March 24, 2020 - 6:30pm          Location: Assembly Chambers, Public Safety Bldg.

1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL

2. APPROVAL OF AGENDA & CONSENT AGENDA
   [The following Consent Agenda items are indicated by an 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:
   3 – Approve Minutes from Regular Assembly Meeting
   7A – Rescheduling of Second Public Hearing for Ordinance 20-02-558
   7B - Rescheduling of Public Hearings for Ordinance 20-02-560
   11B1 – Introduction of Ordinance 20-03-562

*3. APPROVAL OF MINUTES – 3/10/20 Regular

4. PUBLIC COMMENTS – Please provide your public comments in writing and send them to Clerk@haines.ak.us by 5:00 pm March 23. This meeting will be streamed via KHNS. We will manage public comments in accordance with the State’s guidelines for no more than 10 people present-- members of the public who wish to address the Assembly may be brought in one person at a time.

5. ASSEMBLY COMMENTS

6. MAYOR’S REPORT AND COMMENTS

7. PUBLIC HEARINGS – DUE TO THE LIMITATION ON PUBLIC GATHERINGS AND THE DECLARATION OF EMERGENCY REGARDING COVID-19, ALL NON-ESSENTIAL PUBLIC HEARINGS HAVE BEEN POSTPONED TO THE APRIL 14, 2020 MEETING.
   *A. Ordinance 20-02-558
      An Ordinance of the Haines Borough Amending Haines Borough Code Title 7 Service Area Board
      Motion: Reschedule Ordinance 20-02-558 for its second public hearing 4/14/20.

   *B. Ordinance 20-02-560
      Motion: Reschedule Ordinance 20-02-560 for public hearings 4/14/20 and 4/28/20.

8. STAFF/FACILITY REPORTS
   A. Borough Manager – 3/24/20 Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES –
   All non-essential Haines Borough Meetings have been canceled since March 13, 2020 due to the social distancing guidelines promulgated by the Center for Disease Control and the Alaska Department of Health and Social Services.

10. UNFINISHED BUSINESS – None
11. NEW BUSINESS

A. Resolutions [Individual comments are limited to 3 minutes]

1. Resolution 20-03-853
A Resolution of the Haines Borough Assembly Certifying the Declaration of Emergency in the Haines Borough Based on the Risk to the Public posed by the Global COVID-19 Pandemic and the Substantial Economic Impacts to the Haines Borough
Motion: Adopt Resolution 20-02-853.

B. Ordinances for Introduction
Note: Five minutes allowed for the assembly to determine if a proposed ordinance has merit and should be advanced to a public hearing.

*1. Ordinance 20-03-562
An Ordinance of the Haines Borough Amending Haines Borough Code Title 5 to Change the Definition of Commercial Tour; Change the Commercial Tour Permit Fee and Reporting Structure; Amend the way changes are made to the Approved Commercial Ski Areas and various other Amendments to Title 5. This ordinance is being introduced by the Mayor and is recommended by the Clerk and the Tourism Advisory Board. Motion: Introduce Ordinance 20-03-562 and schedule it for its first public hearing 4/14/20 and a second public hearing for 04/28/20.

2. Ordinance 20-03-563
An Emergency Ordinance of the Haines Borough Amending Haines Borough Code Title 2 Chapter 2.84 Donated Personal Leave
This ordinance is being introduced by Mayor Jan Hill and is recommended by the Borough Manager. Union Approval is required. Motion: Adopt Emergency Ordinance 20-03-563.

3. Ordinance 20-03-564
This ordinance is being introduced by the Mayor and is recommended by the Borough Manager and the Emergency Operations Command. Motion: Adopt Emergency Ordinance 20-03-564.

C. Other New Business
1. Response to Short-term Economic Impact of COVID-19 Outbreak
A. Borough Fees
   i. Tour Permit Fees
   ii. Absorption of Credit Card Fees
   iii. Suspend water turn off due to non-payment and waiver of late fees
B. Resiliency Fund – HEDC memo

2. Requests to Assembly: None not associated with legislation.

12. CORRESPONDENCE
13. SET MEETING DATES
14. PUBLIC COMMENTS
15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO THE MANAGER
16. ADJOURNMENT
1. **CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL:** Mayor HILL called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.

   **Present:** Assembly Members Stephanie SCOTT, Brenda JOSEPHSON, Zephyr SINCERNY, Jerry LAPP, Paul ROGERS and Gabe THOMAS (on the telephone).

   **Staff Present:** Debra SCHNABEL/Borough Manager, Alekka FULLERTON/Borough Clerk, Helen ALTEN/Museum Director, Ed COFFLAND/Director of Public Facilities, Steven AUCH/Tourism Director, Shawn BELL/Harbormaster, Carolyn GOOLSBY/Library Director.

   **Visitors Present:** Henry LEISCA/KHNS, Ceri GODNEZ/CVN, Diana LAPHAM, Sarah BISHOP, Margaret FRIEDENAUER, Dawn DROTOS, Heather SHADE, Derek POINSETTE, Sean GAFFNEY, Roselina COFFLAND, Erica MERKLIN, Karen HESS (on the telephone) and others.

2. **APPROVAL OF AGENDA & CONSENT AGENDA**

   The following Items were on the published consent agenda indicated by an asterisk (*)
   
   3A – Approve Minutes from Regular Assembly Meeting
   11C1- Renewal Liquor License for Raevyn’s Café
   11C2– Renewal Liquor License for Fireweed Restaurant
   11C3 – Amendment of Section 3 of Previously Adopted Ordinance 18-09-512
   11C4 – Withdrawal of Old Pending Ordinances
   11C5 – Board and Committee Appointments

   **Motion:** JOSEPHSON moved to “approve the agenda/consent agenda after the minutes for the special meeting was pulled from the consent agenda,” and the motion carried unanimously.

3. **APPROVAL OF MINUTES**

   **A. 2/11/20 Regular**
   
   **Note:** The motion adopted by approval of the consent agenda: “approve minutes of the 02/11/20 regular borough assembly meeting.”

   **B. 2/19/20 SPECIAL**

   **Motion:** LAPP moved to “correct the record to reflect that Sean MAIDY was not present and Jerry LAPP was present,” and the motion carried unanimously.

4. **PUBLIC COMMENTS:** DROTOS, MERKLIN

5. **ASSEMBLY COMMENTS:** None

6. **MAYOR’S REPORT AND COMMENTS:**

   Mayor HILL updated the Assembly on the ferry service; Coronavirus; AML Winter Legislative Conference; Ferry rally; Tourism Conference in Florida.

7. **PUBLIC HEARINGS**

   **A. New Tour from Chilkat River Adventures – Explore Haines “On Your Own”**

   Karen HESS from the Chilkat River Adventures presented information with respect to her proposed new tour.

   Mayor HILL opened and closed the public hearing at 6:49 pm since no member of the public signed up to speak.

   **Motion:** JOSEPHSON moved to “Authorize the new tour Explore Haines “On Your Own”,” and the motion carried unanimously in a roll call vote.

   **B. New Tour from Alaska Mountain Guides Adventures, Inc. – “Haines Distillery Tour”**
Sean GAFFNEY from Alaska Mountain Guides Adventures, Inc. presented information with respect to their proposed new tour.

Mayor HILL opened and closed the public hearing at 6:59 pm since no member of the public signed up to speak.

**Motion: SINCERNY** moved to “Authorize the borough clerk to issue Alaska Mountain Guides a 2020 commercial tour permit for the “Haines Distillery tour,” and the motion carried unanimously in a roll call vote.

C. **Ordinance 20-01-556** – Second Hearing  
An ordinance of the Haines Borough Amending Haines Borough Code  
Chapter 3.74.040 to makes Code Section 3.74.040 Consistent with  
3.74.030 regarding Property Tax Payments.  
Mayor HILL opened and closed the public hearing at 7:02 pm since no member of the public signed up to speak.

**Motion: LAPP** moved to “Adopt Ordinance 20-01-556,” and the motion carried unanimously in a roll call vote.

D. **Ordinance 20-01-557** – Second Hearing  
Mayor HILL opened and closed the public hearing at 7:03 pm since no member of the public signed up to speak.

**Motion: JOSEPHSON** moved to “Adopt Ordinance 20-01-557,” and the motion carried unanimously in a roll call vote.

E. **Ordinance 20-01-558** – Second Hearing  
An Ordinance Of The Haines Borough, Providing For The Addition Or  
Amendment Of Specific Line Items To The Fy20 Budget (#3).  
Mayor HILL opened and closed the public hearing at 7:05 pm since no member of the public signed up to speak.

**Motion: JOSEPHSON** moved to “Adopt Ordinance 20-01-558,” and the motion carried unanimously in a roll call vote.

F. **Ordinance 20-02-559** – First Hearing  
An Ordinance of the Haines Borough Amending Haines Borough Code  
Title 7 Service Area Boards.  
Mayor HILL opened and closed the public hearing at 7:11 pm since no member of the public signed up to speak.

**Primary Amendment: JOSEPHSON** moved to include the limitation that “Service Area boards with fewer than 3 members shall be comprised of members representing different parcels and households” and the motion carried unanimously.  

**Primary Amendment: LAPP** moved to include the limitation that “the members be Haines Borough registered voters” and the motion carried unanimously.

**Motion: SCOTT** moved to “Schedule Ordinance 20-02-559 for a second public hearing March 24, 2020,” and the motion carried unanimously.
8. **STAFF/FACILITY REPORTS**

   **Motion:** THOMAS moved to “Allow ADF&G to bypass the waitlist and move into a bigger boat stall,” and the motion carried unanimously in a roll call vote.

   B. Finance Director’s Report – Mosquito Lake Facility
   C. Chilkat Center for the Arts – February 2020 Use

9. **COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES**
   A. Museum Board of Trustees – Minutes from 11-25-19 Meeting
   B. Planning Commission – Minutes from 1-9-20 Meeting
   C. Public Safety Commission – Minutes from 1-22-20
   D. Tourism Advisory Board – Minutes from 1-29-20, 2-13-20, 2-20-20 and 2-27-20
   E. Ports and Harbor Advisory Committee – Minutes from 01-23-20
   F. Assembly Committees and Liaison Reports
      1. Current Standing Committee Schedule and Assignments
         SCOTT reported on the Personnel Meeting last night.
         JOSEPHSON reported on the Planning Commission meeting.

10. **UNFINISHED BUSINESS** – None.

11. **NEW BUSINESS**
   A. Resolutions - None
   B. Ordinances for Introduction
      1. **Ordinance 20-02-560**

         **Motion:** JOSEPHSON moved to “Introduce Ordinance 20-02-560 and schedule it for its first public hearing 3/24/20 and a second public hearing for 04/14/20,” and the motion carried unanimously.

      2. **Ordinance 20-02-561**
         An ordinance of the Haines Borough Amending Haines Borough Code Title 14 Disposal of Personal Property.

   C. Other New Business
      *1. **Liquor License Renewal – Raevyn’s Cafe**
         **Note:** The motion was adopted by approval of the consent agenda: “Approve the renewal of the liquor license for the Raevyn’s Cafe.”

      *2. **Liquor License Renewal – Fireweed**
         **Note:** The motion was adopted by approval of the consent agenda: “Approve the renewal of the liquor license for the Fireweed Restaurant.”

      *3. **Amendment of Previously Adopted Ordinance 18-09-512**
         **Note:** The motion was adopted by approval of the consent agenda: ”Amend Ordinance 18-09-512 Section 3 to change the sunset date to April 30, 2020.”

      *4. **Withdrawal of Old Pending Ordinances**
         **Note:** The motion was adopted by approval of the consent agenda: ”Withdraw Ordinance 15-12-424, Ordinance 16-01-430, Ordinance 17-04-457, Ordinance 17-07-466, Ordinance 19-04-529 and Ordinance 19-07-545 from consideration.”
C. Other New Business - Continued

*5. Boards and Committee Appointments

Note: The motion was adopted by approval of the consent agenda:” **Motion:** Confirm the mayor’s (re)appointments to the Port and Harbor Advisory Committee and the Museum Board.”

6. New Liquor License Application – Old Field Kitchen

**Motion:** ROGERS moved to “Approve the liquor license application for the Old Field Kitchen,” and the motion carried unanimously in a roll call vote.

7. Requests to Assembly:

   a. Port and Harbor Advisory Committee – Request for Action from 1/23/20

   **Motion:** JOSEPHSON moved to “ask the Borough Manager to reach out to property owners with water front property in Lutak Inlet to find out if they are willing to sell and how much they would ask for their property,” and the motion carried unanimously.

   b. Alaska Municipal League – Ocean Rangers support

   **Motion:** SCOTT moved to “direct staff to write a letter to AML in support of House Bill 74,” and the motion carried unanimously.

   c. Army Corps of Engineers – Mile 17.7 Remediation (Contaminated Soil)

   **Motion:** SCOTT moved to “direct staff to compose a letter reflecting the Public Facilities Director Memo on the subject,” and the motion carried unanimously.

   d. Tiger Grant Application for Lutak Dock

   **Motion:** JOSEPHSON moved to “Approve the application to the US Department of Transportation for a TIGER grant for Lutak Dock,” and the motion carried unanimously.

12. CORRESPONDENCE

   A. Letter to Alaska Industrial Development & Export Authority re Lutak Dock
   B. Letter to the Alaska Marine Highway System

13. SET MEETING DATES

   A. Rescheduling of Community Biomass – Date TBD
   B. Scheduling of follow-up Property Schedule Budget Workshop
   C. Schedule COW for an update on Cruise Ship Tourism on Tuesday, March 17, 2020 6:30 pm at Assembly Chambers.
   D. Reschedule the Commerce Committee meeting to Monday, March 23, 2020 at 6:30 pm.

14. PUBLIC COMMENTS: ALTEN, POINSETTE

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO THE MANAGER: SCOTT, ROGERS, THOMAS, HILL

16. ADJOURNMENT – 8:59 pm

ATTEST: Janice Hill, Mayor

Alekka Fullerton, Borough Clerk
### Business Item Description:

**Subject:** Amending Service Area Boards

### Attachments:

1. Ordinance 20-02-559

### Full Title/Motion:

Motion: Reschedule Ordinance 20-02-559 for a second hearing 04/11/20.

### Administrative Recommendation:

This resolution is recommended by the Clerk.

### Fiscal Impact:

<table>
<thead>
<tr>
<th>Expenditure Required</th>
<th>Amount Budgeted</th>
<th>Appropriation Required</th>
<th>Projected Impact to Future Operating Budgets</th>
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</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
<td>$ 0</td>
<td>Reduced maintenance costs</td>
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</tbody>
</table>

### Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:  
Consistent: [ ] Yes  [ ] No

**Updated: Due to limitations on public gatherings the 2nd hearing should be deferred to the next meeting.**

There have been two ongoing difficulties with Service Area Boards, as follows:

1) The definition of "persons from within the service area". The attached definition was amended by the assembly at its 02-11-20 meeting.

2) For appointment to a Service Area Board, HBC 7.04.080 seems to require both a board recommendation for appointment (as provided in 2.60.055 referenced in 7.04.080A) AND direct appointment by the Mayor as directed in 7.04.080C. Since many RMSAs only meet once a year to make recommendations to the assembly with respect to their requested services and mill rates, it does not make sense to require them to opine as to other service board members. This change will allow for appointment by the Mayor and confirmation by the assembly.

### Summary Statement:

**Updated: Due to limitations on public gatherings the 2nd hearing should be deferred to the next meeting.**

### Referral:

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

### Assembly Action:

**Meeting Date(s):** 2/11/20, 3/10/20, 3/24/20, 4/11/20  
**Public Hearing Date(s):** 03/10/20, 04/11/20  
**Postponed to Date:**
An Ordinance of the Haines Borough Amending Haines Borough Code Title 7
Service Area Boards

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 shall become effective immediately upon adoption.

Section 4. Amendment of Chapter 7.04.080. Chapter 7.04.080 of the Haines Borough Code of Ordinances is hereby amended to read as follows:

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

7.04.080 Boards.

A. The ordinance establishing a service area may provide for appointed or elected boards of persons from within the service area to make recommendations concerning services or other purposes, as permitted by statute. For appointed boards, all appointments shall be made according to the provisions of HBC 2.60.055. If the assembly determines that an appointed or elected board is not necessary, or if a board lacks the minimum membership required by the ordinance establishing that board, the assembly shall perform the functions of such board. **“Persons from within the service area” shall mean either a person who maintains their primary residence within the service area (regardless of ownership) or persons who own real property located within the service area.**


ATTEST: Janice Hill, Mayor

Alekka Fullerton, Borough Clerk

Date Introduced 02/11/20
Date of First Hearing 03/10/20
Date of Second Hearing 04/14/20
Subject: Public Hearing Process for Planning Commission

Originator: Clerk's Office/Code Review Commission

Origination Department: Administration

Date Submitted: 1/20/20

Attachments:
1. Ordinance 20-02-560
2. Current Haines Borough Code Section 18.20.020 and 18.30.020
3. Adopted Ordinance 17-06-459
4. Recommendation from the Planning Commission

Full Title/Motion:
Motion: Reschedule public hearings for Ordinance 20-02-560 to 4/14/20 and 4/28/20.

Administrative Recommendation:

Fiscal Impact:

<table>
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<th>Expenditure Required</th>
<th>Amount Budgeted</th>
<th>Appropriation Required</th>
<th>Projected Impact to Future Operating Budgets</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives:
Consistent: ☐ Yes ☐ No

Summary Statement:

**Updated: Due to limitations on public gatherings, public hearings should be deferred**

When Ordinance 17-06-459 was adopted (July 11, 2017), written notification for property owners for conditional use permits, variance permits and other plating actions was extended from 200 feet to 500 feet and the timeline for such notification was extended to 10 business days. This ordinance amended HBC 18.30.020 Public Notice. It did not, however, amend HBC 18.20.020 Definitions - Regulatory "Notice, public" which still provides for the 200 feet notification and a seven day notification period. The code has become inconsistent.

The Code Review Commission considered the inconsistency and recommends that the definition for "Notice, public" be general and HBC 18.30.020 should be specific to Public Notice requirements for conditional use permit, variance permit, or certain plating action permits. The recommended changes will resolve the inconsistency in code.

Referral:
Referred to: CRC referred to Planning Commission
Recommendation: Planning Commission review
Referral Date: 1-21-20
Meeting Date: 2/14/20

Assembly Action:
Meeting Date(s): 03/10/2020
Public Hearing Date(s): 04/14/2020 and 04/28/2020
Postponed to Date:

Section 1. Classification. Section 4 of 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.

Section 4. Amendment of Section 18.20.020. Haines Borough Code 18.20.020 is hereby amended, as follows:

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

18.20.020 Definitions – Regulatory.

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

... “Notice, public” (conditional use, platting action permits, variance permits and rezonings). For conditional use, platting action permits, variance permits and rezonings, public notice shall consist of all of the following:

1. An agenda item on the posted agenda;

2. Publication of the time, date and place of the meeting, and the agenda item, in a newspaper of general circulation in the borough and posted in three public places a minimum of five working days prior to the date of the meeting.

3. In addition to the above, for conditional use permits, platting action permits, variance permits, rezonings, appeals, and section line and state recognized RS-2477 easement vacations, additional notice requirements as described in 18.30.020 shall apply. Written notification of property owners within 200 feet from property which is the location of a proposed conditional use permit, variance permit, or certain platting action permits. Such notice shall state what type of permit has been...
applied for, give the date of the hearing thereon, the proposed use and the fact that
further information is available from the manager. Such notification shall be done at
least seven days prior to the conduct of the hearing.

Section 5. Amendment of Section 18.30.020. Haines Borough Code 18.30.020 is hereby
amended, as follows:

**18.30.020 Public notice.**

For conditional use permits, **platting action permits, variance permits**, rezonings,
appeals, and section line and state recognized RS-2477 easement vacations, public notice
shall consist of all of the following:

A.  An agenda item on the posted agenda;

B.  Publication of the time, date and place of the meeting and the agenda item in a
newspaper of general circulation in the borough a minimum of 10 business days prior to the
date of the meeting;

C.  All property owners within an area of 500 feet from the location of a proposed variance,
conditional use or rezoning, or section line easement, and all property owners abutting a
transportation corridor identified in a conditional use permit application shall be notified in
writing of the application, the date of the hearing thereon, the proposed use or zone, and
the fact that further information is available from the manager. Such notification shall be
issued at least 10 business days prior to the conduct of the hearing.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
___th DAY OF __________, 2020.

______________________________
Hon. Janice Hill, Mayor

ATTEST:

Alekka Fullerton, CMC, Borough Clerk

Date Introduced: 03/10/20
Date of First Public Hearing: 03/24/20
Date of Second Public Hearing: 04/14/20
18.20.020 Definitions – Regulatory.

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

…

“Notice, public” (conditional use, platting action permits, variance permits and rezonings). For conditional use, platting action permits, variance permits and rezonings, public notice shall consist of all of the following:

1. An agenda item on the posted agenda;

2. Publication of the time, date and place of the meeting, and the agenda item, in a newspaper of general circulation in the borough a minimum of five working days prior to the date of the meeting;

3. Written notification of all property owners within 200 feet from property which is the location of a proposed conditional use permit, variance permit, or certain platting action permits. Such notice shall state what type of permit has been applied for, give the date of the hearing thereon, the proposed use, and the fact that further information is available from the manager. Such notification shall be done at least seven days prior to the conduct of the hearing.

18.30.020 Public notice.

For conditional use permits, rezonings, appeals, and section line and state recognized RS-2477 easement vacations, public notice shall consist of all of the following:

A. An agenda item on the posted agenda;

B. Publication of the time, date and place of the meeting and the agenda item in a newspaper of general circulation in the borough a minimum of 10 business days prior to the date of the meeting;

C. All property owners within an area of 500 feet from the location of a proposed variance, conditional use or rezoning, or section line easement, and all property owners abutting a transportation corridor identified in a conditional use permit application shall be notified in writing of the application, the date of the hearing thereon, the proposed use or zone, and the fact that further information is available from the manager. Such notification shall be issued at least 10 business days prior to the conduct of the hearing. (Ord. 19-02-523 § 5; Ord. 17-06-459 § 4)
HAINES BOROUGH, ALASKA
ORDINANCE No. 17-06-459
Adopted

An Ordinance of the Haines Borough amending Haines Borough Code 18.30.020 Public Notice to increase the area by which property owners are notified in writing of a permit, rezoning, or an appeal to the Planning Commission.

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.

Section 4. Amendment of Title 18.30.020: Land/Use Development Administrative Provisions for Public Notice in Haines Borough Code are hereby amended, as follows:

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

18.30.020 Public Notice.
For conditional use permits, rezonings and appeals, public notice shall consist of all of the following:

A. An agenda item on the posted agenda;
B. Publication of the time, date and place of the meeting and the agenda item in a newspaper of general circulation in the borough a minimum of five ten business days prior to the date of the meeting;
C. All property owners within an area of 200 500 feet from the location of a proposed variance, conditional use or rezoning and all property owners abutting a transportation corridor identified in a conditional use permit application shall be notified in writing of the application, the date of the hearing thereon, the proposed use or zone, and the fact that further information is available from the manager. Such notification shall be done issued at least five ten business days prior to the conduct of the hearing.


ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 06/13/17
Date of First Public Hearing: 06/27/17
Date of Second Public Hearing: 07/11/17

Janice Hill, Mayor
DATE: February 13th, 2020

TO: Borough Assembly

FROM: Borough Planning Commission

SUBJECT: Draft Ordinance: Clarifying 'Public Notice' in Title 18

ACTION:

Motion: Lapham moved to "recommend the assembly adopt the draft ordinance" and the motion carried unanimously.

RATIONALE:

Our recommendation is to update the definition of public notice to be more general and then provide for specific permit public notice requirements in 18.30.020. Currently they are inconsistent.

BOARD REQUEST:

The Planning Commission requests that the Assembly adopt draft ordinance.

SUBMITTED BY [signature]
Diana Lapham, Chair
Haines Borough Planning Commission
To: Haines Borough Assembly

Fr: Debra Schnabel, Manager

Timeframe: March 10, 2020 – March 20, 2020

Meeting Packet: March 14, 2020

**Departmental Reports:**

**General Administration/Assembly:**

- **Heli-Ski Map Committee.** Next meeting scheduled 4/27/20.
- **Bear Task Force.** Next meeting scheduled 4/8/20
- **Outstanding Grant Requests.** Community Development Block Grant (CDBG) was *not* awarded for renovations to meet ADA compliance. Public Facilities will be scheduling restroom renovations this summer to be done in-house.
- **Legal Undertakings.** The Borough is in receipt of a complaint against the Police Department for conduct in relation to an incident this summer in the death of Mr. Lopez. The Mayor and I will respond under the direction of our attorney and with consultation with the Alaska Police Standards Council.
- **COVID-19 Response.** In consultation with the Mayor, Fire Chief and Police Chief and Deputy EOC Commander and with guidance from the State DHSS recommendations, all Borough facilities were closed to public walk-in on March 17. All staff are being redirected to work on other assignments or to work from home. Currently, only one staff member is self-sequestered. See Fire & Emergency Planning for more information about Borough response to the COVID-19 threat.

**Finance.**

**Water & Sewer.**

**Public Works.**

**Public Facilities.**

- **Biomass.** As a representative of Alaska Energy Authority, Robert Venables discussed aspects of the biomass project with community members at the library on March 13.
- **Public Safety Building.**
- **Chilkat Center for the Arts.**
- **Museum Building.**
- **Pool.** The pool is closed, and continues to leak.
- **Library.**

**Ports & Harbors**

- **Lutak Dock/RO-RO.** (1) Mayor Hill, Harbormaster Bell and I met telephonically with Jesse Peterson, Senior Manager of Alaska Industrial Development and Export Authority (AIDEA) to discuss in general terms possible interest in investing in the Lutak Dock. Mr. Peterson made it very clear that AIDEA’s interest was dependent on the viability of the Yukon Mining industry’s needs and wants relative to port facilities. He recommended that the Borough send a representative to the 2020 Alaska Miners Asso. Biennial Conference and Trade Show in Fairbanks March 30 – April 4, 2020 if it is not cancelled.
Portage Cove Sport Boat Launch Project.
Harbor Fuel Tanks.

CYD/Parks & Recreation. (1) The School District and the Borough are collaborating to find efficiencies in delivering extracurricular athletic activities to the community’s youth. The district is willing to take on the CYD program if the Borough takes on Community Education (most probably through the Library Education Coordinator), and transfers title of the CYD van to the district. Absent any objections, I will pursue this arrangement in the interest of efficiency and effectiveness and it will be described in the forthcoming FY21 operating budget. (2)

Planning/Lands/Assessment. I met with the Planning Commission on March with intent of selecting a contractor for the review and update of our Comp Plan Action Summary. The Planning Commission was critical of the RFP process and was not prepared to support a viable decision. The review and update is on hold.

Tourism.

Police and Dispatch/First Responders

Fire & EMS & Emergency Planning
The USCG table-top exercise scheduled for April has been cancelled. The team assembled for the proposed incident has regrouped to establish our Emergency Operations Command [EOC]. This is our EOC:
Commander: Debra Schnabel
Deputy Commander: Carolann Wooton
Public Information Officer: Margaret Friedenauer
Liaison: Alekka Fullerton
Safety Officer: Scott Bradford
Operations Chief: Sean Gaffney
Planning Chief: Steve Auch
Logistics Chief: Ed Coffland
Finance Officer: Jila Stuart

The EOC meets each morning at 9 am with representatives of various entities including SEARHC (both medical and behavior), Fire Dept., Police Department, the School District, community nonprofits and service organizations. The EOC meets daily at 1 to develop plans and public information. We have created a unique Facebook page at https://www.facebook.com/hainescovid19. All official EOC communications will be found at this site in addition to the borough’s website, a daily report from the Mayor on KHNS and distributed through NIXEL and the subscribers of the Clerk’s Emergency Notifications.

The EOC recommended that the Mayor declare an emergency; she did so on March 17. Per HBC, the Assembly has 7 days to endorse the declaration. This action is recommended at agenda item 11.A.1. Additionally, the EOC is recommending several emergency ordinances that will allow the Borough to respond timely to needs as they develop.

***
### Business Item Description:

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<th>Subject:</th>
<th>Amendments to Title 5</th>
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### Full Title/Motion:


### Administrative Recommendation:

#### Fiscal Impact:

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### Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:  
Consistent: [ ] Yes [ ] No

### Summary Statement:

Ordinance 20-03-559 finishes the updating to Title 5 which has been in process for the last 10 years. The changes included in this Ordinance are supported by both staff and the Tourism Advisory Board (TAB) and reflects the opinions articulated by the Commerce Committee at their last meeting.

Staff presented a draft Ordinance FOR DISCUSSION late last year. TAB has met eight times (weekly since 2/13). The Commerce Committee reviewed the draft on February 18. TAB and staff continued to work together to come to an agreed upon draft. This Ordinance is the result of such collaboration and is supported by TAB.

### Referral:

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### Assembly Action:

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Public Hearing Date(s): 4/11/20, 4/28/20
Postponed to Date:
An Ordinance of the Haines Borough Amending Haines Borough Code Title 5 to Change the Definition of Commercial Tour; Change the Commercial Tour Permit Fee and Reporting Structure; Amend the way changes are made to the Approved Commercial Ski Areas and various other Amendments to Title 5.

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 shall become effective January 1, 2021. All provisions contained in Ordinance 18-09-512, not changed by this ordinance, shall become a permanent part of the Haines Borough Code.

Section 4. Amendment of Chapter 5.01. Chapter 5.01 of the Haines Borough Code of Ordinances is amended as follows:

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

Chapter 5.01
GENERAL PROVISIONS

Sections:
5.01.010 Purpose, type and scope.
5.01.020 Definitions
5.01.030 Regulation by the Borough.
5.01.040 Clerk to keep record of licenses and permits issued.
5.01.050 Conditions applicable to all permits.
5.01.060 Solicitation on Public Property. Revocation and suspension – Procedure. **5.01.065 Appeal from decision of the Manager.**
5.01.070 Penalties.

Section 5. Amendment of Chapter 5.01.010. Chapter 5.01.010 of the Haines Borough Code of Ordinances is amended to read as follows:

**5.01.010 Purpose, Type, and scope.**

A. Where this title imposes a greater restriction upon persons, premises, or personal property than is imposed by the provisions of any other ordinance, the provisions of this title shall control.

B. The purpose of this title is to regulate business and other activities within the Haines Borough in order to: protect the public safety and welfare; protect local business establishments from unfair competition; maintain safe and efficient pedestrian access and traffic flow; maintain an attractive community environment for tourism; avoid litter; and ensure the safe, efficient, and fair operation of commercial tours, business enterprises, and related activities; **and to ensure the proper collection of sales tax.**
Section 6. Amendment of Chapter 5.01.020. Chapter 5.01.020 of the Haines Borough Code of Ordinances is amended to read as follows:

5.01.020 Definitions.

For the purposes of this title, the following terms shall be defined as follows:

... “Commercial helicopter tour” means a commercial helicopter operation, other than a commercial ski tour or commercial ski production that provides a helicopter-assisted tour to or through an area. It is a commercial tour and requires a permit.

“Commercial ski tour” means a commercial tour as defined in HBC 5.18.010(B) that: (1) includes downhill skiing or snowboarding as the primary experience; and (2) includes professionally guided skiing and snowboarding; and (3) includes daily transportation of the customer by all means other than helicopter to and from the skiing or snowboarding area as frequently as weather permits.

“Commercial tour” means the selling and/or providing of guided, or escorted services that last less than 24 hours without including an overnight stay and is offered for sale and sold by an agent or operator at a predetermined price, tours, excursions, experiences, sightseeing trips, or visits to a natural or cultural display, and includes all services provided, whether or not incidental to, advertised with, or specifically offered in the sale.

... “Expanded tour” means a tour which is more than 10% larger than the number of customers requested in the original permit application or new areas not requested in the original permit application.

... “Guided fishing charters” means a qualified individual or company for hire who take customers fishing.

“Guided hunting charters” means a qualified individual or company for hire who take customers hunting.

“Primary Activity” means hiking; non-motorized water craft; motorized water craft; Motorized vehicles; Van, Shuttle or Bus Tour; Misc/Other Tour.

Section 7. Amendment of Chapter 5.01.050. Chapter 5.01.050 of the Haines Borough Code of Ordinances is amended to read as follows:

5.01.050 Conditions applicable to all permits.

... D. Transferability

... 3. A transferred permit shall not be valid, and the new permittee may not conduct
any activities under the permit, until the permit has been reissued by the clerk after the clerk is satisfied that the new permittee will comply with all conditions in the permit and under the applicable provisions of this title.

E. Limitations

...  

3. Solicitation on Public Property. In accordance with the purpose of this title, no person or entity may exhibit, sell products, or deliver goods, wares, merchandise, tours and services from a public street, alley, sidewalk, Portage Cove Harbor, dock/wharf or other public place except as expressly authorized by the borough manager, or provided by conditions of the permit.

F. Fraud. Unfair competitive practices are strictly prohibited. A permittee who commits any act of deceit, fraud or misrepresentation 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 the permit shall, upon conviction, be punished as provided in HBC 5.04.140 HBC 5.01.070.

Section 8. Repeal and reenactment of Chapter 5.01.060. Chapter 5.01.060 of the Haines Borough Code of Ordinances is repealed and reenacted to read as follows:

5.01.060 Solicitation on public property.

In accordance with the purpose of this title, no person or entity may exhibit, sell products, or deliver goods, wares, merchandise, tours and services from a public street, alley, sidewalk, Portage Cove Harbor, dock/wharf or other public place except as expressly authorized by the borough manager, or provided by conditions of the permit. The manager may allow the use of public property for dissemination of educational or charitable information upon application and at the manager’s discretion.

5.01.060 Revocation or suspension – Procedure. (Clerk’s note: Moved from 5.04.120 in its entirety)

A. The manager may at any time revoke or suspend a permit issued under this title for the following reasons:

1. Substantial noncompliance with any term, condition or provision of the permit;

2. Violation of any provision of this title or other applicable local, state or federal law, ordinance, or regulation;

3. Upon a determination that the suspension of the permit is necessary to remedy an unforeseen consequence which threatens the safety or welfare of the public; operation of the permittee is causing a hazard or a disruption of pedestrian or vehicular traffic;

4. Upon a determination that the permittee secured the permit through deceit, fraud, or intentional misrepresentation; or
5. That the area affected by the permit is required for another public purpose or for other reasons affecting the public safety or welfare.

B. The manager shall give the permittee written notice of the proposed revocation or suspension of the permit(s). If the manager determines that the reason for the revocation or suspension may endanger the public health or safety, or is based on repeated noncompliance, the revocation or suspension may take effect immediately. If the manager determines that the reason for the revocation or suspension does not endanger the public health or safety, or is not based on repeated noncompliance, the effective date of the revocation or suspension may be delayed until the date set for an appeal hearing before the assembly.

C. The permittee may appeal the decision of the manager to the assembly and request a public hearing by filing a written notice of appeal with the clerk not later than three days after receipt of the written notice of proposed revocation or suspension. Upon receipt of the notice of appeal, the clerk shall place the set date of the appeal on before the assembly’s next regularly published agenda. The clerk shall notify the appellant of the time and place of the hearing at least three days prior to the hearing. After the appeal hearing, the assembly may modify, revoke, rescind, or affirm the decision from which the appeal is taken, or may enter its own order.

If the permittee does not appeal the manager’s decision, the revocation or suspension shall become final at the end of the appeal period.

A decision of the assembly may be appealed to the proper court.

D. Revocation of a permit shall result in cessation by the permittee of all permitted activities during the year for which that permit is issued. Unless otherwise provided, revocation of a permit on the grounds stated in (A)(1), (2), (3) or (4) of this section shall result in the loss of the privilege to have that permit renewed for the period of one year after the date the revocation is effective. After revocation, any application shall be treated as a new application.

E. Suspension of a permit shall result in cessation by the permittee of all identified activities until the manager notifies the permittee that the reasons for the suspension have been satisfactorily corrected or until the suspension is reversed by the assembly. A suspension may be conditioned on correction of a status or condition of a person or a vehicle.

Section 9. Addition of Chapter 5.01.065. Chapter 5.01.065 of the Haines Borough Code of Ordinances is added to read as follows:

5.01.065 Appeal from decision of manager. (Clerk’s note: Moved from 5.18.075 in its entirety)

A. An applicant or permittee desiring to appeal a decision of the manager made pursuant to this chapter shall, within 15 days after the written decision is mailed to the applicant or permittee, file with the manager a written notice of appeal to the assembly. The notice of appeal shall state with particularity the order or decision from which the appeal is taken and the grounds of the appeal. The stated
A. An applicant or permittee desiring to appeal a decision of the manager made pursuant to this chapter shall, within 15 days after the written decision is mailed to the applicant or permittee, file with the manager a written notice of appeal to the assembly. The notice of appeal shall state with particularity the order or decision from which the appeal is taken and the grounds of the appeal. The stated grounds will be the only issues considered by the assembly in the appeal.

B. Filing of a notice of appeal under this section will operate to stay a decision of the manager to deny renewal of a permit.

C. Upon receipt of the notice of appeal, the mayor shall set the date of the hearing before the assembly. The mayor shall notify the appellant of the time and place of

Section 10. Amendment of Chapter 5.02.020. Chapter 5.02.020 of the Haines Borough Code of Ordinances is amended to read as follows:

5.02.020 Violation a minor offense.

Violators who refuse to obtain a business license after notification of the commit a minor offense and are subject to fines and penalties as described in HBC Chapter 1.24.

Section 11. Amendment of Chapter 5.04.050. Chapter 5.04.050 of the Haines Borough Code of Ordinances is amended to read as follows:

5.04.050 Permit application.

C. Before a permit is issued under this title, a permit applicant must first obtain a borough business license (except if the merchant/vendor has a Fair Vendor permit or a transient and itinerant merchant permit) and any other required state and/or local licenses or permits.

Section 12. Repeal of Chapter 5.04.120 Chapter 5.04.120 of the Haines Borough Code of Ordinances is hereby repealed and reserved.
Section 13. Amendment of Chapter 5.04.130 Chapter 5.04.130 of the Haines Borough Code of Ordinances is amended to read as follows:

**5.04.130 Fees designated.**

...  
D. Permit Renewal Fee. The annual renewal fee for a permit required by this title is the same as the application fee for that permit.

Section 14. Amendment of Chapter 5.08.030 Chapter 5.08.030 of the Haines Borough Code of Ordinances is amended to read as follows:

**5.08.030 Transient and itinerant merchants and vendors.**

A. No person may engage in the temporary business of exhibiting, selling, and delivering goods, wares, services, **tours** or merchandise within the borough, whether alone, in association with, or in the name of a local dealer, merchant, or auctioneer, without first procuring a permit. This section does not apply to a commercial traveler who occupies a temporary location and exhibits samples for the purpose of securing orders for future deliveries, but does not sell from stock. The acquisition of the transient and itinerant merchant’s permit exempts the merchant from the requirement to obtain a business license.

...  
D. This section may not be construed to authorize a person to solicit for sales or sell goods, wares, services, **tours** or merchandise in a residential area in violation of other provisions of

As used in this section, “temporary” means for a period contemplated to be less than 120 consecutive days’ duration.

Section 15. Amendment of Chapter 5.18. Chapter 5.18 of the Haines Borough Code of Ordinances is amended to read as follows:

**Chapter 5.18**  
COMMERCIAL TOUR PERMITS

Sections:

- 5.18.010 Intent and definition.
- 5.18.015 Permit required.
- 5.18.020 Number of permits available.
- 5.18.025 Fee Designation
- 5.18.030 Application process.
- 5.18.040 Hearing for commercial tours.
- 5.18.050 Issuance of permit.
- 5.18.060 Renewal.
- 5.18.065 Reporting.
5.18.070 Permit revocation, suspension and Appeal from Decision of Manager, or reduction in skier day allocation.

5.18.075 Appeal from Decision of manager.

Section 16. Amendment of Chapter 5.18.015. Chapter 5.18.015 of the Haines Borough Code of Ordinances is amended to read as follows:

5.18.015 Permit required.

A. No person or entity shall operate a commercial tour in the Haines Borough except as authorized by a duly issued and currently valid tour permit obtained pursuant to this chapter for each commercial tour primary activity offered. B. Multiple tour activities by a single operator having different impacts on the Haines Borough may require a separate commercial tour permit. “Impacts” is a subjective evaluation considering traffic, congestion (density), land use, noise, population, and displacement of public use and access.

C. B. Permits shall be issued biennially and the permit year shall be from May 1 – April 30 except that heliski permits issued under Chapter 5.24 shall be valid between February 1 and May 3. Proof of valid insurance shall be provided annually.

D. Exemptions. The following are exempted from the regulation of this chapter:
   1. Fishing and hunting charters with a total capacity of six or less customers per excursion.
   2. Guided overnight excursions occurring outside the townsite service area.

Section 17. Addition of Chapter 5.18.018. Chapter 5.18.018 of the Haines Borough Code of Ordinances is amended to read as follows:

5.18.018 Multi-Day Tours

Multi-day tours are tours operated by the same tour company in excess of 24 hours. These tours do not require a tour permit but they are still required to have a business license and to complete an annual report per HBC 5.18.065.

Section 18. Addition of Chapter 5.18.025. Chapter 5.18.025 of the Haines Borough Code of Ordinances is added to read as follows:

5.18.025 Fee Designation

A. For 2019, The Haines Borough permits activities in identified locations and commercial tour vehicle parking. Primary activities are identified as tours. An applicant for a permit must identify the activity and the location(s) where the tour will occur. An applicant for a commercial tour permit required by this title shall pay the following nonrefundable application fee at the time of application:

   1. Flat tour permit fee of $250 per activity for a term of 2 years and $250 public hearing fee for new or expanded tours. Commercial Tour Permittees shall pay $75.00 for a company who annually serves fewer than 5,000 customers and $250.00 for a company who serves more than 5,000 customers annually.
2. Commercial Tour Vehicle Parking Permit. Tour permittees shall pay $10 per vehicle for less than 15 passenger vehicles and $25 per vehicle for larger than 15 passenger vehicles for a Commercial Tour Vehicle Parking Permit to park at the Portage Cove dock parking lot. Companies must park two vehicles designed to carry fewer than 15 passengers in one bus parking place at the PC Dock.

Section 19. Amendment of Chapter 5.18.030. Chapter 5.18.030 of the Haines Borough Code of Ordinances is amended to read as follows:

5.18.030 Application process.

A. Application for a commercial tour permit and permit renewal shall be made using the procedures set out in Chapter 5.04 HBC and this chapter.

B. An applicant must make application on the borough approved Commercial Tour Permit Application form and provide the following information:

1. Name, address, and telephone number of applicant and all principals.
2. Customer capacity; number of vehicles to be used; location of all phases of the tour(s), including where the tour(s) will be offered for sale and scheduled stops; a summary of the tour(s); a map showing the routes to be taken; and hours of operation. One copy of each published pamphlet or brochure describing each tour must accompany the application.
3. Broker’s certificate of $500,000 of current commercial general liability insurance naming the borough as additional insured. The policy shall not contain any self-insured retention or deductible in excess of $1,000 and shall include a provision requiring written notification to be given to the borough by the insurance company not less than 30 days before the policy is canceled, modified, or terminated for any reason.
4. Proof of worker’s compensation insurance where applicable by law.
5. A copy of current Haines Borough business license.
6. Current copy of a signed tour operator’s code of conduct agreement which shall be approved by the borough assembly.
7. An explanation of any felony conviction within the past five years.
8. A safety and operating plan for heli-skiing and helicopter tours.

C. Applications for new commercial or expanded tours shall require a public hearing and approval of the assembly as described in HBC 5.18.040 prior to issuance of a permit. TAB has recommended removing this section (C) in its entirety but I think the intention was to get rid of Staff changes which were The Clerk shall provide notice of new or expanded tour permits to the public. The Clerk may schedule a public hearing before the assembly for any applications which, in the Clerk’s discretion, warrant a public hearing.

D. The police chief, tourism director, and harbormaster shall review any all tour applications for a tour and, for all tours subject to a hearing, submit a recommendation to the assembly for consideration prior to the scheduled hearing Clerk prior to issuance of a permit.
Section 20. Amendment of Chapter 5.18.040. Chapter 5.18.040 of the Haines Borough Code of Ordinances is amended to read as follows:

5.18.040 Public hearing for new commercial tours required.

A. An applicant for a commercial tour permit shall provide, in addition to the application, any additional information the clerk considers appropriate to adequately notify the public of the proposed tour, based upon the nature of the tour. Upon receipt of a new commercial tour application, or upon determination that a renewal application requires a hearing per HBC 5.18.060, the clerk shall fix a time and place for a public hearing before the assembly. Notice in writing of such hearing shall be given to the applicant. Due notice shall also be given to the general public by publishing a notice of such hearing in a local newspaper at least five days prior to the hearing containing a brief description of the proposed tour and indicating that a detailed description of the tour will be made available at the clerk’s office and publicly posted.

B. The clerk shall post, in the same posting places used for other postings, a detailed description of the proposed tour, including route maps and numbers of persons anticipated to be taken on each tour, as well as any other information the clerk considers appropriate to illustrate the impacts of the tour on the community.

C. The police chief, tourism director, and harbormaster shall review any application for a tour and, for all tours subject to a hearing, submit a recommendation to the assembly for consideration prior to the scheduled hearing. In addition, any person may file with the clerk a written submittal in support of or in opposition to the issuance of a permit and/or may voice the person’s opinions at the hearing. The assembly will consider all verified comments before acting on the permit application.

Section 21. Amendment of Chapter 5.18.060. Chapter 5.18.060 of the Haines Borough Code of Ordinances is amended to read as follows:

5.18.060 Renewal.

A commercial tour permit issued for the previous year may be renewed upon application to the clerk. The review standards that apply to initial permit applications shall apply to applications for the renewal of a permit, except that a renewal application does not require a hearing under HBC 5.18.040 unless the applicant proposes to expand the capacity of an existing tour, an expanded tour.

Section 22. Amendment of Chapter 5.18.060. Chapter 5.18.060 of the Haines Borough Code of Ordinances is amended to read as follows:

5.18.065 Reporting.

A. By November 1st, and before renewal of permit, all permittees except Commercial Heliski Tours must report all actual numbers of annual customers for the previous year on the form provided by the Borough Clerk. Tour operators required to submit totals to a state or federal entity must also report these totals to the borough clerk.
C. Failure to Report pursuant to HBC 5.18.065 shall constitute a minor offense punishable by a fine of $500.00 for each offense, unless a different amount is specified in HBC 1.24.

Section 23. Amendment of Chapter 5.18.070. Chapter 5.18.070 of the Haines Borough Code of Ordinances is amended to read as follows:

5.18.070 Permit revocation, suspension or reduction in skier day allocation and appeal from decision of manager.

A commercial tour permit may be revoked or suspended or the number of skier days allocated pursuant to HBC 5.24.030 may be reduced for the reasons identified and procedures set forth in HBC 5.01.060 and in accordance with the procedures set forth in HBC 5.04.120. Appeals from the decision of the manager shall follow the procedures set forth in HBC 5.01.065.

Section 24. Repeal of Chapter 5.18.075. Chapter 5.18.075 of the Haines Borough Code of Ordinances is hereby repealed and reserved. **Clerk’s Note: Chapter 5.18.075 is moved to Chapter 5.01.065 above.**

Section 25. Amendment of Chapter 5.22.020. Chapter 5.22.020 of the Haines Borough Code of Ordinances is amended to read as follows:

5.22.020 Number of vehicle permits available.

The borough may limit the number of vehicle permits available. Renewal of existing permits by operators who have not had their permit revoked for failure to comply with this chapter shall have priority over new or expanded commercial tour or passenger vehicle parking permit applications. The clerk will determine the number of parking permit vacancies available and allow new applicants to apply based on their position on a waiting list maintained by the clerk.

Section 26. Amendment of Chapter 5.24.020. Chapter 5.24.020 of the Haines Borough Code of Ordinances is hereby amended as follows:

5.24.020 Permit required.

C. Permit revocation, suspension or reduction in skier day allocation. A commercial tour permit may be revoked or suspended or the number of skier days allocated pursuant to HBC 5.24.030 may be reduced for the reasons identified and procedures set forth in HBC 5.01.060.

Section 27. Amendment of Chapter 5.24.050. Chapter 5.24.050 of the Haines Borough Code of Ordinances is hereby amended as follows:

5.24.050 Approved Commercial Ski Tour Areas.

D. Non-temporary Amendment of the Haines Borough Approved Commercial Ski Tour Areas Map.
1. Amendments to the Haines Borough Approved Commercial Ski Tour Areas map shall only **may** be considered on a three **five**-year cycle beginning in 2016 **2020**. The process to review and amend the map shall be according to the following procedures:

   a. At least 30 days prior to May 15th of every third **fifth** year after 2016 **2020**, the manager will solicit proposals for possible map amendments. Proposals are due by May 15th of that year, and will contain illustrations of the specific areas **Proposals shall include the name and contact information of the party proposing the amendment** and justification for the proposed amendments. **The area of the proposal shall be submitted in a Google Earth Keyhole Markup (.kml) format or Environmental Systems Research Institute shapefile (.shp) format. Only one specific area per proposal is allowed (a party proposing multiple areas to be amended must submit multiple proposals). Proposals are due by May 15th, 2019.**

   b. **If the Manager determines the proposals are complete and with merit**, as soon as possible after May 15th, the manager **shall** establish an advisory committee to review any proposed map amendments received by the proposal deadline. The committee shall convene no later than June 15th **30th**.

   c. The committee shall include **at minimum: one heliski permittee, one representative of Takshanuk Watershed Council, one Assembly member, one member of Parks & Recreation Committee and one member of the Tourism Advisory Board, none of whom represent a proposing organization or individual. Committee members may be volunteers chosen at random,** the following five voting members:

      __________ (1) A representative of a local conservation organization, appointed by the mayor;

      __________ (2) A member of the Haines Borough assembly;

      __________ (3) A representative from the heliskiing industry selected randomly by current Haines Borough commercial ski tour permit holders; and

      __________ (4) Two members chosen randomly from Haines Borough residents who petition to be members of the committee. The manager shall solicit applications by posting notice no less than 10 days.

   d. The committee shall organize itself as to procedure.

   e. The committee shall to every extent possible involve **consult with** ADFG area wildlife biologists and Bureau of Land Management (BLM) in its deliberations, including forwarding all proposals for map changes to the ADFG and BLM, seeking ADFG and BLM testimony, and requesting comments from ADFG and BLM on all draft recommendations before they are sent to the manager.
f. The committee shall make any recommendations to the Assembly through the Clerk’s office, manager on or before September 30th. The manager shall prepare a recommendation for the assembly and will not be bound by the committee’s recommendations. However, the manager shall also provide the committee recommendations to the assembly for consideration.

g. For a proposal correctly submitted in accordance with the current map review policy, the borough assembly may adopt amendments to the Haines Borough Approved Commercial Heliski Tour Areas Map by adopt a resolution by November 1 of the calendar year, to provide for adjustments to the map amendment timeline to accommodate for reasonable date or schedule conflicts.

2. The Haines Borough assembly shall adopt a resolution, following a public hearing, to finalize any non-temporary amendments of the Haines Borough Approved Commercial Ski Tour Areas map.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS __th DAY OF ______________, 2020.

______________________________
ATTEST: Janice Hill, Mayor

__________________________
Alekka Fullerton, Borough Clerk

Date of Introduction:
Date of First Hearing:
Date of Second Hearing:
### Business Item Description:

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### Full Title/Motion:

Motion: Adopt Emergency Ordinance 20-03-563.

### Administrative Recommendation:

### Fiscal Impact:

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### Comprehensive Plan Consistency Review:

<table>
<thead>
<tr>
<th>Comp Plan Goals/Objectives:</th>
<th>Consistent:</th>
<th>Yes</th>
<th>No</th>
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### Summary Statement:

Ordinance 20-03-563 is the first of two emergency ordinances proposed. This Ordinance makes a slight change to code which will allow "regular" employees (those who work more than 20 hours per week) the ability to donate personal leave to employees who work fewer than 20 hours per week (and therefore accrue no personal leave). There is no cost to the Borough to allow this change.

Rationale: During this time of emergency quarantine, Haines Borough staff would like the ability to provide for staff who do not accrue personal leave.

This change will need to be approved by the Union to be available for Union employees. A permanent code change will be advanced prior to the expiration of this emergency ordinance (within 60 days).

### Referral:

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<th>Referred to:</th>
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<tr>
<th>Recommendation:</th>
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<td>Meeting Date:</td>
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### Assembly Action:

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<tr>
<th>Meeting Date(s):</th>
<th>3/24/20</th>
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</table>

| Public Hearing Date(s): | |
|-------------------------| |
| Postponed to Date:      | |
AN EMERGENCY ORDINANCE OF THE HAINES BOROUGH PURSUANT TO HAINES BOROUGH CODE 2.12.040, PROVIDING FOR THE DONATION OF PERSONAL LEAVE TO ALL HAINES BOROUGH EMPLOYEES.

WHEREAS, this Ordinance is being introduced pursuant to a finding by the assembly that an emergency exists and based upon the Mayor’s Declaration of Emergency of March 17, 2020; and

WHEREAS, the Haines Borough Assembly has adopted Resolution 20-03-853, A Resolution of the Haines Borough Assembly Certifying the Declaration of Emergency in the Haines Borough Based on the Risk to the Public posed by the Global COVID-19 Pandemic and the Substantial Economic Impacts to the Haines Borough; and

WHEREAS, an emergency ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced; and

WHEREAS, the affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption of an emergency ordinance; and

NOW THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

Section 2. Effective Date. This emergency ordinance shall become effective immediately upon adoption and shall last 60 days.

Section 3. Amendment of Chapter 2.84.050. Chapter 2.84.050 of the Haines Borough Code of Ordinances is amended as follows:

2.84.050 Donating personal leave.

A. Employees shall be allowed to donate personal leave and receive personal leave from borough employees subject to the following conditions:

... 5. Donated leave may not be used unless and until all accrued personal leave has been exhausted. Upon termination, any balance in the donated leave account shall be canceled without pay. Upon the death of an employee, the balance of the donated leave account will be paid to the employee’s beneficiaries at the employee’s regular hourly rate. Leave may be donated to other borough regular employees only for catastrophic events, unforeseen emergencies/circumstances or illnesses. Donating personal leave for payment of services or purchases or in lieu of cash transactions is expressly prohibited.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _______ DAY OF __________________, 2020.

ATTEST: Janice Hill, Mayor

______________________________
Alekka Fullerton, CMC, Borough Clerk
Haines Borough
Assembly Agenda Bill

Business Item Description:

Subject: Emergency Ordinance providing for the Appropriation of Emergency Funds due to COVID-19

Attachments:
1. Ordinance 20-03-564

Originator:
Borough Manager

Originating Department:
Administration

Date Submitted:
3/19/20

Full Title/Motion:

Motion: Adopt Emergency Ordinance 20-03-564.

Administrative Recommendation:

Fiscal Impact:

<table>
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<tr>
<th>Expenditure Required</th>
<th>Amount Budgeted</th>
<th>Appropriation Required</th>
<th>Projected Impact to Future Operating Budgets</th>
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<tbody>
<tr>
<td>$25,000</td>
<td>$</td>
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Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives: Consistent: ■ Yes □ No

Summary Statement:

Ordinance 20-03-564 is an emergency ordinance allowing for the appropriation of funds to support the community health needs due to the COVID-19 pandemic response. Expenditures may include wages for additional hours for EMS response and sanitation, ambulance supplies, support of services to quarantined citizens, distribution of information, and other emergency supplies and services. Funds will only be transferred as needed. The Borough may be eligible for reimbursement of some expenses related to the response by State or Federal government. If additional resources are required a subsequent appropriation ordinance will follow.

A Budget Amendment Ordinance will be advanced prior to the expiration of this emergency ordinance (within 60 days).

Referral:

Referred to: 
Referred Date: 
Recommendation: 
Meeting Date: 

Assembly Action:

Meeting Date(s): 3/24/20
Public Hearing Date(s): 
Postponed to Date:
AN EMERGENCY ORDINANCE OF THE HAINES BOROUGH PURSUANT TO HAINES BOROUGH CODE 2.12.040, PROVIDING FOR THE APPROPRIATION OF EMERGENCY FUNDS DUE TO COVID-19 PANDEMIC RESPONSE.

WHEREAS, this Ordinance is being introduced pursuant to a finding by the assembly that an emergency exists and based upon the Mayor’s Declaration of Emergency of March 17, 2020; and

WHEREAS, the Haines Borough Assembly has adopted Resolution 20-03-853, A Resolution of the Haines Borough Assembly Certifying the Declaration of Emergency in the Haines Borough Based on the Risk to the Public posed by the Global COVID-19 Pandemic and the Substantial Economic Impacts to the Haines Borough; and

WHEREAS, an emergency ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced; and

WHEREAS, the affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption of an emergency ordinance; and

WHEREAS, this emergency ordinance is effective for 60 days,

NOW THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption and, per HBC 2.12.040, may be adopted upon introduction.

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2019 through June 30, 2020.

Section 4. Purpose. To provide for emergency funds as follows:

| To transfer up to $25,000 from the Area wide General Fund to the Medical Services Fund to respond to community health needs resulting from the COVID-19 pandemic response. Expenditures may include: wages for additional hours for EMS response and sanitization, ambulance supplies, support of services to quarantined citizens, distribution of information, and other emergency supplies and services. Funds will only be transferred as needed. The Borough may be eligible for reimbursement of some expenses related to the response by State or Federal government. If additional resources are required a subsequent appropriation ordinance will follow. |
|---|---|---|---|
| Current FY20 Budget | Proposed FY20 Budget | Fund Balance Increase / (Decrease)* |
| 01-98-00-8200 Transfer OUT to from General Fund | $0 | $25,000 | ($25,000) |
| 20-98-00-8200 Transfer IN to Medical Service Fund | $0 | $25,000 | $25,000 |
| 20-03-00-XXXX Medical Service Expenditures (COVID-19) | $0 | $25,000 | ($25,000) |
| Total Appropriation at this time for COVID-19 Response | | | ($25,000) |

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

ATTEST:  

__________________________  
Janice Hill, Mayor

______________________________  
Alekka Fullerton, Borough Clerk
March 20, 2020

Re:  Agenda Item 11. C. 1.

A. Borough Fees.

i. **Tour Permit Fees.** The Canadian government has closed its ports to cruise ship docking through June 30, 2020. This has impacted the local cruise industry substantially because the Jones Act requires all cruise lines of a specific size to port in a foreign port when traveling between domestic ports. Unless the Jones Act is repealed (and it may be), we will not see any cruise ships in the Lynn Canal until after July 1. This will be a hardship for local tour companies. Though the permit fees are not significant, in a gesture of good will, I recommend that the Assembly consider waiving Tour Permit Fees for the 2020 season. Only 4 tours are currently permitted; we can credit those companies. Port Chilkoot Dock Vehicle Parking fees will still be in effect. **Recommended Motion:** Waive Tour permit fees for 2020.

ii. **Borough absorption of Credit Card Fees.** To discourage person to person contact and handling cash, the borough prefers to encourage the payment of borough taxes and fees by credit card. Finance Officer Jila Stuart has arranged with credit card companies that the Borough will absorb the fees charged by the credit card companies. This will remain in effect until the Borough Finance office reopens to the public. No action required.

iii. **Suspension of Water turn-off for nonpayment and waiver of late fees.** We expect that the absence of employment opportunities in the tourism industry and the resultant general economic downturn will be a hardship for many people in the community. To maintain general sanitary conditions community-wide, we are proposing that the Borough NOT turn water off for the reason of nonpayment, and that further, we waive the imposition of late fees on water bills. The Finance department will negotiate a payment plan for customers faced with account balances. **Recommended motion:** To suspend water turn off as provided for in HBC 13.04.280 and waive the imposition of late fees on unpaid accounts through the period of the declared emergency.

C.1.B. Resiliency Fund. The memo provided by HEDC outlines several ways that the Borough can be helpful to local businesses that depend largely on tourism or other sectors of the economy that will suffer from government mandates to suspend travel this summer. One idea is a local resiliency fund that offers grants to qualifying businesses. With direction from the Assembly, I will work with the Chamber of Commerce, HEDC and the Assembly Commerce Committee to develop such a Fund. **Recommended Motion:** Direct the Manager to present a program for financial support of local businesses impacted by the COVID-19 threat.
March 16, 2020

RE: Local short- and long-term economic impacts of COVID-19 outbreak

In light of the COVID-19 outbreak likely resulting in a drastic reduction to summer tourism in Southeast and other potential economic disruptions, HEDC is examining how the community may begin to think about mitigating these economic impacts. While the extent of the impacts cannot yet be fully known, many communities are already putting tools in place to assist small businesses and individuals who will be affected. As time goes on, more tools and programs will become available and we commit to making sure our community does not miss out on any resource that may help us weather this storm.

Below we outline what information we know at this time including what information HEDC commits to following and ideas the borough may want to take under consideration.

**HEDC Actions**

**Small Business Administration Economic Injury Disaster Loan Program.** The SBA is working directly with states to provide targeted, low-interest loans to small businesses and non-profits that have been impacted by COVID-19. HEDC will be point of contact for information about disaster relief business assistance. Inquires may be directed to us and we will field questions, provide technical assistance and information as it becomes available about this or other similar programs.

**The Alaska Small Business Development Center** provides free business advising and tools for entrepreneurs and businesses. It is gearing up additional resources to help businesses plan for and mitigate economic impacts of COVID-19. HEDC will be point of contact for linking local businesses with the AK SBDC. HEDC is also a SBDC Rural Outreach Center and can provide some technical assistance directly through our office.

**Economic resiliency and mitigation.** HEDC is talking with specialists in mitigating economic disruptions in rural and Indigenous communities. Many of these researchers and experts liken the situation in Haines (as they know it) to communities that have suffered an economic disruption due to natural disasters. There are models and tools HEDC will try to bring to the community. It’s unlikely we can bring any experts to the community in person due to cost and travel restrictions and because they are rapidly becoming in high demand, but we are working with them to figure out what tools and practices might work in Haines to mitigate our current and future situation.
Suggested considerations for the Haines Borough:

There are several tools the Haines Borough maybe be able to implement in an attempt to mitigated the economic impacts. These are just suggestions to consider, not formal recommendations from HEDC to the Haines Borough at this time. Examples of steps other local governments are taking include:

Defer business taxes, licensing fees, permit fees and other payments for small businesses. The borough would have to examine if 1) these actions would provide an economic benefit to local businesses and the economy and 2) the borough can absorb the loss of those fees without causing other negative economic impacts.

Establish a Small Business Resiliency Fund. Some communities are establishing these funds to help local businesses continue paying employees and rent as they weather impacts. Most of these funds are offered as grants, not loans. The money to establish the funds are usually coming from economic development funds within the government’s budget; sometimes the programs are being done in conjunction with philanthropic organizations. In all cases these funds are being set up and provided to businesses immediately. This is not meant to be a long-term solution but an immediate, short-term mitigation tool.

Revolving Loan Funds. Haines currently has one active loan through the fund and there is some money left to loan out. The borough could examine whether to re-work the MOU with JEDC to focus the loan funds differently than currently described. For example, the borough could direct JEDC to loosen criteria to focus on impacts from the current situation. The borough could direct JEDC to be less (or more) restrictive when evaluating the riskiness of the loan to a particular business during a specific time period. The borough could direct JEDC to work with HEDC when evaluating the economic conditions and particular loan applicant.

Other technical assistance. Other actions communities are taking to mitigate the economic impacts of COVID-19 and could extend to impacts from reduced tourism this summer include coordinating and offering technical assistance for those applying for unemployment or helping to coordinate legal services for businesses who may face bankruptcy or closure.

Coordinate with tribal governments. HEDC can reach out to see if there are any economic mitigation programs the local tribes are offering to tribal members and offer to help with outreach. However, coordinated government-to-government efforts would have to be initiated by the borough. Tribal governments may have federal funds available to them not available to the borough and may be willing to partner with the borough if asked and if they choose to collaborate.