

KETCHIKAN CHARTER COMMISSION

REGULAR MEETING

May 31, 2006

The regular meeting of the Ketchikan Charter Commission commenced at 6:00 p.m., Wednesday, May 31, 2006, in the City Council Chambers.

Roll Call

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

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

NONE

C: PUBLIC COMMENTS

NONE

D. INFORMATIONAL REPORTS AND/OR COMMISSION PRESENTATIONS

NONE

E. CONSENT CALENDAR

M/S PAINTER/HARRINGTON to approve the minutes of the 5/3/06 meeting.

The motion was approved by a unanimous voice vote.

F. VOUCHERS

NONE

G Work session ¹ Note: Should members of the public wish to speak to any of the issues the Commission is contemplating, the work session can and will be moved up in the agenda to coincide with public comment.

G-1 Recess the meeting into work session to consider the KCC's testimony for the June 26th LBC meeting, as well as any other Commission business.

M/S PAINTER/HARRINGTON to recess the meeting into work session. The motion was approved by a unanimous roll-call vote.

THOMPSON admonished the members present that three Borough Assembly members were in attendance and there would be no discussion of any business pending before the Borough Assembly.

OTTE requested that the KCC review Mr. BOCKHORST's accompanying document to the technical review of the KCC proposed Charter. She said she also would like to see a review of the May 25th memorandum from City Manager, Karl Amylon, to the Mayor and City Council regarding the upcoming June 26th LBC meeting.

PAINTER said he wanted to discuss how and in what format the KCC should do as a presentation at the June 26th LBC meeting.

THOMPSON indicated that the present discussion would start with the introduction, scope and review. OTTE started the discussion. She said that Mr. BOCKHORST was very detailed and he had made some interesting changes grammatically and in technical use of verbiage in an official document. She said that the document looked a lot better and she said she had no problem with the way the document was modified in Part 1. She said that Part 2 constituted formatting of the document itself and she didn't see anything in that section that should be debated.

OTTE continued that Part 3 of the accompanying document to the technical review should be reviewed and any objections noted to any changes that Mr. BOCKHORST made or suggested. She said some motions in Item I of the agenda might be necessary as a result of this review.

THOMPSON asked if anyone had any objections to just accepting the changes made in Parts 1 & 2, the grammatical and formatting changes. He said that hearing none; he asked that OTTE address the items in Part 3.

¹ Work sessions are informal discussion sessions held for the purpose of exchanging and gathering information. No action may be taken, formal rules of order are relaxed, and minutes are not required to be kept.

ARTICLE 1: Name, Type and Class of Government, Boundaries, and Powers

OTTE said the KCC had gone through a lot of discussion on the name of the community and it had already been decided in the initiative that the voters voted on that said that, "The proposed consolidated Borough shall be named the Municipality of Ketchikan. She said she guessed that's the name unless the KCC wanted to check with Mr. BOCKHORST and see if the KCC's charter could supersede that initiative language. HARRINGTON said that it was such a close vote anyway that even though he prefers just 'Ketchikan' as the name, but why go through the hassle at this point? OTTE said that everyone is going to call it Ketchikan anyway, so to just leave the "official" name as the Municipality of Ketchikan.

ARTICLE VI: Initiative, Referendum, and Recall

OTTE said that the City and Borough Clerks put together for the KCC since none of the Commissioners had an idea of what specifics were involved in the process. BOCKHORST indicates that the first thing that he's concerned about is the wording is vague in terms of what portion of the Municipality may be the subject of an initiative or referendum. Must it be a legally defined jurisdictional part of the Municipality, such as nonareawide or a service area, or could it be a single lot or parcel of land owned by an individual. He went on to say that the CBJ charter said as follows: "If the subject matter of the petition relates only to a service area, the petition shall be signed by a number of qualified voters residing within the service area equal to at least twenty-five percent of the votes cast in the service area at the preceding regular municipal election."

OTTE referred to Section 6.04 (e) and it says, "If the ordinance or resolution that is the subject of an initiative or a referendum petition affects only an area that is less than the entire area of the Municipality, only qualified voters residing in that affected area may sign the petition. The petition must be signed by a number of qualified voters equal to at least twenty percent of the votes cast in that area at the last regular election held before the date written notice is given to the contract person or alternate that the petition is available." OTTE said that what BOCKHORST objects to the fact that there is no definition as to what the area is. "only an area" is a vague statement. She asked if whether the wording "only a service area within the Municipality" suffice to exchange for "an area that is less than the entire area of the Municipality"?

THOMPSON said he thought that might be too limiting because of nonareawide sewer powers, or something like that. OTTE said that language needed to be determined to put in this section instead of "only an area that is less than the entire area of the Municipality." She said that's what needs to be changed. She suggested that the members think about that as the discussion continues.

OTTE then said that BOCKHORST then goes on to discuss the second ambiguity regarding an initiative or referendum affecting a portion of the Municipality is who would be eligible to vote. She said that the Initiative and Referendum sections each have a section. 6:08 is who can vote on the Initiative and 6:09 is who can vote on a Referendum. PAINTER suggested that KCC use the language that Juneau used. OTTE suggested that by adding "qualified" before voters in 6:08 (a) & 6:09 (a) and then "of the affected area" after the word voters, would serve the purpose.

NOTE: CELL PHONE RINGING. BRIEF RECESS AT 6:12 in order for HARRINGTON to take the call.

THOMPSON said he wanted the record to show that HARRINGTON's call was a GOOD call. He's a grandpa and he's smiling. THOMPSON indicated the KCC was back in session at approx. 6:14 pm.

THOMPSON said he didn't understand the fuss being made about this. He said it seemed to him that an area that's less than the entire area of the Municipality describes a nonareawide portion of the Borough and BOCKHORST even talks about that in his memo where he says, "Must it be some legally defined jurisdictional part of the Municipality such as the nonareawide portion of the Municipality or a service area?" THOMPSON continued that he thought that was the intent there is that it could be a service area or nonareawide portion of it, but in any case...OTTE interjected and said it could be ANY portion. THOMPSON continued that whatever portion of the Borough that is affected by this has to be described within the initiative petition. OTTE wanted to know if a single lot or parcel could put forth an initiative? Both HARRINGTON & THOMPSON said if it affected them only, sure. THOMPSON said he didn't know why they would. OTTE said they would be the only ones that could vote on it. She said that because it is vague...THOMPSON said he'd be willing to change it to something like, "that affects only a service area or a nonareawide portion of the Municipality." That conforms with the legally defined jurisdictional limits.

HARRINGTON suggested that when the KCC reconvenes into regular session that language be adopted formally and the information sent to Mr. BOCKHORST for his review and ask if that change addresses his concerns about ambiguity. THOMPSON said that in this particular instance he doesn't recommend specific language, unlike other areas where he does because there is nothing in the redline document nor is there anything in the memo. HARRINGTON said he thought that had to do with the fact that we don't have to do anything but areawide according to State statute. OTTE said that the KCC's charter is doing more than State law requires in this section. She asked whether the KCC wanted to go into 6:08 (a) and 6:09 (a) and change the language, or did the KCC want to just add a new section to each of those sections. HARRINGTON wanted to know if the language could be added to somewhere we

could just avoid the redundancy. OTTE said there is a redundancy as far as the Initiative and Referendum already. Each of those sections needs to be amended. THOMPSON said that the suggested paragraph be changed to include "or nonareawide" and we insert that into 6:08 (a) and 6:09 (a), it accomplishes that.

OTTE said she thought that an extra section should be added to both 6:08 and 6:09 as (e) as in Juneau's charter, that should cover it. The others concurred.

THOMPSON reiterated there would be a change to 6:04 (e) and an additional paragraph designated as (e) for 6:08 and 6:09.

Section 8:03 (f) refers to a change already incorporated by Mr. BOCKHORST in a referenced section. No one had objections to this change.

Section 10:07: Property Tax Limit

OTTE said that BOCKHORST again said that this section was ambiguous. He also re-wrote that section to remove the ambiguities and errors in mathematical statements. Corrections in the redline document were reviewed by the KCC and found to be more clear and there were no objections to his changes raised by Mr. BOCKHORST.

OTTE then continued to 10.08 which contained reference to the 2/3 Majority required. A review of Mr. BOCKHORST's changes showed that he did not change the intent of 10:08, the speed bumps were still present in the language and his wording made the matter clearer.

Section 11.02 (b): Notice of Bond Indebtedness

OTTE read Mr. BOCKHORST's comments stating, "Section 11.02(b) provides that omissions or errors regarding information required by Section 11.02 (a)(2), (3), and (4), and (5) shall not invalidate any election. That language suggests to LBC staff that omissions or errors regarding information required by Section 11.02(a)(1) would be cause to invalidate an election. Is that the intent?" After review by the members present, it was determined that the language should stay as written and that it was the intent of the KCC to have Section 11.02(a)(1) be a cause to invalidate an election.

Section 12:03(b): Services Provided by Service Areas

OTTE read the LBC Staff comments on this section that pointed out an incorrect reference. The reference had been corrected and the KCC had no problem with that.

Section 12:04(D): Expansion or Reduction of Powers in Service Areas.

A change in KCC's Charter that stated, "...any power, other than those listed in Section 12.02, that 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 Gateway Service Area." LBC staff commented that the reference should have been to "service area basis" rather than "nonareawide basis". The KCC had no problem with that reference change.

Section 16:01: Personal Financial Interest: Nepotism

OTTE said that the LBC staff commented that Section 16.01 is ambiguous. LBC staff said that "the body" reference was unclear whether "the body" would always be the Assembly, or whether it would be the School Board as well. LBC Staff amended the Charter to substitute the term "Assembly" for "body". There was no objection by the KCC on this change.

OTTE said that Mr. BOCKHORST requested that any information from this meeting be forwarded to him as soon as possible so that he could finalize all his required documents.

THOMPSON asked OTTE whether she would like to move on and discuss Mr. AMYLON's memorandum. She said that because part of KCC's preparation for the June 26th LBC meeting was contingent on what the City was planning to do as respondent at that meeting, she felt it was important to note what Mr. AMYLON was recommending to the City Council. In reading his memorandum, he is indicating to the Council that the City has the right to present witnesses at the hearing and that absent the Council taking a position either in support of or opposition to the Petition, his office did not intend to present any witnesses. Mr. AMYLON told the Council that the notification would have to be given to the LBC by June 12th. Additionally, Mr. AMYLON advised that Council that unless he was directed otherwise, his office intended to advise the LBC that the City, as respondent, does not take a position either in support of or opposition to the consolidation petition. Lastly, Mr. AMYLON advised that he had encouraged the LBC through the KCC to conduct a formal review of the Charter with the City and Borough having the opportunity to comment on that review.

OTTE said that it would appear that the City is not going to be offering any substantial documentation or witnesses during the June 26th hearing and meeting. She said that would lead the KCC into a discussion as to what our plans are for that meeting.

HARRINGTON said that we'd heard from the City as to their intent. It probably would be appropriate to ask the Chair to contact the Borough Manager if they intend to have any witnesses. It was explained that the Borough can speak during the Public Comment section or called as a witness, but since they didn't file a responsive Brief, they do not get to participate in the afternoon's

witness testimony. OTTE said that the Chair should mention the hearing date and content and if the Assembly wanted to direct Staff to participate or if the Assemblymembers wanted to give public comment. THOMPSON said he would contact the Manager and ask what the Borough's intent is with regard to the June 26th meeting and will report back to the KCC.

OTTE went over the schedule for the afternoon meeting in that the Petitioner (KCC) has up to 10 minutes to speak, then the Respondent has up to 10 minutes to speak, followed by the Petitioner's rebut of the Respondent's testimony. Either the Petitioner and Respondent can call witnesses. There would then be a recess with Public Testimony following. Deliberations would follow the public testimony. The first part of the meeting starts at 2 pm and the second part that starts with a Public Testimony Period will begin at 7 pm.

HARRINGTON said that regarding the second part of the meeting, he's already getting a sense of some of the less-than-accurate perceptions in the public's mind about the KCC petition document that are being spread around the community.

OTTE said that what the KCC needs to do, and we've been encouraged by the LBC staff, is to get the information out there – correct information, so that when people come to do public comments...that what they're hearing on the streets is not necessarily true, in that way, we could maybe do Chamber of Commerce again, because that would get reported in the news; maybe plan on doing a little radio station stuff close to the public hearing just to get it to the fore so that people will be aware of what's happening and that they have the right and are invited to come and speak to this whole thing. PAINTER wanted to know that when the June 26th meeting reconvenes at 7, does the public have to register to speak? OTTE said no. They (the LBC) may have a sign-in sheet to get names & addresses correct in their records, but it's the same as coming up and stating your name and address in the City or Borough meetings' Public Comment periods. She said she thinks there was a requirement to sign up with intent to speak.

HARRINGTON said that the KCC would need another meeting prior to June 26th. OTTE said she didn't think it would be bad to have another short meeting. HARRINGTON said that it's been so long since we've actually talked about the details and how to get the details out to the public. Whether it's a Point of View in the paper highlighting the main points. He said he liked the idea of a Chamber presentation, Rotaries, First City Forum, etc. He said that we should get a standard for the information (OTTE said a hand-out that we could carry around and leave in public places, just a one-page little paper?) PAINTER said that the Chamber thing would be preaching to the choir. We are here because of the Chamber. OTTE said that the newspaper and radio covers the

Chamber meetings and reports on them. PAINTER said we've already done that and OTTE asked how many months ago that was. PAINTER said he thinks that a radio call-in with questions. OTTE said that every opportunity the KCC has to get in front of the public or give people information would be most appropriate and after they decide there is going to be an election, then we really need to get hard-core and get funding for ads and we need to be pro-active on this; be the banner carriers.

PAINTER said he thought the time to do that is after they set the election. He said that he thinks between now and June 26th we don't need to do anything other than maybe a Chamber thing. OTTE said we could put it that at the discretion of the Chair let Glen send people to various forums if possible. THOMPSON said he would call around and see what venues might be available to us. This is the type of thing that's gaining some momentum at this time and he said he's sure there are several folks in the media that would just love to cover this. He said he can't do it all by himself.

THOMPSON said he'd already talked to the folks at the Chamber and he said he was told that we should probably have some witnesses for this hearing on the 26th. He said he didn't know how many we would need, but he did get comments from the Chamber that they would have some representatives there who would be willing to testify in favor of our petition. OTTE reminded THOMPSON that if they're going to be witnesses, we have to submit their names by June 12th. THOMPSON said he would get their names and he said he was sure there would be a commitment from Blaine Ashcraft. He said he'd get that firmed up, but there had already been a commitment from one or two people from the Chamber. They've been a very strong proponent of this effort for the last 25 years. OTTE said that another good spokesman might be Bill Tatsuda. He's very much in favor of the consolidation effort. She said that she'd talk to him about testifying. PAINTER suggested Dave Coates and THOMPSON said that Mr. Coates would be out of town that date. He did want to testify. PAINTER also suggested George Tipton. THOMPSON said he'd ask him. PAINTER said that he'd participated in several of the KCC meetings.

OTTE said a few witnesses would be good, but since we weren't going to have to rebut anyone, it might be overkill to get too many. THOMPSON said that the more people that we have during our portion of the proceedings that can come forward and state that they think consolidation is a good idea is going to weigh heavily on the LBC's minds when they go to deliberate. The more the merrier.

THOMPSON said he would draft an opening statement that he would give on behalf of the KCC; short & sweet. Where we are, how we got here and what we want them to do and then a short closing statement. He said he'd send it to

OTTE who could circulate among the members for additions or comments and she could compile a document for review at the next meeting. He said that whatever the individual desires for inclusion might be to be covered should be included. He said he was really following along in the Executive Summary of the Preliminary Report by the LBC Staff; there was some really good stuff. A lot of the history is in the Executive Summary, and the LBC Commissioners know the information, it's another opportunity to put the information on the record, so repetition is not necessarily a bad thing and if we can do it in a short and concise fashion. Things like the Constitution states "if large local governmental entities can provide equal services, small government entities shall not be established." There's a lot of precedence to what we're doing here in Ketchikan and this is an opportunity to get it again on record, both in opening and closing.

PAINTER said he didn't have a lot of time to do emails and submitting of comments, but there are a couple of things that he would like to see mentioned during the KCC portion of the testimony. One is thank you's to everyone, including City and Borough staff, LBC staff, merchants in the community (TBC for ads and loan of equipment). He said that throughout the history of the attempts to consolidate Ketchikan the rural residents were predominantly against consolidation, however there are 4 members of the KCC from the rural areas of Ketchikan, all of whom are from the North Tongass area that was one of the most vocal areas against consolidation during the last attempt. He believes that most of the concerns expressed by those residents during the prior attempt have been addressed and satisfied.

HARRINGTON wanted to know what we do about all the changes to the Charter. THOMPSON said that once out of work session, there's an agenda item to vote on any number of amendments we'd like to. The Charter changes will have to be brought back for a second reading, as we have with any other changes to our petition.

THOMPSON said that regarding setting the next meeting, he was going to be out of town from the 7th of June until the 15th of June. It was determined that Thursday, June 22nd at 6 p.m. would be set as the next meeting. The motions made once we have gone back into regular session at this meeting will need a second vote on the 22nd.

G-2 Reconvene to regular session

M/S THOMPSON/HARRINGTON to reconvene into regular session. There were no objections to this motion.

H: OLD BUSINESS

NONE

I: NEW Business

I-1(A) FROM THE WORK SESSION.

M/S OTTE/PAINTER to accept the grammatical and formatting changes made by the LBC staff to the Ketchikan Charter Commission's Consolidation Charter in Parts 1 & Parts 2 of the Letter of Technical Review of that Charter.

A roll-call vote was taken on the motion.

FOR: THOMPSON, OTTE, HARRINGTON, PAINTER

AGAINST:

ABSENT: MCCARTY, KIFFER, FINNEY

I-1(B) FROM THE WORK SESSION.

M/S THOMPSON/HARRINGTON to adopt the changes recommended by LBC Staff in the Letter of Technical Review of the Ketchikan Charter Commission's Consolidation Charter Part 3, excepting Item B.

A roll-call vote was taken on the motion.

FOR: THOMPSON, OTTE, HARRINGTON, PAINTER

AGAINST:

ABSENT: MCCARTY, KIFFER, FINNEY

I-1(C) FROM THE WORK SESSION.

M/S THOMPSON/PAINTER to modify Section 6:04(e) of the Home Rule Charter of the Municipality of Ketchikan to state "If the ordinance or resolution that is the subject of an initiative or a referendum petition affects only a service area or a nonareawide portion of the Municipality..."; further to add a new section, Section 6.08(e) "If the subject matter of the proposed initiative measure relates only to a service area or nonareawide portion of the Municipality, the measure shall be submitted only to the electorate of that service area or nonareawide portion of the Municipality"; further to add a new section, Section 6.09(e) "If the subject matter of the proposed referendum relates only to a service area or nonareawide portion of the Municipality, the measure shall be submitted only to the electorate of that service area or nonareawide portion of the Municipality"; and notify Local Boundary Commission Staff of said changes for their input and approval in the first reading.

THOMPSON said that he was replacing the words 'an area that is less than the entire area' in that section with the words 'a service area or a nonareawide portion' in 6:04(e).

A roll-call vote was taken on the motion.

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

J. Commission Comments

THOMPSON said that those modifications to the Charter were in the first reading. There will be another meeting on June 22nd at 6 p.m. where those items will be again voted on as has been past practice with the Commission. In the meantime, the Chair is going to contact the Borough Manager to determine what their intent is with regard to the June 26th LBC meeting and give a special invitation to come; drafting an opening a closing statement for KCC membership review upon circulation by the secretary; and talk to those in the media, KRBD, Chamber of Commerce, radio stations, Rotary clubs and the Daily News about getting some of the correct information out to the public both before and after the June 26th LBC hearing with a report at the next meeting.

HARRINGTON said he was appreciative of the meeting's brevity.

PAINTER said he was thankful that all the votes were unanimous.

OTTE said it was nice to see the others and to HARRINGTON to enjoy his new grand daughter.

THOMPSON congratulated the new grandpa and everyone have a good rest of the week.

The meeting was adjourned at approximately 7:05 p.m., recessing until June 22nd at 6:00 p.m. in the City Council Chambers or Council Chambers conference room.