

**KETCHIKAN CHARTER COMMISSION**

REGULAR MEETING

May 3, 2006

The regular meeting of the Ketchikan Charter Commission commenced at 11:00 a.m., Wednesday, May 3, 2006, in the City Council Chambers.

**Roll Call**

PRESENT: OTTE, KIFFER, THOMPSON, MCCARTY, FINNEY

ABSENT: HARRINGTON, PAINTER

**A: PLEDGE OF ALLEGIANCE****B: CEREMONIAL MATTERS/INTRODUCTIONS**

Karl Amylon, City Manager and Harriett Edwards, Borough Clerk were noted to be in attendance.

**C: PUBLIC COMMENTS**

Karl Amylon encouraged the KCC to request a technical review of the Charter by the DCED/LBC staff. Mr. Amylon stated that he thought that was in the long-term best interests of the community should consolidation be approved by the voters. He also encouraged the DCED to petition the City of Ketchikan Council and the Ketchikan Gateway Borough Assembly to include Borough and City staff in that review.

Mr. Amylon said that other than that, he wanted to congratulate the Commission on its efforts in getting to this point with the Preliminary Report being issued.

**D. INFORMATIONAL REPORTS AND/OR COMMISSION PRESENTATIONS**

NONE

**E. CONSENT CALENDAR**

M/S FINNEY/KIFFER to approve the minutes of the 10/18/05 meeting.

The motion was approved by a unanimous voice vote.

## **F. VOUCHERS**

NONE

**G-1 It was determined that a work session was not needed at this meeting.**

**G-2 Not considered**

## **H: OLD BUSINESS**

NONE

## **I: NEW Business**

### **I-1 DISCUSSION AND APPROVAL OF REQUEST FOR A TECHNICAL REVIEW OF THE SUBMITTED AND AMENDED CHARTER OF THE CONSOLIDATED MUNICIPALITY OF KETCHIKAN**

M/S FINNEY/KIFFER that the Charter Commission formally request the Alaska DCED to conduct a technical review of the Charter contained in the Petition for Consolidation as follows:

'In accordance with the suggestion in the Preliminary Report on the Ketchikan Charter Commission's Consolidation Petition, we respectfully request that the DCED conduct a technical review of the Charter contained within the Ketchikan Charter Commission's Petition for the proposed consolidated Municipality.'

KIFFER wanted to know what the process was on the technical review. He wanted to know if the KCC could make a request to the DCED to include the Borough and City governments in that. THOMPSON replied that he thought there would be no reason that the KCC couldn't. The City is a respondent to the Petition, so they're a part of the process and the Borough, by responding by letter, is a stakeholder in the process, so we can certainly add that request.

OTTE wanted to know if that would be a friendly amendment or if a formal amendment to the motion be given. THOMPSON said he would entertain a motion to that effect. He suggested something that says at the end of the quote in the original motion that the KCC encourages the DCED to consult with the City of Ketchikan and the Ketchikan Gateway Borough in conjunction with this technical review. THOMPSON then asked Mr. Amylon if he thought that would suffice for what he'd been talking about and he advised it would.

FINNEY wanted to know why they wouldn't do a technical review. THOMPSON said that in the discussion he'd had with Mr. BOCKHORST, he indicated that there were four entities: the petitioner, the Charter Commission; the respondent, the City of Ketchikan; the Local Boundary Commission, as the approving agent for the State; and the Department of Community and Economic Development, who provides the staff to the LBC. On their own initiative, they could do this type of a review, but Mr. BOCKHORST indicated that this would be considered somewhat above and beyond the strict requirements of what they were tasked to do, so it would make it a lot easier for the DCED if either the Boundary Commission or the Ketchikan Charter Commission requests them to do this technical review so that they don't suffer any criticism for using their limited resources in that fashion. And that makes sense.

MCCARTY joined the meeting at 11:08 a.m. OTTE re-capped what had occurred since the meeting started for MCCARTY. MCCARTY apologized for being late.

THOMPSON wanted to know if there was any further discussion on the amendment. Since there was none, the roll was called on the amendment to the original motion to add a sentence at the end of the original motion that stated, "The Ketchikan Charter Commission encourages DCED to consult with the City of Ketchikan and the Ketchikan Gateway Borough during this technical review."

A unanimous roll-call vote was taken on the amendment.

A unanimous roll-call vote was taken on the amended original motion.

## **I-2 Discussion of KCC response and actions for the LBC's June 26, 2006 Public Hearing**

THOMPSON started the discussion off by saying that he didn't know whether any of the other Commissioners had had a chance to read either the electronic or the hard copy of the Preliminary Report. He said he'd started going through it at some length, highlighting areas, but in the public hearing that's going to happen...he then said he wanted to back up a little.

THOMPSON said that we are in the Preliminary Report stage of the process. The LBC has issued its preliminary report and there is a comment period on the report is open until May 18, 2006 at which time they will start preparing their final report. They intend to have their final report done by June 2<sup>nd</sup>. In discussions with Mr. BOCKHORST, he'd indicated that they hoped to have the technical review of the Charter completed in time to have it incorporated into their final report.

THOMPSON continued that there will then be at least one public hearing on consolidation, with the first set for Monday, June 26<sup>th</sup> beginning at 2 p.m. The meeting is scheduled to go into the evening. The hearing will be in the City Council Chambers with the period for public comment set to begin at 7 p.m., so it will be a two-session meeting.

Formal notice of the hearing will be published at least three times in the Ketchikan Daily News, with the initial publication occurring at least 30 days prior to the hearing. Public notice will also be posted in prominent locations and mailed to the Petitioner and the Respondent, the City of Ketchikan.

At 2 p.m., following introductory proceedings, the LBC staff will present its conclusions and recommendations concerning the proposal. Following that, the Petitioner and the Respondent will be allowed to make opening statements limited to 10 minutes each. Sworn testimony is then taken, if any, and if we want to bring anyone in to testify on our behalf, we have to provide a list of those testifying. THOMPSON said we may want to get clarification from the LBC on this, but he said he didn't believe that since the Charter Commission is the petitioner, he didn't think we have to list each of us on our Commission, if, in fact, each of us wanted to testify on what we think on this, but we do need to get clarification on this. He said that we wouldn't be considered part of that separate testimony.

Following the sworn responsive testimony, with the KCC providing first testimony and then sworn testimony is offered to the respondent and then we are allowed to provide responsive testimony to anything the respondent might present. The time and content of that will be regulated by the LBC Chair. They are trying to exclude irrelevant or repetitious testimony. They are trying to make it brief. The LBC Commission members may question the witnesses providing sworn testimony.

Following the sworn testimony they will recess the hearing until 7:00 pm. At that point there will be a public hearing with a 3-minute limit to each person who wishes to comment. The LBC members may question persons providing public comment.

The hearing will conclude with a closing statement by the Petitioner (KCC) not to exceed 10 minutes; a closing statement by the Respondent (City) not to exceed 10 minutes; and a reply by the Petitioner not to exceed 5 minutes. There is an agenda already published in the Preliminary Report. No brief or other written materials may be filed at the time of the Public Hearing unless the LBC determines that good cause exists for materials not being presented in a timely manner.

THOMPSON said that from the KCC's standpoint, we're going to need to determine what we want to say as our opening statement. He said that if there is any testimony that anyone wishes to testify for or against this, we'll have a copy of the list of those people who are going to testify and will want to be prepared to rebut that testimony or to respond to it at least. Then we will want to have a closing statement from the KCC. Those are the things we want to be thinking about in the meantime. We certainly won't be able to do that until we've read through the Preliminary Report, but the suggestion is that we should schedule a regular meeting and a work session on some date prior to June 26<sup>th</sup> so that we can discuss this and determine how we want to proceed. Do we want to have one spokesperson for the Commission? Do we want to have a panel of people who get up and speak to it? There are several different options and what exactly do we want to say in each of those statements.

MCCARTY said that he thinks that we should have a statement of the body which typically the Chair would present. But that is one that we should all get behind , or at least the majority are behind it. That is the statement of the body. We each may have our own individual comments and he said he thinks that whether we do it in the context of witnesses or in our board presentation, it would be better to appear as witnesses, if you will, so that the board position is clear. If we have 7 different people speaking we're going to have 9 or 10 different opinions coming out from that number of people...What in the heck did the board say?

MCCARTY said he'd suggest that there are several people who are involved enough in the process who would be able to put together a canned presentation ahead of time and maybe John would do one and he would expect Glen to have one. If we have two or three of those that we can kind of look at before we have the meeting, we can kind of edit that to one that we can get a majority of the people behind and that's the position of the body. And then we figure out how we handle it that individually we may have an opinion, and even the person making the presentation may have a separate opinion on part of that. If there's a way to distant it so that this is by the body and I'm not undercutting that, but on a personal level, having sat through this, this is what I believe. We can provide for that in a way that doesn't get away from the message that this is what this group has come up with.

MCCARTY continued that if possible, he said he could think of at least two of us, and he was leaving himself out of that, too, that have been pretty active in drafting stuff ahead of time for presentation at meetings, it could be something that might be a good idea if possible to get ahead. We can talk it over. He said he didn't think we were that far apart, but it's the sort of thing, he said, that's good to have ahead of time and it's not going to be too extemporaneous when there's the presentation of this is what the Commission is behind.

THOMPSON said that one of the other things we probably need to discuss is the length of...we can go into...with a report this long and if you've read through it, it goes clear back through the history clear back to the beginning of the Borough in 1963. We could certainly come up with a 10-minute discourse on that. Do we want a 10-minute or do we want just to say it's all in here folks and sit down? That's the type of thing we'll want to discuss at that meeting and maybe we'll have a couple of drafts.

THOMPSON said he thought the biggest thing for the KCC right now is to determine what the timing will be on the meeting. We're going to know who the people are that are going to testify as witnesses in this proceeding two weeks prior to the Public Hearing, which would mean June 12<sup>th</sup> would be when the list of witnesses are going to be submitted to the LBC. He said he didn't know if we need to wait that long, but that certainly would give us an idea of what the direction the presentation might take.

KIFFER said that certainly after we find out who is on the list of witnesses, it would give us a little bit of time to maybe find out what's going to be said, what are some of the problems that are arising. He said he thought that it would be better to have that work session after that so we can address those particular individuals who are going to be speaking.

THOMPSON asked if the Commission would object to having two meetings between now and the public hearing. The reason he asked that is that he thinks we should discuss our draft of our statements, the opening and closing statements prior to two weeks before the public hearing unless there are some changes we want to make or some tweaks, that we could get the lion's share of this is the case that we wish to present out in the open for discussion and we can set another meeting, brief as it may need to be, after we get that list of witnesses to see if there's anything we need to adjust in what we're doing.

OTTE said she concurred and that the two meeting option would be better to get the first part of it over with so that we have some direction of thought. Generally May is less busy than June for people, so it would probably be good to do something before Memorial Day.

MCCARTY said THOMPSON had mentioned the 18<sup>th</sup> as the Preliminary Report comments were due and then they're going to do a kind of final report. He said that he hoped that at this stage, we have no real intention of putting much of anything more in, but he said, it seems to him that before the 18<sup>th</sup> we should have a meeting just in case something may pop up in our review of this report and we're saying, boy, we've really...this is off base, we've got to send some additional information or comments to the LBC to have included in the final

report that's coming out. He said he was thinking just in case, that might be a benchmark to use for this first preliminary meeting.

THOMPSON said he was thinking in terms of June 2<sup>nd</sup>. That's when the final report is due out, so in conjunction with what Debby was saying, maybe that last part of May...OTTE interjected that maybe a day or two after June 2<sup>nd</sup> because Mr. Bockhorst is always pretty good about giving us the ftp site so we could have access to the final report before the hard copies actually arrive. MCCARTY said he was seeing two dates. He said he was guessing that none of us have the desire or energy to try to put any more product in before the middle of May, but maybe we should have at least a quickie meeting before then or at least some check with everyone to see if we needed to have a meeting, and then we have another one.

THOMPSON said to remember that the 18<sup>th</sup> is the end of the public comment period. He said he's not really anticipating much in the way of public comment before the 18<sup>th</sup>. He said he thought the key for us was going to be what happens with the technical review of the Charter and the final report, so maybe between the 18<sup>th</sup> of May and June 2<sup>nd</sup>, we should schedule a meeting so that if there's something that pops up and maybe later, rather than earlier, if something pops up during the technical review, then we can...

FINNEY said that he guessed what the question is, because he understands where MCCARTY is going, if we have a meeting after the 18<sup>th</sup> and we do have comments, would those comments still have the possibility of being included in the final report?

OTTE explained to THOMPSON that what MCCARTY & FINNEY were saying was should we wish to change anything in our amended document that went up last fall, if we want to make any more changes in that document, they suggest meeting before the 18<sup>th</sup>.

THOMPSON said that he didn't think we have that option and OTTE concurred. She said that we couldn't make changes during the comment period because then those that are commenting haven't seen those changes. MCCARTY said he wasn't saying "changes". Whether it's individuals or whether it's as a group, he thinks that we would still have the ability to make a comment.

THOMPSON said that's what the whole point of the meeting on the 26<sup>th</sup> is, that if this all comes to fruition at that point in time and if there's anything that we need to respond to, we need to meet before the 26<sup>th</sup> and determine what we want to say, but that's when our case will be heard.

MCCARTY said that using the analysis to a trial, sometimes you will prepare a pre-trial memo to kind of say these are the issues and this is the law that will apply and then you actually have the trial. He said he's just thinking that before they send out their final document, if there's something that we feel that we need to bring to their attention...FINNEY wanted to know if there was any way we could influence that final report. OTTE said no. MCCARTY said that they're saying this is a preliminary and they're going to have a final. He said he's assuming the final is something that happens between the preliminary coming out and the final.

OTTE said yes, the technical review of the Charter and any comments that they receive up to May 18<sup>th</sup> will be addressed one way or another in the final. If the LBC feels that a comment is pertinent, then they will make suggestions whether we should change our document, but she said, it's premature for us to do any kind of commenting on the document that we approved unanimously to send to them. We need to wait until the place in the process for us, as Petitioners, to give our responses to those things in the final report.

THOMPSON said he suggests that a meeting be scheduled on the 26<sup>th</sup> of May, which is a Friday. OTTE pointed out that's the Friday before the Memorial Day weekend and a lot of people would be taking off that day. MCCARTY said he was leaving on the 1 pm flight that Friday, although the body could certainly meet without him. OTTE said the meeting could probably occur on Thursday, the 25<sup>th</sup> and the meeting could then be scheduled in the evening rather than the day. OTTE interjected that this meeting was squeezed in during the day because the venue wasn't available in the evenings this week. FINNEY said that if it's raining, he's good with the 25<sup>th</sup>, but if it's not raining, he would be paving.

Mr. Amylon said there is a potential conflict on the evening of the 25<sup>th</sup> in that the City Council may be scheduling a special meeting on the 25<sup>th</sup>. He said it hadn't been determined yet, but he wanted the KCC aware of that potential room use conflict.

THOMPSON said that if the 25<sup>th</sup> is not available to us, and we get bumped, we'll have to figure out what we're going to do at that point. THOMPSON said that the other thing is we could still schedule it for the 25<sup>th</sup> and if the Council has a special meeting, we could probably use the next door conference room.

MCCARTY said that he didn't know if it were feasible, we could maybe work out a speakerphone system so that some of the people could participate telephonically. He said he thought he'd seen that done before. OTTE said both the City and the Borough both had these conference phones and as a matter of fact, we'd used it one time. FINNEY had chickens, remember? She said that if it were needed, the speakerphone would work in the conference room just as easily.

THOMPSON moved that the Charter Commission schedule a regular meeting and work session on May 25<sup>th</sup> at 6 pm regarding the June 26<sup>th</sup> LBC Public Hearing. The motion was seconded by KIFFER.

FINNEY wanted to know if the other two Commissioners (HARRINGTON & PAINTER) had conflicts on that date, could we have some flexibility on the date.

THOMPSON said that we already know that the Council Chambers may not be available on the 25<sup>th</sup>, so we may have to adjust that. THOMPSON said that perhaps we could make the motion as tentative for the 25<sup>th</sup> of May? MCCARTY said we were going to have a meeting, the 25<sup>th</sup>, if possible, and if at all possible, in these Chambers, if not, the secretary can advise when and where a meeting has been scheduled that week. We have a firm commitment to a meeting and a firm commitment to a purpose, pending scheduling.

THOMPSON requested a voice vote. There was a unanimous affirmative to schedule the meeting, preferably on the 25<sup>th</sup> in the City Council Chambers.

#### **J. Commission Comments**

There were no comments by the Commissioners.

The meeting was adjourned at approximately 11.31 a.m., recessing until May 25<sup>th</sup> at 6:00 p.m. in the City Council Chambers or notification of a different date, time or venue by the Secretary should there be a conflict with meeting space on that evening.