  
**Haines Borough**  
**Borough Assembly Meeting #314**  
**AGENDA**

**May 10, 2016 - 6:30 p.m.**

**Location: Assembly Chambers, Public Safety Bldg.**

**Jan Hill,**  
*Mayor*

**Margaret Friedenauer,**  
*Assembly Member*

**Diana Lapham,**  
*Assembly Member*

**Mike Case**  
*Assembly Member*

**Tresham Gregg,**  
*Assembly Member*

**George Campbell,**  
*Assembly Member*

**Ron Jackson,**  
*Assembly Member*

**Brad Ryan**  
*Interim Manager*

**Julie Cozzi, MMC**  
*Borough Clerk*

**Krista Kielsmeier**  
*Deputy Clerk*

- 1. CALL TO ORDER/PLEDGE TO THE FLAG**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA & CONSENT AGENDA**  
*[The following Consent Agenda items are indicated by an asterisk (\*) 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:
  - 4 – Approve Assembly Meeting Minutes
  - 8B – Accept Chilkat Center Report
  - 9A – Accept Port & Harbor Advisory Committee Minutes
  - 9B – Accept Parks & Recreation Advisory Committee Minutes & Meeting Summary
  - 11A1 – Adopt Resolution 16-05-672
  - 11A2 – Adopt Resolution 16-05-673
  - 11A3 – Adopt Resolution 16-05-674
  - 11A4 – Adopt Resolution 16-05-675
  - 11A5 – Adopt Resolution 16-05-676
- \* 4. APPROVAL OF MINUTES – 4/26/16 Regular, 4/27/16 Special (with School Board)**
- 5. PUBLIC COMMENTS - Sign-up is NOT required**  
*[This is for any topics not scheduled for public hearing.]*
- 6. MAYOR'S COMMENTS/REPORT**
- 7. PUBLIC HEARINGS**
  - A. Ordinance 16-04-434 – First Hearing**  
**An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the operating budget, capital budget, and capital improvement plan of the Haines Borough for the period July 1, 2016 through June 30, 2017.**  
*This ordinance is recommended by the interim manager and was introduced on 4/26/16. The assembly already scheduled the second hearing for 5/24/16. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.*
- 8. STAFF/FACILITY REPORTS**
  - A. Interim Borough Manager – 5/10/16 Report**
  - \*B. Chilkat Center – Report of April 2016**
- 9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES**
  - \*A. Port & Harbor Advisory Committee – Minutes of 4/7/16**
  - \*B. Parks & Recreation Advisory Committee – Minutes of 3/16/16, Summary of 4/20/16**
  - C. Assembly Board Liaison Reports**
  - D. Assembly Standing Committee Reports**

## 10. UNFINISHED BUSINESS

### A. Ordinance 15-06-413

**An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.**

*On 10/13/15, the assembly postponed adoption of this ordinance and established an ad hoc committee to review it and make recommendations for the assembly's consideration. That committee has been meeting for several months and, with borough attorney assistance, has prepared a substitute ordinance. The committee also recommends two public hearings on this new draft to give the community and assembly ample time to consider the recommended changes.*

Motion already on the table: Adopt Ordinance 15-06-413.

*This is NOT a public hearing at this time and, since there is a motion already on the table, the assembly may resume debate. Rather than adopting the ordinance, the committee recommends the main motion be amended, as follows:*

Amendment: Substitute Ordinance 15-06-413 in its entirety with the substitute ordinance recommended by the Minor Offenses ad hoc Committee, and schedule a public hearing for 5/24/16 and a second public hearing for 6/14/16.

### B. Code Review Committee

*On 4/26/16, the assembly postponed a motion to create a code review committee so that it would come up the same time as the minor offenses ordinance. The Minor Offense Ad Hoc Committee recommends creation of an ad hoc Code Review Commission to allow the community time to focus on the appropriateness of individual violations to our community. During the 4/12/16 assembly meeting, Mayor Hill announced her intention to assign the work of reviewing the code to the Government Affairs & Services Committee. The assembly has an opportunity to decide which way to handle this work. One member of the Minor Offenses Committee (D.Vogt) recommends a code review commission be established by ordinance and has presented a draft in the meeting packet along with an explanatory memo. If the assembly decides to go that direction, the ordinance could be introduced at the next meeting.*

Motion already on the table: Create an ad hoc code review committee.

*Since there is a motion already on the table, the assembly may resume debate.*

## 11. NEW BUSINESS

### A. Resolutions

#### \* 1. Resolution 16-05-672

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order with NC Machinery of Juneau to purchase a Caterpillar 2016 Model 950M Wheel Loader for Public Works for an amount not-to-exceed \$298,302.38.**

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 16-05-672.*

#### \* 2. Resolution 16-05-673

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order with Cal Worthington Ford of Anchorage to purchase a pickup for Public Works for an amount not-to-exceed \$36,699.**

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 16-05-673.*

#### \* 3. Resolution 16-05-674

**A Resolution of the Haines Borough Assembly supporting a Rasmuson Foundation grant application for the Chilkat Valley Preschool addition to the Haines Senior Center.**

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 16-05-674.*

#### \* 4. Resolution 16-05-675

**A Resolution of the Haines Borough Assembly authorizing the extension and increased size of 450-feet of water main along Bear Trails Lane at a borough cost of approximately \$28,000.**

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 16-05-675.*

**11. NEW BUSINESS ---continued---**

**\* 5. Resolution 16-05-676**

**A Resolution of the Haines Borough Assembly authorizing funding collaboration with the Alaska Department of Natural Resources for an additional Division of Parks staff member in the Chilkoot River Corridor for June through September 2016.**

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 16-05-676.*

**B. Ordinances for Introduction - None**

**C. Other New Business**

**1. Board Appointments**

*Appointment applications have been received for seats on the Public Safety Commission and a non-voting advisory position on the Tourism Advisory Board. The mayor plans to make the appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Kay Clements and Judy Erekson to the Public Safety Commission for terms ending 11/30/18; and Kelleen Adams to the Tourism Advisory Board for a non-voting advisory position.*

**12. CORRESPONDENCE/REQUESTS**

**A. Record of Decision Reaffirming Support for Lookout Park Demolition per 95% Plans – PHAC**

**B. Request for Assembly Action to Amend Harbor Fee Schedule - PHAC**

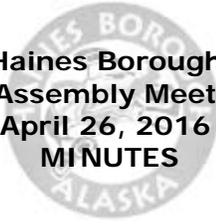
**13. SET MEETING DATES**

**A. Special Meeting – Saturday, 5/14, 2:00pm, Public Library – Purpose: Final Selection of Borough Manager and Discuss Contract Parameters**

**14. PUBLIC COMMENTS**

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**16. ADJOURNMENT**

  
**Haines Borough**  
**Borough Assembly Meeting #313**  
**April 26, 2016**  
**MINUTES**

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG**: Mayor **HILL** called the meeting to order at 6:30 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**, Margaret **FRIEDENAUER**, Ron **JACKSON**, Tresham **GREGG**, and George **CAMPBELL** (via telephone). Absent: Mike **CASE**.

**Staff Present**: Brad **RYAN**/Interim Borough Manager, Julie **COZZI**/Borough Clerk, Krista **KIELSMEIER**/Deputy Clerk, Jila **STUART**/Finance Director, Gabe **THOMAS**/Assistant Harbormaster, Scott **BRADFORD**/Water-Sewer Operator, Shawn **BELL**/Harbormaster, Patty **BROWN**/Library Director, and Helen **ALTEN**/Museum Director.

**Visitors Present**: Karen **GARCIA**/CVN, Emily **FILES**/KHNS, Bill **THOMAS**/Lobbyist, Jerry and Diana **PYLE**, Paul **NELSON**, Brenda **JOSEPHSON**, Gershon **COHEN**, Fred **SHIELDS**, Carol **TUYNMAN**, Kay **CLEMENTS**, Debra **SCHNABEL**, Don **TURNER** Jr, Rhys **WILLIAMS**, Bill **MCCORD**, Joe **PARNELL**, Ryan **COOK**, Evelynna **VIGNOLA**, Sue **WATERHOUSE**, Will **PRISCIANDARO**, David **KAMMERER**, Tom **MORPHET**, and others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda indicated by an asterisk (\*):

- 4 – Approve Assembly Meeting Minutes
- 9A – Accept TAB Minutes
- 9B – Accept PHAC Minutes
- 9C – Accept MO Committee Minutes
- 9D – Accept PC Minutes
- 11A1 – Adopt Resolution 16-04-668
- 11A2 – Adopt Resolution 16-04-669
- 11A3 – Adopt Resolution 16-04-670
- 11A4 – Adopt Resolution 16-04-671
- 11B1 – Introduce and Schedule Hearings for Ordinance 16-04-433

**Motion**: **LAPHAM** moved to “approve the agenda/consent agenda,” and it was amended to remove Item 11B1 from the consent agenda and add to the agenda as Item 10C, an executive session pertaining to the manager search and process,” and the motion as amended carried unanimously.

\* 4. **APPROVAL OF MINUTES** – 4/12/16 Regular

*The motion adopted by approval of the consent agenda: “approve minutes of the 4/12/16 borough assembly regular meeting.”*

5. **PUBLIC COMMENTS**

**TURNER** – Asked the assembly to please not reconsider the boat harbor design but rather keep it moving forward.

**COOK** – Identified himself as the president of the Lynn Canal Gillnetters Association. They support the 95% boat harbor design and want it to keep moving forward.

**J.PYLE** – Asked the assembly to put the boat harbor project on hold until the state adopts a budget and the borough has a strategic plan.

**PRISCIANDARO** – Said he is a local gillnetter and supports the boat harbor project. Please keep it moving with the 95% plan.

**NELSON** – Asked the assembly to please move forward with a code review committee.

**SHIELDS** – Said he doesn’t want minor offenses at all, is against the boat harbor project, and is opposed to Ordinance 16-04-433 that would give the manager the ability to contract for projects up to \$50K without assembly approval.

**MORPHET** – Said he has been a supporter of using an executive search firm but believes this one has failed the borough. He recommends ending that contract, increasing the pay for both the manager and police chief positions, and recruiting for a new search firm.

**SCHNABEL** – Said she agrees with Morphet’s comments about the search for a manager. She also spoke against the boat harbor 95% design. She doesn’t believe the fishermen are getting what they need in this design.

**PARNELL** – Expressed concerns with the deterioration of the Lutak Dock and the borough’s liability.

**JOSEPHSON** – Said the people who signed the minor offenses petition want the code review commission. It needs the detailed attention a separate commission would be able to give to it. Also, pertaining to the local economy, the borough needs to be aware that everything we do affects every household.

**COHEN** – Said the assembly should be disappointed in the executive search firm’s performance and should cut them loose. With only two finalists remaining, the assembly needs to get more candidates. It is the most important job in the borough, so the assembly should not rush into a hire.

**TUYNMAN** – Said there are accusations that a few people in the community are negative and complaining, but the truth is there are just a few people who are making the decisions.

**WILLIAMS** – Said one of the things to remember when hiring a borough manager is the military is a culture that is used to moving every 18-24 months. The assembly should keep that in mind if they consider hiring another military person.

**WATERHOUSE** – Said she has financial concerns about the boat harbor. There is no business plan and no cost-benefit analysis. She asked the assembly to please put the project on hold.

**G.THOMAS** – Reminded that things happen in phases. Not everyone is going to agree. The harbor will get built.

#### **6. MAYOR’S COMMENTS/REPORT**

Mayor **HILL** presented borough water-sewer operator Scott Bradford a statewide waer-sewer plant operator award he recently received from his peers.

#### **7. PUBLIC HEARINGS**

##### **A. Ordinance 16-03-431 – Second Hearing**

##### **An Ordinance of the Haines Borough amending Haines Borough Code Section 18.20.020 and Sub-Section 18.80.030(B) to clarify the method of calculating building height.**

Mayor **HILL** opened the public hearing at 7:01 pm.

**TUYNMAN** – Said she supports adding the additional language recommended by Rob Miller.

**NELSON** – Said he supports Rob Miller’s recommendation concerning the definition of grade plane. Also, he expressed concern that the way it is currently worded, the manager could arbitrarily decide to change the approval criteria after a land-use permit has been issued.

Hearing no further comments, the mayor closed the public hearing at 7:05 pm.

**Motion:** **LAPHAM** moved to “adopt ordinance 16-03-431.”

**Motion to Refer:** **CAMPBELL** moved to “refer the ordinance back to the planning commission to review the modifications proposed by Rob Miller and Paul Nelson and then take it up again when the planning commission has a recommendation,” and the motion carried unanimously.

##### **B. Ordinance 16-03-432 – Second Hearing**

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

Mayor **HILL** opened the public hearing at 7:08 pm.

**SCHNABEL** – Said she would like to see some consistency in how the borough deals with funding capital purchases. She doesn’t like to see a high taxation rate pay for what comes up during the year outside of what’s budgeted.

Hearing no further comments, the mayor closed the public hearing at 7:11 pm.

**Motion:** **LAPHAM** moved to “adopt ordinance 16-03-432,” and the motion carried 4-1 in a roll call vote with **CAMPBELL** opposed.

#### **8. STAFF/FACILITY REPORTS**

##### **A. Interim Manager – 4/26/16 Report**

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

**CAMPBELL** believes the borough should have bid-ready documents for the sewer plant by June. **RYAN** said some add alternates have been added to it, but he is still hoping for bid documents by June. He is also still waiting to see what happens with ADEC funding. **CAMPBELL** reminded this is the borough's number one priority and wondered if there a way to get this out to bid immediately since there is enough money in reserves and the facility is in really bad shape. **RYAN** said the engineers don't believe it is going to collapse this coming winter. **CAMPBELL** moved to "direct the manager to have the sewer plant project bid by July 1," but the motion died for lack of a second.

**FRIEDENAUER** asked for a status update on the Lutak Dock RFP. **RYAN** said a draft is ready, and it is accounted for in the Manager's FY17 budget.

**B. State Lobbyist – Status Report**

**THOMAS** reviewed the various house and senate bills he has been keeping an eye on and the issues he has been lobbying for on behalf of the borough. As part of his update, he went down through the borough's legislative priorities resolution. He also covered many different issues the state has been grappling with. **LAPHAM** said the Juneau Chamber of Commerce seems to be pretty strong for a Juneau to Katzehin road. **THOMAS** said he heard something about that nearly every day. He added he is an advocate for a west-side road. **FRIEDENAUER** asked how the annual lobbying works. **THOMAS** explained the bulk of his contract is performed when the legislature is in session.

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

- \* **A. Tourism Advisory Board – Minutes of 2/24/16**
- \* **B. Port & Harbor Advisory Committee – Minutes of 3/18/16**
- \* **C. Minor Offenses Committee – Minutes of 3/30/16**
- \* **D. Planning Commission – Minutes of 3/10/16 & Summary of 4/14/16 Meeting**

**E. Assembly Board Liaison Reports**

**FRIEDENAUER** – Port and Harbor Advisory Committee, Public Safety Commission

**LAPHAM** – Tourism Advisory Board

**JACKSON** – Parks and Recreation Advisory Committee, Minor Offenses Committee

Mayor **HILL** clarified the Waterfront Aesthetics Subcommittee. It is a working group comprised of representatives from the planning commission, parks & recreation advisory board, tourism advisory board, the chamber of commerce, port & harbor advisory committee, and a community member at large.

**F. Assembly Standing Committee Reports**

**LAPHAM** – Finance Committee

**10. UNFINISHED BUSINESS**

**A. Sales Tax Exemption Request – St. Vincent de Paul Diocesan Council of SE Alaska**

*The St. Vincent de Paul Diocesan Council of Southeast Alaska, a 501(c)3 organization, has applied for sales tax exemption status as allowed by HBC 3.80.050(13). The borough has granted sales tax exemption certificates to other non-profit organizations. On 3/29/16, the assembly postponed this item to this meeting to give the applicant an opportunity to provide information regarding Haines activities. The applicant provided additional details.*

Motion already on the table: Approve the request from the St. Vincent de Paul Diocesan Council of Southeast Alaska for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.

The motion carried unanimously in a roll call vote.

**B. Ordinance 15-06-413**

**An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.**

*On 10/13/15, the assembly postponed adoption of the ordinance to this meeting. The purpose was to allow the ordinance to stay in the public process and return later for further action. An appointed ad hoc committee has been meeting to review this ordinance and to make recommendations for the assembly's consideration. With borough attorney assistance, the committee has been working to prepare a substitute ordinance. The goal for returning this to the*

assembly was 4/26/16. However, it was not quite ready, so rather than rush it, the group delayed submittal of the committee's recommendations until the 5/10/16 meeting.

Motion already on the table: Adopt Ordinance 15-06-413. (Motion postponed to 5/10/16)

**Motion:** JACKSON moved to "create an ad hoc code review committee."

**Motion to Postpone:** FRIEDENAUER moved to "postpone this so consideration of a code review committee comes up the same time as the ordinance," and the motion carried 4-1 with CAMPBELL opposed.

**Motion:** CAMPBELL moved to "postpone the Minor Offenses ordinance to November 1, 2016 except for the section on the harbor and to hold a public hearing on that section during the 5/24/16 assembly meeting," and the motion **failed** 2-3 with FRIEDENAUER, JACKSON, and LAPHAM opposed.

#### C. Executive Session – Manager Search and Process (added during approval of the agenda)

**Motion:** FRIEDENAUER moved to "go into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to review the borough manager search and process; this matter qualifies for executive session because this is a personnel matter and a public discussion may tend to prejudice the character and reputations of those involved; the borough manager is requested to attend." The motion carried unanimously.

Present: Mayor Hill; Assembly Members Lapham, Jackson, Campbell, Friedenauer, Case, and Gregg; and Interim Manager Brad Ryan. The executive session convened at 8:38pm and ended at 9:30pm.

**Motion:** LAPHAM moved to "direct the manager to contact Richard Fursman to advise him the assembly has added applicants Kevin Opple and Kate Fjell as the third and fourth finalists and have selected Paul Dauphinais as first alternate and Susan Jenson as second alternate in the event any one of the four candidates drops out," and the motion carried unanimously.

### 11. NEW BUSINESS

#### A. Resolutions

\* 1. Resolution 16-04-668

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "special use agreement" with Haines-Skagway Fast Ferry, LLC for routine use of the Port Chilkoot Dock Lightering Float for the 2016 summer tourism season.

*The motion adopted by approval of the consent agenda: "adopt Resolution 16-04-668."*

\* 2. Resolution 16-04-669

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "special use agreement" with Alaska Fjordlines Inc. for routine use of the Port Chilkoot Dock Lightering Float for the 2016 summer tourism season.

*The motion adopted by approval of the consent agenda: "adopt Resolution 16-04-669."*

\* 3. Resolution 16-04-670

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "special use agreement" with Alaska Excursions Inc. for routine use of the Port Chilkoot Dock Lightering Float for the 2016 summer tourism season.

*The motion adopted by approval of the consent agenda: "adopt Resolution 16-04-670."*

\* 4. Resolution 16-04-671

A Resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective nonprofit entity for participation in the FY17 Community Revenue Sharing Program.

*The motion adopted by approval of the consent agenda: "adopt Resolution 16-04-671."*

#### B. Ordinances for Introduction

1. Ordinance 16-04-433

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.180 to allow the borough manager to enter into contracts up to \$50,000 in emergencies or extenuating circumstances without following the customary competitive bidding procedures if the manager determines it is in the public interest.

**Motion:** **FRIEDENAUER** moved to “introduce Ordinance 16-04-433 and set a first public hearing for 5/10/16 and a second public hearing for 5/24/16,” and motion failed 3-2 with **GREGG** and **CAMPBELL** opposed.

**2. Ordinance 16-04-434**

**An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the operating budget, capital budget, and capital improvement plan of the Haines Borough for the period July 1, 2016 through June 30, 2017.**

**Motion:** **LAPHAM** moved to “introduce Ordinance 16-04-434 and set a first public hearing for 5/10/16 and a second public hearing for 5/24/16,” and the motion carried unanimously.

**C. Other New Business** - None

**12. CORRESPONDENCE/REQUESTS**

**13. SET MEETING DATES**

**A. Budget Committee of the Whole** – Tuesday, 5/3, time change from 5:30 to 6:00pm. **CAMPBELL** asked for a change to 6:30 because of his work schedule, and the assembly compromised.

**14. PUBLIC COMMENTS** - None

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**JACKSON** – Offered congratulations to both KHNS Public Radio and Chilkat Valley News. Both received awards this week.

**GREGG** – Said he did not appreciate the placement of the executive session in the middle of the meeting agenda. It would be better for the public if it was at the end of a meeting.

**16. ADJOURNMENT** – 9:48 p.m.

**Motion:** **LAPHAM** moved to “adjourn the meeting,” and the motion carried unanimously.

\_\_\_\_\_  
Janice Hill, Mayor

ATTEST:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

**Haines Borough Assembly & Haines Borough School Board**  
**Joint Session**  
April 27, 2016 – 6:30pm  
Haines School Library  
**Minutes**

**Draft**

**A. Call to Order/Pledge to the Flag**

Mayor **HILL** called the meeting to order at 6:31 pm in the Haines School Library and led the pledge to the flag.

**B. Assembly Roll Call** – Julie **COZZI**, MMC, Borough Clerk

**Present:** Mayor Jan **HILL**, and Assembly Members Mike **CASE**, Ron **JACKSON**, Tresham **GREGG**, Diana **LAPHAM**, and Margaret **FRIEDENAUER**.

**C. School Board Roll Call** – Ashley **SAGE**, District Secretary

**Present:** President Ann Marie **PALMIERI**, and Members Sarah **SWINTON**, Sara **CHAPPELL**, Brian **CLAY**, Michael **WILSON**, Lisa **SCHWARTZ**, and Inez **GROSS**.

**Staff Present:** Rich **CARLSON**/Interim Superintendent, Brad **RYAN**/Interim Borough Manager, Jila **STUART**/Finance Director, Cheryl **STICKLER**/Principal, Judy **EREKSON**/Accounting, and others.

**Visitors Present:** Emily **FILES**/KHNS and others.

**D. Approval of Agenda**

**Motion:** **SWINTON** moved to “approve the agenda,” and it was seconded by **SCHWARTZ**. The motion carried unanimously.

**E. Public Comments - None**

**F. Business**

**1. Facilities**

**a. School Roof**

**RYAN** reported there is currently \$65K in the FY17 CIP. He believes it is not leaking too badly. Palmieri clarified it is the old roof over the high school rather than the new school roof.

**b. Pool**

**RYAN** explained the other thing that impacts the school is the pool. He gave an update on the efforts to address the leaks and other issues. Things are getting better and better. There is a good relationship between borough and the school.

**2. Communication and Cooperation**

**a. Major Maintenance Meeting**

**CARLSON** encouraged this to continue going forward particularly when there is a new superintendent and borough manager. The meetings have been incredibly robust and essential. **RYAN** agreed.

**b. Other Common Concerns**

**CARLSON** said these are primarily health and safety, common scheduling, and finances. The more we can cooperate, the better off we are going to be. Especially in these leaner times coming up ahead.

**CHAPPELL** thanked the borough for the efforts to keep the path open between the school and the library.

**FRIEDENAUER** asked about the action during the 2015 joint meeting directing the

mayor and school board president to form a task force to deal with health and safety concerns. **PALMIERI** and **HILL** explained they got together and realized it was not going to be practical, especially with both the borough and school district trying to hire leaders. They said this seems like bad timing. They offered that if someone is interested, perhaps it could be delegated.

### 3. Legislative Update

- a. **PERS/TRS**
- b. **Revenue Sharing**
- c. **Base Student Allocation (BSA)**
- d. **Other Issues**

**CARLSON** noted the assembly got a briefing the previous evening from Bill Thomas, the borough's lobbyist. Everything seems to be stuck on the issue of oil and gas credits. We'll get what we get.

### 4. Challenges Ahead

#### a. **Budget**

**CARLSON** believes the budget is the biggest challenge facing us.

#### b. **Transition**

**CARLSON** said we will have two new leaders, and things will change daily. The challenges will be greater than usual. He has had conversations with **RYAN** about the borough's contribution to education. The school is always guessing about what they will get from the state. **RYAN** said it might lessen the stress at the beginning of the budget process if the borough dedicates some reserves just on paper---really just having the reserves in mind, if needed, to make the school whole.

### 5. Working Together

#### a. **Common Language/Understanding**

- 1. **Budget Process**
- 2. **Investigating Budget Ideas**
- 3. **Working Group: Can We Improve Process/Results?**

**CARLSON** thanks it would be very helpful for the school board and school officials to understand the borough's budget but also vice versa. There are nuances to understand. It could help both sides.

### G. Closing Comments

**CLAY** offered congratulations to **SWINTON**'s golf team. Her son made the all-conference team.

**LAPHAM** wondered if it would work to have a liaison for each group. **CARLSON** explained Cordova did the liaison thing but found it important for the school board to designate two liaisons to share the duties because of the assembly's greater number of meetings.

**SWINTON** suggested **CARLSON** speak during an assembly meeting to explain the school district's budgeting. He makes it easy to understand.

### H. Adjournment - 7:10pm

**Motion:** **SWINTON** moved to "adjourn the meeting," and it was seconded by **LAPHAM**. The motion carried unanimously.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk



Agenda Bill No.: 16-649  
 Assembly Meeting Date: 5/10/16

Business Item Description:	Attachments:
Subject: Adopt FY17 Haines Borough Operating Budget	1. Ordinance 16-04-434
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 4/1/16	

**Full Title/Motion:**  
 The assembly already scheduled the second hearing for 5/24/16. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.

**Administrative Recommendation:**  
 The borough manager recommends adoption.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ See proposed budget	\$ See proposed budg	\$ See proposed budget	undetermined

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives: Pages 44-55 and Objective 2B	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

**Summary Statement:**

The manager submitted a proposed budget on 4/1/16, and the assembly is in the process of conducting budget work sessions as a committee of the whole. Per the Charter 9.01(D), the budget must be adopted by 6/15. Two public hearings must be held prior to June 1st.

The FY17 manager's budget is available on the borough website: <http://www.hainesalaska.gov>

**Referral:**

Referred to: Assembly COW	Referral Date: 3/29/16
Recommendation:	Meeting Date: 4/12, 4/18, 5/3

**Assembly Action:**

Meeting Date(s): 4/26, 5/10/16	Public Hearing Date(s): 5/10, 5/24/16
	Postponed to Date:

HAINES BOROUGH, ALASKA  
ORDINANCE No. 16-04-434

**AN ORDINANCE OF THE HAINES BOROUGH, ALASKA, PROVIDING FOR THE ESTABLISHMENT AND ADOPTION OF THE OPERATING BUDGET, CAPITAL BUDGET, AND CAPITAL IMPROVEMENT PLAN OF THE HAINES BOROUGH FOR THE PERIOD JULY 1, 2016 THROUGH JUNE 30, 2017.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. General Provisions. The following FY17 budget document, listing estimated resources and expenditures is hereby adopted and established as the budget for the period of July 1, 2016 through June 30, 2017 and made a matter of record for that purpose. Except in the case of appropriations for capital improvements, all unexpended balances not otherwise encumbered or disposed of in this ordinance as of June 30, 2017, shall lapse to those appropriate funds.

Section 3. Authorization and Appropriation. The expenditures set forth herein are authorized and appropriations as provided for are hereby made.

**01 AREAWIDE GENERAL FUND**

REVENUES

Property Tax	\$ 1,827,500
Sales Tax	632,000
State Revenue	525,200
Federal Revenue	339,600
Interest Earnings	110,000
User Fees	59,500
License, Permits, & Fees	74,135
Penalty & Interest	62,000
Rents	104,609
Sale of Fixed Assets	25,000
TOTAL AREAWIDE REVENUES	<u>\$ 3,759,544</u>

EXPENDITURES

Administration	515,160
Borough Assembly	108,991
Elections	5,736
Finance	420,350
Assessment/Land Management	294,145
Information Technology	88,669
Dispatch	378,327
Public Facilities	290,116
Solid & Hazardous Waste	26,755
Chilkat Center for the Arts	117,544

Haines Borough  
Ordinance No. 16-04-434  
Page 2 of 7

Road Maintenance Service Areas	27,500
Haines Borough School District	1,779,500
Library	408,774
Museum	200,836
Parks	43,455
Community Youth Development	29,364
Swimming Pool	222,187
Transfers	(226,865)
Allocated Expense	<u>(799,471)</u>
TOTAL EXPENDITURES & TRANSFERS	3,931,073
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (171,529)</u>

**02 TOWNSITE SERVICE AREA**

REVENUES	
Property Tax Revenue	\$ 436,000
Sales Tax	720,000
State Revenue	280,234
Miscellaneous Revenues	<u>7,500</u>
	1,443,734
EXPENDITURES	
Police	520,270
Public Works	537,462
Animal Control	28,541
Transfers	50,000
Allocated Expense	<u>386,383</u>
TOTAL EXPENDITURES & TRANSFERS	1,522,656
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (78,922)</u>

**17 LAND DEVELOPMENT & SALES**

REVENUES	<u>\$ 20,000</u>
EXPENDITURES	
Direct Expenditures	31,900
Allocated Expense	<u>8,990</u>
TOTAL EXPENDITURES	40,890
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (20,890)</u>

**20 MEDICAL SERVICE AREA**

REVENUES	<u>\$ 268,000</u>
EXPENDITURES	
H.E.L.P. Committee	8,000
Other Medical Services	15,000
Ambulance	52,473
Operating Transfers	10,000
Allocated Expense	<u>190,176</u>
TOTAL EXPENDITURES & TRANSFERS	275,649
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (7,649)</u>

**23 ECONOMIC DEVELOPMENT & TOURISM PROMOTION**

REVENUES	<u>\$ 536,000</u>
EXPENDITURES	
Tourism	397,051
Economic Development	71,570
Transfers	104,000
Allocated Expense	<u>72,811</u>
TOTAL EXPENDITURES & TRANSFERS	645,432
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (109,432)</u>

**25 FIRE SERVICE AREAS**

REVENUES	
Fire District #1	\$ 195,500
Fire District #2	<u>32,408</u>
TOTAL REVENUES	227,908
EXPENDITURES	
Fire District #1	225,469
Fire District #2	28,918
Allocated Expense	<u>(23,661)</u>
TOTAL EXPENDITURES & TRANSFERS	230,726
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (2,818)</u>

**34 COMMERCIAL PASSENGER VESSEL TAX**

REVENUES	<u>\$ 185,000</u>
EXPENDITURES	
Direct Expenditures	106,500
Operating Transfers	<u>86,000</u>
TOTAL EXPENDITURES & TRANSFERS	192,500
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ ( 7,500)</u>

**35 VEHICLE IMPOUNDMENT FUND**

REVENUES	<u>\$ 26,000</u>
EXPENDITURES	
Direct Expenditures	25,000
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 1,000</u>

**50 CAPITAL IMPROVEMENT PROJECTS**

REVENUES	<u>\$ 804,000</u>
EXPENDITURES	
Direct Expenditures	556,503
Operating Transfers	298,900
Allocated Expense	<u>48,597</u>
TOTAL EXPENDITURES & TRANSFERS	904,000
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (100,000)</u>

**61 EQUIPMENT SINKING FUND**

TRANSFERS	(182,635)
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 182,635</u>

**75 LIBRARY BOND FUND**

REVENUES	\$ 14,100
EXPENDITURES	14,148
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (48)</u>

**76 SCHOOL G.O. BOND FUND**

REVENUES	\$ 1,277,894
EXPENDITURES	1,286,894
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (9,000)</u>

**90 WATER REVENUE FUND**

REVENUES	<u>\$ 393,750</u>
EXPENDITURES	
Direct Expenditures	401,723
Transfers	(18,400)
Allocated Expense	(1,617)
Depreciation Expense	<u>269,500</u>
TOTAL EXPENDITURES	651,206
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (257,456)</u>

**91 SEWER REVENUE FUND (WASTEWATER TREATMENT)**

REVENUES	<u>\$ 1,778,500</u>
EXPENDITURES	
Direct Operating Expenditures	364,093
Allocated Expense	62,177
Depreciation Expense	251,500
Capital Expenditures	1,827,000
Transfers	<u>(200,000)</u>
TOTAL EXPENDITURES	2,304,770
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (526,270)</u>

**92 BOAT HARBOR FUND**

REVENUES	<u>\$ 435,000</u>
EXPENDITURES	
Direct Expenditures	553,460
Transfers	(31,000)
Allocated Expense	<u>(93,395)</u>

---

Depreciation Expense	<u>316,000</u>
TOTAL EXPENDITURES	745,065
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (310,065)</u>

**93 LUTAK DOCK FUND**

REVENUES	<u>\$ 350,000</u>
EXPENDITURES	
Direct Expenditures	188,630
Allocated Expense	90,858
Depreciation Expense	<u>173,000</u>
TOTAL EXPENDITURES	452,488
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (102,488)</u>

**94 PORT CHILKOOT DOCK FUND**

REVENUES	<u>\$ 69,300</u>
EXPENDITURES	
Direct Expenditures	40,950
Allocated Expense	58,153
Transfers	(49,000)
Depreciation Expense	<u>370,000</u>
TOTAL EXPENDITURES	420,103
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ (350,803)</u>

**97 PERMANENT FUND**

REVENUES	<u>\$ 337,200</u>
EXPENDITURES	
Direct Expenditures	23,250
Operating Transfers	293,000
TOTAL EXPENDITURES & TRANSFERS	<u>316,250</u>
CONTRIBUTION TO (FROM) FUND BALANCE	<u>\$ 20,950</u>

Haines Borough  
Ordinance No. 16-04-434  
Page 7 of 7

Section 4. Rates of Levy. The following are rates of levy on taxable property within the Haines Borough for the Calendar Year beginning January 1, 2016, based upon the proposed Year FY17 beginning July 1, 2016.

	<u>Borough Areawide</u>	<u>Fire Service Area</u>	<u>Road / Other Service Area</u>	<u>Debt Service Mills</u>	<u>FY17 Total Levy</u>
Townsite	5.95	0.84	2.38	1.30	10.47
Fire District #1 (outside the Townsite)	5.95	0.84	-	1.30	8.09
Fire District #3	5.95	0.92	-	1.30	8.17
Dalton Trail RMSA	5.95	0.92	0.62	1.30	8.79
Dalton Trail RMSA (no fire service)	5.95	-	0.62	1.30	7.87
Dalton Trail & Eagle Vista RMSA	5.95	0.92	4.12	1.30	12.29
Dalton Trail & Chilkat Lake RMSA	5.95	-	0.62	1.30	7.87
Riverview RMSA	5.95	0.92	0.90	1.30	9.07
Letnikof RMSA	5.95	0.84	1.17	1.30	9.26
Borough	5.95	-	-	1.30	7.25

Section 5. Effective Date. This ordinance becomes effective July 1, 2016.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 04/26/16  
Date of First Public Hearing: 05/10/16  
Date of Second Public Hearing: 05/24/16



# Report

from the  
Borough Manager

Date: 5/10/16  
 To: Mayor and Borough Assembly  
 From: Brad Ryan, Interim Borough Manager  
 Re: **Manager's Report**

## POLICE

**Patrol Car:** The police department has purchased a used patrol car from the Hoonah Police Department.

## POOL

- Closure dates are Sunday, May 22<sup>nd</sup> through Sunday, June 5<sup>th</sup>.
- Reopening Monday June 6<sup>th</sup> with our summer schedule.
- Swim team expects to continue practice until our May closure. (Usually their season ends at the end of April.)
- Chatham school district is concluding their lesson and water safety program on May 5<sup>th</sup>
- The Backtalk system is up and running again. All systems seem to be running smoothly thus far.

## FACILITIES

- Working with the borough's IT consultant to establish remote control of heating system at Mosquito Lake school
- Addressing minor pressure vessel violations list from boiler inspector (relief valves etc.)
- Collecting parts and materials for pool shower project.
- Finished up Tlingit Park repairs.
- Adjusting newly installed Harbor camera.
- Installing rain gutters on Admin.
- Still working on sheetrock in entry way at the Public Safety Building.
- Wayfinding signs
- Removing old stairs and porches to ready for new siding at Senior Center.
- Readyng bathrooms and other facilities for upcoming season.
- Repairs on pool air handlers.
- Removed 4000 lbs. of garbage from the skateboard park. (Plywood, concrete, plastic, and other stuff).
- Removed all damaged metal from north end of Oslund skateboard Quonset in preparation for repairs.

## **PUBLIC WORKS**

- Adopt a hwy 130 lbs. trash picked up
- Mowing lawns
- Service fire trucks
- Patching potholes, sweeping streets, finished bridge and path to school
- Prep area at old school site for hydro-seeding.
- Opening restrooms and get trashcans out
- Put up Haines Banners
- Will and Kyle have been building a grizzly to screen rock for us

## **WATER&SEWER**

### **Water**

- AWWA State Conference
- PC Dock water line and water meters installed. This is a yearly thing to keep the meters and back flow preventers from freezing. About a full day for 2 employees.
- Water samples collected and sent to LAB.
- Training on Water Meters Sales rep came and trained on resetting meters and programing.

### **Sewer**

- Jetted problem area sewer lines.
- Training on the Sewer Camera. Sales Rep Full day.
- Pulled Sewer Pump 1 mile lift station, Replaced with spare pump. The pump is bad and will need to replace windings in motor. \$9,000.
- Evening call out Plugged sewer main Beach Road, jetted to clear line and jetted the same line again the next day. This line did get sewer camera video and there is settling in the pipe that is causing this problem.
- Flushing Fire Hydrants – This normally brings in some complaints but it has to be done, The dead ends need to be flushed.

## **HARBOR**

**408 Permit:** The Corps of Engineers has posted a public notice of the Haines Harbor 408 permit application for public notice. Please see the notice below.



Alaska District  
U.S. Army Corps of Engineers

Date 29 April 2016 Identification No. ER-16-03  
Please refer to the identification number when replying.

Operation and Maintenance Branch

# Public Notice

---

## Haines Harbor Section 408 Permit Request

The Alaska District, U.S. Army Corps of Engineers (USACE) has received a request for a Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408) permit, hereafter referred to as a Section 408 permit, from PND Engineers Inc., on behalf of the Haines Borough, to modify an existing Corps project to provide harbor and wave protection facilities to increase capacity while providing safe vessel navigation, moorage, and launching among other navigation improvements.

Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers of the U.S. Army Corps of Engineers, to grant permission for the alteration or occupation or use of a USACE civil works project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. This Section 408 request is being considered in conjunction with Section 404 and Section 10 applications through the USACE's Regulatory Division.

The proposed work would construct a new pile supported wave barrier wall that would tie into the southern end of the USACE 905-foot-long detached rubble mound breakwater and other items incidental to the development of an expanded harbor.

A complete description of the proposed work may be found on the USACE Alaska District's Regulatory website at the link below:  
<http://www.poa.usace.army.mil/Missions/Regulatory/PublicNotices/tabid/3350/Article/620454/poa-2005-1976-portage-cove.aspx>

This public notice will expire 15 days after the date of this notice. If you have any questions about the proposed action, please contact me at (907) 753-5685 or at Julie.L.Anderson@usace.army.mil

Julie L. Anderson  
Chief, Operation and Maintenance Branch

---

# Chilkat Center for the Arts

*A Community Facility Operated by the Haines Borough*

**(907) 766-3573**

**facsimile (907) 766-3574**

**E-mail [business@khns.org](mailto:business@khns.org)**

## **Facility Administration Report April 2016**

### **Usage:**

A nice variety of entertainment, meetings and classes kept the center hopping all month. Last Rivertalk of the season, and some honky tonk with Easy Leaves in the theater. The Northern Lights Showcase, part 1, featured local talent of many levels and a wine tasting and Town Hall meeting rounded out the events available. The last day of the month hosted the celebration of the life and times of Ray Menaker. Many of his family from London spent two weeks visiting and driving from Chicago to Haines and back.

### **Upcoming events:**

**May 3 – Synthesis Dance**

**May 5 – Northwind Meeting**

**May 6-7 Theater production of *The Incorruptibles***

**May 3 -6 Masonry Symposium**

**May 11 – School Concert**

**May 13/14 second production of *the Incorruptibles***

**And more...**

### **Maintenance:**

Volunteers have been weeding and cleaning up the front gardens of the building, hoping to attract a few more volunteers now that the weather is better. The planting a couple of years ago has made a huge difference to the front of the Chilkat Center - more appealing and colorful.

Len Banazek, who put in the carpet a few years ago, dropped by after he noticed an area in the lobby where the carpeting was coming up – he put a steel strip down to avoid a patron tripping and/or the carpeting being further degraded.

A patron had requested a railing assist to help with stairs from the lobby up to the theater. Ed put in a bar which gives a stabilizing point to hold to begin the climb and the railing already installed was tightened and is more secure now.

*Submitted by Facilities Manager, Kay Clements, for April 2016*



<b>Chilkat Center for the Arts</b>			
<b>4/30/2016</b>			
<b>Contact</b>	<b>Function</b>	<b>Participants</b>	<b>Amount</b>
	<b>Dance Studio</b>		
Chorus Bishop	Jujutsu	141	\$412.50
Marilyn Harrold	Tai Chi	38	\$180.00
	<b>Lobby</b>		
Well and Fit - Marnie Hartmann	Morning Muscles	82	\$120.00
St Michael's - Anne Boyce	Sunday Services	100	\$300.00
Well and Fit - Judy Ewald	Strength and Stretch	106	\$120.00
Mandy Ramsey	Yoga Monday and Friday	85	\$135.00
LCCP	Rivertalk - March10	50	\$75.00
<b>KHNS</b>	<b>Wine Tasting ( #1 of 2 free events for 2016)</b>	<b>85</b>	<b>In Kind</b>
Haines Arts Council - Matt Whitman	Northern Lights Showcase 4/17	60	\$75.00
Haines Arts Council - Matt Whitman	Easy Leaves 4/6	150	\$350.00
Grace Jones	Movement Class 4/1,4/8, 4/15, 4/22, 4/29	12	\$75.00
<b>Haines Borough</b>	<b>Minor Offenses Committee Town Hall</b>	<b>40</b>	<b>In Kind</b>
	<b>Conference Room</b>		
FCCA - Tara Bicknell	Board Meeting	5	n/c
CCA - Annette Smith	Board Meeting	6	n/c
	<b>Auditorium/ Basement</b>		
Terry Lambert	Celebration of Ray Menaker - 4/30	250	\$250.00
Monica Lettner	Alaska Girls Rock Camp in July - <b>payment</b>	30	\$500.00
Amanda Randles	(Rehearsals begin for <b>May</b> performance)		
	<b>April Totals</b>	<b>1240</b>	<b>\$2,592.50</b>

## PHAC Meeting Minutes:

**7Apr16**

### Members Present:

Terrance Pardee, Glen Jacobson, Bill Rostad, Fred Gray & Norm Hughes

Assembly Liaison: Margaret Friedenauer

Harbormaster: Shawn Bell

Borough Manager: Brad Ryan

### Members Absent:

Brad Badger & Don Turner Jr.

### Audience Present:

Jeremy Stephens, Diana Lapham, Mike Case, Tresham Gregg, Richard Buck, Jan Hill, & Richard Chapell

### Meeting Details:

- Agenda Approved.
  - o Hughes asked that the Lutak Dock be added under New Business
- 18Mar16 meeting minutes approved. Rostad moved, Hughes seconded, and all approved.
- Public Comment:
  - o None
- Harbormaster Report :
  - o Letnikof will be open for moorage starting on April 11<sup>th</sup>.
  - o FY17 Budget is available for viewing on the Haines Borough Website.
  - o Hope to have 408 permit review comments by the end of April.
- Old Business:
  - o Lookout Park Funding
    - Motion: Hughes made a motion to, support demo of Lookout Park at the timing of the Borough's choosing.
      - Rostad seconded
      - Vote in Favor: Pardee, Jacobson, Rostad, Gray & Hughes
      - Opposed: None
    - o Hughes will set up a joint meeting between PHAC and Parks & Rec to discuss Park
- New Business:
  - o Annual Launch Ramp Fee Discussion:

- Motion: Hughes made a motion to, ask the Borough Assembly to change the Harbor Fee Schedule to allow for a discounted annual launch ramp pass. The first pass would remain full price and each additional pass would be half price, allowing up to three additional annual passes at the discounted amount.
  - Jacobson seconded
  - Vote in Favor: Pardee, Jacobson, Rostad, Gray & Hughes
  - Opposed: None
- Lutak Dock:
  - No committee action, will be on next agenda.
- Public Comment:
  - Richard Buck asked that the dirt pile at the Lutak Launch Ramp be removed.
- Next meeting 28Apr16.

Approved


 REGULAR MEETING

 Parks and Recreation  
Advisory Committee  
(PRAC)

 SPECIAL MEETING

## COMMITTEE MEETING SUMMARY AND MINUTES

Meeting date: 3/16/2016

Time: 5:00 pm

Location: Library

Committee members present:

Chair person: Richard Chapell

Burl Sheldon, Meredith Pochardt, George Figdor, Patty Peters, Richard Chapell

Guests: Mike Case (Borough Assembly), Gene Kennedy (Public), Jeremy Stephens (Public)

Person filling out form: Richard Chapell

### Topics of discussion:

- Approve minutes from 2/24/2016 meeting: No changes suggested.
- Haines waterfront walk and harbor uplands design service - update.
  - Assign a PRAC member to communicate with Borough Manager and track CIP item for waterfront design services through the FY17 budget process, and RFP if approved.
- Zoning downtown core park on Borough owned lots 4A and 8A for recreation.
  - Sheldon will verify zoning of lots 8a and 4A with Borough staff.
  - Sheldon and Ely will draft recreation zoning proposal, per motion passed 2/24/2016.
- Members select their highest priority tasks from tasks in 2025 Comprehensive Plan (not ranked)
  - Downtown park
  - Parks ordinance
  - Borough-wide recreation plan
  - Identify & acquire easements needed to maintain access to shoreline and rec sites
  - Outhouse at Mosquito Lake state recreation area.

- Invite guest speakers to future PRAC meetings:
  - Haines Ski & Hike Club
  - Haines State Forest
  - State Parks
  - Heli-ski industry
  - HATS – mountain hut group
  - Borough Assembly or Mayor
  - Planning Commission

**Action Taken:**

- M/S Pochardt/Peters, passed 5-0: Approve minutes from 2/24/2016.
- M/S Sheldon/Pochardt, passed 5-0: Assign Pochardt to communicate with Borough Manager about CIP item for waterfront design services, track it through the FY17 budget process, and if approved, assist with RFP development.

Next meeting date: April 20, 2016, 5 pm at the library.



REGULAR MEETING

Parks and Recreation  
Advisory Committee  
(PRAC)

SPECIAL MEETING

## COMMITTEE MEETING SUMMARY AND MINUTES

Meeting date: 4/20/2016

Time: 5:00 pm

Location: Library

Committee members present:

Chair person: Richard Chapell

Burl Sheldon, Thom Ely, George Figdor, Patty Peters, Richard Chapell

Guests: Ron Jackson (BA Liaison), Jeremy Stephens (Public)

Person filling out form: Richard Chapell

### Topics of discussion:

- Approve minutes from 3/15/2016 meeting: No changes suggested.
- Invite guest speakers to next PRAC meeting:
  - **Rich** will invite Travis Russell, State Park Ranger
- Haines waterfront walk and harbor uplands design.
  - Portage Cove waterfront trail and pavilion is a \$45k CIP item in Manager's FY17 Budget.
- Zoning downtown core park on Borough owned lot 8A for recreation.
  - Parks & Rec sent letter recommending Lot 8A rezone as REC letter to Assembly. Without discussion, Assembly referred the idea to Planning and Zoning Committee.
  - P&Z will consider at their May 12 meeting. **Burl's talking points:**
    - Value of town square to downtown businesses
    - Value to community
    - In 2025 Comprehensive Plan
  - **Burl will** invite Carol Tuynman, Lenise Fontenot, Kyle Gray, Dick Flegel to support
- PRAC prioritizes tasks identified from 2025 Comprehensive Plan
  - Town square - in progress
  - Waterfront trail - in progress
  - Identify & acquire easements needed to maintain access to shoreline and rec sites, e.g.
    - River Rd to Jones Pt, Mt. Riley trail from Mud Bay Rd
    - **George** will report back to PRAC after reviewing Comp. Plan for salient references about access challenges.

- Parks ordinance
  - Designate Borough recreation lands in code
  - Codify allowed activities in parks
  - **Burl** agreed to research parks-related ordinances contained in muni codes in other SE AK communities and report back to PRAC.
- Borough-wide recreation plan
  - Trail Mix history
  - NPS grant availability for trail planning
  - No PARC action planned at this time
- Outhouse at (or near) Mosquito Lake state recreation area
  - State Parks says they do not want install unless they get funding to maintain
  - Build on Borough property? Mosquito Lake School, skate park
  - Discuss with Park Ranger Russell at next PRAC meeting
  - **Rich** will contact Mosquito Lake School and Community Center board to ask if they are interested in taking on the task of providing a public restroom.
- Joint meeting with Ports & Harbors on April 25 re: Lookout Park during harbor expansion
  - As early as May 1, totem and memorial will be moved to prepare for construction
  - Pavilion is structurally unsound and will not be saved or moved
  - Ely believes the vista and surroundings at Dog Cart sculpture site are more suitable for Lookout Park than the expanded harbor parking bulge in 95% design.
  - The PRAC recommendation below will be conveyed at this meeting.

#### Action Taken:

- M/S Sheldon/Ely, passed 5-0: Approve minutes from 3/16/2016.
- M/S Ely/Sheldon, passed 4-1: Consider a permanent move of Lookout Park to the Dog Cart Sculpture area to the West of the PC Dock. Request the Manager leads land ownership and space evaluation, and procure conceptual drawings. When the expanded harbor parking lot ground work is complete, the fishermen's memorial will anchor a park space on the SE corner of the pad.

Next meeting date: May 18, 2016, 5 pm at the library.



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 15-576

Assembly Meeting Date: 5/10/16

Business Item Description:	Attachments:
Subject: Comprehensive Minor Offenses Ordinance to put the fines for existing laws into a single table	1. Transmittal Memo from Minor Offenses Committee 2. Borough Attorney Memo 3. Substitute Ordinance 15-06-413. (The draft as originally postponed is available at Clerk's Office or at: <a href="http://www.hainesalaska.gov/boroughassembly/ordinances-und-er-consideration">www.hainesalaska.gov/boroughassembly/ordinances-und-er-consideration</a> .) 4. Recommendations from the GASC; advisory boards PSC, PHAC, PC & TAB; and HARK.
Originator: Borough Attorney	
Originating Department:	
Date Submitted: 5/2/16 substitute ordinance (6/1/15 initial ordinance)	

**Full Title/Motion:**  
 Motion already on Table: Adopt Ordinance 15-06-413. The committee recommends this main motion be amended, as follows: "Substitute Ordinance 15-06-413 in its entirety with the substitute ordinance recommended by the Minor Offenses ad hoc Committee, and schedule a public hearing for 5/24/16 and a second public hearing for 6/14/16."

**Administrative Recommendation:**

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$ n/a	\$ n/a	TBD

**Comprehensive Plan Consistency Review:**  
 Comp Plan Goals/Objectives: \_\_\_\_\_  
 Consistent:  Yes  No

**Summary Statement:**  
 On 10/13/15, the assembly postponed adoption of this ordinance and established an ad hoc committee to review it and make recommendations for the assembly's consideration. That committee has been meeting for several months and, with borough attorney assistance, has prepared a substitute ordinance. The committee also recommends two public hearings on this new draft to give the community and assembly ample time to consider the recommended changes.  
 Motion already on the table: Adopt Ordinance 15-06-413. This is NOT a public hearing at this time and, since there is a motion already on the table, the assembly may resume debate. Rather than adopting the ordinance, the committee recommends substituting with the draft they have presented and scheduling two public hearings on it.

**Referral:**  
 Referred to: \_\_\_\_\_ Referral Date: \_\_\_\_\_  
 Recommendation: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

**Assembly Action:**  
 Meeting Date(s): 6/9, 7/14, 8/25, 9/8, 9/22/15, 5/10/16    Public Hearing Date(s): 8/25, 9/8/15  
 Postponed to Date: \_\_\_\_\_

# Transmittal

To: Members of the Haines Borough Assembly

From: Minor Offenses Ad Hoc Committee

Re: Submission of Final Recommendations

Date: May 2, 2016

---

The Minor Offenses Ad Hoc Committee would like to submit its final recommendations for Assembly consideration (see attached.) The Committee has spent significant time over the past few months reviewing the information. Along with the actual substance of the Ordinance, the Committee considered administration concerns, the concerns from other committees, and the concerns of the public. Consideration was also given to the concerns of various department heads that may be affected, including the police and fire departments. Finally, the Committee was provided legal guidance by the borough attorney, along with committee member Deb Vogt. The help by all who have given their time to this project is deeply appreciated.

As such, the Committee feels it important to provide the Assembly and Mayor with some of the highlights of the recommendations. These highlights are outlined below.

---

## 1. Need for Minor Offenses Ordinance

The Committee believes there is a need for the Minor Offenses Ordinance. First, using the State court process assists the community with providing equitable enforcement of our local laws. Second, it can assist the community with protecting individual rights. Finally, the Ordinance can protect those who serve our community to enforce our laws, and protect the Borough from unnecessary lawsuits. The Committee feels these reasons provide justification for incorporating the Minor Offenses Ordinance into our local law.

## **2. Purpose and Intent**

The Committee incorporated a Purpose and Intent into the General Provisions of the Ordinance. The Purpose and Intent reads as follows:

“The purpose and intent of this Title is to enhance and protect the lives, health and safety of the public and government employees; to protect public and private property; and to protect the rights guaranteed in the U.S. Constitution, the Alaska Constitution, and the Haines Borough Charter Preamble and Bill of Rights. Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this Title.”

The inclusion of the Purpose and Intent is structured to provide clear guidance to protect the public, government employees, and the borough. It is also structured to ensure that fundamental rights are protected. Finally, it is structured to provide clear guidance to those who administer enforcement of the provisions that revenue generation shall not be used as a motive to enforce the provisions of the Ordinance. The Committee feels this statement is crucial to the overall tone of the Ordinance itself.

## **3. Emphasis on Compliance, not Enforcement**

The Committee recommends that emphasis be placed on compliance, and not just strict enforcement. As such, enforcement discretion is provided within the bounds of the Purpose and Intent. This discretion grants authorization for issuing warnings instead of citations for first offenses. This discretion emphasizes compliance with the law, and not just strict enforcement.

## **4. Alignment with the Recommendations of Other Committees**

As stated, the Committee considered the recommendations of various Borough committees. These committees included the Port and Harbor Advisory Committee, the Public Safety Commission, the Planning Commission, and the Tourism Advisory Board. As these committees spent considerable time and effort reviewing the details of the Ordinance in public meetings, the Minor Offenses Ad Hoc Committee has aligned its recommendations with most of the recommendations from these various

committees. The assistance and work of these committees has been greatly appreciated.

## **5. Authority to Issue Citations**

The Committee also recommends that the authority to issue citations be granted only to police officers, and to the Harbormaster and Assistant Harbormaster after proper training and certification. This change is designed to protect the public's rights, and to protect those issuing citations. It is also designed to assist with protecting the Borough from unnecessary lawsuits from untrained and uncertified Borough personnel issuing citations. The Committee feels this is an important aspect of ensuring the provisions within the Purpose and Intent are honored.

## **6. Transparency and Oversight**

The Committee has also recommended language within the Ordinance that requires recordkeeping of all fines imposed, along with the dollar amounts collected. This information is to be provided to the Public Safety Commission and the Borough Assembly upon request. This recommended provision is key to providing transparency and oversight of the overall enforcement of the Ordinance, and aligns with the Purpose and Intent.

## **7. “Softened” Language within the Ordinance**

The Committee is recommending that language within the Ordinance be softened. As such, the Borough attorney was requested to remove references to “guilty”, “conviction” and “punishable” from the text and replaced with softened language such as “commits a minor offense”. The Committee feels these changes create a tone of compliance, and not just strict enforcement.

## **8. Wording, Grammar, and Numbering within the Ordinance**

With the assistance of the Borough attorney and committee member Deb Vogt, many technical details of the Ordinance were reviewed. Recommended changes to some wording and grammar have been incorporated following this review. Additionally, some numbering of

sections and chapters has been changed following edits to the wording of the provisions. These recommended changes clean up the technical aspects of the Ordinance. Additionally, the interpretational implications of these changes were also considered when developing these recommendations.



The Committee would also like to make two recommendations that fall outside of the actual substance of the Ordinance. These recommendations are as follows:

**9. Two Public Hearings to Consider Recommended Changes to the Ordinance**

During one of the final meetings of the Committee, the following statements was made by a member of the public:

“The Minor Offenses Ordinance is not minor; it’s major!”

This statement sums up some of the public sentiment surrounding the Ordinance. Because of this, it is recommended that the Assembly hold two public hearings on the Ordinance. The Committee feels this would be appropriate to give the community and assembly ample time to consider the recommended changes.

**10. Creation of a Code Review Commission**

The Committee received many comments from members of the public regarding why individual violations were not specifically addressed in the recommendations. Because of these comments, the Committee recommends the Assembly create an Ad Hoc Code Review Commission. This would allow for the community the time to focus on individual violations for their appropriateness to our community.



Thank you for your consideration to our recommendations.

## **Recommendations of Minor Offenses Committee**

**Recommend** to the assembly that Haines Borough police officers enforce minor offenses as listed in borough code. The Haines Harbormaster and assistant harbormaster may enforce violation of minor offenses in Chapter 16.

*Passed unanimously.*

**Recommend** take Title 18 out of the minor offenses schedule have appeals dealt with by the planning commission.

*Passed unanimously.*

**Recommend** keeping violations in Chapter 10.

*Passed unanimously.*

**Recommend** borough use the magistrate for resolution of all minor offenses citations with exception of Title 18.

*Passed unanimously.*

**Recommend** creating 1.24.050 “Purpose and Intent” to read:

“The purpose and intent of this Title is to enhance and protect the lives, health and safety of the public and government employees; to protect public and private property; and to protect the rights guaranteed in the U.S. Constitution, the Alaska Constitution, and the Haines Borough Charter Preamble and Bill of Rights. Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this Title.”

*Passed unanimously.*

**Recommend** adding to 1.24.010 (D) “... and shall be cited accordingly” to end of sentence.

*Passed unanimously.*

**Recommend** assembly adopt provision in 10.42 dealing with bicycle violations along with fine structure as proposed in most recent attorney memo.

*Vote passes 4-1.*

**Recommend** changing “shall” to “may” in last sentence of 1.24.010 (D)

*Passed unanimously.*

**Recommend** Title 16 include wording:

“Harbormaster will develop and document and with approval by manager implement a training and certification process for harbor personnel that will enforce harbor regulations. Policy will include training in conflict resolution and constitutional rights and responsibilities and visible identification. All Harbor staff with enforcement authority shall be administered an oath of office.”

*Passed unanimously.*

**Recommend** removing section (d) from 1.24.010 that says....” And be cited according.  
*Passed unanimously.*

**Recommend** adding an additional chapter 05 to Chapter 8 titled “General Provisions.”  
*Passed unanimously.*

**Recommend** adding ‘any enforcement officer granted enforcement discretion in this title – shall exercise that discretion according to the principals of the purpose and intent in this section.’  
*Passed unanimously.*

**Other items not recommended as changes to ordinance but to highlight for assembly:**

Under Title 8 – correctable offense – “any offense under this chapter taking place on private property is correctable.”  
***Intent should be compliance, not enforcement. Property owners should be given opportunity to correct offense on private property before citation is issued.***

Recommend borough/police department/public safety committee distribute educational information for compliance about bicycle laws.  
***Intent is compliance through education. Police report getting many complaints about bicyclists in the summer; bicyclists and motorists need to be educated about road laws.***

Under Chapter 12 there is issues with enforcing violation for not having proper house number visible. ***This violation shouldn’t be enforced until proper house numbering system is developed by borough.***

---

Recommendations on specific chapters of offenses

---

Chapter 3

No recommended changes

---

Chapter 5

Adopt TAB recommendations on Chapter 5

---

Chapter 6

Adopt HARK recommendations

---

Chapter 10 – Supports Public Safety Commission recommendations with following additions/notes:

- Remove skis from 10.26.300 and treat as 13 AAC 02.175 Pedestrian on highways.
  - ATVs ordinance adopted in 2014 – adopted recently enough that no changes needed – should stay as is.
  - Bicycles – 10.42 – all cited is state law. Remain as same.
  - 10.44 Parking – keep as is – was passed in 2013
-

Chapter 12 – House numbers ordinance – see “*other recommendations*” at end of memo

---

Chapter 13 – No recommended changes

---

Chapter 14 – No recommended changes

---

Chapter 15 – No recommended changes

---

Chapter 16 – No recommended changes (based on Ports and Harbors Committee recommendation)

---

---

**BOYD, CHANDLER & FALCONER, LLP**  
ATTORNEYS AT LAW  
SUITE 302  
911 WEST EIGHTH AVENUE  
ANCHORAGE, ALASKA 99501  
TELEPHONE: (907) 272-8401  
FACSIMILE: (907) 274-3698  
bcf@bcfaklaw.com

**MEMORANDUM**

**TO:** Haines Borough Assembly

**FROM:** Patrick W. Munson  
Boyd, Chandler & Falconer 

**RE:** Ad Hoc Committee Recommendations Regarding the Proposed Minor Offense Ordinance

**DATE:** May 2, 2016

---

Our office has worked closely with the Ad Hoc Committee to prepare the proposed draft Minor Offense Ordinance. Our office recommends the Assembly adopt the ordinance or an amended version of it. The ordinance codifies existing laws of the Borough in a way that is consistent with the State of Alaska Court Uniform Rules of Minor Offense Procedure. It would provide consistency in enforcement by allowing the court system to adjudicate minor violations of Borough law. Major violations of law will remain designated and treated as state misdemeanors and felonies. The ordinance would also eliminate most of the “administrative proceedings” that require Borough staff and the Assembly to adjudicate violations. This would benefit both citizens and the Borough because it is much more efficient and appropriate under our system of government to allow courts to adjudicate most alleged violations rather than staff members or legislative bodies.

In short, we perceive substantial benefits from this ordinance and no negative impacts. The ordinance is fully consistent with due process requirements and is very similar to the law enforcement systems used in the vast majority of communities in Alaska and the United States. We believe the Committee’s extensive review and revisions have generated an ordinance that also addresses the local concerns that have become apparent during this process.

Our office has provided extensive analysis and commentary on every draft of the ordinance generated by the Committee. We have attended multiple of the Committee’s meetings by teleconference to answer detailed questions and provide feedback on proposed changes. The Assembly and the public should feel free to review any of the memoranda and comments we have provided. We can also be available to discuss the ordinance with the Assembly at any time.

We also provide the following information in an effort to summarize some of the concerns that have been apparent throughout this process and to summarize our understanding of

the Committee's response/recommendations regarding same. This is not intended to be a definitive or exhaustive list of issues addressed by the Committee.

1. *The "Daily Violation Provision"*

Proposed Section 1.24.010(C) clarifies that violations occurring multiple times, on different days, or extending for multiple days in a row, can be treated as separate offenses. An illegally parked car commits two violations if it remains parked illegally for two days. A person who violates curfew on Friday and again on Saturday commits two separate violations. A person who operates a business without obtaining a permit can receive a citation for a separate offense every day he or she operates the business without getting the permit. After much deliberation, the Committee recommended this provision be included in the MOO because it concluded that it is important for the Borough to have the legal authority to issue multiple or separate citations for ongoing or repeated violations.

Our office agrees and strongly recommends this provision be adopted. It would be extremely unusual for a provision like this *not* to be included in a local ordinance enforcement system. Without it, any offender has at least a plausible argument that he or she can only be cited once for committing any offense because the code would not specify any way to distinguish one offense from another one. The constitutional prohibition against double jeopardy gives any violator in that scenario an argument that, for example, after a driver is cited for parking in an illegal location, the car can stay there indefinitely because the owner has already been cited for the violation once and cannot be cited again. In sum, not including a "daily fine provision" potentially would allow all violators of code to pay a one-time fine for the privilege of continuing to violate the law. The Committee did not believe that would be a good policy. For example, why would anyone bother to obtain a business permit (or clean a nuisance, get his or her dog licensed, pay daily mooring fees, move an illegally parked car, not violate curfew a second, third, or fourth time, *etc.*), if they can only be fined once for not getting the permit?

The Committee debated whether it should include an "umbrella" provision like this one (HBCO 1.24.010(C)) that applies to all ordinances unless otherwise noted, or whether it should specifically identify each ordinance where daily violations were authorized. It concluded that there are very few ordinances that might not be appropriate for daily enforcement, so it included the daily provision as the default with exceptions provided where warranted. One such exception is failing to connect to the sewer system, an offense which the Committee believed could not reasonably be corrected in a single day. See Section 36 of the Proposed MOO, amending HBCO 13.08.270(B), establishing weekly violations for this offense. The Committee recommends that similar offenses be addressed later as needed.

The Committee significantly clarified the original version of the Minor Offense Ordinance by including a requirement that separate violations be cited individually. This eliminates any confusion as to how enforcement will and must occur under the authority provided by subsection HBCO 2.24.010(C). A person operating a business without a permit, for example, would have to receive a separate citation for every day of unlawful operation, not one ticket purporting to include multiple days. Each of those citations could be challenged individually in court, so the citizen's rights are not diminished at all and the Borough retains authority to enforce its ordinances meaningfully. Our office recommends the Assembly include this provision if it chooses to adopt the daily violation provision.

2. *Borough Staff Enforcement Authority*

The Committee recommends that only police officers, the harbormaster, and assistant harbormaster have authority to issue citations for violations of Borough law. Neither the manager nor other staff would have such authority. Instead, borough staff would have to report suspected violations to police who could investigate the allegation and issue a citation if warranted. This system makes sense because police are trained to carry out such activities and do so every day.

The Committee concluded that the harbormaster and assistant need citing authority because he or she is in a position of enforcement and it could be impracticable to call the police for many violations, such as failure to pay registration fees, dumping garbage, *etc.* The harbormaster's authority is limited to enforcement of Title 16 (HBCO 16.08.030(A)). The Committee recommended that the harbormaster undergo training in order to exercise his or her enforcement authority (proposed HBCO 16.08.030(H)).

Our office recommends these provisions be adopted as well because they are entirely logical and consistent with the law enforcement systems nationwide and address what was once a contentious issue with the MOO. We would recommend discussions with the police to determine an appropriate training system for the harbormaster and assistant. Those individuals should also be encouraged to consult with our office on enforcement matters if they have any questions.

3. *Title 18 - Land Use Ordinances*

The Committee removed all Title 18 offenses from the Minor Offenses Ordinance. The Committee concluded that the land use provisions of Title 18 require a more detailed analysis before being considered for inclusion in the Minor Offenses Ordinance.

The Committee wanted the Assembly to understand that it was not concluding that violations of Title 18 should not be minor offenses; but rather, the Committee was not prepared to make any recommendations as to whether such violations should be minor offenses or not. Some members of the Committee opposed making such violations minor offenses, while others appeared to support enforcing violations as minor offenses. It was noted that the Planning Commission has extensive experience with Title 18 and has either not been adequately consulted or has not recommended any changes. In light of the lack of consensus, the Committee decided to essentially table the question as to Title 18 so that the rest of the Ordinance could proceed.

This appears to be a reasonable approach for the short term given the lack of any clear consensus among the Committee with regard to Title 18, but we recommend Title 18 be considered for updating in the near future. By tabling the decision, the existing enforcement system (as described in Chapter 18.30, most specifically HBCO 18.30.070-.090) will remain in place unless amended. Under the existing system, the Borough and Planning Commission do have enforcement authority over Title 18, so those ordinances are enforceable at this time. However, the existing enforcement system for Title 18 includes many of the issues and concerns that the Committee has endeavored to eliminate in other sections of Code, such as borough manager enforcement authority (HBCO 18.30.030 and .080(B)), criminal sanctions (HBCO 18.30.090(D)), vagueness as to daily violations (HBCO 18.30.090(A)), and an extremely cumbersome administrative enforcement process. That said, these mechanisms are not the only enforcement avenues under existing code and are not often used, so the effect may be minimal if the Assembly takes up this question relatively soon.

#### *4. Number of Code Violations*

The Minor Offense Ordinance has led some people to question whether Haines has “too many” ordinances. The Committee therefore recommended that a separate committee be established to allow the public and Assembly members to purge the Code of “unnecessary” ordinances. We understand this may be occurring or likely to occur in the near future, but we have no opinion on this matter. Our general perception is that Haines does not have a particularly excessive number of ordinances or minor offenses compared to other sophisticated, medium sized communities in Alaska, but if a majority of the Assembly believes certain offenses are no longer necessary then there is no harm in deleting them (using the normal ordinance amendment process). If the Assembly decides this would be a worthwhile project, we will be glad to assist in whatever way we can.

**Substitute Ordinance  
Recommended by Minor  
Offenses Ad Hoc Committee**

HAINES BOROUGH, ALASKA  
ORDINANCE No. 15-06-413 **Draft**

**An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

**Section 1. Classification.** This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

**Section 2. Severability.** 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. Effective Date.** ~~This ordinance is effective upon adoption.~~ **This ordinance shall become effective January 1, 2016, provided the borough manager develops a policy addressing the Issuance of Citations. Such policy must address who is authorized to issue citations, the specific code titles they are authorized to enforce, and the training required prior to receiving the authorization. Such policy must be approved by the borough assembly via resolution prior to the January 1, 2016, ordinance effective date. Otherwise, this ordinance will not take effect and will become null and void.**

**Section 4. Amendment of Chapter 1.04.** Chapter 1.04 of the Haines Borough Code is hereby amended to include a new Section 1.04.005 to read as follows:

**1.04.005 Purpose and Intent**

The purpose and intent of this code is to enhance and protect the lives, health and safety of the public and government employees; to protect public and private property; and to protect the rights guaranteed in the United States Constitution, the State of Alaska Constitution, and the Haines Borough Charter Preamble and Bill of Rights. Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this code.

**Section ~~4~~5. Repeal and Reenactment of Chapter 1.24.** Chapter 1.24 of the Haines Borough Code is hereby repealed in its entirety and reenacted to read as follows:

**1.24.010 General penalty**

**A.** Every act prohibited by borough ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person who commits an infraction or violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code, commits a minor offense as that term is defined in the Alaska Rules of Minor Offense Procedure and may be punished by a fine of not more than five hundred (\$500) dollars.

**B.** In addition to any other remedies or penalties that may be provided in this code, or may otherwise be available, the borough or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action

Formatted: Indent: Left: 0.5", Right: -0.01", Space After: 10 pt, Line spacing: Multiple 1.15 li

to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction.

~~C. Each act of violation and every day upon which the violation shall occur will constitute a separate offense. Each act of violation and every day upon which the violation shall occur will constitute a separate offense. A separate citation must be issued for each calendar day upon which a violation is alleged to have occurred.~~

~~D. The Borough Clerk's office shall maintain a record of the amount of all fines imposed by the borough or a court and all fines remitted to the borough as a result of all violations of the ordinances in this code. The total dollar amount of fines remitted to the borough each fiscal year shall be provided to the Public Safety Commission or the Borough Assembly upon request, and to members of the public pursuant to normally applicable laws governing requests for public records. Nothing in this ordinance is intended to require the borough to create records in response to public records requests that are not otherwise maintained by the borough in the normal course of business.~~

#### 1.24.015 Surcharge required

In addition to any penalty prescribed by law, a person found to have violated a borough ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

#### 1.24.020 Procedure.

A. The charge for the violation of a code provision may be brought by a borough police officer based upon information personally known to the police officer or upon sworn statement by the borough manager or other borough official responsible for the administration and enforcement of the code provision which has been violated. ~~Such enforcement~~Police officers are authorized, but not required, to issue warnings for a first violation of any provision of this code.

B. The borough shall use the Alaska Uniform Citation form, or the electronic version if authorized, to provide notice of a minor offense to anyone accused of violating any provision of this Code.

#### 1.24.030 Disposition of minor offenses.

A person charged with a minor offense listed on a fine schedule may appear in court to contest the charge. If an offense is not listed on a fine schedule, or if the citation indicates that a court appearance is mandatory, the defendant must appear in court to answer the charges. As a minor offense, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

#### 1.24.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Court System's Rules of Minor Offense Procedures apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found to have committed the offense, the ~~court shall impose the penalty set forth~~penalty imposed for the offense may not exceed in the fine schedule ~~below amount listed below~~ for that offense. Citations charging these offenses must meet the requirements of the Rules of Minor Offense Procedure. ~~The penalty imposed for any offense may not exceed the fines set forth below. The fines set forth below may not be judicially reduced.~~

Formatted: Left

Comment [PM1]: The changes in this section are intended to achieve the Committee's instructions to

(1) provide language requiring borough officials to provide information to police officers who would be the only people authorized to actually issue citations (based on the information provided to them); and

(2) provide explicit authorization allowing, but not requiring, officers to give a warning instead of a citation. In order to provide some guidelines, we propose using the "first violation" language here but this is not required and is intended primarily as a suggestion to facilitate further Committee discussion regarding whether and how to provide some guidance to officers on when and whether to exercise discretion.

Formatted: Font: Verdana

Haines Borough  
Ordinance No. 15-06-413  
Page 3 of 36

<b>Code Section</b>	<b>Offense Description</b>	<b>Fine Amount</b>
3.80.035(D)	Failure of operator to collect and/or remit sales tax for rental space	300
3.80.080	Failure to identify and add amount of sales tax to taxable transaction	300
3.80.090(A)	Failure to timely file sales tax returns	300
3.80.090(B)	Failure to remit taxes with returns	300
3.80.170	Failure to obtain business license	300
3.80.190(A)	Failure to file final sales tax return	300
5.04.030(C)	Failure to obtain required permit (general)	500
5.04.080(E)(2)	Sign violation	100
5.04.140(A)	commercial tour/ enterprise operating w/o permit or failure to follow permit condition	500
5.08.010(A)	Permit required for solicitation on public property	300
5.08.020	Solicitation on private property without invitation prohibited	300
5.08.030(A)	Permit required for transient/ itinerant merchants/ vendors	300
5.08.040	Permit required for circus, carnival, fair/other concessions	300
5.08.050(A)	Sale/solicitation of commercial magazines on public sidewalks/ streets prohibited	300
5.12.010(A)	License required to manufacture/ sell any alcoholic beverage	500
5.12.020	Closing hours for licensed alcoholic beverage premises between 5:00 a.m. and 8	500

Haines Borough  
Ordinance No. 15-06-413  
Page 4 of 36

	a.m.	
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300
5.18.015	Commercial tour permit required	500
5.20.030	Failure to display commercial passenger vehicle / tour vehicle permit	100
5.20.040(A)(1)	Failure to display license	100
5.20.040(A)(2)	Failure to display rates	100
5.20.040(A)(3)	Failure to display contact information of Borough Clerk	100
5.20.040(B)	Taxicab soliciting passenger or otherwise blocking traffic	100
5.20.050	Soliciting persons along the roadway	100
5.22.010(C)	Use of commercial parking vehicle areas when not engaged in commercial tour activity	100
5.22.040(C)	Failure to display parking permit	100
5.22.040(D)	Unreasonable interference with efficient operations	100
5.22.040(E)	Leaving commercial vehicle unattended	100
5.22.040(F)	Improper signage	100
5.22.040(H)	Unauthorized use of parking area	100
5.22.040(J)	Unauthorized display of sales material	100
6.08.010(A)	Dog license required	Altered dog: \$50
6.08.010(A)	Dog license required	Unaltered dog: \$150

Haines Borough  
Ordinance No. 15-06-413  
Page 5 of 36

6.08.010(D)	Failure to display tag	Altered dog: \$50
6.08.010(D)	Failure to display tag	Unaltered dog: \$150
6.08.010(F)	Failure to obtain kennel permit	Altered dog: \$50
6.08.010(F)	Failure to obtain kennel permit	Unaltered dog: \$150
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Unaltered dog: \$150
6.08.020(A)	At-large dog	Altered dog: \$50
6.08.020(A)	At-large dog	Unaltered dog: \$150
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50
6.08.020(B)	Barking, howling, or other noises	Unaltered dog: \$150
6.08.020(C)	Run, chase, jump at moving vehicles	Altered dog: \$50
6.08.020(C)	Run, chase, jump at moving vehicles	Unaltered dog: \$150
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50
6.08.020(D)	Snap, jump, injure another person	Unaltered dog: \$150
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50
6.08.020(E)	Chase, harass deer or moose	Unaltered dog: \$150
6.08.020(G)	Female dog in season confined	Unaltered dog: \$150
8.08.020(A)	Littering in any place other than in an appropriate refuse container	50

Haines Borough  
Ordinance No. 15-06-413  
Page 6 of 36

8.08.020(B)	Littering upon a public place	50
8.08.020(C)	Sweeping or depositing litter into a public place from private property	50
8.08.020(D)	Littering from vehicle	100
8.08.020(E)	Depositing any litter on private property	50
8.08.020(F)	Failure to maintain private property in a litter-free condition	50
8.08.020(G)	Posting any handbill without permit under HBC Title 18	50
8.08.020(H)	Littering in a body of water	50
8.08.020(I)	Depositing litter generated in a refuse container belonging to another	100
8.08.020(J)	Burning without a permit and police department notification or in violation of conditions	100
8.08.020(K)	Depositing offensive, noxious, or otherwise dangerous litter	100
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100
8.12.020(A)	Burying a person outside an established cemetery	300
8.12.020(B)	Annoy, injure or endanger the public	300
8.12.020(C)	Offending public decency	300
8.12.020(D)	Interfere with a street, highway, lake or stream	100
8.12.020(E)	Making loud or	100

Haines Borough  
Ordinance No. 15-06-413  
Page 7 of 36

	unreasonable noise	
8.12.020(F)	Operating device that causes preventable electric interference	100
8.12.020(G)	Allowing animal access to an unoccupied building	300
8.12.020(H)	Unsafe condition due to disrepair of building	300
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300
8.12.020(J)	Accumulation of stagnant water or discharge of wastewater	300
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300
8.12.020(L)	Causing emission of noxious fumes	300
8.12.020(M)	Exposure or distribution of materials offending the public decency	300
8.12.020(N)	Obstruction of traffic	300
8.12.020(O)	Public exposure of a person having a contagious disease	300
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300
8.12.030	Hazardous building or public nuisance	300
8.16.015	Use of fireworks prohibited	100
8.16.020	Sale prohibited of fireworks	300
8.16.025	Use of fireworks near port facilities prohibited	300
8.16.030	Conducting fireworks display without permission of chief of police	300
8.18.020(A)	Smoking in an enclosed public area	100
8.18.020(B)	Smoking in an enclosed public area	100

Haines Borough  
Ordinance No. 15-06-413  
Page 8 of 36

8.18.020(C)	Smoking inside an enclosed area within a place of employment	100
8.18.020(D)	Smoking inside an enclosed area within a private club licensed to sell alcoholic beverages	100
8.18.030	Smoking within unreasonable distance outside an enclosed area where smoking is prohibited	100
8.18.040(A)	Smoking within 50 feet of entrance to hospital or medical clinic	100
8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100
8.18.040(C)	Smoking within 5 feet of licensed premises	100
8.18.040(D)	Smoking in an outdoor arena	100
8.18.070(A)	Failure to post signs prohibiting smoking	200
8.18.070(B)	Failure to remove ashtrays	200
8.18.070(C)	Failure to provide smoke-free workplace	200
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200
8.18.080(B)	Smoking where prohibited	100
8.18.080(C)	Permitting smoking in public place where prohibited	200
8.20.020	Creating or permitting a bear attraction nuisance	100
9.04.010(A)	Open container of alcoholic beverages within vehicle	100
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100
9.04.010(B)(2)	Consuming alcoholic beverage in public	100
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200

Haines Borough  
Ordinance No. 15-06-413  
Page 9 of 36

9.04.010(B)(4)	Consuming alcoholic beverage at school function	200
9.08.010	Curfew For Minors	250
9.08.020	Parental responsibility for curfew violation	250
9.24.010(A)	Discharging pistol or firearm	300
9.24.010(C)	Hunting in prohibited area	300
9.24.020(A)	Obstructing highways and other public passages	100
9.24.020(B)(1)	Failure to obey order to move to prevent obstruction	100
9.24.020(B)(2)	Failure to obey order to move to maintain public safety	100
9.24.030	Disrupting meetings and processions	100
12.08.160(B)	Utility permit required	300
12.10.010	Construction work on driveway in a right of way without a permit	300
12.12.040(A)	Failure to install street numbers in compliance with code	100
12.16.010	Street and sidewalk obstructions prohibited	50
12.16.030(A)	Use of streets for private purposes	50
12.40.030	Prohibited activity or construction in Picture Park restricted area	100
12.50.020	Motorized vehicle use in Chilkat River beaches recreational zone	100
13.04.310(A)	Unlawful opening of fire hydrant	300
13.08.100(A)	Failure to connect to sewer system after notice	300
14.34.030(A)(1)	Cutting timber that is not already dead or downed	300
14.34.030(A)(2)	Cutting firewood for other than personal use	300

Haines Borough  
Ordinance No. 15-06-413  
Page 10 of 36

14.34.030(A)(3)	Using unlawful mechanical means to cut firewood	300
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100
15.08.060	Smoking where prohibited for safety reasons	100
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300
15.12.020(D)	Failure to file required report by a person handling consumer quantities of hazardous material or chemical	300
15.12.070(A)	Failure to file required transshipment facility report	300
15.12.070(C)	Failure to display marking or warnings with respect to transshipment facility	100
15.12.070(D)(3)	Failure to notify fire department of time and quantity of a shipment of extremely hazardous substance	300
15.12.090(A)	Failure to obtain certificate of compliance	300
15.16.020	Crash post does not meet specifications	100
16.12.020	Obstruction of dock area by vehicle, cart, conveyance, or other transportation system	50
16.12.030	Vessel in excess of 65 feet using gridiron	50
16.16.135	Launching or recovering vessel without paying fee or obtaining annual ramp launch sticker	100
16.16.150	Unapproved vessel mooring in harbor	100
16.16.170	Non-compliant electrical connection	100
16.16.190	Mooring without payment	100
16.16.200(A)	Dead storage prohibited	100

Haines Borough  
Ordinance No. 15-06-413  
Page 11 of 36

16.16.210	Use of harbor crane without permit of paying fee	100
16.20.040	Snow must be removed from dock, float, or finger	50
16.28.005(D)	Wood fires not permitted in port and harbor facilities	100
16.28.005(E)	Unlawful electrical system or connection	100
16.28.010(A)	Operating vessel in excess of three MPH within borough port and harbor facilities	50
16.28.010(B)	Operating vessel in a negligent manner	300
16.28.010(C)	Operating vessel in a negligent manner likely to endanger the safety of person or property	500
16.28.010(D)	Unlawful depositing of refuse or prohibited materials	100
16.28.010(E)	To fail to register with the harbormaster	100
16.28.010(F)	Leaving vessel or floating structure moored unattended while fire is burning	100
16.28.010(G)	Starting or allowing any fire on a float or dock	500
16.28.010(I)	Conducting unlawful business within the port and harbor facilities	100
16.28.010(J)	Living aboard a vessel moored in the harbor while prohibited or allowing animal to run at large	100
16.28.010(K)	Leaving cargo or other material on docks or other public place	50
16.28.010(L)	To fail to clean up after an animal	50
16.28.010(M)	Tapping, disconnecting, interfering with, or tampering with any water or electrical connection	100

16.28.010(N)	Interfering with any wharf or any other harbor facility	100
16.28.010(O)	Writing or posting printed matter upon any bulletin board without permission of the harbormaster	50
16.28.010(P)	Erecting or maintaining any advertising or other printed matter without approval from the harbormaster	50
16.28.010(Q)	To disregard or tamper with any notice relating to the use of mooring areas or other uses of port and harbor facilities	100
16.28.010(R)	To moor or connect to Letnikof Cove facility without paying fees	100
16.32.040(B)	Use of small boat harbor without paying required fees	100
16.32.045	Long-term parking outside designated area at Letnikof Cove Harbor	50

**1.24.060 Ordinances Affecting Minor Offenses Sent to Borough Attorney**

Immediately after the Assembly enacts a code ordinance affecting, creating, or eliminating a minor offense, the Borough Clerk shall transmit the ordinance to the Borough Attorney. The Borough Attorney shall submit any necessary updates to the Alaska Court System for inclusion in the Uniform Table of Minor Offenses.

**Comment [PM2]:** We eliminated previous sections 1.24.060 and .070 at the request of the Committee.

**Formatted:** Font: Verdana

**Section 56.** Amendment of Section 2.06.035(C). Section 2.06.035(C) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

**2.06.035 Public financial disclosure.**

C. The disclosure must be true, correct and complete and shall be signed under oath or affirmation, or certified to be true under penalty of perjury. A person required to file a financial disclosure statement under this section who refuses or knowingly fails to disclose required information within the time required in this chapter, or who provides false or misleading information, knowing it to be false or misleading, **commits a minor offense** ~~is guilty of a violation and upon conviction is punishable by a fine of not less than \$100.00 nor more than \$500. \$1,000 notwithstanding Chapter 1.24 HBC.~~ A municipal officer or candidate for an office who refuses or fails to file a financial disclosure statement required under this section when due shall not hold office, and the person's name shall not be submitted to the assembly for appointment or reappointment, until the person complies. The person may not be

**Comment [PM3]:** We have removed references to "guilty" and "conviction" throughout this ordinance at the request of the Committee.

**Formatted:** Font: Verdana

confirmed, hired, or appointed, and the person forfeits and may not be paid any salary, per diem, or travel expenses, until the person complies. If, after installation in office or beginning employment in the position, the person refuses or fails to file the required financial disclosure statement when due, the person **commits a minor offense** ~~is guilty of a violation and upon conviction is~~ punishable by a fine of not less than \$100.00 nor more than ~~\$500, \$1,000 notwithstanding Chapter 1.24 HBC.~~ Any citizen eligible to vote in Alaska may bring a civil action to enforce any of the provisions of this section.

**Section 67.** Amendment of Section 2.96.010. Section 2.96.010 of the Haines Borough Code is hereby repealed and reenacted as Section 2.96.010 and 2.96.020 as follows:

**2.96.010 Unlawful activity and conduct.**

A. It shall be unlawful for:

1. Any person to give, render, pay, offer, solicit, or accept any money, service, or other valuable thing in attempting to secure any appointment, promotion, or advantage in a position in the borough service.
2. Any person to require personnel to subscribe, contribute, or provide a service to any political party.
3. Any person to seek or attempt to use any political party endorsement to secure any appointment or promotion in the borough service.
4. Any elected official or employee to solicit, negotiate for, or promise to accept anything of substantial value from any person, firm or company which is engaged in the transaction of business with the borough.
5. Any elected official or employee to use information which is obtained in the person's official capacity as an employee of the borough and which concerns the property, government or affairs of the borough to advance the financial or other private interests of the person or others.
6. Any elected official or employee to accept any loan, gift, gratuity, remuneration or compensation from any person, business or organization other than the borough when the same is offered in exchange for performing or discharging any official duty or responsibility.

B. A violation of this section is a minor offense and subject to a maximum fine of up to \$500 for each offense.

**2.96.020 Prohibited conduct**

A. It shall be prohibited for:

1. Any person, except a school district employee, to continue as an employee of the borough after being elected to the borough assembly.
2. Any person to take any action which affects the employment status of any other person when the reason for such action is predicated on race, color, religion, sex, or national origin.
3. Any person to make any false statement on any application, report or other document relating to employment status or to commit any other fraud which would prevent the fair and impartial execution of this code.
4. Any person to be employed in any position in any department whose immediate family member is the elected official, borough officer or department head under whom such person is employed.

5. Any elected official or employee to demand or request an applicant for employment to provide information relating to the applicant's religion, ancestry, race, or political convictions.

6. Any elected official or employee to invest, either directly or indirectly, in any business or participate in any private business transaction which conflicts with his official duties.

7. Any elected official or employee to be a party to the purchase of or influence the purchase of goods or services for the use of the borough from any business in which the person has a substantial financial interest unless the purchase is approved in advance by the assembly.

B. Any employee or official who violates this section shall be subject to discipline or those penalties provided in Chapter 2.06.

**Section 78.** Amendment of Section 3.80.260. Section 3.80.260 of the Haines Borough Code is hereby amended as follows:

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

**3.80.260 Violations a minor offense ~~misdemeanor~~.**

A seller, including a person, firm, co-partnership or corporation, or an officer, director or agent of a corporation acting on behalf of the seller, including a person with signatory authority over any corporate savings or checking accounts, who violates a provision of this chapter or who fails or refuses to comply with a request or demand of the clerk authorized or made under this chapter commits a minor offense, ~~is guilty of a misdemeanor~~. **Prosecution under this chapter shall not limit the Borough's right to collect in a civil action all unpaid taxes, penalty and interest which may be owed.**

**Section 98.** Amendment of Section 5.02.020. Section 5.02.020 of the Haines Borough Code is hereby amended as follows:

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

**5.02.020 Violation a minor offense ~~misdemeanor~~.**

An individual or entity subject to this chapter, or a responsible officer, director, or agent of an entity subject to this chapter, who violates the requirements of this chapter commits a minor offense ~~is guilty of a misdemeanor~~, which is punishable by ~~not more than 30 days in jail and/or a \$1,000~~ a fine in the amount of \$100 for each month or part thereof a business operates without a license or in violation of the license, each of which shall constitute a separate offense, up to a maximum total fine of \$1,000. Each month or part thereof of operation in violation of this chapter shall constitute a separate offense.

**Section 910.** Amendment of Section 5.04.140. Section 5.04.140 of the Haines Borough Code is hereby amended as follows:

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

**5.04.140 Penalties.**

A. Operation of any commercial tour or business enterprise for which a permit is required under this title without a permit, or the failure to follow any permit condition, shall constitute ~~an offense punishable~~ a minor offense punishable, upon conviction, by a fine ~~not exceeding~~

~~\$1,000~~ **of \$500** for each offense, **unless a different amount is specified in HBC 1.24.040,** plus any surcharge required to be imposed by AS 12.55.039.

B. The securing of a permit through deceit, fraud, or intentional misrepresentation shall constitute an offense punishable, ~~upon conviction,~~ by a fine ~~not exceeding \$5001,000,~~ plus any surcharge required to be imposed by AS 12.55.039. **The permit may also be revoked through administrative proceedings.** ~~as well as revocation of the permit.~~

C. The commission by a permittee of an act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under a permit, is, ~~upon conviction,~~ punishable by a fine **of \$500 not exceeding \$300.00** for each violation plus any surcharge required to be imposed by AS 12.55.039.

D. The borough may institute a civil action against a person who violates this chapter. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction.

**Section ~~4011.~~ Amendment of Section 5.04.150.** Section 5.04.150 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

#### **5.04.150 Offenses separable.**

Each such person **who violates a provision of this chapter-Title or a provision of any permit issued under this chapter-Title commits a** ~~is guilty of~~ separate offense for each and every day during any portion of which any violation of any provision of any permit issued under this chapter is committed, continued or permitted by ~~the any such~~ person. **A separate citation shall be issued for each day upon which a violation is alleged to have occurred.**

**Section ~~4412.~~ Amendment of Section 5.08.020.** Section 5.08.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

#### **5.08.020 Solicitation on private property without invitation prohibited.**

The practice of going in and upon private residences in the borough by transient solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of the private residence for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or disposing of and/or peddling or hawking the same is **unlawful.** ~~declared to be a nuisance and punishable as such nuisance.~~

**Section ~~4213.~~ Amendment of Section 6.08.060.** Section 6.08.060 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

#### **6.08.060 Impoundment and citations.**

A. The 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.

B. The animal control officer shall have the authority to impound any dog found running at large or kept in violation of this title and any unlicensed dog found, other than a seeing-eye dog. Whether the dog is impounded or not, if the owner or keeper is known, the police department or animal control officer shall immediately give notice verbally or in writing to the owner or keeper that such dog has been impounded, is running at large or is otherwise in violation of this title. The police department or animal control officer or firm may cite the owner or keeper of the dog to appear in court to answer a charge of violation of this title. **Any citation issued for a violation of this title shall be processed by the court system in accordance with Chapter 1.24 HBC.**

C. Any person may file a complaint with the animal control officer or police that a dog is running at large or is otherwise in violation of this title and it shall be the duty of the animal control officer or police department to give notice to the owner or keeper as provided in subsection (B) of this section.

D. When a dog has been impounded, and if the owner or keeper is known or can be ascertained from the dog tag or records of the borough, the police department shall notify the dog's owner or keeper of the impoundment as soon as possible and of the fact that the animal may be redeemed according to the provisions of this title. The police department shall keep a record of all dogs impounded including the dog's description and the disposition of the dog.

**Section 4314.** Amendment of Section 6.08.130(A). Section 6.08.130(A) of the Haines Borough Code is hereby amended as follows:

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

#### **6.08.130 Penalties for violations.**

A. Any person accused ~~convicted~~ of violating HBC 6.08.030 concerning dangerous dogs or HBC 6.08.040 or 6.08.050 concerning rabies, **shall appear in court and fined up to \$500 if the court determines the person committed the offense.** ~~control shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment up to 30 days.~~

B. Any person violating the provisions of, or failing to comply with, any other section of this chapter **commits a minor offense** ~~is guilty of a violation~~ and, unless otherwise specifically provided, shall be fined as follows: **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500.**

~~1. Spayed or Neutered Dog (Owner or keeper must provide veterinarian's proof of spay/neuter procedure):~~

First violation	\$25.00
Second violation	\$50.00
Third and subsequent violations	\$100.00

~~2. Nonspayed or Nonneutered Dog:~~

First violation	\$75.00
Second violation	\$150.00
Third and subsequent violations	\$300.00

~~C. A past violation taken into account in determining a fine payable under subsection (B) of this section will be deleted from an animal's record if such animal has had no violations for a period of three calendar years from the date of that prior violation. A fine imposed under subsection (B)(2) of this section shall be vacated and a lesser fine imposed under subsection (B)(1) of this section, if, within 30 days of the date of the violation, proof from a licensed veterinarian showing that the offending dog has been spayed or neutered is presented to the police department.~~

**Section ~~4415~~.** Amendment of Section 8.08.050. Section 8.08.050 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

#### **8.08.050 Compliance – Enforcement.**

A person violating a provision of this chapter shall be subject to punishment according to the provisions of HBC Chapter 1.24.040.

**Section ~~4516~~.** Repeal and reenactment Section 8.12.140. Section 8.12.140 of the Haines Borough Code is hereby repealed and reenacted as follows:

#### **8.12.140 Enforcement.**

A. The abatement official or any police officer may cite an offender or property owner for a violation of any provision of this chapter, whether or not abatement proceedings are instituted. Such a violation shall be considered a minor offense and is punishable by a fine set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500. Any proceeding instituted for such a violation is separate from, and shall not affect, the abatement process provided for in this chapter.

B. Each act of violation and every day upon which the violation occurs shall constitute a separate offense. A separate citation shall be issued for each day upon which a violation is alleged to have occurred.

C. In addition to prosecuting a violation of this section, the borough may initiate the nuisance abatement procedures set forth in HBC 8.12.040 - .130 against any person maintaining a nuisance or against any property upon which a nuisance is deemed to exist, whether or not the person is cited for a violation of this chapter. ~~In any such proceeding, the borough shall be entitled to collect a civil penalty in the same amount of the fine established by this Title and HBC 1.24.040 for the same violation for every day the violation exists.~~

D. In addition to other remedies or procedures provided in this chapter, any public nuisance may be restrained, enjoined or otherwise abated by the borough in a civil action.

**Section ~~4617~~.** Amendment of Section 8.16.025. Section 8.16.025 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

#### **8.16.025 Use of fireworks near port facilities prohibited.**

~~A.~~ It is unlawful for any person other than a licensed pyrotechnician who has a contract with the borough and their agents and employees to discharge fireworks in, on, under, or within

250 feet of any of the borough's port facilities, including, but not limited to, Letnikof Cove, Port Chilkoot Dock, Lutak Dock, and the boat harbor.

~~B. A person violating the provisions of, or failing to comply with the prohibitions of, this chapter is guilty of a violation, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.~~

**Section 4718.** Amendment of Chapter 8.16. Chapter 8.16 of the Haines Borough Code is hereby amended to include a new Section 8.16.040 to read as follows:

**8.16.040 Violations a minor offense**

A person violating the provisions of, or failing to comply with the prohibitions of, this chapter **commits** ~~is guilty of~~ a minor offense, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.

**Section 4819.** Amendment of Section 8.18.080. Section 8.18.080 of the Haines Borough Code is hereby amended as follows:

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

**8.18.080 Violations and penalties.**

A. It is unlawful for any person to smoke in any area where smoking is prohibited or for any person who owns, manages, operates, or otherwise controls the use of premises subject to this chapter to fail to comply with the provisions of this chapter.

B. A person who smokes in an area where smoking is prohibited by the provisions of this chapter is subject to a fine of \$100.00.

C. A person, owner, manager, employer, or operator who controls a public place, a business, an enclosed area, place of employment or place of child care or other premises in violation of this chapter is subject to HBC 8.18.090(B) and **a penalty in the amount of \$200 for every violation of this chapter.** ~~the following penalties:~~

- ~~1. A fine of \$100.00 for a first violation;~~
- ~~2. A fine of \$200.00 for a second violation within a 24-month period; and~~
- ~~3. A fine of \$300.00 for a third or additional violation within a 24-month period.~~

~~D. Each and every day that a violation occurs is a separate violation.~~

Formatted: Strikethrough

**Section 4920.** Amendment of Section 8.18.090. Section 8.18.090 of the Haines Borough Code is hereby amended as follows:

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

**8.18.090 Enforcement.**

A. The borough manager or designee ~~and the borough police department shall enforce~~ **must administer** this chapter. A person who desires to register a complaint hereunder may initiate enforcement consideration with the borough manager **or borough police department.** ~~or designee.~~ **A person or entity believed to have violated any provision of this chapter may be cited pursuant to Chapter 1.24 HBC. Any violation of this chapter is a minor offense.**

Formatted: Strikethrough

B. Before citing an operator for violation of this chapter, the borough manager or police department must provide the operator with a written warning for the violation. Thereafter, the operator is subject to the penalties set out in HBC 8.18.080.

C. In addition to the remedies provided in this chapter, a person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in a court of competent jurisdiction.

**Section ~~2021~~.** Amendment of Section 8.20.040. Section 8.20.040 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

#### **8.20.040 Fines.**

A. Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property shall be charged with a minor offense ~~an infraction~~ and subject to a fine as set forth in HBC 1.24.0~~1~~40.

B. Each and every day after notice during any portion of which a violation or failure to comply is committed, permitted, or continued, shall be treated as a separate offense, and subject the offender to separate charges and a fine as provided in subsection (A) of this section.

**Section ~~2122~~.** Repeal of Chapter 9.01. Chapter 9.01 of the Haines Borough Code is hereby repealed in its entirety.

**Section ~~2223~~.** Amendment of Section 9.04.010. Section 9.04.010 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

#### **9.04.010 Consumption of alcoholic beverages in public places.**

A. It is unlawful to possess an open bottle, can, or other receptacle containing an alcoholic beverage within the passenger compartment of a vehicle.

B. ~~It is unlawful~~ ~~or~~ to consume alcoholic beverages

(1) upon the public streets or highways; ~~or~~

(2) in any public place other than a premises covered by a liquor control license; ~~or~~

(3) on any public school property; ~~or~~

(4) at any public or private school-related function.

**Section ~~2324~~.** Amendment of Section 9.08.030. Section 9.08.030 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

~~STRIKETHROUGH ITEMS ARE DELETED~~

**9.08.030 Penalty for violation of curfew ordinance.**

A person who fails to abide by the provisions of this chapter commits a minor offense punishable by ~~shall be guilty of a violation and subject to a fine of not more than \$250.00.~~

**Section 2425.** Repeal and reenactment Chapter 10.06. Chapter 10.06 of the Haines Borough Code is hereby repealed and reenacted as follows:

**10.06.010 State traffic laws and regulations adopted by reference.**

- A. The borough adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, including those which apply to motorcycles.
- B. Notwithstanding subsection A of this section, the borough does not adopt those state traffic laws that establish misdemeanor and felony offenses which are not listed on Alaska Supreme Court bail forfeiture schedules, including AS 28.35.030.
- C. All citations issued under this chapter shall use the appropriate "AS" or "AAC" or CFR statute or regulation numbers, include a description of the offense, indicate that the offense was adopted by reference as a borough ordinance, and that the charging entity or plaintiff is the Haines Borough.
- D. Additional traffic ordinances of the borough that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.
- E. When the context requires, the term "Alaska State trooper" or "peace officer" when used in a provision incorporated by reference under subsection (A) of this section shall be deemed to mean and construed as identical with chief of police, police officer, or such other local police officer sworn to undertake the duties prescribed in HBC 10.02.020. When the context requires, the term "department" appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be construed to mean the Haines police department.

**10.06.020 Fine Schedule for State Traffic Offenses Adopted by Reference.**

- A. The borough adopts as its traffic fine schedule for state traffic offenses adopted by reference the "Traffic Bail Forfeiture Schedule" and the "Oversize Vehicle Bail Forfeiture Schedule" in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the borough adopts all amendments of those schedules that become effective after the effective date of the ordinance codified in this chapter. Citations for offenses listed on those schedules may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one of these offenses appears in court and is found to have committed the offense, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.
- B. For violation of a provision of this title that does not adopt an Alaska Statute ("AS") or state regulation ("AAC") by reference and that may be satisfied by the payment of bail, the applicable fine for such violation is listed in HBC 1.24.040.

**10.06.030 Fine Schedule for Local Traffic Offenses**

In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts

listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found to have committed the offense, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. These fines may not be judicially reduced. If an offense is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Code Section	Offense Description	Fine Amount
10.09.010	Starting parked vehicle - excessive acceleration	15
10.09.020(A)	Driving on sidewalks - vehicle	20
10.09.020(B)	Driving on sidewalk in CBD - bicycle	20
10.09.020(C)	Failure to yield - bicycle	20
10.09.030	U-turn where prohibited	30
10.09.040	Projections on wheels or tracks prohibited	20
10.09.050	Dragging objects prohibited	150
10.09.060	Projecting load on passenger vehicles	20
10.09.070	Carrying animals on outside of vehicles	125
10.09.080(A)	Use of coaster, roller skates, <u>or</u> sleds <del>or skis</del> on roadway	25
10.09.080(B)	Use of skateboard or human powered device in prohibited area	25
10.09.080(C)	Negligent operation of device	25
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30
10.34.005(D)	Driver's license required to operate snow machine or ATV	30
10.34.005(E)	Registration of snow machine or ATV required	30
10.34.005(F)	Proof of insurance	30
10.34.005(G)	Excess passengers - 13 AAC 02.445	30

Haines Borough  
Ordinance No. 15-06-413  
Page 22 of 36

10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30
10.34.005(I)	Failure to signal turn	30
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30
10.34.005(M)	Owner responsibility for violation	30
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, tallight, and brake light	30
10.34.009(B)	Failure to maintain equipment in good working order	30
10.34.010(A)	Parental responsibility for violation	30
10.42.010	Bicycle violations: operator to obey rules of the road	30
10.42.020	Bicycle violations: parents responsible for actions/violations	30
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30
10.42.040	Bicycle violations: two or more on bike made for one	30
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30
10.42.060	Bicycle violations: minimum of one hand on handle bars	30
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30
10.42.080	Bicycle violations: ride on right side of roadway	30
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30
10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30
10.42.110	Bicycle violations: must use shoulder when available	30
10.42.120	Failure to give auditable signal passing pedestrian	30
10.42.130	Bicycle violations: turn and signal requirements	30
10.42.140	Bicycle violations: ride in business district where prohibited	30
10.42.160	Bicycle violations: Bike Parking Requirements	30

Haines Borough  
Ordinance No. 15-06-413  
Page 23 of 36

10.42.170	Bicycle violations: bike not to enter limited use areas	30
10.42.180	Bicycle violations: yield to traffic	30
10.42.190	Bicycle violations: headlight requirements	30
10.42.200	Bicycle violations: taillight requirements	30
10.42.210	Bicycle violations: reflector requirements	30
10.42.220	Bicycle violations: brake requirements	30
10.44.010	Parking during snow removal	25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25
10.44.030	Time limit parking	25
10.44.050	Standing or parking close to curb	25
10.44.060(A)	Signs or markings indicating angle parking	25
10.44.070	Obedience to angle-parking signs or markings	25
10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25
10.44.100	Parking not to obstruct traffic	25
10.44.110	Parking in alleys	25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25
10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25
10.44.130(B)	Parking adjacent to schools	25
10.44.140(B)	Parking prohibited on narrow streets	25
10.44.150	Standing or parking on one-way streets	25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25
10.44.210(A)	Abandonment of vehicle	25

10.44.210(B)	Exceeding time limit for parking in designated areas	25
10.44.220	Unauthorized parking on private property	25
10.48.010	Pedestrians must obey regulations	25
10.48.020	Pedestrians not to enter limited use areas	25
10.48.030	No pedestrian may walk into path of vehicle	25
10.48.040	Pedestrian must cross at crosswalk	25
10.48.050	Pedestrian must yield to vehicles	25
10.48.060	Crossing roadway where prohibited	25
10.48.070	Diagonally cross intersection must use sidewalks	25
10.48.080	Must walk on left side/shoulder of roadway	25
10.48.090	Pedestrian creates hazard/interferes with traffic	25
10.48.100	Sleep/loiter/obstruct highway	25
10.48.110	Solicit ride/distracts driver	25
10.48.120	Nonblind pedestrian not to use cane/dog	25
10.48.130	Pedestrian must yield to emergency vehicle	25
10.48.140	Pedestrian not to cross against "don't Walk" signal	25

**10.06.040 Mandatory appearance and surcharges.**

A person who violates a provision of this title that is not on the Fine Schedule for State offenses adopted by reference or on the borough's Fine Schedule for local traffic offenses is subject to a mandatory court appearance and shall pay the fine imposed pursuant to this code plus the state surcharge required by AS 12.55.039 and AS 29.25.074.

**Section ~~2526~~.** Repeal of Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40. Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40 of the Haines Borough Code are hereby repealed in their entirety.

**Section ~~2627~~.** Addition of new Chapter 10.09. There is enacted a new Chapter 10.09 of the Haines Borough Code to read as follows:

**Chapter 10.09 Miscellaneous offenses**

**10.09.010 Starting parked vehicle – Excessive acceleration.**

A person may not accelerate a vehicle which is stopped, standing, or parked on or along a highway, or which is entering a highway, so rapidly as to unnecessarily cause the tires to squeal or spin on the highway or on the surface on which the vehicle is standing immediately before it

enters the highway or which causes the driver to lose control of the vehicle or causes the vehicle to fishtail.

**10.09.020 Driving on sidewalks**

A. The driver of any vehicle, except a bicycle, shall not drive within any sidewalk area except at a permanent or temporary driveway.

B. No person shall ride a bicycle upon a sidewalk within the central business traffic district or any business district excepting police and emergency response personnel operating a bicycle during the discharge of their duties.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

**10.09.030 U-turns prohibited where posted.**

Where posted, a driver of a vehicle shall not turn within a street or intersection such vehicle so as to proceed in the opposite direction.

**10.09.040 Projections on wheels or tracks prohibited.**

No person shall drive or propel any vehicle or object upon any street or highway in the townsite service area which shall have any wheel, tire, or track made or equipped with spikes, cleats, lugs or other attachments or projections, except tire chains. Studded tires which fall within the exclusion of 13 AAC 04.230(b)(3) are not prohibited.

**10.09.050 Projecting loads on passenger vehicles.**

No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the hub caps on its left side or more than eight feet in total width.

**10.09.060 Carrying animals on outside of vehicles.**

It is unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle, unless suitable harness, cage, or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom.

**10.09.080 Use of coaster, roller skates, and sleds ~~and skis~~.**

A. No person upon roller skates, ~~skis~~, or riding in or by means of any coaster, sleds, toy vehicles, or similar device, shall go upon any townsite service area roadway except while crossing a street on a crosswalk and, when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. For the purposes of this section, the term "roadway" means that portion of a highway, street, or road designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, shoulder, or right-of-way. The berm or shoulder of the right-of-way may be used by persons riding bicycles or other similar human-powered vehicles. Skateboards, ~~skis~~, coasters, sleds, toy vehicles, or similar devices are prohibited on sidewalks in business districts, or where otherwise regulated by signage.

B. Prohibited Sidewalks and Areas. No person shall ride a skateboard or other similar human-powered vehicle as defined in subsection (A) of this section:

1. On the sidewalks on Main Street between Third Avenue and Front Street;
2. On the sidewalks on Second Avenue between Main Street and Dalton Street;
3. On the sidewalks on Third Avenue between Main Street and Haines Highway;
4. At Lookout Park;

5. On the sidewalks on Main Street between Third Avenue and Fifth Avenue during school hours and one-half hour before and one-half hour after.

C. Negligent Operation. No person shall operate one of the devices described in subsection (A) of this section in a negligent manner. "To operate in a negligent manner" means the operation of a device in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic control devices, failure to yield right-of-way to pedestrians and/or vehicular traffic.

**Section ~~2728~~.** Repeal of Section 10.34.050. Section 10.34.050 of the Haines Borough Code is hereby repealed.

**Section ~~2929~~.** Repeal of Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250. Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250 of the Haines Borough Code are hereby repealed in their entirety.

**Section ~~2930~~.** Repeal and reenactment of Chapter 10.50. Chapter 10.50 of the Haines Borough Code is hereby repealed and re-enacted as follows:

#### **10.50.010 Citations for violations and disposition of fines.**

A. When a person is stopped or contacted by a borough peace officer for the commission of a motor vehicle or traffic offense that is a violation of this title, the officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person in charge of, or operating, the motor vehicle involved. A citation issued pursuant to this subsection must meet the requirements of AS 12.25.200 and the Alaska Rules of Minor Offense Procedures. The borough shall use the Alaska Uniform Citation form, or the electronic version, if authorized.

B. A citation for a violation of a state motor vehicle law that has been incorporated by reference in this Title shall reference the Alaska Statute or Alaska Administrative Code section that has been violated and indicate that the law or regulation has been incorporated in the borough Code by reference. All such citations shall list the Haines Borough as the prosecuting entity and shall be submitted to and processed by the Alaska court system. Fines paid to the court for that violation shall be remitted to the borough.

C. A citation for a violation of a provision of this title that does not adopt by reference a provision of the state motor vehicle laws shall reference only the appropriate borough code section. Fines paid to the court for that violation shall be remitted to the borough.

D. If the offender refuses to accept the citation the citing peace officer shall arrest the offender in the manner otherwise provided by law.

#### **10.50.020 Lesser penalty controlling.**

In the event conflicting maximum penalties are prescribed by adopted statute or regulation, or by Alaska Supreme Court bail forfeiture schedules or by separate code section, the lesser penalty shall be the controlling maximum.

**Section ~~310~~.** Amendment of Section 11.44.030. Section 11.44.030 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

Formatted: Right: -0.01", Line spacing: Multiple 1.15 li, Keep with next

STRIKETHROUGH ITEMS ARE DELETED

**11.44.030 Penalty.**

~~Any person convicted of a **A** violation of any of the sections of this chapter shall be subject to punishment as provided in this code.~~ **is a minor offense.**

**Section ~~3132~~.** Amendment of Section 12.12.040. Section 12.12.040 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

**12.12.040 Installation of numbers.**

~~A~~ Numbers at least four inches high, of a color which contrasts with the background on which they are mounted, or with a reflective surface, must be installed on each and every building as designated in the official building numbering index kept in the planning office. The developer shall place the numbers assigned by the planner on the developer's building at a location specified by the fire department for maximum visibility for police, fire, and rescue crews.

~~B. Any person violating a provision of this chapter shall be punished by a fine not exceeding \$300.00.~~

**Section ~~3233~~.** Amendment of Section 12.40.060. Section 12.40.060 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
~~STRIKETHROUGH~~ ITEMS ARE DELETED

**12.40.060 Enforcement and penalties.**

A. Enforcement.

1. The Haines Borough manager shall have the right to issue administrative regulations pertaining to use of the property subject to approval of the assembly.

2. The Haines Borough police department, other licensed peace officers, and designated Haines Borough employees shall have the authority to enforce this chapter and any borough manager regulations and may eject from the park any persons acting in violation of this chapter or any temporary use permit issued for use of the property.

3. Nothing in this chapter shall prevent Haines Borough employees from performing their assigned duties.

4. **A violation of this chapter or a permit issued under it shall be a minor offense.** Enforcement of this chapter shall be in the same manner set forth in Chapter **1.24** ~~9-04~~ HBC.

B. Penalties. Violations of this chapter are subject to the ~~same~~ penalties ~~as~~ provided in Chapters 1.24 ~~and 9-04~~ HBC.

**Section ~~3334~~.** Amendment of Section 13.04.350. Section 13.04.350 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

STRIKETHROUGH ITEMS ARE DELETED

**13.04.350 Penalties.**

Any person violating a provision of this chapter shall, ~~upon conviction thereof,~~ be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

**Section ~~3435.~~** Amendment of Section 13.08.100. Section 13.08.100 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

STRIKETHROUGH ITEMS ARE DELETED

**13.08.100 Required connections.**

**A.** Wherever there is now, or may hereafter be constructed within the borough limits, an interceptor for the purpose of transmitting sewage to the sewage treatment plant, the owner or owners of the property abutting on any street, alley, or right-of-way along which the interceptor is constructed must connect all improvements on such property in which sewage or liquid waste is produced with a customer service line and an interceptor. Whenever the borough shall notify in writing any owner or owners of property to connect such improvements to such line and interceptor, it shall be the duty of such owner or owners to make application, pay the prescribed fees, and complete the connection with the interceptor within 30 days from the date of said notice. The department may, for good and sufficient reason, extend the time for completion of the connection.

**B.** **Failure to connect any property that is required to be connected to the sewer system is a minor offense subject to penalty as set forth in Chapter 1.24 HBC for each offense. Each ~~day-week~~ a property that is required to be connected to the sewer system is not connected constitutes a separate offense.**

**Section ~~3536.~~** Amendment of Section 13.08.270. Section 13.08.270 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

STRIKETHROUGH ITEMS ARE DELETED

**13.08.270 Connection made without permit.**

A. It shall be unlawful ~~and a misdemeanor~~ for any customer or other person to connect a customer service line to an interceptor without first making application, paying the connection fee, and securing a permit therefor from the clerk.

**B.** **Any person who connects or attempts to connect a service line in violation of this section commits a minor offense subject to penalty as set forth in Chapter 1.24 HBC for each offense. Each ~~day-week~~ a property is connected in violation of this section constitutes a separate offense.** ~~A person who violates subsection (A) of this section is subject to a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.~~

**Section ~~3637.~~** Amendment of Section 13.08.310. Section 13.08.310 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

STRIKETHROUGH ITEMS ARE DELETED

**13.08.310 Penalties.**

Unless otherwise specifically provided, any person violating a provision of this chapter shall, upon conviction thereof, be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

**Section ~~3738~~.** Amendment of Section 14.16.170. Section 14.16.170 of the Haines Borough Code is hereby amended as follows:

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

**14.16.170 Responsibility to properly locate on leased premises.**

A. It shall be the responsibility of the lessee to properly locate improvements on the leased land.

B. It is unlawful for a lessee to encroach on other lands of the borough or on lands owned or leased by another.

~~C. A violation of subsection (B) of this section is a misdemeanor, punishable by a fine of up to \$1,000 and up to 90 days imprisonment.~~

**Section ~~3839~~.** Repeal of Section 14.34.020. Section 14.34.020 of the Haines Borough Code is hereby repealed.

**Section ~~3940~~.** Amendment of Section 14.34.030. Section 14.34.030 of the Haines Borough Code is hereby amended as follows:

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

**14.34.030 Violations.**

**A. The following acts are minor offenses under this chapter:**

**1. Cutting for firewood any timber that is not already dead or downed.**

**2. Cutting firewood for other than personal use.**

**3. Using mechanical means other than chainsaws and vehicles to cut firewood.**

**B.** The taking of any wood that is green and standing, no matter what it is used for, is considered a trespass. The penalty for taking green standing timber is \$1,000 plus triple stumpage, **which may be collected in a civil action whether or not the violator is cited for a violation of this chapter.**

**Section ~~4041~~.** Amendment of Section 15.04.020. Section 15.04.020 of the Haines Borough Code is hereby amended as follows:

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

**15.04.020 Enforcement.**

The fire department and its members shall enforce the provisions of the fire code and all provisions of this title. The police department, borough manager, or his designee may cite an offender for a violation of any provision of this title., and may be assisted therein by the chief of police.

**Section 4442.** Amendment of Section 15.08.060. Section 15.08.060 of the Haines Borough Code is hereby amended as follows:

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

#### 15.08.060 Smoking restricted.

In addition to the prohibitions set forth in Chapter 8.18. There shall be no smoking in beds of hotels, motels, apartments or rooming houses, in dry-cleaning plants, or in areas where combustible materials are stored or handled is prohibited.

**Section 4243.** Amendment of Section 15.20.020. Section 15.20.020 of the Haines Borough Code is hereby amended as follows:

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

#### 15.20.020 Violation – Penalty.

~~A. Violation of any of the provisions of this title shall, upon conviction, be punishable as a minor offense violation as provided in Chapter 1.24 and fined in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense.~~ HBC 1.24.040. In addition, a person who violates a provision of this title may shall be subject to injunctive relief.

Formatted: Strikethrough

~~B. Each day of violation shall constitute a separate offense for the purposes of this title.~~

Formatted: Strikethrough

**Section 44.** Amendment of Section 16.08.030. Section 16.08.030(A) of the Haines Borough Code is hereby amended by the addition of a new subsection 16.08.030(H) to read as follows:

H. Harbormaster will develop and document and with approval by manager implement a training and certification process for harbor personnel that will enforce harbor regulations. Policy will include training in conflict resolution and constitutional rights and responsibilities and visible identification. All harbor staff with enforcement authority shall be administered an oath of office.

Formatted: Font: Not Bold

**Section 4345.** Amendment of Section 16.28.030(A). Section 16.28.030(A) of the Haines Borough Code is hereby amended as follows:

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

#### 16.28.030 Penalties for violations.

A. Any person violating any of the provisions of this title will be fined in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be

~~**determined by the court not to exceed \$500 for each offense.** according to the fees set out in the most current assembly approved fee schedule.~~

**Section 4446.** Amendment of Section 16.28.040. Section 16.28.040 of the Haines Borough Code is hereby amended as follows:

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

**16.28.040 Citation.**

A person who commits a violation of this title shall **be cited in the manner set forth in Chapter 1.24 HBC.** ~~receive a citation unless otherwise required by law or the circumstances.~~

**Section 4547.** Repeal of Sections 16.28.050 and 16.28.060. Sections 16.28.050 and 16.28.060 of the Haines Borough Code are hereby repealed in their entirety.

**Section 4648.** Amendment of Section 16.32.045. Section 16.32.045 of the Haines Borough Code is hereby amended as follows:

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

**16.32.045 Parking.**

Long-term parking of vehicles, vessels, or trailers is prohibited outside of the designated long-term parking area at the Letnikof Cove Small Boat Harbor. "Long-term" is defined as 24 or more continuous hours. Areas shall be posted or otherwise marked by an appropriate sign or by combinations of placed and painted signs indicating prohibited and authorized parking areas. ~~Enforcement of this section shall be in the same manner as set forth in Chapter 16.28 HBC.~~

~~Section 47. Amendment of Section 18.30.070. Section 18.30.070 of the Haines Borough Code is hereby amended as follows:~~

~~NOTE: **Bolded**/UNDERLINED ITEMS ARE TO BE ADDED~~

~~STRIKETHROUGH ITEMS ARE DELETED~~

~~**18.30.070 Fees and penalties.**~~

~~A. The fees for various permits are as follows:~~

<del>Animal husbandry, not including conditional use permits for these uses</del>	<del>\$25.00</del>
<del>Sign permit</del>	<del>\$25.00</del>
<del>Land use permit</del>	<del>\$50.00</del>
<del>Lot line vacation/adjustment</del>	<del>\$50.00</del>
<del>Short plat</del>	<del>\$75.00</del>
<del>Special conditions permit</del>	<del>\$150.00</del>
<del>Conditional use/variance permit</del>	<del>\$150.00</del>
<del>Rezoning/subdivision permit</del>	<del>\$200.00</del>

~~B. Penalties **Late fees**~~

Formatted: Left

Formatted: Right: -0.01", Space Before: 18 pt, Line spacing: Multiple 1.15 li, Keep with next

Formatted: Indent: Left: 0.5", Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

Formatted: Indent: Left: 0.5", Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

Formatted: Indent: Left: 0.5", Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

Formatted: Indent: Left: 0.5", Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

Formatted: Indent: Left: 0.5", Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

Formatted: Indent: Left: 0.5", Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

Formatted: Indent: Left: 0.5", Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

Formatted: Indent: Left: 0.5", Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

~~1. After the fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration~~

~~\$250.00  
or 3% of  
the  
project  
value to a  
maximum  
of \$2,500~~

Formatted: Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

~~2. Penalties for violations of this title are as set forth in HBC 19-30-080, 19-30-090, and 1-24. Penalty for violation of any section of this title (except beginning work without a permit—see after the fact fee above)~~

~~\$100.00~~

Formatted: Right: -0.01", Space Before: 18 pt, After: 0 pt, Line spacing: Multiple 1.15 li, Keep with next

~~3. The procedure for assessing penalties shall be as follows: After the fact fees for beginning work without a permit or construction declaration shall be assessed when the violator applies for the permit or submits the declaration. upon discovery of the violation. In all other violations of this title, borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have 10 business days to conform to the code. If the violation is not corrected within 10 business days, a penalty of \$100.00 shall be assessed.~~

~~4. If a fee or penalty is not paid within 30 days, interest of one and one-half percent per month (18 percent annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.~~

~~C. An applicant having been processed under a permit listed above, who is subsequently required to obtain encounters the requirement of another type of permit for the same action or project on the same property type, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process).~~

~~D. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit respectively and not subject to successive permit fees.~~

~~E. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record.~~

~~Section 48. Amendment of Section 18.30.080. Section 18.30.080 of the Haines Borough Code is hereby amended as follows:~~

NOTE: ~~Bolded~~/UNDERLINED ITEMS ARE TO BE ADDED

~~\_\_\_\_\_~~ STRIKETHROUGH ITEMS ARE DELETED

~~18.30.080 Compliance.~~

Any use may be ordered to cease by the manager ~~or his designee~~ if in conflict with the provisions of this title, or if the terms and conditions of any rezoning, or commission approval, or manager approval are violated. The borough assembly may establish by resolution and enforcement priority for violations of this title.

A. ~~Violation Complaint.~~ Any person may bring to the attention of the manager suspected violations of this title. The complaint must be in writing and must include the full name of the person making the complaint.

B. ~~Administrative Enforcement Order.~~ After a violation has been discovered, investigated and verified, the manager ~~may begin administrative enforcement proceedings, and shall begin enforcement proceedings if a permit or other valuable license is to be revoked.~~

~~1. Administrative enforcement order. To initiate an administrative enforcement action, the manager~~ shall notify, by written finding, the person responsible for the violation and the property owner by personal notice, certified mail or notice posted on the site of the violation. The finding shall specify the violation(s) and order abatement and may also (but is not required to) specify the range of fines or penalties to be imposed, ~~and shall include notice indicating if a permit or variance can be revoked as a result of the violation pursuant to HBC 18.30.090(B).~~ The finding shall direct the person to cease the violation, or appeal the finding within two days after receipt or posting of the notice, as the case may be. All violation notices will be reported by the manager to the commission at its next regular meeting and the manager shall keep a copy of the violation notice in the permanent record.

~~2. C. Planning Commission Review.~~ Upon application of the developer, the commission shall review the enforcement order at its next regular meeting. The review shall be limited to the presence of the violations stated in the enforcement order, and in such review, the burden of proof shall be upon the developer to prove that the violations do not exist. The commission, by majority motion, may modify or rescind the enforcement order, ~~and may impose any penalty authorized by this Title, including suspension or revocation or any permit, variance, or other authorization.~~

~~C. Minor offense. In addition to any administrative enforcement proceedings, it is a minor offense for any person to fail to obtain a required permit, or to violate any conditions attached to a permit issued under this Title. The manager may at any time cause a citation to be issued to a person responsible for a violation of this title and the owner of the property upon which the violation occurs. All minor offenses are subject to the provisions of HBC Chapter 1.24.~~

~~Section 49. Amendment of Section 18.30.090. Section 18.30.090 of the Haines Borough Code is hereby amended as follows:~~

~~NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
STRIKETHROUGH ITEMS ARE DELETED~~

~~18.30.090 Violations, penalties and remedies:~~

~~A. Generally. All remedies hereunder are cumulative and are in addition to those existing at law or equity. Each act in violation of this title and every day a violation of this title exists may be considered to constitute a separate violation.~~

~~B. Suspension or Revocation:~~

~~1. The planning commission may suspend or revoke a permit **for any violation of this Title, or** whenever the approval **for a permit is** granted is in error or is on the basis of incorrect information supplied **by the applicant**, or in **if the applicant commits a** violation of any ordinance or regulation or any provision of this code. Before taking any action to revoke or suspend a permit or variance, the planning commission shall give the permit owner and/or the owner of the property **20 not less than 10** days' written notice by certified U.S. mail in advance of the date of hearing, of the subject of the hearing, and of the date, time, and place of the hearing. This notice is complete upon mailing.~~

~~2. The planning commission shall thereafter hold the hearing at the time and place set forth in the notice. At the hearing, the permittee may present evidence on the permittee's behalf and may cross-examine witnesses. The burden of proof is on the planning commission. After the hearing, the planning commission shall make written findings of fact from the evidence supporting the conclusion that the permittee has failed to comply with the conditions of the permit or variance (in cases where the permit or variance is revoked or suspended), or the permittee has not failed to comply with the conditions of the permit or variance (in cases where the permit or variance is not revoked or suspended). The findings shall be embodied in **a** formal resolution that the planning commission shall retain permanently.~~

~~3. After the variance or permit has been revoked or suspended, the permittee shall thereafter immediately discontinue the use of the property for which the permit or variance had originally been granted. If, after the a permit or variance has been revoked or suspended, the permittee does not immediately discontinue the use of the property for which the permit or variance had originally been granted, a civil penalty not to exceed **\$500**300.00 for each day of continuing violation may be imposed. The manager, on behalf of the borough, or the planning commission, may also apply to the superior court for an injunction to restrain the former permittee from using the land for the purposes previously authorized in the permit or variance.~~

~~C. Civil Remedies. Upon violation of any of the provisions of this title, or any of the conditions placed upon any permit issued pursuant hereto, the manager, on behalf of the borough or any aggrieved citizen, may institute or cause to be instituted any appropriate civil action to prevent, enjoin, abate, stop, remove or punish such violation and to obtain monetary damages suffered by such party. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed **\$500 for each violation or each day**~~

Formatted: Strikethrough

~~a violation exists~~. 1,000. An action to enjoin a violation of this title may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation. Each person violating the terms of this title shall be required to reimburse the municipality for ~~all reasonable~~ administrative and legal costs commensurate with the activity relating ~~incurred to enforce this Title or to correct~~ to the violation.

D. Criminal ~~Minor Offense~~ Remedies. Every act where ~~Failing to obtain a required permit or variance~~, the maintenance of any condition prohibited by this title, or by ~~and a violation of~~ any condition placed upon any permit issued pursuant hereto, is unlawful, and the willful commission of such act or maintenance of such condition is a misdemeanor. Every person convicted of a ~~who commits a~~ violation of any provision of this title or of any condition placed upon any permit issued pursuant hereto shall be punished by a fine ~~as set forth in HBC 1-24-040, or if no fine is there established~~, of not more than \$~~500~~1,000 ~~for each offense~~. Each ~~unlawful act or condition, and every day upon which such shall occur after date of notification, shall constitute a separate violation of this section.~~ ~~A minor offense cannot result in the loss of a valuable license or permit under this title, but shall be subject to the penalties and procedures set forth in Chapter 1-24 HBC.~~

Formatted: Strikethrough

E. Parties. A proper party for any enforcement action under subsection (B) of this section shall include, but shall not be limited to, the owner of the site or any part thereof, any lessee or occupant of the site or any part thereof, the developer, the developer's agents, contractors and subcontractors, and employees who participate in, assist, commit, or maintain a violation.

F. Remedies Applicable to Subdivision Regulations. It is unlawful for any owner, lessee or agent to partition, sell, transfer, lease or offer or agree to partition, sell, lease or transfer any land which results in a subdivision as defined by this title before a final plat of the subdivision has been duly approved and recorded in accordance with the provisions of this chapter and state law. No person may file or record a subdivision plat in any public office unless the plat bears the signatures of the chair of the planning commission and the mayor. The borough may enjoin any partition, lease, transfer or sale of land that would result in an unlawful subdivision. Following an unlawful partition, transfer, lease or sale, the borough may enjoin any further transfer or sale of all unlawfully subdivided parcels until such time as the parcels are duly subdivided or returned to common ownership.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 22<sup>nd</sup> DAY OF SEPTEMBER, 20165.

ATTEST:

\_\_\_\_\_  
Janice Hill, Mayor

\_\_\_\_\_  
Julie Cozzi, Borough Clerk

Date Introduced: 06/09/15  
Date of First Public Hearing: 08/25/15  
Date of Second Public Hearing: 09/08/15 – Adoption postponed  
Adopted with Conditions: 09/22/15

Formatted: Font: Verdana

## Recommendations from:

- Government Affairs & Services Committee
- Public Safety Commission
- Port & Harbor Advisory Committee
- Planning Commission
- Tourism Advisory Board
- Haines Animal Rescue Kennel

Gas Committee Meeting 8/31/2015, 6:30PM

Committee members: Chair Dave Berry, Ron Jackson, George Campbell, Diana Lapham

Report: Diana Lapham

Attendance: Ex Officio Mayor Jan Hill, Margaret Friedenaur, Mike Case, Paul Nelson, Brenda Josephson, Bill Kurz, Jillian Rogers (News Director KHNS)

Topic: Minor Offenses

### Recommendations to the Assembly:

#### 12.12.040 (A)-Failure to install street numbers in compliance with code

Ron/George Motion: make sure appropriate dept from the Borough sends a  
Second Letter before citation issued. With a 30 provisionor.

Vote 4-0

George/Dave Amend: letter must include house numbers  
Vote 4-0

#### 12.16.010-Street and sidewalk obstructions prohibited

George/Ron motion, second: strike alley from 1<sup>st</sup> sentence  
Vote: 4-0

#### 12.16.030 (A)-Use of streets for private purposes

George/Diana motion, second to strike this paragraph in its entirety  
Vote: 4-0

#### 12.40.030- Prohibited activity or construction in Picture Park restricted area

This is incorrectly identified in code. It is referenced as 12.40.020. We respectfully request staff to identify the correct number.

#### 12.50.020-Motorized vehicle use in Chilkat River beaches recreational zone

Dave/George motion, second to request staff to obtain legal opinion of Borough fining on State land. State vs. Municipality Code.  
Vote4-0

George/Dave motion, second to delay minor offenses until all committees have brought back all comments and recommendations and public has a chance to weigh in.  
Vote 3-1 Diana opposed

Dave/George motion,second, delete subsection 1.24.010 (C), everyday is a new offense and move it back to Title 9  
Vote 3-1 Ron opposed

Meeting Adjourned at 8:40pm

# Public Safety Commission Recommendations re. Minor Offenses Ordinance

Below

Code Section	Offense Description	Fine Amount	Comments
5.22.040(H)	Unauthorized use of parking area	100	OK
6.08.010(A)	Dog license required	Altered dog: \$50	Remove Altered / Unaltered
6.08.010(A)	Dog license required	Unaltered dog: \$150	Remove Altered / Unaltered Remove Altered / Unaltered
6.08.010(D)	Failure to display tag	Altered dog: \$50	Remove Altered / Unaltered
6.08.010(D)	Failure to display tag	Unaltered dog: \$150	Remove Altered / Unaltered
6.08.010(F)	Failure to obtain kennel permit	Altered dog: \$50	Remove Altered / Unaltered
6.08.010(F)	Failure to obtain kennel permit	Unaltered dog: \$150	Get rid of this
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50	Remove Altered / Unaltered
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Unaltered dog: \$150	Get rid of this
6.08.020(A)	At-large dog	Altered dog: \$50	
6.08.020(A)	At-large dog	Unaltered dog: \$150	
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50	Remove Altered / Unaltered
6.08.020(B)	Barking, howling, or other noises	Unaltered dog: \$150	Get rid of this
6.08.020(C)	Run, chase, jump at moving vehicles	Altered dog: \$50	Remove Altered / Unaltered
6.08.020(C)	Run, chase, jump at moving vehicles	Unaltered dog: \$150	Get rid of this
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50	Remove Altered / Unaltered
6.08.020(D)	Snap, jump, injure another person	Unaltered dog: \$150	Get rid of this
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50	Remove Altered / Unaltered
6.08.020(E)	Chase, harass deer or moose	Unaltered dog: \$150	Get rid of this
6.08.020(G)	Female dog in season not confined	Unaltered dog:	Remove Altered / Unaltered

8.08.020(G)	Female dog in season not confined	\$150
8.08.020(A)	Littering in any place other than in an appropriate refuse container	50
8.08.020(B)	Littering upon a public place	50
8.08.020(C)	Sweeping or depositing litter into a public place from private property	50
8.08.020(D)	Littering from vehicle	100
8.08.020(E)	Depositing any litter on private property	50
8.08.020(F)	Failure to maintain private property in a litter-free condition	50
8.08.020(G)	Posting any handbill without permit under HBC Title 18	50
8.08.020(H)	Littering in a body of water	50
8.08.020(I)	Depositing litter generated in a refuse container belonging to another	100
8.08.020(J)	Burning without a permit and police department notification or in violation of conditions	100
8.08.020(K)	Depositing offensive, noxious, or otherwise dangerous litter	100
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100
8.12.020(A)	Burying a person outside an established cemetery	300
8.12.020(B)	Annoy, injure or endanger the public	300
8.12.020(C)	Offending public decency	300
8.12.020(D)	Interfere with a street, highway, lake or stream	100
8.12.020(E)	Making loud or unreasonable noise	100
8.12.020(F)	Operating device that causes preventable electric interference	100
8.12.020(G)	Allowing animal access to an unoccupied building	300
8.12.020(H)	Unsafe condition due to disrepair of building	300
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300
8.12.020(J)	Accumulation of stagnant water or discharge of wastewater	300
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300
8.12.020(L)	Causing emission of noxious fumes	300
8.12.020(M)	Exposure or distribution of materials offending the public decency	300
8.12.020(N)	Obstruction of traffic	300
8.12.020(O)	Public exposure of a person having a contagious disease	300
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300

Conduct

Offending needs clarification

offending

any contagious disease??

8.12.030	Hazardous building or public nuisance	300	
8.16.015	Use of fireworks prohibited	100	
8.16.020	Sale prohibited of fireworks	300	
8.16.025	Use of fireworks near port facilities prohibited	300	
8.16.030	Conducting fireworks display without permission of chief of police	300	
8.18.020(A)	Smoking in an enclosed public area	100	State Law? One code, not two.
8.18.020(B)	Smoking in an enclosed public area	100	State Law?
8.18.020(C)	Smoking inside an enclosed area within a place of employment	100	State Law?
8.18.020(D)	Smoking inside an enclosed area within a private club licensed to sell alcoholic beverages	100	State Law?
8.18.030	Smoking within unreasonable distance outside an enclosed area where smoking is prohibited	100	State Law?
8.18.040(A)	Smoking within 50 feet of entrance to hospital or medical clinic	100	State Law?
8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100	State Law?
8.18.040(C)	Smoking within 5 feet of licensed premises	100	State Law?
8.18.040(D)	Smoking in an outdoor arena	100	State Law?
8.18.070(A)	Failure to post signs prohibiting smoking	200	State Law?
8.18.070(B)	Failure to remove ashtrays	200	State Law?
8.18.070(C)	Failure to provide smoke- free workplace	200	State Law?
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200	State Law?
8.18.080(B)	Smoking where prohibited	100	State Law?
8.18.080(C)	Permitting smoking in public place where prohibited	200	State Law?
8.20.020	Creating or permitting a bear attraction nuisance	100	
9.04.010(A)	Open container of alcoholic beverages within vehicle	100	
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100	
9.04.010(B)(2)	Consuming alcoholic beverage in public	100	
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200	
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200	
9.08.010	Curfew For Minors	250	
9.08.020	Parental responsibility for curfew violation	250	
9.24.010(A)	Discharging pistol or firearm	300	
9.24.010(C)	Hunting in prohibited area	300	
9.24.020(A)	Obstructing highways and other public passages	100	
9.24.020(B)(1)	Failure to obey order to move to prevent obstruction	100	

9.24.020(B)(2)	Failure to obey order to move to maintain public safety	100	
9.24.030	Disrupting meetings and processions	100	
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100	
15.08.060	Smoking where prohibited for safety reasons	100	
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300	
15.12.020(D)	Failure to file required report by a person handling consumer quantities of hazardous material or chemical	300	
15.12.070(A)	Failure to file required transshipment facility report	300	
15.12.070(C)	Failure to display marking or warnings with respect to transshipment facility	100	
15.12.070(D)(3)	Failure to notify fire department of time and quantity of a shipment of extremely hazardous substance	300	
15.12.090(A)	Failure to obtain certificate of compliance	300	
15.16.020	Crash post does not meet specifications	100	
10.08.010	Starting parked vehicle - excessive acceleration	15	
10.08.020(A)	Driving on sidewalks - vehicle	20	
10.08.020(B)	Driving on sidewalk in CBD - bicycle	20	
10.08.020(C)	Failure to yield - bicycle	20	
10.08.030	U-turn where prohibited	30	
10.08.040	Projections on wheels or tracks prohibited	20	
10.08.050	Dragging objects prohibited	150	
10.08.060	Projecting load on passenger vehicles	20	? 10.08.050
10.08.070	Carrying animals on outside of vehicles	125	10.08.060
10.08.080(A)	Use Of coaster, roller skates, sleds or skis on roadway	25	pedestrian rules
10.08.080(B)	Use of skateboard or human powered device in prohibited area	25	
10.08.080(C)	Negligent operation of device	25	
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30	
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30	
10.34.005(D)	Driver's license required to operate snow machine or ATV	30	
10.34.005(E)	Registration of snow machine or ATV required	30	
10.34.005(F)	Proof of insurance	30	? Where (on a public roadway)
10.34.005(G)	Excess passengers - 13 AAC 02.445	30	
10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30	
10.34.005(I)	Failure to signal turn	30	
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30	

10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30
10.34.005(M)	Owner responsibility for violation	30
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, taillight, and brake light	30
10.34.009(B)	Failure to maintain equipment in good working order	30
10.34.010(A)	Parental responsibility for violation	30
10.42.010	Bicycle violations: operator to obey rules of the road	30
10.42.020	Bicycle violations: parents responsible for actions/violations	30
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30
10.42.040	Bicycle violations: two or more on bike made for one	30
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30
10.42.060	Bicycle violations: minimum of one hand on handle bars	30
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30
10.42.080	Bicycle violations: ride on right side of roadway	30
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30
10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30
10.42.110	Bicycle violations: must use shoulder when available	30
10.42.120	Failure to give audible signal passing pedestrian	30
10.42.130	Bicycle violations: turn and signal requirements	30
10.42.140	Bicycle violations: ride in business district where prohibited	30
10.42.160	Bicycle Violations: Bike Parking Requirements	30
10.42.170	Bicycle violations: bike not to enter limited use areas	30
10.42.180	Bicycle violations: yield to traffic	30
10.42.190	Bicycle violations: headlight requirements	30
10.42.200	Bicycle violations: taillight requirements	30
10.42.210	Bicycle violations: reflector requirements	30
10.42.220	Bicycle violations: brake requirements	30
10.44.010	Parking during snow removal	25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25
10.44.030	Time limit parking	25
10.44.050	Standing or parking close to curb	25
10.44.060(A)	Signs or markings indicating angle parking	25
10.44.070	Obedience to angle-parking signs or markings	25

Should say improper parking?

10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25
10.44.100	Parking not to obstruct traffic	25
10.44.110	Parking in alleys	25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25
10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25
10.44.130(B)	Parking adjacent to schools	25
10.44.140(B)	Parking prohibited on narrow streets	25
10.44.150	Standing or parking on one-way streets	25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25
10.44.210(A)	Abandonment of vehicle	25
10.44.210(B)	Exceeding time limit for parking in designated areas	25
10.44.220	Unauthorized parking on private property	25
10.48.010	Pedestrians must obey regulations	25
10.48.020	Pedestrians not to enter limited use areas	25
10.48.030	No pedestrian may walk into path of vehicle	25
10.48.040	Pedestrian must cross at crosswalk	25
10.48.050	Pedestrian must yield to vehicles	25
10.48.060	Crossing roadway where prohibited	25
10.48.070	Diagonally cross intersection must use sidewalks	25
10.48.080	Must walk on left side/shoulder of roadway	25
10.48.090	Pedestrian creates hazard/interferes with traffic	25
10.48.100	Sleep/loiter/obstruct highway	25
10.48.110	Solicit ride/distracts driver	25
10.48.120	Nonblind pedestrian not to use cane/dog	25
10.48.130	Pedestrian must yield to emergency vehicle	25
10.48.140	Pedestrian not to cross against "don't Walk" signal	25

**Above are PSC meeting recommended changes (in**

**Below are individual PSC members recommended**

8.12.020(F)	Operating device that causes preventable electric interference	100	Needs better definition
10.42.190	Bicycle violations: headlight requirements	30	Should be if riding at night only
10.42.200	Bicycle violations: taillight requirements	30	Should be only if riding at night

6.08.010(A)	Dog license required	Altered dog: \$50	Remove Altered / Unaltered	keep
6.08.010(A)		0	Remove Altered / Unaltered	incentive
		\$0	Remove Altered / Unaltered	to license
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50	Remove Altered / Unaltered	\$100
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50	Remove Altered / Unaltered	\$100
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100	Refuse containers are part of bear nuisance prevention and a public safety issue	\$100
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100		\$100
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100		\$50.00
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100		\$100
8.16.015	Use of fireworks prohibited	100	Make the same as selling fireworks?	\$300
8.20.020	Creating or permitting a bear attraction nuisance	100	Public Safety issue	\$300
9.08.010	Curfew For Minors	250	Why is this so high ? More than 8.20.020 bears	\$100
9.08.020	Parental responsibility for curfew violation	250		\$100
9.24.010(A)	Discharging pistol or firearm	300	Serious consequences possible current code 12.12.040(B) says \$300.	\$150.00
12.12.040(A)	Failure to install street numbers in compliance with code	100		
12.40.030	Prohibited activity or construction in Picture Park restricted area	100	"Picture Park"?? Picture Point Park.	
10.08.010	Starting parked vehicle - excessive acceleration	15	Losing control, dangerous action	\$25
10.08.020(A)	Driving on sidewalks - vehicle	20		\$150
10.48.140	Pedestrian not to cross against "don't Walk" signal	25	Not applicable to Haines-no signals.	

6.08.010(D)	Failure to display tag	Unaltered dog: \$150	Remove Altered / Unaltered	50
6.08.020(A)	At-large dog	Unaltered dog: \$150		\$50.00
6.08.020(G)	Female dog in season not confined	Unaltered dog: \$150	Remove Altered / Unaltered	\$50.00

8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100		\$50.00
8.12.020(E)	Making loud or unreasonable noise	100		\$50
8.12.020(G)	Allowing animal access to an unoccupied building	300		\$150
8.12.020(H)	Unsafe condition due to disrepair of building	300		\$100
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300	has never been enforced in Haines	\$100.00
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300		\$200
8.12.020(O)	Public exposure of a person having a contagious disease	300	any contagious disease??	\$100
9.24.010(A)	Discharging pistol or firearm	300		\$150.00
10.08.010	Starting parked vehicle - excessive acceleration	15		\$25
10.08.050	Dragging objects prohibited	150	conditional on circumstances	\$50
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30		\$100
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30		\$50
10.44.010	Parking during snow removal	25		\$100
10.44.210(A)	Abandonment of vehicle	25	may be uncollectable	\$200



Haines Borough  
Ports and Harbors Advisory Committee  
**RECORD OF DECISION**

DATE: 8-27-15

TO: Borough Assembly

FROM: Haines Borough Ports and Harbor Advisory Committee

BOARD DECISION: Motion Fred, 2<sup>nd</sup> Brad. Passed 7-0  
HBPHAC says let stand as is. Ord 15-06-413 to Borough Assembly

RATIONALE: After review of the fines of the Prohibited act Ord. committee is going along with the Assembly to pass Ord 15-06-413 and fix corresponding code later

SUBMITTED BY Norman Hughes Chair HBPHAC 9-24-15

Minutes hbphac 8-27-15

10:30am

Attendance: Fred Gray, Bill Rostad, Don Turner Jr., Terry Pardee, Glen Jacobson, Brad Badger and  
10:40am Norman Hughes via phone

Minor offenses stopped

PND 95% questions

Motion Fred, 2<sup>nd</sup> Brad passes 7-0

Hbphac says let stand as is. Ord 15-06-413 to Borough assembly.

Set meeting dates 9-10-15 for PND review of wave study

Set meeting date 9-24-15 regular hbphac meeting

Motion Norman, 2<sup>nd</sup> Fred passes 7-0

Hbphac endorses 95% as proposed.

Meeting adjourned.

----- Forwarded Message -----

From: Rob Goldberg <artstudioalaska@yahoo.com>

To: Julie Cozzi <jcozzi@haines.ak.us>; Jan Hill <jhill@haines.ak.us>; David Sosa <dsosa@haines.ak.us>

Sent: Saturday, September 12, 2015 10:28 AM

Subject: Minor Offenses Ordinance

To Mayor Hill, Borough Staff and the Assembly:

At the September 10th meeting of the Planning Commission concern was expressed about proposed changes to fines in Title 18. Last year the Commission recommended, and the Assembly approved, a fine structure for Title 18:

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

Animal husbandry, not including conditional use permits for these uses

\$25.00

Sign permit

\$25.00

Land use permit

\$50.00

Lot line vacation/adjustment

\$50.00

Short plat

\$75.00

Special conditions permit

\$150.00

Conditional use/variance permit

\$150.00

Rezoning/subdivision permit

\$200.00

B. Penalties.

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration

\$250.00 or 3% of the project value to a maximum of \$2,500

2. Penalty for violation of any section of this title (except beginning work without a permit – see after-the-fact fee above)

\$100.00

3. The procedure for assessing penalties shall be as follows: After-the-fact fees for beginning work without a permit or construction declaration shall be assessed upon discovery of the violation. In all other violations of this title, borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation

and inform the violator that they will have 10 business days to conform to the code. If the violation is not corrected within 10 business days, a penalty of \$100.00 shall be assessed.

4. If a penalty is not paid within 30 days, interest of one and one-half percent per month (18 percent annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

The Planning Commission worked very hard on this section, and we would like to see it remain as is. We think the fines and the letter of warning are fair and promote compliance and good relations between the community and the government that serves it.

Thank you.

Sincerely,

Rob Goldberg

Planning Commission Chairman

<b>Code Section</b>	<b>Offense Description</b>	<b>Fine</b>	<b>Current Penalty</b>	
5.04.030(C)	Failure to obtain required permit (general)	500	HBC 5.04.140(A) - Not exceeding \$300 each day plus required state surcharge (AS 12.55.039)	<b>TAB Recommends keeping this as is</b> not exceeding \$300/day, to prevent multiple day offenses.
5.04.080(E)(2)	Sign violation	100	HBC 1.24 & 5.04.150 - Up to \$300 each day plus state surcharge when applicable (AS 12.55.039)	<b>TAB agrees to change to \$100 flat fee.</b> However, if this can fall under normal sign ordinance, this offense could be dropped. Is there an allowance for portable signs to be used at PC Dock, Ferry Terminal, Boat Harbor?
5.04.140(A)	commercial tour/ enterprise operating w/o permit or failure to follow permit condition	500	HBC 1.24 - Not exceeding \$300 each day plus required state surcharge (AS 12.55.039)	<b>TAB: Proposes to leave as is – including wording from 5.04.040 C</b>  Need to address: Repeat offenders – complete disregard for laws. Link to language from 5.04.040 to make aware that tour operators will fined twice.
5.08.010(A)	Permit required for solicitation on public property	300	HBC 1.24 - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	<b>TAB voted to accept the minor offense change to not to exceed (up to) \$300/day. (instead of \$1000) plus state surcharges</b>
5.08.020	Solicitation on private property without invitation prohibited	300	HBC 1.24 - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	<b>TAB voted to accept the minor offense change to not to exceed (up to) \$300/day. (instead of \$1000) plus state surcharges</b>
5.08.030(A)	Permit required for transient/ itinerant merchants/ vendors	300	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	Leave as is. TAB voted to accept the minor offense change to not to exceed (up to) \$300/day. (instead of \$1000) plus state surcharges
5.08.040	Permit required for circus, carnival, fair/other concessions	300	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	<b>Leave as is. TAB voted to accept the minor offense change to not to exceed (up to) \$300/day.</b> Note: NO borough permit actually exists. It is currently only a letter of

				approval from the manager that is required
5.08.050(A)	Sale/solicitation of commercial magazines on public sidewalks/streets prohibited	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	Leave as is. TAB voted to accept the minor offense change to not to exceed \$300/day. (instead of \$1000)  Add "Per Day" to MO suggested.
5.12.010(A)	License required to manufacture/sell any alcoholic beverage	500	Class A Misdemeanor – AS 4.16.200 - Up to \$10,000 fine and one year in jail	N/A to TAB
5.12.020	Closing hours for licensed alcoholic beverage premises between 5:00 a.m. and 8 a.m.	500	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	N/.A
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	N/A
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	n/A  Needs wording to be changed from conducting to participation???
5.18.015	Commercial tour permit required	500	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)	This section is redundant – fines are already covered in 5.04.140A. Changes only should be changed to per/day – not flat
5.20.030	Failure to display commercial passenger vehicle / tour vehicle permit	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	Change fine to one time \$50 – all the way through 5.20.050
5.20.040(A)(1)	Failure to display license	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""
5.20.040(A)(2)	Failure to display rates	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""
5.20.040(A)(3)	Failure to display contact information of City Borough Clerk	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""
5.20.040(B)	Taxicab soliciting passenger or otherwise blocking traffic	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""

5.20.050	Soliciting persons along the roadway	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	""
5.22.010(C)	Use of commercial parking vehicle areas when not engaged in commercial tour activity	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	Leave as is at \$100.
5.22.040(C)	Failure to display parking permit	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	Change this to \$50/ fine 5.22.040 C - J
5.22.040(D)	Unreasonable interference with efficient operations	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above
5.22.040(E)	Leaving commercial vehicle unattended	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above
5.22.040(F)	Improper signage	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above
5.22.040(H)	Unauthorized use of parking area	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above
5.22.040(J)	Unauthorized display of sales material	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)	See above

Recommendations from HARK

**From:** HARK Director [director@harkalaska.org]

**Sent:** Wednesday, February 03, 2016 3:53 PM

**To:** Margaret Friedenauer

**Subject:** RE: Minor offenses committee

Hi Margaret,

It's interesting to me that ALL of the dog related offenses and corresponding fines are divided into altered/un-altered categories. I was, obviously, aware of the difference in fines (altered vs. intact) for "At-large dog" and the "fees" that HARK has charged for impounds, in previous contracts, were based on the same structure/amounts. It was a tool for us in encouraging spaying/neutering when owner's retrieved their dog. In the time that I've been at HARK we've never focused on "fees" - as that doesn't seem to ever fix the problem. Instead we've tried to identify the root of the problem and do what we can to help remedy the situation (often times spaying/neutering). So, even though HARK doesn't assess impound "fees" with our current contract and HARK also does not assess "fines", I think that there is some benefit to having the altered/unaltered difference for "At-large dog". I'm not sure that I see as much benefit using it for the other offenses (kennel license, barking, license display, chasing vehicles, etc.), but maybe it's simpler if it's that way right across the board? I feel that the tiered amounts in regards to 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> violations are appropriate for offenses 6.08.020 A,B,C,D,E, and G. I'm not sure that it makes as much sense for offenses 6.08.010 A,D,F, and H.

I'm happy to talk about it if you want to call (or I can attempt to explain more in writing too).

Tracy

Haines Animal Rescue Kennel

Box 1533, Haines, AK 99827

(907) 766-3334

[www.harkalaska.org](http://www.harkalaska.org)



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 16-652

Assembly Meeting Date: 5/10/16

Business Item Description:	Attachments:
Subject: Establish a Code Review Committee	1. Transmittal Memo from Minor Offenses Committee recommending Code Review Commission (page 4, #10) 2. Memo from D.Vogt with proposed draft ordinance to establish a commission.
Originator: Minor Offenses Ad Hoc Committee	
Originating Department:	
Date Submitted: 5/2/16 Committee (and 4/26/16 by Jackson motion)	

**Full Title/Motion:**  
Motion already on the table: Create an ad hoc code review committee.

**Administrative Recommendation:**  
This resolution is recommended by the Interim Borough Manager.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$	

**Comprehensive Plan Consistency Review:**  
Comp Plan Goals/Objectives: \_\_\_\_\_  
Consistent:  Yes  No

**Summary Statement:**  
On 4/26/16, the assembly postponed a motion to create a code review committee so that it would come up the same time as the minor offenses ordinance. The Minor Offense Ad Hoc Committee recommends creation of an ad hoc Code Review Commission to allow the community time to focus on the appropriateness of individual violations to our community. During the 4/12/16 assembly meeting, Mayor Hill announced her intention to assign the work of reviewing the code to the Government Affairs & Services Committee. The assembly has an opportunity to decide which way to handle this work. One member of the Minor Offenses Committee (D.Vogt) recommends a code review commission be established by ordinance and has presented a draft in the meeting packet along with an explanatory memo. If the assembly decides to go that direction, the ordinance could be introduced at the next meeting.  
  
Motion already on the table: Create an ad hoc code review committee.

**Referral:**  
Referred to: \_\_\_\_\_ Referral Date: \_\_\_\_\_  
Recommendation: Recommended by Minor Offenses Committee Meeting Date: \_\_\_\_\_

**Assembly Action:**  
Meeting Date(s): 4/26, 5/10/16 Public Hearing Date(s): \_\_\_\_\_  
Postponed to Date: \_\_\_\_\_

# Transmittal

To: Members of the Haines Borough Assembly

From: Minor Offenses Ad Hoc Committee

Re: Submission of Final Recommendations

Date: May 2, 2016

---

The Minor Offenses Ad Hoc Committee would like to submit its final recommendations for Assembly consideration (see attached.) The Committee has spent significant time over the past few months reviewing the information. Along with the actual substance of the Ordinance, the Committee considered administration concerns, the concerns from other committees, and the concerns of the public. Consideration was also given to the concerns of various department heads that may be affected, including the police and fire departments. Finally, the Committee was provided legal guidance by the borough attorney, along with committee member Deb Vogt. The help by all who have given their time to this project is deeply appreciated.

As such, the Committee feels it important to provide the Assembly and Mayor with some of the highlights of the recommendations. These highlights are outlined below.

---

## 1. Need for Minor Offenses Ordinance

The Committee believes there is a need for the Minor Offenses Ordinance. First, using the State court process assists the community with providing equitable enforcement of our local laws. Second, it can assist the community with protecting individual rights. Finally, the Ordinance can protect those who serve our community to enforce our laws, and protect the Borough from unnecessary lawsuits. The Committee feels these reasons provide justification for incorporating the Minor Offenses Ordinance into our local law.

## **2. Purpose and Intent**

The Committee incorporated a Purpose and Intent into the General Provisions of the Ordinance. The Purpose and Intent reads as follows:

“The purpose and intent of this Title is to enhance and protect the lives, health and safety of the public and government employees; to protect public and private property; and to protect the rights guaranteed in the U.S. Constitution, the Alaska Constitution, and the Haines Borough Charter Preamble and Bill of Rights. Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this Title.”

The inclusion of the Purpose and Intent is structured to provide clear guidance to protect the public, government employees, and the borough. It is also structured to ensure that fundamental rights are protected. Finally, it is structured to provide clear guidance to those who administer enforcement of the provisions that revenue generation shall not be used as a motive to enforce the provisions of the Ordinance. The Committee feels this statement is crucial to the overall tone of the Ordinance itself.

## **3. Emphasis on Compliance, not Enforcement**

The Committee recommends that emphasis be placed on compliance, and not just strict enforcement. As such, enforcement discretion is provided within the bounds of the Purpose and Intent. This discretion grants authorization for issuing warnings instead of citations for first offenses. This discretion emphasizes compliance with the law, and not just strict enforcement.

## **4. Alignment with the Recommendations of Other Committees**

As stated, the Committee considered the recommendations of various Borough committees. These committees included the Government Affairs and Services Committee, the Port and Harbor Advisory Committee, the Parks and Recreations Committee, the Public Safety Commission, the Planning Commission, and the Tourism Advisory Board. As these committees spent considerable time and effort reviewing the details of the Ordinance in public meetings, the Minor Offenses Ad Hoc Committee has aligned its recommendations with most of the recommendations from these

various committees. The assistance and work of these committees has been greatly appreciated.

## **5. Authority to Issue Citations**

The Committee also recommends that the authority to issue citations be granted only to police officers, and to the Harbormaster and Assistant Harbormaster after proper training and certification. This change is designed to protect the public's rights, and to protect those issuing citations. It is also designed to assist with protecting the Borough from unnecessary lawsuits from untrained and uncertified Borough personnel issuing citations. The Committee feels this is an important aspect of ensuring the provisions within the Purpose and Intent are honored.

## **6. Transparency and Oversight**

The Committee has also recommended language within the Ordinance that requires recordkeeping of all fines imposed, along with the dollar amounts collected. This information is to be provided to the Public Safety Commission and the Borough Assembly upon request. This recommended provision is key to providing transparency and oversight of the overall enforcement of the Ordinance, and aligns with the Purpose and Intent.

## **7. “Softened” Language within the Ordinance**

The Committee is recommending that language within the Ordinance be softened. As such, the Borough attorney was requested to remove references to “guilty”, “conviction” and “punishable” from the text and replaced with softened language such as “commits a minor offense”. The Committee feels these changes create a tone of compliance, and not just strict enforcement.

## **8. Wording, Grammar, and Numbering within the Ordinance**

With the assistance of the Borough attorney and committee member Deb Vogt, many technical details of the Ordinance were reviewed. Recommended changes to some wording and grammar have been incorporated following this review. Additionally, some numbering of

sections and chapters has been changed following edits to the wording of the provisions. These recommended changes clean up the technical aspects of the Ordinance. Additionally, the interpretational implications of these changes were also considered when developing these recommendations.



The Committee would also like to make two recommendations that fall outside of the actual substance of the Ordinance. These recommendations are as follows:

**9. Two Public Hearings to Consider Recommended Changes to the Ordinance**

During one of the final meetings of the Committee, the following statements was made by a member of the public:

“The Minor Offenses Ordinance is not minor; it’s major!”

This statement sums up some of the public sentiment surrounding the Ordinance. Because of this, it is recommended that the Assembly hold two public hearings on the Ordinance. The Committee feels this would be appropriate to give the community and assembly ample time to consider the recommended changes.

**10. Creation of a Code Review Commission**

The Committee received many comments from members of the public regarding why individual violations were not specifically addressed in the recommendations. Because of these comments, the Committee recommends the Assembly create an Ad Hoc Code Review Commission. This would allow for the community the time to focus on individual violations for their appropriateness to our community.



Thank you for your consideration to our recommendations.

May 2, 2016

Madam Mayor, Members of the Assembly

Attached is language for an ordinance that would establish a Code Revision Commission for the Haines Borough. I served on the ad hoc Minor Offenses Ordinance committee, and it was the unanimous recommendation of that committee that the Assembly create, and the Mayor appoint, such a committee.

The need for such a review became apparent in a number of ways during our work. First and most apparent was the staggering list of more than 250 offenses that a Haines citizen can commit under our code. Most of us believed that this list can and should be pared down. Next is the perplexing question of whether it is better to -- for example -- incorporate state traffic code into ours by reference; draft our own traffic code; or just let the state law be the only law. At other times we honestly could not agree what a particular provision meant. And in places, the code seems unnecessarily complex and poorly worded.

The goal of such a committee should be to make the Haines Borough Code serve the particular needs of our community. The Code should be accessible, clear, consistent and simple. There are many resources available to assist a committee in meeting those goals.

Thank you.

Deborah Vogt

## **Code Revision Commission**

### **HAINES BOROUGH CODE REVISION COMMISSION.**

- (a) The Haines Borough Code Revision Commission is established as a permanent commission of the Haines Borough Assembly.
- (b) The Code Revision Commission shall consist of seven members appointed by the mayor, with the approval of the assembly, to three-year staggered terms.
- (c) The commission shall:
- (1) examine the Haines Borough Code, Alaska Statutes and judicial decisions to discover defects, anachronisms, inconsistencies and redundancies in the code;
  - (2) review and consider proposed changes in the code recommended by the Alaska Municipal League, model municipal codes, the National League of Cities, and principal departments, agencies, boards, and commissions of the Haines Borough;
  - (3) receive and consider suggestions from local attorneys, the district court, public officials, organizations, and individuals as to areas of code needing review and remedy;
  - (4) recommend changes in code needed to eliminate antiquated, overly complicated, unnecessary and inadequate provisions and to bring the code into harmony with current needs and conditions, consistent with principles outlined in our charter to
    - i. achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum control of our own local affairs;
    - ii. retain control over the affairs of our government;
    - iii. enjoy life without unnecessarily restrictive or arbitrary laws or regulations.
- (d) The commission may:
- (1) hold public hearings and other meetings as necessary and shall determine an appropriate quorum for conducting business;
  - (2) establish one or more subcommittees to assist it in the performance of its duties.
- (e) The Borough Clerk serves as staff for the commission. Subject to appropriation for the purpose, the commission may request the assembly to contract with other persons for the performance of necessary services.
- (f) The commission shall submit its reports and recommendations, and draft ordinances as to revision of code, to the assembly. Each draft submitted by the commission shall be accompanied by a sectional analysis. The commission shall prepare the sectional analysis using language that is understandable to a layman.
- (g) All branches of Haines Borough government shall provide information and documents requested by the commission necessary to the accomplishment of its work.
- (h) The commission shall make a formal request to the assembly for funds it considers necessary to meet the expenses of the commission. Funds appropriated to the commission are to be disbursed and accounted for under procedures required by the Haines Borough. The commission chairman shall approve all expenditure documents.



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 16-651

Assembly Meeting Date: 5/10/16

Business Item Description:	Attachments:
Subject: Authorize Purchase Order with NC Machinery for Public Works Caterpillar Model 950M Wheel Loader	1. Resolution 16-05-672 2. Loader Quote
Originator: Public Works Superintendent	
Originating Department: Public Facilities	
Date Submitted: 5/4/16	

**Full Title/Motion:**  
Motion: Adopt Resolution 16-05-672.

**Administrative Recommendation:**  
This resolution is recommended by the Interim Borough Manager.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 298,302.38	\$ 298,000	\$ 0 (see summary below)	Reduced Maintenance Costs

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-----------------------------	---

**Summary Statement:**

A loader assigned to Public Works has been identified for replacement. The State of Alaska, Department of Transportation and Public Facilities, State Equipment Fleet (SEF) maintains contracts with several vendors in Alaska. Cooperative Purchasing is authorized on these contracts for qualified political subdivisions. The Public Works Superintendent has entered the minimum requirements into the database provided by SEF and has identified NC Machinery of Juneau as the vendor that can provide a Caterpillar 2016 Model 950M Wheel Loader at the lowest price (\$298,302.38), including shipping to Haines. The Haines Borough Assembly appropriated \$298,000 in the FY16 budget for purchase of a loader for Public Works. The Borough has sufficient funding in the Public Works operating budget to cover the remainder of this purchase order.

**Referral:**

Referred to:	Referral Date:
Recommendation:	Meeting Date:

**Assembly Action:**

Meeting Date(s): 5/10/16	Public Hearing Date(s):
	Postponed to Date:

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order with NC Machinery of Juneau to purchase a Caterpillar 2016 Model 950M Wheel Loader for Public Works for an amount not-to-exceed \$298,302.38.**

**WHEREAS**, a loader assigned to Public Works has been identified for replacement; and

**WHEREAS**, the State of Alaska, Department of Transportation and Public Facilities, State Equipment Fleet (SEF) maintains contracts with several vendors in Alaska; and

**WHEREAS**, Cooperative Purchasing is authorized on these contracts for qualified political subdivisions; and

**WHEREAS**, the Public Works Superintendent has entered the minimum requirements into the database provided by SEF and has identified NC Machinery of Juneau as the vendor that can provide a Caterpillar 2016 Model 950M Wheel Loader at the lowest price (\$298,302.38), including shipping to Haines; and

**WHEREAS**, the Haines Borough Assembly appropriated \$298,000 in the FY16 budget for purchase of a loader for Public Works; and

**WHEREAS**, the Borough has sufficient funding in the Public Works operating budget to cover the remainder of this purchase order,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to execute a purchase order with NC Machinery of Juneau to purchase a Caterpillar 2016 Model 950M Wheel Loader for Public Works for an amount not-to-exceed \$298,302.38.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Janice Hill, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk




Haines Borough  
PO Box 1209  
Haines, Alaska 99827-1209

March 9, 2016

Attention: Will Hickman

**One (1) New CATERPILLAR 2016 Model: 950M Wheel Loader with all standard equipment in addition to the additional specifications listed below:**

#### STANDARD EQUIPMENT

**POWERTRAIN** - Brakes, full hydraulic enclosed wet-disc - with Integrated Braking System (IBS) - Brake wear indicators - Engine, Cat 7.1 w/ US Tier 4 Final / - EU Stage IV rating - Cat Clean Emissions Module (CEM) with - Diesel Particulate Filter (DPF) and - remote Diesel Exhaust Fluid (DEF) tank - & pump - Fan, radiator, electronically - controlled, hydraulically driven, - temperature sensing, on demand - Economy Mode (for fuel reduction) - Fuel priming pump (electric) - Fuel/Water separator - Precleaner, engine air intake - Parking Brake, disk & caliper - Switch, transmission neutralizer lockout - Torque converter, locking clutch with - free wheel stator - Transmission countershaft, powershift - (5F/3R)

**ELECTRICAL** - Alarm, back-up - Alternator, 145-amp brushed - Batteries (2), maintenance free 1400CCA - Ignition key; start/stop switch - Lighting system: - -4 halogen work lights - -2 halogen roading lights (w/ signals) - -2 halogen rear vision lights (hood - mounted) - Main disconnect switch - Receptacle start (cables not included) - Starter, electric, heavy duty - Starting and charging system (24-volt) -

**OPERATOR ENVIRONMENT** - Air conditioner, heater, and - defroster (auto temp & fan) - Beverage holders (2) with storage - compartment for cell phone/MP3 player - Bucket/Work tool function lockout - Cab, pressurized and sound suppressed, - (ROPS/FOPS), radio ready - (entertainment) includes antenna, - speakers, & converter (12-volt 10-amp) - Coat hook (2) - EH Controls, lift and tilt function - EH Parking Brake - Ergonomic cab access ladders & handrails - Horn, electric - Light, two dome (cab) - Mirrors, rearview external with - integrated spot mirrors - Post mounted membrane 16 switch keypad - 2 receptacles, 12-Volt - Seat, Cat Comfort (cloth) air suspension - Seat belt, retractable, 51mm (2") Wide - Steering, HMU wheel - Sun visor, front - Wet-Arm wipers/washers front & rear, - Intermittent front wiper - Window, sliding (left and right sides) - Viscous mounts - COMPUTERIZED MONITORING SYSTEM - With following gauges: - -Speedometer/Tachometer - -Digital gear range indicator - -DEF (Diesel exhaust fluid) level - -Temperature: engine coolant, - hydraulic oil, transmission oil - -Fuel level - With following Warning Indicators: - -Regeneration - -Temperature: axle oil, engine intake - manifold - -Pressure: engine oil, fuel Pressure - Hi/Low, primary steering oil, - service brake oil - -Battery voltage Hi/Low - -Engine air filter restriction - -Hydraulic oil filter restriction - -Hydraulic oil Low - -Parking brake - -DEF low level - -Transmission filter bypass - MULTI-FUNCTION MONITOR : - -18cm (7 in) color LCD touch-screen - display - -Rear-view camera image display - (reverse travel activated) - -Machine settings & health parameters - CAT CONNECT (on-board, utilizing multi- - function monitor) - Core App software to monitor & display: - -Total fuel consumption - -Average fuel burn rate - -Engine fuel consumption - -Total idle time - -Total operating hours - -Travel distance (odometer) - Basic App software to monitor & display - -Total idle fuel - -Total operating hours, neutral - -Total operating hours with hydraulic - filter in bypass -

**OTHER STANDARD EQUIPMENT** - Auto idle shutdown - Couplings, Caterpillar O-ring face seal - Ecology drains for engine, transmission, - and hydraulics - Fenders, steel front with mud-flap/rear - with extension - Filters: fuel, engine air, engine oil, - hydraulic oil, transmission - Fuel cooler - Grease zerks - Grill, airborne debris - Hitch, drawbar with pin - Hood, non-metallic power tilting with - rear clamshell - Hoses, Caterpillar XT - Hydraulic oil cooler (swing out) - Hydraulic System, load sensing - Kickout, lift & tilt, automatic - (adjustable in cab) - Linkage, Optimize Z-Bar - Oil sampling valves - Remote diagnostic pressure taps - Service Center (electrical & hydraulic) - Sight gauges: engine coolant, hydraulic - oil, and transmission oil level - Steering, load sensing - Toolbox - Vandalism protection caplocks

## MACHINE SPECIFICATIONS

950M WHEEL LOADER	360-7932	LUBRICATION, MANUAL, STD/LOG	384-7015
LANE 3 ORDER	0P-9003	RADIO, AM/FM/USB/MP3 BLUETOOTH	372-1600
REGIONAL PKG, AM-N	360-8060	RADIO, CB (READY)	372-1603
STANDARD PACKAGE	464-2620	SUN VISOR, REAR	372-1609
LINKAGE, STANDARD LIFT	384-7011	OMISSION, WORKTOOL	361-1437
COUNTERWEIGHT, 960KG	393-0069	PACK, DOMESTIC TRUCK	0P-0309
AXLES, LOCK/OPEN, ED, ETS	366-9905	Install Cold Weather Package	
HYDRAULICS, 4V RC, STD/LOGGER	373-3894	Add LED Back up Lights	
HYDRAULIC OIL, STANDARD	366-9912	Install Welen DOT Light Package	
STARTING, COLD (120V)	373-3911	Install Padlocks and 3 keys	
LIGHTS, LED, PREMIUM	486-2300	Install Self Adjust Back up Alarm	
STEERING, WHEEL HMU, SECOND	384-7010	Install SMV Sign	
SEAT, STANDARD-HMU	375-7658	Prep	
SINGLE AXIS LEVERS W/FNR, 4V	392-7100	Verify Compliance to spec	
SEAT BELT, 3" W/INDICATOR	450-1592	Spare Tire on Cat Rim	
MIRRORS, EXTERNAL, HEATED	366-1984	One set of paper manuals parts, service & OMM	
PRODUCT LINK, SATELLITE PLE631	434-0693	Cat HPL Quick Coupler 368-9120	368-9120
COOLING CORES, 9 FPI	364-9807	Henke Install Cat HPL Quick Coupler	
FAN, STANDARD	464-2607	Cat HPL Bucket 4.75CYD	
ANTIFREEZE, -50C (-58F)	423-2664	Cutting edge group 139-9229	
TIRES, 23.5R25 BS VJT * L3	373-4053	Henke FV-12 6 Way Folding Plow & SWL 10' Henke Snow Wing	
WINDOWS, STANDARD, GLUED	466-8777	Henke Install Vee plow & Snow Wing (install @ Henke)	
CAB ROOF, STANDARD	366-0730	Beka Max Auto Lube System (Install in Seattle)	
COVER, HVAC, NON-METALLIC	365-8382	Mushroom Shoes 11"	
AIR INLET STANDARD, RAIN CAP	365-0112	Hydraulic Diverter Valve Kit Henke	
FENDERS, BASIC +	464-6672	Trip edge for snow wing Henke	
HOOD, NON-METALLIC	336-0000	36 Month / 3,000 hours Power-train + Hydraulics Warranty Extended	
SOUND SUPPRESSION, STANDARD	465-6576	On site Haines Operator Training	
QUICK COUPLER READY, STD LIFT	373-3900		

---

Price FOB Haines AML Dock: \$298,302.38

---

Availability: 3.5 Factory ship from Aurora, ILL

**WARRANTY:**

Standard Warranty: 12 months/unlimited hours  
Extended Warranty: 36 months/3,000 hours Power-train+ hydraulics

Thank you,

Erik



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 16-650  
Assembly Meeting Date: 5/10/16

Business Item Description:	Attachments:
Subject: Authorize Purchase Order with Cal Worthington Ford for Public Works Pickup	1. Resolution 16-05-673 2. Truck Quote
Originator: Public Works Superintendent	
Originating Department: Public Facilities	
Date Submitted: 5/4/16	

Full Title/Motion:
Motion: Adopt Resolution 16-05-673.

Administrative Recommendation:
This resolution is recommended by the Interim Borough Manager.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 36,699 + shipping	\$ 38,500	\$ 0	Reduced Maintenance Costs

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>A pickup assigned to Public Works has been identified for replacement. The State of Alaska, Department of Transportation and Public Facilities, State Equipment Fleet (SEF) maintains contracts with several vendors in Alaska. Cooperative Purchasing is authorized on these contracts for qualified political subdivisions. The Public Works Superintendent has entered the minimum requirements into the database provided by SEF and has identified Cal Worthington Ford of Anchorage as the vendor that can provide the desired vehicle at the lowest price (\$36,699). The Haines Borough Assembly appropriated \$38,500 in the FY16 budget's Capital Improvement Projects (CIP) fund for a Ford F-250 with a pipe rack and tool box for Public Works. The CIP funding is sufficient to cover this purchase order, plus the cost of delivering the vehicle from Anchorage.</p> <p>Note: The quote from Cal Worthington Ford shows the Haines Borough price compared to the MSRP.</p>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 5/10/16	Public Hearing Date(s):
	Postponed to Date:

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order with Cal Worthington Ford of Anchorage to purchase a pickup for Public Works for an amount not-to-exceed \$36,699.**

**WHEREAS**, a pickup assigned to Public Works has been identified for replacement; and

**WHEREAS**, the State of Alaska, Department of Transportation and Public Facilities, State Equipment Fleet (SEF) maintains contracts with several vendors in Alaska; and

**WHEREAS**, Cooperative Purchasing is authorized on these contracts for qualified political subdivisions; and

**WHEREAS**, the Public Works Superintendent has entered the minimum requirements into the database provided by SEF and has identified Cal Worthington Ford of Anchorage as the vendor that can provide the desired vehicle at the lowest price (\$36,699); and

**WHEREAS**, the Haines Borough Assembly appropriated \$38,500 in the FY16 budget's Capital Improvement Projects (CIP) fund for a Ford F-250 with a pipe rack and tool box for Public Works; and

**WHEREAS**, the CIP funding is sufficient to cover this purchase order, plus the cost of delivering the vehicle from Anchorage,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to execute a purchase order with Cal Worthington Ford of Anchorage to purchase a pickup for Public Works for an amount not-to-exceed \$36,699.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Janice Hill, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

HAINES BOROUGH PUBLIC WORKS 5-2-2016



Worthington Ford Fleet  
431 Unga street , Anchorage, AK, 99501  
Office: 907-793-8213

PRICE \$36,699

2016 F-250, SD Super Cab  
4x4 SD Super Cab 8' box 158" WB SRW XL(X2B)

SERVICE BODY INCLUDED, FOB ANCHORAGE

Major Equipment

(Based on selected options, shown at right)

- 6.2L V-8 SOHC w/SMPI 385hp
- TorqShift 6 speed automatic w/OD
- \* Rear locking differential driver selectable
- \* Brake assistance
- \* LT 265/70R17 E OWL AT S-rated tires
- \* Firm suspension
- \* Air conditioning
- \* AM/FM stereo with seek-scan, single in-dash CD player, MP3 decoder, auxiliary audio input
- \* Variable intermittent wipers
- \* Dual front airbags w/passenger cancel
- \* SecurILock immobilizer
- \* Underseat ducts
- \* 60-40 folding rear split-bench
- \* Class V hitch
- \* Rear axle capacity: 6200 lbs.
- \* Rear spring rating: 6100 lbs.
- \* Frame Yield Strength 36000 psi

- Exterior:Oxford White
- Interior:Steel
- \* 4-wheel ABS
- \* Traction control
- \* Battery with run down protection
- \* Advance Trac w/Roll Stability Control
- \* Tinted glass
- \* Dual manual mirrors
- \* 17 x 7.5 steel wheels
- \* Driver and front passenger seat mounted side airbags
- \* Tachometer
- \* Reclining front split-bench seats
- \* Steering-wheel mounted audio controls
- \* Front axle capacity: 6000 lbs.
- \* Front spring rating: 4800 lbs.
- \* Frame section modulus: 6.7 cu.in.
- \* Cab to axle: 56.4"

Selected Options

MSRP

STANDARD VEHICLE PRICE .....	\$37,585.00
Order Code 600A .....	N/C
Engine: 6.2L 2-Valve SOHC EFI NA V8 Flex-Fuel .....	Included
Transmission: TorqShift 6-Speed Automatic .....	Included
GVWR: 10,000 lb Payload Package .....	Included
Wheels: 17" Argent Painted Steel .....	Included
Heavy Duty Vinyl 40/20/40 Split Bench Seat .....	Included
158" Wheelbase .....	STD
Monotone Paint Application .....	STD
Electronic Locking w/3.73 Axle Ratio .....	\$390.00
Steel .....	N/C
Oxford White .....	N/C
Tires: LT265/70Rx17E OWL A/T .....	\$455.00
Engine Block Heater (Regional) .....	N/C
Trailer Brake Controller .....	\$270.00
Roof Marker/Clearance Lamps .....	\$55.00
Upfitter Switches (4) .....	\$125.00
Extra Heavy-Duty 200-Amp Alternator .....	\$75.00
XL Value Package .....	\$595.00
Radio: AM/FM Stereo/Single-CD/MP3 Player .....	Included
Steering Wheel-Mounted Cruise Control .....	Included

Fuel Economy

**City**  
N/A



**Hwy**  
N/A

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Worthington Ford Fleet  
 431 Unga street , Anchorage, AK, 99501  
 Office: 907-793-8213

**2016 F-250, SD Super Cab**  
 4x4 SD Super Cab 8' box 158" WB SRW XL(X2B)

**INCLUDED IN PRICE**

98" MSS II SERVICE BODY. WHITE

STEEL UNDERSTRUCTURE

A40-A60 GALVANNEALED DIAMOND PLATE FLOOR

18 GA OUTER DOOR SKIN, DOUBLE PANEL DOOR CONST.

STAINLESS STEEL ROTARY PADDLE LATCHES AND DOOR HINGES

NITROGEN GAS STRUT DOOR HOLDERS

AUTOMOTIVE BUBBLE TYPE DOOR SEALS

ADJUSTABLE COMPARTMENT TRAYS / SHELVES. ONE SHELF IN FRONT, HORIZONTAL &

REAR COMPARTMENTS

KNEE BRACED SLAM ACTION TAILGATE

SEAMLESS WHEELHOUSE PANEL W / POLY CARBONATE FENDER FLARES

LED S / T / T LIGHTS RECESSED IN STEP BUMPER

7 WAY RV STYLE TRAILER PLUG , FLAT PIN.

XL Decor Group .....	Included
Chrome Front Bumper .....	Included
Chrome Rear Step Bumper .....	Included
Bright Chrome Hub Covers & Center Ornaments .....	Included
<hr/>	
SUBTOTAL .....	\$39,550.00
Destination Charge .....	\$1,195.00
<hr/>	
<b>TOTAL</b> .....	<b>\$40,745.00</b>

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Haines Borough  
Assembly Agenda Bill

Agenda Bill No.: 16-653

Assembly Meeting Date: 5/10/16

Business Item Description:	Attachments:
Subject: Authorize Borough Application to the Rasmuson Foundation for a CVP Construction Grant	1. Resolution 16-05-674 2. Chilkat Valley Preschool Project Update
Originator: Interim Manager / Director of Public Facilities	
Originating Department: Administration / Public Facilities	
Date Submitted: 4/29/16	

**Full Title/Motion:**

Motion: Adopt Resolution 16-05-674.

**Administrative Recommendation:**

This resolution is recommended by the Interim Borough Manager.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	TBD (see summary below)

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives:

Objective 17E(7), Page 294

Objective 18A(3), Page 299

Consistent:  Yes  No**Summary Statement:**

Chilkat Valley Preschool (CVP) entered into an agreement with Southeast Senior Services for the concept of sharing the borough-owned Senior Center building provided it is expanded, and the assembly adopted Resolution 15-12-652 approving the concept of adding onto the building. The CVP pledged to give an initial \$50,000 toward an addition and to continue to apply for grants and conduct fund-raisers to cover the remaining construction costs. The CVP wishes to apply for Rasmuson Foundation grant funds and was advised by the Rasmuson Senior Program Officer that the Borough must be the applicant since the Borough will own the facility. Any matching funds required by the grant will be provided by CVP fundraising efforts.

Details concerning management and maintenance would be negotiated with the borough.

**Referral:**

Referred to:

Referral Date:

Recommendation:

Meeting Date:

**Assembly Action:**

Meeting Date(s): 5/10/16

Public Hearing Date(s):

Postponed to Date:

HAINES BOROUGH, ALASKA  
RESOLUTION No. 16-05-674

**A Resolution of the Haines Borough Assembly supporting a Rasmuson Foundation grant application for the Chilkat Valley Preschool addition to the Haines Senior Center.**

**WHEREAS**, Chilkat Valley Preschool (CVP) entered into an agreement with Southeast Senior Services for the concept of sharing the borough-owned Senior Center building provided it is expanded, and the borough assembly adopted Resolution 15-12-652 approving the concept of adding onto the building; and

**WHEREAS**, CVP pledged to give an initial \$50,000 toward an addition and to continue to apply for grants and conduct fund-raisers to cover the remaining construction costs; and

**WHEREAS**, CVP is seeking grant funding through the Rasmuson Foundation and has been advised by the Rasmuson Senior Program Officer that the Haines Borough must be the applicant for the Rasmuson Foundation grant since the Borough will own the facility; and

**WHEREAS**, the CVP will develop all aspects of the grant application with the exception of necessary information and signatures only the Haines Borough can provide; and

**WHEREAS**, all matching funds required by the grant will be provided by CVP fundraising efforts; and

**WHEREAS**, the Haines Borough will provide the land and current facility to expand upon,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly supports a Rasmuson Foundation grant application by the Haines Borough for the Senior Center/Chilkat Valley Preschool project.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jan Hill, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk



## Chilkat Valley Preschool Building Project

*A Solution For Everyone*

May 2, 2016

TO: Mayor Hill and Members of the Assembly (**for the May 10, 2016 meeting packet**)

FROM: Facility Projects Steering Committee for the Senior Center/Chilkat Valley Preschool project

RE: Project update

Dear Mayor Hill and Members of the Assembly;

Thank you for your support for the Senior Center/Chilkat Valley Preschool project. Attached is a quick update on milestones completed since January 2016 and ongoing activities.

One important item to note is that we have been advised by the Rasmuson Senior Program Officer that the Borough must be the applicant for the Rasmuson Foundation grant since the Borough will own the facility. Steering Committee members have volunteered to write the Letter of Inquiry and prepare the application if invited to submit a full proposal. However, the Borough will be the applicant and if awarded, the grant recipient.

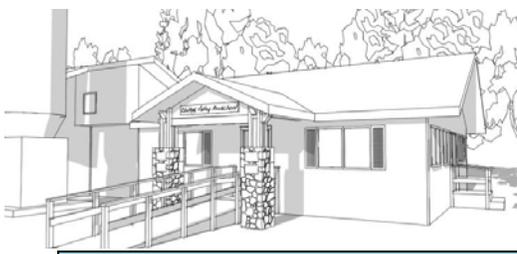
Sincerely,

Ann Myren

On behalf of the CVP Steering Committee - Sierra Jimenez, Susan Tandy, Valery McCandless, Steve and JoAnn Cunningham, Melissa Ganey, Sara Chapell, Renee Hoffman

Revised Project Description
<p>The project is a 1,330 square foot addition to the back of the Senior Center building. A conceptual design is in place and has been reviewed by the CVP Board, Southeast Senior Services, and designated independent seniors, and the Borough Facilities Manager. Conceptual interior sketches have been provided by architect Corrie Sue Nash (inkind contribution). According to Alaska Energy Authority the current mechanical and heating systems are large enough to handle the addition.</p>

Funding Strategy – A public/private partnership							
Project cost \$399,250							
<ul style="list-style-type: none"> <li>✓ <b>Local campaign</b> <ul style="list-style-type: none"> <li>✓ \$20,000 for challenge campaign</li> <li>✓ \$86,115 in cash and pledges for project.</li> <li>✓ <b>TOTAL: \$ 106,115 cash and pledges</b></li> </ul> </li> <li>✓ <b>CAPSIS grant: \$30,000</b> (\$18,000 spent on furniture/equipment in 2015 –will be moved to new facility)</li> <li>✓ <b>Chilkat Valley Community Foundation grant: \$3,500</b></li> <li><input type="checkbox"/> <b>Inkind donations:</b> <ul style="list-style-type: none"> <li>✓ \$9,280 secured for services</li> <li>\$18,720 planned for services/materials/move</li> </ul> </li> <li><input type="checkbox"/> <b>Grants – foundations/gov't: \$171,500 projected</b></li> <li><input type="checkbox"/> <b>Capital Campaign: \$60,135</b></li> </ul> <p>✓ = Funds already raised</p>	<table style="margin: auto; border: none;"> <tr> <td style="text-align: center;">Capital Campaign \$60,135</td> <td style="text-align: center;">Secured Donations \$106,115</td> </tr> <tr> <td style="text-align: center;">Foundations \$3,500 secured \$171,500 planned</td> <td style="text-align: center;">Government \$30,000</td> </tr> <tr> <td></td> <td style="text-align: center;">Inkind services &amp; materials \$9,280 secured \$18,720 planned</td> </tr> </table>	Capital Campaign \$60,135	Secured Donations \$106,115	Foundations \$3,500 secured \$171,500 planned	Government \$30,000		Inkind services & materials \$9,280 secured \$18,720 planned
Capital Campaign \$60,135	Secured Donations \$106,115						
Foundations \$3,500 secured \$171,500 planned	Government \$30,000						
	Inkind services & materials \$9,280 secured \$18,720 planned						



## Chilkat Valley Preschool Building Project

*A Solution For Everyone*

### Completed Project Milestones January – April 2016

**2016**

**Design and Planning**

- ✓ Site and systems reviewed
- ✓ Requirements to attain state certification reviewed – square footage adjusted
- ✓ Conceptual interior plans developed to meet operational needs
- ✓ Project presented to Haines Borough Planning Commission (2 times) – no variances required
- ✓ Ad hoc committee established to meet with adjacent land owner to discuss potential safety concerns re: commercial use in the area; meetings ongoing
- ✓ Agreement entered into with proHNS LLC for engineering services to provide construction ready design documents – plans are scheduled to be completed by early June

**Capital Campaign and local fundraising**

- ✓ One-on-one contact with several potential major donors – Ongoing
- ✓ Development of Case Statement Brochure – mailed to all local box holders
- ✓ Individualized mailing to past donors
- ✓ Contact made with Rasmuson Foundation Senior Program Officer – **IMPORTANT: Borough must be the applicant for this grant since the Borough is the building owner. Steering Committee members are drafting the Letter of Inquiry and the grant application for submittal.**
- ✓ Donations and pledges from individuals and businesses totaling \$ 106,115 to date
- ✓ Inkind pledges for needed services from businesses totaling \$9,280 to date
- ✓ 100% of CVP Board and *A Solution for Everyone* Steering Committee have given to the campaign
- ✓ Chilkat Valley Community Foundation interim grant application submitted – \$3,500 awarded
- ✓ Contact made with Crossett Foundation Program Officer – application being drafted
- ✓ Ask letters to various targeted groups including businesses have been developed
- ✓ May 14th May Day Event planned at Tlingit Park – **Please join us for this fun and exciting event.**

**Administrative tasks**

- ✓ Draft lease developed with CVP Board and Borough Manager
- ✓ Draft MOU for Management of Facility developed with CVP Board and Borough Manager

**Publicity activities**

- ✓ Developed case statement brochure (attached)
- ✓ Drafted letters to various target groups
- ✓ Developed FAQ sheet (attached)
- ✓ Display set up at Bank
- ✓ Event promotion – KHNS, CVN, internet, and flyers

**Future planned actions**

- Construction plans to be completed by early June
- Letter of Inquiry to be drafted and submitted to the Rasmuson Foundation on behalf of the Haines Borough by mid-June (need to have 50% of project costs funds secured prior to submittal)
- Application to be drafted and submitted to Crossett Foundation in July
- One-on-one solicitations of businesses and corporations for inkind services needed for project
- Continued fundraising from individuals and businesses
- Fundraiser/dinner/auction at Harriet Hall in August



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 16-655  
Assembly Meeting Date: 5/10/16

Business Item Description:	Attachments:
Subject: Authorizing 450-feet of Water Main Extension Along Bear Trails Lane	1. Resolution 16-05-675
Originator: Interim Manager / Director of Public Facilities	
Originating Department: Administration	
Date Submitted: 4/29/16	

**Full Title/Motion:**  
Motion: Adopt Resolution 16-05-675.

**Administrative Recommendation:**  
This resolution is recommended by the Interim Borough Manager.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 28,000	\$ See Summary	\$ 0	New customers paying into system

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives: Page 236	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

**Summary Statement:**

A developer proposed to extend the water main to two lots along Bear Trails Lane at an estimated cost of \$15,000, and the borough would like to increase the size of the service to accommodate the goals of the Haines Borough Water and Sewer Master Plan. HBC 18.60.010 states "...[t]he 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." The borough will provide the approximate \$28,000 to increase the main to 8" HDPE, add a three valve cluster, add a fire hydrant, and an additional service. Additionally, the developer will provide the \$15,000 it would have cost to provide the smaller 2" service to his two lots.

The borough has appropriate CIP funds for design and extension of water utilities

**Referral:**

Referred to:	Referral Date:
Recommendation:	Meeting Date:

**Assembly Action:**

Meeting Date(s): 5/10/16	Public Hearing Date(s):
	Postponed to Date:

HAINES BOROUGH, ALASKA  
RESOLUTION No. 16-05-675

**A Resolution of the Haines Borough Assembly authorizing the extension and increased size of 450-feet of water main along Bear Trails Lane at a borough cost of approximately \$28,000.**

**WHEREAS**, a developer proposed to extend the water main to two lots along Bear Trails Lane at an estimated cost of \$15,000; and

**WHEREAS**, the Haines Borough would like to increase the size of the service to accommodate the goals of the Haines Borough's Water and Sewer Master Plan; and

**WHEREAS**, the Haines Borough has applied to ADEC for funding to extend the Bear Trails Lane water main on multiple occasions; and

**WHEREAS**, the Small Tracts Water Main extension project, of which this is a component, is ranked #13 on the statewide Alaska Drinking Water Funding Priority Planning List; and

**WHEREAS**, Haines Borough Code 18.60.010 states "...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"; and

**WHEREAS**, the Haines Borough will provide the approximate \$28,000 to increase the main to 8" HDPE, add a three valve cluster, add a fire hydrant, and an additional service; and

**WHEREAS**, the developer will provide the \$15,000 it would have cost to provide the smaller 2" service to his two lots; and

**WHEREAS**, the Haines Borough has appropriate CIP funds for design and extension of water utilities,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the extension and increased size of 450-feet of water main along Bear Trails Lane.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jan Hill, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 16-654

Assembly Meeting Date: 5/10/16

Business Item Description:	Attachments:
Subject: Authorize Borough Funding Collaboration with ADNR for an Additional Bear Monitor in the Chilkoot	1. Resolution 16-05-676 2. Recommendations: ---Sean Gaffney/Tourism Advisory Board ---Mike Eberhardt/Alaska DNR ---Pam Randles/Chilkoot Bear Foundation
Originator: Tourism Director	
Originating Department: Tourism	
Date Submitted: 4/29/16	

**Full Title/Motion:**  
Motion: Adopt Resolution 16-05-676.

**Administrative Recommendation:**  
This resolution is recommended by the Interim Borough Manager.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 14,000	\$ 0	\$ 14,000	\$7,000 FY16, \$7,000 FY17

**Comprehensive Plan Consistency Review:**

Comp Plan Goals/Objectives: Objective 14F, Page 229 Page 173	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

**Summary Statement:**

The Chilkoot River Corridor is one of the most important areas in the borough for Tlingit culture, recreation, fisheries & wildlife; and is a valuable asset for tourism and Haines visitor experience. Quality management of this vital area will add to the experience & safety for the visitors, local residents & wildlife using the corridor. The Tourism Advisory Board (TAB), Alaska Chilkoot Bear Foundation, & local tour operators all recognize the need for a second bear monitor.

The ADNR recently assumed management of the area, but cannot fund additional staff. They are open to assistance by the borough & others to make it happen for the 2016 summer season. The TAB requests the assembly authorize the borough manager to allocate a total of \$14,000 for this. Division of Parks would be responsible for hiring and maintaining the position.

**Referral:**

Referred to:	Referral Date:
Recommendation:	Meeting Date:

**Assembly Action:**

Meeting Date(s): 5/10/16	Public Hearing Date(s):
	Postponed to Date:

**A Resolution of the Haines Borough Assembly authorizing funding collaboration with the Alaska Department of Natural Resources for an additional Division of Parks staff member in the Chilkoot River Corridor for June through September 2016.**

**WHEREAS**, the Chilkoot River Corridor is one of the most important areas in the borough for Tlingit culture, recreation, fisheries and wildlife; provides the most accessible bear viewing and access in Alaska; and is a valuable asset for tourism and Haines visitor experience; and

**WHEREAS**, the area is in need of additional staffing during prime tourism and bear season because every year the bear/human relationships in this critical bear habitat become more challenging, stressful and dangerous, and the presence of authorized individuals in the corridor has always been the greatest deterrent to unwanted behavior by providing education and mitigation; and

**WHEREAS**, quality management of this vital area will add to the experience and safety for the visitors, local residents and wildlife using the corridor; and

**WHEREAS**, the Department of Natural Resources (ADNR) has recently assumed management of the Chilkoot River Corridor and the Chilkoot Road; and

**WHEREAS**, the Haines Borough recognizes the importance of partnering with the ADNR to find solutions and is supportive of cooperative efforts to manage the Chilkoot River Corridor and the Chilkoot Road; and

**WHEREAS**, state funding cannot support additional ADNR staff but is very open to a collaborative effort with the Haines Borough and others to fill this position; and

**WHEREAS**, the Alaska Chilkoot Bear Foundation has agreed to support the position in the amount of \$2,000 and is seeking additional funding through its membership; and

**WHEREAS**, the Tourism Advisory Board recommends the borough support the position by allocating a total of \$14,000 (\$7,000 FY16 and \$7,000 FY17); and

**WHEREAS**, ADNR would earmark the funds specifically to support the position, and the Alaska Division of Parks & Outdoor Recreation would be responsible for using the funds to hire temporary, seasonal staff to monitor public use in the corridor,

**NOW, THEREFORE, BE IT RESOLVED**, by the Haines Borough Assembly:

Section One: The Haines Borough encourages collaborative efforts to manage and support the Chilkoot River Corridor and Chilkoot Recreation Area; and

Section Two: The interim borough manager is authorized to designate \$7,000 funding in FY16 \$7,000 and another \$7,000 in FY17 for a total amount of \$14000 to assist the Alaska Department of Natural Resources in hiring an additional Division of Parks staff member to work in the Chilkoot River Corridor area June through September 2016.

Haines Borough  
Resolution No. 16-05-676  
Page 2 of 2

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2016.

---

Janice Hill, Mayor

Attest:

---

Julie Cozzi, MMC, Borough Clerk

April 20, 2016

Dear Madam Mayor and Haines Borough Assembly,

The Tourism Advisory Board unanimously supports the proposal for the Haines Borough to assist funding an additional State Parks position for the Chilkoot Recreation Area for the months of June, July, August and September.

The Chilkoot Corridor is one if not the most vital areas in Haines to recreation, Tlingit culture, fisheries and wildlife. The area is severely in need of additional staff during prime tourism and bear season. It is critical bear habitat, every year the bear – human relationships of the corridor become more challenging, stressful and dangerous. It is imperative that the borough take part in finding a solution and supporting state management of this area.

As of recent, DNR has taken over management of the Chilkoot Road. TAB recommends the borough support this management and work to maintain a relationship with DNR through this process. DNR has expressed that they cannot afford to staff an additional person for the Chilkoot area, however are very open to a collaborative effort with the Haines Borough and local operators. They acknowledge the importance of having additional staff to help educate and mitigate the bear/human interactions in the area.

The Tourism Director has met with area superintendent, Mr. Mike Eberhardt of DNR, the Chilkoot Bear Foundation, and local tour operators about the importance of this position and financial options to move forward. The Bear Foundation has agreed to support the project in the amount of \$2000 and is currently seeking additional funding through their members.

The Borough would be tasked to support the position in the amount of \$7000 for both the budget cycles FY16 and FY17 for a total of \$14,000. These funds would be earmarked by DNR specifically to support this position. Parks would be responsible for hiring and maintaining the position.

TAB requests that the Haines Borough Assembly support the Manager in allocating funds for this position.

Thank you for your time and consideration.

Sincerely,

Sean Gaffney  
TAB Chairman

Leslie Ross  
Tourism Director, Haines Borough



THE STATE  
*of* **ALASKA**  
GOVERNOR BILL WALKER

**Department of Natural Resources**  
DIVISION OF PARKS AND OUTDOOR RECREATION  
SOUTHEAST AREA  
P.O.Box 111071  
Juneau, Alaska 99811  
Main: 907.465.4563

To the members of the Haines Borough Assembly,

I am encouraged to hear that you are considering assisting the Division of Parks & Outdoor Recreation with staffing in the Chilkoot Corridor. As you may be aware, the presence of authorized individuals in the corridor has always been the greatest deterrent to unwanted behavior and financial assistance to DPOR from the Haines Borough will translate directly to increased staff presence in the corridor. If the Assembly approves this funding, the state will use it to hire temporary, seasonal staff to monitor public use in the corridor; funds may also be used for mileage reimbursement if no state vehicles are available. The state would set up a separate account from which only these expenses would be paid and all expenditures would be easily tracked.

Thank you for your consideration of this financial assistance.

*Mike Eberhardt*

Southeast Area Park Superintendent



Alaska Chilkoot Bear Foundation  
P.O. Box 1188  
Haines, Alaska 99827  
[www.bearfoundation.org](http://www.bearfoundation.org)  
April 27, 2016

Brad Ryan, Manager  
Haines Borough  
Haines, Alaska

Dear Mr. Ryan,

The Alaska Chilkoot Bear Foundation Board of Directors is strongly in favor of staffing the Chilkoot River Corridor during the bear season. This position has been called a bear monitor, but is really a people monitor. In this letter I will refer to the position as a monitor. Ideally, there would be two monitors to patrol the corridor talking to people and educating them as to the safest way to behave in bear country and still enjoy fishing, wildlife viewing, boating and camping. Experience has shown that a monitor is the most effective way to do this, especially with out of town visitors. The monitor would inform visitors of state laws, Parks policies and best practices in bear country. The monitor would facilitate people giving wildlife space, fishing appropriately, photographing bears without risk and keeping clean campsites.

To this end, the Bear Foundation will donate \$2000.00 towards hiring a *full time* monitor. We realize that the position will be managed through Division of Parks, and have a concern that it will be used for a technician position as has been done in the past rather than a full time monitor. We are also searching for other funding sources to fund the position(s). Attached please find a job description we recommend.

Sincerely,

Pam Randles, President

## Mayoral Appointments 5/10/16

### Public Safety Commission

**Kay Clements – term ends 11/2018**

**Judy Erekson – term ends 11/2018**

The commission recommends these appointments (see attached).

This would leave no vacancies, at this time.

### Tourism Advisory Board

**Kelleen Adams – non-voting advisor**

The board recommends this appointment (see attached).



**From:** Jim Stanford [mailto:stanfrds@aptalaska.net]

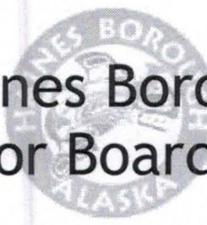
**Sent:** Wednesday, April 20, 2016 6:57 AM

**To:** Jan Hill; Brad Ryan; Julie Cozzi

**Cc:** deb\_stanford@hotmail.com

**Subject:** PSC Police Chief candidate selection

Jan, The PSC voted unanimously, with Erekson and Clements abstaining, to urge you to forward their names for reappointment to the PSC for another term. Both have been extremely reliable and valuable assets to the Commission. And, moreover, they're willing to do it. Yahoo!!! Thanks so much. Jim



# Haines Borough Application for Board Appointment

**Appointment** (I am not currently on the board)

**Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Port and Harbor Advisory Committee
<input type="checkbox"/>	Tourism Advisory Board	<input type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Parks and Recreation Advisory Committee	<input type="checkbox"/>	Riverview Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees	<input type="checkbox"/>	Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Library Advisory Board	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board
<input checked="" type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

**Name:** KAY CLEMENS

**Residence Address:** 846 Muncaster

**Mailing Address:** Box 370

**Business Phone:** \_\_\_\_\_ **Home Phone:** 766-3780

**Fax:** \_\_\_\_\_ **Email:** radiogurrl@gmail.com = not to be

posted on website

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.\*

*Kay Clemens*

Signature of Applicant

4.5.16

Date

**PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS** (You may attach a resume):

Have served since 2014

Manager of local community radio stations for past 20 years.  
in CA + AK

\* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

# Haines Borough Application for Board Appointment

- Appointment** (I am not currently on the board)
- Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Port and Harbor Advisory Committee
<input type="checkbox"/>	Tourism Advisory Board	<input type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Parks and Recreation Advisory Committee	<input type="checkbox"/>	Riverview Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees	<input type="checkbox"/>	Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Library Advisory Board	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board
<input checked="" type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

Name: JUDY EREKSON  
 Residence Address: #13 FT. SEWARD DR  
 Mailing Address: PO BOX 572  
 Business Phone: 766-6734 Home Phone: 766-2162  
 Fax: 766-6794 Email: Judysclothing@hotmail.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.\*

Judy Erekson  
 Signature of Applicant

2/18/16  
 Date

**PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS** (You may attach a resume):

I have lived in Haines 25 years, served on several local boards, work at the school & have a desire to continue serving my community at this time when things are transitional. I feel my experience will contribute to the process. Thanks for the opportunity to serve.

\* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

**From:** [Alaska Mountain Guides - Exec](#)  
**To:** [Julie Cozzi](#); [Jan Hill](#); [Leslie Ross](#); [Krista Kielsmeier](#)  
**Cc:** [Alaska Mountain Guides - Exec](#)  
**Subject:** TAB Letter of Support for Kaleen Adams Appointment to the Board  
**Date:** Friday, April 22, 2016 10:23:34 AM

---

Madam Mayor and Haines Borough Assembly Members,

The Tourism Advisory Board has approved the appointment of Kaleen Adams to the board as a nonvoting member.

The TAB believes she will bring valuable perspective as the manager of a local lodging establishment.

Please don't hesitate to contact me if I can be of any further assistance in this matter.

Respectfully,

Sean Gaffney

Chair  
Tourism Advisory Board



# Haines Borough Application for Board Appointment

**Appointment** (I am not currently on the board)

**Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Port and Harbor Advisory Committee
<input checked="" type="checkbox"/>	Tourism Advisory Board <i>non-voting member</i>	<input type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Parks and Recreation Advisory Committee	<input type="checkbox"/>	Riverview Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees	<input type="checkbox"/>	Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Library Advisory Board	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board
<input type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

Name: Kelleen Adams  
 Residence Address: 1299 Lutak Road  
 Mailing Address: P.O. Box 1336  
 Business Phone: 907-766-3713 Home Phone: 512-989-3198  
 Fax: 766-3713 Email: info@lynnviewlodge.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.\*

K Adams  
 Signature of Applicant

4/5/16  
 Date

**PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS** (You may attach a resume):

currently manager/artist at the Lynn View Lodge. Also long-term sub in the Art Department HBSD. Past: resided in Austin TX / Elementary Art Teacher. ITSD / Visual Art Director for TexArts in Austin, TX. Current Board Member: Haines Sheldon Museum.

\* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.



Haines Borough  
Haines Borough Ports and Harbor  
Advisory Committee  
RECORD OF DECISION

DATE: 4-07-2016

TO: Borough Assembly

FROM: Haines Borough Ports and Harbors Advisory Committee

BOARD DECISION: MOTION.... RE-AFFIRM HARBOR COMMITTEE'S SUPPORT FOR DEMOLITION OF LOOKOUT PARK, AS PER BOROUGH PLANS. NORMAN HUGHES 1<sup>ST</sup>, BILL ROSTAD 2<sup>ND</sup>, PASSED 5-0

RATIONALE: LOOKOUT PARK PAVILION IS REQUIRING REPAIRS TO THE STRUCTURE. REPAIRING A STRUCTURE THAT THE BOROUGH IS DEMOLISHING IS NOT A GOOD USE OF BOROUGH'S LIMITED FUNDS. HARBOR COMMITTEE TALKED ABOUT THE PARK AND RE-AFFIRMED VIA THIS MOTION THE COMMITTEE'S SUPPORT OF DEMOLITION OF LOOKOUT PARK. PER HAINES BOROUGH TIMELINE.

SUBMITTED BY: Norman Hughes, Chair, HBPHAC



Haines Borough  
**BOROUGH ASSEMBLY**  
**ACTION REQUEST**

DATE: 4-07-16

TO: Borough Assembly

FROM: Haines Borough Ports and Harbor Advisory Committee

BOARD ACTION: MOTION...TO AMEND BOROUGH ASSEMBLY APPROVED FEE SCHEDULE. 2<sup>ND</sup>, 3<sup>RD</sup>, 4<sup>TH</sup> LAUNCH RAMP PERMITS TO BE CHARGED AT \$30.00 EACH. ANY ADDITIONAL PERMITS WILL BE CHARGED AT \$60.00. 1<sup>ST</sup> NORMAN HUGHES, 2<sup>ND</sup> TERRY PARDEE. PASSED 5-0

RATIONALE: A HARBOR USER ASKED FOR RELIEF FROM \$60 PER TRAILER ANNUAL FEE. THIS HARBOR USER HAS 2 TRAILERS. AFTER DISCUSSION, THE HARBORMASTER MADE A SUGGESTION, WHICH IS REFLECTED IN THE MOTION.

BOARD REQUEST: AMEND FEE SCHEDULE TO ALLOW REDUCED FEE FOR 2<sup>ND</sup>, 3<sup>RD</sup>, 4<sup>TH</sup> TRAILER PERMITS.

SUBMITTED B: Norman Hughes, Chair, HBPHAC