

RE: BOE Membership and Duties

From: pymustang64@reagan.com <pymustang64@reagan.com>

Sent: Wed, Jan 31, 2024 at 11:23 am

To: Annette Kreitzer

Cc: Kevin Forster, Jila Stuart, Alekka Fullerton

Question 1:

I believe the intention was for the BOE members to be appointed by 12-1 of each year going forward and consistent with existing borough policy. I also believe that the Ad Hoc committee knew that we would not get these amendments approved before 12-1-23 and therefore allowed for 2024 appointments to be "as soon as possible after amendment of 3.72.110."

The terms of the BOE members can be less than 1 year for the first year as we already do for other committees and the assembly when a vacancy needs to be filled during the year.

Question 2:

The intent is to be immediately preceding the date of appointment.

Question 3:

During 2024, the BOE rules were changed without any public notice. In fact the rules from a previous year were given to all appellants and an unannounced change to those rules occurred. The BOE never voted on those changed rules nor did the assembly. We wish to prevent this failure to provide for due process with this amendment.

By having the rules adopted by resolution by the assembly we guarantee public discourse on any changes. In other words, the borough administration cannot make unilateral changes as happened in 2023. Further, the BOE members get to recommend changes after they have served as BOE members for a term and then the assembly gets to adopt those changes publicly.

This is all about DUE PROCESS.

Question 4:

The intent here is to have enough BOE panel members to be able to have more than one hearing during any given week. Because we are no longer using assembly members, we no longer have to delay hearings for weeks or months to accommodate the assembly's schedules.

I do not believe that the intent was to have more than one BOE panel hearing appeals at the same time (concurrently). This would be a great burden on the assessor's office and staff. However, having more than one BOE hearing panel in one week is conceivable and would be greatly helpful to property owners who have jobs and business out of town. One of the complaints we heard this past year was that people were not able to schedule around a BOE hearing that was constantly moving or cancelled with little notice.

In retrospect it might be better if only one alternate was required and that may be something the assembly would want to consider as opposed to having two alternates for each BOE hearing.

Hope this helps. Feel free to ask for additional clarification.

And thank you for the questions.

Paul Rogers

-----Original Message-----

From: "Annette Kreitzer" <akreitzer@haines.ak.us>

Sent: Tuesday, January 30, 2024 6:56pm

To: "Paul Rogers (pymustang64@reagan.com)" <pymustang64@reagan.com>, "Kevin Forster" <kforster@haines.ak.us>

Cc: "Jila Stuart" <jstuart@haines.ak.us>, "Alekk Fullerton" <afullerton@haines.ak.us>

Subject: BOE Membership and Duties

Chairman Rogers and Assembly Member Forster:

I sent the Board of Equalization Membership & Duties to our attorney for review. I've attached his notes and questions regarding the Group's intent. He is asking if you could write out a description of how you see the BOE operating, as well as answer the questions in the attachment and below. I tried to set out some questions, but see that just providing the document will assist you in providing your responses so that we can get the ordinance ready for the February 13 meeting.

I think your initial thought was that the BOE would be appointed for 2024 by December 1 of 2023. Since we are past that time now, are you thinking of retaining the April 1, 2024 deadline for this year and potentially for following years or would you want future years to be the December 1 date for appointment? It will likely create havoc with the length of appointment terms, unless the initial appointment for one group is only through December 1, 2024 (rather than a full year term).

Rather than cite the one-year residency in the Charter, the attorney is asking whether the one-year residency requirement is intended immediately preceding the date of the appointment ; or as of the date of the appointment. Based on the Charter language, we both think the intent is immediately preceding the date of the appointment.

Since the Board is empowered to adopt its own rules, it's not clear why the Board would submit the rules or rules changes to the Assembly for approval – maybe for the Assembly's information.

Was it the intent of the committee to have multiple, concurrent hearing panels? If so, members would have to be able to serve on more than one panel concurrently. Is the idea that the hearing panels could hear appeals on different days? Each hearing panel requires:

- a. Five BOE members (3 active/voting and 2 alternates)
- b. BOE is limited to 9 members
 - i. A B C D E F G H I = BOE members
 1. A C D voting and H I alternates = PANEL 1
 2. E F G voting and H I alternates = PANEL 2
 3. B H I voting and E F alternates = PANEL 3...

Public Records Law Disclosure: This e-mail may be considered a public record and be subject to public disclosure. Confidentiality Notice: This e-mail may contain confidential or

privileged information. It is intended only for the use of the recipient named above. If you believe you have received this message in error, please notify me immediately by reply email, delete the message from your computer, and destroy any paper copies.