Haines Borough Borough Assembly Meeting #302 AGENDA

October 27, 2015 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Jan Hill, Mayor

Dave Berry Jr., Assembly Member Margaret Friedenauer, Assembly Elect

Diana Lapham, Assembly Member

Mike Case Assembly Member

Joanne Waterman, Assembly Member Tresham Gregg, Assembly Elect

George Campbell, Assembly Member

Ron Jackson, Assembly Member

David Sosa, MPA Borough Manager

Julie Cozzi, MMC Borough Clerk

Krista Kielsmeier Deputy Clerk 1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL

2. APPROVAL OF AGENDA & CONSENT AGENDA

[The following Consent Agenda items are indicated by an <u>asterisk</u> (*) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]

Consent Agenda:

3 – Approve Assembly Meeting Minutes 8B – Accept Finance Report 11A3 – Adopt Resolution 15-10-648

- ***3.** APPROVAL OF MINUTES 10/13/15 Regular, 10/13/15 Election Canvass
 - **4. PUBLIC COMMENTS Sign-up is NOT required** [This is for any topics <u>not</u> scheduled for public hearing.]
 - 2015 BOROUGH ELECTION
 - A. Certification of October 6th Borough Election
 - B. Administration of Oath to Newly-Elected Assembly Members
 - 6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

Important Reminder! - Sign-up prior to or at the beginning of the assembly meeting is required in order to give testimony during a public hearing. It's as easy as contacting the Clerk's Office ahead of time to have your name added to the list or you can sign up yourself before the meeting starts. Written testimony is also welcome.

A. Ordinance 15-09-421 - Second Hearing

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY16 budget.

This ordinance is recommended by the borough manager and was introduced on 9/22/15. The first public hearing was on 10/13. Motion: Adopt Ordinance 15-09-421.

B. Ordinance 15-10-423 - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.60.010(I) and 18.100.092(A) to be consistent with the State Department Of Environmental Conservation (DEC) on-site wastewater regulations.

This ordinance is recommended by the borough manager and was introduced on 10/13/15. The assembly already scheduled the second hearing for 11/10/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.

8. STAFF/FACILITY REPORTS

- A. Borough Manager 10/27/15 Report
- **★B.** Finance Director 9/30/15 Permanent Fund Snapshot

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- A. Assembly Board Liaison Reports
- B. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

A. Ordinance 15-01-398

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.

Note: This ordinance was recommended by the planning commission and introduced on 1/27/15. It had public hearings on 2/10 and 2/24 after which it was referred to the GAS Committee. Following a meeting, that committee referred it back to the planning commission with a committee recommendation. The commission met on 5/14, 7/9, and 8/13 and worked with staff to prepare a substitute ordinance for consideration. On 9/22/15, the assembly unanimously accepted the substitute ordinance and scheduled a third hearing for the public's sake. That hearing took place on 10/13. Subsequently, a motion to adopt the ordinance was made and then postponed to this meeting. The assembly asked the planning commission to explain its consideration of the GAS Committee's recommendation. The planning commission discussed this request on 10/15.

This is NOT a public hearing, and a motion is already on the table. Therefore, the assembly may proceed with the vote or enter into additional debate.

Motion already on the Table: Adopt Ordinance 15-01-398.

11. NEW BUSINESS

A. Resolutions

1. Resolution 15-10-646

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services contract with Haines Animal Rescue Kennel to provide animal control services from September 1, 2015 through June 30, 2016 for \$23,784.

This resolution is recommended by the manager. Motion: Adopt Resolution 15-10-646.

2. Resolution 15-10-647

A Resolution of the Haines Borough Assembly urging the state to maintain a viable marine highway system while deploying ferries to maximize economic benefit to the state and traveling public.

On 10/13/15, Mayor Hill explained the Alaska Marine Highway System is accepting comments on the draft Summer 2016 Ferry Schedule. That schedule can be accessed through a link at FerryAlaska.com. For assembly consideration, staff has prepared drafts of both a resolution and a letter. With assembly authorization, these will constitute the borough's comments and will be distributed to the AMHS, the Governor, the Lt. Governor, and the legislature. Motion: Adopt Resolution 15-10-647 and authorize the letter of comments to be sent to the AMHS, Governor Walker, and others.

* 3. Resolution 15-10-648

A Resolution of the Haines Borough Assembly authorizing disposition of public records in accordance with HBC 2.64.030(B) and the Haines Borough Records Retention Schedule.

The assembly passed a similar resolution in 2014, and authorization is required for those records that are routinely scheduled for disposition in 2015. This resolution is recommended by the borough clerk. **Motion**: Adopt Resolution 15-10-648.

B. Ordinances for Introduction - None

C. Other New Business

1. Appeal of 2016 Skier Day Allocation

AMG and AH both filed timely appeals of the manager's skier day allocation for 2016. Per HBC 5.18080(C)(4), all permittees are parties to this appeal and will have the opportunity to make their case before the assembly. Motion: Uphold the borough manager's skier day allocation for the 2016 heliskiing season.

2. Local Bidder Preference

On 9/22, in response to a request from Haines Contractors, the assembly directed the manager to investigate this and bring a recommendation to this meeting. Motion: Direct the Manager to prepare an ordinance revising the local bidder preference from 3% to 5% and clarifying that the percent difference is calculated as the difference between the low overall bid and the lowest local bid; and, additionally, that the local bidder preference shall be noted in all Requests for Bids or Quotes issued by the Borough.

Haines Borough, Alaska Agenda: October 27, 2015

3. Appoint Minor Offenses Code Review Committee

On 10/13/15, the assembly passed a motion that the mayor is to appoint an ad hoc committee consisting of no more than seven assembly and public members. The mayor accepted letters of interest until Friday, 10/23, and is prepared to announce her appointments during the meeting. She will seek assembly confirmation. Motion: Confirm the mayor's appointments to the Minor Offenses Code Review Committee.

12. CORRESPONDENCE/REQUESTS

- A. Marijuana Regulation Task Force Chamber of Commerce
- B. Public Process re. Committees, Commissions, and Boards D. Hallett
- C. Request for Resolution of Support for State Parks Management of Chilkoot River Corridor Tourism Advisory Board
- 13. SET MEETING DATES
- 14. PUBLIC COMMENTS
- 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS
- 16. ADJOURNMENT

Haines Borough, Alaska Agenda: October 27, 2015

Haines Borough Borough Assembly Meeting #301 October 13, 2015 MINUTES Draft

1. <u>CALL TO ORDER/PLEDGE TO THE FLAG</u>: Mayor HILL called the meeting to order at 6:31 p.m. in the Assembly Chambers and led the pledge to the flag.

2. ROLL CALL

Present: Mayor Jan **HILL**, and Assembly Members Diana **LAPHAM**, George **CAMPBELL** (via telephone), Mike **CASE**, Dave **BERRY**, **Jr.**, Joanne **WATERMAN**, and Ron **JACKSON**.

Staff Present: David **SOSA**/Borough Manager (via telephone), Julie **COZZI**/Borough Clerk, Robert **GRIFFITHS**/Interim Chief of Police, Jila **STUART**/Chief Fiscal Officer, and Helen **ALTEN**/Museum Director.

Visitors Present: Karen GARCIA/CVN, Jillian ROGERS/KHNS, Kyle PONSFORD, Carol TUYNMAN, Brenda JOSEPHSON, Margaret FRIEDENAUR, Paul NELSON, Sue WATERHOUSE, Neil EINSBRUCH, Tresham GREGG, Mike DENKER, Dana HALLETT, Debra SCHNABEL, Rhys WILLIAMS, Evelyna VIGNOLA, Audrey SMITH, Leonard DUBBER, Sean GAFFNEY, Kelleen ADAMS, Tom and Carolyn GANNER, Joe PARNELL, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

The following Items were on the published consent agenda:

Consent Agenda:

- 4 Approve Assembly Meeting Minutes
- 8B Accept Museum Report
- 9A Accept Parks & Recreation Advisory Committee Minutes
- 9B Accept Port & Harbor Advisory Committee Minutes
- 9C Accept Tourism Advisory Board Minutes
- 11A1 Adopt Resolution 15-10-645
- 11B1 Introduce Ordinance 15-10-423 & Schedule Public Hearings

<u>Motion</u>: **BERRY** moved to "approve the agenda/consent agenda," and it was amended to remove items 4 and 9C from the consent agenda and to move item 12A up in the agenda to follow the mayor's report. The motion to approve the agenda/consent agenda, as amended, carried unanimously.

4. APPROVAL OF MINUTES - 9/22/15 Regular

<u>Motion</u>: **CAMPBELL** moved to "approve the minutes of the 9/22/15 borough assembly regular meeting," and the minutes were amended to include all of **CAMPBELL**'s comments verbatim under item 10A and all of **DENKER**'s comments under item 14 verbatim. The motion, as amended, carried unanimously.

5. PUBLIC COMMENTS

TUYNMAN – Said the minor offenses issue is important to the whole community. There are good ideas.

JOSEPHSON – Asked the assembly to invalidate the minor offenses ordinance. During a two-week period, over 600 signatures were gathered from concerned Haines citizens asking the assembly to respect the public's rights.

C. GANNER – Asked the assembly to reconsider the minor offenses ordinance. A large part of the community distrusts it.

NELSON – Asked for reconsideration of the minor offenses ordinance, and short of that, a mayoral veto.

PARNELL – Dismayed nothing has happened at the Lutak Dock to fix it. He asked the assembly to go out and look at it to see the problems and to read the engineer's report.

VIGNOLA – Said the assembly needs to fix the minor offenses ordinance.

HALLETT – Said the assembly is in charge and needs to be directing and giving guidance to the administration.

DENKER – Said there are powerful arguments for reconsidering the minor offenses ordinances. The public is walking together on this, and the assembly has an opportunity tonight to foster that kind of community. He appealed to the mayor to exercise her veto power, if necessary.

DUBBER – Said the community thinks this minor offenses ordinance is a big mistake and should be reconsidered. Most petition signers are not opposed to minor offenses. They just want it done right.

6. MAYOR'S COMMENTS/REPORT

Mayor **HILL** 1) thanked **LAPHAM** for chairing the 9/22/15 meeting, 2) thanked the folks she was traveling with, and 3) thanked all of the election candidates. She appreciates anyone willing to get on a ballot, and congratulated **FRIEDENAUER** and **GREGG** for their successful election.

12A. <u>Citizen Request for Reconsideration of Ordinance 15-06-413</u> (moved during agenda approval) <u>Motion to Reconsider</u>: WATERMAN moved to "reconsider the 9/22/15 vote to adopt Ordinance 15-06-413," and it carried unanimously.

Main motion returned to the table: Adopt Ordinance 15-06-413.

The main motion was amended to change Section 3 by striking the 1/1/16 effective date and have the ordinance stay in the public process and return for an update and further action on 4/27/16. This ordinance is to be sent to appropriate boards & committees and the manager is to continue to work on the policy and recommendations are to come to the assembly at the April 26, 2016 meeting." The amendment motion carried unanimously.

A roll call vote on the main motion, as amended, commenced. Midway during the voting, it became apparent to the clerk that there may have been confusion about what was being voted on. The clerk repeated the motion, and the vote was suspended with no objection.

<u>Postpone to a Time Certain</u>: **WATERMAN** moved to "postpone adoption of Ordinance 15-06-413 until April 26, 2016," and the motion carried unanimously.

<u>Motion</u>: CASE moved that "the mayor appoint an ad hoc committee of no more than seven assembly and public members to review the laws identified in the minor offenses ordinance and make recommendations to the Borough Assembly no later than April 26, 2016," and it was amended to clarify that the committee is to review the minor offenses ordinance as a whole. The motion, as amended, carried 5-1 with **JACKSON** opposed.

7. PUBLIC HEARINGS

A. Ordinance 15-01-398 – Third Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.

Note: this ordinance was recommended by the planning commission, and it was introduced on 1/27/15. It had public hearings on 2/10 and 2/24 after which it was referred to the GAS Committee. Following a meeting, that committee referred it back to the planning commission with a committee recommendation. The commission met on 5/14, 7/9, and 8/13 and worked with staff to prepare a substitute ordinance for consideration. The clerk recommended the assembly schedule a third hearing for the sake of the public since it had been a while.

Mayor HILL opened and closed the public hearing at 8:06 p.m.; there were no public comments.

<u>Motion</u>: **BERRY** moved to "adopt Ordinance 15-01-398," and the motion carried unanimously in a roll call vote.

<u>Motion to Postpone</u>: CAMPBELL moved to "postpone Ordinance 15-01-398 to the next assembly meeting and ask the planning commission to address the GASC recommendations and explain why they weren't included in the ordinance or provide an explanation of why they don't agree with them," and it was amended to assign the planning & zoning technician the task of seeing this through. The motion to postpone, as amended, carried unanimously.

B. Ordinance 15-09-419 - Second Hearing

An Ordinance of the Haines Borough amending Title 11, Section 11.28.010 to change the ballot instructions to match the 2014 charter and code amendments that eliminated the requirement to get 40% of the vote in order to be elected.

Mayor **HILL** opened and closed the public hearing at 8:24 p.m.; there were no public comments.

<u>Motion</u>: **BERRY** moved to "adopt Ordinance 15-09-419," and the motion carried unanimously in a roll call vote.

C. Ordinance 15-09-420 - Second Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.100.025 to allow a nonconforming lot when it is created as a result of the borough acquiring a portion of a lot to be used exclusively for public utility purposes in the best interest of the borough.

Mayor **HILL** opened and closed the public hearing at 8:25 p.m.; there were no public comments.

<u>Motion</u>: **BERRY** moved to "adopt Ordinance 15-09-420," and the motion carried 5-1 in a roll call vote with **CAMPBELL** opposed.

D. Ordinance 15-09-421 – First Hearing

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY15 budget.

Mayor **HILL** opened and closed the public hearing at 8:33 p.m.; there were no public comments.

Note: The assembly already scheduled the second hearing for 10/27/15. No motion was needed now unless the second hearing date needed to change or some other action was desired.

E. Ordinance 15-09-421 - First Hearing

An Ordinance of the Haines Borough amending the Port of Haines Terminal Tariff No. 3 to extend the rate table and to allow for a cruise ship docking discount incentive.

Mayor **HILL** opened the public hearing at 8:34 p.m.

SCHNABEL – Recognizes a resolution was already adopted approving the waiver, but for the record, there are people including herself who are opposed to it.

GAFFNEY – Thanked the assembly for their support of the waiver incentive. During the recent cruise line meetings, it was a key element.

Hearing no further comments, the mayor closed the hearing at 8:39 p.m.

Note: The assembly already scheduled the second hearing for 10/27/15. No motion was needed now unless the second hearing date needed to change or some other action was desired.

The mayor explained that staff requested the second hearing be rescheduled; the wording may need to be adjusted.

Motion: **BERRY** moved to "reschedule the second public hearing for 11/10/15," and the motion carried unanimously.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 10/13/15 Report

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

★B. Sheldon Museum – *Director's Report for September 2015*

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * A. Parks & Recreation Advisory Committee Committee-Approved Minutes of 8/17/15
- * B. Port & Harbor Advisory Committee Committee-Approved Minutes of 7/23/15 & 8/27/15
 - C. Tourism Advisory Board Board-Approved Minutes of 8/28/15

JACKSON had a question about a letter referenced in the minutes.

D. Assembly Board Liaison Reports

LAPHAM - Tourism Advisory Board

CASE – Planning Commission

JACKSON – Public Safety Commission

E. Assembly Standing Committee Reports

LAPHAM - Committee of the Whole (Noise Study Presentation)

WATERMAN - Finance Committee

LAPHAM – Government Affairs & Services Committee

10. **UNFINISHED BUSINESS** - None

11. NEW BUSINESS

A. Resolutions

* 1. Resolution 15-10-645

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a construction contract with Island Contractors for the Haines Senior Center Siding Replacement project for an amount not to exceed \$106,250.

The motion adopted by approval of the consent agenda: "adopt Resolution 15-10-645."

B. Ordinances for Introduction

* 1. Ordinance 15-09-422

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.60.010(I) and 18.100.092(A) to be consistent with the State Department Of Environmental Conservation (DEC) on-site wastewater regulations.

The motion adopted by approval of the consent agenda: "introduce Ordinance 15-10-423 and set a first public hearing for 10/27/15 and a second public hearing for 11/10/15."

C. Other New Business

1. Board Appointments

Note: Appointment applications were received for seats on the museum board. The mayor planned to make the appointments and sought assembly confirmation.

<u>Motion</u>: **WATERMAN** moved to "confirm the mayor's appointments to the Museum Board of Trustees: Kelleen Adams for a term ending 11/30/2017 and Gregg Richmond for a term ending 11/30/2016," and the motion carried unanimously.

2. <u>Economic Analysis of Harbor</u> – Discussion Item (requested by Ron Jackson)

Note: This agenda item was requested by Assembly Member Jackson.

JACKSON likes the analysis Petersburg had done and would like to see cost estimates for hiring a consultant to do something similar for the Haines Harbor.

3. Summer 2016 Ferry Schedule

AMHS is seeking comments. The assembly will draft a letter and compose language for a future resolution. The schedule can be accessed through a link at FerryAlaska.com.

HILL said the staff is gathering information for drafting a resolution and comments. There will also be a community letter-writing campaign.

Mayor **HILL** announced she will receive letters of interest until 5:00 p.m., October 23 for appointment to the Minor Offenses Code Review Committee, and the committee members will be announced on October 27.

12. CORRESPONDENCE/REQUESTS

A. Citizen Request for Reconsideration of Ord. 15-06-413 Adopted 9/22/15

(During approval of the agenda, this item was moved up in the agenda ahead of the mayor's report.)

13. SET MEETING DATES - None

14. PUBLIC COMMENTS

DENKER – Suggested the communications class at the school could put together a video to make the borough's ferry comments stand out.

TUYNMAN – 1) Hopes a harbor economic analysis would compare the comprehensive plan and concept 14B, 2) is interested in serving on the minor offenses committee, and 3) believes the Cruise Ship Waiver sends a negative message to the community.

NELSON – Thanked the assembly for reconsidering the minor offenses ordinance and encouraged the assembly to look at the constitution.

JOSEPHSON – Thanked the assembly for reconsidering the minor offenses ordinance. It would be good to expand the committee membership to include local attorneys.

PONSFORD – Thanked **WATERMAN** and **BERRY** for their service on the assembly, and extended his appreciation to the whole group.

GREGG – Said it was a great meeting, and he is impressed by the assembly's understanding of the government process. He thanked **WATERMAN** and **BERRY** for their work on the assembly.

ALTEN - Thanked WATERMAN and BERRY for their service.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

LAPHAM – Said it has been an honor to serve alongside **WATERMAN** and **BERRY**. She welcomed the incoming assembly. It's not an easy job but can be extremely rewarding. The ultimate goal is the betterment of the community, and the assembly genuinely cares.

JACKSON – 1) Congratulated the two new members, and 2) he is really impressed by the work the community did regarding the minor offenses ordinance.

CAMPBELL and **CASE** – Thanked **BERRY** and **WATERMAN** for their service.

BERRY – He has enjoyed his time serving the public but circumstances in his life have made it so he can't serve anymore. He appreciated the public's votes for him and he may be back.

WATERMAN – Said it has been a challenge and she is always learning. It's been fun for the most part, and she may return.

16. ADJOURNMENT – 9:25 p.m.

Motion: WATERMAN moved to "adjourn the m	neeting," and the motion carried unanimously.
ATTEST:	Janice Hill, Mayor
Julie Cozzi, MMC, Borough Clerk	

Haines Borough Borough Assembly Meeting Election CANVASS October 13, 2015 MINUTES



THIS WAS A <u>SPECIAL MEETING</u> HELD SOLELY FOR THE PURPOSE OF CANVASSING THE RESULTS OF THE OCTOBER 6, 2015 GENERAL MUNICIPAL ELECTION. NO OTHER BUSINESS WAS DISCUSSED.

- 1. <u>CALL TO ORDER</u>: Mayor Janice **HILL** called the election canvass to order at 6:00 p.m. in the Assembly Chambers of the Public Safety Building and led the pledge to the flag.
- 2. <u>ROLL CALL</u>: Present: Mayor Janice HILL, and Assembly Members Ron JACKSON, Mike CASE, Joanne WATERMAN, Diana LAPHAM, and Dave BERRY (arrived late).

Staff Present: Julie COZZI/Borough Clerk, Robert GRIFFITHS/Interim Chief of Police, and others.

Visitors Present: Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS Margaret **FRIEDENAUER**, Dana **HALLETT**, Tresham **GREGG**, Audrey **SMITH**, Mike **DENKER**, and others.

3. CANVASS - October 6, 2015 General Municipal Election:

COZZI presented the Borough Clerk's written election canvass report and explained her recommendations. She reported 5 of the 41 by-mail ballots were not returned and 4 returned ballots were invalid because the voter certification was not executed. 28 qualified ballots were returned by Election Day and counted that night. That left 4 by-mail ballots to be counted during the canvass. Two of the 11 by-fax ballots were not returned, but the remaining 9 are eligible. Of 16 questioned or uncounted ballots, 4 were disqualified because the voters were not properly registered, per the Division of Elections. The remaining 12 ballots are valid and may be counted by the assembly during this canvass.

Absentee-by-Mail: 4
Absentee-by-Fax: 9
Questioned/Uncounted Ballots: 12
Total: 25

<u>Motion</u> by **WATERMAN** to "accept the Borough Clerk's Election report and recommendations regarding ballots to be counted during the October 6, 2015 Election Canvass," and the motion carried unanimously.

Clerk **COZZI** delivered to Mayor **HILL** the 25 ballots to be counted and assisted her with the opening of each ballot envelope. Then, **HILL** read aloud each vote with **COZZI** observing. Two teams tallied: 1) **JACKSON/WATERMAN** and 2) **LAPHAM/CASE**.

Following the counting, Mayor **HILL** called for a very brief recess to enable **COZZI** to complete the October 6, 2015 Election totals to be read into the record.

Following the recess, COZZI read the final election results into the record, as follows:

BOROUGH ASSEMBLY	
FRIEDENAUER	<u>649</u> - WINNER
GREGG	<u>430</u> - WINNER
LAPP	<u>418</u>
OTHER, WRITE-INS	<u>4</u>

CHAPELL574- WINNER (x-year term)GROSS662- WINNER (x-year term)WILSON593- WINNER (x-year term)

OTHER, WRITE-INS _<u>26</u>

4. ADJOURNMENT – 6:22 pm

<u>Motion</u>	by	WATERMAN	to	"adjourn	the	October	6,	2015	Election	Canvass,"	and	the	motion	carried
unanimo	usly													

	Janice Hill, Mayor	
ATTEST:		

Haines Borough Assembly Agenda Bill

Agenda Bill No.:15-602
Assembly Meeting Date: 10/27/15

Business Item Des	cription:		Attachments:				
Subject: Certification of C	October 7, 2014 Borough	h	Official October 6, 2015 Election Results Report of Election Day Tally				
Election Results							
Originator:		3. Report of Canvass 4. Certification Docu	ment (to be signed following				
Borough Clerk			vered to those persons elected)				
Originating Departmen Administration	t:						
Date Submitted:							
10/14/15							
Full Title/Motion:							
Motion: Declare the Octob	er 6, 2015 Borough Ele	ction va	alid and certify the elec	ction results			
	, 3		,				
Administrative Rec	ommendation:						
Administrative Rec	ommendation.						
Fiscal Impact:				Drainated Impact to Future			
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future Operating Budgets			
\$ N/A	\$	\$					
0 I : DI		•					
Comprehensive Pla Comp Plan Goals/Object		eview	':				
Comp i lan Godis/ Object			Consistent: Yes	s 🗆 No			
Summary Stateme	nt:						
On October 13, 2015, the b	oorough assembly serve	ed as th	e canvass board for th	ne October 6, 2015 Haines Borough			
Election and tallied 25 valid	d uncounted ballots to d	etermin	ne the final outcome of	each race. Per HBC 11.48.040, at the			
				y orders an investigation or unless a shall declare the election valid and			
certify the election results.							
	3		,				
Referral:							
Referred to:			Referral Date:				
Recommendation:				Meeting Date:			
Assembly Action:							
Meeting Date(s): 10/27/	15		Public Hearing Da	te(s):			
			Postponed to Date:				

Haines Borough General Elec	tion				6	27 valid ball	ots cast at the pol	ls on Election	n Day		
October 6, 2015											
Official Results	5				8	186 absentee ballots counted on Election night 25 questioned & absentee counted during canvass 838 total valid ballots cast (38% of 2228 registered voters) [Note: 2014 -1051 valid ballots cast or 47% of 22]					
	Haines #1 Precinct 33-545	Haines #2 Precinct 33-550	Absentee Ballots counted 10/6	TOTAL Counted Election Night	Canvassed on 10/13	Final Vote Total					
Race #20 - Borough Assembl	<u>y</u> (two vaca										
Margaret Friedenauer	440	38	151	629	20	649	Winner				
Tresham Gregg	274	30	107	411	19	430	Winner				
Jerry Lapp	296	33	82	411	7	418					
Write-in	2	0	2	4	0	4					
Total Votes Cast Race #20	1012	101	342	1455	46	1501	ı.				
Page #20 Sahaal Paged (the	no vocencie	20)									
Race #30 - School Board (thro Sara C. Chapell	379	41	138	558	16	574	Winner, 2-yr t	orm			
Inez Gross	467	46	138	651	11	662	Winner, 2-yr t	em			
Mike Wilson	413	42	123	578	15	+	Winner				
Write-in	22	XX	2	24	2		William C.				
Total Votes Cast Race #30	1281	129	401	1811	44						
Notes:											
The Election was Canvassed on	October 13. 2	015									
2) The Election Results will be Certi			ctober 27, 20	15.							
3) New terms begin immediately foll	owing Electio	n Certification	٦.								

HAINES BOROUGH OFFICIAL REPORT OF ELECTION DAY RESULTS

October 6, 2015 General Municipal Election

The tally below is a true record of votes cast and counted in the Municipal Election held in Polling Places for 33-545/33-550 on **Oct. 6, 2015**.

Precinct	545	550	AB	Total					
Borough Assembly									
Margaret Friedenauer	440	38	151	629					
Tresham Gregg	274	30	107	411					
Jerry Lapp	296	33	82	411					
Write-in	2	0	2	4					
Total Votes Cast	1012	101	342	1455					
School Board									
Sara C. Chapell	379	41	138	558					
Inez Gross	467	46	138	651					
Mike Wilson	413	42	123	578					
Write-in	22	0	2	24					
Total Votes Cast	1281	129	401	1811					

The tally of votes at both precincts was completed between the hours of 8:00 p.m. and Midnight on October 6, 2015. Respectfully Submitted:

Julie Cozzi, MMC, Borough Clerk

HAINES BOROUGH

October 6, 2015 General Municipal Election 10/13/15 ELECTION CANVASS

The tally below is a true and accurate record of all votes cast in the Haines Borough General Election held on October 6, 2015.

BOROUGH ASSEMBLY					
FRIEDENAUER	ELECTION	<u>629</u>	CANVASS	<u>20</u>	TOTAL <u>649</u>
GREGG	ELECTION	<u>411</u>	CANVASS	<u>19</u>	TOTAL <u>430</u>
LAPP	ELECTION	<u>411</u>	CANVASS	_7	TOTAL <u>418</u>
WRITE-IN	ELECTION	_4	CANVASS	_0	TOTAL <u>4</u>
SCHOOL BOARD					
CHAPELL	ELECTION	<u>558</u>	CANVASS	<u>16</u>	TOTAL <u>574</u>
GROSS	ELECTION	<u>651</u>	CANVASS	<u>11</u>	TOTAL <u>662</u>
WILSON	ELECTION	<u>578</u>	CANVASS	<u>15</u>	TOTAL <u>593</u>
WRITE-IN	ELECTION	24	CANVASS	_2	TOTAL <u>26</u>

I CERTIFY THE CANVASS OF VOTES WAS COMPLETED BETWEEN THE HOURS OF 5:00 P.M. AND 8:00 P.M. ON TUESDAY, OCTOBER 13, 2015.

Julie Cozzi, MMC, Borough Clerk

Haines Borough CERTIFICATE OF ELECTION

Pursuant to HBC 11.48.040, the undersigned members of the Haines Borough Assembly do hereby certify the following results of the Haines Borough General Municipal Election held on October 6, 2015 and canvassed on October 13, 2015:

Assembly Seat, term ending October 2018 - Margaret Friedenauer

Assembly Seat, term ending October 2018 - Tresham Gregg

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 15-599
Assembly Meeting Date: 10/27/15

Business Item Des	cription:		Attachments:				
Subject: FY16 Budget Ar	nendment Ordinance #1	1	 Ordinance 15-09-421 Budget Amendment Worksheet Finance Committee Recommendation 				
Originator:			o. i manoc committe	o recommendation			
Borough Manager Originating Department	 t:						
Administration							
Date Submitted: 9/14/15							
Full Title/Motion:							
Motion: Adopt Ordinance	15-09-421.						
Administrative Rec	ommendation:						
The borough manager red	commends these budge	t amen	dments.				
Fiscal Impact:							
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future Operating Budgets			
\$ see ordinance	\$ see ordinance	\$ see	e ordinance				
Comprehensive Pla	n Consistency Re	eview	<i>'</i> :				
Comp Plan Goals/Object	tives:		Consistent: ■Yes □No				
Summary Statemer	nt:						
exemption for the Veteran's Secure Rural Schools, the the Community Jail contract funds for purchase of a cop based on recommendation hours back to FY15 levels	s Home, 2) eliminate fed borough will not receive ct with the state to reflect pier to be located at the s from the Interim Chief as a result of restored Co e, and 7) increase dispar gement audit & to adjust	deral tire federal tire federal the fire administration and the communities of the community of the communit	nber receipts; due to Cal timber receipts in FY hal contract amount, 4) stration building, 5) ince police management anity Jails funding from erating budget based or	sed on final certified tax roll & a CPE congress' two-year reauthorization of 16, 3) increase budgeted revenue for appropriate \$15,000 of CIP sales tax rease the police operating budget audit, 6) increase dispatch payroll the state & to adjust the resulting in recommendations from the Interimich expense.			
Referral:							
Referred to: Finance Co			Referral Date:				
Recommendation: Reco	ommends Adoption (see	attach	ed report) \(\lambda	Meeting Date: 10/13/15			
Assambly Action:							

Meeting Date(s): 9/22, 10/13, 10/27/15

Public Hearing Date(s): 10/13, 10/27/15

Postponed to Date:

Draft

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY16 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

- Section 1. Classification. This ordinance is a non-code ordinance.
- Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.
- Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2015 through June 30, 2016.
- Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY16 budget as follows:

	16 property tax revenues based on the steed Living Veteran's Home.	ne final certified	tax roll and a	CPE exemption					
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*					
01-01-09-4011	Property Tax – Areawide General	\$1,674,000	\$1,694,452	\$20,452					
02-01-09-4011	Property Tax – Townsite Service Area	403,000	411,911	8,911					
25-01-00-4021	Property Tax – Fire Dist. #1	191,000	194,381	3,381					
25-02-00-4021	Property Tax – Fire Dist. #2	31,908	31,600	(308)					
75-01-00-4021	Property Tax – Library Bond	14,100	14,219	119					
76-01-00-4021	Property Tax – 2005C School Bond	384,768	388,366	3,598					
76-02-00-4021	Property Tax – 2015 School Bond	24,450	24,687	237					
Total increase in projected property tax revenues \$36									
reauthorization	(2) To eliminate federal timber receipts from the FY16 budget. Due to Congress' two-year reauthorization of the Secure Rural Schools and Community Self-Determination Act the Borough will not receive federal timber receipts in FY16.								
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*					
01-01-09-4534	Federal Timber Receipts	\$50,000	\$0	(\$50,000)					
(3) To increase budgeted revenue for the Haines Regional and Community Jail contract with the state of Alaska to reflect the final contract amount.									
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*					
02-02-00-4342	State Revenue	\$117,046	\$219,734	\$102,688					
	ate \$15,000 of Capital Improvement Pr	oject sales tax f	unds for purch	ase of a copier					
			Proposed	Fund Balance					
		Current FY16 Budget \$0	FY16 Budget	Increase / (Decrease)*					

Haines Borough Ordinance No. 15-09-421 Page 2 of 3

(5) To increase the police operating budget based on recommendations from the Interim Chief and the police management audit.

		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
02-02-00-7325	Dues & Subscriptions	\$1,150	\$1,200	(\$50)
02-02-00-7334	Travel & Per Diem	7,500	15,500	(8,000)
02-02-00-7335	Training	4,300	6,300	(2,000)
02-02-00-61XX	Police Payroll Expense	404,818	414,818	(10,000)
Total increase to police department expenditure				

(6) To increase dispatch payroll hours back to FY15 levels as a result of restored Community Jails funding from the State of Alaska and to adjust the resulting allocated dispatch expense to police, ambulance, and fire.

		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-02-50-6110	Dispatch Wages	\$197,199	\$205,749	(\$8,550)
01-02-50-6115	Dispatch Employee Burden	61,517	63,786	(2,269)
01-99-00-8106	Allocations OUT from Dispatch	(346,482)	(357,301)	10,819
02-99-00-8106	Dispatch Allocation -to Police	211,354	217,914	(6,560)
20-99-03-8106	Dispatch Allocation -to Ambulance	67,564	69,694	(2,130)
25-99-01-8106	Dispatch Allocation -to FD#1	64,074	66,203	(2,129)
		Total increase to	dispatch payroll	(\$10,819)

(7) To increase the dispatch operating budget based on recommendations from the Interim Chief and the police management audit and to adjust the resulting allocated dispatch expense to police, ambulance, and fire.

		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-02-50-7211	Supplies & Postage	\$2,150	\$2,300	(\$150)
01-02-50-7230	Material & Equipment	1,000	2,000	(1,000)
01-02-50-7241	Computers & Peripherals	800	1,200	(400)
01-02-50-7312	Professional & Contractual	15,135	23,000	(8,000)
01-99-00-8106	Allocations OUT from Dispatch	(357,301))	(366,851)	9,550
02-99-00-8106	Dispatch Allocation -to Police	217,914	223,740	(5,826)
20-99-03-8106	Dispatch Allocation -to Ambulance	69,694	71,556	(1,862)
25-99-01-8106	Dispatch Allocation -to FD#1	66,203	68,065	(1,862)
	(\$9,550)			

^{*} A positive amount in this column is favorable. A negative amount is unfavorable.

Haines Borough Ordinance No. 15-09-421 Page 3 of 3

DAY OF	, 2015.	ORUM OF THE	E HAINES BOROUGH	ASSEMBLY	IHI
ATTEST:			Janice Hill, Mayor		_
Julie Cozzi, MMC, Boro	ugh Clerk				
Date Introduced: Date of First Public Hearing: Date of Second Public Hearing:	09/22/15 10/13/15 10/27/15				

HAINES BOROUGH

Proposed Amendments to the FY16 Budget - Ordinance #15-09-421



HASKE	A SO THE SECOND	See	S. S	No. No. of the State of the Sta	to the less than	ERESS INTERPRET	s Stale of the stale of the sta	ø
FUND	01	02	20	50	25	75	76	
Unaudited FundBalance as of 06/30/2015 \$	2,827,849	1,486,459	121,184	1,552,456	47,279	1,123	5,549	
FY16 Adopted BUDGET Excess Revenue Over (Under) Expense	12,190	(95,267)	(4,506)	(216,138)	(4,785)	(48)	-	Totals
Proposed Amendments:								-
Correct Property Tax Based on Final Bills	20,452	8,911	-		3,073	119	3,835	36,390
2. Remove Forest Receipts	(50,000)							(50,000)
3. Increase to Community Jails Contract		102,688						102,688
4. Purchase copier				(15,000)				(15,000)
5. Increase to Police Operating Expense		(20,050)						(20,050)
6. Increase dispatch payroll hours		(6,560)	(2,130)		(2,129)			(10,819)
7. Increase items in dispatch operating budget		(5,826)	(1,862)		(1,862)			(9,550)
								-
PROPOSED Excess Revenue Over (Under) CASH Expense	(17,358)	(16,104)	(8,498)	(231,138)	(5,703)	71	3,835	33,659
Proposed Fund Balance 06/30/2016 \$	2,810,491	1,470,355	112,686	1,321,318	41,576	1,194	9,384	33,659
Annual Operating Budget Projected Fund Balance as % of Operating Budget Amount in excess of 6 months of operating budget	4,844,429 58% 388,277	1,080,462 136% 930,124						

Finance Committee Meeting 10/13/2015

Called to order 5:30pm in the Assembly Chambers

Review of line item budget amendments Ordinance 15-09-421

Chair: Joanne Waterman

Committee: Ron Jackson, Mike Case

Ex Officio: Mayor Jan Hill

Staff: Jila Stuart CFO, Chief Robert Griffiths, Julie Cozzi Clerk

Audience: Margaret Friedenauer, Tresham Gregg, Dana Hallett

Report: Diana Lapham

Committee reviewed line by line this draft budget amendment ordinance with the explanations provided by Jila Stuart CFO.

Recommendation to the Assembly:

Adopt 15-09-421

M/S Ron Jackson, Mike Case

Vote 3-0 Unanimous

Meeting has been recorded and is on file at the Borough Administration office. This report records only actions.

Meeting Adjourned: 5:50pm

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 15-601
Assembly Meeting Date: 10/27/15

Business Item Des			Attachments:		
Subject: Amend Code re	Installation of Onsite Se	eptic	1. Ordinance 15-10-423		
Systems to be Consistent	with ADEC Regulations	3	2. Planning Commiss	sion Recommendation	
Originator:					
Planning Commission Originating Department:					
Originating Department.					
Date Submitted:					
8/13/15					
Full Title/Motion:					
The assembly already sch	eduled the second hear	ring for	11/10/15 No motion is	needed now unless the second	
hearing date needs to cha				Thecaea flow affices the second	
Administrative Rec					
The Borough Manager red	commends adoption.				
Fiscal Impact:					
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future	
\$0	\$0	\$ 0		Operating Budgets N/A	
D D D D D D D D D D	\$ 0	\$ 0		IN/A	
Comprehensive Pla	n Consistency Re	eview	':		
Comp Plan Goals/Object	tives:				
			Consistent: ■Yes □No		
Summary Statemer	nt:				
(d), installation of a conven of ADEC approval is requir reviewed the borough code	ational septic system doe ed before the borough of and recommends the a ough approval with the	es not r can gra assemb	equire plan approval by nt construction authorizely amend it to be consi	e borough that, per 18 AAC 72.035 y ADEC, but borough code says proof cation. The planning commission stent with ADEC's published eatment design from a licensed	
Borough staff reviewed the	recommendations and	has no	concerns.		
Referral:					
Referred to:			Referral Date:		
Recommendation:				leeting Date:	
Assembly Action:					

Meeting Date(s): 10/13, 10/27/15

Public Hearing Date(s): 10/27, 11/10/15

Postponed to Date:



An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.60.010(I) and 18.100.092(A) to be consistent with the State Department Of Environmental Conservation (DEC) on-site wastewater regulations.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

- Section 1. <u>Classification</u>. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.
- Section 2. <u>Severability</u>. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.
- Section 3. <u>Effective Date</u>. This ordinance is effective upon adoption.
- Section 4. <u>Amendment of Subsection 18.60.010(I)</u>. Subsection 18.60.010(I) of the Haines Borough Code is hereby amended as follows:

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

18.60.010 General approval criteria.

I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design plans drawn by an engineer licensed in the State of Alaska or a state certified septic system installer prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector an engineer licensed in the State of Alaska or a state certified septic system installer.

When public sanitary sewer and/or water service becomes available, the developer will be required to connect to the public utility within six months.

Section 5. <u>Amendment of Subsection 18.100.092(A0</u>. Subsection 18.100.092(A) of the Haines Borough Code is hereby amended as follows:

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

Haines Borough Ordinance No. 15-10-423 Page 2 of 2

18.100.092 Requirements prior to final plat approval

A. Utilities.

Date of First Public Hearing:

Date of Second Public Hearing:

- 1. Water and Sewer. The subdivider, at the subdivider's own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC 18.100.125 in order to have authorization to proceed to a final plat procedure.
- 2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design plans drawn by an engineer licensed in the State of Alaska or a state certified septic system installer prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector an engineer licensed in the State of Alaska or a state certified septic system installer.

When public sanitary sewer and/or water service becomes available, property owners will be required to connect to the public utility within six months.

ADOPTED BY A DUL DAY OF		OF THE HAINES BOROUGH ASSEMBLY THIS
ATTEST:		Janice Hill, Mayor
Julie Cozzi, MMC, Bo	prough Clerk	
Date Introduced:	10/13/15	

10/27/15

11/10/15



DATE: August 13, 2015

TO: Haines Borough Assembly

FROM: Haines Borough Planning Commission

Re: On-Site Wastewater System in HBC 18.60.010(I) and HBC

18.100.092(A)

PLANNING COMMISSION ACTION:

<u>Motion:</u> Miller moved to "recommend the Assembly adopt the draft ordinance as amended." Heinmiller seconded it. The motion carried 6-0 with Venables absent.

RATIONALE:

In June of 2015, the Borough received a building permit application from property owner Mr. James Stickler for the construction of a single family residence. The proposed site is beyond the Borough public sewer system. Per Haines Borough Code 18.60.010(I), "no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities... If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector".

However, DEC acknowledged that installation of a conventional system does not need a plan approval, per 18 AAC 72.035(d). Mr. Stickler's building project was put on hold due to lack of "DEC approval of the on-site wastewater system design". Staff determined that the Borough code needs to be amended due to the inconsistency with the DEC's published regulations.

DEC has two pathways for on-site system approval:

The first pathway is available to licensed professional engineers, certified installers and certified homeowners. This pathway is essentially a "permit by rule" application. For specific systems of certain sizes and applications, these three categories of installers can essentially notify DEC to install a system, and then provide system documentation after the installation of the system. This can only happen if all of the requirements of the regulation are met (18 AAC 72.035(d)). In these cases, DEC does not issue pre-approval,

review of the design, or inspection of the construction. While this approach may not be applicable everywhere in Haines Borough, it is an available approach, and DEC are bound to honor all who qualify to take advantage of it. The evidence that an applicant has properly participated in the process will only occur after the system is installed and operating by their Documentation of Construction being submitted to DEC and it being entered into a database.

The second approach is more deliberate. For systems that cannot conform to the requirements in 18 AAC 72.035(d), they must be designed by a licensed professional engineer and submitted to DEC for plan review and construction approval prior to construction. In this case, an applicant could show the Haines Borough a construction authorization issued by DEC. These authorizations are valid for only two years from the date of issuance, unless extended in writing by DEC. The Borough should not consider a construction authorization dated beyond two years as still valid without additional written extensions. Once a system has been installed, the applicant will request an Approval to Operate from DEC.

During the August 13 Planning Commission, Miller suggested the code be amended to allow approval with the submission of a wastewater treatment design from a licensed engineer or certified installer. The other commissioners agreed.

PLANNING COMMISSION REQUEST:

❖ for the Borough Assembly to amend HBC 18.60.010(I) to read:

I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to onsite wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design plans drawn by an engineer licensed in the State of Alaska or a state certified septic system installer prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector an engineer licensed in the State of Alaska or a state certified septic system installer.

When public sanitary sewer and/or water service becomes available, the developer will be required to connect to the public utility within six months.

for the Borough Assembly to amend HBC 18.100.092(A) to read:

A. Utilities.

- 1. Water and Sewer. The subdivider, at the subdivider's own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC 18.100.125 in order to have authorization to proceed to a final plat procedure.
- 2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to onsite wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design plans drawn by an engineer licensed in the State of Alaska or a state certified septic system installer prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector an engineer licensed in the State of Alaska or a state certified septic system installer.

When public sanitary sewer and/or water service becomes available, property owners will be required to connect to the public utility within six months.

SUBMITTED BY

Lee Heinmiller

Planning Commission Vice-Chairman

(signature)



MANAGER'S REPORT

DATE: October 27, 2015

TO: Mayor and Borough Assembly FROM: David B. Sosa, Borough Manager

BOROUGH ADMINISTRATION MISSION

Under the guidance and direction of the Borough Assembly, the mission of the Haines Borough Administration is to deliver critical and desired services; to protect the safety and well-being of the community; and to create conditions for a vibrant, sustainable economy that enhances and safeguards quality of life

Manager's Comments:

2016 Ferry Schedule: On this week's agenda are items related to 2016 Ferry Schedule. This item was discussed in the last meeting and for this meeting the staff have produced a DRAFT letter and a resolution for the Assembly's consideration. Additionally, a form letter was produced and we are encouraging residents to print and sign and provide a copy of their signed letter so that the Mayor can give these to representatives of the ADOT when they come to Haines. This current schedule is available at this link: http://www.dot.state.ak.us/amhs/share/schedule/considerations.pdf and can also be viewed at http://www.hainesalaska.gov/tourism/2016-ferry-schedule. As a reminder AMHS proposes a reduced schedule for the summer 2016 that has the potential to significantly impact business in the Upper Lynn Canal. A teleconference to hear comments and consider adjustments is scheduled for Wednesday, November 4, 2015 at 10:00 a.m. for Southeast Alaska schedules and 1:30 p.m. for Southwest and Southcentral Alaska schedules. The meeting will be held in Ketchikan at the Marine Engineering Facility 7037 North Tongass Highway for participants wishing to attend in person. The toll free number to number to participate in either teleconference is: 1-800-315-6338 or skype: 1-800-315-6338 FREE, conference code 03902#. Full details are available here: http://dot.alaska.gov/comm/pressbox/arch_2015/PR15-2553.shtml

<u>Economic Development Position:</u> Following feedback from the Commerce Committee meeting of 21 October 2015, the Manager will be meeting with representatives from the Haines Chamber of Commerce to produce a feasibility study for developing a Haines Economic Development Council. More to follow.

Local Bidder Preference: Several meetings ago the subject of local bidder preference was brought up and I informed the Assembly that a report would be provided at the 27 October meeting. This week's Agenda has information related to what steps other municipalities have taken with respect to local bidder preference. After reviewing this information and In line with my prior recommendation I recommend that the Assembly direct the Manager to have staff revise the local bidder preference to set a threshold of 5% and that such notice should be reflected in RFP's/Q's issued by the Borough. Additionally, the section should be clarified so that the percent difference is calculated as the percent difference between the low bid and the lowest local bidder submission. Finally, the Manager does not recommend making this a mandatory preference as there are instances, particularly with certain grant programs, where local bidder preferences are not permitted.

Haines Highway Improvements: The Alaska Department of Transportation and Public Facilities (DOT&PF), in partnership with the Federal Highway Administration (FHWA), is proposing a project to upgrade the Haines Highway to current standards from Milepost (MP) 3.5 to 25.3. The Haines Highway, a designated Scenic Byway, connects the communities of Haines, Alaska and Haines Junction, Yukon Territory. This highway is one of two major highways out of the Southeast Alaska region, and is also an important international transportation system, as it connects the Alaska Marine Highway System in Haines with Canada. There will be a public involvement meeting in the Haines High School on Wednesday 28 October from 5:30 to 8:30. Details can be found at http://dot.alaska.gov/sereg/projects/haines_hwy/

Facilities & Public Works: (See Attached Spreadsheet)

Finance:

Property Tax -Second half property tax bills are due December 1. Staff is preparing to send out reminders to the roughly 1200 tax payers with a balance remaining on their 2015 property tax bills.

Budget Town Hall - The finance department has begun work with the Manager to coordinate a Budget Town Hall Meeting for January 2016 to kick off the FY17 budget development process. This will be a chance for the community to come together to offer input regarding budget priorities and process.

WWTP Financing - The finance department is beginning work with Public Facilities to make an application to USDA for grant funding for Wastewater Treatment Plant Upgrades.

Library:

HBPL was invited to participate in the StoryCorps @ Your Library project with the Juneau Public Library. To date, 20 oral histories on the theme of Alaska Native educational experiences have been recorded. Thirteen of these recordings were from Haines and Klukwan. The recorders from Juneau said, "It has been a culturally rich and transformational listening experience and we are looking forward to sharing many of the stories at the upcoming Clan Conference, Sharing our Knowledge, in Juneau on October 29th, 30th and 31st." Lieutenant Governor Byron Mallot graciously agreed to record a public service announcement about the project which has played on KTOO and KHNS.

On October 20 and 21, the library hosted the third Cultural Exchange program as part of their Native American Library Services Enhancement grant project. During the two day event, presenters and participants came from Hoonah, Juneau, Haines Junction, Carcross, and Whitehorse. Presentations included Tagish Stories, Songs and Prayer; History and Connections from the First Nations; Weaving and Storytelling; Understanding Tlingit Placenames; Gei San dancers; and a performance by Vision Quest, a First Nations Hip Hop group from Whitehorse. The event was planned to celebrate the launch of the Storyboard Online Game developed by Erik Stevens as a major part of our current project. Over 450 people participated in the forums and events over the two days.

The Ikaduwakaa Project aims to utilize skills and resources of the 21st Century to learn, experience, and preserve Tlingit ways of knowing.

We invite and encourage participation in the project. The game encourages users to learn more about and share knowledge of local place names while earning rewards and prizes through the online game or by actual field trips to the locations.

Museum: NSTR

Police: (See Attached Report)

Ports & Harbors:

The staff held a Town Hall at the Chilkat Center on 22 October during which they reviewed major milestones of the past season and updated those present on the status of the Small Boat Harbor plan. Annual moorage and waitlist payments are being processed, they are having Delta Western fill our fuel tanks for the winter while also winterizing and getting ready for the cold.

Tourism:

Conferences: Tourism Director, Leslie Ross attended the Alaska Tourism Industry Association conference in Juneau the first week of October. It was a good chance to re-cap with Cruise representatives, meet with smaller cruise lines, and Alaska peers. The Conference had the first Arts and Cultural session before the main conference which was extremely well done. ATIA voted to add an Arts and Culture Chapter to their organization, Leslie Ross will be trying to a part of this as Haines is known region wide for our local talent and Tlingit culture.

Ross will be attending the Alaska Media Road Show the first week of November. She has 28 media meetings set up for the two days, as well as meetings with Alaskan organizations. This conference in past years is one of the best organized events in Alaska Tourism partially sponsored by the State. We received about 5 articles stemmed from last year's meetings.

TAB: The Tourism Advisory Board is focusing on Title V, attempting to clean up the chapters and tackle Minor Offenses. We have had one workshop so far and another planned in November.

Picture Point: Ross has passed a lot of the physical work and planning over to Brad Ryan and is very happy with the progress. We have finished the beach access trails, and are moving forward with bids for stairs to beach access, a covered pavilion, picnic benches and bbqs, trashcans and the Welcome Sign.

Alaska Marine Highway: Ross has been creating a letter on behalf of the Borough to address the 2016 draft schedule and is working with the Chamber to create a letter writing campaign.

Events: The Tourism Department is working with Freeride World Tour and the TIA Yukon to plan these two upcoming events in March and April. Helping plan travel logistics, lodging, venue, and food and beverage.

	Ongoing Public Works and Facilities Projects						
Item	Planning Lead	Scheduled Start Date	Scheduled Completion Date	Status	Remarks	Other	
VocEd Building	Facilities	Last week of May	Final Completion October 16th 2015			Change orders to this date total \$81k, mostly for additions to the scope of work, some due to unanticipated conflicts. Class was able to be held on 8-19-15.	
Allen Road	w/s	May 1 (delayed due to Dec-SEE REMARKS)	15-Aug		Project is essentially complete lacking only some close out paperwork and final payment. As built drawings have been submitted.	Change order being developed to cover cost of additional work and material added to improve subgrade in bad areas. Site was visited and documents were reviewed by EPA reps. CONSTRUCTION IS COMPLETE. NEED CLOSE OUT PROCESS, AS BUILTS, ETC. Final CO has been processed and as built drawings are being finished by CD	
School Roof Project	Facilities	NET 7 June	Finished-but leaking		Silverbow is scheduled to return to Haines the week of Oct 25th to address some leaks we feel are associated with some of the work.	Change order issued to have roof over the newer school inspected, some problem areas were identified and will be addressed in the CO. An completion extension may be required at some point. WILL START SEP 1 AND WILL LAST 10 DAYS	
Sledding Hill	Facilities	In progress	Complete		White Rock Completed stump removal all we need now is snow		
Piedad Water Transmission Line Replacement	w/s	Project will be bid in the normal fashion, does not meet "emergency" criteria.	TBD			Engineer and others walked and climbed the site to determine best building location and pipe route. Property owned has agreed to sign a use agreement until final sale goes through. Property final sale is delayed to the platted lot size being smaller than allowed by borough code. Options being explored at this time.	
Summer Road Maintenance	PW	Started	Through Oct		Road maintenance matrix currently being updated	Beach road and Soap Suds alley chip sealed. Additional D1 and grading taking place through out the town site road system. COMPLETE FOR SUMMER. NEW MAP DUE BY 27 AUGUST	
Picture Point	Tourism	In progress	Ongoing		Contracts are in place to construct a Gazebo, Stairs, and bridge.	Met with this committee July 6, 2015, agreement that phased project with trails first is the best way to proceed. RFP for trail, log parking barrier and grass seeding closes August 13, if an acceptable Proposal is presented work should begin by last week in August. RFP PLACED FOR GRASS PLANTING, LOG PARKIGN BARRIERS, 60-70 FOOT TRAIL TO BEACH ON SOUTH SIDE. SRI was the only proposer, work was awarded and will start next week.	
Waste Water Treatment Facility	w/s				1	Working to coordinate with pellet grant folks and building designers to accommodate pellet heat with oil backup. Design continues with the hope of putting out to bid this fall. If the grant is not received fund will be a problem.	
Public Safety Building/Jail Cells:	Facilities		Complete		Heating upgrades are complete, new jail toilets and other maintenance and upgrades are under way by borough staff.	Installing new toilets in two cells and ventilation system in crawlspace. Working on better ventilation in the upstairs server room as directed by IT. PF office moved from temp. trailer into former space.	
Small Boat Harbor Expansion	Harbormaster				95% documents presented and under review		
Letnikof Float repair	Harbormaster	NLT mid Jul	NLT Late July		Work completed with little complication	Work completed slightly ahead of schedule after minor alignment adjustment. CO for additional work totals approximately \$19k. Project still under estimated cost.	
Excursion Inlet Bridge	EconDev						
School Renovation Completion Project Repeater Station					Kyle Sinclair and Assoc. Explored the repeater station issues and provide and assessment, several deficiencies were identified and corrected, the antenna was determined to be the major cause of trouble.	Receive a quote from APT to provide and install new cable and antenna. We are currently using APT's area wide antenna to provide communication to the upper valley. New equipment has been ordered and will be installed by APT as soon as it shows up.	
Haines Senior Center, siding , windows, doors	Facilities	TBD			Contractor was issued a contract and work is pending with a completion date of no later than 15 July 2016.	Bid ready documents to be delivered before September 15th, Should be out to bid shortly after that with construction to start mid OCT weather permitting. Substantial completion will be next June 1, 2016 in case we have a harsh early winter.	
Mathias-Lutak sewer improvement project	W/S	August 17 start date	30-Aug		Clearing and grubbing underway this date, material is on site and pipe install to start on Aug. 17		
Roll on Roll off ramp at Lutak Dock	harbors	tbd			Air leak discovered at the RORO 7-9-2015 , Temporary patch installed. Ramp is severely degraded, replacement needs to be considered in the near future.	Discussion with Western Marine to make permanent repair underway.	
Museum Design Contract ?????				· · · · · · · · · · · · · · · · · · ·			
Swimming Pool Locker Room Leak	Facilities	October 21st 2015	October 31st 2015		Ed Bryant and his crew have begun investigations to prevent a water leak from passing through the floor into the girls high school locker room. They have identified one leak and plan to repair the leak and continue further investigations if necessary.		



HAINES BOROUGH

POLICE DEPARTMENT PO BOX 1209 HAINES, AK 99827-1209

Phone 907-766-2121, Fax 907-766-2190

Robert Griffiths Interim Chief of Police

Date: October 15, 2015

To: Dave Sosa, Borough Manager

From: Bob Griffiths, Interim Chief of Police

CC: Julie Cozzi, Borough Clerk

RE: HBPD Manager's Report

Personnel:

Officer Rutland continues his Field Training with Officer VanSpronsen. We intend to offer the current vacant Police Officer position to Steven Annetts, a very experienced officer currently working in Wyoming. Hopefully he will accept the offer and join our ranks in the near future.

Records Management:

Police document conversion is ongoing. We will be fine-tuning the process and procedure in the next few weeks while our IT consultant is in town.

We are still in the process of assisting the clerk with proposed changes to the document retention schedule and in identifying Police Records that can be destroyed following Assembly approval.

Jail:

Our replacement stainless-steel toilet is currently being installed by Facility Maintenance. They've completed the new in-floor heating system for the jail cells and it is performing very well. We will be installing new radiators in Dispatch and, at a later time, two other office areas to improve heating. DOC was in Haines on October 6th for an audit of the facility. The process took most of the day but was very positive. Corrections noted and approved of the recent maintenance and general clean-up of the facility. They also found nearly all of our policies and procedures were in compliance with state and federal regulations. A few areas for improvement were noted, primarily with clarifying policies to reflect recent changes in regulations. These will be documented, and specific language provided, in their final report, which is *not* expected in the near future.

Equipment:

Our Ford Interceptor will be transported by ferry to Stanley Ford in Juneau next week for repair/reprogramming of the computer system. The Borough's slide-back tow truck will be used. While in Juneau, the truck will also pick up 192 feet of chain-link fence panels which will subsequently be used to fabricate a 48'x48' vehicle impound lot located near the wastewater treatment facility. Our plan is to have this lot ready by the end of the month for vehicles that may require removal by the Borough.

Animal Control:

An agreement was finally reached with HARK on 10/9, which includes Animal Control Activities within our current budget. If all goes as anticipated, the contract will be ready for Assembly approval at the next meeting.

Minor Offenses:

I developed a draft Borough Policy and Procedure, currently in staff review, for implementation of the Minor Offense Ordinance. Although delayed by the Assembly's reconsideration and postponement of the Ordinance, the policy should be useful should it pass the Assembly in April, 2016.

HAINES BOROUGH

Account Statement - Period Ending September 30, 2015

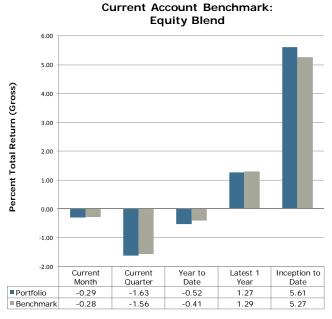


ACCOUNT ACTIVITY

Portfolio Value on 08-31-15	8,525,051
Contributions	0
Withdrawals	0
Change in Market Value	-54,926
Interest	13,878
Dividends	16,235

Portfolio Value on 09-30-15 8,500,237

INVESTMENT PERFORMANCE



Performance is Annualized for Periods Greater than One Year

MANAGEMENT TEAM

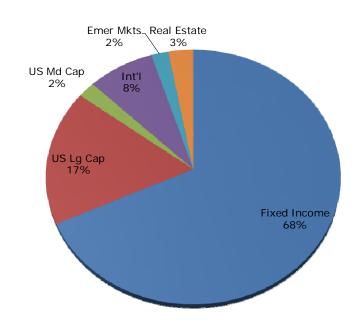
Client Relationship Manager: Amber Frizzell, AIF®

Amber@apcm.net

Your Portfolio Manager: Bill Lierman, CFA®

Contact Phone Number: 907/272 -7575

PORTFOLIO COMPOSITION



Alaska Permanent Capital Management Co.

PORTFOLIO SUMMARY AND TARGET

HAINES BOROUGH

September 30, 2015

Asset Class & Target	Market Value	% Assets	Range
FIXED INCOME (70%)			
US Fixed Income (70.0%)	5,749,941	67.6	60% to 80%
Cash (0.0%)	35,517	0.4	na
Subtotal:	5,785,458	68.1	
EQUITY (30%) US Large Cap (17.0%)	1,461,179	17.2	10% to 25%
US Mid Cap (2.0%)	173,495	2.0	0% to 5%
Developed International Equity (6.0%)	662,227	7.8	0% to 10%
Emerging Markets (2.0%)	171,241	2.0	0% to 5%
Real Estate (3.0%)	246,638	2.9	0% to 5%
Subtotal:	2,714,779	31.9	
TOTAL PORTFOLIO	8,500,237	100	

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 15-537
Assembly Meeting Date: 10/27/15

Business Item Des	cription:		Attachments:			
Subject: Clarify the Criteria for Temporary Residence Permits		Ordinance 15-01-398 - Current Draft 8/13/15 Planning Commission Recommendation				
Originator:		3. 4/22/15 GAS Com	mittee Action			
Planning Commission						
Originating Department:						
Date Submitted: 12/18/2014						
Full Title/Motion:						
Motion already on the tab	le: Adopt Ordinance 15-	-06-398	3.			
, , , , , , , , , , , , , , , , , , , ,						
Administrative Rec	commendation:					
Fiscal Impact:		1				
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future Operating Budgets		
\$ none	\$ n/a	\$ n/a	a	n/a		
Comprehensive Pla		eview	<u>/</u> :			
Comp Plan Goals/Object	ctives:		_	_		
Page 60; Goal 5 Page 199		Consistent: Yes	□No			
Summary Statemer	nt:					
hearings on 2/10 and 2/24	after which it was referr	ed to the	he GAS Committee. Fo	duced on 1/27/15. It had public llowing a meeting, that committee		
referred it back to the plani	ning commission with a	commi	ttee recommendation.	The commission met on 5/14, 7/9,		

Referral:

Referred to: GAS Committee & Planning Commission Referral Date: 2/24/15

Recommendation: Substitute Ordinance Meeting Date: 4/22, 5/14, 7/9, 8/13

commission discussed this request on 10/15. It is their understanding they already considered what they got from the GASC. This is NOT a public hearing, and a motion is already on the table. Therefore, the assembly may proceed

Assembly .	Action:
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with the vote or enter into additional debate.

Meeting Date(s): 1/27, 2/10, 2/24, 9/22, 10/13, Public Hearing Date(s): 2/10, 2/24, 10/13/15

and 8/13 and worked with staff to prepare a substitute ordinance for consideration. On 9/22/15, the assembly UNANIMOUSLY accepted the substitute ordinance & scheduled a third hearing for the public's sake that took place on 10/13. Subsequently, a motion to adopt the ordinance was made and then postponed to this meeting. The assembly asked the commission to explain its consideration of the GASC's recommendation. The planning

10/27/15 Postponed to Date:

Draft

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

- Section 1. <u>Classification</u>. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.
- Section 2. <u>Severability</u>. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.
- Section 3. <u>Effective Date</u>. This ordinance is effective upon adoption.
- Section 4. <u>Amendment of Subsection 18.60.020(H)</u>. Subsection 18.60.020(H) of the Haines Borough Code is hereby amended as follows:

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

HBC 18.60.020 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

. . .

- H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home or RV outside of a mobile home or RV park in the townsite service area for a temporary or interim occupancy over 30 days, shall apply for a temporary residence permit. Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough. The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent structure. A temporary residence permit may be granted if all of the following requirements are met:
- 1. A valid permit for the permanent structure must be in effect during the entire time that the temporary dwelling is located on the site;
- 2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent structure must be located on the same lot or parcel;
- 3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;
- 4. The temporary dwelling must meet the same setbacks applicable to permanent structures;
- <u>5.</u> Temporary residence permits may be granted for a period of one year. One sixmonth extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements—; Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical

Haines Borough Ordinance No. 15-01-398 Page 2 of 2

service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.

<u>6.</u> The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on public or private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent structure. Any applicable requirements under this subsection shall apply.

Section 5. <u>Amendment of Subsection 18.20.020</u>. Subsection 18.20.020 of the Haines Borough Code is hereby amended as follows:

NOTE: STRIKETHROUGH ITEMS ARE DELETED

18.20.020 Definitions - Regulatory.

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

. . .

"Campground" means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

ADOPTED BY A DULY CONSTIT DAY OF, 2015.	UTED QUORUM OF THE F	HAINES BOROUGH ASSEMBLY THIS
ATTEST:		Janice Hill, Mayor
Julie Cozzi, MMC, Borough Cler	-k	
Data Introduced: 01/	/27/15	

Date Introduced: 01/27/15

Date of First Public Hearing: 02/10/15

Date of Second Public Hearing: 02/24/15 - Referred to GAS Committee following hearing

Subsequently referred to Planning Commission

Date Returned to Assembly: 09/22/15 – Accepted Planning Commission Substitute Ordinance

Date of Third Public Hearing: 10/13/15



DATE: August 13, 2015

TO: Haines Borough Assembly

FROM: Haines Borough Planning Commission

Re: Temporary Residence in HBC 18.60.020(H) and Definition of

Campground in HBC 18.20.020

PLANNING COMMISSION ACTION:

M/S Heinmiller moved to "recommend the Assembly adopt the draft substitute ordinance 15-01-398." The motion carried unanimously.

RATIONALE:

The current code requires property owners to apply for a temporary residence permit if desiring to occupy a trailer, mobile home or RV on their properties even for one day. This is not currently enforced and if attempted at this point, could create an untenable situation for the Borough. Staff drafted an ordinance with the purpose of clarifying the terms of temporary residence permits, and presented it to the commission at the August 14, 2014 meeting.

During the discussion, the commissioners realized there are other problems in this section of code, such as a requirement on utility connections, and clarification on the time limit of temporary residence permits. Also, the commissioners discussed the intent of a temporary residence permit. They believe it mainly applies to the property owners who live in an RV/trailer/mobile home while building their permanent residences, but it seems to also apply to the seasonal workers/summer residents who live in an RV/trailer/mobile home for a few months. Questions were brought up if temporary residence permits shall be only permitted for construction purposes. Staff revised the ordinance based on the comments from the commission, and presented it to the commission at the September 11, 2014 meeting.

During the discussion, several commissioners spoke out against allowing temporary residence permits to be granted for vacation purposes on private property within the townsite service area. People who desire to live in RVs can choose to stay in RV parks. Lende stated it will be an economic problem if the Borough allows temporary dwellings to be occupied on vacant private properties, which will cause low occupancy of designated RV parks. Hedden spoke in favor of Lende's idea. He said this is a planning

issue. In order to protect the integrity of neighborhoods, he believes it is the right thing to disallow that.

At the November 11, 2014 meeting, staff pointed out there are special circumstances that should be reconsidered. For instance, a temporary residence shall be allowed on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence.

During the discussion, the commissioners agreed these circumstances need to be addressed. Staff revised the ordinance, and presented it to the commission at the December 18, 2014 meeting. All commissioners spoke in favor of the revised ordinance except Venables. He stated he would like to see more exceptions that will allow property owners to temporarily occupy an RV or mobile home on private properties as a conditional use.

On April 22, 2015, the Assembly Government Affairs & Services Committee reviewed the draft ordinance, and recommended referral of the original ordinance back to the commission. The GAS committee provided a report and committee member Diana Lapham attended the May 14, 2015 Planning Commission meeting. The commission amended the original ordinance based on the comments from the GAS committee.

During the discussion, business owner Sean Gaffney asked why the ordinance does not consider campgrounds. The existing code defines "campground" as a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes. Gaffney discussed the definition needs clarification.

The commission discussed and considered Gaffney's comments. Venables suggested crossing out the wording "temporary residence" from the definition of campground. Staff revised the ordinance, and presented it to the commission at the July 9, 2015 meeting.

During the discussion, staff pointed out the proposed ordinance allows a temporary dwelling to be occupied during construction of a permanent residence. After reviewing the ordinance, staff believe that a temporary residence permit should also be considered for the purpose of providing temporary housing to individuals engaged in commercial projects. The commission agreed, and directed staff to work on the actual language.

At the August 13, 2015 meeting, staff presented the draft ordinance to the commission. The commission was in favor of the revised ordinance.

PLANNING COMMISSION REQUEST:

for the Borough Assembly to amend HBC 18.60.020(H) to read:

- H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home or RV outside of a mobile home or RV park in the townsite service area for a temporary or interim occupancy over 30 days, shall apply for a temporary residence permit. Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough. The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent structure. A temporary residence permit may be granted if all of the following requirements are met:
- 1. A valid permit for the permanent structure must be in effect during the entire time that the temporary dwelling is located on the site;
- 2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent structure must be located on the same lot or parcel;
- 3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;
- 4. The temporary dwelling must meet the same setbacks applicable to permanent structures;
- 5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements.; Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off street parking space will be required for a temporary residence.
- 6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on public or private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent structure. Any applicable requirements under this subsection shall apply.

for the Borough Assembly to amend HBC 18.20.020 to read:

"Campground" means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

SUBMITTED BY Lee Neumull (signature)

Rob Goldberg

Planning Commission Chairman

LEE HEINMILLER, VICE CHAIRMAN

Attachment to 8/13/15 PC Request

Draft

HAINES BOROUGH, ALASKA

SUBSTITUTE ORDINANCE No. 15-01-398

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.60.020(H) TO CLARIFY THE TERMS OF TEMPORARY RESIDENCES AND AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.20.020 TO DELETE REFERENCE OF CAMPGROUND AS TEMPORARY RESIDENCE

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

- Section 1. <u>Classification</u>. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.
- Section 2. <u>Severability</u>. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.
- Section 3. <u>Effective Date</u>. This ordinance shall become effective immediately upon adoption.
- Section 4. <u>Purpose</u>. This ordinance amends Title 18 Section 18.60.020(H) to clarify the terms of temporary residences and Title 18 Section 18.20.020 to delete reference of campground as temporary residence.

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

18.60.020 Specific approval criteria.

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- 2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent structure must be located on the same lot or parcel;
- 3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;
- 4. The temporary dwelling must meet the same setbacks applicable to permanent structures;
- 5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements: Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.
- <u>6.</u> The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on public or private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent structure. Any applicable requirements under this subsection shall apply.

18.20.020 Definitions – Regulatory

"Campground" means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

Haines Borough Assembly Committee Meeting Committee: Government Affairs & Services

April 22, 2015 Assembly Chambers 5:30 p.m.

Meeting Chaired by Assembly Member Berry Report by Assembly Member Lapham

Attendance

Committee Members: Assembly Members Berry, Campbell, Jackson, and Lapham; and ex

officio member Mayor Jan Hill

Staff: None

Others: Mike Denker and Stephanie Scott

Issue: Ordinance 15-04-405 (Removing 2nd Public Comment Period from Assembly Agendas)
Discussion/Action:
Motion by Campbell/Jackson to table the ordinance indefinitely.
Motion carried.

Issue: Ordinance 15-01-398 (Temporary Residence Permits)

Discussion/Action:

<u>Motion</u> by Berry/Campbell to send back to the Planning Commission with a request for clarification on definitions for Temporary Residential (over 15 days), and the construction definitions, and that they should be separated into two subsections in the ordinance..

Motion carried.

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 15-603
Assembly Meeting Date: 10/27/15

			Assembly	weeting Date. 16721710
Business Item Des	cription:		Attachments:	
Subject: Haines Animal Rescue Kennel Contract		t	Resolution 15-10-646 Proposed HARK Contract S. Email string concerning budget	
Originator:			3. Email string conce	ming budget
Chief of Police Originating Department	<u> </u>			
Police				
Date Submitted: 10/16/15				
Full Title/Motion:				
Motion: Adopt Resolution	15-10-646.			
Administrative Rec				
This resolution is recomm	ended by the Borough I	Manage	er.	
Fiscal Impact:				
Expenditure Required	Amount Budgeted	Appropriation Required		Projected Impact to Future Operating Budgets
\$ 23,784.20	\$ see summary	\$ 0		Budgeted Annually
Comprehensive Pla	n Consistency Re	eview	7•	
Comp Plan Goals/Object		301000	•	
			Consistent: Yes	□No
Summary Statemer	nt:			
Haines Borough Code 6.08	3.060 requires that "[t]he	e mana	ger shall appoint an an	imal control officer or firm whose
				n animal shelter where dogs may be
				rce the animal control regulations, or may appoint someone on a
				has contracted with Haines Animal
Rescue Kennel (HARK) on	an annual basis since	2003. T	he borough manager a	and chief of police have negotiated a
				animal control ordinances and seek
				d \$30,753 is in the adopted FY16 total of \$45,250). This contract will
				t the old rate (\$7,968.84 total).
Referral:				
Referred to:			Referral Date:	
Recommendation:				leeting Date:
L				-
Assembly Action:				
Meeting Date(s): 10/27/	15		Public Hearing Dat	e(s):

Postponed to Date:

HAINES BOROUGH, ALASKA RESOLUTION No. 15-10-646

Draft

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services contract with Haines Animal Rescue Kennel to provide animal control services from September 1, 2015 through June 30, 2016 for \$23,784.

WHEREAS, Haines Borough Code 6.08.060 requires that "[t]he manager shall appoint an animal control officer or firm whose duties shall be to enforce the provisions of this title. The borough shall provide an animal shelter where dogs may be impounded. In the absence of an animal control officer or firm contracted to enforce the animal control regulations, or if the assembly determines that additional personnel are necessary, the manager may appoint someone on a temporary basis to fulfill the animal control officer's duties"; and

WHEREAS, the Haines Borough has contracted with Haines Animal Rescue Kennel (HARK) since 2003 and the most recent contract expired June 30, 2015; and

WHEREAS, the proposed contract was negotiated and accepted by the HARK Board of Directors, the Interim Chief of Police, and the Borough Manager; and

WHEREAS, funding for animal control services is budgeted annually and sufficient funds are in the adopted FY16 budget to fund this contract,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to enter into a professional services contract with Haines Animal Rescue Kennel to provide animal control services for the remainder of FY16 for \$23,784.

Adopted by a duly-constituted quorum of t, 2015.	the Haines Borough Assembly on this day of
	Janice Hill, Mayor
Attest:	
Julie Cozzi, MMC, Borough Clerk	

PROFESSIONAL SERVICES CONTRACT

SECTION I: PARTIES

This contract is between the Haines Borough, a municipal corporation in the State of Alaska, and the Haines Animal Rescue Kennel, a non-profit corporation, hereafter HARK.

SECTION II: CONTRACT ADMINISTRATION

All communications concerning this contract shall be directed as follows, any reliance on communication with a person other than that listed below is at the party's own risk.

Haines Borough:
Chief of Police
Tara Bicknell, President
Haines Police Department
Haines Animal Rescue Kennel
P.O. Box 1209
P.O. Box 1533
Haines, Alaska 99827
(907)766-2121
(907)766-2121
(907)766-3334
Fax (907)766-2190

SECTION III: CONTRACT DESCRIPTION

The following appendices are attached and are considered a part of this contract as well as any exhibits or attachments incorporated by reference or attached to those appendices.

Appendix A: Scope of Work Appendix B: Standard Provisions Appendix C: Additional Provisions

If in conflict, the order of precedence shall be: this document, Appendix A, B, and then C.

PART IV: CONTRACT EXECUTION

The Haines Borough and HARK agree and sign below. This contract is not effective until signed by the Haines Borough Manager.

Haines Borough:	HARK:
Date:	Date:
By:	By:
Authorized Representative	Authorized Representative
David Sosa	Tara Bicknell
Haines Borough Manager	HARK President

APPENDIX A: SCOPE OF WORK

DESCRIPTION OF WORK

In furtherance of these obligations, HARK will provide work, services, and materials as follows:

Section 1: Management and Operation of Animal Shelter

- (A) HARK will maintain proper housing for lost, stray, or homeless dogs, from within the Townsite, which come into HARK custody. Those dogs will be housed at the HARK facility located at 1 mile Small Tracts Road in Haines.
- (B) HARK agrees to maintain reasonable office and telephone inquiry response hours for the convenience of the public and Haines Borough: To transact business in connection with the duties under this contract; to receive animals from the Townsite; and for accepting applications for the redemption of impounded animals. HARK will provide at least 24 hours of advance notification to the Chief of Police of any anticipated changes in operational hours in non-emergency situations.
- (C) HARK will appoint competent and qualified agents to carry out the obligations under this contract, who shall be responsible to the officers of the HARK Board.
- (D) HARK will restrict its obligations under this contract to the Haines Townsite Service Area.
- (E) The Haines Borough authorizes HARK to issue dog licenses, to board impounded dogs coming into its control and custody as a result of violations of the animal regulations, and to place or humanely dispose of such animals that come into its control.

Section 2: Support of Animal Control Ordinances

- (A) HARK will provide proper food, water, shelter and humane treatment for impounded dogs from the Haines Townsite Service area while they are in HARK's possession and until placed or otherwise disposed of by HARK or the Haines Borough.
- (B) HARK will provide the Borough with access to a secure 24/7 drop off area for impounded dogs captured by the Haines Borough Police Department.
- (C) While traveling within the Townsite Police Service Area during the course of their day-to-day activities, HARK will be alert to at-large dogs and take appropriate action to capture and identify them.

Section 3: Collection of Fees and Record Keeping

- (A) HARK will issue and process applications for dog licenses for all dogs owned or kept by residents of the Townsite Service Area.
- (B) HARK will provide all dog license certificates, numbered metallic tags and receipt forms necessary to carry out the terms of this contract.
- (C) HARK will collect all dog license fees and shall maintain adequate records to account for these transactions, including tag number, name, address and phone number of the dog owner, as well as the amount paid.
- (D) HARK will maintain a record of all dogs taken into custody or impounded showing the date, place, reason and manner that the animals were brought into custody, with a description of the animal and a record of its final disposition. HARK will notify the Haines Borough Police Department of the animal's final disposition, and owner information if known, for purposes of enforcement action.
- (E) All un-licensed dogs, impounded within the Townsite Service Area and owned by a person residing within the Townsite Service Area, will be licensed with a Haines Borough Dog License before they are returned to the owner or other party.
- (F) HARK will provide the Haines Borough Police Department with online access to dog license records.

Section 4: Capture of Animals

(A) HARK will assume responsibility under the tenets of this contract for the capture of at-large dogs during HARK's regular work days, Tuesday through Saturday, between the hours of 0800 and 1700, excluding Borough recognized holidays.

Section 5: Dead Dogs

(A) HARK assumes responsibility under the tenets of this contract for picking up and disposing of dead dogs within the Townsite Service Area.

Section 6: Education

(A) HARK will initiate and maintain a program of education designed to promote the proper and humane care and treatment of dogs and to stimulate public support for such treatment.

Section 7: Budget, Financial and Activity Reporting

(A) On or before the 5th of each month, HARK will provide to the Haines Police Department an invoice for the previous month and an activity report summarizing the revenues and expenses for activities related to this contract for the previous month and the year to date.

Section 8: Training

(A) HARK does not assume responsibility under the tenets of this contract for training or appointment of Animal Control Officers.

Section 9: Liaison

(A) HARK will report to the Haines Police Department's Chief of Police who will act as liaison between HARK and the Haines Borough for all matters relating to HARK's performance of its obligations pursuant to this contract.

Section 10: Employment

(A) HARK will not allow its employees or agents to use alcohol, marijuana or illegal substances while performing their duties pursuant to this contract. Agents of HARK will abide by and follow all local, state and federal laws while in the performance of those duties.

Section 11: Access to Animal Records

(A) HARK will allow the Borough Manager and Chief of Police or their agent to inspect HARK's records related to this contract at any time during normal operating hours upon a minimum of 24 hours advance notice by the Haines Borough and under reasonable conditions as the parties may agree.

Section 12: Mutual Assistance between HARK and Haines Borough Agents

- (A) The Haines Police Department will provide assistance to HARK agents at the agent's request. Upon receiving a request for assistance, the Haines Police Department will assist HARK as manpower and circumstances allow.
- (B) The Haines Borough may request from HARK additional services or specialized training that are not included in this contract, if the additional fee to provide these services or training is mutually agreed upon by both parties and separate from this contract. Additional services include, but are not limited to: Aggressive animal handling, animal healthcare, National Animal Care and Control Association (NACA) certification and euthanasia training.

TERM

The effective date of this contract is September 1, 2015. The agreement automatically terminates on: June 30, 2016. There are one year renewals at the option of the Haines Borough. If the Haines Borough fails to renew the existing contract or issue a new contract prior to June 30, 2016 HARK will continue to perform duties per this contract on a Time and Materials basis until a new contract or a renewed contract is in place. The Haines Borough and HARK must strive to issue a new contract or renew the existing contract in a timely manner. If a new contract or a renewed contract will not be issued, Haines Borough must alert HARK per APPENDIX B TERMINATION.

COMPENSATION

Monthly payments of two thousand three hundred seventy eight dollars forty two cents (\$2,378.42) are to be made by the thirtieth of each month. These payments cover services from the first through the end of each previous month. HARK is authorized to collect and retain all revenue produced by the collection of dog license fees and boarding costs. Fines, citations and other associated fees will be collected and retained by the Haines Borough.

APPENDIX B: STANDARD PROVISIONS

CONTRACTUAL RELATIONSHIP:

The parties intend that an independent Contractor (HARK) and the Borough of Haines enter into a relationship with this contract. The Borough of Haines is interested only in the results to be achieved as provided in this agreement. The conduct and control of the work will lie solely with HARK. HARK is not considered to be an agent or employee of the Haines Borough for any purpose, and the employees of HARK are not entitled to any benefits that the Haines Borough provides for its employees. The Borough of Haines does not agree to use HARK exclusively. HARK does not agree to work for the Haines Borough exclusively.

PERSONNEL, EQUIPMENT AND SUPPLIES:

Except as provided in the *Scope of Work*, HARK represents that it has or will secure at its expense all personnel, equipment, and supplies required in performing the work under this contract. All of the work required hereunder will be performed by HARK or under its supervision. None of the work covered by this contract shall be subcontracted except as provided in the *Scope of Work*.

HARK QUALIFICATIONS:

HARK warrants that it is fully qualified and is licensed under all applicable local, state, and federal laws to perform its obligation under this contract.

CHANGES:

The Haines Borough may, from time to time, require changes in the scope of services to be performed under this contract. Such changes, including any increase or decrease in the amount of HARK's compensation, must be mutually agreed upon in writing before they will be regarded as part of this contract. No claim for additional services, not specifically provided in this contract, performed or furnished by HARK, will be allowed, nor may HARK do any work or furnish any material not covered by the contract unless the work or material is ordered in writing by the Haines Borough.

NO ASSIGNMENT OR DELEGATION:

HARK may not assign or delegate any interest in this contract without the prior written consent of the Haines Borough. HARK may assign its rights to any payment under this contract without the prior written consent of the Haines Borough, however, notice of any such assignment or transfer shall be furnished promptly to the Haines Borough by HARK.

TERMINATION:

Either party, upon 30 days written notice, may terminate this agreement. In the event that this contract is terminated by the Haines Borough for convenience, by mutual agreement of the parties, or by default of a material condition, the Haines Borough is liable only for payment in accordance with this agreement for work accomplished prior to the effective date of the termination.

INSPECTION AND RETENTION OF RECORDS:

The Haines Borough may inspect, in the manner and at reasonable times it considers appropriate, all of HARK's facilities, records and activities having any relevance to this contract. HARK shall retain financial and other records relating to the performance of this contract for a period of 6 years, or until the resolution of any audit findings, claims or litigation related to the contract.

EQUAL EMPLOYMENT OPPORTUNITY:

HARK will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, marital status, changes in marital status, pregnancy or parenthood. HARK shall include these provisions in any agreement relating to the work performed under this agreement with contractors or subcontractors.

CHOICE OF LAW; VENUE:

This contract shall be governed by the law of the State of Alaska. Venue shall be in the State of Alaska, First Judicial District at Juneau.

COMPLIANCE WITH LAWS AND REGULATIONS:

HARK shall, at their sole cost and expense, comply with all applicable requirements of federal, state and local laws, ordinances and regulations now in force, or which may be in force, during the performance of this agreement.

PAYMENT OF TAXED, OBLIGATIONS TO THE HAINES BOROUGH:

As a condition of this contract, HARK shall pay all federal, state, and local taxes incurred by HARK and shall require their payment by any subcontractor or any other persons in the performance of this contract. HARK shall not be delinquent in any other obligations to the Haines Borough during the performance of this contract. Satisfactory performance of this paragraph is a condition precedent to payment by the Haines Borough under this contract.

CONFLICT OF INTEREST:

HARK warrants that no employee or officer of the Haines Borough has violated the conflict of interest provisions of the Borough code regarding this contract. HARK also warrants that it has not solicited or received any prohibited action; favor or benefit from any employee or officer of the Haines Borough, and that it will not do so as a condition of this contract. If HARK learns of any such conflict of interest, HARK shall without delay inform the Haines Borough attorney or Borough representative for this contract.

APPENDIX C: ADDITIONAL PROVISIONS

INSURANCE REQUIREMENTS:

HARK shall be responsible for providing, at their own expense and as a minimum, the following coverage:

- (1) HARK shall provide evidence of coverage in the form of a certificate of insurance with a carrier or carriers satisfactory to the Haines Borough covering injury to persons and or property suffered by the Haines Borough or a third party as a result of operations under this contract by HARK or by any subcontractor. This coverage will also provide protection against injuries to all employees of HARK and the employees of any subcontractor engaged in work under this contract. The delivery to the Haines Borough of a written 30 day notice is required before cancellation of any coverage or reduction in any limits of liability. Insurance carriers providing coverage shall have an A.M. best rating of at least an A-VII. HARK shall maintain in force at all times during the performance of work under this contract, the following policies of insurance, Proof of this insurance is required to be submitted to the Haines Borough's manager for review and acceptance within 15 days of the signing of this contract.
- (2) HARK, if subject to the provisions of the Alaska Worker's Compensation Act (AS 23.30), will provide the Haines Borough with proof, furnished by the insurance carriers, of current coverage for worker's compensation with an insurance company or association authorized to transact such business in the State of Alaska, or an approved current certification of self-insurance by the Alaska Worker's Compensation Board. HARK further acknowledges and agrees that in the event it fails to maintain proper Worker's Compensation coverage; the State will implement the provisions of AS 23.30.045(c) and the Haines Borough, at its option, may terminate this agreement for cause without liability. The coverage shall include employer's liability protection in the amount of \$100,000 per accident, \$500,000 policy limit, \$100,000 per employee.
- (3) HARK will acquire and maintain during the term of this contract commercial general liability insurance. Such insurance shall cover all operations by, or on behalf of, HARK and shall provide insurance coverage for bodily injury and property damage liability including coverage for premises and operations, contractual liability, broad form property damage, and personal injury liability, The minimum limits of liability shall be (a) \$100,000 each occurrence for general liability and products/completed operations, (b) \$1,000,000 for personal injury, (c) \$2,000,000 aggregate for products/completed operations, and (d) \$2,000,000 general aggregate. The Haines Borough shall be named as an "Additional Insured" under all liability coverage listed above.
- (4) HARK will acquire and maintain during the term of this contract business automobile insurance for all owned, or non-owned automobiles, provided by the Haines Borough, and/or hired automobiles operated by HARK in carrying out its responsibilities pursuant to this contract, to protect itself and the Haines Borough against all claims, demands, causes of action, or judgments and from all expenses that may be incurred in investigating or resisting the same. The policy shall include a provision requiring the insurance company to give not less than 30 days prior written notice to the Haines Borough Manager's office prior to any cancellation, non-

renewal, or reduction in the amount of coverage of such insurance policy, The amount of automobile coverage to be provided shall be \$1,000,000 per accident combined single limit covering owned, non-owned, and hired automobiles.

(5) HARK will acquire and maintain during the term of this contract volunteer accident insurance. The minimum limit of liability shall be (a) \$2,500 principal sum (dismemberment), (b) \$2,500 capital sum (death), and (c) \$50,000 medical indemnity.

HOLD HARMLESS:

The Haines Borough, its officers, employees, and agents shall not be held liable for any claims, liabilities, fines, or for damage to any goods, properties or effects of any person whatsoever, nor for any personal injury or death, caused by or resulting from any act or omission of HARK, or by any of HARK's officers, employees, agents, representatives, contractors, or subcontractors in the performance or non-performance of this contract, or in connection with HARK's performance or non-performance of related duties. HARK further agrees to appear and defend, and to indemnify and save free and harmless the Haines Borough and its officers, employees, and agents from and against any of the foregoing claims, liabilities, penalties, fines, or damages, whether or not valid, and for any cost and expense, including reasonable attorney's fees, incurred by the Haines Borough, its officer, employees, or agents on account of any claim therefore. HARK shall fully inform all persons using or being upon the shelter premises of the non-liability of the Haines Borough for any act or omission of HARK, by posting an adequate number of notices to that effect on said premises.

AFFIDAVIT OF REVIEW:		
	_	
	Date:	
David Sosa, Manager Haines Borough		

From: <u>Jila Stuart</u>
To: <u>Julie Cozzi</u>

Subject: FW: HARK funding motion...

Date: Friday, October 16, 2015 11:36:18 AM

Attachments: Animal Control.pdf

Julie, based on your notes below I believe the Assembly intended to appropriate \$45,250 for animal control in FY16, but only \$30,753 is in the Animal Control budget (see attached). The remainder was intended to come out of the community chest.

From: Jila Stuart

Sent: Wednesday, May 27, 2015 4:55 PM

To: Julie Cozzi

Subject: RE: HARK funding motion...

Thanks. I agree.

From: Julie Cozzi

Sent: Wednesday, May 27, 2015 4:53 PM

To: David Sosa; Jila Stuart **Subject:** HARK funding motion...

I got the motion from the recording:

CAMPBELL moved to "amend the budget by bringing funding for HARK up to the level of \$45,250 with 50-percent from the Townsite Service Area fund balance and 50-percent from the borough assembly Community Chest."

Although it could be stated more clearly, I believe the intent is to fund the difference with the 50/50, because of his words about bringing the funding up to...

Julie Cozzi, MMC

Borough Clerk
Haines Borough
P.O. Box 1209
Haines, AK 99827
907-766-2231, ext.31
907-766-2716 (fax)
www.hainesalaska.gov

"The most wasted day of all is that in which we have not laughed."

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 15-607
Assembly Meeting Date: 10/27/15

Business Item Des	cription:		Attachments:	
Subject: Draft 2016 Summer Ferry Schedule		1. Resolution 15-10-647		
Borough Comments		2. Draft Letter from the	ne Mayor	
Originator:				
Mayor Hill Originating Department	 t:			
Date Submitted: 10/13/15				
Full Title/Motion:				
	15-10-647 and authoriz	e the le	etter of comments to be	sent to the AMHS, Governor Walker,
Administrative Dec	ommondation.			
Administrative Rec This resolution is recomm		nanage	er.	
Fiscal Impact:				Projected Impact to Future
Expenditure Required	Amount Budgeted	Appropriation Required Operating Budgets		
\$ n/a	\$ n/a	\$ n/a	ı	n/a
Comprehensive Pla	n Consistency Re	eview	' :	
Comp Plan Goals/Object	ctives:		Consistent West	□N-
			Consistent: ■Yes	□No
Summary Stateme	nt:			
		ne Hial	nway System is accent	ing comments on the draft Summer
2016 Ferry Schedule. That				
For assembly consideration	n, staff has prepared dra	afts of b	ooth a resolution and a	letter. With assembly authorization,
these will constitute the bo				S, the Governor, the Lt. Governor,
and the legislature.				
Referral: Referred to:			Referral Date:	
Recommendation:				Meeting Date:
				5
Assembly Action:				
Meeting Date(s): 10/13,	10/27/15		Public Hearing Dat	
			Postponed to Date	:

HAINES BOROUGH RESOLUTION No. 15-10-647

A resolution of the Haines Borough Assembly urging the state to maintain a viable marine highway system while deploying ferries to maximize economic benefit to the state and traveling public.

WHEREAS, the Haines Borough has repeatedly expressed its support for the Alaska Marine Highway System (AMHS) in the upper Lynn Canal; and

WHEREAS, the Haines Borough recognizes the extreme fiscal constraints and challenges that the AMHS must adapt to; and

WHEREAS, the Alaska Marine Highway System was created as a public transportation network, serving all Alaskans, supported in part by public funds; and

WHEREAS, the Alaska Marine Highway System serves as Southeast Alaska's road system, effectively providing ferry service to connect the remote communities of Southeast Alaska and promote economic development within the region for over fifty years; and

WHEREAS, the State and Haines economy is largely dependent upon the transportation link AMHS provides between Southeast and interior Alaska, Yukon, and Lower 48; and

WHEREAS, the State must achieve a balance of budget cuts and increased or new revenue to address the many needs of the Marine Highway System; and

WHEREAS, the draft 2016 summer schedule does not meet the needs of the known traffic in the highest revenue-generating routes,

NOW, THEREFORE, BE IT RESOLVED by the Haines Borough Assembly: That the Haines Borough Assembly calls on Governor Walker, the Alaska State Legislature and the Department of Transportation to take a different approach than that proposed in the 2016 draft summer schedule and deploy ferries on a schedule that will maximize revenue opportunities for the State while providing transportation services to the greatest number of the travelling public thus protecting the viability of the ferry system.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this day of 2015.				
	Janice Hill, Mayor			
ATTEST:				

Julie Cozzi, MMC, Borough Clerk



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 * FAX (907) 766-2716

October 20, 2015

Dear Captain Neussl, (AMHS, Rep. Southeast Legislators, Governor Walker)

With sincere understanding of the severity of the Alaska budget crisis, the Haines Borough recognizes there will be cuts in the Alaska Marine Highway System. We are aware of the challenges that the Alaska Marine Highway must face with such financial constraints AND appreciate the time and effort that has gone into the scheduling and budget this past season. With this in mind, we would like to put forward our concerns with the current draft schedule released earlier this month for the 2016 summer season.

The Haines economy is extremely dependent on the marine highway as a transportation link for commerce, tourism as well as a necessity for medical and personal issues. The Alaska Marine Highway provides a means of economic development for the region, reaching into the entirety of Alaska. The Northern Lynn Canal is one of the most important links to commerce with the Yukon and Northern Alaska – transporting freight, tourists, and truckloads of fish via highway to the lower 48. The 2016 schedule should provide capacity to attempt to capture as much of this revenue as possible.

The current proposed schedule for 2016 provides no service on Wednesdays and Saturdays and substitutes the 5 day a week, 83 vehicle capacity Malaspina with the 33 vehicle capacity LeConte -for only 3 days a week. It is physically impossible, and evident from the reported traffic of summer 2015 Northern Lynn Canal route, for the LeConte to provide the capacity required to meet the traffic demand and capture revenue on one of the busiest routes of the AMHS during the busiest season.

We have already heard from large travel groups as well as the fisheries industry about the upcoming schedule and concerns if there will be reliable transportation. The benefit of having a long range plan for DOT and AMHS would be greatly beneficial, allowing tourists, businesses and locals alike to plan ahead.

With the understanding that there will be cuts, and that other cost saving efforts will have to go into effect including rate increases, the main concern of our community is that we are provided with ferry service that meets the region's transportation demands and allows for viable economic development.

Haines would like to take an active role working with the region, state, AMHS and MTAB to come up with solutions that will be economically feasible for the state and meet the needs of our communities. In the meantime, it would be best to postpone adopting this draft schedule until the best deployment of vessels can be determined.

On Behalf of the Haines Borough Assembly and Staff, Sincerely,

Jan Hill, Mayor Haines Borough

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 15-605

Assembly Meeting Date: 10/27/15

			7.000	
Business Item Des			Attachments:	
Subject: Authorize Dispo	Authorize Disposal of Borough Records		 Resolution 15-10-648 Addendum A (General List of Records) HBC 2.64.030 Haines Borough Records Retention Schedule 2011 	
Slated for Destruction per the Retention Schedule Originator:		Э		
Borough Clerk				
Originating Department Administration	[:			
Date Submitted:				
10/16/15				
Full Title/Motion:				
Motion: Adopt Resolution	15-10-648.			
Administrative Dec				
Administrative Rec This resolution is recomm		managa	ar and horough clark	
This resolution is recomm	ended by the borough h	nanaye	and borough clerk.	
Fiscal Impact:				
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future Operating Budgets
\$0	\$0	\$ 0		n/a
\$0	\$0	\$ 0		II/a
Comprehensive Pla		eview	' :	
Comp Plan Goals/Object	:tives:		Canalatant Was	□N ₁ -
			Consistent: Yes	□No
C				
Summary Statemer	ητ:			
				nat includes an ongoing review of
				s have been slated for destruction re accumulated for a long period of
				the borough clerk (as part of her
statutory duties) seeks ass	embly authorization to o	dispose	of these records by cre	emation.
Prior to final cremation, the	clerk will provide the m	nuseum	director with an opport	tunity to review the list of records to
confirm there is no historica				nuseum and noted as such on the
disposal record.				
Referral:				
Referred to:			Referral Date:	
Recommendation:			Ν	leeting Date:
Assembly Action:				
Meeting Date(s): 10/27/	15		Public Hearing Dat	re(s):

Postponed to Date:

HAINES BOROUGH, ALASKA RESOLUTION No. 15-10-648

Draft

A Resolution of the Haines Borough Assembly authorizing disposition of public records in accordance with HBC 2.64.030(B) and the Haines Borough Records Retention Schedule.

WHEREAS, it is deemed necessary for legal, management and storage considerations to retain and dispose of public records in an orderly and specific manner; and

WHEREAS, HBC 2.24.020(F) states one of the duties of the borough clerk is to "[m] anage borough records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary"; and

WHEREAS, the borough has a Records Retention Schedule, last revised September 2011, based on the Alaska Local Government General Records Retention Schedule; and

WHEREAS, the borough clerk has been overseeing a comprehensive records management project that continues to include a review of records to determine historical, legal, and administrative value; and

WHEREAS, many records have been slated for destruction according to the records retention schedule, and a large number have accumulated for a long period of time causing serious storage and potential liability issues; and

WHEREAS, the assembly authorized the destruction of records in 2014 via Resolution 14-10-593, and systematic management of records is intended to include annual authorization for disposal of records identified for destruction; and

WHEREAS, Haines Borough Code 2.64.030(B) states the assembly may authorize the disposal of the records listed in the records retention schedule found to be without legal or administrative value or historical interest, including the periodic disposal of records in the regular course of public business, and of disposal of original records when electronically stored; and

WHEREAS, the borough clerk seeks assembly authorization and, upon receiving it, intends to dispose of the records by cremation using an incinerator constructed by the Public Facilities Department; and

WHEREAS, the borough clerk will file a descriptive list of the records disposed of and a record of the disposal itself,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Clerk to dispose of the records slated for destruction generally listed in Addendum A by cremation as soon as practical following adoption of this resolution.

Adopted by a duly-constituted quorum of t, 2015.	the Haines Borough Assembly on this day of
Attest:	 Janice Hill, Mayor
Julie Cozzi, MMC, Borough Clerk	·

Addendum A - attachment to Resolution 15-10-648

2015 Records Slated for Destruction per Haines Borough Records Retention Schedule

(Note: this is a general list. More detailed descriptions are on file in the Clerk's Office and may be inspected upon request)

FY06-FY08 FY83-FY99 FY86-FY93	Accounts Payable and Travel Authorizations A/R Cash Receipts A/R Cash Receipts and Purchase Orders
FY00	A/R Cash Receipts and Invoices
FY03-FY04	Accounts Receivable Records
FY07	A/R Invoices and Adjustments
FY08	A/R Invoices and Deposits
FY99	A/R Invoices and Other Misc.
FY94-FY03	A/R Water/Sewer Receipts
FY07-FY08	A/R Water/Sewer Receipts
FY78-FY89	Closed Grant Files
FY91-FY94	Closed Grant Files
FY00-FY02	Bank Statements and Cash Receipts
FY98	Checks and Bank Statements
FY01-FY03	Bank and Investment Statements
FY01	Bank Statements and Cash Receipts
FY01 FY98	Bank Statements and Reconciliation Bank Statements and Harbor Cash Receipts
FY03	Deposits and Work Orders
FY06-FY07	Bank and Investment Statements and Audit Work Papers
FY82-FY98	Audit Work Papers
FY89	Investment Statements and A/R Miscellaneous
FY89-FY97	Revenue/Expense Reports
FY89-FY96	Treasurer Misc. Records & Correspondence
1996-1998	Sales Tax Returns Copies
2005-2007	Sales Tax Returns Copies
1997-1998	Property and Sales Tax Deposits
1997-2008	Sales Tax Construction Refunds
FY07-08	Sales Tax Deposits
FY04-FY08	Sales and Property Tax Deposits
FY97-FY03	Property Tax Adjustments
1996-2010	General and Routine Correspondence Administration
2005	General and Routine Correspondence Police Department
2003-2009	Foreclosure Documents
2003-2009	Correspondence re. Bids/RFPs/Contracts/Change Orders for Completed Projects
2006 1999-2011	Memorandum of Agreement (replaced/expired) Election Materials, Registers, Tally Books, Absentee info, Election Prep
2014	Voted Ballots and Related Materials
2009	Petition Documents
2007-2012	Public Information Requests
1999-2005	Commercial Permits
2008-2011	Public Notices
2007	Accident Reports
2004	Crime Statistics
2004	Insurance Certificates (replaced/expired)

2.64.030 Retention, disposal and electronic media storage of public records.

A. Record Retention Program – Records Retention Schedule. The clerk shall prepare a schedule of records specifying the records to be:

- 1. Retained permanently or for a specific period;
- 2. Destroyed;
- 3. Disposed of routinely in the regular course of public business; and
- 4. Stored in electronic form.

The records retention schedule shall list, with sufficient detail for identification, records without legal or administrative value or historical interest to be either destroyed or stored electronically and periodically disposed of by the borough in the regular course of the public business. Any records to be destroyed shall be certified by the clerk as having no legal or administrative value or historical interest. The manager shall promulgate regulations for the effective administration of the records retention program and the record retention schedule.

B. Disposal of Records. The assembly, by a majority vote, may authorize the disposal and method of disposal of the records listed in the records retention schedule found by the assembly to be without legal or administrative value or historical interest, including the periodic disposal of records in the regular course of public business, and of disposal of original records when electronically stored. The clerk or the clerk's designee shall dispose of the records to be destroyed by cremation or other means determined to be appropriate by the clerk. Upon disposal, the clerk shall file in the clerk's office and in the department from which the records were drawn, a descriptive list of the records disposed of and electronically stored and a record of the disposal itself. The clerk shall transmit copies of the list and record of disposal to the assembly, and the filing in the office of the clerk of the list and record of disposal shall constitute a filing and preservation by the assembly of these documents.

C. Electronic Record Storage. The assembly in the record retention schedule may authorize the substitution of electronic copies for any original records, including records to be periodically disposed of, and the disposal of these original records when electronically stored. Records pertaining to any claim and demand by the borough or against it, or any account in which the borough is concerned, either as debtor or creditor, shall not be destroyed until the claim, demand or account has been settled and adjusted. A reproduction, print or enlargement from an authorized electronic copy of an original record shall not be destroyed until the claim, demand or account has been settled and adjusted. A reproduction, print or enlargement from an authorized electronic copy of an original record shall be considered as an original record for all purposes, including the introduction in evidence in any court or other legal or administrative proceedings. When electronically stored, the original records may be destroyed or otherwise disposed of as provided in this subsection. When electronically stored, any original record of historical interest may be turned over to the borough library or museum for display or otherwise. The electronically

stored copies shall be kept in conveniently accessible and properly fireproofed and insulated files, cabinets or containers, and shall be indexed, assembled and maintained for ready reference.

D. Definitions. As used in this section, the words "record" or "records" include any paper, book, photograph, computer disk or other electronic format documents, sound recording, map, blueprint, drawing or other document or memorandum which has been placed in the custody or under the control of or filed with any department, agency, board, committee, commission, officer or employee of the borough, except materials made, acquired and kept for public reference, use, exhibition and examination by the borough library or museum, extra copies of documents preserved only for convenience or reference and stocks of published or processed documents.

HAINES BOROUGH, ALASKA

PUBLIC RECORDS RETENTION POLICY & SCHEDULE



Revised by Julie Cozzi, MMC, Borough Clerk - September 2011

Adapted from Alaska Local Government General Records Retention Schedule - 2001

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INTRODUCTION AND ABBREVIATION KEY

INTRODUCTION

HAINES BOROUGH PUBLIC RECORDS

The Borough Clerk is the official Records Manager for the Haines Borough. Please refer all questions, issues, and public requests to the Clerk.

PUBLIC RECORDS MANAGEMENT AND PRESERVATION

AS 40.21 requires the orderly management of current local public records and preservation of non-current public records that have permanent historical value. Additionally, AS 29.20.380(4) says that municipal clerks shall, "manage municipal records and develop retention schedules and procedures for inventory, storage and destruction of records." This schedule is a tool for the borough clerk and other officials and employees to aid in the determination of records retention periods for items created or received by the Haines Borough.

PURPOSE AND GOAL OF A RECORD MANAGEMENT PROGRAM

The primary objective of records management is the efficient, effective, and economical management of information. The guiding principle of records management is to ensure that information is available when and where it is needed, in an organized and efficient manner. An effective program will ensure that Haines Borough staff has the recorded information necessary to perform its statutory and regulatory functions, avoid waste, and preserve the documentary heritage of the community. Additionally, with proper management, unneeded documents may be discarded and less-active records may be transferred to offsite storage.

THE DEFINITION OF A RECORD

In order to be considered a record, the document must meet two criteria. First, regardless of form, it must be created or received by an organization in connection with the transaction of official business. Second, the document must be preserved or be appropriate for preservation by an organization as evidence of the organization's function, policies, decisions, procedures, operations, or because of informational value.

RECORD FORMATS

Records may be a variety of formats including paper, microfilm, analog cassette/videotapes, maps, drawings, photographs, magnetic tapes/disks, and digital audio and video files and disks. In addition, information sets (e.g. email, datasets, metadata) stored in document management systems may have record status and require retention to meet administrative, legal, or financial needs. Regardless of the format utilized, the Record Copy must be maintained by the Haines Borough long enough to meet these needs.

INTRODUCTION ---continued---

THE MOST COMMON RECORD TYPES

• Administrative/Operational: Records needed for current operations of the Borough.

• Financial: Records that document fiscal transactions needed for tax and audit purposes.

• Legal: Records that document the rights of citizens or employees or pertain to contractual obligations.

• **Historical**: Records that document policies/procedures or historical activities.

ABBREVIATION KEY

P = Permanent retention (most permanent documents will be stored in the Public Safety Building Records Rooms and the Borough Clerk's Office.)

T = Defined where entered

Numerals = Retention period in <u>years</u> unless otherwise indicated

ITEM	SERIES TITLE & DESCRIPTION	RETENTION PERIOD			REMARKS
		Office	Storage	Total	
A-1	Annual Final Operating & Capital Budget Official plan and policy for the expenditure of funds approved by the governing body.	2	Р	Р	
A-2	Budget Work papers Includes drafts, instructions, worksheets, preliminary budgets and agency/community requests.	1	1	2	
A-3	Annual Estimates of Revenue General review of anticipated funds	1	1	2	
A-4	Annual Financial Reports Report prepared by Chief Fiscal Officer summarizing financial condition, activity and balances.	2	Р	Р	
A-5	Audit Reports Reports prepared either by external or internal sources showing results and recommendations.	3	Р	Р	
A-6	Books of Original Entry General ledger/journal, revenue ledger/journal, expenditure ledger/journal.	1	Р	Р	
A-7	Subsidiary Ledgers and Journals Accounts receivable, accounts payable, daily cash receipts, cash disbursements.	1	6	7	

RECORDS RETENTION SCHEDULE - HAINES BOROUGH

ITEM	SERIES TITLE & DESCRIPTION	RETENTION PERIOD			REMARKS
		Office	Storage	Total	
A-8	Receipts Official documentation of payment for goods or services, fines, fees and permits	2	5	7	
A-9	Banking Records Bank statements, cancelled checks, check stubs or copies, deposit slips, check registers and reconciliation worksheets.	1	6	7	
A-10	Bills of Sale Official documentation of transaction between government agency and buyers.	2	5	7	
A-11	Vouchers Official authorization to pay a claim or bill.	1	6	7	
A-12	Paid Bills and Invoices	2	5	7	
A-13	Travel Requests and Vouchers Official documentation of travel request, authorization and cost of reimbursement.	2	5	7	
A-14	Savings Account Records Passbooks, statements and reconciliations.	2	5	7	
A-15	Monthly or Quarterly Financial Management Reports	1	6	7	

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERI	REMARKS	
		Office	Storage	Total	
A-16	Contract Files Official documentation of selection of contractor and issuance of the contract. May include requests for proposals with affidavits of publication, evaluation of responses, notice of award, contract negotiations, original signed contracts, change orders, correspondence and payment records.	T+1	6	T+7	T= expiration of contract and final pmt. Some may have archival and/or instructional value
A-17	Responses to RFP (not selected)	1 or A		1 or A	A + Audit
A-18	Grant Files Official documentation for receipt of grant funds From either State or Federal agencies. Should include grant applications, budgets, project narrative, plans of work, progress reports, records of matching or in-kind contributions and correspondence. Individual contents will depend on regulations of source agency.	T	3	T+3	Total retention time may depend on regulations of source agency
A-19	Grant Application (not successful)	1		1	
A-20	Financial Support Records for Contracts and Grants May include work papers, spreadsheets, summaries And other data reflecting the expenditure of contract Or grant funds	Т	A+3	А	A=Completion of source agency audit
A-21	Employee Withholding Exemptions (W-4)	1	3	4	
A-22	Employer Copy of W-2 (Federal Withholding tax statement)	1	3	4	
A-23	Payroll Policies and Procedures	Р		Р	
A-24	Records of Attachments, Garnishments, or Levies against salaries or wages.	Т	Р	Р	T=Satisfaction or termination

RECORDS RETENTION SCHEDULE - HAINES BOROUGH

ITEM	SERIES TITLE & DESCRIPTION	TITLE & DESCRIPTION RETENTION			REMARKS
		Office	Storage	Total	
A-25	Timesheets or Timecards Daily, weekly or monthly record of time, including overtime.	Т	Р	Р	
A-26	Employee Earnings Record	Т	Р	Р	
A-27	Payroll Deduction Authorization and Lists	Т	Р	Р	
A-28	FICA and Unemployment Insurance Reports	2	5	7	
A-29	Savings Bond Accounting Records	2	Р	Р	
A-30	Payroll Warrant Register Shows check number, employee name, net amount and cost center coding.	2	Р	Р	
A-31	Individual Payroll Case Files Documents related to the employee's salary – may include payroll action forms, PERS enrollment and transaction forms, etc.	Т	Р	Р	T=termination of employment
A-32	Billing Statements Statements for services or taxes due.	1	6	7	
A-33	Fund Investment Records Includes buy/sell orders, confirmations, safekeeping advices and ledgers.	1	6	7	

RECORDS RETENTION SCHEDULE - HAINES BOROUGH

RISK MANAGEMENT SCHEDULE B

ITEM	SERIES TITLE & DESCRIPTION	RETENTION PERIOD			REMARKS
		Office	Storage	Total	
B-1	Insurance Policies & Certificates Liability, vehicle, fire, theft, health and life, worker's compensation.	T+1	9	T+10	T=expiration of policy
B-2	Fidelity and Surety Bonds Coverage against claims made against the local government.	T+1	6	T+7	T=expiration of bond.
B-3	Accident Reports (property damage)	1	6	7	Retain longer if claims unsettled.
B-4	Accident Reports (personal injury)	1	9	10	Retain longer if claims unsettled.
B-5	Worker's Compensation Claims	1	9	10	Retain longer if claims unsettled.
B-6	Other Insurance Claims	1	9	10	Retain longer if claims unsettled.

PURCHASING AND PROPERTY MANAGEMENT SCHEDULE C - PAGE 1

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERIO	REMARKS	
		Office	Storage	Total	
C-1	Bid Files Should include specifications, invitation to bid or request for quotation, responses, bid abstract.	1	6	7	
C-2	Purchase Requisitions	1	6	7	
	Requests by operating departments for goods or services.				
C-3	Purchase Orders Official documentation of purchase transactions for goods or services not on contract.	1	6	7	
C-4	Purchase Contracts Official documentation regarding the purchase of goods and services resulting from a formal bid.	1	6	7	
C-5	Leases (municipality is Lessee) Should include specifications, invitation to bid or Requests for proposals, responses, evaluations, lease Agreements, payment records, and correspondence.	T+1	6	T+7	T=expiration of lease.
C-6	Leases (municipality is Lesssor) Should include lease agreements, payment records and correspondence.	T+1	6	7	T=expiration of lease.
C-7	Property Inventories	Т		Т	Retain current listings only.
C-8	Warranties and Guarantees on Equipment	Т		Т	T=after equipment dropped from inventory
C-9	Deeds to Municipal Real Property	Т	Р	Р	T=after property is sold or transferred
C-10	Titles to Municipal Vehicles and Equipment	Т		Т	T=after vehicle is sold

PURCHASING AND PROPERTY MANAGEMENT SCHEDULE C - PAGE 2

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERI	REMARKS	
		Office	Storage	Total	
C-11	Equipment Maintenance Records Documents repair and maintenance of office equipment (see also Public Works Section for vehicles)	Т		Т	T=after equipment dropped from inventory.
C-12	Surplus Property Sale Records Documents the disposal of property declared to be excess or surplus	1	6	7	

PERSONNEL MANAGEMENT SCHEDULE D - PAGE 1

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERI	OD	REMARKS
		Office	Storage	Total	
D-1	Individual Personnel Files Official employee history, including applications, resume, personnel action forms, performance evaluations, employee test results, insurance and benefits backup family and medical leave act documents, letters of commendation/reprimand, training certificates/history, driving records, drug/alcohol tests, medical records, I-9 forms, etc.	T+1	Р	P	T=termination of employment. This info is confidential
D-2	Applications for Employment (not hired)	1		1	Certain information is confidential
D-3	Salary Schedules	1	Р	Р	
D-4	Recruitment Bulletins and Affidavits of publication	1	2	3	
D-5	Job Descriptions Description of specific duties, minimum qualifications and examples of duties.	Р		Р	
D-6	Organization Charts	Р		Р	Potential archival value
D-7	EEO and Affirmative Action Records	1	4	5	
D-8	Inservice and Employee Training Records Significant training should be documented in the Individual personnel file.	Т	1	T+1	T=Employment termination
D-9	Personnel Rules, Policies and Procedures	Р		Р	
D-10	Master Examination File Samples of test or exam used in selection/rating process	Р		Р	

PERSONNEL MANAGEMENT SCHEDULE D - PAGE 2

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERI	REMARKS	
		Office	Storage	Total	
D-11	Eligible Lists Lists of qualified candidates for position	1		1	
D-12	Grievance Case Files	Т	5	T+5	T=final settlement of case
D-13	Unfair Labor Practice Complaints	Т	5	T+5	T=final settlement of case
D-14	Leave Records	1	2	3 or A	A=leave audit
D-14	Collective Bargaining Negotiation Files	Р		Р	
D-16	Contract Interpretation & Arbitration Decisions	Р		Р	

LEGAL SCHEDULE E

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERI	OD	REMARKS
		Office	Storage	Total	
E-1	Litigation Case Files (Civil) Documents civil actions by the local government or against the local government. Work papers, copies of court documents, correspondence.	Т	10	T+10	T=final settlement. May have archival value
E-2	Borough Attorney Opinions Official interpretation s regarding questions of legal rights or liabilities affecting operating departments.	1	Р	Р	
E-3	Legal Administration Files Correspondence and reports related to the legal review of borough functions such as insurance, ordinances, contracts, grants, damage claims, etc.	1	4	5	
E-4	Franchises Official authorization granted to a private entity to Provide public utilities or services within the Jurisdiction of the local government	Т	7	T+7	T=termination of franchise agreement
E-5	Easement (Granted or Received)	Р		Р	
E-6	Investigative Files	Т	10	T+10	T=completion and resolution of issue. May have archival value.
E-7	Notice to Comply and/or Violation Reports	Т	6	T+6	T= resolution of case

MAYOR AND/OR MANAGER SCHEDULE F

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERI	OD	REMARKS
		Office	Storage	Total	
F-1	General Correspondence Letters, memoranda and miscellaneous information sent.	3 mos.	3	3.25	
F-2	Transitory Correspondence Files pertaining to purely routine functions such as inter-office memos, transmittal letters, appointments and schedules. Also, Public Information Requests (except those pertaining to litigation)	3 mos.	9 mos.	1	
F-3	Subject Files (Functional) Correspondence, reports and information related to the functional departments of the municipality and which document events, projects, activities and issues.	1	9	10	
F-4	Public Relations Records Speeches, Press Releases, Clippings, Photographs	1	Р	Р	
F-5	Delegations of Authority or Appointments to Office	1	Р	Р	
F-6	Executive's Annual Report to Governing Body	1	Р	Р	
F-7	Reading Files, Mayor Copies of outgoing letters and Memoranda arranged by date	3 mo.	3	3.25	Potential Archival value

BOROUGH CLERK AND GOVERNING BODIES SCHEDULE G - PAGE 1

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERI	OD	REMARKS
		Office	Storage	Total	
G-1	Minutes Official account of proceedings of governing body, boards, commissions or committees.		Р	Р	Keep a reference copy in office.
G-2	Agendas/Meeting Packets	2	Р	Р	
G-3	Audio Recordings of Meetings Includes governing body, boards, commissions and committees.	1	4	5	Due to fragile nature of electronic media, these should not serve as permanent record.
G-4	Notice of Meeting and Affidavit of Publication	1	1	2	
G-5	Ordinances and Resolutions (signed originals) Text of laws and regulations passed by the governing body.		Р	Р	Keep a reference copy in the office.
G-6	Petitions Filed by individuals or groups to request governing body action.	1	4	5	
G-7	Proclamations	1	Р	Р	
G-8	Public Hearing Records A description of the subject, public comment, turnout, and results of the hearing.	Т	2	T+2	T=recording in minutes. Keep permanently if not in minutes.

BOROUGH CLERK AND GOVERNING BODIES SCHEDULE G - PAGE 2

ITEM	SERIES TITLE & DESCRIPTION	RE	TENTION PERI	REMARKS	
		Office	Storage	Total	
G-9	Audio or Video Recordings of Public Hearings	1	4	5	Due to fragile nature of electronic media, these should not serve as permanent record.
G-10	Oaths of Office (Elected and Appointed)	1	Р	Р	
G-11	Special Committee or Commission Reports	Т	5	T+5	T=recording in minutes. Keep permanently if not in minutes.
G-12	Affidavits of Publication of Proposed Ordinances / Resolutions	1	Р	Р	
G-13	Census Reports	1	Р	Р	
G-14	Official Seal	Р		Р	
G-15	Annexation Records Petitions, correspondence, affidavits of publication for notices, copy of ordinances and related public hearing records	Т	5	T+5	T=recording in Minutes. Keep permanently if not in minutes.
G-16	Incorporation Records Under AS 29.05	Р		Р	
G-17	Certificate of Election Returns	Т	4	T+4	T=after recording In minutes (AS 15.15.470)
G-18	Certificate of Returns of Canvass Board	1	Р	Р	

BOROUGH CLERK AND GOVERNING BODIES SCHEDULE G - PAGE 3

ITEM	SERIES TITLE & DESCRIPTION	RI	ETENTION PERIC)D	REMARKS
		Office	Storage	Total	
G-19	Completed Voting Ballots		6 mo.	6 mo.	Retain six months after election is certified (longer if contested).
G-20	Declarations of Candidacy and Nominating Petitions	1	Р	Р	
G-21	Election Boundary (Precincts) Descriptions	Р		Р	
G-22	Conflict of Interest/Financial Disclosure Statements	1	Р	Р	
G-23	Challenged and Rejected Ballots		6 mos.	6 mos.	Retain six months after election is certified.
G-24	Election Registers and Tally Books Includes Accu-vote Testing, Ballot Proofs and Accounting	1	3	4	
G-25	Absentee Ballot Requests	1	3	4	Retain longer if election contested.
G-26	Mailroom Records	1		1	
G-27	Stockroom Inventories/Requisitions	1	2	3	
G-28	General Correspondence Letters, memoranda and miscellaneous information sent or posted, inc. misc. ads and notices not noted elsewhere	3 mos.	3	3.25	

PLANNING AND ZONING SCHEDULE H

ITEM	SERIES TITLE & DESCRIPTION	RI	ETENTION PERIC	REMARKS	
		Office	Storage	Total	
H-1	Comprehensive Plan and Amendments Statement of overall development and zoning plans.	Р		Р	
H-2	Comprehensive Plan Work Papers May include surveys, studies and reports	1	4	5	
H-3	Coastal Zone Management Plans and Amendments	Р		Р	
H-4	Enforcement Case Files Documents, complaints and action taken to enforce planning and zoning regulations.	Т	6	T+6	T=resolution of case
H-5	Platting Case Files (Subdivisions) Documents evaluation, environmental impacts, permits Issued and complaints on development subdivisions.	Т	10	T+10	T= completion of development
H-6	Variances, Waivers, Exceptions	1	Р	Р	
H-7	Conditional Use Permits	Т	7	T+7	T=discontinuance of use.
H-8	Temporary Use Permits	Т	7	T+7	T=discontinuance of use.

PERMITTING AND LICENSING SCHEDULE I

ITEM	SERIES TITLE & DESCRIPTION	RE	ETENTION PERIC)D	REMARKS
		Office	Storage	Total	
I-1	Itinerant Merchants/Solicitors Permits/Commercial Permits	Т	10	T+10	T=expiration of permit.
I-2	Applications for Permit Denied	1	2	3	
I-3	Non-Business Licenses and Permits Animal, games of skill/chance, ABC Board	Т	2	T+2	T=expiration of license or permit.
I-4	Construction/Building Permits	1	Р	Р	
I-5	Register of Permits Issued	Р		Р	
I-6	Non-Profit & For Profit Activity Permits Peace Marches, Parades, Concessions, Camps, Camping in Parks.	Т	2	T+2	T=expiration of license or permit.

PUBLIC FACILITIES SCHEDULE J - PAGE 1

ITEM	SERIES TITLE & DESCRIPTION	R	ETENTION PERIO	OD	REMARKS
		Office	Storage	Total	
J-1	General Correspondence – Routine	3 mos.	3 years	3.25 yrs.	
	General Correspondence – Special	3 mos.	5 years	5.25 yrs.	
J-2	Public Works Policies and Procedures	Р	Р	Р	
J-3	Inspection Reports	1	Р	Р	
	Building, Electrical, Plumbing, Fire, Water Sources, etc.				
J-4	Engineering Drawings, Maps, Plats Block and street maps, architectural drawings of tunnels and underground vaults, maps sowing subsurface structure of streets, blueprints and as-built drawings of government structures, original street opening maps, approved borough maps and lot plans.		P	Р	
J-5	Building Maintenance	Т	Р	Р	T=until building removed from inventory
J-6	Geologic Data Records Reports related to slides, avalanches, borings and drainage, and other subsurface conditions including piling records.		Р	Р	
J-7	Service Requests and Work Orders Including Requests for connection or disconnection or repair of water or sewer systems and customer surveys.	1	2	3	
J-8	Improvement File Including Street, Parking lot, water/sewer system, etc. Recommendations, petitions, action taken, repairs, complaints, etc.	1	Р	Р	

PUBLIC FACILITIES SCHEDULE J - PAGE 2

ITEM	SERIES TITLE & DESCRIPTION	RI	ETENTION PERIC	REMARKS	
		Office	Storage	Total	
J-9	Construction Project Files Includes specifications, contract selection/negotiation plans, bids/quotes/proposals, evaluations, performance bonds and correspondence, Requests for Bids/Proposals/Quotes.	Т	7	T+7	T=completion and final payment. Selected files may have archival value.
J-10	Equipment Maintenance Records	1	Т	Т	T=until equipment is removed from inventory
J-11	Vehicle Usage Reports	1	2	3	
J-12	Enforcement Case Files	T	6	T+6	T=resolution of case

POLICE SCHEDULE K

ITEM	SERIES TITLE & DESCRIPTION	RI	ETENTION PERIO	REMARKS	
		Office	Storage	Total	
K-1	Police Reports (Minor) Reports on such types of activities as abandoned or structures, bicycle theft, misdemeanor arrests breathalyzer use, daily field activity, injuries, community liaison.	2		2	
K-2	Police Reports (Major) Reports on such types of activities as felony arrests, Firearm purchases, escapes, substance abuse, traffic Accidents with injuries, child or sexual abuse, etc.	5	5	10	
K-3	Booking Records	5	Р	Р	
K-4	Photograph and Fingerprint Files	5	Р	р	
K-5	Officer Training Files	Т	10	T+10	T=Termination of employee.
K-6	Disciplinary Action Files	Т	5	T+5	T=Settlement of cause for action.
K-7	Citations (Parking and Traffic)	1		1	
K-8	Dispatcher Logs	1	4	5	
K-9	Crime Statistics	5	Р	Р	

FIRE AND EMERGENCY PROTECTION SCHEDULE L

ITEM	SERIES TITLE & DESCRIPTION	RETENTION PERIOD		REMARKS	
		Office	Storage	Total	
L-1	Fire and EMS Incident Reports	10		10	
L-2	Fire and EMS Training Files	Т	10	T+10	T=termination of employment or volunteer status.
L-3	Equipment Inspection Reports Hose tests, hydrant tests, etc.	5		5	
L-4	Fire Inspection Reports	10		10	
L-5	Fire Investigation Reports	Р		Р	
L-6	Emergency Services Plans	Р		Р	
L-7	Burning Permits	2		2	
L-8	Vehicle Service Records	Т		Т	T=final disposition of equipment.
L-9	Alarm Test and Maintenance Records	5		5	

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 15-604
Assembly Meeting Date: 10/27/15

Business Item Des	cription:		Attachments:							
Subject: Appeal of 2016 Skier Day Allocations Originator: Borough Clerk Originating Department:		1. 2016 Skier Day Allocation 2. Email from manager re. pre-allocation hearing 3. AMG Notice of Appeal 4. AH Notice of Appeal								
					Administration Date Submitted:					
					10/16/15					
Full Title/Motion:										
Motion: Uphold the boroug	gh manager's skier day	allocati	on for the 2016 heliski	ing season.						
Administrative Rec	ommendation:									
Fiscal Impact:										
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future Operating Budgets						
\$0	\$0	\$ 0		n/a						
Comprehensive Pla	ın Consistency Re	eview	':							
Comp Plan Goals/Object	ctives:		Consistent: ■Yes	s □No						
Summary Stateme	nt:									
decision of the borough ma	anager to the borough a of the decision of the b	ssembl orough	y by filing a notice of a manager. All permitted	n may appeal the initial allocation ppeal with the borough clerk no later es shall be included as parties to the						
AMG and AH both filed tim make their case before the				opeal, all will have the opportunity to						
Referral:										
Referred to:			Referral Date:							
Recommendation:			Λ	Meeting Date:						
Assembly Action:	15		Dublic Hooring D-							
Meeting Date(s): 10/27/	10		Public Hearing Date Postponed to Date							



Haines Borough Administration David Sosa, Borough Manager (907)766-2231 • Fax(907)766-2716 dsosa@haines.ak.us

Manager's Report - Heliskiing Allocations Update

October 2, 2015

Haines Borough Code 5.18.080 establishes a maximum of 2,600 skier days to be allocated by the Manager among three heliski companies. Alaska Heliskiing (AH), Southeast Alaska Backcountry Adventures (SEABA), and Alaska Mountain Guides (AMG) have requested a combined 3,200 skier days for the 2015 heliski season. When this occurs, it falls to the Borough Manager to decide how to allocate skier days between permitted companies. HBC 5.18.080(C)(2) lists the following factors to be considered when making allocation decisions:

- a. The quality of the operating and safety plans submitted by the permittee.
- b. The economic impact of the allocation on the permittee.
- c. The safety and well-being of the general public.
- d. Historic use of skier days by the permittee.
- e. The interests of the borough in the promotion of tourism.
- f. Past safety record of the permittee.
- g. The applicant's past record of compliance with borough ordinances related to commercial ski tours.
- h. The existence and terms of any voluntary agreement between the borough and the applicant pertaining to operational practices of the applicant.

I have decided to issue skier days for the 2016 season as follows:

	2014			2015			20	15
	Requested	Initial	Final	Requested	Initial	Final	Requested	
	Allocation							
AH	1400	1400	1400	1750	1450	1450	1450	1250
SEABA	1100	950	950	1000	1000	1000	1000	900
AMG	450	250	250	450	150	150	650	200
Total	2950	2700	2700	3200	2600	2600	3100	2350

These numbers represent the allocation for the 2016 season.

In making this determination the Manager reviewed all of the items denoted earlier in this document. Particular attention was paid to historical usage for the past three years. In the case of Alaska Heliskiing and SEABA the apportionment represents more than 100 days over the highest usage between 2013 and 2015. Alaska Mountain Guides allocation was increased based on their providing a contract with a vendor that indicates that for FY 16 they will have use. Given AMG's failure to use any days in the last three years they were awarded 450 fewer days than they requested. It should be noted that there is a **reserve of 250 skier days** available. These days may be awarded if it is determined that there is a need for more days by any or all of the heliski companies.

Any permittee receiving less than a requested allocation may appeal this initial allocation decision to the borough assembly by filing a notice of appeal with the borough clerk no later than 15 days from the date of this decision.

D.B. Sosa

David B. Sosa

Borough Manager

From: <u>David Sosa</u>

To: Alaska Mountain Guides - Exec; Scott Sundberg; nick@seaba-heli.com; ryan@alaskaheliskiing.com;

alaskaheliskiing@hotmail.com

Cc: <u>Leslie Ross</u>; <u>Julie Cozzi</u>

Subject: Hearing

Date: Wednesday, September 09, 2015 12:58:24 PM

All,

I would like to conduct a Heliski Day Hearing next week based on your availability. Best day for Leslie and I is next Friday, 18 September, at after 1 PM. Attendance can be in person, over the phone, or you can designate someone to represent your interests. Please advise if you can attend.

Regards,

Dave Sosa

David B. Sosa Borough Manager Haines Borough, Alaska www.hainesalaska.gov dsosa@haines.ak.us 907-766-2231 ext. 29

"Be a yardstick of quality. Some people aren't used to an environment where excellence is expected."

Steve Jobs

From: <u>Alaska Mountain Guides - Exec</u>

To: <u>Julie Cozzi</u>

Cc: <u>David Sosa; Leslie Ross; Alaska Mountain Guides - Exec</u>

Subject: Heli User Day Appeal

Date: Saturday, October 17, 2015 5:25:12 PM

Hi Dave and Julie,

I am sending a note to ask for an appeal to the assembly for Alaska Mountain Guides 2015 heli-skiing user day allocation.

Please let us know if we can provide anything additional at this time.

Thank you, and have a great weekend.

Sean

Sean Gaffney President Alaska Mountain Guides

On Oct 16, 2015, at 4:00 PM, Julie Cozzi < <u>jcozzi@haines.ak.us</u>> wrote:

Hi...

The 15th calendar day not counting the day it was issued would be tomorrow. However, since that falls on a weekend, it is our business practice to extend to the first business day following that and, because of Alaska Day, our office won't be open until Tuesday, the 20th. By the way, since the manager's decision did not specify business days, we go by calendar days. I encourage you to submit your appeal as soon as possible, but I believe it would be acceptable until Tuesday, the 20th.

I have received no appeals, to-date.

Have a nice weekend.

Julie

From: Alaska Mountain Guides - Exec [mailto:exec@alaskamountainguides.com]

Sent: Friday, October 16, 2015 3:34 PM

To: Julie Cozzi

Cc: Alaska Mountain Guides - Exec Subject: Heli User Day Appeal

Hi Julie,

Can you tell me when the last day to appeal the Heli user days decision is? I know that it is 15 day from the time of the decision. Does that make it today,

tomorrow, or Monday? The decision was made Friday the 2nd.

I also wanted to ask if any other company had filed at this point?

Thank you, and have a great weekend.

Sean

Sean Gaffney

From: Ryan Johnson
To: Julie Cozzi

Subject: AH User Day Appeal

Date: Tuesday, October 20, 2015 4:51:18 PM

Julie,

Alaska Heliskiing wishes to appeal the decision of User Day Allocation to the Borough Assembly. We will state reasons during our comments at the meeting.

Thanks for your time and consideration.

Ryan Johnson co-owner Alaska Heliskiing

Haines Borough Assembly Agenda Bill

Agenda Bill No.: 15-606
Assembly Meeting Date: 10/27/15

Business Item Des	cription:		Attachments:		
Subject: Local Bidders Preference			Results of Deputy Clerk's Research 9/18/15 Memo from the Manager 3. 9/11/15 Request from Haines Contractors		
Originator:			5. 9/11/13 Request in	on Hames Contractors	
Haines Contractors					
Originating Departmen	t:				
Date Submitted: 9/11/15					
Full Title/Motion:					
clarifying that the percent	difference is calculated	as the	difference between the	eference from 3% to 5% and low overall bid and the lowest local ests for Bids or Quotes issued by the	
Administrative Rec	ommendation:				
Fiscal Impact:					
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future Operating Budgets	
\$	\$	\$		n/a	
Comprehensive Pla	ın Consistency Re	eview	' :		
Comp Plan Goals/Object			Consistent: ■Yes	□No	
Summary Stateme	nt:				
investigate the issue of Loc	cal Bidders Preference a anager's report. Additio	and brir nally, th	ng a recommendation t ne manager's 9/18/15 r	mbly directed the manager to o this meeting. His recommendation nemo is attached to this agenda bill.	
Referral:					
Referred to:			Referral Date:		
Recommendation:			N	Meeting Date:	
Assembly Action:	40/07/45				
Meeting Date(s): 10/13, 10/27/15			Public Hearing Date(s): Postponed to Date:		

Note: Grant language such as for the Haines Borough Vocational Education Building Upgrade – "Award selection is based on competitive sealed bids; local hire is not a consideration."

City of Ketchikan (3.12.040 Purchases of supplies, materials, equipment or services – When competitive bidding or quotations are required):

- (4) Local Bidder Preference Award.
- (A) Unless contrary to federal or state law or regulation, a contract or purchase for supplies, materials, equipment or contractual services the amount of which is less than \$200,000 shall be awarded to a local bidder where the bid by such local bidder is in all material respects comparable to the lowest responsible nonlocal bid if the amount bid by such local bidder does not exceed the lowest responsible nonlocal bid by more than:
- (i) Ten percent of the amount bid by the lowest responsible nonlocal bidder if that nonlocal bidder's bid is \$100,000 or less;
- (ii) Seven percent of the amount bid by the lowest responsible nonlocal bidder or \$10,000, whichever is less, if that nonlocal bidder's bid is greater than \$100,000 but less than or equal to \$200,000.

No local bidder preference will be allowed if the lowest responsible nonlocal bidder's bid exceeds \$200,000. The council may by motion adopted prior to bid opening exempt any contract or purchase from the local bidder preference set forth in the preceding sentence.

Negotiation): If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to three percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder.

Juneau (Chapter 53.50 – Purchasing of supplies and services):

A bid shall be awarded to a Juneau bidder if its bid is not more than five percent higher than the lowest responsive nonresident bidder's, but shall be awarded to a bidder with disabilities if its bid is not more than ten percent higher than the lowest responsive nondisabled bidder's, unless the bid is for a capital construction improvement or such an award is contrary to state or federal law or regulations.

Ketchikan Gateway Borough:

11.20.080 Local bidder preference award.

(a) A contract or purchase shall be awarded to a local bidder where the bid by such local bidder is, in all material respects, comparable to the lowest responsible nonlocal bid if the amount bid by such local bidder does not exceed the lowest nonlocal bid by more than the following percentages, unless such an award is contrary to state or federal law or regulation, or

unless the assembly, at its discretion, determines prior to giving notice soliciting bids that the provisions of this section shall not apply to the contract or purchases:

Nonlocal bid is: Local bid is not more than:

\$0 - \$5,000,000 5 percent higher than nonlocal bid

Over \$5,000,000 2.5 percent higher than nonlocal bid

Petersburg (4.04.050 – Bid preference for residents)

Α

Unless contrary to federal or state law, regulation or funding stipulations, a contract or purchase for supplies, materials, equipment or contractual services may, at the discretion of the borough assembly, be awarded to a resident bidder where the bid by such resident bidder is in all material respects comparable to the lowest responsible nonresident bid and the amount bid by such resident bidder does not exceed the lowest responsible nonresident bid by more than five percent. The borough assembly may, after consideration of the bids and other relevant factors, including the public interest, elect not to grant a resident preference.

B.

No resident bidder preference will be allowed if the lowest responsible nonresident bid exceeds \$500,000.00. The assembly may by motion, adopted prior to bid opening, exempt any other contract or purchase from a resident bidder preference.

Sitka (3.16.030 Open market procedures):

- C. All purchases less than **twenty-five thousand dollars** shall be made on the open market with such competition as is reasonable and practical in the circumstances as long as by doing so, does not interfere with the ability of the city and borough of Sitka to receive grants and other funding sources. It is the city and borough of Sitka's intent to promote local purchases whenever the availability, quality, price and delivery is:
- 1. Within a four percent advantage to what is available outside the municipality for purchases under two thousand five hundred dollars; and
- 2. Within a two percent advantage to what is available outside the municipality for purchases two thousand five hundred dollars and above.

Skagway (**4.05.040 Competitive sealed bid procedure**): A bid shall be awarded to a Skagway bidder if its bid is not more than five percent higher than the lowest responsive nonresident bidder's.

State of Alaska (AS 36.30.321 (a)):

Alaska Bidder Preference – A contract award is made to the lowest responsive and responsible bidder after applying the 5% bidder preference.

Wrangell (5.10.040 When competitive bidding or quotations are required):

- D. Local Bidder Preference Award.
 - 1. Unless contrary to federal or state law or regulation, or as otherwise provided in section (D)(2) of this section, a contract for, or purchase of, supplies, materials, equipment, contractual services, or public improvements shall be awarded to a local bidder where the bid by such local bidder is in all material respects comparable to the lowest responsible nonlocal bid, and if the amount bid by such local bidder does not exceed the lowest responsible nonlocal bid by more than:
 - a. Five percent of the amount bid by the lowest responsible nonlocal bidder if that nonlocal bidder's bid is \$1,000,000 or less;
 - b. Three percent of the amount bid by the lowest responsible nonlocal bidder if that nonlocal bidder's bid is \$1,000,001 or more.
 - 2. This preference shall not be interpreted to mean that the borough is precluded from making the purchase from whatever source is most advantageous to the borough after considering all factors in the public interest even when the price quoted by the local bidder satisfies subsection (D)(1)(a) or (b) of this section.

5.10.070 Local hire required on public improvement contracts

Contracts for public improvements which are funded in whole or in part by local funds or by funds which, in accordance with a federal grant or otherwise, the borough expends or administers, and to which the borough is signatory, may include the requirement that 90 percent of the work shall be accomplished by bona fide local residents, if qualified and available. In the case of federal funds used on a public improvement, the federal program should be intended to encourage economic revitalization, including improvement opportunities for the poor and unemployed.



DATE: 18 September 2015

To: Mayor Hill & Haines Borough Assembly

From: David B. Sosa, Borough Manager

Subject: LOCAL BIDDER PREFERENCE

1. In this week's packet the Assembly will find correspondence from local business owners regarding local preference.

- 2. I have directed staff to review the request and provide recommendations. From my initial review I offer the following thoughts:
 - a. The request to have the Local Bidder Preference clearly identified in bid documents is worth strong consideration and, barring any legal concerns, I would recommend implementing this.
 - b. The request for Haines to match other communities in offering a 5% local bidder preference is worth strong consideration. I have directed staff to review the policies of other communities in Southeast Alaska and make a recommendation.
 - c. The desire for mandatory local bidder selection requires more detailed staff work and a thorough review before any recommendation can be offered.
- 3. Staff will continue to provide feedback on this item and I hope to have a staff report to the Assembly included in the packet for the 27 October Assembly Meeting.

Respectfully,

David B. Sosa

D.B. Sosa

Haines Borough Manager



HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name: Roger Schnabel	Date: <u>09/11/15</u>
Name of Group Represented (if applicable) Haines Con	tractors
Address: HC 60 Box 4800, Haines, AK 99827	Phone: <u>(907)</u> 766-2833
Email Address: <u>roger@seroad.com</u>	Fax: <u>(907) 766-2832</u>
I request to be scheduled on the Borough Assembly me September, or as soon thereafter as p	eeting agenda dated the <u>22nd</u> day o
Purpose of Request: <u>Local Bidder Preference</u> , HBC 3.60 The Haines local contractors whose names appear on the of the local bidder preference in HBC 3.60.160 A.8. and 3 the language of the code invites interpretation and inconsi award procedures. See attached letter from Haines Cont	e attached memo request a review .60.160 B. The contractors recognize istency in the treatement of bid and
Estimated Time Required (if a presentation) <u>5 minutes</u>	
Action you wish the Assembly to take: Review Local Bidder HBC 3.60.160 B. and criteria for all bids and awards administered by part of the specifications for each bid, and (2) Increase the allowable I factor adopted by other municipalities including Skagway. Please also DOT, offers a 5% local preference in many of their solicitations.	the Haines Borough, making local preference local preferential margin to 5%, the factor

Note: Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are not within the assembly's purview and are more appropriately handled by staff. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. You will be contacted and informed of the best and most appropriate avenue for action. If your request ends up on an assembly agenda, it will most generally be placed under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. The deadline for agenda topics is 10:00 a.m. the Monday (one week and one day) prior to an assembly meeting. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them.

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

Date: August 30, 2015

To: Dave Sosa, Manager

Haines Borough

From: Haines Contractors

Re: Local Bidder Preference

HBC 3.60.160 A. 8. and 3.60.160 B.

Referenced borough code currently allows the potential for local bidders to receive a preference in the award of competitive bids if the bid is within 3% of the apparent low bid. The potential is underscored by the discretion of the Assembly. Additionally, code does not guarantee transparency in the award to "other than low bidder," as it allows meeting minutes to stand for a statement or reason; bid awards can be dispensed on a consent agenda, and Assemblies are not required to engage in meaningful discussion on matters that may involve personal opinion.

The local contractors, whose names appear below, recognize the language of the code invites interpretation and inconsistency in the treatment of bid and award procedures.

We request a review of this Section with the intent to (1) standardize the specifications and criteria for all bids and awards administered by the Haines Borough, making local preference part of the specifications for each bid and (2) increase the allowable local preferential margin to 5%, the factor adopted by other municipalities including Skagway. As noted the State of Alaska, both DNR and DOT, offers this in many of their solicitations, also at 5%.

Stickler Construction Co., Dave Stickler

Turner Construction, Don Turner Jr. III

Southeast Roadbuilder's Inc., Roger Schnabel-

JB Strong Hydroseeding, James Strong

Whiterock Construction, Jack Smith Jr.

Darkhorse Customs, Tony Malone

Newman Plumbing, Willie Newman

Henry Construction, Inc., Ira Henry

Wolverine Ready Mix, Robin Stickler

Northern Construction, John Floreske

Pao Rom Mechanical, Shawn O'Brien

Dave Ricke Builders Dave Ricke

The Stymp Company, Scott Rossman

խնվերց Plumbing, Keith Houlberg

Date: August 30, 2015

To: Dave Sosa, Manager

Haines Borough

From: Haines Contractors

Re: Local Bidder Preference

HBC 3.60.160 A. 8. and 3.60.160 B.

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See Page 1	See Page 1
Stickler Construction Co., Dave Stickler	Henry Construction, Inc., Ira Henry
Von Teenor f	See Page 1
Turner Construction, Don Turner Jr.	Wolverine Ready Mix, Robin Stickler
See Page 1	See Page 1
Southeast Roadbuilder's Inc., Roger Schnabel	Northern Construction, John Floreske
See Page 1	See Page 1
JB Strong Hydroseeding, James Strong	Pac Rim Mechanical, Shawn O'Brien
See Page 1	See Page 1
Whiterock Construction, Jack Smith Jr.	Dave Ricke Builders, Dave Ricke
See Page 1	See Page I
Darkhorse Customs, Tony Malone	The Stump Company, Scott Rossman
See Page 1	See Page 1
Newman Plumbing, Willie Newman	Houlberg Plumbing, Keith Houlberg

RETURN THIS BID TO THE ISSUING OFFICE AT:



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
PROCUREMENT OFFICE
PO BOX 112500
3132 CHANNEL DRIVE, ROOM 310
JUNEAU, ALASKA 99811-2500

THIS IS NOT AN ORDER

DATE ITB ISSUED: April 22, 2015

AGGREGATE E-Chip, B-Chip – Haines, Alaska (Non-Participating State Funded and Federally Funded)

Sealed bids must be submitted to the State of Alaska, Department of Transportation and Public Facilities, Statewide Procurement Office from which they were issued, and must be time and date stamped by the purchasing section *prior to 2:00 PM on April 29, 2015*, at which time they will be publicly opened.

DELIVERY LOCATION: DOT&PF, Maintenance Stations; Haines, Alaska.

DELIVERY DATE: See Delivery / Material Availability (page 9)

IMPORTANT NOTICE: If you received this solicitation from the State's "Online Public Notice" web site, you must register with the Procurement Officer listed on this document to receive subsequent amendments. Failure to contact the Procurement Officer may result in the rejection of your offer.

BIDDER'S NOTICE:

Contracts for purchases resulting from this bid will be made utilizing Federal Funds. As such, and per AS 36.30.890, no State of Alaska Bidder or Product Preferences may apply.

Sec. 36.30.890. Federal Assistance

If a procurement involves the expenditure of federal funds or federal assistance and there is a conflict between a provision of this chapter or a regulation adopted under a provision of this chapter and a federal statute, regulation, policy, or requirement, the federal statute, regulation, policy, or requirement shall prevail.

2 AAC 12.730. Federal Assistance

If a procurement involves the expenditure or federal funds or requires federal assistance and there is a conflict between a provision of this chapter and federal statute, regulation, policy, or requirement, the procurement officer shall comply with the federal statute, regulation, policy, or requirement.

Authority: AS 36.30.040; AS 36.30.890

Michael Williams, Procurement Officer	Southeast Road Builders, Inc.	Note: An Alaska Business License will be required prior to award. Out-of-State bidders must also comply with all corporate laws of the State of Alaska regarding performing business in the State.
michael.williams@alaska.gov	AUTHORIZED SIGNATURE	
PH: 907-465-8855	Roger Schnabel	228340
FX: 907-465-2024	PRINTED NAME	ALASKA BUSINESS LICENSE NUMBER
	April 29, 2015	92-0159551
	DATE	VENDOR TAX ID NUMBER
Pages 1 through 14		,

- 17. DISPUTES: If a contractor has a claim arising in connection with a contract resulting from this ITB that it cannot resolve with the State by mutual agreement, it shall pursue a claim, if at all, in accordance with the provisions of AS 36.30.620 632.
- 18. CONSUMER ELECTRICAL PRODUCT: AS 45.45.910 requires that "...a person may not sell, offer to sell, or otherwise transfer in the course of the person's business a consumer electrical product that is manufactured after August 14, 1990, unless the product is clearly marked as being listed by an approved third party certification program." Electrical consumer products manufactured before August 14, 1990, must either be clearly marked as being third party certified or be marked with a warning label that complies with AS 45.45.910(e). Even exempted electrical products must be marked with the warning label. By signature on this bid the bidder certifies that the product offered is in compliance with the law. A list of approved third party certifiers, warning labels and additional information is available from: Department of Labor, Labor Standards & Safety Division, Mechanical Inspection Section, P.O. Box 107020, Anchorage, Alaska 99510-7020, (907)269-4925.
- 19. SEVERABILITY: If any provision of the contract is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected; and, the rights and obligations of the parties will be construed and enforced as if the contract did not contain the particular provision held to be invalid.
- 20. GOVERNING LAW; FORUM SELECTION: A contract resulting from this ITB is governed by the laws of the State of Alaska. To the extent not otherwise governed by section 17 of these Standard Terms and Conditions, any claim concerning the contract shall be brought only in the Superior Court of the State of Alaska and not elsewhere.

SPECIAL CONDITIONS:

- 1. ORDER DOCUMENTS: Except as specifically allowed under this ITB, an ordering agency will not sign any vendor contract. The State is not bound by a vendor contract signed by a person who is not specifically authorized to sign for the State under this ITB. The State of Alaska Purchase Order, Contract Award and Delivery Order are the only order documents that may be used to place orders against the contract(s) resulting from this ITB.
- 2. BILLING INSTRUCTIONS: Invoices must be billed to the ordering agency's address shown on the individual Purchase Order, Contract Award or Delivery Order. The ordering agency will make payment after it receives the merchandise or service and the invoice. Questions concerning payment must be addressed to the ordering agency.
- CONTINUING OBLIGATION OF CONTRACTOR: Notwithstanding the expiration date of a contract resulting from this ITB, the Contractor is obligated to fulfill its responsibilities until warranty, guarantee, maintenance and parts availability requirements have completely expired.

PREFERENCES:

Note to Bidders.

Alaska Preferences apply for Lot 1 (Non-Participating Funds), and will not apply for Lot 2 (Federal Funds).

- 1. ALASKA BIDDER PREFERENCE: Award will be made to the lowest responsive and responsible bidder after an Alaska bidder preference of five percent (5%) has been applied. The preference will be given to a person who: (1) holds a current Alaska business license at the time designated in the invitation to bid for bid opening; (2) submits a bid for goods or services under the name on the Alaska business license; (3) has maintained a place of business within the state staffed by the bidder, or an employee of the bidder, for a period of six months immediately preceding the date of the bid; (4) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under AS 32.06 or AS 32.11 and all partners are residents of the state; and, (5) if a joint venture, is composed entirely of ventures that qualify under (1) (4) of this subsection. AS 36.30.170, AS 36.30.321(a) and AS 36.30.990(2)
- 2. ALASKA VETERAN PREFERENCE: If a bidder qualifies for the Alaska bidder preference under AS 36.30.321(a) and AS 36.30.990(2) and is a qualifying entity as defined in AS 36.30.321(f), they will be awarded an Alaska veteran preference of five percent (5%). The preference will be given to a (1) sole proprietorship owned by an Alaska veteran; (2) partnership under AS 32.06 or AS 32.11 if a majority of the partners are Alaska veterans; (3) limited liability company organized under AS 10.50 if a majority of the members are Alaska veterans; or (4) corporation that is wholly owned by individuals and a majority of the individuals are Alaska veterans, and may not exceed \$5,000. The bidder must also add value by actually performing, controlling, managing, and supervising the services provided, or for supplies, the bidder must have sold supplies of the general nature solicited to other state agencies, other governments, or the general public AS 36.30.321(i).
- 3. USE OF LOCAL FOREST PRODUCTS: In a project financed by state money in which the use of timber, lumber and manufactured lumber is required, only timber, lumber and manufactured lumber products originating in this state from Alaska forests shall be used unless the use of those products has been determined to be impractical, in accordance with AS 36.15.010 and AS 36.30.322.



STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES

INVITATION FOR QUOTES FOR A SMALL PROCUREMENT (CONSTRUCTION RELATED)

INSTRUCTIONS TO OFFERORS

The State of Alaska desires that all Offerors submitting quotes on construction contracts are given a fair and equal opportunity to compete. Offerors are required to follow these instructions:

REVIEW THE PROJECT DOCUMENTS: Most construction Projects in excess of \$1,000 will have some type of written documentation prepared expressly for the Work. If you are asked to submit a quote and no written information has been provided, you should ask the procurement Agency for written documentation. If the scope of services have been described to you verbally, and you are selected for Contract Award, you must ensure that the information of the services to be performed (scope of work) is put in writing prior to accepting the Contract. When providing a Quote, carefully review and consider all materials related to the solicitation and work of the contract. By submitting a quote the Offeror warrants that they are familiar with the Project requirements, have visited or otherwise examined the site, and are aware of the conditions to be encountered. Offeror's can verify the contents and completeness of their quote documents by contacting the procurement Agency individual named on the front of this form.

SUBMITTING THE QUOTE: The Quote must be submitted in one of the following formats as called for in the Invitation:

- 1. ORALLY if a verbal quote is solicited, the Offeror must provide, in addition to their quote amount and mailing address -- (1) their valid Alaska Business License number, (2) if applicable, a valid Contractor's Registration number, (3) their status as an Alaskan Bidder (Offeror), (4) their intended use of Alaskan products, (5) the carrier's name and policy number for their Workers' Comp Insurance (or a statement of sole proprietorship, if applicable), and (6) the Employer (Tax) Identification Number or Social Security Number. The Procurement Agency will enter this information on the quote schedule.
- 2. WRITTEN if a written quote is solicited, the Offeror must complete, in ink or typewritten, the *Small Procurement Quote Submittal*, Form SPC-002. Failure to acknowledge receipt of addenda or to execute the form correctly and completely may disqualify the quote.

NOTE: The Department of Labor requires an Offeror to be licensed and registered for the required type of work prior to submitting a quote. If the procurement Agency determines the Offeror is improperly registered or licensed, their quote may be deemed nonresponsive.

SUBCONTRACTOR LISTING: Subcontractors intended to be utilized on this contract must be listed in the response to the solicitation. Work shall not be awarded to any subcontractor without prior approval from the procurement Agency. Subcontractors may be added or removed only as approved by the procurement Agency.

DETERMINATION OF THE LOWEST RESPONSIBLE QUOTE AND CONTRACT AWARD: Following receipt and determination of all responsive oral, written or sealed quotes, the procurement Agency will compare the quotes and determine the lowest Offeror. If the procurement Agency discovers a discrepancy between the unit price amount and the extended amount; the unit price amount will prevail. Conditioned quotes, unless expressly requested, will not be considered. When the quote schedule is composed of a basic amount with alternates, the procurement Agency will base its determination of the low quote and the amount of the Contract Award solely upon those quotes, basic and alternates, that are priced within the extent of available construction funds. Alternates will be considered for Award in the order listed, except that if the order of Offerors is not affected, the Award may include any combination of funded alternates, or none, as may be in the best interest of the procurement Agency.



When determining the lowest quote, the procurement Agency will also give a 5% Alaska Offeror's preference and an appropriate Alaska Products preference to quotes designating the applicability of a preference. To qualify for the Offeror's preference (per AS 36.30.170) the Offeror must (1) hold a current Alaska Business License, (2) submit the quote under the name appearing on the license, (3) have staffed and maintained a place of business within Alaska for the previous six months and (4) be incorporated or qualified to do business under the laws of the State. In addition, if the Offeror is a partnership or joint venture, all parties must meet the criteria to be eligible for the preference. A booklet fully describing the Alaska Preferences (Bidder, Offeror, Product, Disabilities, Veteran) program is available at http://doa.alaska.gov/dgs/pdf/pref2.pdf. A detailed description of the Alaska Products Preference Program is available at http://www.commerce.state.ak.us/ded/dev/prodpref/prodpref.htm.

The procurement Agency will make a determination of **responsibility** as required by 2 AAC 12.500. If the lowest Offeror is declared responsible, the procurement Agency will execute the *Notice of Award / Notice to Proceed,* Form SPC-003, and send it to the Offeror for acknowledgement. If the lowest Offeror is found to be nonresponsible, this process will be repeated with the second lowest Offeror -- and so on until the lowest responsive and responsible Offeror is determined.

NOTICE OF AWARD AND PROTEST: A written notice will be provided on all Awards exceeding \$ 25.000 (2 AAC 12.400(h)). All protests must be filed with the Commissioner of the procurement Agency (or designee) and copied to the Procurement Officer. Protest procedures are described in AS 36.30.560 and 2 AAC 12.695. The extent of the protest remedy is limited to quote preparation costs (AS 36.30.585).

C. Tabulation. A tabulation of all bids received and opened shall be made with appropriate recommendations for acceptance or rejection of bids. A copy of the tabulation shall be furnished to each bidder, along with notice of intent to award.

3.60.150 Action on bids.

Upon receipt and opening of the bids, the assembly or its delegate shall have the authority to:

- A. Waive any and all irregularities on any or all bids;
- B. Reject defective or nonresponsive bids:
- C. Reject all bids;
- D. Re-advertise the project for bidding, with or without making changes in the project plans, specifications or scope of work;
- E. Award the contract in accordance with HBC 3.60.160.

3.60.160 Award of contract – Lowest bidder – Evaluation and exception – Negotiation.

- A. Lowest Responsible and Responsive Bidder. A contract shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, there shall be considered:
 - 1. The ability, capacity and skill of the bidder to perform the contract;
 - 2. Whether the bidder can perform the contract within the time specified, without delay or interference;
 - The character, integrity, reputation, judgment, experience and efficiency of the bidder:
 - 4. The quality of performance of previous contracts for the borough by the bidder;
 - 5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
 - 6. The sufficiency of the financial resources and ability of the bidder to perform the contract;
 - 7. The number and scope of conditions attached to the bid;
 - 8. If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to three percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder.
- B. Award to Other than Low Bidder. A decision to award a contract to other than the bidder offering the lowest price shall be made only by the assembly. When an award is given to other than the lowest bidder, a full and complete written statement of the reasons therefor shall be delivered by the mayor or the mayor's designee to the unsuccessful low bidder or bidders and filed with the other papers



* ~

<u>Failure to Execute Contract</u>: Failure of the successful Bidder to execute and return the contract agreement and other documents within seven (7) days after receipt of the Municipality's Notice of Intent to Award, will be just cause for the rejection of the award. Award may then be made to the next lowest responsive, responsible and qualified Bidder, or the work may be re-advertised, in the sole discretion of the Municipality.

If the Municipality does not execute the contract agreement within fifteen (15) days following receipt from the Bidder of all required documents appropriately executed for the award of the contract, the Bidder shall have the right to withdraw its bid without penalty.

Skagway Bidder Preference: A bid shall be awarded to a Skagway bidder if Bidder's bid is not more than five percent higher than the lowest responsive nonresident bidder's. A bid shall be rejected if it contains a material alteration or an erasure. The Municipality may reject the bid of a bidder who failed to perform or failed to timely perform on a previous contract with the Municipality or any municipality. The Borough manager may reject any and all bids and waive any informalities or minor irregularities in the bids. Where all bids are rejected, and new bids are called for on substantially the same purchase or contract, each of the bidders whose bids were rejected shall be timely notified of the new call for bids and of changes, if any, in the specifications and requirements.

<u>Permit Responsibility:</u> Successful Bidder/Contractor shall obtain any and all necessary permits from Federal, State and local authorities for this project, including any applicable fees and costs associated with the permit/process.

<u>Davis Bacon</u>: Alaska Labor Standards, reporting and prevailing wage rate determination is made part of this bid package. If this project is over \$25,000, a notice of award will be sent to the Alaska Department of Labor - Wage and Hour Section. The State will require that certified payroll forms are completed and the State has the right to randomly audit the successful bidders company to ensure Davis Bacon Wages are being paid for this project.

Payment and Performance Bond: If this project is under \$50,000 no bonding is required and the bonding bid sheet does not need to be completed. If this project is over \$50,000 but under \$150,000, bidder must sign the bonding exemption checklist & have it notarized. Answers to questions on Bonding Exemption Checklist page may require bonding papers or a letter from bonding company saying contractor is bondable for this project for the amount of the project. If this project is over \$150,000, bonding IS required. For purposes of bid documents, a signed letter from a surety company committing to the bonding of the contactor in the amount of the project will suffice until the time of actual signing of the contract, when bond must be on hand. (See Bonding Exempt Checklist)

Ownership of Bid Submittals: Once bids are opened, they become the property of the Municipality, and shall not be returned. Bids may be withdrawn by submitting a written withdrawal request to the same address to which the bid was submitted if said request is received by the Municipality one (1) hour prior to the bid opening time and date. The bid shall be returned to the Bidder unopened.



Haines Chamber of Commerce

"Working Together to Build Business & Community"

219 Main Street, Suite 14 PO Box 1449 · Haines, AK 99827 907-766-2202

chamber@haineschamber.org · www.haineschamber.org

October 16, 2015

David Sosa, Manager and Members of the Haines Borough Assembly Haines Borough PO Box 1209 Haines, AK 99827

Re: Marijuana Regulation Task Force

Dear Manager Sosa and members of the Haines Borough Assembly:

In anticipation of the state's acceptance of applications for license of businesses to grow, produce, sell and/or test marijuana and marijuana-related products in February 2016, the Chamber today moved to establish a Marijuana Regulation Task Force. This group, to be chaired by Thom Ely, will conduct research and poll the community through public meetings on issues relating to potential regulation of local industry.

We are aware that the Assembly has scheduled a committee meeting of the whole on Wednesday, October 28. We will attend that meeting to ensure coordination with the government's agenda and to discuss collaborating on developing legal language for the regulation of the industry in the borough. Our interest is in ensuring that the introduction of potential ordinances has general community support prior to introduction, and to that end, we welcome the participation of Assembly members on our task force.

We believe it is essential to have a sense the community's attitude toward the industry prior to the request for support by any license applicant.

Sincerely,

Kyle Gray, President

Copy: Haines Borough Clerk

12B

HAINES BOROUGH



AGENDA REQUEST FOR ASSEMBLY ACTION

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name: dana hallett Date: 16 Oct 15
Name of Group Represented (if applicable)
Address: HC 60 BOX 3710 Haines, AK Phone: 767.576.5
Email Address: tdhallett@gmail.com Fax:
I request to be scheduled on the Borough Assembly meeting agenda dated the day of, or as soon thereafter as possible.
Purpose of Request: To potition my assembly re: its failure to comply w/ law. (see attached report)
Estimated Time Required (if a presentation) 6 Min
Action you wish the Assembly to take: See pgs. 6 & 7 of a Hacked report.

Note: Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are not within the assembly's purview and are more appropriately handled by staff. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. You will be contacted and informed of the best and most appropriate avenue for action. If your request ends up on an assembly agenda, it will most generally be placed under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. The deadline for agenda topics is 10:00 a.m. the Monday (one week and one day) prior to an assembly meeting. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them.

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

Date:

October 16, 2015

From:

Dana Hallett; HC 60 Box 3710; Haines, Alaska 99827

To:

Members of the Haines Borough Assembly

Re:

Audit of the Public Process Regarding Committees, Commissions, and

Boards

I wish to submit the following study of the public process regarding committees, commissions, and boards to the people through the Assembly for consideration.

ISSUE

In recent months, the community has wrestled with various difficult issues, including but not limited to: the small boat harbor expansion project, the Lutak dock project, the cruise ship fee waver and the minor offenses ordinance. The question is whether the public process in current use is serving the community as designed in the code, charter, and AK State statutes. This question frames the study presented within this paper.

Methodology

The Haines Borough website was used to audit compliance of four of our committees, commissions and boards with regard to their meetings. The following committees were chosen because they have been tasked by the Haines Borough Assembly to review many of the issues the community has wrestled with over the past few months. The committees were:

- Port and Harbor Advisory Committee,
- Public Safety Commission,
- Tourism Advisory Board, and,
- Parks and Recreation Advisory Committee.

The questions were, when a meeting of the committee, commission or board was held:

- Was public notice given?
- Was an agenda published?
- Was a topic or were topics posted?
- · Were minutes published?

- · When were the minutes due to be published in the Assembly Packet? and,
- When were the minutes of each meeting accepted by the HBA?

My broader question was, "How well have the aforementioned committees, commissions and boards adhered to the Haines, Alaska Charter Preamble and the Bill of Rights, Haines Borough Code, HBC 2.60.120 Reports and minutes and to the Alaska Procedures Act, Alaska Statutes § 44.62.312 (a)(5) from 1 May 15 through 13 Oct 15?"

Facts

"This charter guarantees to the people of the Haines Borough the following rights that are in addition to the rights guaranteed by the Constitution of the United States of America and the Constitution of the State of Alaska:

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.

So that the citizens of the Haines Borough stay informed about the workings and decisions of our government, the designers of the Charter guaranteed that they do so by first stating that records are to be kept in an orderly fashion; the purpose being that the citizens continue to keep possession of the control over their government.

The Haines Borough Code supports the charter in the following manner:

HBC 2.60.120 Reports and minutes.

"Unless otherwise provided by resolution, the committee, board or commission shall keep minutes of the committee, board or commission proceedings and such minutes shall record the vote of each member upon every question. 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."

This part of the law is clear. Committees, boards and commission shall keep minutes. These minutes, at a minimum shall consist of every vote of every member on every question or motion.

Further, the minutes must be filed with the Clerk's office as soon as conveniently possible, not later than two weeks following each meeting. This part of the code also supports the Charter. It states that the minutes are open to any person, who may want to look at them.

This sentiment is also echoed in the Alaska Open Meetings Act where it is written,

"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).

The reason that the record is filed with the Clerk's office in a timely and orderly manner is to ensure that the people are able to access the records and stay informed so that the people are able to keep possession and control over their government.

Alaska Statute §44.62.310 (e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used . . . The governmental body shall provide notice in a consistent fashion for all its meetings.

Notice must be given in a manner that is, "consistent." For example, the people have come to expect an agenda and topics to be posted along with the public notice.

Lastly, it is important to note that code provides for a direct method to ensure that the committees, commissions, and boards comply with the above laws.

2.24.020 Borough Clerk - Duties

The Clerk shall:

- C. Attend meetings of the assembly and its boards and committees as required and keep the journal;
- D. Assure that notice and other requirements for public meetings are complied with and assure that public records are available for public inspection as required by law;

Chronology

14 Apr 15

The issue of Committees, Commissions, and Boards' compliance with the code and State

was reported to have stated during public comment, "...minutes are necessary to keep the citizens informed. Board training will help. Minutes of meetings can help prevent surprises by keeping the public informed of the topics a board is addressing and the actions taken." (Haines Borough Borough Assembly Meeting #289 April 14, 2015 MINUTES, pg 4)

At the same meeting, Assembly Member, Waterman noted that,

"... one of the manager's goals is to make sure board training happens." Haines Borough Borough Assembly Meeting #289 April 14, 2015 MINUTES, pg 4)

12 May 15

"6. MAYOR'S COMMENTS/REPORT

4) Board training to start first with the board chairpersons." (Haines Borough Borough Assembly Meeting #290 April 28, 2015 MINUTES, pg. 1)

"Manager's Report

Assembly, Board, & Committee Training: An initial session will be held with Committee and Board Chairs on 18 May to review the proposed training schedule. Training has tentatively been scheduled to take place on either 1, 3, or 4 June." (Haines Borough Borough Assembly Meeting #291, Manager's Report, pg. 2)

26 May 15

The Manager reported,

"Assembly, Board, & Committee Training: A meeting was held with Committee and Board Chairs on 18 May to review the proposed training schedule. Training has been scheduled to take place on 2 June from 5:30-8:30 p.m. in the Chilkat Center Lobby. All borough board members are encouraged to attend. The public is more than welcome to observe the training." (Haines Borough Borough Assembly Meeting #292, Manager's Report, pg. 2)

2 Jun 15

Borough Advisory Board training was held. The topics were:

"Legal Authority, Communication, Code of Ethics, Effective Meetings, Meeting Notices, and Minutes." (HAINES BOROUGH HAINES, ALASKA, PUBLIC NOTICE; Borough Advisory Boards Training, 2 Jun 2015)

The topics covered at this training included, "Meeting Notices" and "minutes." I am assuming that the relevant sections of the Charter, Code, and the Alaska State Statutes were covered as well.

9 Jun 15

The packet of the BA meeting of 9 Jun 15 reports the following:

"Assembly, Board, & Committee Training: The Mayor and Borough Staff facilitated a training session on Tuesday 2 June that was very well attended and informative. We received very good feedback and are making plans to hold the training every other month to allow others desiring the training to participate." (Haines Borough Borough Assembly Meeting #293; Manager's Report, pg. 2)

If the plan to provide training every other month came to fruition, there would have been meetings in August and October. I have not seen any postings advertising such meetings.

Findings

The Borough record was examined for compliance during the time period from 1 May 2015 through 13 October 2015.

Attached are the spreadsheets reflecting the results of the audit.

Conclusion

The committees, commissions and boards are out of compliance with the HB Charter, HB Code, and with the Alaska Procedures Act. The record and the data indicate that the strategies employed to bring the committees, commissions and boards into compliance have not produced the desired results.

The course of action that the people have taken, through the Assembly, has fallen short of

the public, the people, through the Assembly, have not been able to make fully informed decisions. There are several actions the BA has taken recently that would provide relevant examples; most recently, the decision to pass the Minor Offenses Ordinance in the absence of vital public input and recommendations from committees and commissions.

As a volunteer member on three panels and boards, Statewide and local, I know how arduous a task it is to even add one more responsibility to the many that already exist for our volunteer members who serve on the various committees, commissions and boards. These volunteers should be thanked and applauded for their service and I do thank and applaud their service. Therefore, I do not believe they should be saddled with yet another task as they provide thought-leadership for the public's benefit. I believe that the responsibility for keeping and filing timely and clear minutes should not rest upon the shoulders of these volunteers. I believe that the responsibility for filing timely, complete public notices rests squarely with this body, the Haines Borough Assembly. I believe that the attempts to solve the problem have been tepid, at best. We have not given our best effort. To fix the above problem, I have four ideas for your consideration.

I will not blame anyone for the situation that we find ourselves with regard to the issue at hand. Ultimately, it is this bodies responsibility to fix the problem; not the Manager's nor the Clerk's without clear guidance and direction from this body. It certainly is not the responsibility of our committee, commissions and board volunteers and chairs to bring all the committees into compliance.

The public's access to clear information is ensured through a process that is routine, and consistent in every way, from postings of meetings, that include agendas and topics to the recording and filing of meeting minutes with the Office of the Clerk. This means that each committee, board and commission should be operating in the same manner with regard to the above. Like public notices, minutes should be handled in the same timely manner with the same format and manner of submission. It is simply too much to expect that our Clerk, who has a huge plate of responsibilities in addition to this, to have to handle one committee's minutes delivered through a flash drive and another delivered through email and yet another delivered by hand in hard copy form.

To fix the above problem, I have four ideas for your consideration.

1. The people, through the Assembly, could allocate budgetary resources so that a cadre of contract professional note-takers can be hired for the task of creating clear minutes and with the task of filing with the Clerk said minutes. I believe that a routine that honors both timelines and format along with consistent quality are necessary if we

- are going to be a community of well-informed citizens. A professional corps of stenographers would provide the mechanism to assure that our laws regarding the taking and the timely filing of minutes are followed and that the public's fundamental right to be informed is assured.
- 2. The people, through the Assembly might need to amend HBC 2.60.120 Reports and minutes, to the following; "Unless otherwise provided by resolution, (Strike) the committee, board or commission shall keep minutes (Add) shall be kept of the committee, board or commission proceedings and such minutes shall record the vote of each member upon every question. 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."
- 3. Training should continue on the public process and the open meetings act, for committee, board and commission members, as well as administrative officials such as the Manager and the Clerk. This training should be conducted on a regular, meaningful basis. I recommend that a regular training schedule be drafted and appropriate training be provided. Topics that were covered during training on 2 Jun 15 were excellent.
- 4. Lastly, I would like the Assembly to consider tracking the mandated activities of committees, boards and commissions with regard to public notices, topics, agendas and minutes, on the Borough website. This would provide another opportunity for the public to understand the work that our volunteers are doing on our behalf.

The message that I would like this body to hear is that our process is broken. Our people are not. Our volunteers who serve on committees, commissions and boards are doing a sterling job. Our Clerk and Administrative employees are also giving their all to their jobs. It is important we give both our volunteers and our employees the tools to effectively do their important work. Thank you.

What volunteers bring is the human touch the individual, caring approach that no government program however well-meaning and well-executed, can deliver.

-Edward James Olmos

Assembly Acceptance of Committees' Minutes and # Weeks Past Due

Date of Assembly Meeting	12 May	26 May	9 Jun	23 Jun	14 Jul	28 Jul	11 Aug	25 Aug	8 Sep	22 Sep	13 Oct
Minutes Accepted	PHAC 23 March Minutes	No Committee Minutes Accepted	PARC 29 Jan Minutes	No Committee Minutes Accepted	TAB 14 Apr Minutes	PHAC 25 Jun Minutes	No Committee Minutes Accepted	PARC 17 July Minutes	PSC 13 Apr Minutes	No Committee Minutes Accepted	PRAC 17 Aug Minutes
# of Weeks Past Due	4		15		9	0		2	17		· 5
Minutes Accepted			PHAC 27 Apr Minutes			PARC 27 May Minutes					PHAC 23 Jul
# of Weeks Past Due	- فرزا		2			5					7
Minutes Accepted						TAB 15 May Minutes					PHAC 27 Aug Minutes
# of Weeks Past Due	-	•				7					3
	#	of Meeting	Minutes Aco	epted = 12							TAB 28 Aug Minutes
	A	verage Pas	st Due (Week	(s) = 6.0		•					3
	R	ange of Pa	st Due Minut	tes = 0 - 17							
	Number of Minutes Included in the BA Packet on time = 1/12 or 8.3%.										
	A	verage pas	t due (weeks	s) for meetir	ngs from 1	May =4.0					

Public Safety Commission

Date of Meeting	Public Notice	Agenda	Topic	Minutes	Minutes Due to Clerk	Date Minutes to Clerk	Minutes Due to Assembly Packet	Minutes in Assembly Packet
17 Aug	X	X	No	No	31 Aug		31 Aug	No
21 Aug	X	No	No	No	4 Sep		14 Sep	No
28 Aug	x	X	*No	No	11 Sep		14 Sep	No
2 Sep	X	No	X	No	16 Sep		5 Oct	No
	* Topic wa	as present, but	t not with the p	ublic notice			27	
							4	

Port and Harbor Advisory Committee

Date of Meeting	Public Notice	Agenda	Topic	Minutes	Minutes Due to Clerk	Date Minutes to Clerk	Minutes Due to Assembly Packet	Minutes in Assembly Packet
26 May	X	X	Х	X	9 Jun		15 Jun	No
25 Jun	X	* X	X	** X	9 Jul		20 Jul	28 Jul
23 Jul	X	X	Χ.,	X	6 Aug		17 Aug	13 Oct
27 Aug	X	* X	x/	X	10 Sep		14 Sep	13 Oct
10 Sep	X	X	×	No	24 Sep		5 Oct	No
24 Sep	X	X	X	No	8 Oct		19 Oct	
	* Topics listed u	under "agenda'	,					and a superior to the superior
en e	** Minutes not	posted on the	calendar					

Tourism Advisory Board

Date of Meeting	Public Notice	Agenda	Topic	Minutes	Minutes Due to Clerk	Date Minutes to Clerk	Minutes Due to Assembly Packet	Minutes in Assembly Packet
15 May	×	X	Х	Х	29 May		1 Jun	28 Jul
25 Jun	No	X	No	No	9 Jul		20 Jul	
24 Jul	No	X	No	X	7 Aug		17 Aug	
28 Aug	X	X	X	X	11 Sep		14 Sep	13 Oct
28 Sep	X	No	X	No	12 Oct		19 Oct	
							,	
							1	
							<i>k</i>	

Parks and Recreation Advisory Committee

Date of Meeting	Public Notice	Agenda .	Topic	Minutes	Minutes Due to Clerk	Date Minutes to Clerk	Minutes Due to Assembly Packet	Minutes in Assembly Packet
17 Jul	X	No	X	X	31 Jul		3 Aug	25 Aug
17 Aug	X	No	X-,	X	31 Aug		31 Aug	13 Oct
23 Sep	X	No	X/	Х	7 Oct		19 Oct	

Table 1

Public Notice Agenda Topic Minutes	Minutes
	accepted
	from 1 Mav

	Public Notice	Agenda	Topic	Minutes		Minutes accepted from 1 May to present
Compliance	16 or 18	12 of 18	15 Of 18	10 of 18		* 1 of 8
Percent	88.9%	66.7%	83.3%	55.5%		12.5%
Non- compliance	2 of 18	6 of 18	3 of 18	8 of 18		* 7 of 8
Percent	11.1%	33.3%	16.7%	44.4%		87.5%
	* Minutes met	the timeline s	pelled out in co	de.		





Haines Convention and Visitor's Bureau POB 530 Haines, AK 99827 907-766-2234 | www.visithaines.com

September 15, 2015

Members of the Assembly,

At the August 28th TAB meeting, the TAB members voted unanimously to ask the Assembly to pass a resolution supporting Alaska State Parks in their effort to gain the ability to manage and enforce the Chilkoot corridor road.

We believe that enabling Parks in their ability to effectively manage the road/corridor will greatly minimize many of the challenges that currently exist in the area, particularly during peak visitor times.

We thank you for your support, and look forward to the opportunity to answer any questions that you might have, or provide any additional material requested.

Best Regards,

Sean Gaffney TAB Chair

RECEIVED Haines Boroug

OCT 2 1 2015

Clerk's Office