

**From:** [Ellen Larson](#)  
**To:** [Ron Jackson](#); [Diana Lapham](#); [Joanne Waterman](#); [Mike Case](#); [Dave Berry](#); [George Campbell](#); [Jan Hill](#)  
**Cc:** [Julie Cozzi](#)  
**Subject:** Minor Offense Ordinance  
**Date:** Sunday, September 20, 2015 8:20:55 PM

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**Hello Borough Assembly Members,**

**First of all, we would like to thank you for your service on the assembly. We know that this is a thankless job so we wanted to be sure to thank you!**

We typically do not get involved with local politics, but the *Minor Offenses Ordinance* has us concerned!

We respectfully ask that you seriously consider the following:

1. Carefully review each of the proposed offenses, and omit those that are unnecessarily restrictive. It is not enough to say that they won't be enforced. If they won't be enforced (consistently), take them off the books.  
At the very least, pull in 2-3 people from the *Haines Citizens for Sensible Regulations* to offer their opinions.
2. Carefully review the amount of each of the fines for the **revised** list of offenses, to determine whether or not they are too excessive. Again, at a minimum, ask several people from the *Haines Citizens for Sensible Regulations* to weight in.
3. It is my understanding that citations can be given by those who are not law enforcement officers, and do not have any training. Yikes! Is this true?! Please clarify and offer a rationale.
4. We are confused as to why this *Minor Offenses Ordinance* is being moved forward so urgently, and by whom. Please clarify.

Sincerely,

Ellen and Larry Larson

Julie- Please include this communication in the Assembly Meeting Packet so that it will be recorded as part of public record.

Thanks! Ellen

"Wear gratitude like a cloak and it will feed  
every corner of your life."

RUMI

**From:** [rebecca brewer](#)  
**To:** [Ron Jackson](#); [Diana Lapham](#); [Joanne Waterman](#); [Mike Case](#); [Dave Berry](#); [George Campbell](#); [Jan Hill](#); [Julie Cozzi](#)  
**Subject:** "Minor Offenses"  
**Date:** Saturday, September 19, 2015 8:10:14 PM

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To Whom It May Concern:

This is a request to the Assembly to delay action on the the Haines Borough Ordinance No. 15-06-413, called "Minor Offenses". Please do not Pass this Ordinance.

It is apparent to me that this ordinance has the potential to change the way it feels to be in our town in a big way. It allows for people who are not law officers to issue citations, and does not require training for those who will issue citations. The potential for distrust and suspicion to form among community members is high. Duplication of fines and violations,daily compounding of fines, and excessive fines are all part of the ordinance. Policing for profit is simply not in line with our values.

The Assembly should delay voting until committee information is provided, and another public hearing is held. The Assembly should adhere to the Haines Borough Charter which promises us a lifestyle "without unnecessarily restrictive or arbitrary laws or regulations."

Sincerely,  
Rebecca Brewer  
PO Box 273  
Haines, AK 99827

**From:** [Ans Grandsec](#)  
**To:** [Jan Hill](#); [Julie Cozzi](#); [Ron Jackson](#); [Diana Lapham](#); [Joanne Waterman](#); [Mike Case](#); [Dave Berry](#); [George Campbell](#)  
**Subject:** Minor Offenses Ordinance  
**Date:** Sunday, September 20, 2015 8:09:18 AM

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Dear Haines Mayor, Borough Clerk, and Assemblymen and Assemblywomen,

Last week I was placing signs for a scholarship fundraiser (the ANS salmon lunch) at the cruise ship dock. Someone complained to the Borough that I did not have a permit, though that was not necessary. My signs there were not freestanding, were only up for one day, and had the Tourism director's permission.

Such uncertainty about what the rules really are caused me and the ANS President inconvenience. Do we really have to legislate every nitpicking detail?

I deplore your rush to pass a deeply flawed and overly lengthy document. Please reconsider last week's vote and allow committees time for input, such as the Public Safety Commission has already done. Then take the time, months if necessary, to get it done right.

I agree with the 5 points listed on page 5 of the Sept. 17, 2015 Chilkat Valley News. Haines does not need duplicate ordinances, expensive fines, and the power to assess fines (hopefully with a warning first?) given to various Borough employees.

Sincerely,

Carol S. Duis  
9-year resident

**From:** [Katya Kirsch](#)  
**To:** [Ron Jackson](#); [Diana Lapham](#); [Dave Berry](#); [George Campbell](#); [Jan Hill](#); [Joanne Waterman](#); [Mike Case](#); [Julie Cozzi](#)  
**Cc:** [Katya Kirsch](#)  
**Subject:** Minor violations ordinance  
**Date:** Saturday, September 19, 2015 12:09:26 PM

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Dear Haines Borough Assembly Members and Mayor Hill:

Please slow down and allow appropriate revision of Haines Borough **Ordinance 15-06-413** for minor violations.

- Please address what should or should not actually be a minor violation, as well as reasonable fine amounts and citation and enforcement methods.
- Many of the current minor violations and the proposed fine amounts are excessive and/or duplicated due to redundant code.
- There needs to be a reasonable opportunity to remedy alleged violations, instead of immediate citations to citizens.
- Only appropriate trained public officials should be allowed to make citations.
- The following section needs to be removed so people who do not commit any violations are not cited: “Every person who attempts to commit a minor offense but fails...is guilty of a minor offense” and; “it is not a defense...that it was factually or legally impossible to commit the offense allegedly attempted” (1.24.060 From the Proposed Ordinance 15-06-413).

Please protect due process for Haines citizens.

Sincerely,

Katya Kirsch

**From:** [Terry & Bonnie Sharnbroich](#)  
**To:** [Ron Jackson](#); [Diana Lapham](#); [Joanne Waterman](#); [Mike Case](#); [Dave Berry](#); [George Campbell](#)  
**Cc:** [Jan Hill](#); [Julie Cozzi](#)  
**Subject:** Minor Offenses Ordinance  
**Date:** Sunday, September 20, 2015 9:28:16 AM

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Dear Assembly Members,

We are writing to urge you to delay passage of the Minor Offenses Ordinance and until all changes have been made and all parties have had a chance to review them.

a. We have yet to hear a reasonable explanation of why some assembly members appear to be in a hurry to pass this ordinance. What's the rush?

b. Some have said "Let's pass this and then fix what needs to be fixed." That is putting the cart before the horse – changes need to be made before the ordinance is passed.

c. Many Haines citizens are rightly concerned over parts of this ordinance that are very problematic. Those concerns alone are enough reason for you to delay passage until concerns can be addressed.

d. This ordinance has been forwarded to various Borough Committees but all of them have not had a chance to respond. Again – what's the rush?

We, again, urge you to please delay passage of this ordinance until all necessary changes have been made and all parties have had a chance to review them.

Thank you for your consideration.

Terry & Bonnie Sharnbroich  
Piedad Road  
Haines

**From:** [Carol Tuynman](#)  
**To:** [Jan Hill](#); [Dave Berry](#); [Diana Lapham](#); [Joanne Waterman](#); [George Campbell](#); [Ron Jackson](#); [Mike Case](#)  
**Cc:** [David Sosa](#); [Tresham Gregg](#); [Margaret Friedenauer](#); [Julie Cozzi](#)  
**Subject:** Request to delay vote on Ordinance 15-06-413 - at Tuesday's Borough Assembly Meeting (9/22/15)  
**Date:** Sunday, September 20, 2015 2:47:56 PM

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Honorable Mayor Jan Hill and Haines Borough Assembly Members,

I respectfully request that the Borough Assembly not pass Ordinance 15-06-413, and that the public process begins now that should have been initiated in 2013 when the Alaska Court system enacted the Alaska Rules of Minor Offenses Procedure.

After carefully studying Patrick W. Munson's Memorandum on the Minor Offense and Fine Schedule Ordinance dated June 30, 2015, and learning that Haines is listed on the Alaska State Court system as a community with minor offenses schedule (see link below), I am beginning to understand why the Assembly and the Borough Manager want to have the ordinance passed and changes made after passage. Is this a reflection of open government and a transparent process?

<http://www.courts.alaska.gov/trialcourts/umot.htm#city-ordinances>

I am also beginning to understand why and how we as a community end up in the oft-repeated situation of a plan, ordinance, or other Borough action about to take place and citizens find themselves excluded from the process, or that the decision on the table does not support community values in one form or another.

To pass Ordinance 15-06-413 as it stands on Tuesday will only deepen the sense of distrust and heighten opposition. We have managed to get by all these years as we are. Let's stop. Take stock, and get it right beginning now.

Looking at how 15-06-413 has progressed since 2013, it appears that in choosing the Borough Manager form of government the Assembly and the public have been placing undue responsibility on our administration to get things done and work things out to be served "mission accomplished" to the Borough Assembly, without the necessary public engagement and education that a community with our level of civic commitment and knowledge needs and deserves. This applies to the history of our Police Department, Lutak Dock, the Small Boat Harbor expansion, and the nonprofit tax exemption. Rather than unifying and resolving challenges through consensus-building processes, we find ourselves negatively, and often unnecessarily, tying up many valuable hours of government and community time in extraneous struggles.

I fully concur that we are a nation of laws and that we must live by the rule of law. This applies to everyone: citizens, governing bodies, government administrators and non-citizens. The question is, can we build compliance through better education, fully transparent government process that invite engagement from the outset? Can we give ourselves a mandate to systematically review all Borough Code to achieve clarity of intent and alignment with our Borough Charter, the Comprehensive Plan and other publicly-derived planning documents?

May I suggest that with the interest generated by the Minor Offense and Fine

Schedule Ordinance 15-06-413 we--the Borough--have an unprecedented opportunity to institute public processes that engage and inform ourselves in ways that will lead to a more respectful and trusting citizenry and government.

Sincerely,

Carol Tuynman  
7 echoes homestead  
7 Mile Mud Bay Road  
Haines, Alaska 99827-0633  
907.303.0222

**From:** [evelyna vignola](#)  
**To:** [David Sosa](#); [Julie Cozzi](#); [Jan Hill](#); [Ron Jackson](#); [Joanne Waterman](#); [Mike Case](#); [Dave Berry](#); [George Campbell](#); [Diana Lapham](#)  
**Cc:** [debra schnabel](#); [Heather Lende](#); [chilkat valley news](#)  
**Subject:** minor offenses ordinance  
**Date:** Sunday, September 20, 2015 8:52:49 PM

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Hi Everyone, I'm writing to ask that you include me among the people who are requesting that the Minor Offenses Ordinance be cleaned up and tightened up so that it's a document that truly reflects Haines and the current minor offenses situation here in 2015. Once that's done, it'll be a no-brainer as they say, it will be presented to the assembly and should get a unanimous passing vote. Please do not let it pass in its present form.

While I'm here, I want to point out that "git 'er done" energy seems to be driving this situation as it has seemed to be driving the harbor expansion design. There's nothing at all wrong with "git 'er done", heaven help us with wallowing in procrastination, indecision, waffling, etc. ad infinitum. HOWEVER, both the harbor expansion design and the minor offenses ordinance require "get it right" FIRST and foremost. "Getting it right" is a demanding process but the rewards are well worth it. Once they are 'right' I know they will work for most of us most of the time.

If you'd like to listen to a really interesting story reflecting the "git 'er done" attitude as compared to the "get it right" point of view, please check out this podcast about General Motors and Toyota.

<http://www.thisamericanlife.org/radio-archives/episode/561/nummi-2015>

Thank you very much for your time and attention to this letter. I won't be at the meeting.  
Sincerely, Evelynna Vignola

I found this quote from Albert Einstein

**"If you don't have time to do it right, when will you have time to do it over?"**



**From:** [Kathleen Menke](#)  
**To:** [David Sosa](#); [George Campbell](#); [JoAnn Waterman](#); [Dave Berry](#); [Leslie Ross](#); [Diana Lapham](#); [Ron Jackson](#); [Jan Hill](#); [Mike Case](#); [Julie Cozzi](#)  
**Subject:** Legislative Priorities & Other  
**Date:** Sunday, September 20, 2015 9:25:21 AM

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Dear Haines Borough Manager Sosa, Mayor Hill, and Assembly Members:

Thank you for requesting citizen input on legislative priorities.

This is the process very much needed in Haines..although this invitation needs to be extended to all citizens not just those on appointed committees.

Every year for the past several years I have asked the Borough Assembly to put adequate funding for the Alaska Marine Highway at the top of their legislative priority list. If we fail to do this we send the message that our ferry system is not important to us. Nothing is more important to the economic health of this community than safe, regular, reliable, affordable mainliner ferries that are adequately supported by good management and an adequate budget.

I would urge the Haines Borough to put ferries at the top of their legislative priority list this year. Also, the Borough should send a letter from Haines to other communities in SE stating Haines would be putting this item at the top of their legislative priorities list and requesting they do the same. If every community in SE puts and adequately funded AMH system at the top of their legislative priority list, that would send a strong message that cannot be ignored.

In addition, if there is publicity within the community that the Haines Borough is making ferry service a top priority and asks local citizens to write our legislators Rep. Kito and Sen. Egan and administrators Gov. Walker, Lt. Gov. Mallott, and Chief of Staff Jim Whittaker, about the importance of ferries to our communities (and the same for other communities in SE), the impact would be much greater than any mention the ferries are going get from a single paid lobbyist who may likely have his own different political agenda involving projects involving hauling a lot of fill dirt and laying pavement and pouring concrete.

The next highest priority needs to be funding for improved filters at the water system. I have lived here for twenty years and have enjoyed drinking city water. However, over the last several months the volatile organic compounds in the Haines water supply due to excessive organics in Lily Lake and chlorination needed for excessive organics in the system has made the Haines drinking water supply taste so bad that I have been forced to travel to the spring once a week for my drinking water supply. This is unacceptable, to pay a monthly water bill which for a low-income senior with a small home is relatively high already. We don't want to be known as the community whose water tastes too bad to drink and may have harmful health effects. The algae problem noted in Lily Lake this year is a sign of the future. The problem of increased organics in Lily Lake is not going to disappear. It's going to get worse with ever warming temperatures over the long term.

The third highest priority should be the Haines sewer system. We need to deal with this..and it least start taking the first steps toward a long-term plan to upgrade our current primary treatment system to at least a secondary treatment system.

The fourth highest priority should be the Lutak dock, which is heading toward a crisis.

The Assembly needs to back off from other projects, like the boat harbor until (1) these other priorities are addressed first and (2) there is a master plan for the waterfront/boat harbor that is supported by most of the community. A master plan needs to be designed so that the plan can be implemented in phases as money allows. The current plan to jump headlong into a steel wall that binds the community to long term maintenance costs we cannot afford and an excessively large parking lot, with no funding for actual slips and no master waterfront plan is not best approach for our community. Slow down. Do this better.

As for the minor offenses ordinance, please appoint a committee (one committee, not four committees) to address this ordinance and pare the ordinance down to two or three pages of priorities to protect community health and safety. Again, slow down. Take as much time as is needed. The Supreme Court decision does not require the Borough to proceed in this egregious hasty manner. It merely points to a path for improved procedures in the future.

Thanks for listening.

Regards, Kathleen Menke

**From:** [Brenda Jones](#)  
**To:** [Jan Hill](#); [Dave Berry](#); [Diana Lapham](#); [Joanne Waterman](#); [George Campbell](#); [Ron Jackson](#); [Mike Case](#)  
**Cc:** [David Sosa](#); [Tresham Gregg](#); [Margaret Friedenauer](#); [Julie Cozzi](#)  
**Subject:** Do Not Pass Ordinance 15-06-413 - Minor Offenses  
**Date:** Sunday, September 20, 2015 6:03:27 PM

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Dear Assembly Members and Mayor Hill:

**I am requesting the Assembly not to pass the proposed ordinance 15-06-413 "Minor Offenses Ordinance".**

**Numerous people have publically spoken out against adoption of this ordinance. The push back that is occurring is due to the fact that this ordinance is fundamentally flawed, is inconsistent with Home Rule, and is inconsistent with the values of the community.**

The Charter of Haines Borough promises residents the right to live "without unnecessarily restrictive or arbitrary laws or regulations". The people are concerned about the fact that this ordinance, as written, transforms the intent of laws from promoting the safety and welfare of our community by certified sworn law enforcement officers to a civil administration empowered to use policing for profit with a breath taking schedule of offenses that exceeds 200 items.

**One member of the public received audible chuckles to her public testimony expressing concern about the potential for arbitrary enforcement and gave examples including;** tickets and fines for walking straight across Main Street not a cross walk, having a dog in the back of a pick-up, parents accompany little kids riding their bikes to class without a head light or tail light. These snickers implied "Of course we won't enforce those silly rules." Please note that having rules on the books without intention of enforcement is a clear violation of rule of law and these rules are "unnecessarily restrictive and arbitrary laws and regulations". **This is not a joking matter.** We are not in high school and we are not talking about who gets to be the Hall Monitor.

*"I will aggressively enforce code."*

*"No man is above the law."*

*"The best way to get a bad law repealed is to enforce it strictly."*

*- David Sosa, April 16, 2015*

The Borough Administration has promoted this ordinance with numerous incorrect statements. One of the statements claimed that this ordinance as written is required because of "the State of Alaska Supreme Court Order 1797 which mandated that municipalities Create Minor Offenses Lists." **The fact is that there is no mandate in Order No. 1797.** The reclassification to "Minor Offenses" is only required if the Borough desires to use the court system for processing the Borough violations.

**The argument that the Borough Administration is not able to enforce any borough regulations unless this ordinance is enacted as written is also incorrect.** In fact, many

citations and enforcement actions have been given out in the last two years. This is evidenced in the fact that the Assembly and the Planning Commission have both received appeals to actions in the last two years.

The Borough Administration has stated that it supports the change to process Minor Offenses through the court system. They have stated that using the court system will save the Borough Administration and Assembly time because they will not have to be bothered by citizen's appeals to enforcement orders that citizens feel are unjust. **The reality is that if the codes are written clearly and have effective processes and procedures, which have been followed by Borough staff, then the majority of the challenges presented in appeals would not occur.** Furthermore, our Home Rule form of government establishes a government that requires local issues to be kept local. The Borough Administration and Borough Assembly must not be allowed to abdicate its responsibilities. It is important to continue to deal locally with citizens appeals.

It is incorrect that this ordinance does not change any rules. **This ordinance, as written, fundamentally changes law enforcement for our Borough.** The change is from professional certified sworn police officers to empowering a civil administration without certification in law enforcement and without a transparent appointment process. Some people has stated that this change makes Haines "like a police state". In reality their statement does not go far. **A civil administration that has been empowered with authority of law enforcement without law enforcement credentials and void of a transparent appointment process is the very definition of a police state.** I find it disappointing and inappropriate that the Borough Manager has failed to suggest positive changes to the ordinance to address these legitimate public concerns and instead has attempted to divert attention to the flaws in the ordinance with implied accusations of conspiracy theories in his statement, "Some people fear these changes and are of a belief that there is a plot to divest them of their rights."

**Everyone that is aware of this ordinance has acknowledged that there are numerous flaws in the ordinance as written.** We have been reassured by both Administration and a member of the Assembly that they will eventually get around to fixing the problems with the ordinance. Members of the assembly has voiced support for a 'pass it now and we will fix it later' approach. Mr. Sosa has stated, "we have been able to identity these concerns because now we can do something about it, and we will do something about it." We have also heard the sentiments, "Don't you trust me?" **Law making is not about trust, it about establishing the rules that are needed to protect the health and welfare of the people.** This is serious business, and the people understand the seriousness. As a Member of the Assembly you are the representative of the people and we count on you to protect our rights before your act, not with a promise to fix things in the future.

**Please do not vote to adopt Ordinance 15-06-413 "Minor Offenses".** This ordinance is fundamentally flawed. To knowingly pass a flawed ordinance would be a failure to perform

your prescribed duty to represent the people of Haines and the Oath of Office that you took to support the Charter of Haines Borough.

Sincerely,

Brenda Josephson  
P.O. Box 51, Haines, Alaska 99827  
Haines Resident and Tax Payer

## Haines Borough Address 9-22-2015

### Who's Government Is It?

To the Haines Borough Mayor Jan Hill, Borough Manager Mr. Sosa, and the esteemed Assembly, I have earnestly clung to the quickly diminishing perspective that the strange events revolving around this Minor Offense Ordinance is caused by Assembly-person's insecurity and keen awareness of their ignorance of the facts and laws, and therefore a leaning-trust that the Borough attorney would fill the perceived gap between your "normal citizen" inability and the seats you occupy. They are powerful seats indeed, and I am sure if you are like me, that you must feel inadequate to the task. But you are supposed to! That insecurity and lack of self-knowledge keeps you humble and always turning to the people for their will and desire. You are not supposed to feel the full weight of responsibility because you are supposed to be doing only what the people want done. The maid only does what the master dictates, and so, while she may feel the burden of doing a good job, she is not supposed to feel the weight of determining what constitutes her job.

But it is becoming ever more evident that you hold firm your intentions to pass the Minor Offense Ordinance in spite of the plenteous legal arguments and unanimous public outcry against it. How this vote today even came about is a testimony to this unexplainably rabid determination (\*8a).

Why? I really am trying to understand your honorable motive of intent for such alarming conduct.

It may be perhaps excusable that by inappropriately trusting and believing your attorney, you really were ignorant of the fact that there is no Court mandate for this Ordinance, and so you honestly but ignorantly told the people that this ordinance was mandated by the Alaska Supreme Court. Such ignorance reflects perhaps that you are not the persons for the job, but ignorance is not malice. It can be forgiven.

But then; Why-- even after several of the researching public made sure by speech and by letter that you now know this is not true-- does the Borough website remain virtually unchanged and un-apologetic in this very powerful "error" (\*1)? What would drive such determined impeachable carelessness at the very least, and intentional subversion if not careless?

Did I say subversive? Like the non-existent Mandate; You have also been informed that this ordinance is not about the *tabling of existing infractions and fines* but about an unconstitutional restructuring of our legal system and a stripping of our Constitutionally protected foundational rights of freedom. That's not minor, and not a change that you can legally pass without putting it before the public vote (\*2). But by the deception of its name and the inclusion of the "tabling" distraction, it strongly appears as if you intend passing it administratively and thereby keep the choice completely out of the public hands. If so, that's just plain evil, *and* a violation of the Law. If not, I beg you to explain to the people your good intentions, because we are at a loss to continue seeing this as of honest but negligent ignorance.

What puppet-master makes you so unexplainably hungry to pass this ordinance, *and* as-is, without a single earnest review of the many very serious charges filed against it? Let's assume for the sake of argument that all the charges are spurious and empty. A reasonable and earnest discovery presented in itemized document form showing that the people's arguments are wrong, would endear the Assembly to the people as trustworthy, and the ordinance would be gladly passed by the people who found themselves to be in ignorance or error of mind.

But what if the people are right in this? Your stubborn actions appear mean-spirited, and even aggressively belligerent.

Every one of this Assembly-- including its attorney-- have acknowledged that this ordinance is filled with significant flaws, yet, like Assemblywoman Waterman and her Darwinian/Langdell "Living Document" answer for passing it anyway; voting to pass this ordinance now is like lighting a fire on the community sofa to worry about getting it in the stove later.

Well, this is MY house, and I don't take kindly to you burning down MY town! And when I say "MY" I mean me and every single voice that has spoken before these public hearings on this matter, as well as those who are silently still ignorantly trusting you to do the right thing. So I ask, in as legal phraseology as I can;

## Just who do you think you are?

Unlike Mrs. Waterman's "Living Document" perspective, the Massachusetts State Constitution is the oldest Constitution *in the world*, and one from which the second oldest-- the U.S. Constitution-- derived a good portion of its concepts. It declares that:

**"All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them."**

And consistently; the second to the youngest of the U.S. States, Alaska Statute 44.62.312(3) reads:

**"the people of this state do not yield their sovereignty to the agencies that serve them;" and (4) "the people, in delegating authority, do not give their public servants the right to decide what is good for the people..."**

And to structurally support the consistent nature of this concept in Alaska Law that binds our Assemblies to serve the public *by the public's own* determination of what is good for them; Founding Father Alexander Hamilton stated in *The Federalist Papers* No. 78:

**"There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor [general intent] of the commission under which it is exercised, is void. ... To deny this would be to affirm that the deputy is greater than his principle; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid."**

In otherwords; If the servant can rule his master, then the servant BECOMES the master. If the house-maid can dictate to the master how he will live in his own house against his will, then the house belongs to the maid and not the master of the house who hired her to keep it. She has violated the tenor of her commission and what she "enacts by the force of her will" is fundamentally void as if she never spoke it (\*3).

So explain again why you, the maid, are so determined to pass this untenorous ordinance by beguiling the public about its primary right-stealing, Charter-Changing purposes, *and* lying about who mandated these changes... *and that*, against all unanimous public outcry. What is driving you to do such a thing? What insanity has overcome your mind to imagine that you own the house and dictate to the master how things will be?

Here is a plausible answer that really should be earnestly considered in the privacy of your heart:

**"There is something strange about an error when it once grips the mind, that makes it assume an importance that the truth never had."**

The unexplainable drive to pass this ordinance, in spite of all the potentially valid but unexplored reasons not to, is a sure sign that it is driven by the force of error. If the Ordinance is good, it will withstand scrutiny and still be here after a thorough investigation. Let's pass it then.

But there are so many heinous errors of the law in this single ordinance, *and* in how you are choosing to pass it, that three-minutes is not nearly long enough to be heard on the matter, in spite of the fact that we are guaranteed by both Alaska Statute (\*4) and the Haines Charter (\*5) to be "reasonably heard" at these public meetings. And to be frank, a week is not long enough to draft a worthy brief to be submitted.

It has been said; "Former friends make the fiercest enemies." Am I now your enemy to be aggressively opposed because I tell you the truth? Do you outright reject the people's legal and moral concerns simply because they oppose the error that has gripped your mind with unexplainable determination? You can't even explain the overwhelming urgency to yourself in the secret part of your heart. Why does this not trouble you greatly, and cause you pause in your determination?

Let's just assume for a moment that the will of the Assembly would actually be the right or better course to take in this instance. Even if that were the case; If the people do not wish it, it cannot be lawfully enacted in our U.S. form of republican governance (\*6). The people have a right to suffer their own choices. Good or bad. That is the nature of a free people.

Conversely, a European "Nanny State" is when the maid treats the master like a child. That's not a free state, and it's not American. But now, as the nanny in feelings of quazi-power, you hire your own quazi-master to tell you how to better rule us when we rebel?

We didn't elect your attorney to legislate the management of our local government. We didn't even elect your Manager. We elected YOU. But there is no evidence that *you* came up with this ordinance, or the many ordinances you are now starting to pass that further change our form of governance on a fundamental level. So why are you doing it? Are you so obtuse that you cannot see what you are doing? These changes would NEVER have entered your mind without your unelected attorney "handlers" putting it into your head. Therefore, if for no other reason whatsoever; **this is a rapist's ordinance to be killed in the womb of conception.** It is not the people's ordinance, and not the will of the people. Do you still work for the people as mandated by the U.S. Law; or are you the servants of some unelected European cabal intent on stealing our homeland by encouraging you to burn down the house so we will abandon it (\*7)?

We will find out tonight as you individually vote of your own free will.

But PLEASE, take into consideration as you vote, that this vote itself is the result of last week's violation of Assembly Rule 2.10.060B. (\*8), which violation allowed an Assemblyman to change his vote after the related subject was officially processed and closed and the related concerned public went home. That single violation worked up an entire rat's nest of sub-votes and retractions and more sub-votes to arrive at tonight's lawless, unethical, and underhanded vote to avoid further public confrontation and demands for investigations.

Please also note that this Minor Offense Ordinance, by it's distinctly two-part nature of "Tabling Infractions" and "Restructuring how those infractions will be applied and adjudicated," is a violation of HBC Title 2.12.070:

**"Every ordinance shall be confined to one subject...  
unless it is...one codifying, revising or rearranging existing ordinances or the code."**

Yes, the second part of the sentence allows for the grouping of subjects into one ordinance in certain cases but the nature of the purpose of the first portion cannot be violated by using the other as a loop-hole. Using the deceptive presentation of one portion of this ordinance to quietly sell the other portion is a clear violation of the nature and purpose of this code. This code requires that the tabling of infractions be a separate ordinance from the grouping and rewriting of existing code. It requires it this way to avoid just such a subversive deception as this present ordinance composition. A "Tabling ordinance," that does not change the nature of that which is tabled, is an administrative function that does not need the public vote to pass, but Changing the nature of what is tabled, or changing our Code and how it functions, requires a public vote as a separate ordinance (\*2a).



You are now acting just like our lawless Congress, and apparently for the same reasons; you seem to have drunk the same insanity of global governance by the U.N.-- who, I might add, has shown a remarkable job of governing Europe and provided us with a stellar record of freedom and prosperity worthy of abandoning the American form of Governance that has long been the best place on earth to live.

But here is my greater question that you must ask yourself: Having abandoned to rule of unique and independent nations around the world; where do we flee to, as did our forefathers, when we discover that we don't like the form of governance that the Global U.N. provides to a submissive United States? This question is the question that explains why I have abandoned my moose hunt that supplies my winter's sustenance, and set aside the other important needs of my life for these past weeks in the effort to address this Assembly on this matter before us today.

I urge you to vote wisely. Vote this ordinance down because of how it was forwarded, and because of its fundamental errors, and then let's work together with Assemblywoman Mrs. Lapham to create a worthy document that deals with fixing and listing our long neglected infraction rules, keeping them in-house under our Home Rule governance.

As always,

-Kyle Ponsford, HC 60 Box 3394, Haines AK, 99827

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(\*1) <http://www.hainesalaska.gov/boroughassembly/minor-offenses-ordinance> - accessed the morning of 9/21/15 to confirm it is yet unchanged.

(\*2) Public Vote Required:

- **"A home rule charter may be amended as provided in the charter, except that no amendment is effective unless ratified by the voters."** AS 29.10.100. Charter Amendment.
- **"This Charter may be amended by the Haines Borough electorate ratifying an amendment at a regular or special election"** HBC ARTICLE 17.01
- **"Amendments to this charter... Proposed amendments shall be submitted to the voters at the next regular or special election..."** HBC ARTICLE 17.02

(\*2a) What kind of Ordinance is this?

- See attached Exhibit 'A' as evidence of a self-described Non-Code Ordinance that needs no public vote. The Minor Offense Ordinance on the table is no such document, by nature or declaration.
- The very self-description of this Minor Offense Ordinance declares it to be an amendment of the charter Code in both the general description header and in detail section 4. Since Chapter 1.24 is included in the Borough's Charter, and since this Chapter is repealed and reenacted in its entirety, and since these changes alter the very nature and function of our Borough Laws, this constitutes a Charter amendment, which therefore falls under the requirement of a public vote.

(\*3) Unconstitutional Laws:

- **“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof...shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”**  
US Constitution, Article VI, Paragraph 2.
- In June 2008, the U.S. Supreme Court confirmed that; **“the enshrinement of constitutional rights necessarily takes certain policy choices off the table.”**
- See also Haines Borough Charter Title 1.01.070.

(\*4) Reasonably Heard - Alaska Statute:

- AS 29.20.020. Meetings Public.  
(a) Meetings of all municipal bodies shall be public as provided in **AS 44.62.310**. The governing body shall provide reasonable opportunity for the public to be heard at regular and special meetings.  
(b) This section applies to home rule and general law municipalities.

(\*5) Reasonably Heard - Haines Charter:

- HBC Article 18.03.(A): **“...At each such meeting the public shall have reasonable opportunity to be heard.”**
- HBC Title 2.12.030 Procedure for adopting ordinances, B.5. **“During the hearings the assembly shall hear all interested persons wishing to be heard;”**

(\*6) U.S. Form of Republican Governance:

- **“The United States shall guarantee to every State in this Union a Republican Form of Government...”** - U.S. Constitution, Article IV, Section 4.

Today’s perverted perspective of what “Republican” means makes it very hard to explain to the “Democratic” people the actual intent. Said simply: A Republican form of Government is a government where the democratic people vote for those lawmakers who will represent them in a State of agreed rules that govern everyone equally for a harmonious outcome without robbing anyone of individual foundational rights.

(\*7) [Exhibit ‘B’ is the first page of] Four U.N. Treaties and actions designed to subjugate the world’s nations:

- The 31 page *Vienna Convention* of 1969, The 351 page *Agenda 21* of 1992, The 149 page *Report of the Commission on Global Governance* of 1995, and the 33 page *2030 Agenda For Global Action* of 2015.

(\*8) Assembly Rule 2.10.060B. **“Every member while speaking shall speak only to the subject under debate...”**

(\*8a) See attached [Exhibit ‘C’]: Haines Borough Assembly Meeting #299 September 8, 2015 MINUTES page 2 of 4, which clearly places the timing of Mr. Jackson’s motion to re-vote on the already-closed Minor Offense ordinance topic, in the section discussing STAFF/FACILITY REPORTS.

See also the rat’s nest of confusion that it created, which would have been avoided had the Code rules been followed and the Re-consider motion been denied.

\*

(#20.)

Exhibit A

**WHEREAS**, the closing of this transaction is subject to, and dependent upon, the Haines Borough Assembly's appropriation of funds in the amount required for closing this transaction, pending approval of a budget amendment to appropriate \$40,000 of water fund user fees for the purchase; and

**WHEREAS**, Haines Borough Code Section 14.04.030 states that "[o]nly upon a specific resolution of the assembly, the manager may act on its behalf in the acquisition of real property or interest in real property when the property to be acquired is for a valuable consideration."

**NOW, THEREFORE, BE IT RESOLVED BY THE HAINES BOROUGH ASSEMBLY:**

Section 1. The Borough Manager is hereby authorized to acquire the real estate property as described above, from Arthur Meacock for the price hereinabove mentioned; and

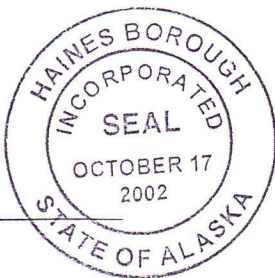
Section 2. Effective Date. On or before the date of closing this transaction, non-code Ordinance 15-04-408 shall be adopted by the borough assembly appropriating sufficient funds for the acquisition.



Adopted by a duly-constituted quorum of the Haines Borough Assembly this 28<sup>th</sup> day of April, 2015.

Attest:

Julie Cozzi  
Julie Cozzi, MMC, Borough Clerk



Janice Hill  
Janice Hill, Mayor

UN TREATIES Progressive

(★ 7)  
Exhibit B

**Vienna Convention on the Law of Treaties**  
Done at Vienna on 23 May 1969

*The States Parties to the present Convention,*

*Considering* the fundamental role of treaties in the history of international relations,

*Recognizing* the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful cooperation among nations, whatever their constitutional and social systems,

*Noting* that the principles of free consent and of good faith and the *pacta sunt servanda* rule are universally recognized,

Latin  
pacts must make servitude  
- agreements must be kept.

*Affirming* that disputes concerning treaties, like other international disputes, should be settled by peaceful means and in conformity with the principles of justice and international law,

*Recalling* the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained,

*Having in mind* the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all,

*Believing* that the codification and progressive development of the law of treaties achieved in the present Convention will promote the purposes of the United Nations set forth in the Charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of cooperation among nations,

*Affirming* that the rules of customary international law will continue to govern questions not regulated by the provisions of the present Convention,

*Have agreed* as follows:

PART I.  
INTRODUCTION

*Article 1*  
*Scope of the present Convention*

The present Convention applies to treaties between States.



## Agenda 21 - Chapter 1

### PREAMBLE

- 1.1. Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which we depend for our well-being. However, integration of environment and development concerns and greater attention to them will lead to the fulfilment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future. No nation can achieve this on its own; but together we can - in a global partnership for sustainable development.
- 1.2. This global partnership must build on the premises of General Assembly resolution 44/228 of 22 December 1989, which was adopted when the nations of the world called for the United Nations Conference on Environment and Development, and on the acceptance of the need to take a balanced and integrated approach to environment and development questions.
- 1.3. Agenda 21 addresses the pressing problems of today and also aims at preparing the world for the challenges of the next century. It reflects a global consensus and political commitment at the highest level on development and environment cooperation. Its successful implementation is first and foremost the responsibility of Governments. National strategies, plans, policies and processes are crucial in achieving this. International cooperation should support and supplement such national efforts. In this context, the United Nations system has a key role to play. Other international, regional and subregional organizations are also called upon to contribute to this effort. The broadest public participation and the active involvement of the non-governmental organizations and other groups should also be encouraged.
- 1.4. The developmental and environmental objectives of Agenda 21 will require a substantial flow of new and additional financial resources to developing countries, in order to cover the incremental costs for the actions they have to undertake to deal with global environmental problems and to accelerate sustainable development. Financial resources are also required for strengthening the capacity of international institutions for the implementation of Agenda 21. An indicative order-of-magnitude assessment of costs is included in each of the programme areas. This assessment will need to be examined and refined by the relevant implementing agencies and organizations.
- 1.5. In the implementation of the relevant programme areas identified in Agenda 21, special attention should be given to the particular circumstances facing the economies in transition. It must also be recognized that these countries are facing unprecedented challenges in transforming their economies, in some cases in the midst of considerable social and political tension.
- 1.6. The programme areas that constitute Agenda 21 are described in terms of the basis for action, objectives, activities and means of implementation. Agenda 21 is a dynamic programme. It will be carried out by the various actors according to the different situations, capacities and priorities of countries and regions in full respect of all the principles contained in the Rio Declaration on Environment and Development. It could evolve over time in the light of changing needs and circumstances. This process marks the beginning of a new global partnership for sustainable development.

\* \* \* \* \*

\* When the term "Governments" is used, it will be deemed to include the European Economic Community within its areas of competence. Throughout Agenda 21 the term "environmentally sound" means "environmentally safe and sound", in particular when applied to the terms "energy sources", "energy supplies", "energy systems" and "technology" or "technologies".



# Our Global Neighborhood

**Report of the Commission on Global Governance**  
(ISBN 0-19-827998-1; Published by Oxford University Press, 1995)

## **A Summary Analysis by Henry Lamb**

(First published in *eco-logic*, January/February, 1996)

The Commission on Global Governance has released its recommendations in preparation for a World Conference on Global Governance, scheduled for 1998, at which official world governance treaties are expected to be adopted for implementation by the year 2000. Among those recommendations are specific proposals to expand the authority of the United Nations to provide:

- Global taxation;
- A standing UN army;
- An Economic Security Council;
- UN authority over the global commons;
- An end to the veto power of permanent members of the Security Council;
- A new parliamentary body of "civil society" representatives (NGOs);
- A new "Petitions Council";
- A new Court of Criminal Justice; (Accomplished in July, 1998 in Rome)
- Binding verdicts of the International Court of Justice;
- Expanded authority for the Secretary General.

These proposals reflect the work of dozens of different agencies and commissions over several years, but are now being advanced by the Commission on Global Governance in its report entitled *Our Global Neighborhood* (Oxford University Press, 1995, ISBN 0-19-827998-3, 410pp).

The Commission consists of 28 individuals, carefully selected because of their prominence, influence, and their ability to effect the implementation of the recommendations. The Commission is not an official body of the United Nations. It was, however, endorsed by the UN Secretary General and funded through two trust funds of the United Nations Development Program (UNDP), nine national governments, and several foundations, including the MacArthur Foundation, the Ford Foundation, and the Carnegie Corporation.

The Commission believes that world events, since the creation of the United Nations in 1945, combined with advances in technology, the information revolution, and the now-global awareness of impending environmental catastrophe, create a climate in which the people of the world will recognize the need for, and the benefits of, global governance. Global governance, according



PERMANENT MISSION OF THE REPUBLIC OF KENYA  
TO THE UNITED NATIONS



Buan-Mhisean na hÉireann chun na Náisiú Aontaithe  
Permanent Mission of Ireland to the United Nations

8 July 2015

Excellency,

We are pleased to share with you the final draft of the outcome document for the UN Summit in September 2015 which will adopt the Post-2015 Development Agenda.

This final draft builds on the feedback received from Member States and other stakeholders during our 22 to 25 June negotiation session and endeavours to respond to comments and suggestions made. It contains three annexes.

As regards the proposed technical revisions to the targets (contained in Annex 1 of the Zero Draft), it is our proposal as co-facilitators that nineteen of these should be incorporated in the final text. We have amended accordingly the relevant targets in the listing provided in the attached draft. Please note that we have made a slight change to the proposed revision previously circulated in relation to target 8.7. The proposed revision to target 14.c remains in Annex 1 for further consideration by member states.

Please note also that the language in the final draft which relates to the Third International Conference on Financing for Development is based on the draft Addis Ababa Action Agenda as of 07/07/2015. Further changes may be required after next week's conference. It is also proposed that the agreed outcome document of that conference be included as Annex 2.

We look forward to fruitful exchanges and to the finalization of this document at our final negotiation session from 20 to 31 July 2015.

Please accept, Excellency, the assurances of our highest consideration.

Macharia Kamau  
Permanent Representative  
Permanent Mission of the Republic of Kenya  
to the United Nations

David Donoghue  
Permanent Representative  
Permanent Mission of Ireland  
to the United Nations

All Permanent Representatives  
and Permanent Observers to the United Nations  
New York



**TRANSFORMING OUR WORLD:**  
**THE 2030 AGENDA FOR GLOBAL ACTION**

**Final draft of the outcome document for the  
UN Summit to adopt the Post-2015  
Development Agenda**

This final draft builds on the feedback received from Member States and other stakeholders during our 12 to 13 June negotiation sessions and continues to respond to comments and suggestions made in previous drafts.

As regards the proposed technical annex to the agenda (contained in Annex I of the Zero Draft), it is now proposed as an addendum that members that should be incorporated in the final text. We have included accordingly the relevant annex in the final draft. The attached draft please note that we have made a slight change to the proposed revision previously included in relation to target 2.1. The proposed revision to target 2.1 remains in Annex I for further consideration by member states.

Please note also that the language in the final draft which refers to the Third International Conference on Financing for Development is based on the draft Addis Ababa Action Agenda as of 27/07/2015. Further changes will be required after next week's conference. It is also proposed that the agreed outcome document of that conference be included in Annex I.

We look forward to further exchanges and to the finalization of the document at our final negotiation session from 20 to 21 July 2015.

(These cover, respectively, the annexes of our highest consideration)

David Donoghue  
Permanent Representative  
- Permanent Mission of Ireland  
to the United Nations

Richard Kaman  
Permanent Representative  
Permanent Mission of the Republic of Kenya  
to the United Nations

All Permanent Representatives  
and Permanent Observers to the United Nations  
New York



utterly futile to resolve.  
the Islam problem  
as half the world is  
sleeping to the other half.

**Preamble**

This Agenda is a plan of action for **people, planet and prosperity** that also seeks to strengthen universal **peace** in larger freedom. All countries acting in collaborative **partnership** will implement the plan. We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet for present and future generations. We are determined to take the **bold and transformative steps** needed to **shift the world** on to a sustainable path. As we embark on this collective journey, we pledge that **no one will be left behind**.

The 17 Sustainable Development Goals and 169 targets which we are announcing demonstrate the scale and ambition of the new Agenda. They will stimulate action over the next fifteen years in the following areas of critical importance for humanity and the planet:

**People**

that potential determined by the U.N.

We want to ensure that all human beings can fulfil their potential. We want to end poverty in all its forms; end hunger and malnutrition; promote human dignity; combat inequalities in and between countries; achieve gender equality and empower all women and girls; ensure quality education, water and sanitation and a healthy life for all; and secure the **participation** of all people and groups, including children, in the realization of the new Goals and targets.

**Planet**

→ so added to our Barrois preamble 2013

We must respect and safeguard our common home. We want to protect the planet so that it can support the needs of present and future generations. We will conserve and sustainably use our oceans and seas; fight climate change; protect and restore ecosystems; combat desertification, land degradation and biodiversity loss; promote safe and inclusive cities and human settlements; and promote disaster risk reduction.

**Prosperity**

We want all human beings to enjoy the fruits of economic, social and technological progress and live productive and fulfilling lives. We want to ensure sustained, inclusive and sustainable economic growth; promote decent work and employment for all; foster shared prosperity and sustainable lifestyles worldwide; promote sustainable industrialization, agriculture and infrastructure; and ensure access to affordable modern energy services.

**Peace**

All people yearn to live in peaceful and harmonious societies, free from fear and violence. We want to foster peaceful, safe and inclusive societies; to strengthen governance and institutions at all levels; to ensure equal access to justice; and to protect the human rights of all men, women, boys and girls.

**Partnership**

We want to create an effective Global Partnership for Sustainable Development which will embrace all countries and stakeholders. The Global Partnership will mobilize the means required for implementation of the Agenda, acting in a spirit of strengthened global solidarity and supporting, in particular, the needs of the poorest and most vulnerable.

If we realize our ambitions in these areas and across the full extent of the new Agenda, the lives of millions of human beings will be profoundly altered and our world will be transformed for the better.

Where can we go if we don't like their plan or results?

There are only 200 recognized nations in the world

## Introduction

1. We, the Heads of State and Government of the 193 member States of the United Nations, meeting in New York from 25-27 September 2015 as the Organization celebrates its seventieth anniversary, have decided today on new global goals for the sustainable development of humanity and of our planet.
2. On behalf of the peoples we serve, we have made a historic decision on a comprehensive and far-reaching set of universal and transformative goals and targets. If these are realized, they will change for the better the world in which we all live.
3. We recognize that poverty eradication is the greatest global challenge and an indispensable requirement for sustainable development. We recognize that the dignity of the human person is fundamental. We intend, between now and 2030, to end extreme poverty and hunger everywhere; to combat inequalities and build peaceful, just and inclusive societies; to ensure the lasting protection of the planet and its resources; and to create conditions for sustainable, inclusive and sustained economic growth and shared prosperity.
4. As we embark on this great collective journey, we pledge that **nobody will be left behind**. We wish to see the goals and targets met for all nations and peoples and for all economic and social groupings. And we will endeavour to reach the furthest behind first.
5. This is an Agenda of unprecedented scope and significance. It is accepted by all countries and is applicable to all. These are universal goals and targets which involve the entire world, rich and poor countries alike, in a new global compact for the betterment of humanity. This compact follows over two years of intensive public consultation and engagement with stakeholders around the world, which paid particular attention to the voices of the poorest and most vulnerable. This consultation included valuable work done by the United Nations, whose Secretary-General provided a synthesis report in December 2014. The goals and targets we have decided on are integrated and indivisible and balance the three crucial dimensions of sustainable development: the economic, social and environmental.
6. We commit ourselves to working tirelessly for the implementation of the Agenda by 2030. This is a plan of action for people, planet and prosperity which also seeks to strengthen universal peace in larger freedom. It will be implemented by all of us acting in genuine and lasting partnership. We are resolved to free the human race from the tyranny of poverty in all its forms and to heal and secure our planet for future generations. We are determined to take the bold and transformative steps needed to shift the world onto a sustainable and resilient path.

## Our vision

7. In these goals and targets, we are setting out a supremely ambitious and transformational vision. We envisage a world free of poverty, hunger, disease and want, where all life can thrive. We envisage a world free of fear and violence. A world with universal access to quality education and to health care and social protection, where physical, mental and social well-being are assured. A world where access to safe and affordable drinking water is a basic and universal human right; where food is safe, affordable and nutritious; where there is adequate and accessible sanitation. A world where human habitats are safe, resilient and sustainable and there is affordable, reliable and sustainable energy.
8. We envisage a world of universal respect for human rights and human dignity, the rule of law, justice and equality; of respect for race, ethnicity and cultural values; and of equal opportunity permitting the full realization of human potential while promoting shared prosperity. A world in which every woman and child enjoys full gender equality and all barriers to their empowerment in our societies have been removed. A just, equitable, tolerant and socially inclusive world.
9. We envisage a world in which economic growth, consumption and production patterns and use of all natural resources – from air to land to oceans – are sustainable. One in which development and the application of technology are climate-sensitive, respect biodiversity and are resilient. One in which humanity lives in harmony with nature and in which wildlife and living species are protected.



(492) Exhibit 'B'

**Motion:** CAMPBELL moved to "hold a third public hearing on October 27, 2015."

**Primary Amendment:** CASE moved to "hold a third hearing on a date to be determined following a discussion this evening," and the motion carried 5-1 with LAPHAM opposed.

The Main motion, as amended, carried 4-2 with WATERMAN and LAPHAM opposed.

**Motion:** BERRY moved to "set the third hearing for November 10, 2015," and the motion carried 4-2 with WATERMAN and LAPHAM opposed. *this topic was closed.*

**B. Ordinance 15-08-418** – Second Hearing  
**An Ordinance of the Haines Borough amending Haines Borough Code Title 13, Section 13.08.260 to allow the discharge of cooling water into the municipal sewer system with specific approval from a designated borough official.**

Mayor HILL opened and closed the public hearing at 7:57 p.m.; there were no public comments.

**Motion:** BERRY moved to "adopt Ordinance 15-08-418."

**Primary Amendment:** CAMPBELL "moved to strike 'designated individual' and replace it with 'Director of Public Facilities'."

**Secondary Amendment:** WATERMAN moved to "strike 'Director of Public Facilities' and replace it with 'Borough Manager or Designee'," and the motion carried unanimously.

The primary amendment motion, as amended, carried unanimously.

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

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager** – 9/8/15 Report

The manager summarized his written report and responded to a few questions from the assembly.

**Motion to Reconsider:** JACKSON moved to reconsider his vote on the motion to hold the minor offense ordinance for a third public hearing, and the motion carried 4-2 with BERRY and CAMPBELL opposed. This returned the motion to hold a third public hearing to the table for a new vote.

The Motion to hold a third public hearing failed 3-4 with BERRY, CASE, and CAMPBELL opposed and Mayor HILL breaking the tie in the negative.

**Motion:** WATERMAN moved to "adopt Ordinance 15-06-413."

**Motion to Postpone:** CAMPBELL moved to "postpone the vote on this until the next meeting (September 22)," and the motion failed 3-4 with JACKSON, WATERMAN, and LAPHAM opposed and Mayor HILL breaking the tie in the negative.

**Primary Amendment:** CAMPBELL moved to "eliminate all of page one of the ordinance from 1.24.010 through 030," and the motion died for lack of a second.

**Motion to Reconsider:** WATERMAN moved to "reconsider her vote to postpone the motion to adopt to the 9/22 meeting," and the motion carried unanimously. This returned the motion to postpone to the table for a new vote.

The Motion to Postpone the ordinance adoption vote to the 9/22/15 meeting carried unanimously.

- \* B. Library Director – Report of July 2015
- \* C. Chief of Police – Report

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

- \* A. Public Safety Commission – Minutes of 4/13/15
- \* B. Library Advisory Board – Minutes of 7/24/15
- C. Assembly Board Liaison Reports

LAPHAM – Tourism Advisory Board  
JACKSON – Public Safety Commission

D. Assembly Standing Committee Reports

*violation of ABC  
k: H  
2.10.060 B.*

*A rat's nest created by violating the Charter rules of conduct in the first p*

# Memorandum

To: Members of the Haines Borough Assembly

From: Mike Denker, 203 Union St. / P.O. Box 298, Haines, AK 99827

Re: Procedural issues surrounding the Minor Offenses Ordinance (Ord. 15-06-413)

Date: September 21, 2015

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This memorandum concerns various procedural issues surrounding the assembly's consideration of the Minor Offenses Ordinance (Ord. 15-06-413). As such, the argument presented does not address the substance of the ordinance, or the reasoning behind why the ordinance should or should not be adopted. I respectfully request it be included in the public record for the September 22, 2015 Assembly Meeting.

*NOTE: A "Short Answer has been presented on page two for the reader's convenience.*

## *Question Presented*

On September 22, 2015, the Haines Borough Assembly is schedule to vote to adopt Ordinance 15-06-413, the Minor Offenses Ordinance. The Public Safety Commission (PSC) and the Port and Harbor Advisory Committee (PHAC) were tasked to review various portions of the ordinance. The PSC held public meetings on August 21 and August 28 to review the ordinance and make recommendations. The PHAC held a public meeting on August 27 to review the ordinance. Meeting minutes, recommendations and supporting information from these meetings has not been included in an assembly meeting packet.

The question presented is whether the Assembly should postpone the vote to adopt Ordinance 15-06-413 until all committee minutes, recommendations and supporting information has been included in an assembly meeting packet and another public hearing is held.

*Short Answer*

Yes. The Assembly must postpone the vote to adopt Ordinance 15-06-413 until all committee minutes, recommendations and supporting information related to the ordinance has been provided in an assembly meeting packet and another public hearing is held.

I.

The Haines Borough Code, the Haines Borough Charter, and the Alaska Open Meetings Act all argue strongly for postponing the vote until all meeting minutes, recommendations and supporting information has been included in an assembly meeting packet. Pgs. 2 – 4.

II.

The Petition Clauses of both the Alaska and United States Constitutions argue strongly for holding another public hearing once previously unreleased committee minutes, recommendations and supporting information have been included in an assembly meeting packet. Pgs. 4 – 6.

*Argument*

I.

The Haines Borough Code, the Haines Borough Charter and the Alaska Open Meetings Act argue strongly for postponing the vote.

First, the process set out in Haines Borough Code ensures committee minutes, recommendations and supporting information is included in an assembly meeting packet before a vote is held. Haines Borough Code § 2.60.120 states, “The minutes shall be filed in the office of the clerk as soon as feasible, but in no case later than two weeks following the committee meeting, and shall be a public record open to inspection by any person.” Next, HBC § 2.10.030 (A) states,

“The mayor, with assistance from the clerk, shall arrange [the committee information] according to the order of business and the clerk shall furnish each member of the assembly, the mayor, the manager and the chief fiscal officer with a copy of the same in packet form five calendar days in advance of the assembly meeting.” *Haines, Alaska, Borough Code § 2.10.030 (A)*.

This process ensures that committee information will be included in an assembly meeting packet in advance of assembly votes on important community matters.

Second, the process in Code is designed to align with the Haines Borough Charter. The Charter Preamble and Bill of Rights guarantees to the people of the Haines Borough;

“The right to access a well maintained public record of all actions of public officials in accordance with this charter, so that the citizens of the borough may retain control over the affairs of their government.” *Haines, Alaska, Charter Preamble and Bill of Rights.*

Timely release of public records such as committee meeting minutes and supporting information is essential to ensuring this guarantee in the Haines Charter.

Lastly, the process in Haines Borough Code is designed to align with the State policy regarding meetings set out in the Alaska Open Meetings Act. This section of Alaska Statutes states, “the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.” *Alaska Statutes § 44.62.312 (a)(4)*. More significantly it states, “the people’s right to remain informed shall be protected so that they may retain control over the instruments they have created.” *Alaska Statutes § 44.62.312 (a)(5)*. Thus, the State requires that all information such as committee minutes and supporting information be provided so “the people of [the] state do not yield their sovereignty to the agencies that serve them.” *Alaska Statutes § 44.62.312 (a)(3)*.

Yet, even though the Charter, Code and Alaska Statutes referenced above provide these mandates, all information from three committee meetings where the Minor Offenses Ordinance was addressed was not included in the September 22 assembly meeting packet. For instance, the Public Safety Commission (PSC) held a public meeting on August 21 to go over the public safety portions of the minor offenses list. *See Haines, Alaska, Borough website, Public Safety Commission meeting notice, August 21, 2015*. The minutes and other supporting information from this meeting were due to the office of the clerk on September 4, well ahead of the agenda preparation deadline. However, the information from this meeting is not included in the assembly meeting packet for the September 22 meeting.

Additionally, the Port and Harbor Advisory Committee (PHAC) held a public meeting on August 27 to “Review Ordinance 15-06-413”. *See Haines, Alaska, Port and Harbor Advisory Committee, Aug. 27, 2015 Public Notice and Agenda*. Here again, this information was due to the office of the clerk on September 10 ahead of the agenda deadline. And here again, this information is not included in the September 22 assembly meeting packet.

Lastly, the PSC held a public meeting on August 28 “to forward...recommendations...concerning the reviewed public safety section of the Minor Offenses list as well as recommendations concerning the Minor Offenses ordinance in general.” *See Haines, Alaska, PSC, Aug. 28, 2015 Public Notice and Agenda*. Once again, this information was due on September 11 well

ahead of the September 22 agenda deadline. And once again, this information is not included in the assembly meeting packet for the September 22 meeting.

Now, it may be argued that a committee needs to approve their minutes before they can be delivered to the office of the clerk. However, this is incorrect. The process in Haines Borough Code is not structured as such. Code is structured to have committee information such as meeting minutes delivered to the assembly and the public as soon as possible so this information can be considered and approved by the Assembly before important decisions. *Ref. HBC 2.60.120; HBC 2.10.030 (A)*. The Code is designed so that committee minutes are either approved by the assembly during assembly meetings as presented, or amended if assembly members, members of the committee, or members of the public argue successfully for a change in the content of the information.

So, it is clear that the Borough has already violated the process set out in HBC 2.60.120 and HBC 2.10.030 (A) that requires timely inclusion of committee meeting minutes, recommendations and supporting information in assembly meeting packets. It is also clear that a failure to include committee minutes, recommendations and supporting information in a timely manner in an assembly meeting packet breaches the “well maintained public record” clause of the Haines Borough Charter Preamble and Bill of Rights. However, if the Assembly votes to consider adoption of the Minor Offenses Ordinance on September 22, this action will bring the borough in violation of the Alaska Open Meeting Act as well. This breach of State law is because the public will not have been provided all the information so they may control the instrument they have created; that instrument being the Haines Borough Assembly. Therefore, the Assembly must postpone the vote to adopt Ordinance 15-06-413 to adhere to the guarantees in the Haines Charter, as well as the requirements set out in the Alaska Open Meetings Act.

## II.

The Petition Clauses of both the Alaska and United States Constitutions argue strongly for holding a public hearing once the previously unreleased committee minutes, recommendations and supporting information have been included in an assembly meeting packet.

Both the Alaska and United States Constitutions protect a person’s right to petition the government. The Alaska Constitution states, “The right of the people...to petition the government shall never be abridged.” *Alaska Const., Art. 1, Sec. 6*. Additionally, the Petition Clause of the United States Constitution guarantees “the right of the people...to petition the government for a redress of grievances.” *U.S. Const., Amend. I*. Thus, the right to petition the government is a central feature in both constitutions.

A petition is more than merely a statement on a page followed by a list of signatures. A petition is “a formal, written request addressed to some government authority.” *Black’s Law Dictionary, Pg. 1145 (6<sup>th</sup> Ed. 1990)*. In general, “The

right to petition is...concerned with expression directed to the government seeking redress of a grievance.” *Duryea v. Guarnieri*, 564 U.S. \_\_\_ (2011), Pg. 7. A petition “conveys the special concerns of its author to the government and, in its usual form, requests action by the government to address those concerns.” *Id.*, Pg. 8; see also *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 896-897 (1984). As such, petitioning occurs whenever a person expresses concerns to the government, and seeks action by the government to address those concerns.

Public hearings allow the public to exercise the right to petition elected officials during the lawmaking process. Public hearings are designed to provide a person an opportunity to be heard and provide input on matters of importance to the community as a whole. This opportunity can also be used to express concerns to the government regarding the legislation being considered, and request specific actions to address those concerns. Thus, public hearings are uniquely tailored to allow the will of the people to be realized in the lawmaking process, and for our laws to reflect that will.

However, if the Assembly fails to hold a public hearing before voting to adopt the Minor Offenses Ordinance once committee minutes, recommendations and supporting information have been included in an assembly meeting packet, the public’s right to petition will be abridged. To abridge is “to reduce or contract.” *Black’s Law Dictionary*, Pg. 8 (6<sup>th</sup> Ed. 1990). An abridgement can also be understood as suppression or substantial interference with a person’s right to petition. *Id.* In this matter, failing to hold a public hearing removes a crucial opportunity for the public to engage in petitioning activity during the lawmaking process. Thus, failing to hold a public hearing will substantially interfere with the public’s right to petition on a matter of great importance to the community.

Now, it may be argued that the public can petition the Assembly during the regular public comment period. However, a public comment period is no substitute for a public hearing. A public hearing is time specifically devoted to only one subject that is to be acted upon by the Assembly. It occurs at the time the action item comes up on the agenda, and all focus of debate during this time is centered on just that one topic.

The public comment period, on the other hand, is time when a person can speak about a multitude of issues, and usually occurs at the beginning and end of public meetings. At times a person may have more than one issue to comment on during an assembly meeting, and the public comment period allows a person to speak on these many concerns. As such, assembly members are not focused on just one issue during a regular public comment period at the beginning of an assembly meeting.

Forcing a person to address a multiple issues during one three-minute public comment period reduces the time a person can devote to petitioning the assembly on an important matter to be voted on. This restricts the amount of time a person can petition the assembly on important community matters. It can also



cause a significant gap in time between the public comment and the item to be acted on by the assembly. Thus, forcing the public to use the public comment period to comment on matters of great community importance that will be voted on abridges a person of the right to petition the Assembly.

Therefore, failure on the part of the Assembly to hold another public hearing once previously unreleased committee meeting minutes, recommendations and supporting information is included in an assembly meeting packet will abridge the public's right to petition the Assembly.

#### *Conclusion*

The Assembly must postpone the vote to adopt Ordinance 15-06-413. The Haines Borough Code, the Haines Borough Charter, and the Alaska Open Meetings Act all argue strongly for postponing the vote. Additionally, the Petition Clauses of the Alaska and United States Constitutions argue strongly for holding another public hearing once previously unreleased committee minutes, recommendations and supporting information have been included in an assembly meeting packet.

**From:** [devinefunk@gmail.com](mailto:devinefunk@gmail.com)  
**To:** [Ron Jackson](#); [Diana Lapham](#); [Joanne Waterman](#); [Mike Case](#); [Dave Berry](#); [George Campbell](#); [Jan Hill](#); [Julie Cozzi](#); [David Sosa](#)  
**Subject:** Minor Offenses Ordinance  
**Date:** Monday, September 21, 2015 4:54:53 PM

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To The Members of The Haines Borough Assembly:

I am writing this letter to request that you delay action on The Haines Borough Ordinance No. 15-06-413, called "Minor Offenses". Please do not Pass this Ordinance.

I am appalled that the Haines Borough would consider passing this Ordinance in haste. First and foremost it violates the Dictates of the Haines Borough Charter. I have talked with many people in the community about this issue and not one single person I talked with is in favor of passing this ordinance. You assembly members were voted into position by the community. To disregard the opinions and needs of the people creates distrust and contempt. Distrust and contempt cause people to rise up and change the way things work, as the people of Haines are currently rising against this Minor Offenses Ordinance.

The passing of this Ordinance would allow people who are not law officers to issue citations, duplication of fines and violations, daily compounding of fines, excessive fines, and prohibits a judge from reducing a fine based on the circumstances of the violation . Policing for profit is not in line with our values. Hastily passing this ordinance is absolutely unfathomable to me. It would be like launching your boat with an unfinished hull and telling everyone on board, "Don't worry, we'll sort out the details later." It would be an absolute disaster.

You live in this town also right? Are you looking forward to having your rights and freedoms taken away from you? Because that is what you are bringing into fruition. Please take the time to review and edit the Minor Offenses Ordinance appropriately, Our quality of life depends on it.

Sincerely,  
Tully Devine  
PO Box 273  
Haines, Ak. 99827

**From:** [Inez Gross](#)  
**To:** [Ron Jackson](#); [Diana Lapham](#); [Joanne Waterman](#); [Mike Case](#); [Dave Berry](#); [George Campbell](#); [Jan Hill](#); [Julie Cozzi](#)  
**Subject:** say NO on the Minor Offenses Ordinance !!  
**Date:** Monday, September 21, 2015 6:07:32 PM

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Madam Mayor, Assembly Members & Julie Cozzi,

I did not attend the last meeting a few weeks ago, but from what I have heard and read in the paper it does not appear that the people who stood up and spoke made much of a difference, in what appears to be minds that are already made up already made up?! Please vote no until this Minor Offenses Ordinance until it is ready to be put in place.

“Put the ordinance in place and we will fix it later” is not a very good plan.

Also we have a police department that the Borough paid thousands of dollars researching, let the police do their job and the Borough employees do their job.

I do not look forward to a bunch of deputies giving out tickets and I don't think that they should be put in that situation.

Thank you for your time,

Inez Gross

**From:** [Marsha Wilson](#)  
**To:** [Ron Jackson](#); [Diana Lapham](#); [Joanne Waterman](#); [Mike Case](#); [Dave Berry](#); [George Campbell](#); [Jan Hill](#); [Julie Cozzi](#)  
**Subject:** New Minor offenses ordinance  
**Date:** Monday, September 21, 2015 7:00:00 PM

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Ok! I'm usually pretty silent about local politics but I am very surprised at our board members for giving a second thought to some of these ordinances. Many are ambiguous, redundant, and just plain stupid! Just because many of them have supposedly been on the books does not mean we need to keep them. Also, are these just for the city limits or do they apply to the entire borough? I will tell you, whoever votes in favor of the stupid minor offense ordinance will never again get my vote. I could go on but any idiot should be able to see the problems.... Some are good for the good of the community, but most are just plain stupid. I think you all better re-think this!

**From:** [Roc Ahrens](#)  
**To:** [Julie Cozzi](#)  
**Subject:** Minor Offenses Ordinance 15-06-413  
**Date:** Monday, September 21, 2015 7:52:39 PM

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Dear Julie,  
We would like to request the following letter to the Assembly be added to the public record.  
Thank You,

Roc & Diann Ahrens

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Dear Haines Borough Assembly,

It is disappointing to hear that the Haines Borough Assembly is still considering the passage of Minor Offenses Ordinance 15-06-413. Trying to pass a "can of worms" with the mentality of "pass it first so you can find out what's in it" will not bring a bunny out of the hat.

Give the citizens of Haines some credit, they understand this ordinance is a request of the court to consolidate these ordinances so they can be viewed by the public for their awareness. But they also know that most of these "Minor Offenses" have a "Law" context, and the language needs to be cleared up to present the intent and the enforcement thereof, so it can be handled by the Borough law enforcement agency, the HBPD. Anything else would present a selective enforcement situation that could never be managed or be fair.

Everyone that has come to me about this issue understands, or is not asking that minor "laws" be taken out of the Code. (like J-walking, as it is against the law, and removing it would take the burden off of the person breaking the law and place the burden on the driver who hits them as they "illegally" dash across the street) But the point is to straighten out the language in the code to keep the enforcement of the law where it belongs.

Is the intent of rushing to pass this ordinance to be for the protection of, or the control over the citizens of Haines?

Please vote NO on Minor Offenses Ordinance 15-06-413 so you can take the time to do it right.

Thank you,

Roc & Diann Ahrens

**From:** [jim and julie](#)  
**To:** [Dave Berry](#); [Diana Lapham](#); [George Campbell](#); [Jan Hill](#); [Joanne Waterman](#); [Julie Cozzi](#); [Mike Case](#); [Ron Jackson](#)  
**Subject:** Haines Borough Ordinance 15-06-413  
**Date:** Tuesday, September 22, 2015 11:23:29 AM

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For which ever of you reads my e-mail please pass this along to the others.

After 60 + years in Alaska and passionately loving Haines above all other communities I have lived in and visited, I am compelled to speak. This ordinance as written and as it has been handled has the potential of doing more damage to our home than good. Few if any of you can deny Haines has a special atmosphere which is part laid back, part beauty, part magic, filled with a wide variety amazing people. The aforementioned atmosphere is a delicate thing we must all guard jealously. Please give this issue all your time and energy while considering the potential for a destructive ripple effect. Failing all efforts of a large segment of our community to curtail this Ordinance as written, I ask that you take this from a man with 20 years in Alaska Law Enforcement, someone's Idea to have non sworn Law Enforcement personnel perform enforcement duties on our citizens is a monumental mistake which will lead to a great deal of grief for all involved.

Jim Shook

**From:** [carolyn@majorproduction.net](mailto:carolyn@majorproduction.net)  
**To:** [Julie Cozzi](#)  
**Subject:** minor infractions ordinance  
**Date:** Tuesday, September 22, 2015 4:00:52 PM

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Hi Julie,

We're sending you the same email we sent Jan Hill:

Since we are working Tuesday and may not be back to town in time for the assembly meeting, we are emailing you our comments:

Normally we try to just let the assembly do its job - but lately there seems to be more and more that the people of Haines need to weigh in on!

The latest is this minor infractions ordinance.

We ask the assembly to slow down on this minor infractions ordinance, and postpone a vote until people have had a chance to look at it a lot closer.

Now, we have heard that this is all in response to some state Supreme Court decision. But to us it is still not clear to what extent this particular ordinance is required by that decision.

Honestly, we did not move to Haines in order to be surrounded by a lot of petty ordinances with fines attached to them. We like the casual nature of Haines. We have had experience with towns where fines are used as a fund-raising activity for the government and do not want to move this town in that direction. We fear that this ordinance may encourage unaccountable civic employees to act as police and that citizens may find no way to appeal wrong or unfair fines. We are likely to find that many of these so-called minor infractions are things for which we should not have to endure the hassle of an appeal process because there should not have been a fine in the first place. We need to look closer.

Shouldn't we be first trying to get rid of unneeded regulations instead of jumping to construct fee schedules and fine everyone for minor mistakes and misjudgments?

So, don't rush this one. Take your time. Think slowly and carefully.

Carolyn and Tom Ganner, Box 811