#### Haines Borough Borough Assembly Meeting #330 AGENDA

January 24, 2017 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

**Jan Hill** Mayor

Margaret Friedenauer Assembly Member

**Heather Lende** Assembly Member

Mike Case Assembly Member

Tresham Gregg Assembly Member

Tom Morphet
Assembly Member

**Ron Jackson** Assembly Member

**Brad Ryan**, Interim Manager

**Julie Cozzi**, MMC Borough Clerk

**Alekka Fullerton** Deputy Clerk 1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL

#### 2. APPROVAL OF AGENDA & CONSENT AGENDA

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

#### Consent Agenda:

3 – Approve Assembly Meeting Minutes

11A2 - Adopt Resolution 17-01-705

11C1 – Statement of non-objection to pending liquor license renewals

#### \*3. APPROVAL OF MINUTES - 1/10/17 Regular

#### 4. PUBLIC COMMENTS - Sign-up is NOT required

[This is for any topics not scheduled for public hearing.]

Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time. Instead, comments and requests may be referred for further consideration to the administration, a committee, or a future assembly agenda.

#### 5. ASSEMBLY COMMENTS

#### 6. MAYOR'S REPORT/COMMENTS

- A. Brief Presentation of FY17 Audit
- **B. HEDC Presentation**

#### 7. PUBLIC HEARINGS

#### A. Ordinance 17-01-448 - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 12 to designate Haines Borough parks and establish definitions and regulations.

This ordinance is recommended by the planning commission and the parks & recreation committee. It was introduced on 1/10/17. The assembly already scheduled the second hearing for 2/14/17. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.

#### B. Ordinance 17-01-449 - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(C) to clarify the publishing of planning commission agendas and packet.

This ordinance is recommended by the planning commission and was introduced on 1/10/17. The assembly already scheduled the second hearing for 2/14/17. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.

#### 8. STAFF/FACILITY REPORTS

- A. Interim Borough Manager 1/24/17 Report
- B. Museum Report of November-December 2016
- C. Finance 2016 Report Regarding Mosquito Lake Facility Rev and Expense

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

- A. Museum Board of Trustees Minutes of 12/20/16
- B. Parks and Recreation Advisory Committee Minutes of 11/16/16
- C. Port and Harbor Advisory Committee Minutes of 11/17/16
- D. Tourism Advisory Board- Minutes of 11/10/16
- E. Assembly Board Liaison Reports
- F. Assembly Standing Committee Reports

Haines Borough, Alaska Agenda: January 24, 2017

#### 10. UNFINISHED BUSINESS

#### 11. NEW BUSINESS

#### A. Resolutions

#### 1. Resolution 17-01-704

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with proHNS LLC for an amount not to exceed \$70,896 for marine mammal observation services during construction of the Portage Cove Harbor Expansion project.

This resolution is recommended by the interim borough manager. <u>Motion</u>: Adopt Resolution 17-01-704.

#### \*2. Resolution 17-01-705

A Resolution of the Haines Borough Assembly supporting full funding (\$18,160,055) for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2018 state capital budget.

This resolution is recommended by the interim borough manager. <u>Motion</u>: Adopt Resolution 17-01-705.

#### 3. Resolution 17-01-706

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Carson Dorn, Inc. for an amount not to exceed \$66,225 to provide construction period services for the Wastewater Treatment Plant Upgrade project.

This resolution is recommended by the interim borough manager. <u>Motion</u>: Adopt Resolution 17-01-706.

#### 4. Resolution 17-01-707

A Resolution of the Haines Borough Assembly adopting the Alaska Capital Project Submission and Information System priorities (CPSIS) and legislative priorities for FY 2018.

This resolution is recommended by the interim borough manager. Motion: Adopt Resolution 17-01-707.

#### **B.** Ordinances for Introduction

1. None.

#### C. Other New Business

#### \*1. Liquor License Renewals

The Alaska Alcohol Beverage Control Board has notified the borough of pending liquor license renewals for American Legion #12, Harbor Bar & Lighthouse Restaurant, and Port Chilkoot Distillery. The Board, prior to its final approval, is giving the local government an opportunity to make a statement, if so desired. Since these are pre-existing liquor licenses, assembly action is optional.

#### 2. Discussion about Lobbyist- Tresham Gregg and Brad Ryan

The assembly may take some action with regard to the lobbyist contract.

#### 3. <u>Discussion about Recruitment for the Haines Borough Manager Position</u>.

The assembly may take some action with regard to recruitment/advertising for the Haines Borough Manager position.

#### 4. Executive Session

The borough attorney requests the assembly by motion move into executive session in order to discuss the following legal matters:

- 1) Nelson-Waterhouse Complaint and Request for Apology
- 2) Wm. Seward Public Records Request
- 3) APEI Policy

<u>Motion</u>: Move into executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03 to discuss with the borough attorney three legal matters: Nelson-Waterhouse Complaint and Wm. Seward Public Records Request; these matters qualify for executive session because a public discussion will have an adverse effect on the borough's legal position and finances; the interim manager and borough attorney are asked to attend.

Haines Borough, Alaska Agenda: January 24, 2017

#### 12. CORRESPONDENCE/REQUESTS

#### A. Citizen Complaint regarding Alleged Malfeasance

A Citizen Complaint has been received by the Clerk's office and referred to the Borough Attorney for review.

- 13. SET MEETING DATES
- 14. PUBLIC COMMENTS
- 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS
- 16. ADJOURNMENT

Haines Borougn, Alaska

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Haines Borough, Alaska Agenda: January 24, 2017

## Haines Borough Borough Assembly Meeting #328 January 10, 2017 MINUTES Draft

1. <u>CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL</u>: Mayor HILL called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.

**Present:** Mayor Jan **HILL**, and Assembly Members Tresham **GREGG**, Ron **JACKSON**, Margaret **FRIEDENAUER**, Mike **CASE**, Tom **MORPHET**, and Heather **LENDE**.

**Staff Present:** Julie **COZZI**/Borough Clerk, Alekka **FULLERTON**/Deputy Clerk, Brad **RYAN**/Director of Public Facilities, Jila **STUART**/Finance Director, Krista **KIELSMEIER**/ Executive Assistant, Shawn **BELL**/Harbormaster, Helen **ALTEN**/Museum Director, Tina **OLSEN**/Accounting Clerk, Leslie **ROSS**/Tourism Director and Tammy **PIPER**/Visitor Information Coordinator.

Visitors Present: Suzanne ASHE/CVN, Emily FILES/KHNS, Don TURNER Jr., Diana LAPHAM, Mike DENKER, Jerry ERNY, Andrew GRAY, Paul NELSON, Bill ROSTAD, Brad BADGER, Evelyna VIGNOLA, Debra SCHNABEL, Don TURNER III, Dwight DOWNER, Ryan COOK, JR CHURCHILL, Charlie DEWITT, Terry PARDEE, CJ JONES, Carol TUYNMAN, Toni DEWITT, Thom ELY, Ryan JOHNSON and others.

#### 2 APPROVAL OF AGENDA & CONSENT AGENDA

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

11A3 – Adopt Resolution 17-01-702

11B4 - Introduce Ordinance 17-01-449

11C3 – Statement of non-objection to pending liquor license renewals

<u>Motion</u>: CASE moved to "approve the agenda/consent agenda," and it was amended to renumber Item 12A as 9F and to remove Items 3, 11B3, and 11C1 from the consent agenda. The motion, as amended, carried unanimously.

3. APPROVAL OF MINUTES - 12/13/16 Regular and amended to include 1/3/17 Special.

<u>Motion</u>: **JACKSON** moved to "approve the minutes of the 1/3/17 and 12/13/16 meetings with the following corrections made to 12/13:

Bottom of Page 1- Magistrate's report- remove statement "by far"

Page 4 – Item 3- Change word from "reviewed" to "revised"

Page 4- Item 4- Remove "and Seward"

Page 5 Item 7- Change Morphet description.

Page 5 Item 7- Change rationale for executive session to "...tend to prejudice the reputation and character of others".

The minutes as corrected passed unanimously.

#### 4. PUBLIC COMMENTS

**HALLET** – Reiterated his appeal from the previous meeting; denial of appeal is illogical and inconsistent. He believes his appeal was not moot for stated reasons and asked for reconsideration. **DENKER-** Suggested changes to Resolution 17-01-703.

**ROSS** – Said agenda items 11B1 and 11B2 are in conflict and should both be referred to an assembly committee to move forward.

**TUYNMAN** – Said she has been meeting with people on the East Coast about our Harbor projects. She has many new ideas for economic, tourist and pedestrian access.

#### 5. ASSEMBLY COMMENTS

CASE -Apologized to Mr. Hallett for being rude to him during his appeal on 12/13/16.

#### 6. MAYOR'S REPORT/COMMENTS

- A. The HEDC report will be given at the 1/24/17 meeting.
- B. The Code Review Commission initial meeting will be 6:00pm, January 17, Assembly Chambers.

<u>Motion</u>: **CASE** moved to "appoint the Deputy Clerk Alekka **FULLERTON** to serve as Acting Borough Clerk while Borough Clerk Julie **COZZI** is absent 1/20-2/8; acting clerk shall have full authority to act as

Borough Clerk." The motion passed unanimously.

#### 7. PUBLIC HEARINGS - None

#### 8. STAFF/FACILITY REPORTS

**A. Director of Public Facilities Report** - Memo provided in response to the following 11/1/16 motion: "develop a comprehensive public process and input plan in determining how to use excess grant funding for the Portage Cove Small Boat Harbor expansion and in planning and designing the elements of future phases of the project with a draft of the plan to come to the assembly no later than the first meeting in January.". **RYAN** wanted to avoid dedicating estimated funds now and requested a series of public meetings once the amount of excess funds is known.

<u>Motion</u>: **FRIEDENAUER** moved to "amend the 11/1/16 motion to change the plan deadline from January 2017 to January 2018." The motion passed unanimously.

<u>Motion</u>: **LENDE** moved to "direct the Planning Commission to develop a comprehensive public process and input plan for the Portage Cove Small Boat Harbor expansion and planning and designing the elements for future phases of the project with a draft of the plan to come to the Assembly no later than the first meeting in May." The motion passed unanimously.

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

- A. Parks & Recreation Advisory Committee 11/16/16 Minutes & 12/5/16 Action Request JACKSON read the Action request and asked that an entire picture be created instead of user group by user group.
- B. Mobile Commercial Business Committee Final Report of December 16, 2016
- C. Port and Harbor Advisory Committee Minutes of 11/17/16 & 10/25/16 Action Request
- D. Assembly Board Liaison Reports
  - i. Museum Board GREGG
  - ii. Library Board LENDE
- E. Assembly Standing Committee Reports
  - i. Personnel Committee JACKSON Unanimously recommends Brad Ryan as Interim Manager.
- F. Senior Village Loan Request [12A on published agenda but renumbered during agenda approval]

<u>Motion</u>: **FRIEDENAUER** moved to "refer this request to the finance committee to draft an ordinance to adopt a loan agreement for the Senior Village."

<u>Primary Amendment</u>- FRIEDENAUER moved to reword the motion to read "refer the request to the finance committee for consideration," and the motion passed unanimously.

The main motion, as amended, passed unanimously.

#### 10. UNFINISHED BUSINESS

#### A. Ordinance 16-01-429

An Ordinance of the Haines Borough amending Haines Borough Code Section 18.30.040 to adjust code to match the actual planning commission meeting start time and to revise the review process for capital improvements and borough projects.

Note: a version was introduced on 1/26/16, and hearings were held on 2/9 & 3/8. Following the second hearing, it was substituted with a draft proposed by staff. It was subsequently referred back to the planning commission (PC) for review. On 10/13, the PC voted to recommend a revision, and on 10/25, the assembly considered a new draft. Adoption was postponed pending more information from the PC. On 11/10, the PC reviewed the assembly's new comments & the pending primary amendment. They support a change from \$100K to \$25K. However, they proposed replacing "other public facility" in the first sentence with "other borough projects" rather than "other public structures" as proposed in the amendment motion. Motions already on the table:

Motion: adopt the substitute Ord. 16-01-429 proposed by the Planning Commission.

<u>Primary Amendment</u>: "change \$100,000 to \$25,000 and replace "other public facility" with "other public structures."

<u>Secondary Amendment</u>: MORPHET moved to change "other public facility" to "other Borough Construction Projects"; the motion passed 4-2 with **CASE** and **JACKSON** opposed.

GRAY

T.DEWITT

The primary amendment motion, as amended, passed unanimously.

The main motion, as amended, passed unanimously in a roll call vote.

#### 11. NEW BUSINESS

#### A. Resolutions

#### 1. Resolution 16-12-700

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Wolverine Supply for the 2016 Wastewater Treatment Plant Upgrade project for an amount not to exceed \$1,933,900.

Public Comment: None.

Motion: CASE moved to "adopt Resolution 16-12-700."

Primary Amendment: LENDE moved to "amend the resolution to correct the amount to \$1,978,900," and the motion passed unanimously.

The main motion, as amended, passed unanimously in a roll call vote.

#### 2. Resolution 17-01-701

A Resolution of the Haines Borough Assembly directing the Borough Manager to allocate a minimum of \$420,457 from the Portage Cove Harbor Expansion project funds for Upland Development.

<u>Public Comments</u>: The following individuals spoke:

In Opposition: In Favor **Questions: TURNER JR** TUYNMAN SCHNABEL DOWNER **C.DEWITT** PARDEE **TURNER III ERNY** COOK **ROSTAD** CHURCHILL

Motion: LENDE moved to "adopt Resolution 17-01-701," and the motion carried 5:1 in a roll call vote with **CASE** opposed.

JONES

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with S.E. Underwater Services in the amount of \$30,800 for the installation of 90 harbor anodes.

The motion adopted by approval of the consent agenda: "adopt Resolution 17-01-702."

#### 4. Resolution 17-01-703

A Resolution of the Haines Borough Assembly directing the borough manager to postpone consideration of the heliski map committee and recommendations until the summer of 2017 when a new committee will be established after reports from ADF&G are available and code revisions have been considered.

#### **Public Comments:**

JOHNSON (Alaska Helisking) - Spoke in opposition. The current map contains several mistakes that need to be corrected. The operators need terrain to ski safely and need Haines borough to support winter toursim.

ROSS - Agreed there are several mapping errors that need to be corrected to make landing zones safer.

**SCHNABEL** – Said the Chamber of Commerce supports map changes based on safety.

**ELY –** Believes the process is flawed. It doesn't mean the information isn't valuable; it just needs to be reconsidered.

Motion: JACKSON moved to "adopt Resolution 17-01-703," and it was amended to change "constitution" to "composition. The motion, as amended, passed unanimously in a roll call vote.

<u>Motion</u>: FRIEDENAUER moved to "extend this meeting to finish the agenda," and the motion passed 5-1 with CASE opposed.

#### B. Ordinances for Introduction

#### 1. Ordinance 16-10-445

An Ordinance of the Haines Borough amending Borough Code Subsection 5.18.080(I)(b) to clarify the membership makeup of heliski map amendment committees.

<u>Motion</u>: **JACKSON** moved to refer this Ordinance to the Commerce committee for further review; the motion passed unanimously.

#### 2. Ordinance 17-01-447

An Ordinance of the Haines Borough amending Haines Borough Code Title 5 Subsection 5.18.080(I) to eliminate reference to a heliski map advisory committee in order to shift to the Borough Assembly the responsibilities for reviewing map amendment proposals.

**Motion**: **JACKSON** moved to refer this Ordinance to the Commerce committee for further review; the motion passed unanimously.

#### 3. Ordinance 17-01-448

An Ordinance of the Haines Borough amending Haines Borough Code Title 12 to designate Haines Borough parks and establish definitions and regulations.

<u>Motion</u>: **JACKSON** moved to "introduce Ordinance 17-01-448 and set a first public hearing for 1/24/17 and a second public hearing for 2/14/17."

<u>Primary Amendment</u>: **JACKSON** moved to "add 'Overlook Park' to the list of parks; add the word 'Uplands' to 'Picture Point Park' and separate 'Library Totem Park' from 'Tanani Point Park' and create two different descriptions." The motion passed unanimously.

The main motion, as amended, passed unanimously.

#### \*4. Ordinance 17-01-449

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(C) to clarify the publishing of planning commission agendas and packet. The motion adopted by approval of the consent agenda: "introduce Ordinance 17-01-449 and set a first public hearing for 1/24/17 and a second public hearing for 2/14/17."

#### C. Other New Business

#### 1. Board Appointments

Note: (re)appointment applications were received for various advisory board seats. The mayor planned to make the appointments and sought assembly confirmation.

Motion: LENDE moved to "confirm the mayor's recommended appointments."

<u>Primary Amendment</u>: LENDE moved to "amend the motion to remove Joe Parnell from the Chilkat Center Advisory Board and Diana Lapham from the Port and Harbor Advisory Committee.

**Motion: JACKSON** moved to "divide the primary amendment question," and the motion passed unanimously.

**<u>Vote on Divided Question</u>**: [The following are as restated by the mayor]

- a. Should Joe Parnell be appointed to the Chilkat Center Advisory Board? The motion passed 5-1 with **LENDE** opposed.
- b. Should Diana Lapham be appointed to the Port and Harbor Advisory Committee? The motion FAILED2-4 with LENDE, GREGG, JACKSON, and FRIEDENAUER opposed.

The main motion, as amended to remove Diana Lapham, passed 5-1 with **LENDE** opposed.

#### 2. Sales Tax Exemption Request - Haines Volunteer Fire Department

<u>Motion</u>: **LENDE** moved to "approve the request from Haines Volunteer Fire Department for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate," and the motion carried unanimously in a roll call vote.

#### \*3. <u>Liquor License Renewals</u>

Note: the Alaska Alcohol Beverage Control Board notified the borough of pending liquor license renewals for Haines Brewing Company (brewery license) and Outfitter Liquor Store (package store license). The Board, prior to its final approval, gave the local government an opportunity to make a statement, if so desired. Since these are pre-existing liquor licenses, assembly action was optional.

#### 4. <u>Interim Manager Appointment</u>

Note: during a special meeting on 1/3/17, the borough assembly interviewed Brad Ryan and Dave Palmer for appointment to the position of interim borough manager. The assembly passed a motion that the appointment would be made during this meeting.

<u>Motion</u>: **FRIEDENAUER** moved to "appoint Brad Ryan as Interim Borough Manager until a regular borough manager is appointed," and the motion carried 4-3 in a roll call vote with **MORPHET**, **LENDE**, and **GREGG** opposed and the Mayor breaking the tie in the affirmative.

<u>Motion</u>: **FRIEDENAUER** moved to "have the Acting Manager negotiate the contract with the Interim Manager with a start date of January 11, 2017 and a 20% increase in compensation." The motion passed unanimously.

The Assembly asked the Mayor to send a thank you letter to Dave Palmer for applying.

#### 12. CORRESPONDENCE/REQUESTS

A. Senior Village Loan Request [this item was changed to Item 9F during agenda approval.]

#### 13. SET MEETING DATES

- A. Finance Committee January 19, 2017 at 6:30 pm Topic: Senior Village Proposal
- B. Commerce Committee TBD Topic: Heliski Map Committee Makeup
- C. Committee of the Whole January 31, 2017 at 6:30 pm Topic: FY18 Budget

#### 14. PUBLIC COMMENTS

**TURNER JR** – Having a hard time respecting some of the assembly members.

SCHNABEL - Questioned if Darsie Culbeck is an appropriate appointment to the HDT RMSA Board?

**DENKER** - Believes the assembly did not choose the most professionally-qualified interim manager.

**KIELSMEIER** - Said qualifications are relative. For example, **RYAN** is more highly educated than Dave Palmer who has also been retired for 7 years.

**VIGNOLA** - Believes the harbor is going to be great. Nobody lost.

**ALTEN** - Said she is optimistic about Haines.

#### 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

**LENDE** - Expressed optimism about the future. She asked about LED street lights, the police blotter, and the possibility of a police department "Year of Kindness" in 2018 similar to Juneau in 2016.

**MORPHET** - Believes he has been witnessing an erosion of Public Records accessibility for the public. Also, the assembly needs to set clear expectations for the Manager.

#### 16. ADJOURNMENT - 10:56 p.m.

Alekka Fullerton, Deputy Clerk

<u>Motion</u> : <b>CASE</b> moved to "adjourn the meeting," and the motion carried unanimously.				
ATTEST:	Janice Hill, Mayor			

#### Haines Borough Assembly Agenda Bill

Agenda Bill No.: 17-705
Assembly Meeting Date: 01/24/17

Business Item Des	crintion:		Attachments:	
				140
Subject: Designate Haines Borough Parks and		Ordinance 17-01-448     Request for Action from Planning Commission		
establish definitions and regulations		3. Record of Decision		
Originator: Planning Commission				
Originating Department:				
<u> </u>				
Date Submitted: 11/10/16				
Full Title/Motion:				
The assembly already sch	neduled the second hear	ring on	this ordinance for 2/14	/17. No motion is needed now
unless the second hearing	date needs to change	or som	e other action is desire	d such as amendments.
Administrative Dec	anaman dation.			
Administrative Rec	ommendation:			
Fiscal Impact:				
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future Operating Budgets
\$ n/a	\$ n/a	\$ n/a		n/a
Communication	un Compietament De			
Comprehensive Pla Comp Plan Goals/Object		eview	:	
oomp i lan oodis/objec	, ,		Consistent: Yes	□No
Summary Stateme	nt·			
		_		
The Borough Code does not the Pl				ovide any regulations for the same.
This is supported by the Fi	anning Commission and	ı ille Fa	aiks & Recleation Advis	sory Committee.
Referral:				
Referred to: Planning Co	ommission		Referral Date:	
Recommendation:	JIIIIIOOIUII		=	leeting Date: 11/29/16
			10	
Assembly Action:				

Meeting Date(s): 1/10, 1/24/17

Public Hearing Date(s): 1/24, 2/14/17

Postponed to Date:

## HAINES BOROUGH, ALASKA ORDINANCE No. 17-01-448

Draft

An Ordinance of the Haines Borough amending Haines Borough Code Title 12 to designate Haines Borough parks and establish definitions and regulations.

#### BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

- Section 1. <u>Classification</u>. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.
- Section 2. <u>Severability</u>. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.
- Section 3. Effective Date. This ordinance is effective upon adoption.
- Section 4. <u>Amendment of Title 12</u>. Title 12: Streets, Sidewalks, and Public Places of the Haines Borough Code is hereby amended to add a new chapter, as follows:

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

#### Title 12: Parks, Streets, Sidewalks, and Public Places

#### Chapters

- 12.04 Street Grades
- 12.08 Road and Sidewalk Construction, Maintenance, and Repair
- 12.10 Driveways
- 12.12 Building Numbering System
- 12.16 Street and Sidewalk Use Restrictions
- 12.20 Street Lights

#### 12.30 Parks

- 12.40 Picture Point Park
- 12.50 Chilkat River Beaches Recreational Zone.

#### Chapter 12.30 PARKS

#### Sections:

12.30.010 Definitions

12.30.020 Borough Parks

12.30.030 Regulations

#### 12.30.010 Definitions.

<u>"Park" is a park, reservation, playground, beach, recreation area, scenic area, or any other area of the borough, owned or controlled by the borough, and devoted to active or passive recreation.</u>

"Camping" is the presence of any person sleeping in any motor vehicle or camper unit between the hours of midnight and 6am, or sleeping on the ground, with or without any shelter, sleeping pad, etc. between the hours of midnight and 6am on any land owned or controlled by the borough.

#### 12.30.020 Borough Parks.

The following properties are designated as Haines Borough Parks:

#### Haines Borough Ordinance No. 17-01-448 Page 2 of 2

Page 2 of 2
A. Tlingit Park,
B. Tlingit Park Playground,
C. Picture Point Park Uplands,
D. Lookout Park,
E. Oslund Park (ballfields and skate park),
F. Emerson Field,
G. George Mark Park,
H. Library Totem Park,
I. Tanani Point Park,
J. Chilkat River Beaches Recreation Area,
K. Carr's Cove Park,
L. Skyline Park,
M. Overlook Park, and
N. Portage Cove Park.
12.30.030 Regulations
A. Camping is prohibited except during special events approved by the Borough Manager.
B. Camp fires may only be made in fire rings provided by the borough.
C. Cutting standing trees, either live or dead, is prohibited.
ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
DAY OF, 2016.

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk Date Introduced: Date of First Public Hearing: Date of Second Public Hearing: 01/10/17 01/24/17

02/14/17

ATTEST:



# Haines Borough BOROUGH ASSEMBLY ACTION REQUEST

DATE:

November 10, 2016

TO:

Borough Assembly

FROM:

Planning Commission

#### **ACTION:**

Josephson moved to amend Section 12.30.030(C) to say: Cutting standing trees, either live or dead, is prohibited. Turner seconded and the motion carried unanimously.

**Turner** moved to recommend the assembly adopt the draft Parks ordinance as amended. **Miller** seconded and the motion carried unanimously.

#### **RATIONALE:**

The amendment is offered to clarify the distinction between standing trees and felled trees.

### **BOARD REQUEST:**

Adopt Ordinance <del>16-11-447</del>, as amended. **17-01-448** 

SUBMITTED BY

Holly \$mith



# Haines Borough Parks and Recreation Advisory Committee RECORD OF DECISION

DATE: November 16, 2016 TO: Borough Assembly

FROM: Parks and Recreation Advisory Committee (PRAC)

#### **BOARD DECISION:**

17-01-448

PRAC unanimously supported Ordinance 16-11-447 but requests the following clarifications:

Clarify details in Section 12.30.020 as follows:

- Specify Picture Point Park <u>uplands</u> to distinguish from 12.40 Picture Point Park tidelands;
- Add <u>Overlook Park</u> (Skyline Estates Lot 13), to distinguish from Skyline Park (Skyline Estates Lot 15).

#### RATIONALE:

It is hoped that the above change will clarify the specific areas addressed.

SUBMITTED BY

Alekka Fullerton, Deputy Clerk

#### Haines Borough Assembly Agenda Bill

Agenda Bill No.: 17-704
Assembly Meeting Date: 01/24/17

Contribute	cription:	Attachments:	
Subject: Clarify Planning Commission Agenda Packet		acket 1. Ordinance 17-01-	149
Publishing			
Originator:			
Planning Commission			
Originating Department Borough Assembly	t:		
Date Submitted:			
11/11/16			
Full Title/Motion:			
		ring on this ordinance for 2/14 or some other action is desire	d/17. No motion is needed now and such as amendments.
Administrative Rec	ommendation:		
Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ n/a	\$ n/a	\$ n/a	n/a
φτινα	φτηα	Ψηνα	170
Comprehensive Pla		eview:	
Comp Plan Goals/Objec	tives:	Consistent: ■Yes	s □No
C Chataman			
Summary Statemer	nt: ,		
On 11/10/16, the Planning			sembly adopt this ordinance. It would blishing of planning commission
On 11/10/16, the Planning amend Haines Borough Co			
On 11/10/16, the Planning amend Haines Borough Co			
On 11/10/16, the Planning amend Haines Borough Coagendas and packets.			
On 11/10/16, the Planning amend Haines Borough Coagendas and packets.  Referral:		18.30.040(C) to clarify the pul	
On 11/10/16, the Planning amend Haines Borough Coagendas and packets.  Referral: Referred to:		18.30.040(C) to clarify the pul	blishing of planning commission
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Postponed to Date:

HAINES BOROUGH, ALASKA ORDINANCE No. 17-01-449

### **Adopted**

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(C) to clarify the publishing of planning commission agendas and packets.

#### BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

- Section 1. <u>Classification</u>. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.
- Section 2. <u>Severability</u>. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.
- Section 3. Effective Date. This ordinance is effective upon adoption.
- Section 4. <u>Amendment of Subsection 18.30.040(C)</u>. Subsection 18.30.040(C) of the Haines Borough Code is hereby amended as follows:

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

#### 18.30.040 Planning commission.

C. The commission shall meet on the second Thursday of each month at 7:00 6:30 p.m., or at another regularly scheduled time as determined by a majority vote of the commission, or upon call of the chair. An agenda shall be prepared in packet form for each meeting and provided to the commissioners and the public five calendar days in advance of the meeting. The agenda shall state the name of the Haines planning commission, the time, date and place of the meeting and a list of all agenda items. The agenda shall give a brief description of each item to be addressed, proposed development or other activity and state the action requested of the planning commission. The commission shall establish, by resolution, at least three locations in the borough for posting of the agenda. The agenda shall be publicly posted at these locations at least 72 hours prior to the time of the meeting in the same locations and manner as those for the assembly meetings.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS  $10^{\rm th}$  DAY OF JANUARY, 2017.

ATTEST:	Janice Hill, Mayor
Julie Cozzi, MMC, Borough Clerk	

Date Introduced: 01/10/17
Date of First Public Hearing: 01/24/17
Date of Second Public Hearing: 02/14/17



## Report

## from the **Borough Manager**

Date: 1/24/2017

To: Mayor and Borough Assembly

From: Brad A. Ryan, Interim Borough Manager

Re: Manager's Report

#### **MANAGER'S PRIORITIES**

- I have been working with the public works department to evaluate reducing the cost of municipal solid waste disposal for the Haines Borough. I have had conversations with DEC and Regional Disposal Company in Washington State about shipping our municipal solid waste directly to them. The quote for a 40 ft. container up to 25 tons would cost \$3,793.14 (this includes shipping from Haines to Washington and back). If we could get 25 tons in a container, this would be \$0.08/pound. Currently, the borough pays approximately \$0.20 to \$0.22/pound, which totaled approximately \$39,000 in calendar year 2016. Pursuing the borough's own container and contract with Regional Disposal Company could result in a savings of approximately \$20,000/year. I would like to investigate this further if the Assembly would see this as a worthwhile endeavor.
- Mosquito Lake Community Center (MLCC): The facilities staff has been addressing deferred maintenance issues at the MLCC. One issue with the MLCC is that the original configuration of the mechanical system requires the air handlers to run continuously, which is increasing the electrical bill up to approximately \$1,800/month. The facilities staff would like to install fin tubes that would allow the building to stay warm without the air handler running, and we estimate that this would reduce the electric bill by about \$1,000/month in the winter. The investment in materials and time would be approximately \$16,000 and, if we ran the air handler six months out of the year, it would take three winters for this investment to pay off.
- I have been following up with Blomme Quality Consultants about the results of the Organizational Assessment Survey and I have asked her to provide an online review of the results open to all employees. I have scheduled an optional presentation for employees January 25 at 5:00 pm at the library. Part of the agreement included two online or telephone presentations of the survey results. If the Assembly would like a presentation of the results, please let me know and I will work with Blomme Quality Consultants to schedule another review. Alternatively, the employee presentation will be audio recorded for your review at any time.
- Lobbying Report: As I indicated in an email to the Mayor and Assembly earlier this month, Bill Thomas is on an open-ended contract to provide lobbying services to the Haines Borough. This contract has an annual consulting fee of \$45,000 and has historically been paid in quarterly installments of \$11,250. It appears that some of the Assembly and Mr. Thomas himself thought that the contract terminated on December 31, 2016. However, a review of his contract does not support this assumption. To date, we have paid Mr. Thomas \$45,000 for his lobbying efforts in the 2016 calendar year (\$22,500 from FY16 and \$22,500 from FY17). Mr. Thomas's primary effort in this quarter has been focused on Lutak funding as evidenced by the letter of support for the Haines Borough's FASTLANE grant application signed by Lisa Murkowski, Dan Sullivan, and Don Young. I have directed Mr. Thomas to continue his efforts toward Lutak while he is in Washington, D.C. and provide me legislative updates until I get further direction from the Assembly.

Mr. Thomas has indicated that he is interested in continuing his lobbying efforts for the Haines Borough and is willing to provide lobbying services through the next legislative session and terminate his contract on June 30, 2017, if the Assembly desires his services. If this option is chosen, the \$22,500 is already in the FY17 budget and there is no need for an amendment, but I request that the Assembly have a formal discussion about the Haines Borough's lobbying priorities. If the Assembly does not wish to retain Mr. Thomas for his lobbying services, there is a 30-day

cancellation clause in the contract that allows the Haines Borough or Mr. Thomas to cancel the contract at any time. Mr. Thomas has agreed to waive the 30-day requirement and cancel the contract on January 31, 2017, if that is the desire of the Assembly (if this is the decision, I would ask legal counsel to review this agreement before agreeing to the terms). I calculate that the Haines Borough would owe Mr. Thomas a prorated fee of \$3,821.92 for the month of January 2017.

#### FACILITIES/PUBLIC WORKS

- Winter conditions continue but, thanks to the Chilkoot Indian Association, we now have a small truck sander on loan to take care of the roads until we can fix our primary sanding truck.
- Working with Mr. Cunningham on Chilkat Valley Preschool. RFP is now out with a proposal deadline of February 3.
- Corvus Design will be in town to start the trail/park design process from January 23-25.
- Water/Sewer has been working hard to keep up with heavy sewer flow due to the recent weather.
- First pre-construction meeting for the wastewater treatment plant upgrade is set for January 27.
- Ordering material for Beach Road sewer replacement and Bear Trails Lane water main extension.

#### **HARBOR**

- Shawn Bell, Krista Kielsmeier and I have been attending weekly calls with PND and Pacific Pile & Marine for project updates on Phase I of the harbor expansion. In addition, Shawn Bell and I have held a harbor town hall to provide an update on the status of the Harbor Expansion Project, Portage Cove Trail designs, and the Alaska Department of Fish and Game funded sport ramp.
- A contract to place anodes on the existing steel piles in the harbor was signed with S.E. Underwater Services.
- Shawn Bell and Gabe Thomas have been keeping a close watch on vessels with the heavy winds and they have assisted with two vessels that have broken free.

#### **POOL**

• The pool continues to operate smoothly and the big swim meet is happening the weekend of January 20-22. Matt Whitman is drawing up the designs for the new sauna and we hope to get approval from Finlandia Sauna Products soon so that we can order the cedar and heating unit.

#### WATER/SEWER

- We continue to prepare for the sewer plant upgrade and Shawn Bell is working closely with engineer Jim Dorn and Scott Bradford.
- Using Alaska Energy Authority grant funds, we installed a new pellet stove in the Lily Lake Water Plant as a secondary heat source and we purchased a pellet boiler to be installed at the Old City Shop this summer. In addition, we released an RFP for the design (which is funded by U.S. Forest Service grants) for pellet boilers at the Haines School.

#### **POLICE**

- A Public Safety Commission meeting was held on January 18 to ask for recommendations on emergency response outside of the townsite, an FY17 budget amendment, and staffing recommendations in FY18.
- The budget amendment will also be discussed at the Finance Committee meeting on January 19.

#### LANDS

#### Assessing

- One hundred sixteen transfers of ownership deeds have been processed since July 8, 2016.
- Property Data Collectors have updated 51 properties from 34 Mile Haines Highway to Mosquito Lake. Mosquito Lake area will be completed later this week. Next target area is Porcupine and Chilkat Lake Road areas.
- Document preparation for Lot 16A Carr's Cove ownership issue was completed by legal. The contesting land owner confirmed that the outlined resolution is satisfactory. A report has been submitted to the land manager for follow-up action.
- Annual review of construction declarations and building permits is in progress for percent completion of projects (ongoing until completed). Sales analysis for 2017 land valuations is also ongoing.

#### **Haines Sheldon Museum**

Director's Report: Nov-Dec 2016

#### **DECEMBER**

Visitor count: 349

Volunteer hours: 20 volunteers gave 94 hours

Children's Programs: 186 people

Research Requests: 3

Sales (Admissions and Store): Square reported 82 transactions for total net sales of \$775.78

#### Education, Public Programs, Events and Staff Training

• First Friday – White Fang Exhibit Opening: 75 attended

- **School Visits:** Tracy Wirak's 4<sup>th</sup> grade class visited the White Fang exhibit (12/15/16). 23 attended.
- Junior Curators: The Junior Curator program ended in December. JCs worked on the children's room exhibit and helped decorate the gallery for the holidays. Congratulations to Lydia Andriesen and Sally Chapell who finished the program.
- Holiday Events:
  - First year hosting Cookie and Candy Contest followed by Pictures with Santa (12/10/16). 159 attended.
  - o Three volunteers judged contest.
  - Worked with Caroline's Closet to print Santa photographs.

#### Marketing

- **New website launched**: design remains similar to old website, but new software makes updating significantly easier. Madeline and Helen were trained on how to use the software.
- **Events Planning Workshop (12/12/16)**: Madeline attended workshop hosted by tourism department. A master events calendar was developed and is available from Leslie Ross.
- New Logo: Launched logo contest initiative with poster and interviews at KHNS and CVN.
- **Bell's Travel Guide:** sent ad for 2017 guide.
- Other Marketing:
  - December e-newsletter sent to 400+ on mailing list
  - Letters to the editor printed three weeks in a row for thank yous, holiday greetings and corrections.
- **Holiday Card:** Could not print cost effectively, so sent holiday card as an e-card to the community through the community web site, face book, and email.
- White Fang:
  - Interviewed by CVN and KHNS for stories
  - Letter to the editor correcting errors in CVN story

#### **Administration:**

- Technology:
  - Fixed office printer.
  - Talked to Julie and Jila about Technology staff position
- Completed Holiday decorating.
- **New Board Member**: Tony Habra joined the board.

#### Personnel:

- Writing Personnel Manual.
- Reviewed candidates for internship.
- Hired Alesia Peirson (Accounting Tech I) and Henry Pollan (Custodian)
- Helen on vacation 12/6/16 to 12/15/16
- o Board approval to spend \$10,000 of savings on staff costs.

#### Fundraising:

• Annual Appeal: Letter sent out to our email distribution list (400+) and handed to volunteers and visitors.

#### Grants:

- O NHPRC Grant: We did not receive it. After speaking with the program director and reading review comments, our biggest deficits were that we didn't have online finding aids and that we asked for more than they normally fund (they usually fund about half of what they list as the maximum request amount). Our grant was strong, and we made an excellent case for the national significance of our collection. This would be well worth attempting again next year.
- CVCF: Attended the Chilkat Valley Community Foundation reception and received \$1,000 for the museum to spend on new exhibit vitrines.
- Alaska Historical Commission 150<sup>th</sup> Grant: Received \$14,000 for Across the Shaman's River exhibit.

#### **Exhibits:**

#### Across the Shaman's River Sesquicentennial Exhibit

- Received \$14,000 grant from Alaska Office of History and Archaeology to pay for exhibit materials.
- o 2017 exhibit calendar refined based on receipt of Sesquicentennial Grant

#### White Fang:

- Finished installing exhibit (20 hours in December)
- Opening on 12/2/16
- After opening, installed snowshoes, Schnabel photos, digital photo frame and extra labels.

#### New Children's Room:

- o Applied polyurethane to floor.
- Junior Curator's began installing exhibit on fishing in the children's room.
- Haines 50 Exhibit: Swapped out Pam Randles' Halobia loan for her Halobia donation.

#### • Six-Week Spotlight:

- Received five applications from artists.
- Helped Carol Clifton put together her application.

#### **Collections and Archives**

- Reference Requests: 3
- Items Accessioned (Including Loans): 126
- Collections Volunteers: 1 person volunteered 4 days for collections.
- White Fang: Took in donations from Judy Heinmiller and John Svenson
- **Collection Inventory**: Much of December was focused on inventory preparations. This included creating inventory forms, confirming travel plans for our instructor, Peggy Schaller, and the

- creation and implementation of a plan to renumber shelving units, which have become scrambled over time.
- Art Acquisition Fund Accessions: Four of our six artists brought in art and paperwork to help complete our Fall 2016 Rasmuson Art Acquisition Initiative Grant. Their work was given accession numbers and input in our database.
- KHNS History Talks, 8:45-9 a.m. every other Tuesday morning: Haines 50: #43, 12/6; Haines 50: #46, 12/20

#### **NOVEMBER**

Visitor count: 191

Volunteer hours: 11 people volunteered 125 hours

Children's Programs: 6 attended

Research Requests: 11

Sales (Admissions and Store): Square: 94 transactions for \$1,286.43 total net sales

#### Education, Public Programs, Events and Staff Training

• First Friday: Survey audience and Art Acquisitions exhibit, 17 attended

• **Junior Curators:** Learned about designing and setting up an exhibit. Research phase involved looking up items in PastPerfect, and then finding those objects in storage. Then they began putting up their chosen exhibit in the new Children's Room.

#### **Administration:**

- Museum closed November 11 and November 24-26.
- Purchased and installed new large format printer for exhibit work (paid for by Grant-In-Aid from the Alaska State Museum)
- Designed the Cookie/Candy Contest Poster
- Began decorating for the Holidays.

#### Fundraising:

#### Grants:

- Art Acquisitions Fund: We received full funding, \$9,225, to purchase a Donna Cattoti Pastel and 14 puppets from Gepetto's Junkyard.
- o **CVCF**: We were notified of receiving partial funding.
- NEH-PAG: Writing a request for changing funding to include a second engineer report.
- Rasmuson Grant: Writing a request for changing funding to include purchase of large flat files.

#### **Exhibits:**

#### New Children's Room:

- Junior Curators began installing fishing exhibit.
- Continued coating the floor with polyurethane.
- Art Acquisitions Exhibit: Closed November 19.
  - Found/made bags for objects (2 hours)
  - Putting away art (5 hours)
  - Prep walls for painting, remove hardware, fill nail holes (1 hour)

#### White Fang Exhibit:

- Scanned 155 photos (digital donations)
- Conducted 6 Oral Histories
- White Fang Research + Writing
- Scanned past CVN, research and for exhibit printing
- Processed loans and donations for White Fang, 59 objects and photos from 10 people
- Acquired loaned sled from Visitors Center

- Printed 100 photos, 12 facsimiles, 2 large blueprints, 40 pages of labels, 9 large text panels
- Designed and printed door banner and posters for exhibit
- Edited photos to remove tape marks
- o Installed White Fang exhibit
- o Taught volunteer to mount on foam core
- o Recruited two volunteers to help with exhibit

#### **Collections and Archives**

- Research Requests: 11
- Items Accessioned (Including Loans): 31
- Scanned Photos Accessioned: 155
- Collections Volunteers: 1 person volunteered 5 days in collections
- White Fang: Accepted loans and scanned photographs for digital acquisitions.
- Collections Inventory: Sarah (Aly) Zeiger attended a four week online course about inventories from Northern States Conservation Center. This prepared her for January's planned collections inventory project funded by a Museums Alaska Collections Management Grant. Now she has the training to prepare our collections for inventory and to train an assistant to help her complete the inventory.
- KHNS History Talks, 8:45-9 a.m. every other Tuesday morning: Haines 50: #28 and #25 (11/8); Haines 50: #17 + #32 (11/22)

## HAINES BOROUGH 2016 Mosquito Lake Facility Revenue & Expenditures

	2016 Jan-Dec	
Revenues		
Rental Income (May-Dec)	_\$	450
Expenditures		
Electricity	\$	7,167
Maintenance / Snow Removal		11,861
Heating Fuel		5,673
Property Insurance		2,832
Security Phone / Alarm		1,704
	\$	29,237

## HAINES SHELDON MUSEUM Board of Trustees Minutes December 20, 2016, 4 p.m. at the Sheldon Museum

#### **CALL TO ORDER - 4:18pm by Kelleen Adams (acting president)**

Present - John Carlson, Helen Alten, Kelleen Adams, Tim Ackerman, Lorrie Dudzik, Michael Marks, Tresham Gregg, Tony Habra

Excused - Diana Kelm

Unexcused - Anastasia Wiley

Additions to agenda - none

Approval of agenda - Michael, Tim M/S to approve agenda as written. Approved unanimously.

#### **Approval of Minutes:**

 November 3, 2016 - Michael/Tim M/S to approve minutes as written. Approved unanimously.

**Public Comments -** Tresham stated that he is happy to be our liaison. He hopes we will do more community outreach in the future.

#### **Business**

- Approval of new board members
  - Anthony Habra
  - Anastasia Wiley

Michael/John M/S to approve Anthony Habra for the board. Approved unanimously. Michael/Kelleen M/S to postpone finalization of Anastasia's reappointment until she returns. Approved unanimously.

- Election of officers John/Tim M/S to nominate Kelleen as president. Approved unanimously. Kelleen/John M/S to nominate Tony as vice president. Approved unanimously. John will continue as treasurer and Lorrie will continue as secretary.
- Logo We discussed the advisability of searching on the internet for a logo design or searching in the community for an artist to design our logo. Tony/Tim M/S to advertise to the community a logo design contest with a \$300 prize. We will get public input on the first Friday in February. Approved unanimously.
- New Staff Hires
  - Henry Pollan (custodian)
  - Alesia Peirson (bookkeeper)

Propose that \$10,000 be used from our non-endowment fund to supplement pay for two sixmonth positions:

(1) Propose Sarah (Aly) Zeiger be hired for Museum Assistant position for \$15/hour, 29 hours/week until the end of June from the museum non-endowment fund. Total cost: \$14.822

(2) Propose Austin Neal be hired for Information Technology Tech I position (\$18.70/hour) for 10 hours per week until the end of June from museum non-endowment fund. Total cost: \$5,302

Propose we hire best candidate (determined by personnel committee after board meeting) from applications for grant-funded intern position for \$10/hour, 30 hours/week until May, 40 hours/week May-June. Intern salary will be paid from two Museums Alaska Collection Management Grants. Grant to cover first three months of work has been received.

Tony/John M/S to earmark up to \$10,000 from our savings account to supplement borough pay and grants for a museum assistant, a technology position and/or an internat the discretion of the director. Approved unanimously.

#### **Staff/Board Reports:**

- Museum Director We received a \$14,000 grant from the Alaska Historical Commission for Madeline and Helen to do research in Juneau for our "Shaman" exhibit. We did not receive the National Historical Publications and Records Commission grant. We may get a professional archivist for a couple of months.
- President's Report none
- Treasurer's Report none

#### **Next Board Meeting:**

- Staff Evaluations
- Long Range Plan
- Summer Marketing Plan

**Next Board meeting date:** January 5, 2017 at 4 p.m.

Adjourn: 5:50pm

Respectfully submitted,

Lorrie Dudzik, secretary



$\boxtimes$	REGULAR MEETING

☐ SPECIAL MEETING

Parks and Recreation
Advisory Committee
(PRAC)

### COMMITTEE MEETING SUMMARY AND MINUTES

Meeting date: 11/16/2016 Time: 5:00 pm Location: Library

Committee members present: Burl Sheldon, Richard Chapell; Chair: Richard Chapell

Patty Peters & Thom Ely (telephone)

Members absent: George Figdor, Meredith Pochardt

Guests: Ron Jackson (BA Liaison), Jeremy Stephens (Planning Commission), Mike Case (BA),

Johathan Richardson (Public).

Minutes recorder: Richard Chapell

#### **Action items:**

- Approved unanimously minutes from 10/19/2016 meeting.
- Approved unanimously agenda without modification.
- Approved unanimously Draft ORDINANCE No. 16-xx-xxx An Ordinance of the Haines Borough amending Haines Borough Code Title 12 to create a section on Borough Parks. Unanimous.
- Scheduled next PRAC meeting December 5, 2016, 5 pm at the Library. Agenda: Collect comments from recreational users on the revised Haines Borough map of approved heli-ski operation areas.

### Topics of discussion:

#### Carr's Cove -Improving park amenities and access

On Oct. 29 volunteers finished trash cleanup, hauled 2.5 cy fire pit contents, and Borough staff
disposed of ash, nails. Sheldon will draft a proposal for simple, low-cost improvements to the site:
bench and/or table, fire ring, and trail smoothing to ease pedestrian access. At the cleanup,
Carr's Cove users said they are not in favor of more visible improvements such as enlarged
parking area or restroom/trash can that would require maintenance. At the next meeting, PRAC
will review the proposal and forward to HB Public Facilities Director and HB Planner.

## Draft parks ordinance that joint Planning Commission/PRAC sub-committee referred to Borough Assembly

- PRAC members requested BA member Jackson amend details in Section 12.30.020:
  - Specify Picture Point Park <u>uplands</u> to distinguish from 12.40 Picture Point Park tidelands;
  - Add <u>Overlook Park</u> (Skyline Estates Lot 13), to distinguish from Skyline Park (Skyline Estates Lot 15).

#### Portage Cove waterfront trail design contract with Corvus Design

• PRAC members are glad to see the community input waterfront planning process underway.

#### Trail planning meeting - November 21, 10:00 am at Takshanuk Watershed Council

- Ely pointed out several locations on the meeting invitation map where proposed trails cross private property.
- Chapell plans to attend, and will advocate that the trail group pursue easements or not cross
  private property, and will advocate for the Borough's interest in implementing the trail network
  described in the 2025 Comprehensive Plan.

#### PRAC's process for considering and recommending new members.

No further action required.

#### Set next meeting date

- December 5, 2016 meeting 5 pm at the library.
- Agenda: Collect comments from recreational users on the revised Haines Borough map of approved heli-ski operation areas.

#### **Adjourn**

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### **MINUTES**

**9**C

## **Ports and Harbors Advisory**

Meeting Date: November 17, 2016 at 10:30 am

Date of Approval: December 29, 2016

<u>Call to Order</u>: A meeting of the Haines Borough Ports and Harbors Advisory Committee was held at Assembly Chambers, 213 Haines Hwy on November 17, 2016.

<u>Members in Attendance</u>: Norman Hughes, Don Turner, Jr., Bill Rostad, Brad Badger and Fred Gray

Members Not in Attendance: Terrance Pardee, Glen Jacobson

Others in Attendance: Shawn Bell, Margaret Friedenauer, Jeremy Stephens, Tresham Gregg, Heather Lende, Chilkat Valley News, Bill Thomas, and Evelyna Vignola.

**Approval of Agenda:** Bill Rostad moved to adopt the agenda, it was seconded and passed unanimously.

**Approval of Minutes:** Bill Rostad moved to approve the October 27, 2016 minutes; the motion was seconded and passed unanimously.

#### **Old Business:**

- A. Ports and Harbors CIP List- Nothing new to report.
- B. Title 16- Derelict Vessels & Other Code- Nothing new to report.

### **New Business:**

A. Harbor Expansion Add Alt C

<u>Motion:</u> Don Turner Jr. moved that the Ports and Harbor Advisory Committee recommend that the Assembly execute a change order to reinstate Add Alt C to the Harbor Expansion Project. The motion was seconded by Bill Rostad and passed unanimously.

- B. Proposed Vessel Storage Fee Adjustment- Discussion only.
- C. Proposed Letnikof Summer Moorage Rate- Discussion only.

**Next Meeting:** December 29, 2016 at 10:30 am in the Assembly Chambers, 213 Haines Hwy.

**Adjournment:** Absent objection, the meeting was adjourned.

Alekka Fullerton, Deputy Clerk Harbor Advisory Committee

### MINUTES APPROVED

## **Tourism Advisory Board**

Meeting Date: November 10, 2016

Date of Approval: January 12, 2017

**Call to Order:** A meeting of the Haines Borough Tourism Advisory Board was held at Assembly Chambers on November 10, 2016. The meeting started at 12:08 p.m. as a working group since no quorum was present. Sean Gaffney presided. At 12:25 pm Rhonda Hinson arrived, creating a quorum.

**Members in Attendance**: Sean Gaffney, Scott Sundberg, Barbara Mulford, and Rhonda Hinson. Tourism Director, Leslie Ross was also in attendance.

**Members Not in Attendance**: Karen Hess, Michael Marks and Alison Jacobson were not present. Barbara Mulford moved to excuse their absence; such motion was seconded by Rhonda Hinson and passed unanimously.

Others in Attendance: Lori Lapeyri-Smith, Planner Holly Smith, Deputy Clerk Alekka Fullerton, Mike Case, Diana Lapham, John Stang from the Chilkat Valley News, Tresham Gregg, Eric Holle, and several others.

**Approval of Agenda:** Motion was made by Barbara Mulford to approve the agenda, the motion was seconded and passed unanimously.

**Approval of Minutes: Motion** was made by Barbara Mulford to approve the minutes of the October 13, 2016, the motion was seconded and passed unanimously.

**Tourism Director Update:** Leslie was seeking input on attending the ATIA Conference in Florida. We have not gone to that conference since 2011 because it is so expensive.

Motion: Barbara Mulford moved to send Leslie to the conference. After the motion was seconded, the motion was postponed for more information on cost.

The Visitor's center will be using the CYD van to take visitors to the Bald Eagle Festival.

#### **New Business:**

#### 1. Discussion of Ordinance 16-10-445.

Motion: Sean Gaffney moved to change the Heli-Ski Map Committee from a 5 person committee to a 7 person committee by adding a Tourism Advisory Board seat and a Parks and Recreation Advisory **Committee seat**. The motion was seconded and passed unanimously.

Motion: Barbara Mulford moved to change the existing Heli-Ski Industry seat and the existing environmental/conservation seat into advisory, non-voting seats. After the motion was seconded, it passed unanimously.

#### 2. Coordinated Transportation Plan

TAB suggested forming a task force to address the transportation gap to and from the ferry terminal. Holly Smith will work with Leslie Ross to try to create some viable options by the next meeting.

#### 3. New Committee Members

Michael Marks has resigned from the committee. Scott Sundberg and Karen Hess have chosen not to seek reappointment.

<u>Motion:</u> Sean Gaffney moved that Kelleen Adams, Diana Lapham and Lori Smith be appointed to the Tourism Advisory Board. After the motion was seconded, it passed unanimously.

#### **Old Business:**

- 1. Jim Scholl wants to find the most convenient time for blasting on Haines Highway this summer. Please let Leslie know about tour times as soon as possible so that we can inconvenience the fewest people.
- 2. The Assembly is creating a Haines Highway Working Group to further advise on take outs along the Chilkat River.
- 3. Need another working group meeting for Title V updates. That meeting will be December 13, 2016 at noon at the Library.

**Next Meeting:** The next meeting will be January 12, 2016 at noon at the Assembly Chambers.

**Adjournment:** The meeting was adjourned at 1:11 p.m.

#### Haines Borough Assembly Agenda Bill

Agenda Bill No.: 17-712
Assembly Meeting Date: 1/24/17

			Assembly	weeting bate. <u></u>	
Business Item Des			Attachments:		
Subject: Contract with pr	oHNS LLC for Marine		1. Resolution 17-01-7	704	
Mammal Observation for Harbor Expansion Project Originator: Director of Public Facilities		ect	2. proHNS Proposal		
Originating Department: Public Facilities					
Date Submitted:					
12/8/16					
Full Title/Motion:					
Motion: Adopt Resolution	17-01-704.				
Administrative Red					
This resolution is recomm	ended by the interim bo	rougn i	manager.		
Fiscal Impact:					
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future	
			' '	Operating Budgets	
\$70,896	\$70,896	\$ 0		N/A	
Comprehensive Pla	n Consistency Re	eview	<b>7</b> :		
Comp Plan Goals/Object	ctives:				
Objective 4B, page 144			Consistent: Yes	□No	
Summary Stateme	nt:				
				n during the Portage Cove Harbor	
Expansion project. proHNS					
				ces include accurately identifying in-water work activities, including	
				observation zone for 15 minutes	
before any pile driving activing	vities take place and, if a	any Ste	ller sea lions or humpb	ack whales are present within the	
				rmed the animal(s) left the zone. The	
the Legislative grants that				hese services will be paid for out of are sufficient	
the Eoglolative grante that	word awarded for time po	агросо,	and available memor	are cameloni.	
Referred to			Deferral Data		
Referred to: Recommendation:	eferred to: Referral Date:			Meeting Date:	
Necommendation.			IV	Lecting Date.	
Assembly Action:					
Meeting Date(s): 1/24/1	7		Public Hearing Dat	(a):	
weeting Date(5). 1/24/1	ı		rubiic nearing Dat	.▽(3 <i>)</i> .	

Postponed to Date:

#### HAINES BOROUGH, ALASKA RESOLUTION No. 17-01-704

Draft

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with proHNS LLC for an amount not to exceed \$70,896 for marine mammal observation services during construction of the Portage Cove Harbor Expansion project.

**WHEREAS**, a National Marine Fisheries Service permit requires marine mammal observation during the Portage Cove Harbor Expansion project; and

WHEREAS, proHNS LLC has provided a proposal for marine mammal observation services during construction for an amount not to exceed \$70,896; and

WHEREAS, proposed proHNS LLC services include accurately identifying Steller sea lions and humpback whales and being present before and during all in-water work activities, including dredging, disposal and pile driving; and

WHEREAS, the marine mammal observer will scan the observation zone for 15 minutes before any pile driving activities take place and, if any Steller sea lions or humpback whales are present within the observation zone, pile driving activities will not begin until the observer has confirmed the animal(s) left the zone; and

WHEREAS, the observer also will scan the observation zone during any in-water work activity; and

**WHEREAS**, these services will be paid for out of the Legislative grants that were awarded for this purpose, and available monies are sufficient,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to contract with proHNS LLC for an amount not to exceed \$70,896 for marine mammal observation services during construction of the Portage Cove Harbor Expansion project.

Adopted by a duly-constituted quorum of to 2017.	the Haines Borough Assembly on this day of
	Janice Hill, Mayor
Attest:	
Julie Cozzi, MMC, Borough Clerk	



P.O. Box 1041 Haines, AK 99827 solutions@proHNS.com www.proHNS.com (907) 314-3689 Juneau Office
P.O. Box 33322
Juneau, AK 99803
garret@proHNS.com
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(360) 631-6421

December 15, 2016

Brad Ryan Director of Public Facilities P.O. Box 1209 Haines, Alaska 99827

RE: Portage Cove Harbor Expansion

Marine Mammal Observation Services Proposal

Dear Mr. Ryan

proHNS LLC is honored to provide this proposal for marine mammal observation (MMO) services during construction of the Portage Cove Harbor Expansion project. We have prepared the fee breakdown below based on an estimated construction schedule provided by PND:

Estimated duration of in-water work: 28 weeks

Estimated shift during in-water work: 60 hours per week

proHNS MMO rate: \$42.20 per hour

Estimated not to exceed amount: \$70,896.00

Our objective is to provide MMO services efficiently and promptly to fulfill the Borough's permit requirements. Our observations assume at least one MMO working six days per week, covering one 10 hour shift per day. We hope that we have met your needs with the attached contract. Feel free to call me at any time should you have any questions or need additional information. We look forward to assisting the Borough towards a successful completion of the harbor expansion.

Sincerely

Jeremy Stephens, PE

Principal Engineer – proHNS Haines



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#### Juneau Office

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#### **TECHNICAL SERVICES CONTRACT No. TS-003-16**

#### MARINE MAMMAL MONITORING - PORTAGE COVE HARBOR EXPANSION

This Contract for Services is made effective as of the date this contract is signed by and between proHNS LLC (proHNS) of P.O. Box 1041, Haines, Alaska 99827, and Haines Borough (HB) of P.O. Box 1209, Haines, Alaska 99827 (collectively, the Parties).

- **1. DESCRIPTION OF SERVICES.** proHNS will provide HB with a marine mammal observer (MMO) as required by the attached National Marine Fisheries Service (NMFS) permit #AKR-2016-9528:
  - The MMO will be able to accurately identify Steller sea lions and humpback whales.
  - An MMO will be present before and during all in-water work activities, including dredging, disposal, and pile driving.
  - The MMO will observe a 1000 meter observation zone during pile driving activities and a 200 meter observation zone (shown in Figure 1 of the NMFS permit) for all other in-water work activities. Binoculars will be used if needed.
  - The MMO will scan the observation zone for 15 minutes before any pile driving activities take place. If any Steller sea lions or humpback whales are present within the observation zone, pile driving activities will not begin until the MMO has confirmed that the animal(s) has left the observation zone.
  - During any in-water work activity, the MMO will continue to scan the observation zone for any
    Steller sea lions or humpback whales. If any Steller sea lions or humpback whales enter the
    observation zone during in-water work activity, the MMO will immediately direct the in-water
    work activity to cease. In-water work activities will not begin again until the MMO has confirmed
    that the animal(s) has left the observation zone.
  - The MMO will provide HB with reports, on forms provided by HB, of all Stellar sea lion or humpback whale sightings, or confirmation of absence of sightings, estimated distance from project operations, and any shutdown during in-water work activities due to Steller sea lions or humpback whales approaching or occurring within the observation zone. Such reports will be submitted to HB on a periodic basis determined by HB.
  - The MMO will have no other primary duties than watching for and reporting on events related to Steller sea lions and humpback whales.

HB will provide proHNS a minimum 2 week notice prior to the start of any in-water work activities. After in-water work activities have begun, HB will provide the MMO with a minimum 12 hour notice prior to MMO services being required for each type of in-water activity expected to be performed.

HB will provide the MMO with a radio or other means of communicating directly with the construction contractor. The MMO may not begin observations until direct communication with the construction contractor is established.

The MMO will perform observations of the project site from the end of the cruise ship pier, from the existing breakwater, or from the construction contractor's vessels. Observations of the dredge material disposal site will be made from the construction contractor's vessel. If any of these posts



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are unsuitable, HB will provide other alternatives, such as a boat, for the MMO to adequately monitor the entire observation zone. If deemed necessary, HB will provide other devices to assist in observing the project site observation zone, such as buoys to delineate the outer edge of the zone, or a range finder with a minimum capacity of 1000 meters.

- **2. CHANGES.** Changes, additions, or subtractions to the DESCRIPTION OF SERVICES must be mutually agreed upon by the Parties via Change Order. The Parties will attempt to resolve any changes out of or relating to this contract through friendly negotiations amongst the Parties.
- **3. PAYMENT.** HB agrees to pay proHNS a time and materials rate of \$42.20 per hour for MMO services with a not to exceed amount of \$70,896.00 without prior written notification by HB. proHNS will invoice HB on a twice monthly basis (1<sup>st</sup> and 16<sup>th</sup>). Invoiced amounts will be based on the actual hours worked during the prior two-week period. Payment for the amount invoiced will be made within 30 days of the invoice date. An invoice, or potion of invoice, not paid within 30 days of the invoice date will result in interest accrued at the rate of 2% compounded daily until the invoice, or portion of invoice, is paid in full.

A minimum of 4 hours will be charged per call-out or standby request, whether or not observation services are performed during that period.

- **4. TERM.** Early termination of the Contract by HB or proHNS does not absolve HB of invoiced services and payments due to proHNS. This contract will terminate automatically following the last payment of the original sum and all Change Orders due to proHNS.
- **5. WORK PRODUCT OWNERSHIP.** Any copyrightable works, ideas, discoveries, inventions, patents, products, or other information developed in whole or in part by proHNS in connection with this contract will be the property of HB.
- **6. WARRANTY.** proHNS will provide its services and meet its obligations under this contract in a timely and workmanlike manner, using knowledge and recommendations for performing the services which meet generally acceptable industry standards.
- **7. ENTIRE AGREEMENT.** This Contract contains the entire agreement of the Parties, and there are no other promises or conditions in any other agreement whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral agreements between the parties.
- **8. AMENDMENT.** This Contract may be modified or amended in writing by mutual agreement between the parties, if the writing is signed by the party obligated under the amendment.
- **9. LAWS TO BE OBSERVED.** This Contract is subject to, and shall be construed in accordance with, the laws of the State of Alaska. It is the responsibility of HB to keep fully informed of, observe, and comply with all federal, state, and local laws, ordinances, and regulations, and all orders and decrees of bodies or tribunals have any jurisdiction or authority, that may be engaged or enforced when implementing (e.g. constructing) the work products prepared by proHNS.



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**10. RESPONSIBILITY FOR DAMAGES AND CLAIMS.** HB shall indemnify, hold harmless, and defend proHNS and its' representatives and employees from any and all claims, neighboring property owner damages, or actions for injuries or damages whatsoever sustained by any person or property that arise from or relate to the performance of the Contract if the claims or damages are not attributable to proHNS or its employee's or its representative's negligence.

IN WITNESS WHEREOF, the Parties hereto have caused this contract to be executed by their duly authorized representatives as of the date signed below.

Haines Borough Representative:	Date
proHNS LLC Representative: Jeremy Stephens	Date



## UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration

National Marine Fisheries Service P.O. Box 21668 Juneau, Alaska 99802-1668

March 15, 2016

Col. Michael Brooks US Army Corps of Engineers, Alaska District Regulatory Division PO Box 6898 JBER, Alaska 99506-0898

Re: Haines Portage Cove, POA-2005-1976, NMFS #AKR-2016-9528

Dear Colonel Brooks:

The National Marine Fisheries Service (NMFS) has completed informal consultation under section 7(a)(2) of the Endangered Species Act (ESA) regarding the proposed Portage Cove dock located in Chilkoot Inlet near Haines, Alaska (see Figure 1). The US Army Corps of Engineers (Corps) proposes to permit the Haines Borough to make improvements to the facilities in Portage Cove.

NMFS received your September 25, 2015 request for written concurrence that the proposed action may affect, but is not likely to adversely affect, the endangered humpback whale (Megaptera novaengliae) or the endangered western Distinct Population Segment (DPS) of the Steller sea lion (Eumetopias jubatus). Based on our analysis of the information you provided to us and additional literature cited below, NMFS concurs with your determination. A complete administrative record of this consultation is on file in this office.

#### **Consultation History**

NMFS received your request for consultation on September 28, 2015. NMFS requested more information about the project via email in October 2015 and February 2016. In March 2016, the Haines Borough via PND Engineers, Inc. provided NMFS with additional information regarding the project schedule and proposed mitigation measures.

#### Description of the Proposed Action and Action Area

The Haines Borough is proposing to construct harbor and wave protection facilities to increase capacity while providing safe vessel navigation, moorage, launching, loading, staging, and parking improvements, and provide clearance for proposed boat launch, drive down float, and additional vessel moorage. The harbor currently serves commercial fishing vessels, recreational vessels, ferries, cruise ships, and tugs.

Aspects of the project that may affect listed species include:

 Driving steel piles of varying diameter with a hydraulically operated vibratory hammer during the summer and fall months into silt sands over clay and gravelly sands, as

#### follows:

- o forty-eight 30-inch piles,
- o one hundred forty-seven 24-inch piles,
- o seventy-two 16-inch piles,
- o ten 12-inch piles
- Clamshell and conventional hydraulic excavator dredging approximately 129,450 cubic yards of marine sediment
- Disposal of 104,450 cubic yards of the dredged material by discharge over 50 acres of the seafloor at a location approximately 1.5 miles northeast of the proposed dredging site at Latitude 59.238333° N., Longitude 135.400639° W. in Chilkoot Inlet

The action area is defined in the ESA regulations (50 CFR 402.02) as the area within which all direct and indirect effects of the project will occur. The action area is distinct from and larger than the project footprint because some elements of the project may affect listed species some distance from the project footprint. The action area, therefore, extends out to a point where no measurable effects from the project are expected to occur.

Since 1997 NMFS has used generic sound exposure thresholds to determine whether an activity produces underwater sounds that might result in impacts to marine mammals (70 FR 1871). NMFS is currently developing comprehensive guidance on sound levels likely to cause injury and behavioral disruption to marine mammals. However, until such guidance is available, NMFS uses the following conservative thresholds of underwater sound pressure levels<sup>1</sup>, expressed in root mean square<sup>2</sup> (rms), from broadband sounds that cause behavioral disturbance, and referred to as Level B harassment under section 3(18)(A)(ii) of the Marine Mammal Protection Act (MMPA):

- impulsive sound: 160 dB re 1 μPa<sub>rms</sub>
- continuous sound: 120 dB re 1μPa<sub>rms</sub>

NMFS uses the following conservative thresholds for underwater sound pressure levels from broadband sounds that cause injury, referred to as Level A harassment under section 3(18)(A)(i) of the MMPA:

- 180 dB re 1μPa<sub>rms</sub> for whales
- 190 dB re 1μPa<sub>rms</sub> for pinnipeds (seals and sea lions)

NMFS defines the action area for this project as the area within which project-related noise levels are  $\geq 120$  dB re  $1\mu Pa_{rms}$  (i.e., the point where no measurable effect from the project would occur). However, if the Haines Borough or the Corps, in coordination with NMFS, chooses to perform Sound Source Verification to determine the actual area that would be ensonified to at

 $<sup>^1</sup>$  Sound pressure is the sound force per unit micropascals (µPa), where 1 pascal (Pa) is the pressure resulting from a force of one newton exerted over an area of one square meter. Sound pressure level is expressed as the ratio of a measured sound pressure and a reference level. The commonly used reference pressure level in acoustics is 1 µPa, and the units for underwater sound pressure levels are decibels (dB) re 1 µPa.

<sup>&</sup>lt;sup>2</sup> Root mean square (rms) is the square root of the arithmetic average of the squared instantaneous pressure values.

least 120 dB re  $1\mu Pa_{rms}$ , the size of the action area (and thus the area within which effects to listed species are expected) may be altered to reflect those site-specific measurements.

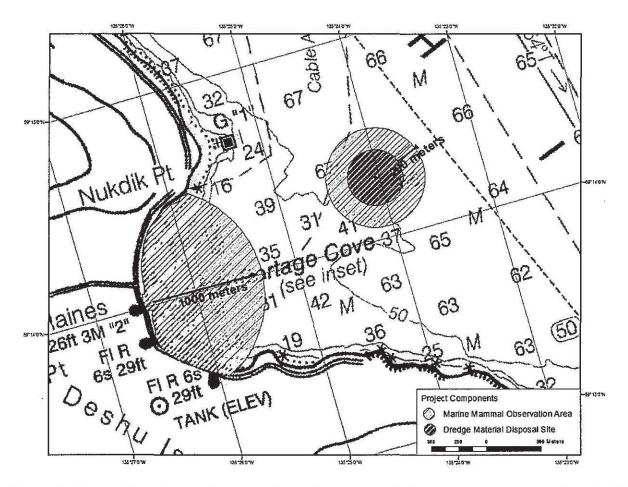


Figure 1. Project location and proposed marine mammal observation areas associated with this project.

#### **Mitigation Measures**

The Corps informed NMFS via email dated March 4, 2016, that the project will incorporate the following mitigation measures to avoid impacts to Steller sea lions and humpback whales.

- The steel piles will be driven with a vibratory hammer. Impact hammers (with pile
  cushions between impact hammer and piling) shall only be used if piles encounter
  soils too dense to penetrate with vibratory equipment.
- Ramp up or soft-start procedures will be applied to all pile driving activities to provide a
  chance for Steller sea lions and humpback whales to leave the area prior to pile driving at
  full capacity. For impact pile driving, contractors will be required to provide an initial set
  of three strikes from the hammer, followed by a 30 second waiting period, then two
  subsequent three-strike sets.
- A marine mammal observer will be present before and during all pile driving activity.
- The marine mammal observer will be able to identify Steller sea lions and humpback whales accurately and will observe the entire area within 1000 meters of the project site (i.e., the observation zone, as shown in Figure 1) from a platform or boat using binoculars as needed.
- For 15 minutes before any pile driving activities take place, the observer will scan the zone for the presence of any Steller sea lions and/or humpback whales.
- If any Steller sea lions or humpback whales are present within the zone, pile driving activities will not begin until the animal(s) has left the zone.
- During all pile driving activity, the observer will scan the zone for any Steller sea lions and humpback whales. If any enter the zone during pile driving activity, pile driving will cease immediately, and will not begin again until the animal(s) has left the zone.
- A 200 meter monitoring area will be established for all other in-water work activities, including dredging and disposal, centered on the work area. A marine mammal monitor would record observations of Steller sea lions and humpback whales within these areas and implement a shut-down of in-water work if a listed marine mammal approaches the observation zone.
- The marine mammal observer will have no other primary duties than watching for and reporting on events related to ESA-listed marine mammals.
- The Corps will require the applicant to provide NMFS with a report of all Steller sea lion or humpback whale sightings (or confirmation on absence of sightings), estimated distance from project operations, and any shutdown during pile driving or pile removal activities due to Steller sea lions or humpback whales approaching or occurring within the exclusion zone. The applicant will provide the Corps and NMFS with this report within 60 days of project completion.

#### **Listed Species and Critical Habitat**

Endangered humpback whales and endangered western DPS Steller sea lions may occur in the action area (Table 1). Critical habitat has not been designated for the humpback whale, and the nearest Steller sea lion critical habitat is the Gran Point haulout (over 10 miles southeast of the action area).

Table 1. Listing status and critical habitat designation for marine mammal species considered in this determination.

Species	Scientific Name	Status	Listing	Critical Habitat
Humpback Whale	Megaptera novaeangliae	Endangered	December, 2, 1970 35 FR 18319	Not designated
Western DPS Steller Sea Lion	Eumetopias jubatus	Endangered	May 5, 1997 62 FR 24345	August 27, 1993 58 FR 45269

#### Western DPS Steller Sea Lions

The Steller sea lion was listed as a threatened species under the ESA on November 26, 1990 (55 FR 49204). In 1997, NMFS reclassified Steller sea lions as two DPSs based on genetic studies and other information (62 FR 24345); at that time the eastern DPS was listed as threatened and the western DPS was listed as endangered. On November 4, 2013, the eastern DPS was removed from the endangered species list (78 FR 66139). Information on Steller sea lion biology and habitat (including critical habitat) is available at:

http://alaskafisheries.noaa.gov/protectedresources/stellers/default.htm

The ability to detect sound and communicate underwater is important for a variety of Steller sea lion life functions, including reproduction and predator avoidance. NMFS categorizes Steller sea lions in the otariid pinniped functional hearing group, which likely can hear frequencies between 0.1 and 40 kHz in water (NOAA 2013).

We assume Steller sea lions may occasionally be present in Portage Cove for the following reasons:

- Steller sea lions are highly mobile and have large ranges. Nearby observations are documented in the Platform of Opportunity database (Lewis, 2011).
- Potential prey sources in the form of spawning salmon are located, seasonally, near the
  project area. Several nearby rivers and creeks are documented in the Anadromous
  Waters Catalog maintained by the Alaska State Department of Fish and Game (ADF&G
  2014).

#### Steller Sea Lion Critical Habitat

NMFS designated critical habitat for Steller sea lions on August 27, 1993 (58 FR 45269). In Alaska, designated critical habitat includes: 1) a 37-km (23-mi) seaward buffer around all major haulouts and rookeries west of 144° W longitude; 2) 0.9-km (0.6-mi) terrestrial, air, and aquatic zones around major haulouts and rookeries east of 144° W longitude, and 3) three special aquatic foraging areas: the Shelikof Strait, Bogoslof, and Seguam Pass areas. The project area is over 10 miles away from the nearest critical habitat location, Gran Point.

#### **Humpback Whales**

The humpback whale was listed as endangered under the Endangered Species Conservation Act (ESCA) on December 2, 1970 (35 FR 18319). Congress replaced the ESCA with the ESA in 1973, and humpback whales continued to be listed as endangered. NMFS recently conducted a global status review and proposed changing the status of humpback whales under the ESA. Under this proposal, the Western North Pacific DPS (which includes whales found in the Aleutian Islands and Bering Sea) would be listed at threatened and the Hawaii DPS (which includes whales found in southeast Alaska) and Mexico DPS (which includes whales found in the northern and western Gulf of Alaska, Aleutian Islands, and Bering Sea) would not be listed (80 FR 22304; April 21, 2015). Information on humpback whale biology and habitat is available at:

http://www.fisheries.noaa.gov/pr/species/mammals/whales/humpback-whale.html http://www.nmfs.noaa.gov/pr/sars/2013/ak2013\_humpback-wnp.pdf

Humpback whales produce a variety of vocalizations ranging from 0.02 to 10 kHz (Winn et al. 1970, Tyack and Whitehead 1983, Payne and Payne 1985, Silber 1986, Thompson et al. 1986, Richardson et al. 1995, Au 2000, Frazer and Mercado III 2000, Erbe 2002, Au et al. 2006a, Vu et al. 2012). NMFS categorizes humpback whales in the low-frequency cetacean functional hearing group, which likely can hear frequencies between 0.007 and 30 kHz (NOAA 2013).

Humpback whale observations near the project area are documented in the POP database (Lewis 2011). Given the documented presence of humpback whales in the area, we assume humpback whales may be present during the proposed project activities.

#### **Effects of the Action**

For purposes of the ESA, "effects of the action" means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is "not likely to adversely affect" listed species or critical habitat is that all of the effects of the action are expected to be insignificant, discountable, or completely beneficial. Insignificant effects relate to the size of the impact and are those that one would not be able to meaningfully measure, detect, or evaluate, and should never reach the scale where take occurs. Discountable effects are those that are extremely unlikely to occur. Beneficial effects are contemporaneous positive effects without any adverse effects to the species.

The potential effects of the proposed action on listed species and critical habitat include acoustic disturbance (noise) and habitat alteration.

#### **Acoustic Disturbance**

Possible impacts to marine mammals exposed to loud underwater or in-air noise include mortality (directly from the noise, or indirectly from a reaction to the noise), injury, and disturbance ranging from severe (e.g., abandonment of vital habitat) to mild (e.g., startle response). Noise is the primary concern for both species covered in this consultation. Dredging and pile driving and extraction introduce noise into the underwater environment that has the

potential to negatively impact marine mammals (Thompson et al. 2013). See the "Action Area" section above for a description of NMFS sound exposure thresholds.

The potential impact pile driving is expected to be the loudest sound source from the proposed action. Impact pile driving methods can generate peak pulsed sound pressure levels of 237 decibels (re 1  $\mu$ Pa) (Hildebrand 2009). The 160 decibel isopleth for the pile driving associated with the Port MacKenzie project was measured to be approximately 1500 meters from the source (Blackwell 2005). However, that project used 36-inch pilings, whereas this proposed project uses smaller, 30-inch, 24-inch, 16-inch, and 12-inch pilings, therefore the sound source levels and resulting 160 decibel isopleth should be smaller. Impact pile driving equipment for this project will use pile cushions to further reduce the sound levels.

Vibratory pile driving generates lower peak pressure levels than impact pile driving, but the total energy imparted to the pile is comparable because the vibratory hammer operates continuously, and requires more time to install the pile (ICF 2009). Vibratory hammer methods used at the Port MacKenzie project under similar conditions as the proposed action generated peak pulses of 179 decibels (re 1  $\mu$ Pa) (Blackwell 2005). The 120 decibel isopleth at the Port MacKenzie project was measured to be approximately 1400 meters (Blackwell 2005). However, as stated above, the Port MacKenzie project used larger, 36-inch pilings, so the sound source level and resulting 120 decibel isolpeth are larger than expected for this project, which proposes to use 30-inch, 24-inch, 16-inch, and 12-inch pilings.

Clamshell dredging activities cause a continuous noise source that have the potential to impact marine mammals (Todd et al. 2015). Clamshell dredging in Cook Inlet measured 124 decibels (re 1  $\mu$ Pa) at the 150 meter isopleth (Dickerson et al. 2001). The peak sound levels were associated with the dredger striking the hard ocean floor (Dickerson et al. 2001). The proposed dredging in Portage Cover is similar to the Cook Inlet dredging project and will likely generate similar sound levels.

The significance of potential impacts of noise to marine mammals is dependent on a number of factors including the magnitude of sound pressure levels, species receiving the sound, exposure type (e.g., continuous vs. pulse), duration, site characteristics, species' auditory characteristics, and individual marine mammal characteristics (e.g., habituation, season, motivation) (Dazey et al. 2012, Ellison et al. 2012).

In addition to the mitigation measures included as part of this action, NMFS expects that two factors will minimize the potential impacts of the pile driving and drilling noise associated with this project:

- The silty sediment marine seafloor where the work is proposed. Sound dissipates more rapidly over soft seafloors.
- This harbor is often in use by large vessels and Steller sea lions and humpback whales may recognize this as a noisy area. Tug boat with barges in Southeast Alaska have been recorded to exceed sound pressure levels of 180 decibels (re 1 μPa) (Kipple and Gabriele 2004). This type of activity can mask the sounds of pile driving, extraction, and dredging.

Marine mammals transiting this area are routinely exposed to sounds louder than 120 decibels, and continue to use this area; therefore, there does not appear to be evidence that they are harassed by these sounds, or they have become habituated to the noise.

The noise created by this proposed project is expected to be within the auditory range of humpback whales and Steller sea lions. Humpback whales are not common in Chilkoot Inlet, although they have been observed there. Steller sea lions are expected to occur in Chilkoot Inlet in greater numbers when salmon begin to enter streams in the inlet to spawn. Since pile driving is anticipated to occur in summer and fall months, greater Steller sea lion presence could overlap with pile driving. However, if a humpback whale or Steller sea lion approaches the action area while pile driving is underway, the 1000-meter marine mammal observation shut-down area is large enough to prevent injury (decibel levels outside of the 1000-meter shut-down area are expected to be below the NMFS harm exposure threshold for impulsive noise sources). We do not have precise measurements for the sound source levels of vibratory pile driving of 30-inch pilings under similar conditions, but our extrapolations based on the best available information indicate that the 1000-meter shut-down area is likely large enough to prevent exposure of humpback whales and Steller sea lions to non-injurious (Level B) continuous levels of noise (above 120 decibels). Likewise, if a humpback whale or Steller sea lion approaches the action area while dredging is underway, the 200-meter observation and shutdown area should prevent injury. In addition, sound levels from existing Portage Cove activities have likely resulted in habituation to noise among whales and sea lions occurring in the area. Thus, we do not expect any measureable negative responses from humpback whales or Steller sea lions that might occur in the action area.

Noise generated from vibratory or impact hammers can reduce the fitness and survival of fish in areas used by foraging Steller sea lions; however, given the small area of the project site and the fact that any physical changes to this habitat would not be likely to reduce the localized availability of fish (Fay and Popper 2012), it is unlikely that listed species would be affected.

Based on the discussion above, NMFS considers effects from noise associated with the proposed action to be insignificant.

#### **Habitat Alteration**

We do not expect detectable effects of the proposed dredging and deposition of dredged materials on humpback whales, Steller sea lions, or their habitat. Humpback whales and Steller sea lions do not commonly use the shallow waters where dredging will occur, and indirect effects to prey or due to sediment in the water at the dredge site are expected to be undetectable to humpback whales and Steller sea lions. A marine mammal observer will be present on the tug/barge during the dredge materials disposal operation and will shut down disposal activities if humpback whales or Steller sea lions are observed approaching a 200 meter radius from the vessels. The sediments are expected to be deposited over a 50 acre area of the seafloor. This will likely avoid any detectable impacts to humpback whales, Steller sea lions, or their prey. The effects of habitat alteration are therefore discountable.

#### Conclusion

Based on this analysis, NMFS concurs with your determination that the proposed action may affect, but is not likely to adversely affect, humpback whales or western DPS Steller sea lions.

Reinitiation of consultation is required where discretionary federal involvement or control over the action has been retained or is authorized by law and if (1) take of listed species occurs, (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (3) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter, or (4) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

Please direct any questions regarding this letter to Kristin Mabry at Kristin.Mabry@noaa.gov or (907) 586-7490.

Sincerely,

James W. Balsiger, Ph.D. Administrator, Alaska Region

Cc: Sheila.M.Newman@usace.army.mil randal.p.vigil@usace.army.mil

#### References

- ADF&G. 2014. Fish resource monitor, version 2.3.3.9775. Research and Tech Services, Division of Sport Fish, Alaska Department of Fish and Game. Available online at <a href="http://extra.sf.adfg.state.ak.us/FishResourceMonitor/?mode=awc">http://extra.sf.adfg.state.ak.us/FishResourceMonitor/?mode=awc</a>.
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#### Haines Borough Assembly Agenda Bill

Agenda Bill No.: 17-711
Assembly Meeting Date: 1/24/17

			Assembly	weeting Date: 1/2-//11	
<b>Business Item Des</b>	cription:		Attachments:		
Subject: Support Full Fur	nding for the State of Ala	aska	1. Resolution 17-01-7	705	
Municipal Harbor Facility Grant Program Originator:			<ul><li>2. Memo from Harbormaster</li><li>3. Email from AAHPA President with Resolution</li></ul>		
Harbormaster					
Originating Department: Ports and Harbors					
Date Submitted:					
1/3/17					
Full Title/Motion:					
	47.04.705				
Motion: Adopt Resolution	17-01-705.				
Administrative Rec	commendation:				
This resolution is recomm	ended by the interim bo	rough i	manager.		
Figure Lucy code					
Fiscal Impact:				Projected Impact to Future	
Expenditure Required	Amount Budgeted	Appr	opriation Required	Operating Budgets	
\$0	\$0	\$ 0		State assist with maintenance costs	
Comprehensive Pla		view	<b>'</b> :		
Comp Plan Goals/Object	ctives:		Consistent: Yes	□No	
Goal 4, Page 144			Consistent. = res	□NO	
Summary Stateme	nt.				
Summary Stateme	nt:				
				asters and Port Administrators	
				y the assembly. This resolution t Program. The state's continued	
support of this program is of				r regram. The state of continuous	
For each back of Carlot	. ( (	re t		1400	
				t 100 percent of the design and acility projects is dependent on the 50	
				am has only been fully funded twice,	
and the backlog of projects				wned harbors has increased to over	
\$100,000,000.					
Referral:					
Referred to:			Referral Date:		
Recommendation:			N	leeting Date:	
Assembly Action:					
Meeting Date(s): 1/24/1	7		Public Hearing Dat	re(s):	

Postponed to Date:

## HAINES BOROUGH, ALASKA RESOLUTION No. 17-01-705

#### Draft

A Resolution of the Haines Borough Assembly supporting full funding (\$18,160,055) for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2018 state capital budget.

**WHEREAS**, the Haines Borough recognizes the majority of the public boat harbors in Alaska were constructed by the state during the 1960s and 1970s; and

**WHEREAS**, the State of Alaska over the past 30 years has transferred ownership of most of these state-owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

**WHEREAS**, the municipalities took over this important responsibility even though they knew that these same harbor facilities were in poor condition at the time of transfer due to the state's failure to keep up with deferred maintenance; and

WHEREAS, when municipal harbormasters formulated their annual harbor facility budgets, they inherited a major financial burden that their municipal governments could not afford; and

WHEREAS, in response to this financial burden, the Governor and the Alaska Legislature passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port Administrators, to create the Municipal Harbor Facility Grant program, AS 29.60.800; and

**WHEREAS**, the Haines Borough is pleased with the Department of Transportation and Public Facilities administrative process to review, score and rank applicants to the Municipal Harbor Facility Grant Program, since state funds may be limited; and

WHEREAS, for each harbor facility grant application, municipalities have committed to invest 100 percent of the design and permitting costs and 50 percent of the construction cost; and

**WHEREAS**, completion of harbor facility projects is dependent on the 50 percent match from the State of Alaska's Municipal Harbor Facility Grant Program; and

**WHEREAS**, during the last 10 years the Municipal Harbor Facility Grant Program has only been fully funded twice; and

**WHEREAS**, during the last 10 years the backlog of projects necessary to repair and replace these former state-owned harbors has increased to over \$100,000,000,

**NOW, THEREFORE, BE IT RESOLVED,** that the Haines Borough Assembly supports full funding (\$18,160,055) for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2018 state capital budget.

Adopted by a duly-constituted quorum of, 2017.	the Haines Borough Assembly on this day of
Attest:	Janice Hill, Mayor
Julie Cozzi, MMC, Borough Clerk	-



# Memo Ports & Harbors

Date: January 9, 2017

To: Borough Manager / Assembly

From: Shawn Bell, Harbormaster

Re: AAHPA Resolution of Support

It is the recommendation of the Haines harbormaster that the Haines Borough Assembly support Resolution No. 2016-01, put forth by the Alaska Association of Harbormasters and Port Administrators (AAHPA).

#### **Details**

The purpose of this resolution is to encourage the legislature to fully fund the State of Alaska Municipal Harbor Facility Grant Program. This grant program was put in place to assist local municipalities with rebuilding, updating, and expanding their harbor facilities. The Haines Borough has both supported past AAHPA resolutions and been a recipient of grant funding from this program. Letnikof Harbor and the Portage Cove Harbor can still qualify for a Tier I and Tier II grant, respectively.

Governor Walker's budget currently has \$5 million budgeted for this program, with facility needs at \$18.2 million.

#### Subject: RE: AAHPA BOARD UPDATE

----Original Message----

From: <a href="mailto:aahpa-l-bounces@lists.alaska.edu">aahpa-l-bounces@lists.alaska.edu</a>] On Behalf Of

Carl Uchytil

Sent: Thursday, December 22, 2016 1:11 PM

To: <u>aahpa-l@lists.alaska.edu</u>

Cc: Greer, Elizabeth (elizabeth.greer@aecom.com) (elizabeth.greer@aecom.com)

(elizabeth.greer@aecom.com)

Subject: [AAHPA-L] AAHPA BOARD UPDATE

AAHPA,

1. Today, the AAHPA Board held a teleconference which included among other items, a thank you to Kim Elliott for her faithful and distinguished service for over 12 years as our Executive Security. Our appreciation was included in the attached letter. Feel free to communicate directly with Kim at aahpa@gci.net<mailto:aahpa@gci.net>.

2. The Governor's budget has \$5M proposed for ADOT Municipal Harbor Grant. <a href="https://www.omb.alaska.gov/ombfiles/18\_budget/PDFs/Final\_FY2018\_Capital\_Bill\_for\_Web\_Posting\_12-15-16.pdf">https://www.omb.alaska.gov/ombfiles/18\_budget/PDFs/Final\_FY2018\_Capital\_Bill\_for\_Web\_Posting\_12-15-16.pdf</a>

The need is \$18.1M to fully fund all the applications. I've attached Mike Lukshin's 2016 ppt which has the prioritized listing of projects. If the \$5M remains, the only project which would be funded is Wrangell's Shoemaker Bay Harbor. Each year we request every municipality draft resolutions of support for the Municipal Harbor grant program. To date, I have only received notice that Ketchikan, Dillingham, Nome and Seward have completed this very valuable task. I've attached the AAHPA resolution as a reminder.

- 3. This Legislative Session, AAPHA Board members will fly-in to Juneau (February 21-23) with the purpose to meet with our key elected officials and lobby on behalf of Alaska ports & harbors. If you wish to participate in this educational outreach with our legislators, please let me know and I'll explain our strategy.
- 4. Also in Juneau on February 7th, the American Society of Civil Engineers (ASCE) will be releasing a state level "infrastructure" report card on 9 categories, including ports & harbors. Liz Greer (AECOM) and I have worked on the grading and write-up for ports & harbors and I would be please to share details, should you have any questions?
- 5. As we say farewell to Kim, we also welcome Rachel Lord (<a href="info@alaskaharbors.org">info@alaskaharbors.org</a>) as our new Executive Secretary. Please take time to acquaint yourself with the new website and provide feedback to Rachel: <a href="http://www.alaskaharbors.org/">http://www.alaskaharbors.org/</a>
- 6. We are excited about the opportunities in 2017 and look forward spending time with Glo in Petersburg in October.

Merry Christmas & Happy Holidays, Carl

[PORT OF JUNEAU LOGO for Signature]

Carl Uchytil, P.E.

1

## Alaska Association of Harbormasters and Port Administrators



#### **RESOLUTION NO. 2016-01**

A RESOLUTION OF THE ALASKA ASSOCIATION OF HARBORMASTERS AND PORT ADMINISTRATORS IN SUPPORT OF FULL FUNDING (\$18,160,055) FOR THE STATE OF ALASKA MUNICIPAL HARBOR FACILITY GRANT PROGRAM IN THE FY 2018 STATE CAPITAL BUDGET.

Whereas, the Alaska Association of Harbormasters and Port Administrators recognizes the majority of the public boat harbors in Alaska where constructed by the State during the 1960s and 1970s; and

Whereas, these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

Whereas, these harbor facilities are ports of refuge and areas for protection for ocean-going vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan communities; and

Whereas, the State of Alaska over the past nearly 30 years has transferred ownership of most of these State owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

Whereas, the municipalities took over this important responsibility even though they knew that these same harbor facilities were in poor condition at the time of transfer due to the state's failure to keep up with deferred maintenance; and

Whereas, consequently, when local municipal harbormasters formulated their annual harbor facility budgets, they inherited a major financial burden that their local municipal governments could not afford; and

**Whereas,** in response to this financial burden, the Governor and the Alaska Legislature passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port Administrators, to create the Municipal Harbor Facility Grant program, AS 29.60.800; and

**Whereas,** the Alaska Association of Harbormasters and Port Administrators, is pleased with the Department of Transportation and Public Facilities administrative process to review, score and rank applicants to the Municipal Harbor Facility Grant Program, since state funds may be limited; and

**Whereas,** for each harbor facility grant application, these municipalities have committed to invest 100% of the design and permitting costs and 50% of the construction cost; and

Whereas, the municipalities of the City of Kake, the City of Ketchikan, the City and Borough of Sitka, the Municipality of Skagway, the City of Valdez, and the City and Borough of Wrangell have offered to contribute \$18,160,055 in local match funding for FY2018 towards seven harbor projects of significant importance locally as required in the Harbor Facility Grant Program; and

Whereas, completion of these harbor facility projects is all dependent on the 50% match from the State of Alaska's Municipal Harbor Facility Grant Program; and

**Whereas,** during the last ten years the Municipal Harbor Facility Grant Program has only been fully funded twice; and

Whereas, during the last ten years the backlog of projects necessary to repair and replace these former State owned harbors has increased to over \$100,000,000.

**Now therefore be it resolved** that the Membership of the Alaska Association of Harbormasters and Port Administrators urges full funding in the amount of \$18,160,055 by the Governor and the Alaska Legislature for the State of Alaska's Municipal Harbor Facility Grant Program in the FY 2018 State Capital Budget in order to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

Passed and approved by a duly constituted quorum of the Alaska Association of Harbormasters and Port Administrators on this 28th day of September, 2016.

ATTEST:	Carl J. Uchytíl, P.E. Carl Uchytil, President
Kim Elliot	
Kim Elliot, Executive Secretary	

#### Haines Borough Assembly Agenda Bill

Agenda Bill No.: 17-710
Assembly Meeting Date: 1/24/17

Business Item Des	cription:		Attachments:	
Subject: Contract with Ca			1. Resolution 17-01-7	706
Construction Services for		Plant	2. Carson Dorn Prop	osal
Originator:				
Director of Public Facilities				
Originating Department Public Facilities	i:			
Date Submitted:				
1/18/17				
Full Title/Motion:				
Motion: Adopt Resolution	17-01-706.			
Administrative Rec	ommendation:			
This resolution is recomm		rough i	manager.	
Fiscal Impact:				
_	America b Development	0	and the Demokratic	Projected Impact to Future
Expenditure Required	Amount Budgeted	Appr	opriation Required	Operating Budgets
\$ 66,225	\$ 66,225	\$ 0		Reduced maintenance costs
Comprehensive Pla	n Consistency Re	eview	<b>'</b> :	
Comp Plan Goals/Object				
Objective 2B, Pages 56-57			Consistent: ■Yes	□No
Summary Statemer	nt:			
				e Wastewater Treatment Plant
				ervices include: submittal review and clarification; periodic construction
site inspections; plant start	up and commissioning;	review	and approval of operat	ion manuals; and final project
				o-day project oversight and inspection ects (CIP) fund and sewer fund
balance are sufficient to co		inc oa	pital improvement i roj	cots (on ) fund and sewer fund
Referred to			Deferral Data	
Referred to: Recommendation:			Referral Date:	leeting Date:
1.00011111011dation.			IV	.com.g Dato.
Assembly Action:				
Meeting Date(s): 1/24/1	7		Public Hearing Dat	e(s):
			Postponed to Date	:

## HAINES BOROUGH, ALASKA RESOLUTION No. 17-01-706

Draft

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Carson Dorn, Inc. for an amount not to exceed \$66,225 to provide construction period services for the Wastewater Treatment Plant Upgrade project.

WHEREAS, Carson Dorn, Inc. has provided a proposal for construction period services for the Wastewater Treatment Plant Upgrade project for an amount not to exceed \$66,225; and

**WHEREAS**, proposed Carson Dorn services include: submittal review and approval; preparing project change orders; responding to contractor requests for clarification; periodic construction site inspections; plant startup and commissioning; review and approval of operation manuals; and final project inspection and punch list preparation; and

**WHEREAS**, Haines Borough staff would provide day-to-day project oversight and inspection with technical support from the design engineers; and

**WHEREAS**, the Capital Improvement Projects (CIP) fund and sewer fund balance are sufficient to cover this contract,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to contract with Carson Dorn, Inc. for an amount not to exceed \$66,225 to provide construction period services for the Wastewater Treatment Plant Upgrade project.

Adopted by a duly-constituted quorum of, 2017.	the Haines Borough Assembly on this day of
	Janice Hill, Mayor
Attest:	
Julie Cozzi, MMC, Borough Clerk	



### Carson Dorn, Inc.

712 West 12th Street Juneau, Alaska 99801

January 9, 2017

Mr. Brad Ryan Public Facilities Director Haines Borough PO Box 1209 Haines, AK 99827

Re: 2016 Wastewater Treatment Plant Upgrade Construction Period Fee Proposal

Dear Mr. Ryan:

Thank you for asking us to provide you a fee proposal to provide construction period services for the 2016 Wastewater Treatment Plant Upgrade project. Carson Dorn Inc. is very interested in this opportunity to continue working with the Haines Borough to improve its wastewater treatment facilities and equipment. We are particularly pleased to offer a team of highly experienced engineers for construction period services that were directly involved in the design of this project. This means our project team can provide:

- Intimate knowledge of construction considerations for the project;
- A professional staff highly qualified to provide construction period services;
- A thorough understanding of the technical, administrative, and regulatory environment in which the work is to be done.

Our project team consists of the following:

**Jim Dorn P.E. Carson Dorn Inc.** – Overall project management, building demolition and replacement, influent grit removal and screening system, improvements to the flow measurement system and modifications to the effluent piping.

Ben Haight E.E. Haight and Associates – Electrical, Instrumentation and Control

**Doug Murray M.E.** – Boiler, Fuel Tank and Heating System

We have participated in a number of construction projects with Haines over the years and so know of Haines' expectations of its engineering consultants. We have also worked with you before where Haines provides local staff for the day to day project oversight and inspection with technical support from the design engineers. This is a cost effective method to provide construction oversight for a project in that the local staff can cost effectively provide the regular day to day observations of the project with support from the design engineers for the necessary technical expertise as needed.

Tel: 907 586 4447 Fax: 907 586 5917 Construction period services which are typically provided for a project approach such as this includes:

- 1) Submittal review and approval
- 2) Prepare project Change Orders
- 3) Respond to Contractor requests for clarification
- 4) Periodic construction site inspections
- 5) Plant startup and commissioning
- 6) Review and approval of operation manuals
- 7) Final project inspection and punch list preparation

I have prepared the attached Estimated Construction Period Fee Breakdown based on the construction period services outlined above. I propose we establish a project budget with Haines in the amount of \$66,225 to provide the construction period services as identified in the Estimated Fee Breakdown.

Please let me know if you have any questions about any of the work items or the proposed fee. If the scope of work and proposed budget for the Haines 2016 WWTP Improvement Construction Period Services is acceptable, please sign this letter as indicated below and email it to me at jdorn.carsondorn.com indicating the Borough's authorization to proceed with the work. We appreciate being considered for this important project and look forward to working with Haines to see that it is successfully completed.

Sincerely yours,

James L. Dorn P.E.

Principal

Haines Borough Representative

Date

Authorization for Carson Dorn Inc. to Proceed with Construction Period Services for the 2016 Wastewater Treatment Plant Upgrade. Budget Amount \$66,225.



Haines 2016 WWTP Improvements

Title: Estimated Construction Period

Fee Breakdown January 9, 2017

	January 9, 2017			
				Drafting
Task	Task Description	Dorn	Admin	Design
		\$170/hr	\$110/hr	\$80/hr
	_			
Submittal				
	Ductile Iron Pipe	0.5	0.05	
	Ductile Iron Fittings	0.5	0.05	
	HDPE Pipe	0.5	0.05	
	Misc Buried Piping Accessories including manholes	0.5	0.05	
	Interior Piping, Valves and Fittings	0.5	0.05	
	Influent Screen-Grit Removal System	8	0.8	
	Pipe Supports	0.5	0.05	
	Magnetic flow Meter	2	0.2	
	Prefabricated Metal Building	16	1.6	
	Insulated Wall Panel and Roof Panel	8	0.8	
	FRP Doors	2	0.2	
	Overhead Coiling Doors	4	0.4	
	Concrete Building Materials, Roofing, Siding, FRP Panels, Paint Etc.	1	0.1	
	Building Materials, Rooting, Siding, FRP Panels, Paint Etc.	4	0.4	
		48	4.8	0
<b>C</b>	Control of The Proce And Color			
Construct	ion Period Misc. Activities	2.4	2.1	_
	Respond to Contractor Requests for Clarification	24	2.4	_
	Prepare Change Orders (secure ADEC approval if needed)	16	1.6	
		40	4	0
C	: D J C!4- V!-!4-			
Construct	ion Period Site Visits		0.0	
	Pre-Construction	8	0.8	
	Initial Project Meeting	8	0.8	
	5-Progress Site Inspections (8 hours each) Final Site Visit/Start Up and Commissioning	40	4	
	Tiliai Site Visit/Start Op and Commissioning	16	1.6	0
		72	7.2	0
Daviou Do	quirements			
Keview Ke	Review and Approve Operation Manuals	4	0.4	1
	Request ADEC Interim Approval to Operate	4	0.4	
	Request ADEC Final Approval to Operate  Request ADEC Final Approval to Operate	4	0.4	
	Record Drawings	8	0.4	8
	Record Diawings	20	2	8
		20	2	Ü
	Hours Subtotal	180	18	8
	SUBTOTAL	\$30,600	\$1,980	<b>\$640</b>
	CDI SUBTOTAL	\$33,220	\$1,700	φ <b>04</b> 0
	CDISCDICTAL	φ33,220		
Flootwicel	Designer Services (Haight and Associates)	\$16,000		
	ystem Designer Services (PDC Engineer's Inc.)	\$10,500 \$10,500		
neating S	ystem Designer Services (FDC Engineer's Inc.)	\$10,500		
	SUBTOTAL			
	CDI Total	\$33,220		
	Haight Electrical (w/ 15% OH&P)	\$18,400		
	PDC Engineer's Inc. (w/ 15% OH&P)	\$12,075		
	Travel (Airfare for 10 Trips @ \$220/ea w/ 15% OH&P)	\$2,530		
	CONSTRUCTION DEDICES CEDVICES ESTIMATE	\$66.335		

\$66,225

CONSTRUCTION PERIOD SERVICES ESTIMATE

#### Haines Borough Assembly Agenda Bill

Agenda Bill No.: 17-713
Assembly Meeting Date: 1/24/17

Business Item Des	cription:		Attachments:	
Subject: FY 2018 State L			1. Resolution 17-01-	707 ry of Haines Borough 2016 Strategic
Originator:			Training reducat	
Borough Manager Originating Department	<u> </u>			
Administration				
Date Submitted: 1/19/17				
Full Title/Motion:				
Motion: Adopt Resolution	17-01-707.			
Administrative Dec				
Administrative Rec	ommendation:			
Fiscal Impact:				
Expenditure Required	Amount Budgeted	Appr	opriation Required	Projected Impact to Future Operating Budgets
\$0	\$0	\$ 0		N/A
Comprehensive Pla	n Consistency Re	eview	·	
Comp Plan Goals/Object	<del>-</del>	JV1041	•	
Objective 2B, Page 56			Consistent: Yes	S □No
Summary Stateme	nt·			
to represent the needs of the	he borough concerning er 11, 2016 at a Strateg	legislat	ive requests, including	state officials adequate information necessary funding requirements. The ssed borough priorities. Resolution
Alaska for FY 2018. Comp submitting the project requ	lete project descriptions ests through the State of	and fu of Alask	nding level requests with a capital project submit	s for submission to the state of ill be developed in preparation for ssion system. The resolution list is ause that system requires a priority
Referral:				
Referred to: Assembly for	or Strategic Planning		Referral Date:	
Recommendation:			N	Meeting Date: 12/11/16
Assembly Action:	7		Dudella Unad S	
Meeting Date(s): 1/24/1	1		Public Hearing Dat	(e(s):

Postponed to Date:

## HAINES BOROUGH, ALASKA RESOLUTION No. 17-01-707



A Resolution of the Haines Borough Assembly adopting the Alaska Capital Project Submission and Information System priorities (CPSIS) and legislative priorities for FY 2018.

**WHEREAS,** the Haines Borough Assembly has determined to prioritize the Borough's FY 2018 legislative priorities; and

**WHEREAS,** it is the intent of the Assembly to provide the Alaska Governor, Legislature, and state officials adequate information to represent the needs of the Borough concerning legislative requests including necessary funding requirements,

NOW, THEREFORE, BE IT RESOLVED, by the Haines Borough Assembly, Haines, Alaska:

- Section 1. The following Capital Budget priorities are identified as the Haines Borough priorities for the state of Alaska for FY 2018:
  - 1. Lutak Industrial Dock Replacement
  - 2. Wastewater Treatment Facility Upgrades
  - 3. South Portage Cove Harbor Expansion Moorage Floats
  - 4. South Portage Cove Harbor Expansion Drive Down Ramp
  - 5. HS/Pool Locker Rooms and Pool Gutters
- Section 2. The following Operating Budget priorities are identified as the Haines Borough priorities for the state of Alaska for Fiscal Year 2017:
  - 1. Adequate funding for both operations and capital needs of Southeast Alaska transportation projects (Alaska Marine Highway System, Haines Highway, and Haines Airport)
  - 2. Municipal Revenue Sharing
  - 3. Federal Shakwak Project Funding Support
- Section 3. The Borough Manager is hereby instructed to advise the Governor, Legislature, and appropriate State agencies of the Borough's legislative priorities and take all appropriate steps to provide background information and testimony in representing the Borough's best interests.

Adopted by a duly-constituted quorum of the Hair, 2017.	nes Borough Assembly on this day of
Attest:	Janice Hill, Mayor
Alekka Fullerton, Acting Borough Clerk	

#### **EXECUTIVE SUMMARY**

#### Haines Borough Assembly + Mayor - December 2016 Strategic Planning Retreat

On December 11, 2016 the Haines Borough assembly and mayor met from 1:00 to 4:30 pm at the Library for a strategic planning retreat. They each completed a survey the week prior with questions on their priorities, concerns, approach to budget shortfalls, and more. Survey results were aggregated and used to set the retreat agenda, and were reported at the retreat to help kick-start conversations. Survey results can be seen in Appendix 1 of the Full report. Sheinberg Associates facilitated the retreat.

#### What Criteria do we use to make Decisions?

Assembly members and the mayor were asked what criteria they use when setting priorities or taking positions. The 34 answers easily fell into six categories; there was some surprise to see the similarities in everyone's thinking. The categories of responses are:

- What are opinions of staff and my assembly colleagues?
- What are the financial ramifications?
- What does the public think?
- Will it improve the public good, quality of life, and be fair/equitable?
- Is it sustainable?
- Does it reflect my common sense and vision as a leader?

#### 2017 Assembly Top Priorities to Work on and try to Accomplish in the Next Year

- Budget Matters (general approach, FY 18 and beyond, role/actions to respond to proposed state/federal cuts)
- Improved Communications (with each other, and with the public)
- Lutak Dock Improvements
- Boat Harbor Improvements
- Policing, Alcohol and Drug Abuse (ways to reduce alcohol and drug abuse)
- Maintenance Planning (for borough facilities and infrastructure)
- Recreation Planning (adult, comprehensive)

#### Approach to Addressing FY 18 Projected Budget Deficit

To begin work on the FY 18 budget, with its projected areawide and townsite fund deficits, a good starting approach to balance the budget would be to use the aggregated survey results:

- 43-44% from fund balances (savings)
- 25-36% from budget reductions
- 30-33% from new revenues

#### **Budget Details**

Diving into budget details, the survey asked assembly members and the mayor whether each department budget or type of spending should generally be reduced, maintained, or increased. For each of 22 items, the approximate amount of the borough budget for that item was listed. Remember when reviewing results of budget "votes" herein

that these scores are simply a good starting place for preparing the FY 18 budget and considering longer-term approaches given current and likely future deficits. Assembly members and the mayor noted that they will need a deeper understanding of the implications and pros and cons of budget options as well as hearing from the public as part of their budget work and before final decisions are made.

Most votes were to maintain each type of spending. When all votes for all 22 items were tallied 99 votes were to maintain budget line items, 17 votes were to reduce, and 33 to increase.

The nine budget items with highest support send a message to sustain activities and facilities used by families, youth, and seniors, and to give priority to fire protection and maintenance.

- The four budget line items with weighted average scores on the 'increase' side (below 2.00) were support for: (1) the School District, (2) Swimming pool hours, (3) Building maintenance, and (4) Community Youth Development
- Two more budget line items had all votes to maintain: (5) Library hours, AND (6) Fire department response
- Three line items had all votes to maintain except one to reduce, these were: (7) Animal control, (8) Townsite road maintenance, and (9) Senior facility maintenance

The only line item with more votes to reduce than maintain was Travel for Staff and Elected Officials, with 4 votes to reduce, 2 to maintain, and 1 to increase. A budget reduction was also supported for ambulance service as long as there is an entity to charge for service rather than offering this for free (this item had the highest weighted average score towards a reduction).

There was a complete split on only one line item, Support to Non-Profits, with 3 votes to increase, 3 votes to reduce, and 1 vote to maintain.

Opinion on appropriate revenue enhancements were generally "all over the map." However, there was some alignment on support to:

- Develop and sell select parcels of borough land (4 support, 1 oppose)
- Add 3-5% more tax on the sales of alcohol, marijuana, and tobacco (4 support, 0 oppose), and
- Eliminate exemptions for personal property tax (4 support, 1 oppose).

Most opposition was to raising sales taxes from 5.5 to 6% year round (5 oppose, 2 support).

In addition to revenue enhancement or reductions that were on the list to "vote" for or against, many assembly members were interested in researching severance (excise) taxes on minerals, timber, and fish.

Key discussion points during budget conversations are detailed in the full report, and include: (1) a few potential 'disconnects' between the assembly's budget scores and other interests; (2) concern that that some assembly members are not availing themselves of in-house orientation and training; (3) the idea of combining some of the borough's dedicated sales taxes; (4) that the assembly and public need a better understanding of the city's roles in economic development and the breath of economic/tourism activities and spending; (6) communication with State Legislature, Congress and lobbyists on Haines priorities; and (7) that staff would appreciate some assembly attendance at some of their public and community meetings.

#### For the Good of the Order

Ways to deal with decision-making given frequent assembly turnover, and, better communication with both the public and among themselves, were the three matters identified for group discussion during the retreat.

<u>Assembly Changeover.</u> Regular election cycles have brought significant assembly turnover recently. Boat harbor improvements were cited as an example of an assembly decision started long ago for which there are now differing and varied assembly opinions. Assembly members wonder whether there are ways to 'lock-in' assembly decisions, or, are there standard ways to revisit assembly decisions after an election cycle?

It was noted however, that generally one assembly cannot 'bind the hands' of a future assembly. During discussion, the following techniques to avoid turnover challenges were identified:

- 1. Bring the Public Along. Ensure there is public understanding and support for assembly decisions.
- 2. Explain and Document the Rationale for Assembly Decisions. This way new assemblies' can go back and understand the thinking and rationale of the prior assembly's decisions. This should be documented in regular and Committee-of-the-Whole (COW) meeting minutes and in whereas clauses for a resolution or ordinance. Also document options considered but rejected by the assembly and the reasons. Citizens or future assembly members may not agree with a decision, but if they see what was considered and understand why a decision was made and why options were rejected, even if they disagree with a review of the rationale and due process that occurred will help them understand and accept the decision.
- 3. Get Things Done in a Timely Manner. If decisions are implemented expeditiously rather than dragging on for years, there is less time and need for second guessing.

Communication with Each Other. There was a unanimous desire to find ways to allow more conversational discussion among assembly members during meetings. Even at COW meetings, whose purpose is to allow for less formal conversation among the body, dialogue is too often a series of statements, rather than a conversation. Assembly members desire time to lay out their concerns and ideas, then listen to and build upon each other's ideas. While assembly members recognize they have differing opinions, they long to have more 'neighborly conversation' with one another and time to consider and debate ideas as a body. This would also enhance the public's understanding and trust of assembly decisions and decision-making. The challenge is to be conversational but also maintain order and due process during the meeting,

Seven ideas were discussed to allow more conversational discussions; see the full report for details on how to do each of these items:

- 1. Active Listening
- 2. Stop and Summarize
- 3. Begin Discussions with Assembly 'List'
- 4. Small Suspensions of Roberts Rules of Order
- 5. Assembly and Staff Work Together
- 6. Make Effective use of the Committee Process (and Trust)
- 7. Build Working Relationships

<u>Communication (and Trust) with the Public.</u> Responses to several survey questions indicate assembly members and the mayor have great concern over making government more open and transparent and fostering public trust, support, and participation in government. Implementing the suggestions in 'Assembly Changeover' and 'Communicating with Each Other' will help build public trust and better communication. Other ideas were better use of the committee process, public hearings, and having assembly office hours.



## Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7<sup>th</sup> Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

January 6, 2017

Haines Borough Attn: Julie Cozzi

Via email: jcozzi@haines.ak.us

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Club	License Number:	55
Licensee:	American Legion Lynn Canal Post #12		
Doing Business As:	American Legion Post #12		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



## Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7<sup>th</sup> Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

January 5, 2017

Haines Borough Attn: Julie Cozzi

Via email: jcozzi@haines.ak.us

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	499
Licensee:	The Harbor, LLC		
Doing Business As:	Harbor Bar & Lighthouse Restaurant		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov



## Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7<sup>th</sup> Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

January 5, 2017

Haines Borough Attn: Julie Cozzi

Via email: jcozzi@haines.ak.us

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Distillery	License Number:	5182
Licensee:	Port Chilkoot Distillery, LLC		
Doing Business As:	Port Chilkoot Distillery		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Cynthia Franklin, Director

amco.localgovernmentonly@alaska.gov

#### PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into this 1st day of January, 2016 by and between the Haines Borough, a municipal corporation organized under the laws of the State of Alaska with its principal place of business at 103 Third Avenue S., Haines, Alaska 99827 ("the Borough") and Thomas, Inc., a company with its principal place of business at 887 Oslund Drive, Haines, Alaska 99827 ("Consultant"). The Borough and Consultant are sometimes collectively referred to as "Parties."

The Parties agree as set forth below.

#### <u>Article I - Contract Documents</u>

- 1.1 The Contract Documents consist of this Agreement, the Request for Proposals, Consultant's proposal, and all modifications issued after execution of this Agreement. These form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein. If anything in the Contract Documents is inconsistent with this Agreement, the Agreement shall govern.
- 1.2 This Agreement and the documents incorporated herein constitute the complete agreement and supersede all prior agreements or understandings, written or oral, between the parties, with respect to the subject matter hereof. This Agreement shall not be assigned by Consultant without prior written consent of The Haines Borough.

#### Article II - Services To Be Rendered

- 2.1 Consultant shall perform all the services required and described by the Request for Proposals to provide government relations services for the Borough within the State of Alaska.
- 2.2 The scope of work to be performed by Consultant ("Work") specifically relates to government relations between the Borough and the State of Alaska pertaining to the Borough's interests in Alaska.
- 2.3 Consultant will cooperate with and coordinate Work activities with the Borough Manager or designee. Consultant's Work is subject to instructions received from the Borough Manager in performing services under this agreement.
- 2.4 Consultant will be and remain an independent contractor with control over the manner in which Consultant performs such services.
- 2.5 Consultant will not hold itself out as an agent of the Borough and will require that its officers, directors and employees refrain from holding themselves out as employees or agents of the Borough.
- 2.6 Consultant will be solely responsible for all compensation of its personnel and all federal, state and local employment taxes or other withholdings related to such compensation.
- 2.7 Consultant shall complete the Work in accordance with all applicable laws, rules, regulations, administrative directions, and orders.

#### PROFESSIONAL SERVICES AGREEMENT

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#### **Article III - Time of Commencement**

3.1 Upon full execution of this Agreement, Consultant will commence to provide the required services as needed and as stated in the Contract Documents. This contract may be terminated according to the provisions of Article IX.

#### Article IV - Compensation for services rendered

- 4.1 CONSULTING FEE. In exchange for Consultant's services under this Agreement, the Borough shall pay Consultant an annual consulting fee of Forty-five thousand (\$45,000.00) during the term of this Agreement. Payment may be in lump sum or on a quarterly basis at the rate of \$11,250.00 annual quarter with the first such quarterly payment due upon execution of this Agreement and like payments due within the first thirty days of each calendar quarter.
- 4.2 EXPENSES. In addition to the compensation payable under Section 4.1 of this Agreement, the Borough shall also reimburse Consultant for its actual expenses incurred in providing services under this Agreement. To substantiate such expenses, Consultant shall submit an explanation of the purpose for and copies of receipts for: APOC fees, airline tickets (coach class except for transoceanic flights, then business class), car rentals, lodging, meals, phone bills, reproduction costs and postage. Consultant's subcontractor costs, if any, shall be incorporated in the above monthly billings.

#### **Article V - Payments to Consultant**

8.1 Consultant may submit payment requests for performed services during the contract period. The Borough shall review Consultant's payment requests and promptly recommend the amounts for payment. Such amounts shall be payable by the Borough within thirty days according to its regular accounts payable schedule.

#### Article V - Changes in the Scope of Services

5.1 The Borough reserves the right to make changes in the scope of services provided under this agreement. Consultant shall be reimbursed for changes in the scope of services on the basis of negotiations between the Borough and Consultant.

#### **Article VI - Sub-consultants and Other Agreements**

- 6.1 The Borough reserves the right to reject any sub-consultants or other agreements proposed by Consultant.
- 6.2 Performance by any sub-consultants shall conform to the requirements of the Contract Documents.

#### **Article VII - Insurance**

- 7.1 Consultant and all sub-consultants shall maintain the following types of insurance coverage <u>when appropriate</u>:
  - a) General Liability \$1,000,000 coverage
  - b) Worker's Compensation, as appropriate under State Law
  - c) Automobile Liability \$1,000,000 Coverage

#### PROFESSIONAL SERVICES AGREEMENT

Page 3 of 4

#### **Article VIII - Termination of the Agreement**

8.1 The Borough or Consultant may terminate this Agreement at any time for any reason (or for no reason) upon thirty (30) days written notice to the other party, without liability or penalty to either party. The cancellation or termination of this Agreement will not affect the Borough's obligation to pay the compensation due Consultant as of the termination date (which shall be at least 30 days after the date of any termination notice) and to reimburse Consultant for any expenses incurred as of that date.

#### **Article IX - Ownership**

- 9.1 All files, documents, and other property of whatever nature made available to Consultant by the Borough will remain the property of the Borough and will be surrendered by Consultant to the Borough promptly upon termination of this Agreement. The obligations of Consultant under this Section will survive the termination or cancellation of this Agreement.
- 9.2 Consultant shall retain ownership of all copyrights and other rights in and to any reports, analyses, or other original works authored by Consultant pursuant to performing services under this Agreement and no such work shall be considered a work made for hire under the Copyright Laws of the United States. Consultant hereby grants to the Borough a limited, non-exclusive, non-transferable license to use, for the Borough's own purposes, all such works created by Consultant in performing this Agreement.

#### **Article X - Miscellaneous Provisions**

- 10.1 The Borough's representative under this agreement shall be the Borough Manager.
- 10.2 Consultant shall not pay any commission, fee or rebate, or make any gift of significant value to any employee of the Borough or regulator in connection with this Agreement.
- 10.3 During the term of this Agreement, Consultant shall comply with and abide by all lobbying, ethical, registration, or notification requirements under Alaska law or such other jurisdictions applicable to Consultant and shall comply with and abide by all lobbying, ethical, registration or notification requirements under Alaska law or such other jurisdictions applicable to the Borough.
- 10.4 Consultant acknowledges that it may receive from the Borough certain non-public information in connection with this Agreement. Consultant shall and will require its directors, officers, employees, and representatives to (1) treat such information as confidential, (2) not use any such information except for the purpose of performing the services contemplated by this Agreement, and (3) not disclose to any third party such information, except as may be required by law or legal process or as authorized by the Borough in writing.
- 10.5 During the term of this agreement, Consultant shall not provide services to or acquire any interest in a competitor of the Borough (except for an interest not exceeding 1%, acquired for investment purposes, in a company whose stock is traded on a public exchange) without the Borough's prior approval.

#### PROFESSIONAL SERVICES AGREEMENT

Page 4 of 4

- 10.6 Consultant shall not advertise or otherwise use its contact with the Borough under this Agreement in any public disclosure without prior written consent of the Borough. Such disclosure shall include, without limitation, issuing brochures, listing references, placing advertisements and making any announcement or releasing any information to any third party concerning the existence or content of this Agreement, the Work or any facility of the Borough. Consultant shall not use or permit the use of the trade or service names, marks or logos of the Borough in any manner. This provision shall survive the expiration or earlier termination of this Agreement.
- 10.7 No provision of this Agreement shall be deemed waived without express written notice of waiver. Failure to demand strict performance in one instance shall not be deemed to waive either Party's right to insist on strict performance in any other instance.
- 10.8 The parties shall resolve any disputes arising under this Agreement through binding arbitration pursuant to the Alaska Revised Uniform Arbitration Act, Alaska Statutes 09.43.300-09.43.595. Any arbitration hearing shall be held in Haines Alaska, with parties bearing their own costs.

This Agreement entered into as of the day and year first written above.

**BOROUGH** 

Julie Cozzi, Acting Borough Manager

Haines Borough

William Thomas

Thomas, Inc.

Attest:

Krista Kielsmeier, Interim Borough Clerk

OCTOBER 17

Haines Borough, Alaska 99827

#### Request for Proposals for State Lobbying Services

Haines Borough, Alaska, is soliciting proposals to select a qualified firm or individual to provide lobbying services at the state level for Haines Borough for the purpose of influencing legislative or administrative actions as directed or requested by the Borough. The selected firm or individual will enter into a term contract for a period of one year with an option for an additional extension based upon a satisfactory review by the Mayor and Assembly of services provided and subject to available funding. The contract will also include a termination clause by either part with a 30-day notice. Information can be found on the Borough's website at www.hainesalaska.gov/rfps.

Inquiries and proposals should be directed to:

Borough Manager Haines Borough PO Box 1209 Haines Borough, AK 99827 (907) 766-2231; e-mail: clerk@haines.ak.us

A signed original copy of the proposal should be delivered to the office of the Borough Manager no later than 4:00 p.m., on December 11, 2015, at the address noted above.

#### **About Haines Borough**

The Haines Borough is a Home Rule Borough and has a Assembly/Manager form of government. The Borough is located approximately 60 miles north of Juneau, on the Upper Lynn Canal. The Borough is home to about 2,400 residents, and covers an area of about 2350 square miles. The community of Haines is a significant transshipment point due to its ice free deep water port and year round access to Canada, Interior Alaska and the continental US on the Haines and Alaska Highways.

Haines Borough monitors legislative, administrative, and regulatory actions of the State, especially those that could impact the community. The Borough submits annual requests for funding assistance to the Governor and Legislature for key infrastructure projects and actively promotes those projects. The Borough requires the services of a professional lobbyist to represent Haines Borough's interests at the state level and to provide professional advice to the Mayor, Assembly and Borough Manager regarding lobbying efforts. Borough officials know the importance of visiting the capitol to interact directly with legislators and others in state government.

Haines Borough Page 1 of 4

# Scope of Work

The Consultant will communicate directly or through consultant's agents with any appropriate public official for the purpose of influencing Legislative or Administrative action as directed or requested by the Borough, and in the best interests of the Borough.

In this regard, the Consultant shall:

- A. Receive guidelines for lobbying efforts from the Borough Assembly through the Manager and work within such guidelines to promote, advocate, support, modify, oppose, or delay any appropriate Legislative or Administrative action. Modifications to these guidelines may be made from time to time.
- B. Communicate with the Mayor and/or Assembly for the purpose of acquiring necessary available information, statistics, studies, and analyses to use as back-up and support material in support of Consultant's lobbying activities.

The Consultant will be called upon to arrange meetings and/or conferences, provide information and/or research, and provide such other services as required or convenient to enhance communication between the Borough and branches of the State Government.

The Consultant shall provide reports and professional advice regarding Consultant's lobbying efforts on behalf of the Borough. In this regard, the Consultant shall:

- A. Maintain regular contact through the Mayor and Manager on the status of pending legislation or capital projects and regularly promote the Borough's interests with appropriate legislators, agencies, and staff throughout the year, but especially during the legislative sessions.
- B. Provide written weekly reports, and such reports shall include, but shall not be limited to, contacts and progress made on behalf of the Borough, changes in the status of capital projects, legislation, and any anticipated problem areas of which the Consultant becomes aware.
- C. Travel to Haines Borough to meet with the Mayor, Assembly, and Borough staff once each year.
- D. Exercise best professional judgment in all matters relating to work for the Haines Borough and immediately report any position or action taken which involves an area of uncertainty or controversy.

# **Required Proposal Content**

Proposals must include:

- Transmittal Letter
- Experience
- Proposed Fee
- References
- Ability to provide applicable insurance coverage

Haines Borough Page 2 of 4

### **Submittal Requirements and Information**

To be considered, all proposals must be delivered to the address below, on or before the deadline, and in the number of copies required.

Deadline – All proposals must be received no later than 4:00 p.m. on December 11, 2015.

Delivery instructions – e-mail, mail, or hand deliver in a sealed envelope to:

Borough Manager Haines Borough PO Box 1209 Haines Borough, AK 99827 e-mail: clerk@haines.ak.us

# Electronic and faxed proposals will be accepted.

Please mark the envelopes to identify the project: "RFP: State Lobbying Services".

Required number of copies: Please provide one signed original copy.

The Haines Borough reserves the right to reject or accept any or all bids, to waive irregularities or informalities in the proposal, and to give particular attention to the qualifications of the proposer.

The Borough reserves the right to revise or clarify the RFP, respond to questions, and/or extend or shorten the due date of proposals.

The Borough retains the right to cancel the RFP process if it is in their best interest. Any cost incurred by proposers for the preparation and submittal of the proposal is the sole responsibility of the proposer.

A proposal may be corrected or withdrawn by a written request received prior to the deadline for receipt of proposals.

All proposals and other material submitted become Borough property and may be returned only at their option.

The Borough assumes no responsibility or liability for the transmission, delay, or delivery of proposals by either public or private carriers.

Any and all media announcements pertaining to this RFP require the Borough's prior written approval.

This RFP does not obligate the Borough or the selected proposer until a contract is signed and approved by all parties.

Haines Borough Page 3 of 4

# **Evaluation and Selection Criteria**

EVALUATION CRITERIA	RELATIVE WEIGHT
TRANSMITTALLETTER	10%
REFERENCES	10%
PROPOSED RATES	20%
QUALIFICATIONS AND EXPERIENCE	40%
OVERALL QUALITY OF PROPOSAL	20%

A committee will review the submittals. A Borough employee will conduct reference checks.

Based on the committee evaluation, the Borough may select a short list of up to three individuals or firms for more in-depth evaluation or interviews.

The evaluation committee will recommend one finalist to the Assembly for final contract award.

The Borough intends to award a contract, subject to negotiation of a satisfactory agreement based upon the Borough standard professional services contract form, to the individual or firm which, in the Boroughs Assembly's sole judgment, is best suited to perform the services required.

Haines Borough Page 4 of 4

December 1, 2015,

Borough Manager, Haines Borough PO Box 1209 Haines, Alaska 99827

Dear Haines Borough Manager,

Thank you for the opportunity to submit the following proposal to Lobby for the Haines Borough.

Enclosed please find the required proposal content as outlined in the Haines Borough RFP.

I am pleased to apply for the Lobbying position and hopefully look forward to a productive relationship between the Borough and Thomas, Inc.

Respectfully,

William A. Thomas

Thomas. Inc.

RECEIVED Haines Borough

DEC 08 2015

Clerk's Office

#### RE: CONSULTING AND LOBBYING SERVICES AGREEMENT

#### Dear Haines Borough Manager

This letter will serve as a Consulting and Lobbying Services Agreement ("Agreement")

Effective as of January 1, 2015, by and between The Haines Borough and Thomas, Inc. ("Consultant"). This Agreement will terminate on December 31, 2016 or sooner as provided in this Agreement. Consultant will provide government relations services for The Haines Borough within the State of Alaska. Consultant will take direction from the Haines Borough designee, who will serve as Consultant's primary point of contact. The Haines Borough initial designee for purposes of this Agreement shall be The Haines Borough Manager. The Haines Borough may change its designee at any time by delivering written notice of such change to Consultant.

- 1. The scope of work to be performed by Consultant "(Work) specifically relates to government relations between The Haines Borough and the State of Alaska pertaining to The Haines Borough interests in Alaska. Consultant will cooperate with and coordinate Work activities with The Haines Borough designee.
- 2. Consultant's Work is subject to instructions received from The Haines Borough Manager in performing its services under this Agreement, Consultant will be and remain an independent contractor with control over the manner in which Consultant performs such services. Consultant will not hold itself out as an agent of The Haines Borough and will require that its officers, directors and employees refrain from holding themselves out as employees or agents of The Haines Borough. Consultant will be solely responsible for all compensation of its personnel and all federal, state and local employment taxes or other withholdings related to such compensation.
- 3. In exchange for Consultant's services under this Agreement, The Haines Borough shall pay Consultant an annual consulting fee of Forty-five thousand (\$45,000.00) during the term of this Agreement. Payment may be in lump sum or on a quarterly basis at the rate of \$11,250.00 annual quarter with the first such quarterly payment due upon execution of this Agreement and like payments due within the first thirty days of each calendar quarter.
- 4. In addition to the compensation payable under Section 3 of this Agreement, The Haines Borough shall also reimburse Consultant for its actual expenses incurred in providing services under this Agreement. To substantiate such expenses, Consultant shall submit an explanation of the purpose for and copies of receipts for: APOC fees, airline tickets (coach class except for transoceanic flights, then business class), car rentals, lodging, meals, phone bills, reproduction costs and postage. Consultant's subcontractor costs, if any, shall be incorporated in the above monthly billings. The Haines Borough shall reimburse Consultant for all

- such expenses within thirty (30) days after receipt by The Haines Borough of Consultant's billing for such expenses.
- 5. The Haines Borough or Consultant may terminate this Agreement at any time for any reason (or for no reason) upon thirty (30) days written notice to the other party, without liability or penalty to either party. The cancellation or termination of this Agreement will not affect The Haines Borough's obligation to pay the compensation, due Consultant as of the termination date (which shall be at least 30 days after the date of any termination notice) and to reimburse Consultant for any expenses incurred as of that date.
- 6. Consultant shall complete the Work in accordance with all applicable laws, rules, regulations, administrative directions, and orders. Consultant shall not pay any commission, fee or rebate, or make any gift of significant value to any employee of The Haines Borough or regulator in connection with this Agreement. During the term of this Agreement, Consultant shall comply with and abide by all lobbying, ethical, registration, or notification requirements under Alaska law or such other jurisdictions applicable to Consultant and shall comply with and abide by all lobbying, ethical, registration or notification requirements under Alaska law or such other jurisdictions applicable to The Haines Borough.
- 7. Consultant acknowledges that it may receive from The Haines Borough certain non-public information in connection with this Agreement. Consultant shall and will require its directors, officers, employees, and representatives to (1) treat such information as confidential, (2) not use any such information except for the purpose of performing the services contemplated by this Agreement, and (3) not disclose to any third party such information, except as may be required by law or legal process or as authorized by The Haines Borough in writing. All files, documents, and other property of whatever nature made available to Consultant by The Haines Borough will remain the property of The Haines Borough and will be surrendered by Consultant to The Haines Borough promptly upon termination of this Agreement. The obligations of Consultant under this Section & will survive the termination or cancellation of this Agreement.
- 8. During the term of this agreement, Consultant shall not provide services to or acquire any interest in a competitor of The Haines Borough (except for an interest not exceeding 1%, acquired for investment purposes, in a company whose stock is traded on a public exchange) without The Haines Borough's prior approval.
- 9. Consultant shall retain ownership of all copyrights and other rights in and to any reports, analyses, or other original works authored by Consultant pursuant to performing services under this Agreement and no such work shall be considered a work make for hire under the Copyright Laws of the United States. Consultant hereby grants to The Haines Borough a limited, non-exclusive, non-transferable

- license to use, for The Haines Borough's own purposes, all such works created by Consultant in performing this Agreement.
- 10. Consultant shall not advertise or otherwise use its contact with The Haines Borough under this Agreement in any public disclosure without prior written consent of The Haines Borough. Such disclosure shall include, without limitation, issuing brochures, listing references, placing advertisements and making any announcement or releasing any information to any third party concerning the existence or content of this Agreement, the Work or any facility of The Haines Borough. Consultant shall not use or permit the use of the trade or service names, marks or logos of The Haines Borough in any manner. This provision shall survive the expiration or earlier termination of this Agreement.
- 11. This Agreement and the documents incorporated herein constitute the complete agreement and supersede all prior agreements or understandings, written or oral, between the parties, with respect to the subject matter hereof. This Agreement shall not be assigned by Consultant without prior written consent of The Haines Borough.
- 12. No provision of this Agreement shall be deemed waived without express written notice of waiver. Failure to demand strict performance in one instance shall not be deemed to waive either Party's right to insist on strict performance in any other instance.
- 13. The parties shall resolve any disputes arising under this Agreement through binding arbitration pursuant to the Alaska Revised Uniform Arbitration Act, Alaska Statutes 09.43.300-09.43.595. Any arbitration hearing shall be held in Haines Alaska, with parties bearing their own costs.

If the foregoing accurately reflects your understanding of our agreement, please so signify by signing and returning this letter to the undersigned.

By:

William A. Thomas, Jr.

Its: Principal

ACCEPTED AND AGREED this \_\_\_\_\_ day of \_\_\_\_\_\_, 2015

The Haines Borough

By: \_\_\_\_\_

Its: Principal

Thomas, Inc.

# WILLIAM A. THOMAS, JR.

#### PERSONAL INFORMATION

- 887 Oslund Dr. E., POB 942, Haines, AK 99827-0942
- Email: thomasgroup@aptalaska.net
- Phone: 907-723-2365POB Haines, Alaska
- Age: 67
- Spouse: Joyce
- 5 children, 4 grandchildren

#### EDUCATION

**HAINES HIGH 1965, UAF 1965** 

## MILITARY SERVICE

#### US ARMY 1966-68

- Vietnam Veteran
- Good Conduct Medal
- Crew Chief Wings
- Sharpshooter
- · Vietnam Army Appreciation Award

# POLITICAL & GOVERNMENT POSITIONS

#### Former Member Alaska State Legislature, 8 years

- Co-Chair Finance (Operation Budget) 2 years
- Vice-Chair Finance, 2 years
- Finance Member, 2 years
- Co-Chair Fisheries, CNRA, 2 years
- Former Assemblyman Haines Borough, School Board, 4 years
- Former Member Alaska Board of Forestry, Alaska Timber Task Force
- Former Director Resource Development Council

# PROFESSIONAL POSITIONS

## Member Sealaska Board of Directors, 4 years

### Former Director, Chairman

- Klukwan, Inc.
- North Pacific Expedition
- Klukwan Construction
- K-Ply
- South Coast Construction
- Klukwan Forest Products
- West Coast Stevedoring
- Chilkat Construction

# Former Director

- Chilkat Electrical Construction Services
- Chilkat Stevedoring

- West Coast Construction Service
- Lobbyist 1976-2004 (State and Federal)

# SERVICE ORGANIZATIONS

## Former Director

- Alaska Loggers Association
- Chairman KHNS Radio Station
- USAG
- AFN Legislative Committee

## Lifetime Member

- American Legion
- United Fishermen of Alaska

# **William Thomas**

887 Oslund Drive East Haines, Ak 99827 907-766-3365 907-723-2365

#### REFERENCES:

Mike Chenault
Speaker of the House
Alaska State Legislature
716 E. 4<sup>th</sup> Ave. Ste. 600
Anchorage, AK 99501-2133
907-269-2030
Representative.Mike.Chenault@akleg.gov

Relationship: Fellow Representative Alaska State Legislature from 2005 to 2013.

Sam Kito Jr. Kito Inc. Sultan, Washington 907-723-2890 kitoinc@gci.net

Relationship: Fellow Lobbyist at Alaska State Legislature from 1988 to 2005.

Benjamin Nageak State Representative, Resources Co-Chair Alaska State Legislature 120 4th St. Rm 501 Juneau, AK 99827 907-465-3473 Representative.Benjamin.Nageak@akleg.gov

Relationship: Fellow Representative. Lobbyist for the North Slope Borough when he was Mayor.

I will be happy to supply additional references if the Borough so desires.

# December 21, 2015

Borough Manager, Haines Borough P.O. Box 1209 Haines, AK 99827 Clerk's Onice

Dear Borough Manager,

The following is a list of the clients for whom I have lobbied:

North Slope Borough

Petro Star

DiPac Hatchery

American Tobacco

**English Only** 

A Trust Company

Kito, Inc.

Klukwan Inc. and Subsidiaries

Additional Reference: Representative Chris Tuck, Minority Leader, Alaska State House of Representatives, 907-223-6471. Representative Les Gara 907-250-0106

Sincerely,

William A. Thomas, Jr. (Bill)

RECEIVED Haines Botono

Clerks Office

**From:** < bill.thomas@sealaska.com>

Date: December 29, 2015 at 10:40:09 AM AKST

To: Jan Hill < jhill@haines.ak.us > Cc: Jila Stuart < jstuart@haines.ak.us >

**Subject: Expenses** 

Section 4 pertains to expenses that I may incur once directed by Haines Borough to do, such as take people to lunch or dinner if the Borough Designee doesn't get into Juneau because of weather or any other reason. Getting printing or anything else directed to do. Also if the the Borough decides to go to Washington DC and wants me to go the expenses will be reimbursed or paid for the Borough, with a daily rate for me to go at \$300.00 a day. I will be responsible for my own room and board in Juneau, during session. I plan to be in Juneau while the Legislature is in Session unless called back to Haines by Borough or an unplanned events. Please get to Assembly. Thanks, Bill

# ARTICLE V EXECUTIVE BRANCH

### Section 5.03 Borough Manager

The Haines Borough operates under the manager form of government; any repeal of the manager form of government must be done by ordinance ratified by the voters of the borough at a regular or special election.

- (A) Qualifications. The assembly shall appoint the manager as chief administrative officer, who serves at the pleasure of the assembly. The manager is selected solely on the basis of professional qualifications.
- **(B) Appointments.** The manager is chief personnel officer and shall appoint all heads of borough departments not administered by boards, except for borough officers. All appointments and dismissals of department heads are subject to confirmation by the assembly.
- **(C) Responsibilities.** The manager is responsible to the assembly for the overall conduct of the administrative functions of the borough. The borough manager may direct municipal officers and department heads in accordance with policies and procedures adopted by the assembly. The borough manager is responsible for additional duties and powers prescribed by this charter or borough code.

# Chapter 2.20 BOROUGH MANAGER

#### Sections:

2.20.010 Appointment - At-will status.

2.20.020 Duties.

### 2.20.010 Appointment - At-will status.

The borough manager shall be the chief administrative officer of the borough. The manager is appointed by the borough assembly. The manager is an at-will officer who may be dismissed by the borough assembly at any time, with or without cause and with or without notice.

#### 2.20.020 Duties.

The manager works closely with the mayor, borough assembly, borough officers, department heads, committees, commissions and the public. The position is responsible for carrying out the administration of borough government and duties as directed by the borough assembly. As chief administrator, the manager shall:

- A. Appoint, suspend, or remove borough employees and administrative officials, except as provided otherwise in AS 29 and AS 14.14.060;
- B. Supervise the enforcement of borough law and carry out the policies and directives of the assembly;
- C. Prepare and submit an annual budget and capital improvement program for consideration by the assembly, and execute the budget and capital improvement program adopted;
- D. Make monthly financial reports and other reports on borough finances and operations as required by the assembly;
- E. Exercise custody over all real and personal property of the borough;
- F. Perform other duties required by law or by the assembly;
- G. Serve as personnel officer, unless the assembly authorizes the manager to appoint a personnel officer; and
- H. Provide for employee evaluations.

The Haines Borough Code is current through Ordinance 16-10-446, passed December 13, 2016.

Disclaimer: The Borough Clerk's Office has the official version of the Haines Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.



#### **Charter Section 2.06 Officers**

The assembly shall appoint officers who serve at the pleasure of the assembly, advising and assisting the assembly and mayor, and whose duties of office are prescribed by borough code. Officers of the borough shall include the following:

- (A) Borough Manager;
- (B) Borough Clerk;
- (C) Borough Attorney;
- (D) Chief Fiscal Officer.

#### HBC 2.04.020 Officers.

The officers of the borough shall consist of:

- A. Elected Officers. A mayor and six assembly members, who shall be elected by direct vote of the electors of the borough, and who are designated "elected officials";
- B. Appointed Officers. A manager, clerk, attorney, and chief fiscal officer, who shall be appointed by and serve at the pleasure of the assembly. Said officers are designated as "borough officers," shall be appointed by the assembly, and shall be removed only by the assembly. Each borough officer shall hold office until terminated by the assembly or until the officer's successor is appointed, whichever shall first occur.

# HBC 2.72.010 Personnel system.

It is the purpose of Chapters 2.72 through 2.94 HBC to establish a system of personnel administration that is based on the merit principle. The personnel system shall have the following specific objectives:

- A. Recruitment and retention of the best personnel obtainable for the borough service;
- B. Provide security of tenure for borough employees subject to requirements for the work to be performed, availability of funds, and continued acceptable work performance and personal conduct of the employee;
  - C. To provide definite duty assignments;
  - D. To furnish sound training, supervision, performance evaluation, and administrative direction;
  - E. To promote opportunities in the borough service based on merit and fitness.

# HBC 2.72.015 Collective bargaining agreement.

Borough positions included in a collective bargaining unit shall be bound by the terms of the bargaining agreement. If the collective bargaining agreement is silent on an issue covered by Chapters  $\underline{2.72}$  through  $\underline{2.94}$  HBC, the provisions of those chapters will apply.

#### HBC 2.72.020 Applicability.

The borough personnel system shall apply to all employees of the borough except:

- A. Elected officials;
- B. Members of appointed committees/boards/commissions;
- C. Borough manager;
- D. Borough attorney;
- E. Contracted parties;
- F. Temporary employees.
- G. School district employees governed by school district personnel policies.

# Chapter 2.74 HIRING AND PROMOTION PROCEDURES AND POLICIES

#### Sections:

2.74.010	Hiring policy.
2.74.030	Application for employment.
2.74.035	Method of filling vacancies.
2.74.040	Tests.
2.74.050	Minimum age.
2.74.060	Reserved.
2.74.070	Hiring and promotion preference
2.74.080	Disabilities.
2.74.100	No discrimination.

# 2.74.010 Hiring policy.

Hiring of borough employees shall be made on the basis of qualification.

# 2.74.030 Application for employment.

All applications for employment shall be made to the clerk and shall be submitted on a form prepared by the clerk and approved by the assembly. The clerk shall transmit to the assembly a copy of all applications for appointment as a borough officer, and to the manager all other applications for employment. The department head receiving any applications from the manager shall file the department head's comments and recommendations with the manager.

# 2.74.035 Method of filling vacancies.

A. Generally. Whenever a new position is created or a vacancy occurs in an existing position, unless the position is abolished, the clerk shall advertise for applications for the position to be filled. Such advertisement shall be for no less than one week in a newspaper of general circulation in the borough and/or posted for one week in three public places in the borough. If, in the opinion of the person or group responsible for hiring, none of the applicants are qualified to fill the vacant position, the clerk may re-advertise for the position and delay hiring to fill the vacancy.

B. Hiring a Borough Officer. On the deadline for applications, the clerk shall prepare a list of the persons requesting employment as a borough officer along with copies of their applications and submit them to the

assembly at its next meeting. If it is found that there are qualified applicants, the assembly shall short-list, interview and hire the person with the best qualifications for the vacant position.

- C. Hiring a Department Head. On the deadline for applications the clerk shall prepare and submit to the manager a list of the persons requesting employment as a department head along with their applications. If it is found that there are qualified applicants, the manager shall short-list, interview and hire the person with the best qualifications for the vacant position.
- D. Regular Employees. On the deadline for applications, the clerk shall prepare and submit to the department head a list of the persons requesting employment as a regular employee along with their applications. A copy of the list of applicants shall be submitted to the manager. If it is found that there are qualified applicants, the department head shall short-list, interview and make a recommendation to the manager as to the person with the best qualifications for the vacant position.
- E. Seasonal Employees. The hiring of seasonal employees shall follow the standard requirements set forth under subsections (A) and (D) of this section, except that if, at the recommendation of the department head, it is desired to rehire previously employed seasonal personnel for the same position, no advertisement shall be necessary.
- F. Special Hires. The manager may hire persons to fill positions arising from a situation requiring such temporary hiring without going through the advertising procedures. Special hires shall submit a completed employment application form to the clerk before commencing work.

When a person has been hired to fill a temporary position caused by an emergency or special situation, the clerk and chief fiscal officer shall be immediately notified by the manager or the borough officer or department head under whose department the temporary employee will be working.

- G. Positions filled by the manager in emergency or special situations under subsection (F) of this section shall not exceed 30 calendar days. Emergency or special situations are as declared by the mayor whenever, in the mayor's opinion, such a declaration is in the borough's interest.
- H. If an employee, other than a borough officer or department head, terminates employment with the borough within six months of hire, and in the opinion of the manager other qualified persons have applications on file for that position, no advertisement shall be required and hiring may take place from those applications on file, following the procedures set forth above.

#### 2.74.040 Tests.

Before appointment, each applicant shall take such tests of the applicant's qualifications as the personnel officer may consider appropriate.

# 2.74.050 Minimum age.

Minimum age for borough employment shall be in accordance with state law.

#### 2.74.060 Reserved.

# 2.74.070 Hiring and promotion preference.

Other qualifications being equal, preference in employment shall be given first to borough employees and then to residents of the Haines Borough. When considering all applicants, other qualifications being equal, veterans, as defined by state law, shall be preferred for employment.

#### 2.74.080 Disabilities.

Employment of qualified persons with disabilities is encouraged.

#### 2.74.100 No discrimination.

There shall be no discrimination in the employment procedure, including appointment, promotion, demotion, suspension or removal for racial, sexual, political, national origin, religious or other nonmerit reasons.

# HAINES BOROUGH POSITION DESCRIPTION

# **Borough Manager**

#### **SUMMARY**:

The Borough Manager implements policy as set by the borough assembly and is the chief administrative officer of the borough reporting directly to the assembly and working at their will. This position is responsible for the effective and efficient administration of all borough services through the overall supervision of administrative staff and department heads. The manager performs duties under the directives of borough laws and ordinances within policy guidelines from the borough assembly. This position works closely with the mayor, borough assembly, borough officers, department heads, all special committees and boards, and the public. It is also a liaison position between the mayor/assembly and all department heads. The manager coordinates activities of the borough departments, borough officers, and committees and boards, and delegates duties as needed. This job description reflects the assignment of essential duties and responsibilities and does not prescribe or restrict the tasks that may be assigned.

#### **EXAMPLES OF DUTIES:**

- 1. Serves as chief administrative officer of the Borough and is responsible for the effective and efficient administration of all Borough services.
- 2. Supervises the enforcement of municipal law and carries out the directives of the borough assembly.
- 3. Appoints department heads and directs the internal administration operation of all borough departments through department heads and borough officers.
- 4. Serves as personnel officer. Is responsible for hiring and terminating borough employees subject to the provisions of Haines Borough code and all other pertinent laws and regulations.
- 5. Is responsible for grant and contract administration and procurement.
- 6. Works with the chief fiscal officer to prepare bond issues, local improvement districts and contracts.
- 7. Acts as a liaison between the borough and local, state and federal agencies.
- 8. Serves as the administrator to the planning commission.
- 9. Prepares and implements the annual budget and capital improvement program.
- 10. Prepares recommendations to the borough assembly on matters affecting the municipality.
- 11. Works with the chief fiscal officer to implement municipal investment policies and financing alternatives as adopted by the assembly.
- 12. Implements adopted capital improvement, economic development, comprehensive, and other plans.
- 13. Manages the borough's utilities.
- 14. Performs all other duties as required by the borough assembly and as prescribed by Haines Borough code and AS 29.20.500.

## KNOWLEDGE, SKILLS, AND ABILITIES:

The requirements, demands and characteristics listed below are representative of the knowledge, skill and/or ability required to successfully perform the essential job functions. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

#### Knowledge of:

- management methods;
- personnel issues and requirements;
- municipal budgeting;
- governmental accounting;
- electronic data processing systems;
- procurement of and administration of grants in aid from federal, state and non-profit organizations;
- contract administration on large capital projects;
- governmental permit processes both federal and state;
- land use planning and regulation; and
- water and sewer utility operations, planning and management.

#### Skills in:

- municipal management;
- governmental accounting systems and finance;
- utility management;
- planning;
- written and oral communication;
- reading, analyzing, and interpreting reports or regulations;
- effectively presenting information and responding to questions from individuals, groups and the general public; and
- defining problems, collecting data, and drawing valid conclusions.

#### Ability to:

- take direction from the borough assembly and exercise independent judgment in accomplishing tasks assigned;
- understand and interpret borough code regarding permits, planning and zoning, and other issues:
- communicate effectively, professionally and courteously with the public and to speak in group settings both formal and informal;
- establish and maintain cooperative relations with those contacted in the course of the work; and
- interface positively with diverse area governments, state government and borough boards and sub-committees.

#### **EMPLOYMENT STANDARDS:**

A degree in public administration, finance, engineering or business administration is desired but a successful record of increasing responsibility and accomplishment in municipal or governmental administration is given the strongest consideration in evaluation of applicants. This position is subject to a thorough reference check.

# **WORK CONDITIONS & ENVIRONMENT:**

- 1. While performing the duties of this job, the employee is regularly required to sit, use hands to operate a computer keyboard, or equipment controls; and to talk and hear. The employee is frequently required to reach with hands and arms, to stand, walk, climb, balance, or crouch. The employee frequently moves about to coordinate work.
- 2. The employee must regularly lift and/or move up to ten pounds and occasionally lift and/or move up to 50 pounds. The employee must have clear close, distance, and color vision.
- 3. The noise level in the work environment is usually quiet.

# **MEMORANDUM**

Date: January 10, 2017

To: Mayor and Assembly

From: Julie Cozzi, Borough Clerk

Re: Borough Manager Recruitment

On 1/3/17, during a special meeting, the assembly passed a motion to advertise for the regular borough manager position. Staff needs some direction to know how to proceed. With two Haines residents already interested in applying and the oft-stated desire to "hire local," it would seem the Haines Borough-Only option should be considered. It would be less costly and very likely a quicker recruitment process.

Haines Borough-Only	Alaska-Only	Nationwide
CVN – Ad Cost TBD	CVN – Ad Cost TBD	CVN – Ad Cost TBD
Posted Notices – Negligible Cost	Post Notices – Negligible Cost	Post Notices – Negligible Cost
Borough Website – No Cost	Borough Website – No Cost	Borough Website – No Cost
	Workplace Alaska – No Cost	Workplace Alaska – No Cost
	AML Website/FAX Alert - \$150	AML Website/FAX Alert - \$150
	Travel Expenses for Interviews – Cost TBD	Travel Expenses for Interviews – Cost TBD
		Search Firm? – Cost TBD
		ICMA Website? – Ad Cost TBD



# Memo from the Clerk

Date: January 18, 2017

To: Mayor and Borough Assembly

Cc: Brad Ryan, Interim Borough Manager From: Julie Cozzi, MMC, Borough Clerk Re: Citizen Complaint of Malfeasance

The attached citizen complaint of malfeasance was received by the Clerk's Office, and it has been sent to the Borough Attorney for <u>review</u> (not investigation).

Acting Clerk Alekka Fullerton will inform you IF it is decided to conduct an investigation. You can expect to hear from her by January 26.

January 16, 2017

CLEAN SOR OF CLEAR SOR OF

From: The undersigned citizens of the Haines Borough

To: Clerk, Haines Borough

Subj: Citizens' complaint of alleged malfeasance

Ref:

(a) Haines Borough Assembly meeting - audio recording of January 10, 2017.

(b) HBC 16.08.010, Government of borough port and harbor facilities.

(c) HBC 2.60.020, Members – Terms – Officers.

- (d) AS 11.76.110, Interference With Constitutional Rights.
- (e) Haines Borough Charter § 18.05, Oaths of Office.
- (f) HBC 2.62.050, Suspension and forfeiture of office or employment.
- (g) HBC 2.40.020, Duties of the police department.
- 1. On January 10, 2017, the Haines Borough Assembly convened for a normally scheduled meeting. Mayor JANICE HILL's presented her 2017 committee nominations for confirmation by the Assembly. A motion was made by Assemblywoman HEATHER LENDE to amend the list; this is evidenced within reference (a), in vicinity of time index 02:42:22. During discussion of the motion, Assemblywoman MARGARET FRIEDENAUER cited "I do believe that a member of the community that is actively raising funds and advocating to sue or to advocate potential litigation against the borough cannot serve in the best interest of the borough." It is assumed that FRIEDENAUER was alluding to the former borough manager's GoFundMe® webpage that is hosted by DIANA LAPHAM. On December 27, 2016, LENDE publicly expressed the same bias towards LAPHAM during a Personnel Committee meeting. Subsequently, under color of law, LAPHAM was improperly denied the privilege to serve on the Ports and Harbor Advisory Committee (PHAC) as permitted by references (b) and (c).
- 2. The Assembly's motion to appoint LAPHAM to the PHAC failed by a vote of 4-2. Assembly members: MARGARET FRIEDENAUER, TRESHAM GREGG, HEATHER LENDE, RON JACKSON voted "no", herein referred to as the majority, and MIKE CASE and TOM MORPHET voted "yes".
- 3. It is our opinion that the action of the majority infringed upon LAPHAM's constitutional rights granted under the Constitutions of the United States of America and the State of Alaska. We believe that this same action also violated references (d) and (e).
- 4. Pursuant to reference (f), we request the borough attorney investigate the facts and circumstances surrounding the alleged violation of reference (d) or any other ordinance or law pertaining to the collective wrong arising from the majority.
- 5. Given that reference (d) is a criminal offence (Class 'A' Misdemeanor), we ask that the Haines Borough Police Department concurrently investigate this alleged crime, as required by reference (g), and that any crime(s) unveiled be forwarded to the District Attorney of the First Judicial District of Alaska.
- 6. Once the borough attorney's opinion and findings of fact, or those of retained counsel, have been delivered to the manager and assembly, and if the allegation is substantiated, we suggest this case be adjudicated in a fair manner outlined within applicable law and/or ordinance to advance and protect the victim's rights.

Cianatura	Printed Name
01110	DAY TURNET Jr
Jessan Ji	TARDES WITARDES
// Way Obstract	Dwight Downer
	CHAFL G. BinkiF
	Zyan Cook
Soul leng	PAVID LONG
Stamp. So	hn Floreske In.
- Sudoou me	lissa Snell
Kenneth 6 Walch	Enneth E. Waldo
Miles Miggiore M	uke mobilesac
Paul g. Cmy F	aul (Jerry) Erm
	DON & HESS
Laven M. Kess	Karen M. Hess
	Michael Dorris
Lou Smith	Lovi Smith
Kennth 6 Walch  Kennth 6 Walch  Michaele  Poul J. Cry  Poul J. Cry  Frank  Kaun M. Kess	Lissa Snell Senneth E. Waldo  Tike Mobiles as  Toul (Jerry) Erry  Don E HESS  Michael Dornis