

**Minor offenses March 14  
6:00 p.m. – Assembly Chambers**

**Draft**

**Draft Minutes**

**Committee present:** Don Turner, Ron Jackson (acting chair), Mike Denker, Margaret Friedenauer, Deb Vogt, Mike Case

**Committee absent:** Bill Thomas

**Staff:** Brad Ryan

**Public:** Brenda Josephson, Dana Hallett, Paul Nelson

(Recording started at public comment)

**CALL TO ORDER**

**APPROVE AGENDA**

Vogt moved to approve agenda. Turner second.

No objection

**APPROVE MINUTES** from Feb. 10 meeting with one change.

No objection

**PUBLIC COMMENT**

**Josephson** – handouts – Discussed Nelson v Borough decision. Example of where borough code wasn't followed. There are five other examples that weren't pushed to court. Original minor offenses were disappointing. Rights for all are important. Three big concerns I have is that GAS committee stated in August that they wanted the daily duplication of fines in Title 1 removed but the attorney took it out of Title 1 and added it to all other titles; Allowing people not police officers to issue citations in Title 16 is still concerning; No reason for Title 18 to be referenced.

**Nelson** – Individual rights are important. Concerned about daily fines and what constitute daily fines.

**OLD BUSINESS:**

- **Attorney revisions**

Patrick Munson on phone.

Title 18 – Patrick asks for explanation on what committee wants for Title 18. Some permit violations are cut and dry and could easily be included in minor offenses. Others are more complex and may require more involvement by planning commission.

**Case** – based on committee recommendation previously, Title 18 shouldn't be up for discussion right now. Planning commission can revisit any changes they may wish to see.

**Vogt** – What happens if someone fails to get a permit now?

**Munson** – what is mechanism does planning commission have to enforce Title 18?  
**Josephson** – Admin can issue enforcement orders.

**Munson** – Sounds like committee is deciding to leave Title 18 as it is right now because there's no major crisis but committee recognizes there could be some mechanisms to change method of enforcement and at least be aware of that.

**Jackson** – Why does concept of “daily fines” still exist in ordinance in light of recent Nelson suit.

**Munson** – Committee must clarify if borough should be able to issue daily fines. It would be unwise to not have ability to issue citations for ongoing violations. If you don't have ability to issue citations for ongoing violation for separate days then you're allowing a person to pay citation for one violation.

**Denker** – Would tend to agree. Parking violations specifically in wintertime. Could we add “... and shall be cited accordingly” to end of 1.24.010(D)

**Turner** – We need a mechanism to be able to write multiple citations.

**Denker** – RE: request how harbormaster and assistant harbormaster will be trained.

**Munson** – Assistant harbormaster gets authority to enforce code from same authority as harbormaster – if the ordinance says that the authority may be delegated then the theory is that if the assembly says the harbormaster can delegate, then technically the assembly is saying it's OK if the harbormaster delegates to assistant harbormaster.

**Denker** – Would like the Purpose and Intent to have its own section.

**Denker** – interpretation of fines themselves – references that seem vague – 5.22.040(D) – should “unreasonable” be defined?

**Munson** – judicial system relies on a jury or judge to decide if someone has violated community standard of reasonableness is.

**MOTION:**

**Denker:** move to move 1.24.010(A) and create 1.24.050 Purpose and Intent

**Vogt** second.

Passed unanimously.

**MOTION:**

**Denker:** move to add 1.24.010 (D) "... and shall be cited accordingly" to end of sentence.

**Friedenauer** second.

Passed unanimously.

**MOTION:**

**Vogt:** move to change offenses separable to refer back to 1.24.010 (C)  
*(this will be (C) once previous changes made.)*

**Case** second.

Passed unanimously.

**Staff recommendations of fines –**

**Ryan** – Separate accounts for fine collection would be complicated to track. Also unknown how funds come from magistrate There is a lot uncertainty of how this process will work.

**Case** – RE: where the money goes – I think it should go to general fund. Maybe someday we could track it.

**Jackson** – Fines could be reported on public safety annual reporting.

**Ryan** – committee should ask Josh and Shawn about developing training for harbormaster/assistant harbormaster.

Next meeting agenda –

Looking over fine amounts  
Chapter 10 – Item by item  
Animal and tour violation

Public meeting before April 26

Policing in town site vs policing area wide – discussion item?

March 21<sup>st</sup> – 6 p.m. Chapter 10 violations and fines

Public meeting – April 5th – Chilkat center 6 p.m.

**PUBLIC COMMENT:**

**Josephson** – Remains frustrated - at an Aug. GAS committee a reference to daily fines. That was one of the few recommendations they made. Mr. Muson said that it's expeditious to have in general title. Asks that committee remove it from Title 1 – it has to have to foundation in public welfare. Needs to be good advertisement for these meetings. Please approach this meeting with respect to public.

Nelson – I agree with Brenda that there has to be justification not just writing down words – why are these are in public interest? Section 10 – if you leave as state law, then all you have to say is per state law.

**COMMITTEE COMMENTS:**

None

**NEXT MEETING DATE/AGENDA:**

March 21.

**Jackson** makes motion to adjourn. **Friedenauer** second.  
Adjourn at 8:20 p.m.