


Haines Borough
Borough Assembly Meeting #244
AGENDA

April 23, 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 – Fire Department Report
- 9A – Tourism Advisory Board Minutes
- 11A1 – Adoption of Resolution 13-04-456
- 11A2 – Adoption of Resolution 13-04-xxx
- 11B1 – Introduction of Ordinance 13-04-xxx
- 11C1 – Liquor License Transfer
- 11C2 – Revised Budget Schedule

*** 4. APPROVAL OF MINUTES – April 9, 2013 Regular**

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

6. MAYOR'S COMMENTS/REPORT

- A. **Proclamation establishing the month of May 2013 as Haines Borough Bike Month**
- B. **PND Engineers Slump Update**
- C. **PND Engineers Portage Cove Harbor Geotech Report**

7. PUBLIC HEARINGS

- A. **Ordinance 13-03-316** – Second Hearing
An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160(D) to clarify the wage and bonding requirements for public construction projects and to change the project amount that is subject to minimum wage rates to match the state's increase from \$2,000 to \$25,000.

*This is a housekeeping ordinance amending borough code to match the referenced state law. It was introduced on 3/26 and had a first public hearing on 4/9. **Motion:** Adopt Ordinance 13-03-316.*

- B. **Ordinance 13-03-317** – Second Hearing
An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.10.200(B) to remove the requirement for assembly approval in order for a member to participate by teleconference.

*This is a housekeeping ordinance amending borough code to reflect actual practice. It was introduced on 3/26 and had a first public hearing on 4/9. **Motion:** Adopt Ordinance 13-03-317.*

- C. **Ordinance 13-03-318** – Second Hearing
An Ordinance of the Haines Borough amending Borough Code Title 3, Chapter 3.33 to correct the name of the Port Chilkoot Dock Enterprise Fund.

*This is a housekeeping ordinance amending borough code to replace an incorrect name. It was introduced on 3/26 and had a first public hearing on 4/9. **Motion:** Adopt Ordinance 13-03-318.*

7. PUBLIC HEARINGS ---continued---

D. **Ordinance 13-03-319** – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.04.010 to stipulate school district budget submittal and appropriation dates.

*The intention of this ordinance is to codify practice not to introduce new practice. AS 14.14.060(c) says unless otherwise provided by municipal ordinance, the school board shall submit the school budget for the following school year to the assembly by May 1, and within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes. However, the assembly does not adopt the annual budget until sometime the first half of June (by the 15th at the latest), and therefore does not finally determine the school appropriation until then. It was introduced on 3/26 and had a first hearing on 4/9. **Motion:** Adopt Ordinance 13-03-319.*

E. **Ordinance 13-03-320** – Second Hearing

An Ordinance of the Haines Borough determining whether foreclosed properties deeded to the borough shall be retained for a public purpose or sold.

*Four properties have gone through the foreclosure process and the court has conveyed all rights, titles, and interest to the Haines Borough. HBC 3.74.220 requires the borough assembly to determine by ordinance whether foreclosed property deeded to the borough should be retained for a public purpose or sold. HBC 14.20.040 says the assembly may classify lands for sale with the advice of the planning commission. During a public meeting on 3/14/13, the planning commission considered all four properties and made the decision to recommend the properties be sold. It was introduced on 3/26 and had a first public hearing on 4/9. **Motion:** Adopt Ordinance 13-03-320.*

F. **Ordinance 13-03-321** – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 7, Section 7.08.010 to discontinue the Fire Service Area #1 Board.

*This ordinance is sponsored by Assembly Member Lapp and supported by the Haines Volunteer Fire Dept. It was introduced on 3/26 and had a first public hearing on 4/9. **Motion:** Adopt Ordinance 13-03-321.*

G. **Ordinance 13-04-322** – First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.72.100 to change the assessment appeal deadline to be in compliance with state law.

*This is a housekeeping ordinance amending borough code to change the assessment appeal deadline to be in compliance with state law. The borough is required to follow the thirty-day deadline set forth in AS 29.45.190(b) rather than the May 1st deadline in HBC 3.72.100(b). This was introduced on 4/9. **Motion:** Advance Ordinance 13-04-322 to a second public hearing on 5/14/13.*

8. STAFF/FACILITY REPORTS

A. **Borough Manager** – 4/23/13 Report

*B. **Haines Fire Department** – March 2013 Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

*A. **Tourism Advisory Board** – Minutes of 2/20/13

B. **Assembly Standing Committee Reports**

10. UNFINISHED BUSINESS

A. **Sales Tax Exemption Request – Great Bear Foundation**

*Note: Great Bear Foundation, a 501(c)3 organization, applied for sales tax exemption status as allowed by HBC 3.80.050(13). On 3/26, the assembly postponed consideration of the approval motion until this meeting to provide the borough's finance director with an opportunity to research the question of a nonprofit having ancillary revenue-generating sales. Debate may resume on the following motion: "approve the request from Great Bear Foundation for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate." However, the finance director has asked for additional time to research this matter. **Suggested Motion:** Postpone this request to the May 28, 2013 meeting to allow additional time to research the pending report from the finance director.*

11. NEW BUSINESS

A. Resolutions

* 1. **Resolution 13-04-456**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to lease an easement within a borough-owned Right of Way to Albert Sacks.

*This resolution is recommended by the planning commission. **Motion:** Adopt Resolution 13-04-456.*

* 2. **Resolution 13-04-457**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Barnett Drive Bolted Steel Water Tank project for an amount not to exceed \$115,686.43.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-04-457.*

B. Ordinances for Introduction

* 1. **Ordinance 13-04-323**

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY13 Budget.

*This ordinance is recommended by the finance committee and the borough manager. **Motion:** Introduce Ordinance 13-04-323 and set a first public hearing for 5/14/13.*

2. **Ordinance 13-04-324**

An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the budget of the Haines Borough for the Period July 1, 2013 through June 30, 2014 (Fiscal Year 2014).

*This ordinance is recommended by the borough manager. **Motion:** Introduce Ordinance 13-04-324 and set a first public hearing for 5/14/13.*

C. Other New Business

* 1. **Liquor License Transfer**

The Alaska Alcohol Beverage Control 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. **Revised Budget Schedule**

The Mayor has added additional Committee of the Whole (C.O.W.) Budget meetings as an outcome of the 4/16/13 Budget C.O.W.

3. **Early Retirement Incentive Program**

*The mayor has requested this topic in response to Assembly Member Vick's request for the opportunity to discuss possible policy statements for assembly consideration for an early retirement incentive program and relating to budget issues. **Motion:** Direct the manager to research the impact on borough finances and the Fiscal Year 2014 budget of an employee early retirement incentive program and report findings to the assembly before the adoption of the FY 14 budget.*

12. SET MEETING DATES

A. Personnel Committee - Topic: Police Department Organization

13. PUBLIC COMMENTS

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

15. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #243
April 9, 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**, Dave **BERRY**, Joanne **WATERMAN**, Jerry **LAPP**, Norman **SMITH**, and Steve **VICK**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Finance Director, Michelle **WEBB**/Deputy Clerk, Gary **LOWE**/Chief of Police, Carlos **JIMENEZ**/Director of Public Facilities, Darsie **CULBECK**/Executive Assistant to the Manager, Tanya **CARLSON**/Tourism Director, and Jerrie **CLARKE**/Museum Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Dave **KAMMERER**, Shannon **DONAHUE** (via phone), Kelly **LOWE**, Pam **RANDLES**, David and Viva **LANDRY**, Laverne **BRYANT**, Heidi **ROBICHAUD**, and others.

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

The following Items were on the published consent agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center Facility Report
- 11A1 – Adoption of Resolution 13-04-451
- 11A2 – Adoption of Resolution 13-04-452
- 11A3 – Adoption of Resolution 13-04-453
- 11A4 – Adoption of Resolution 13-04-454
- 11A5 – Adoption of Resolution 13-04-455
- 11B1 – Introduction of Ordinance 13-04-322
- 11C1 – Approve Support Letter for CIA Grant Application

Motion: **LAPP** moved to “approve the agenda/consent agenda,” and it was amended to move 11C3 to follow item 6. The agenda, as amended, was approved unanimously.

* 4. **APPROVAL OF MINUTES** – March 26, 2013 Regular and March 15, 2013 Special

5. **PUBLIC COMMENTS** - None

6. **MAYOR’S COMMENTS/REPORT**

Mayor **SCOTT** said since the assembly asked the manager and her to talk with the Alaska Marine Highway System (AMHS) about overnight parking at the Haines ferry terminal, communication with AMHS General Manager Captain John Falvey has taken place. He is willing to work with Haines to come up with a plan prior to installing *no parking* signs.

11C3 – Matters Concerning the Chief of Police - moved to this point during approval of the agenda.

Motion: **WATERMAN** moved to “meet in executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to discuss personnel matters concerning the police chief because a public discussion may tend to prejudice the character and reputations of those involved; the manager and borough attorney are requested to attend.” The motion carried unanimously.

Present: Mayor Scott; Assembly Members Waterman, Lapp, Berry, Smith, Schnabel, and Vick; Manager Earnest; and Attorney Brooks Chandler. The executive session began at 6:36 and ended at 7:14.

Motion: **LAPP** moved to “accept the negotiated separation agreement with Gary Lowe and the Haines Borough and authorize the mayor to sign the agreement on behalf of the assembly,” and the motion carried unanimously in a roll call vote.

It was announced the agreement will become a public document at the start of business on April 16.

7. **PUBLIC HEARINGS**

A. **Commercial Tour Permit – New for 2013**

Note: Viva and David Landry, Anytime Taxi & Tours, have applied for a new 2013 Commercial Tour Permit to operate a taxi service within the Haines Borough. They propose to provide taxi service

within the townsite and to/from the ferry terminal and the airport. Additionally, they would like to offer tours based on Haines history and Tlingit culture.

Mayor **SCOTT** opened the public hearing at 7:16pm.

V.**LANDRY** explained the business plans and said she is still working on some details. She believes there is a lot of history along the Chilkoot River Corridor, especially related to the culture camp. Many people and organizations, including the clinic, are very happy there may be another taxi. She thanked everyone for the support and feedback she has received.

The mayor closed the public hearing at 7:21pm.

Motion: **LAPP** moved to "authorize the borough clerk to process the Anytime Taxi & Tours application and, if everything is in order, issue a 2013 commercial tour permit," and the motion carried unanimously in a roll call vote. There was no discussion.

B. Ordinance 13-03-316 – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160(D) to clarify the wage and bonding requirements for public construction projects and to change the project amount that is subject to minimum wage rates to match the state's increase from \$2,000 to \$25,000.

Mayor **SCOTT** opened and closed the public hearing at 7:22pm; there were no public comments.

Motion: **BERRY** moved to "advance Ordinance 13-03-316 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

C. Ordinance 13-03-317 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.10.200(B) to remove the requirement for assembly approval in order for a member to participate by teleconference and to clarify cost responsibility.

Mayor **SCOTT** opened and closed the public hearing at 7:24pm; there were no public comments.

Motion: **WATERMAN** moved to "advance Ordinance 13-03-317 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

D. Ordinance 13-03-318 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Chapter 3.33 to correct the name of the Port Chilkoot Dock Enterprise Fund.

Mayor **SCOTT** opened and closed the public hearing at 7:24pm; there were no public comments.

Motion: **BERRY** moved to "advance Ordinance 13-03-318 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

E. Ordinance 13-03-319 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.04.010 to stipulate school district budget submittal and appropriation dates.

Mayor **SCOTT** opened and closed the public hearing at 7:25pm; there were no public comments.

Motion: **WATERMAN** moved to "advance Ordinance 13-03-319 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

F. Ordinance 13-03-320 – First Hearing

An Ordinance of the Haines Borough determining whether foreclosed properties deeded to the borough shall be retained for a public purpose or sold.

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

Motion: **WATERMAN** moved to "advance Ordinance 13-03-320 to a second public hearing on 4/23/13," and it was amended to replace it in its entirety with the proposed substitute ordinance. The motion carried unanimously. There was no discussion.

E. Ordinance 13-03-321 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 7, Section 7.08.010 to discontinue the Fire Service Area #1 Board.

Mayor **SCOTT** opened and closed the public hearing at 7:28pm; there were no public comments.

Motion: **LAPP** moved to "advance Ordinance 13-03-321 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

Mayor **SCOTT** said she attended the last FSA1 Board meeting to discuss the ordinance. The majority

of the board members believe the board is not necessary. There are a few issues such as differential taxation that could be addressed by another committee, such as Government Affairs & Services.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 4/9/13

EARNEST summarized his written report.

SMITH asked when the results of the random heliski GPS samples will be out. **CULBECK** said the results may be posted on the borough's website by Monday, the 15th.

***B. Chilkat Center for the Arts – March 2013 Report**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Standing Committee Reports

LAPP said the committee met to discuss the funding source for the Mosquito Lake School fire suppression system and their recommendation will be part of the FY13 budget amendment ordinance that will be coming to the assembly. The committee discussed additional budget amendments and will meet again prior to the next assembly meeting to continue review prior to the ordinance being introduced.

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

*** 1. Resolution 13-04-451**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with River Adventures for \$80 per hour for the operation of the 2013 Visitor Shuttle Service.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-451."

*** 2. Resolution 13-04-452**

A Resolution of the Haines Borough Assembly in support of restoring certain components of Power Cost Equalization that existed prior to 1999 and including small-business rate payers in the program.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-452."

*** 3. Resolution 13-04-453**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to purchase from EMP Industries a harbor pump-out system for \$15,420.94.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-453."

*** 4. Resolution 13-04-454**

A Resolution of the Haines Borough Assembly supporting efforts to modify the PERS Termination Studies law to provide municipalities with the operational flexibility to effectively manage the delivery of programs and services.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-454."

*** 5. Resolution 13-04-455**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Pacific Pile & Marine, L.P. for the Port Chilkoot Dock and Letnikof Cove Renovations project for an amount not-to-exceed \$5,804,340.00.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-455."

B. Ordinances for Introduction

*** 1. Ordinance 13-04-322**

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.72.100 to change the assessment appeal deadline to be in compliance with state law.

The motion adopted by approval of the consent agenda: "introduce Ordinance 13-04-322 and set a first public hearing for 4/23/13."

C. Other New Business

*** 1. Support Letter for CIA Pellet Facility Grant**

Note: the borough was asked for a support letter for a CIA application to the USDA for a grant for borough letter of support for the CIA application to the USDA for grant funding for engineering of engineering regarding a wood pellet production facility in Haines. Mayor Scott drafted a letter and sought assembly approval. Motion adopted by approval of the consent agenda: "approve the a wood pellet production facility in Haines."

2. Reconsideration of 3/26/13 Motion – Great Bear Foundation (GBF) Commercial Tour

Note: The following motion failed during the 3/26/13 assembly meeting: "authorize the borough clerk to process the Great Bear Foundation application and, if everything is in order, issue a 2013 commercial tour permit." Vick, Waterman, and Lapp voted yes, and Schnabel, Smith, and Berry voted no. The mayor broke the tie in the negative, so the motion failed 3-4. A member of the prevailing side, assembly member Berry, stated his intention to ask for reconsideration.

Motion: BERRY moved to reconsider the 3/26/13 motion to approve the Great Bear Foundation tour, and it carried unanimously.

This returned the motion to **authorize the borough clerk to process the Great Bear Foundation application and, if everything is in order, issue a 2013 commercial tour permit** to the table.

During the discussion, BERRY explained his reason for voting no previously was because of concerns about sales tax. After discussions with DONAHUE, he feels comfortable voting for it knowing she intends to charge sales tax as part of the price of the tours. SCHNABEL said many people in the community have made convincing arguments that it is not the assembly's job to manage a state park and that makes some sense to her. State Parks will be coming to Haines soon to discuss traffic concerns in the Chilkoot River Corridor. When they determine the capacity limits, the assembly can use that as a guide for making future decisions involving that area. Mayor SCOTT said she has had conversations with DONAHUE, as well, and has become convinced that the proposed activities are more classes than tours. SCHNABEL asked about the possibility of being one of the first walking tours into the Chilkoot River Corridor. DONAHUE will consider it but there are a lot of reasons to have a vehicle or at least access to one. SMITH asked if she still plans to pursue sales tax exemption status. DONAHUE said she will voluntarily charge sales tax for the tours but for the foundation she would like to be sales tax exempt. [Note: there was some discussion about making the charging of sales tax a condition of the permit, but no action was taken on that.]

The motion carried unanimously in a roll call vote.

3. Matters Concerning the Chief of Police – This item was moved up to follow Item 6 during approval of the agenda.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

A. Finance Committee – Monday, 4/15, 5:30pm – Topic: Proposed FY13 Budget Amendments.

B. Commerce Committee – Monday, 4/15, 4:30pm – Topics: 1) Towing, 2) Garbage issues, and 3) Other misc. commerce-related matters.

14. PUBLIC COMMENTS - None

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

EARNEST said he has a planned vacation for the last two weeks in June.

Mayor SCOTT reported there is a problem with fireworks in the Mosquito Lake area. Officer Bentz is aware of the issue and the state troopers have promised to take care of it.

16. ADJOURNMENT – 7:55pm

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

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Draft

Office of the Mayor

Haines, Alaska

Proclamation

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A Proclamation Establishing the month of May 2013 as Haines Borough Bike Month

WHEREAS, for more than a century, the bicycle has been an important part of the lives of most Americans; and

WHEREAS, today, millions of Americans engage in bicycling as an environmentally sound form of transportation, an excellent form of fitness, and provides quality family recreation; and

WHEREAS, the education of the cyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

WHEREAS, the League of American Bicyclists and independent cyclists throughout the United States and Alaska are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries and fatalities; and

WHEREAS, the Haines Borough has an opportunity to establish and promote itself both as a bicycle friendly community and as a world-class destination for cycling enthusiasts;

WHEREAS, the Kluane-Chilkat International Bike Relay and the 1,200 riders, plus volunteers and support crews, that descend upon our community each year is an example of the type of economic benefit associated with bicycle promotion.

NOW, THEREFORE, I, Stephanie Scott, Haines Borough Mayor, do hereby proclaim, the month of May 2013 as Haines Borough BIKE MONTH and dedicate its observance to all citizens.

In witness whereof I have hereunto set my hand
and caused the seal of this borough to be affixed.

Mayor _____

Date _____



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-255

Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: Amend Title 3 re. Public Improvement Projects that Require Minimum Wage Rates	1. Ordinance 13-03-316
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 3-18-13	

Full Title/Motion:
Motion: Adopt Ordinance 13-03-316.

Administrative Recommendation:
The borough manager recommends this.

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:
In 2011, HB 155 was signed into law. It increased the amount of a public improvement project requiring Davis Bacon wages (minimum wage rates) from \$2,000 to \$25,000. This is a housekeeping ordinance to amend borough code to match the new state law.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 4/9/13 & 4/23/13
Meeting Date(s): 3/26, 4/9, 4/23/13	Tabled to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160(D) to clarify the wage and bonding requirements for public construction projects and to change the project amount that is subject to minimum wage rates to match the state's increase from \$2,000 to \$25,000.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Section 3.60.160(D). Section 3.60.160(D) of the Haines Borough Code is hereby amended to read as follows:

NOTE: BOLDED/UNDERLINED ITEMS ARE ADDED
STRIKETHROUGHS ARE DELETED

3.60.160 Award of contract – Lowest bidder – Evaluation and exception – Negotiation.

...

D. State Contract Requirements. ~~If the eContracts amount for a construction projects is over \$2,000,~~ **\$25,000 are subject to the** AS 36.05 applies **minimum wage rate requirement and**. ~~For construction projects over \$100,000,~~ **are subject to the** AS 36.25.010 **payment and performance bond requirements** ~~also applies.~~

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: 03/26/13
Date of First Public Hearing: 04/09/13
Date of Second Public Hearing: 04/23/13



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-256
Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: Amend Title 2 re. Assembly Attendance by Teleconference <hr/> Originator: Mayor <hr/> Originating Department: Mayor's Office <hr/> Date Submitted: 3-18-13	1. Ordinance 13-03-317

Full Title/Motion:
 Motion: Adopt Ordinance 13-03-317.

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:

HBC 2.10.200(B)(1) states that assembly members meeting in person actually have to "approve" a member's attendance via teleconference. In actual practice, an assembly has never formally "approved" a member's participation via teleconference. It has most likely always been assumed that it is acceptable in every case. The mayor suggests this section of code might be amended to reflect actual practice. Additionally, on 3/26/13, the ordinance was amended to include a phrase to clarify responsibility for paying the cost of the call.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 4/9/13 & 4/23/13
Meeting Date(s): 3/26, 4/9, 4/23/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 2, SECTION 2.10.200(B) TO REMOVE THE REQUIREMENT FOR ASSEMBLY APPROVAL IN ORDER FOR A MEMBER TO PARTICIPATE BY TELECONFERENCE AND TO CLARIFY COST RESPONSIBILITY.

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 2.10.200(B). Section 2.10.200(B) 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

2.10.200 Quorum – Voting.

A. Four assembly members constitute a quorum. Four affirmative votes, by either four assembly members or three assembly members on a tie vote, plus the vote of the mayor, are required for the passage of an ordinance, resolution, or motion, excepting the provisions for filling of vacancy and emergency ordinances provided for in this title.

B. Except when adopted as part of a consent agenda, the final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All assembly members present shall vote unless the presiding officer, for special reasons, permits a member to abstain. (See HBC 2.10.190(C).) A member of the assembly is considered present for the purposes of a quorum if the member is disqualified from voting or is allowed to abstain by law. Attendance at regular and special assembly meetings by long-distance teleconferencing may be utilized to establish a quorum for voting or to allow attendance by an absent assembly member at the member's request, providing-

~~1. The assembly members meeting in person approve the attendance by members who participate by long-distance teleconference; and~~

~~2. Costs of long-distance teleconference are borne by the assembly member~~ **unless prior arrangements are made.**

Assembly members participating by long-distance teleconferencing shall be considered present and shall have all rights and privileges of any other member.

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

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 03/26/13
Date of First Public Hearing: 04/09/13
Date of Second Public Hearing: 04/23/13



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-257
Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: Amend Title 3 to Correct Name of PC Dock Enterprise Fund	1. Ordinance 13-03-318
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 3-18-13	

Full Title/Motion:
Motion: Adopt Ordinance 13-03-318.

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:
This is a housekeeping ordinance amending borough code to correct the name of the Port Chilkoot Dock Enterprise Fund.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 4/9/13 & 4/23/13
Meeting Date(s): 3/26, 4/9, & 4/23/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 3, CHAPTER 3.33 TO CORRECT THE NAME OF THE PORT CHILKOOT DOCK ENTERPRISE FUND.

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 Chapter 3.33. Chapter 3.33 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 3.33

~~PORTAGE COVE~~ PORT CHILKOOT DOCK ENTERPRISE FUND

Sections:

- 3.33.010 Policy and intent.
- 3.33.020 Purpose.
- 3.33.030 Management.
- 3.33.040 Investment policy.

3.33.010 Policy and intent.

The intent of this chapter is to provide for the proper accounting and management of public funds derived from charges for service for utilization of the ~~Portage Cove~~ **Port Chilkoot** Dock facility, including a lighterage dock. The Port Tariff should establish fees, charges and rates of use for the ~~Portage Cove~~ **Port Chilkoot** Dock.

3.33.020 Purpose.

There is established a separate fund entitled the "~~Portage Cove~~ **Port Chilkoot** Dock enterprise fund." This fund shall be used to account separately for the provision of the ~~Portage Cove~~ **Port Chilkoot** Dock services. Activities necessary to provide such services include, but are not limited to, administration, operations, maintenance, billings and collections.

3.33.030 Management.

The borough chief fiscal officer is designated as the official with the responsibility for managing the moneys received and disbursed within the ~~boat harbor~~ **Port Chilkoot Dock** enterprise fund and as directed by the assembly.

3.33.040 Investment policy.

Investment policy is set forth in Chapter [3.08](#) HBC.

Haines Borough
Ordinance No. 13-03-318
Page 2 of 2

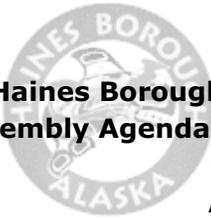
ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2013.

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 03/26/13
Date of First Public Hearing: 04/09/13
Date of Second Public Hearing: 04/23/13



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-248

Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: School District Budget Dates	1. Ordinance 13-03-319 2. Explanatory Emails
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 3/18/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-03-319.

Administrative Recommendation:
The borough manager recommends this.

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

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

Summary Statement:
<p>The intention of this ordinance is to codify practice not to introduce new practice.</p> <p>AK Statute 14.14.060(c) says unless otherwise provided by municipal ordinance, the school board shall submit the school budget for the following school year to the assembly by May 1, and within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes. The assembly does not adopt the annual budget until sometime the first half of June (by the 15th at the latest), and therefore does not finally determine the school appropriation until then.</p> <p>Borough Charter 9.01(D) provides that the assembly by ordinance may provide for additional procedures regarding submission during the annual budget process.</p>

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

Assembly Action:	
Workshop Date(s): Meeting Date(s): 3/26, 4/9, & 4/23/13	Public Hearing Date(s): 4/9/13 & 4/23 Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 3, SECTION 3.04.010 TO STIPULATE SCHOOL DISTRICT BUDGET SUBMITTAL AND APPROPRIATION DATES.

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 3.04.010. Section 3.04.010 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

3.04.010 Budget.

A. The dates of the borough fiscal year and the manner for preparation and submission of the budget and capital program by the manager shall be as prescribed in the borough charter.

B. The budget message submitted by the manager to the assembly shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the borough for the budget year, and shall describe in connection therewith the most important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in appropriation and revenue items and it shall explain any major changes in policy.

C. **The borough school board shall submit the school budget for the following school year to the borough assembly by May 1 for approval of the total amount. The assembly shall determine the total amount of money to be made available from local sources for school purposes and shall no later than June 15 furnish the school board with a statement of the sum to be made available.**

D. The assembly shall hold at least two public hearings on the proposed budget and capital program.

E. After such public hearings, the assembly may adopt, with or without amendment, the annual budget as proposed by the manager.

F. No payment may be authorized or made and no obligation incurred against the borough except in accordance with appropriations duly made by the assembly. No budget appropriations can be encumbered without certification by the chief fiscal officer that there is an unencumbered appropriation and available funds.

G. Nothing contained in this section or other provisions of this title is intended to prevent the authorizing of payment or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds; nor is it intended to prevent the making, when permitted by law, of any contract or any lease providing for the payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made or approved by ordinance.

Haines Borough
Ordinance No. 13-03-319
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: 03/26/13
Date of First Public Hearing: 04/09/13
Date of Second Public Hearing: 04/23/13

From: Stephanie Scott
Sent: Friday, January 11, 2013 6:02 PM
To: Jila Stuart
Cc: Julie Cozzi; Mark Earnest
Subject: Re: More explanation for my school district question

It seems like we need an ordinance that says when the School Board will submit its request (May 1?) and when the Assembly will appropriate an amount of money for the school district (June 15). Does that make sense and basically codified what has been historically the practice? Perhaps you ask the school district for its budget before May 1?

We need to take care of this now before we are in the throes of budgeting, don't you think? The ordinance should be regarded more as "housekeeping" than the making of a particular statement about policy. I think the intention is to codify practice not to introduce new practice.

Stephanie Scott
Mayor, Haines Borough
907-766-2231 ext.30

On Jan 11, 2013, at 2:56 PM, "Jila Stuart" <jstuart@haines.ak.us> wrote:

It sounds like we need to either make a change to our procedure or our code based on Brook's response.

Jila Stuart

Haines Borough
Finance Director

From: Brooks Chandler [<mailto:BChandler@bcf.us.com>]
Sent: Friday, January 11, 2013 8:49 AM
To: Jila Stuart
Cc: Mark Earnest
Subject: RE: More explanation for my school district question

The procedure has not been altered by charter of Code with one exception. The deadline under state law for formally adopting the budget thereby making appropriations for the District (June 30) has been moved UP to June 15.

So per charter and Code the process is:

April 1- Manager presents budget without School Board funding (assuming it has not been received)- most likely this budget just uses last year's number with a footnote indicating we are waiting for this year's funding request OR inserts the minimum required local contribution per state law.

May 1- Last day to receive request from School Board.

May 30 (or earlier depending on when School Board submits funding request)- Last day for Assembly to act on School Board funding request.

June 15- Last day to adopt budget.

There are some relevant charter provisions regarding giving the District lots of financial autonomy- VII, Sec. 7.04(B) and budgeting IX, Sec. 9.01 and the Borough Code provision is consistent with the Charter. HBC 3.04.010.

Brooks Chandler
Boyd, Chandler & Falconer LLP

Brooks,

Mark asked me to forward this question to you. It seems maybe the Borough doesn't have anything in ordinance excepting us from the following:

AS Sec. 14.14.060.

(c) Except as otherwise provided by municipal ordinance, the borough school board shall submit the school budget for the following school year to the borough assembly by May 1 for approval of the total amount. Within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes and shall furnish the school board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. Except as otherwise provided by municipal ordinance, by June 30, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.

Could you verify?

Thanks,

Jila

From: Stephanie Scott [<mailto:sscott@aptalaska.net>]
Sent: Wednesday, January 02, 2013 1:39 PM
To: Jila Stuart
Cc: Julie Cozzi; Mark Earnest
Subject: More explanation for my school district question

Hi Jila,

Here are the dates in State Statute re the school district, that I am wondering if we have adjusted through ordinance:

Key dates stipulated in our own Charter and Code are:

April 1: Manager presents the Budget and Six-Year CIP Plan to the Assembly (Charter Article IX, Section 9.01 (B))

June 15: Assembly adopts budget by ordinance; if not, the Manager's budget is adopted. (Charter Article IX, Section 9.01 (D))

Three key dates related to the School District stipulated in State Statute are:

May 1: State Statute requires the School Board to submit the school district budget to the Borough Assembly for approval - unless provided for otherwise by municipal ordinance (AK 14.14.060 (c))

May 30: State Statute (AK 14.14.060 (c)) requires the Assembly to "furnish the school board with a statement of the sum to be made available" or the amount requested is automatically approved

June 30: State Statute (AK 14.14.060 (c)) requires the Assembly to appropriate the amount to be made available from local sources to the school board.

These state stipulated dates can be changed if "otherwise provided for by municipal ordinance." So my question is, have we? I bet we have and I just can't find it.

Thanks!

Stephanie



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-252
Assembly Meeting Date: 4/23/13

Business Item Description:		Attachments:
Subject:	Foreclosed Properties Deeded Back to Haines Borough	1. Ordinance 13-03-320 2. Substitute Ordinance recommended by Clerk 3. Planning Commission Recommendation 4. Maps Showing Location of Properties 5. HBC 3.74.220
Originator:		
Finance Director		
Originating Department:		
Finance Department		
Date Submitted:		
3-18-13		

Full Title/Motion:
Motion: Adopt Ordinance 13-03-320.

Administrative Recommendation:
The borough manager recommends this.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ Cost of Advertising	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. : Goal 5, page 199	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

Four properties have gone through the foreclosure process and the court has conveyed all rights, titles, and interest to the Haines Borough. HBC 3.74.220 requires the borough assembly to determine by ordinance whether foreclosed property deeded to the borough should be retained for a public purpose or sold. HBC 14.20.040 says the assembly may classify lands for sale with the advice of the planning commission. During a public meeting on 3/14/13, the planning commission considered all four properties and made the decision to recommend the properties be sold.

Since introduction, the borough clerk discovered code requires the resolution to include the names of the last property owners of records. These names were omitted, and a substitute ordinance has been prepared that includes them. The clerk recommends this.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 4/9/13 & 4/23/13
Meeting Date(s): 3/26, 4/9, & 4/23/13	Tabled to Date:

HAINES BOROUGH
ORDINANCE No. 13-03-320 **Draft**

An ordinance of the Haines Borough determining whether foreclosed properties deeded to the borough shall be retained for a public purpose or sold.

WHEREAS, delinquent property tax liens resulted in foreclosure of the following three parcels within the Haines Borough (First Judicial District, State of Alaska):

- B-EXS-OB-0700 – Excursion Inlet South 81-90, BLK B, Lot 7, Juneau Recording District (3.82 Acres) **(William Middleton, last owner of record)**
- 3-MVE-00-1300 – Moose Valley Estates Subdivision, Lots 13 & 18, Haines Recording District (10 Acres) **(Troy Brown, last owner of record)**
- B-EXS-OC-0400 – Excursion Inlet South Subdivision, Lot 4, BLK C, Juneau Recording District (3.73 Acres) **(Lisa Esparza, last owner of record)**; and

WHEREAS, on November 14, 2012, the Court of the State of Alaska issued judgments finalizing the foreclosures and conveying all rights, titles, and interest in the real property by “clerk’s deed” to the Haines Borough; and

WHEREAS, a land sale default on the following parcel resulted in foreclosure and the return of the deed to the Haines Borough:

- B-CKL-05-1400 – Chilkat Lake Sub, BLK 5, Lot 14, Haines Recording District, First Judicial District, State of Alaska (1.16 Acres) **(Marcia Carlisle, last owner of record)**; and

WHEREAS, all four parcels are now Haines Borough property, and HBC 14.20.040 provides that borough lands may be classified for sale by the assembly with the advice of the planning commission and that public meetings shall be held by the planning commission to discuss any such classification and designation before making any recommendation to the assembly, and

WHEREAS, following discussion of the four properties during a public meeting on March 14 the planning commission decided to recommend that all four parcels be sold, and

WHEREAS, HBC 3.74.220 requires that the borough assembly determine by ordinance whether foreclosed property deeded to the borough shall be retained for a public purpose; and

WHEREAS, foreclosed properties conveyed to the borough and not required for a public purpose may be sold provided the borough assembly, by ordinance, determines that a public need for the properties does not exist,

NOW THEREFORE BE IT ENACTED by the Haines Borough Assembly that the four aforementioned parcels are not required for a public purpose and may be sold according to HBC 14.20.

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

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

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 3. Purpose. To determine whether foreclosed properties deeded to the borough shall be retained for a public purpose.

Haines Borough
Ordinance No. 13-03-320
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: 03/26/13
Date of First Public Hearing: 04/09/13
Date of Second Public Hearing: 04/23/13



Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: March 15, 2013

TO: Borough Assembly

FROM: The Haines Planning Commission

PLANNING COMMISSION ACTION:

Motion: Venables moved to “classify for sale the four foreclosed properties that have returned to Borough ownership”. The motion passed unanimously.

RATIONALE:

NO land which the Borough owns or has an interest shall be sold until it has been classified for sale.

PLANNING COMMISSION REQUEST: To classify the four foreclosed property for sale.

SUBMITTED BY _____

A handwritten signature in black ink, appearing to read "Rob Goldberg", is written over a horizontal line.

(signature)

Rob Goldberg
Planning Commission Chair



Excursion Inlet

Neva Lake

**B-EXS-0B-0700 - Excursion Inlet South 81-90
Block B, Lot 7, 3.82 Acres**





3-MVE-00-1300 - Moose Valley Estates Lots 13 & 18, 10 Acres



Valley Ct

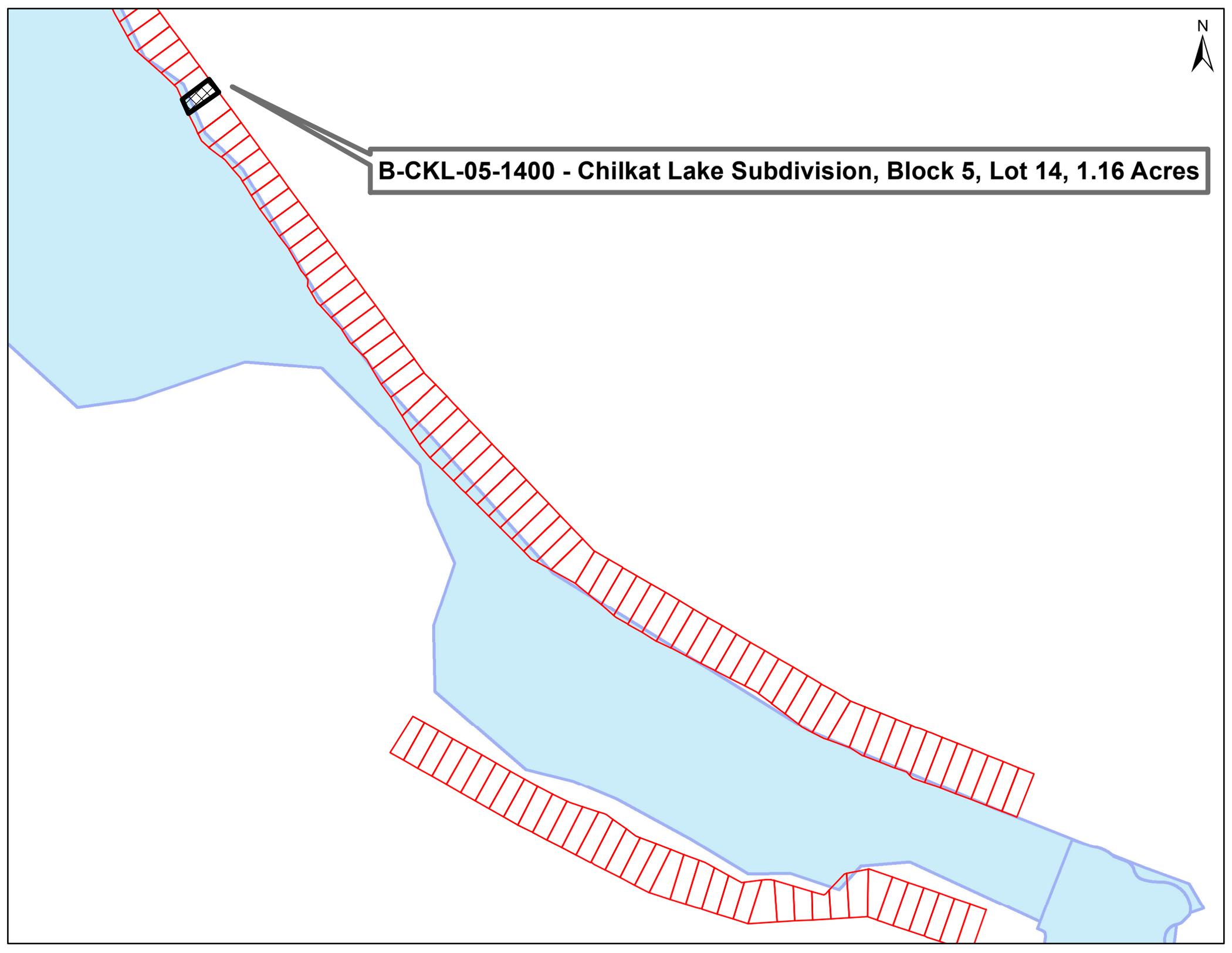
Cottonwood Dr

Swan Ct

Eagle Bluff Dr



B-CKL-05-1400 - Chilkat Lake Subdivision, Block 5, Lot 14, 1.16 Acres





Excursion Inlet

*Neva
Lake*

**B-EXS-0C-0400 - Excursion Inlet South 81-90
Block C, Lot 4, 3.73 Acres**



HBC 3.74.220 Disposition and sale of foreclosed property.

A. The borough shall determine by ordinance whether foreclosed property deeded to the borough shall be retained for a public purpose. The ordinance shall contain the legal description of the property, the address or a general description of the property sufficient to provide the public with notice of its location, and the name of the last record owner of the property as the name appears on the assessment rolls.

B. Tax-foreclosed property conveyed to the borough by tax foreclosure and not required for a public purpose may be sold. Before the sale of tax-foreclosed property held for a public purpose, the borough, by ordinance, shall determine that a public need does not exist. The ordinance shall contain the information required under subsection (A) of this section.

C. The assessor shall send a copy of the published notice of hearing of an ordinance to consider a determination required under subsections (A) or (B) of this section by certified mail to the former record owner of the property that is the subject of the ordinance. The notice shall be mailed within five days after its first publication and shall be sufficient if mailed to the last record owner of the property as the name appears on the assessment rolls.

D. The provisions of subsection (C) of this section do not apply with respect to property that has been held by the borough for a period of more than 10 years after the close of the redemption period.

3.74.230 Repurchase by record owner.

A. The record owner at the time of tax foreclosure of property acquired by the borough, or the assigns of that record owner, may, within 10 years and before the sale or contract of sale of the tax-foreclosed property by the borough, repurchase the property. The borough shall sell the property to the record owner or assigns for the full amount applicable to the property under the judgment and decree, plus:

1. Interest at the rate established in HBC [3.74.040\(A\)](#), from the date of entry of the judgment of foreclosure to the date of repurchase;
2. Delinquent taxes assessed and levied as though it had continued in private ownership; and
3. Costs of foreclosure and sale.

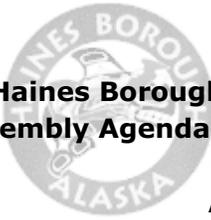
B. After adoption of an ordinance providing for the retention of tax-foreclosed property by the borough for a public purpose, the right of the former record owner under subsection (A) of this section to repurchase the property ceases.

3.74.240 Proceeds of tax sale.

A. If foreclosed property lies within the townsite service area, on the sale of such property, the borough shall divide the proceeds less cost of collection between the borough general fund and

the townsite service area fund having unpaid taxes against the property. The division shall be in proportion to the respective municipal taxes against the property at the time of foreclosure.

B. If tax-foreclosed property that has been held by the borough for less than 10 years after the close of the redemption period and never designated for a public purpose is sold at a tax-foreclosure sale, the former record owner is entitled to the portion of the proceeds of the sale that exceeds the amount of unpaid taxes, penalties, interest, and costs to the borough of foreclosing and selling the property, and the amount equal to taxes that would have been assessed and levied after foreclosure if the property had continued in private ownership. If the proceeds of the sale of tax-foreclosed property exceed the total of unpaid and delinquent taxes, penalty, interest, and costs, the borough shall provide the former owner of the property written notice advising of the amount of the excess and the manner in which a claim for the balance of the proceeds may be submitted. Notice is sufficient under this subsection if mailed to the former record owner at the last address of record of the former record owner. On presentation of a proper claim, the borough shall remit the excess to the former record owner. A claim for the excess filed after six months of the date of sale is forever barred.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-258

Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: Amend Title 7 to Discontinue the Fire Service Area #1 Board	1. Ordinance 13-03-321 2. Letter from the Haines Volunteer Fire Department 3. Email from V. Hansen 4. Email from J.R. Myers
Originator: Assembly Member Lapp	
Originating Department:	
Date Submitted: 3-12-13	

Full Title/Motion:
Motion: Adopt Ordinance 13-03-321.

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:
This ordinance is sponsored by Assembly Member Lapp and supported by the Haines Volunteer Fire Department (HVFD). The HVFD believes a separate board for Fire Service Area #1 is redundant and therefore unnecessary. The assembly is asked to consider discontinuing this board by amending code. The ordinance was introduced on 3/26/13 and had a first public hearing on 4/9/13.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 4/9/13 & 4/23/13
Meeting Date(s): 3/26, 4/9, & 4/23	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE
TITLE 7, SECTION 7.08.010 TO DISCONTINUE THE FIRE SERVICE AREA #1
BOARD.**

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 7.08.010. Section 7.08.010 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

7.08.010 Fire service area No. 1.

A. Establishment of Fire Service Area No. 1. Borough fire service area No. 1 is established with area and boundaries as set forth on a plat. ~~{See Figure 7-1.}~~ The boundaries of fire service area No. 1 are described as that portion of the borough along and accessible from the following roads and outside the townsite service area boundaries:

Area A – All land between the Chilkat River on the west and the 2,000-foot elevation level on the east, starting at the townsite service area boundary and continuing to approximately Mile 15, Haines Highway.

Area B – All land between the townsite service area southern boundary on Mud Bay Road and the east/west line created by the southern boundary of Lot 5, Section 13, T31S, R59E.

Area C – Beginning at the N.W. corner of Section 9, Township 30 South, Range 59 East, C.R.M.; thence due south to the 2,000-foot elevation line; thence along said line in a northerly direction to its intersection with the north boundary line of Section 27, Township 29 South, Range 58 East, C.R.M.; thence due east along said section line to the N.E. corner of Section 30, Township 29 South, Range 59 East, C.R.M.; thence due south along the eastern boundary of said section to its intersection with the mean high tide line of Lutak Inlet; thence along said line in a northerly direction gradually becoming southerly around the northern end of Lutak Inlet to the true point of beginning. ~~(This description contains all property on Lutak Inlet currently owned by Chilkoot Lumber Co.)~~

Area D – All property on the Chilkat Peninsula south of the existing townsite service area and Fire District #1 boundaries, excluding all property on the east side of Flat Bay (east and south of the Nelson Sub-Division).

~~The prior maps illustrating the approximate boundaries of fire service areas No. 1, No. 2, No. 3, and No. 4 are repealed and replaced by the map attached to the ordinance codified by this section and labeled as Appendix A. If the mapped boundaries differ in any respect from those in the above narrative text describing the boundaries, the narrative text shall prevail.~~

B. Services Provided. The services provided within fire service area No. 1 shall be fire protection, prevention, and safety, including, but not limited to, construction of facilities and purchase of real and personal property as required.

~~C. Board of Directors.~~

~~1. The board of directors for fire service area No. 1 shall be composed of five members. Four of the members shall be residents of the service area, of whom one, and only one, shall be a member of the Haines volunteer fire department. The chief of the Haines volunteer fire department shall serve ex officio as the fifth member on the board. The term of office for appointed members shall be two years, except that two members of the first board appointed under this section shall each serve for only one year. All appointments shall be made in accordance with HBC 7.04.080.~~

~~2. The board shall recommend to the assembly the annual tax for the residents and conduct any other business necessary to manage the affairs of the service area including annual reports and audits. The assembly shall act promptly on board recommendations.~~

D. Borough Service Area Tax Levy.

1. The assembly shall levy and collect an annual tax from each property owner within fire service area No. 1, which will be deposited in a special borough service area fund. The borough shall allocate on behalf of the Haines volunteer fire department a sum equivalent to the total taxes levied, no later than October 31st of each year. Delinquent service area taxes shall be collected by the borough in the same manner as other delinquent real property taxes within the borough, as set forth in the code and statutes.

2. Differential taxation is applicable to properties within the fire service area, with the objective of approximating the relationship between cost borne and level of service which can be provided.

3. A differential rate of taxation is applicable at a 25 percent reduction for properties within the fire service area based on a response time greater than 40 minutes. "Response time" is defined as the arrival of a hose from a fire truck to the property as referenced in the pre-fire plan developed by the Haines volunteer fire department. The property owner seeking an exemption shall file a written application to the ~~fire service area board~~ **borough manager** prior to January 1st of the year the exemption will apply. The ~~service area board~~ **borough manager** shall review exemptions periodically.

E. State Revenue Sharing Funds. The borough shall apply for state revenue sharing funds, if available, on behalf of fire service area No. 1.

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

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 03/26/13
Date of First Public Hearing: 04/09/13
Date of Second Public Hearing: 04/23/13



Haines Volunteer Fire Department
P.O. Box 849 Haines, AK 99827 907 766-2115

To whom it may concern,

At a regularly scheduled Officers Meeting of the Haines Volunteer Fire Department (HVFD), the following recommendation for the future of Fire District #1 Advisory Board was made:

- A. First & foremost - With FD-1 being the old "town core area" of the Haines Borough, the duties, regarding the HVFD, are fully covered and being done on a regular basis by the Haines Borough Assembly. (Including all taxing and budget issues)
- B. The tax differential requests for any property owner beyond the "time & distance" guidelines are dealt with on an annual basis. (Without problems or issues)
- C. Since the only "duty" for FD-1 advisory board as currently written in the code ("The board shall recommend to the assembly the annual tax for the residents and conduct any other business necessary to manage the affairs of the service area including annual reports and audits. The assembly shall act promptly on board recommendations.") to determine the residents annual tax rate, seems to be in error and should be removed from code. This would only leave annual reports and audits.
- D. The HVFD is a Department of the Borough, directly under and answering to the Manager. Making all reports and audits (which The Haines Borough conducts annually, including the Fire Department)

THEREFORE:

It is a natural conclusion of the undersigned officers of the HVFD that an Advisory Board for Fire District #1 is not necessary, and should be dissolved.

HVFD Officers,

Scott Craft
Sammy Walter
Thomas Anderson
Roe Hansen
D.K.

From: Roc Ahrens <roc.ahrens@gmail.com>
Date: March 11, 2013, 9:31:12 PM AKDT
To: jlapp@haines.ak.us
Subject: Fwd: Supporting Jerry Lapp's Ordinance

From: Vince Hansen <halincn@aptalaska.net>
Subject: Re: Supporting Jerry Lapp's Ordinance

Hello Roc, Sorry I won't be able to make the meeting. Without looking at the specific boundaries and other related fire district code, the most obvious factor is redundancy. The Haines Borough Assembly, and prior to that, the Haines City Council, have performed all of these functions. This is logical, since one fire department serves the entire area, except Klehini. All fire district oversight, other than Klehini, should be overseen (as they have been) by one body - the Borough Assembly. I agree that the code should be revised to reflect this. If there weren't so many other issues to address when the Borough and City code were consolidated, this probably would have been addressed better then. Vince

Michelle Webb

From: Mr J.R.Myers [johricmye@yahoo.com]
Sent: Wednesday, April 10, 2013 9:47 PM
To: Stephanie Scott; Dave Berry; Joanne Waterman; Steve Vick; Norm Smith; Debra Schnabel; Jerry Lapp; Julie Cozzi; Michelle Webb
Subject: Testimony regarding the FSA#1 Board of Directors

Dear Mayor Scott, Haines Borough Assembly Members, and Office of the Clerk,

Please consider this my testimony of record. I am asking the Haines Borough Assembly to vote against dissolving the FSA#1 Board of Directors. This board could play a constructive role in local government. It's purpose and duties are not redundant, but rather serve a vital and healthy oversight and advocacy need.

Here are the audio minutes from the latest FSA#1 Board meeting Monday with Mayor Scott in attendance. Forgive the cell phone noise. Please contact me with any follow up questions.

Thank you,

J.R.Myers,
FSA#1 Board of Directors

Mr J.R.Myers shared this file from Dropbox:

 [FSA#1April1 2013.mp3](#)



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-259

Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: Amend Title 3 to Change the Assessment Appeal Deadline in Borough Code to Comply with State Law	1. Ordinance 13-04-322 2. Borough Attorney Opinion
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 3-27-13	

Full Title/Motion:
Motion: Advance Ordinance 13-04-322 and schedule to a second public hearing for May 14, 2013.

Administrative Recommendation:

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

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

Summary Statement:
This is a housekeeping ordinance amending borough code to change the assessment appeal deadline to be in compliance with state law.
The borough attorney has advised the borough is required to follow the thirty-day deadline set forth in AS 29.45.190 (b) rather than the May 1st deadline in HBC 3.72.100(b).

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 4/23/13
Meeting Date(s): 4/9/13 & 4/23/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE
TITLE 3, SECTION 3.72.100 TO CHANGE THE ASSESSMENT APPEAL
DEADLINE TO BE IN COMPLIANCE WITH STATE LAW.**

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 3.72.100. Section 3.72.100 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

3.72.100 Appeal.

A. A person who receives notice or whose name appears on the assessment roll or the agent or assigns of that person may appeal to the board of equalization for relief from any alleged error in valuation not adjusted by the assessor to the taxpayer's satisfaction.

B. The appellant shall, no later than ~~May 1st~~ **thirty days from the date of mailing of the assessment notices**, submit to the assessor a written appeal specifying grounds in the form that the board of equalization may require. Otherwise, the right of appeal ceases unless the board of equalization finds that the taxpayer was unable to comply.

C. The assessor shall notify an appellant by mail of the time and place of hearing.

D. Upon receipt of a copy of the notice of appeal, the assessor shall make a record of the appeal in such form as the board of equalization may direct. The record shall contain all the information shown on the assessment roll with respect to the subject matter of the appeal, and the assessor shall place the record before the board of equalization prior to the time for hearing the appeal.

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

Stephanie Scott, Mayor

ATTEST:

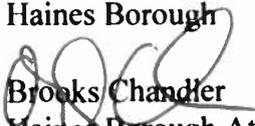
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 04/09/13
Date of First Public Hearing: 04/23/13
Date of Second Public Hearing: __/__/__

BOYD, CHANDLER & FALCONER, LLP
ATTORNEYS AT LAW
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bcf@bcf.us.com

MEMORANDUM

TO: Jila Stuart
Finance Director
Haines Borough

FROM: 
Brooks Chandler
Haines Borough Attorney

RE: Appeal Date for 2013 Property Tax Appeals

DATE: March 26, 2013

A question has arisen regarding whether the April 15 deadline for filing an appeal from the 2013 assessment notice set out in this year's assessment notices is contrary to HBC 3.72.100(B) which provides written appeals must be submitted "no later than May 1st".

Based on our review of Borough Charter, Borough Code and relevant provisions of Title 29, in our opinion state law prohibits the May 1 deadline set out in HBC 3.72.100(B). Instead, a "thirty day from the date of mailing of the assessment notices" deadline established by state law applies. The BOE's ability to extend this deadline is limited to situations in which a taxpayer is "unable to comply". The BOE could adopt rules by ordinance which flesh out the circumstances which will meet the "unable to comply" standard.

The reasons for these conclusions are set forth in greater detail below.

FACTS

The Borough Assembly passed a resolution on March 5, 2013 (Resolution No. 13-02-440) scheduling a Board of Equalization hearing for April 29, 2013. This was done to accommodate schedules of BOE members. The 2013 property tax assessment notices were mailed to taxpayers on March 13, 2013. The deadline for filing appeals set out in the assessment notices is April 15, 2013.

LAW

A. Borough Charter

Section 10.04 of the Charter states in part, “[t]he assembly by ordinance shall prescribe the procedures for tax assessment, levy, and collection”.

B. Borough Code

HBC 3.72.100 states in part:

- A. A person who receives notice or whose name appears on the assessment roll or the agent or assigns of that person may appeal to the board of equalization for relief from any alleged error in valuation not adjusted by the assessor to the taxpayer’s satisfaction.
- B. The appellant shall, no later than May 1st, submit to the assessor a written appeal specifying grounds in the form that the board of equalization may require. Otherwise, the right of appeal ceases unless the board of equalization finds that the taxpayer was unable to comply.
- C. The assessor shall notify an appellant by mail of the time and place of hearing.

HBC 3.72.110(B) states:

The board of equalization shall meet on the second Monday in May unless otherwise changed by resolution. The board shall adjourn over and continue its session as business requires.

C. State Law

AS 29.45.190(b) states:

The appellant shall, within 30 days after the date of mailing of notice of assessment, submit to the assessor a written appeal specifying grounds in the form that the board of equalization may require. Otherwise, the right of appeal ceases unless the board of equalization finds that the taxpayer was unable to comply.

AS 29.10.200(51) states:

Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. These provisions supersede existing and prohibit future home rule enactments that provide otherwise:

(51) AS 29.45.010 - 29.45.560 and 29.45.800 (property taxes);

AS 29.45.200(b) states in part: “[t]he board of equalization is governed in its proceedings by rules adopted by ordinance that are consistent with general rules of administrative procedure.” No specific rules allowing for extensions of otherwise applicable deadlines have been adopted by the Borough.

ANALYSIS

The May 1 deadline established by HBC 3.72.100(b) is “otherwise than as provided” in AS 29.45.190(b) which establishes a thirty day deadline for filing property tax appeals. In our opinion, the May 1 deadline is specifically prohibited by AS 29.10.200(51). The Borough is required to follow the thirty day deadline set forth in AS 29.45.190(b) rather than the May 1 deadline of HBC 3.72.100(b).

In our opinion, the BOE cannot adopt a rule that changes the appeal deadline established by AS 29.45.190(b). The BOE could, however, adopt rules regarding what circumstances will be deemed to meet the “unable to comply” standard allowing for an extension of the appeal deadline. Such rules would need to be adopted by ordinance.

Let me know if there are any additional questions on this topic. Since a public request to extend the appeal deadline has been received we suggest this memorandum be considered a public document.



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

April 23, 2013

State Operating and Capital Budget

The Alaska State Legislature adjourned on Sunday, April 14, 2013. There were no additions to what Governor Sean Parnell had requested in the capital budget for projects slated for Haines, and none of the Borough's FY 2014 Legislative Priorities were funded. There was one Haines project for which the unexpended and unobligated balance, estimated to be \$644,000, is being used to help fund other projects in the state. The House Finance Committee Substitute for SB 18 reappropriated \$644,000 from the Haines Portage Cove Harbor Floats project (sec. 13, ch. 29, SLA 2008, Page 160, lines 13 – 14) for ADOT&PF Maintenance and Operations facilities in Haines, Palmer, Delta, and Northway, as well as for a road project to Tanana.

The capital projects that were requested by the Governor that remained in the final version of the capital budget are as follows:

- Haines - Asbestos Cement Pipe Replacement - \$570,544 (Borough Request – Grant Funded through ADEC)
- Haines - Airport Drainage Improvement and Taxiway, Runway and Apron Rehabilitation, and Fencing - \$2,000,000 (ADOT&PF)
- Haines - Haines Highway Reconstruction - Milepost 3.5 to 25.3 and Chilkat Bridge Replacement - \$31,000,000 (ADOT&PF)
- Haines - Klehini River Bridge - \$5,000,000 (ADOT&PF)
- Haines - Old Haines Highway Sidewalk - 3rd Avenue to Allen Road - \$625,000 (ADOT&PF)

Total: \$39,195,544

The good news is that State of Alaska transportation infrastructure improvements, totaling some \$38.6 million, are funded as a result of SB 18. Additional good news is that the old Asbestos Cement Water Pipe on Muncaster Road will be replaced in the near future.

Towing RFP

The towing issue has been referred to the Commerce Committee. Committee discussions on this issue are ongoing.

Card Lock

The Card lock project is on hold. Borough staff will be receiving training from Delta Western on creating an efficient fuel tracking system.

Heliski GPS Compliance Checks

GPS data has been collected and analyzed, with results posted on Borough website.

Excursion Inlet Hydro Reconnaissance Study

Field work for the Excursion Inlet Hydro Reconnaissance Study is scheduled to begin late April.

Picture Point

We are nearing completion with Mr. Roger Beasley on the acquisition of Lot 4 of Picture Point Subdivision.

Safe Routes to School

The Final SRTS Action Plan is being developed. The flashing lights currently bracketing the cross walk near Mountain Market on the Old Haines Highway will be expanded to include the new crosswalk at Fair Drive that connects to the new sidewalk in front of the school. We are also working with the school to develop safe routes to school and coordinating and assisting with National Bike to School Day on May 8.

Barnett Tank Demolition

The Barnett Water Tank was demolished by Borough crews. Some of the surplus wood from the water tank will be used by the School Vocational Education students to construct public benches and possibly other uses, with some of the wood donated to the Voc Ed program. The wood not used for these purposes will be disposed of to the public in small lots. The steel bands from the Barnett Tank have been given to the Voc Ed program for constructing bicycle racks for the Borough.

Employee Evaluations

Personnel self-evaluations have been sent to all department directors and program managers under the supervision of the Manager. Evaluations for the Clerk and Chief Financial Officer will be presented to the Assembly prior to the May 14 meeting.

FY 2014 Operating and Capital Budget and 6-Year Capital Improvement Program

The Assembly is hosing Committee of the Whole meeting to review the Manager's proposed FY 2014 Operating and Capital Budget and 6-Year Capital Improvement Program. Borough staff and I look forward to working with the Mayor and Assembly in finalizing and implementing the Haines Borough FY 2014 Budget

Port Development Update

On May 22, 2013 the Port Development Steering Committee will host Mike Catsi from the Alaska Industrial Development Export Authority (AIDEA). He will be here to tour the Lutak port facilities and will host a public meeting in Assembly Chambers at 5:30. As part of the trip, the steering committee and AIDEA will travel to Skagway to tour the ore transshipment facility. Representatives from Prophecy Platinum, Constantine Metal Resources, and Southeast Stevedoring have also been invited.

Lutak Dock Area Uplands Acquisition

Borough staff is continuing to work with the Alaska Department of Transportation and Public Facilities (ADOT&PF) and Alaska Department of Natural Resources (ADNR) regarding possible acquisition of uplands property (the old ADOT&PF gravel pit) across from the Lutak Dock.

Borough Radio Communication System

Ongoing work is being done by Begenyi Engineering to complete the design and bid documents for the Borough's Radio Project. Bid documents are still expected in early May.

ADNR Municipal Entitlement Conveyance

The Alaska Department of Natural Resources (ADNR) notified the Borough that they are planning to convey the following parcels to Haines Borough as part of municipal entitlements (see attached map):

- Government Lots 5, 18 and 30, Section 2, T31S, R59E, CRM;
- Government Lot 14, Section 35, T30S, R59E, CRM.

ADNR is looking for approval from the Borough to create these parcels as legal, stand alone parcels without any platting action.

Mosquito Lake School Fire Suppression

Pacific Rim Mechanical is currently working on the fire suppression system. The demolition is complete and construction is near completion.

E-911 System

Proposals have been received for the Borough E-911 system replacement project. The review committee is reviewing and evaluating the submittals.

Public Safety Building

On April 2, in response to an employee who reported hazardous working conditions, OSHA conducted an unannounced inspection of the Public Safety Building. Present during the inspection were acting Police Chief Simon Ford, Fire Chief Scott Bradford, and Public Facilities Director Carlos Jimenez. During the inspection, the OSHA representative pointed out some violations. The inspection did not reveal any substantial hazardous violations. The complaint sited a dry rotted beam above dispatch. OSHA contacted Chris Gianotti of PND, who had previously performed the structural analysis of the PSB. Chris responded that there was no evidence of the rot, and that he believes the beam is performing as intended. All violations have been corrected. Carlos Jimenez received a call from OSHA on Monday, April 15 stating that the Borough is not required to install bullet proof glass in the Public Safety Building.

Visitor Information Kiosk

At least one proposal for the construction of a new Visitor Information Kiosk, which will be located at the PC Dock, has been received by the Borough. Construction will be complete before the arrival of the first scheduled cruise ship.

High School Air Handling Unit

Murray and associates have submitted a design proposal for the replacement of the Air Handling units above the Art Room in the High School. The School District and the Borough are reviewing the proposal.

Lutak Security Fence

The fence project will be complete by the end of April. All expenditures will be reimbursed through the grant.

Stump Dump

The Borough will be placing a lock on the Stump Dump located near the Mt. Riley trailhead on Mud Bay Rd. Due to dumping of non-organic materials the Borough feels that better management of the property is required. Contractors and residents will still have access to dump organic inert materials there. Details are being worked out.

PC Dock and Letnikof Harbor Upgrades

Pacific Pile and Marine of Seattle will be awarded the contract for the PC Dock and Letnikof. Construction is scheduled to begin August 16, 2013.

March 2013 Haines Vol. Fire Dept. Monthly Report

The Haines Vol. Fire Dept. had five fire callouts in March. Calls included a structure fire with the fire out upon arrival, a chimney fire that was out upon arrival, two motor vehicle accidents, and a canceled en route. Fire callouts for 2013 total 17. The Haines Vol. Fire Dept. responded to 33 ambulance callouts in March. Calls included two with chest pain, two motor vehicle accidents, two with altered level of consciousness, an unresponsive patient, two with abdominal pain, two with general weakness, a respiratory distress, one with CPR in progress, one with head trauma, one with extremity trauma, a patient refusal, and 17 medivacs/transport. Ambulance callouts for 2013 total 61. There was no SAR callout in March.

The first joint meeting for March was a business meeting followed by small group scenario training with presentations back to the whole department. The ambulance training was on HIPPA or (confidentiality of information on calls) review and introduction of new HIPPA forms that need to be given all patients. This was followed by practicing ski boot removal and the mechanics of avalanche backpack deployment. The fire training was a quick practice on donning SCBA & Bunk Gear. This was followed with hydrant hookup practices and Fire response checklists for different types of fire callouts.

We had two new members join in March. Alisa Beske and Brandi Stickler have joined the ambulance crew. We continue to have hands on EMS training on MON., WED. FRI. from 1 - 3 for our newer members and welcome anyone that wants to join in.

Many work on projects behind the scenes that mainly goes unnoticed. A big thanks to all for your efforts.

Volunteer Hours for March 2013

HVFD Fire 143	HVFD Ambulance	254
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RECEIVED Haines Boroug

APR 09 2013

Clerk's Office

Volunteer Hours for all 2013

HVFD Fire 556	HVFD Ambulance	662
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Total volunteer hours HVFD for 2013	1218 Hours
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Respectfully submitted,

Al Badgley
 Al Badgley
 HVFD Training Officer

Tourism Advisory Board Meeting Agenda / Meeting Minutes

Tuesday, February 20 – 1:00 pm (Assembly Chambers)

Meeting Call to Order: Ross Silkman – President – 1:04 pm

Roll Call: Present Jason Gaffney (phone), Jeff Butcher (phone), Barb Mulford, Karen Hess, Rhonda Hinson, Judy Heinmiller

Absent

Also Present Tanya Carlson, Jerry Lapp, Allen Turner (public)

Approval of excused / unexcused absences: N/A

Approval of Agenda: Silkman added Dave Pahl's proposal to complete the mining piece on the waterfront under New Business. Hess motioned to approve agenda as amended, Heinmiller seconded; all in favor.

***Approval of Minutes:** December 11, 2012.

Public Comments: N/A

Chair Report: *Salmon event in fall / late summer*

Fall festival could be similar to the Fisherman's BBQ in the spring. Event would also feature live music. This was brought up by Greg Bigsby who helps put together the spring event. He would like it late August to early September. It would be a cost to participants rather than free. Silkman also mentioned the fall event that the Chamber hosts during the Canadian Long Weekend, although Bigsby would prefer it earlier than that. Hinson mentioned that most weekends at that time of year has a lot of Canadians. Mulford offered to bring this to the Chamber board and mentioned it would be great for Bigsby to come a present. Butcher also mentioned that he would love to offer the parade grounds as a venue. He is trying to do more at the parade grounds during the summer with music, he would really like to see something in August which is when he originally planned his current music fest but it had a more natural fit with the 4th.

Heli-Ski Chamber Luncheon

Heli-Ski industry is promoting public to get involved with the public comments for the BLM plan that directly affects our local heli-ski industry. Chamber Facebook page also has this featured.

New Business: *Winter Tourism Marketing*

Carlson added this from the Chamber Luncheon. Carlson checked with the Valdez CVB. Valdez does not spend any money winter advertising in the large magazines. They only do some in state promotions. The advertising that comes from Valdez is direct from the heli-ski operators.

Carlson's concern with marketing Haines as a winter destination is that there are no designated, marked winter trails for the Visitor Center to direct people to. Mulford asked if this where Carlson would like to see some joint meetings between TAB and the Parks & Rec. Board. Carlson would like to see marked and groomed trails that we can direct winter visitors to.

Mulford would like to see if the tourism department and the Chamber could partner up to buy more expensive ads.

Silkman is hesitant to put marketing dollars to it if the heli-ski companies are operating at peak capacity or near peak. He feels it's odd for the borough to limit the capacity of the heli-ski companies and then pump money to get people to come if there isn't enough room to accommodate.

Carlson feels that the Chamber and tourism could partner more effectively in supporting the development of winter trails, options and infrastructure. Hinson also mentioned trying to get some winter festivals going that could be marketed to Yukoners.

Heinmiller also mentioned that there isn't a lot left open in the winter to market to people. Hinson pointed that as of last year restaurants finally started opening earlier because of the heli-skiers.

Carlson said she will continue to market to the Yukon and work with the Parks & Rec. Board to see what we can develop.

Hess is hesitant to designate trails when it comes to snow machining. That is exactly what snow machiners try to get away from and why Juneauites enjoy coming up to Haines. Carlson asked about at least offering designated parking areas. Hess said that maybe we can define where the parking areas are but leave the rest open.

TIA Yukon Conference

Carlson is requesting help with planning the Community Night. She is currently planning on some type of scavenger hunt. She would like to ask Dave to bring out the Hammer Slam and possible get a little put-put going. She would like to incorporate Dalton City as the theme of the conference is TV & Film. Paul Wheeler is also working with the Yukon brewery on a special brew for the event.

Opening reception will be at the ABEF on Thursday. The reception will feature Haines artists and have hors d'oeuvres and cocktails available. Hess worked on the last conference and said they did something similar. Hess is happy to help brainstorm this event.

Saturday, the delegate can take one of three tours; a guided hike, Taste of Haines and a self-guided shopping & walking tour. That night is their final gala at the ANB / ANS Hall.

Hess, Butcher, Heinmiller, Mulford and Hinson have volunteered to help plan.

Tourism Economic Impact Study

Carlson has sent out requests to both Northern Economics and McDowell Group for quotes. The borough Manager is behind this effort. The study has been split into two; summer and winter. The study will take into account current/recent economic studies, interviews with local businesses and look at the spread of money throughout our community.

Lapp asked when the last economic study was conducted. Carlson replied we have not done just an economic impact study. In 2003 – 2004 there was a marketing plan study and convention feasibility study. The recent Alaska Visitor Statistics gave some very general numbers for the Haines area beside our cruise study which was conducted a couple years ago.

Lapp is not keen on studies. Hess responded that the borough cannot provide the exact data to what the actual impact of the tourism industry in the community. Carlson replied the problem is that it is so generalized. We can see sales tax spikes during the different times of years but to say that the sales tax hike in March – April is because of heli-skiing, people want to know how we can actually prove that.

Once a quote is ready to go forward it will move to the Assembly for approval through resolution and budget amendment.

Dave Pahl Proposal

Silkman reminded everyone of the proposal the Dave Pahl brought to the board a couple of months ago. Lapp said it has not yet moved to the Assembly. Carlson is not sure where this is in the process. Silkman asked if there is anything that TAB needs to do at this time. Hess would like to see if Pahl could come to our next meeting before TAB gives any kind of support.

Old Business:

PC Dock Music Budget

Carlson wanted to ask the board for a recommendation for budget on dock music. Tom Morphet and the downtown businesses spent \$300 / week last summer, this covered two hours of music. Carlson wants to incorporate the Klukwan Dancers this year and she believes the only way to guarantee them each way is to pay them to come. This would take up one hour of the two hours of paid music. The other hour can be done in the afternoon.

Allen Turner mentioned that most people on the cruise ships are coming from big cities in the lower 48. He thought it might be nice to put in speakers and broadcast our local radio station on the dock throughout the day. Hess and Carlson agree that this would be a good idea. Turner also mentioned that this would save money in the long run.

Marketing Plan/ Budget

Mulford asked about US Travel being highlighted in the Marketing Plan. Carlson said she was planning on dropping this membership. It's about an \$825 membership. Carlson said USTA is a great organization but we never take advantage of any of their events or marketing.

Silkman asked about Alaska Magazine being highlights. Carlson said much like other magazine we receive reader response cards that do help us track our ads a little. We do receive responses

from Alaska Magazine, which we currently advertise in 3-4 issues per year. Carlson would like to redirect these funds to a new periodical that is primarily distributed in the Pacific Northwest. The magazine is Northwest Travel Magazine. It is a cheaper publication to advertise in and we can advertise in all 6 issues over the year. This helps keep the repetition up.

Carlson also highlighted the Great Alaska Sportsman Show and she believes that it should be taken out. She has been researching in-state travel data and very few from the Anchorage, Palmer, Wasilla area have Southeast on their radar for possible travel. Silkman asked if Carlson had looked at the data for the numbers that go to the Kodiak area, who attend the shows. Carlson says the biggest disadvantage we have over Kodiak is no fishing lodges and that's where a majority of the travels are going.

Northwest Travel Magazine is difficult to track for return. One advantage of NW Travel Magazine is the fact that they are small and focus on such a finite area it helps highlight our area better. They are also looking to editorials for off-beaten-path kind of locations that would attract their readers who want to stay away from the mainstream. We have a far better probability of not only getting commentary on Haines published but getting multiple articles.

Lapp asked about the KING5 / NWCN funds. Carlson said they had decided to redirect the funds from the Discovery Media campaign to KING5 / NWCN, again because of the market this entity covers. The Discovery Media campaign did not perform very well. KING5 / NWCN focuses on several of our main / top visiting markets. The nice thing with online advertising is the ability to track. Juneau has been using this stream for several years and is very happy with their results. The added benefit is that they offer a travel media share; everything we purchase on KING5 gets matched on NWCN.

Budget

Carlson said if everyone is good with the changes she go ahead with that plan. She is trying to keep as close to on par as last year.

Carlson said Advertising is up slightly and membership is up slightly. Registration and travel/per diem are both down slightly.

Gaffney wanted to make sure there were funds available for staff training with James for Google and social media. Carlson assured that there is. Gaffney is good with all of the other changes.

Directors Update:

PC Port Tariffs

Carlson touched base with Phil yesterday. Neither of us has been able to get a hold of Bill Sharpe. There is no more information until we can touch base and everything is currently on hold till then. Water has gone through approval; it's just PC Dock face and Lightering Float that still have to go through the Assembly.

General Trade Shows

Carlson said she would take out the Great Alaskan Sportsman Show as discussed above. She would like to apply to a scholarship to attend WACVB's Tech Summit in the middle of April. She

is nervous about the timing as it's right before the TIA Yukon Conference. The Tech Summit is everything technology and how it relates to the Travel Industry.

Carlson said the funds were available for the items not covered by the scholarship. The Tech Summit is in the budget for next year. Carlson has heard nothing but good things about Tech Summit and she would like to attend.

Upcoming Schedule

The Seattle Bike Expo is coming up followed by the Southeast Sports and Rec. Show in Juneau and then possibly the Tech Summit in mid-April. The Yukon Trade Show is the same weekend as the TIA Yukon Conference. Mulford is going to check to see if she can attend the Trade Show. Linda will be attending as a staff member.

Silkman asked if there would be a Tourism Community Night again this year. Carlson replied she will be planning one for sometime in May.

Board Comments:

Hess will be gone all of March.

Butcher mentioned that he was able to join Carlson at the LA Travel & Adventure Show and was impressed with how Carlson represents our community.

Set Next Meeting Date: Wednesday, March 27, 2013 – 9:30 am

Assembly Chambers, Safety Building

Hess motioned to adjourn, Heinmiller seconded; all in favor. Meeting ended at 2:42 pm.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-253
Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: Sales Tax Exemption Application from The Great Bear Foundation	1. Application for sales tax exemption from Great Bear Foundation 2. Current list of sales tax exempt organizations in the borough
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 3/5/2013	

Full Title/Motion:
Suggested Motion: Postpone this request to the May 28, 2013 meeting to allow additional time to research the pending report from the finance director.
Alternate Motion: Approve the request from the Great Bear Foundation for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.

Administrative Recommendation:
None

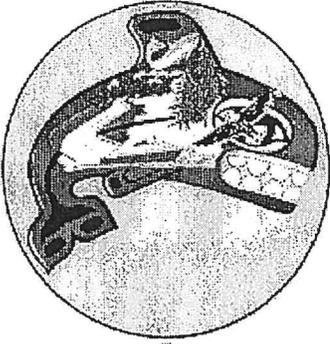
Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

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

Summary Statement:
The Great Bear Foundation, a 501(c)3 organization, has applied for sales tax exemption status. Per HBC 3.80.050 (13), a sales tax exemption may be granted for "sales, services, and rentals to a buyer or made by a seller, organized and administered solely by the exempt organization that has obtained exemption certificate 501(c)3, 501(c)4, 501(c)8, or 501(c)19 from the Internal Revenue Service and an exemption certificate from the borough clerk, upon prior approval of the assembly; provided, this exemption applies to sellers only if the income from the exempt sale is exempt from federal income taxation." The borough has granted sales tax exemption certificates to other non-profit organizations, and a current list is attached to this agenda bill. The motion to approve this request was first heard at the 3/26/13 meeting and was postponed to the 4/23/13 meeting pending a report from the Finance Director. The Finance Director has requested a postponement of this tax request until 5/28 to work on this report.

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

Assembly Action:
Workshop Date(s): _____ Public Hearing Date(s): _____
Meeting Date(s): 3/26/13 & 4/23/13 Tabled to Date: _____



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 * FAX (907) 766-2716

APPLICATION FOR SALES TAX EXEMPTION CERTIFICATE
HAINES BOROUGH

THE FOLLOWING ORGANIZATION:

Great Bear Foundation of Montana

a non-profit corporation, organized under the laws of the State of Montana, hereby applies for a Sales Tax Exemption Certificate in the Haines Borough. As a representative of the organization, I hereby certify that I am familiar with said corporation, that it is organized exclusively for religious, education or charitable purposes, and that the following information is true and correct.

Local Address of Organization: PO Box 1616, Haines AK 99827

Date of Incorporation: 11/8/82 Federal Employer I.D. #: 81-0405765

Briefly Describe the Organizations Current and/or Proposed Activity in the Borough:

Non-profit wildlife conservation organization offering educational programs, field courses, and natural history tours

Attach a copy of the Bylaws or Articles of Incorporation. Also attach a copy of your letter of 501(c) 3, 501(c) 4, 501(c) 8 or 501(c) 19 exemption from the Internal Revenue Service.

Shannon K Donahue
Organization Representative
Print Name: Shannon K Donahue
Title: Executive Director
Phone: (406) 829-9378
Email: shannon@greatbear.org

DECLINED BY THE ASSEMBLY ON _____

Reason: _____

APPROVED BY THE ASSEMBLY ON _____

Haines Borough Mayor
Date: _____

Assigned Sales Tax Exemption Number

Internal Revenue Service
District Director

Department of the Treasury

Date: 08 NOV 1982

Employer Identification Number:
81-0405765

Accounting Period Ending:
June 30

Foundation Status Classification:
509(a)(1) and 170(b)(1)(A)(vi)

Advance Ruling Period Ends:
June 30, 1984

Person to Contact:
Ellen Oliver

Contact Telephone Number:
(206) 442-5106

▷ The Great Bear Foundation
of Montana
P.O. Box 2699
Missoula, MT 59806

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in section 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends on the date shown above.

Within 90 days after the end of your advance ruling period, you must submit to us information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section 509(a)(1) organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

P.O. Box 21224, Seattle, Washington 98111

(over)

Letter 1045(DO) (6-77)

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should call us. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

You are required to file Form 990, Return of Organization Exempt from Income Tax, only if your gross receipts each year are normally more than \$10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

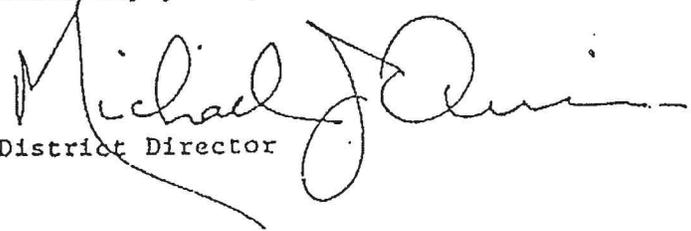
You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,


District Director

Internal Revenue Service
District Director

Date: DEC 04 1984

▷ Great Bear Foundation of Montana
P.O. Box 2699
Missoula, MT 59806

Department of the Treasury

Fed. T.E.# 81-0405765
ST Unemployment Inst # 140

Our Letter Dated:
November 1982
Person to Contact:
Ellen Oliver
Contact Telephone Number:
(206) 442-5106

Dear Sir or Madam:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

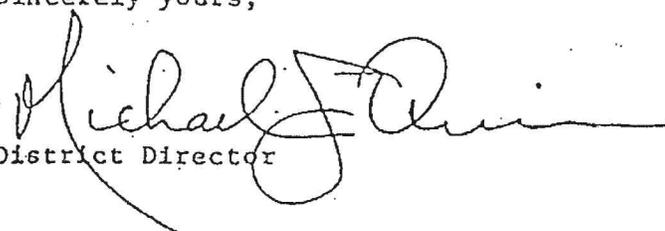
Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section See Below*. Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section *509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section *509(a)(1) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,


District Director

*509(a)(1) & 170(b)(1)(A)(vi)

DOQNO:0306Z

915 Second Avenue, Seattle, Wash: 98174

Letter 1050 (DO) (7-77)

As of 10/20/96

BY-LAWS
OF
GREAT BEAR FOUNDATION

ARTICLE I.
OFFICES

The principal office of the Organization shall be located in Gallatin County in the State of Montana. *(Minority Opinion: change "Gallatin County" to "Missoula County" OR leave out the name of a county altogether. Note: Polly consulted with John Kaufman, who says that by-laws are internal documents; the registered office and representative appear in the Articles of Incorporation on file with the state of Montana, and, the Articles are changed when the registered office is relocated. Vote: 5/yes, 2/no)* The Organization may have other offices, or Chapters, either within or outside of the State of Montana, as the Board may determine from time to time.

The Organization shall also have a registered office and a registered agent whose address is the same.

ARTICLE II.
MEMBERS

Section 1. Classes of Members.

General membership is open to anyone without regard to sex, age, nationality, or ethnic origin, with the payment of annual dues. In addition to individual members, the Board may establish other categories of membership as may be determined to be beneficial to the Organization. The Board may establish standards and dues for these memberships prior to voting to accept or reject such membership categories.

Section 2. Resignation.

Any member may resign by filing a written resignation with the Secretary.

Section 3. Termination or Removal.

Any member may be removed by the Board.

Section 4. Transfer of Membership.

Membership in this Organization is not transferrable or assignable.

Section 5. Reinstatement.

A member who was terminated or removed by the Board can be reinstated by the Board.

Section 6. Meetings.

An Annual Meeting of the members may be held each year, the time and place to be determined by the Board. Special member meetings may be called by the Board. Notice of any annual or special meetings shall not be made less than 14 days before the date of such meeting. Notification may be through *Bear News* or other written means.

Section 7. Meeting formats.

Meetings for the members will be designed by the Executive Director, with approval of the Board, to inform and educate members about the Organization's business; obtain member input into the Organization; and provide interesting speakers and field trips.

ARTICLE III.
BOARD OF DIRECTORS

Section 1. General Description.

The Board of Directors is the governing body of the Organization. It has authority to set policy and formulate the direction of the Organization; it has accountability for the fiscal well-being of the Organization; and it is responsible for the selection and evaluation of the Executive Director. Directors need not be residents of the State of Montana.

Section 2. Membership on the Board of Directors.

All Directors are members of the Organization. Directors are added through nomination by the Nominations Committee of the Board and by a majority vote of the Board.

Section 3. Number, Tenure, and Qualifications.

The number of Directors on the Board shall be at least five, and no more than 15. Each Director shall serve as a Director for a three year term, and may be re-elected for an additional three year term, and then must take a mandatory one year absence before being considered again.

(Minority Opinion: Delay tenure; one suggestion is -- "may be re-elected for additional terms." Another options: two 3-year terms, with one year off.

Vote: 5/yes, 2/no) To qualify, prospective Directors shall have an interest in conservation relative to bears. In order to establish staggered Board terms: upon adoption of these By-Laws initial Board terms of one, two, or three years shall be determined by drawing.

Section 4. Regular, Special, and Annual Meetings.

Regular or special meetings may be scheduled at the discretion of: the Executive Committee, the Board itself, the President, or any four Directors provided sufficient notification is given about such meetings. An Annual Board Meeting may occur in conjunction with the Annual Members Meeting.

Section 5. Notification.

Notice of any Board Meeting shall be provided to each Director at least 30 days before such meeting, by the Secretary or their designee. Any written means may be used, but must be verifiable and addressed to the address shown in the records of the Organization.

Section 6. Quorum.

A quorum exists when a majority of the Board is present at the meeting or participating in the meeting via telephone conference call, and responds to a roll-call by the Secretary.

Section 7. Proxies.

A Director may vote by proxy executed in writing by that member, the proxy being held by another Director. The Board may restrict the use of proxies in such manner as the Board shall determine by policy. *(Minority Opinion: no proxies allowed OR no blanket proxies, i.e. proxies allowed only for a vote on a specific issue.)*

Section 8. Voting.

A simple majority of the Directors voting shall determine Board action; a quorum must exist during any vote. An entire vote may be entered by mail in a manner which the Board may determine. The Secretary shall call and record the vote.

Section 9. Chairperson.

The President shall (*Minority Opinion: change "shall" to "may." Vote: 6/yes, 1/no*) serve as Chair; the term is for one year. There is no limit to the number of terms the President may serve as chair unless the Board determines otherwise. The Board may also select an outside person or group to chair a meeting.

Section 10. Manner of Acting.

The act of a majority of a quorum of the Directors shall be the Act of the Board, unless the act of a greater number is required by law or these By-Laws.

Section 11. Removal.

Any Director or Officer elected or appointed by the Board may be removed by the Board with a two-thirds vote whenever, in its judgement, the best interests of the Organization would be served.

Section 12. Vacancies.

A vacancy on the Board or in any Office may be filled by an act of the Board.

ARTICLE IV.
OFFICERS AND COMMITTEES

Section 1. Officers and Committees.

The Officers of the Organization shall be a President, a Vice-President, a Secretary, and a Treasurer, all elected by the Board. These Officers shall be the Organization's Executive Committee. The Board may elect other Officers. (*Vote: 6/yes, 1/no. No Minority Opinion*)

Section 2. Election and Term of Office.

The Officers of the Organization shall be elected annually by the Directors at an Annual Meeting. If the election of Officers shall not be held at such a meeting, an election shall be held as soon thereafter as is convenient. Vacancies or new offices may be filled at any meeting of the Board; each Officer shall hold office until a successor has been duly elected and qualified.

Section 3. Powers and Duties.

The Officers shall have such powers and perform such duties as may from time to time be specified in resolutions or other directives of the Board. In the absence of such specifications, each Officer shall follow the policies of the most current edition of *Roberts Rules of Order*.

The President shall be the principal Executive Officer. Duties shall include general supervision of the Organization, signing legal documents and contracts as determined by the Board.

The Vice-President, in the absence of the President, shall perform all presidential duties, as well as any additional duties which may be assigned by the Board.

The Treasurer shall keep a current and accurate accounting of the Organization's funds and various accounts, presenting this information at scheduled meetings to the Board. The

Treasurer shall work cooperatively with the Foundation staff and members of the Executive Committee to insure the funds are distributed in accordance with the annual budget approved by the Board. The Treasurer shall be responsible for all funds and securities of the Organization; receive and disperse funds relative to all accounts of the Organization.

The Secretary shall keep the minutes of all meetings; present such minutes to the Board for approval at each subsequent meeting, promptly record, clarify, and make available to the Board all Resolutions adopted by the Board; see that all notices are duly given; conduct and record roll-calls and voting; see that the Seal of the Corporation is affixed to all applicable documents; and oversee all membership rolls. *(No Minority Opinion. Vote: 6/yes, 1/no)*

Section 4. Removal.

Any Officer may be removed by a two-thirds vote of the Board whenever, in the Board's judgement, the best interests of the Organization would be served.

Section 5. Committees.

The Board shall appoint a Nominating Committee, Financial Committee, Project and Programs Committee and other committees as needed. Each Committee shall consist of three or more Directors.

ARTICLE V.
INVESTMENT POLICY

The Board shall have power to invest funds, not for speculation, with prudence; Establish an Endowment and/or a Permanent Fund, as stipulated by donors. All restricted funds shall be coded and expended as required by the donors. Other funds shall be coded and expended by project or program, under close supervision by the Treasurer and/or the Board. Projects and programs eligible for funds from operating or income investment earnings shall be determined with supervision of the Treasurer or the Board.

ARTICLE VI.
CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section 1. Contracts.

The Organization may enter into contracts or other legal instruments as approved by the Board. The Directors may authorize the President and Treasurer, or any second Officer, or an agent of the Board, to sign such agreements.

Section 2. Deposits.

All funds of the Organization shall be promptly deposited, invested, or placed in the Endowment and/or Permanent Fund, as stipulated by the donor or the Board. The operating account shall receive all uncommitted funds, interest, casual income, etc., as the Board shall authorize, with the approval of donors, a portion of restricted funds may be assigned to the operating account. All deposits shall be coded upon deposit. A portion of the operating account may be placed in a petty cash account, after deposit and coding.

Section 3. Checks, Drafts, Other Expenditures.

All checks, drafts, orders for payment, other expenditures shall be under close supervision by the Treasurer or their designee as determined by the Board. In the absence of any determination required by the Board, such instruments shall be signed by the Treasurer and counter-signed

by the President or Acting President of the Organization.

Section 4. Gifts.

The Board may accept, on behalf of the Organization, any gift, bequest, property, etc., with proper licensing, recording and reporting, as required under non-profit Organization status.

Section 5. Audits.

The Board shall provide for periodic audits of the financial affairs of the Organization. Such audits shall be performed by an accountant who is not a member of the Board or an employee of the Organization.

ARTICLE VII.
BOOKS AND RECORDS

The Organization shall keep correct and complete books and records of account, and shall keep minutes of all proceedings of the Board, committees, the Executive Committee, Chapters, or other official business of the Organization, and shall keep a permanent record of Board-approved minutes of all Board meetings, and the official Corporate Records of the Organization. Further, the Board shall keep at its registered or principal office, a record of the names and addresses of all general members and Directors of the Organization. All such records of the Organization may be inspected by any member, his or her agent or attorney upon reasonable notice.

ARTICLE VIII.
FISCAL YEAR

The Fiscal Year of the Organization shall begin at 12:00 a.m., Mountain Standard Time, on the first day of January of each year, and end at midnight, Mountain Standard Time, on the 31st day of December.

ARTICLE IX.
WAIVER OF NOTICE

Whenever any notice is required to be given under the provisions of the Montana Non-Profit Corporation Act or under the provisions of the Articles of Incorporation or the By-Laws of the Organization, a waiver thereof in writing signed by the person(s) entitled to such notice before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE X.
AMENDMENTS OF BY-LAWS

The By-Laws and Articles of Incorporation of the Organization may be altered or repealed, and new By-Laws or Articles of Incorporation may be proposed and adopted by the Board by a two-thirds majority of the total Board of Directors. (*No Minority Opinion. Vote: 5/yes, 2/no.*)

SALES TAX EXEMPT NON-PROFIT ORGANIZATIONS

The following non-profit organizations are registered and approved to be exempt from paying sales tax in the Haines Borough. ANY NON-PROFIT ORGANIZATION THAT IS NOT LISTED SHALL BE CHARGED SALES TAX FOR THEIR PURCHASES. Please encourage those who insist they are exempt and not on this list, to stop by the Haines Borough office for further information. For questions and updates, please call 766-2231. Thank you.

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>	<u>AUTHORIZED PERSONNEL</u>
174	Alaska Arts Confluence Box 1664, Haines, Ak. 99827	Judy Erekson Carol Tuyneman
104	Ak. Chilkat Bald Eagle Preserve Foundation, Box 213, Haines, Ak. 99827	INACTIVE
178	Alaska Chilkoot Bear Foundation, Inc. Box 1188, Haines, Ak. 99827	Pam Randles
106	Ak. Community Develop. Corp 6250 Tuttle Place #5, Anchorage, Ak .99507	Patrick Shiflea
176	Alaska Community Foundation 400 L St., Suite 100, Anchorage, Ak. 99501	Annette Erickson
132	Alaska Indian Arts, Inc. Box 271, Haines, Ak. 99827	Lee Heinmiller
166	Alaska Native Brotherhood & Sisterhood Box 749, Haines Alaska 99827	Mike Case/V.P.; L. Heinmiller, Sec.
133	American Bald Eagle Foundation Box 49, Haines, Ak. 99827	Cheryl McRoberts
147	American Legion Post #12 Box 452, Haines, Ak. 99827	Jim Moran, Pat Murphy Elaine Pigott
173	American Red Cross of Alaska 3200 Hospital Dr., Suite 203 Juneau, Ak. 99801	Shad Engkilterra
160	AWARE, Inc. P.O. Box 20809, Juneau, Ak. 99802	Amy Maio
162	Big Brother Big Sister Box 1481, Haines, Ak. 99827	Office Closed
169	Catholic Community Services Haines Senior Center Box 801, Haines, Ak. 99827	Rosemary Hagevig/Juneau
110	Chilkat Center for the Performing Arts Box 1004, Haines, Ak. 99827	Key Clements
126	Chilkat Valley Bahai School Box 143, Haines, Ak. 99827	Georgia Haisler
103-1	Chilkat Valley Historical Society Box 23, Haines, Ak. 99827	R. Henderson; L. Harrell J. Snyder, C. Jones
113	Chilkat Valley Pre-School Box 1165, Haines, Ak. 99827	Sarah Elliott Darlin Bugni

Non-Profit Organizations(alpha)

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>	<u>AUTHORIZED PERSONNEL</u>
135	Chilkat Valley Youth Center Box 866, Haines, Ak. 99827	INACTIVE
165	Chilkoot Indian Association Box 490, Haines, Ak. 99827	Tribal Government Dave Berry
143	Church of Jesus Christ LDS Box 916, Haines, Ak. 99827	Dave Berry
122	Covenant Life Center HC60 Box 2665, Haines, Ak. 99827	Roberta M. Lane
123	Covenant Life College HC60 Box 2665, Haines, Ak. 99827	Leonard V. Banaszek
140	Duck's Unlimited/Haines Chapter Box 628, Haines, Ak. 99827	Michelle Stigen
109	Echo Ranch Bible Camp Box 156, Haines, Ak. 99827	
141	Friends of the Haines Borough Public Library, Box 1089, Haines, Ak. 99827	Sara Chapell
125	Friends of Recycling Box 822, Haines, Ak. 99827	Melissa Aronson
118	Full-Gospel Christian Association Box 1121, Haines, Ak. 99827	Stewart Adams
181	Great Alaska Council, BSA 3117 Patterson St., Anchorage, Ak. 99504	Clifford Cvismore
138	Haines Animal Rescue Kennel Box 1533, Haines, Ak. 99827	Steve Vick
142	Haines Art Council Box 505, Haines, Ak. 99827	Tom Heywood Chip Lende
170	Haines Assisted Living, Inc. (HAL) Box 916, Haines, Ak. 99827	Vince Hansen
131	Haines 4-H Prep Club Box 354, Haines, Ak. 99827	INACTIVE
172	Haines Baptist Church Box 1245, Haines, Ak. 99827	Russell Simpson
108	Haines Chamber of Commerce Box 1449, Haines, Ak. 99827	Jamie Knudsen
129	Haines Christian Center/Assembly of God Church Box 730, Haines, Ak. 99827	Anthony Nelson
117	Haines Church of Christ Box 16, Haines, Ak. 99827	INACTIVE

Non-Profit Organizations (alpha)

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>	<u>AUTHORIZED PERSONNEL</u>
157	Haines Cornerstone Church Box 588, Haines, Ak. 99827	
130	Haines Community 4-H Box 875, Haines, Ak. 99827	INACTIVE
163	Haines Dolphins Swim Team Box 1367, Haines, Ak. 99827	Suzanne Vuillet-Smith D. Downer; S. Bradford
124	Haines Emblem Club Box 361, Haines, Ak. 99827	Michelle Stigen
168	Haines Elks Lodge Box 29, Haines, Alaska 99827	INACTIVE
107	Haines Headstart Box 192, Haines, Ak. 99827	Karen Bryant
128	Haines Presbyterian Church Box 264, Haines, Ak. 99827	Ron Horn
136	Haines Senior Citizen Center Inc. Box 801, Haines, Ak. 99827	Leslie Whittington
136-1	Haines Senior Village Box 835, Haines, Ak. 99827	Anne Hanssen
146	Haines Sportman's Assoc. Inc. Box 677, Haines, Ak. 99827	James Studley
137	Haines Women's Club Box 36, Haines, Ak. 99827	Susan Johnston
167	Hammer Museum Box 702, Haines, Ak. 99827	David Pahl
134	Hospice of Haines Box 1034, Haines, Ak. 99827	Beth MacCready Nancy Schnabel
175	Impact Counseling Services, Inc. Box 631, Haines, Ak. 99827	Emily Zimbrich
164	Inside Passage Electric Co-Op Box 210149 Auke Bay, Ak. 99821	Exempt by Code - Political Subd. of the State
115	Klukwan Assembly of God Church Box 422, Haines, Ak. 99827	Odis Ganey
159	LaLeche League of Haines Box 1624, Haines, Ak. 99827	Donna Lambert
112	Lynn Canal Broadcasting Box 1109, Haines, Ak. 99827	Kay Clements
101	Lynn Canal Community Players Box 118, Haines, Ak. 99827	Annette Gregg
148	Lynn Canal Conservation, Inc. Box 964, Haines, Ak. 99827	Scott Carey

Non-Profit Organizations (alpha)

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>	<u>AUTHORIZED PERSONNEL</u>
111	Lynn Canal Counseling Services Box 90, Haines, Ak. 99827	
161	Nenana Ice Classic, Inc. Box 00272 Nenana, Ak. 99760	Cherrie Forness, Manager
182	New Hope Fellowship HC60 Box 3161, Haines, Ak. 99827	Sage Thomas
102	Northern Light Network/Radio Station KRSA Box 369, Glenallen, Ak. 99588	Jasper Hall
150	Northern S.E. Regional Aquaculture Assoc. (NSRAA) Box 1263, Haines, Ak. 99827	Tom Henderson Tod Buxton
152	Peninsula Home Health Care Box 926, Haines, Ak. 99827	Lisa Schwartz
127	Port Chilkoot Bible Church Box 156, Haines, Ak. 99827	Bill Diggins
155	Rainbow Glacier Camp Box 432, Haines, Ak. 99827	Lucy Tate
151	REACH, Inc. Box 1484, Haines, Ak. 99827	Suzanne Vuillet-Smith Patrick Shallcross
144	Rural Ak. Comm. Action Program (RURAL CAP) P.O. Box 200908, Anchorage, Ak. 99510	Diane Mathesen
153	S.E. Ak. Regional Health Consortium (SEARHC) Box 1549 Haines, Ak. 99827	Marcia Scott
177	S.E. Alaska Independent Living (SAIL) Box 183, Haines, Ak. 99827	Sierra Kaden
105	S.E. Ak. State Fair Box 385, Haines, Ak. 99827	Ross Silkman
120	Sacred Heart Catholic Church Box 673, Haines, Ak. 99827	Joe Adreano
114	Salvation Army Box 550, Haines, Ak. 99827	Kevin & Tina Bottjen
158	SEAPRO 540 Water St., Suite 201 Ketchikan, Ak. 99901	David Owings, Gen. Manager K.A. Swiger
119	S.E. Ak. Area Council Boy Scouts 9220 Lee Smith Drive, Juneau, Ak. 99801	Lane Stumme
103	Sheldon Museum & Cultural Center Box 269, Haines, Ak. 99827	Jerrie Clark Jim Heaton

Non-Profit Organizations (alpha)

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>	<u>AUTHORIZED PERSONNEL</u>
179	St. Lucy's Senior Living Box 916, Haines, Ak. 99827	Vincent Hansen
171	Takshanuk Watershed Council Box 1029, Haines, Ak. 99827	Brad Ryan
139	Tlingit-Haida Central Council 320 W. Willoughby Ave., Suite 300 Juneau, Ak. 99801	John Katzeek
116	Tlingit-Haida Regional Housing Box 32237, Juneau, Alaska 99803	Joyce Nelson
121	Tongas Alaska Girl Scouts	Troops #98,#99,#100,#101, #104
180	Uglys of Haines Box 698, Haines, Ak. 99827	Chuck Mitman

SALES, SERVICES AND RENTALS TO OR BY A FOREIGN GOVERNMENT, THE U.S. GOVERNMENT, THE STATE OF ALASKA, AND ITS POLITICAL SUBDIVISION AND MUNICIPALITIES AND THEIR POLITICAL SUBDIVISIONS ARE EXEMPT FROM SALES TAX. PAYMENT MUST BE MADE BY PURCHASE ORDER, GOVERNMENT CHECK, GOVERNMENT CHARGE CARDS OR THE SALE MUST BE BILLED TO THE GOVERNMENTAL ENTITY. CASH, PERSONAL CHECKS OR PERSONAL CHARGE CARDS FROM GOVERNMENT EMPLOYEES AT THE TIME OF THE SALE ARE NOT TAX-EXEMPT. IF A CUSTOMER IS PERSONALLY KNOWN BY THE MERCHANT AND THE MERCHANT IS ASSURED THAT A PARTICULAR CASH SALE WOULD BE EXEMPT (SUCH AS A SCHOOL TEACHER PURCHASING A FEW SUPPLIES FOR HIS/HER CLASS FROM PETTY CASH FUNDS) THEN THAT TYPE OF CASH SALE COULD BE SALES TAX EXEMPT.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-267
Assembly Meeting Date: 4/23/2013

Business Item Description:	Attachments:
Subject: Authorize Easement Lease of Borough Right of Way to Albert Sacks	1. Resolution 13-04-456 2. Planning Commission Recommendation with Initial Property Owner Request & Maps 3. Property Owner Request for Lease 4. Memo from Assistant Assessor
Originator: Planning Commission	
Originating Department:	
Date Submitted: 3/22/2013	

Full Title/Motion:
Motion: Adopt Resolution 13-04-456.

Administrative Recommendation:
The manager recommends this resolution.

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

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

Summary Statement:
A portion of the Summer Inn building on Second Avenue encroaches into borough-owned right of way (alley) by 0.73 feet. In 1986, the former City of Haines issued a 30-year permit to allow this encroachment to continue. Current owner of the property, Albert Sacks, petitioned the planning commission to allow him to purchase this small strip of land rather than continue with a permit or lease. Rather, the commission recommends a new 30-year lease. The borough manager also recommends this and proposes a price of \$10.95 per square foot...the same price approved by the assembly for a similar encroachment lease on nearby Dalton Street.

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

Assembly Action:
Workshop Date(s): _____ Public Hearing Date(s): _____
Meeting Date(s): 04/23/13 Tabled to Date: _____

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to lease an easement within a borough-owned Right of Way to Albert Sacks.

WHEREAS, Lots 1 and 2, Block 8, Townsite Addition, Haines Recording District, First Judicial District, State of Alaska contains a building that faces Second Avenue and encroaches into the borough-owned alley right of way (ROW) to the north; and

WHEREAS, on August 11, 1986, the City of Haines issued a permit allowing the encroachment for the lesser of 30 years or the life of the building or until such time as the northerly wall may be reconstructed; and

WHEREAS, the original permittees recently sold the property and the new property owner, Albert Sacks, appeared before the Haines Borough Planning Commission on March 14, 2013 with a request to purchase the encroachment area; and

WHEREAS, the Planning Commission recommends against selling the area but rather entering into a new lease for a 30-year period or the life of the building, whichever is less, or until such occasion as the encroaching wall is reconstructed; and

WHEREAS, a November 9, 1984 as-built survey corroborates the encroachment which represents an area approximately 85.72 square feet (0.73' by 117.42'), and a January 25, 2012 professional appraisal shows a value of \$10.95 per square foot for that locale, making a total of \$938.63; and

WHEREAS, the borough's assistant assessor reviewed the request and has determined the appraisal value to be a fair assessment of the encroachment area; and

WHEREAS, Borough Code Section 14.16.190(C) states that "...the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly"; and

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the borough manager to enter into an easement lease with Albert Sacks for the aforementioned encroachment area that includes the following terms and conditions:

1. The lease term shall be 30 years ending June 30, 2043;
2. Albert Sacks shall pay to the Haines Borough the sum of \$938.63 at the time of lease execution; and
3. Other than normal maintenance of the existing encroachments, any new construction or other improvements within the right of way or encroachment area shall void the lease.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the _____ day of _____, 2013.

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk



Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: March 15, 2013

TO: Borough Assembly

FROM: The Haines Planning Commission

PLANNING COMMISSION ACTION:

Motion: Miller moved to “not to sell a portion of the Borough right-of-way to Mr. Albert Sacks of the Summer Inn, but instead to negotiate a 30-year lease of an easement for the portion of his building that encroaches into the Borough right-of-way.” The motion passed unanimously.

RATIONALE:

Mr. Albert Sacks applied to vacate and purchase of a portion of the alley right-of-way directly to the north of his property. (see attached application). HBC 14.32.030 required the application to be forwarded to the Planning Commission for comments.

During the 3/14/2013 meeting, the Planning Commission considered the application. It was observed that this is a common situation in the Haines downtown area. The application requested to vacate and purchase of a portion of the Borough right-of-way, but the Planning Commission was concerned that there is no guarantee that the house will remain forever, therefore it is better to continue a lease of the easement for another 30 years. If the house burns down, the lease would become invalid and the owners would have to comply with the current planning & zoning code.

PLANNING COMMISSION REQUEST:

Adopt a resolution granting Mr. Albert Sacks a 30-year easement lease for the portion of his building that encroaches into the Borough right-of-way.

SUBMITTED BY _____ (signature)

A handwritten signature in black ink, appearing to read "Rob Goldberg", is written over a horizontal line.

Rob Goldberg
Planning Commission Chair

Haines Borough Real Property Assessment Report 2012 Tax Year

Property Information

Borough property number:	C-TNS-08-0100
Ownership:	SACKS, ALBERT
Address:	BOX 1198 HAINES, AK 99827
Detail:	TOWNSITE BLK 8, N 52.5 FT OF LOTS 1 & 2 6,165 SQ FT
Street address:	117 Second Avenue, North
Assessed land(\$):	30300
Assessed improvement(\$):	143860
Assessed total(\$):	174160
Tax rate:	10.79 mills
Taxes exempt (\$):	0
Taxes due this year (\$):	1879.19
Pmts this year(\$):	1879.19
*Balance (\$):	0



*Prior tax year delinquencies not shown.
Taxes due September 4, 2012.
Penalty and interest accrue daily on outstanding balances.
Please call the Borough office for final balances at 766-2711 X22

Parcels

Borough Property ID C-TNS-08-0100

Quads

NAME SKAGWAY A-2

Sections

Township Range Section 30S 59E 27

MEMO

Haines Real Estate

Box 946, Haines, AK 99827

Cell: 303-7033 Office: 766-3510, fax: 766-3599

realestateinhaines@gmail.com

DATE: 02/19/2013

TO: Haines Borough, Planning & Zoning Department
Planning Commission

FROM: Pamela Long

Re: Application for Vacation-Purchase

Applicant: Albert Sacks

POB 1198, Haines AK

766-2970

Property Address: 117 Second Avenue, The Summer Inn B&B

Legal Description: The northerly 52.5 feet of Lots 1 and 2, Block 8, Haines Townsite

Dear Planning Commission Members,

I am working as an agent on behalf of Albert Sacks who is seeking to obtain a vacation and purchase of a portion of the alley right-of-way directly to the north of his property. His existing structure encroaches onto the ROW by approximately 0.73 feet along the length of his building (approximately 68.57 feet). Please see attached as-built survey.

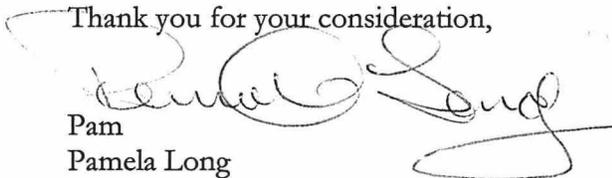
Mr. Sacks purchased this property and moved to Haines in September of 2012. The building maintains a current "Permit" lease allowing the continued location of the northerly wall encroachment dated August 11, 1986. The duration of this lease was established for 30 years. Mr. Sacks wishes to seek a more permanent solution to this issue through the Vacation-Purchase of 0.75 feet of the said northerly alley ROW along the entire 117.42 feet of the property's northern lot line. I suggested these squared-off dimensions for simplicity; Mr. Sacks does not need or desire any extra property for his own use. Please see attached copies of plat map and lease "Permit".

The requested area to be purchased amounts to 88.07 square feet. The land portion of his property is currently assessed at \$4.92 a square foot.

Thank you for your consideration,

Pam

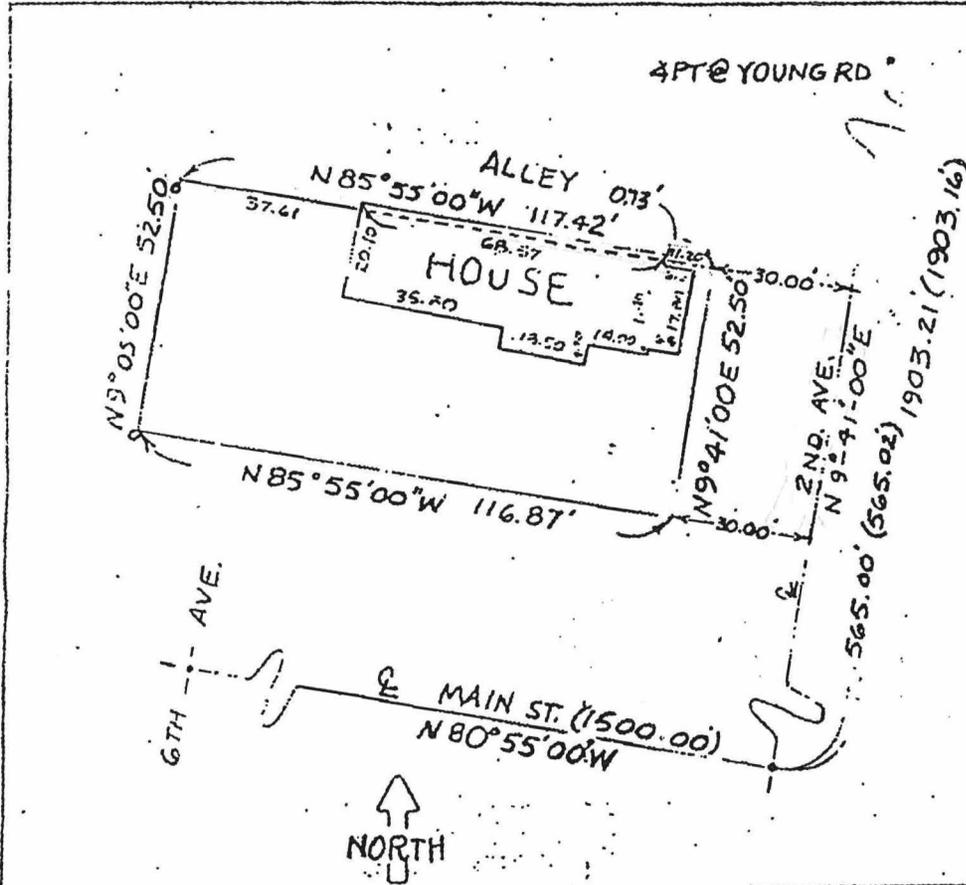
Pamela Long



SEP 5 2 04 PM '88
 REQUESTED BY City of Haines
 ADDRESS Bldg 1049
 Haines, AK 99827

RECORDED #1799
 HAINES RECORDING
 DISTRICT
 16.00

860493



I, James L. McAllister, a Registered Professional Land Surveyor in the State of Alaska, do hereby certify that an inspection of the hereon described property was made under my supervision this 9th day of November 1984, that said lot was identified by the monuments and improvements shown on this drawing and that based on the above findings the building upon the said lot does encroach upon the adjoining alley by 0.73 feet as shown and that buildings upon the adjoining properties do not encroach upon the said lot.

BOOK 14 PAGE 995
 Haines Recording District



Exhibit 'A'

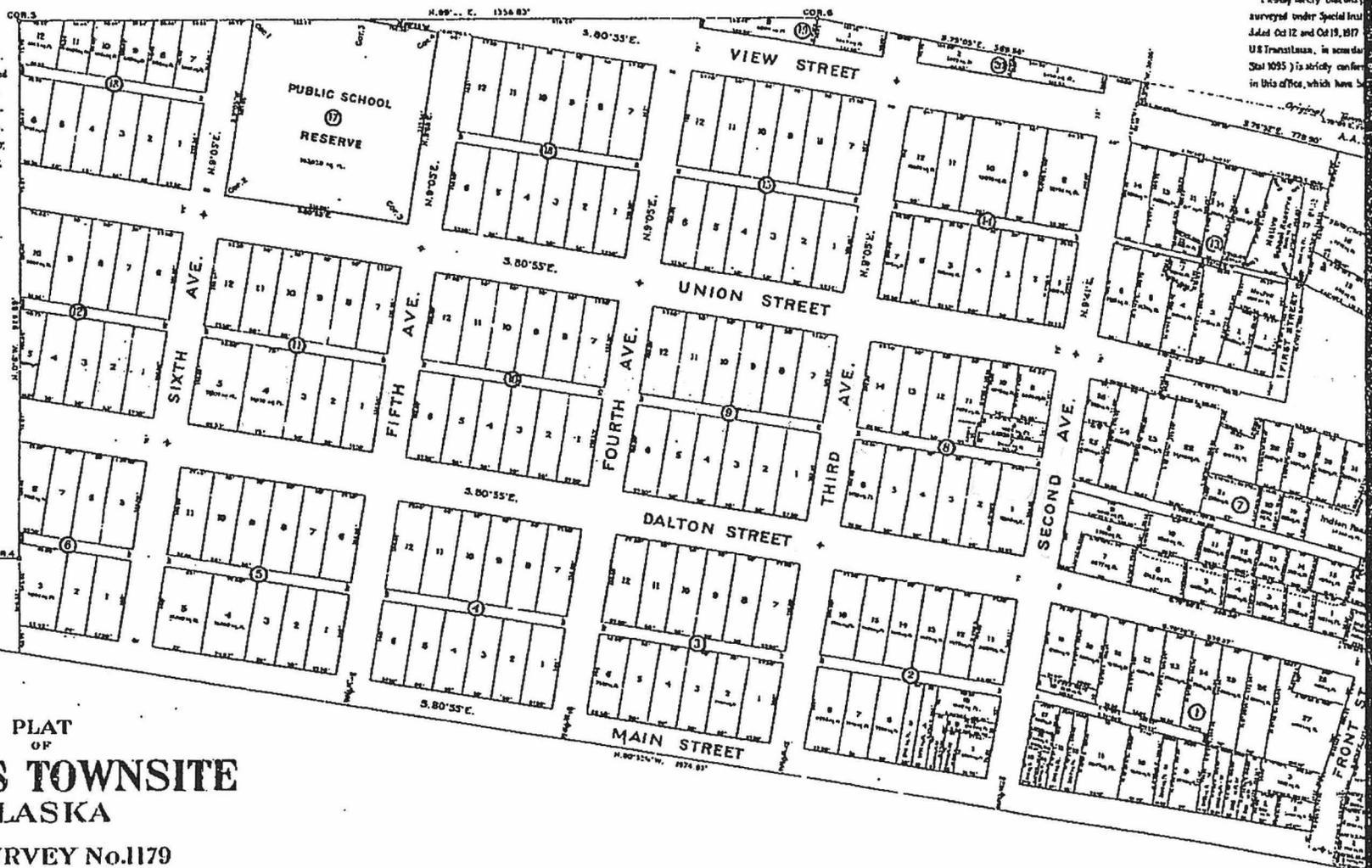
- B.C. IN MONUMENT WELL
- HOLE IN ROCK IN MON WELL
- FOUND B.C. ON 2" PIPE MARKED, W.K.V. & H. 1970

A SURVEY OF THE N. 52.50 FT. OF LOTS 1 & 2, BLOCK 8, WITHIN THE CITY OF HAINES, AK.	
SCALE: 1" = 30'	DRAWN BY: NCE
DATE: 11/9/84	Checked: jlm

I hereby certify that this
surveyed under special In-
Jailed Oct 12 and Oct 19, 1917
U.S. Translators, in some de-
Stat 1095) is strictly conform
in this office, which has b

LEGEND

STONE REFERENCE MONUMENTS such as I.L.
beneath the surface of the ground, are located
at intersection of the center lines of streets
where indicated thus ϕ , the point of inter-
section being indicated by crosses on a stone.
BLOCK CORNERS are spruce posts 4" x 4" x 30".
LOT CORNERS are spruce posts 1 1/2" x 2 1/2".
Lots 50' x 140' contain 7000 square feet
Lots 3750' x 140' = 5250
Lots 5750' x 15250 = 8768
Lots 50' x 13250 = 6625
Lots 25' x 165' = 4125
Lots 5750' x 165' = 9488
Area of irregular lots as marked on the plat.



PLAT
OF
HAINES TOWNSITE
ALASKA

U.S. SURVEY No. 1179

LAT: 59° 14' N., LONG: 135° 26' W.

Scale: 1 inch = 100 ft.

AREA SUBDIVIDED: 70.805 ACRES

Survey commenced Oct. 13, 1917, Survey completed Nov. 17, 1917.

"Notice: We make no representation that this is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon."

Return to: City of Haines
Box 1049, Haines, AK 99827

Record in the Haines Recording District

BOOK 14 PAGE 993
Haines Recording District

PERMIT

THIS PERMIT is given this 11 day of August, 1986, by the City of Haines, a Municipal Corporation organized under the laws of the State of Alaska, hereinafter referred to as the "City" in favor of ROBERT & MARY ELLEN SUMMER, a married couple of Fairbanks, Alaska, 99701 hereinafter referred to as "Purchaser".

WITNESSETH:

WHEREAS, Purchaser is under Contract for the purchase of the following described real property as evidenced by the Notice of Interest in Real Property recorded in Book 8 at Page 442 of the Haines Recording District, to wit:

The northerly 52.50 feet of Lots 1 and 2, Block 8,
Townsite of Haines, Haines Recording District, First
Judicial District, State of Alaska.

WHEREAS, the northerly wall facing the alley between Second Avenue and Third Avenue is located partially in the City right-of-way of said alley, being on said right-of-way approximately 0.73 feet; and

WHEREAS, the City agrees to grant a permit to Purchaser for use of that portion of the alley right-of-way containing said northerly wall of the dwelling;

NOW, THEREFORE, in consideration of the express covenants and conditions herein set forth, the parties agree as follows:

1. The City grants to Purchaser a permit allowing continued location of the northerly wall of the dwelling located on the subject property as to that portion on the alley right-of-way as described above and is more fully set forth in the attached survey dated November 9, 1984, and marked Exhibit "A" and incorporated herein by reference.

2. The duration of this permit shall be 30 years, or the life of the building, whichever is less, or until the occasion arises when the northerly wall of said dwelling unit located on the described real property should be reconstructed, whichever shall occur first.

3. The Purchaser, his successors and assigns, agrees to save the City harmless from any and all liability resulting from or connected in any way with the location of said dwelling on the City right-of-way.

4. Nothing herein shall prevent the Purchaser, his successors or assigns from making application to the City for an extension or renewal of this permit on expiration thereof.

To Mayor Stephanie Scott and The Haines Borough Assembly Members,

I am writing this letter seeking approval of the Haines Borough to renew the existing 30 year easement on the northern side of my property line at 117 Second Ave. The area in question is technically .73 of a foot by approximately 117.42 feet which equals around 85.72 sq. feet. I might also point out that the actual length of the house is only 68.57 feet. In essence I'm paying for property that doesn't even come into play, but is being included and calculated into the formula at the same rate in order to simplify this process.

At the Borough Planning Commission meeting on March 14th the board recommended the renewal of a 30 year easement.

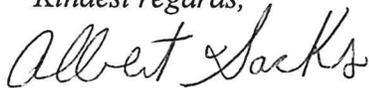
After the meeting I contacted the Haines Borough office and spoke with both Mark Earnest & Tracy Cui. I had requested that due to this being such a small tract of land that a formula be derived to formulate the easement value for the 30 years.

From this past Monday I re-contacted the Borough office and spoke again with Mark Earnest who told me that as I presented the information it made sense and that he had spoken with Tracy as well as other individuals in the office. As it was explained, Haines was on board with my request/suggestion regarding the means to establish a base line for the cost of the lease for the requested easement in order to simplify the renewal and establishing the correct payment amount.

After finishing my conversation with Mark I then called Tracy in order to go over the information that was provided and to see what was needed and what my responsibilities would be in order to see this request come to fruition. In speaking with Tracy she had went on to say that based on the tax information and sq. footage the cost would be about \$1,000.00 total for 30 years regarding the easement.

Please accept this proposal as a footprint to completing the reissued 30 year easement to run concurrent with the existing easement for 117 Second Ave.

Kindest regards,



Albert Sacks



Lands Department

Memo

To: Mark Earnest
Borough Manager

From: Dean Olsen
Assistant Assessor

Date: 4/9/2013

Re: Albert Sacks & real property account C-TNS-08-0100 right-of-way encroachment

Mark,

It has been brought to my attention that negotiations are taking place involving designated right-of-way, (R.O.W), in the alley next to the Summer Inn. As a result, the Haines Borough is in need of a per-square-foot value for this land.

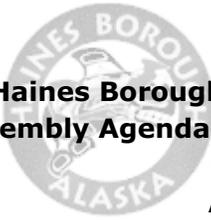
As you are aware, similar circumstances occurred in June of 2012 with the Comerford estate that needed a resolution to a R.O.W. encroachment prior to finalizing the sale. Using the Comerford sale as a reference, the Vacant Land Analysis from an appraisal by Canary & Associates arrived at a value of approximately **\$10.95** per square foot for the proposed long-term lease. This per square foot value is considerably higher than estimated market value of regular residential property. Therefore, the appraiser has obviously placed an elevated estimated value on R.O.W. property involved with a lease agreement.

With the circumstances, and type of land being very similar, the same per-square foot value should apply to demonstrate equal treatment of the independent property owners involved in the two very similar cases, in my opinion.

If you need documentation of the appraisal by Canary & Associates used in the Comerford R.O.W. negotiations I would be happy to provide it. Please let me know if I can be of further assistance.

Sincerely,

Dean Olsen
Assistant Assessor



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-271
Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: Authorize Change Order for Barnett Water Tank Project	1. Resolution 13-04-457 2. Change Order 3. Contractor Proposals
Originator: Director of Public Facilities (Agenda Bill by Clerk's Office)	
Originating Department: Public Facilities	
Date Submitted: 4-18-13	

Full Title/Motion:
Motion: Adopt Resolution 13-04-457.

Administrative Recommendation:
The manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 115,686.43	\$ Yes	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. :	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
The new Barnett Tank is being funded 70% by grant monies and 30% by the the DEC Alaska Drinking Water Loan Fund. With the remaining funds not used by the original bid the Borough has requested additional work be added to this project including tank insulation and a second PAX mixer.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 4/23/13	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Barnett Drive Bolted Steel Water Tank project for an amount not to exceed \$115,686.43.

WHEREAS, the Haines Borough contracted with Southeast Road Builders, Inc. on 12/18/2012 for the Barnett Drive Bolted Steel Water Tank project for an amount not to exceed \$534,950.00; and

WHEREAS, 70 percent of the construction cost will be paid with a Municipal Matching Grant in an amount up to \$675,500 from the State of Alaska Department of Environmental Conservation (DEC) and 30 percent is to be paid with loan proceeds from DEC's Alaska Drinking Water Loan Fund in an amount up to \$289,500; and

WHEREAS, with the balance of funds, additional items were identified for inclusion in the project; and

WHEREAS, Southeast Road Builders quoted a price of \$74,646.43 to insulate the new Barnett Drive bolted steel water tank and a price of \$41,040.00 for a second PAX water mixer; and

WHEREAS, the Borough's change order that includes the above \$115,686.43 in additional costs will bring the total contract to \$650,636.43; and

WHEREAS, there are sufficient grant and loan funds available for the project.

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Barnett Drive Bolted Steel Water Tank project for an amount not to exceed \$115,686.43.

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

HAINES BOROUGH

CHANGE ORDER

ORDER NO. 2
Page 1 of 1

DATE: April 16, 2013

PROJECT NAME: Barnett Drive Bolted Steel Water Tank

CONTRACT AGREEMENT DATE: 12/18/2012

OWNER: HAINES BOROUGH

CONTRACTOR: Southeast Roadbuilders, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification: Extra work as described below.

Original CONTRACT AGREEMENT: \$534,950 DAYS: Complete by August 1, 2013

Current CONTRACT AGREEMENT adjusted by previous CHANGE ORDER(S) DAYS:

This CHANGE ORDER will **increase** the CONTRACT AGREEMENT by \$115,686.43 DAYS:

The new CONTRACT AGREEMENT including this CHANGE ORDER will be \$650,636.43 DAYS: August 1, 2013

The date for completion of all work will be August 1, 2013 (Date).

DESCRIPTION OF CHANGES	INCREASE IN CONTRACT AMOUNT (\$)	(DECREASE) IN CONTRACT AMOUNT (\$)	CONTRACT TIME EXTENSION (DAYS)
RFP #1 (Insulate tank): Shearer & Associates subcontractor portion w/ exclusions; Southeast Roadbuilders exclusions	74,646.43		
RFP #2 (PAX water mixer): PAX Water Technologies suppliers portion w/ exclusions; Southeast Roadbuilders installers portion	41,040.00		
TOTALS	\$115,686.43		
NET CHANGE CONTRACT AMOUNT INCREASE OR (DECREASE)	\$115,686.43		

Signatures Required:

The undersigned Contractor approves the foregoing Change Order as to the changes, if any, in the contract price specified for each item, including any and all supervision costs and other miscellaneous costs relating to the change in work, and as to the extension of time allowed, if any, for completion of the entire work on account of said Change Order. The Contractor agrees to furnish all labor and materials and perform all other necessary work, inclusive of that directly or indirectly related to the approved time extension, required to complete the Change Order items. This document will become a supplement of the contract and all provisions will apply hereto. It is understood that the Change Order shall be effective when all signatures are in place.

Owner: _____ Date: _____

Contractor: _____ Date: _____

State or Federal Agency, if applicable: _____ Date: _____

SOUTHEAST ROADBUILDER'S INC.

HC60 Box 4800
HAINES, ALASKA 99827
roger@seroad.com
PHONE: (907) 766-2833
FAX: (907) 766-2832

PROPOSAL

TO: Mr. Jim L. Dorn, P.E.
Carson Dorn Inc.
712 West 12th Street
Juneau, Alaska 99801

FROM: Roger

FAX: (907) 586-5917

PHONE: (907) 586-4447

e-mail: jdorn@carsondorn.com

TOTAL # OF PAGES (including cover sheet): 1

DATE: 3/28/13

Re: Haines Borough
Barnett Drive Bolted Steel Water Tank
Request for Quotation No. 1 – **Insulate Tank**
RFP Dated 3/8/13

Dear Mr. Dorn:

Per your request noted above, Southeast Roadbuilder's Inc. provides the following:

Shearer & Associates – Subcontractor Portion w/exclusions:	\$ 64,993.93
Southeast Roadbuilder's Inc. - Exclusions	<u>\$ 9,652.50</u>
Total:	\$ 74,646.43

Sincerely,

Roger J. Schnabel
Roger J. Schnabel
Project Manager

cc: Loren Tongsgard, Project Superintendent
Ralph Swinton, Contract Administrator

SOUTHEAST ROADBUILDER'S INC.

HC60 Box 4800
HAINES, ALASKA 99827
roger@seroad.com
PHONE: (907) 766-2833
FAX: (907) 766-2832

PROPOSAL

TO: Mr. Jim L. Dorn, P.E.
Carson Dorn Inc.
712 West 12th Street
Juneau, Alaska 99801

FROM: Roger

FAX: (907) 586-5917

PHONE: (907) 586-4447

e-mail: jdorn@carsondorn.com

TOTAL # OF PAGES (including cover sheet): 1

DATE: 4/2/13

Re: Haines Borough
Barnett Drive Bolted Steel Water Tank
Request for Quotation No. 2 – **PAX Water Mixer**(second mixer)
RFP Dated 3/13/13

Dear Mr. Dorn:

Per your request noted above, Southeast Roadbuilder's Inc. provides the following:

PAX Water Technologies-Suppliers Portion w/exclusions:	\$ 23,940.00
Southeast Roadbuilder's Inc./Installers portion: (installers include electrical/mechanical)	<u>\$ 17,100.00</u>
Total:	\$ 41,040.00

We apologize for the delay and change. Our electrical item was in error.
Price assumes owner will drain and fill the existing tank for installation.

Sincerely,

Roger J. Schnabel
Roger J. Schnabel
Project Manager

cc: Loren Tongsgard, Project Superintendent
Ralph Swinton, Contract Administrator



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-270
Assembly Meeting Date: 4/23/2013

Business Item Description:	Attachments:
Subject: FY13 Budget Amendment #4	1. Ordinance 13-04-323 2. FY 13 Budget Amendment Worksheet dated 4/17/13 3. Letter for the Haines School Board regarding major maintenance (pertaining to an inclosed amendment)
Originator: Borough Manager (agenda bill by clerk's office)	
Originating Department: Administration	
Date Submitted: 04/16/13	

Full Title/Motion:
Motion: Introduce Ordinance 13-04-323 and set a first public hearing for 5/14/13.

Administrative Recommendation:
The borough manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ see ordinance	\$ see ordinance	\$ see ordinance

Comprehensive Plan Consistency Review:

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

Summary Statement:
This provides for the addition or amendment of specific line items to the FY13 budget, as described in the ordinance draft. The Finance Committee meet on 4/8/13 and 4/15/13 to review the proposed amendments and recommend these amendments.

Referral:

Sent to: Finance Committee	Date:
Recommendation: Yes	Refer to: Meeting Date: 4/8/13 and 4/15/13

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 4/23/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY13 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2012 through June 30, 2013.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY13 budget as follows:

(1) To recognize FY13 Federal Secure Rural Schools funding (<i>this amount is down \$172,305 from FY12</i>).				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-12-00-4534	Federal Revenue	\$0	\$205,595	\$205,595
(2) To appropriate Capital Improvement sales tax funds and 2005 school bond proceeds to replace a fire suppression water tank at the Mosquito Lake school.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
55-01-00-7312	Profession Svc (school bond)	\$0	\$33,500	(\$33,500)
50-01-00-7392	Project Expenditures	\$0	\$42,500	(\$42,500)
Total for Mosquito Lake School fire suppression				(\$76,000)
(3) To appropriate \$1,000 of Economic Development & Tourism Promotion sales tax funds to the Museum to create displays for the ferry terminal building and for an empty downtown storefront.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
23-03-00-7312	Professional Services	\$57,900	\$58,900	(\$1,000)
(4) To appropriate an additional \$7,000 from the Economic Development and Tourism Promotion Fund for Facility department labor on the visitor's center including sheet rocking, caulking, painting, and boiler work.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
23-02-00-7908	Work Orders – Facilities to Toursim	\$1,000	\$8,000	(\$7,000)
01-04-20-7908	Work Orders – OUT from Facilities	\$150,800	\$157,800	\$7,000
Net cost to Borough of Facility Dept. work orders				\$0
(5) To appropriate \$660 of general fund dollars to fund student travel to Kensington Mine for an educational tour.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-01-11-7710	Assembly Appropriations - Students	\$0	\$660	(\$660)

ORDINANCE # 13-04-323

(6) To reduce the FY13 appropriation for a land development plan from \$50,000 to \$10,000. This project will take place primarily in FY14 and \$40,000 has been recommended in the Manager's FY14 budget.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
17-01-00-7312	Professional Services	\$50,000	\$10,000	\$40,000
(7) To appropriate \$12,812 of areawide general funds for FY13 public Library operations. In FY12 \$12,812 which was appropriated to the Library but which was unspent rolled over into general fund balance. Previously unspent funds at the end of the fiscal year were turned over to the Library for future use, but due to a change in the Library's legal status from a component unit to a department funds were not turned over to the Library.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-14-00-611X	Payroll Expense – Library	\$281,620	\$294,432	(\$12,812)
(8) To appropriate areawide general funds for a part-time temporary administrative assistant for the public facilities department.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-04-20-611X	Payroll – Facilities Department	\$235,569	\$253,569	(\$18,000)
(9) To appropriate \$3,500 of harbor enterprise fund revenues to construct new pit toilets at Letnikof boat harbor.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
92-01-00-611X	Payroll Expense – Harbor	\$186,828	\$188,828	(\$2,000)
92-01-00-7230	Material & Equipment	\$12,850	\$14,350	(\$1,500)
Appropriation to construct new pit toilets				(\$3,500)
(10) To appropriate \$6,500 of areawide general funds for materials for Chilkat Center repairs and maintenance and to record \$5,500 of work orders for the Chilkat Center from the facilities department.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-08-00-7371	Building Maintenance & Repairs	\$5,000	\$11,500	(\$6,500)
01-08-00-7908	Work Orders – In from Facilities	\$7,500	\$13,000	(\$5,500)
01-04-20-7908	Work Orders – OUT from Facilities	\$157,800	\$163,300	\$5,500
Appropriation for materials for repairs & maintenance				(\$6,500)
(11) To appropriate \$10,000 of Commercial Passenger Vessel Tax funds for construction of a new visitor's center kiosk at the Port Chilkoot Dock.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
34-01-00-7312	Professional Services	\$0	\$10,000	(\$10,000)
(12) To appropriate \$1,050 of Economic Development and Tourism Promotion sales tax funds for entertainment at the Port Chilkoot Dock on cruise ship days.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
23-02-00-7312	Professional Services	\$11,700	\$12,750	(\$1,050)

(13) To adjust project budgets for CIP appropriations which are now complete:				
Source	Project	Appropriated	Spent	Fund Balance Increase / (Decrease)*
FY08	Parks Lawn Tractor	15,000	17,985	(2,985)
FY09CIP	Vehicle Lift for New Shop	15,000	8,321	6,679
FY09CIP	Waterfront Improvements	25,000	7,075	17,925
09/11 CIP	Barnett Pump Station Match	128,000	97,930	30,070
FY10CIP	Sheldon Museum Fire Suppression	120,000	136,618	(16,618)
FY10CIP	Public Works Shop Phase II	120,000	123,779	(3,779)
FY10CIP	Road Sweeper	30,000	20,270	9,730
FY10CIP	Police Hybrid Vehicles	80,000	77,569	2,431
FY10CIP	Library Computer Upgrades	25,000	24,930	70
FY11CIP	Sr. Center Concrete Slab & Energy Effic.	69,000	71,333	(2,333)
FY11CIP	Ports & Harbors New Vehicle	25,000	22,082	2,918
FY11CIP	Pub Safety Boilers & energy efficiency	55,000	60,558	(5,558)
FY11CIP	Public Works Tools	6,000	1,409	4,591
FY11CIP	Sheldon Museum Replace Carpet	50,500	37,911	12,589
FY11CIP	Purchase Emerson Field	50,000	50,604	(604)
FY11CIP	Equipment Repairs (loader repair)	9,930	10,671	(741)
FY12CIP	Admin Color Printer Scanner	21,150	14,865	6,285
FY12CIP	Used Grader Purchase	23,000	23,905	(905)
FY12CIP	Barnett Tank Resize Tank	20,000	13,983	6,017
FY12CIP	Chilkat Center roof repair	150,000	153,942	(3,942)
FY13CIP	Public Facilities Mobile Storage Units	7,500	13,042	(5,542)
FY13CIP	Police Patrol Vehicle	28,500	26,167	2,333
Total of CIP funds un-used for prior appropriations (available for appropriation)				\$58,632

(14) To recognize \$22,500 in federal revenues passed through the Alaska Department of Fish & Game for purchase and installation of a boat sewage pumpout and to appropriate \$7,500 of harbor user fees for the required 25% local match for a total project cost of \$30,000.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
42-92-00-4589	Federal Revenue	\$0	\$22,500	\$22,500
42-92-00-7392	Project Expenditures (<i>pumpout</i>)	\$0	\$30,000	(\$30,000)
42-92-00-8263	Operating Transfer – In from Harbor	\$0	\$7,500	\$7,500
92-98-00-8263	Operating Transfer – OUT from Harbor	\$0	7,500	(7,500)
Local Appropriation for harbor sewage pumpout				(\$7,500)

* A positive amount in this column is favorable. A negative amount is unfavorable.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ____ day of _____, 2013.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 04/23/13
 Date of First Public Hearing: xx/xx/xx
 Date of Second Public Hearing: xx/xx/xx

HAINES BOROUGH

Proposed Amendments to the FY13 Budget - Ordinance #13-04-323



FUND	Area-wide General	Townsite General	Econ Dev & Tourism	CPV Tax	CIP	School Construction	Harbor*	Totals
	01	02	23	34	50	55	92	
Fund/Cash Balance as of 06/30/2012	\$ 2,430,109	2,083,560	382,289	465,117	11,458,068	53,242	1,066,822	
FY13 Current BUDGET Excess Revenue Over (Under) CASH Expense	(106,926)	51,242	3,628	62,575	248	(19,739)	(85,150)	
1 Secure Rural Schools Appropriations	205,595							205,595
2 Mosquito Lake fire suppression water tank					(42,500)	(33,500)		(76,000)
3 Ferry terminal and downtown displays			(1,000)					(1,000)
4 Visitor Center sheet rock, mud, paint	7,000		(7,000)					-
5 Student trip to Kensington Mine	(660)							(660)
6 Reduce funds for land development plan			40,000					40,000
7 Appropriation to Library	(12,812)							(12,812)
8 Facilities administrative assistant	(18,000)							(18,000)
9 Letnikof Pit toilets							(3,500)	(3,500)
10 Chilkat Center Maint & Repairs	(6,500)							(6,500)
11 Visitor's Center Kiosk at PC Dock				(10,000)				(10,000)
12 PC Dock Entertainment			(1,050)					(1,050)
13 Adjust CIP appropriations					58,632			58,632
14 Harbor boat sewage pumpout							(7,500)	(7,500)
PROPOSED Excess Revenue Over (Under) CASH Expense	67,697	51,242	34,578	52,575	16,380	(53,239)	(96,150)	167,205
NEW Proposed Projected Fund/Cash Balance 06/30/2013	\$ 2,497,806	2,134,802	416,867	517,692	11,474,448	3	970,672	167,205

* For Enterprise funds the cash balance is shown instead of the fund balance and the cash budget is shown which does not include depreciation expense

Annual Operating Budget	4,002,606	1,571,380
Projected Fund Balance as a % of Operating Budget	62%	136%
Amount in excess of 6 months of operating budget	496,503	1,349,112

To: Stephanie Scott, Mayor, Haines Borough;
Haines Borough Assembly Members; and
Mark Earnest, Borough Manger.

From: Haines Borough School Board

Re: Major Maintenance

This memorandum is in response to a request to provide information regarding the Haines School Board's understanding of the State of Alaska's statutes regarding major maintenance and the maintenance of the Haines Borough School District Fund account 880 – Maintenance and Equipment Acquisition.

Question 1) What is the statutory definition of major maintenance?

Major maintenance is facility renewal that requires major repair or rehabilitation to protect the structure and correct building code deficiencies, and shall exceed \$25,000 per project, per site. (Alaska Schools Facilities Preventative Maintenance Handbook, Appendix D, Definitions, page 18)

Alaska Statute under Title 14. Chapter 14, Section 60 – Relationship Between Borough School District and Borough; Finances and Buildings. States the following:

AS 14.14.060

(e) The borough school board is responsible for the design criteria of school buildings. To the maximum extent consistent with education needs, a design of school buildings shall provide for multiple use of the building for community purposes. Subject to the approval of the assembly, the school boards shall select the appropriate professional personnel to develop the designs. The school board shall submit preliminary and subsequent designs for a school building to the assembly for approval or disapproval; if the design is disapproved, a revised design shall be prepared and presented to the assembly. A design or revised design approved by the assembly shall be submitted by the board to the department in accordance with AS 14.07.020 (a)(11).

(f) The borough school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. **The borough assembly through the borough administrator shall provide for all major rehabilitation, all construction and major repair of school buildings.** The recommendation of the school board shall be considered in carrying out the provisions of this section.

This statute states that the Borough Assembly is required to provide for all major rehabilitation, all construction and major repair of the school buildings. When the word "shall" is used in the Alaska Statute it is generally imperative or mandatory for the action to occur. However, Alaska Statute allows for a Memorandum of Agreement (MOA) to be created which allows the Assembly and School Board to divide these responsibilities and adds as a final paragraph the following:

AS 14.14.060 (i) Notwithstanding (e) and (f) of this section, a borough assembly and a borough school board may divide the duties imposed under (e) and (f) of this section **by agreement between the borough assembly and borough school board.**

A Memorandum of Agreement (MOA) regarding major maintenance is not currently in place. As has been discussed previously during the annual joint meeting of the Borough Assembly and the School Board, the School District is willing to work together to create a mutually-agreeable definition of major and minor maintenance and to establish a MOA.

Question 2) Why won't the school pay for the Mosquito Lake (ML) sprinkler?

The ML sprinkler system is a major maintenance item. According to the State Fire Marshal, the ML building has sufficient alarms and egress so that the fact that the sprinkler system is currently not operational is not a safety issue for the students. Replacing the tank and installing additional sprinkler heads to meet current code is a project to protect the building and to correct a code issue.

Question 3) What type of capital/facility projects does the school see spending its fund on?

The School Board has unanimously agreed that capital and facility projects on which it spends its funding are **those which promote student achievement**. An example of this is the recent expenditure to purchase iPads to use in the elementary and middle schools to engage students who might be struggling as well as provide enrichment opportunities for students who need more of a challenge.

However, the School Board recognizes that in FY13, the Haines Borough provided about a quarter of the funding for the District's budget. The School Board has allocated a portion of the 880 funds for major maintenance in an effort to show goodwill and partner with the Borough. The District has submitted two projects to the Department of Education and Early Development for state funding and when those projects are funded, a local match of 30% of the cost of the project will be required. The District has set aside \$37,402.28 in 880 funds to cover this local match. Attached is a schedule of planned expenditures.

It is necessary for the District to maintain funds to respond to needs of the school that are both planned (as per the attached schedule) and unplanned. These are needs that fall within the District's responsibilities. An example of an unplanned need was the prioritization of improving the school security systems after the recent tragic events of the school shootings at a Connecticut elementary school. Therefore, it is necessary for the District to keep a balance of 880 funds to meet an unforeseen need which may arise. Currently, the balance of 880 funds is \$259,008.

Question 4) How does the school set its priorities for facility projects?

The mission of the Haines Borough School District is to graduate life-long learners with the confidence, skill, and knowledge to realize their aspirations and contribute to a changing world. It is the responsibility of the School Board to proactively seek out increasingly effective ways to ensure that every student will reach his or her highest possible potential.

The funds accumulated in account 880 are for use by the school district for promoting student achievement. The funds are for investing in leasehold improvements and for purchasing equipment owned and used by the School District. This fund is maintained consistent with Alaska Department of Education and Early Development Uniform Chart of Accounts and is for the following purpose:

880 – Activities of acquiring land, buildings and equipment; remodeling of buildings; construction of buildings and additions to buildings; initial installation or *extension of service systems and other built-in equipment; and improvements to sites.*

Haines Borough School District students consistently achieve at high levels. Haines Elementary School is a Title 1 Distinguished School. Haines High School has been nominated as a National Blue Ribbon School. We value the support, both financially and collaboratively, that we receive from the Borough Assembly. Thank you for working with us to provide the best possible environment for student success.

The Haines Borough School Board

880 FACILITIES/EQUIPMENT

FY13

875,532

	Leasehold Improvement	Major Maintenance
Expenditures:		
HS Wrestling Mat Lift	\$50,000	
School-Wide Digital-Video Security System	\$45,000	
Copier Replacement (4 copiers)	\$30,000	
4 Elementary iPad labs	\$45,000	
Art Room Noise Abatement		\$10,000
Elementary Gym Stage Improvements	\$25,000	
Card Lock System (Exterior Doors)	\$35,000	
Interior HS Gym Doors	\$10,000	
Exterior HS Gym Doors		\$5,000
Garage Heating System	\$15,000	
Landscaping/Exterior Lights	\$35,000	
Voc-Ed Construction/In-Kind Equipment/Technology	\$59,500	\$176,612
Intercom System Extension	\$8,000	
Superintendent Office Wall	\$22,412	
Locker Room Renovation		\$45,000
Total Expenditures	<u>\$379,912</u>	<u>\$236,612</u>
Grand Total	\$616,524	
FUND BALANCE	\$259,008	



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-269
Assembly Meeting Date: 4/23/12

Business Item Description:	Attachments:
Subject: FY14 Budget	1. Ordinance 13-04-324
Originator: Mark Earnest, Manager (Agenda Bill by Clerk's Office)	
Originating Department: Administration	
Date Submitted: 4/18/13	

Full Title/Motion:
Motion: Introduce Ordinance 13-04-324 and schedule for a first public hearing on 5/14/13.

Administrative Recommendation:
This budget is recommended by the Borough Manager

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
The manager submitted a proposed budget to the assembly on 4/9/13, and the assembly has and will conduct various budget work sessions. Per the charter 9.01(D), the budget must be adopted by 6/15. Two public hearings must be held prior to June 1st which are currently scheduled for 5/14 and 5/28 with a potential third meeting on 6/11 to be scheduled as needed.
Also, the Finance Director has formatted this year's budget ordinance provide more detail.

Referral:

Sent to: Budget Committee of the Whole	Date:
Recommendation:	Refer to: Meeting Date: Various

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 4/23/13	Tabled to Date:

HAINES BOROUGH, ALASKA **Draft**

ORDINANCE No. 13-04-324

AN ORDINANCE OF THE HAINES BOROUGH, ALASKA, PROVIDING FOR THE ESTABLISHMENT AND ADOPTION OF THE BUDGET OF THE HAINES BOROUGH FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

Section 2. General Provisions. The following FY14 budget document, listing estimated resources and expenditures is hereby adopted and established as the budget for the period of July 1, 2013 through June 30, 2014 and made a matter of record for that purpose. Except in the case of appropriations for capital improvements, all unexpended balances not otherwise encumbered or disposed of in this ordinance as of June 30, 2014, shall lapse to those appropriate funds.

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

01 AREAWIDE GENERAL FUND

REVENUES

Property Tax	\$ 1,668,000
Sales Tax	567,000
State Revenue	678,200
Federal Revenue	397,102
Interest Earnings	110,000
User Fees	58,950
License, Permits, & Fees	38,000
Penalty & Interest	45,000
Rents	69,000
Other Miscellaneous Revenue	14,317
TOTAL AREAWIDE REVENUES	<u>\$ 3,645,569</u>

Haines Borough
Ordinance No. 13-04-324
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EXPENDITURES

Administration	518,599
Borough Assembly	123,523
Elections	7,311
Finance	381,622
Assessment/Land Management	297,805
Information Technology	70,927
Dispatch	347,604
Public Facilities	205,288
Solid & Hazardous Waste	22,450
Chilkat Center for the Arts	97,850
Road Maintenance Service Areas	22,000
Haines Borough School District	1,781,666
Library	437,261
Museum	175,301
Parks	60,951
Community Youth Development	29,989
Swimming Pool	208,569
Transfers	(115,000)
Allocated Expense	(746,973)
TOTAL EXPENDITURES & TRANSFERS	<u>3,926,743</u>

CONTRIBUTION TO (FROM) FUND BALANCE \$ (281,174)

02 TOWNSITE SERVICE AREA

REVENUES

Property Tax Revenue	\$ 390,000
Sales Tax	657,000
State Revenue	451,848
Chilkoot Indian Assoc. Road Maint.	220,000
Miscellaneous Revenues	6,200
	<u>1,725,048</u>

EXPENDITURES

Police	565,573
Public Works	619,661
Animal Control	47,813
Operating Transfers	333,000
Allocated Expense	398,681
TOTAL EXPENDITURES & TRANSFERS	<u>1,964,728</u>

CONTRIBUTION TO (FROM) FUND BALANCE \$ (239,680)

17 LAND DEVELOPMENT & SALES

REVENUES	<u>\$ 246,576</u>
EXPENDITURES	
Direct Expenditures	46,050
Operating Transfers	186,019
Allocated Expense	<u>14,507</u>
TOTAL EXPENDITURES & TRANSFERS	<u>246,576</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ -</u></u>

20 MEDICAL SERVICE AREA

REVENUES	<u>\$ 246,000</u>
EXPENDITURES	
H.E.L.P. Committee	11,000
Other Medical Services	30,000
Ambulance	46,000
Operating Transfers	63,500
Allocated Expense	<u>160,707</u>
TOTAL EXPENDITURES & TRANSFERS	<u>311,207</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ (65,207)</u></u>

21 TITLE III FOREST RECEIPTS

REVENUES	<u>\$ 50,000</u>
EXPENDITURES	<u>50,000</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ -</u></u>

23 ECONOMIC DEVELOPMENT & TOURISM PROMOTION

REVENUES	<u>\$ 495,500</u>
EXPENDITURES	
Tourism	382,695
Economic Development	74,575
Operating Transfers	50,000
Allocated Expense	<u>49,259</u>
TOTAL EXPENDITURES & TRANSFERS	<u>556,529</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ (61,029)</u></u>

25 FIRE SERVICE AREAS

REVENUES	
Fire District #1	\$ 192,000
Fire District #2	<u>28,450</u>
TOTAL REVENUES	220,450
EXPENDITURES	
Fire District #1	215,862
Fire District #2	28,450
Operating Transfers	58,500
Allocated Expense	<u>(14,432)</u>
TOTAL EXPENDITURES & TRANSFERS	288,380
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ (67,930)</u></u>

34 COMMERCIAL PASSENGER VESSEL TAX

REVENUES	<u>\$ 130,000</u>
EXPENDITURES	<u>81,100</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ 48,900</u></u>

50 CAPITAL IMPROVEMENT PROJECTS

REVENUES	<u>\$ 738,000</u>
EXPENDITURES	
Direct Expenditures	1,204,700
Operating Transfers	(500,000)
Allocated Expense	<u>29,211</u>
TOTAL EXPENDITURES & TRANSFERS	<u>733,911</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 4,089</u>

61 EQUIPMENT SINKING FUND

TRANSFERS	<u>(40,000)</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 40,000</u>

75 LIBRARY BOND FUND

REVENUES	<u>\$ 14,150</u>
EXPENDITURES	<u>14,148</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 2</u>

76 SCHOOL G.O. BOND FUND

REVENUES	<u>\$ 1,298,729</u>
EXPENDITURES	<u>1,298,184</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 545</u>

90 WATER REVENUE FUND

REVENUES	<u>\$ 357,250</u>
EXPENDITURES	
Direct Expenditures	379,682
Allocated Expense	(18,382)
Depreciation Expense	<u>198,000</u>
TOTAL EXPENDITURES	<u>559,300</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (202,050)</u>

91 SEWER REVENUE FUND (WASTEWATER TREATMENT)

REVENUES	\$ 403,850
EXPENDITURES	
Direct Expenditures	339,341
Allocated Expense	74,430
Depreciation Expense	<u>239,000</u>
TOTAL EXPENDITURES	<u>652,771</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (248,921)</u>

92 BOAT HARBOR FUND

REVENUES	\$ 462,620
EXPENDITURES	
Direct Expenditures	622,734
Allocated Expense	(107,854)
Depreciation Expense	<u>267,000</u>
TOTAL EXPENDITURES	<u>781,880</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (319,260)</u>

93 LUTAK DOCK FUND

REVENUES	\$ 466,824
EXPENDITURES	38,900
Allocated Expense	112,558
Depreciation Expense	<u>150,000</u>
TOTAL EXPENDITURES	<u>301,458</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ 165,366</u></u>

94 PORT CHILKOOT DOCK FUND

REVENUES	\$ 56,000
EXPENDITURES	
Direct Expenditures	16,625
Allocated Expense	48,287
Depreciation Expense	<u>241,500</u>
TOTAL EXPENDITURES	<u>306,412</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ (250,412)</u></u>

97 PERMANENT FUND

REVENUES	<u>\$ 200,000</u>
EXPENDITURES	
Direct Expenditures	22,750
Operating Transfers	<u>(36,019)</u>
TOTAL EXPENDITURES & TRANSFERS	<u>(13,269)</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u><u>\$ 213,269</u></u>

Haines Borough
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Section 4. Rates of Levy. The following are rates of levy on taxable property within the Haines Borough for the Calendar Year beginning January 1, 2013, based upon the proposed Year FY14 beginning July 1, 2013.

	<u>Borough Areawide</u>	<u>Fire Service Area</u>	<u>Road / Other Service Area*</u>	<u>Debt Service Mills*</u>	<u>FY14 Total Levy</u>
Townsite	5.42	0.84	2.20	1.33	9.79
Fire District #1 (outside the Townsite)	5.42	0.84	-	1.33	7.59
Fire District #3	5.42	0.73	-	1.33	7.48
Dalton Trail RMSA	5.42	0.73	0.20	1.33	7.68
Dalton Trail RMSA (no fire service)	5.42	-	0.20	1.33	6.95
Dalton Trail & Eagle Vista RMSA	5.42	0.73	2.93	1.33	10.41
Dalton Trail & Chilkat Lake RMSA	5.42	-	0.20	1.33	6.95
Riverview RMSA	5.42	0.73	1.15	1.33	8.63
Letnikof RMSA	5.42	0.84	1.19	1.33	8.78
Borough	5.42	-	-	1.33	6.75

*Debt service mills and Road Maintenance Service Area mills are not subject to the 10 mill tax cap.

Section 5. Effective Date. This ordinance becomes effective July 1, 2013.

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: 04/23/13
Date of First Public Hearing: xx/xx/xx
Date of Second Public Hearing: xx/xx/xx
Date of Third Public Hearing: xx/xx/xx



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-268

Assembly Meeting Date: 4/23/13

Business Item Description:	Attachments:
Subject: Application to Transfer a Liquor License	1. ABC Board Notice to the Borough Assembly 2. Liquor License Transfer Application 3. Entity Details
Originator: Clerk's Office	
Originating Department: Administration	
Date Submitted: 4/2/13	

Full Title/Motion:
The Alaska Alcohol Beverage Control 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.

Administrative Recommendation:

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

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

Summary Statement:
The Alaska Alcohol Beverage Control Board has notified the borough that the M&D Ward, Inc. operating as the Outfitter Liquor Store is required to complete a license transfer of ownership as the M&D Ward, Inc. has changed from primarily a single owner (Michael Ward) to a being owned by the Alaska Business Growth Corporation.

Assembly is not required to take action on this item, but like a liquor license renewal, given an opportunity by the State ABC to "protest the approval of an application pursuant to AS 04.11.480".

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

Assembly Action:
Workshop Date(s): _____ Public Hearing Date(s): _____
Meeting Date(s): 4/23/13 Tabled to Date: _____



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
TDD: 907.465.5437
Fax: 907.263-5930

April 2, 2013

Haines City and Borough

VIA EMAIL: Julie Cozzi jcozzi@haines.ak.us

Transfer Package Store License #3179

M & D Ward, Inc. dba Outfitter Liquor Store

- New Application Transfer of Ownership Transfer of Location
 Restaurant Designation Permit DBA Name Change

We have received an application for the above listed licenses (see attached application documents) 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.

SHIRLEY A. COTÉ

Director



Maxine Andrews

Business Registration Examiner

Direct line: 907-263-5922

Email: maxine.andrews@alaska.gov

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SHIRLEY A. COTÉ
Director



Maxine Andrews
Business Registration Examiner
Direct line: 907-263-5922
Email: maxine.andrews@alaska.gov

Transfer Liquor License

License is: Full Year OR Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES
License Year: 2013	License Type: PACKAGE STORE	Statute Reference: Sec. 04.11.280	Filing Fee: \$100.00
License #: 3179			Rest. Desig. Permit Fee: \$
Local Governing Body: (City, Borough or Unorganized) HAINES BOROUGH	Community Council Name(s) & Mailing Address: Haines Borough ASSEMBLY PO BOX 1209 HAINES AK 99827		Fingerprint: \$ 154.50 (\$51.50 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): M&DWARD INC.	Doing Business As (Business Name): OUTFITTER LIQUOR STORE	Business Telephone Number: 907-766-3219	TOTAL \$ 754.50
Mailing Address: PO BOX 1709	Street Address or Location of Premise: Mile Zero Haines Hwy	Fax Number: 766-3220	
City, State, Zip: HAINES AK 99827	HAINES AK. 99827	Email Address: theoutfitter@aptalaska.net	
SECTION B - TRANSFER INFORMATION			
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Name and Mailing Address of CURRENT Licensee: M&DWARD INC. PO BOX 1709 Haines AK 99827 Business Name (dba) BEFORE transfer: Outfitter Liquor Store Street Address or Location BEFORE transfer: Mile Zero Haines Highway	
SECTION C - PREMISES TO BE LICENSED			
Distance to closest school grounds: 1/2 MILE	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: 1/4 MILE	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building			

Division of Corporations, Business and Professional Licensing

Name(s)

Type	Name
Legal Name	M & D WARD, INC.

Entity Details

Entity Type: Business Corporation

Entity #: 42158D

Status: Good Standing

AK Formed Date: 5/18/1988

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2014

Entity Mailing Address: PO BOX 1709, HAINES, AK 99827

Entity Physical Address: MILE ZERO HAINES HIGHWAY, HAINES, AK 99827

Registered Agent

Agent Name: MICHAEL D WARD

Registered Mailing Address: PO BOX 1709, HAINES, AK 99827

Registered Physical Address: 7.5 MILE HAINES HIGHWAY, HAINES, AK 99827

Officials

AK Entity#	Name	Titles	Percent Owned
	ALASKA BUSINESS GROWTH CORPORATION	Shareholder	100
	ERIC FERRIN	Director, Vice President	
	MICHAEL WARD	Director, President	
	MIKE STUART	Director, Secretary	

Filed Documents

Date Filed	Type	Filing	Certificate
5/18/1988	Creation Filing		

Division of Corporations, Business and Professional Licensing

Name(s)

Type	Name
Legal Name	ALASKA BUSINESS GROWTH CORPORATION

Entity Details

Entity Type: Business Corporation

Entity #: 10855D

Status: Good Standing

AK Formed Date: 3/31/1972

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2014

Entity Mailing Address: PO BOX 1309, HAINES, AK 99827

Entity Physical Address:

Registered Agent

Agent Name: MICHAEL D WARD

Registered Mailing Address: PO Box 1309, Haines, AK 99827

Registered Physical Address: 209 Main St, HAINES, AK 99827

Officials

AK Entity #	Name	Titles	Percent Owned
	Kevin R Shove	Director, Vice President	0
	Michael D Ward	Director, President, Shareholder	95.5
	Mike Stuart	Director, Shareholder, Secretary, Treasurer	4.5

Filed Documents

Date Filed	Type	Filing	Certificate
3/31/1972	Creation Filing		
1/27/1986	Biennial Report		

Transfer Liquor License

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

(907) 269-0350
Fax: (907) 272-9412
<http://commerce.alaska.gov/dnn/abc>

SECTION D - LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Michael DuWard MIKE B STUART	ALASKA UNION	PACKAGE	208 MAIN ST	ALASKA
MICHAEL D. WARD MIKE B STUART	Harbor Bar	DISPENSARY	101 N. FRONT ST	ALASKA
Michael DuWard MIKE B STUART	Harbor Bar	PACKAGE	101 N. FRONT ST.	ALASKA

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

SECTION E - OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): MARK D WARD INC.		Telephone Number: 907-766-3220	Fax Number: 907-766-2052
Corporate Mailing Address: P.O. BOX 1709	City: HAINES	State: ALASKA	Zip Code: 99527
Name, Mailing Address and Telephone Number of Registered Agent: 907-766-2991 Michael D Ward P.O. Box 1309 Haines AK		Date of Incorporation OR Certification with DCED: 5-12-1988	State of Incorporation: ALASKA
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
ALASKA BUSINESS CORP	OWNER	100	209 MAIN ST. 907-766-2040	766-2040	03/1972
Michael DuWard	President		7.5 mile Haines Hwy 766-2991	766-2040	11/08/58
MIKE B STUART	Secy		1845 KYLEINE DR. 766-2586	766-2040	9/14/62
ERIC Ferrin	V-Pres		320 Allen Rd 766-3183	766-3221	12/09/58

NOTE: If you need additional space, please attach a separate sheet.

Transfer Liquor License

SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

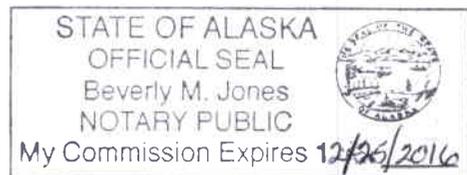
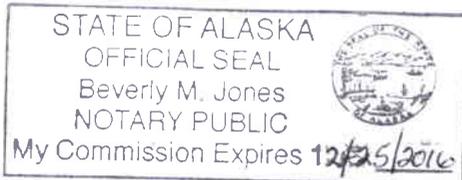
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s) Signature: <i>Michael D. Ward</i> Signature: <i>Michael D. Ward</i>	Signature of Transferee(s) Signature: <i>Michael D. Ward</i> Signature: <i>Michael D. Ward</i>
Name & Title (Please Print) <i>Michael D. Ward President</i> Subscribed and sworn to before me this <i>5th</i> day of <i>MARCH</i> , 2013.	Name & Title (Please Print) <i>Michael D. Ward President</i> Subscribed and sworn to before me this <i>5th</i> day of <i>MARCH</i> , 2013.
Notary Public in and for the State of Alaska <i>Beverly M. Jones</i>	Notary Public in and for the State of Alaska <i>Beverly M. Jones</i>
My commission expires: <i>12/25/2016 #1212182</i>	My commission expires: <i>12/25/2016 #1212182</i>



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: OUT FITTER LIQUOR STORE

PREMISES LOCATION: MILE ZERO HAINES HIGHWAY HAINES AK

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 4 FT. **SCALE B:** _____ 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.

