael Ahmuty did an incredible job coming from this role to end his tenure as President.

I will wait for your final decision on the appointment, and then according to the bylaws, I will extend the non-voting advisory position to the alternate myself.

Thank you for considering the TABs position in your decision.

Regards,
Jason

Jason Gaffney

Haines Borough

Application for Board Appointment

RECEIVED Haines Borough
JUL 23 2012
Clerk's Office

- Appointment** (I am not currently on the board)
- Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

	Planning Commission		Boat Harbor Advisory Committee
<input checked="" type="checkbox"/>	Tourism Advisory Board		Fire Service Area Board #1
	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Board		Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees		Riverview Road Maintenance Service Area Board
	Library Board of Trustees		Historic Dalton Trail Road Maintenance Service Area Board
	Public Safety Commission		Four Winds Road Maintenance Service Area Board
	Temporary (Ad-hoc) Board/Committee _____		

Name: Barbara J. Mulford

Residence Address: 7 Mile Lutak Rd

Mailing Address: PO Box 1122 Haines, AK 99827

Business Phone: 907-766-3179 **Home Phone:** 907-766-3179

Fax: 907-766-3179 **Email:** bj@takshanuktrail.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*



Signature of Applicant

7/23/12

Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

Please see attached.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

TAKSHANUK MOUNTAIN TRAIL, INC.

PO BOX 1122

HAINES, AK 99827

WWW.TAKSHANUKTRAIL.COM

907-766-3179



July 23, 2012

Dear Madam Mayor,

Please accept this application and cover letter as my request to be considered for the Tourism Advisory Board (TAB).

I was raised in Haines and attended Junior High and High School here. After graduating in 1996 I attended college in Fairbanks for a year then transferred to the University of Alaska, Southeast in Juneau, where I resided for 14 years. During this time I held several tenured positions including the Business Manager for the Juneau Chamber of Commerce and most recently as an accountant for the Division of Behavioral Health within the Department of Health and Social Services. I am seven classes away from completing my Bachelor's degree in Business Administration with an emphasis in Accounting and have hopes to complete these within the next five years.

I moved back to Haines over two years ago to acquire my father's business so he was able to retire. This business, Takshanuk Mountain Trail, is a three mile trail excursion where guests are guided on Kawasaki Mules to the 1500 feet elevation of Mount Ripinsky on the Lutak side. We also serve a meal at our lodge located on the trail. We cater to cruise ship passengers, independent visitors to Haines, and residents and various groups in our community.

I believe I embody the understanding of how diverse our small community is when it comes to tourism. While I realize my business is dependent on cruise ship passengers in order to sustain a living in Haines, I would like the opportunity to work on growing other segments of the tourism industry by serving on the TAB. I have a natural ability to take an objective point of view and work towards a compromise in situations and discussions. By always considering every outlook brought to the table and working towards meeting in the middle I believe tourism in Haines can flourish in a way that has the least impact on our residents, receive greater support from tax payers, and be a stable, job-creating industry for our community.

Thank you for your consideration in your decision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barbara J. Mulford".

Barbara J. Mulford,
President

Takshanuk Mountain Trail, Inc.

907-209-5153

bj@takshanuktrail.com

www.takshanuktrail.com

Haines Borough Application for Board Appointment

RECEIVED Haines Borough
JUL 24 2012
Clerk's Office

- Appointment** (I am not currently on the board)
- Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

	Planning Commission		Boat Harbor Advisory Committee
<input checked="" type="checkbox"/>	Tourism Advisory Board		Fire Service Area Board #1
	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Board		Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees		Riverview Road Maintenance Service Area Board
	Library Board of Trustees		Historic Dalton Trail Road Maintenance Service Area Board
	Public Safety Commission		Four Winds Road Maintenance Service Area Board
	Temporary (Ad-hoc) Board/Committee _____		

Name: Rhonda M. Hinson

Residence Address: 309 Myra Ln

Mailing Address: PO Box 253 Haines AK 99827

Business Phone: 907-766-2352 **Home Phone:** 907-303-2352

Fax: _____ **Email:** rhonda@alaskarods.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Rhonda M Hinson
Signature of Applicant

7-23-12
Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

I moved to Haines in 1974 and graduated from Haines High School. I graduated from Boise State University, taught in Oregon for several years and returned to Haines to care for my mother. I taught in Haines for 4 years and am now a business owner. My husband and I started our business as a manufacture/wholesale business selling our knives and healing salves. We opened a store in Haines 2 1/2 years ago selling our products and the products of many other artists. We love Haines and would like to help by serving on this board.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

From: Marnie Hartman [mailto:qtmarns@yahoo.com]
Sent: Wednesday, September 05, 2012 7:23 PM
To: Julie Cozzi
Subject: Re: Appt Recommendation?

Yes we voted tonight to support Meredith's appointment.
Do you need something more formal than this?

On Sep 5, 2012, at 7:15 PM, "Julie Cozzi" <jcozzi@haines.ak.us> wrote:

Hi, Marnie...

Does the Parks & Rec Committee have a recommendation regarding Meredith? I would like to be able to provide that information to the assembly as part of their meeting packet. Thanks!

Julie Cozzi, MMC

Borough Clerk

Haines Borough Application for Appointment

Check the board, commission, or committee for which you are applying

	Planning Commission		Boat Harbo
	Tourism Advisory Board		Fire Service
	Chilkat Center Advisory Board		Fire Service
X	Parks and Recreation Advisory Board		Letnikof Es Road Mainte
	Museum Board of Trustees		Riverview R Maintenanc
✓	Library Board of Trustees		Historic Dal Road Mainte
	Public Safety Commission		Four Winds Road Mainte

Meredith was an ex-officio member of the Parks and Rec Committee while she was CYD Director. She is no longer in that position and wishes to be appointed to the vacant seat.
- Julie

Name: Meredith Pocharel
 Residence Address: 312 Myra Ln. Haines, AK
 Mailing Address: PO BOX 1544
 Business Phone: 314-0041 Home Phone: 315-8811-2401
 Fax: _____ Email: m.pocharel@gmail.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Meredith Pocharel
 Signature of Applicant

6-13-12
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

I am an active member of the community of Haines. I am currently a member of the Parks + Rec Advisory Committee, Well + Fit Community Council and have experience ~~with~~ working with various non-profit groups in the community.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.



Haines Borough Application for Board Appointment

Appointment (I am not currently on the board)

Reappointment (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Boat Harbor Advisory Committee
<input type="checkbox"/>	Tourism Advisory Board	<input checked="" type="checkbox"/>	Fire Service Area Board #1
<input type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input type="checkbox"/>	Parks and Recreation Advisory Board	<input type="checkbox"/>	Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees	<input type="checkbox"/>	Riverview Road Maintenance Service Area Board
<input type="checkbox"/>	Library Board of Trustees	<input type="checkbox"/>	Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

Name: Richard Buck
 Residence Address: 10 Mile Lufak Rd
 Mailing Address: Box 171
 Business Phone: _____ Home Phone: 907 766-3624
 Fax: _____ Email: _____

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Richard A. Buck
 Signature of Applicant

8/30/12
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

1. resident of service area

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Julie Cozzi

From: Darsie Culbeck
Sent: Friday, August 24, 2012 2:31 PM
To: Julie Cozzi
Subject: Port Steering Committee Recommendation

Hi Julie,

The Port Development Steering Committee voted unanimously to appoint Robert Venables to the P and Z seat vacated by Roger Maynard.

DC

Darsie Culbeck
Haines Borough
P.O. Box 1209
Haines, Alaska
907-766-2231, ext.60
www.hainesalaska.gov

Haines Borough Application for Board Appointment

- Appointment** (I am not currently on the board)
 Reappointment (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

Planning Commission	Boat Harbor Advisory Committee
Tourism Advisory Board	Fire Service Area Board #1
Chilkat Center Advisory Board	Fire Service Area Board #3 (Klehini)
Parks and Recreation Advisory Board	Letnikof Estates Road Maintenance Service Area Board
Museum Board of Trustees	Riverview Road Maintenance Service Area Board
Library Board of Trustees	Historic Dalton Trail Road Maintenance Service Area Board
Public Safety Commission	Four Winds Road Maintenance Service Area Board
Temporary (Ad-hoc) Board/Committee	Haines Borough Facility Master Plan Steering Committee

Name: Patty Campbell
 Residence Address: 311 Lynnview Drive
 Mailing Address: Box 37 HAINES AK 99827
 Business Phone: 907-766-2337 Home Phone: 907-314-0404
 Fax: 907-766-2345 Email: pcampbell99827@yahoo.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Patty A Campbell
 Signature of Applicant

8-29-12
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

Business owner in Haines 34 years

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.



Agenda Bill No.: 12-158
Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Assign Richard Boyce's Slip	1. 8/30/12 Memo from Port and Harbor Advisory Committee 2. Written Request from Karen Boyce
Originator: Port & Harbor Advisory Committee (Agenda Bill by Clerk)	
Originating Department: Ports & Harbors	
Date Submitted: 8/30/12	

Full Title/Motion:
 Motion: Permit Karen Boyce to bypass the waiting list and assume the harbor slip previously assigned to her father, the late Richard Boyce.

Administrative Recommendation:
 This is recommended by the borough manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 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:
 HBC 16.16.020 states that harbor "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 vessel 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." Karen Boyce has made written request to assume the slip previously assigned to her deceased father. The borough manager and the port and harbor advisory committee recommend assembly approval

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

30 August 2012

From: Port and Harbor Advisory Committee (PHAC)

To: Borough Manager

Subject: Assignment of Richard Boyce's Harbor Slip

Attachment: Letter from Karen Boyce

1. The PHAC recommended that the assignment of Richard Boyce's slip be forwarded to the Borough Assembly via the Borough Manager in accordance with code.

16.16.020 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 vessel 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. (Ord. 12-01-281 § 4; Ord. 07-08-162)

2. The recommendation passed the PHAC by a vote of five to one.
3. Any questions please feel free to call, 314-0173.

Phil Benner
Haines Harbormaster

To Whom It May Concern:

Concerning the reassignment of Richard Boyce's slip:

In regards to the f/v Eleanor S, we (my sisters Eleanor and Lucinda and myself) intend to keep the boat. I also intend to continue fishing the Eleanor S and would like to keep it home-ported in Haines as my father did for over 20 years.

The summer of 2011 I fished full time with my father. He said at that time he planned to put the slip into the corporation name rather than his individual name; that way if anything happened as members of the corporation, my sisters or I would be able keep our current slip. Knowing my father as many of you did, it comes as no surprise that he procrastinated.

Thank you very much for taking this into consideration when making your decision in this matter.

Sincerely,

Karen Boyce



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-159

Assembly Meeting Date: 9/11/12

Business Item Description:		Attachments:
Subject: Support for Skagway's AEA Grant Application re. a West Creek Hydro Feasibility Study		1. Draft Letter of Support for the mayor's signature 2. 7/15/11 Letter from Yukon Energy to the Skagway Manager
Originator: Borough Manager (agenda bill by the Clerk's Office)		
Originating Department: Mayor's Office		
Date Submitted: 8/30/12		

Full Title/Motion:
Motion: Approve the draft letter of support for the Municipality of Skagway's AEA Renewable Energy Fund grant application for a West Creek Hydroelectric Feasibility Study.

Administrative Recommendation:
N/A

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ n/a	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. :	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
The Municipality of Skagway has asked for a Haines Borough letter of support for their AEA Renewable Energy Fund grant application for a West Creek Hydroelectric Feasibility Study. Skagway proposes to use the funds to evaluate costs and benefits of developing hydroelectric power generation facility at West Creek, located approximately seven miles west of Skagway. The mayor seeks the assembly's concurrence before signing the letter.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

DRAFT LETTER OF SUPPORT
WEST CREEK HYDRO FEASIBILITY STUDY

September 5, 2012

Alaska Energy Authority
Shawn M. Calfa, Grants Administrator
813 West Northern Lights Blvd.
Anchorage, AK 99503

Dear Mr. Calfa,

The Haines Borough would like to express its support for the Municipality of Skagway's AEA Renewable Energy Fund grant application for a West Creek Hydroelectric Feasibility Study. The Municipality of Skagway proposes to use the funds to evaluate costs and benefits of developing hydroelectric power generation facility at West Creek, located approximately seven miles west of Skagway. The objectives of the project include: (1) offsetting diesel generation by cruise ships that dock in Skagway; (2) providing power to the local grid in northern Lynn Canal during periods of shortfall; and (3) providing power to the Yukon Territory grid in the winter.

The Haines Borough supports efforts to streamline regional energy use and improve air quality in the region, to the benefit of all the communities in the northern Lynn Canal.

Sincerely,

Stephanie Scott, Mayor
Haines Borough

YUKON
ENERGY



July 15, 2011

Mayor Tom Cochran
Municipality of Skagway
Box 415
Skagway, AK 99840

Dear Mayor Cochran:

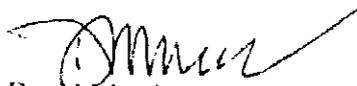
First, Mr. Mayor I would like to thank-you for taking the time to meet with me to discuss the proposed West Creek Hydro Project. Following our meeting, I had the opportunity to visit the site of the proposed West Creek Hydro Project and get a look at things first hand.

As we discussed, Yukon is in a major growth phase and we are actively searching for more options to develop new capacity to meet our growing loads. We are very interested in continuing to discuss and examine the opportunities regarding the West Creek project. In terms of suitability, West Creek provides some very interesting options. Yukon Energy is looking for renewable and clean sources of power for primarily winter-based load increases. If West Creek could be utilized to provide power for summer customers in Skagway, we would be very interested in pursuing the purchase of surplus power from the system during the winter.

The size of the project is particularly attractive for Yukon Energy as it is significantly large enough to meet our growing loads but also it should be large enough to offset the costs of building new transmission lines to Whitehorse. In addition once the transmission lines are in place, Yukon hydro projects that are not currently economic would potentially become economic additions to the system. This would of course also make it possible for Yukon Energy to sell any summer surpluses to Skagway to offset diesel power from cruise ships.

I would like to continue our discussions and meet on a regular basis to outline how we might reach a business arrangement as your project proceeds. Please do not hesitate to contact me if you have any questions or would like additional information.

Yours truly,


David Morrison
President & CEO

YUKON ENERGY
CORPORATION
P.O. Box 5920
WHITEHORSE
YUKON Y1A 6S7
(867) 393-5300

COPY

September 5, 2012

To: Mayor Stephanie Scott and Haines Borough Assembly Members

Re: Funding Nonprofits

The Chilkat Valley Community Foundation has been invited to present to the Assembly an overview of its mission and programs in the community on September 11.

The reason for the presentation is to generate more concrete ideas about how the Foundation might contribute structure and accountability in the administration of public funds distributed to local nonprofit organizations. For the past five years, it has been stated at least once during a budget hearing, that the Borough should explore this opportunity.

CVCF will explain its policies and procedures and most probably describe the limitations of its legal status and its attitude toward working with public funds. I suggest that following the presentation, the Assembly advance the question of how we might work best with the foundation to the Finance Committee. Details can be worked out in that venue.

Furthermore, I am prepared to propose that the Haines Borough institute by policy funding nonprofits at a level equal to a percentage of the annual revenue generated by the Permanent Fund. We have been allocating around \$100,000 in the recent past. Except for funding Mental Health, all funds directed to nonprofits are sourced in the General Fund. I propose that it will be a good planning tool to identify the Permanent Fund as the source for most grants to nonprofits. This will make for interesting discussion on the committee level.

Budget development is the Manager's responsibility, and so we must learn what the Manager thinks of such a proposal.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-141
Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Adopt Updated Haines Borough Comprehensive Plan	1. Ordinance 12-08-301 2. Public Comment re. Lynn Canal Road - J.Wenner (Note: The draft plan is very large. Rather than being attached to this agenda bill, it is available on the borough's website, www.hainesalaska.gov, or it may be requested from the borough clerk's office in hard copy or CD form.)
Originator: Planning Commission (Agenda Bill by Clerk's Office)	
Originating Department: Planning & Zoning	
Date Submitted: 7/23/12	

Full Title/Motion:
Motion: Adopt Ordinance 12-08-301.

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

Summary Statement:
The borough is mandated by AS 29.40.030 and Borough Charter 8.04 to have a comprehensive plan adopted and implemented by the assembly, which shall be presented to the assembly by the planning commission for adoption by ordinance. Title 29 requires that the assembly shall, after receiving the recommendations of the planning commission, periodically undertake an overall review of the comprehensive plan and update the plan as necessary. The existing Plan was adopted on 5/5/04, and on 2/8/11, the assembly determined an update of the Plan to be one of its top priorities and appropriated funds for the project. The planning commission, assisted by a consultant, conducted a comprehensive review and update of the Plan that included extensive citizen participation and public hearing opportunities. The overall review and update is now complete, and the planning commission recommends adoption of the updated Haines Borough Comprehensive Plan. The ordinance was introduced on 8/14.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 8/28, 9/11/12
Meeting Date(s): 8/14, 8/28, 9/11/12	Tabled to Date:

An Ordinance of the Haines Borough Assembly adopting a major update of the Haines Borough Comprehensive Plan pursuant to Haines Borough Charter and Alaska Statute requirements.

WHEREAS, Alaska Statute 29.40.030 and Haines Borough Code 18.30.040 define a comprehensive plan as a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the borough, including:

- (1) statements of policies, goals, and standards,
- (2) a land use plan,
- (3) community facilities plan,
- (4) classification, plan, and requirements for disposal of borough lands,
- (5) a transportation plan, and
- (6) recommendations for implementation of the comprehensive plan; and

WHEREAS, the Haines Borough is mandated by Alaska Statute 29.40.030 and Borough Charter 8.04 to have a comprehensive plan adopted and implemented by the assembly, which shall be presented to the assembly by the planning commission for adoption by ordinance; and

WHEREAS, Borough Charter 8.04 requires that the plan shall serve as a guide for all planning commission recommendations and all assembly legislative action concerning land use and development issues; and

WHEREAS, Title 29 requires that the assembly shall, after receiving the recommendations of the planning commission, periodically undertake an overall review of the comprehensive plan and update the plan as necessary; and

WHEREAS, the existing Haines Borough Comprehensive Plan was adopted on May 5, 2004; and

WHEREAS, on February 8, 2011, the assembly determined an update of the borough's comprehensive plan to be one of its top priorities and appropriated funds for the project; and

WHEREAS, the assembly shall be guided in the adoption of the comprehensive plan by the recommendations of the planning commission; and

WHEREAS, the planning commission, assisted by a consultant, conducted a comprehensive review and update of the Plan that included extensive citizen participation and public hearing opportunities in order that the plan reflect community goals and values; and

WHEREAS, the overall review and update is now complete, and the planning commission recommends adoption of the updated Haines Borough Comprehensive Plan,

NOW THEREFORE BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Haines Borough
Ordinance No. 12-08-301
Page 2 of 2

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Repealer. Any and all prior comprehensive plans pre-dating this ordinance are hereby repealed.

Section 5. Adoption. The updated Haines Borough Comprehensive Plan, dated July 2012, is incorporated herein by reference and is hereby adopted.

Section 6. Interpretation. The provisions of the Comprehensive Plan are not intended to be self-executing unless so specified by their terms. All provisions which are not self-executing are deemed to be directive and advisory. Directive and advisory provisions are intended to establish a continuity of borough government. The borough shall, when appropriate, consider advisory provisions and shall take positive action toward meeting directives within a reasonable time.

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

Date Introduced: 08/14/12
Date of First Public Hearing: 08/28/12
Date of Second Public Hearing: __/__/__

ADDITIONS TO COMPREHENSIVE PLAN 2/10/12

7.1.3 LYNN CANAL ROAD

SPECIFY EAST WHEN REFERRING TO THE EAST LYNN CANAL ROAD (TWO PLACES)

RECENT PLANNING HAS DEFINED AN IMPROVED WEST LYNN CANAL ROAD, STARTING WITH A SHUTTLE FERRY CROSSING FROM BERNERS BAY TO WILLIAM HENRY BAY THEN NORTH INTERSECTING THE HAINES HIGHWAY NORTH OF THE HAINES AIRPORT.

TURNING LEFT FOR ANCHORAGE OR FAIRBANKS, TURNING RIGHT TO LUTAK ROAD AND THE HAINES FERRY DOCK, A CONNECTING SHUTTLE FERRY WOULD PROVIDE SERVICE TO SKAGWAY AND THE KLONDIKE HIGHWAY. THIS ROUTE WOULD BE LESS COSTLY, AND SAFER, WITH INSIGNIFICANT VISUAL AND ENVIRONMENTAL IMPACT, COMPARED TO THE EAST LYNN CANAL ROAD.

FUTURE PLANNING COULD COMPARE^M THE SKAGWAY SHUTTLE FERRY COST WITH A ROAD CONNECTION TO SKAGWAY OVER A 30 YEAR FERRY LIFE.

8/7/12

JACK WENNER
Jack Wenner



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-132

Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Ordinance revising the water-sewer rate schedule	1. Ordinance 12-07-297 - Current Draft 2. 8/31/12 Memo from the Finance Director Proposing an Amendment re. Bulk Water Sales
Originator: Jila Stuart (Agenda Bill by Clerk's Office)	
Originating Department: Finance	
Date Submitted: 7/5/12	

Full Title/Motion:
Motion: Adopt Ordinance 12-07-297.

Administrative Recommendation:
This is recommended by the borough manager.

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:
<p>This action is recommended due to rising operating costs and inflation. The last rate increase was 12/2010. On 7/10, an ordinance to increase the rates was referred to the Government Affairs & Services Committee; it was not introduced. That committee met on 7/17 and again on 8/2, and the result is an amended version of the original draft. The changes they made to the previous draft are:</p> <ul style="list-style-type: none"> • The seasonal turn on/off fee was lowered from \$80 to \$45 • The residential and commercial monthly charges were increased \$0.40 per service <p>The ordinance was introduced on 8/14. As a result of the discussion on 8/28, the borough's finance director drafted text to clarify the residential vs. commercial bulk water sales. The assembly will consider this amendment.</p>

Referral:	
Sent to: Government Affairs & Services Committee	Date: referred 7/10/12
Recommendation: Adopt	Refer to: Meeting Date: 7/17, 8/2/12

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 8/28, 9/11/12
Meeting Date(s): 7/10, 8/14, 8/28, 9/11/12	Tabled to Date:

An ordinance of the Haines Borough adopting a new water-sewer rate schedule to set rates, fees and charges for water and sewer services.

WHEREAS, the Haines water and sewer systems are operated and maintained by the Haines Borough; and

WHEREAS, the Borough Assembly establishes rates and fees for Haines Borough water and sewer services; and

WHEREAS, Haines Borough Code, section 2.12.020(J), requires regulation of the rate charged by a public utility to be done by ordinance; and

NOW THEREFORE BE IT ENACTED, by the Haines Borough Assembly, that the following water-sewer schedule is hereby adopted by ordinance.

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

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

Section 2. Effective Date. This ordinance shall become effective on October 1, 2012.

Section 3. Purpose. To readopt the water-sewer rate schedule and set new rates, fees and charges for water and sewer services.

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, Borough Clerk

Date Introduced: 08/14/12
Date of First Public Hearing: 08/28/12
Date of Second Public Hearing: ___/___/___

Haines Borough – Water-Sewer Rate Schedule

(See HBC Title 13 for regulations and more information)

1. Monthly Surcharge for Crystal Cathedrals Special Assessment District

	WATER	SEWER
Commercial / Residential Surcharge	\$15.05 <u>\$11.10</u>	\$7.40 <u>\$6.85</u>
Total Combined Surcharge for Water-Sewer Service: \$22.45 <u>\$17.95</u>		

2. Unmetered Residential Water-Sewer Service

	WATER	SEWER
Base/Service Charge	\$20.70 <u>\$21.40</u>	\$13.40 <u>\$14.00</u>
Minimum Usage Charge	\$11.90 <u>\$12.60</u>	\$29.80 <u>\$30.40</u>
Residential Flat Rate	\$32.60 <u>\$34.00</u>	\$43.20 <u>\$44.40</u>
Total Combined Monthly Flat Rate for Water-Sewer Service: \$75.80 <u>\$78.40</u>		

3. Metered Residential Water-Sewer Service ¾"

	WATER	SEWER
Base/Service Charge	\$20.70 <u>\$21.40</u>	\$13.40 <u>\$14.00</u>
Minimum Usage (up to 4,000 gallons)	\$9.73 <u>\$10.43</u>	\$23.72 <u>\$24.32</u>
Residential Metered Rate(first 4,000 gallons)	\$30.43 <u>\$31.83</u>	\$37.12 <u>\$38.32</u>
Total Combined Monthly Metered Rate for Water-Sewer Service: \$67.55 <u>\$70.15</u>		

4. Metered Commercial Water-Sewer Service

¾" Service Line / Meter	WATER	SEWER
Base/Service Charge	\$19.45 <u>\$20.15</u>	\$12.88 <u>\$13.48</u>
Minimum Usage Charge	\$10.85 <u>\$11.55</u>	\$28.37 <u>\$28.97</u>
¾" Commercial Rate	\$30.30 <u>\$31.70</u>	\$41.25 <u>\$42.45</u>
Total Monthly Rate for the first 5,000 gallons of Water-Sewer: \$71.55 <u>\$74.15</u>		

1" Service Line / Meter	WATER	SEWER
Base/Service Charge	\$29.18 <u>\$30.23</u>	\$12.88 <u>\$13.48</u>
Minimum Usage Charge	\$10.85 <u>\$11.55</u>	\$28.37 <u>\$28.97</u>
1" Commercial Rate	\$40.03 <u>\$41.78</u>	\$41.25 <u>\$42.45</u>
Total Monthly Rate for the first 5,000 gallons of Water-Sewer: \$81.28 <u>\$84.23</u>		

1 ½" Service Line / Meter	WATER	SEWER
Base/Service Charge	\$38.90 <u>\$40.30</u>	\$12.88 <u>\$13.48</u>
Minimum Usage Charge	\$10.85 <u>\$11.55</u>	\$28.37 <u>\$28.97</u>
1 ½" Commercial Rate	\$49.75 <u>\$51.85</u>	\$41.25 <u>\$42.45</u>
Total Monthly Rate for the first 5,000 gallons of Water-Sewer: \$91.00 <u>\$94.30</u>		

2" Service Line / Meter	WATER	SEWER
Base/Service Charge	\$48.63 \$50.38	\$12.88 \$13.38
Minimum Usage Charge	\$10.85 \$11.55	\$28.37 \$28.87
2" Commercial Rate	\$59.48 \$61.93	\$41.25 \$42.25
Total Monthly Rate for the first 5,000 gallons of Water-Sewer: \$100.73 \$104.18		

3" Service Line / Meter	WATER	SEWER
Base/Service Charge	\$77.80 \$80.60	\$12.88 \$13.38
Minimum Usage Charge	\$10.85 \$11.55	\$28.37 \$28.87
3" Commercial Rate	\$88.65 \$92.15	\$41.25 \$42.25
Total Monthly Rate for the first 5,000 gallons of Water-Sewer: \$129.90 \$134.40		

Extra Gallonage Charge: (Each 1,000 gals or fraction thereof used after the minimum usage charge)	\$2.17 \$2.22	Extra Gallonage Charge: (Each 1,000 gals or fraction thereof used after the minimum usage charge)	\$6.08
Note: If a commercial service includes residential dwellings, an additional 5,000 gals is allowed for each dwelling, covered by the residential flat rate charge as defined in HBC 13.04.240.			

5. **Application Fees**

Water or Sewer Connection fee (nonrefundable service charge)	\$50.00
Combined Water and Sewer Connection fee (nonrefundable service charge)	\$50.00
Subdivision application for five or more services (nonrefundable service charge)	\$150.00
Other Agency Permit Fee (nonrefundable)	Actual Cost of the Permit plus \$50 administrative charge

6. **Hook-Up Fees**

	WATER	SEWER
Minimum Hook-Up Fee	\$550.00 \$650.00	\$450.00
Inspection Fee per Hook-Up	\$100.00	\$100.00
Additional Water Main Extension Inspection Fee ~First 100 Feet ~Each Additional Foot	\$25.00 \$0.25	\$25.00 \$0.25

7. **Expansion Charges**

		WATER	SEWER
Size of Water Service Line	Capacity (GPM)	Expansion Charges	Expansion Charges
¾" – 1"	8 – 15	\$450.00	\$500.00
1-1/2"	45	\$1,030.00	\$1,040.00
2"	80	\$1,830.00	\$2,030.00
4"	500	\$7,300.00	\$8,120.00

8. **Miscellaneous Water Fees and Charges**

Meter Installation Fee	\$75.00
Meter Inspection Fee	\$25.00

Meter Testing Fee ~3/4" and smaller ~Larger than 3/4"	\$75.00 \$100.00
Frost Bottom Replacement	\$50.00
Control Valve Shut-off or Turn-on ~Minimum service fee <u>(when water is off for less than 3 months)</u> ~Excess fees, if necessary ~ <u>Seasonal Turn-ons and turn-offs (when water is off for 3 months or more)</u>	\$30.00 <u>\$35.00</u> \$40/hour <u>\$45.00</u>
Bulk Water Purchase ~Per 1,000 gallons ~ Service Charge ~ <u>Seasonal Bulk Water Permit (fill at sewer plant)</u> Note: Bulk water charges apply to fire hydrants, Port Chilkoot Dock, and Small Boat Harbor. The charge does not apply to Lutak Dock.	\$4.00 \$50.00 <u>\$25.00</u>
After Hours Employee Call-Out	\$100.00
Deposits and Credit Establishment ~Residential Water Account ~Commercial Water Account	An amount equaling two months of the residential flat fee for water service An amount equaling an estimate of two months' water service charges based on like accounts already in service.
Unauthorized Water Turn On ~Charge to Shut Off Water at the Main or Remove Meter	Actual cost to the water department plus 15% overhead (but not less than \$25.00)

9. Miscellaneous Sewer Fees and Charges

Termination or Restoration of Sewer Service ~Minimum Service Charge (nonrefundable)	\$35.00
Deposits and Credit Establishment ~Residential Sewer Account ~Commercial Sewer Account	A sum equal to the established bill for two months' service but not less than \$40. An amount equaling like accounts in service.
Septic Waste Disposal (at sewage plant only) ~Per Load of Up to 500 Gals of Waste ~Single Loads in Excess of 500 Gals	\$100 minimum \$20.00 for each 100 gals excess or fraction thereof
After Hours Employee Call-Out	\$100.00
RV Dump Stations ~Monthly Flat Rate in Addition to Any Other Water and Sewer Charges	\$53.00
RV Parks	Same as Metered Commercial Charges

Memo



To: Mayor, Assembly
From: Jila Stuart, Chief Fiscal Officer
RE: Proposed rewording for Ord #12-07-297 Adopting New Water/Sewer Rates

At the last meeting the assembly discussed the need to clarify the difference between the proposed residential bulk water permit and commercial bulk water sales. Staff recommends striking the following section of ordinance #12-07-297:

<p>Bulk Water Purchase ~Per 1,000 gallons ~ Service Charge ~<u>Seasonal Bulk Water Permit (fill at sewer plant)</u></p> <p>Note: Bulk water charges apply to fire hydrants, Port Chilkoot Dock, and Small Boat Harbor. The charge does not apply to Lutak Dock.</p>	<p>\$4.00 \$50.00 <u>\$25.00</u></p>
--	---

That section should be replaced with the sections below:

<p>Commercial Bulk Water Purchase ~Per 1,000 gallons ~ Service Charge</p> <p>Note: Commercial bulk water charges apply to fire hydrants, Port Chilkoot Dock, and Small Boat Harbor. The charge does not apply to Lutak Dock.</p>	<p>\$4.00 \$50.00</p>
<p>Residential Bulk Water Purchase ~<u>Seasonal Bulk Water Permit (fill at sewer plant only)</u></p>	<p><u>\$25.00</u></p>

RECEIVED Haines Borough

AUG 31 2012

Clerk's Office



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-155
Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Amend Title 16 to prohibit certain behaviors and give the harbormaster authority to suspend or revoke privileges Originator: Borough Manager (Agenda Bill by Clerk's Office) Originating Department: Administration Date Submitted: 8/7/12	1. Ordinance 12-08-302 - Current Draft 2. Substitute Ordinance adding an appeal procedure

Full Title/Motion:
 Motion: Advance Ordinance 12-08-302 to a second public hearing on 9/25/12.

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:
 This ordinance amends Title 16 to prohibit:
 1. verbal abuse, physical assault and threats against borough and harbor staff,
 2. physical assault and threats against members of the public while within the harbor, and
 3. refusing to comply with lawful directives by the harbormaster.
 It also gives the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities. On 8/28, the assembly directed staff to prepare an amendment to add an appeal procedure to the ordinance. A substitute ordinance is attached to this agenda bill for consideration. The port and harbor advisory committee supports it.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 9/11/12
Meeting Date(s): 8/28, 9/11/12	Tabled to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.

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 16.28.010. Haines Borough Code 16.28.010 is amended, by the addition of sections S – U, to read as follows:

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

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 borough port and harbor facilities to commit any of the prohibited acts:

...

S. To verbally abuse, physically assault, or threaten any Borough or harbor personnel at any time.

T. To physically assault or threaten other harbor users or members of the public while within the Borough port and harbor facilities.

U. To refuse to comply with any lawful order of the harbormaster or his representatives.

Section 5. Amendment of Section 16.28.030. Haines Borough Code 16.28.030 is amended, as follows:

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

16.28.030 Penalties for violations.

A. Any person violating any of the provisions of this title will be fined according to the fees set out in the most current assembly approved fee schedule.

B. In addition to the remedies under subsection A, the privilege of using the Borough port and harbor facilities may be suspended or revoked if the harbormaster

determines that suspension or revocation is in the best interest of the Borough or other harbor users. Notice of suspension or revocation of privileges shall be delivered in person or by certified mail to ensure receipt, and, for the purposes of AS 11.46.320 -- 11.46.350, shall constitute a lawful directive by the person in charge of the premises to vacate and to refrain from entering all borough port and facilities for any reason for as long as the suspension or revocation is in effect. Failure to comply with the harbormaster's revocation of mooring privileges or an order to vacate may result in impoundment under Chapter 16.24.070 of this title. The remedies of this title are in addition to any civil and criminal remedies the harbormaster, Borough, State of Alaska, or any other authority may have.

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: 08/28/12
Date of First Public Hearing: 09/11/12
Date of Second Public Hearing: ___/___/___

An Ordinance of the Haines Borough amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.

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~~STRIKETHROUGH~~ ITEMS ARE DELETED

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B. In addition to the remedies under subsection A, the privilege of using the Borough port and harbor facilities may be suspended or revoked if the harbormaster

determines that suspension or revocation is in the best interest of the Borough or other harbor users. Notice of suspension or revocation of privileges shall be delivered in person or by certified mail to ensure receipt, and, for the purposes of AS 11.46.320 -- 11.46.350, shall constitute a lawful directive by the person in charge of the premises to vacate and to refrain from entering all borough port and facilities for any reason for as long as the suspension or revocation is in effect. Failure to comply with the harbormaster's revocation of mooring privileges or an order to vacate may result in impoundment under Chapter 16.24.070 of this title. The remedies of this title are in addition to any civil and criminal remedies the harbormaster, Borough, State of Alaska, or any other authority may have.

Any person or vessel owner whose privileges have been suspended or revoked has the right to an administrative hearing to determine whether there was probable cause for the suspension or revocation of privileges. The request shall be in writing submitted to the borough within five (5) business days of the suspension or revocation. The manager shall call a meeting of the Port and Harbor Advisory Committee within fourteen (14) business days for the purpose of conducting the requested administrative hearing. The hearing shall be conducted 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 the right for reinstatement. The Harbormaster shall carry the burden of establishing just cause for the suspension or revocation.

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: 08/28/12
Date of First Public Hearing: 09/11/12
Date of Second Public Hearing: ___/___/___



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

September 11, 2012

Paving Project

We are making substantial progress toward completing the Townsite portion of Phase III paving project. This phase includes Lynnvue, View, 4th and 3rd Avenues. The project is on schedule for completion by the end of September. The Chilkat Lake area road improvements will go out to bid by September 25. Construction for that portion of the project is scheduled for the spring of 2013.

We are continuing to work with state and federal officials to secure funding for Third Avenue Street. As previously reported, the Governmental Accounting Office (GAO) ruled that the Denali Commission was "sufficiently funded;" and thus would not receive funding for FFY 2011 and FFY 2012. The Haines project was one of many across Alaska that was scored and prioritized for funding in the amount of \$900,000 from the Denali Commission, but will not be receiving those funds through the Commission. As a backup plan, we should consider adding that project request as part of a Phase IV Road Improvement legislative priority request.

School Gym Floor and Vocation Education Building Improvements

These improvements are nearing completion and are expected to be completed by the end of September.

Chilkat Center Boilers Replacement

The Chilkat Center Boilers are being installed at this time. This major maintenance project is expected to be completed by the end of September.

Chilkat Center Roof Replacement

The Chilkat Center Roof Replacement materials have arrived the project is underway. The project is scheduled for completion by October 15, weather permitting.

South Portage Cove Harbor Expansion

Denali Drilling and PND Engineers are scheduled to be on site to begin the geotechnical investigation work for the South Portage Cove Harbor Expansion project. The barge is scheduled to arrive in Haines on September 17, with drilling to commence on September 18, 2012.

Major Road Maintenance

Public Works crews have been making significant improvements to Anway Road, with work scheduled to begin on FAA Road this week.

Sunshine / Piedad Water Line Improvements

The Sunshine / Piedad water line improvement project is underway.

Haines Highway Picture Point Wayside Project

We are preparing a Purchase and Sales Agreement between the Haines Borough and Roger Beasley for the acquisition of Picture Point Wayside property. I expect to bring that document and a resolution for Assembly consideration on September 11, 2012.

AMHS Ferry Terminal – Lutak Dock Land Sale

We have provided ADOT&PF with a market-based counter offer to the Alaska Department of Transportation and Public Facilities (ADOT&PF) appraised value of \$302,000 for acquisitions and easements of a portion of the Borough-owned Lutak Dock. We are negotiating with the ADOT&PF on arriving at a agreed value. If those negotiations are successful, we will bring the negotiated value back to the Assembly for approval as part of the proposed land sale agreement.

Memo

Date: August 31, 2012
To: Mayor, Assembly
Cc: Mark Earnest
From: Jila Stuart, Chief Fiscal Officer
RE: FY12 General Fund Financial Report



The attached financial statements show the Haines Borough's general funds (Areawide and Townsite) actual revenue and expenditures for the fiscal year ending June 30, 2012 as compared with the previous fiscal year and as compared with the FY12 Budget. These figures are currently unaudited and preliminary.

Actual Compared to Budget

In the areawide general fund revenues came in slightly higher than budget but expenditures were \$168,280 (4%) lower than budget. As a result, the \$37,813 deficit which was budgeted for the fiscal year turned out to be a \$147,241 surplus of revenue over expenditures. The primary factors in the lower than anticipated expenses were:

- Payroll Expense -was \$55,653 lower than budget due to vacancies in positions, primarily the vacancy in the Planning and Zoning Tech position.
- Professional services fees -were \$56,484 lower than budget. This was primarily due to contract assessment work which did not happen as planned during the fiscal year.
- Component Unit Reimbursements -Due to an organizational change an accounting entry was not made which would have recorded an additional \$34,000 of library expense. The issue of whether the library is a department or a component unit of the Borough needs to be resolved. This issue may be resolved with a change to the attached financial statements or it may be addressed as an amendment to the FY13 budget.

In the townsite service area general fund revenues were \$160,204 (9%) higher than budget and expenditures were \$55,146 (3%) lower than budget. As a result, the \$136,380 surplus which was budgeted for the fiscal year turned out to be a \$351,731 surplus of revenue over expenditures. \$412,684 of revenues for this fund is repayments of a loan made to Chilkoot Indian Association in FY10. These repayments were initially intended to flow back through to fund balance in order to replenish the fund balance used when the loan was made. The primary factors in the higher than expected revenues and lower than anticipated expenses were:

- Chilkoot Indian Association Road Maintenance -Due to higher than usual snowfall in during the winter of 2011-2012 road maintenance funds from (C.I.A.) which are being used to repay the FY10 loan were higher than budgeted by \$162,684.
- Payroll Expense -was \$38,227 lower than budget due to vacancies in positions.

HAINES BOROUGH

**GENERAL FUND Preliminary Revenue & Expenditures SUMMARY by FUND
FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

01 AREAWIDE GENERAL FUND

	FY11 ACTUAL	FY12 ACTUAL	Yr to Yr VARIANCE*	FY12 BUDGET	BUDGET VARIANCE*	% OF BGT
REVENUE						
Property Tax Revenue	\$ 1,441,874	\$ 1,533,142	\$ 91,268	\$ 1,533,500	\$ (358)	100%
Sales Tax	495,853	481,846	(14,007)	478,000	3,846	101%
Sales Tax Lodging	71,928	71,109	(819)	75,000	(3,891)	95%
State Revenue - Revenue Sharing	499,503	678,247	178,744	678,247	-	100%
State Revenue - Raw Fish Tax	122,050	121,651	(398)	121,651	0	100%
State Revenue - Other	15,747	19,320	3,573	17,900	1,420	108%
Federal Revenue - Secure Schools	367,524	377,899	10,375	377,900	(1)	100%
Federal Revenue - P.I.L.T.	364,214	364,189	(25)	362,000	2,189	101%
Port Revenue (moved to enterprise in FY12)	301,596	-	(301,596)	-	-	-
Interest Earnings	120,821	127,119	6,298	102,000	25,119	125%
Rental Income	61,877	63,579	1,702	69,000	(5,421)	92%
User Fees	61,143	48,937	(12,206)	53,000	(4,063)	92%
Penalty & Interest - Property Tax	23,878	44,367	20,489	30,000	14,367	148%
Penalty & Interest - Sales Tax	36,656	23,364	(13,291)	20,000	3,364	117%
Business Licenses	11,025	20,340	9,315	21,000	(660)	97%
Miscellaneous Fines & Fees	31,831	28,353	(3,478)	47,500	(19,147)	60%
Sale of Fixed Asset	5,562	26,738	21,177	26,730	8	100%
TOTAL AREAWIDE REVENUES	\$ 4,033,081	\$ 4,030,202	\$ (2,880)	\$ 4,013,428	\$ 16,774	100%
EXPENDITURES						
Salaries and wages	\$ 1,329,728	\$ 1,413,684	\$ (83,956)	\$ 1,434,488	\$ 20,804	99%
Employee Burden	619,896	402,760	217,136	421,273	18,513	96%
Health Insurance	297,342	313,235	(15,893)	329,571	16,336	95%
Component Unit Reimbursements	(87,532)	(69,132)	(18,400)	(32,775)	36,357	211%
Supplies & Postage	28,895	23,434	5,461	35,265	11,831	66%
Material & Equipment	29,590	36,769	(7,179)	35,440	(1,329)	104%
Computers & Peripherals	17,133	20,203	(3,071)	22,934	2,731	88%
Professional & Contractual	312,482	294,136	18,346	350,620	56,484	84%
Dues, Subscriptions & Fees	8,480	7,232	1,248	7,334	102	99%
Travel & Per Diem	43,147	38,359	4,788	47,830	9,471	80%
Training	10,850	14,516	(3,666)	16,930	2,414	86%
Advertising	12,166	10,477	1,689	8,250	(2,227)	127%
Banking & Insurance	50,606	30,113	20,493	39,005	8,892	77%
Vehicle Expense	14,317	8,503	5,815	9,660	1,158	88%
Utilities	188,408	208,571	(20,162)	210,361	1,790	99%
School District - Instructional	1,694,044	1,744,865	(50,821)	1,744,865	-	100%
School District - Activities	210,000	210,000	-	210,000	-	100%
Appropriations from the Assembly	175,951	69,196	106,755	71,900	2,704	96%

	FY11 ACTUAL	FY12 ACTUAL	Yr to Yr VARIANCE*	FY12 BUDGET	BUDGET VARIANCE*	% OF BGT
Building Maintenance & Repairs	11,014	26,829	(15,815)	27,600	771	97%
Discretionary Expense	4,935	2,698	2,237	2,800	102	96%
Work Orders	(150,950)	(115,572)	(35,378)	(138,410)	(22,838)	83%
Allocations	(679,647)	(683,446)	3,799	(679,200)	4,246	101%
Operating Transfers - OUT from General	185,061	15,531	169,530	15,500	(31)	100%
Operating Transfers - In fr Permanent	(140,000)	(140,000)	-	(140,000)	-	100%
TOTAL AREAWIDE EXPENDITURES	4,185,917	3,882,961	302,956	4,051,241	168,280	96%
NET REVENUE OVER EXPENDITURES	\$ (152,836)	\$ 147,241	\$ 300,077	\$ (37,813)	\$ 185,054	

02 TOWNSITE SERVICE AREA

REVENUE

Property Tax Revenue	\$ 470,391	\$ 445,434	\$ (24,957)	\$ 444,000	\$ 1,434	100%
Sales Tax	668,584	644,589	(23,995)	650,000	(5,411)	99%
Chilkoot Indian Assoc. Road Maintenance	254,001	412,684	158,683	250,000	162,684	165%
State Revenue - Public Safety	117,046	353,299	236,253	352,326	973	100%
State Revenue - General	95,144	128,702	33,558	128,000	702	101%
Interest Earnings	2,668	2,579	(89)	4,000	(1,421)	64%
Miscellaneous Fines & Fees	3,982	5,144	1,162	3,900	1,244	132%
TOTAL TOWNSITE REVENUES	1,611,816	1,992,430	380,615	1,832,226	160,204	109%

EXPENDITURES

Salaries & Wages	478,391	499,594	(21,202)	515,582	15,988	97%
Employee Burden	157,198	165,071	(7,873)	172,195	7,124	96%
Health Insurance	95,481	97,961	(2,480)	113,076	15,115	87%
Supplies & Postage	4,543	5,322	(779)	7,350	2,028	72%
Material & Equipment	116,972	134,638	(17,666)	137,500	2,862	98%
Computers & Peripherals	3,472	2,901	571	4,300	1,399	67%
Professional & Contractual	73,144	180,377	(107,233)	189,940	9,563	95%
Dues & Subscriptions	904	1,184	(279)	1,500	316	79%
Travel & Per Diem	7,171	10,971	(3,800)	7,150	(3,821)	153%
Training	1,602	995	607	1,700	705	59%
Advertising	969	2,500	(1,531)	1,350	(1,150)	185%
Banking & Insurance	23,252	18,662	4,590	23,230	4,568	80%
Vehicle Expense	73,171	140,986	(67,815)	138,550	(2,436)	102%
Utilities	66,791	78,335	(11,544)	87,620	9,285	89%
Assembly Appropriations	5,000	-	5,000	-	-	-
Work Orders	(38,491)	(69,857)	31,366	(59,550)	10,307	117%
Allocations	282,428	371,060	(88,632)	354,353	(16,707)	105%
Operating Transfers - OUT from TSA	36,513	-	36,513	-	-	-
TOTAL TOWNSITE EXPENSES	1,388,512	1,640,700	(252,188)	1,695,846	55,146	97%
NET REVENUE OVER EXPENDITURES	\$ 223,304	\$ 351,731	\$ 128,427	\$ 136,380	\$ 215,351	

*Positive variance is favorable. Negative variance is unfavorable.



Agenda Bill No.: 12-130
Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Local Financial Disclosure Requirements & Process	1. Motions Currently on the Table 2. Ordinance 12-07-296 - Current Draft 3. 9/3/12 Memo from the Mayor re. amendments 4. 9/1/12 Memo from the Mayor re. amendments
Originator: Gov't Affairs & Services (Agenda Bill by Clerk's Office)	
Originating Department: Assembly	
Date Submitted: 6/27/12	

Full Title/Motion:
 Motion: Adopt Ordinance 12-07-296.

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:

This ordinance will establish a Local Financial Disclosure Requirement and Process should the ballot measure be ratified by the voters on October 2, 2012. The current draft primarily came out of Government Affairs & Services Committee meetings. On 8/14, the assembly chose to postpone adoption and scheduled a third public hearing that took place on 8/28. At that time, the assembly members again postponed adoption to enable them to meet as a committee of the whole to examine the text in light of questions that arose during debate, including the definition of "source of income." This is unfinished business, and the assembly will pick up where they left off on 8/28. The motions currently on the table are attached to this agenda bill.

Referral:

Sent to: Committee of the Whole	Date: 8/28/12
Recommendation:	Refer to: Meeting Date: 9/11/12, 5:30pm

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 7/24, 8/14, 8/28/12
Meeting Date(s): 7/10, 7/24, 8/14, 8/28, 9/11/12	Tabled to Date:

Ordinance 12-07-296 – Unfinished Business

An Ordinance of the Haines Borough repealing Ordinance 08-09-189 and amending Borough Code Title 2 to add Section 2.06.035 to establish a Local Financial Disclosure Requirement and Process and add applicable definitions to Title 2 Section 2.990.010.

Motions Currently on the Table

On 8/28/12, this matter was postponed to the 9/11/12 assembly meeting with the following motions on the table. The assembly will pick up where they left off, beginning with discussion on Primary Amendment #2.

Main Motion: LAPP moved to “adopt Ordinance 12-07-296,” and it was amended to strike “retirement accounts” from 2.06.035(A).

Primary Amendment #2: SCHNABEL moved to amend the ordinance draft by replacing the *Source of income* definition text in HBC 2.990.010 with the following text, and the motion was seconded:

“Source of income” means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them hold a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them hold a controlling interest.

An Ordinance of the Haines Borough repealing Ordinance 08-09-189 and amending Borough Code Title 2 to add Section 2.06.035 to establish a Local Financial Disclosure Requirement and Process and add applicable definitions to Title 2 Section 2.990.010.

BE IT ORDAINED BY THE ASSEMBLY OF THE HAINES BOROUGH, ALASKA:

Sec. 1. Classification. This ordinance is of a permanent nature and shall be codified into Haines Borough Code.

Sec. 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.

Sec. 3. Effective Date. This ordinance shall become effective immediately upon voter approval to exempt the borough from the requirements of AS 39.50.

Sec. 4. Repeal and Reenactment: Ordinance 08-09-189 is hereby repealed in its entirety and Chapter 2.06 shall be amended to add the following Section 2.06.035:

2.06.035 Public Financial Disclosure

A. The borough assembly members, mayor, school board members, planning commissioners, and borough manager must annually file a financial disclosure statement listing each source of income over \$5,000, including business interests, real property interests, and interests in trusts exceeding \$5,000, natural resources leases, government contracts and leases, and loans, loan guarantees, and debts over \$5,000. The borough clerk shall provide the forms.

B. The annual financial disclosure statements must be filed by March 15 each year. A newly appointed official must file a financial disclosure statement within 30 days of taking office. Each candidate for elected borough office, except an incumbent seeking reelection with a current disclosure statement on file, must file a financial disclosure statement at the time the candidate files. Refusal or failure of a candidate to file the required financial disclosure statement before the end of the time period for filing a declaration of candidacy shall cause the candidate's declaration of candidacy to be rejected and the candidate disqualified. A person who fails to file a properly completed and certified financial disclosure statement within the time required by this section is subject to a civil penalty of \$10 a day for each day the delinquency continues. The penalty may be deducted from any payments due.

C. The disclosure must be true, correct and complete and shall be signed under oath or affirmation, or certified to be true under penalty of perjury. A person required to file a financial disclosure statement under this section who refuses or knowingly fails to disclose required information within the time required in this chapter, or who provides false or misleading information, knowing it to be false or misleading, is guilty of a violation and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000 notwithstanding HBC 1.24. A municipal officer or candidate for an office who refuses or fails to file a financial disclosure statement required under this section when due shall not hold office, and the person's name shall not be submitted to the assembly for appointment or reappointment, until the person complies. The person may not be confirmed, hired, or appointed, and the person forfeits and may not be paid any salary, per diem, or travel expenses, until

the person complies. If, after installation in office or beginning employment in the position, the person refuses or fails to file the required financial disclosure statement when due, the person is guilty of a violation and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000 notwithstanding HBC 1.24. Any citizen eligible to vote in Alaska may bring a civil action to enforce any of the sections of 2.06.035.

D. The disclosures shall be filed with the borough clerk and shall be open to public inspection and copying at the office of the borough clerk. The disclosures will not be sent to the Alaska Public Offices Commission and shall not be posted on the Haines Borough's website.

E. Each statement must be an accurate representation of the financial affairs of the filer and must contain the information specified in sections E (1-8) of this section for the filer, the filer's spouse or domestic partner, and the filer's dependent child.

(1) The source of income over \$5000 during the preceding calendar year, including taxable and nontaxable capital gains, received by the filer, the filer's spouse or domestic partner, and the filer's dependent child, except that a source of income that is a gift must be included if the value of the gift exceeds \$250;

(2) The identity, by name and address, of each business in which the filer, the filer's spouse or domestic partner, and the filer's dependent child had an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year, with the following exceptions:

a. Interest of less than \$5,000 in the stock of a publicly traded corporation need not be included, or

b. Notwithstanding other provisions of this chapter, health care providers, certified public accountants, stock brokers or financial advisors and attorneys are not required to disclose, as sources of income, the names of individual patients or clients who receive professional services. Covered individuals who are the spouses or domestic partners of health care providers, certified public accountants, stock brokers or financial advisors and attorneys are not required to disclose the names of their professional spouse's or domestic partner's individual patients or clients who receive professional service. This exemption shall not apply to the identity of any corporation or other business entity having a contract with the professional producing income of five thousand dollars (\$5,000.00) or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the covered individual's field of professional expertise;

(3) The identity and nature of each interest in real property in the Haines Borough, including an option to buy, owned at any time during the preceding calendar year by the filer, the filer's spouse or domestic partner, and the filer's dependent child;

(4) The identity of each trust or other fiduciary relation in which the filer, the filer's spouse or domestic partner, and the filer's dependent child held a beneficial interest exceeding \$5,000 during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;

(5) A list of all mineral, timber, oil, or any other natural resource lease held in the Haines Borough, or lease offer made in the Haines Borough, during the preceding calendar year by the filer, the filer's spouse or domestic partner, and the filer's dependent child, a partnership or professional corporation of which the filer is a member, or a corporation in which the filer, the filer's spouse or domestic partner, and the filer's dependent child, or a combination of them, holds a controlling interest;

(6) A list of all contracts and offers to contract with the state of Alaska or with the Haines Borough (including the School District or other Haines Borough entity) during the preceding calendar year held, bid, or offered by the filer, the filer's spouse or domestic partner, and the filer's dependent child, a partnership or professional corporation of which the filer is a member, or a corporation in which the filer, the filer's spouse or domestic partner, and the filer's dependent child, or a combination of them, hold a controlling interest;

(7) Any loan or loan guarantee of more than \$5,000 made to the filer, the filer's spouse or domestic partner, and the filer's dependent child, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the filer, the filer's spouse or domestic partner, and the filer's dependent child owed more than \$5,000; this paragraph requires disclosure of a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, on the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, or indebtedness was more than \$5,000 at any time during the preceding calendar year.

Sec. 5. Amendment of Section 2.990.010. Section 2.990.010 of the Haines Borough Code is hereby amended to read as follows:

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

2.990.010 Definitions.

...

"Demotion" means the transfer of a person from a position in one class to a position in another class with a lower salary range.

"Dismissal" means separation of a person from the borough service for reasons other than resignation, retirement, or layoff.

"Domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage (AS 39.50.200 Definitions (4)).

"Electioneering" means any form of persuasion to attempt to affect the decision of any voter, including, but not limited to, campaign buttons, bumper stickers, posters, flyers, pennants, banners or by voice.

"Employee" means any person in the borough service who is paid a salary or wage by the borough regardless of the original source of the funds, other than an elected official.

"FLSA" means the Fair Labor Standards Act.

"Graveyard shift" means those hours worked between midnight through 8:00 a.m.

"Immediate family member" means spouse and any person related by blood or marriage within and including the second degree of kindred.

"Layoff" means an involuntary separation of an employee in the borough service because a position has been abolished, there are insufficient funds to pay the employee, or there is an insufficient amount of work for the employee to do.

"Manager" means the borough manager or designee.

"Pay plan" means a schedule of salaries which shall be established and amended by resolution and which covers all classes of positions in the borough service.

"Permanent status" means the status of a person who has satisfactorily completed the probationary period.

"Position" means an office or employment in the borough service composed of specific duties and requiring the full-time or part-time services of one person.

"Probationary period" means the in-service test period which follows an appointment and precedes permanent employment in a class.

"Promotion" means the change of a person from a position in one class to a position in another class with a higher salary range.

"Resignation" means termination of employment at the request of the person.

"Second degree of kindred" means father, mother, son, daughter, brother, sister, husband, wife, grandfather, grandmother, grandson, granddaughter, uncle and aunt and includes those relationships involving half or step relationships.

"Short list" means a list of at least three qualified candidates for employment.

"Source of income" means the entity for which service is performed or that is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or domestic partner, and the person's dependent child, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation, but, if the entity that is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

...

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Introduction: 07/10/12
First Public Hearing: 07/24/12
Second Public Hearing: 08/14/12
Third Public Hearing: 08/28/12 – Adoption postponed to 9/11/12

Memorandum

Haines Borough
Office of the Mayor
103 Third Avenue S.
Haines, Alaska 99827
sscott@haines.ak.us
Voice (907) 766-2231 ext. 30

September 3, 2012

To: Assembly

Cc: Julie Cozzi, Borough Clerk; Mark Earnest, Borough Manager

From: Stephanie Scott

Subject: Ordinance 12-07-296 Municipal Official Financial Disclosure law –
Exemption Section 2.06.035 (E) (2) (b)

I took advantage of the extra time provided by your decision to postpone adoption of our local financial disclosure law to look more closely at our exemption section.

I recommend that we clarify our exemption clause by deleting the current language and substituting the language below. I offer two forms: long and short.

My concern is that reliance on a list, instead of a set of conditions, may be either too limiting of exemptions or in contrast, overly permissive of exemptions. The language I propose relies heavily on the language in the current Alaska Administrative Code; therefore I have given you that code for reference. I was motivated to adopt this method of addressing exemptions after stumbling on language in the City of Ketchikan's local financial disclosure law which takes this same approach. I do not believe this change requires a 4th public hearing because the change is inclusive of the original exemption, but adds clarification to the basis for exemption and to the procedure.

Suggestion motion: **Replace Section 2.06.035 (E) (2) (b)** with the following:

Long Form:

A public official or candidate required to file a disclosure statement, may, for any reason set out in Alaska Administrative Code regulations 2 AAC 50.100-102; AAC 50.775; request an exemption from the requirement to report the name of an

individual who was a source of income on a form provided by the Borough Clerk. The person requesting any exemption has the burden of proving each fact necessary to show that an exemption available under this section is applicable. A written request for exemption or waiver must be submitted before the due date of any report or filing to which it relates. No later than 30 days after the Clerk receives a written exemption request, the Clerk shall send to the person requesting the exemption or waiver, at the address listed in the request, a decision granting or denying the request. If the Clerk issues a decision denying the request, the decision must state the reasons and notify the person requesting the exemption or waiver of the right to appeal the staff decision to the Assembly. If the person that requested the exemption or waiver does not file an appeal to the Assembly within 30 days after the date the Clerk's decision is mailed or delivered to the person, the decision is final, and may not be appealed to the Assembly at a later date.

Short form:

If the identity of the source of income is confidential by law under the rules establish by 2 AAC 50.100 -102, and 2 AAC 50.775, you may be excused from disclosing the source. To obtain an exemption, you must qualify under the law, you must file a written request on a form provided by the Borough Clerk, and you must *receive* an exemption from the Clerk.

Current (2012) state regulations regarding exemptions

2 AAC 50.100. Exemption from reporting name of individual as a source of income

(a) A filer who seeks an exemption from the requirement to report the name of a source of income under [AS 39.50.030](#) (b) or 2 AAC [50.010](#) - 2 AAC [50.200](#) shall request the exemption from the commission.

(b) To request an exemption under (a) of this section, a filer shall file a written request for exemption with the statement for which the exemption is requested. The written request for exemption must be on a form prescribed by the commission and must, for a name for which an exemption is requested,

- (1) state the facts that support the exemption; and
- (2) identify the exemption circumstances under (c) - (j) of this section that applies to the request.

(c) A filer may request a mental health practice exemption if during the preceding calendar year the

- (1) filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation in which a mental health practitioner, including a psychiatrist, psychologist, or therapist, worked;
- (2) source of income was an individual who received mental health services from the mental health practitioner; and
- (3) income was received as payment for the mental health services.

(d) A filer may request a sensitive medical practice exemption if during the preceding calendar year

- (1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;
- (2) at least 67 percent of the patients of the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation consisted of individuals who
 - (A) received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;
 - (B) were minors, and who, unknown to their parents or legal guardians, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; or
 - (C) were married, and who, unknown to their spouses, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(3) the source of income was an individual who received medical services of any nature from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and

(4) the income was received as payment for the medical services.

(e) A filer may request a sensitive medical procedure exemption if during the preceding calendar year the

- (1) filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

- (2) source of income was an individual who received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and
 - (3) income was received as payment for the medical services.
- (f) A filer may request an embarrassing medical procedure exemption if during the preceding calendar year
 - (1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;
 - (2) the source of income was a
 - (A) minor who, unknown to a parent or legal guardian of the minor, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; or
 - (B) married individual who, unknown to the individual's spouse, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;
 - (3) the income was received as payment for the medical services; and
 - (4) reporting the name of the source of income would tend to cause a reasonable person in the situation of the source of income substantial concern, anxiety, or embarrassment.
- (g) A filer may request a legal services practice exemption if during the preceding calendar year
 - (1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation where an attorney worked;
 - (2) at least 67 percent or more of the clients of the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation consisted of individuals who were
 - (A) minors, and who, unknown to their parents or legal guardians, received professional legal services from the attorney; or
 - (B) married, and who, unknown to their spouses, received professional legal services from the attorney;
 - (3) the source of income was an individual who received legal services of any nature from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and

- (4) the income was received as payment for the professional legal services.
- (h) A filer may request a legal services exemption if
- (1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation where an attorney worked;
 - (2) the source of income was a
 - (A) minor who, unknown to a parent or legal guardian of the minor, received professional legal services from the attorney; or
 - (B) married individual who, unknown to the individual's spouse, received professional legal services from the attorney;
 - (3) the income was received as payment for the professional legal services; and
 - (4) reporting the name of the source of income would tend to cause a reasonable person in the situation of the source of income substantial concern, anxiety, or embarrassment.
- (i) A filer may request a filer prohibition exemption if the filer is prohibited by law from reporting the name of a source of income.
- (j) A filer may request a right of source exemption if the filer believes that reporting the name of a source of income would violate a right of the source under the state or federal constitution.
- (k) A filer may request a HIPAA exemption if the filer believes that reporting the name of a source of income would disclose protected health information that the filer is prohibited from disclosing under 42 U.S.C. 1320d - 1320d-8 (Health Insurance Portability and Accountability Act (HIPAA) of 1996).
- History:** Eff. 9/9/78, Register 67; am 5/14/80, Register 74; am 1/26/86, Register 97; am 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173
- Authority:** [AS 15.13.030](#)

2 AAC 50.775. Exemption from reporting sources of income

(a) A legislative branch filer, public official, or candidate required under [AS 24.50.200](#) or [AS 39.50.020](#) to file a disclosure statement may, for any reason set out in this section, request an exemption from the requirement to report the name of an individual who was a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#). An exemption request must comply with 2 AAC [50.821](#). The person requesting any exemption has the burden of proving each fact necessary to show that an exemption available under this section is applicable.

(b) A legislative branch filer, public official, or candidate may request an exemption from the requirement to report the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#) regarding an individual who received

(1) mental health services provided by a mental health practitioner including a psychiatrist, psychologist, or therapist;

(2) medical services and the source of income was

(A) an individual who received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness;

(B) a minor who received medical services without the knowledge of a parent or legal guardian if a reasonable person in the situation of the minor would experience substantial concern, anxiety, or embarrassment from publication of the minor's name as a source of income;

(C) a married individual who received medical services without the knowledge of the individual's spouse if a reasonable person in the situation of the individual would experience substantial concern, anxiety, or embarrassment from publication of the individual's name as a source of income; or

(D) an individual who received medical services of any nature if at least 67 percent of the patients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (A) - (C) of this paragraph; or

(3) legal services provided by an attorney and the source of income was

(A) a minor who received legal services without the knowledge of a parent or legal guardian if a reasonable person in the situation of the minor would experience substantial concern, anxiety, or embarrassment from publication of the minor's name as a source of income;

(B) a married individual who received legal services without the knowledge of the individual's spouse if a reasonable person in the situation of the individual would experience substantial concern, anxiety, or embarrassment from publication of the individual's name as a source of income;

(C) an individual who received legal services of any nature if at least 67 percent of the clients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (A) or (B) of this paragraph.

(c) A legislative branch filer, public official, or candidate may request an exemption if

(1) the legislative branch filer, public official, or candidate is prohibited by law or court-ordered settlement from reporting the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#);

(2) the legislative branch filer, public official or candidate believes reporting the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#), would violate rights of the source under state or federal statutes or constitutions;

(3) the legislative branch filer, public official, or candidate believes that reporting the name of a source of income would disclose protected health information that the filer is prohibited from disclosing under 42 U.S.C. 1320d - 1320d-9 (Health Insurance Portability and Accountability Act (HIPAA) of 1996).

(d) A legislative branch filer, public official, or candidate may request a personal security exemption from reporting the name of a minor that is a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#) that exposes the public official, candidate, or a family member to a personal security threat.

(e) A legislative branch filer, public official, or candidate may request an exemption from reporting the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#) if a state or federal law or court order requires the name of the source or the other information to be kept confidential.

(f) Notwithstanding any other provision of this section, a legislative branch filer, public official, or candidate may request an exemption from reporting the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#), if the public official or candidate demonstrates that the right to privacy of the information outweighs the compelling state interest in disclosing the information.

History: Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200

2 AAC 50.821. Request for exemption or waiver

(a) To request an exemption allowed under [AS 15.13](#), [AS 24.45](#), [AS 24.60.200](#) - 24.60.260, or [AS 39.50](#), or a waiver of any requirement of this chapter, a person shall file a written request for exemption or waiver on the applicable form prescribed by the commission. A written request for exemption or waiver must be submitted before the due date of any report or filing to which it relates, and must provide the following information:

- (1) the name of the person requesting the exemption or waiver;
- (2) the person's mailing address;
- (3) the electronic mail address or telephone number at which the person may readily be contacted;
- (4) the matter for which the person seeks an exemption or waiver;
- (5) if the exemption or waiver request relates to information for which this chapter provides an exemption, the applicable provision of this chapter;
- (6) a statement whether the requested exemption or waiver is for a single report or filing, or for additional future reports requiring similar information;
- (7) the reasons for the exemption request;
- (8) any other information essential to the particular exemption or waiver request;
- and
- (9) a certification by the person requesting the exemption or waiver that all facts stated in the request are true.

(b) No later than 30 days after the commission receives a written exemption request that complies with (a) of this section, the staff shall send to the person requesting the exemption or waiver, at the address listed in the request, either a staff recommendation that the commission grant or deny the request, or a decision granting or denying the request. The staff shall issue a recommendation, and the matter will be presented to the commission for decision as provided in 2 AAC [50.826](#) if the staff determines

- (1) that the exemption request presents a factual or legal issue on which the commission has not previously made a decision in a substantially similar request for an exemption or waiver;
- (2) that the exemption request requires a policy decision by the commission; or
- (3) for other good reason.

(c) If the staff issues a decision granting the request, the decision must specifically describe the scope and duration of the exemption or waiver. If the staff issues a decision denying the request, the decision must state the reasons and notify the person requesting the exemption or waiver of the right to appeal the staff decision to the commission as

provided in 2 AAC [50.831](#). If the person that requested the exemption or waiver does not file an administrative appeal to the commission within 30 days after the date the staff decision is mailed or delivered to the person,

(1) the decision is final, and may not be appealed to the commission at a later date; and

(2) the person shall comply with any requirement of this chapter for which the exemption or waiver request was denied.

(d) A person that has requested an exemption under this section is not required to comply with the requirement from which the exemption request seeks relief if

(1) the staff issued a recommendation subject to commission review and the commission has not issued a final written order on that recommendation; or

(2) the commission has not issued a decision after a person appealed a staff decision in compliance with (c) of this section and 2 AAC [50.831](#).

Memorandum

Haines Borough
Office of the Mayor
103 Third Avenue S.
Haines, Alaska 99827
sscott@haines.ak.us
Voice (907) 766-2231 ext. 30

September 1, 2012

To: Assembly

Cc: Julie Cozzi, Borough Clerk; Mark Earnest, Borough Manager

From: Stephanie Scott

Subject: Ordinance 12-07-296: addition of "real estate broker" to professions exempted from disclosing clients names

At this time, I believe we would be wise to delay adding "real estate broker" to the list of professions exempted from disclosing the names of their clients. The list, as now adopted, simply reiterates the names of professions exempted by law from making disclosure by name of client

APOC finds that there is no statute supporting the argument that a real estate broker is protected from disclosing the names of clients who have paid commissions. (See attached August 27 APOC response provided by Mr. Studley.) Mr. Studley differs with the APOC finding.

I examined the state real estate statutes and have sent an inquiry to the Alaska Real Estate Commission Executive Director, Sharon Walsh, asking for confirmation of my understanding that commissions and the names of clients who pay them do not fall under the definition of "confidential information" in the real estate statutes. (Attached.) Should further information become available regarding this matter, we can amend our code as you wish.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Toll Free in Anchorage: 800.478.4176
Email: doa.apoc.reports@alaska.gov
www.doa.alaska.gov/apoc

August 27, 2012

Mr. James Studley
PO Box 946
Haines, AK 99827

Dear Mr. Studley,

You are a candidate for public office in Haines, Alaska. As such, you are required to file a disclosure statement detailing all sources of income over \$1,000 for the preceding year. On August 14, 2012 you requested an exemption from disclosure for real estate transactions you have conducted. Having reviewed the information you provided and 2 AAC 50.775, staff respectfully denies your request for exemption.

By law, a candidate must file a report detailing all sources of the candidate's income over \$1,000. AS 39.50.030. Under APOC regulations, a candidate may request an exemption from these reporting requirements. 2 AAC 50.821. In response to an exemption request, APOC staff has two options. For routine exemption requests, staff may issue its own decision approving or denying the request. Or, staff can make a recommendation to the Commission whether to approve or deny a request. APOC staff only makes a recommendation to the Commission if staff determines—in the first instance—that the request presents a new factual or legal issue, a question of policy, or some other good reason that would merit full review by the Commission. 2 AAC 50.821(b).

Having reviewed the materials you provided, APOC staff has decided to deny your request and not issue a formal recommendation to the Commission for the following reasons. First, the statutes listed in your August 7, 2012 e-mail; AS 08.88.071; .081; .171; .685, do not provide any statutory reason that would exempt you as a candidate, from disclosing real estate transactions that provided you income. Second, the value of real estate transactions is a public process and your involvement and Commissions from this public process is ascertainable already from other sources. As a result, staff does not find that the transactions fall under a constitutionally protected zone of privacy. *Falcon v. Alaska Pub. Offices Comm'n*, 570 P.2d 469 (1977). Finally, the public's right to know the sources of your income outweigh any reason you may have to keep these matters private.

Staff's decision to deny your request may be appealed to the Commission within 30 days. 2 AAC 50.831. Please feel free to call or write our office for assistance in appealing Staff's final decision. Copies of the statutes and regulations referenced in this letter are attached for your convenience.

Yours truly,

A handwritten signature in black ink, appearing to read 'Paul Dauphinais', with a long horizontal line extending to the right.

Paul Dauphinais

Executive Director

Alaska Public Offices Commission



HAINES BOROUGH, ALASKA
P.O. BOX 1209 • HAINES, ALASKA 99827
Administration 907.766.2231 • (fax) 907.766.2716
Tourism 907.766.2234 • (fax) 907.766.3155
Police Dept. 907.766.2121 • (fax) 907.766.2128
Fire Dept. 907.766.2155 • (fax) 907.766.3373

September 1, 2012

Sharon J. Walsh, Executive Administrator
Alaska Real Estate Commission
Robert B. Atwood Building
550 W. 7th Avenue, Suite 1500
Anchorage, Alaska 99501
Sharon.walsh@alaska.gov

Re: Confidentiality status of identification of source commission earned by or owed to real estate broker

Dear Ms. Walsh:

Our municipality is considering an exemption from a local financial disclosure statute for professionals for whom disclosure of the names of clients is prohibited by law (i.e. health care providers).

It would be very helpful if you would confirm or correct my understanding of the confidentiality provisions of Alaska real estate statutes 08.88.620¹ and the definition of confidential information in 08.88.695 (2)². Perhaps I am interpreting

¹ **Section 08.88.620 Duties Owed by Licensee representing a person**

(4) not disclosing confidential information from or about the represented person without written consent, except under a subpoena or another court order, even after termination of the licensee's relationship with the represented person;...

² **Sec. 08.88.695. Definitions** (2) "confidential information" means information from or concerning a person that

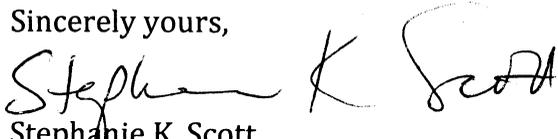
- (A) the licensee acquired during the course of the licensee's relationship as a licensee with the person;
- (B) the person reasonably expects to be kept confidential;
- (C) the person has not disclosed or authorized to be disclosed to a third party;
- (D) would, if disclosed, operate to the detriment of the person; and
- (E) the person is not obligated to disclose to the other party in a real estate transaction;

these provision too narrowly. AS 08.88.620 (4) does not seem to include disclosure of names and amounts of commissions as a prohibition; and the definition of confidential information seems to follow suit. Although I am not an attorney, I do not interpret either section as establishing a prohibition against the disclosing of the names of clients who have paid commissions to the broker.

We are meeting September 11 to determine to include or exclude "real estate broker" from the professions exempted from disclosing the names of clients. I apologize for the short notice, but it would be extremely helpful if you could weigh in before then.

Thank you.

Sincerely yours,


Stephanie K. Scott
Mayor, Haines Borough

Cc: Members, Haines Borough Assembly
Julie Cozzi, Borough Clerk



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-163

Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Late-Filed Senior Citizen/Disable Veteran Property Tax Exemption Application - Carl Lehman	1. Resolution 12-09-402 2. Memo from the Assistant Assessor recommending acceptance 3. Late-filed application from C. Lehman and Explanation of reason for missing the deadline
Originator: Assistant Assessor (Agenda Bill prepared by Clerk)	
Originating Department: Assessment/Lands	
Date Submitted: 8/29/12	

Full Title/Motion:
Motion: Adopt Resolution 12-09-402

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:
Per HBC 3.70.030(A)(6)(e), if an otherwise qualified claimant is unable to comply with the March 1 filing deadline, they may submit an application for review by the assembly. If it's a valid application, the assembly may, by resolution, waive the failure to file by the deadline, & authorize the assessor to accept it as if timely-filed. An inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. The borough received a 2012 Senior Citizen Prop Tax Exemption Application from Carl Lehman for Acct. C-207-TL-0110 after the 3/1/12 deadline, and he has explained the reason for the late filing was that he didn't receive notification of PFD approval until 7/16/12 and he didn't want to falsely claim PFD eligibility on the application form. it's the assistant assessor's opinion that this may be considered an extraordinary event beyond the applicant's control, and he recommends accepting it with assembly approval.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY AUTHORIZING ACCEPTANCE OF A LATE-FILED 2012 SENIOR CITIZEN/DISABLED VETERAN PROPERTY TAX EXEMPTION APPLICATION FROM CARL LEHMAN FOR PROPERTY ACCOUNT C-207-TL-0110.

WHEREAS, HBC 3.70.030(6) provides that a municipality shall exempt the first \$150,000 of the assessed value of real property owned and occupied as the primary residence and permanent place of abode by a resident 65 years of age or older, a resident at least 60 years old who is the widow or widower of a person who is was qualified for an exemption, or a disabled veteran whose disability has been rated as 50 percent or more, subject to AS 29.45.030; and

WHEREAS, to be eligible for this exemption for a year, the resident shall also meet all requirements for a permanent fund dividend (PFD) under AS 43.23.005 for the same year or for the immediately preceding year; and

WHEREAS, an exemption may not be granted except upon written application for the exemption on a form provided by the borough assessor and filed no later than March 1st of the assessment year for which the exemption is sought; and

WHEREAS, the applicant must file a separate application for each assessment year in which the exemption is sought and if an application is filed by the deadline, and approved by the assessor, the exemption shall be allowed in accordance with the provisions of HBC 3.70.030(6); and

WHEREAS, if an otherwise qualified applicant is unable to comply with the March 1st application filing deadline, they may submit an application to the assessor's office for review by the assembly, and if a valid application has been submitted, the assembly may, by resolution, waive the applicant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely-filed; and

WHEREAS, an inability to comply with the March 1st application filing deadline must be caused by either a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the applicant's control; and

WHEREAS, HBC 3.70.030(6) does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt a resolution waiving the failure to meet the deadline; and

WHEREAS, the Haines Borough Assessor's Office received a 2012 Senior Citizen/Disabled Veteran Property Tax Exemption Application from applicant Carl Lehman for property account C-207-TL-0110 after the March 1, 2012 deadline, and the applicant has explained the reason for the late filing was that he did not receive notification of PFD approval until July 16, 2012 and he did not want to falsely claim PFD eligibility on the application form; and

WHEREAS, it is the assistant assessor's opinion that delayed PFD verification may be considered an extraordinary event beyond the applicant's control, and he has no reservations with accepting the late-filed application with assembly approval,

NOW THEREFORE BE IT RESOLVED THAT the Haines Borough Assembly hereby waives Carl Lehman's failure to file his 2012 Senior Citizen/Disabled Veteran Property Tax Exemption Application for property account C-207-TL-0110 by the March 1, 2012 deadline, and authorizes the assessor to accept the application as if timely-filed.

ADOPTED by a duly constituted quorum of the Haines Borough Assembly this ____ day of _____, 2012.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk



HAINES BOROUGH
Lands Department
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 33
907-766-2716 (fax)

August 29, 2012

To: Honorable Mayor, Stephanie Scott, &
Haines Borough Assembly
From: Dean Olsen
Assistant Assessor
Haines Borough Land Department

Re: Real Property Account, C-207-TL-0110 (**Late filing of 2012 Senior Citizen or Disabled Veteran Property Tax Exemption Application**), Haines Borough Code 3.70.030 Required exemptions & AS 29.45.030

The Assessor's office received a *2012 Senior Citizen/Disabled Veteran Property Tax Exemption Application* from Carl W. Lehman after the March 1st deadline that is outlined in Haines Borough Code 3.70.030 6. (e). Mr. Lehman has provided a cover letter (per my request); explaining what he believes is a legitimate reason for acceptance of his application submitted after the March 1st deadline.

The following are the acceptable reasons outlined in code for late filing of the *Senior Citizen Property Tax Exemption Application*:

If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by:

- 1. a serious medical condition of the applicant, or member of the applicant's family***
- 2. an extraordinary event beyond the claimant's control***

Mr. Lehman's main reason for late filing is that he did not receive notification of approval for the Alaska State Permanent Fund Dividend (PFD), until July 16, 2012. After discussing the issuer with Mr. Lehman, I would consider the delayed (PFD) verification an extraordinary event beyond the claimant's control. Mr. Lehman's additional reason of "*knowingly signing a false statement*" supports his concern for filing without the (PDF) verification from the State of Alaska. However, an applicant could insert their own hand-written disclaimer on the application form.

As the Assistant Assessor, Mr. Lehman's reference to signing "***a knowingly false statement***" points out the need for evaluation, and possible revisions of the application to assure clarification and simplicity of this application process for our seniors. I will personally take on that task and any additional direction is welcomed.

In closing, I have no reservations accepting Mr. Lehman's *2012 Senior Citizen or Disabled Veteran Property Tax Exemption Application*, per Assembly approval.

Sincerely,

Dean Olsen
Assistant Assessor
Haines Borough Land Department

Carl W. Lehman
P.O. Box 969
Haines, Alaska 99827

July 17, 2012

Haines Borough
P.O. Box 1209
Haines, Alaska 99827

RE: Senior Property Tax Exemption

Gentlemen:

I am applying for a property tax exemption at this late date because I have just been informed by the State of Alaska that I and my wife are eligible for the Alaska permanent fund dividend for the year 2012. We were notified of the approval on July 16, 2012. Not wanting to burden all with unnecessary paper work, we put off applying for the exemption until we were sure of our eligibility for the Alaska State permanent fund dividend.

The tax exemption requires that one states that he is eligible for the exemption by March 15 even though the knowledge that he is in fact eligible for the P.F.D. under certain circumstances, is not forthcoming until sometime after the cutoff date. This would require one to apply before that information is available and would oblige a person to sign a knowingly false statement.

We were out of Alaska from February 2, 2009 and returned June 13, 2010 for the purpose of solving some family problems. We have owned and occupied a home in Haines since October 1988.

Sincerely,



Carl W. Lehman

Sincerely,

Carl W. Lehman

SENIOR CITIZEN or DISABLED VETERAN
PROPERTY TAX EXEMPTION APPLICATION

AS 29.45.030 (e) (i)

Each Year You Must UPDATE—SIGN—and RETURN this Application
along with the Supplemental PFD Information, by JANUARY 15, 2012

Municipality: HAINES BOROUGH

Tax Year: 2012

Name of Applicant:
Carl W Lehman

Birthdate of Applicant:
8/5/34

Name of Spouse:
Roma J Lehman

Birthdate of Spouse:
2/10/37

Mailing Address:
Box 969
Haines AK 99827

PHONE#:
766-3431

Type of Dwelling:
House
Mobile Home

Please check one of the following:
 I am applying as a Senior Citizen, age 65 or older
 I am applying as a Disabled Veteran.
 I am applying as a widow/widower, age 60-64, of a previously qualified applicant

NEW APPLICANTS MUST PROVIDE VERIFICATION of AGE (i.e. Birth Certificate, Baptismal Certificate, Passport)

Is this your permanent place of abode?
Yes No

Provide location and/or address of property:
4 Helms Loop Spur
Property Acct.#

Is your home on land you own?
Yes No
If Yes, what % of ownership 100 %
If No, owner's name

Is any portion of this property used for
Commercial purposes?
No Yes what percentage %

ANSWER the following and COMPLETE the Supplemental Information attached: (circle answer)
1) Were you ELIGIBLE for the ALASKA PERMANENT FUND DIVIDEND in 2012: YES NO
2) Will you be ELIGIBLE for the ALASKA PERMANENT FUND DIVIDEND in 2013: YES NO

Certification: I hereby certify the answers given on this application are true and correct to the best of my knowledge.
I understand that a willful misstatement is punishable by a fine or imprisonment under AS 11.56.210.

DATE: 7/17/12 SIGNATURE of APPLICANT: Carl W Lehman

Return to: Haines Borough
P.O. Box 1209
Haines, AK. 99827

If you have questions, please call (907)766-2231
(More information attached)

Office use below:
Property Account # C-207-TL-0110
Total Value: 164,000
(\$150,000 exempt) -150,000
TAXABLE VALUE 14,000 conditionally
Denied Approved
Assessor's Notes: Approved per assembly approval of late filing for FY 13
Eligible for Alaska Perm. Fund Dividend: Yes No

**SUPPLEMENTAL INFORMATION
FOR SENIOR CITIZENS & DISABLED VETERANS
PROPERTY TAX EXEMPTION**

For Tax Year 20¹²

ELIGIBILITY for ALASKA PERMANENT FUND DIVIDEND

*Each Year You Must Update, Sign and Return this information along with the
Senior Citizen/Disabled Veteran Property Tax Exemption Application,
by January 15, 20¹²*

RECEIVED
JUL 17 2012
HAINESBOROUGH

NAME: Carl W Lehman PROPERTY ACCOUNT # C-207-TL-0110

Please answer the questions below and provide other information as requested, (circle one):

- Yes No 1) Were you a resident of Alaska during all of calendar year ²⁰¹⁰ ~~2011~~?
- Yes No 2) Were you a resident of Alaska during all of calendar year ²⁰¹¹ ~~2012~~?
- Yes No 3) Do you intend to remain an Alaskan resident indefinitely?
- Yes No 4) Have you claimed residency in any other state or country or obtained a benefit as a result of a claim of residency in another state or country at any time since December 31, 2011?
- Yes No 5) Were you sentenced as a result of a felony conviction during 2011 or 2012?
- Yes No 6) Were you absent from Alaska MORE than 180 days in ²⁰¹¹ ~~2012~~?
(If answer is "YES", answer question #7.)
- Yes No 7) If absent from Alaska for more than 180 days in ²⁰¹¹ ~~2012~~, were you absent on an allowable absence. (List of allowable absences on reverse, or attached)

State reason for absence: _____

Dates of absence: _____

Certification: I hereby certify that the answers given above are true and correct to the best of my knowledge. I understand that a willful misstatement is punishable by a fine or imprisonment under AS 11.56.210.

Print Name and Mailing Address below:

Carl W Lehman
Box 969
Haines AK 99827
phone#: 907 766 3431

Carl W Lehman
SIGNATURE of APPLICANT
Date: 7/17/12

If applicable, please attach copies of documentation to offer proof of residency (if you are a new filer) or for allowable absence(s).

Please return completed form along with other application to: Haines Borough
P.O. Box 1209
Haines, AK 99827

If you have any questions, please contact (907)766-2231.

Approved by Assessor: _____ (signature & date)



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-163

Assembly Meeting Date: 9/11/12

Business Item Description:		Attachments:
Subject:	Recommendations for 2013 Heliskiing Season	1. 9/5/12 Memo from the Manager - Recommendations for 2013 Heliskiing Season 2. Citizen Comments - T.Ely (Clerk's Note: The manager's memo refers to an attached 2013 map. That map consists of the existing heli map with handwritten notations and does not yet exist in electronic format. It will be duplicated and/or scanned as soon as possible. It is viewable in the borough office & will be on hand during the meeting.)
Originator:	Borough Manager	
Originating Department:	Administration	
Date Submitted:	9/4/12	

Full Title/Motion:
Motion: Adopt the Administration's Recommendations for the 2013 Heliskiing Season.

Administrative Recommendation:
The borough manager recommends approval.

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
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Summary Statement:
The Borough Manager recommends a combination of policy and code changes for the 2013 Heliskiing Season, and his recommendations are attached to this agenda bill for consideration. If the assembly approves the manager's recommendations, those that involve code amendments will come to the assembly in ordinance form for introduction at the 9/25/12 meeting.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:



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

September 5, 2012

Heliski Recommendations

GPS DATA COLLECTION AND FORMAT

The Administration recommends incorporating the following language regarding the collection of GPS data into Section 3 of the "Commercial Ski Tour Permit" to ensure precise and reliable data.

- A. TYPE OF GPS. GPS units will be part of the helicopter, operating with flight following or tracking software and be submitted directly through the helicopter operator. Part of the helicopter means; installed into the helicopter, using power from the helicopter, and managed by the pilot.
- B. FORMAT FOR GPS DATA SUBMISSION. Heli-ski flight data will be submitted in an Excel spread sheet formatted in tables, each column having only one data field. Latitude and longitude will be submitted in decimal degrees. Flight GPS data points will be taken in two-minute intervals.

CITIZEN COMPLAINT PROCEDURES

The Administration recommends these changes to HBC 5.18.080. This action will place the burden of complaint management on the Borough.

HBC 5.18.080 (F)(7). Every commercial ski tour operator shall submit to the borough clerk annually a safety and operating plan that, at a minimum, will include (a) avalanche safety (addressing client safety, as well as safety of other backcountry users in the area); (b) helicopter safety; (c) emergency rescue procedures; and (d) guide requirements. ~~and (e) a system for resolving complaints from the public.~~

HBC 5.18.080 (H). The Borough will establish a system for receiving and responding to complaints from the public.

Draft Haines Borough Heliski Complaint Policy

1. The citizen will complete and submit the Heliski Complaint Form available from the Borough Clerk and on the Borough website.
2. The Borough will investigate the complaint and report its findings within 21 days.

OPERATOR USER FEE

The Administration recommends establishing a fee of \$5 per skier day. These fees would be paid up front when requesting skier day allocations. There would be no refund for unused skier days. This action will allow the Haines Borough to recoup some of the administrative costs associated with management of the heliski industry.

The Assembly has directed the Administration to manage the heliski industry. This management has required significant time from Borough staff, the Borough Attorney, and Takshanuk Watershed Council. The estimated direct cost of managing heliski operations for the 2012 season was about \$28,000.

It is estimated that a \$5 per skier day charge would offset the majority of the cost to manage the industry in 2013. This is due to the fact that less administration time is forecasted for 2013.

The following paragraph should be added to the "Agreement Regarding Flight Operations and Practices of Commercial Ski Tours".

E. Skier Day Fees

Commercial ski tour permit holders are charged a \$5 per day user fee based on the number of skier days allocated. User fees are to be paid prior to issuance of the Borough permit and are non refundable.

Alternatively the Assembly can allocate funds from the Borough's Economic Development Fund to cover the cost of Heliski Management. In either case the Borough Administration is tracking all time and expenses associated with the issue.

HAINES BOROUGH HELISKI AREA MAP

The Administration recommends adjustments to the existing "Haines Borough Approved Commercial Ski Tour Areas" map. This action mitigates safety concerns where a map boundary cuts across a ski run mid slope on the Upper Jarvis Glacier and opens up some North facing runs in the upper Tsirku Valley.

See attachment labeled "2013 Heliski Map".

The following Policy Recommendation can be placed in either the "Agreement Regarding Flight Operations and Practices of Commercial Ski Tours" or the "Commercial Ski Tour Permit" as appropriate.

GPS SPOT CHECKS

To insure compliance with the Heliski Map, the Administration will perform random GPS spot checks. Results will be posted on the Borough website.

INFRACTIONS

Heliski operators found to be operating out of bounds will be fined up to \$1000 per day.

COMPLAINTS

Complaints may trigger a GPS check of both the day before and day after. If non-justified infractions are found, penalties will be enforced.

Operations out of bounds

If a heliski company is forced to operate out of bounds for any reason, they are required to alert the Borough in writing within 7 days. Correspondence should include date and time, location, pilot name, and explanation.

Attachments:

2013 Heliski Map

Commercial Ski Tour Permit

Agreement regarding flight operations and practices

Permit Number:
Permittee Name:
Expiration Date:
Authority: HBC Title 5



COMMERCIAL SKI TOUR PERMIT

_____ of PO Box 1448, Haines, Alaska 99827 (hereinafter "permittee"), is hereby authorized to conduct **2012** commercial ski tour operations, subject to the terms and conditions of this permit.

Commercial ski tour operations as defined in HBC 5.18.010(B) includes downhill skiing or snowboarding as the primary experience; professionally guided skiing and snowboarding; and daily transportation of customers by helicopter to and from the skiing or snowboarding area as frequently as weather permits.

In 2012, _____ is allocated _____ skier days.

A *skier day* is defined as one individual skier, snowboarder, photographer or a member of a photographer's staff participating in a commercial ski tour or a commercial ski production on one particular day or any portion of a day excluding guides.

Note: Transfer of Allocated Skier Days. A permittee may sell or transfer a portion of their skier day allocation for a designated season to another permittee holding an allocation upon the review and approval of the manager.

This permit is subject to the following permit conditions and regulations, as required by HBC 5.18.010(F) and 5.04.080:

1. PERIODS OF OPERATION. The commercial ski tours shall be conducted only from February 1 through May 3, 2012 unless a different period is noted on the "Haines Borough Approved Commercial Ski Tour Areas" map and only between the hours of 8:00 a.m. and 6:00 p.m., unless the borough has authorized additional hours.
2. LOCATIONS OF OPERATION:
 - A. MAP. The commercial ski tours shall be conducted only in areas identified on the "Haines Borough Approved Commercial Ski Tour Areas" map (see attached Appendix A).
 - B. HELIPORTS. Commercial ski tour operators transporting participants in a commercial ski tour or a special ski competition event or commercial ski production by helicopter shall use one of the following heliports:
 1. Haines Airport;
 2. The Stewart landing strip at 18 Mile Haines Highway;
 3. The heliport adjacent to the 33 Mile Roadhouse;
 4. Any heliport authorized by the Haines Borough planning commission as a conditional use.
 - C. SHARED USE POLICY. Commercial ski tour permittees shall yield to nonmotorized, recreational backcountry users, within the boundaries of the area known as Telemark Ridge at the head of the Haska Creek drainage, on a by-request basis.
 1. Recreational backcountry users may contact a permittee by phone or e-mail at least 48 hours in advance of the activity and request to use a specific area on a specific day.
 2. Confirmation shall be given by the permittee within 24 hours of the request.
 3. The person making the request shall notify the borough clerk of the request.
 4. Cancellation of the request shall be communicated to the permittee before 9:00 a.m. on the day of the activity.
 5. Failure by recreational users to communicate a cancellation of the activity may result in the loss of request privileges.
 6. Failure by a permittee to confirm a request, or to yield an area to recreational users, shall be reported to the borough clerk and recorded for future review.
 7. The duration of a recreational activity in any specific area shall be for a maximum of three days consecutively, and for no more than 10 days per month.
3. GPS DATA REPORTING. Commercial ski tour operators 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 the commercial ski tour season.

4. **SKIER DAY USE REPORTING.** Commercial ski tour operators shall submit to the borough clerk, on forms provided by the borough, bi-weekly use reports detailing the number of skier days used during each day of the reporting period, deviations from the flight guidelines and any accidents.
5. **EXPLOSIVES.** Explosives shall not be used for avalanche control.
6. **HELICOPTER REGISTRATION.** Commercial ski tour operators shall register contracted helicopters, their N number, color scheme, and pilot's name with the borough.
7. **WILDLIFE SIGHTING REPORTS.** Commercial ski tour operators shall provide mountain goat, and other wildlife sightings to the borough. The borough clerk will provide incidental wildlife observation forms to be filled out daily by the commercial ski tour operators and shall be submitted upon completion of the 2012 permit season.
8. **OTHER AUTHORIZATIONS.** Commercial ski tour operators are responsible for obtaining authorizations required by other agencies for the permitted activities and shall provide copies to the borough clerk.
9. **MUTUAL AID AGREEMENT.** Commercial ski tour operators shall submit to the borough clerk a copy of a signed mutual aid agreement requiring all commercial ski tour operators to come to each other's aid in the event of an accident or a mechanical problem that strands a helicopter used to transport participants in a commercial ski tour away from a heliport.
10. **COMPLIANCE.** A permittee is responsible for complying with all municipal, state, and federal ordinances, statutes, and regulations applicable to the permittee's activities.
11. **INSURANCE.** A permittee is required to maintain a minimum of \$500,000 of current commercial general liability insurance naming the borough as additional insured. The policy shall not contain any self-insured retention or deductible in excess of \$1,000 and shall include a provision requiring written notification to be given to the borough by the insurance company not less than 30 days before the policy is canceled, modified, or terminated for any reason. Worker's compensation insurance is also required, where applicable by law.
12. **LIABILITY.** A permittee shall reimburse the borough for any damage to municipal property caused by the permittee or any of the permittee's employees, agents, representatives, contractors, or customers during the course of the permittee's activities under the permit.
13. **INDEMNIFICATION.** Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee shall indemnify and hold the borough and its elected and appointed officers and employees harmless from and against any and all loss, damage, or expense for any injury to or death of any person or persons or for damage to property, resulting from or arising out of any act or omission of such permittee or of any of the permittee's employees, agents, representatives, or customers. The borough and its elected and appointed officers and employees make no representations concerning and assume no responsibility for or regarding any goods or activities sold by any permittee or by any of permittee's employees, agents, representatives, or contractors.
14. **TRANSFERABILITY.** This permit, and any rights or privileges thereunder, may be assigned or transferred by the permittee, together with any right of renewal; provided, that such transfer includes the permittee's entire business interest in activities conducted under the permit. The permittee's business interest includes all assets used in the business conducted under the permit. The person to whom the permit was transferred shall be subject to permit renewal requirements. A transferred permit shall not be valid, and the new permittee may not conduct any activities under the permit, until the permit has been reissued by the clerk after the clerk is satisfied that the new permittee will comply with all conditions in the permit and the applicable provisions of this title. The permit may not be leased or rented to, nor may a permittee allow the permit to be used by, any person who is not an employee or contracted agent of the permittee.
15. **FRAUD.** Unfair competitive practices are strictly prohibited. A permittee who commits any act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under the permit shall, upon conviction, be punished as provided in HBC 5.04.140.
16. **REVOCATION OR SUSPENSION OR REDUCTION IN SKIER DAY ALLOCATION.** This permit may be revoked or suspended or the skier day allocation reduced for the reasons identified in HBC 5.04.120 and in accordance with the procedures set forth in HBC 5.04.120.

The following appendices are attached to and related to this permit:

- APPENDIX A - "Haines Borough Approved Commercial Ski Tour Areas" map.
- APPENDIX B - 2012 Skier Day Allocations, Borough Manager's Memo.
- APPENDIX C - _____ 2012 permit application documents.
- APPENDIX D - Agreement re. Flight Operations and Practices of Commercial Ski Tours

Julie Cozzi, Borough Clerk

Date Permit Issued

AGREEMENT REGARDING FLIGHT OPERATIONS AND PRACTICES OF COMMERCIAL SKI TOURS

THIS AGREEMENT entered into this ___ day of _____, 2011 by and between the Haines Borough, (“Haines” or “Borough”) an Alaskan municipal corporation whose address is P.O. Box 1209, Haines, Alaska 99827, _____, an Alaskan corporation whose address is _____,

RECITALS

1. Haines issues permits for the conduct of commercial ski tours within the Haines Borough in accordance with the provisions of Chapters 5.04 and 5.18 of the Haines Borough Code.
2. _____ has received a permit from Haines authorizing _____ to conduct commercial ski tours.
3. _____ contracts with a certificated air carrier authorized to operate helicopters in connection with the commercial ski tours operated by _____.
4. A number of residents of Haines are impacted by _____ permitted activities and have expressed concerns to Haines and to _____ about potential impacts of _____ use of helicopters on wildlife, recreational users and Borough residents.
5. _____ is willing to commit to take action to address concerns of some residents of Haines regarding _____ permitted activities through a voluntary agreement with Haines.
6. Haines is willing to enter into a voluntary agreement with _____ to establish requirements to be followed by _____ and Haines to reduce the impacts of _____ permitted activity on Borough residents and wildlife in lieu of involuntary regulation of _____ activities through provisions of the Haines Borough Code.

CONSIDERATION

For good and valuable consideration the receipt whereof is hereby acknowledged Haines and _____ agree as follows:

Terms and Conditions

A. Flight Rules

1. Unless weather, safety conditions, mechanical difficulties or Federal Aviation Administration requirements dictate otherwise, _____ shall require any helicopter transporting _____ customers to:

a. follow the access route described below:

From the 33 Mile heliport- Use Porcupine Creek, McKinley Creek or Glacier Creek to access Porcupine Peak and Flower Mountain areas. Avoid Jarvis Creek, and the Klehini River to keep noise away from residences. Access the Mt. Jonathan Ward area from the Porcupine Peak area. Use a route directly behind 33 Mile to access Four Winds area. From the 18 Mile heliport - Take off and approach should be down river to avoid residences. Routes to skiing areas should go directly across the Chilkat River and into the mountains. Avoid flying parallel to the Chilkat or Klehini Rivers. When flying to and from the Ferebee Glacier area, avoid Chilkoot Lake and Lutak residents. From the Haines Airport – Fly directly up the Takhin Valley to access areas south of the Takhin and Tsirku Rivers. Fly directly across the Chilkat River and up the slope between Haska Creek and the Kicking Horse River to access areas south of Mt. Emmerich, including the Rainbow and Davidson Glacier areas. Avoid Haska Creek and Kicking Horse

River. Avoid traversing slopes facing Chilkat Inlet to avoid residences. Helicopters transiting between heliports should fly on the opposite side of the valleys from residences.

b. attain as quickly as practicable after takeoff and maintain a minimum elevation of 1,500 feet above ground level (“AGL”) while in flight.

c. maintain a minimum distance of one-half mile from wildlife on public lands while in flight and shall not hover over, circle or harass wildlife.

d. maintain a distance of 1/2 mile above the valley floors except when (1) shuttling passengers from the bottom to the top of a run, (2) during landing and takeoffs.

e. maintain a distance of 1/2-mile horizontal (ground level) distance or 1,500 feet AGL above observed recreational users except when (1) shuttling passengers from the bottom to the top of a run, (2) during landing and takeoffs.

B. Shared Use Policy

_____ and Haines shall implement and comply with the following policies for shared use of backcountry within the Borough:

1. _____ shall yield to non-motorized, recreational backcountry users (“User”), within the boundaries of the area known as Telemark Ridge at the head of the Haska Creek drainage on a by request basis provided the User has complied with the procedures set forth in this agreement.

2. User must contact _____ by phone or email at least 48 hours in advance of User’s planned activity and request to use a specific area on a specific day or days up to a maximum of three (3) consecutive days.

3. User must notify the borough clerk by phone or email of the request.

4. Confirmation of receipt of the request shall be given to User and the borough clerk by _____ within 24 hours of _____ receipt of the request.

5. Modifications of User requests may not be made less than 48 hours in advance of User’s planned activity.

6. Any cancellation of the request shall be communicated by User to Permittee before 9am on the day of User’s planned activity.

7. _____ is not required to yield to a User who has previously failed to communicate a cancellation to _____.

8. _____ is not required to yield to the same User for more than ten days per month.

C. Investigations of Reported Failures

Any failure by Permittee to follow Flight Rules or follow the Shared Use Policy of this Agreement (“Permittee Failure”) may be reported to the borough manager (“Manager”). Any failure by any User to follow the Shared Use Policy (“User Failure”) may be reported to Manager. Upon receipt of a reported Permittee Failure or User Failure, Manager shall investigate the matter and make a determination regarding whether either a Permittee Failure or User Failure has occurred. The results of this investigation shall be provided to Permittee and User and preserved in writing.

D. Consequences of Failure

1. Any Permittee Failure may be considered by the Borough Assembly when acting on future permit requests of Permittee.

2. Any Permittee Failure may be considered by Manager when making future allocations of skier days to Permittee.

3. The parties recognize that the damages resulting from any Permittee Failure are not capable of being measured in economic terms and include, among other things, a perceived reduction in the general quality of life of Haines residents, possible reductions in wildlife populations, reduced opportunity for quiet recreation and general inconvenience to the public. For this reason, the parties agree that Permittee shall pay to Borough as damages for any Permittee Failure and upon Borough's demand a sum of _____ dollars for each Permittee Failure.

E. General Provisions

1. Notices. Any and all notices required or permitted under this Lease shall be addressed as follows and may be mailed by certified or registered mail or hand delivered to the following addresses or such other addresses as may be designated by each party:

Haines Borough _____
P.O. Box 1209 _____
Haines, Alaska 99827 _____
ATTN: Borough Manager ATTN: _____

2. Rights or Remedies. No right or remedy herein conferred upon or reserved to Landlord is intended to be exclusive of any other right or remedy, and each and every right and remedy shall be cumulative and in addition to any other right or remedy given hereunder, or now or hereafter existing at law or in equity or by statute.

3. Waiver and Forbearance. Except to the extent that such party may have otherwise agreed in writing, no waiver by such party of any breach by the other party of any of its obligations, agreements or covenants hereunder shall be deemed to be a waiver of any subsequent breach of the same or any other covenant, agreement or obligation. Nor shall any forbearance by such party to seek a remedy for any breach of the other party be deemed a waiver by such party of its rights or remedies with respect to such breach.

4. Integration and Modification. This document contains the entire agreement of the parties hereto. All negotiations, statements, representations, warranties, and assurances, whether oral or written, which are in any way related to the subject matter of this Agreement or the performance of either party hereto are merged and integrated into the terms of this document. This Agreement may not be modified or amended except by a writing signed by both parties hereto, and any purported amendment or modification is without effect until reduced to a writing signed by both parties hereto.

5. Governing Law and Venue. This Agreement shall be construed and governed by the laws of the State of Alaska. All suits related to this Agreement shall only be brought in state court in the First Judicial District, State of Alaska, at Juneau.

Entered into this _____ day of _____, 201_.

HAINES BOROUGH

By: _____

Mark Earnest
Borough Manager

BY: _____

ITS: _____

Haines Borough

August 27, 2012

Dear Mayor, Assembly and Manager,

I was out of town for the COW meeting on the ongoing Heli-ski issue but would like to submit my comments for the public record. Hopefully with last season's experience under your belt the Borough will be better prepared for the coming season.

If the Mayor truly wishes that "the word heli-ski not be mentioned after October 31st" and to "let the industry have it's season" there is a lot of work to be done between now and then regarding data collection, compliance, follow up and penalties.

The industry infractions have been occurring from February - April for the past twelve years. This is the first season where they have been documented thanks to eyewitnesses and GPS data. Waiting until August of 2012 for the Borough to acknowledge them is unacceptable.

At the minimum biweekly monitoring is required. That way if an infraction is documented then a penalty can be assessed when it matters, during the season. At a minimum an operator needs to be shut down for a skiable day for the first infraction and consecutive days for another. Three strikes and you're out, permit revoked.

GPS data needs to be submitted biweekly by the helicopter company, which includes all take offs, landings and flight paths. Hire one of your consultants to load and track the data. Charge a fee per client to the operator to pay for this. Everyone in tourism that uses public lands pays a user fee these days.

Requiring that the contracted helicopter company submit the data will discourage the ongoing tendency to cheat and will level the playing field amongst the operators. Load manifests showing how many people were on each flight also need to be collected. This will ensure that the actual "skier days" are being properly tracked and allocated.

The revised map showing the allowable operating area was ramrodded through the heli-ski working group by the industry. They got to pick and choose which areas they wanted to add, regardless of previous input and recommendations from ADF&G and local residents. Before any future changes are made to the map which benefit the industry, several seasons of GPS data need to be documented and tracked on the existing allowable terrain.

The controversial areas, Telemark Ridge, Rainbow Glacier Peaks, Jarvis Creek, etc. should be removed from the heli-ski zone. The front range of the Chilkat Peaks bordering the Inlet and areas up the valley that face the road and residences were never intended or supported by residents as heli-ski areas. The purpose of a helicopter is to get people out in the backcountry, not land within view, five minutes from the airport or highway. These are places that most affect those of us that want to hike and ski or enjoy some peace and quiet.

Rewarding rouge operators who willfully flaunt the regulations is a huge mistake. The Borough needs to stop doing this; it just encourages them to continue their behavior. Keeping the industry contained in a well-documented operating area is in everyone's best interest. Ski runs and snow conditions will be known and safely assessed by the three companies that are currently permitted. People that prefer to get out under their own power will have known places to go that are heli-free.

It is the managers and the Assembly's responsibility to properly regulate and oversee this industry as requested by the residents and written in Borough code. I hope that a better job will be done as we head into another year. Compromise and respect for a balance of competing interests is all that is asked for.

Sincerely, Thom Ely POB 1014 Haines, AK 99827



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-152

Assembly Meeting Date: 9/11/12

Business Item Description:		Attachments:
Subject:	Approve FY13 Manager's Travel	1. Mayor's Memo re. Authorization of Manager's Travel 2. Manager's Memo re. Travel, revised
Originator:		
Originating Department:		
Date Submitted:		
8/13/12		

Full Title/Motion:
Motion: Approve the manager's planned business travel for the remainder of FY13.

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:
Regarding travel, the manager's contract states the following:

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.

To keep the assembly informed, the manager has prepared a list of his planned borough business travel for the remainder of FY13. He seeks approval for any travel the assembly believes to be outside of that already authorized through the FY13 budget.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:

Memorandum

Haines Borough
Office of the Mayor
103 Third Avenue S.
Haines, Alaska 99827
sscott@haines.ak.us
Voice (907) 766-2231 ext. 30

August 13, 2012

To: Mark Earnest, Borough Manager

Cc: Julie Cozzi, Borough Clerk; Jila Stuart, Chief Financial Officer; Julie Cozzi, Borough Clerk

From: Stephanie Scott, Mayor, Haines Borough

Subject: Contract Language Re Manager Travel and in-house procedures for authorization of travel

Thank you very much for your patient and respectful conversation regarding my concerns about my responsibility to “authorize” manager travel requests. In most cases, I do not believe that my “authorization” is required.

As you know, the authority allocated to the mayor in our form of government is very circumscribed. The Manager’s contract gives the mayor explicit authority to approve leave or to cash-in leave, but approval of travel for the manager is reserved to the Assembly through the budget or in advance of proposed travel.

If travel is authorized by the budget, then the Mayor’s signature on the travel authorization is not necessary. Instead, there could be a notation, “authorized by FY13 budget.” That makes sense to me. If the budget language is vague, perhaps the manager could provide a notation on the Travel Authorization form indicating how the specific trip aligns with the budgeted allocation of funds.

In most cases, the FY13 budget is vague with respect to specific travel. Jila Stuart and I have puzzled over the status of the worksheets from which the final budget is constructed. Are the worksheet “legal” guides? Or are they not? The worksheets are more explicit, but they may not be a part of the official budget. In the published FY13 budget, Administration Travel & Per Diem (01-01-10-7334) is simply budgeted at \$5,650; Training (01-01-10-7335) is budgeted at \$2,850.

The FY13 budget worksheets are more explicit. With respect to Manager travel and training and registration, the worksheet lists AML/AMMA in Anchorage (\$1600); Undesignated Travel (\$1250) and Other Training and Registration (\$500).

Another place to look in the FY13 Budget for Assembly approval by budget for travel is in the Economic Development Fund (Fund 23). The Travel and Per Diem line item in this fund is \$10,200 (23-03-00-7334). There are no explicit line items.

Looking at the Economic Development Fund worksheets, the Manager is (explicitly) budgeted to travel to Southeast Conference (\$1100). The worksheet also lists Whitehorse trips – official visits & regional conferences (\$750) and Other Travel (\$1500), though these are not specifically pegged to the Manager.

So though I agree completely that the budget should set the goals the Assembly wishes the manager to pursue and allocates the travel funds to pursue them with, I find that these details (with the exception of AML and Southeast Conference) are absent. I would like to capture those details in the FY14 budget process – perhaps by adding specificity to the worksheets.

Meantime, I would like to request that you keep us abreast of your travel by publishing a calendar of travel obligations, perhaps annotated with an estimate of cost and a purpose statement and where the trip might be located in the budget or an accompanying worksheet.

It is not absolutely clear to me that this calendar would need to be “approved by the Assembly,” especially if the travel was implied in the FY13 budget. But I am sure that the Assembly would appreciate being informed. I, in turn, could reference the document when presented with an in-house “Travel Authorization,” travel that I would not so much “authorize” as “note.”

Finally, when we develop a manager’s contract in the future, I will suggest that the approval language in the current contract might lead to a level of Mayoral or Assembly micro-managing that may not be appropriate for a manager-form of government.

Thank you Mark.



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

August 28, 2012 (Revised)

FY 2013 Manager Travel Schedule

As part of the Haines Port development effort, I believe that it is important to continue representation of the Haines Borough at mining forums and trade shows in Yukon and British Columbia, as well as individual meetings with industry and Yukon government officials. This effort is a direct function of the Port Development Master Plan funded by the Alaska Legislature in FY 2012 and supported by the Borough Assembly. We are starting to make tangible progress resulting from similar trips to Canada that started last fall.

The proposed travel for the balance of FY 2013 includes the following:

40th Annual Yukon Geoscience Forum & Trade Show
Whitehorse, YT
November 18 to 21, 2012

Hotel	\$1,000
Mileage	\$280
Per-Diem	\$250
Registration & Miscellaneous	<u>\$400</u>
Total	\$1,930

Association for Mineral Exploration British Columbia
2013 Mineral Exploration Roundup
Vancouver, BC
January 28 to 31, 2013

Hotel	\$1,000
Air Fare	\$1,000
Per-Diem	\$200
Registration & Miscellaneous	<u>\$400</u>
Total	\$2,600

Individual meetings (4) with industry and Yukon / Alaska government officials:

Hotel	\$1,000
Mileage	\$1,500
Per-Diem	\$300
Miscellaneous	<u>\$200</u>
Total	\$3,000

This does not include a possible trip to Washington, D.C. in spring 2013.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-154

Assembly Meeting Date: 9/11/12

Business Item Description:		Attachments:
Subject: FY13 Federal Lobbying Services Agreement		1. Manager's Recommendation 2. Draft agreement with proposed compensation 3. Mayor's memorandum re. lobbyist contract
Originator: Mayor Scott (agenda bill by the Clerk's Office)		
Originating Department: Mayor's Office		
Date Submitted: 8/12/12		

Full Title/Motion:
 Motion: Authorize the FY13 agreement for federal lobbying services between the Haines Borough and Robertson, Monagle & Eastaugh, effective July 1, 2012.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 43,200	\$ 50,400	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. :	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
 During the FY13 budget work sessions and the 7/24 committee of the whole meeting with Brad Gilman via teleconference, the assembly discussed the topic of federal lobbying services. A draft agreement has been developed between the borough and the firm Robertson, Monagle & Eastaugh with whom Mr. Gilman is associated. This firm has represented the borough's interests in Washington DC since 2005. The assembly will consider approval of the agreement, effective July 1, 2012.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:



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

September 11, 2012

Federal Lobbyist Agreement

As part of the meeting agenda, I am recommending Assembly approval of an agreement with Robertson, Monagle & Eastaugh (ROMEA) for consultative, legislative, and administrative lobbying activities and to advise the Borough on federal issues. As you are aware, Brad Gilman of ROMEA has been serving the Borough on federal issues and other priorities since 2004. I have already stated my position with respect to the value of having representation in Washington, D.C. to advance the interests of the Borough, and specifically of Mr. Gilman's abilities in this area.

In light of budget constraints, Mr. Gilman has agreed to a compensation of \$3,600 per month, or \$43,200 annually. This represents a reduction of \$7,200 annually, or 14 percent. It should be noted that the Borough is in the process of expanding Mr. Gilman's role in representing a broader range of community-based issues.

This, in my opinion, is one of the most important investments of Borough funds we can make and wholeheartedly support this proposed action by the Assembly

DRAFT

**AGREEMENT FOR
FEDERAL LOBBYING SERVICES BETWEEN
THE HAINES BOROUGH
AND
ROBERTSON, MONAGLE & EASTAUGH**

AGREEMENT, made this __ day of ____, 2012 by and between the Haines Borough (hereinafter called "Borough") and Robertson, Monagle & Eastaugh (hereinafter called "ROMEA").

WHEREAS, ROMEA offers substantial expertise and knowledge in federal issues relating to Alaska coastal communities; and

WHEREAS, the Borough desires to make use of ROMEA's services in the federal arena and has offered to engage ROMEA to render consultative, advisory, and lobbying services to it on federal issues; and

WHEREAS, ROMEA desires to accept such an Agreement upon the terms and conditions hereinafter set forth;

NOW THEREFORE, in consideration of the recitals, promises and covenants contained herein, it is agreed by and between the parties as follows:

1. Duties and Term. The Borough hereby employs ROMEA for consultative, legislative, and administrative lobbying activities and to advise the Borough on all matters defined by mutual agreement and to render such services pertinent thereto in accordance with such instructions as may from time to time be given by the Borough. ROMEA shall report and be responsible to the Borough Assembly via the Borough Manager or such other individual identified by the Borough to act as the federal activities coordinator. ROMEA shall devote its best effort and such time as shall be necessary, consistent with the provisions of this Agreement. The Borough hereby contracts and employs ROMEA beginning July 1, 2012 and extended by mutual consent or terminated as outlined in Section 3.
2. Compensation. The Borough shall pay ROMEA compensation of \$43,200 for its services. Payment shall be made in twelve equal installments of \$3600 to Robertson, Monagle & Eastaugh upon presentation of an appropriate monthly invoice.
3. Termination. Unless mutually extended, this Agreement shall remain in full force and effect until June 30, 2013.
4. Nonassignability. This Agreement is purely and solely with ROMEA, it being understood that the Borough desires to make use of its unique experience and abilities. Accordingly, ROMEA shall have no right to assign, transfer, pledge or otherwise affect the Agreement, nor any interest thereunder, nor any of the monies due or to become due by reason of the terms therein.

5. Waivers, Modifications, or Alterations. Any waiver or modification of any of the provisions of this Agreement or the termination thereof, shall be in writing and signed by the parties.

6. Construction. This Agreement shall be governed by the laws of the state of Alaska.

7. Independent Contractor. Neither this Agreement, nor anything contained herein, shall be construed to extend to ROMEA or its employees the right to act as agents of the Borough, nor to grant ROMEA any power of agency, whether actual, apparent or implied. ROMEA shall remain throughout the performance of this Agreement an independent contractor.

IN WITNESS WHEREOF, the parties have reached this Agreement, as evidenced by the signatures below of those individuals authorized by and on behalf of the Borough and ROMEA.

THE HAINES BOROUGH

ROBERTSON, MONAGLE & EASTAUGH

Mark Earnest
Borough Manager

Brad Gilman
Vice President

Date: _____

Date: _____

Memorandum

Haines Borough
Office of the Mayor
103 Third Avenue S.
Haines, Alaska 99827
sscott@haines.ak.us
Voice (907) 766-2231 ext. 30

August 12, 2012

To: Mark Earnest, Borough Manager

Cc: Jila Stuart, CFO; Julie Cozzi, Borough Clerk

From: Stephanie Scott, Mayor, Haines Borough

Subject: Financial Agreement with Brad Gilman

I am looking forward to the development of an agreement between the Haines Borough and Brad Gilman for services for FY13. I am hoping that the Assembly will have the opportunity to confirm the agreement during the August 28 regular Assembly meeting.

It is my understanding that the Assembly indicated the expectation that an agreement for FY13 would be developed that reflects a scope of work and a somewhat reduced fee. Much of my understanding arises from the Committees of the Whole discussions during budget COWs and the COW held July 24 with Mr. Gilman via teleconference. There is no written record (minutes) of these meetings but I believe that my memory is correct.

I would like to suggest that the agreement be retroactive to July 1, 2012 so that Mr. Gilman's work on our behalf during the month of July can be properly compensated. It is my hope that the fee for each month will be accompanied by a record of performance on behalf of the Haines Borough and that this standard will be incorporated into the agreement.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-164

Assembly Meeting Date: 9/11/12

Business Item Description:	Attachments:
Subject: Late-Filed Senior Citizen/Disable Veteran Property Tax Exemption Application - Karen Bryant	1. Memo from the Assistant Assessor recommending acceptance 2. Late-filed application from K.Bryant
Originator: Assistant Assessor (Agenda Bill prepared by Clerk)	
Originating Department: Assessment/Lands	
Date Submitted: 8/29/12	

Full Title/Motion:
 Note: The assistant assessor cannot recommend acceptance of this late application. For this reason, a resolution was not provided. If evidence of allowable cause does come forward, a resolution could be presented at the next meeting for assembly consideration.

Administrative Recommendation:
 The recommendation is NOT to accept.

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
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Summary Statement:
 Per HBC 3.70.030(A)(6)(e), if an otherwise qualified claimant is unable to comply with the March 1 filing deadline, they may submit an application for review by the assembly. If it's a valid application, the assembly may, by resolution, waive the failure to file by the deadline, & authorize the assessor to accept it as if timely-filed. An inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. The borough received a 2012 Senior Citizen Prop Tax Exemption Application from Karen Bryant for Acct 4-RBA-02-1900 after the 3/1/12 deadline. In spite of several requests from staff, the applicant has not provided any explanation or justification for the late filing. Therefore, in the absence of information demonstrating one of the two allowable reasons---either a serious medical condition or an extraordinary event beyond the applicant's control, the assistant assessor cannot recommend acceptance of this late application.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/11/12	Tabled to Date:



HAINES BOROUGH
Lands Department
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 33
907-766-2716 (fax)

August 29, 2012

To: Honorable Mayor, Stephanie Scott, &
Haines Borough Assembly

From: Dean Olsen
Assistant Assessor
Haines Borough Land Department

Re: Real Property Account, 4-RBA-02-1900 (***Late filing of 2012 Senior Citizen or Disabled Veteran Property Tax Exemption Application***), Haines Borough Code 3.70.030 Required exemptions & AS 29.45.030

The Assessor's office received a *2012 Senior Citizen/Disabled Veteran Property Tax Exemption Application* from Karen Bryant after the March 1st deadline that is written in Haines Borough Code 3.70.030 6. (e). I requested a cover letter from Ms. Bryant explaining what she believes are the relevant reasons that justify acceptance of her application submitted after the March 1st deadline. I followed up on that request two times but, I have not received that cover letter as of the date of this document.

The following are the acceptable reasons outlined in code for late filling of the *Senior Citizen Property Tax Exemption Application*:

If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by:

- 1. a serious medical condition of the applicant, or member of the applicant's family***
- 2. an extraordinary event beyond the claimant's control***

To the best of my knowledge Ms. Bryant does not have a serious medical condition, nor does a family member of Ms. Bryant's have a medical condition that might complicate the application process for her. Along with that, Ms. Bryant has not provided a cover letter explaining any other extraordinary event beyond her control that would delay the application process. Therefore, I cannot recommend acceptance of the late application in this case.

Sincerely,

Dean Olsen
Assistant Assessor
Haines Borough Land Department

RECEIVED

SENIOR CITIZEN/DISABLED VETERAN
PROPERTY TAX EXEMPTION APPLICATION
AS 29.45.030 (e) (i)

JUL 13 2012

PLEASE COMPLETE, SIGN and RETURN by JANUARY 15, 2012

HAINES BOROUGH

(You must also complete the Supplemental PFD Information attached)

Municipality: Haines Borough

Tax Year: 2012

Name of Applicant:
Karen J. Bryant

Birthdate: of APPLICANT
9-22-46

Name of Spouse: _____

Birthdate: of SPOUSE

Mailing Address:
PO Box 986, Haines AK, 99827

Type of Dwelling: check one
HOUSE
MOBILE HOME _____

Please check one of the following:
 I am applying as a Senior Citizen, age 65 or older. I am applying as a widow or widower, age 60-64, of a previously qualified applicant.
 I am applying as a Disabled Veteran.

Is your home on land you own?
Yes No _____
If yes, % of ownership 100%
If no, owner's name: _____

Is this your permanent place of abode?
Yes No _____

Is any portion of this property used for Commercial purposes?
No Yes _____ What Percentage _____%

Please indicate legal description of property and/or property address:
Rainbow Acres II Lot 19
*Also indicate Property Account # (if known): 4 RBA-02-1900

Please complete the Supplemental Information attached and answer the following: circle answer
(1) Were you ELIGIBLE for the ALASKA PERMANENT FUND DIVIDEND in 2011? YES NO
(2) Will you be ELIGIBLE for the ALASKA PERMANENT FUND DIVIDEND in 2012? YES NO

As provided under AS 29.45.030(e), a municipality may, in case of hardship, provide for an exemption beyond the first \$150,000 of assessed value. A hardship application may be obtained at the Borough Office.

Certification:

I hereby certify that the answers given on this application are true and correct to the best of my knowledge. I understand that a willful misstatement is punishable by a fine or imprisonment under AS 11.56.210.

DATE: 9-13-12

SIGNATURE of APPLICANT: Karen J. Bryant

More INFORMATION on REVERSE side

Return to: Haines Borough
P.O. Box 1209
Haines, Ak. 99827

If you have questions, please call: (907)766-2231

office use below:

Property Tax Account #	<u>4-RBA-02-1900</u>
Total Value	<u>\$80,260</u>
(first 150,000 exempt)	<u>150,000</u>
TAXABLE VALUE	<u>0</u>
Eligible for AK.Perm.Fund Dividend: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>(conditionally)</u>
	<u>DENIED</u>
Assessor's Notes:	<u>Approved only upon assembly recommendation & acceptance of late filing, pending cover letter justification</u>

DMMO

SUPPLEMENTAL INFORMATION
FOR SENIOR CITIZENS & DISABLED VETERANS

PROPERTY TAX EXEMPTION
For Tax Year 2012

ELIGIBILITY for ALASKA PERMANENT FUND DIVIDEND

*Each Year You Must Update, Sign and Return this information along with the
Senior Citizen/Disabled Veteran Property Tax Exemption Application,
by January 15, 2012*

NAME: Karen J. Bryant PROPERTY ACCOUNT # 4-RBA-02-1900

Please answer the questions below and provide other information as requested, (circle one):

- Yes No 1) Were you a resident of Alaska during all of calendar year 2010?
 Yes No 2) Were you a resident of Alaska during all of calendar year 2011?
 Yes No 3) Do you intend to remain an Alaskan resident indefinitely?
Yes No 4) Have you claimed residency in any other state or country or obtained a benefit as a result of a claim of residency in another state or country at any time since December 31, 2010?
Yes No 5) Were you sentenced as a result of a felony conviction during 2010 or 2011?
Yes No 6) Were you absent from Alaska MORE than 180 days in 2011?
(If answer is "YES", answer question #7.)
Yes No 7) If absent from Alaska for more than 180 days in 2011, were you absent on an allowable absence. (List of allowable absences on reverse, or attached)
State reason for absence. _____

Dates of absence: _____

Print Name and address below:

Karen Bryant
PO Box 986
Haines AK 99827
phone#: 907-746-2986

Karen J. Bryant
SIGNATURE of APPLICANT
Date: 7-13-12

If applicable, please attach copies of documentation to offer proof of residency (if you are a new filer) or for allowable absence(s).

Please return completed form along with other application to: Haines Borough
P.O. Box 1209
Haines, AK 99827

If you have any questions, please contact (907)766-2231.

Approved by Assessor: _____ (signature & date) _____