

August 9, 2016

To: Members of the Haines Borough Assembly and Borough Mayor

Re: Ordinance 16-08-441

Ordinance 16-08-441, which is up for introduction at tonight's meeting, is a result of "problematic timelines" in borough code which establish the process for nontemporary amendments to the heli-ski map. At the assembly's June 28, 2016 meeting, the Agenda Bill noted in the Summary Statement that even though a request for amendments to the heli-ski map had been received in a timely manner, "the existing map amendment procedure in borough code has problematic timelines." In other words, the deadlines for nontemporary map amendments need to be changed to allow sufficient time for the map amendment process to work.

Recognizing that the resolution on the June 28th agenda was not in compliance with borough code, the assembly postponed Resolution 16-06-681 to allow staff to come back "with workable dates." When I listened to the audio copy of the June 28 meeting, I discovered that the minutes do not correctly reflect the motion made by Diana Lapham. The minutes incorrectly state that Lapham moved to "postpone Resolution 16-06-681 until staff brings an ordinance to correct the code." I point out this error because I think it is important to note the assembly just asked for "workable dates." The June 28 assembly minutes should be amended to reflect the motion accurately.

Ordinance 16-08-441 proposes new dates for the heli-ski map amendment process that could be more "workable," but it does more than that. Section 1 in the draft ordinance removes the requirement that when a map change proposal is submitted to the borough, the assembly holds a public hearing and directs the manager (by resolution) to convene a heli-ski map committee. This has nothing to do with "workable dates" and removes an important step from the map amendment process. The assembly can better vet map amendment proposals than the manager and in a much more public and transparent manner.

Another part of the draft ordinance basically nullifies the borough policy of a 3-year map amendment cycle. Section 1(g) of Ordinance 16-08-441 states, "If circumstances warrant, the borough assembly may adopt a resolution to provide for adjustments to the map amendment schedule." This also goes beyond the assembly's request for "workable dates." "Workable dates" that give adequate time for all stages of the nontemporary map amendment process give stability and certainty to the map amendment process...exceptions to the 3-year cycle do not.

These two changes are not in keeping with the assembly's request for "workable dates" and I believe they should be removed from the ordinance.

Section 1(c)(4) states, "The manager shall solicit applications by posting notice no less than ten days." This is a good requirement but what does "posting notice" mean and why "no less than

ten days.” It seems that seven days’ notice is adequate, similar to the time required for posting notice of public hearings.

Because the Tourism Advisory Board has made recommendations that go way beyond proposing the “workable dates” the assembly asked for, I suggest that this ordinance be referred to the Government Affairs and Services Committee for additional work before it is introduced.

Thank you for your careful consideration of this issue,

Carolyn Weishahn