

  
**Haines Borough**  
**Borough Assembly Meeting #247**  
**AGENDA**

**June 11, 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 – Library Report
- 9A – Library Board Minutes
- 11A1 – Adoption of Resolution 13-06-458
- 11A2 – Adoption of Resolution 13-06-467
- 11B1 – Introduction of Ordinance 13-06-332
- 11C3 – Increase Limits for Transporting Explosives across Lutak Dock

- \* 4. **APPROVAL OF MINUTES – May 28, 2013 Regular**
5. **PUBLIC COMMENTS** [Any topics not scheduled for public hearing]
6. **MAYOR'S COMMENTS/REPORT**
7. **PUBLIC HEARINGS**

A. **Ordinance 13-04-324** – Third Hearing

**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. It was introduced on 4/23 and had a first public hearing on 5/14 and a second on 5/28. **Motion:** Adopt Ordinance 13-04-324.*

B. **Ordinance 13-05-325** – Second Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Chapter 2.40 and Section 2.50.040 to authorize the manager to appoint the police chief, to modify the duties of the police chief, and to make the hiring of police and correctional officers subject to state law.**

*This ordinance is recommended by the personnel committee. It was introduced on 5/14 and had a first public hearing on 5/28. **Motion:** Adopt Ordinance 13-05-325.*

C. **Ordinance 13-05-326** – Second Hearing

**An Ordinance of the Haines Borough amending borough code title 16, section 16.16.010 establishing a deadline for returning harbor slip license agreements.**

*This ordinance is recommended by the harbormaster and the port and harbor advisory committee. It was introduced on 5/14 and had a first public hearing on 5/28. **Motion:** Adopt Ordinance 13-05-326.*

D. **Ordinance 13-05-328** – First Hearing

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.030 to only require conditional use approval for the construction of a building within 15 feet of an adjacent building if one or both of the buildings is for human occupancy.**

*This is recommended by the planning commission. It was introduced on 5/28. **Motion:** Advance Ordinance 13-05-328 to a second public hearing on 6/25/13.*

7. PUBLIC HEARINGS ---continued---

E. **Ordinance 13-05-329** – First Hearing

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.040 to allow adjacent on-street parking to count toward the parking requirement.**

*This is recommended by the planning commission. It was introduced on 5/28. **Motion:** Advance Ordinance 13-05-329 to a second public hearing on 6/25/13.*

F. **Ordinance 13-05-330** – First Hearing

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.20.020 to adjust the time limit in the definition for “temporary use” to be consistent with the time period for temporary residence permits in Section 18.60.020.**

*This is recommended by the planning commission. It was introduced on 5/28. **Motion:** Advance Ordinance 13-05-330 to a second public hearing on 6/25/13.*

G. **Ordinance 13-05-331** – First Hearing

**An Ordinance of the Haines Borough adopting, by ordinance, a revised fee schedule that clarifies qualification for winter moorage rates.**

*This is recommended by the harbormaster. It was introduced on 5/28. **Motion:** Advance Ordinance 13-05-331 to a second public hearing on 6/25/13.*

H. **Ordinance 13-05-327** – First Hearing

**An Ordinance of the Haines Borough amending borough code title 2, sections 2.08.010, 2.68.140, 2.68.200, and 2.68.510 to allow for election of assembly and school board members through single lists of candidates.**

*On 5/14/13, this ordinance was referred to the Government Affairs & Services Committee that met on 5/23. It was introduced on 5/28. **Motion:** Advance Ordinance 13-05-327 to a second public hearing on 6/25/13.*

8. STAFF/FACILITY REPORTS

A. Borough Manager – 6/11/13 Report

\*B. Public Library – Staff Report of April 2013

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

\*A. Library Board of Trustees – Minutes of 4/17/13

B. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

\*1. **Resolution 13-06-458**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Kenworth Alaska in the amount of \$165,300 for the purchase and delivery of a T800 dump truck.**

*This resolution is recommended by the borough manager and director of public facilities. **Motion:** Adopt Resolution 13-06-458.*

\*2. **Resolution 13-06-467**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Murray and Associates, P.C. in the amount of \$15,373 for mechanical and electrical engineering for the Mosquito Lake School fan replacement project.**

*This resolution is recommended by the borough manager and director of public facilities. **Motion:** Adopt Resolution 13-06-467.*

B. Ordinances for Introduction

\*1. **Ordinance 13-06-332**

**An Ordinance of the Haines Borough amending Borough Code Chapter 10.44 to provide that parking violations are subject to a civil fine; provide for the content of a notice of violation of parking restrictions; and establish an administrative appeal process for parking violations.**

*This is recommended by borough manager and the police department. Juneau and Skagway both recently adopted similar ordinances. **Motion:** Introduce Ordinance 13-06-332, set a first public hearing for 6/25/13, and refer it to the Government Affairs & Services Committee for review prior to adoption.*

11C. NEW BUSINESS ---continued---

C. Other New Business

1. **Non-Profit Scoring Matrix and Procedures**

*This is requested by the mayor. Twelve FY14 funding requests were received from nonprofits by the 6/1/13 application deadline. Assuming funds are allocated to address funding requests from area non-profits, the mayor drafted a scoring matrix to assist with the review and suggests an ad hoc committee be formed to do the scoring. **Motion:** Establish an ad hoc committee comprised of the mayor, manager, finance director, and two assembly members to score the FY14 nonprofit funding requests as proposed by the mayor in her memorandum dated 6/3/13.*

2. **Confirm Draft Letter to ADF&G about Upper Lynn Canal Crab Fishery**

*On 5/28/13, the assembly asked the mayor to draft a letter to the ADF&G Commissioner asking for her help mitigating the indirect impacts of sea otters on the Dungeness crab stock in the Upper Lynn Canal. **Motion:** Confirm the draft letter to Commissioner Campbell regarding the Upper Lynn Canal Crab Fishery.*

\* 3. **Increase Limit for Transporting Explosives Across Lutak Dock**

*This is recommended by the borough manager. **Motion:** Authorize the borough manager to send the draft letter to the US Coast Guard in support of increasing the limit for transport of explosives across the Lutak Dock.*

4. **In-kind Match to Southeast Conference for Federal EDA "Investing in Manufacturing Communities Partnership" Planning Grant**

*Southeast Conference (SEC) has a steering committee working on a planning grant from the Federal Economic Development Administration (EDA) to move the region in a forward direction with manufacturing development - "Investing in Manufacturing Communities Partnership". SEC believes this region is ready for manufacturing expansion in the Maritime Industry and this planning grant will provide some funds to analyze the region's priorities. SEC's request to EDA will be for \$200,000 and will need a match of \$200,000. They are asking for commitments from conference members to provide in-kind or financial contributions as a portion of the required match. **Motion:** Approve an in-kind contribution to Southeast Conference as a part of the required match for an EDA "Investing in Manufacturing Communities Partnership" planning grant.*

5. **Executive Session – Review of Assembly Investigative Procedures**

*On 5/14/13, this agenda item was rescheduled to this meeting. **Motion:** "go into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to review assembly investigative procedures; this matter qualifies for executive session because a public discussion would tend to prejudice the character and reputations of persons involved; the borough manager and borough attorney are requested to attend."*

12. SET MEETING DATES

13. PUBLIC COMMENTS

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

15. ADJOURNMENT

  
**Haines Borough**  
**Borough Assembly Meeting #245**  
**May 28, 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 Joanne **WATERMAN**, Debra **SCHNABEL**, Jerry **LAPP**, Dave **BERRY**, Norman **SMITH**, and Steve **VICK**.

**Staff Present:** Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Finance Director, Simon **FORD**/Interim Police Chief, Carlos **JIMENEZ**/Director of Public Facilities, Tanya **CARLSON**/Tourism Director, RaeAnn **GALASSO**/Pool Manager, Patty **BROWN**/Library Director, Jerrie **CLARKE**/Museum Director, Kris **REEVES**/Museum Assistant, and Blythe **CARTER**/Museum Operation Coordinator.

**Visitors Present:** Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Michael **BYER**, Joan **SNYDER**, Greg and Ann Marie **PALMIERI**, Heather **LENDE**, Joanne **ROSS CUNNINGHAM**, Henriette **ARONSON**, Eric **HOLLE**, John S. **HAGEN**, Lorraine **DUDZIK**, Michael **MARKS**, Bill **KURZ**, Michael **PIPPIN**, Tom **ANDRIESON**, and others.

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

The following Items were on the published consent agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Museum Report
- 9A – Planning Commission Minutes
- 9B – Museum Board Minutes
- 9C – Tourism Board Minutes
- 11A1 – Adoption of Resolution 13-05-464
- 11A2 – Adoption of Resolution 13-05-465
- 11A3 – Adoption of Resolution 13-05-466
- 11B1 – Introduction of Ordinance 13-05-328
- 11B2 – Introduction of Ordinance 13-05-329
- 11B3 – Introduction of Ordinance 13-05-330
- 11B4 – Introduction of Ordinance 13-05-331
- 11C1 – Advisory Board Appointments

**Motion:** **LAPP** moved to “approve the agenda/consent agenda,” and it was amended to remove 11A2 and 11B2 from the consent agenda and add 11C2-Shellfish Discussion to the agenda. The agenda, as amended, was approved unanimously.

\* 4. **APPROVAL OF MINUTES** – May 14, 2013 Regular

5. **PUBLIC COMMENTS**

**SNYDER** read her written comments supporting the Sheldon Museum and asked for continued funding.

**PIPPIN** said he has a lot of concerns about having a contract assessor. It tends to mislead and take away accountability. This work should be done in-house. He provided written comments to the assembly.

**HOLLE** said adequate spot-checks are needed to manage Heliskiing.

**ARONSON** spoke in support of restoring funding to the FY14 budget for the Museum. She asked the assembly to figure out a more equitable way to allocate.

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

The mayor distributed a written report, and she summarized the topics including Alaska Municipal League, Southeast Conference, Connelly Lake, Salvation Army and the recent trip to Skagway with AIDEA.

7. **PUBLIC HEARINGS**

A. **Ordinance 13-04-323** – Second Hearing

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

Mayor **SCOTT** opened and closed the public hearing at 6:58pm; there were no public comments.

**Motion:** BERRY moved to “adopt Ordinance 13-04-323,” and the motion was amended to, as follows:

<b>To re-appropriate \$55,000 of FY12 CIP appropriation for “Library heated Storage Area” and \$22,050 for “Library Storage Cabinets.” Funds would be used instead for design and for part of the construction for an addition to the Library.</b>				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
50-01-00-7392	CIP – Library Heated Storage	\$55,000	\$0	\$55,000
50-01-00-7392	CIP – Library Storage Cabinets	\$22,050	\$0	\$22,050
50-01-00-7392	CIP – Design and partial Construction	\$0	\$77,050	(\$77,050)
<i>Net Impact to CIP Fund balance</i>				\$0
<b>To appropriate \$10,000 of Title III Forest Receipts for design of a creek restoration project at South Creek in Excursion Inlet to reduce or mitigate the impact of development on adjacent federal lands.</b>				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
21-01-00-7392	Project Expenditures (Creek Restoration)	\$0	\$10,000	(\$10,000)
<b>To appropriate \$70,423 of Townsite Service Area General Funds for additional FY13 police department payroll expense. The total includes \$36,000 for consideration paid to the outgoing Chief and \$22,086 in additional estimated wages due to overtime for the Acting Chief and other patrol officers from late March through the end of June.</b>				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
02-02-00-6110	Salary & Wages	\$299,564	\$357,650	(\$58,086)
02-02-00-6115	Employee Burden	\$99,536	\$111,873	(\$12,337)
<b>Total increase to police payroll budget</b>				<b>(\$70,423)</b>

The main motion, as amended, carried unanimously in a roll call vote.

During discussion, **LAPP** said the finance committee reviewed the additional amendments and recommends them. **WATERMAN** asked for an explanation of the library amendment. **BROWN** explained the idea is to have the two CIP appropriations combined and used to try to address the storage and technology issues at the library. **LAPP** said the library doesn't know if they will get the funds for the addition. It could be five years, and this money shouldn't be held onto for an indefinite period of time. The portion needed for design can be used for that and the part earmarked for construction could go into the pool until such time as funds are acquired for the addition. **VICK** agreed with **LAPP**. It's not good to be held for a long period of time. A 3-year timeframe for a project should generally be sufficient. **SCHNABEL** said the library has been transformed from a component unit to a department of the borough and this is simply allowing a department to continue to do its work. She's in support of it. **EARNEST** briefly explained the Excursion Inlet creek restoration project and the need for it. Title 3 funds are restricted and this project qualifies for it. This money would be used for the 35% preliminary design and permitting. There is a very limited time to do this, and the designers are ready to go.

**B. Ordinance 13-04-324 – Second Hearing**

**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).**

Mayor **SCOTT** opened the public hearing at 7:11pm.

**DUDZIK** advocated for the cultural centers of Haines, including the Sheldon Museum, the Haines Borough Public Library, and the Chilkat Center. She thanked the borough for all it has done. She asked the assembly to consider the many volunteers who help these centers to be viable. The community needs these cultural centers year-round. A great civilization rests on two things: its sewage system and its culture.

**REEVES** asked the assembly to consider funding the museum either at current levels or more, if

possible. The museum encourages community pride and is a local educational institution. The town uses the museum in the winter, and it's very popular with visitors in the summer.

**ROSS CUNNINGHAM** advocated for full funding for the library. She highlighted the summer reading program. The place is packed with kids who are excited about reading.

**CARTER** said retaining museum staff is difficult with a reduced budget, and most employees are already part-time.

**LENDE** said Skagway looks so prosperous. They know their story and history so well. In large part, it is a part of their economic success. Our community is anchored by our facilities. She asked the assembly to please consider where our success comes from when making budget decisions and also how we can utilize our own deep and rich history.

**CLARKE** said she talks to people all the time about why they move to Haines or come to visit. It's because of what we have here. This museum is accredited, and that blows people away.

**PIPPIN** spoke in favor of keeping the pool open year-round.

**Motion:** **VICK** moved to "advance Ordinance 13-04-324 to a third public hearing on 6/11/13." and it was amended to:

1. Delete appropriation in the amount of \$150,000 for "Dump Truck Replacement," as proposed by the manager in his 5/28/13 memo to the assembly;
2. Appropriate funding in the amount of \$220,000 for "Loader Replacement," as proposed by the manager in his 5/28/13 memo to the assembly;
3. Appropriate funding in the amount \$75,000 for two replacement "Police Vehicles," as proposed by the manager in his 5/28/13 memo to the assembly; and
4. Fully-fund the museum to the FY13 amount (\$17,559K) and reduce the "community chest" in the assembly's budget by that amount.

The main motion, as amended, carried unanimously.

Additionally, the following directions to the manager were passed by a majority during the discussion although they did not actually amend the FY14 budget ordinance:

1. Direct the manager to submit to the assembly prior to or at the 6/11/13 meeting a revised FY14 manager's budget that reconciles the proposed FY14 property tax revenue to the adjusted assessment today, incorporates the proposed amendments that allow year-round operation of the swimming pool, incorporates the proposed costs of hiring a chief of police and the proposed costs of personnel in the interim, and reduces the combined expenses of Assessment/Land Management, Administration, Finance, and the Library by eight percent; and
2. Direct the manager to provide an evaluation of the effectiveness of the Executive Assistant to the Manager and Planning & Zoning Technician III positions;

During the ordinance discussion, **SCHNABEL** said she is concerned museum staff is appealing directly to the assembly. She suggested the museum board should address the issues that have been raised and come forward to work with the manager to see what can be done. She went on to say a lot has changed since the manager first presented the budget, and it would be good to have a revised and comprehensive document. **STUART** said the assessor is still dealing with appeals, so the property tax numbers are not ready. **VICK** asked if those numbers will be available before the budget needs to be adopted. **SCOTT** said no, but the revenues and expenditures can be adjusted afterwards. The one thing that can't be changed, however, is the mill rate, so it is critical to set it as closely as possible. Regarding the pool budget, **VICK** appreciates the efforts to come up with a plan to keep the pool open. He asked if anyone has found out what the savings would be if temperatures are reduced by one or two degrees. **EARNEST** there is an ongoing argument between user groups about optimal temperatures. **VICK** said if it is lower, it saves money. The fluctuation of temperature creates expense to satisfy different user groups. Maintaining a steady pool temperature is going to be a cost-effective solution. He has asked for information about this every year and doesn't understand why such a common sense solution is not considered. **EARNEST** said the amount of money is estimated at \$10,000 per degree but staff is also looking at a combination of measures to reduce the cost of pool operation. **SCHNABEL** said she would like the manager to take a look at the Assessment, Finance, Administration, and Library budgets and try to reduce them overall by 8% or approximately \$130,000. **VICK** asked where 8% came from. **SCHNABEL** said she went through the Fund 01 budget where revenues are insufficient to cover the expenses and identified things that she believed could be done differently. That came to about 8%. **EARNEST** said staff spent a considerable amount of effort to come up with a budget commensurate with the level of services being provided.

It's not a matter of "can" but it is important to consider impacts to services. He did not present a budget with fluff. It went through a lot of scrutiny with the department directors. **SCHNABEL** said the borough can't keep eating away at the fund balance pretending we can afford what we are doing. She's not asking to micromanage but asking the manager to try. If it can't be done, then okay. **LAPP** wondered why the school was not included in the list that needs to be cut by 8%. **SCHNABEL** said those four functions represent about 40% of the budget. She would also like to see the organizational chart be adopted as part of the budget. **WATERMAN** wants the borough to fully-fund its own departments before granting funds to community nonprofits. **VICK** said he understands the reasons but it doesn't seem equitable. **SMITH** said he cannot support this. **SCHNABEL** said the community chest doesn't have to all be spent. She would like to see the museum board come forward with some efficiencies. There are functions within the operation that could be pared. **WATERMAN** does not have any intention to micromanage. The borough has to work at becoming sustainable. She disagrees with the drastic cuts and wants a balanced and fair budget. The assembly should fund the borough departments before funding the nonprofits and work with the departments to pare down wherever practical. If there is money leftover, yes, she has no problem supporting nonprofits. She observed the museum is a component unit and a nonprofit but they do not approach the borough for funding like other nonprofits. A motion to fully-fund the museum to the FY13 amount and reduce the "community chest" in the assembly's budget by that amount passed 4-3 with **VICK**, **SCHNABEL**, and **SMITH** opposed and **SCOTT** breaking the tie in the affirmative. A motion to postpone until the assembly heard from the Museum Board of Trustees failed 3-4 with **BERRY**, **LAPP**, and **WATERMAN** opposed and the mayor breaking the tie in the negative. **SCHNABEL** noted the assembly has proposed the museum operate on less not close its doors. **SMITH** said the biggest cost in a department is staffing.

C. **Ordinance 13-05-325** – First Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Chapter 2.40 and Section 2.50.040 to authorize the manager to appoint the police chief, to modify the duties of the police chief, and to make the hiring of police and correctional officers subject to state law.**

Mayor **SCOTT** opened and closed the public hearing at 9:01pm; there were no public comments.

**Motion:** **BERRY** moved to "advance Ordinance 13-05-325 to a second public hearing on 6/11/13," and it carried 5-1 with **SMITH** opposed.

During the discussion, **SMITH** said this places too much power in the manager's lap. Most managers don't know anything about police departments. **LAPP** assured assembly confirmation is part of the process. **SCHNABEL** said the Public Safety Commission participates in the process to hire a chief. The Haines Borough has a manager form of government. **EARNEST** said he is not aware of any other Alaska community where the legislative body appoints the police chief. The current structure has the police chief under the direct supervision and evaluation of the manager. That would not change. Ultimately, any police chief could come to the assembly on appeal if the manager was out of line. This code change will solve some personnel procedural issues.

D. **Ordinance 13-05-326** – First Hearing

**An Ordinance of the Haines Borough amending Borough Code Title 16, Section 16.16.010 establishing a deadline for returning harbor slip license agreements.**

Mayor **SCOTT** opened and closed the public hearing at 9:14pm; there were no public comments.

**Motion:** **LAPP** moved to "advance Ordinance 13-04-326 to a second public hearing on 6/11/13," and it carried unanimously. There was no discussion.

8. **STAFF/FACILITY REPORTS**

A. **Borough Manager – 5/28/13**

**EARNEST** summarized his written report.

**SMITH** asked the manager to provide an update on the Barnett water tank elevation problem. **EARNEST** said the engineer did pay for the error and the delay. The borough is paying for additional fill which would have been the case anyway if it had been correctly surveyed. **SMITH** asked if the pit toilets at Letnikof were permitted by ADEC. **EARNEST** will look into it. **VICK** reminded about the early retirement information the assembly is expecting by the next meeting.

1. **Telephone Conversation with Brad Gilman, Federal Lobbyist**

Mr. Gilman will actually be in Haines next week to meet with the assembly in person.

\* B. **Sheldon Museum – Staff Report of April 2013**

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

- \*A. **Planning Commission** – *Minutes of 4/18/13*
- \*B. **Museum Board of Trustees** – *Minutes of 4/17/13*
- \*C. **Tourism Advisory Board** – *Minutes of 3/27/13*
- D. **Assembly Standing Committee Reports**

**SCHNABEL** said the Commerce Committee met recently with a Southeast Alaska Conservation Council attorney who made a presentation on the Good Neighbors Program.

**LAPP** said the Finance Committee went over the CIP lists and recommends creating a policy to reallocate funds to other things for those items that are three years old. **EARNEST** added it could also mean a reappropriation that would reset the clock but there would have to be justification for the extension.

**VICK** said the Government Affairs & Services Committee met and discussed both the proposed election ordinance and trapping within the townsite. Ron Jackson informed the Parks and Recreation Committee is already working on the trapping issue. Additionally, State Parks said there is precedence for creating protected areas.

## 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 4/23, the assembly postponed consideration of the approval motion to until this meeting to allow the borough's finance director additional time to research the question of a nonprofit having ancillary revenue-generating sales. Debate resumed 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."*

**SCHNABEL** does not know if the IRS would exempt the tour income from taxation. She does not support granting the exemption because it would give a commercial marketing advantage. **BERRY** said this was discussed earlier when considering the tour permit. That was his concern initially, but the applicant assured she would charge sales tax on tours. **EARNEST** explained this request is not for the tour portion of the organization. **WATERMAN** said this also means they would not have to pay sales tax when buying gasoline and food. She cannot support this request, because this gives them an advantage with their expenses. **VICK** agreed with the concern about a level-playing field. **LAPP** said he sees several on the list of currently-exempted organizations that may have a competitive edge over others. He wondered if the list should be revisited. **SCHNABEL** said the borough has long functioned as though anything a nonprofit does is eligible for tax exemption. **SCOTT** asked how the Sheldon Museum and Bald Eagle Foundation know to charge sales tax for their store items. **BERRY** said he talked with the Eagle Foundation, and they charge sales tax on everything just to be sure. **WATERMAN** clarified the competitive edge comes in tax-exempt organizations not having to pay sales tax on things they buy.

**Motion:** **VICK** moved to "postpone and ask the applicant to come back with a list of what they propose to use the sales tax exemption for, differentiating between their educational activities and their commercial tours," and the motion carried 5-1 with **SCHNABEL** opposed.

## 11. NEW BUSINESS

### A. Resolutions

#### \* 1. Resolution 13-05-464

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a contract with Southeast Road Builders, Inc. to provide D-1, Sand, and Pit Run materials to the Borough for 2013-14.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 13-05-464."*

#### 2. Resolution 13-05-465

**A Resolution of the Haines Borough Assembly Supporting Naming the Haines Borough a Purple Heart Borough.**

*This item was removed from the consent agenda during approval of the agenda.*

**Motion:** **LAPP** moved to "adopt Resolution 13-05-465," and it carried unanimously in a roll call vote.

The mayor said she wanted this removed from the consent agenda so she could take the opportunity to read it aloud, and she did so.

\* 3. **Resolution 13-05-466**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Murray and Associates, P.C. in the amount of \$27,269 for mechanical and electrical engineering for the Haines School fan replacement project.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 13-05-466."*

**B. Ordinances for Introduction**

\* 1. **Ordinance 13-05-328**

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.030 to only require conditional use approval for the construction of a building within 15 feet of an adjacent building if one or both of the buildings is for human occupancy.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-05-328 and set a first public hearing for 6/11/13."*

2. **Ordinance 13-05-329**

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.040 to allow adjacent on-street parking to count toward the parking requirement.**

*This item was removed from the consent agenda during approval of the agenda.*

**Motion:** WATERMAN moved to "introduce Ordinance 13-05-329 and set a first public hearing for 6/11/13," and it carried 5-1 with SCHNABEL opposed.

WATERMAN explained on-street parking has to be approved by the planning commission, must be commercial property, and is not guaranteed. SCOTT said "short term" parking is not defined in code. WATERMAN explained in certain parking requirements, a person can have long-term parking for boats and trailers, but not in this situation. SCOTT said the parking requirements table does not mention "short term." This is not a temporary thing. It's meant to modify the parking table. It changes the rules for developers who are creating required parking spaces. It allows the planning commission to say they can count a certain number of on-street spaces toward their quota. WATERMAN suggested the planning commission chair attend a meeting and explain the concept.

\* 3. **Ordinance 13-05-330**

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.030 to only require conditional use approval for the construction of a building within 15 feet of an adjacent building if one or both of the buildings is for human occupancy.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-05-330 and set a first public hearing for 6/11/13."*

\* 4. **Ordinance 13-05-331**

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.040 to allow adjacent on-street parking to count toward the parking requirement.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-05-331 and set a first public hearing for 6/11/13."*

5. **Ordinance 13-05-327**

**An Ordinance of the Haines Borough amending Borough Code Title 2, Sections 2.08.010, 2.68.140, 2.68.200, and 2.68.510 to allow for election of assembly and school board members through single lists of candidates.**

*Note: on 5/14/13, this ordinance was referred to the Government Affairs & Services Committee that met on 5/23. It was placed on this assembly meeting agenda at the mayor's request.*

**Motion:** WATERMAN moved to "introduce Ordinance 13-05-327 and set a first public hearing for 6/11/13," and the motion carried 4-3 with LAPP, BERRY, and VICK opposed and the mayor breaking the tie in the affirmative.

SCHNABEL requested people in the audience be allowed to comment. A.PALMIERI said a few people have told her they would run for school board if they didn't have to run against a specific person. A roster of candidates would be better and might encourage more people to run. KURZ disagreed. There are people who run because they think they could do it better or they believe they can do it better than the person that's in there. PIPPIN would like to encourage accountability no matter how they do it. BERRY said this was a heated topic during the

consolidation meetings. The majority at that time voted to have the election method remain the same. People should run for specific seats. **SCHNABEL** said by having designated seats, candidates are never allowed to vote for and have as their representatives those two people who are running against each other even though they may both happen to be the two they prefer to elect. Competition in an open field allows voters to choose who they want. She absolutely supports all candidates vying for an office.

**C. Other New Business**

**\* 1. Board & Committee Appointments**

*The motion adopted by approval of the consent agenda: "confirm the mayor's appointment of John Hagen to the Museum Board of Trustees for a term ending 11/2015."*

**2. Shellfish Discussion**

*This item was added during approval of the agenda.*

**SMITH** read aloud statistics regarding a sea otter problem in the lower Southeast panhandle that is impacting the Upper Lynn Canal. Crabbers come up here because of the sea otter problem where they are. The borough needs to stay on top of this issue. The Board of Fish only meets on shellfish every three years with the next time scheduled for 2015. By then, the local crab biomass could be decimated. **SCOTT** suggested sending a "letter of alarm" to ADF&G Commissioner Cora Campbell. **VICK** interjected that the increased fishermen and sea otters are symptoms. Ocean acidification is causing the crab larvae to die because they can't get their exoskeleton. There are fewer crabs. One solution is to get more help here. **SMITH** said there is an emergency closure clause the borough could petition for. **SCOTT** asked the manager if he can think of an effective way to work with the state agency. **EARNEST** agreed the two suggestions would be most effective: sending a letter to the commissioner and requesting an emergency closure. **SMITH** said subsistence takes priority.

**Motion:** **WATERMAN** moved to "ask the mayor to draft a letter to ADF&G Commissioner Cora Campbell regarding the shellfish crisis and include it in the 6/11 packet," and the motion carried unanimously.

**12. CORRESPONDENCE/REQUESTS - None**

**13. SET MEETING DATES**

**A. Board of Equalization #3** – Tuesday, 6/18, 6pm

**B. Public Safety Commission** – Monday, 6/17, 5:30pm

**C. Committee of the Whole** – Monday, 6/3, 1:00pm – Meeting with Brad Gilman; Assembly Chambers

**14. PUBLIC COMMENTS**

**KURZ** thanked the mayor for attending the recent Haines Port Development Council meeting and said good things are happening.

**PIPPIN** said the government doesn't have the right to do whatever it wants, including the determination of assessment values.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**BERRY** said he will be out of town but teleconference in for 6/25 assembly meeting.

**EARNEST** said he will be out of the state during the last two weeks of June.

**SCOTT** said people have been talking to her about skateboarding concerns and, at a minimum, kids should be geared up with helmets. **LAPP** said most of them will get off the road when they see a vehicle coming. He would like to see the Public Safety Commission consider allowing 4-wheelers on the road.

**WATERMAN** added that even the Port and Harbor Advisory Committee has talked about the topic of skateboarders. She would like to see across the board accountability and education for both skateboarders and bicyclists.

**16. ADJOURNMENT – 10:32pm**

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

ATTEST:

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

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



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-269  
**Assembly Meeting Date:** 6/11/13

Business Item Description:	Attachments:
Subject: Adopt FY14 Haines Borough Operating Budget	1. Ordinance 13-04-324 2. Budget Amendment Worksheet 3. Updated Taxable Real Property Values / Mill Rates 4. Memo from the Manager - Draft options for cutting 8% from Fund 01 5. Memo from the Library
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 4/18/13	

**Full Title/Motion:**  
Motion: Adopt Ordinance 13-04-324.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

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

**Summary Statement:**

The manager submitted a proposed budget on 4/1/13, and the assembly conducted 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 and those took place on 5/14 and 5/28. On 4/23, the assembly amended the manager's budget to remove the proposed replacement of the dais chairs in the assembly chambers. On 5/28, the budget was amended to remove the dump truck replacement and add a loader replacement, incorporate two replacement police vehicles, revise the pool budget to continue year-round operation, and to fully-fund the museum to the FY13 amount (\$17,559K) and reduce the "community chest" in the assembly's budget by that amount. Also, the manager was asked to draft a plan to reduce the FY14 Fund 01 Operating Budget by approx. \$130K by cutting 8% from the administration, finance, assessment/lands, and library budgets.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 5/14, 5/28, 6/11/13
Meeting Date(s): 4/23, 5/14, 5/28, 6/11/13	Tabled to Date:

**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	70,450
License, Permits, & Fees	38,000
Penalty & Interest	45,000
Rents	69,000
Other Miscellaneous Revenue	14,317
TOTAL AREAWIDE REVENUES	<u>\$ 3,657,069</u>

EXPENDITURES

Administration	518,599
Borough Assembly	103,664
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

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Haines Borough School District	1,781,666
Library	437,261
Museum	192,860
Parks	60,951
Community Youth Development	29,989
Swimming Pool	239,271
Transfers	(115,000)
Allocated Expense	<u>(746,973)</u>
TOTAL EXPENDITURES & TRANSFERS	<u>3,955,145</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (298,076)</u>

**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	<u>31,200</u>
	<u>1,750,048</u>
EXPENDITURES	
Police	565,573
Public Works	619,661
Animal Control	47,813
Operating Transfers	478,000
Allocated Expense	<u>398,681</u>
TOTAL EXPENDITURES & TRANSFERS	<u>2,109,728</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (359,680)</u>

**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>

**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>\$ (65,207)</u>

**21 TITLE III FOREST RECEIPTS**

REVENUES	<u>\$ 50,000</u>
EXPENDITURES	<u>50,000</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<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>\$ (61,029)</u>

**25 FIRE SERVICE AREAS**

REVENUES	
Fire District #1	\$ 192,000
Fire District #2	<u>28,450</u>
TOTAL REVENUES	<u>220,450</u>

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EXPENDITURES

Fire District #1	215,862
Fire District #2	28,450
Operating Transfers	58,500
Allocated Expense	<u>(14,432)</u>
TOTAL EXPENDITURES & TRANSFERS	<u>288,380</u>

CONTRIBUTION TO (FROM) FUND BALANCE \$ (67,930)

**34 COMMERCIAL PASSENGER VESSEL TAX**

REVENUES \$ 130,000

EXPENDITURES 81,100

CONTRIBUTION TO (FROM) FUND BALANCE \$ 48,900

**50 CAPITAL IMPROVEMENT PROJECTS**

REVENUES \$ 738,000

EXPENDITURES

Direct Expenditures	1,349,700
Operating Transfers	(645,000)
Allocated Expense	<u>29,211</u>
TOTAL EXPENDITURES & TRANSFERS	<u>733,911</u>

CONTRIBUTION TO (FROM) FUND BALANCE \$ 4,089

**61 EQUIPMENT SINKING FUND**

TRANSFERS (40,000)

CONTRIBUTION TO (FROM) FUND BALANCE \$ 40,000

**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	<u>\$ 403,850</u>
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	<u>\$ 462,620</u>
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	<u>\$ 466,824</u>
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>\$ 165,366</u>

**94 PORT CHILKOOT DOCK FUND**

REVENUES	<u>\$ 56,000</u>
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>\$ (250,412)</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>\$ 213,269</u>

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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	<b>9.79</b>
Fire District #1 (outside the Townsite)	5.42	0.84	-	1.33	<b>7.59</b>
Fire District #3	5.42	0.73	-	1.33	<b>7.48</b>
Dalton Trail RMSA	5.42	0.73	0.20	1.33	<b>7.68</b>
Dalton Trail RMSA (no fire service)	5.42	-	0.20	1.33	<b>6.95</b>
Dalton Trail & Eagle Vista RMSA	5.42	0.73	2.93	1.33	<b>10.41</b>
Dalton Trail & Chilkat Lake RMSA	5.42	-	0.20	1.33	<b>6.95</b>
Riverview RMSA	5.42	0.73	1.15	1.33	<b>8.63</b>
Letnikof RMSA	5.42	0.84	1.19	1.33	<b>8.78</b>
Borough	5.42	-	-	1.33	<b>6.75</b>

\*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, MMC, Borough Clerk

Date Introduced: 04/23/13  
Date of First Public Hearing: 05/14/13  
Date of Second Public Hearing: 05/28/13  
Date of Third Public Hearing: 06/11/13

# HAINES BOROUGH

## Amendments to the FY14 Manager's Budget



FUND	Areawide General		Townsite General	
	01	02	50	CIP
Projected Fund/Cash Balance as of 06/30/2013	\$ 2,495,506	1,899,379	1,474,448	
<b>FY14 Manager BUDGET Excess Revenue Over (Under) CASH Expense</b>	<b>(281,174)</b>	<b>(239,680)</b>	<b>4,089</b>	<b>Totals</b>
1 Removed assembly chambers dias chairs	2,300			2,300
2 Revised pool budget (12 mo operation)	(19,202)			(19,202)
3 Delete Dump Truck (moved to FY13)		150,000	-	150,000
4 Purchase Loader		(220,000)	-	(220,000)
5 Purchase 2 police vehicles		(50,000)	-	(50,000)
6 Increase Museum / Decrease Community Chest	-			-
				-
<b>PROPOSED Excess Revenue Over (Under) CASH Expense</b>	<b>(298,076)</b>	<b>(359,680)</b>	<b>4,089</b>	<b>(136,902)</b>
<b>NEW Proposed Projected Fund/Cash Balance 06/30/2014</b>	<b>\$ 2,197,430</b>	<b>1,539,699</b>	<b>1,478,537</b>	<b>(136,902)</b>
<b>Annual Operating Budget</b>	<b>4,817,118</b>	<b>1,233,047</b>		
Projected Fund Balance as % of Operating Budget	46%	125%		
Amount in excess of 6 months of operating budget	(211,129)	923,176		

# Memo



Date: June 6, 2013  
 To: Mayor, Assembly  
 From: Mark Earnest, Borough Manager  
 Jila Stuart, Finance Director  
 RE: 6-6-13 Updated Taxable Real Property Values

The Assessment department continues to review 2013 real property appeals. The chart below shows the values as currently adjusted as of June 6 compared to the values sent out in the March notices and compared to the 2012 values. These numbers are a draft. The 2013 roll has not yet been certified:

	Haines Borough Real Property Assessed Valuation		
	2012 (FY13) Final	2013 (FY14) March Notices	2013 (FY14) As of 6-6-13
BOROUGH (without services)	\$ 26,033,217	\$ 26,931,400	\$ 26,865,900
Boro.DaltonTrail RMSA	8,173,180	9,990,600	8,088,000
TOWNSITE	177,802,260	203,464,500	195,017,130
F.D.#1	37,323,380	46,716,400	44,245,100
F.D.#1 Letnikof RMSA	8,109,860	8,762,100	8,668,800
FD#3 (without RMSA service)	22,827,488	33,668,420	30,899,520
FD#3 DaltonTrail RMSA	2,892,270	4,093,600	3,557,500
FD#3 EagVista&Dalton RMSA	1,809,670	2,391,500	2,368,100
FD#3 Riverview RMSA	1,405,070	2,668,000	1,637,800
<b>TOTAL VALUES</b>	<b>\$ 286,376,395</b>	<b>\$ 338,686,520</b>	<b>\$ 321,347,850</b>

Because the real taxable value has been reduced since the Manager's budget was created an amendment to the Manager's budget is needed regarding property tax. One of two things should happen:

1. The revenue projections for property tax revenue should be decreased based on the decreased assessed values. In this scenario mills should be shifted from the areawide general fund to debt service so that the Borough can meet its debt service obligation. Also, in this scenario the mill rates for fire district 3 and for RMSAs should be increased to meet the requested budgets.
2. The mill rate from the Manager's budget should be increased in order to meet the Manager's revenue projections (in this scenario mill rates would still be lower than the previous year).

Here are the details for Options 1 & 2:

### Option 1

Amend the mill rates as follows (this does not change the total mills levied for taxpayers in the Townsite or in the Borough without service areas):

<u>Borough</u> <u>Areawide</u>	<u>Fire</u> <u>Service</u> <u>Area</u>	<u>Road /</u> <u>Other</u> <u>Service</u> <u>Area*</u>	<u>Debt</u> <u>Service</u> <u>Mills*</u>	<u>FY14 Total</u> <u>Levy</u>
-----------------------------------	--	---	--	----------------------------------

Townsite	<del>5.42</del> <u>5.37</u>	0.84	2.20	<del>1.33</del> <u>1.38</u>	9.79
Fire District #1 (outside the Townsite)	<del>5.42</del> <u>5.37</u>	0.84	-	<del>1.33</del> <u>1.38</u>	7.59
Fire District #3	<del>5.42</del> <u>5.37</u>	<del>0.73</del> <u>0.80</u>	-	<del>1.33</del> <u>1.38</u>	<del>7.48</del> <u>7.55</u>
Dalton Trail RMSA	<del>5.42</del> <u>5.37</u>	<del>0.73</del> <u>0.80</u>	<del>0.20</del> <u>0.23</u>	<del>1.33</del> <u>1.38</u>	<del>7.68</del> <u>7.78</u>
Dalton Trail RMSA (no fire service)	<del>5.42</del> <u>5.37</u>	-	<del>0.20</del> <u>0.23</u>	<del>1.33</del> <u>1.38</u>	<del>6.95</del> <u>6.98</u>
Dalton Trail & Eagle Vista RMSA	<del>5.42</del> <u>5.37</u>	<del>0.73</del> <u>0.80</u>	<del>2.93</del> <u>2.96</u>	<del>1.33</del> <u>1.38</u>	<del>10.41</del> <u>10.51</u>
Dalton Trail & Chilkat Lake RMSA	<del>5.42</del> <u>5.37</u>	-	<del>0.20</del> <u>0.23</u>	<del>1.33</del> <u>1.38</u>	<del>6.95</del> <u>6.98</u>
Riverview RMSA	<del>5.42</del> <u>5.37</u>	<del>0.73</del> <u>0.80</u>	<del>1.15</del> <u>1.83</u>	<del>1.33</del> <u>1.38</u>	<del>8.63</del> <u>9.38</u>
Letnikof RMSA	<del>5.42</del> <u>5.37</u>	0.84	1.19	<del>1.33</del> <u>1.38</u>	8.78
Borough	<del>5.42</del> <u>5.37</u>	-	-	<del>1.33</del> <u>1.38</u>	6.75

And decrease property tax revenue projections as follows:

Fund		FY12 ACTUAL	FY13 BUDGET	FY14 Manager's	FY14 Revised Option 1	Decrease from Mngr's
01	Areawide P/T Revenue	\$1,508,638	\$1,581,000	\$ 1,646,000	\$ 1,565,000	\$ (81,000)
02	Townsite P/T Revenue	445,434	343,000	390,000	378,000	(12,000)
25	Fire District #1 Revenue	193,089	192,000	192,000	186,000	(6,000)
Total Decreased Revenue Projection if mill rates from Manager's budget are maintained						\$ (99,000)

**Option 2**

Amend the mill rates as follows in order to levy property tax per the Manager's budget (though higher than the Manager's budget, these mill rates are reduced from the previous year):

	<u>Borough</u> <u>Areawide</u>	<u>Fire</u> <u>Service</u> <u>Area</u>	<u>Road /</u> <u>Other</u> <u>Service</u> <u>Area*</u>	<u>Debt</u> <u>Service</u> <u>Mills*</u>	<u>FY14</u> <u>Total</u> <u>Levy</u>
Townsite	5.65	0.87	2.27	1.38	10.17
Fire District #1 (outside the Townsite)	5.65	0.87	-	1.38	7.90
Fire District #3	5.65	0.80	-	1.38	7.83

Dalton Trail RMSA	5.65	0.80	0.23	1.38	<b>8.06</b>
Dalton Trail RMSA (no fire service)	5.65	-	0.23	1.38	<b>7.26</b>
Dalton Trail & Eagle Vista RMSA	5.65	0.80	2.96	1.38	<b>10.79</b>
Dalton Trail & Chilkat Lake RMSA	5.65	-	0.23	1.38	<b>7.26</b>
Riverview RMSA	5.65	0.80	1.83	1.38	<b>9.66</b>
Letnikof RMSA	5.65	0.87	1.19	1.38	<b>9.09</b>
Borough	5.65	-	-	1.38	<b>7.03</b>

The following chart shows the Option 2 mill rates compared to the FY13 mill rates and compared to the rates in the Manager's budget:

	<u>FY13</u>	<u>FY14 Manager's Budget</u>	<u>Option 2</u>
Townsite	10.79	9.79	<b>10.17</b>
Fire District #1 (outside the Townsite)	8.59	7.59	<b>7.90</b>
Fire District #3	8.68	7.48	<b>7.83</b>
Dalton Trail RMSA	8.92	7.68	<b>8.06</b>
Dalton Trail RMSA (no fire service)	7.87	6.95	<b>7.26</b>
Dalton Trail & Eagle Vista RMSA	12.54	10.41	<b>10.79</b>
Dalton Trail & Chilkat Lake RMSA	8.22	6.95	<b>7.26</b>
Riverview RMSA	10.82	8.63	<b>9.66</b>
Letnikof RMSA	9.86	8.78	<b>9.09</b>
Borough	7.63	6.75	<b>7.03</b>

On May 28 the Assembly requested a plan to reduce the FY14 Fund 01 Operating Budget by approximately \$130,000 by cutting 8% from the administration, assessment/land management, finance, and library budgets. I am presenting two options. **Option A** which identifies cuts as specified by the Assembly motion and **Option B** which achieves the same cost savings but spreads the cuts more evenly throughout the fund and focuses on cuts to non-essential travel and training. An 8% cut to the 4 named departments comes to \$126,901. This is 2.65% of the total fund 01 expenditures in the Manager's FY14 budget.

FY14 Managers Budget

Administration	\$ 518,599
Assessment/ Land Mgmt	297,805
Finance	381,622
Library (non-grant expense)	388,242
<b>Total</b>	<b>\$ 1,586,268</b>

**8% of Total** **\$ 126,901**

**Option A**

	Manager's Budget	Proposed Alternative	Cost Savings
Administration			
Supplies - Coffee & Holiday Party	\$ 6,770	\$ 6,100	\$ (670)
Dues - Manager - ICMA	6,259	5,459	(800)
Travel	5,200	-	(5,200)
Training	2,600	-	(2,600)
Assessment / Land Mgmt			
Professional (contract Assessor )	55,875	35,875	(20,000)
Travel	4,700	-	(4,700)
Training	1,500	-	(1,500)
Finance			
Travel	2,030	-	(2,030)
Training	2,300	-	(2,300)
Library			
Payroll	341,637	313,112	(28,525)
Travel	1,034	-	(1,034)
Training	1,500	-	(1,500)
Employee to be determined			(65,000)
Additional Personal Costs due to elimination of position			8,958
			<span style="border: 1px solid black; padding: 2px;"><b>\$ (126,901)</b></span>

**Option B**

	Manager's Budget	Proposed Alternative	Cost Savings
Administration			
Supplies - Coffee & Holiday Party	\$ 6,770	\$ 6,100	\$ (670)
Dues - Manager - ICMA	6,259	5,459	(800)
Travel	5,200	-	(5,200)
Training	2,600	-	(2,600)
Assembly			
Supplies - Holiday Party	1,140	640	(500)
Travel (all but Mayor AML)	10,300	1,200	(9,100)
Training (all but Mayor AML)	2,000	350	(1,650)
Elections			
Travel	200	-	(200)

Finance			
Travel	2,030	-	(2,030)
Training	2,300	-	(2,300)
Assessment / Land Mgmt			
Professional (contract Assessor )	55,875	35,875	(20,000)
Travel	4,700	-	(4,700)
Training	1,500	-	(1,500)
Information Technology			
Training/Registration	1,000	-	(1,000)
Public Facilities			
Travel	2,000	-	(2,000)
Haines Borough School District (2.65% reduction)			
Instructional	1,556,866	1,515,609	(41,257)
Activities	210,000	204,435	(5,565)
Library (2.65% reduction)			
Payroll	341,637	333,883	(7,754)
Travel	1,034	-	(1,034)
Training	1,500	-	(1,500)
Museum (2.65% reduction)			
Payroll	168,801	163,690	(5,111)
Community Youth Development			
Travel	12,250	3,770	(8,480)
Swimming Pool			
Travel (includes CPO certification)	1,750	400	(1,350)
Training	1,650	1,050	(600)
		<b>Total</b>	<b>\$ (126,901)</b>

## HAINES BOROUGH PUBLIC LIBRARY

[Best Small Library in America 2005]

June 2, 2013



Mark Earnest, Borough Manager  
Haines Borough  
Post Office Box  
Haines, AK 99827

Dear Mr. Earnest:

The purpose of this letter is to present a plan, developed by Haines Borough Public Library (Library) Board of Trustees, for a reduction in the Manager's proposed Fiscal Year (FY) 2014 budget, as requested by Borough Assembly member Debra Schnabel on May 28<sup>th</sup>. The requested reduction is 8%, or \$28,711, of the total of the Manager's proposed budget of \$358,892.

We believe that the Library is the heart of the community of Haines. According to our statistics, in April, over 7,000 people visited the Library. On Friday, May 24<sup>th</sup>, the day of the Summer Reading Program kick-off event, over 520 people visited the Library -- this is almost 25% of the entire Borough population. The Library has tremendous local support with over 90 dedicated volunteers who give countless hours raising money, shelving books, working at the front desk, covering books, presenting at programs, shoveling snow, and doing anything else that needs to be done. We believe that when people give you what is most valuable to them - their time - it is a reflection of how much they believe in what the organization is doing.

The Library Board of Trustees met and reviewed the proposed FY2014 budget as well as the services that the Library provides to the community of Haines in order to see how savings could be realized without cutting services. This Library budget is already lean, and we determined that this could not be done. If there is a cut in the budget, especially one as drastic as 8%, the Board of Trustees will have no option but to cut services. The plan to trim \$28,711 from the budget is outlined below:

- The Library would close for two (2) days each week. The savings realized in payroll costs, and electricity with a two (2) day closure would equal approximately 8%.
- The closures would occur on Sundays and Mondays of each week. According to Library statistics, over a 6 month period, Sundays were the day with the least number of patrons visiting the Library, an average of 26 per hour. On Mondays, there were an average of about 31 people per hour. Closures on Mondays would affect children's programs such as storytime, and Summer Reading Program and after-school activities.

### LIBRARY DIRECTOR

Patricia Brown

### LIBRARY BOARD

Anne Marie Palmieri,  
Chair

Heather Lende, Vice-  
Chair

Richard Flegel, Treasurer

James Alborough,  
Secretary

Lorrie Dudzik

JoAnn Ross Cunningham

Cecily Stern

Meredith Pochardt

Stacey Gala

We would like the Borough Assembly members to understand that the decision to propose a closure was not made lightly. The Library Board of Trustees is made up of a diverse group of volunteers who are passionate about the Library and what it can offer to the community. We are very sad to be making this recommendation, but, again, we see no other option.

We appreciate the support that the Library has received in the past from the Borough Assembly. We hope to continue working together to offer a welcoming environment which is responsive to community needs and conducive to providing programs, sharing information, and stimulating ideas.

Sincerely,



Anne Marie Palmieri, Chair  
Haines Borough Public Library Board of Trustees



Agenda Bill No.: 13-276

Assembly Meeting Date: 6/11/13

Business Item Description:	Attachments:
Subject: Authorize Manager to Appoint Police Chief & Modify the Police Chief's Duties	1. Ordinance 13-05-325 2. Memo from the Manager
Originator: Borough Manager (at request of Personnel Committee)	
Originating Department: Administration	
Date Submitted: 5-2-13	

Full Title/Motion:
Motion: Adopt Ordinance 13-05-325.

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:
At the request of the Personnel Committee, the borough manager is submitting this ordinance for consideration to establish the Chief of Police as a position appointed by the Manager, rather than the Assembly, but subject to confirmation by the Assembly. This would place the Chief of Police, as it relates to the organizational structure, equivalent to the Director of Public Facilities, for example. Currently, the position is appointed by and serves at the pleasure of the Assembly, but supervised by the Manager. The proposed ordinance also removes the Chief of Police as an Officer of the Borough. This change is necessary to avoid a conflict in Charter (Section 5.04).

Referral:	
Sent to: Personnel Committee	Date:
Recommendation: Recommends    Refer to:	Meeting Date:

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 5/28, 6/11/13
Meeting Date(s): 5/14, 5/28, 6/11/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE CHAPTER 2.40 AND SECTION 2.50.040 TO AUTHORIZE THE MANAGER TO APPOINT THE POLICE CHIEF, TO MODIFY THE DUTIES OF THE POLICE CHIEF, AND TO MAKE THE HIRING OF POLICE AND CORRECTIONAL OFFICERS SUBJECT TO STATE LAW.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Section 2.40.010. Haines Borough Code 2.40.010 is amended, as follows:

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

**2.40.010 Police department organization – Appointment of chief.**

There shall be a police department, the head of which shall be the police chief who shall be appointed by the **manager subject to confirmation by the Assembly and who shall hold office at the discretion of the manager** assembly. The number of regular policemen shall be determined by the ~~assembly, but hired by the manager or as authorized in writing to be delegated to the police chief.~~ There shall also be a force of reserve policemen not to exceed eight in number appointed by the chief, subject to approval by the manager, who shall have all powers vested in the regular policemen and shall assist the chief. The reserve force shall adopt bylaws to govern its internal management, membership and organization; but bylaws shall not limit the powers of the police chief who is accountable to the borough assembly.

Section 5. Amendment of Section 2.40.030. Haines Borough Code 2.40.010 is amended, as follows:

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

**2.40.030 Chief of police.**

The police chief shall be the commanding officer of the police force. The chief shall:

A. ~~Be responsible for the enforcement of law and order~~ **Attempt to apprehend, arrest, and bring to justice all violators of federal, state, or borough law;**

B. **Establish a set of rules and regulations governing the discipline, training, and operation of the department** ~~Direct the police training and police work of the department;~~

C. **Provide a community contract jail** ~~Arrange for the attendance of one or more police officers at every fire within the townsite service area, to preserve order and to prevent theft and destruction;~~

D. **Provide or oversee animal control services** ~~Cause the streets and alleys of the townsite service area to be inspected regularly, and cause all nuisances, obstructions or~~

~~impediments therein to be removed, and cause offenders to be prosecuted when necessary to abate such nuisances;~~

~~E. **Attempt to generally keep the peace** Observe and report immediately to the public works department all defects and want of repair in streets, sidewalks, signs and all defective street lights;~~

~~F. **Serve warrants, writs, executions, and other processes properly directed and delivered to it** Receive and deliver all notices and papers to members of the borough assembly, manager and officers appointed by either, when requested by the borough clerk, and make due return thereof;~~

~~G. **Supervise all activities of the department** Be responsible for the maintenance and care of all property used by the police department;~~

~~H. M. Perform such other duties as shall be required of the chief **as may be specified in this Code or** by the manager;  
Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for which the borough may be liable; instruct all police officers to report to the chief such accidents; and notify the chief fiscal officer promptly of all such accidents. Whenever the attention of any police officer shall in any manner have been called to any accident for which the borough may be liable, it shall be the duty of such police officer to communicate such facts and information as the officer may have to the police chief;~~

~~I. **Investigate all applicants for any license or permit when such application requires certification by the Police Department.** Investigate promptly all applicants for any license or permit when such application requires certification by the police chief, and either deliver promptly to the borough clerk a certificate approving such license or permit, or promptly advise the borough clerk of the chief's refusal to so certify;~~

~~J. Maintain and staff the borough jail and be responsible for the prisoners; ;~~

~~K. At least monthly, turn over to the chief fiscal officer all bail deposits, fines, impounding and towage and storage fees, other fees and all moneys received by the department, subject to such rules as may be prescribed by the manager or chief fiscal officer;~~

~~L. Develop operating and procedures manuals for use by the various job classifications and duties within the department;~~

~~N. Be responsible for the direction and organization of the dispatch center as well as its command and control.~~

Section 6. Amendment of Chapter 2.40. Haines Borough Code Chapter 2.40 is amended by repealing Section 2.40.040 in its entirety.

Section 7. Amendment of Chapter 2.40. Haines Borough Code 2.40 is amended by adding a new section 2.40.035 to read as follows:

**2.40.035 Application of state law to police and correctional officers.**

**The hiring, employment, certification and dismissal of police and corrections employees shall be consistent with state law and regulations as defined in AS 18.65.130 - 18.65.290, and 13 AAC Chapter 85.**

Section 8. Amendment of Section 2.04.020. Haines Borough Code 2.40.020 is amended, as follows:

NOTE: ~~STRIKETHROUGH~~ ITEMS ARE DELETED

**2.04.020 Officers.**

The officers of the borough shall consist of:

A. Elected Officers. A mayor and six assembly members, who shall be elected by direct vote of the electors of the borough, and who are designated "elected officials";

B. Appointed Officers. A manager, clerk, attorney, ~~chief of police~~, and chief fiscal officer, who shall be appointed by and serve at the pleasure of the assembly. Said officers are designated as "borough officers," shall be appointed by the assembly, and shall be removed only by the assembly. Each borough officer shall hold office until terminated by the assembly or until the officer's successor is appointed, whichever shall first occur.

Section 9. Amendment of Section 2.50.040. Haines Borough Code 2.40.020 is amended, as follows:

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

**2.50.040 Duties and responsibilities.**

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The public safety commission shall:

A. Promote positive public relations with police, fire and emergency medical departments.

B. Review police reports to detect trends evident in Haines as portrayed through police statistics and advise the borough assembly on programs addressing these data-based needs.

C. Conduct public hearings, surveys, or ceremonies as requested.

D. Advise the borough assembly with respect to the organizational structure and policies of the police, fire and emergency medical departments.

E. When the position of chief of police is or is about to become vacant and has been properly advertised, review all applications received. The public safety commission shall make a recommendation for hire to the manager. The manager shall, after reviewing all applications, and considering the commission's recommendation, make his or her ~~recommendation to the borough assembly~~. ~~The police chief is an officer of the borough and serves at the pleasure of the assembly~~ **hiring decision subject to confirmation by the borough assembly.**

Section 10. Effective Date. This ordinance shall be effective upon adoption.

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

ATTEST:

\_\_\_\_\_  
Hon. Stephanie Scott, Mayor

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

Date Introduced: 05/14/13  
Date of First Public Hearing: 05/28/13  
Date of Second Public Hearing: 06/11/13



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

**May 14, 2013**

At the request of the Personnel Committee, I am submitting for your consideration an ordinance that would establish the Chief of Police as a position appointed by the Manager, rather than the Assembly, but subject to confirmation by the Assembly. This would place the Chief of Police, as it relates to the organizational structure, equivalent to the Public Facilities Director, for example. Currently, the position is appointed by and serves at the pleasure of the Assembly, but supervised by the Manager.

The proposed ordinance also removes the Chief of Police as an Officer of the Borough. This change is necessary to avoid a conflict in Charter, which states as follows:

**"Section 5.04 Officers and Staff**

**The officers appointed by the assembly shall serve at the pleasure of the assembly and work under the direct supervision of the manager. All staff members are subject to the direction and supervision of the borough manager."**



Agenda Bill No.: 13-274  
 Assembly Meeting Date: 6/11/13

Business Item Description:	Attachments:
Subject: Establish Harbor Slip Agreement Deadline	1. Ordinance 13-05-326
Originator: Harbormaster	
Originating Department: Ports & Harbors	
Date Submitted: 5-2-13	

**Full Title/Motion:**  
 Motion: Adopt Ordinance 13-05-326.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
 The Port and Harbor Advisory Committee and the harbormaster recommend this amendment to Title 16. It will establish a deadline for returning harbor slip agreements.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 5/28, 6/11/13
Meeting Date(s): 5/14, 5/28, 6/11/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE  
TITLE 16, SECTION 16.16.010 ESTABLISHING A DEADLINE FOR RETURNING  
HARBOR SLIP LICENSE AGREEMENTS.**

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 16.16.010. Section 16.16.010 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

**16.16.010 Assignment of spaces.**

Assignment of use of a designated and numbered space, either slip side mooring or bow mooring, shall be made by the harbormaster, who shall give the vessel owner a duplicate of the slip license agreement. Presentation of this duplicate, signed by the vessel owner, shall be made to the borough finance department or harbormaster when payment of the fee indicated thereon is made. **If the slip license agreement is not returned within sixty (60) days of billing, the Harbormaster shall begin procedures for removing the vessel from the harbor in accordance with HBC 16.28.010(E).** Assigned licensees may retain space licensed by them only so long as they continue to be vessel owners. If a licensee sells or disposes of their vessel, the licensee may retain the space until the end of the license period and may not renew the same unless the licensee has acquired or given notice of intent to acquire another vessel within a reasonable time. If a licensee's new vessel is inappropriately sized for the assigned space, the licensee shall be placed at the end of the wait list for the new size, unless they already hold an appropriately sized position on a wait list. Otherwise, the slip shall be assigned to the first appropriate-sized vessel on the waiting list. Vessels owned or leased by government entities, U.S. corporations, or limited liability companies may be assigned license of a slip for a term not to exceed 10 years, at which time the license will be reviewed for renewal. Any changes in the corporation or the specific vessel occupying the space may initiate a review and possible revocation of the licensed space. The intent of this section of code is to ensure that slips cannot be held in perpetuity.

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: 05/14/13  
Date of First Public Hearing: 05/28/13  
Date of Second Public Hearing: 06/11/13



Haines Borough  
Assembly Agenda Bill

Agenda Bill No.: 13-283

Assembly Meeting Date: 6/11/13

Business Item Description:	Attachments:
Subject: Conditional Use Approval - less than 15-ft building separation, at least one building is for human occupancy	1. Ordinance 13-05-328 2. Planning Commission Recommendation
Originator: Planning Commission	
Originating Department:	
Date Submitted: 5/10/13	

Full Title/Motion:
Motion: Advance Ordinance 13-05-328 to a second public hearing on 6/25/13.

Administrative Recommendation:
The borough manager recommends this.

Fiscal Impact:						
<table> <thead> <tr> <th>Expenditure Required</th> <th>Amount Budgeted</th> <th>Appropriation Required</th> </tr> </thead> <tbody> <tr> <td>\$</td> <td>\$</td> <td>\$</td> </tr> </tbody> </table>	Expenditure Required	Amount Budgeted	Appropriation Required	\$	\$	\$
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 Planning Commission has seen several conditional use applications for the 15-foot building separation requirement that involved unoccupied structures. Since the 15-foot building separation is for public safety and fire-related concerns, the commission believes the 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.</p> <p>Rob Goldberg, Chair of the Planning Commission, plans to attend the meeting to answer questions.</p>

Referral:						
<table> <tr> <td>Sent to:</td> <td>Date:</td> </tr> <tr> <td>Recommendation:</td> <td>Meeting Date:</td> </tr> <tr> <td>Refer to:</td> <td></td> </tr> </table>	Sent to:	Date:	Recommendation:	Meeting Date:	Refer to:	
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Assembly Action:				
<table> <tr> <td>Workshop Date(s):</td> <td>Public Hearing Date(s): 6/11/13</td> </tr> <tr> <td>Meeting Date(s): 5/28, 6/11/13</td> <td>Tabled to Date:</td> </tr> </table>	Workshop Date(s):	Public Hearing Date(s): 6/11/13	Meeting Date(s): 5/28, 6/11/13	Tabled to Date:
Workshop Date(s):	Public Hearing Date(s): 6/11/13			
Meeting Date(s): 5/28, 6/11/13	Tabled to Date:			

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 18, SECTION 18.80.030 TO ONLY REQUIRE CONDITIONAL USE APPROVAL FOR THE CONSTRUCTION OF A BUILDING WITHIN 15 FEET OF AN ADJACENT BUILDING IF ONE OR BOTH OF THE BUILDINGS IS FOR HUMAN OCCUPANCY.**

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 18.80.030. Section 18.80.030 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

**18.80.030 Setbacks and height.**

The distance between unattached buildings must be 15 feet unless approved as a conditional use by the planning commission. Building separation is intended for public safety; fire-related concerns must meet the approval of both the state fire marshal and local fire department, **where applicable. The 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.**

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: 05/28/13  
Date of First Public Hearing: 06/11/13  
Date of Second Public Hearing: \_\_/\_\_/\_\_

Haines Borough  
**BOROUGH ASSEMBLY**  
**ACTION REQUEST**

DATE: May 10, 2013

TO: Borough Assembly

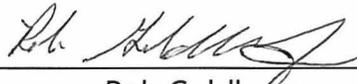
FROM: Haines Borough Planning Commission

**PLANNING COMMISSION ACTION:** M/S Heinmiller moved to “recommend the Assembly amend Haines Borough Code **18.80.030** to require a conditional use approval for the construction of a building within 15-foot of an adjacent building if one of the buildings is for human occupancy.” The motion passed unanimously.

**RATIONALE:** The Planning Commission has seen several conditional use applications for the 15-foot building separation requirement that involved unoccupied structures. Since the 15-foot building separation is for public safety and fire-related concerns, the commission thinks that 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.

**PLANNING COMMISSION REQUEST:** for the Borough Assembly to amend HBC **18.80.030 Setbacks and height** to read:

The distance between unattached buildings must be 15 feet unless approved as a conditional use by the planning commission. Building separation is intended for public safety; fire-related concerns must meet the approval of both the state fire marshal and local fire department, **where applicable. The 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.**

SUBMITTED BY  (signature)  
Rob Goldberg  
Planning Commission Chairman

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

Draft

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.80.030 TO REQUIRE A CONDITIONAL USE APPROVAL FOR THE CONSTRUCTION OF A BUILDING WITHIN 15 FEET OF AN ADJACENT BUILDING IF ONE OR BOTH OF THE BUILDINGS IS FOR HUMAN OCCUPANCY.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance amends Title 18 Section 18.80.030 to require a conditional use approval for the construction of a building within 15 feet of an adjacent building if one or both of the buildings is for human occupancy.

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

**18.80.030 Setbacks and height.**

The distance between unattached buildings must be 15 feet unless approved as a conditional use by the planning commission. Building separation is intended for public safety; fire-related concerns must meet the approval of both the state fire marshal and local fire department, where applicable. **The 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.**



Haines Borough  
Assembly Agenda Bill

Agenda Bill No.: 13-284  
 Assembly Meeting Date: 5/28/13

Business Item Description:	Attachments:
Subject: Allow on-street parking to count toward parking space requirements when approved by Planning Commission	1. Ordinance 13-05-329 2. Planning Commission Recommendation
Originator: Planning Commission	
Originating Department:	
Date Submitted: 5/10/13	

**Full Title/Motion:**  
 Motion: Advance Ordinance 13-05-329 to a second public hearing on 6/25/13.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

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

Small lots in the downtown area make it difficult for commercial development to meet the parking requirements. Allowing adjacent street parking to count toward the parking requirement may help remedy this problem. This would require Planning Commission approval.

Rob Goldberg, Chair of the Planning Commission, plans to attend the meeting to answer questions.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 6/11/13
Meeting Date(s): 5/28, 6/11/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE  
TITLE 18, SECTION 18.80.040 TO ALLOW ADJACENT ON-STREET PARKING TO  
COUNT TOWARD THE PARKING REQUIREMENT.**

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 18.80.040. Section 18.80.040 of the Haines Borough Code of Ordinances is amended to read as follows:

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

**18.80.040 Parking.**

Off-street parking facilities must be provided as hereinafter specified. Off-street parking facilities for residential uses must be on the same lot with the building that they are required to serve. Off-street parking facilities for nonresidential uses must be on the same lot or on a lot of common ownership within 200 feet of the building they serve. Off-premises parking must be dedicated by signage, limited to two one-and-one-half by three-foot signs, and covenants must be included in the deeds for both properties stating that the required parking must continue to be so dedicated as long as the building these parking spaces serve exists. An exception to this regulation may be granted only per subsection (A)(5) of this section.

All parking, except that which serves residences, shall be arranged so that ingress and egress are possible without backing over a sidewalk area or onto a collector or larger street designation.

Turning and maneuvering space shall be located entirely on private property; provided, that the usable portion of an alley may be credited as turning and maneuvering space. In the case of two or more uses on the same lot, the total requirement for off-street parking facilities is the sum of the requirements for the several uses computed separately. Changes of use with an increase in gross floor area must provide for parking, loading and storage area in conformance with this section. The parking, loading and storage space requirements for uses not listed may be established under the provisions of a conditional use permit under Chapter 18.50 HBC.

Parking areas shall connect conveniently to surrounding pedestrian facilities and where practicable, shall be landscaped. The manager, subject to commission review, may require, as a condition of any permit issued, that buffering be provided. Buffering may consist of a fence, natural vegetation, or other aesthetically pleasing construction.

A. Minimum Standards. Parking required for a use must conform to the following:

1. All parking spaces shall be located far enough within the lot to prevent any portion of a parked car from extending over an adjoining lot or over a public right-of-way or sidewalk.

2. Excluding residential uses of less than five dwelling units and temporary uses, all required off-street parking areas, including ingress and egress routes, shall be surfaced with a durable gravel surface approved by the borough that is designed to control dust and be able to bear the weight of expected traffic.

3. Multi-dwelling uses of more than four dwelling units shall be required to provide a storage area for boats, recreational vehicles, off-road vehicles and trailers. This storage area

must be 200 square feet for each three parking spaces. The storage area may be located on another lot of common ownership if the lot is located within 200 feet of the lot with the principal use.

4. Handicapped spaces shall be 13 feet wide. (See Table of Parking Requirements.)

5. A single parking area may be used to service more than one use if the normal hours of operation of the uses do not overlap. If a single parking area is so used, additional parking may be required as a condition of continued occupancy at any time the hours of operation of the establishments are altered to run concurrently. Before joint use is allowed, a contractual agreement setting out the terms of the use must be created by the joint users and approved as a use permit by the manager.

6. The provision and maintenance of off-street loading, snow storage and other storage areas is a continuing obligation and joint responsibility of the owner and occupants. Each off-street loading space must be not less than 30 feet by 12 feet, have an unobstructed height of at least 14 feet, six inches and be made permanently available for such purposes. These areas are required as follows.

a. Nonresidential development over 5,000 square feet GFA must provide one loading space for each 20,000 square feet or less GFA. This requirement may be waived by the planning commission if property area constraints make this requirement impractical or if deemed unnecessary for the type of development.

b. A snow storage area of 25 square feet for each parking space shall be provided for any use except single dwelling units and duplexes. Snow storage areas must be designed to minimize drainage and runoff problems and not overload or impair the borough storm drainage system. The required snow storage area may be reduced by the manager in consultation with the public works superintendent.

7. Pick-up areas for taxis, buses and other vehicles may be required for uses that customarily need such services; including hotels, docks, major tourist facilities, auditoriums, theaters, schools, churches and other places of public gathering.

**8. Legal, on-street parking spaces adjacent to commercial property being developed may be considered by the planning commission for short term parking and counted toward meeting the parking requirement in 18.80.040(B).**

B. Parking Chart. The minimum number of off-street parking spaces required and their dimensions are set out in the following tables:

Parking Tables	
Table of Parking Requirements  Uses ↓	Spaces Required (GFA = Gross Floor Area) Plus one space for each employee on the largest work-shift
Single-unit, duplex or multi-unit uses	2 spaces per dwelling unit
Motels, hotels, bed and breakfast	1 per guest room up to 3 rooms + 2 for residence. For 3 rooms and over, 2 spaces for every three guest rooms.
Hospitals, group homes, and other overnight health care facilities	1 per 4 beds based on maximum capacity or 1 per 300 sq. ft. GFA
Churches, auditoriums, theaters, mortuary and similar places of assembly	1 per 3 seats based on maximum capacity

Parking Tables				
Table of Parking Requirements		Spaces Required (GFA = Gross Floor Area) Plus one space for each employee on the largest work-shift		
Uses ↓				
Warehouses, storage and wholesale business		1 per each 1,000 sq. ft. GFA but not less than 4 spaces		
Self storage mini-warehouses		1 per each 25 storage units		
Industrial uses		1 per each employee + 2 for visitors		
Restaurants, bars		1 per 150 sq. ft. GFA or 1 for every 3 seats, based on maximum capacity, whichever is greater		
Offices/other commercial uses  For solely retail use, GFA shall include only the retail selling and display area.		1 per 500 sq. ft. GFA		
Handicapped Parking:				
Total Parking Spaces in Lot ↓		Accessible Spaces Required ↓		
1 to 20		1		
Each additional 10 spaces		1		
Table of Minimum Parking Space Dimensions (Stall length is measured perpendicular to curb.)				
Angle →	30 degrees	45 degrees	60 degrees	90 degrees
STANDARD				
Aisle Width	11 feet	13 feet	18 feet	25 feet
Stall Length	18 feet	20 feet	21 feet	22 feet
Stall Width	10 feet	10 feet	10 feet	10 feet
HANDICAP				
Aisle Width	14 feet	16 feet	21 feet	28 feet
Stall Length	21 feet	23 feet	24 feet	25 feet
Stall Width	13 feet	13 feet	13 feet	13 feet

Haines Borough  
Ordinance No. 13-05-329  
Page 4 of 4

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: 05/28/13  
Date of First Public Hearing: 06/11/13  
Date of Second Public Hearing: \_\_\_/\_\_\_/\_\_\_

Haines Borough  
**BOROUGH ASSEMBLY  
ACTION REQUEST**

DATE: May 10, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

**PLANNING COMMISSION ACTION:** M/S Venables moved to “recommend the Assembly amend Haines Borough Code 18.80.040 to allow adjacent on-street parking to count toward the parking requirement.” The motion passed 6 to 1 with Turner opposed.

**RATIONALE:** Small lots in the downtown area make it difficult for commercial development to meet the parking requirements. Allowing adjacent street parking to count toward the parking requirement may help remedy this problem.

**PLANNING COMMISSION REQUEST:** for the Borough Assembly to amend HBC 18.80.040 Parking (A) to add:

**8. Legal, on-street parking spaces adjacent to commercial property being developed may be considered by the planning commission for short term parking and counted toward meeting the parking requirement in 18.80.040(B).**

SUBMITTED BY \_\_\_\_\_



(signature)

Rob Goldberg  
Planning Commission Chairman

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

Draft

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.80.040 TO ALLOW ADJACENT ON-STREET PARKING TO COUNT TOWARD THE PARKING REQUIREMENT.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance amends Title 18 Section 18.80.040 to allow adjacent on-street parking to count toward the parking requirement.

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

**18.80.040 Parking.**

Off-street parking facilities must be provided as hereinafter specified. Off-street parking facilities for residential uses must be on the same lot with the building that they are required to serve. Off-street parking facilities for nonresidential uses must be on the same lot or on a lot of common ownership within 200 feet of the building they serve. Off-premises parking must be dedicated by signage, limited to two one-and-one-half by three-foot signs, and covenants must be included in the deeds for both properties stating that the required parking must continue to be so dedicated as long as the building these parking spaces serve exists. An exception to this regulation may be granted only per subsection (A)(5) of this section.

All parking, except that which serves residences, shall be arranged so that ingress and egress are possible without backing over a sidewalk area or onto a collector or larger street designation.

Turning and maneuvering space shall be located entirely on private property; provided, that the usable portion of an alley may be credited as turning and maneuvering space. In the case of two or more uses on the same lot, the total requirement for off-street parking facilities is the sum of the requirements for the several uses computed separately. Changes of use with an increase in gross floor area must provide for parking, loading and storage area in conformance with this section. The parking, loading and storage space requirements for uses not listed may be established under the provisions of a conditional use permit under Chapter 18.50 HBC.

Parking areas shall connect conveniently to surrounding pedestrian facilities and where practicable, shall be landscaped. The manager, subject to commission review, may require, as a condition of any permit issued, that buffering be provided. Buffering may consist of a fence, natural vegetation, or other aesthetically pleasing construction.

A. Minimum Standards. Parking required for a use must conform to the following:

1. All parking spaces shall be located far enough within the lot to prevent any portion of a parked car from extending over an adjoining lot or over a public right-of-way or sidewalk.
2. Excluding residential uses of less than five dwelling units and temporary uses, all required off-street parking areas, including ingress and egress routes, shall be surfaced with a durable gravel surface approved by the borough that is designed to control dust and be able to bear the weight of expected traffic.
3. Multi-dwelling uses of more than four dwelling units shall be required to provide a storage area for boats, recreational vehicles, off-road vehicles and trailers. This storage area must be 200 square feet for each three parking spaces. The storage area may be located on another lot of common ownership if the lot is located within 200 feet of the lot with the principal use.
4. Handicapped spaces shall be 13 feet wide. (See Table of Parking Requirements.)
5. A single parking area may be used to service more than one use if the normal hours of operation of the uses do not overlap. If a single parking area is so used, additional parking may be required as a condition of continued occupancy at any time the hours of operation of the establishments are altered to run concurrently. Before joint use is allowed, a contractual agreement setting out the terms of the use must be created by the joint users and approved as a use permit by the manager.
6. The provision and maintenance of off-street loading, snow storage and other storage areas is a continuing obligation and joint responsibility of the owner and occupants. Each off-street loading space must be not less than 30 feet by 12 feet, have an unobstructed height of at least 14 feet, six inches and be made permanently available for such purposes. These areas are required as follows.
  - a. Nonresidential development over 5,000 square feet GFA must provide one loading space for each 20,000 square feet or less GFA. This requirement may be waived by the planning commission if property area constraints make this requirement impractical or if deemed unnecessary for the type of development.
  - b. A snow storage area of 25 square feet for each parking space shall be provided for any use except single dwelling units and duplexes. Snow storage areas must be designed to minimize drainage and runoff problems and not overload or impair the borough storm drainage system. The required snow storage area may be reduced by the manager in consultation with the public works superintendent.
7. Pick-up areas for taxis, buses and other vehicles may be required for uses that customarily need such services; including hotels, docks, major tourist facilities, auditoriums, theaters, schools, churches and other places of public gathering.

**8. Legal, on-street parking spaces adjacent to commercial property being developed may be considered by the planning commission for short term parking and counted toward meeting the parking requirement in 18.80.040(B).**



Agenda Bill No.: 13-285  
 Assembly Meeting Date: 6/11/13

Business Item Description:	Attachments:
Subject: Allow on-street parking to count toward parking space requirements when approved by Planning Commission	1. Ordinance 13-05-330 2. Planning Commission Recommendation
Originator: Planning Commission	
Originating Department:	
Date Submitted: 5/10/13	

**Full Title/Motion:**  
 Motion: Advance Ordinance 13-05-330 to a second public hearing on 6/25/13.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

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

Per HBC 18.60.020 (H), temporary residence permits may be granted for a period of one year, and one six-month extension of the temporary residence permit may be granted by the Planning Commission as long as the developer is complying with all requirements. However, HBC 18.20.020 defines "temporary use" as a building or structure that is capable of being immediately moved, or a use which is for a limited time up to six months. The Planning Commission recommends revising the definition to increase six months to eighteen months.

Rob Goldberg, Chair of the Planning Commission, plans to attend the assembly meeting to answer questions.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 6/11/13
Meeting Date(s): 5/28, 6/11/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 18, SECTION 18.20.020 TO ADJUST THE TIME LIMIT IN THE DEFINITION FOR "TEMPORARY USE" TO BE CONSISTENT WITH THE TIME PERIOD FOR TEMPORARY RESIDENCE PERMITS IN SECTION 18.60.020.**

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 18.20.020. Section 18.20.020 of the Haines Borough Code of Ordinances is amended to read as follows:

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

**HBC 18.20.020 Definitions - Regulatory**

The definitions in this section are intended to be specific to this title. Any word or term not defined shall be used with the meaning of common or standard usage as determined by a current edition of Webster's Unabridged Dictionary. The following words shall have the following meanings for the purpose of this title:

...

"Temporary use" means a building or structure that is capable of being immediately moved, or a use which is for a limited time up to ~~six~~ **18** months.

...

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: 05/28/13  
Date of First Public Hearing: 06/11/13  
Date of Second Public Hearing: \_\_\_/\_\_\_/\_\_\_

Haines Borough  
**BOROUGH ASSEMBLY  
ACTION REQUEST**

DATE: May 10, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

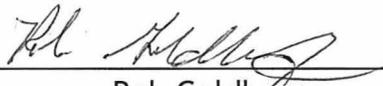
**PLANNING COMMISSION ACTION:** M/S Turner moved to “recommend the Assembly amend Haines Borough Code **18.60.020** Definition of Temporary Use to consistent with Title 18 Section 18.60.020 Specific Approval Criteria of Temporary Residence.

**RATIONALE:** Per HBC 18.60.020 (H), temporary residence permits may be granted for a period of one year, and one six-month extension of the temporary residence permit may be granted by the Planning Commission as long as the developer is complying with all requirements. However, HBC 18.20.020 defines “temporary use” means a building or structure that is capable of being immediately moved, or a use which is for a limited time up to six months.

**PLANNING COMMISSION REQUEST:** for the Borough Assembly to amend HBC **18.20.020** to read:

“Temporary use” means a building or structure that is capable of being immediately moved, or a use which is for a limited time up to ~~six~~ **18** months.

SUBMITTED BY \_\_\_\_\_ (signature)

  
Rob Goldberg

Planning Commission Chairman

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

Draft

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.20.020 DEFINITION OF TEMPORARY USE TO CONSISTENT WITH TITLE 18 SECTION 18.60.020 SPECIFIC APPROVAL CRITERIA OF TEMPORARY RESIDENCE.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance amends Title 18 Section 18.80.030 to require a conditional use approval for the construction of a building within 15 feet of an adjacent building if one or both of the buildings is for human occupancy.

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

**HBC 18.60.020 Specific approval criteria (H)**

H. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements. Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

**HBC 18.20.020 Definitions:**

“Temporary use” means a building or structure that is capable of being immediately moved, or a use which is for a limited time up to ~~six~~ **18** months.



Haines Borough  
Assembly Agenda Bill

Agenda Bill No.: 13-281  
Assembly Meeting Date: 6/11/13

Business Item Description:	Attachments:
Subject: Amend Harbor Fee Schedule to clarify winter moorage rates	1. Ordinance 13-05-331
Originator: Harbormaster	
Originating Department: Ports & Harbors	
Date Submitted: 5-2-13	

**Full Title/Motion:**  
Motion: Advance Ordinance 13-05-331 to a second public hearing on 6/25/13.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
The harbormaster recommends an amendment to the Harbor Fee Schedule to add "to qualify vessel must be up-to-date on all Port and Harbor Fees and pay for the winter moorage rate in advance" under Transient Boat Moorage Fees and to strike the winter rate language from the Permanent Open Moorage Vessels section. Permanent open moorage is paid annually, not seasonally.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 6/11/13
Meeting Date(s): 5/28, 6/11/13	Tabled to Date:

**An ordinance of the Haines Borough adopting, by ordinance, a revised fee schedule that clarifies qualification for winter moorage rates.**

**WHEREAS**, the Haines Borough owns and operates the Portage Cove Harbor and the Letnikof Cove Harbor; and

**WHEREAS**, the Borough Assembly establishes rates, fees, and penalties for Haines Borough harbor facilities; and

**WHEREAS**, Haines Borough Code, section 2.12.020(B), requires fines and penalties be provided by ordinance,

**NOW THEREFORE BE IT ENACTED**, by the Haines Borough Assembly, that the following Harbor Fee Schedule is hereby adopted by ordinance.

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

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

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

Section 3. Purpose. To adopt, via ordinance, the following revised Harbor Fee Schedule to clarify qualification for winter moorage rates:

## Haines Borough – Harbor Fee Schedule

(See HBC Title 16 for regulations and more information)

### 1. Transient Boat Moorage Fees

Short-term (less than two weeks)	\$.50 per lineal foot per day*
Long-term (two weeks and longer)	\$5.00 per lineal foot per month*

**Winter Rates** – From October 1 through March 31, transient moorage vessels qualify for winter rates: one-half the amount that the vessel would ordinarily be charged. **To qualify vessel must be up-to-date on all Port and Harbor Fees and pay for the winter moorage rate in advance.**

\* Transient moorage which must be invoiced will be charged at twice the normal rate (HBC 16.16.050).

### 2. Boat Launch Ramp Use Fees

Annual Launch Ramp Sticker – Recreational Vessel	\$60.00 per trailer per year
Daily Launch Ramp Use Fee	\$15.00 per trailer per day
Non Compliance Fee	\$60.00 per violation

### 3. Live-Aboard Fees

1 to 14 days	No charge other than the regular moorage rate
Over 14 days (prohibited October 15 <sup>th</sup> to April 1 <sup>st</sup> )	\$70.00 per month in addition to the regular moorage rate

### 4. Conducting Business from Any Vessel in the Harbor

Transient Vessel	\$10.00 per day (plus a borough business license and collection of sales tax)
Permanent Stall Vessels and Permanent Open Moorage Vessels	\$0 per day but must have a borough business license & collect sales tax
Non Compliance Fee	\$50.00 per violation

### 5. Boat Houses, Floats, Scows, Barges, Pile Drivers, and Dredges

These vessels are allowed only on a temporary basis at the harbormaster's discretion and, when allowed, are assessed a fee twice the rate of other vessels. Note: Living aboard is not allowed on these vessels and watercraft.

### 6. Seaplane Moorage Fees

Open Moorage	Fee
Less than 3 hours	No charge
3 to 24 hours	\$15.00
Each additional 24-hour period or fraction thereof	\$15.00

### 7. Electrical Connection and Service Rates

Connection Costs (permanent stalls or open moorage) <i>Paid to the local utility</i>	Actual cost of connection (boat owner makes the arrangements with the local utility and pays them directly)
Service Fee (all vessels utilizing electrical service) <i>Paid to the borough</i>	\$10.00 per day
Service Fee (utilizing 240 service)	\$20.00 per day
Annual Service Maintenance fee (if Electrical service is activated)	\$15.00 annual

### 8. Harbor Crane Use

Annual Crane Use Permit (not available for transient vessels)	\$50.00 per year
Transient Vessels	\$20.00 per hour

## 9. Letnikof Cove Harbor Moorage

### Special Joint-Use Permit Fees

(only for boat harbor stall renters who are paid current)

Length of Vessel	Annual Fee
Up to 24 feet	\$75.00
25 to 40 feet	\$100.00
41 to 60 feet	\$125.00
61 to 80 feet	\$150.00
Over 80 feet	\$200.00

### Regular Use Permit Fees

(for vessels without a boat harbor stall OR stall renters who are not paid current)

Short-term (less than two weeks)	\$.50 per lineal foot per day
Long-term (two weeks and longer)	\$5.00 per lineal foot per month

## 10. Miscellaneous Fees

Grid Use	\$15.00 min or \$.50 per ft per tide cycle
Harbor Staff Labor (8-5 Monday-Saturday)	\$40.00 per hour (one hour minimum)
Harbor Staff Labor (After regular hours)	\$80.00 per hour (one hour minimum)
Tie-up Fee	\$20.00 per time plus cost of line (Harbor staff time not included)
Fee to Move a Boat	\$50.00 per time
Waitlist Fee	\$25.00 (first year) and \$10.00 per year thereafter
Seniority Transfer list Fee	\$10.00 per year
Pump Fee	\$20.00 per hour
Portable Electric Generator Fee	\$20.00 per day
Upland Storage Fee	\$.20 per square foot per month

## 11. Hazardous Waste Disposal

Motor Oil	Free
Hydraulic Oil	Free
Diesel	Free
Gasoline	Free
Antifreeze	Free
Oil filters and Oiled Rags	Free
Paint	Free
Hazardous Materials Not Listed From Vessel	Free

## 12. Penalties for Violations

First Violation	\$50.00
Second Violation	\$100.00
Third Violation And Any there After	\$150.00

### 13. Permanent Open Moorage Vessels

**Long-term vessels with no permanent stall** that meet the conditions outlined in HBC 16.16.105(A) shall qualify for rates equal to the regular moorage rate for their size vessel (see #14 - *Annual Moorage Rates*). If the conditions are not met, transient rates apply (see #1 – *Transient Boat Moorage Fees*).

**Permanent stall renters that have a second commercial vessel** and meet the conditions outlined in HBC 16.16.105(A) shall qualify for rates equal to the regular moorage rate for their size vessel (see #14 - *Annual Moorage Rates*) provided the permanent stall fee is paid. If the conditions are not met, transient rates apply (see #1 – *Transient Boat Moorage Fees*), and from April 1st through September 30th these vessels shall be charged the long-term transient moorage rate.

~~**Winter Rates** – From October 1 through March 31, permanent open moorage vessels qualify for winter rates: one-half the amount that the vessel would ordinarily be charged.~~

### 14. Annual Moorage Rates

Length (feet)	10/1/12 to 9/30/13	10/1/13 to 9/30/14	10/1/14 to 9/30/15	10/1/15 to 9/30/16	10/1/16 to 9/30/17	10/1/17 to 9/30/18
	(\$18/ft up to 40 ft; \$24/ft over 40 ft)	(\$19/ft up to 40 ft; \$25/ft over 40 ft)	(\$20/ft up to 40 ft; \$26/ft over 40 ft)	(\$21/ft up to 40 ft; \$27/ft over 40 ft)	(\$22/ft up to 40 ft; \$28/ft over 40 ft)	(\$23/ft up to 40 ft; \$29/ft over 40 ft)
15	\$270	\$285	\$300	\$315	\$330	\$345
16	\$288	\$304	\$320	\$336	\$352	\$368
17	\$306	\$323	\$340	\$357	\$374	\$391
18	\$324	\$342	\$360	\$378	\$396	\$414
19	\$342	\$361	\$380	\$399	\$418	\$437
20	\$360	\$380	\$400	\$420	\$440	\$460
21	\$378	\$399	\$420	\$441	\$462	\$483
22	\$396	\$418	\$440	\$462	\$484	\$506
23	\$414	\$437	\$460	\$483	\$506	\$529
24	\$432	\$456	\$480	\$504	\$528	\$552
25	\$450	\$475	\$500	\$525	\$550	\$575
26	\$468	\$494	\$520	\$546	\$572	\$598
27	\$486	\$513	\$540	\$567	\$594	\$621
28	\$504	\$532	\$560	\$588	\$616	\$644
29	\$522	\$551	\$580	\$609	\$638	\$667
30	\$540	\$570	\$600	\$630	\$660	\$690
31	\$558	\$589	\$620	\$651	\$682	\$713
32	\$576	\$608	\$640	\$672	\$704	\$736
33	\$594	\$627	\$660	\$693	\$726	\$759
34	\$612	\$646	\$680	\$714	\$748	\$782
35	\$630	\$665	\$700	\$735	\$770	\$805
36	\$648	\$684	\$720	\$756	\$792	\$828
37	\$666	\$703	\$740	\$777	\$814	\$851
38	\$684	\$722	\$760	\$798	\$836	\$874

Haines Borough  
Ordinance No. 13-05-331  
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<b>Length (feet)</b>	<b>10/1/12 to 9/30/13</b> (\$18/ft up to 40 ft; \$24/ft over 40 ft)	<b>10/1/13 to 9/30/14</b> (\$19/ft up to 40 ft; \$25/ft over 40 ft)	<b>10/1/14 to 9/30/15</b> (\$20/ft up to 40 ft; \$26/ft over 40 ft)	<b>10/1/15 to 9/30/16</b> (\$21/ft up to 40 ft; \$27/ft over 40 ft)	<b>10/1/16 to 9/30/17</b> (\$22/ft up to 40 ft; \$28/ft over 40 ft)	<b>10/1/17 to 9/30/18</b> (\$23/ft up to 40 ft; \$29/ft over 40 ft)
39	\$702	\$741	\$780	\$819	\$858	\$897
40	\$960	\$760	\$800	\$840	\$880	\$920
41	\$984	\$1,025	\$1,066	\$1,107	\$1,148	\$1,189
42	\$1,008	\$1,050	\$1,092	\$1,134	\$1,176	\$1,218
43	\$1,032	\$1,075	\$1,118	\$1,161	\$1,204	\$1,247
44	\$1,056	\$1,100	\$1,144	\$1,188	\$1,232	\$1,276
45	\$1,080	\$1,125	\$1,170	\$1,215	\$1,260	\$1,305
46	\$1,104	\$1,150	\$1,196	\$1,242	\$1,288	\$1,334
47	\$1,128	\$1,175	\$1,222	\$1,269	\$1,316	\$1,363
48	\$1,152	\$1,200	\$1,248	\$1,296	\$1,344	\$1,392
49	\$1,176	\$1,225	\$1,274	\$1,323	\$1,372	\$1,421
50	\$1,200	\$1,250	\$1,300	\$1,350	\$1,400	\$1,450
51	\$1,224	\$1,275	\$1,326	\$1,377	\$1,428	\$1,479
52	\$1,248	\$1,300	\$1,352	\$1,404	\$1,456	\$1,508
53	\$1,272	\$1,325	\$1,378	\$1,431	\$1,484	\$1,537
54	\$1,296	\$1,350	\$1,404	\$1,458	\$1,512	\$1,566
55	\$1,320	\$1,375	\$1,430	\$1,485	\$1,540	\$1,595
56	\$1,344	\$1,400	\$1,456	\$1,512	\$1,568	\$1,624
57	\$1,368	\$1,425	\$1,482	\$1,539	\$1,596	\$1,653
58	\$1,392	\$1,450	\$1,508	\$1,566	\$1,624	\$1,682
59	\$1,416	\$1,475	\$1,534	\$1,593	\$1,652	\$1,711
60	\$1,440	\$1,500	\$1,560	\$1,620	\$1,680	\$1,740
61	\$1,464	\$1,525	\$1,586	\$1,647	\$1,708	\$1,769
62	\$1,488	\$1,550	\$1,612	\$1,674	\$1,736	\$1,798
63	\$1,512	\$1,575	\$1,638	\$1,701	\$1,764	\$1,827
64	\$1,536	\$1,600	\$1,664	\$1,728	\$1,792	\$1,856
65	\$1,560	\$1,625	\$1,690	\$1,755	\$1,820	\$1,885
66	\$1,584	\$1,650	\$1,716	\$1,782	\$1,848	\$1,914
67	\$1,608	\$1,675	\$1,742	\$1,809	\$1,876	\$1,943
68	\$1,632	\$1,700	\$1,768	\$1,836	\$1,904	\$1,972
69	\$1,656	\$1,725	\$1,794	\$1,863	\$1,932	\$2,001
70	\$1,680	\$1,750	\$1,820	\$1,890	\$1,960	\$2,030
71	\$1,704	\$1,775	\$1,846	\$1,917	\$1,988	\$2,059
72	\$1,728	\$1,800	\$1,872	\$1,944	\$2,016	\$2,088
73	\$1,752	\$1,825	\$1,898	\$1,971	\$2,044	\$2,117
74	\$1,776	\$1,850	\$1,924	\$1,998	\$2,072	\$2,146
75	\$1,800	\$1,875	\$1,950	\$2,025	\$2,100	\$2,175
76	\$1,824	\$1,900	\$1,976	\$2,052	\$2,128	\$2,204

Haines Borough  
Ordinance No. 13-05-331  
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<b>Length (feet)</b>	<b>10/1/12 to 9/30/13</b> (\$18/ft up to 40 ft; \$24/ft over 40 ft)	<b>10/1/13 to 9/30/14</b> (\$19/ft up to 40 ft; \$25/ft over 40 ft)	<b>10/1/14 to 9/30/15</b> (\$20/ft up to 40 ft; \$26/ft over 40 ft)	<b>10/1/15 to 9/30/16</b> (\$21/ft up to 40 ft; \$27/ft over 40 ft)	<b>10/1/16 to 9/30/17</b> (\$22/ft up to 40 ft; \$28/ft over 40 ft)	<b>10/1/17 to 9/30/18</b> (\$23/ft up to 40 ft; \$29/ft over 40 ft)
77	\$1,848	\$1,925	\$2,002	\$2,079	\$2,156	\$2,233
78	\$1,872	\$1,950	\$2,028	\$2,106	\$2,184	\$2,262
79	\$1,896	\$1,975	\$2,054	\$2,133	\$2,212	\$2,291
80	\$1,920	\$2,000	\$2,080	\$2,160	\$2,240	\$2,320
81	\$1,944	\$2,025	\$2,106	\$2,187	\$2,268	\$2,349
82	\$1,968	\$2,050	\$2,132	\$2,214	\$2,296	\$2,378
83	\$1,992	\$2,075	\$2,158	\$2,241	\$2,324	\$2,407
84	\$2,016	\$2,100	\$2,184	\$2,268	\$2,352	\$2,436
85	\$2,040	\$2,125	\$2,210	\$2,295	\$2,380	\$2,465
86	\$2,064	\$2,150	\$2,236	\$2,322	\$2,408	\$2,494
87	\$2,088	\$2,175	\$2,262	\$2,349	\$2,436	\$2,523
88	\$2,112	\$2,200	\$2,288	\$2,376	\$2,464	\$2,552
89	\$2,136	\$2,225	\$2,314	\$2,403	\$2,492	\$2,581
90	\$2,160	\$2,250	\$2,340	\$2,430	\$2,520	\$2,610
91	\$2,184	\$2,275	\$2,366	\$2,457	\$2,548	\$2,639
92	\$2,208	\$2,300	\$2,392	\$2,484	\$2,576	\$2,668
93	\$2,232	\$2,325	\$2,418	\$2,511	\$2,604	\$2,697
94	\$2,256	\$2,350	\$2,444	\$2,538	\$2,632	\$2,726
95	\$2,280	\$2,375	\$2,470	\$2,565	\$2,660	\$2,755
96	\$2,304	\$2,400	\$2,496	\$2,592	\$2,688	\$2,784
97	\$2,328	\$2,425	\$2,522	\$2,619	\$2,716	\$2,813
98	\$2,352	\$2,450	\$2,548	\$2,646	\$2,744	\$2,842
99	\$2,376	\$2,475	\$2,574	\$2,673	\$2,772	\$2,871
100	\$2,400	\$2,500	\$2,600	\$2,700	\$2,800	\$2,900

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: 05/28/13  
Date of First Public Hearing: 06/11/13  
Date of Second Public Hearing: \_\_\_/\_\_\_/\_\_\_



Agenda Bill No.: 13-275  
 Assembly Meeting Date: 6/11/13

Business Item Description:	Attachments:
Subject: Change the way Assembly Members and School Board Members are elected.	1. Ordinance 13-05-327
Originator: Assembly (draft ordinance by D.Schnabel and J.Cozzi)	
Originating Department:	
Date Submitted: 5-6-13	

**Full Title/Motion:**  
 Motion: Advance Ordinance 13-05-327 to a second public hearing on 6/25/13.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

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

This ordinance is in response to one of the goals in the assembly's 2012-13 Strategic Plan: "Begin Investigation into New Approach for Election of Assembly Members." The draft includes the school board members in this new approach. Assembly Member Schnabel worked with the borough clerk to prepare this draft. If it is adopted, it will require Dept of Justice preclearance prior to becoming effective.

**Referral:**

Sent to: Government Affairs & Services Committee	Date: 5/14/13
Recommendation:	Refer to: Meeting Date: 5/23/13

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 6/11/13
Meeting Date(s): 5/14, 5/28, 6/11/13	Tabled to Date:

Draft

HAINES BOROUGH, ALASKA  
ORDINANCE No. 13-05-327

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 2, SECTIONS 2.08.010, 2.68.140, 2.68.200, AND 2.68.510 TO ALLOW FOR ELECTION OF ASSEMBLY AND SCHOOL BOARD MEMBERS THROUGH SINGLE LISTS OF CANDIDATES.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. In accordance with the Voting Rights Act of 1965, 42 U.S.C. § 1973 et. seq., following submission to the U.S. Department of Justice for preclearance, this ordinance shall become effective upon notification of a decision not to object from the U.S. Attorney General, or if the U.S. Attorney General fails to interpose an objection to these changes to the Borough election code, not sooner than sixty (60) days following preclearance submission pursuant to 28 C.F.R. § 51.42.

Section 4. Amendment of Section 2.08.010. Section 2.08.010 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

**2.08.010 Assembly members – Election number and ~~seat designation terms~~.**

There shall be an assembly of six members, all of which shall be elected at large for three-year terms. ~~For the purposes of election only, each assembly position shall be designated by seat, with the initial term of each seat being as follows:~~

Seat A	Seat B	Seat C
<del>2003</del>	<del>2002</del>	<del>2002</del>
<del>2006</del>	<del>2004</del>	<del>2005</del>
Seat D	Seat E	Seat F
<del>2003</del>	<del>2002</del>	<del>2002</del>
<del>2006</del>	<del>2004</del>	<del>2005</del>

Section 5. Amendment of Section 2.68.140. Section 2.68.140 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

**2.68.140 Declaration of candidacy and nomination petition.**

A. Nomination. Any person qualified to serve in an elective office in the borough may have the person's name placed on the ballot as a candidate for elective office by filing a nomination petition and declaration of candidacy on forms prescribed and provided by the borough clerk. The nomination petition must be signed by no fewer than 10 voters qualified to vote in the borough. Signatures to a nomination petition need not all be appended to one page. To each separate

page of a petition shall be attached an affidavit of the person circulating the petition stating that each signature appended thereto was made in his or her presence and is the genuine signature of the person whose name it purports to be. To each nominating petition shall be attached declaration of candidacy stating that the candidate named in the petition consents to serve if elected to the ~~position~~ **office** for which the person is nominated. The nominating petition and declaration of candidacy must be filed with the borough clerk or a duly authorized representative not more than 87 and not less than 67 days prior to the general election. The candidate's signature on the declaration of candidacy shall be notarized.

The nominating petition shall be in substantially the following form:

Nominating Petition

We, the undersigned qualified voters of the Haines Borough, in the State of Alaska, hereby nominate and sponsor \_\_\_\_\_, who resides in the Haines Borough, for the office of \_\_\_\_\_, and ask that his/her name be placed on the October \_\_\_\_, 20\_\_ General Election ballot.

We individually certify that we are qualified to vote in the named election.

\_\_\_\_\_  
Name Residence Address Date Signed

(Followed by at least 10 lines for signatures.)

The declaration of candidacy shall be in substantially the following form:

Declaration of Candidacy

I, \_\_\_\_\_, declare that I reside at \_\_\_\_\_ in the Haines Borough, Alaska; that I am a registered voter in the borough; that I have resided in the borough continuously for a period of at least one year immediately preceding the date of the election for which I am being nominated and meet the definition of resident in Borough Charter 18.09(J) and the residency standards in HBC 2.68.130(A)(2).

I declare myself a candidate for the office of \_\_\_\_\_ ~~for a term of \_\_\_\_\_ years,~~ and request that my name be printed upon the official ballot for the borough election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SIGNATURE: \_\_\_\_\_

FOLLOWED BY A NOTARIZATION BLOCK.

Section 6. Amendment of Section 2.68.200. Section 2.68.200 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

**2.68.200 Form of ballot.**

A. The clerk shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections.

B. The official ballot shall contain, at the top thereof, the words "Official Ballot" and the date of the election, whether such election is a general borough election or a special borough election, and such instructions to the voters as will enable them intelligently to mark their ballots for the candidates for whom they desire to vote, and to intelligently vote upon the questions which are submitted.

C. The clerk shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law. The ballots shall be numbered in series to ensure simplicity and secrecy and to prevent fraud.

D. The names ~~title~~ of all offices ~~and candidates~~ to be voted upon **(mayor, assembly member, or school board member)** shall be printed on the ballot. The title of each office to be filled shall be followed by the printed names of the candidates for such office **in a single list arranged alphabetically**, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for \_\_\_ only" with the appropriate number replacing the blank shall be placed before the list of candidates for each office. **Instruction notes shall state that offices will be filled by the candidates receiving the greatest number of votes exceeding 40%, and if terms are of different lengths, the candidate with the highest number of votes will be elected to the longest term.** The names of candidates shall be printed as they appear upon the nomination petitions filed with the borough clerk except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of the proper name. ~~The names of candidates shall be arranged alphabetically. Provision shall be made for voting for a write-in candidate for each seat.~~

E. Following the offices and candidates there shall be placed on the ballot or on separate ballots as the clerk may determine, all propositions or questions to be voted upon. The words "Yes" and "No" shall be placed with the statement of each proposition or question for selection.

Section 7. Amendment of Section 2.68.510. Section 2.68.510 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

#### **2.68.510 Votes required to elect – Runoff elections.**

If in a borough election **an office is not filled because** ~~no candidate receives~~ **received** ~~in excess of~~ **fewer than** 40 percent of the votes cast ~~for the respective office~~, the **assembly borough** shall hold a runoff election between the candidates receiving the greatest number of votes for the office on the first Tuesday in November following the canvass and certification as in HBC 2.68.500. **There shall be two runoff candidates for each office to be filled.** Notice of the runoff election shall be published at least 10 days before the election date. The person(s) receiving the highest number of votes shall be elected ~~to the seat~~ following canvass and certification of the election as provided in HBC 2.68.500.

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: 05/28/13  
Date of First Public Hearing: 06/11/13  
Date of Second Public Hearing: \_\_\_/\_\_\_/\_\_\_



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

June 11, 2013

### **Haines 2015 – Public Safety Building**

McCool Carlson Green (MCG) has collected information, developed with community stakeholders, from the Haines 2015 – Facility Assessment, for the purposes of determining a Rough Order of Magnitude (ROM) estimate for replacing the Public Safety Building. The compiled information includes programming and cost information about the Public Safety Building and Administration buildings. MCG initiated the effort with the inclusion of the Visitor Center, but based on stakeholder input was removed from program. MCG has completed a programming plan to confirm the appropriate size facility to be estimated and received feedback from several key stakeholders. The plan is solely to be utilized for creating a basis for estimating and will require thorough community planning once the project moves into design phases. A professional cost estimator is building construction cost information, an energy consultant is working on a life cycle cost analysis, and MCG will compile all of that information for comparison with both existing facilities and the potential saving from taking other buildings off-line. MCG is planning to have a draft to the Borough later this week.

### **School Major Maintenance Projects - General Obligation Bond Issue**

We are working with Jenson Yorba Lott to prepare a possible General Obligation (GO) bond package for addressing the backlog of major maintenance projects related to the school. The focus of our efforts include the following projects: (1) Pool and School Locker Room Renovation; (2) Vocational Education Building Mechanical Upgrades; (3) High School Air Handling Unit (AHU) Replacement; (4) Mosquito School AHU; and (5) School Roof Repairs. We are working on several tasks, including assembling the project backup; seeking Alaska Department of Education & Early Development (ADEED) review and approval (for the project to be eligible for up to 70% debt service reimbursement from the State of Alaska); and an ordinance for Assembly consideration for placing the bond issue on the ballot during the October 2013 election.

### **Washington, D.C. Lobbyist Visit**

The Borough's Washington, D.C. lobbyist, Brad Gilman, was in Haines last week. Mr. Gilman gave updates on his efforts on a number of issues of importance to the Borough that he is working on, including: the South Portage Cove Harbor Expansion project; Secure Rural Schools (SRS) and Payment in Lieu of Taxes (PILT) programs; Port Lutak development; Shakwak Highway program funding; and the ECA Rule on the cruise ship industry in Alaska. While Mr. Gilman was in Haines, he also participated in a teleconference with Mayor Scott, Harbormaster Phil Benner, and Jeffrey Lisius of the U.S. Customs and Border Protection (CBP) regarding registration requirements for Canadian boaters.

### **South Portage Cove Harbor Expansion**

Brad Gilman has been working with the members of Congressional Delegations from Alaska, Hawaii, and the Pacific Island territories of the United States and their respective staffs, Governor Sean Parnell's Washington, D.C. office, and the U.S. Army Corps of Engineers (USACE) regarding amendments to the Water Resources Development Act (WRDA): "A bill to provide for the conservation

and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes." Some of the provisions that are being requested include flexibility in project funding source contributions and creating a special funding mechanism to empower the USACE to work with rural communities in the non-contiguous states and territories as part of the reauthorization of the WRDA. Mr. Gilman has also been working to secure support for a \$35 million appropriation in Fiscal Year 2014 for the Section 107 Small Navigation Projects Continuing Authorities Program. As Mr. Gilman notes:

**The Congress is currently abiding by a self-imposed moratorium on congressionally-directed spending within appropriations bills. This has brought the Army Corps initiatives in the Pacific Ocean Division region to a standstill. The Pacific Ocean Division is comprised of the State of Hawaii, the State of Alaska, and the Pacific Island territories of the United States. The communities within this region are either located on islands or are in the coastal areas of Alaska (many of which are not connected to the road system). All of these communities share in common the fact that port activity is the dominant feature of their local and regional economies. This dependency on waterborne commerce makes the Army Corps Civil Works program essential to the long-term health and welfare of the Pacific Ocean Division region.**

**Under the moratorium on congressionally-directed spending, only projects which are identified in the President's Budget Request are eligible for funding. The Senate Environment and Public Works Committee is currently considering a proposal to create a special funding mechanism to empower the Army Corps to work with rural communities in the non-contiguous states and territories as part of the reauthorization of the Water Resources Development Act. The reauthorization process may take one or more years to complete. In the meantime, the State of Alaska has made recent financial commitments to its rural communities for port infrastructure improvements. These funds could be used to match commitments from the Army Corps under the Section 107 Small Navigation Projects program.**

**Until such time that the Congress resolves the questions relating the funding of Army Corps Civil Works Construction projects, the use of Continuing Authorities under existing law makes sense as a way to move forward with improvements in our rural port infrastructure. The per-project federal share cap of \$7 million under the Section 107 Program provides a financial safeguard against long-term cost exposure during this interim period. The State of Alaska is committed to port infrastructure for its coastal communities, and we can partner with the Army Corps to make progress if the Congress appropriates sufficient funding to make the Section 107 Small Navigation Projects Program as viable program during this period of transition.**

Mr. Gilman is also working on an amendment that would allow a non-federal sponsor to increase its percentage cost share for a project in cases where the Corps has determined that the cost of the project outweighs the benefits. It appears to allow the non-federal partner to "cure" a negative NED determination. After the northern expansion of the Haines harbor project was authorized, subsequent soil samples showed evidence of extensive clay soils. The USACE believes that this will require the use of wick drains, which will cause the cost of the project to dramatically escalate. The Borough has proposed that the project be redesigned to lower the costs, and has offered to increase its non-federal share of the project. The project manager in the USACE Alaska District said that he was required to evaluate the new NED through performing a Limited Reevaluation Reports (LRR) for the project as if there was an 80-20 match (that is, 80% federal / 20% local sponsor cost share, which would consist of the Borough and possibly the State of Alaska) for the construction of federally-eligible project components, such as breakwaters and entrance channel dredging, even if the Borough were willing to increase its share of those costs. According to the Alaska District office, Haines cannot "cure" a negative NED with additional money. This has ground the project to a halt. This makes no sense, and is counter to the Corps' encouragement over the years for the State of Alaska to take on a greater degree

of responsibility for harbor projects. The following outlines the “normal” steps for a project administered through the USACE Civil Works:

- Step 1: Initial Problem Identification
- Step 2: Congressional Study Resolution/Authority
- Step 3: Initial Study Funding
- Step 4: Conduct Reconnaissance Study (905(b) Analysis)
- Step 5: Negotiate Draft Project Management Plan (PMP), Feasibility Cost Share Agreement (FCSA), & Review Plan (RP)
- Step 6: Certify Reconnaissance Phase - MSC Approves Model FCSA and Letter of Intent (LOI) from Sponsor - District Approves PMP
- Step 7: Execute FCSA and Feasibility Funds
- Step 8: Conduct Feasibility Study
- Step 9: Complete Final Report for Coordination & Submission
- Step 10: Division Engineer’s Transmittal
- Step 11: Washington Level Policy Review on Final Report
- Step 12: Chief of Engineer’s Report (Chief’s Report)
- Step 13: Administration Review - Assistant Secretary of the Army for Civil Works [ASA(CW)] - Office of Management and Budget (OMB)
- Step 14: Project Authorization (WRDA Bill or other legislation)
- Step 15: District executes Design Agreement
- Step 16: District conducts Preconstruction Engineering and Design activities
- Step 17: District drafts Project Partnership Agreement (PPA)
- Step 18: Congress Appropriates Construction Funds
- Step 19: Execute PPA
- Step 20: Project is Constructed
- Step 21: Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R)

The proposed amendments would provide much greater flexibility for project development and financing for Civil Works Projects, as well as greatly accelerated timelines.

### **Port Chilkoot Dock and Lightering Float Tariff**

We recently spoke with Bill Sharp, Vice President - Port Operations, Holland America Line Inc., regarding two issues: (1) the Port Chilkoot Dock renovation project, with an emphasis on coordinating cruise ship operations during construction and (2) revisions to the Port Chilkoot Dock Tariff. Mr. Sharp has requested some information, much of which was what the also what the Tourism Advisory Board

had requested, which we are working on. We expect to have the ordinance and backup materials ready for the June 25 or July 9 meeting.

### **Letnikof Restrooms**

New pit toilets at the Letnikof Harbor are approximately 80% complete. This work is being performed by Harbor Personnel. The project consisted of replacing and upgrading the building shell and did not change or otherwise modify the below-ground "plumbing" or anything else down there. The accumulations in the pits are periodically pumped, as needed. Harbormaster Phil Benner spoke with Mel Knapp, Alaska Department of Environmental Conservation, Division of Water Environmental Program Manager II, who stated that the Borough does not need a permit as long as we do not change the vault or how we are handling the solids. We are not changing any of that, so no permit is required.

### **Barnett Water Tank Construction**

The Barnett water tank materials and the contractor, Shearer & Associates, Inc., are scheduled to be in Haines the week of June 10, 2013 to finish the water tank foundation and begin constructing the tank.

### **Borough Radio Communication System**

Plans for the Borough's radio communication system are in the final stages of design. Delivery of the 95% design is expected in the very near future.

### **Mosquito Lake School Fire Suppression**

The Borough and the School District are seeking reimbursement for this project Mosquito Lake School Fire Suppression from the Alaska Department of Education and Early Development CIP Program.

### **High School Air Handling Unit**

The Haines Borough School District is funding this project jointly with the Borough. The design phase will be funded by the School District and managed by the Borough.

### **Port Chilkoot Dock and Letnikof Harbor Upgrades**

A preconstruction meeting was held on June 5, 2013. Attending the meeting were representatives from PND Engineers, Pacific Pile & Marine, and the Borough.

### **Museum Stairs Replacement**

Quotes will be requested from local contractors for construction of new concrete stairs at the Sheldon Museum entrance.

### **Chilkat Lake Road Improvements**

A preconstruction meeting was held June 3, 2013 with PND, Southeast Roadbuilders Inc, IPEC, and the Borough. Work will resume approximately July 1. Substantial completion is August 31 of this year.

### **Porcupine Road Grading**

The Borough has contracted with White Rock to grade the entire length of Porcupine Road. The project is scheduled to be completed by June 7, 2013.

### **FY 2014 Budget**

We have been working on a spending reduction plan and several proposed amendments the FY 2014 Budget. Please refer to that part of the meeting packet for that information.

## Front Street / Haines Highway Project Landscaping

Borough staff plans to begin planning and implementation of landscaping improvements Front Street / Haines Highway Project once the contractor has completed their work on the State of Alaska project.

## Heli-ski Map Committee

The most recent amendment to Haines Borough Code Title 5 regarding amendments to the Commercial Ski Tour Areas map provides for the selection of committee members and committee procedures, as follows:

HBC 5.18.080(F)

*3. Commercial ski tours, commercial ski productions and special ski competition events shall be conducted only in areas identified on the map attached to the ordinance codified in this section which shall remain on file with the borough clerk and labeled "Haines Borough Approved Commercial Ski Tour Areas."*

*a. The Haines Borough Approved Commercial Ski Tour Areas map may be amended annually by assembly resolution.*

*b. Proposals for map amendments may be submitted to the borough manager from May 1st to May 31st each year. Proposals shall be in writing and include an illustration of the general subject area and rationale for the amendment in fewer than 500 words.*

*c. After May 31st and prior to June 10th, the manager shall convene an advisory committee to review the proposed map amendments. The committee shall be comprised of one commercial ski tour operator determined by random drawing of all permitted commercial ski tour operators; one citizen determined by random drawing of all persons who submitted map amendment proposals except commercial ski tour operators; one tourism advisory board member selected by the tourism advisory board; one parks and recreation committee member selected by the parks and recreation committee; and one Alaska Department of Fish and Game staff member who meets the residency requirements of HBC 2.60.020 and is knowledgeable of local wildlife habits. The committee shall organize itself as to procedure and shall make a recommendation to the manager on or before June 30th. The manager will not be bound to the recommendations but shall present them to the assembly for consideration.*

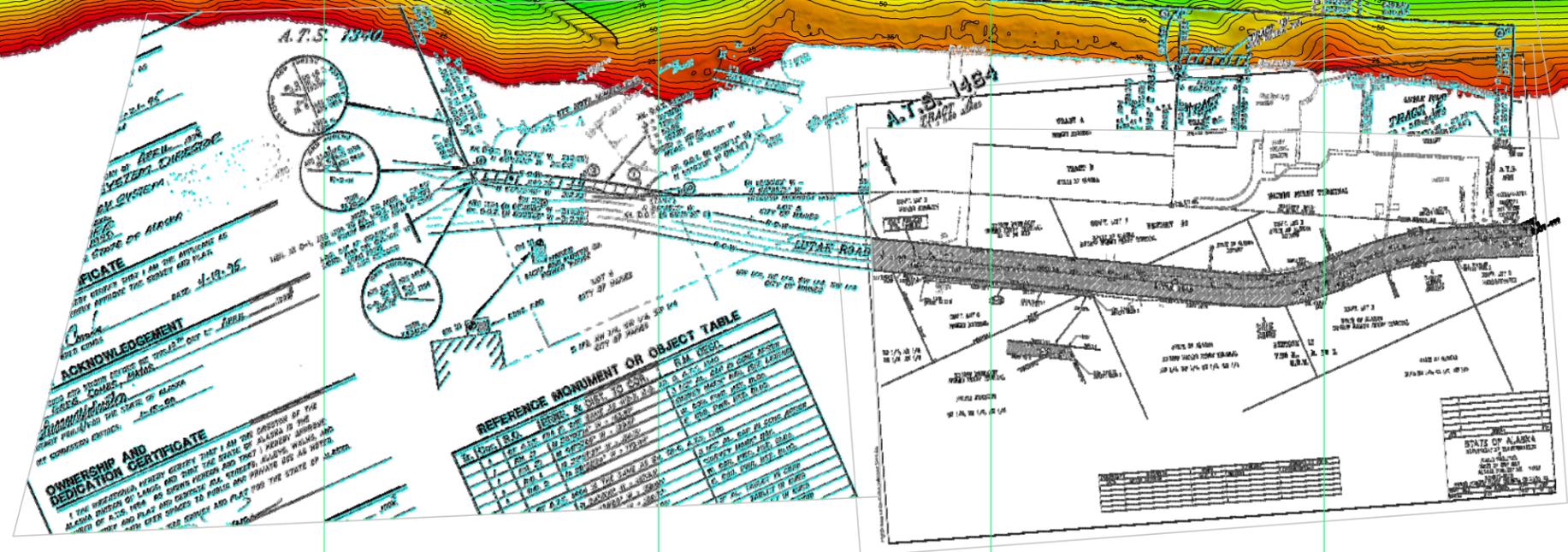
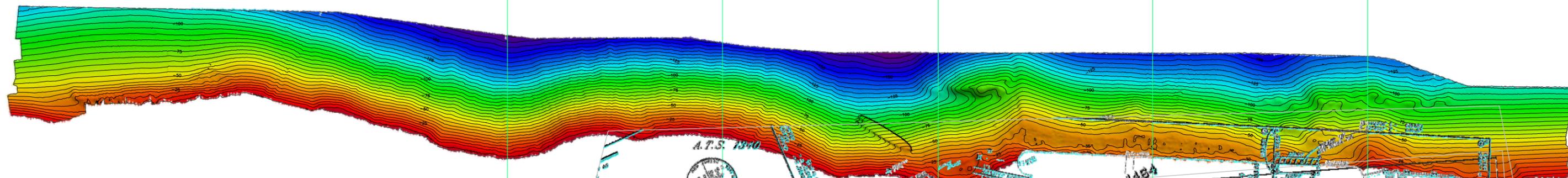
The committee members have been selected, and they consist of the following individuals:

1. Rep for the Tourism Advisory Board - **Barbara Mulford**
2. Rep for ADF&G who is a Haines resident - **Randy Bachman**
3. Randomly-selected Rep for the heliski industry - **Scott Sundberg**
4. Rep for Parks & Recreation Advisory Committee – **Daymond Hoffman**
5. Randomly-selected citizen from those who submitted map proposals – **Dave Long**

The committee is (was) tentatively scheduled to meet on Friday, June 7, 2013.

## Personnel:

I will be providing an evaluation of the upgraded Planning and Zoning Technician III and Executive Assistant to the Manager positions prior to the June 11, 2013 Assembly meeting, as well as plan (including costs) for the advertising and hiring of the next Borough Chief of Police.



**A.T.S. 1340**

**ACKNOWLEDGEMENT**

**OWNERSHIP AND REDIPICATION CERTIFICATE**

STATE OF ALASKA

DATE: 4-9-16

**REFERENCE MONUMENT OR OBJECT TABLE**

NO.	DESCRIPTION	BEARING	DISTANCE
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

PRELIMINARY

**REVISIONS**

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

**P | N | D**  
ENGINEERS, INC.

9360 Glacier Highway Ste 100  
Juneau, Alaska 99801  
Phone: 907-586-2093  
Fax: 907-586-2099  
www.pndengineers.com

DESIGN: --- CHECKED: ---  
DRAWN: --- APPROVED: ---

SCALE: SCALE IN FEET  
0 150 300 FT.

**HAINES, ALASKA**  
**LUTAK DOCK IMPROVEMENTS**

SHEET TITLE:  
**BATHYMETRIC SURVEY**

DATE: 6/3/13

PND PROJECT NO.: 132048 DWG. FILE: ----.DWG

**3**  
SHEET  
3 OF X

## HAINES BOROUGH PUBLIC LIBRARY

[Best Small Library in America 2005]

### Director's Report

May 15, 2013

#### April Statistics

Monthly Circulation: 8,388

Internet Use: 1,328

Visits: 7,281

Meeting Room Use: 32 groups Total Attendance 196

Library Programs: 67, Total Attendance: 801

Non-Library Programs: 12, Total Attendance 145

#### Updates

- Due to changing staff schedules and busy meeting room schedules, the library staff opted not to close on Wednesday, May 22<sup>nd</sup> and began shifting the collection on Saturday, May 11. This shift will position all audio/visual materials in the same area and place the reference section at the beginning of the non-fiction, closer to tables for easy access and use. The juvenile non-fiction which is currently distributed within the adult non-fiction will be on the bottom shelf within the subject area, more easily accessible for younger patrons.
- Continuing the 10-10 theme for our 10<sup>th</sup> Anniversary year, a building maintenance staff member cleaned the large light fixtures in the staff room, inventorying light bulbs along the way. Approximately thirty bulbs need replacing.
- Materials and information regarding the *Super Computer Basics for Seniors* class and the *Music in the Stacks* program have been requested by other libraries in the state for a resource in developing their own programs. The OWL staff is excited to have the Music in the Stacks program become part of their regular program offerings.
- Erik has designed a digital meeting room booking system which allows staff to make meeting room reservations from their desktops and generate an end of the month report. Volunteers will be able to enter program numbers using an iPad mini. The workflow will be much more efficient for everyone.
- We have also tried out 24/7 network monitoring software which we have determined to be helpful in monitoring system glitches remotely.
- John Carlson has completed work on the cabinet doors in the Reading Room, which will now be used for permanent displays.
- Mayor Stephanie Scott and I continue to work on the possibility of a Legislative Information Office in Haines.

#### Grant Information

- I completed and submitted the Basic Grant interim report and year 2 request for funding to IMLS on April 26<sup>th</sup>.
- Erik, Jessie and I are working on the poster presentation for the upcoming grantees conference. We are also creating a pamphlet to highlight the Storyboard. I am working on a two-page report as part of the poster session.
- Gordon Whitermore will begin working on the construction of the closet doors in the Community Room. The new bi-fold doors are part of the Chilkat Valley Community Foundation grant project which includes new folding chairs and a chair rack.



#### LIBRARY DIRECTOR

Patricia Brown

#### LIBRARY BOARD

Anne Marie Palmieri,  
Chair

Heather Lende, Vice-  
Chair

Richard Flegel, Treasurer

James Alborough,  
Secretary

JoAnn Ross Cunningham

Cecily Stern

Lorrie Dudzik

Meredith Pochardt

Stacey Gala

### **Program Highlights**

- On, Monday, May 13, at 6:30pm, Sally Burratin will lead interested community members in a traditional Storytelling Circle.
- Tuesday, May 21, at 7pm, is Music in the Stacks with Jeff Alvine. This will be shared with other libraries via videoconference.
- The Summer Reading Kick-Off is Friday, May 24<sup>th</sup> at 11 am. Come dressed in your best pirate attire and join the fun.
- Thursday, May 30<sup>th</sup> is the monthly cultural program – Anastasia Wiley will share an archeological view of the area where Kluktu village was located. Included will be a demonstration of the Chilkat Valley Storyboard by Erik Stevens.

### **Upcoming**

- Rebecca and I have once again been asked to offer a session during an upcoming OWL training event on May 23. This will be via videoconference.
- Jessie Morgan has received a scholarship to attend the library workshop, *Culturally Responsive Libraries*, in Anchorage, May 28-31. This is a follow-up to the Alaska Native Libraries, Archives, Museums Summit (ANLAMS) Jolanta and I attended 2 years ago.
- Erik and I will be attending the Association of Tribal Archives, Libraries and Museums International Conference in Albuquerque, New Mexico, June 10-14. This is the required conference for Enhancement grant awardees. We will also be part of a panel discussion on digitization projects and positive impacts. Enhancement grant funds pay for our travel.

### **Other**

- The Mayor's Energy Award winners, chosen at the Earth Day celebration, May 11 are currently on display at the library.
- The Alaska Marine Highway presented the Mayor and the Community of Haines with a commemorative plaque on the anniversary of 50 years of ferry service. This is currently on display in the cases in the Library Reading room.

**Haines Borough Public Library**  
**Approved Meeting Minutes**  
**4/17/13**

Present: Flegel, Dudzik, Gala, Brown, Lende, Stern, Alborough  
Excused: Ross-Cunningham, Pochardt, Palmieri

Call to Order: 4:10 pm

Additions or Revisions to Agenda

Consent Agenda Items

The following items are consent items for final action to be taken on all by a single vote.

Any item may be removed for separate consideration if necessary.

Approval of Agenda

Approval of Minutes 3/13/2013

Director's Report

M/S Gala/Dudzik to approve the consent agenda. All approved.

Financial Report

Treasurer's Report for March (Dick)

Checking: \$38,764.72

Savings: \$14,207.98

CD: \$20,503.81

Reconcilements look good and a register report was passed around for signatures.

Items for Discussion

Budget updates

Past-year unused personnel expenses from FY12 will be put into FY13 budget.

We will use some of our FY13 enhancement grant money in FY14 (following receipt of an extension).

COW meetings have been ongoing and the library budget looks as if it will remain as submitted.

Some discussion about the CVN trying to make the department/component unit question into an issue, but from our perspective it is a non-issue. We will just need to learn new procedures.

OWL and Legislative budget

OWL program was included in the state budget, so the service will be extended for one more year. Some discussion and brainstorming about OWL video conferencing usage.

CIP requests and storage addition

Some assembly members expressed concern with using our CIP funds for design of the addition. Patty will be attending the next meeting on the subject to clarify the issue for the assembly. The point was also made that grants, not local funds, will most likely fund much of the project.

Permission to close, May 22

Staff need a day to move the collection around. If there is a cruise ship in town that day, we will post the wi-fi password on the door.

M/S Dudzik/Gala to close the library on May 22 for collection shifting. All approved.

Other

Radio

May 10 (Stacey), May 17 (Heather), May 24 (Dick)

Board Comments

Director's Comments

Patty shared the latest stats for the month.

Patty will be writing some articles for various blogs and magazines about the storyboard project and the launch event.

Patty commended James for volunteer contributions.

Next Meeting: May 15th at 4pm

Adjournment: 4:47pm



Agenda Bill No.: 13-289  
 Assembly Meeting Date: 6/11/2013

Business Item Description:	Attachments:
Subject: Authorize Purchase of Dump Truck	1. Resolution 13-06-458 2. Kenworth Alaska quote
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 6/3/13	

**Full Title/Motion:**  
 Motion: Adopt Resolution 13-06-458.

**Administrative Recommendation:**  
 The borough manager recommends adoption of this resolution.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 165,300	\$ 165,300	\$ 0

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.: Page 11 of Community Survey	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
 On 5/28, the assembly adopted Ordinance 13-04-323 that included an appropriation of \$165,000 for "Dump Truck Replacement." The Borough is in need of replacing the dump truck that was taken out of service a year ago due to an irreparable structural fracture. (This item was included in the Manager's FY 2014 Budget but was removed and added to the current fiscal year budget to enable the purchase to take place right away.) The assembly is now asked to authorize the actual purchase of a T800 dump truck from Kenworth Alaska.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 6/11/13	Tabled to Date:

HAINES BOROUGH  
RESOLUTION No. 13-06-458

Draft

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Kenworth Alaska in the amount of \$165,300 for the purchase and delivery of a T800 dump truck.**

**WHEREAS**, the Haines Borough is in need of replacing the dump truck that was taken out of service a year ago due to an irreparable structural fracture; and

**WHEREAS**, funding for dump truck replacement had been included in the Borough Manager's FY14 Budget; and

**WHEREAS**, a May 2013 ordinance of the Haines Borough Assembly appropriated \$165,000 of Townsite Service Area General Funds for the purchase of a public works dump truck as an amendment to the Borough's FY13 budget; and

**WHEREAS**, the Borough Manager and Public Facilities Director recommended the accelerated schedule to purchase a new dump truck; and

**WHEREAS**, Kenworth Alaska has provided a quote of \$165,300 for the purchase and delivery of a T800 dump truck; and

**WHEREAS**, there are sufficient funds available in the FY13 budget for this purchase,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to contract with Kenworth Alaska in the amount of \$165,300 for the purchase and delivery of a T800 dump truck.

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

Buyer Haines Borough Date 5/31/2013  
 Address P.O. Box 1209 Sales Rep Ken Leaf  
 City Haines State Alaska Zip 99827 FOB Haines, AK  
 Business Phone (907) 766-2231 ext. 26

INVOICE NO. 11273	YEAR 2012	NEW X	USED	MAKE KENWORTH	MODEL T800	VIN 1NKDX4EX5CJ330112
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Lienholder <u>NONE</u> Address _____ City, ST Zip _____	1. BASE PRICE OF VEHICLE <span style="float: right;">145,030.00</span> 2. Dealer Added Or Deleted Options  FREIGHT FROM ANCHORAGE AK TO HAINES AK <span style="float: right;">3,300.00</span> Truck will be delivered with a temporary registration permit. The original manufactures certificate of Origin (MCO) will be mailed to the Borough. Thank you!
(A) USED VEHICLE TRADE-IN	3. BASE PRICE OF VEHICLE AND OPTIONS (Line 1 +/- Line 2) <span style="float: right;">148,330.00</span>
(B) SECOND VEHICLE TRADE-IN	4. Service Contract/Extended Warranty <span style="float: right;">0.00</span>
YEAR MAKE MODE MILEAGE VIN# BALANCE OWED LIENHOLDER'S	5. ESTIMATED Vehicle Excise Tax, License, Title, and Registration Fees (including \$3 arbitration fee on new vehicles) (\$2.50 Dealer Administrative Fee) <span style="float: right;">0.00</span>
YEAR MAKE MODE MILEAGE VIN# BALANCE OWED LIENHOLDER'S	6. Federal Excise Tax <span style="float: right;">16,970.00</span>
(1) Gross trade-in allowance for (A) _____ Less estimated bal. owed (A) _____ (2) Gross trade-in allowance for (B) <u>0.00</u> Less estimated bal. owed (B) <u>0.00</u> (3)* ESTIMATED NET ALLOWANCE ON Trade-in(S) <u>0.00</u> (carry over to line 8) (4) Total Gross Trade-in Allowance (Line 1 + Line 2) <u>0.00</u> (carry over to line 10)	7. DOWN PAYMENT (A) CASH _____ (B) REBATE <u>0.00</u> <span style="float: right;">0.00</span> 8. ESTIMATED Net Trade-in Allowance <span style="float: right;">0.00</span> 9. TOTAL CREDITS (7+8) <span style="float: right;">0.00</span>
* Buyer acknowledges that the final payoff and/or lien balance on the trade-in vehicle as described above is only an estimated figure, subject to verification and confirmation from the lienholder as to the exact dollar amount. In the event the payoff/lien balance exceeds the above-stated amount, such additional amount shall be added to the total cash price of the vehicle and shall be paid to the dealer on request or added to the amount being financed.	10. Sales Tax [Calculated on the sum of Base Price of the Vehicle and Options (Line 3 above) + Service Contract/Extended Warranty (Line 4 above) - Total Gross Trade-In Allowance \$ <u>0.00</u> ] Tax Rate _____ <span style="float: right;">0.00</span> 11. Dealer Documentary Service Fee <span style="float: right;">0.00</span> 12. Insurance (Life, Disability, etc.) <span style="float: right;">0.00</span> 13. Other Charges <span style="float: right;">0.00</span>
X _____ SIGNATURE (DO NOT INITIAL)	14. TOTAL CASH PRICE OF VEHICLE (3+4+5+6+10+11+12+13) <span style="float: right;">165,300.00</span> 15. UNPAID BALANCE OF CASH PRICE DUE ON DELIVERY (14-9) <span style="float: right;">165,300.00</span> 16. UNPAID BALANCE (AMOUNT FINANCED) (14-9) <span style="float: right;">0.00</span>

Buyer agrees that this Agreement includes all of the terms and conditions on the first and second pages hereof, that this Agreement cancels and supersedes any prior agreement including oral agreements, and as of the date below comprises, with any retail installment sale contract, the complete and exclusive statement of the terms of the agreement relating to the subject matters covered by this Agreement. Buyer, by signing this Agreement, acknowledges that Buyer has read its terms and has received a true copy of this Agreement.

If Buyer is buying the Vehicle for cash (this includes a Buyer arranging Buyer's own financing from a party other than dealer), this Agreement is not binding upon either Dealer or Buyer until signed by an authorized Dealer representative.

If Buyer is buying the Vehicle in a credit sale transaction with Dealer evidenced by a signed retail installment sale contract this Agreement is binding when the retail installment sale contract is signed, but will not remain binding if a third party finance source does not agree to purchase the retail installment sale contract executed by Buyer and Dealer based on this Agreement. See paragraph 12 on the second page of this Agreement.

BUYER ACKNOWLEDGES THAT IF THIS BOX IS CHECKED, THIS AGREEMENT CONTAINS AN ARBITRATION CLAUSE LOCATED ON THE SECOND PAGE OF THIS AGREEMENT.

BUYER HAS READ ALL PAGES OF THIS AGREEMENT AND AGREES TO ALL TERMS AND CONDITIONS IN THIS AGREEMENT.

BUYER SIGNS X \_\_\_\_\_ DATE \_\_\_\_\_

CO-BUYER SIGNS X \_\_\_\_\_ DATE \_\_\_\_\_

MANAGER'S APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_  
 (Must Be Accepted By An Authorized Representative of the Dealer)

## ADDITIONAL TERMS AND CONDITIONS

### 1. These definitions apply to this Agreement

- \* "Dealer" "us" "our" and "we" mean or refer to the authorized Dealer named on the face of this Agreement and who becomes a party to this Agreement by accepting it.
- \* "Buyer" and "you" mean or refer to the party executing this Agreement as such
- \* "Manufacturer" means the corporation that manufactured the vehicle.
- \* "Vehicle" is the vehicle or chassis that is the subject of this Agreement.
- \* "Trade-in" is the used vehicle that Buyer intends to use as part of the consideration for the purchase price of the Vehicle or otherwise is to be transferred to Dealer.

We are not the Manufacturer's agent. You and we are the sole parties to this Agreement. References in this Agreement are for the purpose of describing certain contractual relationships between the Manufacturer and us relating to new vehicles.

2. The Manufacturer may change our price of new vehicles without notice. If that happens with regard to new vehicles of the series and body type of the Vehicle before we deliver it to you, we may change the cash delivered price of the Vehicle to you accordingly. If we do, you may cancel this Agreement. If you cancel, we shall return any Trade-in to you, unless we have sold it. You agree to pay reasonable storage and repair charges, unless prohibited by law. If we have sold the Trade-in, we shall pay you the sales price, less a sales commission of 15% and any expense in storing, insuring, conditioning or advertising it for sale, unless prohibited by law.

3. You agree to give us satisfactory evidence of title to any Trade-in when you deliver it to us. You warrant any Trade-in to be your property. You warrant that the Trade-in is free and clear of all liens and encumbrances unless otherwise noted in this Agreement, and that the Trade-in has never had a salvage or "branded" title. You represent that the Trade-in's mileage shown in this Agreement is the actual mileage on the Trade-in unless you have noted other mileage on this Agreement. You authorize us to rely on this representation in entering into this transaction. If you provide false information, you will repurchase the related trade-in from us for the full price allowed to you plus all costs we incur in resolving this matter including but not limited to reconditioning costs, legal fees, court and collection costs.

4. If you fail or refuse to accept delivery of the Vehicle or comply with this Agreement, we may keep as liquidated damages any cash deposit you made, to the extent not prohibited by law. We may reimburse ourselves for any expenses and losses we incur or suffer as a result of your failure or refusal. Such expenses and losses may include our reasonable attorney's fees. This section doesn't apply if you cancel this Agreement under section 2.

5. The Manufacturer may change the design of any vehicle, chassis, accessories, or parts at any time without notice and without obligation. The Manufacturer may also make the same or any similar changes upon any vehicle, chassis, accessories, or parts already bought by or shipped to us or being manufactured or sold in accordance with our orders. If the Manufacturer makes such a change, we have no obligation to you to make the same or any similar change in the Vehicle or its parts either before or after we deliver the Vehicle to you.

6. We aren't liable for failure to deliver or delay in delivering the Vehicle where such failure or delay is due, in whole or in part, to any cause beyond our control or without fault or negligence.

7. The Vehicle price includes reimbursement for Federal Excise taxes. The Vehicle price doesn't include sales taxes, use taxes or occupational taxes based on sales volume, (federal, state or local) unless expressly so stated. You agree to pay, unless prohibited by law, any such taxes imposed on or that apply to the transaction reflected by this Agreement, regardless of who has primary liability for the tax.

8. If the Agreement shows a charge for Credit Insurance, this paragraph applies. The Credit Insurance provisions in any retail installment contract you later sign related to this Agreement will apply. If such insurance is wholly or partly unavailable under the designated policy, we will deduct the applicable part of the Credit Insurance charge shown in this Agreement and the related finance charge from the amount you owe. If such insurance does not become effective, we will notify you of that fact. This Agreement and any related retail installment contract you sign shall otherwise remain fully effective, to the extent provided by applicable law.

9. You agree to sign such agreements or documents as we may require to effect the terms and conditions of payment shown in this Agreement.

10. Payoff information shown on the first page of this Agreement is provided by you and/or your lienholder. Should the actual payoff(s) be less, we will refund the difference to you. If the payoff(s) is more, you agree to remit the difference to us within three business days of notification of the difference.

11. This Agreement is an agreement to buy the Vehicle. If there is an Unpaid Balance, your obligation to buy and our obligation to sell the Vehicle are expressly conditioned upon your obtaining financing for the Unpaid Balance. You have three business days from the date of this Agreement to obtain such financing. If you pay us with a check that is dishonored or unpaid for any reason, we may, at our sole option, declare this Agreement null and void and retake the Vehicle, or make claims against you on the check. In addition, to the extent permitted by law, we will charge you a \$25 returned check charge.

12. If for any reason you and we do not complete the Vehicle sale and purchase, financing is not obtained, or this Agreement is declared void, this section 12 applies. You will return the Vehicle to us. You will pay us on demand all reasonable charges and expenses for any damage to the Vehicle. Unless prohibited by applicable law, you will pay us the greater of \$.30 per mile or \$20 per day for your use of the Vehicle. You further agree that, at the option of Dealer, any down payments or other sums deposited by you may be applied to pay Dealer for any such charges. When you have paid us the amounts you owe under this Agreement, we will return the Trade-in to you, together with any down payments or deposits (less the aforesaid charges). If you fail to return the Vehicle within 24 hours of notice, you agree that we may, solely at our option, cancel the sale and retake immediate possession of the Vehicle and, in addition to those charges specified above, you agree to pay us all reasonable expenses we incur in connection with retaking the Vehicle, including attorney's fees and other expenses to the extent permitted by applicable law.

13. If this Agreement shows that any part of the transaction is to be financed, we may assist in submitting credit applications to third parties. Unless we have committed to do so in writing, we will not lend you money or finance this transaction regardless of any notation to the contrary on any other document. No agent, employee or manager of ours can change this policy.

14. In the event that any of the terms and conditions of this Agreement are inconsistent with the terms and conditions of any retail installment sales agreement between Buyer and Seller, the terms of such retail installment sales agreement shall apply.

15. USED VEHICLE BUYERS GUIDE: THE INFORMATION YOU SEE ON THE WINDOW FORM FOR THIS VEHICLE IS PART OF THE CONTRACT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.

### 16. ARBITRATION CLAUSE, PLEASE REVIEW - IMPORTANT - AFFECTS YOUR LEGAL RIGHTS

1. EITHER YOU OR WE MAY CHOOSE TO HAVE ANY DISPUTE BETWEEN US DECIDED BY ARBITRATION AND NOT IN COURT OR BY JURY TRIAL.
2. IF A DISPUTE IS ARBITRATED, YOU WILL GIVE UP YOUR RIGHT TO PARTICIPATE AS A CLASS REPRESENTATIVE OR CLASS MEMBER ON ANY CLASS CLAIM YOU MAY HAVE AGAINST US INCLUDING ANY RIGHT TO CLASS ARBITRATION OR ANY CONSOLIDATION OF INDIVIDUAL ARBITRATIONS.
3. DISCOVERY AND RIGHTS TO APPEAL IN ARBITRATION ARE GENERALLY MORE LIMITED THAN IN A LAWSUIT AND THEIR RIGHTS THAT YOU AND WE WOULD HAVE IN COURT MAY NOT BE AVAILABLE IN ARBITRATION.

Any claim or dispute, whether in contract, tort, statute or otherwise (including the interpretation and scope of this clause, and the arbitrability of the claim or dispute), between you and us or our employees, agents, successors or assigns, which arise out of or relate to your credit application, purchase or condition of this vehicle, this contract or any resulting transaction or relationship (including any such relationship with third parties who do not sign this contract) shall, at you or our election, be resolved by neutral, binding arbitration and not by a court action. Any claim or dispute is to be arbitrated by a single arbitrator on an individual basis and not as a class action. You expressly waive any right you may have to arbitrate a class action. You may choose one of the following arbitration organizations and its applicable rules: the National Arbitration Forum, Box 50191 Minneapolis, MN 55405-0191 ([www.arb-forum.com](http://www.arb-forum.com)), the American Arbitration Association, 335 Madison Ave., Floor 10, New York, NY 10017-4605 ([www.adr.org](http://www.adr.org)), or any other organization that you may choose subject to our approval. You may get a copy of the rules of these organizations by contacting the arbitration organization or visiting its website

Arbitrators shall be attorneys or retired judges and shall be selected pursuant to the applicable rules. The arbitrator shall apply governing substantive law in making an award. The arbitration hearing shall be conducted in the federal district in which you reside unless the seller of the vehicle is a party to the claim or dispute, in which the hearing will be held in the federal district where this contract was executed. We will advance your filing, administrative, service or case management fee and your arbitrator or hearing fee all up to a maximum of \$1500, which may be reimbursed by decision of the arbitrator at the arbitrator's discretion. Each party shall be responsible for its own attorney, expert and other fees, unless awarded by the arbitrator under applicable law. If the chosen arbitration organization's rules conflict with this clause, then the provisions of this clause shall control. The arbitrator's award shall be final and binding on all parties, except that in the event the arbitrator's award for a party is \$0 or against a party in excess of \$100,000, or includes an award of injunctive relief against a party, that party may request a new arbitration under the rules of the arbitration organization by a three-arbitrator panel. The appealing party requesting new arbitration shall be responsible for the filing fee and other arbitration costs subject to a final determination by the arbitrators of a fair apportionment of costs. Any arbitration under this Arbitration Clause shall be governed by the Federal Arbitration Act (9 U.S.C. § et. seq.) and not by any state law concerning arbitration.

You and we retain any rights to self-help remedies, such as repossession. You and we retain the right to seek remedies in small claims court for disputes or claims within that court's jurisdiction, unless such action is transferred, removed or appealed to a different court. Neither you nor we waive the right to arbitrate by using self-help remedies or filing suit. Any court having jurisdiction may enter judgement on the arbitrator's award. This clause shall survive any termination, payoff or transfer of this contract. If any part of this Arbitration Clause, other than waivers of class action rights, is deemed or found to be unenforceable for any reason, the remainder shall remain enforceable.



# Kenworth Northwest Inc/ Kenworth Alaska

## CUSTOMER TRUCK PURCHASE ORDER AND DEPOSIT AGREEMENT

I hereby place a firm order for the Kenworth chassis described on the attached proposal, which includes standard equipment set forth in current Kenworth price lists unless otherwise specified herein, together with the equipment designated on the following page(s); and I agree to pay the full purchase price shown in accordance with terms and conditions contained in this Purchase Order. I understand this Purchase Order becomes binding only when signed by a person authorized to accept on behalf of the Distributor.

### TRUCK PURCHASE DEPOSIT AGREEMENT

It is agreed and understood by the undersigned that this deposit will be held by Kenworth Northwest Inc. ("Distributor"), and will be applied toward the cash purchase price, cash down payment, or initial lease-purchase payments, whichever shall apply at time of delivery.

It is further agreed and understood that if the Customer cancels the above referenced Sales Order at any time after the chassis has: (1) entered production at the factory, (2) been purchased by the Distributor from another distributor, or (3) has undergone Sales Order modifications at Distributor expense, that the Distributor shall reserve the right, at its discretion, to hold the deposit until the chassis is sold in the market or is otherwise satisfactorily disposed of; in which event the Distributor will be allowed to retain from the deposit whatever charges it may incur until the chassis is sold and damages it shall have suffered by reason of such cancellation; provided, in the event the charges incurred and damages suffered by Distributor exceed the deposit, Customer agrees to pay Distributor the amount of such excess, and in the event there is a balance after said charges and damages, the balance will be remitted to Customer within ten (10) days thereafter. If the Sales Order is cancelled at no loss or inconvenience to the Distributor, the deposit will be returned to Customer upon request.

The foregoing shall not be interpreted to give the Customer a right to cancel the aforesaid Purchase Order, but merely sets forth the rights to the use of the purchase deposit in the event the Purchase Order is cancelled with the consent of the Distributor.

\*The Sales Price has been based on Distributor's Factory List Price in effect on the date hereof. Any increase in List Price in effect on the date of delivery shall be added to the Sales Price and terms of payment shall be adjusted accordingly.

Customer Haines Borough  
Address P.O. Box 1209  
City Haines State AK Zip 99827  
Salesperson Ken Leaf Date May 31, 2013

THE PURCHASE ORDER AND DEPOSIT AGREEMENT INCLUDING THE LIMITATION OF WARRANTY IN PARAGRAPH 5 SHALL BE SUBJECT TO THE TERMS AND CONDITIONS CONTAINED ON THE REVERSE SIDE HEREOF.

Customer \_\_\_\_\_  
Signature **X** \_\_\_\_\_

Distributor's Acceptance. Subject to the conditions contained herein, this order for the above described chassis hereby accepted.

Accepted By \_\_\_\_\_

Model 2012 T800 dump truck Q2K13059R1 Quantity 1  
Requested Delivery ASAP  
Shipping Destination FOB Haines AK  
\*Sales Price \$ 148,330.00 (ea) \$ 148,330.00  
Sales Tax or Exempt Number..... 0.00  
Federal Excise Tax  
or Exempt Number..... 16,970.00  
Total..... 165,300.00

Trade allowance for:  
\_\_\_\_\_ \$ 0.00  
Less Payoff \$ 0.00  
Net Equity in Trade..... 0.00  
Cash Deposit..... 0.00  
Total Difference..... 165,300.00

Terms: paid in full on delivery  
Unless otherwise specified, terms of payment are cash on delivery  
Unpaid Balance Financed By: \_\_\_\_\_

This Order is given and accepted subject to the following:

## CONDITIONS

1. Distributors shall not be responsible for any failure or delay in shipment or delivery due to causes beyond his control. Such failure or delay shall extend the time of performance by such time as may be necessary to enable Distributor to make delivery. If the delay shall extend Thirty days beyond the delivery date set forth in this agreement, Distributor may cancel this order and return to Customer any deposit made with Distributor, and Distributor shall be relieved of any further liability to Customer
2. If Customer fails to pay the balance due prior to delivery as set forth herein or breaches any other provision of this agreement, Distributor at his option may cancel this order and retain any deposit made by Customer as liquidated damages, or he may enforce the terms of this agreement. Customer agrees that the venue of any suit or action based on this agreement may be at the Distributor's option, be laid in the county in which Distributor's principal place of business is located, and that in the event of any such suit or action Customer will pay reasonable attorney's fees incurred by Distributor.
3. Buyer agrees to pay the amount of any tax imposed upon the transaction covered by this agreement.
4. If any material is furnished by Customer for use in the manufacture of the vehicle purchased herein, Customer agrees to indemnify and hold harmless the Distributor and manufacturer from any and all costs, claims and damages arising from any defect in such material.
5. Limitation of Warranty. It is expressly agreed that the Distributor makes no warranties, express or implied, including no warranties of MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE with regard to the equipment described above, except those warranties which are in writing and made part of this agreement and such warranties as may be granted by the manufacturer of the equipment covered by this agreement; and that in no event shall the Distributor be liable for incidental or consequential damages or commercial losses. Customer acknowledges that he has read, understood, and agreed to the contents and that the same is a part of the bargaining and negotiating of this agreement.
6. If the terms of payment herein provided are other than cash, this Purchase Order and the terms of payment shall be subject to the approval of the credit of the Customer by the Distributor. Distributor shall notify Customer upon approval of credit. If Customer does not pay according to the terms of payment, the unpaid balance shall bear interest at an annual percentage rate of eighteen percent (18%).

## MANUFACTURER'S WARRANTY AND OWNER'S SERVICE POLICY

Kenworth Truck Company (Kenworth) hereby warrants only to the original customer (Buyer) from Selling Distributor during the period of time and upon the conditions hereinafter set forth each new motor vehicle sold by it to be merchantable, free from defects in material and workmanship under normal use, maintenance and service. Except for the above warranty, it is expressly agreed that NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE, nor other warranty expressed, implied or statutory is made by Kenworth or the Selling Distributor.

Kenworth's liability shall be limited to repair or replacement, including labor, at its factory authorized distributor, of any part or parts which Kenworth's examination shall disclose to its satisfaction to have been defective in material or workmanship under normal use, maintenance and service, in accordance with the Warranty and Owner's Service Policy furnished by Kenworth Truck Company.

If Kenworth shall attempt repairs and/or replacements which shall for any reason fail, Kenworth shall be entitled to continue to attempt to remedy any defects for so long a period of time as, in Kenworth's sole judgment, such attempt is justified.

If the defect is such as in Kenworth's sole judgment precludes the remedying thereof by repairs or replacement, or if for any reason Kenworth determines that repairs or replacements are impracticable, then Kenworth shall have no further obligations to attempt repairs, and/or replacements, and Buyer's sole and exclusive remedy shall, upon return of vehicle to Kenworth, be the right to a refund of the wholesale value of the vehicle based upon a written bid obtained by Kenworth from an independent established wholesale truck dealer.

The foregoing shall be the Buyer's sole and exclusive remedy whether in contract, tort or otherwise, and Kenworth shall not be liable for injuries to persons or property.

In no event shall Kenworth be liable for incidental or consequential damages or commercial losses nor for any other loss or damage except as above set forth.

This warranty shall not apply with respect to any claimed defect which in Kenworth's judgment has arisen from repair or alteration outside of Kenworth's factory, or from misuse, negligence, accident, operation at a speed exceeding factory rated speed, loading beyond the factory rated load capacity, or from lack of normal use, maintenance or service.

Certain component parts, such as engines, are manufactured by others and warranted by the manufacturer. When the manufacturer of the component warrants the part to the customer, Kenworth hereby warrants the title of each such part but NO other warranty, whether expressed, implied, statutory or otherwise, including the IMPLIED WARRANTY OF MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSES, are made with respect thereto.

All repairs and replacements are made and furnished subject to the same terms, conditions, warranty, disclaimer or warranty and limitation of liability and remedy as apply to each new motor vehicle sold.



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-290  
**Assembly Meeting Date:** 6/11/2013

Business Item Description:	Attachments:
Subject: Authorize Contract with Murray & Associates for Design of Air Handling Unit for Mosquito Lake School	1. Resolution 13-06-467 2. Murray & Associates Proposal & Begenyi Fee Estimate
Originator: Director of Public Facilities	
Originating Department: Public Facilities	
Date Submitted: 6/3/13	

**Full Title/Motion:**  
 Motion: Adopt Resolution 13-06-467.

**Administrative Recommendation:**  
 The borough manager recommends adoption of this resolution.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 15,373	\$ 15,373	\$ 0

**Comprehensive Plan Consistency Review:**

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

The Mosquito Lake School air handling unit is multiple decades old, failing and has a zero-year life expectancy. In 2010, the failing boiler was replaced and, at that time, the borough determined there was not enough funding to replace the air handling unit, which is in a critical state. If the air handling unit fails, it will cease to transfer heat or air flow through the school. Murray and Associates has provided a proposal of \$15,373 for mechanical and electrical engineering for producing bid documents for the project. These services do not include any abatement or hazardous material engineering

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 6/11/13	Tabled to Date:

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Murray and Associates, P.C. in the amount of \$15,373 for mechanical and electrical engineering for the Mosquito Lake School fan replacement project.**

**WHEREAS**, the Mosquito Lake School air handling unit is multiple decades old, failing and has a zero-year life expectancy; and

**WHEREAS**, in 2010, the failing boiler was replaced at Mosquito Lake School and, at that time, the Borough determined there was not enough funding to replace the air handling unit, which is in a critical state; and

**WHEREAS**, if the air handling unit fails, it will cease to transfer heat or air flow through the school; and

**WHEREAS**, Murray and Associates, P.C. has provided a proposal of \$15,373 for mechanical and electrical engineering for producing bid documents for the Mosquito Lake School fan replacement project; and

**WHEREAS**, these services do not include any abatement or hazardous material engineering; and

**WHEREAS**, the Borough will fund this portion of the project with advanced engineering funds,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to contract with Murray and Associates, P.C. in the amount of \$15,373 for mechanical and electrical engineering for the Mosquito Lake School fan replacement project.

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

***Murray & Associates, P. C., Consulting Mechanical Engineers***

PO Box 21081, Juneau, Alaska 99802-1081 (907) 780-6151 Fax: (907) 780-6182

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May 22, 2013

Mark Earnest, Haines Borough Manager  
PO Box 1209  
Haines, Alaska 99827

Subject: Engineering Fee Proposal for Haines Mosquito Lake School AHU Replacement

Mr. Earnest, As requested by Carlos Jimenez we are submitting a fee proposal for the mechanical and electrical engineering services for the Haines Mosquito Lake School AHU Replacement project discussed recently. The engineering effort will produce bid ready documents for the replacement of the AHU fan. We would use sub-consultant Barry Begenyi who was the electrical engineer for the Haines School Addition project recently completed.

I have attached a breakdown of services dated May 22, 2013 to Carlos Jimenez, Public Works Director, detailing the scope of engineering work. I have also included a budget of suggested construction services for your reference later. We can provide services for just bid ready technical design documents and bidding at a time and expense rate for a total of \$15,373. If construction services are desired at this time the total time and expense amount for design, bidding, and construction services would be \$27,034.

These services do not include any abatement or hazardous material engineering. Please forward any records of recent hazardous material audits at the school for our review. Specifically we are looking for any duct tape hazardous material on the original ductwork. If the duct seams have to be abated then we would coordinate with you on a choice for abatement consultant to add to the project.

We look forward to working on this project.

Cordially,



Douglas Murray, P.E.  
President, Murray & Associates, P. C.

Copy: Carlos Jimenez via email.



## FEE ESTIMATE

Date: May 21, 2013

Client: Murray & Associates

Project: Mosquito Lake School Fan Replacement

	\$145 Barry (hours)	\$95 CAD (hours)	\$65 Eileen (hours)	time (hours)	expense (\$)
<b>Design Phase (time and expense)</b>					
Project management	1		0.5	178	
Site visit	9			1,305	266
Drawing format	1			145	
Demolition plan	0.5			73	
Power plan	0.5			73	
Circuiting	1			145	
Cost opinion	1			145	
Document production	1			145	
Time and expense summary	15	0	0.5	\$2,208	\$266
CBJ 5% sales tax					\$0
Expense, plus 10%					\$293
<b>Total Design Fee</b>					<b>\$2,500</b>
<b>Bid Phase (time and expense)</b>					
Project management	1		0.5	178	
Prebid meeting (teleconference)	1			145	
Response to questions	1			145	
Addendum	1			145	
Time and expense summary	4	0	0.5	\$613	\$0
CBJ 5% sales tax					\$0
Expense, plus 10%					\$0
<b>Total Bid Fee</b>					<b>\$613</b>
<b>Project Totals</b>					
Time and expense summary	19	0	1	\$2,820	\$266
CBJ 5% sales tax					\$0
Expense, plus 10%					\$293
<b>Total Project Fee</b>					<b>\$3,113</b>

Murray & Associates, P. C.  
P.O. Box 21081  
Juneau, Alaska 99802

Client: Haines Borough Attn: Carlos Jimenez  
Project Name: Haines Mosquito Lake School AHU Fan Replacement  
Date: 05/21/13  
Project Number: M-

Fee Schedule (\$/HR)	140	125	95	80	
TASK DESCRIPTION	PRIN ENGR (HRS.)	PRO ENGR (HRS.)	DES ENGR (HRS.)	DFTR (HRS.)	SUBTOTAL (\$)
<b>CONSTRUCTION DOCUMENTS DESIGN SERVICES</b>					
Coordination Meeting/Plan Development	1.5	1.0	0.0	2.0	\$ 495
Site Visit	0.0	8.0	0.0	0.0	\$ 1,000
Calculations/Research	1.0	2.0	2.0	0.0	\$ 580
Design Fan Replacement	2.5	10.0	8.0	10.0	\$ 3,160
Diagrams and Details	0.5	1.0	1.0	2.0	\$ 450
Controls	0.5	4.0	0.0	2.0	\$ 730
Specifications - Technical, Bid Schedule	2.5	8.0	0.0	0.0	\$ 1,350
Coordination with Consultants	2.0	3.0	0.0	0.5	\$ 695
Interim Submittal 70%, 95% Submittal to Owner	1.0	2.0	0.0	2.0	\$ 550
Owner Review Comments	0.5	0.5	0.0	0.5	\$ 173
Internal Review	1.5	2.0	0.0	1.0	\$ 540
Construction Cost Estimate Opinion	1.0	2.0	0.0	0.0	\$ 390
Final Production	0.5	1.0	1.0	2.0	\$ 450
<b>MECH DOC. CD TOTAL:</b>	<b>15.0</b>	<b>44.5</b>	<b>12.0</b>	<b>22.0</b>	<b>\$ 10,563</b>
Trip Expenses (2), plus 10%					\$ 700
<b>ELEC DOC TOTAL (Begenyi, See Attached):</b>					<b>\$ 2,207</b>
<b>MAPC Mark-up of Elec - 8%</b>					<b>\$ 177</b>
<b>ENGINEERING DESIGN TOTAL TIME &amp; EXPENSE:</b>					<b>\$ 13,646</b>

<b>BIDDING - MECHANICAL</b>					
Pre Bid Meeting via Telephone, Coordination	1.0	6.0	1.0	1.0	\$ 1,065
<b>BIDDING TOTAL</b>	<b>1.0</b>	<b>6.0</b>	<b>1.0</b>	<b>1.0</b>	<b>\$ 1,065</b>
<b>ELEC BIDDING TOTAL (Begenyi, See Attached):</b>					<b>\$ 613</b>
<b>MAPC Mark-up - 8%</b>					<b>\$ 49</b>
<b>ENGINEERING BIDDING TOTAL:</b>					<b>\$ 1,727</b>

<b>ENGINEERING DESIGN &amp; BIDDING TOTAL, TIME &amp; EXPENSE:</b>					<b>\$ 15,373</b>
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<b>BASE CONSTRUCTION SERVICES - MECHANICAL</b>					
Project/Preconstruction Meetings via Telephone (2)	0	1.5	0		\$ 188
Project Coordination	2	18	2	3	\$ 2,960
Submittal Review (2 submittals)	1	6	10		\$ 1,840
Progress Insp. (1) with memo		9	0		\$ 1,125
Substantial Completion Inspection Day Trip	1	14	0		\$ 1,890
Final Completion Inspection (0)	0	0	0		\$ -
As-Built Drawings Preparation	0.5	1	0	2	\$ 355
Follow-up to Inspection Reports - In office	0.5	1.5	0		\$ 258
<b>MECH CONST. SERVICES TOTAL; TIME &amp; EXPENSE:</b>	<b>5</b>	<b>51</b>	<b>12</b>	<b>5</b>	<b>\$ 8,615</b>
<b>CS Trip Expenses (3), plus 10%</b>					<b>\$ 1,200</b>
<b>ELEC ENGINEERING CONST SERVICES TOTAL (Begenyi, See Attached):</b>					<b>\$ 2,820</b>
<b>MAPC Mark-up - 8%</b>					<b>\$ 226</b>
<b>ENGINEERING CONSTRUCTION SERVICES TOTAL, TIME &amp; EXPENSE:</b>					<b>\$ 11,661</b>

<b>TOTAL ENGINEERING DESIGN, BID, AND CONSTRUCTION SERVICES TOTAL T&amp;E:</b>					<b>\$ 27,034</b>
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Scope of work consists of the mech & elec engineering design, bidding, and construction services for the Haines Mosquito Klake School AHU Replacement. Production of General Conditions Specifications is by Owner. All printing costs are anticipated to be borne by Owner or can be provided at T&E. Hazardous materials, such as asbestos, are not anticipated and if discovered would be additional design and construction services. These additional servcies are not included in the above fee proposal.

Client: Haines Borough Attn: Carlos Jimenez  
Project Name: Haines Mosquito Lake School AHU Fan Replacement  
Date: 05/21/13  
Project Number: M-

Fee Schedule (\$/HR)	140	125	95	80	
TASK DESCRIPTION	PRIN ENGR	PRO ENGR	DES ENGR	DFTR	SUBTOTAL
	(HRS.)	(HRS.)	(HRS.)	(HRS.)	(\$)
<b>CONSTRUCTION DOCUMENTS DESIGN SERVICES</b>					
Coordination Meeting/Plan Development	1.5	1.0	0.0	2.0	\$ 495
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**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 13-291  
Assembly Meeting Date: 6/11/13

Business Item Description:	Attachments:
Subject: Establish Municipal Parking Citation Process	1. Ordinance 13-06-332 2. Explanatory Email from Attorney
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 5/31/13	

**Full Title/Motion:**  
Motion: Introduce Ordinance 13-06-332, set a first public hearing for 6/25/13, and refer to the Government Affairs & Services Committee for review prior to adoption.

**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
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**Summary Statement:**  
This ordinance establishes a municipal parking citation process and the administrative appeal process by which a person may challenge the ticket if they choose to. The general procedure is essentially required by the new court rules requiring "personal service" for minor criminal infractions, including parking tickets if those tickets are treated as criminal violations. In order to avoid the requirement that parking tickets be personally served upon a person who parks his or her vehicle unlawfully, the borough must make it clear that parking tickets are subject to a civil fine, which also requires it to establish an appeal procedure for people receiving a ticket to challenge it. Although this process will require a little extra work on the borough's part, it will mean that all parking ticket fines go directly to the borough and avoid the need for personally serving tickets to the drivers of the vehicle. These civil fines may be left on parked cars as usual. Skagway and Juneau have both recently adopted similar ordinances.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 6/11/13	Tabled to Date:

**An ordinance of the Haines Borough amending Borough Code Chapter 10.44 to provide that parking violations are subject to a civil fine; provide for the content of a notice of violation of parking restrictions; and establish an administrative appeal process for parking violations.**

**WHEREAS**, as of April 15, 2013, the Alaska Court System will only process citations issued directly to a person by a police officer; because parking citations are not issued directly to a person and may be issued by affixing a notice of violation to the vehicle, the Alaska Court System will no longer process those citations; and

**WHEREAS**, the Alaska Uniform Traffic Laws Act in AS 28.01.010(i) requires that municipalities establish an administrative appeal procedure for contesting parking citations that are not processed by the Alaska Court System; and

**WHEREAS**, the Haines Borough Code should be amended to bring current practice on the municipal parking citation process into line with state law and administrative procedures,

**BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:**

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without 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 10.44. Chapter 10.44 of the Haines Borough Code is hereby repealed and re-enacted to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE  
~~STRIKETHROUGH~~ ITEMS ARE DELETIONS

**Chapter 10.44  
PARKING**

**10.44.010 Parking during snow removal.**

It shall be unlawful for any person to park any vehicle or to allow any vehicle owned or under the person's control to continue to be parked on any public street during the time, day or night, that snow removal from such street is reasonably necessary for the movement of vehicular traffic without leaving in charge of such vehicle a person authorized, competent, and able to remove such vehicle. Falling snow, the presence of unremoved snow on such street, or the conduct of snow removal operations will be sufficient to indicate this prohibition. Any vehicle found parked during such periods on a public street where such snow removal is reasonably necessary may be removed by the chief of police or persons under the chief's control and such vehicle shall be impounded until the cost of such removal shall have been paid to the borough or to the person removing the vehicle at the direction of the chief of police or other persons under the chief's supervision and control. Any such charge remaining unpaid shall constitute a lien against said vehicle and shall be collectible in the same manner as personal property taxes. ~~Fine/Bail: \$25.00.~~

**10.44.020 Prohibited 24-hour parking – Impounding vehicles.**

It shall be unlawful for the owner or operator of any motor or other vehicle to leave, place, or park the same for 24 hours continuously on any street, highway, alley, walk, or other public thoroughfare within the townsite service area that is posted or otherwise marked by an appropriate sign, or by a combination of placed and painted signs, indicating 24-hour parking prohibited. Signs shall be required for enforcement of this section. In addition to the penalty provided for violation of this section, any vehicle found parked for 24 hours continuously as herein prohibited shall be removed and impounded by any police officer of the borough; and the removal and impounding costs shall be charged against the offending vehicle and paid before release of such vehicle. ~~Fine/Bail: \$25.00.~~

**10.44.030 Time limit parking.**

It shall be unlawful for the owner or operator of any motor or other vehicle to leave, place, stand, or park the same on any street, highway, alley, walk, or other public thoroughfare on or within any area and/or zone designated as a time limit parking area and/or zone for a period of time greater than as specified by a posted appropriate sign. Such vehicles found to be in violation are subject to impound at the owner or operator's expense. ~~Fine/Bail: \$25.00.~~

**10.44.040 Overtime parking penalty.**

Any person, firm or corporation violating overtime parking provisions of this chapter shall pay such fine not exceeding \$25.00 for each citation issued as the ~~court~~ **hearing officer** shall, in its discretion, impose. ~~The time for payment and method of payment of the penalty shall be prescribed by the court. Fine/Bail: \$25.00.~~

**10.44.050 Standing or parking close to curb.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided in this title. ~~Fine/Bail: \$25.00.~~

**10.44.060 Signs or markings indicating angle parking.**

A. The superintendent of public works shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets.

B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. ~~Fine/Bail: \$25.00.~~

**10.44.070 Obedience to angle-parking signs or markings.**

Upon those streets which have been signed or marked by the superintendent of public works for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. ~~Fine/Bail: \$25.00.~~

**10.44.080 Permit for loading or unloading at an angle to the curb.**

A. Any police officer is authorized to issue special permits allowing the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. ~~Fine/Bail: \$25.00.~~

**10.44.090 Stopping, standing, or parking prohibited – No signs required.**

A. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within 15 feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 30 feet upon the approach of any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
8. Within 20 feet of a driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within 75 feet of said entrance (when proper sign posted);
9. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
11. Upon any bridge;
12. At any place where official signs prohibit stopping;
13. At any place where the curb is painted yellow.

B. No person shall move a vehicle not lawfully under the person's control into any such prohibited area or away from a curb such distance as is unlawful.

~~C. Fine/bail for any single violation of this section is \$25.00.~~

**10.44.100 Parking not to obstruct traffic.**

No person may stop, park, or leave standing a vehicle, whether attended or unattended, upon or within eight feet of a roadway, except where the roadway is of sufficient width and design to allow parking without interfering with the normal flow of traffic or with snow removal or other highway maintenance, and where the parking, stopping, or standing is not prohibited by an official traffic control device, unless directed to do so by an official flag person or police officer. ~~Fine/Bail: \$25.00.~~

**10.44.110 Parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley, in such position as to block the driveway entrance to any abutting property except for the expeditious active unloading and delivery or pickup and loading of materials or freight. In no case shall the stop for loading and unloading of materials or freight exceed two hours unless freight is being actively unloaded or loaded. ~~Fine/Bail: \$25.00.~~

**10.44.120 Parking for certain purposes prohibited.**

No person shall park a vehicle upon any street or roadway for the principal purpose of:

- A. Displaying such vehicle for sale.
- B. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency. ~~Fine/Bail: \$25.00.~~

**10.44.130 Parking adjacent to schools.**

A. The superintendent of public works is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in the superintendent's opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. ~~Fine/Bail: \$25.00.~~

**10.44.140 Parking prohibited on narrow streets.**

A. The superintendent of public works is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign. ~~Fine/Bail: \$25.00.~~

**10.44.150 Standing or parking on one-way streets.**

The superintendent of public works is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side of any one-way street in violation of any such sign. ~~Fine/Bail: \$25.00.~~

**10.44.160 No stopping, standing, or parking near hazardous or congested places.**

A. The superintendent of public works is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place. ~~Fine/Bail: \$25.00.~~

**10.44.180 Application of parking provisions.**

The provisions of the sections prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

**10.44.190 Provisions not exclusive.**

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

**10.44.200 Parking prohibited at all times on certain streets.**

(Reserved).

**10.44.210 Time limit for parking.**

A. Constitutes Abandonment. Except as otherwise provided in HBC [10.44.020](#), it shall be unlawful for any person to park any vehicle within the right-of-way of any public street or roadway for longer than 48 hours or to abandon any vehicle within such right-of-way. The presence of any vehicle which is inoperative and upon such right-of-way shall be prima facie evidence of abandonment.

B. Parking Time Restrictions. It shall be unlawful to park any vehicle for longer than one hour on Main Street between Second and Third Avenues. Between May 1st and October 1st, it shall be unlawful to park any vehicle for longer than two hours on Main Street from Third to Fourth Avenues, on Second and Third Avenues from Willard to Dalton, on Main Street from Front Street to Second Avenue, and on the south side of Main Street from Fourth to Fifth Avenues. These time restrictions shall be in effect between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday, except along yellow zones indicating "no parking at any time" in accordance with HBC [10.02.250](#). See HBC [10.44.040](#) for fine/bail.

**10.44.220 Unauthorized parking on private property.**

It shall be unlawful for any person to park a motor vehicle on private property that is not the person's own and without the consent of the owner. ~~Fine/Bail: \$25.00.~~

**10.44.230 Parking violations; civil fines.**

**A. All vehicle parking violations shall be subject to a civil fine in the amount of \$25.00.**

**B. Failure to contact the Haines Police Department within ten (10) days of the date of the notice of violation and arrange a payment schedule for the fine acceptable to the Police Department, or to pay the fine for a parking violation within 5 days of the date of the notice of violation, or to file an appeal of a notice of violation within ten (10) days of the date of the notice of violation, will result in an additional fee equal to the amount of the civil fine being added to the original amount of the civil fine.**

**10.44.240 Notice of Violation of Parking Restrictions.**

**A. A notice of violation of parking restrictions set out in this chapter may be issued by affixing a notice of violation to the vehicle that is parked in violation. The notice of violation shall include the following:**

- 1. A brief description of the violation;**
- 2. The registration number and/or other identification of the vehicle, if available;**
- 3. The date and approximate time and place of the violation;**
- 4. The civil fine for the violation;**
- 5. The municipal office where the fine must be paid;**

6. Statement that unless within ten (10) days of the date of the notice of violation the Haines Police Department is contacted and an arrangement is made for payment of the fine acceptable to the Police Department, or the fine is paid within ten (10) days of the date of the notice, or an appeal is filed within ten (10) days of the date of notice, an additional fee equal to the amount of the civil fine will be added;

7. Statement that a notice of violation may be appealed, the office where such an appeal must be filed, and the time for filing an appeal;

8. Statement that timely payment, or acceptable arrangement for payment, of the fine or will waive all rights to appeal the notice of violation; and

9. Statement that failure to timely appeal will be deemed an admission of the violation and will waive all right to appeal or contest the notice of violation.

#### 10.44.250 Administrative Appeal.

A. Right to Appeal and Time for Appeal. The registered owner of a vehicle which has been issued a notice of violation of parking restrictions may appeal the notice of violation by filing an appeal with the borough manager within ten (10) days of the date of the notice of violation. The manager shall prepare appeal forms which appellant may use.

B. Hearing Officer. The borough manager or such person(s) as the manager may designate shall serve as hearing officer for notice of violation appeals and shall have authority to decide such appeals.

C. Contents of Appeal. An appeal must be in writing and contain the following information:

1. Name and mailing address of the appellant;

2. Number or other sufficient identification of the notice of violation;

3. Description of the vehicle;

4. Statement of the reasons for the appeal;

5. Any facts, documents, photographs, witness statements, or other evidence supporting the appeal; and

6. Statement as to whether the appellant requests a hearing before a hearing officer, or whether the appeal can be decided without a hearing. If the appellant waives hearing, the hearing officer may decide the appeal based on the written statements of the appellant, the issuing officers and any witnesses, and the hearing officer's own observations.

#### D. Administrative Hearing Procedures.

1. Date of Hearing. Unless otherwise agreed by the appellant and the hearing officer, a hearing requested under this section shall be held no later than fifteen (15) days from the date the written notice of appeal is filed with the borough manager.

2. Procedure. The hearing shall be conducted informally and may be governed by such rules as the hearing officer may choose to establish, except that:

a. Parties may appear in person or through counsel;

b. Parties may present witnesses and evidence on their own behalf and witnesses may be cross-examined;

**c. The hearing is not governed by the formal rules of evidence. The hearing officer may consider evidence that the officer reasonably deems to be both relevant and material to the contested issues;**

**d. All hearings shall be open to the public;**

**e. The hearing shall be memorialized by electronic recording or stenographic record, but a failure to record the hearing shall not be grounds for invalidating the hearing officer's decision;**

**f. Failure of the appellant to appear at a hearing requested by the appellant shall waive all right to a hearing and shall render the amount of the fine due and owing.**

**3. Scope of Review. The hearing officer's decision shall be based on the law and facts applicable to the case. The hearing officer may exercise independent judgment and reasonable discretion, applied in a consistent manner, in deciding appeals and may affirm, modify, or dismiss the notice of violation.**

**4. Decision. No later than ten (10) days following the hearing, the hearing officer shall issue a written decision setting out the hearing officer's findings and conclusions so as to provide a clear understanding of the reasons for the decision entered. The decision should also include the following statement: "This is the final decision of the municipality and a party disputing this decision has thirty (30) days from the date this decision was mailed or distributed to file an appeal with the Superior Court for the State of Alaska, First Judicial District at Juneau, Alaska, in accordance with the Alaska Rules of Appellate Procedure." The decision shall be mailed or otherwise distributed to all parties to the appeal.**

**5. Judicial Appeal. The decision of the hearing officer may be appealed to the Superior Court for the State of Alaska, First Judicial District at Juneau, Alaska, in accordance with the Alaska Rules of Appellate Procedure.**

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: 06/11/13  
Date of First Public Hearing: \_\_\_/\_\_\_/\_\_\_  
Date of Second Public Hearing: \_\_\_/\_\_\_/\_\_\_

**From:** Patrick Munson [<mailto:PMunson@bcf.us.com>]

**Sent:** Tuesday, June 04, 2013 1:44 PM

**To:** Mark Earnest

**Cc:** Brooks Chandler

**Subject:** RE: Ordinance re parking tickets

Mark – Attached is a draft of the parking ordinance you requested. It is relatively straightforward in spite of its length. The length of the ordinance is due to minor deletions from every section (i.e., the individual listing of fines of \$25.00), which I took the liberty of deleting and replacing with a catchall penalty under 10.44.230.A. Unless the Assembly desires to set different fine amounts for different parking violations, it makes more sense to address the fines in a single provision, but in order to do so we deleted each individual reference.

The real substance of the ordinance is .240-.250, which establish the contents required for municipal parking citation and establish the administrative appeal process by which a person may challenge the ticket if they choose to. The general procedure suggested here is essentially required by the new court rules requiring “personal service” for minor criminal infractions, including parking tickets if those tickets are treated as criminal violations. In order to avoid the requirement that parking tickets be personally served upon a person who parks his or her vehicle unlawfully, the Borough must make it clear that parking tickets are subject to a civil fine, which also requires it to establish an appeal procedure for people receiving a ticket to challenge it. Although this process will require a little extra work on the Borough’s part, it will mean that all parking ticket fines go directly to the Borough and avoid the need for personally serving tickets to the drivers of the vehicle. These civil fines may be left on parked cars as usual. The Borough will need to obtain and use parking ticket forms that comply with the requirements below if it does not already have them

The Police Department will be responsible for accepting payment. The fate of those funds is not addressed herein, but may be established by ordinance as well. Payments must be made within ten days of the ticket being issued. Anyone wishing to appeal must so notify the Borough within ten days as well. The City Manager or his designee must then hold an informal hearing within 15 days of the request. The hearing officer then issues a written decision within ten days of the hearing. That decision is final but may be appealed to the superior court just like a normal agency action (such as a BOE hearing result).

I am happy to provide more detail or answer questions on this issue if you or the Assembly would like. Please let me know if I may be of any further assistance.

Patrick Munson  
Boyd, Chandler & Falconer LLP  
(907) 272-8401



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-293

**Assembly Meeting Date:** 6/11/13

<b>Business Item Description:</b>		<b>Attachments:</b>
Subject:	Scoring of Nonprofit Funding Requests	1. Memo from the Mayor 2. Proposed Scoring Matrix 3. Criteria for Requesting Public Funds 4. FY14 Nonprofit Funding Requests
Originator:		
Originating Department:		
Date Submitted:		
6/3/13		

**Full Title/Motion:**  
 Motion: Establish an ad hoc committee comprised of the mayor, manager, finance director, and two assembly members to score the FY14 nonprofit funding requests as proposed by the mayor in her memorandum dated 6/3/13.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
 Twelve FY14 funding requests were received from nonprofits by the 6/1/13 application deadline. Assuming funds are allocated to address funding requests from area non-profits, the mayor drafted a scoring matrix to assist with the review and suggests an ad hoc committee be formed to do the scoring. This committee would have the following members: mayor, borough manager, finance director, and two assembly members (TBD).

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 6/11/13	Tabled to Date:

# Memorandum

Haines Borough  
Office of the Mayor  
103 Third Avenue S.  
Haines, Alaska 99827  
sscott@haines.ak.us

June 3, 2013

To: Haines Borough Assembly  
Mark Earnest, Borough Manager  
Jila Stuart, Finance Director

Cc: Julie Cozzi, Borough Clerk

From: Stephanie Scott, Mayor, Haines Borough

Subject: Non-Profit Scoring Matrix and procedures

Presuming that there are funds retained in the FY14 Budget to address requests for assistance from area non-profit organizations, I have prepared a draft scoring matrix (attached) based on the 2013 Criteria for requesting public funds (also attached). Jila Stuart, Finance Director, provided some valuable feedback, some of which I was able to incorporate. The matrix is labeled "draft," leaving it open for additional modification.

Again, presuming that funds are retained to allocate amongst the requests, I would like to form an ad hoc committee to apply the scoring matrix to the applications. The committee would then make funding recommendations to the Assembly for consideration at the June 25 or July 9 Assembly meeting. I propose that the committee be comprised of myself, the Finance Director, the Manager, and two members of the Assembly (To Be Announced). It would be helpful if the ad hoc committee could be established June 11 so that members can have a say in the finalization of the scoring matrix. To that end, I request that a motion be made to appoint the committee as described.

Though scoring the applications and formulating funding recommendations will be time consuming, for sure, it will also be inspiring. Time consuming + inspiring might be one definition of "public service"! Thank you.

Attachment: FY13 Non-Profit Scoring Matrix (Draft)  
FY 13 Criteria for requesting public funds: nonprofits and community organizations

Scored by: \_\_\_\_\_

Date Scored: \_\_\_\_\_

Circle One:

Application Complete

Application Incomplete

## Haines Borough FY14 Scoring Matrix for Applications for Funding from Non-Profit Organizations Located in the Haines Borough

Name of Applicant			
Type of Support requested (Circle 1)	I General Program Support ( <u>not to exceed 25%</u> of annual operating budget)	II Specific Object (mark the category/ies): *capital purchase *specific activity	III Matching Funds for Grant Application
Received support in FY13 (circle 1)	YES  (if "yes," then MUST have a check in "g" below in order to be "Complete")	NO	

Check if requirement is met or mark NA (not applicable)

<b>Application complete as required</b>	
a. Application received by Haines Borough on or before June 1	
b. proof of organization status (Articles of Incorporation, Organization or Association OR Borough Tax Exempt Certification Number)	
c. minutes of meeting wherein the governing body approved the request	
d. most current IRS 990 form	
e. organizational structure including names of the board of directors and the executive director if applicable	
f. budget in standard format; if Category I, request does <b>NOT</b> exceed 25% of annual operating budget	
g. if funded in prior fiscal year, separate written report of use of funds	
h. category specified (I, II, or III)	
i. evidence of community support	
<b>If all boxes are checked or marked NA, mark as "Complete" and proceed to score application. If not, mark application "Incomplete" and proceed to next application.</b>	



## B. Benefit to the Public

### 1. Number of community members who will benefit directly.

low	modest	high
<10		>50
1 -----	2 -----	3 -----
		4 -----
		5

### 2. Indirect social benefit (trickle down or up effect) to the public at large.

(Represents scorer's belief based on the evidence in the application that more people than the direct beneficiaries will be positively impacted)

low	modest	high
1 -----	2 -----	3 -----
		4 -----
		5

### 3. Indirect economic benefit (public funds will be used to stimulate the general economy in some way, i.e. create an event that brings folks to town).

low	modest	high
1 -----	2 -----	3 -----
		4 -----
		5

**Total Score: Benefit to the Public : \_\_\_\_\_ /15**

**C. Financial Viability** (Note to scorer: the assumption is that local giving or locally sourced revenue through a client-base or a fee-based service is more reliable than reliance on state or national funding agents.)

### 1. Percent of total revenue from local sources (excluding the Haines Borough)

low	modest	high
<10%		>50%
1 -----	2 -----	3 -----
		4 -----
		5

### 2. Percent of total revenue from the Haines Borough.

low	modest	high
>50%		<10%
1 -----	2 -----	3 -----
		4 -----
		5

**Total Score: Financial Viability: \_\_\_\_\_ /10**

**Scoring Summary:**

**Name of Applicant:** \_\_\_\_\_

**Category of Request:** \_\_\_\_\_

**Amount of Request:** \_\_\_\_\_

**Source of Funding (if known):**

- **Community Chest (Fund 01)**
- **Medical Service Area**
- **Economic Development**
- **Title III**

**Complete: Yes/No**

**Community Support/Relevance:** \_\_\_\_\_/20

**Benefit to the Public :** \_\_\_\_\_/15

**Financial Viability:** \_\_\_\_\_/10

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**Total Score:** \_\_\_\_\_/45



Haines Borough

## Criteria for requesting public funds

Nonprofits and community organizations

The Borough Assembly will consider granting public funds to locally controlled community non-profit corporations, organizations, or associations under the following criteria. Any appropriations that may be made by the assembly and not expended will lapse at the end of a budget cycle (July 1 through June 30).

### Criteria

1. The Borough Assembly shall determine whether there is revenue available; there is no promise of funding implicit in any advertisement or request for proposals.
2. Requests for funds must be submitted to the Borough Clerk by June 1.
3. Requesting organization must submit:
  - A. Proof of organizational status:
    - Articles of Incorporation, Organization or Association -or-
    - Borough Tax Exempt Certification Number;
  - B. Minutes of the meeting wherein the governing body approved the request;
  - C. Copy of the most current IRS form 990 for the organization;
  - D. Organizational structure, including the names of the board of directors and the executive director if applicable; and
  - E. Evidence of community support:
    - number of members of the organization for the current year and the past three years, if applicable;
    - letters/petitions of support for current request;
    - percent of total revenue from local sources for the current year and the past three years; and
    - evidence of alignment of the purpose of the current funding request with the goals and objectives in the current Haines Borough Comprehensive Plan.
4. Request must clearly demonstrate how the funds will benefit the public. Give an estimate of the number of community members who will benefit directly, and describe the expected indirect benefit to the public at large.
5. Request must be described as one of the following three types and documented, as required:
  - I. **General Program Support** not to exceed 25% of annual operating budget  
*Required submission:* Annual Budget showing Anticipated Revenue (including Borough support) and Anticipated Expenses;
  - II. **Specific Object**
    - a. **Capital Purchase**  
*Required submission:* Statement of need and use, Proposed Budget
    - b. **Support of Specific Activity**  
*Required submission:* Statement of need and use, Proposed Activity Budget
  - III. **Matching Funds** for Grant Application  
*Required submission:* Application Packet or Conceptual Paper describing Project
6. Required statements shall be submitted in letter format; budgets shall be submitted separately in standard budget format.
7. Recipients of a Haines Borough appropriation from the prior fiscal year are required to submit a written report detailing how the money was used by the organization. This report should be a separate document and submitted in addition to the application for the new fiscal year.

## **FY14 Funding Requests**

Submitted by June 1, 2013 deadline

**Takshanuk Watershed Council** – Support of Specific Activity (Living in the Forest) - **\$46,090** (Title III)

**Takshanuk Watershed Council** – Support of Specific Activity (Community Invasives Mgnt) **\$22,797** (Title III)

**Haines Dolphin Swim Team** – General Program Support - **\$5,000**

**Southeast Senior Services** – General Program Support - **\$9,600**

**Haines Friends of Recycling** – General Program Support - **\$7,621**

**Chilkat Snowburners** – Support of Specific Activity - **\$2,000**

**Chilkat Valley Community Foundation** – Matching Funds - **\$5,000**

**American Bald Eagle Foundation** – Capital Improvement (replacement carpeting) - **\$3,420**

**KHNS** – Capital Purchase (Replace Remote Facility Control) - **\$2,000**

**SAIL** – General Program Support - **\$5,000**

**Southeast Alaska State Fair** – Capital Improvements - **\$20,000**

**Chilkat Valley Preschool** – General Program Support - **\$13,000**



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 13-288  
**Assembly Meeting Date:** 6/11/13

Business Item Description:	Attachments:
Subject: Draft Letter to ADF&G about Upper Lynn Canal Crab Fishery	1. Draft Letter to ADF&G Commissioner 2. AK Fish Radio Report re. Sea Otters & SE AK Fisheries (distributed by Assembly Member Smith during 5/28/13 meeting)
Originator: Assembly	
Originating Department:	
Date Submitted: 5/28/13	

**Full Title/Motion:**  
Motion: Confirm the draft letter to Commissioner Campbell regarding the Upper Lynn Canal Crab Fishery.

**Administrative Recommendation:**

**Fiscal Impact:**

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

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.: Goal 1(5), Page 29	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
On 5/28/13, the assembly asked Mayor Scott to draft a letter to ADF&G Commissioner Cora Campbell asking for her help mitigating the indirect impacts of sea otters on the Dungeness crab stock in the Upper Lynn Canal.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 6/11/13	Tabled to Date:

DRAFT-DRAFT-DRAFT

June 11, 2013

Cora Campbell, Commissioner  
Alaska Department of Fish and Game  
PO Box 115526  
1255 West 8<sup>th</sup> Street  
Juneau, Alaska 99811-5526

Dear Commissioner Campbell:

The Haines Borough would like your help mitigating the indirect impacts of sea otters on the Dungeness crab stock in the Upper Lynn Canal.

Although sea otters have not yet migrated into the Lynn Canal in overwhelming numbers, as they voraciously consume crab in traditional crabbing grounds south of us, resourceful crabbers are moving north in ever greater numbers. This migration adds unprecedented pressure to the Dungeness crab fishery in the Northern Lynn Canal.

We are concerned that the human pressure on the crab fishery coupled with the pressure from the sea otters will create a synergy that will decimate the crab biomass and ultimately prevent sustainable commercial and subsistence and personal use harvest. We would like to prevent such a decline. One suggestion is to consider an emergency closure of district 15A. We feel that such a step might be properly characterized as “short term pain for long term gain.” We are willing to work with our community to promote such a path in order to insure future sustainable commercial and subsistence harvest levels.

Please let us know what you plan to do to in order to protect the crab biomass level for the future.

Sincerely,

Stephanie Scott  
Mayor, Haines Borough

Cc:

Forest R. Bowers, Marine Fisheries Supervisor, AKDF&G, Southeast Region  
Tim McDonough, Chair, Upper Lynn Canal Fish & Game Advisory Committee

# ALASKA FISH RADIO

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## Sea otters/fisheries can't co-exist in SE AK, report concludes

May 27, 2013 by [AdminFish](#) [Leave a Comment](#)

Fish Radio  
May 28, 2013

This is Fish Radio. I'm Laine Welch – A grim outlook for sea otters versus Southeast Alaska fisheries. [More after this –](#)



Sea otters in Southeast AK

*Federal grants are available to help*

*"Made in America" companies compete with imports and save US jobs. [Learn more at www.nwtaac.org.](#)*

*Find out who's catching all that seafood and their favorite recipes at a new micro site from the Alaska Seafood Marketing Institute – find it at [www.wildalaskaflavor.com](#)*

**Sea otters are cleaning out valuable commercial fisheries in Southeast Alaska** – they have been at it for decades. A second report updates the financial hit the otters have caused to the region's fisheries since 2005. Both were done by the McDowell Group of Juneau for the [Southeast Alaska Regional Dive Fisheries Association](#) (SARDFA). The reports assess losses to the sea cucumber, geoduck clam, red sea urchin, and Dungeness crab fisheries.

The bottom line – Sea otter predation in those fisheries has cost Southeast Alaska's economy more than \$28 million in direct and indirect impacts since 1995...

**Fish and Game estimates sea otters affect 39 percent of Southeast's dive fishery harvest areas.** Out of 15 Dungeness crab districts, six have large otter populations and dungie pots have lost nearly 3 million pounds to otters in a decade. The combined fisheries employ roughly 625 fishermen and dozens more tender operators and processing workers.

Best estimates say about 19,000 sea otters had taken up residence in Southeast Alaska in 2011. Based on a conservative estimate of weight at 50 pounds, and daily food intake of 20% of body weight, that number is expected to approach 28,000 by 2015. The animals would consume over 10 million pounds of Southeast Alaska's dive and crab species per year.

The report concludes that commercial dive fishing and large populations of sea otters cannot coexist in the same waters. And once commercially viable numbers of geoducks, urchins, sea cukes and crab are gone, they're not likely to return while sea otters remain.

*Fish Radio is also brought to you by Ocean Beauty Seafoods. Ocean Beauty has contributed over 10 million meals to the U.S. Food Bank network, and is committed to ending hunger in America. [www.oceanbeauty.com](#)*

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**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 13-292

Assembly Meeting Date: 6/11/13

Business Item Description:	Attachments:
Subject: Authorize Letter of Support to the USCG for increasing the limit for transport of explosives across Lutak Dock	1. Memo from the Borough Manager 2. Draft Letter of Support to US Coast Guard 3. USCG Explosives Permitting & Handling Policy 4. 2008 Letter from Borough to USCG 5. Similar Letter from Sitka
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 6/3/13	

**Full Title/Motion:**  
 Motion: Authorize the borough manager to send the draft letter to the US Coast Guard in support of increasing the limit for transport of explosives across the Lutak Dock.

**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:**  
 Borough Fire, Police, and Port officials support the request of Orica USA to ship 300,000 lbs of commercial explosives through our local port facilities. The Borough Manager is requesting Assembly support in granting this request. The manager has drafted a letter of support to send to the US Coast Guard.  
 The transportation of truckload quantities of commercial explosives has been, and continues to be, a safe and secure method of transport, as the explosives industry and shippers have worked closely with the USCG, State of Alaska, and local port and public safety officials to ensure that stringent safety and security standards are met or exceeded in the transport of explosives through our community. Commercial grade explosives are inert and are made and packaged to meet the highest standards for Safety; the explosives and shipping industries are highly regulated by Government Agencies.

**Referral:**

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

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 6/11/13	Tabled to Date:



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

**June 11, 2013 - Explosives**

Orica USA has requested a letter of support to the United States Coast Guard (USCG) regarding an increase in the amount of commercial explosives that can be shipped through Haines Port facilities. With recent increased mining and construction activities throughout Southeast Alaska, Orica USA is approaching the existing Net Explosives Weight (NEW) limits for the Haines Port and will have difficulty in supplying projects Prince of Wales Island and elsewhere. The Haines Borough is a vital transshipment route for the transport of explosives throughout Southeast Alaska. Orica USA, and its predecessor, have been supplying construction companies and the Mining community for over 20 years in through Haines.

The transportation of truckload quantities of commercial explosives has in the past, and continues to be, is a safe and secure method of transport, as the explosives industry and shippers have worked closely with the USCG, State of Alaska, and local port and public safety officials to ensure that stringent safety and security standards are met or exceeded in the transport of explosives through our community. Commercial grade explosives are inert and are made and packaged to meet the highest standards for Safety; the explosives and shipping industries are highly regulated by Government Agencies.

Haines Borough Fire, Police, and Port officials support the request of Orica USA to ship 300,000 lbs of commercial explosives through our local port facilities. The Borough Manager is requesting Assembly support in granting this request. Provided below is the part of the Haines Port Terminal Tariff pertaining to Warfage and Handling. As you can see, warfage fees for Explosives (and Hazardous Waste) are significantly higher than for Freight – Not Otherwise Specified (N.O.S.).

RULE NO. 34. TERMINAL TARIFFS

400. ITEM 400 WHARFAGE AND HANDLING (C) ---continued---

WHARFAGE

Except as otherwise provided, wharfage rates named below are in dollars and cents per ton of 2,000 pounds or 40 cubic feet, as freighted.

Handling charges are by special arrangement with terminal use permit holders.

ITEM 401:  
Freight, N.O.S.

ITEM 402: RESERVED

ITEM 403:  
Gravel, Pit run Sand or Gravel; Sand; Crushed Aggregate; Processed Stone or Boulders

ITEM 404:

Explosives and other Hazardous Cargo, Viz.: Powder, gun or blasting; Blasting Caps and Agents; Dynamite; High Explosives; Ammunition other than small arms; and other cargo deemed hazardous by the Haines Borough. (See Note 1)

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Item 401: NOS	\$3.50	\$3.85	\$4.25	\$4.65	\$5.15
Item 403: Gravel	\$0.20	\$0.25	\$0.30	\$0.35	\$0.40
<b>Item 404: Explosives/Hazardous Waste</b>	<b>\$8.00</b>	<b>\$8.80</b>	<b>\$9.70</b>	<b>\$10.65</b>	<b>\$11.70</b>

NOTE 1) Material subject to Rule 34.250. Written permission of the Haines Borough must be obtained prior to any movement of explosives and other hazardous cargo over Borough Port facilities. These rates shall be increased, effective January 1 of each year.

**DRAFT**

June 11, 2013

Scott Bornemann, Captain  
United States Coast Guard, Sector Juneau  
P.O. Box 25517  
Juneau, Alaska 99802

Dear Captain Bornemann:

The Haines Borough supports the request of Orica USA to ship 300,000 lbs of commercial explosives through Haines Port facilities. We understand that the commercial shipment of explosives through the Haines Borough to destinations throughout Southeast Alaska is an essential component of local and regional commerce.

The transportation of truckload quantities of commercial explosives has in the past, and continues to be, is a safe and secure method of transport, as the explosives industry and shippers have worked closely with the USCG, State of Alaska, and local port and public safety officials to ensure that stringent safety and security standards are met or exceeded in the transport of explosives through our community.

For these reasons, the Haines Borough, including its Fire, Police, and Port officials, supports the request of Orica USA to ship 300,000 lbs of commercial explosives through our local port facilities.



SECJUNPOLLTR 01-2011  
May 20, 2011

SECTOR JUNEAU POLICY LETTER 01-2011

Subj: SOUTHEAST ALASKA EXPLOSIVES PERMITTING AND HANDLING POLICY

Ref: (a) Coast Guard Marine Safety Manual, Volume VI, COMDTINST M16000.11 (series)  
(b) Commandant (G-MSO-3) Policy Letter 16711 dtd June 3, 2003  
(c) Commandant (G-MOC-3) Policy Letter 99-002 dtd July 15, 1999  
(d) Commandant (G-MCO-3) Policy Letter 16600 dtd February 13, 1996

1. **PURPOSE.** To provide guidelines for permitting explosive materials and set forth procedures for the safe handling of explosives throughout Southeast Alaska (SEAK).
2. **ACTION.** All Facility Inspectors within Captain of the Port (COTP) SEAK's zone will adhere to this policy when determining the approval of permits for explosives and when conducting explosive monitors. All transporters and handlers of explosives within COTP SEAK's zone will comply with this policy when handling explosives.
3. **DIRECTIVES AFFECTED.** This policy supersedes and cancels SOUTHEAST ALASKA EXPLOSIVES PERMITTING AND HANDLING POLICY (SECJUNPOLLTR 02-2009) dated May 27, 2009.
4. **BACKGROUND.** More explosives are transported in SEAK than in any other COTP zone. Due to the remoteness of many of these areas and the limitations of cargo gear (no container facilities with gantry cranes in SEAK), various alternatives have been authorized throughout the years. This policy combines all of the alternatives pertaining to cargo gear, explosive arcs, and other safety requirements into one Policy Letter and references appropriate national level policy guidance regarding the shipment of explosives. Reference (a) outlines the COTP's authority to direct and control the handling of explosives aboard most vessels and at waterfront facilities. References (b) and (c) provide additional guidance for calculating the Quantity-Distance (Q/D). Reference (d) provides guidelines for handling water based explosives.
5. **DISCUSSION.** Title 49 Code of Federal Regulations (CFR) Part 176 requires a carrier to obtain a permit (enclosure (3)) from the COTP before offloading from, onloading, handling, or restowing certain hazardous materials on board a vessel at any place in the United States. 33 CFR Part 126 sets standards for facilities handling hazardous material cargoes. Additionally, 33 CFR Part 105 establishes security standards for facilities handling these materials. These cargoes include commercial and military Division 1.1 explosives, 1.2 explosives, 1.5 explosives, 5.1 oxidizers, ammonium nitrates, and certain ammonium nitrate mixtures. COTP SEAK considers the nature of the transfer operation, security posture, population density, other hazardous materials present, critical infrastructure, property use, degree/duration of public exposure, topography, Q/D or explosive arc, mission objectives, state and local regulations, consistency of the activity with the state's coastal zone management plan, and other factors in approving a permit to handle explosives. Sector Juneau has taken into consideration improvements in packaging/handling techniques of commercial grade explosives **AND** accepted level of community risk when establishing Q/D tables for this policy.

6. **IMPLEMENTATION.** The following serves as the basis upon which permits will be processed and supervisory details carried out.

a. **Permit Application:** All permits to move explosives and ammonium nitrates/mixtures must be submitted to Sector Juneau electronically at [D17-PF-SectorJuneauPrevention@uscg.mil](mailto:D17-PF-SectorJuneauPrevention@uscg.mil). The permit must be submitted via e-mail and be in either a Microsoft Word Document or an Adobe Acrobat Portable Document File. Alternatives for those without computer access will be handled on a case-by-case basis, but may include fax or mail.

b. **Permit Requirements:**

(1) An application for a permit from an agent will be accepted provided there is an agreement between the agent and the party who the agent is representing. Sector Juneau must have a copy of this agreement on file.

(2) Permits must be submitted at least three working days prior to the scheduled cargo operations. Permits not submitted within three working days will not normally be considered for approval.

(3) Updates to onload or offload times:

i. **Monitored transfers**

1.  $\geq 12$  hours - Changes that would affect loading operations by 12 or more hours must be provided to Sector Juneau 24 hours prior to the new date and time of the operation.

2.  $< 12$  hours - Changes that would affect loading operations by less than 12 hours must be provided to Sector Juneau as quickly as reasonably possible before the changes may take effect.

ii. **Unmonitored transfers**

1.  $\geq 12$  hours - Changes that would affect loading operations by 12 or more hours must be provided to Sector Juneau 12 hours prior to the new date and time of the operation.

2.  $< 12$  hours - Changes that would affect loading operations by less than 12 hours must be provided to Sector Juneau as quickly as reasonably possible.

iii. **Methods of notification**

1. During regular business hours, changes can be made through the Facility Inspections Division at Sector Juneau either by phone at (907) 957-0159 or electronically at [D17-PF-SectorJuneauPrevention@uscg.mil](mailto:D17-PF-SectorJuneauPrevention@uscg.mil).

2. After regular business hours, all notifications shall be made to Sector Juneau's Command Center at (907) 463-2980. Requests outside of these parameters will be considered on a case-by-case basis.

(4) Changes in onload/offload facility, carrier, or explosive type on an approved permit at any time will require submission of an entirely new permit application.

(5) In accordance with 49 CFR Part 176.100, all Division 1.1 and 1.2 explosives must be properly permitted before they can be handled.

(6) In accordance with 49 CFR Part 176.415(a), all Division 1.5 explosives must be properly permitted before they can be handled.

(7) In accordance with 49 CFR Part 176.415(a) (2), certain ammonium nitrates and ammonium nitrate fertilizers (including oxidizing liquid n.o.s., UN3139, Division 5.1) must be properly permitted before they can be handled.

i. **Division 5.1 UN 1942 Shipments:** There are no Q/D limitations for Ammonium nitrate with not more than 0.2 percent total combustible material (Division 5.1, UN

## SECTOR JUNEAU POLICY LETTER 01-2011

1942), shipments. Per 49 CFR Part 176.415, a permit is still required for all handling operations.

- (8) Explosive weights will be designated in pounds on the permit application.
- (9) When requesting a permit for shipment of a water-based explosive, the notation "water-based" must be on the permit.
- (10) Sector Juneau will return approved permits to the applicant. The applicant is responsible for ensuring the approved permit is properly distributed.
- (11) One permit application may be used to cover explosive handling operations for both the vessel and origin/destination facilities. However, subsequent handling operations at other facilities require a separate permit. See enclosure (3) for an example of a properly formatted permit request.
- (12) The COTP may assign a Coast Guard supervisory detail to any vessel to supervise the loading, handling, or unloading of any/all Division 1 explosive material per 49 CFR Part 176.102. At a minimum, all Division 1.1 shipments will be assigned a supervisory detail unless determined otherwise by the permit approving official. A supervisory detail for all other divisions of explosives will occur on a case-by-case basis.
- (13) When a permit application has been approved under the condition that the onloading and/or offloading be monitored, explosives will not be moved until Coast Guard personnel are on scene. The verbiage "No explosives are to be onloaded/offloaded until authorized by the attending Coast Guard supervisor" will be added to the special conditions. Enclosure (2) will be utilized by the Coast Guard supervisory detail to verify compliance.
- (14) Barges transiting through SEAK with explosives, but not offloading in SEAK, are required to submit an Advanced Notice of Arrival (ANOA) for the first port in which the barge stops. An ANOA is not required for explosives traveling through, and being offloaded, in SEAK because the required information will be listed on the explosive permit. Permit requests will list all ports in which the barge will stop prior to offloading at the explosives' destination.
- (15) Sector Juneau may approve, on a case-by-case basis, permit requests that exceed the limits established in this guidance. To allow for a thorough risk assessment, submission of these permit requests must be made with as much advance notice as possible, but not less than three days in advance.

### c. Annual Permit For Explosives In Residue Form:

- (1) According to 49 CFR Part 171.8, "residue" is defined as "the hazardous material remaining in a packaging, including a tank car, after its contents have been unloaded to the maximum extent practicable and before the packaging is either refilled or cleaned of hazardous material and purged to remove any hazardous vapors."
- (2) Sector Juneau will issue an annual Permit to Handle Hazardous Materials for all residue shipments. Under the annual Permit, handling of Division 1.5 explosives and Division 5.1 oxidizers in portable tanks that contain residue will not be required to be permitted for each operation/transaction.
- (3) Annual Permits to Handle Hazardous Materials will be valid and approved only for one calendar year.
- (4) The cargo shall be segregated in the same manner as full tanks, unless there is a Pipeline and Hazardous Materials Safety Administration (PHMSA) Special Permit authorizing a different standard.
- (5) A notification of the amount of portable tanks containing residue and the residue they contain will be submitted to Sector Juneau electronically to [D17-PF-SectorJuneauPrevention@uscg.mil](mailto:D17-PF-SectorJuneauPrevention@uscg.mil). This notification only needs to be made upon the

## SECTOR JUNEAU POLICY LETTER 01-2011

initial voyage of the portable tanks within this COTP zone and not at each additional port. The vessel does not have to wait while the notification is made. Notification can be made as the vessel departs.

(6) All tanks containing residue will be stored in designated Restricted Areas as listed within each facility's approved Security Plan. There will be no established time limit unless necessary for security or safety purposes.

d. Net Explosive Weight (NEW) Requirements:

(1) Sector Juneau will consider the total NEW of all explosives present on board the vessel, other vessels at the facility, and on the facility when approving a permit. This consideration will not limit a vessel carrying explosive material from pulling into a port if no explosives will be handled in that port.

(2) Following the guidance within references (a), (b), and (c), enclosure (1) establishes Q/D tables for 12 ports in SEAK. Remote sites, such as beach landings, are handled on a case-by-case basis. An explosive arc will be drawn up for each area not listed in enclosure (1).

(3) As per the guidance in reference (d), water-based explosives, regardless of division, will not be limited by the NEWs established in enclosure (1), unless carried in conjunction with non-water-based Division 1.1/1.2 explosives. Sector Juneau will approve a mixed shipment when a small quantity (equal to or less than 1,000 pounds) of non water-based Division 1.1/1.2 explosives are combined with a shipment of water-based explosives that otherwise complies with the regulations and this policy. (Some ports have individual allowances. See the notes in enclosure (1)).

(4) Reference (c) discusses the ability of the COTP to increase the amount on the Q/D tables after consulting with local municipalities to determine the level of risk that they will accept. Sector Juneau will consider increasing the Q/D following a written request from the Local Emergency Planning Council and local fire marshal (or other local equivalents for communities without either) and completion of a formal safety analysis of the location (i.e. IME SAFER program). Once Sector Juneau receives the required information, a review will be conducted to determine if any other data is required.

e. Safety and Security Requirements:

(1) Explosives must be loaded within the last 10% of all cargo put onto a vessel and unloaded within the first 10% of the cargo taken off a vessel. Where conflicts between segregation and loading order exist, segregation shall take precedence.

(2) After the loading of Division 1 material is completed, the vessel must depart from port as soon as reasonably practicable per 49 CFR Part 176.190.

(3) Explosives at a waterfront facility must be limited to the absolute minimum time necessary to conduct the explosive unload/offload. If the explosives need to remain at the waterfront facility more than 6 hours, permission must be received from Sector Juneau through the Facility Inspections Division by contacting (907) 463-2459 or [D17-PF-SectorJuneauPrevention@uscg.mil](mailto:D17-PF-SectorJuneauPrevention@uscg.mil).

(4) Per 33 CFR Part 126.21(d), no other Designated Dangerous Cargo, as defined in 33 CFR 126.3, shall be on the facility when conducting the permitted load unless its presence is authorized by the Facility Inspections Division.

(5) All explosives stored within approved containers will meet the conditions and requirements of 49 CFR Part 176.76(a)(1) through (a)(10). All explosives stored within containers will be properly blocked and braced utilizing wood that is free of rot, knot

## SECTOR JUNEAU POLICY LETTER 01-2011

holes, oil, and splits. Blocking will be installed so as to bear directly against the cargo to prevent horizontal movement.

(6) **Shipments ≤ 1,000lbs** - Per 49 CFR Part 176.76(a)(7), the weight in a container must be distributed as evenly as possible and the maximum permissible weight must not be exceeded. For containers with 1,000lbs or less of explosives, the weight does not need to be evenly distributed while the container is traveling through Southeast Alaska.

(7) In the interest of safety, non-permitted explosives may be moved off the vessel and onto the facility to aid in the safe offload and onload of other cargo. The explosives must be moved to a designated Restricted Area, well out of the way of cargo handling operations. The non-permitted explosives shall only be restowed once the other cargo handling operations have ceased.

(8) All firefighting equipment shall be available on immediate standby. As per 49 CFR Part 176.164(b) the fire hose must be of sufficient length to reach every part of the loading area with an effective stream of water. The fire hose must be laid and connected to the water main. Additionally, water pressure for firefighting must be verified at the fireplug. Sector Juneau does not require fire hoses be charged during an explosives transfer.

(9) For a Facility of Particular Hazard, warning alarms shall be installed to warn approaching or transiting water traffic of danger in the event of an emergency, as per 33 CFR Part 126.16. The alarm shall only be activated in the event of fire or cargo release (other than testing).

(10) Signs marked "No Smoking" must be conspicuously posted and clearly visible at all locations where explosive materials are handled or stored.

(11) Security considerations will be factored into permitting decisions. Operations acceptable at MARSEC Level 1 may not be acceptable at higher MARSEC levels. At higher MARSEC levels, Sector Juneau may place additional restrictions on handling explosives.

(12) During darkness or poor visibility, lighting must adequately illuminate cargo handling areas in accordance with 33 CFR Part 126.15(a)(4), before any explosives are handled. Also, signals required for a vessel when loading or unloading of Class 1 explosives will be used in accordance with 49 CFR Part 176.176 (by day, a Bravo Flag and by night, an all-round fixed red light).

(13) The unique operating environment in SEAK demands that the majority of explosive handling is conducted using forklift trucks. Therefore, per 49 CFR Part 176.170(g), Sector Juneau has approved the use of forklift trucks to handle containers of Division 1 explosives on board vessels. Only forklift trucks complying with 49 CFR Part 176.78 requirements are authorized to handle containers with explosive materials onboard a vessel.

(14) Segregation of hazardous materials shall be as required by 49 CFR Part 176.83 unless the shipment is covered by a PHMSA special permit. If a PHMSA special permit is being used, the following must apply:

- i. Special permit is current.
- ii. The container is clearly marked with the special permit number.
- iii. A current copy of the special permit is at the facility offering the container for shipment.
- iv. All other specific conditions on the special permit are met.

(15) Containers holding Class 1 explosives (except Division 1.4 explosives) must not be stowed in the outermost row per 49 CFR Part 176.170(b).

(16) Approved UN or IM Portable Tanks, to include all portable tanks approved under current PHMSA special permits to transport, will meet the conditions and requirements of 49 CFR Parts 178 and 180.

## SECTOR JUNEAU POLICY LETTER 01-2011

(17) For any transfer of Division 1.1/1.2 explosives at AML Juneau, no propane transfers are to be conducted while explosive transfer operations are underway. The verbiage “No propane transfers are to be conducted in Juneau, AK while explosive transfer operations are underway” will be added to the special conditions.

(18) Due to barge schedules and in the interest of safety, Class 1.5 explosives sometimes need to remain on the facility longer than 6 hours at AML Juneau. No Class 1.5 materials may remain on the facility longer than 24 hours. Those materials that remain on the facility for 6 to 24 hours must be encased by empty containers on 5 sides. The NEW of the Class 1.5 explosives on hold (current shipment) shall not exceed 172,000lbs and the total NEW of all explosives at any one time at the facility shall not exceed the limits set by the SEAK Explosives Permitting and Handling Policy. This information will appear on the approved permit.

(19) The Sector Juneau Command Center phone number will be listed on each approved permit for contact during emergency situations or change in transfer time.

f. Barge-to-Barge Transfers (Also known as pass-pass operations):

(1) All requests must follow standard permitting requests as per this policy letter.

(2) Sector Juneau will take the following conditions into consideration prior to approving a Barge-to-Barge transfer.

- i. Location (isolated area/low traffic).
- ii. Weather and sea conditions.
- iii. Time of transfer.
- iv. Transfer method.
- v. Firefighting equipment onboard.
- vi. Reason for not transferring at a shoreside facility.

g. Coast Guard High Security Seals shall be replaced whenever a seal is removed. If the container has not been sealed by the shipper (i.e. waiting for inspection during loading operations), a Coast Guard High Security Seal will be used to indicate that it has been inspected.

h. Inspections at the magazine site are voluntary inspections. This is because the containers are not offered for transportation at the time of inspection. Any deficiencies noted at the magazine site that are corrected before the container is offered for shipment will not be documented. However, if the containers are not inspected at the magazine site, they will be subject to a mandatory inspection at the dock (after they have been offered for transportation). This policy in no way relieves facilities or vessels handling explosive material from the responsibility of complying with applicable Federal, State, or municipal laws, regulations, or permits (i.e. Alcohol Tobacco & Firearms storage requirements 27 CFR Part 555). Listed below are the procedures for inspections at magazine sites:

(1) To schedule the inspection, call the applicable phone number listed below as soon as possible but no less than four hours prior to the desired inspection time. The inspection shall take place just as the container is finished being loaded. Once the inspection is concluded, the container will depart for the facility.

- i. Sector Juneau (907) 463-2459
- ii. MSD Ketchikan (907) 225-4496
- iii. If no one can be reached, call the Sector Juneau Command Center at (907) 463-2980.

(2) As part of the inspection, Sector Juneau will need to examine the shipping papers. They must be available at the magazine site.

SECTOR JUNEAU POLICY LETTER 01-2011

- (3) Do not place plywood in front of the doors until after the inspection.
- (4) Once the inspection is completed, Sector Juneau/MSD Ketchikan Inspectors will place a seal on the container. If for any reason a seal must be cut, notify Sector Juneau immediately.
- (5) If the inspection is conducted at the magazine site and the seal is still intact, the inspection at the dock will only involve facility/vessel personnel and hazardous material paperwork (i.e. Dangerous Cargo Manifest for the barge). Sector Juneau inspectors will not open the container.

7. DISCLAIMER. This policy is not a substitute for applicable legal requirements, nor is it in itself, a rule. Where federal statutes, regulations, or the Marine Safety Manual have left discretion to the Officer in Charge, Marine Inspection and Captain of the Port, this policy clarifies and sets local requirements for the SEAK maritime industry.

8. CHANGES. This policy letter will be posted on HOMEPORT at <http://homeport.uscg.mil/juneau>. Changes will be issued as necessary. Suggestions for improvements should be submitted, in writing, to Sector Juneau at the address specified in the header on the first page.

9. QUESTIONS. All questions regarding this policy letter should be directed to Sector Juneau's Facility Inspections Division at [D17-PF-SectorJuneauPrevention@uscg.mil](mailto:D17-PF-SectorJuneauPrevention@uscg.mil) or (907) 463-2459.

10. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this policy and have been determined to be not applicable.

11. FORMS/REPORTS. Please refer to enclosure (1) for Q/D measurements and NEW for each port. This revised policy considers overall risk and accordingly allows for departure from NEW limits based on strict Q/D calculations. However, this policy cannot anticipate all possible scenarios and shippers should contact my staff well in advance to discuss unusual or exceptional circumstances. I encourage all shippers to use enclosure (2) as a guide.



MELISSA BERT  
Captain, U.S. Coast Guard  
Captain of the Port, Southeast Alaska

- Encl:
- (1) Net Explosive Weight (NEW) Table for SEAK
  - (2) Explosive Loading Supervisor Checklist
  - (3) Application and Permit to Handle Hazardous Materials
  - (4) NAVSEA OP 321: Guidelines for Dunnaging, Blocking, and Bracing

**Quantity-Distance (Q/D) & Net Explosive Weight (NEW) Table  
for Southeast Alaska Ports**

PORT	FACILITY	Q/D (feet)	1.1 & 1.2	1.5
			NEW (pounds)	NEW (pounds)
Juneau <sup>4</sup>	Alaska Marine Lines	900	52,730	1,400,000
	Northland Services	336	2,740	74,000
Ketchikan <sup>2,4</sup>	Alaska Marine Lines	600	200,000	421,875
	Northland Services	600	200,000	421,875
Sitka <sup>3,4</sup>	Alaska Marine Lines	300	15,620	52,730
	Samson Tug & Barge	300	15,620	52,730
Haines <sup>1,2</sup>	Alaska Marine Lines	375	200,000	200,000
Petersburg <sup>3,4</sup>	Alaska Marine Lines	300	15,620	52,730
	Northland Services	300	15,620	52,730
Wrangell <sup>2</sup>	Northland Services	300	200,000	200,000
Take <sup>4</sup>	Alaska Marine Lines	300	1,950	52,730
Skagway <sup>4</sup>	Alaska Marine Lines	300	1,950	52,730
Metlakatla <sup>4</sup>	Northland Services	400	4,630	125,000
Hawk Inlet	Hecla Greens Creek Mine	N/A	UNLIMITED	UNLIMITED
Thorne Bay <sup>2</sup>	Northland Services	356	UNLIMITED	UNLIMITED
Slate Creek	Kensington Mine	N/A	UNLIMITED	UNLIMITED

NOTES:

- 1) NEW for 1.1 & 1.2 reverts to 1000 lbs when AMHS ferry is in terminal.
- 2) Communities with letters of file supporting increased Q/D tables distances and not required to comply with the 1000lbs cap for entire load.
- 3) NEW for Division 1.1 and 1.2 explosives due to the low volume of traffic on the nearest roadway.
- 4) Indicate towns in which only up to 1,000 lbs of non-water-based Division 1.1/1.2 may be shipped with water-based explosives before the entire shipment is limited by the NEW.

Revised: 09 February 2011



## EXPLOSIVE LOADING SUPERVISOR CHECKLIST

<b>Facility Name:</b>	<b>FIN:</b>	<b>Vessel:</b>
<b>Date:</b>	<b>Start/Finish:</b>	
<b>Activity #:</b>	<b>TWIC Checks:</b>	

<b>Cargo:</b>	<b>Weight:</b>	<b>Permit:</b>	<b>TCU:</b>
<b>Cargo:</b>	<b>Weight:</b>	<b>Permit:</b>	<b>TCU:</b>
<b>Cargo:</b>	<b>Weight:</b>	<b>Permit:</b>	<b>TCU:</b>

<b>Team Members</b>	<u>1)</u>	<u>2)</u>
	<u>3)</u>	<u>4)</u>

### Facility requirements as per 33CFR126

	Cite	Sat	N/O	N/A	Fail
1. Permit issued for DDC transfer?	.19	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Fire extinguishing equipment available and in good condition?	.15(a)(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Fire appliances marked and readily accessible?	.15(a)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Warning signs posted?	.15(a)(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Adequate lighting for transfer?	.15(a)(4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Access to facility restricted during transfer?	.15(a)(6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Security measures in place to detect and deter unauthorized entry to facility?	.15(a)(7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Designated smoking areas?	.15(a)(10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Rubbish and waste in adequate receptacles?	.15(a)(11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Adequate equipment, materials, and standards?	.15(a)(12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Warning alarm siren or rotating/flashing light can be heard/seen for a distance of one mile?	.16(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Forklift and Transport Vehicle requirements as per 49CFR176

	Cite	Sat	N/O	N/A	Fail
1. Forklift has proper UL designation?	.78(d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Warning horn/whistle?	.78(f)(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Overhead guard for cab?	.78(f)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Guards provided for extended tires?	.78(f)(6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Rated capacity posted?	.78(g)(7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. CG approved (Type B, Size 1) fire extinguisher affixed to forklift and readily accessible?	.78(g)(8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Vessel requirements as per 49CFR176

	Cite	Sat	N/O	N/A	Fail
1. DCM requirements met?	.30(a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. DCM signed and certified?	.30(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. DCM signed by barge PIC?	.30(c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. DCM on board barge in readily accessible location and copy furnished to towing vessel?	.30(d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. "No Smoking" signs conspicuously posted?	.60	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Explosive cargo properly segregated?	.83	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. If Class 1.5 materials, tugs in attendance with two wire towing hawsers in place?	.415(c)(4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Responsible person in attendance?	.108	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. All radio and radar transmitters secured?	.150	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Container structural serviceability requirements as per 49CFR176**

	<b>Cite</b>	<b>Sat</b>	<b>N/O</b>	<b>N/A</b>	<b>Fail</b>
1. No dents or bends in the structural members greater than 0.75 inch in depth	.172(a)(2)(i)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. No cracks or breaks in structural members	.172(a)(2)(ii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. No more than one splice or an improper splice (ex: lapped splice) in top or bottom end rails or door headers	.172(a)(2)(iii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. No more than two splices in any one top or bottom side rail	.172(a)(2)(iv)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. No splices in a door sill or corner post	.172(a)(2)(v)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Door hinges and hardware are not seized, twisted, broken, missing, or otherwise inoperable	.172(a)(2)(vi)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Gaskets and seals work correctly	.172(a)(2)(vii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. For freight containers, no distortions of the overall configuration great enough to prevent proper alignment of handling equipment, mounting and securing chassis or vehicle, or insertion into ships' cells	.172(a)(2)(viii)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. No deterioration of any component of the freight container or vehicle, regardless of the material of construction, such as rusted-out metal in sidewalls or disintegrated fiberglass	.172(a)(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Class 1 shipments, excluding Division 1.4, must be accompanied by a statement, which may appear on the shipping paper, certifying that the freight container or the vehicle is structurally serviceable as defined above	.172(c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Container is structurally serviceable	.172(a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discrepancy Descriptions**

<b>Discrepancy Descriptions</b>	<b>Cite</b>	<b>Due Date</b>

**USCG Inspector/Team Leader**

**Facility Representative**

Printed Name:	Printed Name:
Signature:	Signature:

<b>TO</b> CAPTAIN OF THE PORT U.S. COAST GUARD <u>Sector Juneau AK</u>	<b>FROM (Name, Business address and zip code)</b> Marin Powder Inc. 2760 Sherwood Lane Juneau, AK 99801
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CARGO BY PROPER SHIPPING NAME	HAZARD CLASS OR DIVISION	STOWAGE (Vessel Only)	WEIGHT (Net Tons)
UN0332 Explosive, blasting, type E "water based", 1.5D, PG II	1.5D	ON DECK	43000
UN0241 Explosive, blasting, type E "water-based", 1.1D, PG II	1.1D	ON DECK	200
UN0042 Boosters, without detonator, 1.1D, PG II	1.1D	ON DECK	90
weight in pounds			

<b>TOTAL</b> →	<b>43290</b>
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	VESSEL OR BARGE	WATERFRONT FACILITY
<b>NAME AND LOCATION</b>	Tug: Ocean Navigator Barge:Taku Provider	Alaska Marine Lines 3295 Tongass Highway Ketchikan, AK 99901 <span style="float: right;">Onload</span>
<b>NAME, ADDRESS AND ZIP CODE OF OWNER</b>	Alaska Marine Lines 3295 Tongass Hwy Ketchikan Alaska 99901	Alaska Marine Lines 790 Union Street Haines, AK 99827 <span style="float: right;">Offload</span>
<b>NAME, ADDRESS AND ZIP CODE OF AGENT OR CHARTERER</b>	Marin Powder, Inc. 2760 Sherwood Lane Juneau, AK 99801	
<b>DATE(S) AND TIME(S) OF OPERATION</b>	Onload Date: 10 January 2011 Time: 0500	Offload Date: 12 January 2011 Time: 1730

I UNDERSTAND and will comply with current safety laws, rules and regulations of the United States, the State, County, City and Port Authority while handling hazardous materials. (See Page 2.)

DATE  01/05/11	TITLE (Authorized Company Representative)  Location Manager	SIGNATURE  ALBERT.THOMAS. ALAN.1296219467
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**PERMIT**

THE ABOVE REQUEST IS:

APPROVED                     
  APPROVED WITH THE FOLLOWING CONDITIONS                     
  DISAPPROVED

**EXCEPTIONS/CONDITIONS**

SEAK COTP PERMIT J-004-11. A COAST GUARD DETAIL FROM MSD KETCHIKAN WILL BE ASSIGNED TO MONITOR THE ONLOAD OF EXPLOSIVES IN KETCHIKAN, AK. NO EXPLOSIVES ARE TO BE LOADED UNTIL AUTHORIZED BY THE ATTENDING COAST GUARD SUPERVISOR.

FOR EMERGENCIES OR CHANGES IN SCHEDULE, PLEASE CONTACT THE SECTOR JUNEAU COMMAND CENTER AT 907-463-2990.

DATE  06JAN2011	SIGNATURE (Captain of the Port, U.S. Coast Guard)  DUTCHER.JEFFREY. S.1030899713
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**INSPECTION (VESSEL LOADING ONLY)**

The stowage of the cargo listed above has been inspected and accepted as satisfactory.

DATE	SIGNATURE AND POSITION (Master/Mate/Person in Charge of Vessel)
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## DUNNAGING, BLOCKING AND BRACING

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### **Objectives**

At the end of this lesson, the student should be able to:

- **LIST**, requirements for the safe movement of dunnage.
  - **LIST**, proper enforcement action to be taken when discrepancies/unsafe practices are observed.
  - **LIST**, requirements that pertain to cargo movement.
  - **LIST**, blocking & bracing deficiencies for a loaded freight container
  - **LIST**, standards for dunnage material when used.
  - **LIST**, requirements that pertain to securing cargo.
  - **LIST**, requirements that pertain to final securing of holds, hatches & containers.
- 

### **Introduction**

While operating in an explosive handling detail, it is important to remember that conditions onboard a ship change while underway. You must consider all possible stresses/forces that may be applied during operation in rough weather and/or heavy seas while conducting hold inspections for proper blocking & bracing practices.

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## Definitions (cont)

**Sweatboards or Battens:** Lengths of lumber running horizontally and mounted in hangars along the skin of the ship to protect cargo from contact and moisture.

**Strip Sheathing:** Vertical risers nailed to the sweatboards for the protection of the stow and to permit attachments of the appropriate dunnage structure.

**Encasement:** Prevents contact of the cargo with the vessel's structures, such as pipes, stanchions, ladders, etc.

- **Complete:** Used within a Type A magazine only and constructed using 2" x 4" uprights and 1" boarding or 3/4" plywood.
- **Partial:** Used to protect the cargo, provide smooth and square surfaces to place cargo against, and constructed using 4" x 4" or 2" x 4" uprights and lacers.

**Lacers:** Long lengths of lumber laid across and nailed to a series of braces or kickers to maintain the position of the braces and thus, the integrity of the structure.

**Voids:** Prefabricated structures used in voids for supporting or filling spaces.

- **Void Table:** Required if void is more than 1/3 of the unit load width and space in *not* in the top tier. Constructed using 4" x 4" uprights, 2" x 4" cross brace and 2" x 6" top/bottom plates.
- **Full Block:** Structure used to fill a void space in the top tier. Constructed using 4" x 4" uprights and 2" x 6" faceboarding.

## **Materials (cont)**

### **Wood Characteristics:**

- Sound and free from cross-grain knots
- Few or no knot holes
- No checks or splits which would impair its strength
- Clean and free from oil stains
- Free from dry rot and fungi

Use common sense when assessing wood characteristics. Keep in mind that the highest quality lumber available at most commercial lumberyards have, to a certain degree, one or more of the flaws indicated above.

Use of reclaimed lumber is permitted if:

- All split ends are removed
- All nails are removed
- Clean and free of oil stains

### **Lumber sizes:**

- Commercial undressed lumber of not less than 1" thick is to be used
- Common sizes of lumber used are 1"x6", 1"x10", 1"x12", 2"x4", 2"x6", 2" x 12", 4"x4", 4"x8", 6"x6" and 8"x8".
- Green lumber should not be utilized since its characteristics may alter significantly aboard a vessel as it cures.

### **Use of Plywood:**

- Used as sheathing inside Type A magazines
- Used as decking and sheathing of bulkheads
- Only use 3/4" thick and 5 or 7 ply 4ft x 8ft sheets that are exterior grade and moisture resistant
- When used for the interior of a magazine, you must have one smooth side

## **Materials (cont)**

### **Nails Used for Fastening Wood**

- Only common steel wire nails
- 8 penny (8d) – 1” lumber
- 10 penny (10d) or 12 penny (12d) – for 2” lumber
- 16 penny (16d) – for toe nailing joints of 4”x4” or 2”x4” nailed to 4”x4” lumber
- Never nail closer to the end of the board than the thickness of the stock board

### **Strapping, Lashing and Tie down Gear**

- Use only steel cable or wire rope tensioned by turnbuckles
- Heavy items should utilize a half-inch wire strap

No person onboard a vessel loading, unloading or transporting explosives may carry firearms, matches, bale hooks or metallic tools of other than the non-sparking type on board per 49 CFR 176.164.

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**Proper Movement of Dunnage** If less than 3 feet in length, dunnage must be moved by trays with side boards (dunnage box)

Dunnage in excess of 3 feet in length must be double slung for movement.

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### **Inspection of Cargo**

**Safe Movement:** 49 CFR 176.39 - The Master shall inspect each hold or compartment containing explosives to ensure:

- The cargo is in a safe condition
  - That no damage has occurred due to shifting
- 

### **Enforcement**

**Supervisory Detail:** 49 CFR 176.102 – Except where Class 1 explosives are loaded or unloaded from a vessel at a facility operated or controlled by the Department of Defense, the COTP may assign a USCG supervisory detail to any vessel to supervise the

loading, handling or unloading of Class 1 (explosive) materials.

The owner, agent, master or person in charge of the vessel, and all persons engaged in the handling, loading, unloading and stowage of Class 1 (explosive) materials shall obey all orders that are given by the officer in charge of the supervisory detail.

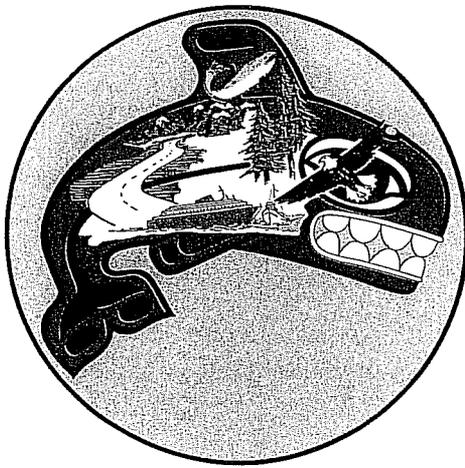
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## **EHS Responsibilities**

### **Holdwatch**

- Insures the adequacy of dunnaging during the loading evolution. Some examples of improper dunnaging include:
  - Improper sheathing
  - Bad wood
  - Improper flooring
  - Improper construction of partition, division or heat-type bulkhead
  - Improper nails (size or lack of)
  - Voids in excess of 1/3 the length of cargo unit being loaded/not having proper void table
  - Improper kickers

Remember: The Officer in Charge, Ship's Supervisor, Master/Mate has the responsibility to insure the adequacy of dunnage for final hold check-off/approval.



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

COPY

April 17, 2008

LCDR Bradley Clare  
USCG Sector Juneau  
2760 Sherwood Lane, Suite 2A  
Juneau, AK 99801

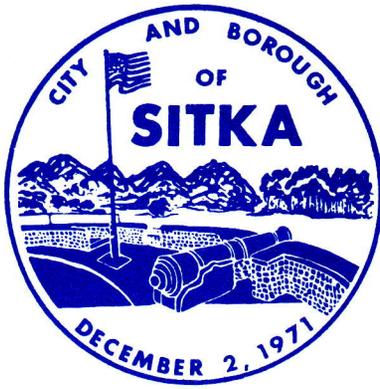
Dear Commander Clare,

As outlined in the meeting on April 16, 2008 between the USCG Sector Juneau, Alaska Powder, Delta Western, Alaska Marine Lines, State DOT and the Haines Borough, we support the increased weight for the movement of explosives through the Borough.

Thank you for your presentation and time during the meeting.

Sincerely,

Robert Venables  
Manager



# City and Borough of Sitka

FIRE DEPARTMENT

209 LAKE ST. • SITKA, ALASKA • 99835

907-747-3233

April 23, 2013

Captain Scott Bornemann  
Sector Juneau Facilities  
PO Box 25517  
Juneau, Alaska 99802

Dear Captain Scott Bornemann,

Regarding the transportation of explosive products within the City and Borough of Sitka, it has in the past and continues to be the local governing agency's opinion that the commerce of explosives through the City and Borough of Sitka is essential to community growth and development within Southeast Alaska. The transportation of truckload quantities of commercial explosives has in the past and continues to be, preferred to reduce public exposure to the risk of an incident.

The explosives industry has worked closely with the USCG, local barge carriers, the fire service, and law enforcement officials to help maintain a safe standard within our communities for more than 40 years. It is for these reasons that the City and Borough of Sitka, fire officials and local law enforcement have no quantity restrictions and support the explosives industry and their efforts to reduce the risk of incident by shipping truckload quantities to, from and through local ports.

Currently, we have no intentions of implementing any quantity restrictions for the transportation of commercial explosives with the City and Borough of Sitka. The request of the Orica USA to ship 200,000 lbs of commercial explosives through Sitka ports is supported by the local authorities. Feel free to contact me if you have any questions or concerns.

Sincerely,

David Miller  
Fire Chief  
Sitka Fire Department



## Southeast Conference



612 W. Willoughby., Suite B • P.O. Box 21989 Juneau, AK 99802 • 907-586-4350 • Fax 907-463-5670 • [info@seconference.org](mailto:info@seconference.org)

Southeast Conference has a steering committee working on a planning grant from the Federal Economic Development Administration (EDA) to move the region in a forward direction with manufacturing development. “Investing in Manufacturing Communities Partnership”. It is our belief that we are ready for manufacturing expansion in the Maritime Industry in our Region and this planning grant will give us some funds to analyze the regions priorities. Our request to EDA will be for \$200,000 and will need a match of \$200,000. We are asking for commitments from our partners to provide in-kind or financial contributions as a portion of the required match.

Southeast Alaska comprises 35 rural, coastal villages and communities, with a total population of 74,423, dispersed throughout 35,000 sq. mi of Alaska’s Alexander Archipelago. Roads are limited, leaving communities dependent upon air and water transportation for interconnectivity and trade. Much of Southeast Alaska’s economic history has been tied to extractive resource development in which raw product is exported from the region. Despite our many strengths, the region has remained largely reliant on external manufacturing, losing out on jobs as well as sales from higher value products. Southeast Alaska is in an excellent position to increase the regional value-added manufacturing.

There are nearly 100 Southeast Alaska companies involved in manufacturing, and more than 2,000 average annual jobs, and \$65.8 million in wages. The regional manufacturing sector is dominated by maritime manufacturing—87% of all Southeast Alaska manufacturing jobs and wages are in the maritime sector. Most (three-quarters) of the jobs in the region’s manufacturing sector are the category of seafood product preparation and packaging. Shore-based seafood processors in 17 Southeast Alaska processed 273 million pounds of seafood in 2011, with a wholesale value of \$612.5 million. Most seafood processors continue to have most value added components take place elsewhere, sending headed and gutted Southeast Alaska salmon to places like China for secondary processing.

Other maritime manufacturing includes ship and boat builders, aluminum fabricators, and smaller companies with specialized marine products. The ship and boat building industry comprised of establishments primarily engaged in operating shipyards or boatyards. Activities include the construction of boats and ships, their repair, conversion and alterations, the production of prefabricated ship sections, and specialized services. According to Alaska Department of Labor Southeast, businesses in ship and boat building and repair increased their workforce by 181% to 160 employees between 2006 and 2011. This growth was not accidental, but resulted from strategic planning and investment in the region’s ship and boat building and repair facilities. More than half of statewide employment in ship and boat building is in Southeast Alaska. As this sector grows, it is transforming Southeast Alaska into a premier maritime support center for vessels operating from the North Pacific to the Bering Sea, strengthening regional manufacturing activity, and attracting family wage jobs to the region. Southeast Alaska's ability to participate in and maximize local benefit from this high-value, high-growth maritime manufacturing opportunities is dependent on the development of public-private partnerships, suitable infrastructure, and a

competent, multi-skilled workforce. **Currently, the best approach for growing the Southeast Alaska economy and attracting jobs to the region is to provide a focused effort to grow the regional Maritime manufacturing sector.**

If you are interested in our efforts please contact one of the steering committee members:

Carol Rushmore - [ecodev@wrangell.com](mailto:ecodev@wrangell.com)

Julie Decker - [jdecker@afdf.org](mailto:jdecker@afdf.org)

Liz Cabrera - [pedc@gci.net](mailto:pedc@gci.net)

Meilani Schijvens - [mschijvens@sheinbergassociates.com](mailto:mschijvens@sheinbergassociates.com)

Shelly Wright - [shellw@seconference.org](mailto:shellw@seconference.org)



## **Investing in Manufacturing Communities Partnership**

The Investing in Manufacturing Communities Partnership (IMCP) is a new Administration-wide initiative that will accelerate the resurgence of manufacturing and help cultivate an environment for businesses to create well-paying manufacturing jobs in regions across the country. The IMCP is designed to reward communities that demonstrate best practices in attracting and expanding manufacturing by using long-term planning that integrates targeted investments in workforce training, infrastructure, research, and other key assets.

The IMCP is being initiated in FY 2013 as the Economic Development Administration (EDA), Department of Agriculture, Small Business Administration and Environmental Protection Agency each provide funding for regional implementation-ready strategy grants. The agencies will allocate funding through existing programs to advance this critical national priority. Strategies developed by these grants, will enhance regions' efforts to compete for future proposed large scale IMCP grants (50 to 100 times the size of the implementation strategy grants). These grants will be given to communities with the best strategies for attracting and expanding private investment in the manufacturing sector and increasing international trade and exports. IMCP partner agencies will coordinate funding across agencies in order to leverage complementary activities while also preventing duplication of efforts.

### **Competitive Consideration of EDA Funded Implementation Strategies**

To implement its portion of the IMCP initiative in FY 2013, EDA intends to allocate up to \$4 million to support the development of approximately 20-25 regional implementation-ready strategies distributed evenly amongst EDA's six Regional Offices. EDA funds will be made available through the existing Public Works and Economic Adjustment Assistance Programs Federal Funding Opportunity (FFO) (per section 209 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3149.) (PWEDA)). Each grant award is expected to be up to \$200,000.

Successful projects will be regional in scope and focus on manufacturing sectors that demonstrate comparative advantages in the marketplace. Competitive applications should emphasize public-private and higher education collaboration. In addition, they will target investments that help stakeholders within a region to collaborate and build on existing regional assets to create a supportive regional economic ecosystem for business investment and innovation, increased international trade and exports, the creation of good jobs, and improved quality of life. Note, regions are geographic areas, which need not be contiguous or defined by political boundaries, that are capable of undertaking self-sustained economic development.

For the first phase of IMCP in FY 2013, applicants should focus on identifying targeted industries and specific public investments that will enhance the attractiveness of regions to private investment. Special attention should be given to the role of small and medium sized manufacturing firms. Please see section IV.B. of the EDA Public Works and Economic Adjustment Assistance Programs (EDAP) FFO for detailed information on the content and form of



application submissions. As outlined in section IV.B.3. of the EDAP FFO, all applicants are required to submit a project narrative. Inclusion of the following information will assist reviewers in understanding how a proposed project aligns with the goals of IMCP:

1. *A detailed assessment of the local industrial ecosystem as it currently exists, what is missing and a path to development that could make a region uniquely competitive. The assessment could address how a strategy will capitalize on—intermediaries of various types, industry specialization and competitiveness in international investment and trade, workforce development and manufacturing extension programs, site availability, research centers, industrial consortia, transportation networks, energy projects to reduce business operational costs, and alliances to bolster supply chain networks and support small businesses.*
2. *Plans for leveraging the region's existing assets, comparative advantages and addressing what is missing in order to build on or develop public private partnerships and local manufacturing capabilities to create globally competitive, sustainable jobs. These plans should include how the strategy will sustain the ecosystem long after the Federal award. If the region has or is developing an economic development strategy, an export plan, or a plan for regional growth and revitalization, that plan and the way in which manufacturing will factor into the success of that plan should be described.*
3. *How funds from this award would be employed to directly fund one or several aspects of the plan described and #2. Allowable activities under the grants may include, but are not limited to:*
  - A regional strategy that expands, strengthens, enhances and advances manufacturing in a specific industry, with a particular focus on the attraction of significant private sector investment in manufacturing communities and global competitiveness. This could be based on the manufacturing and private sector investment attraction objectives included in a current comprehensive economic development strategy, or other regional strategy, and further refine the strategy by developing specific action plans, partnerships, networks, that are critical to the development of a manufacturing ecosystem;
  - A regional action/implementation initiative that fulfills the manufacturing and private sector investment attraction objectives of an already existing regional economic development strategy. This may include specific non-construction implementation initiatives that benefit the region's manufacturing ecosystem; or,
  - A combination of the above.

Failure to provide this information will not preclude applications from being considered for funding under the EDAP FFO.

**The deadline for applications is June 13, 2013.** To apply for this funding, please follow instructions included within the EDAP FFO which can be found on grants.gov:

<http://www.grants.gov/search/search.do;jsessionid=dDQ5RBXHTGsg52NhG5pn1RyZI2G0yqc667ccjwYDKf1K3sTCsJcK!774167503?oppld=208353&mode=VIEW>

For additional information, please contact your EDA state representative identified at:  
<http://www.eda.gov/contacts.htm>.

### **EDA's Mission**

EDA's mission is to lead the Federal economic development agenda by promoting regional and national innovation, collaboration and competitiveness, and preparing American regions for growth and success in the worldwide economy. In implementing this mission, EDA advances economic growth by assisting communities and regions



experiencing high unemployment and low per capita income to foster an environment conducive to economic growth and job creation.

