



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Meeting Agenda

City and Borough Assembly

*Mayor Gary Paxton
Deputy Mayor Steven Eisenbeisz,
Vice Deputy Mayor Valorie Nelson,
Aaron Bean, Kevin Knox, Dr. Richard Wein, Kevin Mosher*

*Municipal Administrator: Keith Brady
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson*

Thursday, November 8, 2018

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[18-214](#) Reminders, Calendars and General Correspondence

Attachments: [Reminders and Calendars](#)
[Public Works Update 10.31.2018](#)

V. CEREMONIAL MATTERS

[18-198](#) Proclamations - Veteran's Day and Native American Heritage Month

Service Award - Lorraine Lil

Attachments: [Veteran's Day Proclamation](#)
[Native American Heritage Month Proclamation](#)
[Service Award for Lil](#)

VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (five minute time limit)

- [18-209](#) Special Reports: 1) CBS Department Head Bryan Bertacchi and 2) Update on the SCH / SEARHC Strategic Affiliation Process - Sarah Cave and Steve Huebner

Attachments: [Special Reports Cover Sheet](#)
[Update SCH SEARHC Strategic Affiliation Process](#)

VII. PERSONS TO BE HEARD

Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the mayor imposes other time constraints at the beginning of the agenda item.

VIII. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other

IX. CONSENT AGENDA

All matters under Item IX Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A [18-207](#) Approve the minutes of the October 23 Assembly meeting

Attachments: [Consent and Minutes](#)

- B [18-208](#) Approve a liquor license renewal application for Ernie's Bar at 130 Lincoln Street

Attachments: [Motion and Memos Ernie's](#)
[License Application Ernie's](#)

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- C [18-210](#) Reappoint Gayle Hammons to a three-year term on the Local Emergency Planning Commission and Appoint: 1) Neil Akana to a three-year term on the Police and Fire Commission, 2) David Birky to a three-year term on the Local Emergency Planning Commission, and, 3) Joseph Younack to a three-year term on the Local Emergency Planning Commission

Attachments: [Motion appointments](#)
[Hammons Application](#)
[Akana Application](#)
[Birky Application](#)
[Younack Application](#)

XI. UNFINISHED BUSINESS:

- D [ORD 18-51](#) Making supplemental appropriations for Fiscal Year 2019 (State of Alaska Grants)

Attachments: [Motion Memo and Ord 2018-51](#)

- E [ORD 18-52](#) Amending Title 13 "Port and Harbors" of the Sitka General Code by adding Chapter 13.16 "Commercial Marine Trade Permit" and amending Chapter 13.04 "Definitions"

Attachments: [Motion Memo and Ord 2018-52](#)

[Email from Harbormaster](#)

XII. NEW BUSINESS:

New Business First Reading

- F [ORD 18-53](#) Making supplemental appropriations for Fiscal Year 2019 (Sitka Community Hospital Sale)

Attachments: [Motion Memo Ord 2018-53](#)

[Fee Proposal Huebner Advisory](#)

Additional New Business Items

- G [18-212](#) Discussion / Direction on the reimplementation of the Senior Sales Tax Exemption Program

Attachments: [Discussion Direction Senior Sales Tax Exemption](#)

- H [18-213](#) Discussion / Direction on the Senior Citizen Property Tax Exemption Program

Attachments: [Discussion Direction Senior Citizen Property Tax Exemption Program](#)

[ASSESSOR MEMO SCDV19 Property Tax Exemption Program](#)

- I [18-211](#) Reschedule December 25 regular meeting to December 20

Attachments: [Reschedule](#)

XIII. PERSONS TO BE HEARD:

Public participation on any item on or off the agenda. Not to exceed 3 minutes for any individual.

XIV. EXECUTIVE SESSION

Not anticipated.

XV. ADJOURNMENT

Note: Detailed information on these agenda items can be found on the City website at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Municipal Clerk's Office at City Hall, 100 Lincoln Street or 747-1811. A hard copy of the Assembly packet is available at the Sitka Public Library. Assembly meetings are aired live on KCAW FM 104.7 and via video streaming from the City's website. To receive Assembly agenda notifications, sign up with GovDelivery on the City website.

*Sara Peterson, MMC, Municipal Clerk
Publish: November 2, 6*



CITY AND BOROUGH OF SITKA

Master

File Number: 18-214

File ID: 18-214	Type: Item	Status: AGENDA READY
Version: 1	Reference:	In Control: City and Borough Assembly
File Name:		File Created: 11/02/2018
Title: Reminders, Calendars and General Correspondence		Final Action:

Notes:

Sponsors:

Enactment Date:

Attachments: Reminders and Calendars, Public Works Update 10.31.2018

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-214

title
Reminders, Calendars and General Correspondence

REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Thursday, November 8	Regular Meeting	6:00 PM
Saturday, November 17	Visioning Session <i>Harrigan Centennial Hall Rm. 7</i>	9:00 AM to Noon
Tuesday, November 27	Regular Meeting	6:00 PM

HONORING ALL WHO SERVED

Veterans
Day



Assembly Calendar

2017 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2019

November 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28 <u>Oct</u>	29	30	31	1 <u>Nov</u>	2	3
	4:00pm New Member Assembly Orientation - 3rd Floor Conference Room City Hall	8:00am - 5:00pm New Member Assembly Orientation - Tours 3:00pm GPIIP		Nelson 12:00pm SEDA Board Meeting 4:00pm New Member Assembly Orientation - 3rd Floor Conference Room City Hall	Eisenbeisz Nelson	Eisenbeisz Nelson
4	5	6	7	8	9	10
Eisenbeisz Nelson	Eisenbeisz	Eisenbeisz GENERAL ELECTION	Eisenbeisz 6:00pm Library Commission 7:00pm Planning Commission	Eisenbeisz 12:00pm LEPC 1:30pm Health Needs & Human Services Commission 6:00pm Regular Meeting	Eisenbeisz Knox	Eisenbeisz Knox
11	12	13	14	15	16	17
Knox Mosher Nelson Paxton	Alaska Municipal League Conference HOLIDAY Mosher Nelson Paxton	Alaska Municipal League Conference Mosher Nelson Paxton 12:00pm Parks & Rec	Alaska Municipal League Conference Mosher Nelson Paxton 6:00pm Historic Preservation 6:15pm Port & Harbors Commission	Alaska Municipal League Conference Mosher Nelson Paxton	Alaska Municipal League Conference Nelson	Nelson 9:00am - 12:00pm Assembly Visioning Session (HCH Meeting Rm 7)
18	19	20	21	22	23	24
Nelson	Nelson	Nelson 12:00pm Tree/Landscape	Nelson 7:00pm Planning Commission	6:00pm Hospital Board Meeting HOLIDAY Nelson	Nelson	Nelson
25	26	27	28	29	30	1 <u>Dec</u>
		6:00pm Regular Assembly Mtg	Nelson 6:00pm Police and Fire Commission	Nelson	Nelson	

Assembly Calendar

[2017](#) [Jan](#) [Feb](#) [Mar](#) [Apr](#) [May](#) [Jun](#) [Jul](#) [Aug](#) [Sep](#) [Oct](#) [Nov](#) [Dec](#) [2019](#)

December 2018

Sunday		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
25	Nov	26	27	28	29	30	1	Dec
			6:00pm Regular Assembly Mtg	Nelson 6:00pm Police and Fire Commission	Nelson	Nelson		
2		3	4	5	6	7	8	
		Nelson	Nelson	6:00pm Library Commission Nelson 7:00pm Planning Commission	Knox Nelson 12:00pm SEDA Board Meeting	Knox	Knox	
9		10	11	12	13	14	15	
Knox			12:00pm Parks & Rec 6:00pm Regular Assembly Mtg	6:00pm Historic Preservation 6:15pm Port & Harbors Commission	12:00pm LEPC 1:30pm Health Needs & Human Services Commission			
16		17	18	19	20	21	22	
			12:00pm Tree/Landscape	7:00pm Planning Commission				
23		24	25	26	27	28	29	
			HOLIDAY 6:00pm Regular Assembly Mtg	6:00pm Police and Fire Commission	6:00pm Hospital Board Meeting			
30		31	1	Jan	2	3	4	5
					6:00pm Library Commission 7:00pm Planning Commission	12:00pm SEDA Board Meeting		

PUBLIC WORKS ASSEMBLY UPDATE
WORK COMPLETED THROUGH OCTOBER 2018

East DeGroff Water, Sewer and Street Repairs (CONSTRUCTION PHASE)

Milestones This Period

- Installed 400 linear feet of water main.
- Paved DeGroff Street from Lake Street to Baranof, including approaches at Hollywood, Monastery, Highland and Baranof.
- Paved excavations Sawmill Creek Road at Park-DeGroff intersection and in front of Baranof Elementary School.

Future Milestones

- Provide all DeGroff Street homes currently being served with temporary aboveground water hoses with buried water services for the winter.
- A future change order will further extend the Substantial Completion date to Spring 2019 to allow completion of water and sewer utility installation between Baranof Street and 613 DeGroff, paving of DeGroff from Baranof Street to SMC, and project clean-up activities.

Background

The project includes replacement of aging, failing water, sewer and storm drainage infrastructure in DeGroff Street from Hollywood Way to Sawmill Creek Road. The project will replace all pavement, curb, gutter and sidewalk. Scope will also include utility trenching work in Sawmill Creek Road, ahead of an Alaska Department of Transportation project to re-pave SMC in 2019 or 2020. Funding for the project is provided by the following sources: \$2.24 million from FY2015 ADEC Water and Sewer Loans, \$175,000 from the FY17 Water Enterprise Fund and \$45,000 from the FY17 Wastewater Enterprise Fund and \$300,000 from the FY18 General Fund.

Current Contracts: PND Engineers	\$144,747
K&E Alaska	\$1,976,544

Nelson Logging Road Upgrades

Milestones This Period

- All culverts installed
- Clearing and grubbing continuing
- Continue chipping rock wall at rock removal at intersection with HPR
- Hauling and placing rock from rock removal area to area between bridge and arch culvert

Future Milestones.

- Resetting culvert near muskeg trail to meet Fish and Game requirements, November 15, 2018.
- Place tree and root bulbs into Stargavin Creek near muskeg trail, November 20, 2018
- Grade roadway to subgrade elevation, November 30, 2018
- Build roadway up to finish grade, December 20, 2018
- Substantial Completion is January 2019.

Background

The project includes replacing both inadequate bridges, realignment at HPR intersection to raise the road elevation out of the stream floodplain, upgrading Nelson Logging Road to include drainage improvements, resurfacing, pedestrian amenities and widening. Funding for the project is provided by a \$2,343,000 State of Alaska Department of Commerce Community and Economic Development Grant.

Current Contracts:	LEI Engineers & Surveying	\$463,405
	K&E Alaska, Inc.	\$1,544,280

O'Connell Lightering Float Pile Replacement

Milestones This Period

- USF&W permit application submitted October 31, 2018.

Future Milestones

- Permitting to be completed winter 2018.
- Construction to begin June 2019.
- Substantial Completion anticipated by July 2019.

Background

With lightering traffic reduced due to cruise ships mooring at Old Sitka Dock, and what lightering remains shifting to the Crescent Lightering Facility near Harrigan Centennial Hall, Harbor Staff have found O'Connell to be a popular moorage location for yacht owners. However, the existing piling at the O'Connell Lightering Float were installed too shallow to support yacht moorage as evidenced by several piles being displaced during a storm event. This project will replace all piling at the facility with new rock-socketed piling specifically designed to support large yachts. The Assembly approved an appropriation of \$280,000 from the Harbor Fund Undesignated Working Capital on September 12, 2017, on 2nd reading. This amount was insufficient given regulatory agency feedback and timeframes. An additional \$290,000 appropriation from the Harbor Fund Undesignated Working Capital was approved by the Assembly on March 27, 2018, on 2nd reading.

Current Contracts:	PND Engineers	\$35,380
	Turnagain Marine	\$483,800

Sitka Wayfinding Signage (CONSTRUCTION PHASE)

Milestones This Period

- Wayfinding Signage fabrication and installation is complete.
- Project Substantial Completion achieved 10/12/18.
- Project Physical Completion achieved 10/15/18.

Future Milestones

- Final Completion and project close out due 12/12/18.

Background

Wayfinding signage was identified as one of the key projects in the 2010 Sitka Passenger Fee Fund Implementation Plan. On June 25, 2013, the Assembly approved a request from the Tourism Commission and Destination Sitka Working Group to move the Wayfinding Signage Project forward by funding the project utilizing Commercial

Passenger Excise Tax (CPET) proceeds. The Sitka Convention & Visitors Bureau (SCVB) was tasked to manage the project at that time. Later, the Sitka Chamber of Commerce managed the project while the Consultant, Great Destinations Strategies (GDS), completed the design intent drawings and general specifications. With these complete, the project management has shifted to Public Works to oversee the fabrication and installation of the signage. The Assembly approved a budget appropriation of \$282,300 from CPET Funds, General Capital Projects Fund, for the purpose of designing and constructing Wayfinding signs.

Current Contracts:	Axia Creative	\$25,910
	CBC Construction	\$166,018

Lincoln Street 2018 & Katlian Sitka Paving 2016

Milestones This Period

Lincoln Street

- Continuing to evaluate bulb-outs at intersection and crosswalks
- Prepared final review comments
- Received DEC Waver Request permit.

Katlian Street

- Project design complete 99% plans.
- Received DEC Waver Request Permit.
- Prepared final review comments

Future Milestones

Lincoln Street

- Acquire construction easements, January 2019
- Complete final plans and bid project April 2019
- Construction anticipated fall 2019 – spring 2020.

Katlian Street

- Acquire construction easements, December 2018
- Complete final plans and bid project December 15, 2018
- Construction anticipated February 2019 – Summer 2019.

Background

The project includes replacing non-ADA compliant curb ramps, failing storm drain, and limited curb, gutter and sidewalk and all asphalt pavement on Lincoln Street from Harbor Way to Harbor Drive. Red concrete crosswalks are planned to be bid as an additive alternate. Currently, funding for the project is provided by:

Lincoln Street

\$950,000 – General Fund
 \$1,300,000 – 2019 General Fund Budget Allocation
 \$20,000 – Water Fund
\$20,000 – Sewer Fund
 \$2,290,000 – total available project funding

Katlian Street

\$747,870 2016 – General Fund budget Sitka Paving 2016 – 2017

Current Contracts: Professional and Technical Services, Inc.	\$306,198
Anderson Land Planning	\$5,000

Wastewater Treatment Plant (WWTP) Rehabilitation (DESIGN PHASE)

Milestones This Period

- The design team met with CBS staff to review the 50% design milestone.
- The information collected and decisions made during the two day 50% design review meetings with the Consultants in Sitka, are being incorporated into the design documents prior to sending the set to the cost estimator for a better and more accurate identification of project scope and cost estimate.

Future Milestones

- The cost estimate is anticipated in November 2018.
- Bid and begin construction of the WWTP rehabilitation project, assuming sufficient funding is available is anticipated in the Spring of 2019.
- Estimated project completion by Spring 2020.

Background

The Wastewater Treatment Plant was built in the early 1980s and most of the building systems, especially the HVAC (ventilation air) systems have failed or are past their useful life and require replacement. The air quality within the building is inadequate and corrosive and the exposed piping and metal within the building are corroded. The building's envelope leaks air and does not allow for proper pressurization of the office areas and other clean rooms. Corrosive air in these spaces results in electronics regularly becoming dysfunctional within months, in addition to creating an unhealthy air quality for the WWTP operators. It is the intent of Public Works to move this project forward as quickly as possible as there are life safety issues that need to be addressed in the existing facility. The total project cost is estimated at \$11 million. Funding for this project is provided by the following sources: \$263,000 in Wastewater fund Working Capital and DEC loans with \$2,832,500 (secured) and \$1,825,000 (approved and pending signed agreement). The existing budget will be insufficient to rehabilitate the building, correct the life safety, code compliance and non-functional existing conditions. It is anticipated that an additional DEC loan will fund the shortfall,

Current Contracts: McCool Carlson Green	\$806,321
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Davidoff & Peterson Storm Sewer Rehabilitation (DESIGN PHASE)

Milestones This Period

- Performed final review on Davidoff design drawings and specifications
- Solicited design proposal for Peterson culvert replacement from DOWL

Future Milestones

- Issue bid package for Davidoff improvements November 28, 2018.
- Award Davidoff construction contract February 1, 2019.
- Rehabilitate or replace where appropriate Davidoff storm infrastructure Spring 2019 (Substantial Completion date June 3, 2019).
- Award contract for Peterson culvert replacement design January 18, 2019.

- Bid Peterson construction project Fall 2019. Complete Peterson construction work Spring 2020.

Background

The project includes rehabilitation and/or replacement of deteriorated storm drain infrastructure to include: a 60” corrugated metal culvert crossing under Peterson Street, and two 30” and two 36” metal culverts and two metal storm structures adjacent to Davidoff Street, between Charteris and HPR. Funding for the project is provided in the FY18 General Fund at \$350,000, in the FY19 General Fund at \$150,000, and from a \$60,000 grant from the U.S. Fish and Wildlife Service for a total of \$560,000.

Current Contracts: Steph Engineering \$37,500

Eagle Way Lift Station Rehabilitation (DESIGN PHASE)

Milestones This Period

- Worked on 65 percent design package. Civil design to be performed by CBS Engineering staff with AutoCAD support and electrical design provided by Boreal Controls, Inc.

Future Milestones

- Issue bid package for Eagle Way improvements December 19, 2018.
- CBS to procure pumps and control/electrical equipment, January 2019.
- Award construction contract February 28, 2019.
- Complete construction Spring 2019 (Substantial Completion date May 29, 2019).

Background

The original Eagle Way – Old Harbor Mountain Road project included new pavement, storm drainage, water main and services, and a pedestrian pathway within Eagle Way, and new pavement and storm drain improvements within Old Harbor Mountain Road. Funding for the project consists of a \$1,500,000 State of Alaska Department of Commerce Community and Economic Development Grant, of which \$250,000 remains. DCCED approved these remaining funds being used for the lift station rehabilitation work. This funding was combined with \$135,000 in FY2018 working capital and \$85,000 in FY2019 working capital for a total project budget of \$470,000.

Current Contracts: Boreal Controls, Inc. \$87,700

Cross Trail (Granite Creek to Ferry) (DESIGN PHASE)

Milestones This Period

- none

Future Milestones

- Finalize design drawings by November 6, 2018.
- Construction anticipated in early 2019, provided CBS has secured sufficient funds to match 9.03% of the construction fund grant amount. Rasmuson Foundation to consider STW grant request in November 2018.
- Construction completion estimated April 2020.

Background

The City and Borough of Sitka was awarded a \$250,000 MAP-21 Federal Lands Access Program (FLAP) Grant for planning, design and permitting of Phase 6 Cross Trail

multimodal pathway – a connector from Kramer Drive to Alaska Marine Ferry Terminal – by Western Federal Lands. The Assembly approved submission of the grant in Resolution 2014-06 in April 2014. Sitka Trail Works is overseeing the design work alongside CBS via a Memorandum of Agreement. Received a \$1.93M construction grant from Western Federal Lands in October 2017, which cannot be spent until CBS and Sitka Trail Works secure the required match funding.

Airport Terminal Improvements (DESIGN PHASE)

Milestones This Period

- The SIT Terminal Improvements Project was reviewed at the State of Alaska ‘Aviation Projects Evaluation Board’ (APEB) meeting 10/24/18 for AIP Grant Funding for the eligible portions of the SIT Terminal Improvements Projects. PFC funds count as matching funds for AIP Grants.
- 35% design completed in October 2018. Internal plan review in progress.

Future Milestones

- AIP grant application materials to be submitted to ADOT-PF by Oct. 31, 2018.
- Other funding sources for terminal improvements beyond the PFC/Bonding and AIP grant requests are being developed for consideration, including airport terminal user fees and TSA grants for screening/security improvements.
- It is anticipated that the first phase of construction will bid June 2019.
- Construction to begin October 2019 and be completed in 2022.
- Still anticipating the State of Alaska DOT sending the CBS information about the upcoming parking lot management changes and options.

Background

The Airport Terminal Improvement Project is intended to remedy some of the existing critical problems identified in the Airport Terminal Master Plan 2008-2011, including working conditions in the baggage make-up area and TSA baggage screening area, as well as problems with congested passenger queuing, screening, baggage, fish boxes, waiting areas and passenger flow. CBS accepted a TSA design grant in the amount of \$158,569.25 to design specific improvements to the TSA Baggage Screening Area. Other areas impacted by these design changes are ineligible for the TSA design funding. The Assembly approved moving forward to the 65% Schematic Design Milestone for the preferred concept plan that was presented in the Assembly work-session August 8, 2017. Passenger Facility Charges (PFC) were applied for and approved by ADOT and FAA. Collection of the PFCs began May 1, 2018 and will. The total anticipated revenue collection over the 20-year period of collection is \$6,840,000.00, which is anticipated to finance the \$4,025,000 revenue bond along with its fees and debt service.

The current estimated cost for the project as identified is approximately \$15-million. The current funding plan outlines the following components:

- | | | |
|-------------------------------------|--------------|--------------------------------|
| • Passenger Facility Charge Revenue | \$4,025,000 | Bond in progress |
| • TSA Funding | \$3,397,500 | Unsecured |
| • Eligible AIP Grant Request | \$10,283,954 | Unsecured |
| • Potential User Fees & Airline | TBD | – dependent on securing grants |

Current contracts: MCG Architects

\$449,069

Crescent Harbor Float Replacement – Phase I

Milestones This Period

- Contacted potential consultants for Design Build procurement process assistance
- Received qualifications from consultants

Future Milestones

- Select consultant to assist CBS in Design Build procurement process, November 2018.
- Advertise for Design Build Team to construct harbor, February 2019.
- Construct Harbor Fall 2019 to Spring 2020.

Background

The physical condition of Crescent Harbor has deteriorated to point where in-house repairs are no longer sufficient to adequately maintain the facility. Harbor Department staff and Public Works Department engineers have determined that the harbor now presents an operational and safety risk due to floats sinking, decay of wooden beams, corrosion of metal fixtures and failure of walk-down ramps to meet ADA accessibility requirements. The project has estimated total cost of \$14,025,000. Of this, the harbor grant will provide \$5,000,000. The Harbor Fund working capital has allocated \$1,000,000 for the project. The remaining \$9,025,000 is planned to be provided with \$8,025,000 in harbor revenue bond proceeds and the use of the Harbor Fund working capital in the amount of \$1,000,000 noted above.

Current Contracts: PND

\$73,612.00

Gary Paxton Industrial Park Access Ramp

Milestones This Period

- Consultant proposal submitted to complete project scoping study final report and related preliminary design – October 2018.

Future Milestones

- GPIIP board to review proposal and consider budget increase to complete this Final Report – November 2018.
- Determine future schedule and funding requirements for Ramp construction.

Background

The project includes planning and design for a multipurpose boat ramp for the Gary Paxton Industrial Park. The ramp is to be associated with the new existing barge ramp constructed adjacent to the Boat Building Lot. Project funding of \$40,000 provided in Gary Paxton Industrial Park Budget.

Current Contracts: PND Engineers Inc.

\$18,550

Critical Secondary Water Supply (PLANNING PHASE)

Milestones This Period

- Draft FAQ/ Fact Sheet prepared in October 2018. Final review to be completed prior to sharing with public in November 2018.

- Awaiting ADEC loan offer in response to CBS application submitted in September.

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Future Milestones

- Once ADEC loan is received, Public Works to request Assembly approval to proceed with the project.
- Design complete October 2019.
- Construction begins November 2019.
- Construction complete November 2020.

Background

The project is for design and construction of a secondary water source, for when the primary water source – Blue Lake water treated with ultraviolet (UV) radiation – is unavailable. Blue Lake water will not be available when the Electric Department inspects and maintains the penstock providing water from the dam to the power plant. Blue Lake water may also require filtration – not just UV treatment – if turbidity levels continue to exceed regulatory thresholds. Early estimates project a total project cost of \$18 million. This depends greatly on the project scope. The budget presently consists of \$75,000 in working capital. Operating funds have augmented the \$75K in working capital to pay for the consultant’s services to date.

Current Contracts: CRW Engineering Group, L.L.C.

\$105,147

Police Station Planning Study (PLANNING PHASE)

Milestones This Period

- The top three potential siting locations were selected during the September workshop with the consultant for further development of space adjacencies and site access diagrams, which have been drafted this month.

Future Milestones

- The consultant is working on the 70% draft report, which is anticipated next month.
- Staff to compile a list of the amenities and deficiencies of the existing Police Station facility & City/State Building infrastructure and building systems, along with an estimated cost (assumed to exceed \$1 million) to refurbish/replace deficient systems. December 15, 2018.
- Final study completion anticipated December 31, 2018.
- Completed study to be presented to Assembly in early 2019.

Background

The Sitka Police Department and Jail occupies one-third of the first floor in the City/State Court/Office Building. The Sitka Police Offices and jail do not meet current industry standards. It is nonfunctional, unsafe, and severely inhibits the effective delivery of police service to Sitka. The City/State Building was built in 1974-76 in partnership with the State of Alaska. The City owns the land including the parking lot and is joint owner with the State of the building. Expenses for maintenance and operations per agreement December 1993, are split 34% CBS and 66% State based on the occupancy remaining within the building. Maintenance of the facility and its building systems, along with replacement of non-functional and obsolete infrastructure, has not

kept pace with facility needs. Repairs to the facility to address its deferred maintenance are conservatively estimated to exceed \$1 million. How these costs are to be shared is to be determined, and is complicated by the shared ownership of the facility with the State of Alaska. Given Alaska's current fiscal status, reaching a timely cost-sharing agreement is a point of significant concern.

Current Contracts: Stantec

\$57,558

Sitka Seaplane Base (SPB) (PLANNING PHASE)

Milestones This Period

- Assembly Resolution supporting the acquisition of the preferred location/land parcel for the Seaplane Base, October 9, 2018.
- The Assembly approved Supplemental Appropriations for FY19, Ordinance 2018-49, for the SPB.
- Assisted Finance Dept. with submitting project information to FAA by October 31, 2018 – required step in order to be considered to receive any of the \$1 billion AIP Supplemental funding.

Future Milestones

- Obtain a letter of commitment for the purchase of the property from the State.

Background

Improvement or replacement of the seaplane base has been discussed on and off for the past two decades. Beginning with this funding cycle, more FAA funding in the form of Airport Improvement Project (AIP) grants (traditional and Supplemental AIP funding) has been made available through FY2020 than has been in a long time, *if project information is filed with FAA by the deadlines*. As the Assembly has made it a priority to look into the development of a new seaplane base for the economic development of Sitka, a key component to making this happen is land acquisition. Part of the due diligence that staff is doing for the Assembly is working on what staffing, money, and land acquisition we need for adequate maintenance, operations and reporting. The seaplane base study, which included an Economic Impact Study, showed that property on Japonski Island was the preferred site for the seaplane base. The upcoming AIP grants could help fund planning, design, land acquisition, and construction costs.

MAINTENANCE ACTIVITIES

STREETS

- Road Maintenance – fixing potholes, grading gravel roads, dust control, picking up abandoned vehicles, vegetation clearing. 57.1% of work
- Storm Drains- checking and clearing. 16.3% of work
- Solid Waste – bio solid pit, transfer station operations, receiving materials at the construction debris pit. 18.7% of work
- Miscellaneous maintenance 7.9% of work
- Starting winter preparations.

SCRAPYARD

- Shipped out (2) 20ft containers filled with computers, car batteries, catalytic converters alternators and starter motors.
- 187,820 pounds of Scrap metal processed
- 17,430 pounds of other material copper aluminum processed.

GROUNDS MAINTENANCE

- Working on retraction plan.
- Cut back asphalt overgrowth.
- Moving items such as rocks and trees that slow down mowing operations.
- Normal seasonal maintenance rounds.
- Moller dugout gates being fabricated in house for seasonal operation efficiency and to lessen vandalism and security of backstop padding and net.
- Preparation for winter.
- CBS is addressing maintenance around the schools during their school closures.
- Cross Trails – 3 trees are down due to erosion on the Baranof trail area.

BUILDING MAINTENANCE

- Sitka High School is starting a building for our new scale shack building at the Transfer Station.
- WWTP boiler supply line, CP-1 Heating Circulation pump replacement. Schmolck Mechanical has ordered prepress valve to replace the ball valves that are not holding. They will assist with collecting glycol out of the 3" lines. They will make and assist with the valve replacements. CBS will replace the pump and refill the system. Replacement is scheduled for early November.
- Motor has failed with the WWTP FU-1 inspecting fan unity 1. A replacement motor is on order. CBS is scheduled to replace the motor mid-November.
- City/State first floor restroom has a clogged line that has been unsuccessful at clearing. The 2" drain line is pinched down to approximately 1". The wall in the men's restroom has been opened up to allow the line to be scoped.
- City Hall – changing leaks on the pneumatic compressor/air drier. Parts have been ordered.
- Fire Panels – Panels are still not making connection due to issues with ACS long distance service. Notices of the problem have been sent to some tenants. If problem continues CBS might need to do weekend inspections of sites.
- Due to unanticipated repairs CBS is falling behind on the preventative maintenance (PM) work orders.
- Asset Essentials (Dudes) was been uploaded with PMs. CBS will start implementing the system and get the checks and balances before cancelling Maintenance Connection.

- Harrigan Centennial Hall freezer unit has failed. Working on warranty with supplier for replacement.
- Senior Center – waiting for window order to finish out project.
- Scrap Yard Fence – a bear was recently spotted in the scrap yard site. A large section of the fence is missing.
- Preparing for winter.

CENTRAL GARAGE

- Repaired or Serviced 38 Vehicles or Equipment including scheduled maintenance, a few major breakdowns, rebuilt a front end, major brake overhaul, fabrication of brackets and gates for Grounds.
- Ordering new vehicles budgeted in FY19 operating budget.

WATER AND WASTEWATER

Operators have performed a number of water and sewer locates for residents and contractors. Property valves are often buried, landscaped or paved over, and a significant amount of time is spent helping the property owner find their valves.

The Water/Wastewater division is making a concerted effort to implement a geographic information system (GIS). GIS is a system designed to capture, store, manipulate, analyze, manage, and present spatial or geographic data. GIS analyzes spatial location and organizes layers of information using maps which will reveal a deeper insight into data, such as patterns, relationships, and situations which will help us make smarter decisions. We are in the beginning phases of the implementation process and that is to gather data points (valves, manholes, hydrants, etc.) with the help of an iPad and GPS antenna. If you see a city worker on the side of the road with an iPad and antenna on their head you'll have a better understanding of what they are doing out there.

Despite outreach efforts, the wastewater division continues to be plagued with lift station pump problems due to wipes and grease. Wipes are often marketed as “flushable”, however they do not break down in water like toilet paper. The wipes get intertwined with grease and other items such as tampons and condoms and create big “fatbergs” that cause pump failures and clogs. Pulling a pump out of service, cleaning, and repairing takes a substantial amount of time (and money) and takes away from the routine operations thus putting us at risk for other failures. Wipes and other non-flushable items are a world-wide issue. Continued public outreach will occur to try to reduce the impact on our infrastructure.

Water operators flush the water distribution system on an annual basis. In preparation for the annual flushing the main line valve boxes were cleaned and valves are verified to be operable. The flushing took about two weeks. During the flushing, water mains are isolated a section at a time and the water is flushed out via hydrants and water blow-offs. By isolating water mains a section at a time, the velocity in the pipe increases

which allows a scouring action to take place that removes sediment and film that may have accumulated in the pipes.

Power outages have a significant impact on water and wastewater infrastructure. During power outages a team of water and wastewater operators are dispatched to operate and monitor equipment and to make sure water and wastewater continue to flow in the proper directions. Due to our geography and geology, pump stations are required to pump the wastewater from both ends of the road to the wastewater treatment plant. When the power goes out, generators are needed to keep the pumps pumping. Our generators are at or beyond their useful lives. Most require the manual transfer of power in and out and require more babysitting than should be necessary. Replacement generators are budgeted and the first two are scheduled to arrive in early 2019.

The wastewater division completed the annual cleaning of the lift station wet wells. The Camel (vacuum truck) is used to remove grease, grit, sludge and debris.



CITY AND BOROUGH OF SITKA

Master

File Number: 18-198

File ID: 18-198

Type: Ceremonial

Status: AGENDA READY

Version: 1

Reference:

In Control: City and Borough Assembly

File Created: 10/16/2018

File Name:

Final Action:

Title: Proclamations - Veteran's Day and Native American Heritage Month
Service Award - Lorraine Lil

Notes:

Sponsors:

Enactment Date:

Attachments: Veteran's Day Proclamation, Native American Heritage Month Proclamation, Service Award for Lil

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-198

title

Proclamations - Veteran's Day and Native American Heritage Month

Service Award - Lorraine Lil

OFFICE OF THE MAYOR
City & Borough of Sitka

Proclamation

Honoring Veteran's Day

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

WHEREAS, through generations, their courage has allowed our Republic to flourish; and

WHEREAS, a Nation acknowledges its profound debt of gratitude to those who have served and died in war; and

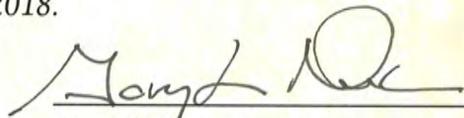
WHEREAS, with respect for and in recognition of the sacrifices and contributions of those who serve in the U.S. military who are deserving of commemoration, honor, and recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly of the City and Borough of Sitka, Alaska, does hereby call upon the citizens of Sitka to observe the 11th day of November, 2018 as

Veteran's Day

AND commend, honor, and recognize the valor and sacrifices of our veterans for defending and protecting our country, our freedom, and our way of life.

Signed and sealed on this 8th day of November, 2018.



Gary L Paxton, Mayor

ATTEST:



Sara Peterson, MMC
Municipal Clerk



OFFICE OF THE MAYOR
City & Borough of Sitka

Proclamation

RECOGNIZING NATIVE AMERICAN HERITAGE MONTH

WHEREAS, the purpose of Native American Heritage Month is to honor and recognize the indigenous people of our Nation; and

WHEREAS, the Tlingit, Haida, Tsimshian and Eyak cultures of Southeast, Alaska have much to celebrate in their varied and rich cultures; and

WHEREAS, it is important that honor is bestowed on our State's indigenous ancestors -and today's tribal elders - because if not for the survival and adaptive skills of those who have come before us, Alaska's tribal cultures may not be as strong as they are today; and

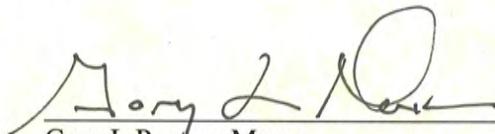
WHEREAS, by continuing to teach the next generation to employ and respect their cultural and spiritual heritage, indigenous languages, oral narratives and traditional foods our state's local, regional and statewide tribal leadership is nurtured and inspired to serve; and

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka that the citizens of Sitka honor our Native peoples and recognize them for strengthening the diversity of our society.

BE IT FURTHER RESOLVED as Mayor of the City and Borough of Sitka that I do hereby proclaim November 2018 as Native American Heritage Month and call upon Sitkans to commemorate this month with appropriate programs, activities, and celebrations.

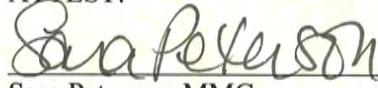
Signed and sealed on this 8th day of November, 2018.





Gary L Paxton, Mayor

ATTEST:



Sara Peterson, MMC
Municipal Clerk

Service Award

On behalf of the City and Borough of Sitka is hereby awarded to

Lorraine Lil

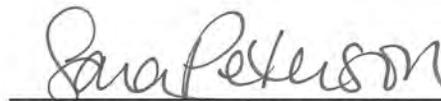
*this expression of grateful acknowledgment for your over 1 year of
valued service rendered in the public interest while serving on the
Police and Fire Commission. Thank you!*

Signed and sealed this 8th day of November, 2018





Gary L Paxton, Mayor



ATTEST: Sara Peterson, Municipal Clerk



CITY AND BOROUGH OF SITKA

Master

File Number: 18-209

File ID: 18-209	Type: Item	Status: AGENDA READY
Version: 1	Reference:	In Control: City and Borough Assembly
File Name:		File Created: 10/31/2018
		Final Action:

Title: Special Reports: 1) CBS Department Head Bryan Bertacchi and 2) Update on the SCH / SEARHC Strategic Affiliation Process - Sarah Cave and Steve Huebner

Notes:

Sponsors:

Enactment Date:

Attachments: Special Reports Cover Sheet, Update SCH SEARHC Strategic Affiliation Process

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-209

title

Special Reports: 1) CBS Department Head Bryan Bertacchi and 2) Update on the SCH / SEARHC Strategic Affiliation Process - Sarah Cave and Steve Huebner

Scheduled Special Reports

- Bryan Bertacchi, Utility Director
- Update on the SCH / SEARHC Strategic Affiliation Process, Sarah Cave and Steve Huebner



SCH-SEARHC Strategic Affiliation Process
Update for CBS Assembly

November 8, 2018

Progress Report (Activity Since 10/23 Assembly Update):

Who	What	When
<p>CBS Negotiating Team:</p> <ul style="list-style-type: none"> • Keith Brady (Project Lead) • Brian Hanson (CBS Counsel) • Jay Sweeney (CBS Finance) • Robert Allen (Sitka Community Hospital) • Roger Golub, MD (Sitka Community Hospital Physician Leader) • Sarah Cave (Project Manager/CBS Consultant) • Steve Huebner (Finance & Accounting Expert/CBS Consultant) • Sandy Johnson (CBS Outside Counsel) 	<p><u>Kick-Off Meeting (Topics):</u></p> <ul style="list-style-type: none"> • Introductions and review of Negotiation and Due Diligence processes, roles • Built on existing, and identify new, significant issues to be addressed in Due Diligence/Negotiations • Discussed initial data/information to request of SEARHC as part of due diligence • Assigned team accountabilities and content expertise (finance, strategy, clinical services/operations, legal) 	<p>Friday, 10/26/18</p>
<p>New CBS Assembly Members</p>	<p><u>Orientation:</u> As part of their CBS Orientation, Consultants and Outside Counsel provided a 90-minute overview of the affiliation process to-date (RFP, selection, and Letter of Intent), and answered questions to bring new Assembly members up to speed.</p>	<p>Monday, 10/29/18</p>
<p>Key Collaborators:</p> <ul style="list-style-type: none"> • SCH Management Team • SCH Board 	<p><u>Regular Project Updates:</u> Team update to SCH Management (provided by Rob Allen)</p>	<p>Tuesday, 10/30/18</p>
<p>CBS Internal Team</p> <ul style="list-style-type: none"> • Keith Brady • CBS core staff • Consultants • Outside Counsel 	<p><u>Project check-in “huddles”:</u></p> <ul style="list-style-type: none"> • Overall project management and coordination • Plan/approach to initial draft document review 	<p>2 weekly meetings (10/25/18, 11/1/18)</p>

Who	What	When
Joint Negotiating Team: <ul style="list-style-type: none"> CBS Negotiating Team (above) SEARHC Negotiating Team (SVP, Outside Counsel, etc.) 	<u>Meetings (F2F/conference call):</u> <ul style="list-style-type: none"> Negotiate resolution of critical issues, deal points 	Monthly (Kick-off meeting likely early December)

What’s on the Horizon:

- Second CBS Negotiating Team meeting scheduled for Friday, November 9
- Anticipating receipt of Due Diligence Checklist from SEARHC to SCH any day now
- Planning ahead for November 27 Assembly meeting to discuss*:
 1. List of significant issues to be addressed in negotiations (under development)
 2. Due diligence data request from SCH to SEARHC (under development)
 3. Draft documents from SEARHC (under review by Outside Counsel and Negotiating Team)

**Executive Session recommended due to nature of topics as they relate to maintaining integrity of negotiations and due diligence process.*
- Joint Negotiating Team meeting to be scheduled following November 27 Assembly discussion

The CBS Consultants and CBS Internal Team will provide periodic Executive Summaries on the project to the Assembly to keep them informed and seek input in between meetings. Regular updates like this one will be made available to the public at Assembly meetings and on the CBS website. Joint CBS-SEARHC statements and press releases will be issued periodically to the media to keep the community informed.



CITY AND BOROUGH OF SITKA

Master

File Number: 18-207

File ID: 18-207	Type: Item	Status: AGENDA READY
Version: 1	Reference:	In Control: City and Borough Assembly
		File Created: 10/31/2018
File Name:		Final Action:
Title: Approve the minutes of the October 23 Assembly meeting		

Notes:

Sponsors:

Enactment Date:

Attachments: Consent and Minutes

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-207

title
Approve the minutes of the October 23 Assembly meeting

CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS A & B**

I wish to remove Item(s) _____

**REMINDER – Read aloud a portion of each item being
voted on that is included in the consent vote.**

Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the minutes of the
October 23 Assembly meeting.



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Minutes - Draft

City and Borough Assembly

*Mayor Gary Paxton
Deputy Mayor Steven Eisenbeisz,
Vice Deputy Mayor Valorie Nelson,
Aaron Bean, Kevin Knox, Dr. Richard Wein, Kevin Mosher*

*Municipal Administrator: Keith Brady
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson*

Tuesday, October 23, 2018

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

Absent: 1 - Bean

IV. CORRESPONDENCE/AGENDA CHANGES

18-205 Reminders, Calendars and General Correspondence

V. CEREMONIAL MATTERS

Mayor Paxton thanked Mat Turner for his service on the Tree and Landscape Committee.

VI. **SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (five minute time limit)**

School Board member Eric Van Cise provided an update on officer positions, liaison assignments, and thanked Cass Pook for her 18 years of service as a School Board member.

18-199 Update on the Phase 3 SCH RFP Process - Administrator Keith Brady

Municipal Administrator Brady provided an overview of the Sitka Community Hospital / SEARHC affiliation process to date. Representatives from Cerner answered compatibility questions related to the electronic health records system.

VII. PERSONS TO BE HEARD

Shirley Robards voiced concern with how the senior sales tax exemption program had been reimplemented.

VIII. REPORTS**a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other**

Administrator - Brady reminded October was National Fire Prevention Month, announced he had been on the KCAW morning interview and KIFW problem corner fielding questions for the "Ask the Administrator" program, and clarified Sitka's bond debt was 4.3% of all outstanding municipal debt.

Liaison Representatives - Wein noted topics discussed at the recent Health Needs and Human Services Commission meeting.

Clerk - Peterson reminded the first meeting in November had been rescheduled to November 8, stated the hours for absentee voting at City Hall, and noted the Assembly would hold a visioning session on November 17.

Other - Knox offered a report from the recent Sitka School District Activities meeting.

IX. CONSENT AGENDA

A motion was made by Nelson that the Consent Agenda consisting of items A, B & C be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

Absent: 1 - Bean

A 18-200 Approve the minutes of the October 9 Assembly meeting

This item was APPROVED ON THE CONSENT AGENDA.

B 18-201 Approve an application for a new standard marijuana cultivation facility license for Eric VanVeen dba VanGreen's LLC at 224 Smith Street #D and #E

This item was APPROVED ON THE CONSENT AGENDA.

C RES 18-23 Supporting full funding from the State of Alaska for the Municipal Harbor Facility Grant Program

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- D 18-202** Reappointments: 1) Ken Creamer to a three-year term on the Port and Harbors Commission 2) Randy Hughey to a three-year term on the Planning Commission 3) Jeff Arndt to a three-year term on the Health Needs and Human Services Commission

A motion was made by Knox that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

Absent: 1 - Bean

XI. UNFINISHED BUSINESS:

- E ORD 18-49** Making supplemental appropriations for Fiscal Year 2019 (*Seaplane Base Project*)

A motion was made by Knox that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 6 - Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

Absent: 1 - Bean

- F ORD 18-50** Amending Title 3 "Procurement Policy" of the Sitka General Code by modifying Chapter 3.16 "Procurement Policy" Section 3.16.060 "Exceptions to Competitive Requirements"

A motion was made by Nelson that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 6 - Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

Absent: 1 - Bean

XII. NEW BUSINESS:

New Business First Reading

- G ORD 18-51** Making supplemental appropriations for Fiscal Year 2019 (*State of Alaska Grants*)

A motion was made by Knox that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 6 - Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

Absent: 1 - Bean

- H ORD 18-52** Amending Title 13 "Port and Harbors" of the Sitka General Code by adding

Chapter 13.16 "Commercial Marine Trade Permit" and amending Chapter 13.04 "Definitions"

Deputy Harbormaster Chuck Hackett explained the original intent of the drive down facility at Eliason Harbor was for loading and unloading. Over the years, however, commercial work had become an allowable use. To ensure a safe and efficient work environment, the Harbor staff and Port and Harbors Commission were recommending a commercial marine trades permit be adopted.

Some Assembly members voiced concern over the \$500 annual permit fee. Hackett noted a weekly permit for \$50 was an option. Knox spoke in support and reminded the topic of a commercial marine trades permit had been discussed by staff and the Commission for the last year.

A motion was made by Knox that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 5 - Knox, Wein, Paxton, Mosher, and Nelson

No: 1 - Eisenbeisz

Absent: 1 - Bean

Additional New Business Items

I 18-203 Discussion / Direction on the sale of the Marine Services Center

Assembly members discussed the advantages and disadvantages of selling the Marine Service Center. Members requested the Administrator continue to research the idea and bring back to the Assembly at a future date. Of note, they directed the Administrator to work with stakeholders, identify the costs of an appraisal, research costs of the bulkhead repair and costs of phase 1 and 2 environmental assessments.

XIII. PERSONS TO BE HEARD:

Richard Wein, speaking as a citizen, stated Sitka was at the top of the 2017 Alaska Bond Bank list holding 13.45% of the bonds.

Jay Sweeney commented that not all municipalities borrow through the Alaska Bond Bank. If for example, the largest debt borrower, the Municipality of Anchorage was added in, it put Sitka in the smaller number for debt that the Municipal Administrator mentioned in his earlier report.

Bonnie Richards stated the Marine Services Center (MSC) was originally built to diversify the Sitka economy. Ken Creamer noted the facility was maintained by the Harbor system and suggested revenue from a sale be directed to Harbors. Roy Uber suggested the City consider leasing the MSC and wondered of the need and cost for the bulkhead repair. Scott Saline spoke to the history of the cold storage.

XIV. EXECUTIVE SESSION

J 18-204 Financial / Legal Matters regarding lawsuit involving the Sitka Police Department

A motion was made by Nelson to go into executive session to receive and

discuss an update from Municipal Attorney Brian Hanson regarding financial and legal matters affecting the Municipality as a result of the lawsuit filed by Officer Mary Ferguson on October 11, 2018. The motion PASSED by the following vote.

Yes: 6 - Knox, Paxton, Wein, Mosher, Nelson and Eisenbeisz

Absent: 1 - Bean

The Assembly was in executive session from 7:30pm to 7:52pm.

A motion was made by Knox to reconvene as the Assembly in regular session. The motion PASSED by a unanimous voice vote.

XV. ADJOURNMENT

A motion was made by Knox to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:54pm.

ATTEST: _____

Sara Peterson, MMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

Master

File Number: 18-208

File ID: 18-208	Type: Item	Status: AGENDA READY
Version: 1	Reference:	In Control: City and Borough Assembly
		File Created: 10/31/2018
File Name:	Final Action:	

Title: Approve a liquor license renewal application for Ernie's Bar at 130 Lincoln Street

Notes:

Sponsors:

Enactment Date:

Attachments: Motion and Memos Ernie's, License Application Ernie's

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-208

title

Approve a liquor license renewal application for Ernie's Bar at 130 Lincoln Street

Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve a liquor license renewal application for Ernie's Bar Inc. dba Ernie's Bar at 130 Lincoln Street and forward this approval to the Alcoholic Beverage Control Board without objection.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Mayor Paxton and Assembly Members
Keith Brady, Municipal Administrator

From: Sara Peterson, Municipal Clerk

Date: October 31, 2018

Subject: Approve a liquor license renewal application for Ernie's Bar Inc.

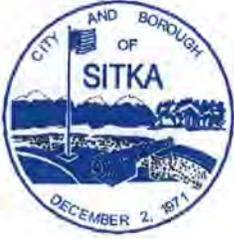
Our office has received notification of the following liquor license renewal application:

Lic #: 373
DBA: Ernie's Bar
License Type: Beverage Dispensary
Licensee: Ernie's Bar Inc.
Premises Address: 130 Lincoln Street

A memo was circulated to the various departments who may have a reason to protest the renewal of this license. No departmental objections were received.

Recommendation:

Approve the liquor license renewal application for Ernie's Bar Inc. dba Ernie's Bar and forward this approval to the Alcoholic Beverage Control Board without objection.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Utility Billing Clerk – Diana
Collections - Sunni
Municipal Billings – Lindsey
Sales Tax/Property Tax - Laurie
Fire Department
Police Department
Building Official(s)

From: Sara Peterson, Municipal Clerk

Date: October 30, 2018

Subject: Liquor License Renewal Application – Ernie’s Bar

The Municipal Clerk’s Office has been notified by the Alcohol and Marijuana Control Office of the following liquor license renewal application submitted by:

Lic #: **373**
DBA: Ernie’s Bar
License Type: Beverage Dispensary
Licensee: Ernie’s Bar Inc.
Premises Address: 130 Lincoln Street

Please notify no later than **noon on Thursday, November 1** of any reason to protest this renewal request. This request is scheduled to go before the Assembly on November 8.

Thank you.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

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

October 30, 2018

City and Borough of Sitka
Attn: Sara Peterson, Municipal Clerk
Via Email: sara.peterson@cityofsitka.org
melissa.henshaw@cityofsitka.org

Re: Notice of 2019/2020 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	373
Licensee:	Ernie's Bar Inc		
Doing Business As:	Ernie's Bar		

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,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Ernie's Bar	License Number:	373
License Type:	Beverage Dispensary		
Examiner:	<i>Case</i>	Transaction #:	-941175

Document	Received	Completed	Notes
AB-17: Renewal Application	10/15/2018	10/22	
App and License Fees	10/15/2018	10/15	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

LGB 1 Response:

Waive Protest Lapsed

LGB 2 Response:

Waive Protest Lapsed



Alaska Alcoholic Beverage Control Board
Form AB-17: 2019/2020 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 2018. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

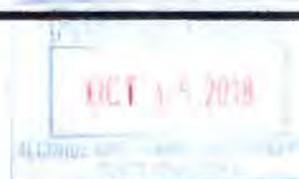
Licensee:	Ernie's Bar Inc	License #:	373
License Type:	Beverage Dispensary	Legal Ref.:	AS 04.11.090
Doing Business As:	Ernie's Bar		
Premises Address:	130 Lincoln Street		
Local Governing Body:	City & Borough of Sitka		
Community Council:	None		
Mailing Address:	PO Box 777		
City:	SITKA	State:	ALASKA
		ZIP:	99835

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Contact Licensee:	Stanley J. Filler	Contact Phone:	907 738-1401
Contact Email:	Steph22567@gmail.com		

Optional: If you wish for AMCO staff to communicate with individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:		Contact Phone:	
Contact Email:			





Alaska Alcohol Beverage Control Board
Form AB-17: 2019/2020 Renewal License Application

Section 2 - Entity or Community Ownership Information

This top subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). This number is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by using the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
 General partnerships and local governments should skip to the second half of this page. Licensees who directly hold a license as an individual or individuals should skip to Section 3.

Alaska CBPL Entity #: 44680 D

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL. 

- This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.
- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
 - If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
 - If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application.

Name of Official:	STANLEY J. FILLER		
Title(s):	PRESIDENT, Secretary	Phone:	907 747 6810
Mailing Address:	PO BOX 777 P30 LINCOLN STREET		
City:	SITKA	State:	ALASKA
		ZIP:	99835

Name of Official:			
Title(s):		Phone:	
Mailing Address:			
City:		State:	
		ZIP:	

Name of Official:			
Title(s):		Phone:	
Mailing Address:			
City:		State:	
		ZIP:	





Form AB-17: 2019/2020 Renewal License Application

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information. Entities should skip to Section 4. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate (spouse)

Name:		Contact Phone:	
Mailing Address:			
City:		State:	ZIP:
Email:			

This individual is an: applicant affiliate (spouse)

Name:		Contact Phone:	
Mailing Address:			
City:		State:	ZIP:
Email:			

Section 4 – Alcohol Server Education

This section must be completed only by the holder of a **beverage dispensary, club, or pub** license or **conditional contractor's permit**. The holders of all other license types should skip to Section 5.

Read the line below, and then sign your initials in the box to the right of the statement:

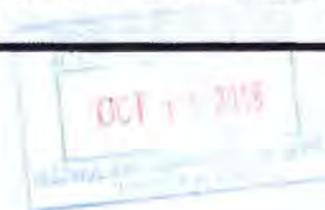
Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

	2017	2018
The license was regularly operated continuously throughout each year.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The license was regularly operated during a specific season each year.	<input type="checkbox"/>	<input type="checkbox"/>
The license was only operated to meet the minimum requirement of 240 total hours each calendar year. <i>If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.</i>	<input type="checkbox"/>	<input type="checkbox"/>
The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years. <i>If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.</i>	<input type="checkbox"/>	<input type="checkbox"/>





Form AB-17: 2019/2020 Renewal License Application

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2017 and 2018:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2017 or 2018?

Yes No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2017 or 2018?

Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control Board.

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Stanley J. Filler
Signature of licensee

Nick Cunningham
Signature of Notary Public

Stanley J. Filler
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 6/24/21

Subscribed and sworn to before me this 11th day of October, 2018.

Seasonal License? Yes No

If "Yes", write your six-month operating period: _____

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	ERNIE'S BAR, INC.

Entity Type: Business Corporation

Entity #: 44680D

Status: Good Standing

AK Formed Date: 10/13/1989

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2021

Entity Mailing Address: PO BOX 777, SITKA, AK 99835

Entity Physical Address: 130 LINCOLN ST, SITKA, AK 99835

Registered Agent

Agent Name: STANLEY FILLER

Registered Mailing Address: BOX 777, SITKA, AK 99835

Registered Physical Address: 130 LINCOLN ST, SITKA, AK 99835

Officials

AK Entity #	Name	Titles	<input type="checkbox"/> Show Former Owned
	Stan Filler	Director, President, Shareholder, Secretary, Treasurer	100

Filed Documents

Date Filed	Type	Filing	Certificate
10/13/1989	Creation Filing		
6/04/1990	Biennial Report		
12/26/1990	Biennial Report		
2/03/1993	Biennial Report	Click to View	
12/22/1994	Biennial Report	Click to View	

Date Filed	Type	Filing	Certificate
12/20/1996	Biennial Report	Click to View	
12/24/1998	Biennial Report	Click to View	
2/01/2001	Biennial Report	Click to View	
6/09/2003	Election or Resolution to Dissolve	Click to View	
6/30/2003	Biennial Report	Click to View	
6/30/2003	Agent Change	Click to View	
6/30/2003	Agent Change	Click to View	
1/03/2005	Biennial Report	Click to View	
10/03/2006	Biennial Report	Click to View	
11/14/2008	Biennial Report	Click to View	
10/07/2010	Biennial Report	Click to View	
10/29/2012	Biennial Report	Click to View	
10/14/2014	Biennial Report	Click to View	
11/03/2016	Biennial Report	Click to View	
10/03/2018	Biennial Report	Click to View	

[Close Details](#)[Print Friendly Version](#)



CITY AND BOROUGH OF SITKA

Master

File Number: 18-210

File ID: 18-210	Type: Item	Status: AGENDA READY
Version: 1	Reference:	In Control: City and Borough Assembly
		File Created: 10/31/2018

File Name:

Final Action:

Title: Reappoint Gayle Hammons to a three-year term on the Local Emergency Planning Commission and Appoint: 1) Neil Akana to a three-year term on the Police and Fire Commission, 2) David Birky to a three-year term on the Local Emergency Planning Commission, and, 3) Joseph Younack to a three-year term on the Local Emergency Planning Commission

Notes:

Sponsors:

Enactment Date:

Attachments: Motion appointments, Hammons Application, Akana Application, Birky Application, Younack Application

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-210

title

Reappoint Gayle Hammons to a three-year term on the Local Emergency Planning Commission and Appoint: 1) Neil Akana to a three-year term on the Police and Fire Commission, 2) David Birky to a three-year term on the Local Emergency Planning Commission, and, 3) Joseph Younack to a three-year term on the Local Emergency Planning Commission

POSSIBLE MOTION

I MOVE TO reappoint 1) Gayle Hammons to a three-year term on the Local Emergency Planning Commission and appoint 1) Neil Akana to a three-year term on the Police and Fire Commission, 2) David Birky to a three-year term on the Local Emergency Planning Commission, and, 3) Joseph Younack to a three-year term on the Local Emergency Planning Commission.

State of Alaska
LOCAL EMERGENCY PLANNING COMMITTEE
INDIVIDUAL APPLICATION FORM FOR MEMBERSHIP ON LEPC

LEPC name: Sitka Local Emergency Planning Committee

Applicant name: Gayle L. Hammons

Mailing address: 

Residence address: Same

Day phone:  Home Phone (optional): _____

Where employed: VAF Job title: Adjunct Faculty

LEPC category/seat that applicant seeks: Education / PIO

Categories: 1) Elected local officials, 2) Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Env/Hospital, and Transportation Personnel, 3) Media/Broadcast, 4) Community Groups, 5) Owners/Operators of Facilities, 6) Members of the Public, 7) LEPC Information Coordinator/SERC liaison

New applicant _____ Renewal Regular member _____ Alternate member _____

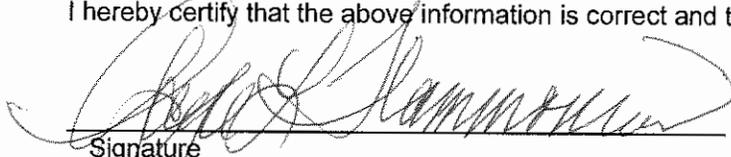
Qualifications for this category: I have served one term on LEPC, & enjoyed my experience. I still seek training as a Pro, but also feel education for all of Sitka's populace, including children must be completed. I can help w/ that

Organizations in which applicant participates (that are pertinent to the application):
DKG International (prof. ed. organization)
LEPC

Please provide enough information to demonstrate an applicant's eligibility or suitability for a particular seat on the LEPC. For the Public At Large position, please state whether an applicant qualifies for any other category on the LEPC.

Please note: all information submitted will be made public and published online. Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

I hereby certify that the above information is correct and that I have not misrepresented myself.


Signature

Oct 23, 2018
Date

→ To be considered, your application must be complete AND be accompanied by either a letter of interest or resume. Return to:

Melissa Henshaw, Deputy Clerk
100 Lincoln Street
Fax: 907-747-7403
Email: melissa.henshaw@cityofsitka.org

Gayle L. Hammons

██████████
Sitka, Alaska 99835
██████████

Position Sought: Education Representative—Sitka LEPC

Strengths: ability to think critically; 45 years of teaching experience, both for secondary students and teachers; passion for the art and science of teaching; passion and experience in sharing the best of brain-based teaching strategies to keep teaching quality high; passion and experience in illustrating how to keep teachers and physically engaged in their craft

Relevant Experience

Current faculty (distance) UAF English—2013-present

Teaching graduate level education courses for UAF, UAS, UAA, University of San Diego, Western Oregon University, including “Using Standards in the Classroom,” and “Brain-based Teaching Strategies”(1993-2013)

Served as Teacher trainer for Performance Learning Systems for such courses as “Project TEACH,” “Teaching Through Learning Channels,” and “Keys to Motivation” (1985 to 2001)

Trained teachers on behalf of the State of Alaska in the use of the Analytic Writing Rubric, on and off since early 80’s, all around the state of Alaska

Writing complete reading curriculum for 9th and 10th grade, Lower Kuskokwim School District, 2004

Served as Adjunct English and Education faculty, UAS-Sitka and UA-Fairbanks (2003-current), composition and literature

Unofficial editor for all Sitka High School official publications for 27 years

Served as dual enrollment English instructor for UAS at SHS (1993-2013) (literature and composition)

Served as Sitka High School’s Senior Project Coordinator (1992-2003)

Teaching secondary English, (literature and composition) at both high school and college

level, for 42+ years

Winning UAS Adjunct Teacher of the Year, 2006

Sitka School District Teacher of the Year, 2003;

Served as UAS English 111 Writing Portfolio Coordinator (2004-2009?)

Served on Alaska's English/Language Arts Content Standards Committee from onset

Served on Alaska's English/Language Arts Standards Frameworks Committee from onset

Served on Alaska's Teacher Certification/Re-Certification Committee from onset

Served on Alaska's English/Language Arts Reading Performance Standards Committee from onset

Served on Alaska's HSGQE English/Language Arts Cut Scores Committee from onset

Served on Alaska's HSGQE English/Language Arts Question Relevancy Committee from onset

Served as Sitka School District's teacher representative to the first Governor's Education Summit, Alyeska, Alaska

Served on Alaska's Writing Cut Score Committee for HSGQE

Served on Sitka School District's Professional Development Committee (from inception until 1996)

Served on Alaska's Writing Prompt Committee for state-wide writing assessment held in Anchorage, since 1980's until mid-90's

Served as trainer and scorer at Alaska's statewide writing assessment of 10th graders since inception, (1980's-1990's)

Planned, arranged, and chaperoned 100+ high school students on four separate European tours, visiting 14 countries, and planning for and dealing with emergencies on EVERY trip

Education

Successfully completed every class offered by Eric Jensen in brain-based teaching strategies, 1995-2003.

1969-1973 Humboldt State University, Arcata, CA
B.A. English

1975-1978 University of Alaska-Juneau, Juneau, AK
M.A.T. English, Secondary

Over 100 hours of graduate level courses beyond Master's degree

18 hours of graduate level literature courses, NWSULA, 2010-2013

References

Matt Hunter, former student, past Sitka Assemblyman, past Mayor of Sitka, EMS Volunteer, faculty at MEHS

John Holst, Education Consultant, former Supt. of Schools
[REDACTED] HYPERLINK "[REDACTED]"
[REDACTED]

Emily Demmert, teacher, SSD, former English adjunct with UAS Sitka, [REDACTED]

Randy Hawk, former Principal and former Superintendent, Mt. Edgecumbe HS, Sitka, AK [REDACTED]



LOCAL EMERGENCY PLANNING COMMITTEE

NAME	CONTACT NUMBERS		TERM STARTS	EXPIRES	CATEGORY
DAVE MILLER, CHAIR	747-1860	dave.miller@cityofsitka.org	Permanent	Fire Chief*	2
GEORGE BENNETT JR. 225 Tongass Drive	966-8916	gbennett@searhc.org	3/28/17	3/28/20	2
SHANNON FREITAS 222 Tongass Drive	966-8511	shannonf@searhc.org	3/28/17	3/28/20	2
MICHAEL SANDERS PO Box 226	738-2442	md.sanders8@gmail.com	9/26/17	9/26/20	2
ALAN STEVENS 2606 Sawmill Creek Road	747-8848 738-8237	astevenssit@gmail.com	1/23/18	1/23/21	2
PAT HUGHES 1108 Edgumbe Drive	747-0303 738-6119	phughes@sitkahospital.org	2/13/18	2/13/21	2
DONNA CALLISTINI 208 Lake Street #2G	747-7107 w 747-5494	donna.callistini@yahoo.com	10/26/10, 11/12/13 1/23/18	10/26/13, 11/12/16 1/23/21	3
GAYLE HAMMONS 210 Kruzof Street	738-3028 c	kghammons@gmail.com	7/28/15	7/28/18	3
AMY ZANUZOSKI 113 Metlakatla Street	966-8237	amyz@scpsak.org	6/12/18	6/12/21	4
TRISH WHITE 117 Granite Creek Road	747-8006X202 w; 747-5976 h	trish@whitesalaska.com	3/10/09, 3/13/12 3/24/15, 3/27/18	3/10/12, 3/15/15 3/24/18, 3/27/21	5
SCOTT WAGNER 304 Nicole Drive	747-3791 h 738-2729 c	scott_wagner@nsraa.org	11/12/13 12/27/16	11/12/16 12/27/19	5
MARY ANN HALL 2037 Halibut Point Road	747-7265		8/23/11, 8/12/14 8/8/17	8/23/14, 8/12/17 8/8/20	6
AUBREY VAUGHAN 315 Seward Street	361-774-1234	ellenvaughan68@gmail.com	10/11/16	10/11/19	6
ROSE MILLER 120 Katlian Street	723-2225		6/13/17	6/13/20	6
JEFF ANKERFELT	747-3245	jeff.ankerfelt@sitkapd.org	Permanent	Police Chief*	2
LANCE EWERS	747-3245	lance.ewers@sitkapd.org	Permanent	Law Enforcement*	2
CRAIG WARREN	747-3233	craig.warren@cityofsitka.org	Permanent	LEPC Coordinator*	7
VALORIE NELSON	747-4589	assemblynelson@cityofsitka.org	Non-Voting	Assembly Liaison	1
Gail Johansen Peterson 3511 Halibut Point Road	747-7646	scribeinkservices@gmail.com		Secretary	

*The police and fire chiefs and the LEPC Coordinator are permanent appointments; whoever is serving in that capacity will be appointed to the commission. Minimum of seven members, 3-year terms; Established by Resolution 89-406; Amended by Resolution 89-441 and 99-727. Meeting: Second Thursday, noon – Fire Hall. **Quorum Requirement:** At least one member from four different categories must be present. **Categories as follows:** 1) Elected local officials 2) Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Environmental/Hospital, and Transportation Personnel 3) Media/ Broadcast 4) Community Groups 5) Owners/Operators of Facilities 6) Members of the Public 7) LEPC Information Coordinator/ SERC liaison

Revised: October 10, 2018



**Application for Appointment to Boards, Committees, and Commissions
City and Borough of Sitka**

Board/Commission/Committee: Police & Fire
Name: Neil P. Alkana Preferred Phone: [REDACTED]
Address: [REDACTED] Alternate Phone: [REDACTED]
Email Address: [REDACTED] Fax Number: N/A
Length of Residence in Sitka: 3 1/2 yrs. Registered to vote in Sitka? Yes No
Employer: Retired
Organizations you belong to or participate in: Sitka Sportsmans Assoc.

Explain your main reason for applying: The feeling of giving back to the communities I have lived in.

What background, experience or credentials will you bring to the board, commission, or committee membership?
32 years Federal Law Enforcement (see attached Resume)

Please disclose any potential conflicts of interest that may arise from your appointment. These may include but are not limited to:

- A substantial financial interest of \$1000 annually that could be influenced by your appointment.
- An immediate family member employed within the scope of this appointment.

None

Please attach a letter of interest, outline, or resume which includes your education, work, and volunteer experience that will enhance your membership.

→ (To be considered, your application must be complete AND be accompanied by one of the above supporting documents.)

Date: 10/18/18 Signature: [Signature]

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Please note: all information submitted will be made public and published online. Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Return to:
Melissa Henshaw, Deputy Clerk/Records Specialist, 100 Lincoln Street
Fax: 907-747-7403 Email: melissa.henshaw@cityofsitka.org

NEIL PAOAKANA

Home: [REDACTED] Cell: [REDACTED]

SS#: [REDACTED]
Veteran's Status: None

U.S. Citizen

OBJECTIVE: To apply for a position as a member on the Police and Fire Commission with the City and Borough of Sitka, Alaska.

EMPLOYMENT HISTORY
UNITED STATES DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE
1984 to 2016 (40 hours per week)
RETIRED 1/2017 - Approx. 32 yrs. Federal Law Enforcement

SITKA NATIONAL HISTORICAL PARK
106 Metlakatla St.
Sitka, AK 99835

CHIEF RANGER, GS-0025-11/10 05/2015 - 12/2016
Supervisor Mary Miller (numerous Acting Superintendents) and David Elkowitz, [REDACTED]
(All supervisors may be contacted).

Responsibilities:

SERVED AS CHIEF RANGER (Senior Law Enforcement Officer) Duties included the implementation and supervision of the parks emergency services program, to include law enforcement, emergency medical services, search and rescue and structural/wild-land fire operations through both inter-agency agreements and co-ordination.

NATIONAL PARK SERVICE - INVESTIGATIVE SERVICES BRANCH (Duty Stationed at Hawaii Volcanoes National Park, Hawaii)
1201 Eye St. NW (2653)
Washington, DC 20005

SPECIAL AGENT, GS-1811-12/8 02/2004 - 04/2015
Supervisor Paul Crawford, Assistant Special Agent in Charge [REDACTED] (All supervisors may be contacted).

Responsibilities:

SERVED AS SPECIAL AGENT

This position is located in the Law Enforcement, Security and Emergency Services, Investigative Services Branch and serves as interstate responsibility to investigate known suspected violations of Federal laws and regulations. The major focus of this position is providing support for parks, interagency program management and coordination of investigation of civil and criminal operations, investigations and information/intelligence gathering.

HAWAII VOLCANOES NATIONAL PARK
P.O. BOX 52
HAWAII NATIONAL PARK, HI 96718

PARK RANGER (LE), GS-0025-09/07
Gail Miami-Judd, Supervisor [REDACTED]

01/1991 – 01/2004

Responsibilities

SERVED AS PARK RANGER (LAW ENFORCEMENT)

This position was designated as a primary law enforcement position. Served as a Park Ranger in the Protection Division of the park. I was assigned to both front-country and back-county patrol operations. This area receives a very high density use with 2 campgrounds, 1 major hotel concession, a military R&R camp, visitor center, volcano observatory/museum and a major state highway. Annual visitation exceeds 1.5 million. This is a year-round park.

SPECIAL ASSIGNMENTS

Served as Acting Criminal Investigator.

Prepared search warrant and criminal complaint affidavits, testified before the grand jury and both Magistrate/ District Courts during criminal and civil proceedings, interviewed witnesses and interrogated suspects.

Developed and maintained a good close working relationship with the U.S. Attorneys Office, (I have worked with the majority of the Assistant United States Attorneys at the Hawaii District Office for both criminal and civil cases throughout the past several years), local prosecutors and federal/state law enforcement agencies.

Solved numerous complex cases of larcenies from motor vehicles cases, some of which included a coordinated effort with the Hawaii County Police Department. In one of these cases I interviewed three suspects in approximately 20 larcenies from motor vehicles at Hawaii Volcanoes National Park. Through these interviews, I was able to identify several additional suspect and leads using link analysis. In a joint effort with HCPD, I recovered several property items, linking the suspects to thefts from the park. I prepared search and arrest warrant affidavits during this investigation.

I was case agent for another complex investigation involving the death of a National Park Service interpretive ranger. The case involved a motor vehicle accident resulting when the

suspect was fleeing a law enforcement ranger and collided with the interpretive ranger vehicle. The suspect was charged with manslaughter and possession of cocaine with intent to distribute.

Case agent for other complex investigations of narcotic manufacture and distribution (cocaine, heroin, marijuana). Utilizing surveillance equipment/ techniques and development of informants of Mexican nationals for the continuation of locating additional suspects of narcotic distribution cases. Investigated and solved several burglaries from government building cases.

Solved year old theft case by recovering a painting valued at \$1800. Prepared and executed search and arrest warrants. Testified in Grand Jury proceedings.

Located and interviewed a material witness in an international reptile and narcotics case. The witness was located on the island of Oahu, Hi. and agreed to assist Investigators in the Southwest region. The agents in the SWRO stated that they did not have any further evidence in this case and prosecutors were not interested in the case until I located and turned the witness.

Conducted internal investigations, one of which resulted in gaining a confession from a National Park Service employee (suspect) of theft of government funds.

I am currently the assistant case agent for the murder of Ranger Steve Makuakane Jarrell. Jarrell was murdered in 1999 at Kaloko Honokahau National Historic Site. This case is currently the most complex of my career, involving dozens of witnesses, coordinating interviews, preparing memorandums of these interviews and investigative criminal reports, working with a multiple of agencies, serving search warrants and working closely the U.S. Attorneys Office.

Represented the National Park Service in U.S. Magistrates Court

Served as Assistant Operations Supervisor (Law Enforcement) for approximately six months. Responsible for day-to-day supervision of up to seven Law Enforcement Rangers; evaluated, trained, counseled, coached Rangers in their protection duties; completed bi-weekly work schedule, reviewed reports, coordinated emergency response to all-risk incidents; Field Training Officer.

Member of the Pacific West Region Special Events Team #1 since 1991, Team Leader since 2002.

Served as Fee Collection Supervisor from 09/03/1992 – 09/14/03. Supervised 4 GS-4 Fee Collectors. Performed cash register and vehicle audits, supervised remit procedures, visitor use statistics and commercial use counts.

LAW ENFORCEMENT

Since I arrived in January 1991, I've made 35 DUI arrests, 15 drug related arrests and 20 larceny arrests. I transported suspects 28 miles to the Hawaii County Community Correctional Center in Hilo. I investigated approximately 75 motor vehicle accidents (MVA's) involving serious personal injury and documented my cases using investigative format report writing. I have investigated 100 MVA's with property damage, 50 car burglaries, 75 larcenies and 5 juvenile run-away cases. I collected and packaged evidence according to park and NPS policy. I am certified in the use of police traffic radar and enforce a large body of laws relating to the licensing, operation and physical condition of motor vehicles. I have issued approximately 400 violation notices for both resource and traffic related misdemeanors. I have participated in the state-wide marijuana eradication task force. I flew, rappelled and long-lined on 50 marijuana missions and personally eradicated approximately 20,000 marijuana plants.

SEARCH AND RESCUE (SAR)

I am a member of the park's SAR team. I am Heli-Rappel certified. I have performed as Incident Commander on 10 "carry-out" incidents, with 1 involving a litter and belay ropes on low angle terrain. I have participated as a team member of an additional 12 carry-out incidents. I was a team member of 4 body recovery operations, with 1 involving a helicopter short haul, the others using belay ropes and z-rig raising systems. I have logged approximately 150 hours of helicopter flight time.

EMERGENCY MEDICAL SERVICES (EMS)

I have performed as the park's EMS coordinator. I have drafted, prepared and composed the park's EMS plan. I have scheduled and instructed training courses for both park personnel and other agencies. I have coordinated interagency responses. I am National Registry EMT-B certified. I have inventoried, ordered, stocked and maintained all medical supplies for the park. I have responded to approximately 150 EMS calls, of which 50 needed ambulance transport and/or ALS services.

STRUCTURAL/WILDLAND FIRE

I am a member of the park's structural fire brigade. I am Level II certified for internal/external attack. I have participated in monthly in-service trainings. I am a member of the wildfire crew

and red card rated as a Firefighter Initial Attack, Heli-Spot Manager, Security Manager, EMT, Law Enforcement Officer and Prescribed Holding Crew Member. I have performed as Heli-Spot and Heli-Base Manager on the Napau Fire involving at peak, 7 type II helicopters. I have participated as a firefighter on 2 1-5 acre fires.

RESOURCE MANAGEMENT

I have participated in the park's feral pig eradication program by removing pigs from the park. I submitted observation cards regarding sightings of the endangered Hawaiian Goose (Nene).

YOSEMITE NATIONAL PARK
P.O. BOX 577
YOSEMITE, CA 95389

CORRECTIONAL OFFICER, GS-07/02
Greg Zeman, Supervisor, [REDACTED]

01/1989 – 01/1991

Responsibilities

SERVED AS CORRECTIONAL OFFICER/PARK RANGER in the Division of Visitor Protection located in the Law Enforcement Office of the Valley District of the park. I was responsible for the custody, security, detention, care, treatment, supervision and transportation of prisoners who were arrested and incarcerated at the Yosemite Holding Facility.

CORRECTIONAL OFFICER

Major duties include receiving and processing of arrested felony and misdemeanor criminal violators in the Holding Facility. This involved frisk and/or strip searches, interviewing, advisement of prisoner rights, facility rules and procedures, charge notification, bail and court procedures, photographing, fingerprinting, evidence and property management, and following established facility procedures. In the absence of the Holding Facility Supervisor, I acted as officer in charge of all custody management activities during my assigned shift. Coordinated and/or transported felony and misdemeanor prisoners to and from locations up to 100 miles from Holding

Facility, including field locations, U.S. Magistrates Court, County Jails and other Federal and State facilities. I completed bail documents and routinely processed several hundred dollars of bail money. I served as bailiff for court proceedings in the U.S. Magistrates court. Each session involved 10 in-custody and 20 out of custody defendants.

LAW ENFORCEMENT

I have logged over 150 hours of road patrol time within Yosemite Valley. Yosemite has an extremely busy law enforcement and EMS workload. Approximately 5000 violation notices were written and 637 arrests made. I made 16 arrests for both misdemeanor and felony violations. I made 40 violation notices. I have conducted and/or assisted in 9 investigations involving credit card fraud, rape, auto burglary, larcenies, and dwelling burglaries.

EMERGENCY MEDICAL SERVICES

Member of the El Portal ambulance team as a National Registry certified EMT-B. I responded to approximately 30 EMS calls both in and out of the park.

STRUCTURAL/WILDLAND FIRE. Incident Red Card Qualified as a firefighter/initial attack, security manager. I have fought small in-park fires as well as bigger interagency fires outside the park, as part of a 20 man crew.

SEARCH AND RESCUE

Performed as team leader on 4 major searches, leading 4 ground search team members into assigned search area, utilizing grid and other search techniques. Participated as team member in 2 incidents involving raising/lowering rope and litter systems.

GRAND TETON NATIONAL PARK
P.O. DRAWER 170
MOOSE, WY 83012

LEAD PARK RANGER (LE), GS-0025-06/01
Pete Cowan, Supervisor, [REDACTED]

04/1988 – 12/1988

Responsibilities

SERVED AS THE LEAD PARK RANGER (LAW ENFORCEMENT) for the Visitor Protection Division in the North District of the park. This is an intensively used area subject to 4 million visitors a year, with over 1 million vehicles traveling on 267 miles of primary and secondary roads. This area is composed of extensive concession and residential facilities and 600 camp sites resulting in heavy visitor use. In the area, there are 200 medical calls, 30 SAR's and 50 arrests annually.

SUPERVISION AND OPERATIONS MANAGEMENT

I supervised 4 Law Enforcement Park Rangers and was responsible for the road patrol operation. I served as Field Training Officer in the day-to-day operation. I trained road patrol rangers in all facets of the job; firearms, vehicle stops, motor vehicle accident investigation, handling the mentally ill, domestic situations, theft and burglary investigation, collecting latent fingerprints and evidence. I coordinated the response emergency situations and SAR operations. I provided input and assistance to the Colter Bay Sub-District Ranger regarding the formulation of shift priorities, short and long term goals, objectives, and guidelines. I was responsible for the review and approval of case incident reports and investigations submitted by the road patrol staff.

LAW ENFORCEMENT

Grand Teton National Park has concurrent jurisdiction with the Teton County Sheriffs Office, Wyoming Highway Patrol, and Wyoming Game and Fish Department. I was personally responsible for issuing 60 violation notices involving Federal regulations and assimilated Wyoming State statutes. I made 4 arrests and assisted in many more. Investigated 40 MVA's, 28 larcenies, 12 auto burglaries and 11 dwelling burglaries. Made over 300 vehicle stops. Investigated 7 poaching incidents of big game, elk, bison, moose and deer.

RESOURCE MANAGEMENT

I worked along with the park Resource Management Division personnel to monitor and protect endangered species. Assisted in the taping and radio collaring of the park's bison herd to monitor range, habits and grazing areas. Assisted in the implementation of the park Bear Management Plan by educating visitors about proper food storage, identification of black and grizzly bears, identifying problem bears, setting traps and transporting these bears to remote areas of the park. Assisted in the park elk reduction program by deputizing the public to hunt and kill elk in certain areas of the park, monitoring these persons for safety, adhering to both park and state regulations, determining age and sex of the elk killed and providing information to both the deputized hunters and general park visitors why the park has the elk reduction program.

EMERGENCY MEDICAL SERVICES

Coordinated and/or participated in 40 EMS calls. Grand Teton National Park is located at an elevation to 6,400-13,000 ft. We responded to a large number of cardiac distress cases. I was involved in 3 CPR cases and 15 cases requiring ALS. Member of the Colter Bay ambulance team.

SEARCH AND RESCUE coordinated 1 major and 8 minor SAR operations involving overdue and lost hikers and boaters within the North District of the park. I performed as Incident Commander of 1 search involving ground and water support with 5 rangers involved. I was a team member of 4 carry out operations of injured persons in the back country. I performed numerous lost and/or misplaced children cases.

STRUCTURAL/WILDLAND FIRE

Participated in the suppression of 4 major wild-land fires ranging from 5,000-280,000 acres. Worked as a Squad Boss and Firefighter in both initial attack, control/contain, and mop-up situations. Gained an advanced knowledge of wild-land fire suppression techniques through these experiences and training. Also gained experience in helicopter operations and helitack. Worked with ships such as Hughes 500, Jet Bell Rangers, Hueys and Chinooks. Received additional structural fire suppression training (see training).

PUBLIC/CONCESSION RELATIONS

I presented orientation programs to new and returning concession employees on park history and creation, natural resources, rules and regulations, EMS and general park information. Provided fire information to the public regarding fire activity, locations, detours, and fire ecology. I also provided general park information to park visitors throughout my tour of duty.

SPECIAL ASSIGNMENTS

At the National Park Service Superintendent's conference 5/88-6/88 at Jackson Lake Lodge, I assisted in providing security with the U.S. Park Police SET Team detail. Superintendent's of the National Park Service, Director William Penn Mott, Assistant Director Dennis Galvin, Secretary of the Interior Donald Hodel, and other dignitaries of the Federal government. This assignment included both uniform and plainclothes details.

Member of the overhead team to coordinate security and law enforcement of fire camps and closed to public areas of both Grand Teton and Yellowstone National Parks during the record wild land fires of 1988. I supervised 10 U.S. Park Police Officers in addition to 4 NPS Law Enforcement Rangers. We dealt with the general public, media and other government agencies. I was the liaison between the National Park Service and U.S. Forest Service Law Enforcement personnel to coordinate unified command and concurrent jurisdiction of any and all law enforcement situations and problems.

PARK RANGER (LE) (SEASONAL), GS-0025-05/01

05/1987 – 11/1987

Pete Cowan, Supervisor, [REDACTED]

Responsibilities

SERVED AS PARK RANGER (LAW ENFORCEMENT). I was assigned to the North District road patrol in the Visitor Protection Division of the park. The park receives high density visitor use, offers a variety of visitor activities and is traversed by a major highway. Visitation exceeds 4 million a year.

LAW ENFORCEMENT

Grand Teton has concurrent jurisdiction. I worked closely with other law enforcement agencies. I assisted the park Law Enforcement Officer in serving both search and arrest warrants. I transported violators and booked them into the Teton County Jail. I issued approximately 50 violation notices of 36 CFR and assimilated State statutes. I enforced a large body of laws involving the operation of motor vehicles. I also participated in the parks elk reduction program by enforcing all State and Federal regulations. I investigated 4 incidents of illegal kills of both elk and moose.

SEARCH AND RESCUE

Performed as team member of 4 "carry-out" incidents, involving litter teams. Also performed as team member of 2 major ground search operations.

RESOURCE MANAGEMENT

I cited and reported numerous wildlife viewing throughout the park, while on routine patrol. Many of these were of endangered species. Also assisted the parks Resource Management Division in the immobilization and radio collaring of the parks bison herd. I was assigned to the parks elk reduction program.

EMERGENCY MEDICAL SERVICES

I responded to and participated in approximately 35 EMS calls, involving First and Advance aid care. I was a member of the Colter Bay ambulance team. I gained additional hands-on experience and assisted the parks EMT's and Medics. I assisted in a cardiac arrest patient by performing CPR and was able to save a visitors life. I received a Distinguished Act Award from NPS director William Penn Mott, presented by the park Superintendent.

STRUCTURAL/WILDLAND FIRE

Member of the Colter Bay structural and wild-land fire suppression crew. During the summer, I was assigned to a 20 person wild-land fire crew on a class F fire within the park. I had the same assignment in the Klamath National Forest during the "Siege of '87" in Northern California. Fires in this area exceeded 5 million acres. I was assigned to the Elk Camp complex where 6 fires totaled 350,000 acres. I participated in long work shifts of 16 plus hours as a firefighter and squad boss.

SPECIAL ASSIGNMENTS

During the visit of Vice President George Bush and Department of the Interior Secretary Donald Hodel, I was assigned to the security detail. I worked along with the U.S. Secret Service Agents, Park Police and the U.S. Navy Dive Team. I performed perimeter security of housing areas and public/media briefings.

REDWOOD NATIONAL PARK
111 SECOND STREET
CRESCENT CITY, CA 95531

PARK RANGER (LE) (SEASONAL), GS-0025-05/01

10/1986 – 05/1987

Steve Hurd, Supervisor, [REDACTED]

Responsibilities

SERVED AS A PARK RANGER (LAW ENFORCEMENT). I was assigned to the South District of the park. Majority of my time was spent on roving vehicle and foot patrols with emphasis on enforcement of misdemeanor regulations, maximum visitor contacts, and conveying information on the park to the park visitor.

LAW ENFORCEMENT

Redwood National Park has proprietary jurisdiction. It is located in northern California in Humboldt County. Marijuana cultivation is abundant in this area. I performed investigations of these marijuana gardens to locate them, provide surveillance, and to make arrests when possible. I assisted in the arrest and provided court room testimony in the conviction of 2 persons suspected of cultivation of marijuana. I helped locate and destroy 4 gardens, which included approximately 3,000 plants and estimated at \$ 6,000,000 value. I was also involved in the investigation of illegal hunting (poaching) within park boundaries. I made arrests of 4 native American Indians that I observed shoot a deer within the park, and was able to get convictions on all suspects. These cases involved many hours (including evenings) of staking out areas where elk and deer are grazing. I wrote many violation notices involving fishing regulations and other resource violations.

RESOURCE MANAGEMENT

I assisted the Resource Management Division in the Roosevelt Elk and California Black Bear management program by setting and trapping these animals for the purpose of radio collaring, weighing, and determining sex. I took and passed a wildlife immobilization course to these techniques. I also helped with the replanting of Redwood and Douglas Fir trees in areas that were clear cut by logging companies prior to the park expansion.

EMERGENCY MEDICAL SERVICES

Responded to and assisted in 20 EMS calls involving first-responder cases. These cases ranged from sprained ankles to cardiac arrest. Carry-outs were common. Heat exhaustion and hypothermia were also common cases during the seasonal changes.

WILDLAND/STRUCTURAL FIRE

I was assigned to 2 ten man crews on separate incidents within the park. Fire acreage was approximately 40 and 150 acres respectively. I performed as firefighter and squad boss in both initial attack and mop-up operations. I was helitacked into a 55 acre fire outside the park, with the assistance of the California Dept. of Forestry.

SEARCH AND RESCUE

Performed as team member in 5 "carry out" incidents from the Tall Trees Grove. Litter teams and belay ropes for low angle terrain were utilized.

BACKCOUNTRY AND TRAIL MAINTENANCE

I provided maintenance and construction of park trails. I installed water bars and mileage posts. I repaired shelters and trail bench rest areas. I initiated trail register and trailhead sign requests and followed through with construction of these boards and signs.

GRAND TETON NATIONAL PARK
P.O. DRAWER 170
MOOSE, WY 83012

PARK RANGER (LE) (SEASONAL), GS-0025-05/01
Pete Cowan, Supervisor, [REDACTED]

05/1986 – 09/1986

Responsibilities

SERVED AS PARK RANGER (LAW ENFORCEMENT) in the Visitor Protection/Resource Management Division of the park. I was assigned to the North District road patrol. I worked out of the Colter Bay Sub-District. This area receives very high density visitor use. There are 600 camp sites, 3 major concession lodges which have approximately 1000 employees, and when full during the peak time of the summer the North District sleeps approximately 6,000 visitors.

LAW ENFORCEMENT

During the summer I investigated approximately 40 motor vehicle accidents, 8 of which included serious injuries and investigative format report writing. 7 car burglaries, 7 larcenies, 2 burglaries, 2 juvenile run-away cases. I made 5 arrests, 2 were for DUI and 3 for controlled substances. When making these arrests, I collected and packaged evidence and transported the violators 40 miles to the Teton County jail. Never did I lose a case or receive a complaint from loss evidence or property. My court conviction record was outstanding, I never lost a case. I issued approximately 50 violation notices. I was certified in the use of police traffic radar. I enforced a large body of

laws relating to the licensing, operation, and physical condition of motor vehicles. I also investigated 4 illegal kills of wildlife.

RESOURCE MANAGEMENT

Assisted the Resource Management Division in the fish creel census survey by determining size and species caught by meeting and talking with fisherman at the boat launch and landing areas to gain information. I turned in numerous wildlife observation cards on rare and endangered species. Assisted park biologists with trapping, tagging and radio collaring park bison and elk.

EMERGENCY MEDICAL SERVICES

I responded and participated in approximately 30 EMS calls. Calls ranged from sprained ankles to cardiac arrest. I was a member of the Colter Bay ambulance team as a driver and advanced first aid. I actively participated in numerous EMS training courses taught by the park EMT II.

WILDLAND/STRUCTURAL FIRE

I was Incident Red Carded as a firefighter/initial attack. I was part of a five man squad that was assigned to suppress 2 small lightning strike fires. Total acreage was 5. Also member of the Colter Bay structural fire team. Attended numerous training sessions on structural fire suppression. (see training)

SEARCH AND RESCUE

Participated in 1 major ground search operation as a team member outside the parks boundary as an agency assist to Del Norte County Sheriffs Office.

INTERPRETATION

While on routine patrol, I stopped and gave informal interpretive talks to visitors about the history of the park, wildlife, and general information.

HALEAKALA NATIONAL PARK
P.O. BOX 369
MAKAWAO, HI 96768

PARK RANGER (LE) (SEASONAL)

04/1986 – 05/1986

Karen Newton, Supervisor, [REDACTED]

Responsibilities

SERVED AS PARK RANGER (LAW ENFORCEMENT) for the Crater District of the park. This job was funded by a special law and order account for the purpose of providing Visitor Protection and Interpretation in the park for the viewing of Haley's Comet. Heavy visitor use occurred at this time.

LAW ENFORCEMENT

A great amount of time was spent on traffic control and visitor control through vehicle and foot patrols. Hundreds of visitors were traveling on one major park road to and from the summit of

Haleakala for the purpose of getting a good viewing spot. I investigated 11 motor vehicle accidents, 3 car burglaries, and 3 larcenies. I made 2 arrests for DUI and controlled substances

respectively. I transported these suspects to the Kahului jail, which was 50 miles away. I also enforced numerous traffic and parking violations.

EMERGENCY MEDICAL SERVICES

I responded to 9 EMS calls. 6 were for altitude sickness, 2 sprained ankles and 1 laceration due to a fall. I restocked First Aid kits and 02 bottles.

INTERPRETATION

I conducted and assisted in interpretive talks on the comet and other constellations in the sky. Groups ranged from 10-100 visitors. I also gave information on other aspects of the park such as wildlife, hiking trails, and the history of the park.

HAWAII VOLCANOES NATIONAL PARK
P.O. BOX 52
HAWAII NATIONAL PARK, HI 96718

RANGER TRAINEE/RANGER (LE)

10/1985 – 04/1986

Joe Evans, Supervisor, [REDACTED]

Responsibilities

SERVED AS RANGER TRAINEE/PARK RANGER (LAW ENFORCEMENT) in the three different divisions within Hawaii Volcanoes National Park. The program consisted of various types of training. It was funded by a organization for placing Native Hawaiians into jobs. It was called Alu Like.

LAW ENFORCEMENT

Because I held a Western Region commission prior to my arrival here at HAVO from Redwoods, I was able to perform law enforcement duties intermittently. Through on-the-job training, I enhanced my National Park Service understanding of philosophies of law enforcement, NPS policies, objectives, and goals. I also gained an understanding of the Park Safety Management Plan, Tort Claims Act, and the duties of the law enforcement office. I assisted the Law Enforcement Specialist with reviewing case incident reports, motor vehicle accidents investigation

reports, preparing law and order accounts, handling of evidence, and court proceedings. I performed road patrol duties in both the Kilauea and Kalapana Districts. I wrote numerous violation notices for traffic violations and natural resources. I patrolled the backcountry at the coast and the mountain. I checked fisherman as to compliance and their identity. (The coastline can only be fished by native Hawaiians from Kalapana.) I checked campers for permits. I maintained trails, cabins, and shelters. I took water samples at the numerous water systems from Halape to Mauna Loa. (Coast to mountains)

WILD-LAND/STRUCTURAL FIRE

I worked as a fire control aid at the Kilauea District fire cache. I maintained all fire equipment and apparatus to ensure it was fire ready. I sharpened tools, checked pumps, hoses, and chainsaws. I checked both the wild-land and structural fire trucks. I took fire weather and loaded the data into a computer for the Regional Fire Management Officer. I took training courses on both wild-land and structural fire fighting techniques.

EMERGENCY MEDICAL SERVICES

I received the Aikane award from the Hawaii Visitors Bureau along with 4 other rangers for performing CPR on a park visitor at the Thurston Lava Tube. I took an Advanced First Aid course and re-certified on CPR.

SEARCH AND RESCUE

I received training on lowering and raising rope systems with a litter and patient. I learned to setup z-rigs and pulley systems.

INTERPRETIVE DIVISION

I gained an understanding of the functions of the interpretive division through on the job training. I learned skills for communicating to group programs, nature walks, and giving general park information. I was trained and worked in the operation of the visitor information desk. I was trained and performed in video and film projector equipment use. I presented the eruption film and gave current volcanic status at the Volcano House. I stopped at overlooks while on road patrol to give information on that particular area or feature.

RESOURCE MANAGEMENT DIVISION

I assisted the park feral pig control program by constructing fences, checking and informing hunters on active areas. I participated in the Nene goose study program by submitting observation cards and information. I cared for and observed captive geese. I was assigned to a 5 day horse detail to the coastal area to eradicate exotic vegetation species. Rode in on horseback with a pack mule with supplies and equipment.

REDWOOD NATIONAL PARK
1111 SECOND STREET
CRESCENT CITY, CA 95534

PARK TECHNICIAN (LE) (SEASONAL)

03/1985 – 09/1985

Laurel Pistel, Supervisor [REDACTED]

Responsibilities

SERVED AS PARK TECHNICIAN (LAW ENFORCEMENT) in the Visitor Protection Division of the South District of the park. At the time, the park was the newest National Park added to the service. The park had many unique problems, with park neighbors, alignment of the boundaries and the fact that 3 state parks were within those boundaries.

LAW ENFORCEMENT

The park had proprietary jurisdiction. I worked closely with the Humboldt County Sheriffs Office, California Highway Patrol (CHP), and the California Fish and Game. I assisted the sheriff's office in the arrest of 3 suspected marijuana growers. Also assisted the CHP of 2 DUI suspects. I wrote 15 violation notices of natural resource and fishing violations. I patrolled by both foot and vehicle to enforce these misdemeanor regulations. Also assisted Fish & Game in the arrest of 2 suspected poachers. Staked out areas where elk and deer were grazing, usually at night with the assistance of night vision goggles. Relayed information to other agencies regarding violations occurring outside the park boundaries.

RESOURCE MANAGEMENT

I assisted the division with the California Black Bear study and research by setting and monitoring traps, collaring bears with radio transmitters and tag identification. Also did same with Roosevelt Elk study program. Reported numerous sightings of wildlife and exotic vegetation.

EMERGENCY MEDICAL SERVICES

Responded and participated in approximately 25 EMS calls requiring basic life support. Participated in weekly EMS training sessions in the subjects of CPR, bandaging, and splints.

WILDLAND FIRE

I responded to 3 in-park fires as a firefighter, total acreage was 20. I was helitacked into one of these fires.

TRAINING

(Significant Related Training for Position of Criminal Investigator)

Law Enforcement (2050 HRS)

- Emergency Responder Nuclear, Biological and Chemical Awareness/Operations, 8 hrs., 04/2003
- Physical Security Training Program, 80 hrs., 11/2002
- FAA Flying While Armed, 2 hrs., 04/2002
- Criminal Investigator In-Service Refresher, 40 hrs., 02/2001
- ***Criminal Investigator Training Program, 480 hrs., 09/2000***
- Tactical Tracking Operations School Level I, 50 hrs., 02/1999
- Domestic Cannabis Eradication Suppression Surveillance, 40 hrs., 04/1998
- Motor Vehicle Accident Investigation, 40 hrs., 06/1996
- Mental Preparation for Armed Confrontations, 16 hrs., 06/1994
- Asset Forfeiture Training, 16 hrs., 05/1994
- Archeological Resources Protection Training Program (ARPA), 40 hrs., 04/1994
- Basic Police Training 9PT-101, 384 hrs., 12/1990
- Latent Fingerprints Training, 8 hrs., 05/1985

Emergency Medical Services (326 ½ HRS)

Structural/Wild land Fire (318 HRS)

Search and Rescue (90 ½ HRS)

Resource Management (32 HRS)

SPECIAL SKILLS AND QUALIFICATIONS

- National Park Service, Law Enforcement Commission
Badge Credential #236
- California Dept of Justice, Intoxilyzer 5000 Operator
- Experience with cameras, surveillance equipment
- 6 years alpine and Nordic skiing, fishing both salt and fresh water
- Physically fit. Very active in most outdoor sports; basketball, volleyball, softball, tennis, golf, jogging, weight lifting.

EDUCATION

Southern Oregon State College, Ashland, OR 97520 1977 - 1982
Bachelor of Science Major: Criminology

Kaiser High School, Honolulu, HI 96820 1973 - 1977
Diploma

SPECIAL ACHEIVEMENTS AND AWARDS

1999 Letter of Appreciation, FBI for the outstanding assistance in a joint investigative effort. During the

- investigation of the murder of National Park Service Ranger Steve M. Jarrell and capture of the suspect Eugene Boyce.
- 1999 Cash Award, Letter of Commendation
Outstanding Work Performance resulting in the successful defense during trial of a \$1 million dollar liability lawsuit initiated by park visitors at an active volcanic eruption site.
Kahan & Minc v. USA
 - 1994 Commendation of Performance
Outstanding performance during temporary assignment as Criminal Investigator at Hawaii Volcanoes National Park
 - 1993 Unit Award of Excellence of Service
Pu'u O'o Response Team, for successful and courageous rescue of 3 occupants of a downed helicopter in an active volcanic
 - 1992 Certificate of Commendation
For Command and Control Security Support at the Arizona Memorial's 50th Anniversary of the Pearl Harbor Attack
 - 1992 Certificate of Appreciation - "Operation Wipeout" Investigation and eradication of marijuana.
Drug Enforcement Administration, Los Angeles Field Division
 - 1992 Special Achievement Award
For high standards of performance in Law Enforcement at Hawaii Volcanoes National Park
 - 1991 Gold Fitness Award
For exemplary physical fitness by ARA Human Factors
 - 1991 Commendation for Exemplary Performance
Search and Recovery Operation
 - 1990 500 Point Physical Efficiency Battery
For maximum physical fitness score at FLETC
 - 1988 Exemplary Act Award
For successful resuscitation of park visitor during cardiac arrest

REFERENCES

Paul Ducasse, Chief Ranger Hawaii Volcanoes NP, HI	[REDACTED]
Norman S. Hinson, Supervisory Special Agent Lake Mead NRA, Boulder City, NV	[REDACTED]
Jeff Sullivan, Supervisory Special Agent Yosemite NP, CA	[REDACTED]
Edward Kubo, Untied States Attorney U.S. Attorney's Office, Honolulu, HI	[REDACTED]
Ron Johnson, AUSA U.S. Attorney's Office, Honolulu, HI	[REDACTED]
Ken Sorenson, AUSA U.S. Attorney's Office, Honolulu, HI	[REDACTED]

Lisa Nielson, Special Agent
FBI, Kailua Kona, HI.

[REDACTED]

I certify that the information contained herein is true and correct to the best of my knowledge.

/s/ Neil P. Akana

State of Alaska
LOCAL EMERGENCY PLANNING COMMITTEE
INDIVIDUAL APPLICATION FORM FOR MEMBERSHIP ON LEPC

LEPC name: Sitka Local Emergency Planning Committee

Applicant name: LCDR David Birky

Mailing address: [REDACTED]

Residence address: [REDACTED]

Day phone: [REDACTED] Home Phone (optional): [REDACTED]

Where employed: US Coast Guard Job title: Pilot

LEPC category/seat that applicant seeks: 2

Categories: 1) Elected local officials, 2) Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Env't/Hospital, and Transportation Personnel, 3) Media/Broadcast, 4) Community Groups, 5) Owners/Operators of Facilities, 6) Members of the Public, 7) LEPC Information Coordinator/SERC liaison

New applicant Renewal Regular member Alternate member

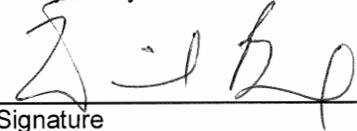
Qualifications for this category: ICS Trained member of USCG Air Station Sitka.

Organizations in which applicant participates (that are pertinent to the application): None

Please provide enough information to demonstrate an applicant's eligibility or suitability for a particular seat on the LEPC. For the Public At Large position, please state whether an applicant qualifies for any other category on the LEPC.

Please note: all information submitted will be made public and published online. Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

I hereby certify that the above information is correct and that I have not misrepresented myself.


Signature

10/19/2018
Date

→ To be considered, your application must be complete AND be accompanied by either a letter of interest or resume. Return to:

Melissa Henshaw, Deputy Clerk
100 Lincoln Street
Fax: 907-747-7403
Email: melissa.henshaw@cityofsitka.org

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Air Station Sitka

611 Airport Road
Sitka, AK 99835
Phone: (907)966-5525

19 OCT 2018

Deputy Clerk, City of Sitka
100 Lincoln Street
Sitka, AK 99835

Dear Ms. Henshaw,

I would like to express my interest in the Local Emergency Planning Commission. Coast Guard Air Station Sitka has not participated in the commission for several years. I feel the air station does have an interest in and will have an active role in most local emergencies. Having been ICS trained and a member of the Sitka Volunteer Fire Department, I would like to represent Air Station Sitka's interests on the commission.

Sincerely,

A handwritten signature in black ink, appearing to read "D. A. Birky".

D. A. Birky
Lieutenant Commander, USCG



LOCAL EMERGENCY PLANNING COMMITTEE

NAME	CONTACT NUMBERS		TERM STARTS	EXPIRES	CATEGORY
DAVE MILLER, CHAIR	747-1860	dave.miller@cityofsitka.org	Permanent	Fire Chief*	2
GEORGE BENNETT JR. 225 Tongass Drive	966-8916	gbennett@searhc.org	3/28/17	3/28/20	2
SHANNON FREITAS 222 Tongass Drive	966-8511	shannonf@searhc.org	3/28/17	3/28/20	2
MICHAEL SANDERS PO Box 226	738-2442	md.sanders8@gmail.com	9/26/17	9/26/20	2
ALAN STEVENS 2606 Sawmill Creek Road	747-8848 738-8237	astevenssit@gmail.com	1/23/18	1/23/21	2
PAT HUGHES 1108 Edgumbe Drive	747-0303 738-6119	phughes@sitkahospital.org	2/13/18	2/13/21	2
DONNA CALLISTINI 208 Lake Street #2G	747-7107 w 747-5494	donna.callistini@yahoo.com	10/26/10, 11/12/13 1/23/18	10/26/13, 11/12/16 1/23/21	3
GAYLE HAMMONS 210 Kruzof Street	738-3028 c	kghammons@gmail.com	7/28/15	7/28/18	3
AMY ZANUZOSKI 113 Metlakatla Street	966-8237	amyz@scpsak.org	6/12/18	6/12/21	4
TRISH WHITE 117 Granite Creek Road	747-8006X202 w; 747-5976 h	trish@whitesalaska.com	3/10/09, 3/13/12 3/24/15, 3/27/18	3/10/12, 3/15/15 3/24/18, 3/27/21	5
SCOTT WAGNER 304 Nicole Drive	747-3791 h 738-2729 c	scott_wagner@nsraa.org	11/12/13 12/27/16	11/12/16 12/27/19	5
MARY ANN HALL 2037 Halibut Point Road	747-7265		8/23/11, 8/12/14 8/8/17	8/23/14, 8/12/17 8/8/20	6
AUBREY VAUGHAN 315 Seward Street	361-774-1234	ellenvaughan68@gmail.com	10/11/16	10/11/19	6
ROSE MILLER 120 Katlian Street	723-2225		6/13/17	6/13/20	6
JEFF ANKERFELT	747-3245	jeff.ankerfelt@sitkapd.org	Permanent	Police Chief*	2
LANCE EWERS	747-3245	lance.ewers@sitkapd.org	Permanent	Law Enforcement*	2
CRAIG WARREN	747-3233	craig.warren@cityofsitka.org	Permanent	LEPC Coordinator*	7
VALORIE NELSON	747-4589	assemblynelson@cityofsitka.org	Non-Voting	Assembly Liaison	1
Gail Johansen Peterson 3511 Halibut Point Road	747-7646	scribeinkservices@gmail.com		Secretary	

*The police and fire chiefs and the LEPC Coordinator are permanent appointments; whoever is serving in that capacity will be appointed to the commission. Minimum of seven members, 3-year terms; Established by Resolution 89-406; Amended by Resolution 89-441 and 99-727. Meeting: Second Thursday, noon – Fire Hall. **Quorum Requirement:** At least one member from four different categories must be present. **Categories as follows:** 1) Elected local officials 2) Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Environmental/Hospital, and Transportation Personnel 3) Media/ Broadcast 4) Community Groups 5) Owners/Operators of Facilities 6) Members of the Public 7) LEPC Information Coordinator/ SERC liaison

Revised: October 10, 2018

State of Alaska
LOCAL EMERGENCY PLANNING COMMITTEE
INDIVIDUAL APPLICATION FORM FOR MEMBERSHIP ON LEPC

LEPC name: Sitka Local Emergency Planning Committee

Applicant name: Joseph E Younack

Mailing address: [REDACTED]

Residence address: [REDACTED] 99835

Day phone: [REDACTED] Home Phone (optional): _____

Where employed: _____ Job title: _____

LEPC category/seat that applicant seeks: American Red Cross

Categories: 1) Elected local officials, 2) Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Env/Hospital, and Transportation Personnel, 3) Media/Broadcast, 4) Community Groups, 5) Owners/Operators of Facilities, 6) Members of the Public, 7) LEPC Information Coordinator/SERC liaison

New applicant Renewal _____ Regular member _____ Alternate member _____

Qualifications for this category: Red Cross volunteer since 80's + Nurse + health + safety instructor for over 25 yrs 9-11 Katrina, Rita, Wilma, Tracy, C. Does multiple deployments,

Organizations in which applicant participates (that are pertinent to the application): American Red Cross

Please provide enough information to demonstrate an applicant's eligibility or suitability for a particular seat on the LEPC. For the Public At Large position, please state whether an applicant qualifies for any other category on the LEPC.

Please note: all information submitted will be made public and published online. Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? ___ Yes ___ No

I hereby certify that the above information is correct and that I have not misrepresented myself.

Joseph E Younack
Signature

10/10/18
Date

→ To be considered, your application must be complete AND be accompanied by either a letter of interest or resume. Return to:

Melissa Henshaw, Deputy Clerk
100 Lincoln Street
Fax: 907-747-7403
Email: melissa.henshaw@cityofsitka.org



LOCAL EMERGENCY PLANNING COMMITTEE

NAME	CONTACT NUMBERS		TERM STARTS	EXPIRES	CATEGORY
DAVE MILLER, CHAIR	747-1860	dave.miller@cityofsitka.org	Permanent	Fire Chief*	2
GEORGE BENNETT JR. 225 Tongass Drive	966-8916	gbennett@searhc.org	3/28/17	3/28/20	2
SHANNON FREITAS 222 Tongass Drive	966-8511	shannonf@searhc.org	3/28/17	3/28/20	2
MICHAEL SANDERS PO Box 226	738-2442	md.sanders8@gmail.com	9/26/17	9/26/20	2
ALAN STEVENS 2606 Sawmill Creek Road	747-8848 738-8237	astevenssit@gmail.com	1/23/18	1/23/21	2
PAT HUGHES 1108 Edgumbe Drive	747-0303 738-6119	phughes@sitkahospital.org	2/13/18	2/13/21	2
DONNA CALLISTINI 208 Lake Street #2G	747-7107 w 747-5494	donna.callistini@yahoo.com	10/26/10, 11/12/13 1/23/18	10/26/13, 11/12/16 1/23/21	3
GAYLE HAMMONS 210 Kruzof Street	738-3028 c	kghammons@gmail.com	7/28/15	7/28/18	3
AMY ZANUZOSKI 113 Metlakatla Street	966-8237	amyz@scpsak.org	6/12/18	6/12/21	4
TRISH WHITE 117 Granite Creek Road	747-8006X202 w; 747-5976 h	trish@whitesalaska.com	3/10/09, 3/13/12 3/24/15, 3/27/18	3/10/12, 3/15/15 3/24/18, 3/27/21	5
SCOTT WAGNER 304 Nicole Drive	747-3791 h 738-2729 c	scott_wagner@nsraa.org	11/12/13 12/27/16	11/12/16 12/27/19	5
MARY ANN HALL 2037 Halibut Point Road	747-7265		8/23/11, 8/12/14 8/8/17	8/23/14, 8/12/17 8/8/20	6
AUBREY VAUGHAN 315 Seward Street	361-774-1234	ellenvaughan68@gmail.com	10/11/16	10/11/19	6
ROSE MILLER 120 Katlian Street	723-2225		6/13/17	6/13/20	6
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Revised: October 10, 2018



CITY AND BOROUGH OF SITKA

Master

File Number: ORD 18-51

File ID: ORD 18-51

Type: Ordinance

Status: AGENDA READY

Version: 1

Reference:

In Control: City and Borough Assembly

File Created: 10/16/2018

File Name:

Final Action:

Title: Making supplemental appropriations for Fiscal Year 2019 (*State of Alaska Grants*)

Notes:

Sponsors:

Enactment Date:

Attachments: Motion Memo and Ord 2018-51

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	10/23/2018	PASSED ON FIRST READING				Pass
1	City and Borough Assembly	11/08/2018					

Text of Legislative File ORD 18-51

title

Making supplemental appropriations for Fiscal Year 2019 (*State of Alaska Grants*)

POSSIBLE MOTION

I MOVE TO approve Ordinance 2018-51
on second and final reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Mayor Paxton and Assembly Members
Keith Brady, Municipal Administrator

From: Melissa Haley, Controller

Date: October 16, 2018

Subject: FY2019 budget adjustment 2018-51

Background:

The City and Borough of Sitka (CBS) received notice that a second grant to support the purchase of dispatch radio consoles for the Sitka Police Department has been approved. With the approval of this second grant, which augments a grant approved last fiscal year, there are sufficient funds to fully purchase these consoles through grant funding. The total additional appropriation for FY2019 is \$386,938. Replacement of these consoles is necessary as they will no longer be supported by the manufacturer. Additionally, anticipated FCC mandates on digital transmission will render the old units completely obsolete by 2020.

Two pass-through grants through the Alaska Historic Preservation Fund were approved in FY18, however were not expended. The CBS needs an appropriation to expend the funds (reimburse the sub-grantee organizations). The grants were awarded in the amount of \$25,000, however of that amount the State takes \$3,264 and the CBS withholds \$2,125 to cover the cost of administering the grants. \$19,611 is available to be reimbursed to the Sitka Fine Arts Camp for the restoration of the Fraser Hall building and \$19,611 is available to be reimbursed to the Sitka Sound Science Center for renovation of the Sheldon Jackson sawmill building.

Fiscal Note:

All proposed budget adjustments in 2018-51 are fully supported by additional revenue. In addition, for the pass-through grants, the CBS is covering the costs of administering these grants.

Recommendation:

Approve Ordinance 2018-51 to increase appropriations in the General Fund by a total of \$426,160.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2018-51
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019
(STATE OF ALASKA GRANTS)

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

1. CLASSIFICATION. This ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. SEVERABILITY. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. PURPOSE. The purpose of this ordinance is to make a supplemental capital appropriation for Fiscal Year 2019.

4. ENACTMENT. In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriations for the budget period beginning July 1, 2018 and ending June 30, 2019.

Table with 3 main sections: FISCAL YEAR 2019 EXPENDITURE BUDGETS, GENERAL FUND, and three rows of expenditure descriptions including amounts like \$19,611 and \$386,938.

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48 **EXPLANATION**

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50 Necessary revisions in the FY2019 budget were identified. These changes involve the increase of
51 expenditure accounts, however, as additional revenues have been identified, overall cash flows will
52 not be impacted. A short explanation of each budget revision is included.

53

54 **5. EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its
55 passage.

56

57 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
58 Alaska this 8th Day of November, 2018.

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63 **ATTEST:**

Gary L Paxton, Mayor

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68 Sara Peterson, MMC
69 Municipal Clerk

70

71 1st reading 10/23/18

72 2nd and final reading 11/8/18



CITY AND BOROUGH OF SITKA

Master

File Number: ORD 18-52

File ID: ORD 18-52

Type: Ordinance

Status: AGENDA READY

Version: 1

Reference:

In Control: City and Borough Assembly

File Created: 10/16/2018

File Name:

Final Action:

Title: Amending Title 13 "Port and Harbors" of the Sitka General Code by adding Chapter 13.16 "Commercial Marine Trade Permit" and amending Chapter 13.04 "Definitions"

Notes:

Sponsors:

Enactment Date:

Attachments: Motion Memo and Ord 2018-52, Email from Harbormaster

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	10/23/2018	PASSED ON FIRST READING				Pass
	Notes: Deputy Harbormaster Chuck Hackett explained the original intent of the drive down facility at Eliason Harbor was for loading and unloading. Over the years, however, commercial work had become an allowable use. To ensure a safe and efficient work environment, the Harbor staff and Port and Harbors Commission were recommending a commercial marine trades permit be adopted.						
	Some Assembly members voiced concern over the \$500 annual permit fee. Hackett noted a weekly permit for \$50 was an option. Knox spoke in support and reminded the topic of a commercial marine trades permit had been discussed by staff and the Commission for the last year.						
1	City and Borough Assembly	11/08/2018					

Text of Legislative File ORD 18-52

title

Amending Title 13 "Port and Harbors" of the Sitka General Code by adding Chapter 13.16 "Commercial Marine Trade Permit" and amending Chapter 13.04 "Definitions"

POSSIBLE MOTION

I MOVE TO approve Ordinance 2018-52
on second and final reading.

Note: The Port and Harbors Commission, at their meeting of October 10, approved motions in support of Ordinance 2018-52 with an amended term date of January 1 through December 31 – see lines 231 and 232 of the ordinance.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Mayor Paxton and Assembly Members
Keith Brady, Municipal Administrator

From: Chuck Hackett, Deputy Harbormaster

Date: 10/16/2018

Subject: Approval of Ordinance No. 2018-52 "Commercial Marine Trades Permit"

Background

Eliason Harbor drive down dock built back in 1996, which was intended only as load/unload dock, has morphed over the years to allow commercial work to be done, due to being the only drive down dock in the City for 30 years. The Harbormaster, with the Port and Harbors Commission, drafted an ordinance to be able to provide a permit that would allow commercial business to do work on city infrastructure.

Analysis

The Marine Trades Permit will allow commercial business to be conducted in the designated work areas throughout the harbors. The permit will assist Harbor staff in creating a safe and efficient environment for both boat owner and commercial business to complete projects in a timely manner by collecting fees for the Harbor fund to help maintain infrastructure damaged in the course of these services being offered in the designated work areas.

Recommendation

Approve Ordinance 2018-52.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2018-52

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 13 "PORT AND HARBORS" OF THE SITKA GENERAL CODE BY ADDING CHAPTER 13.16 "COMMERCIAL MARINE TRADE PERMIT" AND AMENDING CHAPTER 13.04 "DEFINITIONS"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to add a new chapter 13.16 Commercial Marine Trade Permit and amend chapter 13.04 to add applicable definitions to Title 13. This ordinance will implement a for fee permit for business, commercial entities, or for profit enterprises engaged in offering services, work conducted, to commercial, charter or private marine users on city and borough owned marine infrastructure at designated harbor work areas. This permit will assist in creating a safe and productive work environment for these services as well as collect fees for the Harbor Fund to help maintain infrastructure damaged in the course of these services being offered in the designated work areas.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 13, be amended by adding chapter 13.16, entitled "Commercial Marine Trade Permit", and updating chapter 13.04, entitled "Definitions" to read as follows (deleted language stricken, new language underlined):

Title 13
PORT AND HARBORS

Chapters:

- 13.02 General Provisions
13.04 Definitions
13.06 Charges/Fees
13.07 Harbor Use Privileges and Prohibitions
13.08 Reserved Mooring Stalls
13.09 Anchoring
13.10 Float Regulations
13.12 Enforcement
13.13 Nuisances
13.14 Vessel Impoundment and Disposition
13.15 Float Homes
13.16 Commercial Marine Trade Permits

Chapter 13.04
DEFINITIONS

53 Sections:

54	13.04.010	Anchor.
55	13.04.020	Charter/vessel for hire.
56	13.04.030	<u>Commercial marine trade.</u>
57	13.04.040	<u>Designated harbors.</u>
58	13.04.050	<u>Designated harbor work areas.</u>
59	13.05.040	Dinghy/lighter.
60	13.04.050	Distress.
61	13.04.060	Emergency.
62	13.04.070	Float homes.
63	13.04.080-100	Harbor.
64	13.04.090	Harbormaster.
65	13.04.100	Hot berth.
66	13.04.110	Liveboard.
67	13.04.120	Moor.
68	13.04.130	Permanent transient.
69	13.04.140	Person.
70	13.04.150	Qualifying interest.
71	13.04.160	Stall.
72	13.04.170	Transient vessel.
73	13.04.180	Transfer of cargo.
74	13.04.190	Traffic lanes.
75	13.04.200	Vessel.
76	13.04.210	Vessel length.
77	13.04.220	Waterborne structures.

78

79 **13.04.010 Anchor.**

80 "Anchor" means to secure a vessel to a bed or body of water by dropping a weighted ground
81 line or tackle or by use of a buoy or other means to prevent more than a measurable movement
82 of the vessel.

83

84 **13.04.020 Charter/vessel for hire.**

85 "Charter/vessel for hire" means any vessel licensed to carry passengers for hire; "bare boat" is a
86 boat rented with or without crew or operator.

87

88 **13.04.030 Commercial marine trade.**

89 "Commercial marine trade" means any business, commercial entity, or for-profit enterprise
90 engaged in offering services for the commercial or charter marine industry or private marine
91 users in the designated harbors and designated harbor work areas. This can include, but is not
92 exclusive to, welding, fabrication, electrical, and plumbing services, offered by a business
93 operating within the city and borough.

94

95 **13.04.040 Designated harbors.**

96 "Designated harbors" means any of the city and borough owned harbors listed below where the
97 city and borough infrastructure is used. These areas include; Sealing Cove harbor, Crescent
98 Harbor, ANB harbor, Thompson harbor, and Eliason harbor.

99

100 **13.04.050 Designated harbor work areas.**

101 "Designated harbor work areas" means any of the areas listed below which the city and borough
102 infrastructure is used. These areas include; Community port wall, Eliason harbor work float,
103 Fishermen's work float, Crescent harbor high load dock, Crescent harbor pole float and the
104 GPIP dock.

105
106 **13.04.04060 Dinghy/lighter.**
107 "Dinghy/lighter" means a small vessel normally carried aboard a larger vessel or towed as a life
108 boat or tender.

109
110 **13.04.05070 Distress.**
111 "Distress" means a state of disability or a present or obvious imminent danger which if unduly
112 prolonged could endanger life or property.

113
114 **13.04.06080 Emergency.**
115 "Emergency" means a state of immediate danger to life or property in which time is of the
116 essence.

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118 **13.04.07090 Float homes.**
119 "Float homes" or "float houses" means a floating structure used wholly as a dwelling unit, which
120 is not designed to travel on water and which is otherwise not a vessel, as defined herein, and
121 meets construction requirements as provided in Chapters 13.15, 19.15, 19.16 and 19.17.

122
123 **13.04.080100 Harbor.**
124 "Harbor" means the Sitka harbor system or all waters, tidal areas and adjacent uplands areas,
125 together with all facilities of a port or maritime nature publicly owned that are primarily used by
126 or for the service of vessels, including docks, pilings, ramps, hoists, parking areas, leased water
127 areas, concessions and/or service facilities located within.

128
129 **13.04.090110 Harbormaster.**
130 "Harbormaster" means the individual described in Section 13.02.020 and any assistant
131 harbormaster or other person designated to act in the harbormaster's place.

132
133 **13.04.400120 Hot berth.**
134 "Hot berth" means the practice of allowing a vessel to temporarily occupy a stall or space not
135 reserved to said vessel.

136
137 **13.04.440130 Liveaboard.**
138 "Liveaboard" means any vessel used by one or more persons as a primary residence while
139 moored in the Sitka harbor system, which meets the following requirements. A liveaboard vessel
140 must comply with all requirements imposed on any vessel moored in the harbor system
141 including the requirement that the vessel be powered by an engine of sufficient size to propel
142 the vessel at a speed allowing normal steerage and to maneuver out of and into the harbor. A
143 liveaboard vessel must be registered as such with the harbor department. A liveaboard vessel
144 must have a safe heating system, and food preparation system, and berthing accommodations
145 for all occupants.

146
147 **13.04.420140 Moor.**
148 "Moor" means to secure a vessel by the use of lines to a dock, pier or other object providing a
149 more secure fastening to a particular location than by anchoring.

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13.04.430150 Permanent transient.

"Permanent transient" means a vessel which is on the wait list (Section 13.08.040). The vessel will not have a permanent stall assignment but will be provided moorage and be billed for permanent moorage under Section 13.06.010.

13.04.440160 Person.

"Person" means any natural person, individual, partnership, corporation or governmental agency. A corporation and natural person or individual will be considered the same if the natural person has control over the former.

13.04.450170 Qualifying interest.

"Qualifying interest" in a vessel means the interest of a person who owns the vessel or, under provisions of written charter or lease, has exclusive control over the operation and navigation of the vessel. A person who transfers title to a vessel or enters into a charter or lease of the vessel to another, seasonally or permanently, thereby relinquishes exclusive control over the use and operation of said vessel and ceases to have a qualifying interest in said vessel.

13.04.460180 Stall.

"Stall" means a place to moor individual vessels in the harbor.

13.04.470190 Transient vessel.

"Transient vessel" means any vessel occupying space in the Sitka harbor system for which a regular reserved stall has not been assigned.

13.04.480200 Transfer of cargo.

"Transfer of cargo" means all types of loading, unloading, transfer and/or containerization of any type of cargo including, but not limited to, fish, shellfish and other seafood products thereof.

13.04.490210 Traffic lanes.

"Traffic lanes" (navigation lanes) means those areas specifically set aside for movement to and from other locations and which will be kept open, free of obstructions and not for use for anchoring or mooring.

13.04.200220 Vessel.

"Vessel" means any ship, boat, skiff, barge, dredge and craft of every kind or description, whether used for commercial or pleasure purposes, which is on the water and is capable of being used as a means of transportation on or through the water, excluding seaplanes.

13.04.240230 Vessel length.

The method of determining vessel length within the harbor system: Vessel length will be computed as the actual overall length of any vessel, including bow sprits, outboards (in down position) or other extensions.

13.04.220240 Waterborne structures

"Waterborne structures" means other than a vessel. Examples include but are not limited to barges, float houses, or other, usually unpowered, structures.

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Chapter 13.16
COMMERCIAL MARINE TRADE PERMITS

Sections:

- 13.16.010 Introduction.
- 13.16.020 Permit required.
- 13.16.030 Rules and regulation.
- 13.16.040 Enforcement and penalties.
- 13.16.050 Use of funds.

* * *

13.16.010 Introduction.

The city and borough owns and operates the harbor system which is under the authority of the harbormaster. This chapter intends to capture all locations where a commercial marine trade permit will be required for operation at designated harbors and designated harbor work areas, as defined in chapter 13.04. In adopting this chapter, the city and borough is exercising its proprietary interests as an owner and operator of all city and borough owned property. Nothing in this chapter, however, limits the city and borough's ability to further exercise its proprietary powers as it deems necessary to protect its interests or those of the public.

13.16.020 Permit required.

A. General. No person shall conduct, offer to conduct, solicit to conduct, or take orders to conduct commercial marine trade services in designated harbors or designated harbor work areas, except as authorized by a valid permit obtained from the city and borough pursuant to this chapter. A permit issued pursuant to this chapter shall be called a "commercial marine trade permit."

B. Terms.

1. An annual commercial marine trade permit shall be valid for the period from January 1st of each calendar year through December 31st of the same calendar year, unless sooner revoked or terminated. A commercial marine trade permit, or any rights or privileges thereunder, may not be assigned or transferred. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee has no property right in the permit. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee shall indemnify and hold the city and borough, its elected and appointed officers, its employees, and its agents, harmless from and against any and all loss, damage or expense for any injury to or death of any person or persons, or for damage to property, resulting from or arising out of any act or omission of such permittee, or any of the permittees' employees, agents, representatives, customers, or contractors. The city and borough, its elected and appointed officers, its employees, and its agents, make no representations concerning and assume no responsibility for or regarding any services sold or activities by any permittee, or any of permittee's employees, agents, representatives, customers, or contractors.

248 2. A weekly commercial marine trade permit shall be valid for the period of one week,
249 starting on the day the permit and issued and continuing for an additional six days after
250 the day of issuance.

251
252 C. Application. A person or entity seeking a permit shall file a written application on a form
253 provided by the city and borough. The application shall contain the following information:

254
255 1. Name, mailing address, and telephone number of the applicant and all
256 principals;

257
258 2. Name, mailing address and telephone number of the operations manager;

259
260 3. Type of commercial marine trade services to be provided; and

261
262 4. An acknowledgment by the applicant that applicant agrees to be bound by all
263 of the terms, conditions and provisions set forth in this chapter, and such additional
264 rules and regulations established by the harbormaster.

265
266 D. Fees. Each applicant for a permit issued under this chapter shall pay a nonrefundable
267 permit fee of five hundred dollars for the annual permit or fifty dollars for the weekly permit. The
268 permit fee must be paid before issuance of the permit. The annual permit fee shall not be
269 prorated, regardless of when application is made and permit issued.

270
271 E. Insurance. Each permittee shall at all times during the period of operations maintain a
272 current commercial general liability insurance policy in the amount of not less than one million
273 dollars combined single limit, which policy shall name the city and borough, its elected and
274 appointed officers, its employees, and its agents, as additional insured. The policy shall not
275 contain any self-insured retention, and shall include a provision requiring written notification to
276 be given to the city and borough by the insurance company not less than thirty days before the
277 policy is canceled, modified, or terminated for any reason. Permittees shall submit a copy of the
278 policy, or, at the option of the city and borough, other satisfactory proof of insurance, prior to
279 operations under the permit.

280
281 F. Issuance of Permit. The harbormaster shall grant the application upon finding that the
282 applicant is fit, willing, and able to comply with the law. The permit shall state the name and
283 address of the permittee, the date of issuance and such additional terms, conditions, provisions
284 and limitations. A decision to deny an application for a permit may be appealed by the applicant
285 to the city and borough administrator no later than seven days after such denial is delivered to
286 the applicant. A letter sent to the applicant's mailing address by first class mail shall constitute
287 delivery. An appeal from the decision of the city and borough administrator may be taken to the
288 superior court for the state of Alaska no later than thirty days after the administrator sends
289 notice of such denial to the applicant.

290
291 G. Terms of Renewal. Each permit issued under this chapter shall expire on the last day of
292 December following its issuance. Permits once issued and approved prior to start up of
293 operations may be renewed and reissued by the city and borough upon application to the city
294 and borough. All fees must be paid at or before time of permit issuance. Permits will not be
295 renewed unless the finance department certifies that all sales taxes have been paid.

296

297 **13.16.030 Rules and regulation.**

298 The harbormaster may establish rules and regulations necessary for the safe and orderly
299 operation of the commercial marine trade services authorized by a commercial marine trade
300 permit. The harbormaster shall provide prior written notice to all permittees of such rules and
301 regulations, before they may be enforced.

302
303 **13.16.040 Enforcement and penalties.**

304 A. The harbormaster has the authority to enforce this chapter and the rules and regulations
305 established under this chapter. The harbormaster shall issue a written notice of violation to the
306 permittee or offender, which includes the fine imposed and/or action taken. Within seven days
307 after the date of delivery of written notice of such fine and/ or action, the permittee may appeal
308 the decision of the harbormaster to the city and borough administrator or his/her designee.
309 Appeal from the administrator's decision may be made no later than thirty days after such
310 decision to the superior court for the state of Alaska in Sitka.

311
312 B. The permittee is responsible for all violations of this chapter and the rules and regulations
313 established under this chapter committed by the permittee, its employees, agents,
314 representatives, customers, or contractors. The maximum penalty for violation of this chapter is
315 five hundred dollars.

316
317 C. Conducting commercial marine trade services in violation of a permit is punishable by a fifty
318 dollar fine for the first offense, a one hundred dollar fine for the second offense, and a fine of up
319 to five hundred dollars for any subsequent offenses as determined by the harbormaster in
320 his/her sole discretion. Such fines are separate from any revocation imposed pursuant to
321 Section 13.16.040.E. For the purposes of this section, prior offenses must be within the previous
322 five years.

323
324 D. Conducting commercial marine trade services without a permit is punishable by a one
325 hundred dollar fine for the first offense, a two hundred dollar fine for the second offense, and a
326 fine of up to five hundred dollars for any subsequent offenses as determined by the
327 harbormaster in his/her sole discretion. For the purposes of this section, prior offenses must be
328 within the previous five years.

329
330 E. Revocation. The harbormaster may at any time revoke a permit issued under this chapter for
331 noncompliance with any term, condition, or provision of the permit, or violation of any provision
332 of this chapter or other applicable local, state, or federal law, ordinance, rule, or regulation. The
333 harbormaster may also revoke such a permit upon a determination that the operation of the
334 permittee is causing a hazard, or a disruption of pedestrian, vehicular, or watercraft traffic, or
335 that the area affected by the permit is required for another public purpose. The permittee shall
336 be given written notice of the proposed revocation of the permit. Within seven days after the
337 date of delivery of written notice of proposed revocation, the permittee may appeal the decision
338 of the harbormaster to the city and borough administrator or his/her designee. Appeal from the
339 administrator's decision may be made no later than thirty days after such decision to the
340 superior court for the state of Alaska in Sitka.

341
342 **13.16.050 Use of funds.**

343 All fees collected under the terms of this chapter shall be deposited into the Harbor Fund.
344
345

* * *

5. **EFFECTIVE DATE.** This ordinance shall become effective January 1, 2019.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, this 8th day of November, 2018.

Gary L. Paxton, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st reading 10/23/18

2nd and final reading 11/8/18

From: [Stan Eliason](#)
To: [Sara Peterson](#)
Subject: Addendum to Marine Trades Permit memo
Date: Thursday, November 1, 2018 9:29:49 AM

Sara,

The Harbor Department conducted interviews with 2 welding fabricators. One fabricator has multiple employees, while the other is self-employed.

Both fabricators have been conducting business on the Eliason Harbor load zone dock since its inception.

The fabricators have no issues with the \$500.00 permit fee. The only concern that they had was that everyone should be charged, not just welders. Anyone trades conducting business on the designated work zones will need a permit. We cleared the air on that.

They also supported scheduling through the Harbor Department. Often they (welders/boat owners) have to wait for a location on the dock to proceed with their projects, simply because of the abuse of other users. The trades will now be able to conduct their business in a timely fashion

and this will also allow their clients to get back to fishing. Time is money. This is being business, customer friendly.

Stan Eliason, Harbormaster
City and Borough of Sitka
[Coast Guard City, USA](#)
907-747-3439



CITY AND BOROUGH OF SITKA

Master

File Number: ORD 18-53

File ID: ORD 18-53

Type: Ordinance

Status: AGENDA READY

Version: 1

Reference:

In Control: City and Borough Assembly

File Created: 10/31/2018

File Name:

Final Action:

Title: Making supplemental appropriations for Fiscal Year 2019 (Sitka Community Hospital Sale)

Notes:

Sponsors:

Enactment Date:

Attachments: Motion Memo Ord 2018-53, Fee Proposal Huebner Advisory

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

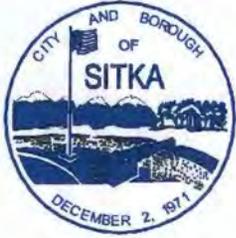
Text of Legislative File ORD 18-53

title

Making supplemental appropriations for Fiscal Year 2019 (Sitka Community Hospital Sale)

POSSIBLE MOTION

I MOVE TO approve Ordinance 2018-53
on first reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Mayor Paxton and Assembly Members

From: Keith Brady, Municipal Administrator

Date: 11-2-18

Subject: Approval the appropriation for due diligence and continued work of the consultants

Summary

Phase 3 of the RFP process of the SCH affiliation with SEARHC requires an appropriation for costs associated with due diligence and the additional services of the consultants. The consultants have been instrumental with their experience, expertise, and insight in the healthcare industry. A recommendation to continue to use them through Phase 3 comes very highly. Their continued service is crucial for a positive outcome. The city is receiving great value for the services the consultants are providing.

Fiscal Note

\$150,000 from the General Fund Balance.

Recommendation

Approval \$150,000 appropriation for due diligence cost of the SCH RFP affiliation with SEARHC and continued work of the consultants.

Details

There are costs associated for our part of due diligence. Generally, the buyer's primary question is "How much risk am I taking on?" and the sellers question is "Can the Buyer carry out the arrangement described in the RFP Response?" Part of the due diligence cost is going to cover the PERS termination valuation, additional financial audits for transaction date audit requirements and possible regulatory and appraisal services.

The original appropriation requested was \$100,000 to cover the consultant costs. It was mentioned then that if we went into Phase 3 we would need another appropriation for continued services. They have been very conservative in their time and billing of the city. From the initial engagement through to the selection process on August 28, they have billed the city \$72,349.60. The work through the Letter of Intent was an additional 8,615.78. During Phase 2 they also took on additional duties that were outside their scope of work of the original agreement with the town hall and additional reports to the Assembly. (With this memo is an updated proposal for Phase 3 consultant services.)

The consultants have estimated the proposed fees and expenses for these services to be \$90,000, of which \$20,000 is left from the previous appropriation. The remainder is \$70,000 for additional services from the consultants and \$80,000 for the due diligence. The identified costs are estimated at \$55,000 for the PERS termination valuation, additional financial audits for transaction date audit requirements and possible regulatory and appraisal services, as stated above. The request for an additional \$25,000 are for the unidentified due diligence needs that are likely to occur. The aim is not to come back for an additional appropriation.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2018-53
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019
(SITKA COMMUNITY HOSPITAL SALE)

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to make a supplemental capital appropriation for Fiscal Year 2019.

4. **ENACTMENT.** In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriations for the budget period beginning July 1, 2018 and ending June 30, 2019.

<u>FISCAL YEAR 2019 EXPENDITURE BUDGETS</u>
GENERAL FUND
Administration – Operations: Increase appropriations in the amount of \$150,000 in contracted/purchased services for additional consulting services regarding negotiation/due diligence on the sale of Sitka Community Hospital.

EXPLANATION

Necessary revisions in the FY2019 budget were identified. These changes involve the increase of expenditure accounts. A short explanation is included.

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 27th Day of November, 2018.

ATTEST:

Gary L Paxton, Mayor

Sara Peterson, MMC
Municipal Clerk

1st reading 11/8/18
2nd and final reading 11/27/18

Fee Proposal for City and Borough of Sitka, Alaska:

Consultative Services in support of City and Borough of Sitka's (CBS) Affiliation Strategy

October 15, 2018

Scope of Work:

City and Borough of Sitka (CBS or the Client)—and Steve Huebner of Huebner Advisory (Consultant)—are referenced in this agreement. Consultant has entered into a subcontract with Sarah Cave of Sarah Cave Consulting and Sarah's participation under the terms of that subcontract is an integral part of this engagement. Steve Huebner and Sarah Cave are jointly referred to as "Consultants."

This fee proposal is for the Consultants to provide overall project management—as well as financial and healthcare expertise—for Phase 3b of the CBS/SCH-SEARHC Affiliation process. It encompasses the following scope of work:

- Work closely with the City Administrator and legal counsel to develop and execute a schedule and timeline for Negotiations and Due Diligence process
- Serve as the conduit for information among, and ensure coordination between, team members and parties (CBS staff, CBS Negotiating Team, SEARHC Negotiating Team, Joint Negotiating Team)
- Ensure appropriate level of engagement and input from the CBS Assembly
- Facilitate and actively participate in negotiation sessions with CBS Negotiating Team and Joint Negotiating Team
- Work closely with legal counsel, SEARHC, and SCH Management to ensure coordination and responsiveness throughout the due diligence process
- Work with legal counsel to ensure that Assembly goals, SEARHC commitments, and critical issues are addressed and reflected in terms of Definitive Agreements
- Facilitate affiliation discussions at Assembly meetings and Special Sessions
- Other activities:
 - Develop a communication plan for both internal and external stakeholders
 - Assist CBS and SCH management teams and legal counsel in assessing related federal and state regulatory requirements
 - Assist management in assessing the accounting and financial implications of potential liabilities and commitments
 - Identify other contracted professional services requirements, as necessary

Success Factors:

The following are success factors the consultants have identified to be successful in this phase of the project:

- Commitment to public access to the greatest extent possible.
- Regular access to CBS staff and Internal Team.
- Regular interaction (email, phone, and F2F) with CBS Assembly members.
- Semi-monthly (or monthly at a minimum) F2F visits with key project stakeholders and collaborators (CBS staff and Internal Team, SCH Management, SCH Board, CBS Assembly) for purposes of relationship-/trust-building, work sessions with key collaborators, and negotiation sessions.
- Adherence to defined team approach, project roles, and communication protocol: Keith (Administrator); Sarah (Project Manager/Content Expert); Steve (Finance/Transaction Expert); Sandy (Primary Legal Resource); Brian (Legal Oversight); Coral (Project Coordinator/Data-Sharing); Sara (Assembly Interface). *Refer to Communication Protocol.*

- Desire and motivation of CBS staff, SCH Management, and CBS Assembly to embrace concepts set forth in the Letter of Intent entered into with SEARHC and engage in due diligence activities and support good faith negotiations of transaction agreements.

Consultant Deliverables and Fees:

The following table outlines the estimated fees and expenses for Phase 3b of the engagement. Scope and fees assume conclusion of Phase 3b by the end of the CBS fiscal year (June 30, 2019).

Scope of Activities/Deliverables (from previous page):	Hourly Rates:	
<ul style="list-style-type: none"> • Develop, implement, and manage to schedule and timeline for Negotiations and Due Diligence process • “Air Traffic Control” for overall project components (negotiations, due diligence, coordination of project stakeholders and collaborators) • Ensure appropriate level of engagement and input from the CBS Assembly • Facilitate and actively participate in negotiation sessions with CBS Negotiating Team and Joint Negotiating Team • Work closely with legal counsel, SEARHC, and SCH Management to ensure coordination and responsiveness throughout the due diligence process • Ensure that Assembly goals, SEARHC commitments, and critical issues are addressed and reflected in terms of Definitive Agreements • Facilitate affiliation discussions at Assembly meetings and Special Sessions • Other activities as outlined on previous page 	Sarah Cave	\$175
	Steve Huebner	\$250
	Anticipated Hours (Phase 3.b):	
	Sarah Cave	225 hours
	Steve Huebner	144 hours
	<i>Proposed Fees (Phase 3b.)</i>	<i>\$75,375</i>
	<i>Est. Out-of-Pocket Expenses</i>	<i>\$14,625</i>
	<i>Proposed Fees and Expenses</i>	<i>\$90,000*</i>
	<i>Fees Previously Appropriated</i>	<i>\$23,035</i>
	<i>Balance of New Engagement</i>	<i>\$66,965</i>

The above table outlines anticipated hours for this phase of the project, including roughly \$23,000 previously appropriated for our original RFP process engagement. We will monitor progress against these estimates and communicate with management to the extent that actual effort is greater or less than estimated. Fees will be adjusted accordingly. Should the scope expand beyond that outlined above or the timeframe extend beyond June of 2019, Consultants will discuss the potential of extending the engagement via an addendum.

Fees do not include legal services rendered by any third-party law firm not any consultation necessary by other consulting firms to perform specialty services or due diligence activities. Consultants will bill monthly for project fees and expenses, with expenses related to travel, per diems, meals or other costs directly associated with the project outlined separately. Out-of-pocket expenses for Phase 3b. are estimated to be \$14,600 to ensure adequate face-to-face

engagement with project stakeholders.

Additional Terms:

As previously agreed, the laws of the State of Alaska will govern this agreement and that, in the event a dispute arises between the Client and Consultants, the matter will be submitted to the Superior Court for the State of Alaska, First Judicial District of Sitka, which shall be the sole and exclusive venue for any such dispute. Consultants agree to and will submit to the personal jurisdiction of those courts.

In addition, the following terms are incorporated into this agreement:

1. Consultants anticipate that CBS management and (as necessary) the SCH Board and management, will actively participate in this engagement, providing the data/information necessary for the consultants to complete an organizational, financial, and market assessment, and making themselves available to answer questions, test assumptions, and validate information with Consultants.
2. Consultants will rely on the accuracy and reliability of information provided by CBS and SCH management.
3. Consultants will complete the scope of work outlined in the proposal. The CBS Assembly and management will be responsible for ownership and implementation of adopted plans.
4. Consultants will invoice monthly, with payment due within 15 days of receipt.
5. To the extent that additional work outside the scope of this proposal is necessary, Consultants will proceed with addendum based on mutual agreement with Client.
6. Confidentiality Consultants shall not, during the term of this Agreement and any time after its expiration, disclose any proprietary or confidential information relating to the services, this Agreement, or Consultant's business or operations without the prior written consent of the Client.
7. Ownership of Material. Any data, information, documents, reports, or other material, graphic, software or otherwise, prepared by Consultants for the Client under this Agreement, shall belong to and remain the property of Client. The data, information, documents, reports, etc., shall not be disclosed by Consultants to anyone other than Client without prior written consent of Client.
8. Insurance. Before the execution of the Agreement, Consultants shall obtain all insurance required under this section. Consultants shall maintain insurance throughout the term of this Agreement. Proof of the required insurance shall be provided to the Client in the form of a Certificate of Insurance, showing the type and the amounts of insurance, the policy number, expiration date and signed by an authorized representative of the insurance company. Each Certificate of Insurance shall state that the policy or policies have been endorsed whereby the insurance company will provide not less than thirty (30) days written notice to the Client of any material change, cancellation, or non-renewal of the insurance policies. The Commercial General Liability insurance required under this section shall name Client as an additional insured for the purposes of this Agreement. Consultants shall provide the following types of insurance: Professional Liability insurance, single limit of \$1M, general aggregate limit of \$1M; Worker's Compensation insurance, if applicable, including Employer's Liability and Worker's Compensation, at minimum limits required by Alaska law; Commercial General Liability, single limit of \$1M, general aggregate limit if \$1M; All other types of coverage are exempt.
9. Indemnification. Consultants shall defend, indemnify, and save Client harmless for any loss, injury or damage to Client arising out of the performance by Consultants of the services provided under this Agreement insofar as such loss, damage or injury results solely from Consultants negligence, or reckless or willful act or omission of Consultants

as judicially determined. This indemnity does not include claims that arise from any negligence, or willful or reckless act or omission of Client as judicially determined.

In accordance with the terms and conditions of this Agreement, Client shall be responsible for the accuracy and completeness of all data, information and representations provided to Consultants for purposes of this engagement. Because of the importance of oral and written management representations to the effective performance of Consultants services, Client releases and indemnifies Consultants and its personnel from any and all claims, liabilities, costs and expenses attributable to any misrepresentation by management and its representatives.

10. Consultants agree to perform the Services hereunder solely as independent contractors. The Parties agree that nothing in this Agreement shall be construed as creating a joint venture, partnership, franchise, agency, employer/employee, or similar relationship between the Parties, or as authorizing either Party to act as the agent of the other. Consultants are and will remain independent contractors in its relationship to the Client. Client shall not be responsible for withholding taxes with respect to the Consultants compensation hereunder. Consultants shall have no claim against the CBS hereunder or otherwise for vacation pay, sick leave, retirement benefits, social security, worker's compensation, health or disability benefits, unemployment insurance benefits, or employee benefits of any kind. Nothing in this Agreement shall create any obligation between either Party and a third party. Consultants shall not assign this Agreement or sub-contract any portion of it without Client's prior written consent. This Agreement cannot be amended or modified except by agreement in writing executed by both Parties. This Agreement constitutes the entire agreement between the Parties.

11. This Agreement shall become effective when fully executed and will continue for a period of (12) twelve months or until the services have been satisfactorily completed and Consultants have been paid in full for such services. This Agreement may be terminated by either Party on provision of thirty (30) days written notice to the other Party, with or without cause.

Signatures:

By signing below, both Parties agree to the terms of this Agreement.

City and Borough of Sitka, Alaska

P. Keith Brady
Municipal Administrator

Date

Huebner Advisory, LLC:

Signature

Date



CITY AND BOROUGH OF SITKA

Master

File Number: 18-212

File ID: 18-212	Type: Item	Status: AGENDA READY
Version: 1	Reference:	In Control: City and Borough Assembly
		File Created: 10/31/2018
File Name:		Final Action:

Title: Discussion / Direction on the reimplementation of the Senior Sales Tax Exemption Program

Notes:

Sponsors:

Enactment Date:

Attachments: Discussion Direction Senior Sales Tax Exemption

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-212

title

Discussion / Direction on the reimplementation of the Senior Sales Tax Exemption Program

Sponsors: Nelson / Mosher

Discussion / Direction

on the reimplementation of the Senior Sales Tax
Exemption Program



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Keith Brady, Municipal Administrator
Mayor Paxton and Assembly Members

From: Assembly Members Valorie Nelson/Kevin Mosher

Date: 10/22/18

Subject: Discussion / Direction of Senior Sales and Property Tax Exemptions

Background: The voters recently approved reinstating the senior sales tax exemption. The citizens referendum, Ordinance 2018 – 35 stated "...if approved by the voters would reinstate the Sitka General Code as it existed prior to the passage of Ordinance 2018-14. Administration is providing direction that only those who have reached age 65 shall be exempt, while the prior code per Ordinance 2012-19 stated that the cardholder's spouse was also entitled to the exemption.

We believe the current assembly may want to rethink this, and possibly provide a different direction to the city administrator. We would like to bring this up for discussion and/or direction.

In addition, there has been a letter circulated to about 70 seniors demanding a comprehensive property audit and reapplication process as well as "monthly "bed-checks" to verify they are living in their senior property tax exempted residences. We believe this merits discussion and/or direction.

Recommendation: To be discussed



CITY AND BOROUGH OF SITKA

Master

File Number: 18-213

File ID: 18-213	Type: Item	Status: AGENDA READY
Version: 1	Reference:	In Control: City and Borough Assembly
		File Created: 10/31/2018
File Name:		Final Action:
Title: Discussion / Direction on the Senior Citizen Property Tax Exemption Program		

Notes:

Sponsors:

Enactment Date:

Attachments: Discussion Direction Senior Citizen Property Tax Exemption Program, ASSESSOR MEMO SCDV19 Property Tax Exemption Program

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-213

title

Discussion / Direction on the Senior Citizen Property Tax Exemption Program

Sponsors: Nelson / Mosher

Discussion / Direction
on the Senior Citizen Property Tax Exemption
Program



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Keith Brady, Municipal Administrator
Mayor Paxton and Assembly Members

From: Assembly Members Valorie Nelson/Kevin Mosher

Date: 10/22/18

Subject: Discussion / Direction of Senior Sales and Property Tax Exemptions

Background: The voters recently approved reinstating the senior sales tax exemption. The citizens referendum, Ordinance 2018 – 35 stated "...if approved by the voters would reinstate the Sitka General Code as it existed prior to the passage of Ordinance 2018-14. Administration is providing direction that only those who have reached age 65 shall be exempt, while the prior code per Ordinance 2012-19 stated that the cardholder's spouse was also entitled to the exemption.

We believe the current assembly may want to rethink this, and possibly provide a different direction to the city administrator. We would like to bring this up for discussion and/or direction.

In addition, there has been a letter circulated to about 70 seniors demanding a comprehensive property audit and reapplication process as well as "monthly "bed-checks" to verify they are living in their senior property tax exempted residences. We believe this merits discussion and/or direction.

Recommendation: To be discussed



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

MEMORANDUM

To: Mayor Paxton and Assembly Members
Keith Brady, Municipal Administrator

From: Wendy Lawrence, Assessing Director
Wendy Lawrence

Date: October 2, 2018

Subject: Senior-Citizen/Disabled-Veteran Property Tax Exemption Program

Summary:

Administration of our community property tax and the associated exemptions requires a high level of integrity and fairness that is grounded in law. The current audit of the Senior-Citizen/Disabled-Veteran Property Tax Exemption Program (SCDVPTEP) is required by both state and local law, and is guided in practice by the *Standard on Procedural Issues for the Application of the Senior Citizen/Disabled Veteran/Widow-Widower Property Tax Exemption Program in Accordance with ALASKA STATUTE 29.45.030(e)-(i)*, a best-practices standard developed by the Alaska Association of Assessing Officers (AAAO). The SCDVPTE program was established by the state and in a manner that grants fiduciary responsibility to the local Assessor, with oversight by the State Assessor within the bounds of AS 29.45. The Assessor's eligibility determinations for this program are appealable directly to the Sitka Superior Court.

As a current Board Member of the Alaska Association of Assessing Officers, I am well versed in the laws, case law and standards used to administer this program statewide. Each were considered thoroughly upon implementation of this audit. Additionally, my experience includes five years in the State Assessor's office directly advising the Legislature and municipalities across the state on fiscal policy and property taxation in particular. Further, I co-authored the 2014 State Assessor's Audit of the City and Borough of Sitka, as the Assistant State Assessor with the authority and auditing oversight afforded by Alaska Statute Title 29 Chapter 45. The Office of the State Assessor has indicated that Sitka needs to audit and improve exemption records, as recommended in both the 2010 and 2014 Office of the State Assessor audits.

Auditing of this program is not negated by SGC 4.12.025(D), which alleviates annual refiling. While some may read this code section to negate ever having to refile, the intent of the law was to alleviate both the administrative and participant burden of annual refiling; it does not however negate the necessity of audit required by SGC 4.12.025 (J). Auditing of the program requires current information in order to determine whether the taxpayer and use of the property still qualifies for the exemption. SCDVPTE applicants were last audited in 2014, at which time all applicants were required to reapply. Audit reapplication is also required by AS 29.45.030(f) in any form, and at any time (first-filing or audit) the Assessor determines necessary.

The Senior-Citizen/Disabled-Veteran Property Tax Exemption (SCDVPTE) is the largest and most widely utilized local mandatory exemption, having grown from a handful of applicants in 1972 to a projected 625 applicants for Tax Year 2019 in Sitka. Eligibility requirements are outlined within AS 29.45 and SGC 4.12.025; this year's audit program was enacted to review a random sample subset of the applicants due to the state and local law mandate to audit, due to the State Assessor's recommendations in 2010 and 2014, and due to the growing population of seniors and veterans who are eligible to apply for the program. Applicants were selected through a random-number generating process.

Sitka's property taxbase has steadily increased from 1-3% annually, but increases have historically been offset by increases in exemptions afforded by the Senior-Citizen/Disabled-Veteran Property Tax Exemption (SCDVPTE) Program in particular. Proper administration of Sitka's property tax base, the most stable portion of the General Fund Budget generating approximately 25% of general fund revenue supporting schools, roads, and other community infrastructure, includes adherence to both valuation and exemption eligibility laws and standards.

Program eligibility in Sitka continues to rise due to Sitka's larger than average senior population, due to the aging nature of the overall population, and due to the increasing number of veterans exiting service with a disability. Eligible applicant counts are expected to increase at a rate of about 6% per year. In 2012 there were 480 participants, and in 2019 over 625 applicants are expected, comprising 25% of the estimated 2,500 total residential structures in Sitka. This will exempt approximately \$500,000 in tax revenue in the upcoming fiscal year. Auditing of the program will continue in accordance to the criteria established in state law, local law, and professional best practices. Presently, the current audit has provided early indications of non-compliance on the order of 8% among program participants, which further warrants the completion of this audit to ensure fairness and equity among all taxpayers. Please feel free to contact me to discuss this issue or a particular case if you have questions or comments.

Detail:

Administration of the SCDVPTE is regulated by state law (AS 29.45), local law (SGC 4.12.025), case law and professional best practices as established by the Alaska Association of Assessing Officers (AAAO), and regulation is overseen by the State Assessor's Office. Property tax exemption programs enacted by the Legislature include over 50 tax credits, optional exemptions and mandatory exemptions found within Alaska Statutes Title 29 Chapter 45, with oversight authority afforded to the State Assessor and local assessors. The underlying principle in law is that all property is taxable unless explicitly exempted; case law has cited that exemptions are to be narrowly construed with the burden of proof on the taxpayer (*Greater Anchorage Area Borough v. Sisters of Charity, of the House of Providence and Stanek v. Kenai Peninsula Borough 2003*). Optional exemptions are those that can be optionally enacted by the local municipality; the Sitka Assembly has chosen to enact the optional Community Purpose Exemption and has granted this exemption to various non-profit or community-oriented entities that the Assembly determined as bringing a significant contribution to the community.

Optional exemptions are the discretion of the Assembly and mandatory exemptions are the discretion of the Assessor with appeals directly to Superior Court (SGC 4.12.025(I) :

SGC 4.12.025(I). Required property tax exemptions shall be granted or denied by the assessor. Optional property exemptions shall be granted or denied by the assembly. Any appeal from the final administrative decision by the assessor or the assembly must be filed within thirty days of the decision to the Alaska Superior Court at Sitka in accordance with Alaska Rules of Appellate Procedure.

Mandatory exemptions are to be administered by local Assessor, granted only upon certification by the Assessor as to the qualification for the exemption, and audited by the Assessor regularly (SGC 4.12.025(J) :

SGC 4.12.025(J). The assessor shall periodically review required and optional property exemption status to determine whether the taxpayer and use of the property still qualifies for the exemption.

Auditing of the program requires current information and thus reapplication is required in order to "determine whether the taxpayer and use of the property still qualifies for the exemption." SCDVPTE applicants were last audited in 2014, at which time all applicants were required to reapply. Reapplication is mandatory in order to have current information on which to make a determination as required by state and local law.

In addition, auditing of the program is not negated by SGC 4.12.025(D) which alleviates annual refiling:

SGC 4.12.025(D). For all tax years beginning with the 2002 tax year, the senior citizen or disabled veteran

required exemptions set forth in AS [29.45.030](#)(e) and (f) may not be granted except upon written application on a form provided by the assessor. A once qualified senior citizen or disabled veteran need not file the application for successive tax years but must notify the assessor of any change in ownership, residency, and permanent place of abode or status of disability.

While some may read this code section to negate ever having to refile, the intent of the law was to alleviate both the administrative and participant burden of annual refiling; it does not however negate the necessity of audit required by SGC4.12.025 (J).

Audit reapplication is also required by AS 29.45.030(f):

AS 29.45.030(f) To be eligible for an exemption under (e) of this section for a year, a municipality may by ordinance require that an individual also be eligible for a permanent fund dividend under AS 43.23.005 for that same year or, if the individual does not apply for the permanent fund dividend, that the individual would have been eligible for the permanent fund dividend had the individual applied. An exemption may not be granted under (e) of this section except upon written application for the exemption; and

By any form, and at any time (first-filing or audit) the Assessor determines necessary by AS 29.45.030(f):

AS 29.45.030(f): The assessor shall require proof in the form the assessor considers necessary of the right to and amount of an exemption claimed under (e) of this section, and shall require a disabled veteran claiming an exemption under (e) of this section to provide evidence of the disability rating. The assessor may require proof under this subsection at any time.

The Assessor by law is appointed as the fiduciary of both mandated and optional exemptions ensuring compliance and adherence to eligibility standards. Accurate administration of the programs is essential to continued success of such programs.

While population, employment and earned income have declined or remained relatively flat, there is an increase in the number of senior citizens in relation to the total population. Because of the statutory exemption for homes owned by senior citizens, this is having a significant impact on potential property tax revenues in many communities ([State Assessor – Alaska Taxable 2017](#))

Senior-Citizen/Disabled Veteran Property Tax Exemption Program October 1, 2018 to September 30, 2019

Audit Program History:

The Senior-Citizen/Disabled-Veteran Property Tax Exemption (SCDVPTE) is the largest and most widely utilized local mandatory exemption, having grown from a handful of applicants in 1972 to a projected 625 applicants for Tax Year 2019 in Sitka. This program exempts up to \$150,000 of value of the real property owned and occupied as the **primary residence and permanent place of abode by a resident who is (1) 65 years of age or older; (2) a disabled veteran.** Eligibility requirements are strictly outlined within AS 29.45 and SGC 4.12.025; this year's audit program was enacted to review a random sample subset of the applicants due to various factors:

- SGC 4.12.025(J) and AS 29.45.030(f) requiring regular auditing of this program, with the last audit conducted in 2014
- Recommendation of the State Assessor's 2010 and 2014 City and Borough of Sitka Assessing Department Audits as the oversight authority for the administration of the property taxbase
- The growing population of seniors and veterans who are eligible to apply for the program

Both Alaska Statutes and Sitka General Code require regular auditing of this program; therefore an audit cycle of four years was established by agreement between the State Assessor and the Assessing Department during both the

2010 and 2014 audits of the Assessing Department (attached).

In 2014 the Assessor audited the program by requiring all 501 applicants to reapply (City and Borough of Sitka State Assessor's Audit 2014)

It is projected that Sitka will have 625 applicants for the 2019 Tax Year, which comprises 25% of the estimated 2,500 total residential structures in Sitka. This will exempt approximately \$500,000 in taxes in Tax Year 2019. Eligible applicant counts are expected to increase at a rate of about 6% per year. Auditing of the program will continue and will be conducted according to the criteria established in state law, local law, and professional best practices.

Audit Program Criteria:

The Senior-Citizen/Disabled-Veteran Property Tax Exemption Audit Program audit was established to run for a twelve-month period running October 1, 2018 to September 30, 2019. Participants were selected by random number generation resulting in 68 applicants, or 10% of total applicants. The audit program will have two parts:

1. Reapplication for Tax Year 2019
2. Ongoing Residency Audit visits during a forward-moving 12-month period to determine continued eligibility for Tax Year 2020

All elements of the audit program must be completed in order for eligibility to continue. Once an audited applicant completes the audit cycle, they will be removed from the audit program.

Reapplication is necessary in order to document current eligibility for exemption, and a comprehensive property inspection is also necessary in order to determine exemption apportionment for portions of the property that are not used exclusively for the intended exempt use of the owner. Apportionment methods established by the Alaska Association of Assessing Officers (attached for reference) are used for standardized exemption administrative practices across the state.

Program parameters are as follows:

- Applicant must qualify for the 2018 and 2019 Permanent Fund Dividend (PFD)
- A completed reapplication must be received by 5pm December 14, 2018. Audit reapplications will not be accepted after this date nor will late-file appeals be granted.
- A property inspection must be scheduled by the applicant and completed by December 15, 2018. If the applicant does not call to schedule an inspection by December 1, 2018, or does not allow a property inspection, the application will be denied.
- If the minimum residency requirements cannot be documented monthly through a site visit and door knock, or through the required personal return of the signed monthly door hangers, the applicant will be removed from the program.
- Exemption Eligibility Determination letters for Tax Year 2019 will be mailed on January 15, 2019, to all applicants, indicating whether the applicant meets the exemption criteria. This will establish the 30-day right of appeal to the Alaska Superior Court as afforded by SGC 4.12.025(l).
- The Residency Audit portion of the program will continue for a 12-month period, for the residency verification portion of the audit and for use in determining the Tax Year 2020 eligibility.
- The residency audit will mirror the PFD residency requirements with absences allowed by AS 43.23.08
- Absences must be documented and in accordance with the statutes in order to be counted towards the residency requirements.
- Residency results gathered by the Assessing Department will not be shared with the PFD Program unless required by law to do so.
- Homebound seniors will be accommodated by the Assessor's personal visit to their home to pick up a signed door-hanger, to review the application, to inspect the home to determine the area exclusively used by the senior as their "permanent place of abode"
- Audit eligibility parameters are those outlined by applicable state and local code, which have been referenced within.

Background

Senior Citizens/Disabled Veteran Property Tax Exemption History

The State of Alaska enacted the first statewide senior citizen property tax exemption in 1972 and it became effective on January 1, 1973. The original program was limited to those individuals with an annual income of less than \$10,000; however, the maximum income requirement was removed in 1974. An assessed value limitation was added to the program in 1976, however, this was also removed the following year and made retroactive to the year of its enactment. Disabled veterans, limited to those who had suffered a 50% service connected disability, were added to the program for the 1985 assessment year.

The program exempted the total assessed value of eligible applicants from property taxes and the property taxes which local municipalities lost due to the enactment of this program were totally reimbursed by the state until 1986. In the program's beginning, the total amount requested by municipalities for reimbursement was slightly more than \$197,000. However, the popularity of the program grew along with the number of applicants until 1985 when the total reimbursement request was over \$4,000,000. In 1986 the request from municipalities grew to over \$6.3 million and the Alaska Legislature failed to fund the program at 100%. The funding for this program has failed to meet the requested amount every year since 1986. The total funding amount was at 100% from 1973 through 1985 but has dropped from 79.53% in 1986 to only 6.2% in 1995. In 1987, the program was changed to mandate only the first \$150,000 of assessed value to be exempt from property taxes, although municipalities still retain the authority to exempt individuals over that amount in cases of financial hardship or, for all program recipients, if approved by the voters.

The Alaska Legislature has not funded the reimbursement for this program since 1997. In 2017, the program exempted \$78 million in taxes statewide. The elimination of funding from the state and the ever increasing growth of this program has caused local municipalities to scrutinize the program more closely and assure themselves that only those individuals, who truly qualify, participate in the program.

Program eligibility in Sitka continues to rise due to Sitka's larger than average senior population, due to the aging nature of the overall population, and due to the increasing number of veterans exiting service with a disability. Eligible participants have increased year to year on average by 6%. In 2012 there were 480 participants, and in 2019 over 625 applicants are expected.

REFERENCE MATERIALS

LOCAL STATUTES

Sitka General Code 4.12.025 Exemptions.

- A. The following property is exempt from general taxation: All properties required to be exempt from taxation under AS [29.45.030](#) which are adopted and incorporated by reference.
- B. Required exemptions shall be granted and claimed as set forth under the procedures in AS [29.45.030](#) which are adopted and incorporated by reference.
- C. Definitions relating to required exemptions set forth in AS [29.45.030](#) are also adopted and incorporated by reference.
- D. For all tax years beginning with the 2002 tax year, the senior citizen or disabled veteran required exemptions set forth in AS [29.45.030](#)(e) and (f) may not be granted except upon written application on a form provided by the assessor. A once qualified senior citizen or disabled veteran need not file the application for successive tax years but must notify the assessor of any change in ownership, residency, and permanent place of abode or status of disability.
- E. The community purpose optional property tax exemption under AS [29.45.050](#)(b) (1) (A) is adopted and incorporated by reference. All or a portion of the property of an organization not organized for business or profit making purposes and used exclusively for community purposes, may be exempted if income derived from rental of that property does not exceed the actual cost to the owner of the use by the renter.
- F. Business property inventory that is subject to sale and is nonreal property shall be exempt from taxation, as an optional exemption as set forth in AS [29.45.050](#)(c).
- G. Exemption application shall be filed by February 15th of each year.
1. The assembly for good cause shown may waive the claimant's failure to make timely application and authorize the assessor to accept the application as if timely filed. "Good cause" shall mean:
 - a. Extraordinary circumstances beyond the control of the claimant, including but not limited to a medical condition or disability, impaired mental capacity, illiteracy, family emergency, death in the family, or other similar serious condition or event, that substantially impaired the claimant's ability to file a timely application.
 - b. Extraordinary circumstances for a finding of good cause do not include late filing due to the claimant's inadvertence, oversight, or lack of knowledge regarding the filing requirements or deadline, financial hardship or failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up or read mail.If a failure to timely file has been waived and the application approved, the amount of the tax that the claimant has already paid for the property exempted shall be refunded to the claimant.
 2. The city and borough shall not accept a late application for an exemption under subsection A or B of this section that is filed more than ninety days after the date the application was due for the assessment year for which the exemption is sought, regardless of good cause.
- H. Each optional exemption must receive prior approval by the assembly, giving consideration to the benefits provided the community by the organization and to the amount of property to be removed from the tax rolls. In order to be considered a community service organization, an organization must:
1. Benefit a significant portion of the public; and
 2. Not profit persons other than employees; and
 3. Qualify for a federal income tax exemption under [26 USC 501](#).
- I. Required property tax exemptions shall be granted or denied by the assessor. Optional property exemptions shall be granted or denied by the assembly. Any appeal from the final administrative decision by the assessor or the assembly must be filed within thirty days of the decision to the Alaska Superior Court at Sitka in accordance with Alaska Rules of Appellate Procedure.
- J. The assessor shall periodically review required and optional property exemption status to determine whether the taxpayer and use of the property still qualifies for the exemption.
- K. A taxpayer who files a timely business property return with the assessor shall be exempted the first twenty-five thousand dollars of assessed value of business property owned by each taxpayer from taxation as an optional

REFERENCE MATERIALS

LOCAL STATUTES

Sitka General Code 4.12.025 Exemptions.

Exemption as set forth in AS [29.45.050](#)(c). For taxpayers with multiple business property accounts, the optional Exemption will be distributed among all of the accounts pro rata, based on the proportion of the assessed value in each account to the total assessed value of taxpayer's business property. This exemption shall not apply to personal property affixed to land or improvements to land, float houses, nor to motor vehicles subject to a registration tax under AS [28.10.431](#) and as such statute may be hereafter amended, revised, or replaced.

(Ord. [16-45](#) § 4 (part), 2016; Ord. 13-29 § 4 (part), 2013; Ord. 13-26 § 4, 2013; Ord. 11-23 § 4, 2011; Ord. 06-50 § 4 (part), 2007:

Ord. [02-1658](#) § 4, 2002; Ord. 01-1616 § 4, 2001; Ord. 89-895 § 4, 1989; Ord. 86-694 § 4, 1986.)

REFERENCE MATERIALS

STATE STATUTES

AS 29.45.030 AS 29.45.030. Required exemptions.

- (a) The following property is exempt from general taxation:
- (1) municipal property, including property held by a public corporation of a municipality, state property, property of the University of Alaska, or land that is in the trust established by the Alaska Mental Health Enabling Act of 1956, P.L. 84-830, 70 STAT. 709, except that
 - (A) a private leasehold, contract, or other interest in the property is taxable to the extent of the interest;
 - (B) notwithstanding any other provision of law, property acquired by an agency, corporation, or other entity of the state through foreclosure or deed in lieu of foreclosure and retained as an investment of a state entity is taxable; this subparagraph does not apply to federal land granted to the University of Alaska under AS 14.40.380 or 14.40.390, to other land granted to the university by the state to replace land that had been granted under AS 14.40.380 or 14.40.390, or to land conveyed by the state to the university under AS 14.40.365;
 - (C) an ownership interest of a municipality in real property located outside the municipality acquired after December 31, 1990, is taxable by another municipality; however, a borough may not tax an interest in real property located in the borough and owned by a city in that borough;
 - (2) household furniture and personal effects of members of a household;
 - (3) property used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes;
 - (4) property of a nonbusiness organization composed entirely of persons with 90 days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable, or the property of an auxiliary of that organization;
 - (5) money on deposit;
 - (6) the real property of certain residents of the state to the extent and subject to the conditions provided in (e) of this section;
 - (7) real property or an interest in real property that is
 - (A) exempt from taxation under 43 U.S.C. 1620(d), as amended or under 43 U.S.C. 1636(d), as amended; or
 - (B) acquired from a municipality in exchange for land that is exempt from taxation under (A) of this paragraph, and is not developed or made subject to a lease;
 - (8) property of a political subdivision, agency, corporation, or other entity of the United States to the extent required by federal law; except that a private leasehold, contract, or other interest in the property is taxable to the extent of that interest unless the property is located on a military base or installation and the property interest is created under 10 U.S.C 2871 – 2885 (Military Housing Privatization Initiative), provided that the leaseholder enters into an agreement to make a payment in lieu of taxes to the political subdivision that has taxing authority;
 - (9) natural resources in place including coal, ore bodies, mineral deposits, and other proven and unproven deposits of valuable materials laid down by natural processes, unharvested aquatic plants and animals, and timber;
 - (10) property not exempt under (3) of this subsection that
 - (A) is owned by a private, nonprofit college or university that is accredited by a regional or national accrediting agency by the Council for Higher Education Accreditation or the United States Department of Education, or both; and
 - (B) was subject to a private leasehold, contract, or other private interest on January 1, 2010, except that a holder of a private leasehold, contract, or other interest in the property shall be taxed to the extent of that interest.
- (b) In (a) of this section, "property used exclusively for religious purposes" includes the following property owned by a religious organization:
- (1) the residence of an educator in a private religious or parochial school or a bishop, pastor, priest, rabbi, minister, or religious order of a recognized religious organization; for purposes of this paragraph, "minister" means an individual who is

REFERENCE MATERIALS
STATE STATUTES
AS 29.45.030 AS 29.45.030. Required exemptions.

- (A) ordained, commissioned, or licensed as a minister according to standards of the religious organization for its ministers; and
 - (B) employed by the religious organization to carry out a ministry of that religious organization;
 - (2) a structure, its furniture, and its fixtures used solely for public worship, charitable purposes, religious administrative offices, religious education, or a nonprofit hospital;
 - (3) lots required by local ordinance for parking near a structure defined in (2) of this subsection.
- (c) Property described in (a)(3) or (4) of this section from which income is derived is exempt only if that income is solely from use of the property by nonprofit religious, charitable, hospital, or educational groups. If used by nonprofit educational groups, the property is exempt only if used exclusively for classroom space.
- (d) Laws exempting certain property from execution under the AS 09 (Code of Civil Procedure) do not exempt the property from taxes levied and collected by municipalities.
- (e) The real property owned and occupied as the primary residence and permanent place of abode by a resident who is (1) 65 years of age or older; (2) a disabled veteran; or (3) at least 60 years of age and a widow or widower of a person who qualified for an exemption under (1) or (2) of this subsection is exempt from taxation on the first \$150,000 of the assessed value of the real property. A municipality may by ordinance approved by the voters grant the exemption under this subsection to the widow or widower under 60 years of age of a person who qualified for an exemption under (2) of this subsection or to a resident who is the widow or widower of a person who dies from a service-connected cause sustained while serving as a member of the United States armed forces or as a member of the National Guard. A municipality may, in case of hardship, provide for exemption beyond the first \$150,000 of assessed value in accordance with regulations of the department. Only one exemption may be granted for the same property, and, if two or more persons are eligible for an exemption for the same property, the parties shall decide between or among themselves who is to receive the benefit of the exemption. Real property may not be exempted under this subsection if the assessor determines, after notice and hearing to the parties, that the property was conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor may be appealed under AS 44.62.560 – 44.62.570. In this subsection, “widow or widower” means a person whose spouse has died and who has not remarried. A municipality shall determine the eligibility requirements and application procedure for an optional exemption provided under this subsection.
- (f) To be eligible for an exemption under (e) of this section for a year, a municipality may by ordinance require that an individual also be eligible for a permanent fund dividend under AS 43.23.005 for that same year or, if the individual does not apply for the permanent fund dividend, that the individual would have been eligible for the permanent fund dividend had the individual applied. An exemption may not be granted under (e) of this section except upon written application for the exemption. Each municipality shall, by ordinance, establish procedures and deadlines for filing the application. The governing body of the municipality for good cause shown may waive the claimant's failure to make timely application for exemption and authorize the assessor to accept the application as if timely filed. If an application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of (e) of this section. If the application for exemption is approved after taxes have been paid, the amount of tax that the claimant has already paid for the property exempted shall be refunded to the claimant. The assessor shall require proof in the form the assessor considers necessary of the right to and amount of an exemption claimed under (e) of this section, and shall require a disabled veteran claiming an exemption under (e) of this section to provide evidence of the disability rating. The assessor may require proof under this subsection at any time.
- (g) The state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of (e) of this section. However, reimbursement may be made to a municipality for revenue lost to it only to the extent that the loss exceeds an exemption that was granted by the municipality, or that on proper application by an individual would have been granted under AS 29.45.050(a). If appropriations are not sufficient to fully fund reimbursements under this subsection, the amount available shall be distributed pro rata among eligible municipalities.

REFERENCE MATERIALS
STATE STATUTES
AS 29.45.030 AS 29.45.030. Required exemptions.

(h) Except as provided in (g) of this section, nothing in (e) – (j) of this section affects similar exemptions from property taxes granted by a municipality on September 10, 1972, or prevents a municipality from granting similar exemptions by ordinance as provided in AS 29.45.050.

(i) In (e) – (i) of this section,

(1) "disabled veteran" means a disabled person

(A) separated from the military service of the United States under a condition that is not dishonorable who is a resident of the state, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as 50 percent or more by the branch of service in which that person served or by the United States Department of Veterans Affairs; or

(B) who served in the Alaska Territorial Guard, who is a resident of the state, whose disability was incurred or aggravated in the line of duty while serving in the Alaska Territorial Guard, and whose disability has been rated as 50 percent or more;

(2) "real property" includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes.

(j) One motor vehicle per household owned by a resident 65 years of age or older on January 1 of the assessment year is exempt either from taxation on its assessed value or from the registration tax under AS 28.10.431. An exemption may be granted under this subsection only upon written application on a form prescribed by the Department of Administration.

(k) The department shall adopt regulations to implement the provisions of (g) and (j) of this section.

(l) *[Repealed, § 8, ch 9 SLA 17]*

(m) For the purpose of determining property exempt under (a)(7)(A) of this section, the following definitions apply to terms used in 43 U.S.C. 1620(d) unless superseded by applicable federal law, and for the purpose of determining property exempt under (a)(7)(B) of this section, the following definitions apply:

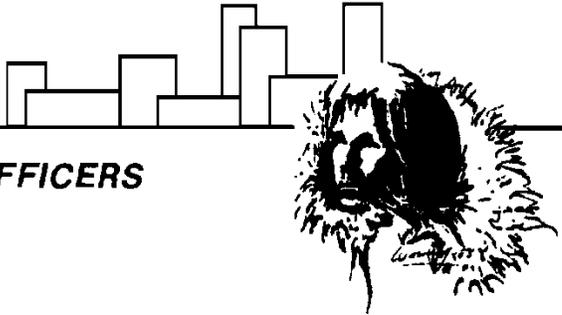
(1) "developed" means a purposeful modification of the property from its original state that effectuates a condition of gainful and productive present use without further substantial modification; surveying, construction of roads, providing utilities or other similar actions normally considered to be component parts of the development process, but that do not create the condition described in this paragraph, do not constitute a developed state within the meaning of this paragraph; developed property, in order to remove the exemption, must be developed for purposes other than exploration, and be limited to the smallest practicable tract of the property actually used in the developed state;

(2) "exploration" means the examination and investigation of undeveloped land to determine the existence of subsurface nonrenewable resources;

(3) "lease" means a grant of primary possession entered into for gainful purposes with a determinable fee remaining in the hands of the grantor; with respect to a lease that conveys rights of exploration and development, this exemption shall continue with respect to that portion of the leased tract that is used solely for the purpose of exploration.

(n) If property or an interest in property that is determined not to be exempt under (a)(7) of this section reverts to an undeveloped state, or if the lease is terminated, the exemption shall be granted, subject to the provisions of (a)(7) and (m) of this section.

(§ 12 ch 74 SLA 1985; am §§ 1, 2 ch 91 SLA 1985; am § 44 ch 37 SLA 1986; am §§ 2 — 4 ch 70 SLA 1986; am § 3 ch 66 SLA 1991; am § 1 ch 85 SLA 1991; am § 14 ch 93 SLA 1991; am § 1 ch 54 SLA 1992; am § 4 ch 97 SLA 1992; am E.O. 99 § 71 (1997); am § 81 ch 21 SLA 2000; am § 2 ch 117 SLA 2000; am § 8 ch 136 SLA 2000; am § 1 ch 23 SLA 2001; am § 1 ch 42 SLA 2002; am § 2 ch 74 SLA 2003; am § 1 ch 140 SLA 2004; am § 1 ch 44 SLA 2006; am § 3 ch 101 SLA 2008; am § 1, 2 ch 101 SLA 2008; am §§ 1,4 ch 10 SLA 2010; am § 1 ch 71 SLA 2010; am § 1 ch 29 SLA 13)



ALASKA ASSOCIATION OF ASSESSING OFFICERS

**Standard on Procedural Issues for the Application of the Senior
Citizen/Disabled Veteran/Widow-Widower Property Tax
Exemption Program in Accordance with ALASKA STATUTE
29.45.030(e)-(i)**

Approved: November 18, 1996

Alaska Association of Assessing Officers

The assessment standards set forth herein represent a consensus of thought within the assessment industry in the State of Alaska. The standard has been reviewed and adopted by the Executive Board of the Alaska Association of Assessing Officers with the objective of providing a means by which assessing officers can improve and standardize the operation of their offices. The standard presented here is advisory in nature, and the use of, or compliance with this standard is strictly voluntary.

Revision Notes

Amendments: November 13, 2017, November 7, 2000, and approved November 18, 1996

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1. Scope

This standard provides information and recommendations regarding the Senior Citizens/Disabled Veterans/Widow-Widowers property tax exemption program authorized by AS 29.45.030(e)-(i). Any change to the statutes as reflected in this standard could necessitate a change to this standard.

2. Introduction

The State of Alaska mandates an exemption from property taxes for senior citizens, disabled veterans and widow-widowers for property which is owned and occupied as the primary residence and permanent place of abode. There are areas within the statutes which are vague or ambiguous and, in many cases, the assessor is required to spend an inordinate amount of time checking with other municipalities to assure that the approach he/she has utilized is consistent with other areas of the state. This standard is intended to set forth guidelines which assessors should follow for consistency in administering this program.

3. History

The State of Alaska enacted the first statewide senior citizen property tax exemption in 1972 and it became effective on January 1, 1973. The original program was limited to those individuals with an annual income of less than \$10,000, however, the maximum income requirement was removed in 1974. An assessed value limitation was added to the program in 1976, however, this was also removed the following year and made retroactive to the year of its enactment. Disabled veterans, limited to those who had suffered a 50% service connected disability, were added to the program for the 1985 assessment year. The program exempted the total assessed value of eligible applicants from property taxes and the property taxes which local municipalities lost due to the enactment of this program were totally reimbursed by the state until 1986. In the program's beginning, the total amount requested by municipalities for reimbursement was slightly more than \$197,000. However, the popularity of the program grew along with the number of applicants until 1985 when the total reimbursement request was over \$4,000,000. In 1986 the request from municipalities grew to over \$6.3 million and the Alaska Legislature failed to fund the program at 100%. The funding for this program failed to meet the requested amount every year until the legislature finally stopped providing reimbursement for the program in 1995. The total funding amount was at 100% from 1973 through 1985 but dropped from 79.53% in 1986 to only 6.2% in 1995. In 1987, the program was changed to mandate only the first \$150,000 of assessed value to be exempt from property taxes, although municipalities still retain the authority to exempt individuals over that amount in cases of financial hardship or, for all program recipients, if approved by the voters.

The reduction in funding from the state and the ever increasing growth of this program has caused local municipalities to scrutinize the program more closely and assure themselves that only those individuals who truly qualify, participate in the program. Some of the

ambiguities of the statutory language is also under scrutiny. It is for these reasons that this standard is necessary to give assessors consistent procedures to utilize when approving applications for the program.

4. PRIMARY ISSUES

There are five primary issues which this standard will address: **(A) primary residence and permanent place of abode (and the need for residency requirements), (B) partial property ownership by program participants, (C) multiple ownership within a multiple unit property, (D) multiple parcel ownership by program participants, and (E) the date when the exemption attaches and what criteria must be met by that date, (F) Partial/non-exempt use**

5. A. Primary Residence/Permanent Place of Abode - Residency Requirement

State law, which exempts the property of senior citizens, disabled veterans and widow-widowers, simply states that “The real property owned and occupied as the primary residence and permanent place of abode...” (emphasis added) is exempt from property taxes. The statute does not define permanent place of abode nor whether the applicant must reside on the property for the entire year or only a portion of the year in order to continue to receive the exemption.

The problem of the primary residence arises predominately in those occasions when individuals maintain more than one residence in multiple states. In some cases, the individuals maintain a residence in Alaska for only the summer months and return to other, warmer climates during the winter. In a few of the extreme cases, the individuals have purchased property around popular tourist areas such as the Kenai River, placed a travel trailer on blocks there and claimed that as their permanent place of abode.

At the present time, there is only one state senior program which has a residency requirement. That is the Pioneer Homes program. A second, the Longevity Bonus Program was phased out in 2003.

Pioneer Homes Program

The Pioneer Homes program operates to assist those seniors who need care with housing. This program is available to all seniors who have maintained a residency in Alaska of one year immediately preceding initial application. There is a waiting list maintained for this program and once an individual is added to the list, he/she must intend to maintain continuous residency while on that list. They must reside within the state for 185 days during the year or they may be disqualified from the program. They may have absences from the state for more than 180 days for medical reasons, schooling, governmental appointments outside the state, or other reasons which have been listed.

Longevity Bonus Program

Due to the high cost of living in Alaska, the Longevity Bonus Program was enacted to assist senior citizens in maintaining their residency in Alaska. This program that distributed a monthly payment to eligible seniors of up to \$250 was phased out in 2003 due to lack of funding. However, eligible applicants were required to maintain continuous residency in the state for one year in order to be eligible. After the eligibility period, the applicants could not have had an absence from the state for longer than 90 days. If they did experience absences of more than 90 days, they were disqualified from receiving bonuses for the next twelve months.

Both programs require continuous residency to maintain eligibility. There should be no less requirement for this property tax exemption program.

THE FOLLOWING STANDARDS APPLY ONLY TO THE PROPERTY TAX EXEMPTION AUTHORIZED BY AS 29.45.030(e)

6. STANDARD A

In order to continue to be eligible for the senior citizen/disabled veteran/widow-widower property tax exemption program, applicants must occupy, as the primary residence and permanent place of abode, the property for at least 185 days per calendar year within the State of Alaska after the first year application period. Failure to maintain the required residency in the prior calendar year will be cause for the denial of the individual's application for the program for the current year. Absences from the state for more than 180 days per year will not disqualify the individual for the tax exemption program if they are for the following reasons:

- (1) pursuit of a formal course of study under the supervision of an established primary or secondary school, college, university, vocational school, or professional school, or performance of an internship or residency necessary to establish a professional specialty, if the person returned to Alaska within 60 days after completion of the course of study, internship, or residency;
- (2) medical treatment upon the recommendation of a licensed physician or psychologist if
 - (A) the absence did not include a permanent change of residence; and
 - (B) the person returned to Alaska within 60 days after completion of the treatment and any recommended convalescence period;
- (3) service in the United States Army, Navy, Air Force, Marines, or Coast Guard, or the Alaska National Guard or Naval Militia, if the person
 - (A) enlisted or was drafted while a resident of Alaska; and
 - (B) returned to Alaska within 60 days after discharge, retirement, or

completion of the out-of-state duty;

(4) employment by the State of Alaska in a location outside of the state if the person returned to Alaska within 60 days after termination of that employment;

(5) service in the U.S. Congress as a representative or senator for the State of Alaska, or service on the staff of such a representative or senator, if the person returned to Alaska within 60 days after the service ended;

(6) service as a presidential appointee as a cabinet member or as an ambassador, or service on the staff of such an appointee, if the person returned to Alaska within 60 days after the service ended;

(7) confinement in an out-of-state correctional institution by order of a court, if the person

(A) was a resident of Alaska before the confinement began; and

(B) returned to Alaska within 60 days after release from the institution;

(8) medical necessity of a nonresident spouse, parent, dependent, or sibling required the applicant to be out of the state to provide care for the parent, spouse, dependent, or sibling, if the applicant

(A) was a resident of Alaska when the medical necessity arose; and

(B) returned to Alaska within 60 days after the medical necessity ended;

(9) family necessity required the applicant, whose relationship with another state resident was that of a parent, spouse, dependent, or sibling, to accompany that individual who was absent for reasons allowed by (1) - (8), and (10) of this subsection, if the applicant

(A) was a resident of Alaska when the necessity to accompany the absent individual arose; and

(B) returned to Alaska within 60 days after the end of the family necessity;

(10) admission to a licensed long-term care facility outside Alaska upon the recommendation of a licensed physician issued no later than the date of departure from Alaska, if the applicant

(A) continuously maintained residency in Alaska while temporarily absent from the state; and

(B) returned to Alaska within 60 days after discharge from a licensed long-term care facility.

7. B. Partial Property Ownership by Program Participants

For a variety of reasons, some properties owned by seniors are not owned solely by those seniors, but have a shared ownership. Consequently, the entire property may not be eligible for the property tax exemption offered by AS 29.45.030(e). This statute reads in part that "...the property owned and occupied..." (emphasis added) will be eligible for the property tax exemption. It is obvious that the statute intends to exempt only that portion of the property owned by the eligible applicant, consequently, a partial ownership should result in a partial exemption. Prior to 1982 the Alaska Administrative Code 19 AAC 35.080 (c) read "When the standard of eligibility is met, the exemption is that portion of the tax equal to the percent of ownership of the eligible owner or owners." This code was

in effect from 1974 through 1981 and was repealed in 1982. The reason for the repeal is unknown. Regardless of the 1982 repeal of this section of the code, the position of the State Assessor is that the proration of the exemption based upon the percentage of ownership is a valid application of the exemption.

8. STANDARD B

The standard for the determination of the exemption when partial property ownership exists is that the exemption is equal to only the percent of property ownership of the eligible applicant. The first exception to this standard is when an eligible applicant and his or her spouse, or domestic partner own the same permanent place of abode; the exemption applies to the entire value of the property irrespective of that percentage of ownership of the applicant. The second exception to this standard occurs when the ownership of the property is shared with individuals who are eligible for the exemption program and also occupy the property as their primary residence and permanent place of abode. The exemption applies to the entire value, subject to statutory limitations. In situations like this it would be considered best business practices to have both “eligible” owners complete an application, then in the event that one should pass away the other wouldn’t need to come back in to apply as it would already be on file without interruption.

STANDARD B Comment/Example:

If an applicant owns an undivided one-half interest, that is, John Doe and Jerry Public both are shown on the deed as owners, and John Doe is the applicant, the property will receive an exemption of 50% of the assessed value, up to \$150,000. However, if Jerry Public also meets the necessary criteria for eligibility, the property should receive an exemption of 100% of the assessed value, up to \$150,000.

9. C. Multiple Ownership within a Multiple Unit Property

There are instances when individuals who are eligible for the property tax exemption program find themselves partial owners of multiple units of residential property, such as duplexes, triplexes, etc. They share the ownership with others who may also be eligible for the exemption. The statutes, however, limit the number of exemptions to one for the same property. Past practice has been to limit the exemption to the percentage of ownership of one of the eligible applicants and only allow one exemption per property. This practice usually does not allow the entire exemption limitation, \$150,000 to be met and fails, in our opinion, to meet the intent of the law.

10. STANDARD C

If the ownership and occupancy of a multiple unit property is shared by persons who are eligible for the exemption program, the assessor may accept only one application for the

property and exempt the property up to the maximum exemption of \$150,000. If only one unit of the property is occupied by an eligible individual, an exemption proration will occur based upon the ownership percentage or actual occupancy percentage, if it is greater than the ownership percentage. It would be considered best business practices to have all "eligible" owners complete an application, then in the event that one should pass away or sell their interest, the other(s) wouldn't need to come back in to apply as it would already be on file without interruption, assuming they still meet the program qualifications.

STANDARD C - Comment/Example:

For example, if two eligible individuals own and occupy a duplex, each in a separate unit, with an assessed value of \$ 150,000, the entire amount (up to the statutory limitation) will be exempted. If, however, only one individual is eligible for the program, the exemption will be prorated on his/her percent of ownership (**Standard A**) or, if the percent of ownership and percent of actual occupancy differ, the percent of occupancy. If an eligible applicant owns 50% of a four-plex and occupies one of the units, his/her exemption percentage will be 25%, assuming all four units are approximately equal in size.

11. D. Multiple Parcel Ownership

In many instances, participants in the exemption program own more than one parcel of property and want to claim that as part of the residence so the exemption will also attach to those properties. And, in many cases, it is proper to include those properties in the exemption program. The statutes are silent to the number of parcels an individual may have in the program, however, the existing regulations do attempt to address this issue.

Eligibility in chapter **3 AAC 135.085** of the regulations currently read, in part:

- (d) The real property eligible for reimbursement under this chapter includes only a
 - (1) primary parcel: the entire parcel of real property owned and occupied by an applicant as a permanent place of abode; and
 - (2) subsidiary parcel: a parcel of real property adjacent to the primary parcel described under (1) of this subsection, subject to approval by the department.

Within **Definitions** in chapter **3 AAC 135.120** of the regulations permanent place of abode is defined as:

- (4) "permanent place of abode" means a dwelling, or a dwelling unit in a multiple dwelling, including lots and outbuildings, or an appropriate portion thereof, which are necessary to convenient use of the dwelling unit;

The two cites actually work hand in hand with each other. The definition includes, not only the lot where the dwelling is located, but also other lots which are necessary for the

convenient use of the dwelling. This would include such uses as a well or septic system, garage, perhaps a barn or green house, etc. The eligibility (reimbursement) cite allows for reimbursement of the dwelling parcel and a parcel adjacent to the dwelling which needs to be approved by the department. The approval should hinge on the necessity of the subsidiary parcel for convenient use of the primary parcel, therefore rendering this section of the code meaningless. The reasoning of the inclusion of the subsidiary parcel language in the code is not clear, and perhaps, no approval should be given by the department for reimbursement of subsidiary parcels, since any lot which is necessary for convenient use of the primary parcel should have been included in the primary parcel.

There are instances when a residential improvement has been built across two lots, or even as many as three lots, if they are smaller lots. It should not matter the number of lots or parcels which are exempted. If lots or parcels are necessary for the convenient use of the dwelling unit, then they should be included in the exemption, up to the limit of \$150,000.

12. STANDARD D

The total number of parcels included in the exemption amount will not be limited by any given number other than the \$150,000 limit placed upon the assessed value. However, parcels will only be included in the exempted amount if they are adjacent to, integrally related to, and deemed necessary for the convenient use of the primary dwelling unit parcel. These uses include, but are not limited to, multiple lots under the dwelling structure, well and septic use, garage, shops or outbuildings (for private use), greenhouses, gardens and airplane hangars. Parcels which have been separated from the primary parcel without the owner's initiation, for example, involuntary splitting of the property by roads or map pages shall not constitute a separate parcel for purposes of this exemption.

13. E. Exemption Date

As with all other exemption determinations, the determination of the senior citizen/disabled veteran/widow-widower exemption must be made as of a date certain. However, in order for the exemption to attach, certain criteria must be met before that date. The criteria which must be met includes age, ownership, residency, all which should be verified prior to January 1, of the assessment year for which the exemption is sought.

14. STANDARD E

The date for determination of eligibility for the senior citizen/disabled veteran/widow-widower property tax exemption program is January 1, of the assessment year for which the exemption is sought. In order for a senior citizen to participate in the program, they must attain the age of 65 prior to January 1. A disabled veteran must be certified as being at least 50% disabled prior to January 1. The widow-widower of either the qualified senior or disabled vet must be at least 60 years of age. In either scenario, the senior, disabled vet and the widow-widower must own and occupy the property as their residence prior to

January 1 of the assessment year. (See **Standard A** for residency requirements)

15. F. Partial Non-Exempt Use

There are times when a senior citizen, disabled veteran or widow/widower will use their exempt property for a use which is not the same as their permanent residence. Examples of this are uses for a commercial activity, such as an office, commercial shop space or rental of a portion of the property for either commercial use or use as a B&B. If the entire property is rented for any of these purposes, the exemption does not attach. But, if only a portion of the property is rented, the matter needs to be addressed somewhat differently.

To be consistent throughout the state, the following standard requires that the use and portion of property being used for non-exempt purposes be determined first. The exemption can then be applied to the portion of the property which is being used for an exempt purpose, up to the maximum \$150,000. For example, if 1/3 of a \$300,000 property is used for a non-exempt purpose, the exemption will attach to only the remainder value of the property, i.e., \$200,000, for a total \$150,000 exemption. By the same reasoning, if 1/4 of a \$160,000 property is used for non-exempt purposes, the exemption can only apply to the remaining \$120,000.

16. STANDARD F

If a property which is otherwise exempt under AS 29.45.030(e), is used in part for purposes other than that as a permanent place of abode of an applicant, the assessor will first allocate a percentage of use for both the exempt and non-exempt portions of the property. The percentage of exempt usage of the property will be applied to the entire mandated \$150,000 exemption.

STANDARD F- Comment/Example:

The percentage use of a property must first be determined in order to calculate the eligible exemption, including land apportionment. For example, if a portion of a property is rented out, the portion used as a rental must first be determined and a use percentage calculated. If the use is calculated at, say 27% then the remainder of the property may be exempted, up to the maximum of \$150,000. If the total property value were, say \$205,000 the non-exempt portion of the property is valued at \$55,350 ($205,000 \times .27$). The remainder value of the property, \$149,650 ($\$205,000 - \$55,350$) would be eligible for the exemption. The percentage (27%) is NOT multiplied by the mandated exemption amount (\$150,000). The appropriate value of the property which is used for the exempt purpose (\$149,650) has the exemption attach, up to the maximum amount.

Definitions:

Resident - an applicant who has established continuous residency in the State of Alaska for

one (1) year prior to initial application, and then intends on maintaining a fixed habitation in the state for at least 185 days per calendar year.

Senior Citizen - one who is 65 or older before January 1st of the exemption year.

Disabled Veteran - has the same meaning as AS 29.45.030(i)(1)

Widow-Widower - Someone who is at least 60 years of age, and the widow or widower of a person who qualified for a Senior Citizen or Disabled Veteran exemption under AS 29.45.030(e)(1)(2).

Owned and Occupied - 1) Possession of an interest in real property, including but not limited to, a mobile home or condominium, which is recorded in the office of the district recorder, or, if unrecorded, is attested by contract, bill of sale, deed of trust, or other proof in a form satisfactory to the assessor; and 2) Living on the real property as one's primary residence.

Mobile Home- a trailer, house trailer, trailer coach, motor home and similar property used for residential purpose, and attached or connected to water, gas, electric facility, or sewage facility.



CITY AND BOROUGH OF SITKA

Master

File Number: 18-211

File ID: 18-211

Type: Item

Status: AGENDA READY

Version: 1

Reference:

In Control: City and Borough Assembly

File Created: 10/31/2018

File Name:

Final Action:

Title: Reschedule December 25 regular meeting to December 20

Notes:

Sponsors:

Enactment Date:

Attachments: Reschedule

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City and Borough Assembly	11/08/2018					

Text of Legislative File 18-211

title
Reschedule December 25 regular meeting to December 20

Reschedule December 25 Regular Meeting to December 20

Assembly Calendar										
Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	
December 2018										
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday
26	27	28	29	30						
	6:00pm Regular Assembly Mtg	Nelson 6:00pm Police and Fire Commission	Nelson	Nelson						
3	4	5	6	7						
Nelson	Nelson	6:00pm Library Commission Nelson 7:00pm Planning Commission	Knox Nelson 12:00pm SEDA Board Meeting	Knox						
10	11	12	13	14						
	12:00pm Parks & Rec 6:00pm Regular Assembly Mtg	6:00pm Historic Preservation 6:15pm Port & Harbors Commission	12:00pm LEPC 1:30pm Health Needs & Human Services Commission							
17	18	19	20	21						
	12:00pm Tree/Landscape	7:00pm Planning Commission								
24	25	26	27	28						
	HOLIDAY 6:00pm Regular Assembly Mtg	6:00pm Police and Fire Commission	6:00pm Hospital Board Meeting							