

**Minor offenses March 30
6:00 p.m. – Assembly Chambers**

Minutes – approved 4-11

Committee present: Don Turner, Ron Jackson (acting chair), Mike Denker, Margaret Friedenauer, Deb Vogt,
Committee absent: Bill Thomas

Staff: Josh Dryden

Public: Brenda Josephson, Diana Lapham, Mayor Hill, Paul Nelson, Bill McCord, Mike Ward, Carol Tuynman

CALL TO ORDER

APPROVE AGENDA

Add Purpose and Intent discussion
No objection

APPROVE MINUTES from March 14 and March 21 meeting (with corrections)

PUBLIC COMMENT

Nelson – Committee’s intent still not clear on striking Chapter 10.

Josephson – Still has concerns with Title 16 if non-credentialed officials making citations

OLD BUSINESS:

- **Training for Harbormaster and Assistant Harbormaster in issuing citations**

Recommendations from Shawn and Josh regarding training.

Lapham – two years ago it was brought to assembly under Phil Benner that harbormasters can carry weapons.

Dryden – Can make IDs at PD. Is getting a quote from company called Verbal Judo for training on conflict resolution. Can be used with other staff as well.

Vogt – It’s not a bad idea to include some dispute resolution training for government and people enforcing borough rules.

Denker – Committee should reserve a section in Title 16 for training and highlight points – in Title 16 specifically.

Nelson – Pointed out Alaska is a right to carry state; anyone who is writing tickets should be made aware of that as part of conflict resolution.

Josephson – Concerns that the training wouldn't mention constitutional rights.

Case - We haven't developed the training yet so we should have in our recommendation that the harbormaster will develop elements of training and include constitutional law and presented to manager.

Dryden – Any training would automatically include training on constitutional rights.

Denker – Purpose and intent also mentions constitutional rights. With a training program I would think there are already programs out there like village public safety officers, that could be used as guidance.

Turner – Believes training section is being blown out of proportion.

MOTION:

Case – moves to recommend Title 16 include wording: “Harbormaster will develop and document and with approval by manager implement a training and certification process for harbor personnel that will enforce harbor regulations. Policy will include training in conflict resolution and constitutional rights and responsibilities, visible identification, and oath of office.”

Friedenauer second.

AMENDMENT:

Denker – move to remove oath of office from last part of second sentence and make separate section to say “All Harbor staff with enforcement authority shall be administered an oath of office.”

Case second.

Vote on amendment:

Case, Jackson, Vogt, Friedenauer – yes

Turner - no

Vote main motion as amended to read: “Moves to recommend Title 16 include wording: “Harbormaster will develop and document and with approval by manager implement a training and certification process for harbor personnel that will enforce harbor regulations. Policy will include training in conflict resolution and constitutional rights and responsibilities and visible identification. All Harbor staff with enforcement authority shall be administered an oath of office.”

Unanimous yes.

Check borough policy about carrying guns.

- **Daily Fines**

Vogt – first provision – I don't think we should have a daily fines provision in the general provision that applies to all the code. If we need a daily fines section in certain places we should put it there. I'm not sure in any case you can't just go write a ticket in any case in any violation. I think it should come out of 1.24.010(D)

Denker – It should be removed from general and put where appropriate.

MOTION:

Vogt moves to remove section d from 1.24.010 that says....” And be cited according.

Denker second.

No objection

Ask attorney where else daily fine provision exists and if it belongs someplace it isn't already.

- **Title 8**

Vogt suggests new section - 8.05 – general provisions

MOTION:

Vogt moves to add an additional chapter 05 to chapter 8 titled general provisions

Denker seconds

No objection

MOTION:

Vogt moves “to add ‘any enforcement officer granted enforcement discretion in this title – shall exercise that discretion according to the principals of the purpose and intent in this section.”

Case second.

No objection

MOTION:

Denker - Add section 020 in Title 8 – definitions.

Second?

No objection

Friedenauer – I think we've addressed the overarching concerns of Title 8 without going line by line.

Case – We are trying to make the ordinance as smooth as we can.

Vogt – in code right now I think people should be given a reasonable time to correct an offense, but that is discretionary. I don't think we're going to do any better than that to keep constitutional rights in here, in purpose and intent.

Denker – I think a definition is critical. There's a lot of vague stuff in here. We can say we want to add that. We could come up with words and direct attorney that this needs to be defined.

Vogt – There are volumes and volumes of law of what constitutes "reasonable"

Denker – We do have the opportunity in this venue here and at assembly to put constraints on those violations.

Josephson – Right now the minor offense table doesn't allow anything to be correctable. The way we have this is the judge has no discretion in allowing correctable violations.

MOTION:

Vogt – Moves to add 030 to Title 8 – correctable offense – “any offense under this chapter taking place on private property is correctable.”

Denker – second

Denker – Are there instances in other communities where this is used? Juneau cited as example.

Turner – I disagree with this – we allowed for a warning – so this is unnecessary.

Vote

All opposed - unanimous

But intent is to highlight this issue to assembly

MOTION:

Case moves to recommend to include Chapter 10 (reverse previous vote on Chapter 10)

Jackson seconds

Vote - No objection

- **Prep for Town Hall meeting**

Vogt suggests Denker and Friedenauer make presentation and then committee act as panel.

Turner – this committee is supposed to be working for the public and borough and I feel we're being steered by a few members of the public. I don't think we

represented the public as well as we could have. I am personally not happy the way some of this went. I just want to make that statement.

Denker – Some of the times we look to members of the public because they have been engaged and I ask questions for them and I think it's appropriate because of their engagement. I don't necessarily agree with Turner's comments.

PUBLIC COMMENT:

Tuynman – it might only look like a few people have attended meetings but last fall there were hundreds of people that were concerned and we have an ad in the paper that reminds people what we were concerned about. And I'm grateful that Brenda has taken on this huge task of keeping the conversations going.

Nelson – I want to address the correctable offenses – I wonder if you would have worded that offenses on private property are correctable prior to a citation is written. One thing to watch out for is the issue of the minor offense and civil penalty and whether or not they're double jeopardy.

Josephson – I really appreciate all the effort. The motion was made that only a police officer can issue citations but Title 8 still mentions an abatement officer and needs to be addressed. The document says you can be cited for a minor offense and you can be given a civil offense for same amount.

COMMITTEE COMMENTS:

NEXT MEETING DATE/AGENDA:

Case makes motion to adjourn. **Turner** second.
Adjourn at 8:15 p.m.