

KETCHIKAN CHARTER COMMISSION

REGULAR MEETING

January 30, 2004

The regular meeting of the Ketchikan Charter Commission commenced at 5:30 p.m., Friday, January 30, 2004, in the City Council Chambers.

A: Pledge of Allegiance

Roll Call

PRESENT: PAINTER, OTTE, THOMPSON, HARRINGTON, KIFFER, FINNEY

ABSENT: MCCARTY

B: Ceremonial Matters

NONE

C: Public Comments

Robert Reeser, Mile 9 North Tongass, addressed the Commission on his concerns regarding lack of culpability for contractors performing construction projects for the governmental agencies. He mentioned Schoenbar, the Ted Ferry Civic Center, the swimming pool, and the Crow's Nest. He indicated that some places throw out the high & low bids and select from the middle to get a more accurate number.

Mr. Reeser also talked about the Gravina Bridge options and that the location of the bridge should be north rather than south. He said the number one priority should be a hard link to Canada and that the costs to go to the airport are too high as opposed to the actual cost to the Borough to provide the service.

Paul Hook, 488 North Point Higgins Road, was the next speaker. Regarding consolidation, he said he wants to see that service areas are maintained. If people want to pay for sewers, lighting, and water, then as a group they can get together, get the funding and use these services so that you pay for what you're going to use. He felt that since he has a water cistern and an outfall, he didn't need city water and sewer.

Regarding areawide power, he thinks those should be limited. The North

Tongass Fire & EMS is just getting started after a lot of work by people and he would hate to see that go by the wayside because someone in the “municipality” and that the needs of the north end should be met by the people of the north end and they be autonomous to give the people who live there the services they want, need and desire.

Commissioner Painter asked for Mr. Hook’s thoughts on reducing the number of service areas; say the north end beyond the municipality into one service area with a service area board that would be advisory to the newly elected Assembly.

Mr. Hook responded that it might be possible to have one service area, but there would be different needs for each sub-area in that service area. Mr. Painter said that as he understood Mr. Hook, it might be difficult for those service areas to get together to form one bigger area due to the variety of different things that are being paid for now. Mr. Hook said that input should be obtained from the other service area boards.

Mr. Painter spoke to Mr. Hook’s statement about areawide powers being limited. He stated there are some services best provided by a municipality; e.g. Education, library, utilities, 911 dispatch. (Ms. Otte interjected that a fee to all telephone users is now funding 911 dispatch. This is a new thing.) Mr. Painter questioned if maybe EMS would be more cost efficient if it was done by one entity. Mr. Hook said that when the City was doing the EMS out north, they had problems due to not knowing the area. Residents in a local EMS service would know the area. He said he felt if there were areawide powers, government would be expanded. He said he feels that the people living out north know what they want and need.

Chair Thompson questioned that if it makes sense in cost efficiency and service, would Mr. Hook consider the areawide option. Mr. Hook responded that education, library, and the Rec Center. He said everyone is paying for the Rec Center on a fee basis. It was pointed out that the library costs are shared right now between the Borough and the City proportional to the population.

Chair Thompson pointed out that there are a lot of things being paid for by everyone, but it’s not seen. We need to bring that out. Mr. Hook agreed that there were misconceptions that consolidation would cost residents a fortune because they don’t realize that things are already being paid for through taxes. Chair Thompson pointed out that some things are paid for by sales tax, for example, the bonded indebtedness on the hospital is paid for by sales tax. The fees for Parks & Recreation cover some of the cost but there is a _% tax dedicated to the operations and maintenance of the facility. There are several

things like that. Mr. Hook said there should not be two rates to the sales tax. The 5.5% should be throughout the new municipality.

Chair Thompson then asked for Mr. Hook's opinion on areawide police powers. That was an issue in the last consolidation. Mr. Hook responded that there has been a lot of discussion saying that if consolidation occurs, the State Troopers would leave. A discussion was held between the Commissioners and Mr. Hook indicating that with the State cutting down on funding, it may be a problem to keep the Troopers here.

Mr. Hook said that he didn't see an areawide sales tax as a problem, but the mill rate is the issue. He again said that in service areas, you get what you pay for. He said regarding the areawide police, that if the State doesn't say that consolidation would be a reason to cut back on the funding for the Troopers in Ketchikan, and the fact that the present police system is expanded, that might give the State reason to withdraw because it would save the State money.

It was pointed out the other entities that have consolidated still have Troopers. Maybe there would not be as many as before. It was pointed out that Haines specifically said that the Haines charter specified that police powers would not extend beyond the City of Haines. A discussion about Juneau's reduction in Trooper presence was held.

A point of clarification needed by the Commissioners is if the new municipality took on areawide powers, as such, Saxman would be included because Saxman is part of the Borough and an areawide power would be areawide. This topic will probably be revisited and the Commission can check with Commissioner McCarty once he has returned.

In closing, Mr. Hook recommended suggestion boxes, mailers asking what people felt were important. He said that the suggested Internet forums were good for the people who wanted to be involved, but the 85% who didn't vote, probably wouldn't use them.

D. Informational Reports and/or Presentations

NONE

E. Consent Calendar

The minutes of the January 21, 2004 organizational meeting were approved by unanimous voice vote.

F. Unfinished business

Chair Thompson requested an additional item be added to the agenda regarding Commission meeting days and time. There was no objection by the Commission, so that item was added as F-3 to the current agenda.

F-1: Webpage and Email Update

The webpage layout was explained. There will be no cost to the Commission. The Charter email address is charter@kpunet.net. A request was made that all emails received at that address be sent to the email list as well as Sitnews.

M/S Harrington/Kiffer to establish a Commission webpage on Sitnews in substantially the same format as the example attached and the posting of comments thereon, both those submitted directly as comments to the website and emails received by the Commission.

The email situation was discussed and it was suggested that any citizen who requested could be added to the Commission email list, to receive all the Commission's email correspondence. The public was requested to let the Commission know if they want to be included in all the all-Commission emails.

Tom Miller was recognized by the Chair and spoke about a list-serve mail option with threads. He suggested talking with someone who was knowledgeable, but felt that the intent of the Commission to keep everyone in the loop was do-able.

The vote was unanimous on the motion.

FOR: FINNEY, HARRINGTON, PAINTER, KIFFER, THOMPSON, OTTE

AGAINST:

ABSENT: MCCARTY

Prior to moving on the next agenda item, Chair Thompson spoke regarding the Open Meetings Act in its relationship to email. There were some documents given to us at the last meeting regarding this subject authored by Borough Attorney Scott Brandt-Erichsen (Note: Mr. Thompson had retained those documents and they will be duplicated and distributed at the next meeting). It is clearly the Commission's intent to make everything open to the public.

F-2: Anticipated budget needs and correspondence with the City, the Borough and community agencies and businesses

M/S Harrington/Painter to authorize the Chair to submit letters to the City and Borough, as well as varying agencies and businesses in substantially the same format as the examples attached and include the Commission's preliminary budget as an attachment with each.

Chair Thompson explained about how the figures in the preliminary budget were determined. It was noted that the clerical support would start off with a few hours per week and as the process becomes more complicated, those hours would increase. He pointed out that the list was by no means final, and requested comments. It doesn't show rental of office space or other items. It's meant as a starting point for what the Commission's needs are going to be for the process. If some of the items can be provided by other entities, then so much the better for the budget.

Commissioner Finney suggested adding more monies to the mailings. He suggested this process should be done, as well as the Internet, because a lot of people aren't on the Internet.

It was also suggested that an ad as a cutout survey in the local news media for the public to return to the Commission indicating their concerns and/or comments on the Consolidation issue. Sitnews also can do web surveys. It was suggested that 5 mail-outs be budgeted and also the advertising line item be increased by \$1500 for this purpose.

The Commission agreed to come back to the next meeting with sample questions.

A roll call vote was taken on the motion and passed unanimously.

FOR: KIFFER, PAITNER, FINNEY, THOMPSON, HARRINGTON,
OTTE

AGAINST:

ABSENT: MCCARTY

Commissioner Finney added a comment about the last issue that the facts also need to go out in the newspaper to dispel the myths.

Added item, **F-3: ESTABLISHING A MEETING DAY/TIME SCHEDULE**

M/S Thompson/Painter to schedule regular meetings of the Charter Commission for Friday nights in the City Council Chambers at 6 p.m. Chair Thompson spoke and reminded the Commissioners that a discussion had been held last week about meeting weekly and that Friday night appeared to be the night that was open. In order to meet in the City Council Chambers, a very public venue, the Commission is going to need to meet on Friday nights. Also, the Secretary cannot get to the meeting place and set up for a 5:30 meeting, so he proposed a 6 pm meeting.

M/S Thompson/Painter to set a regular meeting schedule to meet in the City Council Chambers on Fridays at 6 pm.

Commissioner Finney indicated that this time of year and for awhile, Fridays are good, but as the year progresses to summer, he suggested a little more flexible schedule, possibly earlier in the week to allow for weekend trips.

This was deemed a friendly amendment and the dates and times can always be altered.

The motion was adopted by unanimous vote.

FOR: HARRINGTON, FINNEY, PAINTER, KIFFER, THOMPSON, OTTE
AGAINST:
ABSENT: MCCARTY

G-1: Resolution no. 4 – Adopting the Consolidation Petition and Charter submitted by the City of Ketchikan in 2001 as a Working Draft for the Ketchikan Charter Commission

Chair Thompson commented that some framework needs to be in place for this Commission to start from. He indicated that Commissioner Painter had pointed out during the last meeting that the City's Charter and Petition were considered to be a model by the State, and there is a lot of boilerplate in there. A lot of very tedious work has been put into this. To adopt as a working draft, the Commission can change anything it wants.

M/S Painter/Kiffer to adopt Resolution No. 04.

Discussion comments concurred with the Chair. Other points made were changes would be easier to accomplish; the process would take

less time. The LBC has recommended the use of this document for this purpose. Another comment was made that although the LBC has recommended this action, the Commission is working for the citizens of Ketchikan, not the LBC, and the speaker didn't want the impression given that the Commission isn't merely taking this 2001 document, polishing it up and submitting it, however, using it as a boilerplate will save time and to change what is needed.

A roll call vote resulted in unanimous approval of Resolution No. 4.

FOR: PAINTER, HARRINGTON, KIFFER, FINNEY, THOMPSON, OTTE
AGAINST:
ABSENT: MCCARTY

G-2: Structuring the Writing of the Charter

M/S Harrington/Finney to recommend the presentation of alternatives to the City of Ketchikan 2001 Charter be formatted into documents and be made available to the public prior to the Commission's discussions.

A discussion point was made that if alternatives are not presented to a document, people are not given the opportunity to see or think through the process. By presenting these other community's wording in their charters, a sense of where the documents come from and there is significant boilerplate across the whole region. By seeing the document formatted in this manner, the mystique is taken out of the charter process. Commissioner Harrington indicated that he saw no problem in presenting the charter in this manner, a little at a time.

The process would follow several steps. First the document is presented for preview, the next meeting the review would take place and make any amendments or changes and adopt those changes & amendments, and the third night those changes are adopted, making those particular sections, as amended, part of this Commission's working draft. The next meeting the process would continue.

It was noted that in Mr. Bockhorst's comments to the Chamber, the actual requirements for the Charter are noted in that document.

On roll call, the motion was passed unanimously.

FOR: THOMPSON, FINNEY, PAINTER, HARRINGTON, OTTE, KIFFER
AGAINST:

ABSENT: MCCARTY

It was agreed that the Preamble and Section 1 of the City's 2001 Charter be placed on the 2/6/04 agenda for discussion and amendment, with the changes reformatted for placement in the Ketchikan Charter Commission's Working Draft Charter document being brought back for a vote on 2/13/04.

G-3: Format of Meeting Minutes

It was discussed that such extensive minutes as presented from the 1/21/04 meeting were not necessary. If the tapes are being archived, and if the public has a question about a meeting, the audio and videotapes could be pulled for review of the issue.

M/S Otte/Painter to format the Charter Commission minutes after those of the City and Borough, keeping the recorded audiotapes and recorded videotapes for referral and archive.

A unanimous roll-call vote followed.

FOR: PAINTER, HARRINGTON, FINNEY, KIFFER, THOMPSON, OTTE
AGAINST:
ABSENT: MCCARTY

G-4: Application and Acceptance of Funds from the Local Boundary Commission through the Ketchikan Gateway Borough

M/S Harrington/Finney to authorize the Chair to submit a letter of explanation as to the need and use of funding for the Ketchikan Charter Commission, a copy of the anticipated funding needed and a request for grant funding in the amount of \$10,000 to be administered by the Ketchikan Gateway Borough.

A discussion regarding how this funding became available ensued. It was mentioned that this item is in conjunction with the approved item regarding the letters from the Commission to the City, Borough and others. This appears to be brand new funding and would not be the same as the Borough's offer of the same amount that was discussed by the Borough much earlier. The KGB minutes referencing the Charter Commission funding were read.

A question arose as to whether a friendly amendment needed to be

actually voted on, or if it, being deemed a friendly amendment, actually goes into the main motion without a vote. Tom Miller, from the audience, believed the latter was the case. It was noted that letters were going to each entity requesting funds, so the answer would be forthcoming.

A unanimous roll-call vote followed.

FOR: FINNEY, HARRINGTON, KIFFER, PAINTER, OTTE, THOMPSON

AGAINST:

ABSENT: MCCARTY

H: Commission Comments

Commissioner Finney introduced himself and spoke about his employment, that his platform on running for the Commission was economically motivated – less government. He indicated that he wanted some information about areawide powers.

Commissioner Harrington passed out a sheet with some thoughts about what needed to be done; invite people and organizations to get their thoughts on consolidation; talk to the LBC representative; invite someone from Saxman, KPU, the School District, the City & the Borough to give their thoughts; scheduling subjects for discussion on the agenda such as areawide/non-areawide; service areas: what are their powers, their boundaries; sales & property taxes and what potential limits can be included in the Charter; the future of KPU. He also included a schedule for covering the discussion on the actual Charter wording.

Commissioner Painter indicated that the Commission should include Dan Bockhorst in the all-Commission emails (he had requested this occur). He talked regarding reducing the size/number of service areas that would in turn reduce government. The Commission should start with what services are needed or not needed in the outlying areas and then look at what services would be delivered in the best, most efficient, and most economical manner by the new municipality. The strongest example is education, which is most efficiently provided by the main municipality. To reduce the size of government, the reduction of service areas would help because each board has at least 5 people. Sewer and water seem to be the hot topics. If a reduction from 3 or 4 different entities providing sewer service occurs, it is much more efficient and cost effective to have one entity running the service.

Commissioner Kiffer said that the reduction in the size of government is not the only issue. He feels that reduction in the expense of the

government is needed and that he didn't care how many people the government employed, as long as it costs less. If service area board members are lumped into components of the government (unpaid members AND members of the smaller community, not government officials) this decision should come from the service area boards getting together. One of the LBC's suggestions is to consolidate "like areas", those needing similar needs and services. The Commission needs to make sure that the service areas that are in existence now are heard in this process. They should be told that yes, they could be combined, but they are still being heard through their service area board.

He also feels that the law enforcement issue is worth talking to and representatives of KPD and the Troopers should be added to the suggested list presented by Commissioner Harrington. There are hidden costs in able to have patrols. He said he's of the opinion that if the new municipality takes on the powers that the Troopers would be out of here, as well as road maintenance. The Commission needs to be cognizant that combining services and being able to provide services can be a double-edged sword.

Commissioner Otte explained some of the history of the move of Trooper Detachment to Ketchikan from Juneau after their consolidation. She indicated she didn't think they'd totally leave due to the presence of the jail and State Court here in Ketchikan, they would maintain some Troopers to respond to areas without Trooper access like Hyder and Meyers Chuck. The Commission should talk to the Lieutenant here and the Public Safety Commissioner in Juneau.

Chair Thompson indicated he was in favor of the idea of reducing the number of service areas. But, there are a lot of different powers that have been adopted by each. The option of wanting to merge should definitely be the way to go. They are volunteers who live in the areas they represent, so that is the voice of the people talking to the government. LID's (Local Improvement Districts) might be the way to go to accommodate different needs within an expanded service area.

He wanted to point out that as the Commission proceeds through this task, it should be determined where the money is coming from and where it's being spent right now. It would surprise most to see what taxes are coming in, where they're coming from and what they're paying for. It is not as inequitable as people might think. The sense he gets is that if this consolidation is going to pass with a solid majority, there should be no new taxes.

Chair Thompson also reminded the Commissioners that Pennock, Gravina, and the outlying areas are involved in this process as well as North Tongass, South Tongass and the City.

He feels that property taxes should go toward education and those items being provided in a particular service area. Sales taxes should go toward those things being provided on an areawide basis. That is not the way it is currently set up. Most of the sales occur within the boundary of the City, however the entire populace pays those sales taxes. The Hospital is supported by these sales taxes. The bond indebtedness is often being paid by revenue bonds – paying for themselves. He feels the Water Department should not be a part of KPU. It seems it falls more along the lines of Water & Sewer & Streets and should be a part of Public Works.

Next agenda should include information on areawide powers and LID's, which are separate parts within a service area. The Commissioners should bring back questions to be included in a survey. Please email those questions to Commissioner Otte to be included in one document for discussion purposes. A reminder was given that agenda items should be to Ms. Otte by Tuesday night or before 7 on Wednesday morning.

Chair Thompson wants to have 2 items on the agenda: one to adopt Robert's Rules of Order as the ruling document on procedures and something about telephonic participation on the agenda. Commissioner Finney indicated he would be gone the next two meetings and he would coordinate with Ms. Otte regarding telephonically participating.

Mr. Reeser from the audience suggested that the Commission is in a vulnerable position and that people, particularly in the Borough, feel strongly about this issue. He cautioned that the Commissioners shouldn't represent themselves as having their minds made up and are willing to listen.

The meeting was adjourned at 7:30 p.m.