

**Haines Borough**  
**Borough Assembly Meeting #241**  
**AGENDA**

March 12, 2013 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

**Stephanie Scott,**  
Mayor

**Dave Berry Jr.,**  
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**

*[The following Consent Agenda items are indicated by an asterisk (\*) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center Report
- 8C – Fire Dept. Report
- 9A – FSA#1 Board Minutes
- 11A1 – Adoption of Resolution 13-03-445
- 11A2 – Adoption of Resolution 13-03-446
- 11A3 – Adoption of Resolution 13-03-447
- 11A4 – Adoption of Resolution 13-03-448
- 11C1 – Liquor License Renewals
- 11C7 – Amend Previously Adopted Resolution 13-01-439

**\* 4. APPROVAL OF MINUTES – March 5, 2013 Regular**

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

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

**7. PUBLIC HEARINGS**

**A. Ordinance 13-01-311 – Second Hearing**

**An Ordinance of the Haines Borough Assembly amending Borough Code Title 2, Section 2.105.020 to add an ex officio seat to the Parks and Recreation Advisory Committee to be filled by an Alaska Department of Natural Resources Employee.**

*The parks and recreation advisory committee (PRAC) met with the government affairs & services (GAS) committee on 12/18 to discuss PRAC's request to add an ex officio seat to the committee to be filled by an AK-DNR employee. The GAS recommends assembly consideration of this code change. This was introduced on 1/8/13 and had a first public hearing on 1/22. **Motion:** Adopt Ordinance 13-01-311.*

**B. Ordinance 13-01-312 – First Hearing**

**An Ordinance of the Haines Borough amending Borough Code Sections 2.06.035 and 2.990.010 to clarify the local financial disclosure reporting process.**

*Subsequent to voter ratification of local financial disclosure reporting, the clerk's office developed a form and instructions. As a result of working with the new code, the clerk has recommended amendments to bring more clarity to the procedure. The ordinance was introduced on 1/22. **Motion:** Advance Ordinance 13-01-312 to a second public hearing on 3/26/13.*

**C. Ordinance 13-01-313 – First Hearing**

**An Ordinance of the Haines Borough Assembly authorizing renewal of a lease of the Human Resources Building to Chilkat Valley Preschool for the purpose of providing educational services.**

*The preschool has leased the Human Resources Building on a year-to-year basis since the year 2000, and they have requested a renewed lease for calendar year 2013. Borough Charter states the leasing of borough property must be approved by the assembly by ordinance. The ordinance was introduced on 1/22. **Motion:** Advance Ordinance 13-01-313 to a second public hearing on 3/26/13.*

7. PUBLIC HEARINGS ---continued---

D. Ordinance 13-02-314 – First Hearing

**An Ordinance of the Haines Borough Assembly amending Borough Code Title 10, Chapter 10.06 to require proof of vehicle insurance and Section 10.50.020 to allow for a fine of \$500.**

*During its meeting on 1/8/13, the Finance Committee talked about looking into putting some of the traffic violations into the borough's own code book because it could affect the borough's portion of collected fines. At a follow-up meeting, the committee decided to start with putting into code an uninsured motorist fine. This is supported by Chief Lowe who made code amendment recommendations that staff put into ordinance form for the assembly's consideration. It was introduced on 3/5/13.*

**Motion:** Advance Ordinance 13-02-314 to a second public hearing on 3/26/13.

E. Ordinance 13-02-315 – First Hearing

**An Ordinance of the Haines Borough Assembly amending Borough Code Title 14, Section 14.16.160 to Clarify the Responsibility for Negotiated Leases in a Manager Form of Government.**

*The mayor brought this to the clerk's attention as a section of code that may need to be "cleaned up" to clarify that, subject to assembly authorization, it is the manager who is responsible for negotiating leases. This ordinance was introduced on 3/5/13.* **Motion:** Advance Ordinance 13-02-315 to a second public hearing on 3/26/13.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 3/12/13 Report

\*B. Chilkat Center – Facility Report of February 2013

\*C. Fire Dept. – Staff Report of February 2013

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

\*A. FSA #1 Board – Minutes of 1/25/13

B. Assembly Standing Committee Reports

1. Finance Committee - Non-Profit Application Recommendation

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

\*1. Resolution 13-03-445

**A Resolution of the Haines Borough Assembly opposing House Bill No. 3, "an act relating to voter identification at the polls and relating to the counting of absentee and questioned ballots."**

*This resolution is recommended by the borough clerk.* **Motion:** Adopt Resolution 13-03-445.

\*2. Resolution 13-03-446

**A Resolution of the Haines Borough Assembly supporting House Bill No. 131, "an Act relating to abandoned and derelict vessels."**

*This resolution was submitted by the harbormaster and is recommended by the borough manager.*

**Motion:** Adopt Resolution 13-03-446.

\*3. Resolution 13-03-447

**A Resolution of the Haines Borough Assembly requesting additional funding in the amount of \$31 million for the Renewable Energy Grant Recommendation Program (REGRP) in the FY 2014 State Capital Budget, bringing the total FY 2014 REGRP funding to the \$56 million amount recommended by the Alaska Energy Authority.**

*This resolution is recommended by the borough manager.* **Motion:** Adopt Resolution 13-03-447.

\*4. Resolution 13-03-448

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Begenyi Engineering to prepare a bid-ready design for an emergency response radio system for an amount not to exceed \$25,105.**

*This resolution was submitted by the director of public facilities and is recommended by the borough manager.* **Motion:** Adopt Resolution 13-03-448.

B. Ordinances for Introduction - None

11. **NEW BUSINESS** ---continued---

C. **Other New Business**

**\* 1. Liquor License Renewals**

*The Alaska Alcohol Beverage Control Board has notified the Borough of pending liquor license renewals for the Captain's Choice Motel and Fort Seward Lodge. The Board, prior to its final approval, is giving the local government an opportunity to make a statement, if so desired. Since this is a preexisting liquor license, assembly action is optional.*

**2. Board Appointments**

*On 3/5/13, the assembly created a three-member ad hoc committee for the purpose of working with the mayor on the Alaska Class Ferries issue. Mayor Scott seeks assembly confirmation of the committee appointments. Additionally, the harbormaster is interested in serving on the committee, and the mayor suggests making him an ex officio member unless the assembly is interested in expanding the committee to four members. Also, an appointment request has been received for a seat on the public safety commission. **Motion:** Confirm the appointments of Joanne Waterman, Michael Ganey, and Robert Venables to the Alaska Class Ferries ad hoc committee and confirm the mayor's appointment of Cassandra Miller (term 11/2014) to the Public Safety Commission. [Possible amendment: appoint Phil Benner as either a 4th member or as an ex officio member.]*

**3. Bureau of Land Management Ring of Fire Comments**

*The Ring of Fire is the title of the BLM planning document for federal lands in our area. BLM released a draft Resource Management Plan (RMP) Amendment / Draft Environmental Impact Statement for the Haines Planning Area. The comment period ends on March 14, 2013. The borough administration prepared draft comments for the assembly's consideration. If acceptable, they will be submitted for incorporation into the final RMP for the Haines Planning Area. **Motion:** Authorize submission of the Haines Borough's Ring of Fire Resource Management Plan comments to the BLM.*

**4. Letter of Support for Self-Contained Breathing Apparatus 2013 Legislative Capital Project**

*On February 18, 2013 the Fire Service Area #1 Board passed a resolution to request a letter of support from the assembly regarding the Self-Contained Breathing Apparatus (SCBA) 2013 Legislative Capitol Project. The fire chief provided them with information. **Motion:** Produce a letter of support for the SCBA 2013 Legislative Capitol Project.*

**5. FY14 Budget Meeting Schedule**

*The assembly will discuss and establish the schedule for this year's budget work sessions and public hearings.*

**6. Contribution to Southeast Conference**

*The assembly will consider making a contribution to Southeast Conference for the production of the 50th Anniversary film produced by 360 North. The film will go statewide and perhaps nationwide. If the assembly decides to contribute, the funds could presumably come out of Fund 23 Tourism & Economic Development. A motion may come out of discussion.*

**\* 7. Amend a Previously Adopted Resolution – 13-01-436 (Water Tank Surplus)**

*On 1/22/13, the assembly adopted Resolution 13-01-436 authorizing disposal of the old redwood Barnett Drive water tank by sealed bid. The manager recommends an amendment to the resolution that will allow the alternate disposal method of sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines. The plan now is to donate the tank to the School District Voc Ed Program to use for building things like public benches & picnic tables. Roberts Rules of Order allows a motion to amend something previously adopted. **Motion:** Amend Resolution 13-01-436 adopted on 1/22/13 by inserting "sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines" as an authorized method of disposal for the old Barnett Drive water tank.*

**8. Matters Concerning the Police Department**

*The mayor requested this agenda item.*

**12. SET MEETING DATES**

**13. PUBLIC COMMENTS**

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**15. ADJOURNMENT**

  
**Haines Borough**  
**Borough Assembly Meeting #240**  
**March 5, 2013**  
**MINUTES**

**Draft**

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

2. **ROLL CALL**

**Present:** Mayor Stephanie **SCOTT**, and Assembly Members Debra **SCHNABEL**, Joanne **WATERMAN**, Jerry **LAPP**, and Steve **VICK**. **Absent:** Assembly Members Dave **BERRY** (ill) and Norman **SMITH**.

**Staff Present:** Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Michelle **WEBB**/Deputy Clerk, Carlos **JIMENEZ**/Director Of Public Facilities, Phil **BENNER**/Harbormaster, Simon **FORD**/Police Sergeant, Patty **BROWN**/Library Director, and Jerrie **CLARKE**/Museum Director.

**Visitors Present:** Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Sara **CHAPPELL**, J.R. **MYERS**, Daniel **GONCE**, Richard **BUCK**, Kelly **LOWE**, Dave **KAMMERER**, Pam **LONG**, Kristin **WHITE**, Kathleen **FITZWILLIAM**, Janet **HAYES**, Ryan **WILLIAMS**, Dean **LARI**, Melissa **HENRY**, and others.

**Motion:** **SCHNABEL** moved to "excuse Assembly Member Smith from this meeting," and it carried unanimously.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center Report
- 8C – Museum Report
- 8D – Library Report
- 8E – Fire Dept. Report
- 8F – Finance Report
- 8G – Clerk Report
- 9A – Planning Commission Minutes
- 9B – Museum Board Minutes
- 9C – Fire Service Area #1 Board Minutes
- 9D – Library Board Minutes
- 9E – Tourism Advisory Board Minutes
- 11A1 – Adoption of Resolution 13-02-440
- 11A2 – Adoption of Resolution 13-02-441
- 11A3 – Adoption of Resolution 13-02-442
- 11A4 – Adoption of Resolution 13-02-443
- 11B1 – Introduction of Ordinance 13-02-314
- 11B2 – Introduction of Ordinance 13-02-315
- 11C1 – Advisory Board Appointments
- 11C2 – Liquor License Renewals
- 11C3 – Amend Previously-adopted Resolution 13-01-439

**Motion:** **LAPP** moved to "approve the agenda/consent agenda," and it was amended to remove item 11C1 Board Appointments from the consent agenda. It was also noted the motions in items 11C7 and 11C8 should say "first" hearing rather than the "second." The agenda, as amended, was approved unanimously.

\* 4. **APPROVAL OF MINUTES** – 1/22/13 Regular, 2/6/13 Special, and 2/26/13 No-quorum Regular

5. **PUBLIC COMMENTS**

**MYERS** is a member of the Fire Service Area #1 Board and he introduced other board members present: **BUCK** and **FITZWILLIAM**. The board would like a record of that board since creation. He is seeking basic information from the borough manager including current Haines Volunteer Fire Department bylaws.

**WHITE**, President of Chilkat Valley Preschool, read written comments thanking the borough for the past support. Non-profits are the heartbeat of a town.

**CHAPPELL** said she testified today about House Bill No. 65 that cuts funding for several things related to education. Haines is very unique in its caring that children get an early education, and it means a lot that the borough has supported this. The mayor suggested **CHAPPELL** send out an email with some suggestions on how to have input on this particular bill.

**KAMMERER** expressed concerns about the police chief and the borough manager.

**GONCE** asked the assembly to continue the borough's support of pre-kindergarten education.

**HENRY** asked for continued financial support of Chilkat Valley Preschool, both the lease and grant funding. The preschool prepares children for school and gives them a better chance of success. She said this will help to keep young families in Haines.

**LARI** said it is sad that it took a newspaper article to get some action regarding the police department. He plans to file a defamation lawsuit against the borough in 18 days.

6. **MAYOR'S COMMENTS/REPORT** – February 26, 2013 Report

Mayor **SCOTT** offered public condolences to the family and friends of Christian Cabanilla, a Heliskiing guide who lost his life in a tragic accident, as well as the two injured clients and SEABA.

7. **PUBLIC HEARINGS** - None

8. **STAFF/FACILITY REPORTS**

A. **Borough Manager** – 2/26/13

**EARNEST** summarized his written report.

**SCHNABEL** noted the manager said in his report that the borough is at a decision point concerning the Public Safety Building, and she wondered how he envisions that proceeding. **EARNEST** said it will be handled first by presenting the information to the Facility Master Plan Steering Committee, and the assembly will then be given a committee recommendation for consideration.

**SCHNABEL** said she would appreciate a memo, at some point, that explains what the E-911 system will do for the borough. The manager will provide that.

- \* B. **Chilkat Center** – Facility Report of January 2013
- \* C. **Sheldon Museum** – Staff Report of December 2012 and January 2013
- \* D. **Public Library** – Staff Report of December 2012
- \* E. **Fire Dept.** – Staff Report of January 2013
- \* F. **Finance Dept.** – FY13 First & Second Quarter General Fund Financial Report
- \* G. **Borough Clerk** – 2/26/13 Report

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

- \* A. **Planning Commission** – Minutes of 12/6/12, 12/13/12, and 1/17/13
- \* B. **Museum Board of Trustees** – Minutes of 12/11/12 and 1/22/13
- \* C. **FSA #1 Board** – Minutes of 12/28/12
- \* D. **Library Board of Trustees** – Minutes of 12/11/12
- \* E. **Tourism Advisory Board** – Minutes of 12/11/12
- F. **Assembly Standing Committee Reports**

**SCHNABEL** reported the Commerce Committee met with local fishermen, Takshanuk Watershed Council, and ADFG's Randy Bachman to discuss the Golder report. Also, the committee met telephonically with Golder and discussed edits, and they were very responsive and seemed to understand the issues that were raised. **CULBECK** will assist with following up with Golder to get a status report. Additionally, the committee asked the Upper Lynn Canal Fish & Game Advisory Board to work on the crab fisheries issue and they have taken it on.

10. **UNFINISHED BUSINESS** - None

11. **NEW BUSINESS**

A. **Resolutions**

\* 1. **Resolution 13-02-440**

**A Resolution of the Haines Borough Assembly setting the date of the 2013 Board of Equalization for April 29.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-440."*

\* 2. **Resolution 13-02-441**

**A Resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective nonprofit entity for participation in the FY14 community revenue sharing program.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-441."*

- \* 3. **Resolution 13-02-442**  
A Resolution of the Haines Borough Assembly supporting the Haines Borough Coordinated Transportation Plan 2013 edition.  
*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-442."*
- \* 4. **Resolution 13-02-443**  
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with PND Engineers, Inc. for the South Portage Cove Expansion Geotechnical Investigation for an amount not to exceed \$110,856 and to conclude on March 15, 2013.  
*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-443."*
5. **Resolution 13-02-444**  
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute contract change order #2 with North Pacific Erectors, Inc. for the High School Gym Floor Replacement and Bleachers project for an amount not to exceed \$11,864.  
*There were no public comments.*

**Motion:** VICK moved to "adopt Resolution 13-02-444," and it was amended to change the funding source in the sixth WHEREAS from 'deferred maintenance' to '2005 school construction bond'. The motion as amended carried unanimously.

During the discussion, SCHNABEL asked if both school construction grant projects are closed out, because it would be preferable for the borough to pay the \$11,000 for the doors with those funds rather than deferred maintenance. EARNEST said one potential funding source is the interest earnings from the original General Obligation bond to construct the school. The doors are related to this and would be appropriate. VICK asked why the school district isn't paying this bill. EARNEST said state law assigns responsibility for major maintenance of school buildings to the borough, and he believes the outer doors fall within that category.

**B. Ordinances for Introduction**

- \* 1. **Ordinance 13-02-314**  
An Ordinance of the Haines Borough amending Borough Code Title 10, Chapter 10.06 to require proof of vehicle insurance and Section 10.50.020 to allow for a fine of \$500.  
*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-314 and set a first public hearing on 3/12/13."*
- \* 2. **Ordinance 13-02-315**  
An Ordinance of the Haines Borough amending Borough Code Title 14, Section 14.16.160 to Clarify the Responsibility for Negotiated Leases in a Manager Form of Government.  
*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-315 and set a first public hearing on 3/12/13."*

**C. Other New Business**

**1. Board Appointments**

*Note: appointment requests were received for seats on the public safety commission, and the mayor sought assembly confirmation. Additionally, although one member of the fire service area # board was appointed in 2009, he was the only member until Nov. 2012 when the board finally had a quorum of members and was therefore unable to serve until then. The mayor wished to reconfirm that appointment with a term date of Nov. 2013.*

Mayor SCOTT explained the reason for removal from the consent agenda was because Al Gilliam who had sought appointment to the Public Safety Commission withdrew his application.

**Motion:** VICK moved to "confirm the mayor's appointment of Diane Sly (term 11/2014) and Mike Case (term 11/2015) to the Public Safety Commission and reconfirm the appointment of Alan Heinrich (term 11/2013) to the Fire Service Area #1 Board." The motion carried unanimously. There was no discussion.

**\* 2. Liquor License Renewals**

*Note: The Alaska Alcohol Beverage Control Board notified the Borough of pending liquor license renewals for the Harbor Bar & Lighthouse Restaurant, Outfitter Liquor Store, Haines Brewing Company, and Mountain Market. The Board provided the assembly an opportunity to make a statement, if so desired. Since these are preexisting liquor licenses, assembly action is optional.*

\* 3. **Amend a Previously Adopted Resolution – 13-01-439 (Federal Priorities for 2013)**

*Note: on 1/22/2013, the assembly adopted Resolution 13-01-439 setting the federal priorities for 2013. Since that time, the borough manager was informed of drastic funding changes to the Tribal Transportation Program (formerly known as IRR), and believed it should be added to the borough's list of federal priorities. Roberts Rules of Order allows a motion to amend something previously adopted. The motion adopted by approval of the consent agenda: "amend Resolution 13-01-439 adopted at the 1/22/13 meeting by inserting 'Tribal Transportation Program' as item number 8."*

4. **Draft Letter from Southeast Mayors re. Alaska Class Ferries** – Discussion Item

*Note: Lt. Gov. Treadwell encouraged Southeast region mayors to work together to comment on the changes proposed for the Alaska Class ferries. Mayor Scott drafted one proposed letter, and the Mayor of Sitka drafted another version*

Mayor **SCOTT** asked the assembly to disregard the draft letters, because this is an evolving issue that everyone is still trying to understand. Instead, she would like the assembly to appoint a small ad hoc committee to work with her on it. She suggested **WATERMAN** as a member. **SCHNABEL** recommended an Alaska Marine Lines employee, because the new plan calls for no unaccompanied vehicles and that will have an impact on the way freight is handled.

**Motion:** **VICK** moved to "appoint a three-person ad hoc committee including assembly member Waterman, another borough representative (employee or appointed committee member), and a member of the public who using the ferry system," and the motion carried unanimously.

**SCHNABEL** wondered if Robert Venables, President of the Marine Transportation Advisory Board, would be an important member of the committee. The mayor offered to ask him if he is interested.

5. **Community Non-Profit Funding**

*The mayor requested the assembly clarify its intentions regarding funding for community non-profits in FY14. She outlined some suggestions for assembly consideration as a way of moving forward.*

**Motion:** **SCHNABEL** moved to "direct the manager to provide for funding of nonprofits for health-related programs and economic development programs, and a community chest of no more than \$80,000 established for competitive distribution," and the motion carried unanimously.

During the discussion, **WATERMAN** said the borough has a responsibility to fully fund the borough's departments and entities, and nonprofits should not be funded until that happens. Also, some funding sources and amounts are not fully revealed until after the budget has been adopted. **LAPP** agreed. The nonprofit funding should wait until it is known whether there is money to give them. **VICK** agreed the borough departments should be funded first. He wondered if the nonprofit application process should begin in August or September when available funding will be known. **SCHNABEL** said this motion just directs the manager to include it in his budget for assembly consideration. There are funding sources that match the particular activities. She clarified that even the health-related and economic development programs would involve competitive applications, as well. **SCOTT** doesn't believe there needs to be a cap. **WATERMAN** disagreed, saying a cap is important. **STUART** noted that unlike previous years, the manager will be directed to put amounts in his budget without having nonprofit applications. **EARNEST** said the borough has already been notified of large cuts to Secure Rural Schools and PILT. **SCOTT** requested that the application development process be assigned to committee.

**Motion:** **VICK** moved to "assign the development of an application form and application process to the Finance Committee," and the motion carried unanimously.

**Motion:** **SCHNABEL** moved to "direct the manager to include money for fireworks in the FY14 budget," and the motion carried unanimously.

\* 6. **Ordinance 13-01-311**

**An ordinance of the Haines Borough Assembly amending Borough Code Title 2, Section 2.105.020 to add an ex officio seat to the Parks and Recreation Advisory Committee to be filled by an Alaska Department of Natural Resources Employee.**

*The motion adopted by approval of the consent agenda: "Advance Ordinance 13-01-311 to a second public hearing on 3/12/13."*

\* 7. **Ordinance 13-01-312**

**An Ordinance of the Haines Borough amending Borough Code Sections 2.06.035 and 2.990.010 to clarify the local financial disclosure reporting process.**

*The motion adopted by approval of the consent agenda: "Advance Ordinance 13-01-312 to a first public hearing on 3/12/13."*

\* 8. **Ordinance 13-01-313**

**An Ordinance of the Haines Borough Assembly authorizing renewal of a lease of the Human Resources Building to Chilkat Valley Preschool for the purpose of providing educational services.**

*The motion adopted by approval of the consent agenda: "Advance Ordinance 13-01-312 to a first public hearing on 3/12/13."*

9. **Matters Concerning the Police Department**

**EARNEST** said a complaint was filed, and he has followed up by interviewing that department's employees, and he has had multiple meetings. Through the process, some things have been identified for improvement. He believes the chief has taken the concerns to heart, and he will be working with him to have continued dialogue to decide how to put changes into action.

**LOWE** provided some background. He took the manager's information as constructive criticism and he has spoken with all of his staff. They all agreed that communication is important and everyone wants to work on this, through staff meetings, team building, etc.

Mayor **SCOTT** noted the borough officers work for the assembly, so the assembly needs to take their time and decide what they want to do. The manager does not have a recommendation at this time. **SCHNABEL** said it seems that the manager has faith in a plan for improvements, and she would like to see a written plan. **SCOTT** said it would be appropriate for the assembly to request this. **LAPP** also suggested that the plan of improvement should include public relations. **SCHNABEL** reminded the process is to go through the manager to get information.

**Motion:** **WATERMAN** moved that "the chief provide to the assembly through the manager a schedule of staff meetings and team building activities for all police department employees and any other plans for improvement within the department," and it was amended to add that the report to the assembly would be due by the March 26, 2013 assembly meeting. The motion as amended carried unanimously.

**LOWE** said a draft plan can be ready by that date but may not include specific dates in the schedule. He added he will be working with the Public Safety Commission on the department's public relations with the community. **WATERMAN** clarified she wasn't necessarily looking for specific dates when she made the motion but rather a general plan for improvements. **SCHNABEL** said as part of her college studies she is conducting a program evaluation of the police department with the chief's concurrence.

**FORD** said so far the chief's response to all of the criticism has been fantastic. There is positive movement and he would like to see that continue. The chief has given the staff free access to suggest improvements.

12. **CORRESPONDENCE/REQUESTS** - None

13. **SET MEETING DATES**

A. **Board of Equalization Training** – Tuesday, 4/2, 6:00pm.

B. **Finance Committee** – Tuesday, 3/12, 5:30pm – Purpose: Work on a nonprofit application and application process.

14. **PUBLIC COMMENTS**

**MYERS** said the budget process for setting the tax rate for the fire service area is one of the things the service area board does.

**KAMMERER** said the assembly has a responsibility to know all of the details before an evaluation of the chief of police can be made, and they should conduct their own investigation.

**STUART** said in her four plus years working with Chief **LOWE**, she has found him to be even-tempered, professional, and fair.

**K.LOWE** spoke in support of her husband, Chief **LOWE**.

**CULBECK** gave a plug for Chilkat Valley Preschool. Both of his children attended, and they do a great job.

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCHNABEL** became aware of a community individual who has called a meeting of the Chilkat Center stakeholders to talk about the building, equipment, etc., and there is apparently a budget of about \$160K. It's the borough's building. **SCOTT** assured that **JIMENEZ** will attend that meeting on behalf of the borough. Regarding evaluations, **SCHNABEL** has learned about a method for evaluating personnel called 360 that involves an employee's supervisor, peers, subordinates, and the public.

**LAPP** thanked the mayor for letting him attend the recent Southeast Conference meetings in Juneau, and he gave a brief report. He received a lot of good information and will leave it with the borough office. One big topic was energy, including pellet boilers.

16. **ADJOURNMENT** – 8:29pm

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

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Stephanie Scott, Mayor

ATTEST:

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Julie Cozzi, MMC, Borough Clerk

## Mayor's Report

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

**March 12, 2013**

### **Day Boat Alaska Class Ferry**

I testified before the Joint Senate/House Transportation Committee Tuesday, March 4, regarding the Design Concept Report published by DOT/PF February 25. My testimony is attached. Danny Gonce, Rob Golberg, and Katheleen Menke also testified. The vessels, as designed, require a new terminal in Haines, estimated to cost \$20 million.

### **UAS Center for Mine Training distance class: "Introduction to Mining Occupations"**

Mike Bell, UAS Center for Mine Training Director visited the 9 Haines students for class Thursday, February 28. The course is funded in part through the Hecla/Greens Creek partnership and is designed to encourage interested students to pursue careers in mining-related fields, including the Mine Mechanic pathway set up by UAS. Mr. Bell stopped by the Administration Building to began a conversation about seeking funding to support a field trip to either Kensington or Greens Creek Mines later this month for the Haines students. He is seeking a \$2000 contribution from the Borough. Although it is within the Manager's scope to authorize this expenditure, I recommended that the Assembly have an opportunity to weigh in.

### **Alaska Water Quality Standards Workshop for Haines in the Planning Stages**

Michelle Bonnet Hale, DEC's director of the Division of Water contacted me Friday, March 1, to talk about the impact of the relaxation of the standards for discharge of wastewater effluent. The purpose of the conversation is not to debate the public policy decision, but to achieve a greater understanding, and thus, confidence in the policy decision. To this end, Hale is preparing a comparison of the historic levels of discharge, especially of the 4 critical toxins, ammonia, nickel, copper, and zinc, from the Haines sewage treatment system, to the expected discharge of these toxins into our waters from cruise ships. She is also working on a public presentation on Alaska Water Quality Standards that she would like to bring to Haines. She is willing to work particularly with interested students and local environmental scientists. I am excited about the opportunity to deepen our understanding of this topic.

### **State Oil and Gas Tax Legislation**

A task force from the Alaska Conference of Mayors (ACoM) has formed to study oil and gas tax implications on municipalities. The task force was formed March 12 during the Alaska Municipal League Winter Meeting .

Members are:

- Shirley Marquardt, Mayor, City of Unalaska
- Bob Harcharek, Mayor, City of Barrow
- Joe Klejka, Mayor, City of Bethel
- Mike Navarre, Mayor, Kenai Peninsula Borough
- DeLena Johnson, Mayor, City of Palmer
- Luke Hopkins, Mayor, Fairbanks North Star Borough
- Stephanie Scott, Mayor, Haines Borough
- Dale Lynn Gardner, Mayor, City of Bettles
- Jennifer Johnston, President. Alaska Municipal League

The Task Force met during the week of February 28 and composed the attached letter to Governor Parnell. A copy was sent to all legislators.

The Governor's proposed legislation calls for municipal revenue sharing funding to be drawn from receipts from the corporate income state, as opposed to the progressivity tax as is now the case. AML inquired and received the attached letter from Department of Revenue Commission, Bruce Tangeman, assuring AML that there would be ample and stable funding for revenue sharing under the proposed new tax regime. AML has lobbied vigorously to reinstate municipal revenue sharing and is continuing to lobby to preserve this funding source for municipalities.

While at AML, multiple legislators as well as the Lieutenant Governor, spoke about the importance of the public services delivered to residents by local government. Municipal Revenue sharing is essential to the delivery of those services. AML's work on behalf of this program may be one of the most significant contributions of this organization to our Borough.

### **Meeting with Chilkat Valley PreSchool Board members**

I met with a group of representatives from the Chilkat Valley Preschool on Friday, March 1, 4:30 in the Borough Conference Room.<sup>1</sup> I shared with them the Borough Attorney's opinion (attached) that the Borough would not be in violation of Federal or State constitutional statutes by providing funding to an organization that requires tuition in order to attend. I had been concerned because there seemed to be some appearance of being a private school, given that some families pay tuition.

The group shared its belief that preschool services should be available to all students in the valley. Headstart is a needs based organization and most families

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<sup>1</sup> In attendance: Kristin Bigsby White, Board President; Len and Maor Feldman, Renee Hoffman, Sarah Chappell, Jeanne Kitayama, Danny Gonce, and CVP teacher, Janet Hayes

with a higher economic profile are excluded from attendance.<sup>2</sup> The CVP fills the gap. It is licensed to serve 24 children.

CVP charges tuition according to the following schedule:

Attendance	Annual payment	Monthly
2 days/week	\$1377	\$153
3 days/week	\$1701	\$189
4 day/week	\$2025	\$225 *

Families can also apply for tuition assistance from the state accessing the Child Care Assistance Program (CCAP).

Additionally, the CVP maintains a scholarship fund described as “intended for families who are temporarily experiencing financial hardships”.\*

As a result of some of our discussions, the CVP has acquired approval from the State Department of Education and Early Development to operate a pre-elementary school program for children 3 to 5 years, with a minimum of 3 state approved staff members, per session. See document attached to Attorney’s memo.

### **Request to State AG to Host a Discussion of the Role of the District Attorney for the General Public**

While in Juneau at the AML Winter Meeting, I had the opportunity to visit with Attorney General Michael C. Geraghty. We talked at some length about the role the District Attorney’s office plays in legal matters that arise. Mr. Geraghty described the outreach the DA’s office performed for the City of Petersburg and suggested that a similar program might be well received in Haines. He asked that I follow-up with a letter and so I have. It is attached.

Amy Williams, the Assistant DA assigned to Haines, responded via email 3/5/13 and will coordinate a trip to Haines to discuss processes along with training for the Haines PD.

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<sup>2</sup> Headstart regulations permit 10% of the student body to be from a higher economic sector but there is infrequently space available since there are so many students who qualify for the service based on economic status.

\* information taken from the Chilkat Valley Preschool Parent Handbook posted at [http://www.aptalaska.net/~cvpreschool/forms/parent\\_handbook\\_11-12.pdf](http://www.aptalaska.net/~cvpreschool/forms/parent_handbook_11-12.pdf).

Attachments:

- Testimony March 5, Joint Senate/House Transportation Committees on Draft Day Boat ACF Design Concept Report
- ACoM oil and gas legislation task force letter to Governor Parnell
- Deputy Commissioner Bruce Tangeman's explanation of the source of funding for municipal revenue sharing as provided for by the corporate income tax in the proposed Governor's oil and gas tax legislation
- Attorney Memo re Borough Appropriate to Chilkat Valley PreSchool
- Letter to Michael C. Geraghty, Attorney General, State of Alaska

Testimony of Stephanie Scott, Mayor, Haines Borough, to Joint House and Senate  
Transportation Committees

March 5, 2013

Thank you Chairman Egan, Chairwoman Wilson, Senators, Representatives. My name is Stephanie Scott. I live in Haines. And I do have the honor to be the mayor of the Haines Borough. I have traveled the Alaska Marine Highway for over 40 years. I have a strong sense of the importance of AMHS to intra and interstate commerce.

We have a design for an Alaska Class Ferry that has been vetted by years of public and legislative process but it was scuttled in December and replaced three months later with the Day Boat Alaska Class Ferry Concept Design produced by Coastwise Corporation. By the end of the month, DOT/PF intends to take this radically new concept to a higher design level. I think this is a grave mistake. Let me take a few minutes to point out flaws in the concept and then I will make two suggestions:

The Concept report suffers from

- brevity and lack of clarity regarding the process for public response to the draft design concept;
- lack of evidence for the reliability and safety of bow clam-shell doors in the tough seas of the Lynn Canal;
- lack of discussion of the impact of icing and snow on vehicles on the open aft deck and cost of mitigating those
- the flawed presumption of reduced ridership or vehicle capacity requirements in the inclement months.
- lack of discussion of the impact of the very strong currents at the Haines terminal on the plan to hold the vessel at the ramp for loading and unloading with propulsion only;
- a discrepancy in the report regarding the passenger capacity of the vessels;

- failure to explain why there are many fewer seats provided than the number of passengers the vessel is certified to accommodate;
- failure to explore the implication of the statement that the car deck should be designed to accommodate passengers while the vessel is underway;
- failure to explore the economic impact of the proposed standard of “no unaccompanied vessels” on freight to Haines;
- the economic impact on electrical rates in Haines if a vessel home ported here is required to tie into shore power;
- the improbability of the positive economics of running a ferry back and forth between Haines and Skagway more than once a day; especially in light of this year’s traffic patterns that show vessels sailing south from Haines to be more frequently fully booked compared to vessels sailing north to Skagway;
- the institutionalization of inconvenience and delay to Skagway southbound passengers as well as Juneau passengers northbound to Skagway by the plan to require them to disembark in Haines and re-embark on a different vessel to sail south or north;
- the dependency of the new vessel on new or modified ferry terminals; it seems that the ground breaking for the \$20 million terminal for Haines must coincide with the January 2014 keel laying – and this in a time of ever shrinking transportation dollars for Alaska. If the building and boat are not exquisitely synchronized, what happens to this vessel’s service schedule since it is so very specifically designed for the upper Lynn Canal?

I suggest that the planners become as familiar with the characteristics of the upper Lynn Canal inside passage as they have demonstrated that they are with the Haines Highway; that DOT/PF and Coastwise Corporation bring their concept to Haines and other communities and present it to us . Does this sound like a familiar activity? It should. It is. It’s been done before for the Alaska Class Ferry design, now scuttled.

My second suggestion is more important and more fundamental with respect to the situation we now find ourselves in. I suggest that we return to the hard won Alaska

Class Ferry design and proudly acknowledge that the original concept did morph, the mission did creep. After 4 years of public process and two years of legislative review, it morphed and crept to an improved design and mission. The dangerous bow doors were eliminated, the 12-hour rule was abandoned, crew quarters added – and the idea of building a Haines-Juneau shuttle replaced with the broader idea of replacing the 50 year-old Malespina - lifting the entire system to an improved standard of service and reliability- this, in addition, and never instead of improving service on the ever so lucrative run from points south - north to the Haines and Klondike Highways. The mission crept and the design morphed into a better mission, a better design. I submit that the thing to do is to go back to the ACF design, for which we have already spent \$3 million - and attempt to publically “tweak” it, and if we must, abandon the commitment to building in state, accept Federal subsidies, and build the boat. The Alaska Marine Highway is, after all, an essential link between Alaska and the lower 48. It is traveled by the entire nation, not just those of us who live here. Though not a road, treat the Inside Passage as the interstate highway that it is. If, in order to achieve this change, you have to separate the Alaska Marine Highway from DOT/PF, then consider doing so.

Thank you.

February 26, 2013

Honorable Governor Sean Parnell  
Alaska State Capitol Building  
Juneau, Alaska 99801

Dear Governor Parnell,

A select number of Mayors from the Alaska Conference of Mayors have formed a small ad hoc group to address the oil taxation issue from the municipal perspective. We are quite aware of the fact that any decisions made on how our natural resources are taxed will have lasting impacts on municipalities and how we are able to operate in the future. To that end, we would like to be part of the discussion as this issue moves through the Legislature.

Like you, we have identified four basic principles that we feel must be taken in to consideration during the ongoing discussion regarding possible changes to oil and gas taxation by the State of Alaska in order to efficiently and effectively manage our municipalities in the future. These four basic principles are:

1. Create new jobs;
2. Provide reliable and cost effective energy to Alaskans;
3. Maintain, at a minimum, the current \$60 million in Revenue Sharing; and
4. Provide a justifiable tax structure that strengthens Alaska's economic future.

We would like to start the discussion by asking you to provide for us a clear explanation of how our defined principles can and do link up with your stated principles. We would be happy to meet with you in Juneau in order to accommodate your demanding schedule and only wish to gain clarification and confidence in the way forward.

If Alaskans must tighten their belts as we wait for the intended increased production of oil through the pipeline, we have questions that need clear answers. How will we continue to maintain our infrastructure? If the State cuts back on spending, will we experience a disappearance of Revenue Sharing and State payments toward the PERS unfunded liability? Our only means to raise revenue is through taxes and fees and our most efficient option to decrease costs is through a reduction of personnel or to significantly restrict or end certain basic services and programs on which our communities depend.

We look forward to a meeting with you on this critically important step forward and sincerely appreciate the opportunity to hear from you as to how our principles link. We appreciate all you do for the State of Alaska.

Sincerely,



Mayor Luke Hopkins  
President, Alaska Conference of Mayors  
Mayor Shirley Marquardt, City of Unalaska  
Mayor Bob Harcharek, City of Barrow  
Mayor Mike Navarre, Kenai Peninsula Borough  
Mayor DeLena Johnson, City of Palmer  
Mayor Stephanie Scott, Haines Borough  
Mayor Dale Lynn Gardner, City of Bettles  
Mayor Joe Klejka, City of Bethel



**MEMORANDUM**

TO: Alaska Municipal League

FROM: Bruce Tangeman  
Deputy Commissioner *BT*

DATE: February 21, 2013

RE: Proposed changes to municipal revenue sharing fund under SB 21

There have been concerns raised by the Alaska Municipal League (AML) regarding proposed language in SB 21 that would change the source of revenue that funds the community revenue sharing fund from oil and gas production tax revenues received under AS 43.55.011(g) to corporate income tax revenues received under AS 43.20.030(c).

AS 43.20.030(c) states that "the total amount of tax imposed by this chapter is due and payable to the department at the same time and in the same manner as the tax payable to the United States Internal Revenue Service." Although this section doesn't specifically address the calculation of the tax due, it does provide for tax payments. Furthermore, by adopting the payment scheme required under the Internal Revenue Code, community revenue sharing would be based on when the tax was paid and not when the liability was calculated. Most corporate income taxpayers file returns based on a calendar year. As such, the majority of corporate income tax returns are due April 15<sup>th</sup> each year and reflect the corporate income tax liability for the previous calendar year. Corporate income taxpayers are required to make quarterly estimated tax payments and then a final payment on March 15<sup>th</sup> of the following year. Our intent was to base community revenue sharing on actual payments made throughout the year and not on the final liability determined on April 15<sup>th</sup> of the preceding year.

During the past three fiscal years, the State of Alaska received an average of \$656 million in corporate income tax revenue. Regardless of whether community revenue sharing is based on estimated tax payments made or final liability determined at the end of the year, the Department believes there is ample corporate income tax revenue to cover the maximum revenue share of \$60 million each year.

We hope this addresses your concerns and have clearly outlined our reasoning for identifying AS 43.20.030(c) as the statute governing the corporate income tax payments.

**BOYD, CHANDLER & FALCONER, LLP**

**Attorneys At Law**

**Suite 302**

**911 West Eighth Avenue**

**Anchorage, Alaska 99501**

**Telephone: (907) 272-8401**

**Facsimile: (907) 274-3698**

**bcf@bcf.us.com**

**MEMORANDUM**

**TO:** STEPHANIE SCOTT  
MAYOR, HAINES BOROUGH

**FROM:**   
BROOKS CHANDLER  
BOROUGH ATTORNEY

**DATE:** FEBRUARY 26, 2013

**RE:** BOROUGH APPROPRIATION TO CHILKAT VALLEY PRESCHOOL

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You asked whether a \$20,000 appropriation to the Chilkat Valley Preschool (CVP) is contrary to the Alaska Constitution's ban on spending public funds for any "private educational institution". Based on our review of some of the corporate paperwork of CVP and our understanding of the nature of services it delivers, as well as review of the Alaska Supreme Court case on this topic, in our opinion the answer is NO. The reasons for this conclusion are set forth in greater detail below.

**FACTS**

The CVP was incorporated in 1973 as an Alaskan nonprofit corporation. CVP has consistently identified itself to the Department of Corporations as being in the business of "Child Care" using a standard business category (NAICS number 6100) which is no longer in current use but is under the general category of "educational services". CVP's state business license identifies CVP's "line of business" as "educational services" and uses a standard business category (NAICS number 611710) for "educational support services". CVP is licensed as a day care provider under state law with a maximum capacity of 24 children. For purposes of this

opinion we have assumed CVP is not certified as a pre-elementary school under state law<sup>1</sup>. The CVP website describes CVP as an “early childhood educational facility” which emphasizes students’ “immersion in play oriented, multi-sensory learning opportunities”. We have assumed there is an early childhood learning component to the services provided by CVP. CVP does charge for services. Annual tuition ranges from \$1377 for a two day per week program to \$2025 for a four day a week program. Scholarship/discounts are available based on need. Assistance through state funded child care programs is also available. The CVP uses a Borough-owned building rent free under the terms of a properly authorized written lease.

There is also a publically funded Head Start program in the Borough. This program is administered by RuralCap a state-wide non-profit corporation. Funding is provided by the federal government, the state government and private contributions. This is a certificated pre-elementary school under state law with mandatory educational components. There are income eligibility requirements. Up to 10% of the students are not required to meet income eligibility criteria. The program is certificated to serve 20 students depending on the age mix. There is currently a waiting list. The Borough School District does provide staff support for students with special needs including supplies. The program must be provided free of charge.

## **LAW**

### Alaska Constitution.

Article VII, Section 1 of the Alaska Constitution states: “No money shall be paid from public funds for the direct benefit of any religious or other private educational institution”. The minutes of the Constitutional Convention indicate the purpose of this article is to support and protect a strong system of public schools<sup>2</sup>. But the delegates to the convention rejected proposed alternative language that would prohibit “direct or indirect benefits”<sup>3</sup>. Alaska is the only state in the country with this particular compromise embedded in the language of a state constitution.

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<sup>1</sup> Certification is optional under state law and largely duplicates the requirements for licensing as a child care facility. AS 14.07.020(a)(10); 4 AAC 60.035.

<sup>2</sup> Delegate Armstrong, speaking for the committee which drafted art. VII, stated that it had sought to "provide and protect for the future of our public schools." 2 Proceedings of the Alaska Constitutional Convention at 1514. Delegate Coghill expressed the thought that the amount of tax dollars available for the support of public schools might be lessened if public funds were used to support a great many private schools. Id. at 1520.

<sup>3</sup> 2 Proceedings of the Alaska Constitutional Convention 1528.

This constitutional language is not a blanket prohibition of any and all forms of public support for private education. Our Supreme Court has concluded, "Article VII, section 1 was thus designed to commit Alaska to the pursuit of public, not private education, without requiring absolute governmental indifference to any student choosing to be educated outside the public school system"<sup>4</sup>.

#### Alaska Statutes

AS 14.07.020(a)(10) authorizes the state to establish accreditation standards for private schools but also indicates the state is not authorized to require private schools to be accredited.

#### Alaska Administrative Code

4 AAC 60.010 specifies that the State does not regulate the educational content of pre-elementary schools that do not receive direct state or federal funding. The state does regulate child care facilities and requires criminal background checks for employees of such facilities. 7 AAC 57.010 et. seq.

#### Court Cases

In *Sheldon Jackson College v. State*, 599 P.2d 127 (Alaska 1979), the Alaska Supreme Court considered whether a state tuition grant program was a direct benefit to private educational institutions. The tuition grant program provided for state aid to Alaska residents attending private colleges in Alaska based on the difference between private and public tuition charges up to a cap of \$2,500 per student. The court identified four issues to examine in order to determine if the government action was prohibited by art. VII, sec. 1, of the Alaska Constitution: (1) Does the benefit flow only to private institutions? (2) Does the benefit involve government aid to education conducted outside the public schools? (3) Is the benefit trivial or substantial? (4) Are the funds transferred directly to a private school or through an intermediary?

The court decided that the tuition grant program violated the Alaska Constitution. A main basis for the court's decision was that the grant program was designed to offset only the difference between tuition charged by public schools and tuition charged by private colleges in Alaska. Similar assistance was not available to students at the University of Alaska. Therefore, the grant was "a subsidy of the education received by the student" at the private school.



#### Attorney General Opinions

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<sup>4</sup> *Sheldon Jackson College v. State*, 599 P.2d 127, (Alaska 1979)

In 2000, the Alaska Attorney General concluded AIDEA could not make loans to religious educational institutions for financing of facility improvements. One basis for the Attorney General's conclusion was that providing a loan would amount to using public funds to directly benefit a private educational institution thereby violating Art. VII, Sec. 1 of the Alaska Constitution<sup>5</sup>.

In 2007, the Alaska Attorney General recommended the governor veto a legislative appropriation of \$50,000 to the Gateway School & Learning Center, a private Christian school, for facility improvements, technology upgrades, equipment and supplies. The recommendation was based on a conclusion the appropriation violated Art. VII, Sec. 1<sup>6</sup>.

In 2008 the Alaska Attorney General recommended the governor veto a legislative appropriation of \$300,000 to the Ilisagvik College for a Workforce Development Program due to a conclusion the appropriation violated Art. VII, Sec. 1<sup>7</sup>. The college was a private two year community college that was not part of the University of Alaska system.

## ANALYSIS

The main issue is whether pre-elementary school education is within the constitutional prohibition on direct public funding of private schooling. A secondary issue is whether CVP is an "educational institution" as that phrase is used in Art. VII, Sec. 1. There is certainly an educational component of CVP that goes beyond traditional "day care". Whether that makes CVP an "educational institution" for constitutional purposes is debatable.

Three of the four components of the Sheldon Jackson case are clearly met if that analysis is extended to pre-elementary education. The benefit is substantial (\$833 per student if CVP is at capacity). It is paid directly. It is provided only to a private institution.

But I believe the fourth component "government aid to education conducted outside the public schools" is not met. In my opinion, pre-elementary education in general and CVP in particular are not within the meaning of "private educational institution" as that term is used in the Alaska Constitution. Accordingly, the Borough payment to CVP is not "government aid to education conducted outside the public schools".

The underlying purpose of the constitutional prohibition was to strengthen a "system" of public schools. At present, that public school system does not extend universally to the population served by CVP- children under the age of 6. The Alaska "public school system" begins at age 6.

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<sup>5</sup> AGO 661-97-0624, Jan. 12, 2000.

<sup>6</sup> AGO 883-07-0071, June 13, 2007.

<sup>7</sup> AGO 883-08-0119, May 13, 2008.

Only a certain portion of children under the age of 6 have an opportunity to participate in Head Start.

Therefore, the purpose behind the constitutional limitation of public support for “private educational institutions” is not furthered by restrictions on public funding of private pre-elementary education. If at some point in the future pre-elementary education was incorporated more fully into the public school system or if mandatory local contributions to Head Start were required the constitutional limitation would apply. Until that occurs, I believe direct Borough support of CVP is not prohibited by law. Whether such support should continue is a matter of public policy to be determined each year during Assembly consideration of the Borough budget.

This is a relatively close question and it is possible to reach a different conclusion. The analysis would turn on funding for CVP diminishing the funds available for the Borough to contribute to the Haines Borough School District above and beyond the mandatory minimum contribution required by law. The analysis would also turn on whether CVP is in fact an “educational institution” as opposed to a child care facility or some hybrid of both functions. But I believe on balance funding CVP is more like funding a community school program or a form of adult education than like funding a “private educational institution”. CVP is something “extra” with educational value not an alternative to sending children to public school.

Let me know if you have any additional questions on this topic.



A program dedicated to the fullest development of the whole child.

# Chilkat Valley Preschool

PO Box 1165 Haines AK 99827

(907) 766-3213

[cvpreschool@aptalaska.net](mailto:cvpreschool@aptalaska.net)

[www.chilkayvalleypreschool.org](http://www.chilkayvalleypreschool.org)

RECEIVED

MAR 04 2013

HAINES BOROUGH

March 5, 2013

## 20012-2013 BOARD OF DIRECTORS

Kristin White  
*President*

Maor Cohen  
*Vice President*

Alissa Henry  
*Treasurer*

Becky Gonce  
*Secretary*

Melissa Ganey

Dear Haines Borough Assembly Members and Mayor Scott,

In response to Borough Attorney Brooks Chandler's memorandum to the Mayor dated Feb. 26, we would like to clarify that Chilkat Valley Preschool is a pre-elementary school program open to the public, not a private school or daycare. Please see the attached paperwork provided from the State of Alaska Department of Education and Early Development.

We strongly believe that early childhood education is a valuable asset to our community, and we appreciate the borough's continued support of this community service.

Respectfully,

Kristin White for Chilkat Valley Preschool

## STAFF

Janet Hayes  
*Lead Teacher*

Josie Allen  
*Assistant Teacher*

Renee Hoffman  
*Office Manager*



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Education  
and Early Development**

DIVISION OF TEACHING AND LEARNING SUPPORT

810 West 10<sup>th</sup> Street, Suite 200  
P.O. Box 110500  
Juneau, Alaska 99811-0500  
Office: 907.465.8693  
Fax: 907.465.2806

February 28, 2013

Janet Hayes  
Chilkat Valley Preschool  
221 First Ave. North  
Haines, AK 99827

**Re: Application Approval**

Dear Ms. Hayes:

The Alaska Department of Education & Early Development has reviewed and approved the application from the for **Chilkat Valley Preschool** to operate a pre-elementary school program for children 3 to 5 years of age located at 221 first Ave. North, Haines, AK 99827. This letter provides approval to serve up to **24** children per session, age 3-5, with a minimum of **3** state approved staff members, per session. No more than **24** children, including related children, may be in attendance. This approval is valid until **March 1, 2014.**

You are required to report any changes in your program to the Department of Education & Early Development at least 30 days in advance of the proposed changes.

You will also need to submit a completed renewal application to the Department at least 90 days prior to the expiration date noted in the first paragraph of this letter to allow ample time to schedule and complete inspections.

Thank you for continuing to provide a safe and positive early childhood educational experience for Alaska's young children.

Sincerely,

A handwritten signature in cursive script that reads "Melora Gaber".

Melora Gaber  
Education Specialist



Agenda Bill No.: 13-213  
 Assembly Meeting Date: 3/12/13

Business Item Description:	Attachments:
Subject: Add Ex Officio Seat to the Parks & Recreation Advisory Board	1. Ordinance 13-01-311 2. PRAC Minutes of 11/8/12
Originator: Steve Vick (Agenda Bill by Clerk's Office)	
Originating Department: Borough Assembly (G.A.S. Committee)	
Date Submitted: 12/31/12	

**Full Title/Motion:**  
 Motion: Adopt Ordinance 13-01-311.

**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
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**Summary Statement:**

At its 11/8/12 meeting, the Parks & Recreation Advisory Committee decided to request a second ex officio seat on the committee, to be filled by an employee of the Alaska Department of Natural Resources. The committee met on 12/18/12 with the Government Affairs & Services (GAS) Committee to discuss the idea, and the GAS recommends consideration of this code amendment. This ordinance was introduced on 1/8/13 and had a first public hearing on 1/22/13.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 1/22, 3/12/13
Meeting Date(s): 1/8, 1/22, 3/12/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 2, SECTION 2.105.020 TO ADD AN EX OFFICIO SEAT TO THE PARKS AND RECREATION ADVISORY COMMITTEE TO BE FILLED BY AN ALASKA DEPARTMENT OF NATURAL RESOURCES EMPLOYEE.**

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Section 4 of this ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

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

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

Section 4. Amendment of Section 2.105.020. Section 2.105.020 of the Haines Borough Code of Ordinances is amended to read as follows:

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

**Chapter 2.105  
PARKS AND RECREATION DEPARTMENT**

**2.105.010 Haines Borough parks and recreation department.**

The purpose of the parks and recreation department is to maintain, promote, and facilitate the use of borough-owned parks and recreational facilities; and to facilitate recreational activities in general in the Haines Borough.

**2.105.020 Parks and recreation advisory committee.**

The parks and recreation department advisory committee shall consist of seven members who shall serve staggered terms of three years. Advisory committee members shall not receive compensation for services rendered. ~~The community youth development coordinator shall serve as an~~ **Ex officio members** of the advisory committee **shall be the community youth development director and an Alaska Department of Natural Resources employee who meets the local residency requirements of HBC 2.60.020**. Members will be appointed to reflect the diversity of user groups in the Haines Borough.

**2.105.030 Organization of the parks and recreation advisory committee.**

A. The advisory committee shall elect a chairperson, a vice-chairperson, and a secretary, who shall hold their offices for one year.

B. The advisory committee shall operate under the bylaws of the parks and recreation advisory committee.

C. Advisory committee meetings shall be held as often as required. Once approved by the board, a copy of the committee meeting minutes shall be delivered to the borough clerk for inclusion in the assembly's next meeting packets.

**2.105.040 Advisory committee vacancies – Filling vacancies.**

A member's position on the advisory committee shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the advisory committee.

In the event of a vacancy on the advisory committee, either at the end of the committee member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement committee member(s) as set out in HBC 2.60.055. The advisory committee shall review all applications for new committee member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering

the committee's recommendation(s), appoint a new member or member(s) subject to confirmation by the borough assembly.

**2.105.050 Duties and responsibilities of the parks and recreation advisory committee.**

The parks and recreation department advisory committee shall:

A. Advise the borough in the operation and maintenance of parks and recreation programs, facilities, and activities.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Stephanie Scott, Mayor

ATTEST:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/08/13  
Date of First Public Hearing: 01/22/13  
Date of Second Public Hearing: 03/12/13

# Haines Borough Parks and Recreation Advisory Committee

Meeting Minutes, November 8, 2012

**Members Present:** Ron, Meredith , Jessica, Steve R. (CYD)

**Members Excused:** Jennifer, Marne.

**Guests:** Preston, Tanya, Darsie, Norm Hughes.

**Quorum:** Yes. (Our committee is down to 5 voting members at this time)

**Public Comments:** Norm Hughes discussed the absence of parks governance in borough code and encouraged us to provide input to the Borough on that matter.

**Minutes:** Unanimously approved minutes from the past two meetings (Sept 5, 2012 and Oct 4, 2012).  
M/S Kayser/Pochardt

**Chair and Vice Chair positions:** Unanimously approved Ron as Chair. M/S Kayser/Pochardt.  
Unanimously approved Meredith as Vice Chair. M/S Jackson/Kayser.  
Had some discussion about Secretary position and the need for one. Notetaking in the past was by staff CYD director. Meridith agreed to take minutes at this time.

**Future Projects Discussion:** Ron brought up getting an official MOU from non-Borough landowners that have public trails crossing their property. Darsie said that the Borough is already looking into this with Mental Health for the section of the Riley trail that crosses their land. The Borough will not be investing future money on these trails without an MOU. There was discussion on possibly salvaging lumber from the PC dock improvements to be used on the Battery Pt. trail. From this discussion it was suggested that in order to tackle the various tasks that we are all interested in we should establish sub-committees that can focus on specific aspects of PARC. The three that were decided upon at this time were: trails, policy, and facilities/events. Sub-committee members will be chosen at our next meeting. M/S Jackson/Kayser

**Vacant Seats:** Reviewed two applications for vacant committee seats (Menke and Hoffman) and unanimously decided to forward to Mayor the application of Daymond Hoffman for approval.  
M/S Kayser/Pochardt

Discussed the interest in keeping Logan's vacated seat as a student seat. The group felt there were a lot of good reasons to involve students in government and this would be a good opportunity. We decided to recommend that the Mayor create a student seat on the committee and have it an Ex-Officio position. M/S Kayser/Jackson.

We also decided to recommend to the Mayor creation of a seat for an AKDNR position on the committee. This seat would also be an Ex-Officio one (Note: This was done previously and no action has been taken on it at this time.) If this were to be done, it was brought up that our current bylaws only have the CYD director as ex officio and they would need to be amended.



Agenda Bill No.: 13-224  
 Assembly Meeting Date: 3/12/2013

Business Item Description:	Attachments:
Subject: Clarify the Local Financial Disclosure Procedure	1. Ordinance 13-01-312
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 1/10/2013	

**Full Title/Motion:**  
 Motion: Advance Ordinance 13-01-312 to a second public hearing on 3/26/13.

**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
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**Summary Statement:**

During the October 2012 borough election, the voters ratified the local financial disclosure procedure outlined in Ordinance 12-07-296. Subsequent to the election, the clerk's office developed a reporting form and instructions according to the adopted code procedures. As a result of working with the new code, the clerk discovered sections she believes would be clarified by adding and rearranging some text. This draft ordinance contains the recommended amendments for the assembly's consideration and was introduced on 1/22/13.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 3/12/13
Meeting Date(s): 1/22, 3/12/13	Tabled to Date:

**An Ordinance of the Haines Borough amending Borough Code Sections 2.06.035 and 2.990.010 to clarify the local financial disclosure reporting process.**

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. Amendment of Section 2.06.035: Section 2.06.035 of the Haines Borough Code of Ordinances is amended to read as follows:

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

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 children.

(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 or~~ or the filer's dependent child, except that ~~a source of income that is a gift~~ received from sources other than immediate family members must be included if the value of the gift, or series of gifts from the same donor, exceeds \$250 during the preceding calendar year.

a. A public official or candidate required to file a disclosure statement, may, for any reason set out in Alaska Statute 39.50.035, 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 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, 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 of the right to appeal the staff decision to the assembly. If the person that requested the exemption 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.

(2) The identity, by name and address, of each business in which the filer, the filer's spouse or domestic partner, ~~and or~~ or 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. Reporting stock investments.

1. Filers who exercise full control of their investments shall list each company in which they invest and the company address.

2. Filers who do not manage their own investments, who do not decide where to invest, shall report the name of the investment company that holds and manages their assets.

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

~~b. A public official or candidate required to file a disclosure statement, may, for any reason set out in Alaska Statute 39.50.035, 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.~~

(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~~ **or** 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~~ **or** 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 **(percentage)** of the beneficial interest in it.

(5) A list of all mineral, timber, oil, or ~~any~~ other natural resource leases held, **bid, or offered** 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~~ **or** 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~~ **or** the filer's dependent child, or a combination of them, holds a controlling interest. **Controlling interest means the filer and/or family members hold more than 50%.**

(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~~ **or** 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~~ **or** 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~~ **or** 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~~ **or** 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~~ **of more than \$5,000** 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. **Credit cards & revolving charge accounts are exempt from disclosure.**

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.**

...

"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.

**"Gift" means money, goods, services, travel expenses, tickets, discounts not available to the public, loans or debts forgiven or paid by a third party, a promise, or other item of value gratuitously transferred from a donor to a recipient.**

"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 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 holds 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 or maintains accounts payable within 30 days and annual account accrual does not exceed \$10,000. 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 holds a controlling interest.

. . .

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Stephanie Scott, Mayor

ATTEST:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Introduction:           01/22/13  
First Public Hearing:   03/12/13  
Second Public Hearing:  \_\_/\_\_/\_\_



Haines Borough  
Assembly Agenda Bill

Agenda Bill No.: 13-225  
Assembly Meeting Date: 3/12/2013

Business Item Description:	Attachments:
Subject: Authorize Renewal of Chilkat Valley Preschool (CVP) Lease of the Human Resources Building	1. Ordinance 13-01-313 2. Proposed 2013 Lease 3. 12/6/12 Letter from CVP Requesting Renewal 4. 2/5/13 Letter from CVP
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 1/14/2013	

**Full Title/Motion:**

Motion: Advance Ordinance 13-01-313 to a second public hearing on 3/26/13.

**Administrative Recommendation:****Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.: Objective 17E(7), Page 294 Objective 18A(3), Page 299	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

Since 9/20/2000, Chilkat Valley Preschool (CVP) has been leasing the borough's Human Resources Building at no charge on a year-to-year basis. In December, CVP made its annual written request for renewal of the lease for the 2013 calendar year. The borough manager wishes to continue to provide this building at no charge as an in-kind donation to CVP for the betterment and early childhood development of the children of the community. The leasing of this borough building would continue until such time as other disposition decisions may be made. Borough Charter 3.03(8) requires that the leasing of borough property must be granted by the assembly by ordinance. This ordinance was introduced on 1/22/13.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 3/12/13
Meeting Date(s): 1/22, 3/12/13	Tabled to Date:

**An Ordinance of the Haines Borough authorizing renewal of a lease of the Human Resources Building with Chilkat Valley Preschool for the purpose of providing preschool educational services.**

**WHEREAS**, HBC 14.16.060 provides that “[t]he lease of any borough land may be made to any state or federal agency, nonprofit organization, or political subdivision of the state for less than the appraised value, and for a consideration to be determined by the assembly to be in the best interests of the borough”; and

**WHEREAS**, the nonprofit organization known as Chilkat Valley Preschool (CVP) has been leasing the downstairs portion of the borough’s Human Resources Building situated on Lots 8 and 9, Block 13, Haines Townsite Subdivision to provide a preschool program; and

**WHEREAS**, CVP has leased this property on a year-to-year basis since the Haines City Council first granted the lease on September 20, 2000; and

**WHEREAS**, on December 11, 2012, CVP made its annual written request for renewal of the lease for the 2013 calendar year; and

**WHEREAS**, the borough has offered the upper portion of the building rent-free to non-profit groups on a year-to-year basis with the only cost to the tenants being to share utilities with the CVP (there are currently no upstairs tenants); and

**WHEREAS**, RuralCap leased the premises for many years on a year-to-year lease basis for the purpose of providing Head Start program services to the community’s children; and

**WHEREAS**, the borough manager wishes to continue to provide the use of this building at no charge as an in-kind donation to CVP for the betterment and early childhood development of the children of the community; and

**WHEREAS**, the assembly concurs that the continued leasing of this borough building is in the public interest until such time as other disposition decisions may be made; and

**WHEREAS**, Borough Charter 3.03(8) stipulates that the leasing of borough property must be granted by the assembly by ordinance,

**NOW THEREFORE BE IT ENACTED**, by the Haines Borough Assembly, that it is hereby determined to be for a public purpose and in the public interest of the Haines Borough to renew the existing terms of the Human Resources Building lease with the Chilkat Valley Preschool for the purpose of providing preschool educational services for the 2013 calendar year .

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

Haines Borough  
Ordinance No. 13-01-313  
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

Attest:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Julie Cozzi, Borough Clerk

Date Introduced:	01/22/13
Date of First Public Hearing:	03/12/13
Date of Second Public Hearing:	___/___/___

**Haines Borough  
Human Resource Building**

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**In-Kind Lease Agreement**

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LEASE AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2013

BY and BETWEEN the Lessor: **Haines Borough**

and the Lessee: **Chilkat Valley Preschool**

The Lessor and the Lessee agree as set forth below.

**WITNESSETH:**

That for and in consideration of the agreements hereinafter mentioned to be kept and performed by the Lessee, Lessor does hereby lease unto said Lessee the main floor of the building known as the Human Resources Building, situated on Lots 8 and 9, Block 13, Haines Townsite Subdivision, and such area as necessary to carry out the preschool program.

TO HAVE AND TO HOLD the above described premises, with the rights, privileges, easements and appurtenances thereunto belonging or in any way appertaining, unto Lessee for a **term commencing on the 1<sup>st</sup> day of January, 2013 and terminating on the 31st day of December, 2013**, and yielding possession thereof as hereinafter provided subject to an option to renew.

1. **RENT:** No charge for rent.
2. **USE:** Preschool
3. **ALTERATIONS AND REPAIRS:** Lessee shall not make any alteration or repair of the said premises, or any part thereof, without first obtaining the written consent of Lessor. Lessee shall, at its sole cost and expense, repair all damage to the leased premises caused by the Lessee's use of the premises. Lessee shall keep and maintain the leased premises in good condition and repair, normal wear and tear excepted.
4. **LIENS:** Lessee shall not cause the demised premises to be encumbered by any liens, and shall, whenever and as often as any such liens may be recorded against said property, purporting to be for labor or materials furnished or to be furnished to the Lessee, take steps to discharge such liens within a reasonable time after the date of filing. Lessor shall not be liable for any labor or materials furnished or to be furnished to the Lessee upon credit.
5. **UTILITIES:** Lessee shall pay for all heat, lights, power, water, sewer and phone services supplied to the property used by them.
6. **INDEMNIFICATION:** Lessee shall defend, indemnify and save harmless Lessor from and against any and all losses, damages, liabilities, expenses, claims and demands of whatsoever character, direct or indirect, arising out of or in any way connected with, this lease of the demised premises or use or occupancy thereof by Lessee.
7. **INSURANCE:** Lessor shall provide and maintain fire insurance on the leased building. Lessee shall provide the necessary insurance on its personal property on the premises and liability insurance of not less than \$500,000 bodily injury, \$100,000 property damage and \$5,000 medical payments. Proof of such insurance shall be provided to Lessor by Lessee's insurance company upon execution of this lease and upon any renewal of said policies. Lessee shall provide lessor written notice thirty days in advance of any cancellation of insurance coverage.

8. **ENTRY BY LESSOR**: Lessee shall permit Lessor and its agents to enter the premises at all reasonable times for the purposes of access to areas in the leased building not covered in this lease and for the purpose of inspecting the same or making repairs.
9. **SUBLETTING AND ASSIGNMENT**: Lessee shall not assign this lease, or any interest thereof, without the written consent of Lessor.
10. **COMPLIANCE WITH LAW**: Lessee shall, at their sole cost and expense, comply with all the requirements of the Haines Borough, State of Alaska and Federal laws, regulations, statutes or ordinances pertaining to said premises and their use, including all regulations prohibiting smoking in public buildings.
11. **DESTRUCTION OF PREMISES**: In the event of damage or destruction of the leased premises from any cause, the Lessor shall have the option to repair the same. In the event Lessor does not elect to make such repairs, this lease may be terminated at the option of either party. A total destruction of the premises shall terminate the lease. Lessor shall give notice of its election to repair within ten days from the date of the damage or destruction.
12. **REMEDIES OF LESSOR ON DEFAULT**: In the event of any breach of this lease by Lessee, then Lessor shall have the right of re-entry subject to the Landlord and Tenant Act provisions.
13. **OCCUPANCY**: Lessee shall have the right of occupancy as of the signing of this lease.
14. **LEASE RENEWAL**: Lessee may request to renew this lease for additional terms by submitting a written renewal request to the Lessor at least thirty days prior to lease expiration. The utilities payment (see Section 5) may be renegotiated prior to any lease renewal, and any lease renewal may be subject to approval by the Borough Assembly.
15. **TERMINATION**: The Lessee may terminate this lease upon giving thirty days written notice to the Lessor if the use of the premises by the Lessee ceases for any reason. In such a case, upon quitting the premises, the Lessee shall remove all personal and business property from the premises and shall leave the premises in good condition, normal wear and tear excepted.
16. **ENTIRE AGREEMENT**: This lease sets forth the entire understanding of the parties, and no modifications may be made hereto except by written addendum signed by the parties. This lease binds the heirs, personal representatives, successors and legal assigns of all the parties hereto.

IN WITNESS WHEREOF, the parties have executed this lease as of the day, month and year first above written.

This Lease Agreement entered into as of the day and year first written above.

LESSOR

LESSEE

\_\_\_\_\_  
 Mark Earnest, Borough Manager  
 Haines Borough

\_\_\_\_\_, Board President  
 Chilkat Valley Preschool

Attest:

\_\_\_\_\_  
 Julie Cozzi, MMC, Borough Clerk



# Chilkat Valley Preschool

PO Box 1165 Haines AK 99827

(907) 766-3213

[cvpreschool@aptalaska.net](mailto:cvpreschool@aptalaska.net)

[www.aptalaska.net/~cvpreschool](http://www.aptalaska.net/~cvpreschool)

A program dedicated to the fullest  
development of the whole child.

## 2011-2012 BOARD OF DIRECTORS

Kristin White  
*President*

Maor Cohen  
*Vice President*

Alissa Henry  
*Treasurer*

Becky Gonce  
*Secretary*

Melissa Ganey

December 6, 2012

Julie Cozzi  
Borough Clerk  
Haines Borough, Alaska  
P.O. Box 1209  
Haines, AK 99827

Re: Human Resources Building – In-Kind Lease Agreement

Dear Julie,

I am writing to you on behalf of the students, staff and Board of Directors of Chilkat Valley Preschool. Our current In-Kind Lease Agreement is due to expire on December 31, 2012. Please consider this letter as a request to renew this Agreement.

## STAFF

Janet Hayes  
*Lead Teacher*

Josie Allen  
*Assistant Teacher*

Renee Hoffman  
*Office Manager*

Please let me know if I need to provide you with any more information. Thank you and thanks to the Borough for their generosity. It is greatly appreciated.

Sincerely,

Renee Hoffman  
Office Manager

Feb. 5, 2013

Dear Haines Borough Assembly Members,

We would like to say thank you for your support of preschool education throughout the years—past, present and hopefully into the future—not only in the form of a roof over our heads, but also fiscal backing for our nonprofit program. We see early childhood education as a pillar of our community, and we appreciate your continued support to provide this important service in Haines.

We are aware that the Human Resource Building is one of many buildings that the borough is considering the best course for as it drafts a master plan for facilities. When we learned last year that some assembly members supported the idea of disposing of the building, we formed a facilities committee to look into our options should we need to vacate. I have attached a summary of our notes, which we hope will help you better understand our situation.

Essentially, disposal of the Human Resource Building could leave the preschool without a place to operate, as there are limited available locations in Haines that meet our needs. We would like to work with the borough to develop a plan for the future facility needs of the preschool. We would like to ask you to consider keeping us in mind as you make your decisions about facilities.

Sincerely,

Kristin White  
President, Chilkat Valley Preschool

## **Summary of Notes from CVP's Investigation of Facilities**

### Facts

--A recent survey of facilities in Haines ranks preschool Number 5 out of 11 "in order of importance to our community."

--The Human Resource Building is in poor shape however state inspectors have identified no health or safety concerns.

--We need a long-term "home" for the preschool. If the Human Resource Building will not be available to us in the coming years, we will need to move.

--CVP conducted a facilities survey of our own to see what our options were, and what we found didn't give us much hope.

### Possible Options

--We walked through a home for sale in town with the idea we could somehow get the funds to purchase the home. This Victorian house (owned by the Nash family) seemed the perfect location but would need some remodeling to suit our needs. The facilities committee members were divided on the financial viability of our program owning a building.

--We looked into sharing the Senior Center, adjacent to the community's playground. Program times didn't mesh.

--We checked out the Chilkat Center basement. Some members of the facilities committee felt strongly that the room and entrance was too imposing for preschoolers.

--We toured the Presbyterian Church basement. It was a fine space, but having to pack up at the end of each week didn't sound so great.

--We day dreamed about "one day" when the borough administration might move out of its current building when/if the borough rebuilds the Public Safety Building. This is a great location, but would require continued partnership with and support from the Haines Borough. Also, timing this would be tricky (Rebuild Public Safety Building, borough moves out, but Human Resource Building could "go" at any time).

### Similar Programs Across the State

--A phone call to Beth Snyder of the Anchorage School District's Title I Preschool Program yields this information: They operate on Title I funds, follow HDST guidelines for "needs" (income and disabilities or disadvantages, meaning highest needs children are

served), funded also by a state grant.

--Department of Early Education and Development reports that grants are available for Pre-K programs for schools struggling to meet No Child Left Behind laws. For example, in Ketchikan there is a school district run preschool with 3 classrooms and 60 students in addition to a local HeadStart program. Juneau has a pilot state-funded pre-K program.

### Ideas

--The Human Resource Building has value and is a community asset. It is a historic building. Could the borough pursue rehabilitating it with historic Register Funds?

--Support rebuilding of Public Safety Building AND continue to rally borough support of CVP, with the “goal” of moving CVP to current Borough Administration building once administration moves out. Borough disposes of Human Resource Building after this occurs.

--Pursue funds to purchase and renovate the Elks building to house preschool. Its proximity to the “big” school makes it a great location.

--Rent another unidentified space.

*\*To make any of these ideas come to life, we need borough support and financial assistance (from the borough, grants, etc.).*



Agenda Bill No.: 13-228  
 Assembly Meeting Date: 3/12/13

Business Item Description:	Attachments:
Subject: Amend Borough Traffic Code to Require Proof of Vehicle Insurance	1. Ordinance 13-02-314 2. Letter from Police Chief re. Proposed Amendments
Originator: Finance Committee (Agenda Bill by Clerk's Office)	
Originating Department: Assembly	
Date Submitted: 2-5-13	

**Full Title/Motion:**  
 Motion: Advance Ordinance 13-02-314 to a second public hearing on 3/26/13.

**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
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**Summary Statement:**

During its meeting on 1/8/13, the Finance Committee talked about looking into putting some of the traffic violations into the borough's own code book because it could affect the borough's portion of collected fines. At a follow-up meeting, the committee decided to start with putting into code an uninsured motorist fine. This is supported by Chief Lowe who made code amendment recommendations that staff put into ordinance form for the assembly's consideration. This ordinance was introduced on 3/5/13.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 3/12/13
Meeting Date(s): 3/5, 3/12/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 10, CHAPTER 10.06 TO REQUIRE PROOF OF VEHICLE INSURANCE AND SECTION 10.50.020 TO ALLOW FOR A FINE OF \$500.**

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance 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 Chapter 10.06. Chapter 10.06 of the Haines Borough Code is hereby amended by adding a new section (030) to read as follows:

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

**Chapter 10.06  
TRAFFIC OFFENSES**

Sections:

10.06.010 Refusal to submit to preliminary breath test (portable breathalyzer – infraction only).

10.06.020 Negligent driving.

**10.06.030 Proof of Insurance to Be Carried and Exhibited On Demand.**

10.06.010 Refusal to submit to preliminary breath test (portable breathalyzer – infraction only).

AS 28.35.031(e).

10.06.020 Negligent driving.

AS 28.35.410.

**10.06.030 Proof of Insurance to Be Carried and Exhibited On Demand.**

**AS 28.22.019.**

Section 5. Amendment of Section 10.50.020. Section 10.50.020 of the Haines Borough Code is hereby amended to read as follows:

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

**10.50.020 Maximum penalty.**

A. A provision of the state motor vehicle laws adopted by reference in this title shall not be rendered invalid because the penalty prescribed for a violation exceeds borough jurisdiction or authority.

B. Violation of a provision of this title constitutes a lesser offense deemed regulatory in nature for which a fine of not to exceed ~~\$300.00~~ **\$500.00** may be imposed upon conviction. If not, fine/bail amount is specified as part of the provision.

Haines Borough  
Ordinance No. 13-02-314  
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Stephanie Scott, Mayor

ATTEST:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 03/05/13  
Date of First Public Hearing: 03/12/13  
Date of Second Public Hearing: \_\_/\_\_/\_\_



**HAINES BOROUGH  
POLICE DEPARTMENT  
PO BOX 1209  
HAINES, AK 99827-1209**

Phone 907-766-2121, Fax 907-766-2190

**Chief of Police Gary Lowe**

February 6, 2013

Borough Assembly,

The Finance Committee asked me to propose language for a code change so that Proof of Insurance could be written under Haines Borough Code. The follow is a two part suggestion for code changes that would allow for this to happen.

1. Create new section of borough code

Chapter 10.06.030 - Proof of Insurance to be Carried and Exhibited on Demand  
AS 28.22.019

2. Modify current code 10.50.020 B to allow for a fine of \$500.00

Chief Lowe

## Supporting material

### **AS 28.22.019. Proof of Insurance to Be Carried and Exhibited On Demand.**

(a) A person shall have proof of motor vehicle liability insurance in the person's immediate possession at all times when driving a motor vehicle, and shall present the proof for inspection upon the demand of a peace officer or other authorized representative of the Department of Public Safety. However, a person charged with violating this section may not be convicted if the person produces in court or in the office of the arresting or citing officer proof of motor vehicle liability insurance previously issued to the person that was valid at the time of the person's arrest or citation.

**(b) A municipality may adopt an ordinance**

**(1) requiring a person to display a decal on the person's motor vehicle indicating compliance with (a) of this section; or**

**(2) that is substantially similar to (a) of this section and may impose a penalty for violating the ordinance as provided under AS [29.25.070](#).**

(c) In this section, "proof" means a copy of the insurance policy or certificate of self-insurance that is in effect or a printed card or electronic certification from an insurance company, insurance agent, insurance broker, or surplus lines broker that a policy that complies with AS [28.22.011](#) is in effect.

### **10.50.020 Maximum penalty.**

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A. A provision of the state motor vehicle laws adopted by reference in this title shall not be rendered invalid because the penalty prescribed for a violation exceeds borough jurisdiction or authority.

B. Violation of a provision of this title constitutes a lesser offense deemed regulatory in nature for which a fine of not to exceed **\$300.00** may be imposed upon conviction. If not, fine/bail amount is specified as part of the provision.



Agenda Bill No.: 13-236  
 Assembly Meeting Date: 3/12/13

Business Item Description:	Attachments:
Subject: Amend Borough Code to Clarify Responsibility for Negotiating Leases	1. Ordinance 13-02-315
Originator: Mayor Scott (Agenda Bill by Clerk's Office)	
Originating Department: Mayor's Office	
Date Submitted: 1-2-13	

**Full Title/Motion:**  
 Motion: Advance Ordinance 13-02-315 to a second public hearing on 3/26/13.

**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
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**Summary Statement:**  
 The mayor brought this to the clerk's attention as a section of code that may need to be "cleaned up" to clarify that, subject to assembly authorization, it is the manager who is responsible for negotiating leases. This ordinance was introduced on 3/5/13.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 3/12/13
Meeting Date(s): 3/5, 3/12/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 14, SECTION 14.16.160 TO CLARIFY THE RESPONSIBILITY FOR NEGOTIATED LEASES IN A MANAGER FORM OF GOVERNMENT.**

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Section 4 of this ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

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

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

Section 4. Amendment of Section 14.16.160. Section 14.16.160 of the Haines Borough Code of Ordinances is amended to read as follows:

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

**Chapter 14.16.160 Negotiated leases.**

Upon authorization by the assembly by noncode ordinance, the ~~mayer~~ **manager** may commence negotiations for the lease of borough land. The final terms of a negotiated lease are subject to approval by the assembly unless the minimum essential terms and the authority of the ~~mayer~~ **manager** to execute the lease are set forth in the ordinance authorizing negotiations. The negotiated lease may not be executed until the effective date of the ordinance.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Stephanie Scott, Mayor

ATTEST:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 03/05/13  
Date of First Public Hearing: 03/12/13  
Date of Second Public Hearing: \_\_/\_\_/\_\_



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

March 12, 2013

### 2013 Federal Priorities

Haines Borough support for the Federal Highway Administration (FHWA) Tribal Transportation Program has been submitted to the offices of Senator Murkowski and Senator Begich.

### Safe Routes to Schools Sidewalk Improvements

The Alaska Department of Transportation and Public Facilities (ADOT&PF) has approved additional funding in the amount of \$350,000 for the Old Haines Highway Sidewalk - 3rd Ave to Allen Road project. The additional funding will extend the sidewalk project to Fair Drive. This project now has a total budget of nearly \$1.0 million,

### Port Chilkoot Dock / Letnikof Harbor Project

The Port Chilkoot Dock / Letnikof Harbor Project bid documents are being advertized. Construction at the PC Dock is scheduled to begin August 15, 2013 and at Letnikof Harbor on October 1, 2013.

### Haines High School Air Handling Units

The Haines Borough School District has agreed to fund a significant portion of the cost of the High School Air Handling Units. The preliminary cost estimate for the project is \$250,000. The School District intends to request funding through the Alaska Department of Education and Early Development Capital Improvement Projects (FY2015) Major Maintenance Grant Fund. It is possible that this program may allow for reimbursement of up to 65% of the project expenses.

### Borough Radio Communication System

Begenyi Engineering provided a scope of work and fee proposal for the design for replacing the Borough's radio communication system. The scope of work (from the attached proposal) includes the following:

- *Replace Tower Road Equipment and Mobile Radios:* Replace duplexer, repeater, controller, and auxiliary equipment. Provide reliable stand-by power system. Establish a new grounding system with a main building reference ground bus that can be utilized for personnel grounding and periodic testing. Replace antennas and cables. Install high voltage suppressors to protect cables and equipment from voltage irregularities. Provide raceway systems to support cable routes from the equipment to the tower. Provide secondary source of heat. Provide remote monitoring of equipment and environmental conditions. Replace mobile radios that are not narrowband compatible.
- *Replace Dispatch Console and Upgrade Infrastructure:* Replace control console with digital technology. Establish a new telecommunication closet with demarcation point for outside

services, cross-connects for telephone and data, and console controller. Provide integrated stand-by power system. Replace antennas and cables. Install high voltage suppressors to protect cables and equipment from voltage irregularities. Provide new casework designed to integrate with the dispatch controls.

The total fee for the design and bid assistance work is \$25,105. This project is the subject of a separate agenda item and is recommended for approval. The proposed funding source is CIP Advanced Engineering at this time, with a future budget amendment reallocating a portion of the project cost to other funds, as appropriate.

### **E-911 System**

Proposals have been received for the Borough E-911 system replacement project. The review committee is continuing to review and evaluate the proposals.

## Mark Earnest

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**From:** Seb O'Kelly [tarpon@hsgblaw-dc.com]  
**Sent:** Tuesday, March 05, 2013 7:49 AM  
**To:** Mark Earnest  
**Subject:** Effects of the Sequester

Mark,

Here is an assessment on the effect of the Federal sequester and what it might mean for Haines. We don't know all the details yet as agencies are still completing plans on implementation of the mandated cuts. The cuts will occur in FY 2013. Agencies were operating on level funding until now so the cuts will all happen in the last half of this fiscal year rather than be spread out over the entire year.

Federal agency operations will be hit pretty hard, particularly in personnel. Agencies, starting in April, are planning to furlough civilian personnel (uniformed military service are exempt) 1 day a week with no pay. Other areas to be reduced include external grants, contracts, and other services. Cuts in some programs will be steeper initially than the numbers below as they have to be borne entirely in the last half of the fiscal year.

So here are the specifics that are of most interest to the Borough.

- PILT: 5 percent. This is a cut below what the Borough is projected to receive in its June payment.
- SRS: No impact on Title I funds as they came from FY 2012 and the check has already gone out the door. Title II funding should not be affected either; however, Forest Service operating expenses will be and that might postpone RAC meetings/deliberations. Reauthorization is still needed for the program (as well as PILT) to continue next year.
- Army Corps: 5 percent.
- BLM: 5 percent. Furloughs likely as well as reduced operations and activities.
- Federal aid in highways: Highway formula programs are exempt. State transportation projects involving Federal highway dollars should proceed at prior funding levels. Ditto for AMHS service.
- EDA & RDA: 5 percent. Likely implemented by a combination of furloughs of Federal employees and slowed/reduced grant/loan award amounts and number.

The state of play in Washington at the moment has the sequester remaining in place for the rest of the fiscal year. But....it has just gone into effect and it will take a little while for the impact to be felt by communities, businesses, the labor market, etc and for those and other groups to raise their voices back in DC.

The next intersection for the issue to be addressed will come when the current Continuing Resolution funding the government expires on March 27 and will need to be extended. There will be efforts to partially roll back the sequester then, just as there will be efforts to keep it in place, or to shift its impact away from some programs and toward others. We can't predict the outcome of that debate at this point.

Not the best news but hopefully it helps clarify the situation. Let us know if you have any questions.

Sebastian O'Kelly  
Consultant  
Robertson, Monagle & Eastaugh  
1810 Samuel Morse Drive  
Reston, VA 20190  
Ph – 571-313-1792  
Cell -- 301-529-2924

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THE WHITE HOUSE

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**Impact of March 1<sup>st</sup> Cuts on Middle Class Families, Jobs and Economic Security: Alaska**

Unless Congress acts by March 1<sup>st</sup>, a series of automatic cuts—called the sequester—will take effect that threaten hundreds of thousands of middle class jobs, and cut vital services for children, seniors, people with mental illness and our men and women in uniform.

There is no question that we need to cut the deficit, but the President believes it should be done in a balanced way that protects investments that the middle class relies on. Already, the President has worked with Congress to reduce the deficit by more than \$2.5 trillion, but there's more to do. The President has put forward a balanced plan to not only avoid the harmful effects of the sequester but also to reduce the deficit by more than \$4 trillion in total. The President's plan meets Republicans more than halfway and includes twice as many spending cuts as it does tax revenue from the wealthy. For details on the President's plan click [here](#).

Unfortunately, many Republicans in Congress refuse to ask the wealthy to pay a little more by closing tax loopholes so that we can protect investments that are helping grow our economy and keep our country safe. By not asking the wealthy to pay a little more, Republicans are forcing our children, seniors, troops, military families and the entire middle class to bear the burden of deficit reduction. The President is determined to cut spending and reduce the deficit in a balanced way, but he won't stick the middle class with the bill. The President is willing to compromise, but on behalf the middle class he cannot accept a deal that undercuts their economic security.

Our economy is continuing to strengthen but we cannot afford a self-inflicted wound from Washington. Republicans should compromise and meet the President in the middle. We cannot simply cut our way to prosperity, and if Republicans continue to insist on an unreasonable, cuts-only approach, Alaska risks paying the price.

<b>ALASKA IMPACTS</b>
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If sequestration were to take effect, some examples of the impacts on Alaska **this year** alone are:

- **Teachers and Schools:** Alaska will lose approximately \$1.5 million in funding for primary and secondary education, putting around 20 teacher and aide jobs at risk. In addition about 2,000 fewer students would be served and approximately 10 fewer schools would receive funding.
  - **Education for Children with Disabilities:** In addition, Alaska will lose approximately \$1.9 million in funds for about 20 teachers, aides, and staff who help children with disabilities.
- **Work-Study Jobs:** Around 80 fewer low income students in Alaska would receive aid to help them finance the costs of college and fewer students will get work-study jobs that help them pay for college.
- **Head Start:** Head Start and Early Head Start services would be eliminated for approximately 100 children in Alaska, reducing access to critical early education.

- **Protections for Clean Air and Clean Water:** Alaska would lose about \$1.8 million environmental funding to ensure clean water and air quality, as well as prevent pollution from pesticides and hazardous waste. In addition, Alaska could lose another \$2.1 million in grants for fish and wildlife protection.
- **Military Readiness:** In Alaska, approximately 5,000 civilian Department of Defense employees would be furloughed, reducing gross pay by around \$31.8 million in total.
  - Army: Base operation funding would be cut by about \$78 million in Alaska.
  - Air Force: Funding for Air Force operations in Alaska would be cut by about \$12 million.
- **Law Enforcement and Public Safety Funds for Crime Prevention and Prosecution:** Alaska will lose about \$69,000 in Justice Assistance Grants that support law enforcement, prosecution and courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, and crime victim and witness initiatives.
- **Job Search Assistance to Help those in Alaska find Employment and Training:** Alaska will lose about \$337,000 in funding for job search assistance, referral, and placement, meaning around 12,580 fewer people will get the help and skills they need to find employment.
- **Child Care:** Up to 100 disadvantaged and vulnerable children could lose access to child care, which is also essential for working parents to hold down a job.
- **Vaccines for Children:** In Alaska around 1,400 fewer children will receive vaccines for diseases such as measles, mumps, rubella, tetanus, whooping cough, influenza, and Hepatitis B due to reduced funding for vaccinations of about \$96,000.
- **Public Health:** Alaska will lose approximately \$237,000 in funds to help upgrade its ability to respond to public health threats including infectious diseases, natural disasters, and biological, chemical, nuclear, and radiological events. In addition, Alaska will lose about \$250,000 in grants to help prevent and treat substance abuse, resulting in around 400 fewer admissions to substance abuse programs. And the Alaska Division of Public Health will lose about \$54,000 resulting in around 1,300 fewer HIV tests.
- **STOP Violence Against Women Program:** Alaska could lose up to \$13,000 in funds that provide services to victims of domestic violence, resulting in up to 100 fewer victims being served.
- **Nutrition Assistance for Seniors:** Alaska would lose approximately \$184,000 in funds that provide meals for seniors.

<b>NATIONWIDE IMPACTS</b>
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The Office of Management and Budget (OMB) now calculates that sequestration will require an annual reduction of roughly 5 percent for nondefense programs and roughly 8 percent for defense programs. However, given that these cuts must be achieved over only seven months instead of 12, the effective percentage reductions will be approximately 9 percent for nondefense programs and 13 percent for defense programs. These large and arbitrary cuts will have severe impacts across the government.

- **Cuts to education:** Our ability to teach our kids the skills they'll need for the jobs of the future would be put at risk. 70,000 young children would lose access to Head Start, 10,000 teacher jobs would be put at risk, and funding for up to 7,200 special education teachers, aides, and staff could be cut.
- **Cuts to small business:** Small businesses create two-thirds of all new jobs in America. Instead of helping small businesses expand and hire, the automatic cuts would reduce loan guarantees to small businesses by up to approximately \$900 million.
- **Cuts to food safety:** Outbreaks of foodborne illness are a serious threat to families and public health. If sequestration takes effect, up to 2,100 fewer food inspections could occur, putting families at risk and costing billions in lost food production.
- **Cuts to research and innovation:** To compete for the jobs of the future and ensure that the next breakthroughs to find cures for critical diseases are developed right here in America, we need to continue to lead the world in research and innovation. Most Americans with chronic diseases don't have a day to lose, but under sequestration progress towards cures would be delayed and several thousand researchers could lose their jobs. Up to 12,000 scientists and students would also be impacted.
- **Cuts to mental health:** If sequestration takes effect, up to 373,000 seriously mentally ill adults and seriously emotionally disturbed children could go untreated. This would likely lead to increased hospitalizations, involvement in the criminal justice system, and homelessness for these individuals.

More detailed explanations of these cuts as well as additional areas that will be impacted include:

### **Security and Safety**

- ***FBI and other law enforcement*** – The FBI and other law enforcement entities would see a reduction in capacity equivalent to more than 1,000 Federal agents. This loss of agents would significantly impact our ability to combat violent crime, pursue financial crimes, secure our borders, and protect national security.
- ***Customs and border patrol*** – U.S. Customs and Border Protection (CBP) would not be able to maintain current staffing levels of border patrol agents and CBP officers as mandated by Congress. CBP would have to reduce its work hours by the equivalent of over 5,000 border patrol agents and the equivalent of over 2,750 CBP officers. Funding and staffing reductions would increase wait times at airports, weaken security between land ports of entry, limit CBP's ability to collect

revenue owed to the Federal government, and slow screening and entry for those traveling into the United States. At the major gateway airports, average wait times could increase by 30-50 percent. At the nation's busiest airports, like Newark, JFK, LAX, and Chicago O'Hare, peak wait times could grow to over 4 hours or more. On the southwest land border, our biggest ports of entry in California and Texas could face wait times of 5 hours or more during peak holiday weekends and travel periods. And at our seaports, delays in container examinations could increase from 2-3 days to 4-5 days, resulting in congestion at terminals, increased transaction costs to the trade community, and reduced availability of consumer goods and raw materials critical to our economy.

- **Aviation safety** – The Federal Aviation Administration (FAA) would be forced to undergo a funding cut of more than \$600 million. This action would force the FAA to undergo an immediate retrenchment of core functions by reducing operating costs and eliminating or reducing services to various segments of the flying community. A vast majority of FAA's nearly 47,000 employees would be furloughed for approximately one day per pay period, with a maximum of two days per pay period. The furlough of a large number of air traffic controllers and technicians would require a reduction in air traffic to a level that could be safely managed by the remaining staff, resulting in slower air traffic in major cities, as well as delays and disruptions across the country during the critical summer travel season.
- **Aviation security** – The Transportation Security Administration (TSA) would reduce its frontline workforce, which would substantially increase passenger wait times at airport security checkpoints. TSA would need to initiate a hiring freeze for all transportation security officer positions in March, eliminate overtime, and furlough its 50,000 officers for up to seven days.
- **Emergency responders** – FEMA would need to reduce funding for State and local grants that support firefighter positions and State and local emergency management personnel, hampering our ability to respond to natural disasters like Hurricane Sandy and other emergencies.

## Research and Innovation

- **NIH research** – The National Institutes of Health (NIH) would be forced to delay or halt vital scientific projects and make hundreds of fewer research awards. Since each research award supports up to seven research positions, several thousand personnel could lose their jobs. Many projects would be difficult to pursue at reduced levels and would need to be cancelled, putting prior year investments at risk. These cuts would delay progress on the prevention of debilitating chronic conditions that are costly to society and delay development of more effective treatments for common and rare diseases affecting millions of Americans.
- **NSF research** – The National Science Foundation (NSF) would issue nearly 1,000 fewer research grants and awards, impacting an estimated 12,000 scientists and students and curtailing critical scientific research.
- **New drug approvals** – The FDA's Center for Drug Evaluation and Research (CDER) would face delays in translating new science and technology into regulatory policy and decision-making, resulting in delays in new drug approvals. The FDA would likely also need to reduce operational support for meeting review performance goals, such as the recently negotiated user fee goals on new innovative prescription drugs and medical devices.

## Economic Growth

- ***Small business assistance*** – Small Business Administration (SBA) loan guarantees would be cut by up to approximately \$900 million, constraining financing needed by small businesses to maintain and expand their operations and create jobs.
- ***Economic development*** – The Economic Development Administration's (EDA) ability to leverage private sector resources to support projects that spur local job creation would be restricted, likely resulting in more than 1,000 fewer jobs created than expected and leaving approximately \$50 million in private sector investment untapped.
- ***Oil and gas permitting*** - Development of oil and gas on Federal lands and waters would slow down, due to cuts in programs at the Department of the Interior (DOI) and other agencies that plan for new projects, conduct environmental reviews, issue permits and inspect operations. Leasing of new Federal lands for future development would also be delayed, with fewer resources available for agencies to prepare for and conduct lease sales.

## Government Services

- ***Food safety*** – The Food and Drug Administration (FDA) could conduct 2,100 fewer inspections at domestic and foreign facilities that manufacture food products while USDA's Food Safety and Inspection Service (FSIS) may have to furlough all employees for approximately two weeks. These reductions could increase the number and severity of safety incidents, and the public could suffer more foodborne illness, such as the recent salmonella in peanut butter outbreak and the E. coli illnesses linked to organic spinach, as well as cost the food and agriculture sector millions of dollars in lost production volume.
- ***Veterans services*** – Although the Department of Veterans Affairs is exempt from sequestration, the Department of Labor's Veterans Transition Assistance Program, which serves over 150,000 veterans a year, would have to reduce operations – leaving thousands of transitioning veterans unserved as they move from active duty to civilian life. The Jobs for Veterans State Grants Program would also experience cuts, translating into a reduction in the capacity to serve tens of thousands of veterans in their efforts to find civilian employment.
- ***National parks*** – Many of the 398 national parks across the country would be partially or fully closed, with shortened operating hours, closed facilities, reduced maintenance, and cuts to visitor services. These closures will hurt the many small businesses and regional economies that depend on nearby national parks to attract visitors to their region.

## Education

- ***Title I education funds*** – Title I education funds would be eliminated for more than 2,700 schools, cutting support for nearly 1.2 million disadvantaged students. This funding reduction would put the jobs of approximately 10,000 teachers and aides at risk. Students would lose access to individual instruction, afterschool programs, and other interventions that help close achievement gaps.

- **Special education (IDEA)** – Cuts to special education funding would eliminate Federal support for more than 7,200 teachers, aides, and other staff who provide essential instruction and support to preschool and school-aged students with disabilities.
- **Head Start** – Head Start and Early Head Start services would be eliminated for approximately 70,000 children, reducing access to critical early education. Community and faith based organizations, small businesses, local governments, and school systems would have to lay off over 14,000 teachers, teacher assistants, and other staff.

### Economic Security

- **Social Security applicant and beneficiary services** – The Social Security Administration (SSA) would be forced to curtail service to the public and reduce program oversight efforts designed to make sure benefits are paid accurately and to the right people. Potential effects on SSA operations could include a reduction in service hours to the public, and a substantial growth in the backlog of Social Security disability claims.
- **Senior meals** – Federally-assisted programs like Meals on Wheels would be able to serve 4 million fewer meals to seniors. These meals contribute to the overall health and well-being of participating seniors, including those with chronic illnesses that are affected by diet, such as diabetes and heart disease, and frail seniors who are homebound. The meals can account for 50 percent or more of daily food for the majority of participants.
- **Nutrition assistance for women, infants and children** – Approximately 600,000 women and children would be dropped from the Department of Agriculture's Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) from March through September. At least 1,600 State and local jobs could be lost as a result.
- **Child care** – Cuts to the Department of Health and Human Services' Child Care and Development Fund would leave 30,000 low-income children without child care subsidies, denying them access to child development programs and ending a crucial work support for many families.
- **Rental assistance** – The Department of Housing and Urban Development's (HUD) Housing Choice Voucher program, which provides rental assistance to very low-income families, would face a significant reduction in funding, which would place about 125,000 families at immediate risk of losing their permanent housing.
- **Emergency unemployment compensation** – People receiving Emergency Unemployment Compensation benefits would see their benefits cut by nearly 11 percent. Affected long-term unemployed individuals would lose an average of more than \$450 in benefits that they and their families count on while they search for another job. Smaller unemployment checks will also have a negative impact on the economy as a whole. Economists have estimated that every dollar in unemployment benefits generates \$2 in economic activity.
- **Homelessness programs** – More than 100,000 formerly homeless people, including veterans, would be removed from their current housing and emergency shelter programs, putting them at risk of returning to the streets.

## Public Health

- ***Mental health and substance abuse services*** – Cuts to the Mental Health Block Grant program would result in over 373,000 seriously mentally ill adults and seriously emotionally disturbed children not receiving needed mental health services. This cut would likely lead to increased hospitalizations, involvement in the criminal justice system, and homelessness for these individuals. In addition, close to 8,900 homeless persons with serious mental illness would not get the vital outreach, treatment, housing, and support they need through the Projects for Assistance in Transition from Homelessness (PATH) program.
- ***AIDS and HIV treatment and prevention*** – Cuts to the AIDS Drug Assistance Program could result in 7,400 fewer patients having access to life saving HIV medications. And approximately 424,000 fewer HIV tests could be conducted by Centers for Disease Control (CDC) State grantees, which could result in increased future HIV transmissions, deaths from HIV, and costs in health care.
- ***Tribal services*** – The Indian Health Service and Tribal hospitals and clinics would be forced to provide 3,000 fewer inpatient admissions and 804,000 fewer outpatient visits, undermining needed health care in Tribal communities.



# Chilkat Center for the Arts

*A Community Facility Operated by the Haines Borough*

(907) 766-3573

facsimile (907) 766-3574

E-mail [business@khns.org](mailto:business@khns.org)

8B

RECEIVED Haines Borough

MAR 04 2013

Clerk's Office

## Facility Administration Report February 2013

### Usage

A good mix of activities in the building this month with the Haines Arts Council, Haines Ballet, Lynn Conservation Council and SEARHC scheduling a couple of musical events, one with an excellent Juno Award winning group from Canada, our own local talent at the Northern Lights showcase, the young ballet stars of tomorrow in recital on the Big Stage and more training for the medical personnel at SEARHC.

Banner month for the Yogis and Jujutsu students with an additional yoga class on Feb and Mar for the next month and a special Sunday workshop.

Lots of meetings with the Foundation for the Chilkat Center, the Chilkat Center Advisory Board and KHNS Board of Directors – all brainstorming new and better ideas to run and fund our organizations.

Students from the school, along with their teacher Mario Benassi, are assembling a whale infant that was found and claimed a couple of years ago. They have all the requisite permits for this and are using the basement for their zoology class during lat weeks of February and hope to be complete by end of March as we have a puppet show scheduled for the basement.

The calendar is heating up for March with the Chamber of Commerce luncheon, REACH Chili Dinner, Puppet Magic with Byrne Power, Miss Tess and the Talkbacks and much more in addition to ongoing classes.

**Special Meeting: March 6<sup>th</sup>, 7pm** is a meeting to discuss the results of the theater audit that Tod Sebens facilitated to determine comprehensive needs around theater restoration including audio and lighting and so much more. Power Point presentation by Burl Sheldon! Participating will be many of the regular users of the building as well as borough representatives. Meeting will be in the Lobby.

### Maintenance

- There was concern from the dance studio teachers about the sharp edges of the heating units and the potential for little barefeet to get cut or scraped. In response, the borough created a cover for one of the heating units in the dance studio and we'll see how well it works. I predict success on this thoughtful design.
- The Green Room is ready for painting which is scheduled to happen this month
- The new custodian is doing excellent work
- We have a tremendous amount of paint in the scene shop that could be assessed by LCCP to see what is worth keeping – some are small amounts that would seem to be old but need help with that.
- KHNS painted the bathroom in their area – a long overdue project and much appreciated by bathroom patrons at KHNS
- The main upstairs hallway is ready for painting
- Ceiling repairs to the theater - Stickler Construction is working this out directly with the Borough Facilities Manager.

*Submitted by Facilities Manager, Kay Clements, February 2013*

<b>Chilkat Center for the Arts</b>			
<b>February 2013</b>			
<b>Contact</b>	<b>Function</b>	<b>Participants</b>	<b>Amount</b>
	<b>Dance Studio</b>		
SEARHC	Yoga Tuesday and Thursday 5:15-6:30, Sun 9:30am	243	285
Chorus Bishop	Seibukan Jujitsu --	142	300
	<b>Lobby</b>		
SEARHC	Morning Muscles	104	105
St Michael's	Sunday Services	60	300
St. Michael's	Weekday Service	20	75
SEARHC	Strongwoman	40	120
Lynn Canal Counseling	Meeting	50	75
Haines Arts Council	Northern Lights Showcase	55	75
SEARHC	Training	30	100
	<b>Conference Room</b>		
KHNS	Board Meeting	8	n/c
FCCA	Board Meeting	8	n/c
CCA	Board Meeting	7	n/c
	<b>Auditorium</b>		
Haines Arts Council	Good Lovelies	165	325
	<b>Kitchen</b>		
Sarah J			250
	<b>February Totals</b>	<b>932</b>	<b>\$2,010</b>

RECEIVED Haines Board  
MAR 06 2013  
Clerks

8C

## February 2013 Haines Vol. Fire Dept. Monthly Report

The Haines Vol. Fire Dept. had eight fire callouts in February. Calls included 2 structure fires, a residential and storage unit and a small rekindle on the structure, smoke in a residence, a motor vehicle accident, a chimney fire and 2 false alarms. Fire callouts for 2013 total 12. The Haines Vol. Fire Dept. responded to 17 ambulance callouts in February. Calls included two with chest pain, two motor vehicle accidents, one with alcohol poisoning, an altered level of consciousness, an unresponsive patient, a respiratory distress, a fall, a possible seizure, a standby at a fire for rehab., one with extremity trauma, and 5 medivacs/transport. Ambulance callouts for 2013 total 28. There was no SAR callout in February.

The first joint meeting for February was a business meeting followed by a review of street addresses. This was followed by three different scenarios; identification & location of both fire and EMS equipment, how to change out a SCBA air tank, and gurney use focusing on loading & unloading. The ambulance training was a scenario of a diabetic with extremity trauma needing to be transported down a flight of stairs to the ambulance. Half of the attendees performed hands on treatment while the other half documented the call. It was a good learning experience for all. The fire training was CPR recertification for fire responders. There is a new emphasis focusing on compressions of at least 100/min and a depth of at least 2 inches on adults.

We had three new members join in February. Chris Downer and Penny Fossman have joined the ambulance crew and Joseph Orlando joined the fire crew. Both Chris and Penny have been coming in 2 or three times a week to prepare for calls. This extra effort has made them an asset on calls. Thanks to all that work on keeping their skills sharp.

### Volunteer Hours for February 2013

HVFD Fire 207	HVFD Ambulance	216
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### Volunteer Hours for all 2013

HVFD Fire 413	HVFD Ambulance	408
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Total volunteer hours HVFD for 2013	821	Hours
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Respectfully submitted,

Al Badgley  
HVFD Training Officer

**Approved 1/25/13 Minutes – Fire Service Area #1 Board**

OFFICIAL HB FSA#1 MINUTES by J.R.Myers, Acting Secretary FSA#1 Board, Approved 2/18/13

1/25/13 FSA#1 Board Meeting 7:00pm HB Assembly Chambers

Richard Buck, Kathleen Fitz Williams and J.R. Myers present, Alan Heinrich is in Texas (excused) and Fire Chief Scott Bradford is in Las Vegas (5<sup>th</sup> consecutive absence). Danny Gonce, & Jila Stuart, HB CFO present.

A quorum being present the meeting was convened by Acting Chairman, Richard Buck at 7:00pm.

Minutes 12/28/12: Kathleen moved, J.R. Seconded, all in favor, 12/28/12 Minutes Approved

No correspondence.

Richard reports he spoke to Al Badgely, who expressed concerns about this board, “dictating to them”.

He spoke to Scott regarding our Tsunami alert: None in Haines, and cannot be heard in outlying districts. Can this situation be improved?

He spoke to Scott about the need to replace two trucks. New ones would cost \$200,00 & \$400,000 respectively. A new law may mandate new equipment. Richard also spoke to Scott about grant writing and borough resources (there is no borough grant writer).

He spoke to Brian Clay about a 100kw generator at the school in Mosquito Lake. There is a 60 KW generator at the school that may work.

He spoke to the Mayor Stephanie, they discussed the annual VF Department dinner.

J.R. expressed his concern that Richard has taken it upon himself to engage in board business outside of board meetings and without board authorization.

Kathleen also expressed her concern about the style of communications (or lack thereof) involved in recent board activities.

Richard states that the first or third Monday of the month would be a better meeting date for Scott.

The board then discussed the need to investigate the local tsunami warning system further.

Kathleen asks about whether or not the Fire Department is up to current medical standards, as a member of the public has brought this issue to her attention.

Danny was asked to interject at this point, he did not know if this was the case. He states that the firefighters do go through extensive training on different levels, and a certification for Fireman 1 and Fireman 2. Only a certain limited number of specially trained fireman enter burning buildings.

The Assistant Fire Chief, Rocky Ahrens joined us at 7:20pm. He did not have the budget with him as he has not received a copy of the new budget yet from Scott.

Rocky addresses several issues related to disaster preparedness. CERA Title III. LEPC: Local Emergency Planning Committee. Rocky is part of this. They handle these issues. The AK earthquake warning center in Palmer, notifies communities when there is a need. Warnings go to the radio station and the dispatch both. SERC: State Emergency Response Committee now determines local area potential. The likelihood of the last quake, earlier this month near Prince of Wales. Haines was not deemed to be in a critical threat area, therefore the siren was not sounded.

There is a local response plan in place for 72 hours following a disaster. This is overseen by the Health Department who brings in the Fire Department when necessary.

He addresses state and federal standards for fire fighters. The uniform Fire Code is mandated by the State of Alaska. Federally mandated Minimum Response requires six people to respond to a fire.

A remote station start-up would require a minimum of 12 dedicated people for training and response. There are minimum equipment requirements such as a tender and a pumper. Hose, nozzles and pressure checks, and other equipment must be kept in place and up to date. 24 hour heated bays for equipment. Rocky states that it would be extremely difficult to set up satellite stations near Haines.

Rocky addresses the previous lack of a fire service board and questions the need for one. He asked if the board members have an agenda. He states there are many complex issues involved and that the board will need to be educated about these.

Rocky would like to be the Fire Department representative, but the code provides that it must be the Fire Chief.

There exists uncertainty about the function and power of the board.

Jila, representing the HB Manager states that there are variances in the FSA#1 & #3 Boards. The Mayor has requested that a letter be sent to the FSA#1 Board and the HB Assembly regarding these issues.

The board expressed a desire to be of service to the VFD. Rocky welcomes this information and believes the board could be helpful.

Rocky states there is a sinking fund that has about \$218,000.00 which is set aside for equipment replacement. The current trucks are from 1968, 1972 and 1977. The current tankers were built from the frames of old logging trucks.

Rocky spoke to dispatch ratio and call volumes. He talked about the history behind the police assuming control of the dispatch system, while the fire department finances 66% of the budget for it. He says it was very controversial at the time, and that the Fire Department has no say over dispatch now. He says the true usage ratio is 90% Fire and EMS and 10% Police. He said that the dispatch equipment is mostly new, there was some public confusion about the nature of the recent dispatch equipment failure. He states that a system upgrade would cost about \$300,000.00. He believes that board might be helpful in this area.

Rocky addresses firefighter recruitment. He says that the high school is not the place to recruit. He says past attempts have failed, as people had to leave the area for employment. He believes that the

local economy does not support younger people living in the community that would be able to serve as volunteer fire fighters. There are two new recruits.

Rocky talks about addresses in Haines. He explains that there is not a standard system in place. This can make response more difficult. Standardization of addresses is a potential issue for the board to address. This also relates to dispatch radio capabilities.

Rocky addresses Klukwan. They are not in the Haines Borough. They are not in our fire district, they are in the Klahini District. There has not been a workable relationship with Klukwan.

Danny talks about the revenue for EMS, which comes from a tax, making it subject to different budgeting pressures than the VFD.

Rocky mentions that the Haines Borough Emergency Management Plan is available at the library for viewing. The Haines Emergency Local Planning, HELP group works on these issues and is developing a website platform for community information to be placed on the HVFD webpage.

Rocky suggests that we approach the Fire Chief about tasks that can be delegated to the board. He says that the Fire Chief is overwhelmed and has no personal time left. He believes the borough code will be changed to address the issue so that another member of the VFD could represent the VFD with the FSA #1 Board.

J.R. Asked that the FSA #1 Board be included in any such discussions about it.

Differential tax rates based on property distance from the fire station were discussed. Rocky thought there may be merit to this. This issue needs to be revisited.

Danny expressed an interest in attending meetings, but cannot do so on the 1<sup>st</sup> or 3<sup>rd</sup> Mondays, as he has scheduling conflicts.

Next Meeting: Monday, February 18, 2013 at 7:00pm at the Haines Borough Assembly Chambers if possible.

Motion to Adjourn: J.R. Moves, Richard Seconded, All in favor.

Meeting Adjourned : 9:00pm



**Haines Borough  
Assembly Agenda Bill**



Agenda Bill No.: 13-240

Assembly Meeting Date: 3/12/13

<b>Business Item Description:</b>		<b>Attachments:</b>
Subject:	House Bill No. 3 - Voter Identification	1. Resolution 13-03-445 2. House Bill 3 3. Bill Sponsor's Statement 4. Statement in Opposition 5. Juneau Empire Report of Senator Begich's Opposition to the legislation
Originator:		
Borough Clerk		
Originating Department:		
Administration		
Date Submitted:		
2/26/13		

**Full Title/Motion:**  
Motion: Adopt Resolution 13-03-445.

**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:**

HB 3 is an Act relating to voter identification at the polls; and relating to the counting of absentee and questioned ballots. The Alaska Association of Municipal Clerks (AAMC) is opposed to this legislation. In addition to all of the reasons that are listed in the draft resolution opposing HB 3, there are specific concerns for Alaska clerks related to how the bill, if it were to become law, would affect absentee voting in-person, by-mail or by-fax, and how those ballots would be counted. The Haines Borough Clerk's Office requests assembly support in opposing this unnecessary legislation.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/12/13	Tabled to Date:

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY OPPOSING HOUSE BILL NO. 3, "AN ACT RELATING TO VOTER IDENTIFICATION AT THE POLLS AND RELATING TO THE COUNTING OF ABSENTEE AND QUESTIONED BALLOTS."**

**WHEREAS**, the Alaska Division of Elections has accepted as voter identification Voter Registration Cards, paycheck stubs, birth certificates, hunting and fishing licenses, and other forms of voter identification listed in AS 15.15.225 and 6 AAC 25; and

**WHEREAS**, the purpose of the Voter Registration Card is to identify the voter's physical residence, political affiliation, and precinct location; and

**WHEREAS**, in some of Alaska's rural communities. Access to facilities that produce photo identification is limited and cost prohibitive; and

**WHEREAS**, some voters have limited access to photo identification due to age or disability; and

**WHEREAS**, current Alaska election laws provide for a questioned ballot review process that allows additional scrutiny of ballots cast by voters with insufficient identification; and

**WHEREAS**, Alaska's municipal clerks have reported no voter fraud issues; and

**WHEREAS**, House Bill No. 3 will create more difficulty for voters at the polls thus negatively impacting the goal of increasing voter participation and satisfaction; and

**WHEREAS**, the Alaska Division of Elections, in partnership with Alaska's municipal clerks, has been dedicated to providing excellent training for polling place workers to ensure that voting requirements are met; and

**WHEREAS**, Governor Sean Parnell, Lieutenant Governor Mead Treadwell, the Alaska Division of Elections, and Alaska's municipalities have worked to maintain a convenient system that encourages all eligible citizens to vote,

**NOW, THEREFORE BE IT RESOLVED** that the Haines Borough Assembly hereby opposes House Bill No. 3 and requests the state of Alaska Legislature to retain the current list of acceptable forms of voter identification listed in AS 15.15.225 and 6 AAC 25; and

**BE IT FURTHER RESOLVED** that this resolution shall be provided to the Governor, Lieutenant Governor, and all members of the state of Alaska Legislature.

**ADOPTED** by a duly constituted quorum of the Haines Borough Assembly this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Stephanie Scott, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

**HOUSE BILL NO. 3**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES LYNN AND KELLER, Millett

Introduced: 1/16/13

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to voter identification at the polls; and relating to the counting of**  
2 **absentee and questioned ballots."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 15.15.225(a) is repealed and reenacted to read:

5 (a) Before being allowed to vote, each voter shall exhibit to an election official

6 (1) one form of personal identification that contains a photograph;

7 under this paragraph, permitted forms of photographic identification include a valid

8 (A) Alaska driver's license;

9 (B) identification card issued by a branch, department, agency,

10 or entity of the state, any other state, or the United States government;

11 (C) United States passport;

12 (D) employee identification card issued by any branch,

13 department, agency, or entity of the United States government, the state, or a

14 municipality of the state;

1 (E) United States military identification card;

2 (F) student identification card issued by a high school or an  
3 accredited institution of higher education, as that term is defined under  
4 AS 23.20.520, located in the state;

5 (G) tribal identification card; or

6 (2) two forms of personal identification that do not contain a  
7 photograph; under this paragraph, permitted forms of identification without a  
8 photograph include

9 (A) the original or a certified copy of the birth certificate of the  
10 voter;

11 (B) certified naturalization documents of the voter;

12 (C) a certified copy of the voter's court record of adoption,  
13 marriage, or name change;

14 (D) a valid identification card, license, or permit issued by any  
15 branch, department, agency, or entity of the United States government or the  
16 state;

17 (E) a valid tribal identification card or a valid card issued by an  
18 Indian health program, as that term is defined in 25 U.S.C. 1603.

19 \* **Sec. 2.** AS 15.15.225(b) is amended to read:

20 (b) **The** [AN ELECTION OFFICIAL MAY WAIVE THE] identification  
21 **requirements of (a) of this section may be waived** [REQUIREMENT] if **two** [THE]  
22 election **officials know** [OFFICIAL KNOWS] the identity of the voter **and the voter**  
23 **is on the official registration list to vote in the precinct. If the identification**  
24 **requirements are waived under this subsection, both election officials shall sign**  
25 **beside the voter's name in the register kept under AS 15.15.180.** The identification  
26 requirement may not be waived for voters who are first-time voters who initially  
27 registered by mail or by facsimile or other electronic transmission approved by the  
28 director under AS 15.07.050, and did not provide identification as required in  
29 AS 15.07.060.

30 \* **Sec. 3.** AS 15.20.203(b) is amended to read:

31 (b) An absentee ballot may not be counted if

- 1 (1) the voter has failed to properly execute the certificate;
- 2 (2) an official or the witnesses authorized by law to attest the voter's  
3 certificate fail to execute the certificate, except that an absentee ballot cast in person  
4 and accepted by an absentee voting official or election supervisor may be counted  
5 despite failure of the absentee voting official or election supervisor to properly sign  
6 and date the voter's certificate as attesting official as required under AS 15.20.061(c);
- 7 (3) the ballot is not attested on or before the date of the election;
- 8 (4) the ballot, if postmarked, is not postmarked on or before the date of  
9 the election;
- 10 (5) after the day of election, the ballot was delivered by a means other  
11 than mail; or
- 12 (6) the voter voted
- 13 (A) in person and is a
- 14 (i) first-time voter who initially registered by mail or by  
15 facsimile or other electronic transmission approved by the director  
16 under AS 15.07.050, has not provided the identification required by  
17 AS 15.15.225(a), was not eligible for waiver of the identification  
18 requirement under AS 15.15.225(b), and has not provided the  
19 identifiers required in AS 15.07.060(a)(2) and (3) that can be verified  
20 through state agency records described in AS 15.07.055(e); or
- 21 (ii) voter other than one described in (i) of this  
22 subparagraph, did not provide identification described in  
23 AS 15.15.225(a), was not **eligible for waiver of the identification**  
24 **requirement under AS 15.15.225(b)** [PERSONALLY KNOWN BY  
25 THE ELECTION OFFICIAL], and has not provided the identifiers  
26 required in AS 15.07.060(a)(2) and (3); or
- 27 (B) by mail or electronic transmission, is a first-time voter who  
28 initially registered by mail or by facsimile or other electronic transmission  
29 approved by the director under AS 15.07.050 to vote, has not met the  
30 identification requirements set out in AS 15.07.060, and does not submit with  
31 the ballot a copy of a

1 (i) driver's license, state identification card, current and  
2 valid photo identification, birth certificate, passport, or hunting or  
3 fishing license; or

4 (ii) current utility bill, bank statement, paycheck,  
5 government check, or other government document; an item described  
6 in this sub-subparagraph must show the name and current address of  
7 the voter.

8 \* **Sec. 4.** AS 15.20.207(b) is amended to read:

9 (b) A questioned ballot may not be counted if the voter

10 (1) has failed to properly execute the certificate;

11 (2) is a first-time voter who initially registered by mail or by facsimile  
12 or other electronic transmission approved by the director under AS 15.07.050, has not  
13 provided the identification required by AS 15.15.225(a), was not eligible for waiver of  
14 the identification requirement under AS 15.15.225(b), and has not provided the  
15 identifiers required in AS 15.07.060(a)(2) and (3) that can be verified through state  
16 agency records described in AS 15.07.055(e); or

17 (3) is a voter other than one described in (2) of this subsection, did not  
18 provide identification described in AS 15.15.225(a), was not **eligible for waiver of**  
19 **the identification requirement under AS 15.15.225(b)** [PERSONALLY KNOWN  
20 BY THE ELECTION OFFICIAL], and has not provided the identifiers required in  
21 AS 15.07.060(a)(2) and (3).

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chair**  
Judiciary Committee

**Vice-Chair**  
Veterans' Caucus

**Member**  
Transportation Committee  
Joint Armed Services Special Committee

**Finance Subcommittees**  
Administration  
Corrections



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 23 Anchorage**

**E-Mail:** Rep.Bob.Lynn@akleg.gov

**Session:**  
Alaska State Capitol #108  
Juneau, AK 99801-1182

Phone: (907) 465-4931  
Fax: (907) 465-4316  
Toll Free: (800) 870-4391

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

## **Sponsor Statement** **HB 3**

***“An Act relating to voter identification at the polls; and relating to the counting of absentee and questioned ballots.”***

Voting is the foundation of our democratic republic. The cement that holds this foundation together is voters being who they say they are. That’s what HB3 is all about. That’s why HB3 is important

HB3 simply requires photo identification before casting a ballot at the polling place. That’s a pro-active measure against voter fraud. Currently, all a person is required to present before voting is something as simple as a copy of a current utility bill, bank statement or paycheck. That’s inadequate protection of the voting process, and is an invitation for voter fraud.

Photo ID is ubiquitous in Alaska and everywhere else. We need photo ID to buy alcohol, tobacco, enter a federal building, at the airport, during banking transactions, to drive a car, and more.

HB3 provides accommodations for persons who may have difficulty obtaining a photo ID. They still may vote if they can provide two forms official non-photo ID such as a birth certificate, social security card, hunting/fishing license, or tribal ID. If two forms of official non-photo ID are not available, then a person may still cast a vote if two polling place workers know the person and that person is a registered voter in that district.

HB3 strikes a balance between a pro-active strengthening of our current system while respecting Alaska’s unique voting population.



February 20, 2013

The Honorable Bob Lynn  
and members of the  
House State Affairs Committee  
State Capitol  
Juneau, AK 99801

Representative Lynn and Committee Members:

On behalf of the people living in the MTNT region (McGrath, Takotna, Nikolai and Telida), I am writing this letter to voice my opposition to HB 3.

In most cases, there is no early voting as is available in the rural parts of our state. In the new House District 38 where the MTNT villages are located, portions of the District (Goldstream and Ester in Fairbanks) have access to early voting while the remainder of the District does not. I believe that gives a candidate from that area a better advantage over a rural candidate.

The mail system is also very challenging in rural Alaska. In many cases, people who order prescription renewals that come to them by mail often wait weeks and run out of medication. Some health insurances only allow a certain window of time to renew. It can take up to a month to receive medications in the mail. A person who is not available to vote on election day may not receive an Absentee Ballot in the mail in the appropriate time as well.

The Division of Elections (in a letter dated August 14, 2012) suggested voting via fax in addition to other methods. This is also very challenging because not everyone has access to a fax machine, nor can they afford to pay the fee a business might charge to send a fax. And, it is not confidential which further discourages a rural voter from casting their vote.

If this bill is intended to prevent voter fraud, the Division of Elections has systems in place to prevent it. Attached to this letter you will find a letter from the Division of Elections (dated January 17, 2013) stating that they have only ever discovered one case of voter fraud. If that is the case, effort is being wasted on HB 3 when it should be focused on more meaningful matters.

HB 3 further complicates a system that already has numerous challenges in the rural areas of our state. Requiring that two election officials verify a voter's identity creates another opportunity for an error thereby invalidating a ballot.

We should be developing ways to make the ability to vote easier. HB 3 does not do this.

The Honorable Bob Lynn  
and members of the  
House State Affairs Committee  
February 20, 2012

Page -2-

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki", written in a cursive style.

Vicki Otte  
CEO/Chair

cc: Representative David Guttenberg  
Representative Bryce Edgman  
Representative Bob Herron  
Representative Neal Foster  
Senator Lyman Hoffman  
Senator Donald Olson

Enclosures

Director's Office  
PO Box 110017  
Juneau, Alaska 99811-0017  
907.465.4611 907.465.3203 FAX  
[elections@alaska.gov](mailto:elections@alaska.gov)



Regional Offices  
Anchorage 907.522.8683  
Fairbanks 907.451.2835  
Juneau 907.465.3021  
Nome 907.443.5285

**STATE OF ALASKA**  
**Division of Elections**  
**Office of the Lieutenant Governor**

RECEIVED  
AUG 16 2012

August 14, 2012

Ms. Vicki Otte  
CEO/Chair  
MTNT, Ltd.  
880 H Street, Suite 100  
Anchorage AK 99501

Dear Ms. Otte:

I received your letter and similar letters from other tribal organizations requesting that the division offer early in-person voting in your community in addition to the Election Day polling place and other voting methods that already exist there.

First, I want to emphasize that the division takes your concerns seriously. This is the first time the division has been made aware that voters in your community are not able to vote on Election Day due to subsistence-related activities. Turnout in your community for the 2008 and 2010 primary and general elections has remained consistent, and so statistics alone did not reflect that concern.

I would like to point out that there are several ways other than early in-person voting that residents of your community can vote prior to Election Day. While these options might not be your preferred method of voting, the division is confident that the use of these methods will be effective and will not result in disenfranchisement.

1. Absentee by-mail voting

Voters may complete an absentee by-mail application and have a ballot mailed to them. Official ballots are mailed as soon as they are available for distribution, approximately 25 days prior to the election.

Under AS 15.20.082, if due to distance, terrain or other natural condition that would deny a voter access to a polling place on Election Day, a voter may apply to receive a special absentee ballot. These special absentee ballots are mailed beginning 60 days prior to the election, which should leave plenty of time for receipt, completion, and return of the ballot, even given the vagaries of rural mail service.

These applications are available on the division's website. An outreach packet with voter registration forms, absentee applications, and posters regarding voting absentee by-mail was mailed to city offices and tribal governments on April 18, 2012.

The division would be happy to mail voters in your community an absentee by-mail application for them to complete and return. The application may be returned by mail, by fax, or scanned and sent via email. The deadline to apply for an absentee by-mail ballot is August 18, 2012.

The deadline to apply for an absentee by-fax ballot is 5pm on August 27, 2012.

2. Toll free fax number

This election cycle, the division can establish a toll free fax number for voters to use to fax their application and their ballot if they choose to receive their ballot by fax. For future election cycles, it might be helpful to discuss the possibility of waiving the fax fee with the tribal entities that maintain the fax machines, since the division does not customarily subsidize incidental expenses associated with voting such as mileage, fuel, postage, fax fees, online service fees, or expenses associated with in-person voting such as fuel or mileage.

3. Online ballot delivery

The division recently went through a successful formal procurement process that will provide another electronic method for voters to cast their ballots.

The division intends to have this system up and running for the 2012 general election. Information will be available on the division's website in the weeks ahead.

Unfortunately, due to constraints of federal law, I cannot make further adjustments or changes for the 2012 elections. As you may be aware, all changes involving voting in Alaska require preclearance from the United States Department of Justice. This process takes approximately 60 days, and sometimes more. The division may not make any change affecting voting—even if it appears to be minor or indirect or ostensibly expands voting rights—without federal preclearance, and there is insufficient time to do so legally prior to the 2012 elections.

This administration has made a conscious decision to maintain polling places in all communities. I would like to explore your concerns through either a teleconference or an in-person meeting. I have requested the Lieutenant Governor's scheduler to arrange a meeting and have provided him with your contact information.

I look forward to meeting with you to discuss this matter.

Sincerely,



Gail Fenumiai  
Director

Director's Office  
PO Box 110017  
Juneau, Alaska 99811-0017  
907.465.4611 907.465.3203 FAX  
[elections@alaska.gov](mailto:elections@alaska.gov)



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JAN 22 2013

Regional Offices  
Anchorage 907.522.8683  
Fairbanks 907.451.2835  
Juneau 907.465.3021  
Nome 907.443.5285

**STATE OF ALASKA**  
**Division of Elections**  
**Office of the Lieutenant Governor**

January 17, 2013

Ms. Vicki Otte  
CEO/Chair  
MTNT  
880 H Street, Suite 100  
Anchorage AK 99501

Dear Ms. Otte:

I have received your public records request for:

“[A]n opportunity to inspect or obtain copies of public records that demonstrate instances of voter fraud including, but not limited to, instances wherein a person not eligible to vote in Alaska attempted to or did cast a ballot and any instances in which a person attempted to or did vote using another person’s identity.”

My office has no records responsive to your request. The only instance that I am aware of in which a person voted using another person’s identity is the case of Rafael Espinoza (Rafael Mora-Lopez), which was a widely-reported case of passport fraud. However, my office is not the holder of records relevant to the criminal investigation and prosecution of this individual.

The requested records do not exist and therefore, we must deny your request under 2 AAC 96.335(a)(1).. That regulation reads:

”“A request for a public record that complies with this chapter may be denied only if . . .

(1) the record is not known to exist after the public agency makes a diligent search for it.”

Because the division has no responsive records, this is technically a denial of your request. Accordingly, we are required by regulation to advise you that you have the right to administratively appeal this denial by complying with the procedures in 2 AAC 96.340. A copy of the appeal procedure is enclosed. You also have the option of obtaining immediate judicial review of this denial by seeking an injunction from the

Ms. Vicki Otte  
January 17, 2013  
Page 2 of 2

superior court under AS 40.25.125. Choosing not to pursue an injunction in superior court will have no adverse effect on your rights in the administrative appeal. An administrative appeal from the denial of a request for public records requires no appeal bond.

If you have any further questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Gail Fenumiai". The signature is written in a cursive style with a large initial "G".

Gail Fenumiai

Enclosure: 2 AAC 96.335-350

# SE lawmakers warm to blunt Begich speech

**Posted:** March 4, 2013

By [MARK D. MILLER](#)  
JUNEAU EMPIRE

Less than two weeks after Sen. Lisa Murkowski, R-Alaska, addressed the Alaska State Legislature, Sen. Mark Begich, D-Alaska, followed up with his own annual speech on Monday, which saw him both commiserate with and chide state legislators on a host of state and federal issues.

• • •

At the end of his speech, Begich argued against increasing Alaska's voter identification requirements, saying new laws "would make it harder to vote for many of our rural Alaskans, who often don't have photo IDs." He cited the grandparents of two of his staffers as examples.

"Let's be honest," Begich said. "There is not a problem here. Unless I missed it in all the elections I have been involved, I haven't seen the fraud that people talk about. It sounds good, but it's not realistic."

Those remarks earned scattered applause from mostly Democratic legislators, but silence from many Republicans.

"He stood up real strongly on that one," said House Minority Leader Beth Kerttula, D-Juneau, after the speech.

Rep. Jonathan Kreiss-Tomkins, D-Sitka, praised Begich's comments on voter ID as well.

But Begich's remarks angered Rep. Bob Lynn, R-Anchorage, who has introduced a bill to make Alaska's voter ID requirement stricter.

Lynn put out a written statement Monday afternoon blasting Begich as "misinformed" and defending his bill, noting it includes a provision allowing voters to show two non-photo IDs or be identified by two election workers in order to vote instead of showing a photo ID.

• • •



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-241  
**Assembly Meeting Date:** 3/12/13

<b>Business Item Description:</b>		<b>Attachments:</b>
Subject:	House Bill No. 131 - Abandoned & Derelict Vessels	1. Resolution 13-03-446 2. House Bill 131 3. Bill Sponsor's Statement 4. Sectional Analysis 5. DNR Presentation 6. Various News Articles
Originator:		
Phil Benner, Harbormaster		
Originating Department:		
Ports & Harbors		
Date Submitted:		
3/6/13		

**Full Title/Motion:**  
Motion: Adopt Resolution 13-03-446.

**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:**

HB 131 is "an Act relating to abandoned and derelict vessels." It will will municipalities with a problem that can be very costly. Sunken derelict vessels present environmental and navigation hazards requiring removal, the cost of which often falls on municipalities. Abandoned vessels in harbors create a large problem for municipalities and take up valuable moorage space. HB 131 would provide municipalities with authority in statute to address abandoned and derelict vessels.

By adopting this resolution, the assembly will show its support for this legislation.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/12/13	Tabled to Date:

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING HOUSE BILL NO. 131, "AN ACT RELATING TO ABANDONED AND DERELICT VESSELS."**

**WHEREAS**, the Haines Borough recognizes the majority of the public boat harbors in Alaska were constructed by the state during the 1960s and 1970s; and

**WHEREAS**, the state established statutes and regulations for its purposes that dealt with abandoned and derelict vessels at these state harbor facilities, and the specific state statute is called the Abandoned and Derelict Vessel Act (AS 30.30); and

**WHEREAS**, during the past 20 years the state of Alaska has transferred ownership of most of these state-owned harbors to local municipalities; and

**WHEREAS**, the municipalities took over this important responsibility because these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

**WHEREAS**, these municipal-owned harbor facilities are ports of refuge and areas for protection for ocean-going vessels and fishermen throughout the state of Alaska, especially in coastal Alaskan communities; and

**WHEREAS**, consequently, local municipal harbor masters found themselves without sufficient legal protection due to some abandoned and derelict vessels left in these harbor facilities, and the cost of cleanup or disposal can easily exceed \$1 million, creating a major financial burden that local municipal governments cannot afford; and

**WHEREAS**, local municipal governments, where they had the legal and financial resources, created codes to protect themselves from the liabilities and hazards of abandoned and derelict vessels; and

**WHEREAS**, some local municipal governments do not have the legal and financial resources to create or change codes to protect themselves from the liabilities and hazards of abandoned and derelict vessels; and

**WHEREAS**, the unincorporated areas of the state also need protection from the liabilities and hazards due to abandoned and derelict vessels; and

**WHEREAS**, the Alaska Department of Transportation and Public Facilities' mission is to build, maintain and promote transportation of all modes, and the department is not funded to perform environmental cleanup work of marine vessels; and

**WHEREAS**, other state agencies or peace officers may find it in the public's best interest to impound an abandoned or derelict vessel, especially in the unincorporated areas of the state, to prevent or cleanup the environmental mess left behind from an abandoned or derelict vessel,

**NOW, THEREFORE BE IT RESOLVED** that the Haines Borough Assembly supports House Bill No. 131 and urges that AS 30.30 be modified to allow any municipality or state agency to have the full protections afforded in the Abandoned and Derelict Vessel Act; and

**BE IT FURTHER RESOLVED** that this resolution shall be provided to the Governor Sean Parnell, all members of the state of Alaska Legislature, and Michael Lukshin, ADOT&PF engineer.

**ADOPTED** by a duly constituted quorum of the Haines Borough Assembly this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Stephanie Scott, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

**HOUSE BILL NO. 131**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SEATON

Introduced: 2/20/13

Referred: Community and Regional Affairs, Transportation

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to abandoned and derelict vessels."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 30.30.010(a) is amended to read:

4 (a) A person may not store or leave a vessel in a wrecked, junked, or  
5 substantially dismantled condition or abandoned

6 **(1) on the waters of the state** [UPON ANY PUBLIC WATER,] or at  
7 a port or harbor [,] of the state **or a municipality** [,] without the consent of the **state**  
8 agency **or municipality** having jurisdiction **over** [OF] the water, port, or harbor; [,] or

9 **(2)** docked at any private property without the consent of the owner of  
10 the property.

11 \* **Sec. 2.** AS 30.30.010(b) is amended to read:

12 (b) **A state agency, municipality,** [THE DEPARTMENT] or a peace officer  
13 may remove a derelict vessel from **waters of the state** [PUBLIC WATER IN ANY  
14 INSTANCE] when the vessel obstructs or threatens to obstruct navigation, contributes  
15 to air or water pollution, or in any other way constitutes a danger or potential danger to

1 the environment.

2 \* **Sec. 3.** AS 30.30.010 is amended by adding a new subsection to read:

3 (e) A vessel that has been denied entrance to a harbor by a state agency or  
4 municipality may not be stored on waters of the state for more than 14 consecutive  
5 days unless all hazardous materials and petroleum products have been removed.

6 \* **Sec. 4.** AS 30.30.020 is amended to read:

7 **Sec. 30.30.020. Disposition of certain abandoned vessels.** A vessel that has  
8 been left unattended for [A CONTINUOUS PERIOD OF] more than 30 **consecutive**  
9 days [AND IS] in the waters of the state or on public property [,] or [IS] on private  
10 property without authorization of the owner or occupant of the property [,] may be  
11 taken into custody by **a state agency, municipality,** [THE DEPARTMENT] or a  
12 peace officer and disposed of by the **state agency or municipality** [DEPARTMENT]  
13 under this chapter.

14 \* **Sec. 5.** AS 30.30.030 is amended to read:

15 **Sec. 30.30.030. Limitation on applicability.** Wherever outside of an  
16 organized municipality in the state it is, or has become, the custom, common or  
17 accepted practice to anchor, moor, or otherwise leave a vessel in a port or harbor [,] or  
18 in the [PUBLIC] waters [,] of the state in such a manner that it does not threaten or  
19 obstruct navigation, or to store or otherwise leave a vessel without permission on  
20 public or private property, unattended for [A PERIOD OF] more than 30 days, where  
21 climatic conditions make use of the vessel impracticable [,] or applicable provisions of  
22 law preclude use of the vessel during that period of time, the unattended anchoring,  
23 mooring, storing, or leaving of the vessel does not constitute abandonment of the  
24 vessel as that term is used in **AS 30.30.010 - 30.30.100** [AS 30.30.010 - 30.30.020].

25 \* **Sec. 6.** AS 30.30.040 is amended to read:

26 **Sec. 30.30.040. Notice to owner.** On taking custody of an abandoned vessel, a  
27 written notice immediately shall be posted on the vessel and a duplicate of that notice  
28 sent by registered or certified mail, with a return receipt, to the registered owner of the  
29 vessel at the registered owner's last known address and to all lienholders shown on the  
30 records of a state or federal agency. The notice must contain a brief description of the  
31 vessel, the location of custody, and the intended disposition of the vessel if not

1 repossessed within 20 days after the mailing of the notice. A notice need not be sent to  
 2 the purported owner or any other person whose interest in the vessel is not recorded  
 3 with a state **agency** [DEPARTMENT] or a federal agency.

4 \* **Sec. 7.** AS 30.30.060 is amended to read:

5 **Sec. 30.30.060. Possession by interested party.** A person having an interest in  
 6 an abandoned vessel may take possession of it before the date of the public auction  
 7 upon payment to the **state agency or municipality** [DEPARTMENT] of all port or  
 8 harbor use fees, towing, handling, storage, appraisal, advertising, and any other  
 9 expenses incurred by the **state agency or municipality** [DEPARTMENT] in  
 10 connection with the vessel. If the person taking possession of the vessel is not the  
 11 registered owner, the person shall, before taking possession of the vessel, pay the  
 12 expenses incurred by the **state agency or municipality** [DEPARTMENT] and post  
 13 adequate security, which may not exceed the appraised value of the vessel. The  
 14 security, if not forfeited, shall be returned to the person one year after receipt.

15 \* **Sec. 8.** AS 30.30.070 is amended to read:

16 **Sec. 30.30.070. When public auction not required.** Public auction is not  
 17 required when the appraised value of an abandoned vessel, as determined by an  
 18 independent appraiser, is less than \$100. The appraiser must have at least one year of  
 19 experience in the sale, purchase, or appraisal of vessels. Upon that determination and  
 20 after public advertisement has been made once in a newspaper of general circulation,  
 21 the **state agency or municipality** [DEPARTMENT] may sell the vessel by  
 22 negotiation, dispose of it as junk, donate the vessel to a governmental agency, or  
 23 destroy it.

24 \* **Sec. 9.** AS 30.30.080 is amended to read:

25 **Sec. 30.30.080. Effect of sale.** The transfer of interest by sale under  
 26 AS 30.30.050 - 30.30.070 shall be evidenced by a bill of sale from the **state agency or**  
 27 **municipality** [DEPARTMENT], considered a transfer by operation of law, and  
 28 governed by applicable provisions of law.

29 \* **Sec. 10.** AS 30.30.090 is amended to read:

30 **Sec. 30.30.090. Derelict vessel.** A vessel that has been left unattended for [A  
 31 CONTINUOUS PERIOD OF] more than 24 **consecutive** hours is a derelict if

1 (1) the vessel is sunk or in immediate danger of sinking, is obstructing  
2 a waterway, or is endangering life or property; or

3 (2) the vessel has been moored or otherwise left in the waters  
4 [WATER] of the state or on public property contrary to law [,] or regulations adopted  
5 by a state agency or municipality [THE DEPARTMENT,] or the vessel has been left  
6 on private property without authorization of the owner or occupant of the property,  
7 and if

8 (A) the vessel's certificate of number or marine document has  
9 expired and the registered owner no longer resides at the address listed in the  
10 vessel registration or marine document records of a state agency  
11 [DEPARTMENT] or the United States Coast Guard;

12 (B) the last registered owner of record disclaims ownership and  
13 the current owner's name or address cannot be determined;

14 (C) the vessel identification numbers and other means of  
15 identification have been obliterated or removed in a manner that nullifies or  
16 precludes efforts to locate or identify the owner; or

17 (D) the vessel registration records of a state agency  
18 [DEPARTMENT] and the marine document records of the United States Coast  
19 Guard contain no record that the vessel ever has been registered or  
20 documented, and the owner's name or address cannot be determined.

21 \* **Sec. 11.** AS 30.30.100(a) is amended to read:

22 (a) A state agency, municipality, or peace officer [THE DEPARTMENT]  
23 may take or cause a derelict vessel to be taken into custody immediately. Upon taking  
24 custody of a derelict vessel, the state agency or municipality [DEPARTMENT] shall  
25 concurrently

26 (1) publish a notice of intended disposition once in a newspaper of  
27 general circulation;

28 (2) when possible, post a notice of intended disposition on the vessel;  
29 and

30 (3) serve a duplicate of the notice of intended disposition by certified  
31 mail, with a return receipt, on

1 (A) the registered owner of the vessel, if known, at the  
 2 registered owner's last known address or the address on record with a state  
 3 **agency** [DEPARTMENT] or the United States Coast Guard; and

4 (B) all lienholders who have filed a financing statement  
 5 indexed in the name of the registered owner [,] or who are shown on the  
 6 records of a state **agency** [DEPARTMENT] or the United States Coast Guard.

7 \* **Sec. 12.** AS 30.30.120 is amended to read:

8 **Sec. 30.30.120. When vessel abandoned.** A vessel is abandoned on the  
 9 premises of a vessel repair business when all of the following conditions have been  
 10 satisfied:

11 (1) the service requested or required by a person whose vessel is towed  
 12 or brought to a vessel repair business, including but not limited to towing and  
 13 rendering estimates of the cost of repairs, has been performed;

14 (2) no authorization is given to perform any further service with  
 15 respect to the vessel, but the vessel is left on the repair business premises;

16 (3) the owner of the repair business or the business owner's authorized  
 17 representative has given notice by registered or certified mail, with a return receipt, to  
 18 the registered owner of the vessel at the address on record at the vessel repair business  
 19 and the address on record in a state **agency** [DEPARTMENT] or the United States  
 20 Coast Guard, and to any person with a recorded interest in the vessel, stating that, if  
 21 the vessel is not repossessed within 30 days after the mailing of the notice, it will be  
 22 sold or disposed of; the notice also must contain a description of the vessel and its  
 23 location, and it need not be sent to an owner or a person with an unrecorded interest in  
 24 the vessel whose name or address cannot be determined; and

25 (4) the vessel is not repossessed within the 30-day period specified in  
 26 (3) of this section.

27 \* **Sec. 13.** AS 30.30.170 is amended to read:

28 **Sec. 30.30.170. Definitions.** In this chapter,

29 (1) **"municipality" has the meaning given in AS 29.71.800;**

30 (2) **"state agency" means a state department or agency in the**  
 31 **executive branch; "state agency" does not include an agency of the legislative or**

1        **judicial branch, the University of Alaska, or a public corporation;**

2                **(3)**    ["DEPARTMENT" MEANS THE DEPARTMENT OF  
3        TRANSPORTATION AND PUBLIC FACILITIES;

4                (2)] "vessel" means every description of watercraft or other artificial  
5        contrivance, other than a seaplane on the water, used or capable of being used as a  
6        means of transportation on or through the water;

7                **(4)** [(3)] "waters of **the** [THIS] state" means the navigable waters  
8        within the territorial limits of the state, and the marginal sea adjacent to the state, as  
9        defined in AS 44.03.

10    \* **Sec. 14.** AS 30.30.160 is repealed.

# Alaska State Legislature

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## REPRESENTATIVE PAUL SEATON HOUSE DISTRICT 30

### Sponsor Statement

#### HB 131

HB 131 assists state agencies and municipalities with the problem of derelict and abandoned vessels in Alaska. Derelict vessels can be a very costly problem for the state. Sunken derelict vessels present environmental and navigation hazards requiring removal, the cost of which often falls on state agencies and municipalities. Abandoned vessels in harbors create a large problem for municipalities and take up valuable moorage space. HB 131 would provide state agencies and municipalities with authority in statute to address abandoned and derelict vessels.

During the past 20 years, the state has transferred ownership of most of the state-owned harbors to local municipalities. Municipal harbormasters often find themselves without sufficient legal authority to deal with abandoned and derelict vessels left in these harbor facilities. Some local municipal governments do not have the legal and financial resources to create or change codes to protect themselves from the liabilities and hazards of abandoned and derelict vessels. HB 131 provides clear authorization for municipalities to respond to abandoned and derelict vessels.

Current derelict vessel statute at AS 30.30 puts the primary duty to handle derelict vessels on the Department of Transportation and Public Facilities (DOT&PF). DOT&PF has not historically been funded to establish a derelict vessel program. The Department of Natural Resources (DNR) has responsibility for clean-up activities when an abandoned vessel is on state submerged land or state tideland. Often DNR relies on state criminal trespass statutes in their efforts to remove abandoned and derelict vessels from state submerged land. For DNR to perform

work under the Abandoned and Derelict Vessel statute, they must receive a delegation of authority from DOT&PF which can create time delays in performing necessary clean-up activities. HB 131 broadens to abandoned and derelict vessel statute from DOT&PF to “a state agency”. This provides agencies such as DNR and the Department of Environmental Conservation with a greater ability to quickly respond to individual derelict vessel situations.

HB 131 also creates a requirement that if a vessel has been denied entrance to a harbor due to its derelict status, the vessel may not be stored in state waters for more than two weeks unless all of the petroleum products and hazardous materials have been removed. The two-week timeline is consistent with the current DNR requirement that an anchored vessel receive authorization to be stored in state waters for more than two weeks.

# Alaska State Legislature

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## REPRESENTATIVE PAUL SEATON HOUSE DISTRICT 30

### HB 131

### Sectional Analysis

#### Section 1. AS 30.30.010(a)

A person may not store a derelict vessel, or abandon a vessel in:

- The waters of the state
- A state or municipal port
- Private property without consent

#### Sec. 2. AS 30.30.010(b)

A hazardous derelict vessel may be removed from state waters by:

- A state agency
- A municipality
- A peace officer

#### Sec. 3. AS 30.30.010(e)

If a vessel is denied entrance to a harbor, all of the following materials must be removed before it is stored in state waters for more than 14 consecutive days:

- Hazardous materials
- Petroleum products

#### Sec. 4. AS 30.30.020

A vessel left unattended for more than 30 consecutive days on state or private property without consent may be removed and disposed of by:

- A state agency
- A municipality

- A peace officer

**Sec. 5. AS 30.30.030**

Outside of organized municipalities, a vessel may be left unattended for more than 30 consecutive days if it is considered an accepted local practice.

**Sec. 6. AS 30.30.040**

Upon taking a vessel into custody, the municipality, or state agency must attempt to notify the owners on record of their custody 20 days prior to repossession of the vessel.

**Sec. 7. AS 30.30.060**

A person or interested party may take possession of the boat before the public auction date if they pay all the fees associated with the vessel.

If they are not the registered owner, they must post adequate security.

**Sec. 8. AS 30.30.070**

A public auction for a repossessed vessel is not needed if it is appraised at less than \$100. Upon determination that the value of the vessel is less than \$100 and following advertisement in a newspaper of general circulation the state agency or municipality may sell the vessel by negotiation, dispose of it, or donate it to a government agency.

**Sec. 9. AS 30.30.080**

A bill of sale is required for any transfers under this legislation.

**Sec. 10. AS 30.30.090**

A vessel is considered derelict if it is left unattended for 24 consecutive hours under the following conditions:

- Is sunk, sinking, or posing a threat, or has been moored or left in the waters of the state illegally with no current registration and the owner cannot be determined.

**Sec. 11. AS 30.30.100(a)**

When a municipality, state agency, or peace officer takes possession of a derelict, they must:

- Publish notice of intended disposition
- Post notice of intended disposition
- Serve the registered owners, if known, and financiers with the notice

#### **Sec. 12. AS 30.30.120**

A vessel at a repair business is considered abandoned if the following conditions have been met:

- The vessel has been towed and requested repairs have been preformed
- No authorization for further service is given
- The state agency or municipality and the owner are notified
- The vessel is not claimed 30 days after the notice

#### **Sec. 13. AS 30.30.170**

Definitions:

- Municipality – as currently defined
- State Agency – executive branch department or agency
- Vessel – water transportation device that is not a float plane
- Waters of the state – navigable waters within three mile limit

#### **Sec. 14. AS 30.30.160**

Repeal of specific DOT&PF regulation authority to implement the abandoned and derelict vessel statute as the bill broadens the authority for abandoned and derelict vessels to include the other state agencies.

# Derelict Vessels

On State Lands



# Where do we find them

- State Submerged Lands
- State Tidelands
- State Shorelands (inland freshwater)
- On General State Lands
- In Critical Habitat Areas
- In Parks



# Manifested in various forms

- Shipwrecks
- Abandoned vessels
- Derelict vessels
- Old floathomes
- Private vessels
- Work vessels
- Ships to dinghies



# DNR Authorities

- Anchoring for less than 14 days is generally allowed – 11 AAC 96.020
- Longer than 14 days anchorage in one location requires an approval through some authorization from DMLW
- Lack of enforcement authority to fine an individual that doesn't follow the law
- No direct authority under the land law to seize or take control of a derelict vessel
- DMLW permits activities to clean up shipwrecks and vessels

# DOT/PF Authorities

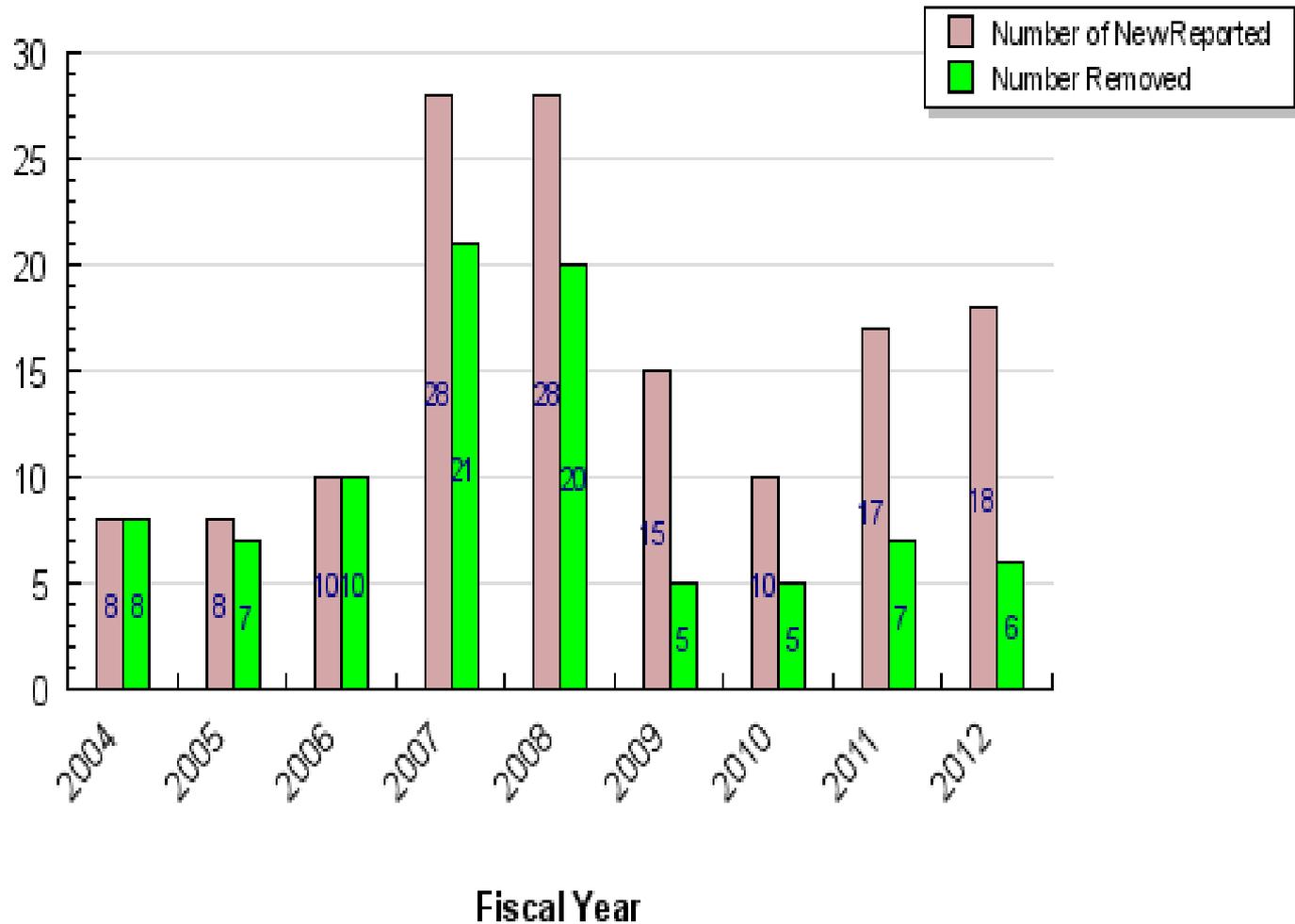
- AS 30.30 addresses both Abandoned and Derelict Vessels
- For DNR/DMLW to use this authority, the authority has to be delegated to DNR from DOT/PF



# Large Issue in State

- Many abandoned and derelict vessels
- Sometimes vessels are scuttled without DMLW permit – sometimes to later wash ashore
- Cheaper to leave it on state land than remove and dispose of vessels – owners don't always have money to remove even if identified
- Contaminates can adversely affect environment
- Impacts navigation
- Expensive for the state to remove

## Shipwrecks and Abandoned Vessels Removed





*1/2 mile Creek*

# What does it cost

- Just removed two vessels from Jakolof Bay
  - \$250,000 to raise, remove hydrocarbons, stabilize, tow to Homer and have vessels placed in dry storage.
  - Does not include disposal if not auctioned off
- Seattle report of 140 foot vessel that sank last May cost state and federal government \$5.4 million to clean and dispose of vessel. Another recent sinking will cost over \$1 million to clean
- Washington has a derelict vessel removal account funded by a \$3 boat registration fee

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**Avalanche slows Seward Highway traffic; more delays expected Tuesday**

## Harbor officials meet on derelict vessel issue

Published: October 22, 2011



Spanky Paine, a tug built in 1894 that participated in the Spanish American and both world wars, has sat at the Homer Port and Harbor for nearly a decade abandoned by its owner. It was recently deeded to Peninsula Scrap and Salvage to recycle its usable metals on the world market.

NAOMI KLOUDA / Homer Tribune

HOMER: Abandoned boats create monetary and environmental ills.

By NAOMI KLOUDA — Homer Tribune

HOMER -- A 120-foot landing craft called the Sound Developer sank in Cordova's harbor three winters ago, leaving it broken in parts and leaking whatever hazardous fuels were aboard.

The craft was abandoned by its owner, who is nowhere to be found. A consortium of agencies trying to deal with the problem, and \$5 million later, the landing craft and its pieces remain on the harbor floor. Its wheelhouse is partially above water, creating a navigation hazard, with a promised removal coming soon.

This was one of the cautionary tales highlighted by Municipal Attorney Holly Wells at a recent gathering of state harbor officials. The Alaska Association of Harbormasters and Port Administrators chose Homer for its annual conference. The session on what to do about derelict boats engaged the group into overtime.

Expect the problem of derelict vessels abandoned in harbors to worsen in the next decade. An aging fleet of fishing and transportation vessels is approaching the end of its useful life, Wells told the gathering.

"In 10 years, you will be overwhelmed," Wells said.

She suggested solutions that ranged from new laws to protect harbors to good networking among harbor officials.

The economic heyday of commercial fisheries brought many vessels north. Old state ferries, tugs used for hauling freight, World War II transports transformed into floating processors - many are still out there. Downsized fisheries left many of them obsolete, and Alaska's harbors became their last stop.

Homer Harbor Master Bryan Hawkins calls it "the hot potato problem" when one of those ships is evicted from one harbor only to go rest in another.

"The hot potato plan sucks when you get stuck with a derelict. We managed to get four of our derelicts broken down, two changed owners and one is still in the harbor," Hawkins said. "The problem is that most left to other places in the state. I'm not proud of that. I don't like it; it's not a solution."

With the help of a phone tree, harbor officials can alert one another when a derelict is limping in their direction. Wells recommended the harbor officials immediately establish a communication tree.

There are legal pitfalls that can be avoided, Wells advised them. Armed with strong city tariffs and codes spelling out a list of safety requirements, cities can prevent problem boats from becoming an economic and environmental nightmare like the Sound Developer. Hawkins, who believes that Homer is "an overachiever in the derelict vessel problem," set out to find solutions. Hawkins and Deputy Harbor Master Matt Clarke wrote letters and spoke with the U.S. Coast Guard, the Environmental Protection Agency and the Alaska Department of Environmental Conservation.

If old tugs like the Spanky Paine or the Honcho, now being salvaged for scrap metal, were to sink in the harbor, whatever waste oil and other pollutants that remained aboard would also sink.

"I was embarrassed to ask, is there a federal or state plan to help with these boats? ... But, no, in the end I found we're on our own," Hawkins said. "We will continue to push for, number one, them to recognize the problem, and number two, find a workable solution before the costs to the public reach the millions like they have in the case of the Sound Developer."

Hawkins began taking legal steps, working with Wells, to rid the harbor of boats that represent "clear and present danger."

Wells, in searching case histories, discovered an ancient role of federal protection stretching back to the 18th and 19th centuries. While collecting on debt, placing liens or evicting owners, harbors must avoid actions that could be deemed unconstitutional. Harbors also can't reasonably exclude a ship or boat seeking refuge, outlined as the owner's legal rights under admiralty law.

But cities can create legal means to protect their waters.

"The law requires a city to act 'rationally' in regard to vessels. That means having it spelled out in tariffs and code ahead of time. Here is an itemized list of things you cannot do; here are the requirements you must meet in order to remain in the harbor," Wells said.

Homer passed a law that requires each boat in the harbor to be moved on its own power twice per year at least 60 days apart. This helps to identify boats too broken down to move or those abandoned by their owners. So far this has been a valuable tool, Hawkins said.

A harbor official from Ketchikan asked Wells what can be done if an ailing ship is escorted into the harbor by the U.S. Coast Guard.

"You have control. If the ship is falling apart at the seams, you can talk about the 'clear and present danger' it presents. The Coast Guard can be your ally," Wells answered. "This threat can help you immediately get that vessel out of the harbor."

Unpaid moorage fees from abandoned boats mount into the thousands of dollars, representing a double loss to cities since they can't rent the space to a working boat.

Hawkins found that by working with owners, offering to forgive half the moorage fees on the condition of getting the boat out of the harbor, he can achieve the desired results.

In the cases of the Spanky Paine and the Honcho, Homer handed over both tugs to Peninsula Scrap and Salvage, receiving no monetary compensation.

"But the way we look at it, we get back 180 feet of moorage space, and we've mitigated an irritation and prevented a future disaster," Hawkins said.

Of the 14 ailing vessels that formerly inhabited the Homer harbor, all the large derelicts are gone. Now there are a few smaller, 40-foot class vessels on the radar.

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### Family of woman who vanished still fears, hopes

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## **Derelict ship causes ammonia scare**

**The Associated Press | Posted: Wednesday, January 2, 2013 3:36 pm**

KODIAK, Alaska - A derelict fish processing ship caused an ammonia scare in Kodiak when two crewmembers living onboard the vessel reported a leak.

Kodiak firefighters were joined by Coast Guard firefighters on Monday in responding to reports of a leak on the 169-foot Pacific Producer, according to the Kodiak Daily Mirror (<http://is.gd/ZqpKgN>). Kodiak City Pier 2 was cordoned off for five hours.

Anhydrous ammonia is commonly used as a refrigerant aboard fishing vessels and in fish processing plants. It can cause severe lung damage if inhaled. High concentrations can be fatal.

Firefighters boarded the ship and shut all the valves connected to the ship's ammonia system.

Subsequent tests found no ammonia circulating in the air.

A storm rolling through Kodiak both helped and hampered firefighters' efforts. Winds gusting up to 52 mph whisked away the ammonia leak so quickly that firefighters were able to walk next to the boat without protective gear, and no evacuations were required.

The wind also prevented firefighters from getting an accurate reading on the size of the ammonia leak.

"We never got a reading because it was always going away from us, which was a good thing," Kodiak deputy fire chief Jim Mullican.

The Pacific Producer has been tied up at Pier 2 for more than two months after its owner, captain and chief engineer all walked away from the boat. Kevin Briggs, the sole remaining engineer aboard the Pacific Producer, said he came aboard 3 months ago to help process fish, but the ship hasn't seen a single fish and he's ready to go home.

"It's just been a nightmare, basically," he said.

Last month, the Pacific Producer's owner left Kodiak to find operating capital, and he hasn't returned since.

"We've just been waiting for him to come up with what he calls 'investment money,'" Briggs said.

Deputy Kodiak harbormaster Lon White said the city wants the ship gone.

"We've asked the owner to remove it from city facilities and they have not done so, either been unable or refused to. Regardless, it's still at our facility," he said.

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## **Diesel spill from derelict ship in Kodiak harbor reported**

**The Associated Press | Posted: Sunday, January 6, 2013 5:21 pm**

ANCHORAGE, Alaska - The Coast Guard says an estimated 150 gallons of diesel fuel from a fish processing vessel spilled into the Kodiak harbor.

KTUU (<http://is.gd/LJDWHd>) says the Coast Guard and other agencies responded to the leak Saturday from the vessel Pacific Producer.

Petty Officer Guy Hughey says the fuel leaked inside of the ship before some of it was pumped into the harbor.

Hughey says about 500 gallons of diesel discharged into the vessel's bilge, triggering the bilge pump.

The fire department also tested the atmosphere for ammonia used in the ship's refrigeration system.

Authorities say there was no ammonia threat to the Pacific Producer's crew.

# Refloating derelict boat

Posted: Wednesday, November 26, 2008

Harbor employees Pete Frank, left, and Doug Liermann work Tuesday to refloat a derelict fishing boat after it sank in Aurora Harbor earlier this fall. The boat was towed to a beach near the Yacht Club at high tide so it could be drained and refloated on a future tide. Port Director John Stone said the boat would be transported to a location where a private contractor could crush it and take it to the city landfill. Stone said the boat's owner would be charged for the work.



# The Seattle Times

Winner of Nine Pulitzer Prizes

## Local News

Originally published September 8, 2012 at 3:56 PM | Page modified September 8, 2012 at 8:16 PM

### Derelict vessels cause boatloads of trouble in state

Despite a program whose sole mission is to deal with derelict vessels, Washington state just can't keep up with the tide of these potential environmental catastrophes.

By Maureen O'Hagan

Seattle Times staff reporter



Hundreds of derelict or abandoned boats, both large and small, are slowly rotting on Washington's waterways.

And despite a program whose sole mission is to deal with these potential environmental catastrophes, the state just can't keep up with the tide.

In March, 226 vessels were on Washington's "derelict or abandoned" list. By June, the state or other agencies had helped move, shore up, or dispose of 23 of them — which sounds pretty good, until you realize that, in the meantime, 18 more vessels were added to the list. Some boats are removed, only to wind up back on the list a second or third time.

Melissa Ferris, who runs the Derelict Vessel Removal Program, can rattle off stories. There are the boats that appear out of nowhere in state waters, dumped by their

owners. Those that break anchor and float away, battering the docks or creating a hazard to navigation. Those that the owner swears are seaworthy, right up to the day they sink. They may contain oil, asbestos and other hazards.

Despite all that, the state just lets most of them sit — one leak away from trouble. Private-property rights make it cumbersome to intervene. Environmental regulations make it expensive. Even government policies that seem perfectly reasonable have turned out to contribute to the problem.

But the main reason derelict vessels are so vexing is this: The economics just don't pencil out. The entire budget for Ferris' agency is \$750,000, yet it can cost far more than that to dispose of a single large vessel.

Most of them don't make news. They're smaller vessels, and amount to little more than eyesores. But sometimes, boats on Ferris' list turn into multimillion-dollar problems.

Like the Deep Sea.

In May, the 140-foot former fishing boat sank in Whidbey Island's Penn Cove, spilling oil within swimming distance of some of the state's prime shellfish beds. It cost the government nearly \$5.4 million to clean up the mess and dispose of it.

But the Deep Sea was a problem vessel long before that. Like many boats on the list, it was passed from owner to owner, until at some point, it was worthless. The vessel was abandoned by its owner at the Port of Seattle; the Port sold it to a guy with no real means to deal with it. The Port did this even though it feared the boat would show up on "the evening news with our name attached," one email obtained under the state's open-records act said.

And that wasn't anywhere near the state's worst derelict-vessel disaster. The 430-foot Davy Crockett cost \$20 million to clean up last year after the owner began to dismantle it, illegally, on the Columbia River.

In the end, it's the public who winds up footing the bill.

### **"Common problem"**

Every boat has a story. Mostly, the story involves a good working life, and a long, slow death.

Washington, with its boating culture, is hit particularly hard.

"Most public ports have a lot of abandoned boats," said Ferris. "It's a common problem."

It's also one with an inescapable calculus: A boat can cost a lot of money when things are good. It can also cost a lot to get rid of.

First of all, rotten wood is worthless. Big metal boats are worse. They're often sprayed with asbestos. They can be full of lead paint and other hazards, too. Because of stringent environmental regulations, there are just a handful of places in the state where you can legally dismantle them. "It's going to cost you more to get rid of than it's worth," Ferris said.

The 186-foot Northern Retriever, for example, was rotting in Grays Harbor for years, with holes in its hull and no means of propulsion. It wound up costing the state \$835,000 to dismantle and dispose of. Its 1,000 tons of metal sold at scrap for \$78,000.

If you're a maritime business owner who needs to retire a boat, the calculus presents a real dilemma.

"You'd have to have a pretty strong company to commit to spending (hundreds of thousands) to get rid of a vessel that's becoming obsolete," Ferris said.

So what do you do? Some owners strip off parts that can be turned into cash. Then they'll sell their misfit vessel for a pittance, often to someone who thinks he can make a fortune.

Which brings us to the Deep Sea.

### **Fees pile up**

Built in 1947, it was a pioneer in the Alaskan crabbing industry. It changed owners over the years, eventually winding up in the hands of Factotum Fisheries. In 2005, Factotum moored the boat at the Port's Fishermen's Terminal, paying \$1,500 per month. But at some point, the owner just stopped paying. By July 2010, the outstanding bill was \$31,000.

Factotum's owner told the Port he was sick with cancer and didn't have the money. At this point, the Deep Sea was not only technologically outdated — it was a liability.

"We were kind of left holding the bag," Port spokesman Peter McGraw said.

The Port wanted its \$31,000. It wanted a paying customer in that slip. But most of all, it wanted the boat gone.

"The port has become increasingly concerned that the vessel, which is essentially an uninsured derelict, constitutes a pollution and liability hazard," a lawyer for the Port wrote in May 2011.

Port officials figured dismantling the Deep Sea could cost \$500,000. So they decided to unload it.

The Port's Michael DeSota urged caution.

"The background and financial stability should be checked thoroughly on any prospective buyer to assure this doesn't wind up in the evening news," he wrote in an email.

Twice, the Port tried to sell it at maritime auctions. No one was willing to pay even a buck.

"Anybody legitimate is going to walk through it and go 'no thanks,'" Ferris said.

Then Port officials tried Craigslist.

A Maple Valley man named Rory Westmoreland stepped forward. McGraw said that since Westmoreland was a scrap dealer, he seemed like a good fit.

"We are not in the business of handing over a large vessel like this to just anyone who comes off the street," he said.

If Port officials had checked, they would have found Westmoreland had a long history of run-ins with neighbors, code inspectors, the Environmental Protection Agency, police and others.

Eventually, the Deep Sea was sold to Westmoreland for \$2,500.

It was no longer the Port's headache.

### **Floating junkyard**

When Ferris got word the boat was anchored in Penn Cove, she was not happy. She also didn't jump right in and try to seize it, even though that's what people were clamoring for.

Another boat, the Cactus, was too fresh in her mind.

The Cactus' best years were spent in the Coast Guard, working as a buoy tender. But in the 1970s, the vessel was past her prime, so the Coast Guard did what the taxpayer might expect: sold it.

At some point, the Cactus wound up in the hands of David Thomsen. He told the state he bought her for \$35,000 and planned to turn her into a floating sawmill.

He also said that he was the "comptroller of the currency"; that he was "part owner of a \$300 trillion gold mine"; that he "invented the silicon chip"; and that he owns Microsoft and Vulcan, according to Ferris' file on the case.

"If people can't live in society, boats are kind of a last bastion," Ferris said. "We do get a number of people with mental-health issues."

By the mid-2000s, the Cactus appeared to be little more than a floating junkyard moored in the Foss Waterway.

The law allows a boat one month in the public waterway before it has to move. In September 2003, Thomsen received his 30-day notice. On day 29, Ferris said, Thomsen used the tides, the wind and a 20-foot fishing boat to tow it to Maury Island. Authorities were hesitant to give him another 30-day notice.

"We could end up chasing this vessel around Puget Sound," one official wrote in an email. "Would that create greater danger?"

The vessel sat there for years. By 2008, it was filled with buckets of paint and epoxy; rusted steel plates, rubber hoses, PVC pipe, leaking pails of seam filler, old newspapers, mattresses, boxes of tiles and who knows what else. There was also fuel and asbestos insulation.

Meanwhile, the boat had been pillaged. Ten-foot pieces of metal had been cut out of the deck. Brass valves were removed.

"The only thing that was keeping the boat from sinking was these corks that had been hammered in," Ferris said.

At one point, it broke anchor and went swinging into the aquatic reserve. Another time, according to Ferris, Thomsen called 911 because it was sinking. He got it under control, but King County decided to step in. In 2008, under Thomsen's protest, the Cactus was towed away for dismantling.

Years later, the boat is still sitting at a Ballard shipyard because there wasn't enough money left in Ferris' budget to scrap it. Between moorage fees, cleaning off the junk, pumping out the holds and other emergency measures, it's cost the state more than \$348,000 so far. Each month is another \$3,000 in moorage.

"We've been baby-sitting this stupid boat for four years basically," Ferris said.

This fall, Ferris said, she'll finally be able to finish the job, thanks to a lump sum from the Legislature.

But the Cactus had taught her a valuable lesson: When you seize a boat, it becomes *your* boat. And your problem.

### **Fire dooms Deep Sea**

Around 1 in the morning one Saturday in May, smoke was pouring from the Deep Sea. By Sunday, it had sunk. The cause is under investigation.

"I've never had any of the vessels on our list spontaneously combust," Ferris said. The state has taken a lot of heat for not swooping in and going after Westmoreland or getting the Deep Sea out of Penn Cove.

But the way Ferris sees it, she didn't have a lot of options. It's the same with the other big boats on the list. Most of the owners can't address the problem, even if she threatens them with fines or even criminal charges.

She definitely doesn't want to wind up with another Cactus. Nor does she want another Deep Sea.

It's not entirely clear what can be done. Five years ago, Ferris' agency wrote a long report outlining the issues and asked for new legislation. Aside from strengthening a little-used criminal misdemeanor statute, almost none of it passed.

After the Davy Crockett disaster, Washington and Oregon joined to create a Derelict Vessel Task Force to push for new state and federal laws. What kind? It's unclear.

At this point, they're just looking for viable ideas.

*News researcher Gene Balk*

*contributed to this report.*

*Maureen O'Hagan: 206-464-2562 or mohagan@seattletimes.com*



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-245  
**Assembly Meeting Date:** 3/12/13

Business Item Description:	Attachments:
Subject: Alaska Energy Authority REGRP funding in the FY 2014 State Capital Budget	1. Resolution 13-03-447 2. AEA Funding Request 3. Statewide Ranking & Funding Allocation
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 3/4/13	

**Full Title/Motion:**  
 Motion: Adopt Resolution 13-03-447.

**Administrative Recommendation:**  
 The borough manager recommends this resolution.

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.: Objective 15L, Page 255	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
 The Alaska Energy Authority (AEA) recommended projects totaling \$56 million for the REGRP for FY 2014, but the Governor included only \$25 million in funding in the FY 2014 State Capital Budget. By adopting this resolution, the assembly will request additional funding in the amount of \$31 million for the REGRP in the FY 2014 State Capital Budget, as recommended by the AEA.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/12/13	Tabled to Date:

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY REQUESTING ADDITIONAL FUNDING IN THE AMOUNT OF \$31 MILLION FOR THE REGRP IN THE FY 2014 STATE CAPITAL BUDGET, BRINGING THE TOTAL FY 2014 REGRP FUNDING TO THE \$56 MILLION AMOUNT RECOMMENDED BY THE ALASKA ENERGY AUTHORITY.**

**WHEREAS**, the Alaska Renewable Energy Grant Recommendation Program (REGRP) was established in 2008 to support the development of renewable energy projects and to reduce the impact of the high cost of energy for rural communities; and

**WHEREAS**, the REGRP has played an important role in supporting the development of renewable energy systems in Alaska, serving both remote and Railbelt communities with significant financial assistance; and

**WHEREAS**, the continued REGRP support will help reduce energy costs in rural Alaska and to help the state tap more of its substantial renewable energy resources; and

**WHEREAS**, the REGRP has already created a solid foundation for accelerating the development of renewable energy markets and infrastructure in Alaska; and

**WHEREAS**, despite the high costs and challenges associated with developing renewable energy across the state, the REGRP is found to be cost effective at both the program and individual renewable resource sector level providing a significant net benefit to the state; and

**WHEREAS**, Alaska is home to an abundance of renewable and nonrenewable resources, but harsh climate, limited infrastructure, a distributed population, and a short construction season are common barriers to resource development; and

**WHEREAS**, the Alaska Energy Authority recommended projects totaling \$56 million for the REGRP for FY 2014; and

**WHEREAS**, the Governor included funding in the amount of \$25 million in the FY 2014 State Capital Budget,

**NOW, THEREFORE BE IT RESOLVED** that the Haines Borough requests additional funding in the amount of \$31 million for the REGRP in the FY 2014 State Capital Budget, bringing the total FY 2014 REGRP funding to the \$56 million amount recommended by the Alaska Energy Authority; and

**BE IT FURTHER RESOLVED** that this resolution shall be provided to Governor Sean Parnell, Senator Bert Stedman, Representative Jonathan Kreiss-Tomkins, and DCCED Commissioner Susan Bell.

**ADOPTED** by a duly constituted quorum of the Haines Borough Assembly this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Stephanie Scott, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk



January 18, 2013

The Honorable Charlie Huggins  
Senate President  
State Capitol, Room 111  
Juneau, Alaska 99801

The Honorable Mike Chenault  
Speaker of the House  
State Capitol, Room 208  
Juneau, Alaska 99801

RE: Renewable Energy Fund - Recommendations for Round 6 Funding

Dear President Huggins and Speaker Chenault:

The Alaska State Legislature created the Renewable Energy Fund (REF) and Grant Recommendation Program in 2008. This program placed Alaska at or near the forefront of the 50 states in funding for renewable energy. The Legislature authorized Alaska Energy Authority (AEA) to manage the REF program and in 2012 extended the program for 10 years.

Pursuant to AS 42.45.045(d)(3) we are pleased to provide the AEA Renewable Energy Fund Round 6 recommendations for your consideration. Of the 85 applications received, AEA has recommended funding for 60 projects.

The following documents are included with this letter:

1. Spreadsheets that provide lists of all projects for which applications were received, their evaluation score, statewide ranking, and recommended funding.
2. A map indicating the projects recommended by location and type.
3. An executive summary of the Renewable Energy Fund, including both Round 6 recommendations and Round 1 through 5 project status and performance highlights.

Additional supporting materials are available on the AEA web site, including AEA's Round 6 evaluation summaries and economic analysis for each application, the evaluation methodology, and a status report with details on each of the projects funded in Rounds 1 through 5.

[http://www.akenergyauthority.org/RE\\_Fund\\_Applications-6.html](http://www.akenergyauthority.org/RE_Fund_Applications-6.html)

AEA will provide detailed information on a CD and deliver to individual legislators upon request. Please contact me if you have any questions.

Sincerely,

ALASKA ENERGY AUTHORITY

A handwritten signature in blue ink that reads "Sara Fisher-Goad". The signature is written in a cursive style.

Sara Fisher-Goad  
Executive Director

Enclosures  
cc: Alaska Legislature





**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-244  
**Assembly Meeting Date:** 3/12/2013

Business Item Description:	Attachments:
<b>Subject:</b> Authorize a contract with Begenyi Engineering for a bid-ready design for an emergency response radio system	1. Resolution 13-03-448 2. Emergency Response Radio System Design from Begenyi Engineering
<b>Originator:</b> Public Facilities (Agenda Bill by Clerk's Office)	
<b>Originating Department:</b> Public Facilities	
<b>Date Submitted:</b> 2/21/2013	

**Full Title/Motion:**  
 Motion: Adopt Resolution 13-01-448.

**Administrative Recommendation:**  
 The Borough Manager recommends adoption of this resolution.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 25,105.00	\$ Yes	\$

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos. : Objective 16C2, Page 267	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
 In December 2012 requested proposals from vendors for an Enhanced 911 (E-911) system, and during a pre-proposal meeting with potential vendors it was determined to be unfeasible to include replacement radios in the E-911 scope of work. Attempts were made to get more than one quote for the radio systems but only one was received. Funds for this engineering are available in the Advanced Engineering line item in the Capital Improvement Projects fund.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/12/13	Tabled to Date:

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Begenyi Engineering to prepare a bid-ready design for an emergency response radio system for an amount not to exceed \$25,105.**

**WHEREAS**, the borough's existing emergency response radio system has failed and therefore in need of replacement; and

**WHEREAS**, the Haines Borough in December 2012 requested proposals from vendors for an Enhanced 911 (E-911) system, and during a pre-proposal meeting with potential vendors it was determined to be unfeasible to include replacement radios in the E-911 scope of work; and

**WHEREAS**, the borough is in the process of updating its radio licenses to meet Federal Communications Commission (FCC) narrow-banding requirements for 2013; and

**WHEREAS**, the borough administration recommended contracting with a consultant to assist with upgrading radios, many of which are antiquated or inoperable, and technology to ensure the borough is in compliance with the FCC mandate and all new equipment is compatible; and

**WHEREAS**, although HBC 3.60.170 provides that competitive bidding and submission of quotations shall not apply to contracts involving professional or specialized services such as engineering, attempts were made to get more than one quote but only one was received; and

**WHEREAS**, Begenyi Engineering provided a quote of \$25,105 for emergency response radio system design, including drawings and specifications for replacing Tower Road equipment and mobile radios, replacing the police dispatch console and upgrading infrastructure, to be used with an upcoming solicitation for bids; and

**WHEREAS**, this system design work will be funded by the Advance Engineering budget in the Capital Improvement Projects Fund,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to contract with Begenyi Engineering to prepare a bid-ready design for an emergency response radio system for an amount not to exceed \$25,105.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Stephanie Scott, Borough Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk



February 21, 2013

Mr. Carlos Jimenez  
Director of Public Facilities  
Haines Borough  
213 Haines Highway  
Haines, Alaska 99827

Re: Emergency Response Radio System Design

Dear Carlos,

Enclosed is our proposed fee for design and bidding services for the radio system project. Our fee is based on the scope of work outlined below. The scope is consistent with the recommendations we presented in our January 25, 2013 letter.

***Scope of Work***

*Replace Tower Road Equipment and Mobile Radios*

Replace duplexer, repeater, controller, and auxiliary equipment. Provide reliable stand-by power system. Establish a new grounding system with a main building reference ground bus that can be utilized for personnel grounding and periodic testing. Replace antennas and cables. Install high voltage suppressors to protect cables and equipment from voltage irregularities. Provide raceway systems to support cable routes from the equipment to the tower. Provide secondary source of heat. Provide remote monitoring of equipment and environmental conditions. Replace mobile radios that are not narrowband compatible.

*Replace Dispatch Console and Upgrade Infrastructure*

Replace control console with digital technology. Establish a new telecommunication closet with demarcation point for outside services, cross-connects for telephone and data, and console controller. Provide integrated stand-by power system. Replace antennas and cables. Install high voltage suppressors to protect cables and equipment from voltage irregularities. Provide new casework designed to integrate with the dispatch controls.

### ***Design Documents***

The work will be illustrated with drawings and specifications to be included with the solicitation for bids. We will develop the technical portions of the bid package and assist the borough as necessary with the general requirements. We anticipate the following documents will be required to define the work.

#### *Drawings*

Cover Sheet  
Tower Road Demolition Plan and Photos  
Public Safety Building Demolition Plan and Photos  
Tower Road and Public Safety Building Power and Signal Plans  
Dispatch Control Console Details  
Single Line Diagrams  
Schedules and Details

#### *Specifications*

024119 Selective Demolition  
260519 Low-Voltage Electrical Power Conductors and Cables  
260529 Hangers and Supports for Electrical Systems  
260533 Raceways and Boxes for Electrical Systems  
260553 Identification for Electrical Systems  
262726 Wiring Devices  
270526 Grounding and Bonding for Communications Systems  
270536 Cable Trays for Communications Systems  
270544 Sleeves and Sleeve Seals for Communications Pathways and Cabling  
270600 Dispatch Console

### ***Proposed Design Schedule***

We intend to move as quickly as possible with your project while allowing time for coordination with manufacturer's representatives and the borough. Our first step is to generate floor plans of the Public Safety Building in AutoCAD format. Our proposal includes the architectural firm Jensen Yorba Lott as a sub-consultant to handle this task for us.

With the technical portion of the work, we are proposing a 65% design submittal followed by a visit to Haines. The visit will allow us to gather more detailed site information and give us an opportunity to coordinate with the borough. We will then proceed to 95% design. Our final review will occur via the telephone with delivery of bid documents shortly thereafter.



*Major Milestones*

Notice to Proceed: March 1

JYL Floor plans: March 15

65% Design: March 29

Trip to Haines: April 3

95% Design: April 26

Final Owner Review: May 1

Bid Documents: May 8

Thank you for the opportunity to partner with you on this important project for Haines Borough. Please give me a call if you have any questions regarding our proposal. We are excited to get the design under way!

Sincerely,



Barry J. Begenyi, PE

enc: 1 page





## FEE ESTIMATE

Date: February 21, 2013

Client: Haines Borough

Project: Emergency Response Radio System Design

	\$145 Barry (hours)	\$95 CAD (hours)	\$65 Eileen (hours)	time (\$)	expense (\$)
<b>Design Phase (lump sum)</b>					
Project management and administration	10		2	1,580	
Drawing layout	6			870	
Demolition plan and photos	4			580	
Power and signal plans	12			1,740	
Load calculations	3			435	
Circuiting	8			1,160	
Panel schedules	2			290	
Single line diagrams	16			2,320	
Specifications	24			3,480	
Coordination meeting (in Haines)	10			1,450	266
Cost opinion	24			3,480	
Final Owner review	1			145	
Final revisions	3		1	500	
Document production	6		4	1,130	
Time and expense summary	129	0	7	\$19,160	\$266
CBJ 5% sales tax					\$0
Expense, plus 10%					\$293
<b>Total Design Fee</b>					<b>\$19,453</b>
<b>Bid Phase (lump sum)</b>					
Project management and administration	2		1	355	
Prebid meeting (in Haines)	7			1,015	266
Response to questions	6			870	
Addendum	4		1	645	
Time and expense summary	19	0	2	\$2,885	\$266
CBJ 5% sales tax					\$0
Expense, plus 10%					\$293
<b>Total Bid Fee</b>					<b>\$3,178</b>
<b>Project Totals</b>					
Time and expense summary	148	0	9	\$22,045	\$532
CBJ 5% sales tax					\$0
Expense, plus 10%					\$585
Sub-consultant, Jensen Yorba Lott (lump sum)					\$2,475
<b>Total Project Fee</b>					<b>\$25,105</b>



February 21, 2013

**Renewal Application Notice**

City of Haines  
Attn: City Clerk  
VIA EMAIL: [jcozzi@haines.ak.us](mailto:jcozzi@haines.ak.us)

DBA	Lic Type	Lic #	Owner	Service Location
Captain's Choice Motel	Beverage Dispensary-Tourism	4890	Captain's Choice Inc	108 2nd Ave North
Fort Seward Lodge	Beverage Dispensary-Tourism	2791	Vivian Trimble & Nicholas Trimble	39 Mud Bay Rd.

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed

premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

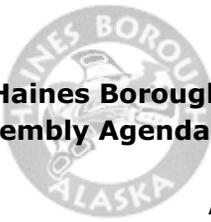
If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

**Note:** Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. COTÉ  
Director

*/s/Christine C. Lambert*  
Christine C. Lambert  
Licensing & Records Supervisor  
[Christine.lambert@alaska.gov](mailto:Christine.lambert@alaska.gov)



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-242

**Assembly Meeting Date:** 3/12/2013

<b>Business Item Description:</b>		<b>Attachments:</b>
Subject:		1. Mayor's Recommended Appointments 2. Cassandra Miller's Application for PSC
Mayoral Appointments		
Originator: Mayor Scott (agenda bill by the clerk's office)		
Originating Department: Mayor		
Date Submitted: 3/8/2013		

**Full Title/Motion:**  
 Motion: Confirm the appointments of Joanne Waterman, Michael Ganey, and Robert Venables to the ad hoc Alaska Class Ferries Committee, and to confirm the mayor's appointment of Cassandra Miller (term 11/2014) to the Public Safety Commission. Possible amendment: Appoint Phil Benner as either a 4th member or an ex officio.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos. : Objective 4C, pages 144 and 312	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
 On 3/5/13, the assembly created a three-member ad hoc committee to work with the mayor on the Alaska Class Ferries issue with members to include assembly member Waterman, another borough representative (employee or appointed committee member), and a member of the public who uses the ferry system. Mayor Scott seeks confirmation of the appointments. Additionally, the harbormaster is interested in serving on the committee, and the mayor suggests making him an ex officio member unless the assembly is interested in expanding the committee to four members.  
  
 Also, an appointment request has been received from Cassie Miller for a seat on the public safety commission.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/12/13	Tabled to Date:

# **Mayoral Appointments 3/12/13**

## **Public Safety Commission**

Cassandra Miller – Appointment - term expires 11/2014

This will leave 1 vacancy

## **Remaining Board Vacancies or Expired Terms:**

**Museum Board of Trustees – 2 seats**

**Historic Dalton Trail RMSA Board – 1 seat**

**Chilkat Center Advisory Board – 1 seat**

**Four Winds RMSA Board – up to 4 seats**

**Riverview Drive RMSA Board – up to 2 seats**



# 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 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 checked="" type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

Name: Cassandra Miller  
 Residence Address: 514 N Union St. Haines AK 99827  
 Mailing Address: PO BOX 153 Haines AK 99827  
 Business Phone: 303-0206 Home Phone: 303-0206  
 Fax: \_\_\_\_\_ Email: cmiller91@live.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.\*

Cassandra Miller  
 Signature of Applicant

03/07/13  
 Date

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

See attached.

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\* 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.

Cassandra Miller  
PO BOX 153  
Haines Ak 99827  
9073030206  
cmiller91@live.com

## Objectives

To do the best I can in any situation I am put into, for not only myself, but every party involved. Help in any aspect needed by a client or co-workers and potentially make a difference in the community.

## Education

BizTech High School

**06/09**

Business and Technology  
Accounting and Marketing  
Newspaper editor  
University of Alaska Southeast

## **Current**

Elementary and Special Education

## Experience

Baby Sitter | Portland Oregon 97211

Volunteer **October 2006** – current

Caring for multiple children at a time, feeding, bathing and helping with home school students

Salvation Army Christmas Drives | Portland Oregon 97266

Volunteer **October 2007** – June 2008

Organizing people and enlisting volunteers

Century16 | Portland Oregon 97266

Concession **October 2007** – June 2008

Cashier, cleaning and customer service

Starbucks | Portland Oregon 97266

Barista **October 2007** – June 2008

Barista, Cashier

Charley's Grilled Subs | Clackamas Oregon 97222

Assistant manager November 2008- June 2009

Payroll, deposits, opening closing, managing employees, cashier, cook

Mountain Market | Haines Alaska 99827  
Cashier **June 2009** – May 2012  
Cashier, opening, closing, ordering freight, Barista

Knot Your Day Design| Haines Alaska 99827  
Owner **January 2012** – current  
jewelry making, clothing making, advertisement, web page management and design,  
taxes, grant writing

Lynn Canal Counseling Services| Haines Alaska 99827  
Behavioral Health Associate **May 2012** – current  
Communication and social skills, Re-engagement Project manager, Medicaid  
application, writing revision and implementation of treatment plans, monitor progress of  
clients, working with SED youth, grant writing.

Chilkat Valley News| Haines Alaska 99827  
Advertisement Director **January 2013** – current  
Sales, Design, typing, working with clients/customers, photoshop

90WPM  
Microsoft word, excel, publisher, power point and DVD Maker  
Web design, indesign, photoshop

AKAIMS

CPR and First Aid

References Natalie Benassi (907)767-5620

Kathy Holmes (907) 766-2354

Kara Murphy (907)341-0407

Liana Shull (907)314-0594

More available upon request



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 12-192

**Assembly Meeting Date:** 3/12/13

<b>Business Item Description:</b>		<b>Attachments:</b>
Subject:	Bureau of Land Management "Ring of Fire"	1. BLM Ring of Fire Executive Summary 2. Draft Haines Borough Comments 3. Citizen Comments: Thom Ely 4. Areas of Critical Environmental Concern: Submitted by Lynn Canal Conservation
Originator:	Mayor and Manager (agenda bill by clerk's office)	
Originating Department:	Administration	
Date Submitted:	2/25/13; originally 11/13/12	

**Full Title/Motion:**  
 Motion: Authorize submission of the Haines Borough's Ring of Fire Resource Management Plan comments to the BLM.

**Administrative Recommendation:**

<b>Fiscal Impact:</b>		
Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.: Objective 3D, Page 106	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

The Ring of Fire is the title of the BLM planning document for federal lands in our area. BLM released a draft Resource Management Plan (RMP) Amendment / Draft Environmental Impact Statement for the Haines Planning Area Amendment. A comment period ends on March 14, 2013. The borough administration prepared draft comments for the assembly's consideration. If acceptable, they will be submitted for incorporation into the final RMP for the Haines Planning Area. The borough also received written comments from Lynn Canal Conservation and citizen Thom Ely.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 11/27/12, 3/12/13	Tabled to Date:

**RING OF FIRE RESOURCE MANAGEMENT PLAN**  
**DRAFT RESOURCE MANAGEMENT PLAN AMENDMENT /**  
**DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**HAINES PLANNING AREA AMENDMENT**  
DOI-BLM-AK-A010-2012-0027-EIS

Anchorage Field Office, Anchorage District  
BLM Alaska

December 14, 2012

For more information, contact:

Anchorage Field Office  
4700 BLM Road  
Anchorage, AK 99507  
(907) 267-1246  
(800) 478-1263

## EXECUTIVE SUMMARY

### Introduction

The Bureau of Land Management (BLM), Anchorage Field Office has prepared this Draft Ring of Fire Resource Management Plan Amendment/Draft Environmental Impact Statement (Draft RMP Amendment/DEIS) to evaluate which, if any, designation and associated management practices and implementation actions best fulfill the resource needs and multiple-use demands within the Haines Planning Area.

The Haines Planning Area encompasses approximately 950,000 acres in Southeast Alaska, bound by the Canadian Border to the north and west, Glacier Bay National Park to the southwest, and the Tongass National Forest to the south and east. This Planning Area consists mainly of steep and remote mountainous terrain, with bedrock and glaciers that restrict road and trail access. Of the total acreage within the Planning Area, the BLM manages approximately 320,000 acres. All BLM-managed lands in the Planning Area are currently selected by the State of Alaska or Native Corporations. Until the selections are relinquished or conveyances are finalized, State- and Native-selected lands will continue to be managed by the BLM. The two blocks of State-selected lands in the Planning Area have been categorized by the State as "Identified for Relinquishment." Based on the State's current selection category, the BLM believes that the State-selected land in the Planning Area will remain under Federal management indefinitely.

The Draft RMP Amendment/DEIS was prepared using BLM's planning regulations and guidance issued under the authority of the Federal Land Policy and Management Act of 1976 (FLPMA), and under requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1500-1508), BLM's NEPA Handbook 1790-1, and BLM's Land Use Planning Handbook 1601-1 (March 2005).

### Purpose and Need

Action is needed at this time to re-evaluate special designations in the Planning Area, identified in the Ring of Fire RMP Record of Decision (ROD) and recent changes in BLM Recreation Management Area (RMA) policy. Given that special designations and designation changes are land use plan-level decisions, this land use plan amendment is an appropriate vehicle for assessing the current designation in light of new policies. Lastly, given that these lands are likely to remain under BLM management indefinitely, action is needed to establish a maximum number of annual helicopter landings in the Planning Area that meets the needs of the local economy, recreation use demand, as well as protects natural resources.

The purpose of this planning effort is to identify which, if any, designation and associated management practices best fulfill the resource needs and multiple-use demands within the Planning Area.

## Decisions to be Made

The land use planning-level decisions to be made through this plan amendment process include:

- Whether to retain the SRMA designation in the Planning Area or to change the recreation management area designation, including whether to expand a recreation management area designation to the south block.
- Whether any part of the Planning Area meets the criteria for an ACEC designation.

The implementation-level decisions to be made through this process include:

- Whether to retain the Monitoring and Control Area for wildlife studies.
- Establish a maximum number of authorized annual helicopter landings.

## Issues

Based on the BLM's management concerns, and through scoping input received from Federal, state, and local agencies, and the public (refer to Chapter 5), the Draft RMP Amendment/DEIS addresses the following primary issues and concerns:

- How to apply updated BLM RMA policy to the current SRMA and the south block (currently undesignated) in the Planning Area.
- Disturbance to local communities due to helicopter noise.
- Impacts of flight paths and associated noise from helicopters to other visitors and local residents.
- Impacts of helicopter-supported activities on wildlife, particularly on eagles, mountain goats and mountain goat habitat, and whether a monitoring and control area should be maintained for mountain goat studies.

## Alternatives

This Draft RMP Amendment/DEIS evaluates four alternatives. Alternative A (No Action Alternative) represents the continuation of current management practices. Alternatives B, C, and D describe proposed changes to current management. Alternative D represents BLM's preferred alternative. Under all alternatives, BLM would manage the public lands in accordance with all applicable laws, regulations, and BLM policies and guidance. For a complete discussion of alternatives, see Chapter 2 of the Draft EIS.

### Alternative A – No Action Alternative

This alternative would retain the SRMA designation in the north block of the Planning Area. However, the boundaries of the SRMA have changed from the 2008 signing of the Ring of Fire ROD due to the conveyance of several sections of BLM land to the State of Alaska. Under the No Action Alternative, an SRMA Plan would be developed consistent with the direction in the

2008 Approved Ring of Fire RMP and ROD. [The 98,000-acre Monitoring and Control Area in the northwest portion of the Planning Area where permitted helicopter landings are currently prohibited would be retained. The total number of authorized helicopter landings in the Planning Area would be maintained at 2,400 annually during the summer only. This alternative would prevent current operators from expanding their operations, and would prevent other operators from using BLM lands for helicopter/aviation-supported tourism activities.]

#### Alternative B – Resource Development

The current SRMA designation in the northern block of the Planning Area (approx. 251,900 acres) would be retained. The boundaries of the SRMA have changed due to the conveyance of several sections of BLM land to the State of Alaska since the signing of the Ring of Fire ROD. The SRMA designation would be expanded to encompass the south block of the Planning Area (approx. 66,200 acres). An SRMA Plan would be developed. The 98,000-acre Monitoring and Control Area would be lifted and permitted helicopter landings would be allowed to occur within the former boundary of the Monitoring and Control Area. The total number of authorized helicopter landings on BLM-managed lands in the Planning Area would be set to a maximum of 7,500 landings annually during the summer and winter. Permitting 7,500 landings annually would allow current operators to expand their operations, while also leaving capacity for additional operators to conduct helicopter and organized flight excursion activities, including commercial filming, in the Planning Area.

#### Alternative C – Resource Conservation

The current SRMA designation for the north block area would be changed to an Extensive Recreation Management Area (ERMA) and extend the ERMA designation to BLM-managed lands in the south block. The boundaries of the ERMA would encompass all BLM-managed lands in the Planning Area. [The 98,000-acre Monitoring and Control Area would be retained for a period of five years from the signing of the ROD for the EIS to provide a control area for mountain goat studies conducted jointly between the BLM and ADFG. After the five-year period expires, the Monitoring and Control Area would be lifted and permit applications would be accepted for review through site-specific NEPA prior to any new authorizations. Future landing authorizations would be contingent on the results of the study efforts.] The total number of authorized helicopter landings on BLM-managed lands in the Planning Area would be set to a maximum of 4,000 annually during the summer and winter. Permitting 4,000 landings annually would allow current operators to expand their operations, while also leaving capacity for additional operators to conduct helicopter/aviation-supported tourism activities, including commercial filming, in the Planning Area.

#### Alternative D – Agency Preferred Alternative

The RMA and Control Monitoring Area designations would be the same as described for Alternative C. The total number of authorized helicopter landings on BLM-managed lands in the Planning Area would be set to a maximum of 6,000 landings annually during the summer and winter. Permitting 6,000 landings annually would allow current operators to expand operations, while also leaving capacity for additional operators to conduct permitted helicopter landings,

including commercial filming, in the Planning Area.

### **Environmental Consequences**

Alternative A, the No Action Alternative, would maintain the current number of requested landings authorized through SRPs in the Planning Area, with a modified Required Operating Procedure and current terms and conditions applied to SRPs. The BLM lands in the area would retain the SRMA designation. The Monitoring and Control area, where no SRP landings are permitted, would be retained which would continue to provide a study area for future wildlife studies.

Alternative B would allow for a significant increase in the number of landings authorized annually in the Planning Area under SRPs, which would benefit operators but could potentially increase noise impacts to wildlife, other visitors, and local residents. Impacts of this alternative would be mitigated through a modified Required Operating Procedure as well as current terms and conditions applied to SRPs.

Alternative C would allow a smaller increase in the number of landings authorized annually in the Planning Area under SRPs, which may limit operators from expanding their businesses, but could potentially reduce noise impacts to wildlife, other visitors, and local residents. Impacts of this alternative would be mitigated through a modified Required Operating Procedure as well as current terms and conditions applied to SRPs.

Alternative D allows for a moderate increased level of number of landings authorized annually in the Planning Area under SRPs, but sets places an upper limit to help reduce noise impacts to wildlife, other visitors, and local residents. The area would be designated an ERMA. The retention of the Monitoring and Control Area for five years allows for the completion of current studies before the area is opened to SRP applicants. Impacts of this alternative would be mitigated through a modified Required Operating Procedure as well as current terms and conditions applied to SRPs.

### **Public Involvement**

A Notice of Intent (NOI) to prepare the Draft RMP Amendment/DEIS was published in the Federal Register in March 2009. The NOI initiated a 90-day formal scoping period that lasted until June 26, 2009. Public meetings were held during the scoping period in the communities of Haines, Skagway, and Anchorage.

In addition to public meetings, BLM consulted and solicited comments from local, state, and federal governments, special interest groups, and Native American tribes. The Municipality of Skagway has entered into a formal cooperating agency status with BLM regarding this planning effort. Concurrent with the beginning of the scoping period the BLM developed a planning website for the Draft RMP Amendment/DEIS. All planning-related documents, including the Scoping Report is available for online viewing. Public involvement is described in more detail in Chapter 5 of the Draft RMP Amendment/DEIS.

## DRAFT Haines Borough Comments

Ring of Fire Resource Management Plan  
Draft Resource Management Plan Amendment / Draft Environmental Impact Statement  
Haines Planning Area Amendment  
DOI-BLM-AK-A010-2012-0027-EIS

In response to the Ring of Fire Resource Management Plan, Draft Resource Management Plan Amendment / Draft Environmental Impact Statement, Haines Planning Area Amendment (DOI-BLM-AK-A010-2012-0027-EIS) public comment period, the Haines Borough respectfully submits the following comments for incorporation into the final RMP for the Haines Planning Area:

1. That any commercial activity subject to a BLM permit operating within the Haines Borough be required to comply with all provisions of the Haines Borough Code, including but not limited to Chapter 5.18 - Commercial Tour Permits, as well as any applicable Borough rules and regulations.
2. That any commercial ski tours, commercial ski productions and special ski competition events within the Haines Borough be permitted only in areas identified on the official Haines Borough Heliski Map. It should be noted that the heliski map is subject to amendments and any operator should be encouraged to contact the Haines Borough for the most current map and other information.

In light of the above, the Haines Borough respectfully requests that future management of the BLM-managed lands within the Planning Area recognize and promote compliance with the legal and regulatory requirements and processes put in place by the Borough to promote balanced use and safety in the conduct of heliski operations.

### History:

In 1996 an initiative was passed by the voters of the Haines Borough. This initiative stated “Shall the Haines Borough Assembly communicate to all commercial booking agents and tour operators, within the Haines Borough, that it is the wish of the residents of the community that there be no regularly scheduled helicopter tours in the Haines Borough.” The vote passed 521 to 416

In 2001, an advisory question was passed by the voters. It asked “Do you support the managed use of helicopters in the Haines Borough for commercial recreation, including heli-skiing, between the dates of February 1<sup>st</sup> and April 30<sup>th</sup> each year. This passed 615 to 512.

Since 2001 there has been a lengthy public process that has included public meetings, the formation of a Heliski working group, and interactions with both the State of Alaska and the BLM. Currently the Haines Borough has a 2013 Haines Borough Heliski Map with allowed areas for heliskiing, a 2600 skier day allowance, GPS requirements, voluntary flight paths, a complaint procedure process, and a mechanism in place for adjustments to the Heliski Map.

**From:** Thom Ely [mailto:akthome@yahoo.com]

**Sent:** Tuesday, February 19, 2013 10:30 AM

**To:** Julie Cozzi

**Cc:** Stephanie Scott; Steve Vick; Jerry Lapp; Joanne Waterman; Norm Smith; Debra Schnabel; Dave Berry; Mark Earnest

**Subject:** Ring of Fire Plan - Public Comment

Dear Mayor, Assembly and Manager,

Before submitting comments on the BLM's Ring of Fire Plan (ROF) please consider the long term implications of your decision. Attached is the scientific perspective of a world renowned wildlife biologist.

Keeping the Goat Monitoring Area and designating it as an Area of Critical Environmental Concern (ACEC) with a Research Natural Area (RNA) designation will insure that one place in the Haines Borough is reserved for wildlife for the foreseeable future.

The helicopter recreation industry has ample areas to conduct business and leaving this region free from it's impacts will have zero impact on their business. It is critical that long term planning decisions are made with all interests in mind. We are the voice for the wildlife.

Sincerely,

Thom Ely  
POB 1014  
Haines, AK 99827  
907-314-0860

10 February 2013

The Bureau of Land Management

Ring of Fire Draft Resource Management Plan Haines Planning Area Amendment and  
Draft Environmental Impact Statement

**Re: Public Review and Comment**

To whom it may concern,

I am writing to provide insight regarding the uniqueness of mountain goats in southeast Alaska, in particular the Haines/Skagway area, and express my concerns related to increased resource development and helicopter traffic with respect to its impact on mountain goats. I have a PhD in evolutionary biology and my thesis focused on mountain goat population structure and evolutionary history. I have published numerous peer-reviewed scientific articles on the subject and species, including analyses of data collected in the Haines and upper Lynn Canal areas (Shafer et al. 2011a, Shafer et al. 2011b, Shafer et al. 2012a, Shafer et al. 2012b).

Mountain goats in southeast Alaska are unique in many regards. My research has shown that a refugial population survived the last glaciation in southeast Alaska, specifically in the Haines/Skagway area (Shafer et al. 2011a). While the precise location of this refugial population is unknown (probably on nunataks / mountains projecting above ice), current levels of genetic diversity distinctly emanate from the Haines/Skagway area. Following the retreat of the glaciers starting ~18,000 years ago, mountain goats dispersed across the

state, and now form very distinct (genetically defined) populations. For example, the average level of genetic differentiation between management units in southeast Alaska is 12%: in the Haines area, the average genetic distance between herds (defined by mountain ridges) is 6% (see supplemental). To put this value in perspective, the average difference across the entire range of Dall and Stone sheep is 16% (Worley et al. 2004). Ultimately, this implies a relatively low demographic exchange (<10 effective migrants – Palumbi 2003); however, I caution against a literal interpretation of these values as the small population sizes and wide confidence intervals preclude strict inference. The key point is that the existing data suggests the Ring of Fire region has numerous genetically discrete mountain goat herds.

The refugial origin and differentiation of Haines area mountain goats is important in a couple regards. First, based on the scientific literature, refugial populations typically harbour disproportionate amounts of genetic diversity and unique adaptations. This is particularly relevant for a species' ability to cope with future change (i.e. climate or anthropogenic), and the overall genetic integrity of a species. Secondly, the level of differentiation seen among the herds in the Haines area is suggestive of local adaptation. If populations are adapted to their local environment, they may not be able to disperse and thrive elsewhere, and may be overly sensitive to disturbance. Thus, consideration of the precautionary principle seems warranted. The take home message is that the Haines/Skagway area mountain goats are unique among Alaska and indeed the species range, and I recommend consideration of these findings in the decision. Specifically, these data support the designation of an *Area of Critical Environmental concern* as: i) it is an area essential for maintaining species (mountain goat) diversity; ii) the genetic diversity and refugial origin make it a distinctive and irreplaceable source of biodiversity. Importantly, these factors are not mentioned in the *Wildlife Resources* discussion on mountain goats.

My second concern relates to the potential for increased development and aerial traffic. To put it bluntly, we simply do not know what effect additional helicopter activity will have on mountain goats. Given their life-history characteristics (i.e. late-age of

reproduction, frequent reproductive pauses), we know that populations can take a very long time to recover (Festa-Bianchet & Cote 2007). Thus, precautions should be made to limit helicopter disturbance (Côté 1996; Côté et al. In review). During my PhD I was directly involved in the seminal long-term work on mountain goats at Caw Ridge, Alberta. Among the many scientific contributions of this study was the recommendation of a 1.5 km no fly-zone around known mountain goat habitat (Côté 1996; Côté et al. In review): importantly, mountain goat biologists and managers adopted a similar resolution (NWGSC 2004). I recognize this is a multifaceted decision and there are numerous competing interests, but precautions should be made to limit any aerial disturbance.

In conclusion, I hope the BLM considers mountain goats of the region in their decision-making, especially in light of their unique genetic heritage and their susceptibility to disturbance.

**Sincerely,**

A handwritten signature in black ink, consisting of a stylized 'A' followed by 'S' and a horizontal line.

**Aaron BA Shafer, *M.Sc., Ph.D.***

## Literature cited

Côté, S.D. (1996). Mountain goat responses to helicopter disturbance. *Wildlife Soc. B.*, 24, 681–685.

Festa-Bianchet, M. & Côté, S.D. (2007). *Mountain goats: ecology, behavior, and conservation of an alpine ungulate*. Island Press.

Northern Wild Sheep and Goat Council (2004) NWSGC position statement on mountain goats & helicopter-supported recreation. Available at: <http://www.nwsgc.org/resolutions.html>

Palumbi, S.R. (2003). Population genetics, demographic connectivity, and the design of marine reserves. *Ecological Applications*, 13, S146–S158.

Shafer, A.B.A., Côté, S.D. & Coltman, D.W. (2011a). Hot spots of genetic diversity descended from multiple Pleistocene refugia in an alpine ungulate. *Evolution*, 65, 125–138.

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Shafer, A.B.A., Fan, C.W., Côté, S.D. & Coltman, D.W. (2012a). (Lack of) genetic diversity in immune genes predates glacial isolation in the North American mountain goat (*Oreamnos americanus*). *J. Hered.*, 103, 371–379.

Shafer, A.B.A., Northrup, J.M., White, K.S., Boyce, M.S., Côté, S.D. & Coltman, D.W. (2012b). Habitat selection predicts genetic relatedness in an alpine ungulate. *Ecology*, 93, 1317–1329.

Worley, K., Strobeck, C., Arthur, S., Carey, J., Schwantje, H., Veitch, A., et al. (2004). Population genetic structure of North American thinhorn sheep (*Ovis dalli*). *Mol. Ecol.*, 13, 2545–2556.

## Supplemental Material

I have analyzed 95 mountain goat samples from the proposed Ring of Fire area. The genetic profiling followed that of Shafer et al. (2012b). For each ridge, calculated the level of genetic differentiation (known as  $F_{ST}$ ) among ridges – Table 1. This value can be viewed as a % difference between populations. To provide a context for these values, the average level seen among all thornhorn sheep populations is 16%.

Table 1. Pairwise  $F_{ST}$  values among mountain goat herds in the Ring of Fire region.

	Chilkoot	Four Winds	Halutu	Hiteshitak	Porcupine	Takhin	Takhinsha	Takshanuk
Chilkoot	-							
Four Winds	0.09	-						
Halutu Ridge	0.04	0.11	-					
Hiteshitak	0.10	0.18	0.10	-				
Porcupine	0.03	0.09	0.05	0.10	-			
Takhin Ridge	0.04	0.11	0.06	0.13	0.05	-		
Takhinsha Mtns	0.05	0.10	0.07	0.11	0.05	0.06	-	
Takshanuk Ridge	0.01	0.09	0.03	0.09	0.03	0.03	0.04	-

**From:** Lynn Canal Conservation [mailto:[lynncanalconservation@gmail.com](mailto:lynncanalconservation@gmail.com)]

**Sent:** Tuesday, March 05, 2013 4:45 PM

**To:** Julie Cozzi

**Cc:** Stephanie Scott; Darsie Culbeck

**Subject:** Ring of Fire Document for March 12th Assembly Meeting

Hi Julie,

Nice to meet you yesterday. I have attached a document explaining Areas of Critical Environmental Concern (ACECs) related to the BLM Ring of Fire DEIS Discussion. Please include this document in the Assembly packet for the March 12th Assembly meeting.

Thanks,

--

Macky Cassidy  
Conservation Coordinator  
Lynn Canal Conservation  
PO Box 964  
Haines, AK 99827  
766-2295  
[lynncanalconservation.org](http://lynncanalconservation.org)

## **Request for Assembly Comments on the Ring of Fire Draft Plan**

Context: At one time protecting 49,000 acres to study and preserve Chilkat bald eagles was controversial in Haines. Today we recognize the value of having an Eagle Preserve in our back yard. Through the current Ring of Fire planning process, we have an opportunity to designate an area to preserve and study Chilkat Mountain Goats. This area is currently a Mountain Goat Monitoring and Control Area created by BLM in 2002 “with the intention of providing a source of consistent monitoring data.”<sup>1</sup> The boundaries were selected because “helicopter supported recreation had not [yet] occurred” and because of long flight times and “the unsuitability of the glaciers in the area for landing zones.”<sup>2</sup>

### Rationale for retaining the Monitoring and Control Area as stated in the Draft Plan:

“If the Monitoring and Control Area is retained, no permitted helicopter activity would be allowed within the 98,000-acre area in either summer or winter. This would benefit mountain goats and other alpine wildlife by potentially lessening or eliminating noise and disturbance caused by tour aircraft overflights and landings, and thereby reducing any stress and negative effects to wildlife associated with those activities on both summer and winter ranges. In addition, the monitoring and Control Area would remain available for future research on the effects of aircraft disturbance on surrounding areas that have not been excluded from aircraft use”<sup>3</sup>

Yet, all of the action alternatives in the Draft Plan would eliminate the monitoring area, forever closing the door to an opportunity for Haines to be the home of the Eagle Preserve **and also the center for Mountain Goat Research in North America.**

### Good for Haines’ Economy – Good for Haines’ Goats:

BLM can designate the current Monitoring and Control Area as a place for preserving and studying mountain goats. In BLM “speak” it’s called creating an Area of Critical Environmental Concern (ACEC) to be managed as a Research Natural Area (RNA). The ACEC designation “serves as a reminder that significant value(s) or resources(s) exist.”<sup>4</sup> A RNA is a place where “research and monitoring are encouraged.”<sup>5</sup>

BLM has already determined that this area has a “particularly diverse and unique set of flora and fauna due to its proximity to both interior Canadian ecosystems and coastal temperate rainforest ecosystems”<sup>6</sup>, and has “remarkable natural attributes and opportunities for research and education.”<sup>7</sup>

### Request of the Assembly:

To either 1) support creating an ACEC/RNA or 2) support having an alternative in the Final Plan that analyzes ACEC/RNA creation.

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<sup>1</sup>Ring of Fire Draft Plan, page 3.

<sup>2</sup> Id., page 4.

<sup>3</sup> Id., page 79.

<sup>4</sup> BLM Manual 1613.02.

<sup>5</sup> PRMP/FEIS page 3-186.

<sup>6</sup> PRMP/FEIS page 3-57.

<sup>7</sup> PRMP/FEIS Attachment C page 166.



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-243

**Assembly Meeting Date:** 3/12/13

<b>Business Item Description:</b>		<b>Attachments:</b>
Subject: Consider a Letter of Support for Self-Contained Breathing Apparatus 2013 Legislative Capital Project		1. Resolution from FSA #1 requesting support for SCBA 2013 Capitol Legislative Project 2. Alaska Fire Chief's Association SCBA 2013 Legislative Capital Project
Originator: FSA #1 (Agenda Bill by Clerk's Office)		
Originating Department: Fire Service Area #1 board		
Date Submitted: 2/19/13		

**Full Title/Motion:**  
Motion: Produce a letter of support for the SCBA 2013 Legislative Capitol Project

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos. : Objective 16E, Page 268	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
On February 18th, 2013 the Fire Service Area #1 Board passed a resolution to request a letter of support from the assembly regarding the Self-Contained Breathing Apparatus (SCBA) 2013 Legislative Capitol Project. This action by the legislature will ensure that all fire departments have the equipment needed to be up to the National Fire Protection Association (NFRA) guidelines.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/12/13	Tabled to Date:

From: Kathleen Fitzwilliam <[kathleen.fitzwilliam@gmail.com](mailto:kathleen.fitzwilliam@gmail.com)>  
Subject: Support for SCBA  
To: "johricmye" <[johricmye@yahoo.com](mailto:johricmye@yahoo.com)>  
Date: Tuesday, February 19, 2013, 7:52 PM

Dear Mayor Scott and the Assembly,

During our February 18th, 2013 meeting the Fire Service Area #1 Board passed a resolution to request a letter of support from the assembly regarding the SCBA 2013 Legislative Capitol Project Supporting the Haines Volunteer Fire Department, and 32 other fire departments state wide. This action by the legislature will ensure that all fire departments have the equipment needed to be up to the NFPA guidelines. If this action is not passed our fire department will be paying a large financial sum to upgrade their gear which will cease to be of use in July of 2013. Attached is the information provided to us by the fire chief regarding this matter. Thank you for your support.

Kathleen Fitzwilliam  
Acting Secretary  
Haines Fire Service Area #1 Board

# Alaska Fire Chief's Association



## Self-Contained Breathing Apparatus (SCBA)



## 2013 Legislative Capital Project





## ALASKA FIRE CHIEF'S ASSOCIATION

2358 Bradway Road, North Pole, Alaska 99705

Phone: (907) 488-3400 FAX: (907) 488-6118

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The Alaska Fire Chiefs Association, a 501(c) 3 corporation, on behalf of thirty-three (3) of its member fire departments is requesting funding to upgrade a critical component of firefighters personal protective equipment; their Self-Contained Breathing Apparatus or SCBAs.

### Background:

This project began as a request by seven (7) fire departments from the Fairbanks North Star Borough who have a critical need to upgrade their current SCBAs. This upgrade, for those agencies, is driven in large part to a critical failure of a component of their SCBAs called a Scott Electronic Management System or SEMS.

The SEMS were used to track firefighters on the fire ground and aid the incident commander to ensure firefighter safety. The SEMS units installed on their packs were first generation units and have since been replaced by an updated system. All seven departments are now seeing failure in the SEMS units and the manufacture no longer makes or supports those units. We found that the only solution is to upgrade the SCBAs to the most current standard.

While researching for a solution to this problem it was discovered that another looming problem was on the horizon that would affect not only these agencies but many other fire departments across the State.

The National Fire Protection Association (NFPA) develops, among other things, the standards to which fire equipment must be manufactured to. "NFPA 1981: Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services" details the standards that manufactures must meet to sell SCBAs to the fire service. These standards are updated typically every four to five years. The current NFPA 1981 Standard is the 2007 Edition. Most fire departments across the nation usually run two editions behind in the SCBAs they are using. This is mainly due to the tremendous cost of replacing SCBAs.

It was determined that the best solution to correct the problem with the SEMS units was to upgrade these departments current SCBAs from the NFPA 2002 Edition SCBAs to the current 2007 Edition SCBAs. In making this determination the departments discovered that the National Fire Protection Association (NFPA) Standard will be dramatically changing in late 2013.

Two of the main changes in the NFPA 2013 Edition are that new face-piece lens have a higher thermal degradation level and the low pressure alarm or end-of-service time indicator (EOSTI) that alerts the firefighter that the air level in their SCBA cylinder has reached a certain level. This last change is the most dramatic and the most time critical.

Current SCBAs will alert the firefighter when they have 25% air left in the air cylinder. The 2013 edition will require the alarm to alert at 33%. This change unfortunately has several ripple effects. First and foremost the SCBA manufacturers will no longer be able to retrofit or up-grade SCBAs to meet this change in the air-packs.

The upgrades we are seeking to do will no longer be available after July of 2013. Any repairs on air-packs after that time would need to meet the new NFPA 2013 Edition and will require the total replacement of the air-pack. Current upgrade costs are \$1,500 per air-pack compared to \$5,500 to replace the air-pack.

In addition the NFPA 2013 Standard eliminates the ability of departments to use their existing inventory of 30 minute air-bottles, which most departments use. After the 2013 edition only 45 or 60 minute air-bottles will be usable on SCBAs purchased under that standard thus forcing additional cost to replace air-bottles as well as purchasing new SCBAs.

Through our Association it was discovered that other fire departments across the State had similar needs and therefore it was determined to expand the project to include as many departments as possible.

Fire departments from across the State were contacted to determine if their SCBAs fell into the category of being upgradable to the NFPA 2007 Edition. Several agencies were found to not need this upgrade as they had recently purchased new SCBAs. Others, mainly very small agencies, were found to have SCBAs that were too old to be upgraded. The list of fire departments in this grant is what we have determined to the best of our ability the ones in need of this project.

#### Project Scope:

This project would upgrade all participating department's self-contained breathing apparatus from the NFPA 2002 Edition to the current NFPA 2007 Edition. Department's would also upgrade their current SCBA facemasks to the NFPA 2013 Edition taking advantage of the improved facemasks without having to replace the whole SCBA.

#### Project Benefits:

- Fiscally prudent in the cost of upgrading is minimal as compared to buying new.
- Extend the service life of current SCBA's through 2018 Edition of "NFPA 1981: Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services".
- Allows departments additional time plan for and phase in the switch from 30 minute to 45 or 60 minute cylinders
- Extend the warranties on SCBA's: 3 years on electronics and 5 years on back-frames and masks
- Upgrades the SCBA's to the current 2007 NFPA Edition
- Allows for departments to repair current SCBA's that are currently out of service due to part's no longer being available for the SEMS units on current SCBA's.
- New SCBA will come with PASS devices that will have the Pack-Tracker firefighter locator system.

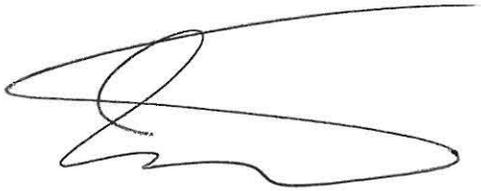
Project Budget:

- Upgrade SCBA's to the "NFPA 1981": 2007 Edition: \$1,441,500
- Purchase Facemasks, "NFPA 1981": 2013 Edition: \$216,225
- Installation of Upgrades in-house by Certified Technician \$25,000

Total Project Budget \$1,682,725

For any questions with regards to this project please feel free to contact me at any time.

Sincerely,

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

Jeff Tucker, Fire Chief  
North Star Volunteer Fire Department  
Immediate Past President, Alaska Fire Chiefs Association  
[jtucker@northstarfire.org](mailto:jtucker@northstarfire.org)  
907-488-3400 (Office)  
907-378-4680 (Cell)

## Alaska Fire Chiefs Association SCBA Up-Grade Project

<u>Department</u>	<u># of Airpacks with SEMS</u>	<u># of Airpacks without SEMS</u>	<u>Total Airpacks</u>	<u>Facemasks</u>	<u>Share of Grant</u>
<b><u>Fairbanks North Star Borough</u></b>					
North Pole Fire Department	36	0	36	36	<b>\$62,100</b>
Steese Volunteer Fire Department	40	0	40	40	<b>\$69,000</b>
Chena Goldstream Fire Rescue	40	0	40	40	<b>\$69,000</b>
Ester Volunteer Fire Department	6	12	18	18	<b>\$31,050</b>
University Fire Department	52	0	52	52	<b>\$89,700</b>
North Star Volunteer Fire Department	77	28	105	105	<b>\$181,125</b>
Fairbanks Area Hazmat Team	0	20	20	20	<b>\$34,500</b>
<b><u>Kenai Peninsula Borough</u></b>					
Kenai Fire Department			26	26	<b>\$44,850</b>
Central Emergency Services			68	68	<b>\$117,300</b>
Nikiski Fire Department			40	40	<b>\$69,000</b>
Bear Creek Fire Department			17	17	<b>\$29,325</b>
Moose Pass Volunteer Fire Department			12	12	<b>\$20,700</b>
Seward Fire Department			40	40	<b>\$69,000</b>
Kechemak Emergency Services			21	21	<b>\$36,225</b>
Homer Volunteer Fire Department			35	35	<b>\$60,375</b>
Ninilchik Volunteer Fire Department			10	10	<b>\$17,250</b>
Anchor Point Volunteer Fire Rescue			12	12	<b>\$20,700</b>
Seldovia Volunteer Fire and Rescue			10	10	<b>\$17,250</b>
Lowell Point Volunteer Fire Department			12	12	<b>\$20,700</b>
<b><u>Kodiak Island Borough</u></b>					
City of Kodiak Fire Department			20	20	<b>\$34,500</b>
Bayside Fire Station (Fire Protection Area 1)			22	22	<b>\$37,950</b>
Woman's Bay Volunteer Fire Department			10	10	<b>\$17,250</b>
<b><u>Ketchikan Gateway Borough</u></b>					
North Tongass Volunteer Fire Department			28	28	<b>\$48,300</b>
South Tongass Volunteer Fire Department			18	18	<b>\$31,050</b>

## Alaska Fire Chiefs Association SCBA Up-Grade Project

<u>Department</u>	<u>Total</u>	<u>Airpacks</u>	<u>Facemasks</u>	<u>Share of Grant</u>
<b>City and Borough of Juneau</b>				
Capital City Fire Rescue		82	82	\$141,450
<b>Municipality of Skagway Borough</b>				
Skagway Fire Department		21	21	\$36,225
<b>The City and Borough of Sitka</b>				
Sitka Fire Department		45	45	\$77,625
<b>Haines Borough</b>				
Haines Volunteer Fire Department		25	25	\$43,125
<b>Unorganized Borough</b>				
Hoonah Volunteer Fire Department		10	10	\$17,250
Dillingham Volunteer Fire Department		16	16	\$27,600
Unalaska Fire/EMS		24	24	\$41,400
Gustavus Volunteer Fire Department		6	6	\$10,350
Nome Volunteer Fire Department		20	20	\$34,500
Installation of upgrades in-house by certified Scott SCBA Technician				\$25,000
<b>Total Cost for Air-Pack Upgrades, Masks, and Installation by Technician</b>		<b>961</b>	<b>961</b>	<b>\$1,682,725</b>

Subtotal per Item    \$1,441,500    \$216,225

Cost per Item        \$1,500 Each    \$225 Each

SEMS = Scott Electronic Management System

All pack upgrades will include the Pack Tracker feature on the PASS device

<u>Department</u>	<u>Number of Firefighters</u>	<u>Population Served</u>
<b>Fairbanks North Star Borough</b>		
North Pole Fire Department	36	2,800
Steese Volunteer Fire Department	51	10,000
Chena Goldstream Fire Rescue	49	9,000
Ester Volunteer Fire Department	35	3,500
University Fire Department	52	20,000
North Star Volunteer Fire Department	60	25,000
Fairbanks Area Hazmat Team *	26	0
* FAHT is a Regional and Statewide responder		
<b>Kenai Peninsula Borough</b>		
Kenai Fire Department	18	7,500
Central Emergency Services	65	20,647
Nikiski Fire Department	50	5,500
Bear Creek Fire Department	33	1,750
Moose Pass Volunteer Fire Department	14	200
Seward Fire Department	32	2,800
Kachemak Emergency Services	36	4,800
Homer Volunteer Fire Department	25	5,700
Ninilchik Volunteer Fire Department	16	800
Anchor Point Volunteer Fire Rescue	40	2,200
Seldovia Volunteer Fire and Rescue	30	461
Lowell Point Volunteer Fire Department	4	80
<b>Kodiak Island Borough</b>		
City of Kodiak Fire Department	13	6,500
Bayside Fire Station (Fire Protection Area 1)	32	3,500
Woman's Bay Volunteer Fire Department	15	800
<b>Ketchikan Gateway Borough</b>		
North Tongass Volunteer Fire Department	11	3,250
South Tongass Volunteer Fire Department	28	3,000

Department		
<b>City and Borough of Juneau</b>		
Capital City Fire Rescue	92	32,298
<b>Municipality of Skagway Borough</b>		
Skagway Fire Department	28	800
<b>The City and Borough of Sitka</b>		
Sitka Fire Department	46	9,089
<b>Haines Borough</b>		
Haines Volunteer Fire Department	40	2,200
<b>Unorganized Borough</b>		
Hoonah Volunteer Fire Department	17	800
Dillingham Volunteer Fire Department	54	2,900
Unalaska Fire/EMS	39	4,000
Gustavus Volunteer Fire Department	10	700
Nome Volunteer Fire Department	42	3,500

	Year Round Firefighters	Population
<b>Totals</b>	<b>1139</b>	<b>196,075</b>

**Total Population of Alaska 731,449**

**Percentage of Alaska Population Served by Project 27%**

SCHEDULE* <b>BUDGET MEETINGS AND PUBLIC HEARINGS</b> FY14 BUDGET All meetings will be held in the Assembly Chambers in the Public Safety Building	
DATE/TIME	AGENDA
Tues., <b>4/2/13</b> – 6:00pm	Board of Equalization Training
Tues., <b>4/9/13</b> - 4:30pm	<b>Committee of the Whole:</b> Budget Introduction, General Fund Overview, Revenues, Fund Balances, Economic Trends, Allocated Expense, School District, Library, and Museum
Tues., 4/9/13 - 6:30pm	Regular assembly meeting
Tues., <b>4/16/13</b> – 5:30pm	<b>C.O.W.:</b> Public Works, Public Facilities, Solid Waste, Sinking Funds, Ports / Harbors, Capital Projects, Road Maintenance Service Areas, Parks, Community Youth Development, Pool, Fire Service Areas, Medical Service (Ambulance/Mental Health), Water, and Sewer
Tues., <b>4/23/13</b> – 4:30pm	<b>C.O.W.:</b> Administration, Assembly, Elections, Finance, Assessment, Information Technology, Lands, Chilkat Center, Economic Development / Tourism, Debt Service Funds, Dispatch, Police, Animal Control, and Passenger Vessel Tax Funds, and Community Funding Requests
Tues., <b>4/23/13</b> - 6:30pm	<b>Introduction</b> of Budget Ordinance at regular meeting
Mon., 4/29/13 - 6:00pm	Board of Equalization
Tues., <b>5/14/13</b> - 6:30pm	<b>First Public Hearing</b> of Budget Ordinance at regular meeting.
Tues., <b>5/28/13</b> - 6:30pm	<b>Second Public Hearing</b> of Budget Ordinance at regular meeting.
Tues., <b>6/11/13</b> - 6:30pm	<b>Third Public Hearing</b> (if needed) of Budget Ordinance at regular meeting. Adopt Budget.

Note: Per Haines Borough Charter 9.01(D), the budget must be adopted by June 15.

\*Schedule and Agenda subject to change.

Please check the website periodically for updates: [www.hainesborough.us](http://www.hainesborough.us)

**From:** Shelly Wright [mailto:shellyw@seconference.org]  
**Sent:** Thursday, March 07, 2013 12:19 PM  
**To:** Stephanie Scott  
**Cc:** shelly@seconference.org; Jerry Lapp; Mark Earnest; Julie Cozzi  
**Subject:** Re: Back up for the Assembly in order for the appropriation to SE Conference for the film to sail through

On Thu, Mar 7, 2013 at 11:41 AM, Stephanie Scott <[sscott@haines.ak.us](mailto:sscott@haines.ak.us)> wrote:  
Hi Shelly,

Deputy Mayor Jerry Lapp returned from Southeast Conference extolling the preview of the film made by 360 north for the 50th anniversary. We would like to "strike while the iron is hot" and see if the Assembly will agree to an appropriation to SE conference to help with the funding for production of the film.

We need some back up for our pitch.

Can you tell us please how many other communities have contributed and what amount?  
Wrangell \$2,000 and Ketchikan \$2,500 with other various small businesses and individuals totaling \$9,500.

Can you also please tell us where the film will be distributed? National Release: This morning, a national program offer for **Alaska's Marine Highway episode one** was distributed to public television program directors across the country. The feed date is scheduled for May 15, 2013. This represents the satellite uplink feed on an encoded public television transponder for use by public TV stations. We have initially cleared the program for unlimited releases over a three year period. Each individual station programmer schedules use and the broadcast time for their station.

An additional postal mailing and an email offer will be going to each station programming executive as a reminder of the May 15 feed date.

Alaska Release: Promotion is well underway for the **Easter Sunday, March 31, 8:00 pm** Alaska broadcast premiere on 360 North television and [360north.org](http://360north.org). You may already be aware of the web and social media campaign which began during the theater screening premiere last week. Visits to the web site, <http://www.360north.org/amhgoldenanniversary/> are increasing daily and new material is being added often.

A second program offer went out this morning to the **public television stations in Alaska** offering **early access** to the program for broadcast any time after the March 31 premiere on 360 North. We have made the documentary available to all of our Alaska sister-stations as of April 1 for unlimited broadcast use. I have already heard back from KAKM-Anchorage to discuss details of a planned Alaska Public TV release.

**TV Promo:** The 30-second promotional spot advertising the March 31 broadcast begins airing on 360 North tomorrow. A generic national version of that spot is being distributed with the national feed to be tailored by local stations around the country. This morning I approved a spot schedule on GCI Cable for **2296** broadcasts of a special GCI version of the 30-second spot promoting the March 31 broadcast. This will run on channels other than 360 North which will already be saturated with our local version and direct viewers to 360 North for the March 31 television premiere.

Press releases and follow-up with other media is planned for the week of the March 31 broadcast.

If you have any questions or ideas to *link, like or share* our promotion, please contact me.

-Tim



Tim Olson

Director of Television Programming  
360 North / KTOO-TV  
[907-463-6472](tel:907-463-6472)  
360 Egan Drive  
Juneau, AK 99801

And finally, what was the total expenditure made by SE Conference for the production and tell us again who were your partners in production and how much they have contributed to the total cost. Southeast Conference contributed \$40,000 toward the four hour set. One pilot which Mr. Lapp enjoyed and three additional programs to follow. Other sponsors of the KTOO/360 North project were Travel Alaska (DCCED), Alaska Marine Highway and the Port of Bellingham.

We have a VERY inquisitive Assembly!

Thanks so much. We meet this coming Tuesday, March 12.

Stephanie Scott  
Mayor, Haines Borough

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*Shelly Wright*, Executive Director  
Southeast Conference  
P.O. Box 21989  
Juneau, Alaska 99802  
Website [www.seconference.org](http://www.seconference.org)  
[907.523.4351](tel:907.523.4351) Phone [907.463.5670](tel:907.463.5670) Fax



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 13-221

Assembly Meeting Date: 3/12/2013

Business Item Description:	Attachments:
Subject: Authorize Additional Disposal Method for the Old Barnett Drive Water Tank	1. Proposed Amendment to Resolution 2. Resolution 13-01-436, adopted 1/22/13
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 3/6/13; originally 1/14/2013	

**Full Title/Motion:**  
Motion: Amend Resolution 13-01-436 adopted on 1/22/13 by inserting "sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines" as an authorized method of disposal for the old Barnett Drive water tank.

**Administrative Recommendation:**  
The borough manager recommends adoption of this resolution.

**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:**  
On 12/8/12, the assembly authorized the borough manager to enter into a construction contract for the replacement of the Barnett Drive water tank. That project is to be completed by August 1, 2013, and the old redwood Barnett Drive water tank must be removed so the project can proceed on schedule. The commercial value of the old tank is estimated at greater than \$1,000, and code states the assembly shall, by resolution, determine which method or methods shall be used for property valued between \$1K & \$25K. On 1/22/13, the assembly adopted Resolution 13-01-436 authorizing disposal by sealed bid. The manager recommends an amendment to the resolution that will allow the alternate disposal method of sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines. The plan now is to donate the tank to the School District Voc Ed Program to use for building things like public benches & picnic tables.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/22, 3/12/13	Tabled to Date:

**Proposed  
Amendment to a  
Previously Adopted  
Resolution**

HAINES BOROUGH  
RESOLUTION No. 13-01-436



**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of the old Barnett Drive water tank by public sealed bid auction to the highest bidder or by sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines.**

**WHEREAS**, on December 11, 2012, the assembly authorized the borough manager to enter into a construction contract for replacement of the Barnett Drive water tank; and

**WHEREAS**, the project is to be completed by August 1, 2013, and the old Barnett Drive water tank must be removed so the project can proceed on schedule; and

**WHEREAS**, according to Haines Borough Code 14.24.010 (Disposal of personal property), the borough manager may authorize the abandonment, destruction, sale, or recycling of borough personal property which has no commercial value in excess of \$1,000; and

**WHEREAS**, the borough in 2010 sought sealed bids for the surplus Young Road water tank, with a winning bid of \$1,247.62, indicating that the old Barnett Drive water tank, with a greater capacity, potentially has a commercial value in excess of \$1,000; and

**WHEREAS**, code states personal property not authorized for abandonment, destruction, sale, or recycling by the manager and no longer needed for municipal purposes shall be disposed of in one or more of the following means: 1) by public outcry auction to the highest bidder, 2) by public sealed bid auction to the highest bidder, 3) to the best qualified proposer who responds to a request for proposals to acquire the property, 4) by sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines, or 5) by sale or transfer to the United States, the state of Alaska or an Alaska municipal corporation or any agency or department thereof; and

**WHEREAS**, HBC 14.24.010 states the borough assembly shall, by resolution, determine which method or methods shall be used to dispose of personal property valued between \$1,000 and \$25,000; and



**WHEREAS**, the borough manager recommends disposing of the old Barnett Drive water tank by public sealed bid auction to the highest bidder or by sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines.



**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the borough manager to dispose of the old Barnett Drive water tank by public sealed bid auction to the highest bidder or by sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines.

Adopted by a duly-constituted quorum of the Haines Borough Assembly this 22nd day of January, 2013. Amended on the \_\_\_\_ day of \_\_\_\_\_, 2013.

Attest:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

**Approved**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of the old Barnett Drive water tank by public sealed bid auction to the highest bidder.**

**WHEREAS**, on December 11, 2012, the assembly authorized the borough manager to enter into a construction contract for replacement of the Barnett Drive water tank; and

**WHEREAS**, the project is to be completed by August 1, 2013, and the old Barnett Drive water tank must be removed so the project can proceed on schedule; and

**WHEREAS**, according to Haines Borough Code 14.24.010 (Disposal of personal property), the borough manager may authorize the abandonment, destruction, sale, or recycling of borough personal property which has no commercial value in excess of \$1,000; and

**WHEREAS**, the borough in 2010 sought sealed bids for the surplus Young Road water tank, with a winning bid of \$1,247.62, indicating that the old Barnett Drive water tank, with a greater capacity, potentially has a commercial value in excess of \$1,000; and

**WHEREAS**, code states personal property not authorized for abandonment, destruction, sale, or recycling by the manager and no longer needed for municipal purposes shall be disposed of in one or more of the following means: 1) by public outcry auction to the highest bidder, 2) by public sealed bid auction to the highest bidder, 3) to the best qualified proposer who responds to a request for proposals to acquire the property, 4) by sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines, or 5) by sale or transfer to the United States, the state of Alaska or an Alaska municipal corporation or any agency or department thereof; and

**WHEREAS**, HBC 14.24.010 states the borough assembly shall, by resolution, determine which method or methods shall be used to dispose of personal property valued between \$1,000 and \$25,000; and

**WHEREAS**, the borough manager recommends disposing of the old Barnett Drive water tank by public sealed bid auction to the highest bidder,

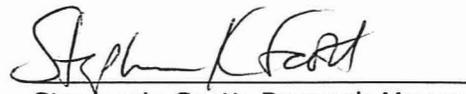
**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the borough manager to dispose of the old Barnett Drive water tank by public sealed bid auction to the highest bidder.

Adopted by a duly-constituted quorum of the Haines Borough Assembly this 22nd day of January, 2013.

Attest:

  
Michelle Webb, Deputy Clerk



  
Stephanie Scott, Borough Mayor