

KETCHIKAN CHARTER COMMISSION

REGULAR MEETING

April 9, 2004

The regular meeting of the Ketchikan Charter Commission commenced at 6:00 p.m., Friday, April 9, 2004, in the City Council Chambers.

A: Pledge of Allegiance**Roll Call**

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

ABSENT:

B: Ceremonial Matters/Introductions

NONE

C: Public Comments

Karl Amylon, 3847 Denali Avenue, said that he planned on speaking with the Commission after he'd reviewed the last meeting. He said he was specifically going to speak regarding the sales tax distribution issue. He said felt somewhat confused after receiving the emailed amendments this morning and wondered at the direction the Commission was taking. He said that THOMPSON's amendment seemed to stress placing as much responsibility for services with the service areas and HARRINGTON's seemed to stress the need to generate revenues on areawide basis. And while are neither are necessarily mutually exclusive, it's difficult to make any comment until the Commission as a whole defines its' position and then reduces that position in the context of the Transition Plan and Financial Plan.

Mr. Amylon said he was concerned about a trend he thinks he's been hearing relative to how the structure of power is defined and the collection of revenues within the consolidated borough. He said there seems to be a reliance to take out things from the Charter and have them addressed in the Transition Plan. Speaking on behalf of what could become the City Service Area, he said that is really a major concern. Primarily because the Transition Plan is not a binding document – it will not be legally binding on the new Assembly, nor does it have

any legal weight. He indicated he'd spoken to the LBC's Dan Bockhorst earlier in the week and he confirmed what he's telling the Commission now. It's get difficult as the Commission progresses and starts to delineate what powers are going to be areawide and what powers are going to be nonareawide and what powers are going to be service area powers.

If there isn't clear reference to those within the Charter and it's just as incumbent on the Commission when dealing with that then, to clearly detail in the Charter the intent for the new Borough, the service areas and nonareawide powers are to be funded. He cited one example, dealing with HARRINGTON's amendment referencing permitting the new authority to elect to levy all or part of the remaining 2 _% of the former City of Ketchikan's sales tax on an areawide basis. If language like that is inserted in the Charter, then it begs the question of how, in detailing the Transition Plan, would the City of Ketchikan Service Area fund the services that are defined as being offered. In the prior Consolidation plan, there were clear references in both the Charter and the Transition Plan that the 2- _ % would remain in the City Service Area to fund necessary services and the 1% would go to the Borough relative to the hospital. If in the Charter the new Assembly is given the discretion, there are no guarantees that the 2- _ % is going to be available to the City Service Area to fund the services for which they are responsible. That's fine if that's how the Commission wants to work it, but then the Transition Plan and Financial Plan will have to detail how the City Service Area's services are going to be funded. If property tax were relied on, which would be the only major alternative, it would be his contention that the City voters will be lost to the consolidation effort because property taxes would take a significant jump.

Mr. Amylon said that as the Commission reduces things down to a written format they should not rely on the Transition Plan to cover items. There must be the formal language in the Charter. If the attempt is made to structure the Transition Plan by leaving so much to the discretion of the Assembly, he said to remember that the LBC does have the authority to invoke post conditions on the proposal and if they deem certain things critical, they can come back with binding suggestions that would have to be implemented. The City is going to take the position that if there is going to be a City Service Area, they are going to want definitions both in the Charter and the Transition Plan what is expected without a lot of discretion later on. That could lead to a real financial dilemma.

Mr. Amylon said in conclusion that the Petition, the Transition Plan, the Financial Plan are the tools by which the Commission is going to lay out the roadmap for voters to consider and weigh the pros and cons of consolidation and the more specific and clear it is, the better it will be for everyone.

Relative to other specific things that have been raised in the last couple of weeks, he said he could make a lot of comments, but with the Commission's indulgence, he will address those specific concerns at the time of discussion.

HARRINGTON said that the amendment before the Commission that night was not his initial proposal. He said his initial proposal had to do with leaving it as it was, but requiring the Borough Assembly within the three-year period to come back with a comprehensive sales tax proposal for the Borough to be voted on so that we can have a chance to take a look at and review for all the citizens sometime in the future, a re-assessment of the whole sales tax issue. This is a critical issue for me. This is not what I consider the best, but after our discussion last week, I figured this was the only way to at least get it on the table, but I will gladly withdraw this and come back to my previous one and suggest that we lock in a requirement that sometime in the near future they do a re-assessment.

Mr. Amylon responded by saying that he has no problem with a future Assembly reviewing the sales tax structure. He said the Commission has to be very careful in how it is worded in a couple of regards. It's a major issue and will be a significant political issue within the community. Assuming consolidation passes, the new Assembly right off the get-go is going to have its hands full. And they are going to be trying just to get through the very fundamental work of merging the two governments, so you might want to consider that in the context of timing when you would want that review undertaken.

Mr. Amylon said that the other comment he would make is however the sales tax is structured and whenever the review is going to be done, it should be worded such that the existing sales tax structure at the time of consolidation will remain in effect until such time as the Assembly submits and the voters approve an alternate. He said the Commission did not want to have a definitive sunset on sales tax revenues where the potential exists for just a stop with no alternative coming back. The political ramifications of that are very significant. He said this was his opinion only.

PAINTER asked if any changes to the sales tax code, increase or decrease in sales tax, any changes of the current sales tax rules have to be approved by the voters. Mr. Amylon wanted to know if this was in terms of the consolidation or currently. PAINTER responded that he'd like to see some changes to the sales tax code. He cited having a uniform sales tax, rather than a City/Borough sales tax and he felt some things would be prudent given the economic times and the fact that the state is talking about taxes and the Borough is talking about raising taxes. He indicated he'd like to see some changes occur that would benefit the municipality's revenues, i.e. single item sales, the point of sale rather than out

of area sales, or things like that. He said what he wanted to know is if these changes have to be approved by voters, or can the Commission tweak with those things in the Charter. Mr. Amylon said that the referenced items are generally handled by whatever elected board through its code and generally are not something subject to voter approval. He said when he talks about voter approval relative to the Charter; he said he's referring to the actual levying of the sales tax or the re-defining of the sales tax structure. Whether it be an areawide sales tax or some other mechanism by which the Commission wants to take this, the impacts of any proposals must be clearly defined in terms of the Transition and Financial plans so people can understand the impacts of say an areawide sales tax and the change to the Borough property tax rate or the City Service Area property tax rate. Along with that, before that impact is quantified, it must be resolved what the areawide, nonareawide and service area powers are going to be. Once the Commission gets through that relative to what is desired to be in place at the time of consolidation, if it's not where the Commission desires it to be, it should be set that the Assembly should review the whole sales tax structure within three, four or five years, and that could be incorporated into the petition, but Mr. Amylon said he strongly recommends having a safeguard saying that what is in effect at the time consolidation is approved carries on, not only until the Assembly submits a new plan, but until the voters approve a new plan. He said he didn't think that sales tax can't be taken collectively, particularly when consideration is given to how much of the sales tax comes from the cruise ships, and just have that revenue go away because of an artificial sunset. He said that was his main concern.

D. Informational Reports and/or Commission Presentations

THOMPSON talked about the emails with the proposed amendments. He said that he was not able to get a good email address for the Saxman mayor, Mr. Williams. He said he would get that done the first of the week.

OTTE said that a database has been started for the survey information. There have been, to date, 161 Internet survey responses and a total of 68 paper responses, 45 of which were from the newspaper flyer. That's only 1% of the 4500 distributed, which she noted, is a very disappointing response. It was suggested that another, less expensive manner be utilized for the next survey.

E. Consent Calendar

The minutes of the April 2, 2004 regular meeting were approved by unanimous

voice vote.

F. Vouchers

A voucher in the amount of \$409 was approved for payment.

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

AGAINST:

The vote was 7-0 for approval.

G-1: Review and approval of article XII, Service Areas & Areawide, of the Ketchikan 2004 Draft Charter in the Fourth reading of Four

M/S PAINTER/HARRINGTON to approve Article XII, Service Areas & Areawide, of the Ketchikan 2004 DRAFT Charter in the fourth reading of four.

THOMPSON indicated he'd had a chance to read through some of the information that Mr. Bockhorst (LBC) had provided HARRINGTON and it seems that what he (THOMPSON) had been trying to do with the service areas was to take care of the rural vs. urban and he said, from what he'd read, he didn't think that was a necessary thing to do at this time. He said he was going to withhold those amendments at this time. He said the Commission needs to look at his first amendment, to amend Section 12.02 (a) to read "The power to manage solid waste". He said the reasoning was to make management of solid waste an areawide power of the Borough and if they have it areawide they can determine the best way to deal with it. It doesn't prevent them from exercising it through service areas or nonareawide; it just gives them the power. It makes it a lot cleaner.

THOMPSON then said the corollary to that would be to delete Section 12.03 (a)(3). He said if you manage solid waste, that covers collection and disposal, so the collection doesn't have to be in the service area section. He said it gives the Assembly broad authority to manage solid waste.

MCCARTY asked Mr. Amylon if he knew why all the rest of the verbiage was in Section 12.02 (a) and why the other one was in the service area section. He said he assumed there was a reason as to why it was split out and why all the extra language was included.

Mr. Amylon said that what they had been trying to do was maintain the status quo. The areawide \$15 fee per month that allows anyone within the Borough to a variety of different mechanisms to dispose of solid waste up at the landfill or solid waste is shipped out. There are currently a number of different mechanisms in place that provide for the collection of solid waste. There are private operators, there are people who just bring their own garbage to the dump, and within the City, there are collection crews. He said he had no problem with THOMPSON's amendment to have the management of solid waste as an areawide power. He said that he thought that if collection of solid waste from service area powers was deleted (and without talking with Mr. Schweppe), he said he wasn't sure what hoops a service area would have to go through to continue that practice. He said if the City Service Area were not empowered to collect solid waste through the Charter, his first question would then be would the City Service Area have to go through the process of getting a vote of the service area residents to continue that service. He said he didn't have the answer to that.

THOMPSON said he thought that wouldn't be necessary because the Charter stipulates that the City Service Area is allowed by the Charter to exercise any powers that are being exercised at the time of consolidation. Mr. Amylon pointed out that statement is for existing service areas, not the newly created City Service Area. He said that was another distinction he'd like the Commission to keep in the back of their minds, the difference between existing service areas and the fact that right now there is no City Service Area and won't be until the date of consolidation. He said that those powers that are not granted to the City Service Area specifically in the Charter are not there. So whatever exists today goes away and when the City Service Area comes into existence, it can only do what is stipulated in the Charter.

THOMPSON said that there is a section in there that was one of his changes in his bigger amendment and it was to pull that out of 12.04 (d) where it says, "But any power other than those listed in Section 12.02 which was previously exercised by the City of Ketchikan may, without approval of the voters, be exercised by the municipality on a nonareawide basis within the Ketchikan Service Area." THOMPSON said that was in an odd place and he felt it belonged with the Ketchikan Service Area section.

OTTE said it sounded like the municipality would have the option of providing services on a nonareawide basis and MCCARTY said if it was referring to Section 12.02, that just excluded it from what the Ketchikan Service Area can do. THOMPSON said he understood what Mr. Amylon was saying and he thought it was addressed in the Article. He said he now understands Mr. Amylon's reference that if something isn't in Section 12.03 (a)(1)(2) or (3), the Ketchikan Charter Commission Minutes

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City Service Area cannot do those services.

Mr. Amylon said his read of Section 12.04 is that it's a qualifier about how the consolidated Borough can exercise powers without a vote of the residents. It's not specifically referencing the City Service Area. He said his concern is that the Commission not take away the right of the City Service Area to continue solid waste collection practices. He said if collection is left in Section 12.03 and then under 12.02 put solid waste management as was suggested. It broadens what the Borough Assembly could do on an areawide basis. They could take a look at collection, but until he talks with the City Attorney, he just didn't know what the deletion of subparagraph 3 of paragraph a of 12.03 would do.

MCCARTY said that in looking at 12.02 (a), the proposed language would simply say "The power to manage solid waste" and then would be deleting all the remaining descriptive language in that Section. He said those descriptors would be covered under the proposed language, without the detail. He asked Mr. Amylon if he could think of any reason why all that minute detail would be needed in that Section. He said it seemed like the larger description would cover it, but he was reluctant to take any of the other language out if there were a purpose for it being there.

Mr. Amylon said he would agree with MCCARTY, but he would want to discuss it with Mr. Schweppe. He said in his dealings with Mr. Schweppe over the years that Mr. Schweppe does like to define things, especially in a document like the Charter. He said he likes to be more specific than general and not leave things open to interpretation or question later on.

FINNEY recapped the issue to make certain that he understood it correctly. He said that he has a concern that if the municipality manages solid waste, that would also give them the right to extend the garbage collection throughout the community and that may not be what the service areas want. If 12.03(a)(3) were left in the Charter, then all the collection would have to be done by service areas. FINNEY wanted to know if that was the way it is currently and THOMPSON said that the Borough areas are not regulated. There is not a service area in the Borough for garbage collection per se. None of the service areas have garbage collection powers, so that's another conflict in the Article. He said that if the municipality simply has the power to manage solid waste, then they could determine in what manner they want to do that: areawide, nonareawide or service area. And what Mr. Amylon is concerned with is that the City currently has that power. It's not delineated anywhere in here that they can continue to provide garbage collection.

FINNEY wanted to know how the current practice work under that outside the City limits. He wanted to know how that falls into the Charter. If they have the power to manage it, they say, okay, an individual can go out solicit with anybody outside the City they want to.

THOMPSON said in theory that was correct, but actually garbage collection is regulated by the State, as well. Right now it's completely voluntary for people outside the City limits to have their garbage collected. There are no service area powers delineated. If you desire to have your garbage collected and you live in the Borough, the private company, Tongass Sanitation, provides that service.

FINNEY wanted to know if the wording, as it appears in the Charter, was okay, keeping everything status quo and THOMPSON said, no, not really. The Charter says "The following powers shall be exercised only through service areas," and that would mean that there would have to be a service area created for people to get garbage collection outside the City, as well as maintaining the status quo inside the City.

MCCARTY said if you don't want the areawide power of collection of garbage, the cleanest way is to not change the language. It should say power to dispose. That's clear. If you say power to manage, a very reasonable definition is that "manage" encompasses everything relating to garbage. Not just getting rid of it, but also getting it to get rid of it. He said if borough-wide power is not desired, the word "manage" shouldn't be used. If the intention is to have it be borough-wide, then the language is in conflict with 12.03 because 12.03 says only a service area would do it.

THOMPSON said that's why he wants to amend it to take out 12.03 (a)(3). A home rule municipality can manage solid waste. MCCARTY said he was just explaining the two different definitions currently being discussed. Some people are saying the Borough won't have the power to collect garbage and some are saying that yes, this is what would be the desired result. That's a decision that can be made, but everyone needs to be on the same wavelength. MCCARTY said he's uncomfortable taking the language out. He further stated that taking out 12.03 (a)(3) out would mean that the power that the City has to collect immediately ceases upon adoption of the Charter and then something's going to have to be put into place sometime in the near future that would address the issue of how collection would take place in the City. A new system would have to be started.

THOMPSON said that brings up another issue because it says 'collection, but not disposal of solid waste can only be exercised through the service areas',

which is not the case right now. So a service area would have to be created, i.e. the Metro Service area. MCCARTY and THOMPSON further discussed the issue. MCCARTY said that the way it's structured in the Charter, inside the City Service Area there would be the power to collect garbage. If the section were taken out, once the new municipality is created, there would be no power to collect garbage inside the City Service Area. If only areawide has it, it will have to be decided by legislative enactments to start that new system. MCCARTY indicated that if the powers are not specifically given to the City Service Area in the Charter, they don't carry-over from the present City.

THOMPSON said he was attempting to take most all of these mandatory areawide powers in 12.02 (a) and put them into 12.03 (a), making them service area and nonareawide, creating the metro service area and then he said that collection and disposal phrase and decided to try to simplify the language by just saying management of the solid waste and then allow the municipality to 'manage' solid waste through service areas. He also said that by doing this, the extraneous language in 12.02 (a) could be eliminated.

MCCARTY also said he was glad the whole 'metro service area' idea had been pulled from the table because until and unless it's decided that the annexation is going to take place and something like the 'metro service area' is needed to afford the more rural citizens of the expanded borough a relief from full charges for services they probably won't and cannot geographically receive. MCCARTY also said that we really don't need to do anything like that at this time since there's so much political pressure on both sides of that issue, it's hard to tell what will happen. He reiterated that Mr. Amylon had reminded the Commission that if the power is not listed in 12.03, the new City Service Area no longer could collect garbage.

Mr. Amylon said that if THOMPSON's suggestion of inserting the wording in 12.02(a) 'the power to manage solid waste' and 12.03(a)(3) is deleted pertaining to collection, upon consolidation's approval, essentially what will be is solid waste disposal and collection as an areawide power. And it would then become the responsibility of the municipality, the Borough, to provide solid waste collection within the City area. He wanted to know if that was something that the Commission wanted. His second point was that by adopting that language, the new Borough has implicitly been given the power to exercise collection throughout the Borough with no consultation with the voters other than the vote on consolidation. The day after consolidation is approved (he said he was being over-simplistic) the new Assembly and management say they are going to continue collection within the City, but we are also going to start collection in Forest Park and do wherever else, and as he understands it, it would not require a vote of Forest Park residents and fees could be

assessed to pay for the service.

FINNEY wanted to know how does the Commission get through leaving it the way it is. He was reminded that there was an amendment on the table and to leave these sections the way they are, the amendment would need to be voted down. FINNEY said he wanted to make certain that in the areas outside the City limits, collection would remain as it is now. PAINTER explained that because the government is not performing that function, it falls under State regulations and the status quo could be maintained, but he would like to get a read on that from Mr. Schweppe to make sure.

HARRINGTON said that if it becomes an areawide power, he said he meant a nonareawide power to collect garbage, then the people outside the City area have a choice of whether they want to tax themselves to have it collected, or not do that and allow private vendors to pick it up and he said he thought that was the way people would probably want to have it done. He said he thinks the status quo on this garbage issue is the way to go.

A roll-call vote on the amendment to change the wording in Section 12.02(a) to 'The power to manage solid waste' and delete Section 12.03(a)(3).

FOR:

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

The motion was defeated 7-0.

THOMPSON said he would consult with Mr. Schweppe to insure that the language in the Charter maintains the status quo.

HARRINGTON said he'd had a chance to read through team report on EMS programs/powers throughout the Borough and they touched on some points that they weren't happy with in this report having to do with the lack of cooperation between the individual departments and they mentioned the consolidation effort. He said he would probably be dealing with bringing back at least what is needed to address those concerns. Part of it had to do with the centralized training, functions. Some of these things can be areawide and the services can still be delivered in a nonareawide way, but there seems to be some clear emphasis from an outside team that came in and looked at the EMS. OTTE requested a copy of the reports for the office.

THOMPSON said he would like to see EMS areawide, but at that time he was not prepared to make a motion on that issue. He said that he thought the

community would like to have ambulance service at a fairly high level areawide. HARRINGTON said that the problem with that is it's not as clear as a person would think, the delivery of the EMS. There are all kinds of ways of delivering them and making sure the citizens are happy with it. He said right now, he would guess, that most of the people have no idea that there isn't just one provider of EMS. THOMPSON said when he has an emergency, he wants to dial 911 and have an ambulance show up. HARRINGTON said that's what we've said is currently an areawide power, but it's who is delivering it that's not been delineated yet as an areawide, as a nonareawide power. There is some work to be done on this and in the next few months, the topic needs to be addressed.

MCCARTY brought up prior discussions of level and promptness of EMS service both within the City and out in the Borough. He pointed out that he wondered if people at Mile 16 North would be willing to carry the load, or are the people of the community willing to carry the load to have a quicker response time, whatever that would cost in staffing. He said that this area is clearly very important to a community and it's an areawide concern, but he said he thinks that given the current geography and population distribution in our community that there will be some common sense exercised with the training and compatible equipment, and those things could be accomplished through contracting. If a push comes with a real need to go areawide, then there must be faith that the elected officials will respond to that need and change the system. He said that looking at it right now, contracting between the groups would probably address some of the major concerns without the need to go areawide with the services.

PAINTER said that if it is decided that EMS is to be an areawide power and it would be funded through sales tax or property tax, there's going to be different levels of service just because of logistics. He said he agreed with MCCARTY that the best provider of EMS in the area is the City, but within the City there are still different levels of service. He said that he agreed that the most logical thing to do for a service area that is going to have to adopt EMS powers, one of their options then other than forming their own EMS service, is to contract with the City to provide those services.

KIFFER said that the issue becomes apples and oranges as opposed to a two-minute drive for the ambulance, a 5 or 6-minute drive, as opposed to a 20-minute drive. The difference between EMS & fire is that a 20-minute response time on a fire, the percentage of human life at risk is not that great. EMS services are quite certain and that if EMS goes areawide, and everyone is paying the same rate, that the folks on the far reaches north and south are going to expect that 2-minute response time or something similar and he said

he thinks that whole section needs to remain as a service area power. We're here to save money and he said he didn't think that by trying to provide the same level of service areawide is going to save us any money. He said that somehow the Commission needs to concentrate on the standardization and training and equipment purchases. He said he thought that could be done inter-departmentally as opposed to actually being written in the Charter.

FINNEY said he needed to disagree with KIFFER regarding the standardization of response times. He said he lives at Mile 16 North and the reason he lives out there is he doesn't like being around people and if part of what he has to have from living out there is not having an immediate ambulance service, then so be it. He said it seems like you can't have your cake and eat it too. You can't be out in the far North or South ends and not have to deal with all the problems of the City, but you want all the good parts of the City to still be with you. You can't have it all. He said he thinks there's some balance that needs to be looked at in the whole issue.

KIFFER said that was kind of his point in that if you want to live 'out' and you are okay with it, are you going to be okay with paying the increase for an areawide service you're not going to get equally.

FINNEY said that even though his ambulance service on the north end is because it's going to be made equal so he also has a two-minute ambulance response time like everyone else, he said he's still 20 minutes to the hospital and he's paying the same hospital bill. He said it's not equal and it's not going to be.

PAINTER questioned KIFFER about whether EMS responders need to be sponsored by a physician and that physician will look at the personnel and training and he is the one that says what treatments can be performed by the personnel. KIFFER said the physician sponsors the program and as such, sponsors the medical personnel working within the program. The State certifies the training levels and abilities. There are four different levels of emergency medical care that have standardized tests and training. The difference with EMS, that although it may be a 20-minute ride to the hospital, the true life-saving responses for the EMS is the life is going to be saved on scene, at home. Everything else is a bus ride to town. It's the cardiac and airway emergencies that need the 2-minute response time. Training levels are standardized throughout Alaska. The sponsor physician utilizes criteria in State statute.

HARRINGTON said that the Commission had touched a little on the rural differential rate in the memo from Dan Bockhorst. There are rural sections in

the Borough right now. There is Loring, Gravina, Deep Bay, Vallenar. There is the potential if they expand to go larger. He wanted to know if it is worth the Commission's time to talk about the what-ifs now, or should it be left up to the future Borough to deal with. He said his question was if there were a plan for a reduced mill rate for the Cleveland Peninsula if the Annexation takes place. He said there wasn't really a clear answer provided. HARRINGTON said he thought a simple phrase in the Charter that would allow this reduced rural mill rate, but he said he didn't know if it was worth talking about under this Article or in the taxation section, or whether this Commission wants to leave it for the future Assembly to deal with.

MCCARTY said that it is difficult to create the equipment to build a project until the entire scope of the project is known. He said he looks at this and sees that the State statutes allow it to happen and he said he thinks it will probably be a topic of conversation if and when the annexation petition comes forward. That probably would be the time to look at it. It is unknown what may be available at that time. A road may have been built along the power line with spurs into all the little communities and everyone could drive to Ketchikan within a short period of time, for all we know now. It's too difficult to get a handle on it at this time and the 'what ifs' expand as different scenarios occur. He said it shouldn't be addressed until it comes up.

FINNEY asked if that wasn't in conjunction with the ideas about the metro service area. He asked that if the Commission wanted to go to a metro area, deal with the rural areas, would it have to go back to amending the Charter to get there the way it is now?

THOMPSON said that the way he read it was that option was already encapsulated in the State law that the Borough may set up differential property tax rates and differential tax rates for places within the rural Borough that do not receive the areawide services that they would otherwise be entitled to if it's not economically feasible or practical to provide those services. He said he thinks it's already in State law and he didn't think, by definition, that this Commission had to deal with it.

HARRINGTON said that the proviso in Mr. Bockhorst's information that, 'yeah, you ought to include it' had him confused. THOMPSON said that maybe what needs to be done is to ask Bockhorst what kind of language would he think appropriate and HARRINGTON said he'd rather just move on. He said he'd just wanted to bring it up.

KIFFER said that he would like to remove everything in parenthesis in Section 12.02 (h). He said he'd be a lot more comfortable with the language that was

in Section 12.03 (a) in the LBC amendment. He said he felt that amendment language clearly defines and cleans up Section 12.02(h).

OTTE asked why KIFFER felt the airport police, who are strictly at the airport and because of the geography cannot get in a patrol car and go somewhere else and their position is strictly for the security and law enforcement at the airport, shouldn't be specific to the airport. She said it seemed he wanted police and fire from other sources to be in charge of providing those services at the airport.

KIFFER responded no, that the inequities of airport police and what their requirements are to be police officers at an airport, he said he didn't think that if there are police officers in the municipality, they should be police officers all over the municipality. He cited that Anchorage uses Municipal police in addition to airport police at their airport. If the police officer were going to be stationed at the airport permanently, that would be fine. He said there shouldn't be different levels of training for the police officers or the fire fighters. If the municipality goes to one fire department, there have to be airport fire fighters on duty, but does that mean they can only be on duty at the airport, or are they firefighters first and stationed at the airport with additional training?

MCCARTY said by having the parenthesis in 12.02(h) clearly shows that it's police, firefighting and other auxiliary services that are related to airport operation. That is not a Borough....

THOMPSON interjected and said there needed to be a second to KIFFER'S motion. FINNEY seconded the motion to remove the wording included in the parenthesis in Section 12.02 (h).

MCCARTY continued and said that he understands that KIFFER doesn't want jr-grade firemen and jr-grade police officers or the like, but if there is going to be an airport, there must have a fire crew and there must be police. That's what this addresses. He said by taking out the language the airport would be at a level like Klawock's in the level of operation because there isn't going to be any police or firefighters there.

KIFFER disagreed. He said that 12.02(h) addresses the power to provide public transportation systems. It doesn't say anything about providing fire protection or police protection, it's talking to public transportation systems including, but not limited to airports. This is basically the same as taking out air-taxis. What do air-taxis have to do with public transportation and what do airport police and firefighting and auxiliary services, whatever that might be, have to do with the operation of that airport? The airport operates under FAA regulations.

OTTE said that under the FAA regulations, the airport is required to have police and fire and that KIFFER was presupposing that the fire and police are going areawide. KIFFER said that no, he just wanted to see the inequity out of that, in that, when a police officer is hired for the municipality...

OTTE interjected saying the service area of Ketchikan is going to provide police and they are going to provide firefighting for the service area of Ketchikan. The North Tongass Fire & EMS provides theirs and South Tongass provides theirs. She said the airport, because it is not part of the Ketchikan service area, the only thing they have is a mutual aid agreement and they have to have something over there that is part of the airport. KIFFER said that's addressed in Section 12.03, the amendment language that was inserted.

PAINTER said that this is an area that the Commission is going to have to do some work in that if consolidation passes, the City of Ketchikan ceases to exist and prior to consolidation, the City never provided any police or fire at the airport. That was a Borough function. Under consolidation, someone is going to have to operate the airport unless it gets turned back to the State, which they don't want. The only logical thing would be for the municipality or Ketchikan Service Area to take over operation of the airport. So, some verbiage needs to be put into the Charter and into the Transition Plan about the City having that power, because they never had it before. He said that if the City so chooses to take their regular patrol and do their tours of duty for airport police, which is mandated by the Feds and Homeland Security, and/or City firefighting staff to do so, even though there is some caveats that go along with that for airport firefighting and rescue personnel because they have to meet a certain level of training, and the Borough provided some of that training to the City prior to the signing of the last Mutual Aid Agreement.

MCCARTY said that this Commission's principal is to maintain as much of the status quo as possible and then prepare for later changes. This is a massive change. Contractually, the agreements on the airport are between the Borough and the State. The State cannot be forced to agree to a new entity to do their business with. If the airport is put within the City Service Area, it's then been designated as a service area within the City's and assuming there is any subsidy, the people in the City Service Area are going to have to pay the cost of that subsidy, as opposed to the area at large. If the question is standards, that could be addressed by the Assembly of what qualifications are required for the employees at the airport doing these services. He said that as he reads 12.03, it says those powers can only be exercised through a service area and unless a new airport service area is created, that section says the airport can't have a fire or police department. The Borough isn't a service area; it's an areawide

governmental power. There is a direct contradiction between these sections if that wording is removed from 12.02(h). There may be a way through the maze, but why should it be fought through, when the designation is already there. If the issue is standards, the Assembly needs to set them higher. There's an easier way to do it than is being proposed by this amendment. This would be a major change with a subsidy necessary to run the airport. The tax burden would be switched from areawide to just the people in the City Service Area.

HARRINGTON said he was still confused as to what the intent of the amendment is, so he asked KIFFER to walk him through the intent behind the language changes.

KIFFER said that the overall intent is that the Charter is mandating areawide powers for airport police. He said he doesn't have a problem with how the airport manages itself. He said he didn't have a problem if they decide to hire a private police force to manage that power. He said he has a problem, especially with 12.02(h), it specifically states airport police, firefighting and OTHER services. Other services in what? Is the Commission going to mandate areawide powers for the janitorial services? Is the Commission going to mandate areawide powers for whatever...and the amendment language that had been left out of the document in error clearly speaks toward that particular problem that was a concern. 'However nothing in this Charter prohibits the municipality from providing police, firefighting, solid waste collection, or other auxiliary functions to the exercise of an authorized areawide power at areawide expense when necessary to operate facilities used for areawide services;...'

HARRINGTON asked if the 'open door' of having the airport police being an areawide function that they can then act outside of the airport, is that it? KIFFER responded no, not so much that they need to be acting outside... HARRINGTON said that KIFFER had no problem with the fact that the airport must have a police force and must have a firefighting force and KIFFER said that was true. KIFFER said he has the same problem with the phrase in parenthesis as with air-taxi. It just doesn't need to be there.

MCCARTY said the difference is air-taxi was separate. If that section were taken out and it said, 'Provide public transportation systems, not limited to, airports, air-taxis and public transit. Those are the things that are areawide. The language in the parenthesis further modifies airports. That does not say that those cops or the firefighters are going to be areawide, it is saying these things as they relate to an airport. It does not mean that they move off the airport. It has never been that way historically and grammatically that's the word that's modified. They aren't independent powers, but modifying airport

only.

KIFFER said the Charter is providing the power to provide those services except it is already mandated by the FAA. It's going to be there, anyway. If it's limited to airports, the power, not limited to airports, the FAA is requiring, even requiring the number of police and firefighting. HARRINGTON asked if KIFFER thought it was redundant and the phrase could be cut out and have no impact at all on the powers, but just to shorten the section. KIFFER responded, zero impact.

PAINTER said this could be solved by leaving it as a mandatory areawide power because it's only logical that the municipality would take over the Borough's role. OTTE pointed out that PAINTER had said the service area of Ketchikan in his earlier statement, but what he meant was the new municipality.

A roll-call vote was taken to remove the wording in parenthesis in Section 12.02(h).

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

The amendment failed 4-3.

PAINTER asked if the highlighted areas would remain in the Draft Charter and it was indicated that they would.

THOMPSON moved to delete the sentence after 12.02(k) regarding Saxman, which was part of the LBC amendment. He said he thought it was redundant and unnecessary. Seconded by PAINTER.

THOMPSON said that it's a completely redundant statement based on the Saxman Article of the Charter and he said it gets confusing when things are put in two different places.

HARRINGTON said that since this was an LBC amendment to the City's original Charter, it probably should just be left in, since the LBC thought it valuable enough to add in. THOMPSON re-iterated that the same language is in the Saxman Article and it really didn't need to be in two places.

A roll-call vote on the amendment to delete the sentence immediately following Section 12.02 (k) was taken.

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

The amendment passed 4-3.

HARRINGTON said that the major item that was emailed regarding this Article and the reference to the metro service area, he suggested that the viewers or those interested should go to the website and look over this extensive amendment that had been discussed but removed from consideration due to information received from Mr. Bockhorst. For those interested, the item is the Supplement to G-1 within the agenda items of this meeting.

A roll-call vote was taken on the original motion to approve Article XII, Service Areas and Areawide in the fourth reading of four.

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

The motion passed 7-0.

G-2: Review and approval of article XIII, Saxman, of the Ketchikan 2004 Draft Charter in the Fourth reading of Four

M/S MCCARTY/PAINTER to approve Article XIII, Saxman, of the 2004 Draft Charter in the fourth reading of four.

KIFFER said that he was still concerned that the Commission still didn't have all the information as to who is paying for the services. PAINTER said he was not very satisfied with the response from Borough staff. He said it was rather wishy-washy to the questions that were asked.

M/S THOMPSON/MCCARTY to add to the following to the end of the Article: "This Article does not exempt persons living in Saxman from taxes or charges levied to provide areawide services."

THOMPSON said that in his discussions and everything he had read, there was nothing in there that implies that Saxman wouldn't be paying those fees or taxes, but it wouldn't be a bad idea to say that they will.

MCCARTY said, for the audience, that the status quo is being maintained. Language clarifying the status quo is being added so there is no question.

Saxman is going to continue to have the powers they have had. OTTE said that the added language just maintains the status quo in a more formal way.

KIFFER wanted to clarify that if the Commission decides to add an areawide power that would include the City of Saxman, can the municipality assess the citizens of Saxman for that additional power. Yes, the municipality can, except to the point that they have native restricted land.

A roll-call vote was taken on the amendment to add language to the end of the Article.

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

The amendment passed 6-1.

PAINTER said he thought that Saxman was not even allowed to vote in this and others pointed out they certainly were because they were members of the Borough. PAINTER wanted to know if they voted on consolidation and that was also answered affirmatively. They are part of the greater South Tongass area and Borough residents. PAINTER said that they are allowed to vote on consolidation even though they are left out of it. MCCARTY said yes and no. Their City government is left out, but they are citizens of the Borough as well as citizens of Saxman.

A roll-call vote was taken on the main motion, as amended.

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

The main motion passed 6-1.

G-3: Review and approval of Article XVI, General Provisions, Ketchikan 2004 Draft Charter in the Third reading

M/S MCCARTY/PAINTER to approve Article XVI, General Provisions, of the Ketchikan Draft Charter in the third reading.

THOMPSON said that he was not going to bring forward the amendments he had formulated for this Article due to the information received from Steve Schweppe. He said he had suggested an amendment adding a standard discriminate clause, 'In any and all interactions with the public, the municipality shall not discriminate on the basis of age, sex, religion, race, color, creed,

national origin, sexual orientation, disability or veteran status.' Information received from several sources said that it's not a good idea because it would increase costs because there would need to be a human rights department, potential litigations, and the fact that this verbiage already exists on the Federal and State level.

He said that he had also suggested adding an additional section, 'Limits on Government Powers', which stated, ' The municipality shall not unfairly compete with local private enterprises in the provision of goods and services required to exercise its power under this Charter. Further, the municipality shall not expand its workforce or budget expenditures at the expense of the tax base without a correlating expansion of that tax base.' THOMPSON said that for the same reasons that were discussed in the previous paragraph, this was something that was brought to him by some constituents who had some concerns that there should be some kind of taxpayer's bill of rights to get some control of the government. He said he'd suggested it for some discussion and it has generated a lot of interest, but it's not in a form that he'd like to submit as an amendment at that time. He said he'd reserve judgment.

MCCARTY said to the people in the audience that this should not be taken that the Commission is for discrimination by not bringing the amendment forward, but as the City Attorney pointed out, one major reason to not adopt that amendment would be the potential difference in the statute of limitations under State and Federal law. By adding to the Charter, another statute of limitations on the municipal level would be added. The issues are well covered, and well protected and that was his main objection that this amendment could add additional liability whether in government departments or statute of limitations. The system is working well. He said, with respect to the competition with local business, that he had hopes that the governmental entities would be responsive when people come in and voice their concerns about what the governmental body is doing. He said he felt the City and Borough bodies have seemed responsive to those expressed concerns in the past.

MCCARTY also pointed out that there would also be the problem of requiring massive definitions to enact a law of that nature. Pages and pages of ordinance would be needed to define what is competition and to define things, or the governmental entity is left wide open to litigation over what it means.

THOMPSON said that the whole thing really goes to constituents, or taxpayers, bill of rights and the proposed amendment was in a rough form, but it did bring out some good discussion.

PAINTER said he didn't know if it was appropriate in Article XVI, Section 16.07

(dealing with actions, claims or proceedings, either civil or criminal, by or against a local government to be consolidated), but that the way he read that section, any business that's been transpiring before consolidation, like contracts, would continue on with the municipality. He said the gray area to him was any past practices. OTTE pointed out that this had to do with any lawsuits, contracts with the municipalities prior to consolidation. It's just a legal thing saying the new municipality will inherit any of those kinds of legal proceedings or documents from the two entities consolidating.

PAINTER said he'd been paid a visit by the City Mayor and they were talking about funding non-profits, which both the Borough and City currently do, and he said he'd found out that there is a non-profit that is funded solely by KPU reserves in exchange for not going before the City Council to request funding. In the case of consolidation, and realizing that this might not be the area to address this, would that practice continue? THOMPSON said that it would be allowed to continue, but that's really more of a management issue than a Charter issue. In terms of funding all the non-profits, that's usually done from a management level on down, the Assembly and the management. This specific section is just saying things that are going on won't simply disappear at consolidation. PAINTER said the specific instance he was referencing had been started by a former City Council years ago that decided to do that. OTTE said if the action was by ordinance, that all ordinances have to be reviewed and re-adopted by the new Assembly.

MCCARTY said the section (16.07) could be compared to a bankruptcy or dissolution of corporation, which just goes out of existence, and there's nothing there to sue or go after. Things will continue, it just has a different name and no re-negotiation needs to be done on contracts, etc. Anything that has been enacted by the prior bodies (Council or Assembly) can be reviewed and changed or deleted by the new Assembly, other than certain contractual obligations, such as a labor contract. He discussed past practices in terms of labor contracts.

FINNEY wanted to know if this issue is brought up again (non-competition), what does THOMPSON mean by the phrase, 'Further, the municipality shall not expand its workforce or budget expenditures at the expense of the tax base without a correlating expansion of that tax base'? THOMPSON said that he had gotten that from a comment by a constituent that if the Borough continues to expand and if they're going to expand what they're doing, the government should be expanding in the face of an expanding economy and not expanding in the face of a declining economy. If Ketchikan is going to expand our services and personnel and things in the government, then the private sector that pays the taxes that supports government should also be expanding.

HARRINGTON said that the Commission had been jumping around the sales tax issue, the mill levy issue, and it comes down to the limitations on government. He said he couldn't tell how many people had brought to him various things they want the government limited in how much the government may do. He said that MCCARTY is going to say that we have to wait and let the elected officials do it, but if the Charter and consolidation is going to pass, there are going to have to be some limitations structured in the Charter. He said he'd suggested a couple. He said he'd brought forward a couple of more for consideration at tonight's meeting in the issue regarding sun-setting various provisions, prohibitions on designated funds, requirements for areawide sales tax votes, review of the City Service Area sales tax votes. He said somewhere in the near future there needs to be a meeting where just issues are discussed of what limitations this Commission is willing to consider putting into the Charter so we can start from the other end instead of going with amendments and talk about the specific actions that are needed and then structure the language of the Charter to get those actions through instead recommending changes without the background information; getting people to come in and talk about issues, i.e. the man who got cited because he had his commercial crab pots on his private property in the Borough. That does not sit well and when the citizens see this happening, they say, wait a second, and we want to consolidate, and the City's going to be involved and it's going to get tighter. In order to avoid and to persuade that core of voters out there, the Commission is needs to make changes. HARRINGTON said he's giving up his proposed motion on the sales tax. He said it needs to be part of a much more comprehensive approach to what limitations the Commission wants to put on government.

OTTE suggested a work session just on the tax issues. Have a work session where we can just sit and not have to make amendments and really hash out what the Commission wants to do. Since Item H does have some calendars for the Commission's use, that might be a good time to set up the work session. She said she understands HARRINGTON's frustration. It would be good to get the entire story on the crab pot scenario. It seems a little far-fetched that merely because of the commercial crab pots, there was a citation issued, but she said she was going on the side of justice and NOT LITTERING.

A roll-call vote was taken on the motion as presented.

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

AGAINST:

The motion passed 7-0.

OTTE said that copies of the entire amended 2004 Charter would be provided for each of the Commissioners.

The Commission went into break at 7:40 p.m. and reconvened at 7:51 p.m.

H-1: Introduction of the 2004 Draft Consolidation Petition for discussion purposes and Commission Calendar

MCCARTY suggested that the calendar be considered first. OTTE said that the section of the petition is only a small portion of the whole document. THOMPSON said he'd asked OTTE to stop at 26 pages because he felt that was sufficient to try to digest at one time. The transition plan and budget will be forthcoming. He asked if everyone had a chance to read through the document to which there were a few negative responses.

OTTE said that the first review of the Charter has been completed, which is not to say that further review and amendment won't take place. The Commission needs to decide how often meetings are going to take place and in what forum the meetings are going to take place. She asked if work sessions were the preferred forum. Are there going to be formal meetings where amendments are made. She also wanted to know what the most efficient manner would be to review the Draft Petition.

THOMPSON said that one of the problems encountered so far is in putting together the packets, the minutes and new agendas, and then trying to contact different people and get responses back in time, it's very difficult to assimilate the information in the short time frame between weekly meetings. He suggested the Commission might want to consider a bi-weekly meeting format schedule, especially as some of the longer documents are encountered. Perhaps doing a work session and then two weeks later doing a regular meeting, and bringing things back to the table that Commissioners have volunteered to handle or after tasks have been assigned. It also gives an extra weeks' time to be able to put some effort into the documents. He said it was like with the amendments to Article XVI and HARRINGTON's comments on limits on government. Perhaps he may want to come back with another article on that and really sit down and talk about constituent's bill of rights and limits on government. Maybe that could be put into its own article in the Charter, but that's the type of thing that's going to take a lot of time and a work session might be good to discuss that. A work session might be good just to go back over the existing Charter or another to discuss the Petition. That was the initial

intent in introducing the Petition at tonight's meeting was to see if everyone was satisfied with it.

THOMPSON said that in terms of the calendar, he'd like to see the meeting schedule changed to every other week and that will probably sit better with everyone's schedule going into the summer. He said he would prefer it to be on Monday or Wednesday, but he's open. The calendar shows that Planning, the School Board, the City and the Borough all have alternate week schedules. The City is on the first and third Thursday; the Borough is the first and third Monday; Planning is the second and fourth Tuesday; and the School Board is the second and fourth Wednesday.

OTTE said it would be possible to meet every other week. She said historically, when the Borough needs extra meetings, they often schedule them for the alternate Monday they normally don't meet. It was suggested that the Commission meetings could take place in the Council conference room, but that would not be ideal in that there is no recording equipment or the option for televising the meetings. THOMPSON said he was fairly open as to Tuesday or Wednesday, but one week a month he's usually out of town for work. He said the first and third weeks would work better for him. HARRINGTON said he'd prefer Wednesday or Thursday. He said he needs the time to spend working through the documents and the weekends are not a good time to think.

PAINTER said he didn't like Friday. All concurred that Friday wasn't optimal, but it was the only night that consistently had an open venue for weekly meetings.

OTTE said that if the regular meetings were moved to every other mid-week, and a work session is desired, Friday nights would be excellent for those, since it's known no one else wants the room on Fridays.

THOMPSON wanted to know if anyone had a problem with Wednesday. The next meeting would be Wednesday, April 21, followed by May 5 and May 19th. OTTE said that extra meetings would definitely be needed since the petition is due to the LBC by September 30. This Commission's document should be ready for the most part by the first part of August so that the sale to the community can really kick into high gear and having some public meetings in a different forum than our regular meetings.

MCCARTY said that there were several sections of numbers in the Petition that need to be updated, i.e. the population and demography sections. The tax values will need to be updated. There are sections referencing the Shoreline Annexation that can come out. OTTE said that the census figures are available on line. Borough Assessment should have the numbers for the tax values.

MCCARTY said those are housekeeping things that are quick to fix. There are some other things, like who would be the petition officer. Mr. Amylon is on the prior petition. Someone at the Borough would have to be put into that section, because they are the ones putting forward the petition. Those are simple things that can be done. OTTE said she would go through the document and fix those simple things. Mr. Amylon said that Ms. OTTE was taking on a lot.

THOMPSON suggested that for the next meeting on April 21st the Commission would go through the entire Petition document, page by page, and identify those areas that need to be changed and then the Commission can review each page at the next meeting and get everyone's ideas/concerns. The sections/areas that need updating or changes made can then be given to someone within the Commission to find the information or make the updates. The Preamble needs to be updated and talk about the City's most recent attempt at consolidation and why the measure failed to pass and why the effort by this Commission would likely pass. Someone on the Commission would be tasked with drafting that language to bring back to the body for review. If the Petition can be formatted and pretty much finalized in a couple of meetings, the next step is the transition plan and that, plus the budget, are going to require some work sessions.

OTTE said that the remainder of the documents will be presented to the Commissioners very soon.

MCCARTY said that there were issues that will clearly be re-visited a number of times, i.e. taxation and apportionment, but one that came up earlier can be addressed relatively soon would be Section 12, the voter's rights information and the other section that talks about whether the seats will be at-large or by district. He said that we should get that document out early on just the voting and the allocation of seats and get the voter's rights material out and also if the Clerks have anything on the apportionment problem. He said it was Article VI, the composition-apportionment of the Assembly. There are monetary costs and procedural costs if anything other than at-large seats is selected. He said the Commission needs to have that information. It can be a morass, getting into the Voter's Rights Act and having to re-apportion from time to time to insure compliance with the Act. That information needs to be obtained so when the question arises about the issue, the Commission has the facts on hand.

PAINTER questioned the schedule for the consolidation effort. The Borough has to file the documents by September 30th unless there is an extension requested. THOMPSON thought there wasn't a deadline for the Borough to submit the documents to the LBC, just that the Commission needed to be

done by the end of September. **[NOTE: The ballot language specifically states that the Petition needs to be submitted no later than September 30th to the LBC by the Borough.]**

PAINTER then went on to describe the Petition is reviewed by the LBC, they hold public hearings and the end result will be an election for consolidation. OTTE pointed out that the election wouldn't be for quite some time. The election won't be until some time in 2006. The LBC reviews the document, has public hearings, makes recommendation to the legislature, which cannot be acted on until the legislature of January 2006, and then there's a 30-day wait for the legislature to respond, and then the petition is accepted. PAINTER wanted to know, since the Charter is dealing with creating a government, what about the ongoing changes that are and will continue to happen that alters the financial presentation to the LBC. THOMPSON said that the new sitting Assembly after consolidation is not absolutely bound by the Transition Plan budget information, expressly for the reasons cited. The Plan and the Budget are to establish for the LBC that it is feasible that a transition can be made and the developed budget is based on current numbers. They don't expect this Commission to have a crystal ball for two years in the future. When a new Assembly takes over, everything remains status quo until they re-adopt the ordinances and make those decisions. They look at the Transition Plan and say yes, that's a good thing to do, or that doesn't apply any more and this new issue needs to be considered. That's the task of the new Assembly is to try to fit the Transition Plan into their current situation.

THOMPSON asked if anyone had a problem with coming back at the next meeting to go into a work session and step our way right through the this document. OTTE said she would get a new copy together for the Commissioners that has page numbers and Exhibit headers so it will be easier to reference.

The whole petition document has over 160 pages and there are probably about 40 pages of Metes & Bounds descriptions. MCCARTY asked if the Petition itself was intact in the agenda statement document, without attachments or exhibits. The petition covers about 10 pages of the total 26 presented with the agenda item.

Karl Amylon said that the Petition is a very straightforward document. It is formatted on material that the City was given by the LBC. It's not just the financial or transition plans, there must be a brief. He said that the Metes & Bounds descriptions that were presented. Someone will have to be tasked to put together all new Metes & Bounds. MCCARTY said that might be something

that would need to contract out. There are two title companies in town and one or the other should be able to do that.

HARRINGTON said that as he understood it, the plan for the next meeting is to take the Petition, review it, highlight those areas that are questioned or feel like need to be discussed and end up...THOMPSON interjected that at that meeting we can determine what those changes should be or if needed, tasks can be meted out for working on specific sections, the changes can be approved at the following meeting with formal motions, etc. Hopefully within a couple of meetings these sections will be reviewed. We won't have the metes & bounds and we probably won't have all of our questions answered, but substantially it will be complete.

HARRINGTON asked if there was a recommended amendment process to any of the other documents we have already reviewed. He asked that if he had an amendment to suggest for the LID section that could be put on the table and discussed during the work session. He said he was just trying to get the pattern down so that any agenda we have, we know the process. He reiterated that for the next meeting there will be the documents found in the present H-1 agenda statement and any proposed amendments that any Commissioner brings to the table on anything that's been done. OTTE commented that those amendment topics should be given to her no fewer than 4 days before the meeting so that the proposed topic for discussion can be included in the public notice.

THOMPSON wanted to know if when there is a work session, if there needed to be specifically defined agenda items for that work session or can it be free form. OTTE said that the agenda can say the Commission is going to recess into work session to discuss whatever, and then go back into regular session and have voting, if that's what's desired and if there are other items on the agenda.

MCCARTY said it could be done several ways. The Commission's next meeting has been a work session/discussion. It can be a regularly scheduled meeting and at that meeting the Commission can adjourn into work session and since it is a regularly advertised meeting, there can be a vote. Or there could just be an agenda/voting meeting. THOMPSON suggested having a work session meeting on the 21st and if there are items that need to be adopted, the Commission can come out of work session and vote on them. If an item is going to need a vote, it needs to be on the agenda.

MCCARTY suggested that a grid be done and mark which sections would be

no problem, which sections that would need discussion or changes. He said there might be a couple of sections that everyone is going to agree are no problem in leaving the language as it is. THOMPSON said that what he thought should be done is take a highlighter and if there are problems with an area, it will be highlighted. When the Commission is together, a review can be made page by page, with everyone having the opportunity to input ideas for changes or removal at that time.

MCCARTY said that each Commissioner should have a set of all the exhibits associated with the document, less the ones with Metes and Bounds (for the time being). Ms. OTTE will provide those copies for the Commissioners. MCCARTY said that this would be a working document to compare to.

HARRINGTON wanted to know if there has been any thought to a schedule of getting the Draft Charter out to the organizations in the community, both governmental and civic. Also setting up meetings with the Rotary Clubs, Chamber of Commerce, etc. OTTE said that it should be decided who will be responsible to attend each of the different meetings and give out the Draft Charter.

MCCARTY said that at the next meeting when we start the review of the Petition and it would be worthwhile to take some of the Petition documents to these groups, as well, with the idea of giving them some idea what sections contain the items that may be controversial. When those controversial sections of the Petition come up, it will probably drive us back to further review sections in the Charter and that's why, in part, if there was a list and a matrix to work on this first section of the Petition, instead of going through this document page by page, if there are areas where everyone already agrees don't need change, we won't even have to do them.

THOMPSON said he thought this set of documents could be reviewed right at the table. It's not that lengthy, he said, and it shouldn't take that long. Areas of concern will be identified and tasks will be assigned to the Commissioners to bring back information or re-done verbiage and bring those things back the following meeting.

PAINTER wanted to know if the Charter that the Commission intends to distribute to the Council, the Assembly, and the organizations would be the document showing all the changes. That was answered with a yes. THOMPSON said he would also like a copy soon of the Charter without all the changes, but with the new language only. HARRINGTON suggested that OTTE just email to the Commissioners the Working Draft and they could play with taking out the extra language if they so desire.

THOMPSON said that he thought the Charter shouldn't be disseminated until after the meeting on the 21st. He said there might be some talking points to discuss. FINNEY said that getting it out as soon as the 28th and the folks that are given a copy spend time reading through it, and then the Commission comes back with a lot more amendments to it before it's all said and done. He said that it might be premature to distribute the document this early. THOMPSON said he didn't think it was premature because the Commission has been all the way through the document for a couple of months. He said there would probably be more changes to the document between now and when it's sent to the LBC, especially when the members of the community get a chance to review the document and make suggestions. The document needs to get into the hands of the people who are more prone to question the document or make suggestions. FINNEY wanted to know if there were further amendments to the document, how would those be indicated? OTTE suggested that when the documents are distributed, the presentation can mention to look at Sitnews or contact the Commission if there is a specific area of concern and has it been changed.

HARRINGTON wanted to know if a citizen has an amendment they want the Commission to consider, how would they go about it? OTTE said they should email to charter@kpunet.net. He also wanted to know if one of the Commissioners need to sign on to that particular amendment or allow anyone who has an amendment to send it through and have it be on the table? THOMPSON said his preference would be to have OTTE send those types of messages to all the Commissioners indicating this suggested amendment came from a constituent and then one of the Commissioners can bring it forward for the agenda. OTTE pointed out that any citizen could go in and get something put on the agenda. It was also mentioned that the persons could come before the Commission at a meeting.

THOMPSON said he was going to look further into every other Wednesday than has been discussed this evening and try to get an idea if the Commission may be running into problems with time. He said he would check on the submission deadline.

PAINTER said he thought it said the Commission had to have the document to the Borough by the 1st of September and they had to have it to the LBC by the 30th. THOMPSON said the intent was that the Commission would be done with its work by September 30th and subsequently present it to the Borough. The intent was for a short enough period of time that this Commission had to

do its work fairly quickly and limit the amount of time taken for completion.

OTTE said she believed that in the information presented by Dan Bockhorst on January 4th of this year, there was a timeline included. She said she'd look for that document.

I: Commission Comments

HARRINGTON said that after he'd spent a lot of time thinking about the LID and emailing the Commission, he'd like to suggest a compromise about the issue. He said he'd bring it as an amendment on the majority of owners or owners of a majority of the property.

MCCARTY said that the basic idea is just to have a format to get the request to the Assembly to get it started.

KIFFER had no comment.

FINNEY had no comment.

PAINTER had no comment.

OTTE had no comment.

THOMPSON said he'd like to offer his chair to anyone from the audience who might like to make any comments.

Marvin Hill, 808 Forest Park Drive, said that in all the discussion over the airport police and fire and such, he wanted to know if it were feasible to make a Gravina Island service area that would include the airport and the immediate industrial park. He wanted to know if that would solve anything? Would it empower anything? Or, is that a can of worms that requires a larger can? He was questioned whether Forest Park wanted to expand over there and he said no. He said they had enough problems where they were and didn't need to expand anything. THOMPSON said that as soon as the Commission tells people that a Gravina Island service area is going to be created, and then we'll probably hear from them, so maybe the Commission should make that amendment next time. It was pointed out that there already is a Vallenar Service Area and maybe that could be expanded. A name was suggested in jest.

PAINTER said that when he was at the Assembly meeting on Monday night he

heard that the citizens of Loring want to enact their service area and there were questions for the Borough Attorney as to what the process would be. He said it wasn't in the meeting proper, but was a side discussion. THOMPSON said he was sure there was a procedure similar to what is in the Draft Charter. He hoped that if they do decide to form a service area they'd keep at it and not dissolve for lack of interest like some have done.

Mr. Hill said that as an active board member of a service area, it's a whole lot easier to get people to be enthusiastic at first, but it's hard to get them to remain that way. He said that as the Commissioners know, having volunteered for a difficult job, it takes a lot more time than what you thought when you started.

The meeting was adjourned at 8:32 p.m.