

**Minor offenses Feb. 10
6:30 p.m. – Assembly Chambers**

Approved

Minutes

Committee present: Don Turner, Ron Jackson (acting chair), Mike Denker, Margaret Friedenauer.

Committee absent: Bill Thomas, Deb Vogt, Mike Case

Staff: Sgt. Josh Dryden

Public: Erik Stevens, Paul Nelson, Brenda Josephson, Roy Josephson. Bill McCord

CALL TO ORDER

APPROVE AGENDA

Denker moved to approve agenda. **Friedenauer** second.
No objection

APPROVE MINUTES from Feb. 4 meeting.
No objection

PUBLIC COMMENT

Stevens – Sounds like there is agreement from the committee that state law would handle skiers better than borough code. State law treats skiers like pedestrians. Current minor offense ordinance is too restrictive.

Josephson – more than once the communications between borough and borough attorney was requested and that communication should be made public. If there is a citation sending a person to court, it should be authorized by a police officer. Concerns with profit mode of enforcement.

Nelson – I emailed assembly and committee with court contacts and Skagway ordinance. Would prefer Haines go similar route. Do we really understand what court system wants for court systems to work with magistrate?

OLD BUSINESS:

- **Title 10**

Sgt. Dryden – if we're going to enforce the law, it's usually through education. If we're writing citation, the state will collect money. He would rather have the option to write citation under borough code so borough receives fine.

Denker – The recurring theme is revenue generation as being motive for policing. Do you have any concerns locally, now or in future?

Dryden – It's not how our job should be handled. The income borough generated from local citations wasn't much. We work traffic but don't write a lot of tickets. Sometimes needs to be done to get people to comply. I'm not going to allow policing for profit to happen while I'm here.

Denker – According to some arguments, realizing state budget shortfall, various departments, like public safety, could generate additional revenue through this. My concern is the future.

Turner – Doesn't see concerns with policing for revenue happening in Haines. Community character will keep that in check.

Denker – A Purpose and Intent at beginning of ordinance could address this issue. It would be leading document for whole minor offense ordinance. Presented draft of Purpose and Intent.

Friedenauer – Oversight of funds collected from local citations could be done by public safety and ports and harbor committees.

Denker – admin of funds – if we could empower some of the committees with some of this, that could help not overburden the staff. This could be solution oriented.

MOTION:

Friedenauer – move committee send Mr. Denker's Purpose and Intent draft to borough staff and attorney for review. **Turner** second.

Discussion

Denker I would value **Case** and **Vogt** opinion before this is voted on.

Turner – at some point wants discussion on bicycle violations.

Denker – When we notice Title 10 if we could target some of the activities, i.e., bicycles, skiing,

Passed unanimously.

Friedenauer – Asked Sgt. Dryden recommendation about if harbormaster and assistance harbormaster should be able to write citations for Title 16?

Dryden – Not concerned - if harbormaster provided training, they should be able to write citations.

Jackson opens to public comments:

Josephson – Appreciates purpose and intent proposal. Suggest modification (first sentence from B be included in A.)

Stevens – sounds like a good idea to make government smart and government working for people.

Jackson – Is our intent to reverse decision on Title 10 and now include in local ordinance?

Denker – I think that is our intent but should be publically noticed.

MOTION: –

Denker move to get cleaned up version of draft ordinance from attorney for next meeting. **Friedenauer** second.

Discussion:

Denker – Outside of Title 10 we had questions about fire department and clerk and that's in title 5 and 15.

Friedenauer – We should compile all the motions and recommendations we have up to this point to provide attorney for revisions.

Passed unanimously.

Denker – Enforcement of fire department – asked for recommendation from fire chief. Chief Palmari recommends 15.04.040 allow chief and designee to issue citations. This will remove responsibility from volunteers but allow discretion. Fire department would still have enforcement powers but they forward violations to police department to issue citations. We need to be clear about what enforcement and citation means.

Denker – Title 5 – offenses separable. The question of permit, whether we want to enforce permits that may have been issued not from assembly but from administration. So, do we want to enforcement on admin actions? Julie Cozzi responded: Not all initial permits are approved by assembly and not all permits up for renewal are approved by assembly – only commercial tour permits. Recommendations here is to wait until Cozzi gets back for clarification.

MOTION:

Jackson – Request manager, police chief and harbormaster draft language for how harbormaster and assistant harbormaster will receive training for issuing citations under Title 16. **Friedenauer** second.

Passed unanimously.

Tasks:

- Get a hold of Brad to see what attorney's timeline is.
- **Denker** meet with Brad, Josh about purpose and intent THEN submit to attorney with Deb's memo for clean up/recommendations. Clarify with attorney if this will meet rules of court for minor offenses for magistrate appeal procedure.
- **Friedenauer** – compiles and motions, recommendation, actions by committee thus far.
- Get clear outline from Brad, Shawn, Gabe and Josh about how harbor staff will get training/what type.

Notice next meeting about going through specific Title 10

PUBLIC COMMENT

Stevens – an hour ago Thom Ely was skiing on roads and officer pulled him over and asked him to move over to other side of road as proper pedestrian, so I thought that was great to hear.

Nelson – Needs to be clarified if new ordinance is going to meeting court recommendations.

Josephson - Routinely harbormasters requires credentials of police officers, just like park officers, two week course with trooper academy. Like VSPO has certification, peace officer certification.

McCord – I do hope there is some connection made to upcoming interview with upcoming police chief candidate.

COMMITTEE COMMENTS:

NEXT MEETING DATE/AGENDA:

TBD

Turner makes motion to adjourn. **Friedenauer** second.
Adjourn at 8:10 p.m.