



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 20-1027

Assembly Meeting Date: 07/128/20

Business Item Description:	Attachments:
Subject: Ballot Proposition to Amend Charter regarding Emergency Police	1. Ordinance 20-06-574 2. Finance Committee notes with proposed amendments 3. Resolution 19-11-835S 4. PSC Action Request
Originator: Borough Assembly	
Originating Department: Borough Assembly	
Date Submitted: 6/9/20	

Full Title/Motion:
Possible Motion: Amend Ordinance 20-06-574 as recommended by the GAS Committee.

Administrative Recommendation:
This ordinance is recommended by the Government Affairs and Services Committee.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	Lease approved by later ordinance

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

Summary Statement:
Haines Borough Charter Section 6.01 grants the Borough power to provide for emergency dispatch Areawide. This Ordinance expressly authorizes emergency response in addition to emergency dispatch.
Resolution 19-11-835S was adopted 12-10-19 and called for the expansion of emergency dispatch to include emergency services to be put to the voters at the October 6, 2020 regular election.
This ordinance has been developed by the Government Affairs and Services Committee and is the mechanism to put the proposition to the voters.
On 7/28, the ordinance was referred to the Finance Committee for consideration.

Referral:
Referred to: GASC and Finance Meeting Date: 06/09/20 & 08/03/20
Recommendation: Develop Ordinance to put proposition to the voters.

Assembly Action:
Meeting Date(s): 6/23, 7/14, 7/28, 8/11 an 8/25/20 Public Hearing Date(s): 7/14, 7/28, 8/11, 8/25/20
Postponed to Date:

Draft as
introduced

HAINES BOROUGH
ORDINANCE No. 20-06-574

An ordinance of the Haines Borough placing a proposition on the October 6, 2020 Haines Borough General Election ballot to amend Borough Charter Section 6 to provide for Police Emergency Response Outside the Townsite

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance authorizing placing a proposed amendment to the Haines Borough Charter on the ballot for the 2020 general municipal election.

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. Proposed Amendment of Charter Section 6.01. It is hereby determined to be for a public purpose and in the public interest of the Haines Borough to place a question on the October 6, 2020 regular Haines Borough General Election ballot that would amend the Haines Borough Charter, to add Police Emergency Response Outside the Townsite as follows:

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

Charter Section 6.01 Areawide Powers

The Haines Borough shall exercise areawide the powers to provide for tax assessment and levy; planning, platting, zoning; and education.

In addition, the borough may exercise on an areawide basis, by ratification of this charter, the powers to provide for the following services:

- (1) control of hazardous substances,
- (2) emergency medical services and other medical services,
- (3) emergency dispatch **including emergency police and fire response.**

...

Section 4. The Borough shall submit the following proposition to the qualified voters of the Haines Borough at the October 6, 2020 Haines Borough General Election:

PROPOSITION No. x

AMEND CHARTER 6.01 TO AMEND THE DEFINITION OF EMERGENCY DISPATCH TO INCLUDE EMERGENCY RESPONSE

Shall Section 6.01 of the Haines Borough Charter be amended to provide for Emergency Response as well as emergency dispatch?

Section 5. Amendment of Chapter 2.40.040. Chapter 2.40.040 of the Haines Borough Code of Ordinances is amended as follows:

2.40.40 Emergency Police Response

A. Emergency Police Response outside the Townsite. The police may provide emergency response outside of the townsite when, either:

- 1. There is no Alaska State Trooper (not including a Wildlife Trooper) assigned to the Haines Post; or**
- 2. Pursuant to a mutual aid agreement with the Alaska State Troopers.**

B. The Townsite Area Fund (Fund 02) shall be reimbursed from the General Fund (Fund 01) to compensate for emergency response services based on actual responses in the prior fiscal year.

Section 6. Sections 3, 4 and 5 of this ordinance shall become effective only if the proposition described in Section 4 is approved by a majority of the qualified voters voting on the proposition at the October 6, 2020 Haines Borough General Election and shall take effect thirty days after certification of the results of the election.

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

Jan Hill, Mayor

Attest:

Alekkka Fullerton, CMC, Borough Clerk

From: [Brenda Josephson](#)
To: [Alekka Fullerton](#)
Cc: [Paul Rogers](#); [Stephanie Scott](#); [Jan Hill](#)
Subject: 8/3/2020 Finance Committee Meeting
Date: Wednesday, August 05, 2020 11:37:34 AM

The Finance Government Committee met on August 3, 2020 at 6:30 PM.

Committee members attending the meeting included, Paul Rogers, Stephanie Scott, and Brenda Josephson. Others in attendance included Interim Manager Alekka Fullerton, Fiscal Officer Jila Stuart, and Mayor Jan Hill. Public comment was heard from Tom Morphet, Cary Weishahn, and Dana Hallet.

ORDINANCE No. [20-06-574](#) - An ordinance of the Haines Borough placing a proposition on the [October 6, 2020](#) Haines Borough General Election ballot to amend Borough Charter Section 6 to provide for Police Emergency Response Outside the Townsite.

The Committee Recommends the following changes:

1) Remove the words “and fire” from the proposed Charter Section 6.01 (3). To read as follows:

(3) emergency dispatch including emergency police response,

2) Change code section 2.40.40 Emergency Police Response to remove the words “outside of the Townsite” and replace with “Areawide”. To read as follows:

A. Emergency Police Response Areawide. The police may provide emergency response areawide when, either:

3). Remove verbiage in section B. “The Townsite Area Fund (Fund 02) shall be reimbursed from the General Fund (Fund 01) to compensate for emergency response services based on actual responses in the prior fiscal year.”

4). Replace section B. with the following verbiage:

B. Emergency response may be provided for an imminent threat to life or a life threatening crime.

The Committee reviewed the Black’s Law definition of the word “response”. Discussion occurred regarding the intention of the ordinance and ballot proposition was to continue to respond in a similar manner that has occurred for decades and that this is not an expansion of services or change in current activities.

Brenda Josephson

HAINES BOROUGH
ORDINANCE No. 20-06-574

Draft

An ordinance of the Haines Borough placing a proposition on the October 6, 2020 Haines Borough General Election ballot to amend Borough Charter Section 6 to provide for Police Emergency Response Areawide ~~Outside the Townsite~~

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance authorizing placing a proposed amendment to the Haines Borough Charter on the ballot for the 2020 general municipal election.

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. Proposed Amendment of Charter Section 6.01. It is hereby determined to be for a public purpose and in the public interest of the Haines Borough to place a question on the October 6, 2020 regular Haines Borough General Election ballot that would amend the Haines Borough Charter, to add Police Emergency Response Areawide ~~Outside the Townsite~~ as follows:

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

Charter Section 6.01 Areawide Powers

The Haines Borough shall exercise areawide the powers to provide for tax assessment and levy; planning, platting, zoning; and education.

In addition, the borough may exercise on an areawide basis, by ratification of this charter, the powers to provide for the following services:

- (1) control of hazardous substances,
- (2) emergency medical services and other medical services,
- (3) emergency dispatch including emergency police and fire response.

...

Section 4. The Borough shall submit the following proposition to the qualified voters of the Haines Borough at the October 6, 2020 Haines Borough General Election:

PROPOSITION No. x

AMEND CHARTER 6.01 TO AMEND THE DEFINITION OF EMERGENCY DISPATCH TO INCLUDE EMERGENCY RESPONSE

Shall Section 6.01 of the Haines Borough Charter be amended to provide for Emergency Response as well as emergency dispatch?

Section 5. Amendment of Chapter 2.40.040. Chapter 2.40.040 of the Haines Borough Code of Ordinances is amended as follows:

2.40.40 Emergency Police Response

A. Emergency Police Response Areawide ~~outside the Townsite.~~ The police may provide emergency response areawide ~~outside of the townsite when,~~ either:

1. There is no Alaska State Trooper (not including a Wildlife Trooper) assigned to the Haines Post; or
2. Pursuant to a mutual aid agreement with the Alaska State Troopers.

B. ~~The Townsite Area Fund (Fund 02) shall be reimbursed from the General Fund (Fund 01) to compensate for emergency response services based on actual responses in the prior fiscal year.~~ Emergency response may be provided for an imminent threat to life or a life-threatening crime.

Section 6. Sections 3, 4 and 5 of this ordinance shall become effective only if the proposition described in Section 4 is approved by a majority of the qualified voters voting on the proposition at the October 6, 2020 Haines Borough General Election and shall take effect thirty days after certification of the results of the election.

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

Jan Hill, Mayor

Attest:

Alekkka Fullerton, CMC, Borough Clerk

HAINES BOROUGH
RESOLUTION No. 19-11-835S

Adopted

A Resolution of the Haines Borough Assembly interpreting Haines Borough Charter Section 6.01 Areawide Powers (3) emergency dispatch to include the dispatch of all emergency services including emergency police services.

WHEREAS, Haines Borough Charter Section 6.01 grants the Borough power to provide for emergency dispatch Areawide; and

WHEREAS, on November 6, 2018, the assembly directed the manager to have the Police Department respond to urgent calls (defined as imminent threat to life or property, or an articulable crime in progress) and to allow them to assist both AST and the Fire Department/EMS as requested; and

WHEREAS, the Haines Borough currently dispatches for fire, ambulance and police; and

WHEREAS, Section 18.09 of the Haines Borough Charter defines "emergency" as "an unforeseen occurrence or condition which results or apparently will result in an insufficiency of services or facilities substantial enough to endanger the public health, safety or welfare"; and

WHEREAS, Black's Law dictionary defines "dispatch" to mean "sending off with speed";

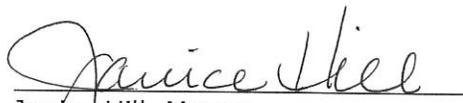
NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly interprets Haines Borough Charter Section 6.01 Areawide Powers (3) emergency dispatch as allowing the police department to respond to emergencies outside the Townsite until the Haines Borough voters have settled the question of emergency police services at the October 6, 2020 regular election. These emergency services shall be paid for from sales tax revenue (general fund as a general municipal purpose).

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 10th day of December, 2019.

Attest:


Alekka Fullerton, CMC, Borough Clerk




Janice Hill, Mayor



Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: July 8, 2020

TO: Borough Assembly

FROM: Public Safety Commission

ACTION:

"Public Safety Commission recommends the adoption of Ordinance No. 20-06-574 to the Assembly with the added note that in the event the Charter amendment does not pass, that Chapter 2.40.40 still be adopted by the Assembly," and the motion carried unanimously.

RATIONALE:

This issue has long been considered by the community. Last year, a Resolution (which was supported by the Public Safety Commission) was adopted recommending later submission to the voters.

The Public Safety Commission discussed their request that if the charter change is not adopted by the electorate, that the code amendment providing for financing still be adopted.

COMMISSION REQUEST:

Adopt Ordinance 20-06-574.