



Lake and Peninsula Borough

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PLEASE POST REVISED

REGULAR ASSEMBLY MEETING

Wednesday, November 16, 2016 5:30 p.m.*

NOTICE AND AGENDA

Notice is hereby given that the Lake and Peninsula Borough Assembly will hold its regular meeting on Wednesday, November 16, 2016 at 5:30 pm in the meeting room at Clarion Suites Downtown, 1110 West 8th Ave, Anchorage AK 99501

*note the time is subject to change. The meeting will not begin before the posted time, but it is possible the meeting may begin after the posted time due to travel, weather and/or scheduling inconsistencies.

This is a public meeting and the public is invited and welcome to participate. This meeting may be accessed by teleconference. The teleconference number is 1-866-339-5580. Enter pass code *2288317*. Any questions, please contact Borough Clerk, Kate Conley at 907-246-3421 or 1-800-764-3421 or

kateconley@lakeandpen.com.

NOTE: Due to telephone service inconsistency inherent to rural Alaska, the Borough meeting may not always be available in all locations or audible.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. October 24, 2016
2. Canvass Committee October 24, 2016
3. November 4, 2016

E. MANAGER'S & STAFF REPORTS

1. Introduction of Guests
2. Manager's Report
3. Consultant's Report
4. Community Development Coordinator's Report
5. Planning Commission Minutes
6. Fisheries Report
7. Finance Report
8. Lobbyist Report
9. Clerk's Report
10. Superintendent's Report
11. Student Representative Report

F. CONSENT AGENDA

G. NEW BUSINESS

1. Ordinance 16-13 Amending the FY16-17 Budget to Appropriate CIP Fund Monies – *Hearing & Decision*
2. Ordinance 16-14 re: 5 year Lease to Cenci Girls Salmon Company, LLC - *Hearing & Decision*
3. Ordinance 17-01 re: Changes to Election Code to Determine Residency - *Introduction*
4. Ordinances re: Changes to Title 6. Revenue and Finance - *Introduction*
 - a. Ordinance 17-02 re: Section 6.40, Sales and Use Tax (Fish Tax)
 - b. Ordinance 17-03 re: Section 6.40, Annual Permit Fee for Professional Guides
 - c. Ordinance 17-04 re: Section 6.50 Annual Permit Fee for Professional Guides,
 - d. Ordinance 17-05 re: Section 6.50 Annual Permit Fee for Professional Guides, Procedure for Obtaining a Permit
 - e. Ordinance 17-06 re: Section 6.50 Annual Permit Fee for Professional Guides, Civil Penalties and Enforcement
 - f. Ordinance 17-07 re: Section 6.9 Hotel-Motel Room Tax
 - g. Ordinance 17-08 re: Section 6.9 Hotel-Motel Room Tax, Penalties and Interest, Civil Action Authorized, Prohibition of Making Rentals without Registering
5. Resolution 16-14 – In Support of Full Funding from the State of Alaska for the School Bond Debt Reimbursement
6. Strategic Plans – Budget and Timeline

H. UNFINISHED BUSINESS - none

I. TIME AND PLACE OF NEXT MEETING

Regular Meeting, January 16, 2017, King Salmon AK

J. CITIZEN’S COMMENTS

K. ASSEMBLY COMMENTS

L. MAYOR’S COMMENTS

M. EXECUTIVE SESSION Per Lake and Peninsula Borough Code 2.08.050 C. Re: Legal Matters

N. ADJOURNMENT

O. INFORMATION

D. 1.
Minutes
October 24, 2016

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

**LAKE AND PENINSULA BOROUGH
REGULAR ASSEMBLY MEETING
MONDAY, OCTOBER 24, 2016 5:30 PM**

Assembly: Mayor Glen Alsworth
Randy Alvarez
Scott Anderson – via teleconference
Myra Olsen
Alvin Pedersen
Michelle Pope-Ravenmoon
Christina Salmon – absent, excused
Anna Jones – Student Representative

Staff: Kate Conley, Borough Clerk
Susan Edwards, Finance Officer
Nathan Hill, Borough Manager

Guests: none

A. CALL TO ORDER

The regular meeting of the Lake and Peninsula Borough Assembly was called to order by Mayor Glen R. Alsworth, Sr. on Monday, October 24, 2016 at 5:30 pm from the meeting room of the Lake and Peninsula School District in King Salmon AK. The meeting was available via teleconference.

B. ROLL CALL

A quorum was established with Mayor Glen R. Alsworth, Sr. and Assembly members Randy Alvarez, Myra Olsen, Alvin Pedersen and Michelle Pope-Ravenmoon present. Assembly member attended by teleconference. Assembly member Christina Salmon was absent, excused.

C. APPROVAL OF AGENDA

Motion was made by Assembly member Olsen to approve the agenda as presented. Motion was seconded by Assembly member Pedersen. Motion passed unanimously by voice vote.

D. APPROVAL OF MINUTES

1. September 13, 2016 - Motion was made by Assembly member Ravenmoon to approve the minutes of the September 13, 2016 Assembly meeting. Motion was seconded by Assembly member Olsen. No corrections were noted. Motion passed unanimously by voice vote.

E. MANAGER'S & STAFF REPORTS

1. **Introduction of Guests** – The Mayor said he was happy to have Anna Jones present as a student representative.

2. **Manager's Report**

Nathan Hill told the Assembly that he spent time working on the Kokhanok wind project and the Chignik dock. There is a team of people in Kokhanok now assessing the facilities and determining if the money already secured will be sufficient to complete the project. The Borough was awarded \$86,000 for the Kokhanok wind project in round 6 of the AEA grants. Mr. Hill and a team of consultants have applied for additional grants and were not successful. The dock in Chignik is progressing well. They are currently compacting the fill. This involves inserting a probe into the ground. The probe vibrates the soil and compacts it. There are 175 locations to be compacted and it takes one hour in each location. It is very time consuming. There have been no large change

orders to date. There was one, but it is not a large dollar amount. The current project is for the work to be completed before Christmas.

The wall below the tank farm in Igiugig is nearly complete. All of the metal walls have been installed but are not pounded in completely.

3. Consultant's Report

Mr. Lamar Cotten submitted a written report. There was no discussion.

4. Community Development Coordinator's Report

Ms. Conley reported that there is a public hearing scheduled for the Tanalian Shores #4 subdivision. The hearing will be November 14th at 1:00 pm in Port Alsworth. The only other thing of note is that Mr. Hill and Ms. Conley have signed several plats and will have more plats to be signed.

Nathan Hill noted that staff have been working with the Foraker Group to come up with a capacity building format that will create strategic plans that the Borough can later use toward updating the Comprehensive Plan. A project outline and budget will be presented at the next meeting.

5. Planning Commission Minutes

There were no minutes as there had not been a meeting in September.

6. Fisheries Report

The Mayor said the good news is that there were a lot of fish and the price was a little better. The additional funds, are countered by the State's change in bond reimbursement. There were four buyers in Chignik this year. We will see the fish tax come in November.

Assembly member Alvarez asked why Chignik fishermen get \$1.25 per pound and Bristol Bay fishermen get \$.90. He wondered if it is because their fish come in earlier and therefore hit the market earlier. The Mayor suggested it may be because the cost to haul the product from Chignik would be cheaper than from Naknek. Assembly member Alvarez said that there is a lot of fish shipped out and so the volume should reduce the cost. The Mayor said he wrote a report a few years ago about the cost of salmon. He looked at the price of salmon from several different locations in Alaska. Bristol Bay salmon were last in the market every single year. Copper River salmon were the most expensive. He noted that the Kennecott mine is at the headwaters of the fishery and the largest oil spill in the world was in the inlet. So there is more to the price of fish than just water. Assembly member Pedersen said it is marketing. There was a discussion of the Frasier Rive and their numbers.

7. Finance Report

Finance Officer Susan Edwards reported that fish tax receipts we coming in with a \$200,000 payment received today, bringing the fiscal year to date total to around \$900,000, with several processors still to file. Ms. Edwards reported that guide tax collections, especially which from hunting, were increased over the prior year and pointed to a report from the State Dept. of Labor that tourism, as a whole, is up statewide and expected to continue to grow. The State has licensed 26 new Master Guides and the finance department will be looking for them, should they register to guide in the borough. Ms. Edwards reported guides have provided feedback on the borough's tax program with complaints including wanting annual rather than quarterly filing and that the annual cap of \$750 was inherently unfair to smaller operators. Assembly member Alvarez asked what the ratio is of small businesses to large

businesses. Ms. Edwards estimated a 70/30 percent split between small to large guide operations. Ms. Edwards noted that for the larger operators, it was cheaper for them to pay the maximum tax of \$750 for the year than to deal with the paper work of reporting the number of clients and days in the field. The need to count each client's days in the field also went to the need to maintain quarterly filing, said Ms. Edwards, especially with the smaller guides. The Mayor said that when the tax structure was being set up, the cap was established to capture some businesses that would prefer to pay the \$750 rather than count each visitor.

Ms. Edwards said that the scrap project should be wrapping up soon. She promised to have a draft of the final report and photos for the next report.

8. Lobbyist Report

Mark Hickey submitted a written report. The Mayor said it will be interesting to see what happens this coming year in Juneau.

9. Clerk's Report

Ms. Conley said the election is nearly over. There will be another meeting November 4, 2016 at 8:30 to certify the election. She reviewed the schedule for the November 14th to 16th meetings. The conferencing system did not arrive, but should be available to try in January. The capital improvement lists, which the Borough compiles annually, have been sent to the villages with a November 15th deadline, so a report should be available for the November meeting.

10. Superintendent's Report

Ty Mase, LPSD Superintendent, submitted a written report. Assembly member Alvarez said that the enrollment looks good. There was a discussion of enrollment in specific locations. There were no further questions.

11. Student Representative Report

Anna Jones from Chignik Lagoon explained that she is the Student Government Vice President. The district student council has challenged each school to think of and plan a service project to bring the school and the communities together. For example, Pilot Point picked up trash. She explained that Chignik Lagoon students pick up trash around the village each fall and spring. The district student council will meet again in January during the volleyball meeting in Port Alsworth. Ms. Jones said she had planned to attend AASG this fall, but was unable to due to weather. She is hoping to attend the AASG conference in March in Juneau.

F. CONSENT AGENDA

1. Resolution 16-13 Declaring Surplus Property

Motion was made by Assembly member Olsen to approve the consent agenda as presented.

Motion was seconded by

G. NEW BUSINESS

1. Ordinance 16-13 Amending the FY 16-17 Budget to Appropriate CIP Fund Monies - Introduction -

Motion was made by Assembly member Olsen to introduce Ordinance 16-13 "An Ordinance Amending the Amended Lake and Peninsula Borough Operating Budget for the Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017 (FY 17) to Appropriate Capital Improvement Fund Monies." Motion was seconded by Assembly

member Ravenmoon. There was no further discussion. Motion passed unanimously by voice vote.

2. Chignik Dock Completion and the Future

The Mayor said, for the future, there is not a lot of discussion to be had. The Borough will accept ownership from the State when the dock is completed and then the Borough will transfer management to the City of Chignik. The manager and the consultants will work on the details. Mr. Hill said that Lamar Cotten is taking the lead on the dock. Mr. Cotten think it will take some professional help to figure out how to set up the management. This will be a cost, but it is likely the wisest as management of a dock is not familiar for either Mr. Hill or Mr. Cotten. Assembly member Olsen asked if there will be the possibility of selling fuel from the dock. Mr. Hill said that is one item that is being discussed. Neither the village corporation nor the City are interested in selling fuel. They may be able to work out an agreement with another entity or business. Assembly member Alvarez asked how fishermen get their fuel in Chignik. Anna Jones said that most buy it from Trident. Chignik Lake is currently without gas or fuel and so they depend on the Lagoon for fuel. No action was taken.

3. Letter of Recommendation to the Board of Fish re: BB Fin Fish Meeting Location

Motion was made by Assembly member Olsen to write a letter of recommendation to the Board of Fish to hold the next Bristol Bay Fin Fish meeting in Dillingham. Motion was seconded by Assembly member Pederson. The Mayor explained that BBEDC asked for a recommendation from the Borough to hold the Bristol Bay Fin Fish meeting in Dillingham. Assembly member Alvarez noted that this meeting is in two years. He said he can support this because BBEDC is starting to include other villages in their programs. He said he likes that BBEDC is expanding their accessibility. They help people to buy permits, but fishermen need help to buy a boat, too. There was no further discussion. Motion passed unanimously by voice vote.

4. Chignik Lagoon Flooding

Ms. Conley explained that she was able to find a grant through the Natural Resource Conservation Service called the Emergency Watershed Protection Program to help with the flooding and erosion on Packers Creek. The agency is planning to send engineers to the village on October 27 and 28th to assess the damage and suitability for the program. Anna Jones said she had to move from her house because of the following and for of the power lines falling. The power was shut off for a day because of the unstable electrical lines throughout the village. Assembly member Pedersen said that the Corps of Engineers did some preventative work on the creek a few years ago, but it appears the work is failing.

The Mayor said that in Chignik Lake, the water was really high in Black Lake. Assembly member Pedersen said that there were many buildings completely surrounded by waster and some of the older homes were threatened to flood, but no damage was incurred. The Mayor added that from the airport to the school, the road was full of water. No action was taken.

5. Ordinance 16-14 re: 5 year Lease to Cenci Girls Salmon Company, LLC - Introduction

Motion was made by Assembly member Alvarez to introduce Ordinance 16-14 "An Ordinance Authorizing a Transfer and Five Year Lease of Real Property Containing 1.0 Acres More or Less to Cenci Girls Salmon Company, LLC for the Operation of a Commercial Set Net Operation." Motion was seconded by Assembly member Pedersen.

The Mayor asked the Finance Officer is all is in order. Ms. Edwards said yes. Assembly member Alvarez asked where this is. Ms. Edwards said it is south of Coffee Creek in Egegik. There was no further discussion. Motion passed unanimously by voice vote.

H. UNFINISHED BUSINESS – none

I. TIME AND PLACE OF NEXT MEETING

Regular Meeting, November 15 & 16, 2016, Anchorage AK

J. CITIZEN'S COMMENTS - none

K. ASSEMBLY COMMENTS

Scott Anderson – Assembly member Olsen said the teleconference is hard to hear and that anyone at a distance is really sketchy. Ms. Conley said she would have a new system available to test out in January.

Randy Alvarez – Assembly member Alvarez said he will attend a SAVEC board meeting on November 3rd. Steven Angasan, Executive Director, resigned a week and a half ago and it will be effective the end of October. There is an opening on the board as well. He added that if BBEDC did not give SAVEC \$200,000 they would not be able to keep their doors open. SAVEC does help the region and they have a lot of classes.

L. MAYOR'S COMMENTS - None

M. ADJOURNMENT

Motion was made by Assembly member Olsen to adjourn the Regular Assembly meeting of the Lake and Peninsula Borough. Motion was seconded by Assembly member Pedersen. Motion passed unanimously by voice vote. The meeting was adjourned at 6:30 pm

N. INFORMATION

None

D. 2.
Minutes
Canvass Comm.
October 24, 2016

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

**LAKE AND PENINSULA BOROUGH
CANVASS COMMITTEE MEETING MINUTES
October 24, 2016**

A. CALL TO ORDER

The Canvass Committee meeting was called to order by Clerk Kate Conley on Monday, October 24, 2016 at 1:20 p.m.

B. ROLL CALL

A quorum was established with Glen R. Alsworth Sr., Myra Olsen, Alvin Pedersen and Randy Alvarez present. Canvass Committee Member Salmon was absent, excused. Staff present for all or part of the meeting included Nathan Hill, Borough Manager, Kate Conley, Borough Clerk; and Nikki Reed, Assistant Finance Officer. Others present for all or part of the meeting included Anna Jones, Chignik Lagoon

C. APPROVAL OF AGENDA

Motion was made by Canvass Committee member Alsworth to approve the agenda as presented. Motion was seconded by Canvass Committee member Alvarez. Motion passed unanimously by voice vote.

D. ELECTION UPDATE

Ms. Conley gave the Canvass Committee an update on the election as follows: The total number of ballots cast legally was 251.

The minimum percentage required to pass is 40% of 100, but as no seat is contested, the percentage is not likely to be important. Ms. Conley explained there will be a Special Assembly Meeting on November 4, 2016 to certify the election results.

This year the Borough mailed ballots to 1198 registered voters. The Borough has received 149 ballots back as non-deliverable. State election law prevents removal of these voters from the voter registration list, but they can be listed as inactive voters for turnout purposes. Removing the non-deliverable ballots leaves the Borough with 1049 active voters in this election.

Of the 1198 ballots mailed to voters, a total of 351 were returned to the Borough. 46 ballots (18.32%) were questioned because they failed to meet all the criteria: voter certification and witnessing affidavit, were postmarked after Election Day, were suspected of tampering or were received after the last day to turn ballots in to the clerk, etc. Voter turnout was 23.93% when calculated by total amount of ballots returned eligible & ineligible ballots divided by active voters.

Ms. Conley explained that the ballots have been reviewed and 46 ballots have been flagged for possible challenged ballots. The process will require the Assembly to review the flagged ballots and judge whether the ballots meet the requirements for voting in the Lake and Peninsula Borough. If the Canvass Committee finds the ballot insufficient, then the voter is sent a letter informing them of the canvass committee decision and instructing them how to contest if they disagree.

E. REVIEW OF CHALLENGED BALLOTS

The review of one ballot challenged because it did not have a voter signature. Ms. Conley passed around the ballot of John Gregory, Levelock. Motion was made by Canvass Committee Member Olsen to not count the ballot of John Gregory of Levelock because the voter did not sign the ballot. Motion was seconded by

Canvass Committee Member Pedersen. There was no further discussion. Motion passed unanimously by voice vote. The ballot of John Gregory, Levelock was not opened and was not tallied.

The Committee next considered one ballot that was questioned for not including any voter identification. Ms. Conley passed around the ballot of Gustie Tallekpalek of Levelock. Motion was made by Assembly member Olsen to not count the ballot of Gustie Tallekpalek, Levelock because it does not include any voter identification. Motion was seconded by Canvass Committee Member Pederson. There was no further discussion. Motion passed unanimously by voice vote. The ballot of Gustie Tallekpalek, Levelock was not opened and was not tallied.

Ms. Conley explained that there were a lot of voters this year who did not include one or both witness signatures on their ballots. One village in particular, Nondalton, had thirteen voters fail to have two witness signatures. Ms. Conley said she will need to do some election training in Nondalton in the coming year. The twenty three ballots were passed around. Motion was made by Canvass Committee Member Alvarez to not count the twenty three ballots because they did not have witnessing signatures. Motion was seconded by Canvass Committee Member Alsworth. There was no further discussion. Motion passed unanimously by voice vote. The ballots of Alexander Tallekpalek, Levelock; Deborah Carlson, Chignik; Parascovia Deigh, Egegik; Gerald Alto, Egegik; Fedosia Balluta, Iliamna; Mike Rickteroff, Kokhanok; Joseph Paine, Kokhanok; Debbie Weedman, Nondalton; Louis Weedman, Nondalton; Richard Weedman, Nondalton, Skye Weedman, Nondalton; Dian Alexie, Nondalton; Nancy Hobson, Nondalton; Darrell Hobson, Nondalton; Claudine Hobson, Nondalton; Virgil Delkittie, Nondalton; Mary Delkittie, Nondalton; Gilbert Delkittie, Nondalton; Charles Balluta, Nondalton; Nickoli Balluta, Nondalton; Benjamin Foss, Pedro Bay; Teddy Matson, Port Heiden and Tisha Christensen-Lind, Port Heiden were not opened and were not tallied.

The Canvass Committee considered ballots that could be considered late. Ms. Conley. Presented the ballots of eight voters whose ballots were post marked late. The Assembly passed around the eight ballots for consideration. Motion was made by Canvass Committee Member Olsen to not count the eight ballots because they were postmarked late. Motion was seconded by Canvass Committee Member Alsworth. There was no further discussion. Motion passed unanimously by voice vote. The ballots of Renee Ground, Igiugig; Jiles Pourier, Igiugig; Ernest Carlson, Chignik; Janis Carlson, Chignik; Gary Alexie, Nondalton; Mark Calkins, Nondalton; Maggie Abyo, Pilot Point; and Ada Trefon, Nondalton were not opened and were not tallied.

Ms. Conley explained that the ballot of Mike Abyo was received at the same time as the ballot of Maggie Abyo, who lives at the same address and had the same witnesses; however, the postmark on Mr. Abyo's ballot was not decipherable, while Ms. Abyo's postmark was cleared mailed on October 6th, making it late. Ms. Conley asked the Canvass Committee to decide if Mr. Abyo's ballot should be counted. The ballot was passed around along with Maggie Abyo's ballot for comparison. Canvass Committee Member Alvarez said that there is not enough evidence to disqualify the ballot. Canvass Committee Member Alsworth said that the voters need to be given the presumption of correct, if incorrect cannot be confirmed. Motion was made by Canvass Committee Member Alvarez to count the ballot of Mike Abyo, Pilot Point. Motion was seconded by Canvass Committee Member Pedersen. There was no further discussion. Motion passed unanimously by voice vote. The ballot of Mike Abyo, Pilot Point was placed in with the ballots to be counted and tallied.

Next, Ms. Conley explained that the ballot of Alvin Pedersen was received on October 17, but did not have a postmark. Some of the other ballots received on October 17 were late. She then passed the ballot around. Canvass Committee member Pedersen recused himself from the committee. Canvass Committee Member Alsworth said that the committee does not have access to information needed to investigate, so as there is no evidence, the ballot has to be considered valid. He then asked the clerk if any ballots received on that date were valid. Ms. Conley said she could not answer that question. Motion was made to count the ballot of Alvin Pedersen, Chignik Lagoon. Motion was seconded by Canvass Committee Member Olsen. There was no further discussion. Motion passed with three votes and one abstention. The ballot of Alvin Pedersen, Chignik Lagoon was placed in with the ballots to be counted and tallied.

Next the Clerk requested the Committee review the ballot of Charles Clayton, Egegik for tampering. Ms. Conley explained that the voter's identification number was whited out and re-written. The number that was re-written is the correct number. Canvass Committee Member Alsworth said they just corrected the number. Motion was made by Canvass Committee Member Olsen to count the ballot of Charles Clayton, Egegik. Motion was seconded by Canvass Committee Member Alvarez. There was no further discussion. Motion passed unanimously by voice vote. The ballots of Charles Clayton, Egegik was placed in with the ballots to be counted and tallied.

Ms. Conley then presented the ballots of Ronald Loftfield, Nondalton and Carol Loftfield, Nondalton who live at the same address. The signatures and dates of birth on both ballots were scratched out, re-entered and initialed. The ballots were passed around for consideration. Canvass Committee Member Alvarez said it seems obvious that they each grabbed the wrong ballot and it was corrected the best way they could. Canvass Committee Member Alsworth asked if the dates of birth are correct. The Clerk said yes they are correct. Canvass Committee Member Olsen pointed out that they even wrote "error" on the correction. Motion was made by Canvass Committee Member Olsen to count both ballots. Motion was seconded by Canvass Committee Member Pedersen. There was no further discussion. Motion was passed unanimously by voice vote. The ballots of Ronald Loftfield, Nondalton and Carol Loftfield, Nondalton were placed in with the ballots to be counted and tallied.

The committee next reviewed ballots questioned for residency. Ms. Conley explained that she does not know these voters have been considered by the committee before, but flags them for possible residency challenge if they meet the criteria of being mailed to a voter outside the borough and are returned from outside the borough.

Mr. Bat D. Anders' ballot was inspected along with a packet of information including portions of previous Canvass Committee minutes and some information for public records searches. Ms. Conley noted that the ballot was sent to Anchorage and Mr. Anders wrote his return address as Anchorage. She explained that Mr. Anders has been before the Canvass Committee six times. Six times his ballot has been questioned and rejected for residency; however, last year he contested the Canvass Committee's decision. The Assembly allowed the ballot to be counted. Canvass Committee Member Alvarez said that due to the wording of the Supreme Court ruling, if a voter's hear sings to Lake and Peninsula Borough, and the voter choses to be registered to vote in the Borough, the Canvass Committee has to allow the ballot. Canvass Committee Member Alsworth noted that if a voter is registered in Lake and Peninsula Borough instead of where they live, they are giving up their right to vote in their own elections. Motion was made by Canvass Committee

Member Alvarez to allow the ballot of Bat D. Anders. Motion was seconded by Canvass Committee member Pedersen. There was no further discussion. Motion passed unanimously by voice vote. The ballot of Bat D. Anders, Nondalton was placed into the ballots to be counted and tallied.

The Committee next considered the ballot of Wallace Hinderer. Ms. Conley said Mr. Hinderer's ballot was sent to Port Angeles and was returned from Port Angeles. Ms. Conley provided a packet of information including a letter written in October 2011 from Mr. Hinderer explaining he has been registered to vote from the Chigniks for 20 years and has fished in Chignik since 1963. He owns property in the Chigniks and services on the City Council. Included in the packet of information was also information from a public records search. Ms. Conley added that Mr. Hinderer is still active on the City Council. Canvass Committee Member Pedersen said Mr. Hinderer is well established. Motion was made by Committee member Alvarez to allow the ballot of Wallace W. Hinderer. Motion was seconded by Committee member Pedersen. There was no further discussion. Motion passed unanimously by voice vote. The ballot of Wallace Hinderer, Chignik was placed into the ballots to be counted and tallied.

The ballot of Ruby C Carlson-Larson was considered. The ballot was sent to Kelseyville, California, and was returned from Kelseyville, California. Ms. Conley explained that Ms. Carlson-Larson has a dental office in Kelseyville. Ms. Carlson-Larson's ballot was reviewed in 2010, 2011 and 2012 and denied. In 2013 and 2014 and 2015, the ballot was opened and counted. The Committee asked what changed. Ms. Conley said she is not aware of any changes. Motion was made by Committee Member Alvarez to allow the ballot of Ruby C. Carlson-Larson. Motion was seconded by Committee Member Pedersen. There was no further discussion. Motion passed unanimously by voice vote. The ballot of Ruby C. Carlson-Larson, Chignik was placed into the ballots to be counted and tallied.

The Committee next considered the Ballot of Timothy M. Murphy. The ballot was mailed to Anchorage and returned from Anchorage. He voted in 2015 and his ballot was questioned for residency, but the Canvass Committee allowed his ballot. Ms. Conley said it appears he has been in Chignik Lagoon at least five years. He registered a vehicle in March 2015 and listed his residential address as Chignik Lagoon. He also registered a skiff in 2015 and listed his residential address as Chignik Lagoon. He is a commercial fisherman. Pedersen said Mr. Murphy is in Chignik Lagoon six or seven months of the year. Motion was made by Committee member Pedersen to allow the ballot of Timothy M. Murphy. Motion was seconded by Committee member Alvarez. There was no discussion. Motion passed unanimously by voice vote. The ballot of Timothy M. Murphy, Chignik Lagoon was placed into the ballots to be counted and tallied.

The last ballot to be questioned was from Maryanne Yagie, Perryville. Ms. Yagie's ballot was mailed from Anchorage and returned from Anchorage. She had no prior history of questioned ballots and in the October 2015 election she was registered to vote in Perryville. She has many years of PFDs filed, all from Perryville and her last hunting licenses were filed in 1999 and 2000 were both for Perryville. Canvass Committees Member Alsworth said that if Perryville is still where she considers home and is registered, the Committee has to accept her ballot. Motion was made by Canvass Committee Member Alvarez to allow the ballot of Maryann Yagie, Perryville. Motion was seconded by Canvass Committee Member Alsworth. There was no further discussion. Motion passed unanimously by voice vote. The ballot of Maryann Yagie, Perryville was placed into the ballots to be counted and tallied.

F. TALLY OF ABSENTEE BALLOTS – Ms. Conley said there no absentee ballots. One fax ballot application was sent but not returned.

G. TALLY OF BALLOTS BY MAIL

Ms. Conley informed the Canvass Committee that the ballots were ready to be opened and tallied. Ms. Conley explained that there were no candidates who had registered as write in candidates; and when a write in candidate is written on a ballot it will be not be announced. The ballots were opened and the voter’s options announced for all to tally. There were no other notable incidents while tallying ballots.

H. UNOFFICIAL ELECTION RESULTS

ASSEMBLY SEAT C: Michelle Pope Ravenmoon	190
ASSEMBLY SEAT F: Scott W Anderson	182
SCHOOL BOARD SEAT E: Austin Shangin	191
SCHOOL BOARD SEAT G: Stacy A Hill	196

I. ADJOURNMENT

Ms. Conley informed the Assembly that the election would be certified at the November 4, 2016 Special Assembly Meeting via teleconference at 8:30 am. Motion was made by Canvass Committee member Pedersen to adjourn the Canvass Committee Meeting. Motion was seconded by Committee member Alsworth. Meeting was adjourned by consensus at 2:49 pm

Glen Alsworth, Sr., Mayor

Kate Conley, Borough Clerk

Date

D. 3.
Minutes
November 4, 2016

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

**LAKE AND PENINSULA BOROUGH
SPECIAL ASSEMBLY MEETING
FRIDAY, NOVEMBER 4, 2016 8:30 AM
VIA TELECONFERENCE**

Assembly: Mayor Glen Alsworth
Randy Alvarez
Scott Anderson
Myra Olsen- absent, excused
Alvin Pedersen
Michelle Pope-Ravenmoon
Christina Salmon
Staff: Kate Conley, Borough Clerk
Nathan Hill, Borough Manager
Guests: none

A. CALL TO ORDER

The regular meeting of the Lake and Peninsula Borough Assembly was called to order by Mayor Glen R. Alsworth, Sr. on Monday, November 4, 2016 at 8:30 am via teleconference.

B. ROLL CALL

A quorum was established with Mayor Glen R. Alsworth, Sr. and Assembly members Randy Alvarez, Alvin Pedersen, Michelle Pope-Ravenmoon and Christina Salmon present. Assembly member attended by teleconference. Assembly member Myra Olsen was absent, excused.

C. APPROVAL OF AGENDA

Motion was made by Assembly member Alvarez to approve the agenda as presented. Motion was seconded by Assembly member Salmon. Motion passed unanimously by voice vote.

D. NEW BUSINESS

1. Certify Results of October 4, 2016 General Election

Ms. Conley gave the Assembly the final report of the election. Letters were sent on November 24th to the voters whose ballots were not opened or counted and no letter of challenge or contest were received by the Clerk.

The final numbers are:

ASSEMBLY SEAT C:

Michelle Pope Ravenmoon 190

ASSEMBLY SEAT F:

Scott W. Anderson 182

SCHOOL BOARD SEAT E:

Austin Shangin 191

SCHOOL BOARD SEAT G:

Stacy A Hill 196

Ms. Conley reported that the total number of ballots cast legally was 215 40% of the total ballots cast legally, as required by LPB municipal code to win, is 86.

This year the Borough mailed ballots to 1198 registered voters. The Borough has received 149 ballots back as non-deliverable. State election law prevents removal of these voters from the voter registration list, but they can be listed as inactive voters for turnout purposes. Removing the non-deliverable ballots leaves the Borough with 1049 active voters in this election.

Motion was made by Assembly member Salmon to certify the results of the 2016 regular election. Motion was seconded by Assembly member Alvarez. There was no further discussion. Motion passed unanimously by roll call vote.

E. ADJOURNMENT

Motion was made by Assembly member Anderson to adjourn the Regular Assembly meeting of the Lake and Peninsula Borough. Motion was seconded by Assembly member Salmon. Motion passed unanimously by voice vote. The meeting was adjourned at 8:39 am

E. 2.

Reports

Managers

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**



Lake and Peninsula Borough

*P.O. Box 495
King Salmon, Alaska 99613*

*Telephone: (907) 246-3421
Fax: (907) 246-6602*



To: Mayor Alsworth,
Assembly Members
From: Nathan Hill, Manager
Re: November Report

November 2016

November Report

There have been quite a few things transpiring over the last month. Included in this is tracking projects, working day to day with staff and consultants. Within the staff I am working with finance on upcoming budget issues and closing out grants, namely the Scrap Haul Out, Igiugig Bulk Fuel/Waterfront Improvement, and Egegik/Levelock Wind Study. I have also been in touch with borough residents and leaders on other issues. Here is a list of projects and issues that I have been working on with status.

Igiugig Bulk Fuel Water Front Improvement

ILC has completed installation of all pile necessary; however, there are some of the sheet piles that require a heavier hammer. The project will have to get these final touches done once they acquire a heavier diesel hammer.

Chignik Dock

The dock has been fighting weather issues with heavy rain and high tides. They may not be able to continue with the last couple of feet of fill on the dock without taking additional measures of processing material or bringing in improved material. This will most likely result in a change order of which I am not sure at the time of this report the amount. In preliminary conversation, it looks like it should fit within the amount already allocated by the borough. More news on this at the meeting.

Kokhanok Wind

The project is still creeping forward with plans to expend the residual dollars we have left with Alaska Energy Authority. This will work with folks that we intend on using in the project moving forward. Following that we are going to be pursuing a grant from Department of Energy hopefully before the end of the calendar year.

Pedro Bay School

I have been in conversations with both the Village and their respective Corporation regarding future use of the school facility. I have gone to the school district and the state on the issue and I am confident that we can work something out. I have asked the Village and Corporation to present a draft plan of how they would like to work this out and their intent. I will provide a draft of their proposal in a letter at the meeting.

CHIGNIK DOCK UPDATE: Will pass out a copy at the meeting.

E. 3. Reports Consultant's

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

To: Glen Alsworth, Mayor Assembly members

Nathan Hill, Manager

From: Lamar Cotten

Re: Monthly Report-October-early November 2016

Below is a summary of my work for the months of October-early November.

1. Chignik Dock. Worked with Nathan and have met a series times with PND and others on dock matters. Worked on Rfp matters.
2. CIP matters. Worked with Nathan and ANTHC on follow on energy audits on other related energy matters.
3. Worked with Kate and Nathan on a variety of administrative and planning matters.
4. I generally communicated on a daily basis with some combination of the manager, staff, the mayor, engineering firms, state agencies, lobbyist and legal team on a variety of issues. □

E. 4. Reports CDC's

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**



Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



Date: November 7, 2016
To: Mayor and Assembly
From: Kate Conley, Borough Clerk
Re: CDC Report

I have only been back from vacation for a week, but this is what is happening in the CDC department:

- Major Plat – “Tanalian Shores #4 Subdivision is set for public hearing in Port Alsworth on November 14th at noon. I will be taking Lary Hill, Skipper Tallekpalek and Fawn Silas with me to the hearing.
- Plats – Nathan and I signed a plat for Newhalen Road Improvements, which was approved by the Planning Commission in 2013. As well as a another old one for a lot in Nondalton which was approved in 2014 but was never signed and recorded. We are getting some old loose ends wrapped up.
- Project Report – I have been working on additional topics the Mayor added. I appreciate all the help I am getting from Bob, Lamar and Nathan.
- Comprehensive Plan – In the agenda you will find a proposal for completing sixteen strategic plans with Foraker. These strategic plans would be used as raw data to fold into the comprehensive plan.
- Capital Lists & CAPSIS – I sent out letters to villages requesting their priority list resolutions and CAPSIS information in September and I have followed up with two reminders. The lists are due November 15th. I have not received any. I will be phoning later this week. I plan to have a resolution ready for the Assembly in January.
- Development Permits – I have received one development permit, but they do not have all their permits in place yet, so I will hold it and present it to the planning commission when the permit is complete.
- Packer’s Creek – At the last meeting I reported that a team of engineers were scheduled to visit Chignik Lagoon October 27th and 28th. They did visit and assess the damage and suitability for USDA funding for reclamation. Unfortunately, the officials decided that the community does not qualify. I have attached their report.

Subject: Chignik Lagoon erosion investigation Date: November 9, 2016

To: Delissa McCormick, Administrator, Chignik Lagoon Village Council File 390
Code:

CC: Brett Nelson, State Conservation Engineer, Palmer, USDA-NRCS
Scott Crockett, Assistant State Conservationist - Operations, Palmer, USDA-NRCS
Meg Mueller, South Hub Leader, Kenai, USDA-NRCS
Pam Voeller, Soil Conservationist, Kenai, USDA-NRCS
Kate Conley, Lake and Peninsula Borough

INTRODUCTION

On October 27, 2016, Scott Crockett and I traveled to the village of Chignik Lagoon, AK. The purpose of our visit was to investigate recent flooding and erosion. On or around October 16, the village reportedly experienced rainfall amounts and intensities that had not been observed in decades. The village and borough requested NRCS assistance related to the Emergency Watershed Protection (EWP) program, regarding protection of the stream banks from further erosion.

Fall storms, in conjunction with tidal influences, have routinely caused shoreline erosion near the village. A 2008 report by the US Army Corps of Engineers shows the approximate locations of past erosion. Figure 1 shows a portion of an image contained in the Corps report. Dashed red lines denote areas prone to erosion. Recent events appear to have affected Packers Creek. No significant coastal erosion was observed or reported due to the October storm.

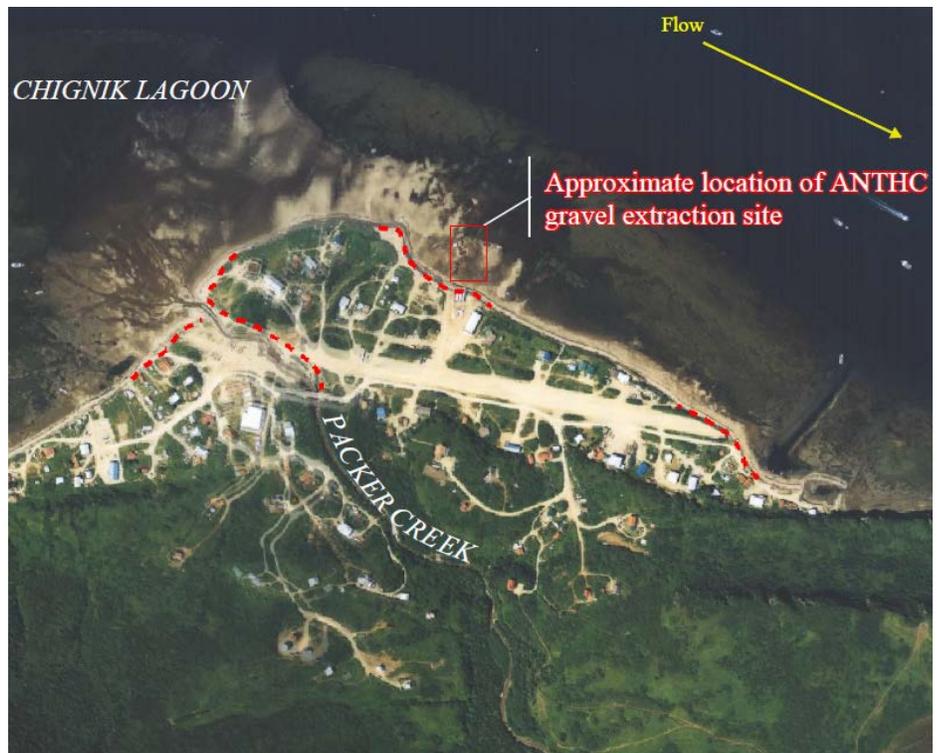


Figure 1: Erosion in Chignik Lagoon, Alaska (USACE image, 2008)

FIELD ACTIVITIES

We arrived onsite at approximately 1:30 pm on October 27. We met with village administrator Delissa McCormick. Mrs. McCormick showed us the erosion on Packers Creek, as well as rock and debris at the hydroelectric intake. We also viewed some ongoing hillside erosion adjacent to the hydropower access road.

As was reported during an NRCS visit to the site in 2015, erosion and hillside creep adjacent to the hydropower access road are continuing to some degree. In the past year, some additional vegetation has established on the slope. There are still significant bare hillside areas upslope of the road, but Ms.

McCormick stated that no significant slides have occurred during the past year, and the slope weathered the recent precipitation very well.

Figure 2 shows an area of erosion. While efforts to continue to establish vegetation are

encouraged, it is possible that, through past slides, the slope has achieved a better level of stability. It would be prudent for the village to make efforts to reestablish natural vegetation consisting of

alders, salmon berry bushes, and grasses, in order to help limit continued erosion.



Figure 2: Hillside erosion adjacent to hydroelectric intake access road

Some significant erosion has occurred at the toe of the hydropower intake structure, as shown in Figure 3. One gabion basket that protects the structure toe from scour has been displaced by high flows. Also, rock debris is limiting the capacity of the overflow weir.

Village personnel have already performed some cleanout and rock placement at the structure in order to get the hydropower system back online after the storm.

Further work is necessary to regain full protection of the intake structure.



Figure 3: Hydropower intake structure

Further downstream, erosion has encroached upon the hydropower turbine building, shown in Figure 4. There is still approximately 30 feet of distance between the creek bank and the structure, and some streambed material has been dredged and placed in this area. The village is presumably planning riprap placement in this area, but has not yet put the rock in place.



Figure 4: Hydropower turbine building, with streambank erosion at extreme right

Just downstream, the access bridge experienced some erosion around the right abutment, as shown in Figure 5 and Figure 6. The footing of the abutment appears to be undermined. The downstream wingwall has been eroded as well.



Figure 5: Erosion downstream of right bridge wingwall



Figure 6: Erosion under right bridge abutment footing

Areas above and below the First Street bridge have eroded. The village was concerned about at least one location that eroded within about 30 feet of a power pole (near center of Figure 7), as well the future potential for that erosion to threaten homes in that area. Also shown in the figure is recent village work to address the erosion, by dredging deposited sediments from the stream, and placing them against the eroded streambank, and placement of rock on the newly restored streambank.

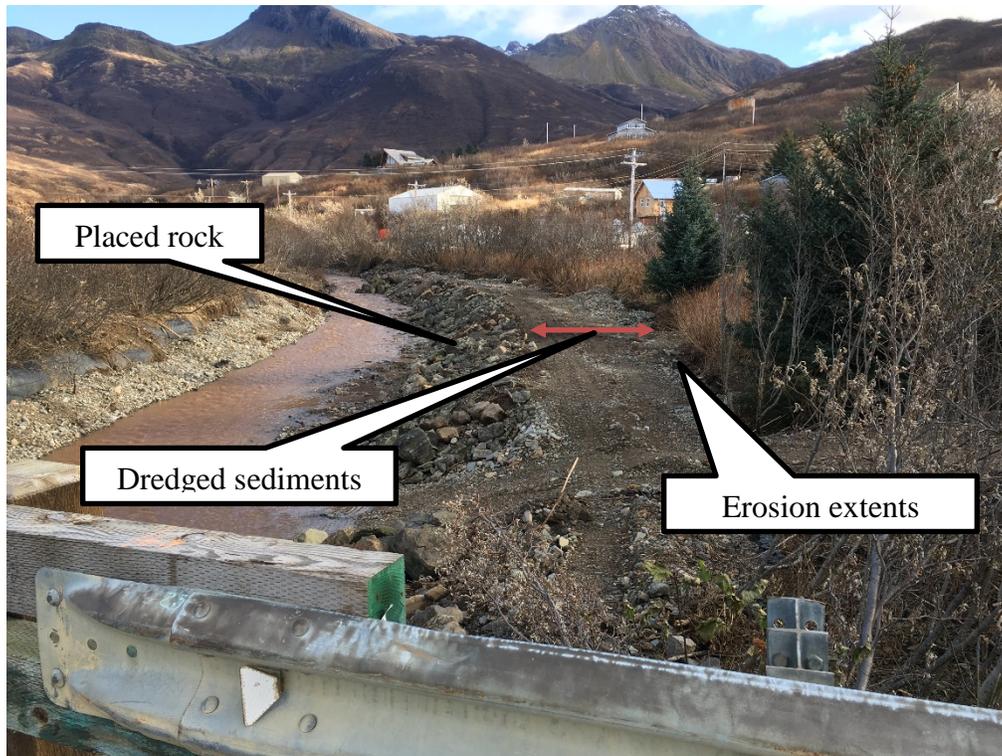


Figure 7: Erosion and remediation work upstream of the 1st Street bridge

Immediately downstream of the First Street bridge, the channel of Packers Creek had migrated to the right bank during the storms, due to significant sediment deposit. This area is shown in Figure 8. The figure shows that recent dredging work has placed the creek back against its left bank, and away from any structures such as the GCI telecommunications system and the village clinic.

Finally, during low tide, when access was possible, we inspected the village landfill and sewage lagoon for possible erosion. No erosion was noted.

Following a two night stay in the village due to weather and flight cancellation, we left the village at noon on October 29.



Figure 8: Mouth of Packers Creek, downstream of First Street bridge

SUMMARY, FINDINGS, AND RECOMMENDATIONS

Village has experienced some significant streambank erosion, and there are several items of concern to the community. Lateral movement of the stream banks occurred on a locally unprecedented scale. However, as you know from the recent notification you received from NRCS, there is no imminent danger of watershed impairment as defined by the Emergency Watershed Protection program. As such, NRCS is not able to offer any financial assistance. Also, NRCS cannot provide financial assistance for work already performed. And finally, while sediment and gravels have been deposited in significant quantities, as a practice, NRCS does not participate in removal of stream sediments (termed dredging) due to permitting issues and legal implications.

Though the situation is not eligible under the EWP program, there are still items that need addressed to avoid further problems in the future. The village obviously understands this, and has already begun work on addressing the problems. Efforts are underway to restore the banks of Packers Creek to their pre-storm location, as well as place rock in locations that are most critical. A stockpile of large rock is available from a past airport runway project, and this rock has been put to use along the creek banks in recent days, as shown in the photos. Rock is only being placed in the most critical erosion areas (near the bridge, power poles, roads, etc.). Placement of the rock may slow or halt erosion in those areas. However, a few items of concern with the rock placement are as follows:

- The rock was not necessarily placed with any sort of gradation;
- No additional rock was added at the toe to account for possible scour; and
- No filter was placed on the subgrade prior to rock placement.

Nevertheless, the rock is being placed reasonably well. Although a broader rock gradation (a wide range of rock sizes) is typically used for streambank protection, to “lock” the rocks together and fill any voids, the rock sizes are large enough that even high flows won’t likely mobilize the rocks. There are significant rock voids, but it is likely that the placed rocks will still provide the necessary protection to the stream bank. There appears to be adequate bedload in the stream to perhaps avoid significant vertical scour, as attested by the volume of deposits experienced in the lower creek during the recent events. Therefore, lack of a buried rock toe or a launchable rock toe may not be a significant issue. Also, the subgrade is composed of silty gravels, and may perhaps achieve a level of self-filtering after a limited amount of erosion occurs, thereby lessening the need for a filter underneath the placed rock. For future projects, I encourage you to consider applying for the proper permits from the Alaska Department of Natural Resources, as well as the US Army Corps of Engineers.

And finally, NRCS recommends that the village be diligent to address the following items related to the hydropower intake structure and access road bridge:

1. The displaced gabion at the downstream apron of hydroelectric intake should be repaired as soon as possible. Lack of the gabion or alternative means of protection could allow erosion to progress to the point where the structural stability of the intake is compromised. It may be helpful to consult the original construction drawings for the structure, and perhaps consult the original designer.
2. The right abutment of the bridge near the hydropower building is somewhat undermined by recent erosion. I could not determine if any of the abutment was placed on bedrock, but loss of any foundation material can have serious consequences to the structural integrity of the bridge. Efforts should be made to place granular material (gravel) at and under the abutment foundation, or perhaps

place concrete into the foundation void. Following this, protection from future scour should be provided at the abutment using rock or other means. It may also be advantageous to remove deposited sediments from the left opening of the bridge as well, being careful not to remove so much volume as to expose the left abutment and center pier to erosion. I recommend contacting the designer for further advice on the bridge repair.

Mr. Crockett and I certainly appreciate your time and hospitality during our visit. Please call with any questions you may have concerning this report, or needs that you may have in the future. Also, as we discussed during the visit, I encourage you or others to consider needs in the village related to agriculture, such as high tunnels, subsistence trails, wildlife habitat, or other agricultural practices. Pam Voeller from our Kenai office, whom you have apparently met, is a great source of knowledge and information in this regard.

Lonnie Steinke
Design Engineer
USDA-NRCS
Palmer, AK
(907)761-7727

E. 5.
Reports
PC Minutes

none

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

E. 6.

Reports

Fisheries

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

Fishery Advisor Report

Lake and Peninsula Borough | November, 2016

Long-term Challenges to Alaska's Salmon and Salmon-Dependent Communities

195 people signed up to participate in the Nov 1-3 workshop "Long-term Challenges to Alaska's Salmon and Salmon-Dependent Communities." The primary sponsor/coordinator was a newly formed organization "Center for Salmon and Society" and it was held in Anchorage in the Dena'ina Center.

The workshops premise is that although Alaskan salmon and salmon habitat are healthy *"increasing population size, urbanization, and climate change are long-term current and future challenges."* *"Salmon-dependent communities are affected by fluctuations in abundance and price, the gradual erosion of access to the resource, the high cost of living in these communities, and many other economic and social challenges. Thus, Alaska is at, or will soon be at, a crossroads for making decisions that will have lasting impacts on salmon and the communities linked to salmon."*

The Center for Salmon and Society is an initiative of the University of Alaska, Fairbanks and is supported by the Gordon and Betty Moore Foundation. The Foundations support is for the University to *"act as a convener of sorts to form a collaborative group of salmon-connected entities to address issues connected with long-term sustainability of salmon."* They envision the University as *"providing much needed research, synthesis of existing salmon-related data surrounding existing "wicked problems," educate the next generation of fisheries-related professionals all the while engaging the entirety of salmon-connected entities (we call the "salmon community")."* The Center for Salmon and Society has a core team with members ranging from the University of Alaska, the University of Washington, Alaska Department of Fish and Game (ADF&G), U.S. Fish and Wildlife Service and Alaska Native groups to the commercial fishing industry.

While restricted access to the salmon resource (Limited Entry) and even how racism has played a historical part in disenfranchising Alaska natives from the salmon resource were discussed the strongest and primary focus was on salmon habitat protection. It was noted, for example, that without a robust and comprehensive protection regime for salmon habitat that the salmon resource would likely die the death from a thousand cuts over the next century or so – following the pattern of salmon habitat loss in the lower 48 US States. While in this context discussion of mining was expected I note that the discussion was quite broad, for example there was a very informative presentation from the department of Natural Resources on the evolution of culvert placement and replacement.

The first two days were presentations and very short table level discussions. The workshops were on the third day of the meeting which I could not attend due to scheduling conflicts. I would anticipate annual meetings of the Center for Salmon and Society and I recommend that we track their activities.

Chignik Advisory Committee & The January 10-13 Board of Fisheries Meeting

The Chignik Advisory Committee (AC) has a tentative date of November 28 teleconference meeting to review and make comment to the Board of Fisheries on six proposals affecting the Cape Igvak Management plan which is in the Kodiak management area and has an allocation of 15% Chignik bound sockeye. I will attend the coordinate with the Chignik AC and assist as needed. I will work with the AC chairmen and the AC members to help identify Chignik area fishermen who may want to attend the January 10 – 13 Board of Fisheries meeting in Kodiak and who may need the Boroughs assistance to attend. I will coordinate with the Borough manager regarding how the Borough will assist Chignik fishermen at the January Board of Fisheries meeting in Kodiak.

North Pacific Fisheries Management Council – Dec 6-14

The Agenda of the December meeting includes the following items:

- BYCATCH: Gulf of Alaska Trawl Bycatch Management: Preliminary Analysis. Reducing bycatch (especially Chinook Salmon and Halibut) as much as is practicable is an important goal but how shall it be done? The State is working hard to promote an approach that will not negatively impact Alaskan fishing dependent communities by permanently giving away the access rights to the fishermen who harvest groundfish with trawl gear in the Gulf of Alaska. This is a tremendously contentious debate and I will continue to advocate for our fishing communities.
- Charter Halibut Recreational Quota Entity (RQE) Program: Final Action. The Council is considering giving the sport sector the authority to form an organization that can buy and hold halibut quota (Not in Borough waters; In areaa 3A and 2C only) to allow the halibut charter fleet to fish beyond what would otherwise be the catch limits imposed by the IPHC and the Council.
- Electronic Monitoring (EM) Integration: Final Action. EM is finally ready to be integrated into the observer program.
- 2017 Charter halibut management measures: Final action. What measures do the charter halibut fishermen recommend in order to stay below the amount of halibut allocated to the Charter sector in halibut areas 3A and 2C.
- Charter Halibut permit leasing: Discussion paper. Shall CDQ's be allowed to lease Halibut Quota Share from other sub-areas of Area 4 to be fished by their local small boat fleets when halibut abundance is very low.
- Experimental Fishing Permits: A report on the ongoing research on issues such as salmon excluders. Halibut deck sorting, for example, is a research project aimed at designing deck spaces and procedures for sorting halibut alive on the deck of bottom trawlers and getting the halibut back overboard quickly to dramatically decrease mortality.
- Groundfish Harvest Specifications: Final specifications. Within the various regulatory caps and the scientifically determined Allowable Biological Catches and Over Fishing Limits the Council decides the Total Allowable Catch (TAC) for each fleet and species by target species and PSC (i.e. how much bycatch of salmon or halibut they are allowed). As you can imagine this annual allocative procedure is very contentious.
- A report on the bottom trawlers (Amendment 80 fleet) Prohibited Species Catch (PSC)
- Essential Fish Habitat (EFH) Effects of Fishing Criteria: Discussion paper
- Essential Fish Habitat (EFH) non-fishing effects report: Review and approve
- Stock Assessment 101 Training: (evening presentation)

Calendar of Fish:

- Nov 17-19. Pacific Marine Expo (aka Fish Expo), Seattle
- Nov 30-Dec 1. Ocean Acidification Workshop, Anchorage
- Dec 6-14. NPFMC, Anchorage.
- **Jan 10-13. BOF Kodiak Finfish, Kodiak (Kodiak fishermen intercept Chignik bound sockeye)**
- Jan 23-27. IPHC Annual Meeting, Victoria
- Jan 23-27. Alaska Marines Science Symposium, Anchorage
- Jan 28-Feb 7. NPFMC, Seattle

E. 7.

Reports

Finance

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

November 2016 Finance Report

11/9/16

To: Mayor Alsworth
Assembly Members
Nathan Hill, Manager

Current Year

Fish Tax:

Processors, waiting until the last possible moment to file, have brought revenue from fish taxes a little better than our forecast. This better than expected inflow of cash will help offset cuts to State revenue sharing and bond payment reimbursement and slow the need to draw on savings. The caveat is that like a flip of a coin, one outcome is not a predictor of future results. It is called fishing and not catching for a reason.

Bed Tax and Guide Tax

Tax remittances from lodges and professional guides has been strong and is indicative of increased numbers of people visiting the borough, a trend that was the focus of a State report which we discussed last month.

Expenses

Expenses are tracking per budget forecast.

CIAP Scrap Clean-up Project

Nikki Reed
Assistant Finance Officer/ Project Manager

I have been following up with communities to make sure we will be able to meet our deadline. Chignik Lagoon, and Kokhanok are the only ones left to finish up.

Chignik Lagoon had some issues with the over whelming amount of scrap and have decide to bury in the new Dump site. Chignik Lagoon has been working together weather permitting and working around tides. Oscar was off for some medical issues but is feeling much better and is back on track. Chignik Lagoon has extended their goal is to be completed by October 30, 2016.

Kokhanok has completed gathering scrap, and used purchased equipment to assist in loading the plane and supplies for preparing pallets to ship. They have already shipped out three loads of batteries and e-waste for recycling.

Pedro Bay, Chignik Bay, Igiugig, Iliamna, Levelock, Nondalton, Newhalen, Pilot Point, Port Alsworth, and Ugashik have completed. Chignik Lake has finished and is now waiting for the recycling invoice.

I am impressed with all the hard work that has been done in the villages and collaborating together to help nearby villages to finish up. A lot of team effort working with nearby villages and they all have done an amazing job on clean up in their villages!

10 GENERAL FUND

Assets

Current Assets

WELLS FARGO CHECKING	823,780.94
WELLS FARGO TRUST	1,056,514.13
TIME VALUE INVESTMENTS	1,429,186.37
TD AMERITRADE	1,499,010.33
SCOTTRADE	0.77
ACCOUNTS RECEIVABLE	176,378.07
PREPAIDS	3,105.33

Total Current Assets 4,987,975.94

Total Assets 4,987,975.94

Liabilities and Equity

Current Liabilities

ACCOUNTS PAYABLE	(20,000.00)
DEPOSITS PAYABLE	20,400.00
PAYROLL ACCRUALS & LIABILITIES	19,224.50
PERS	2,502.39
SBS	473.00
FEDERAL WITHHOLDING	1,891.61
MEDICARE CONTRIBUTION	201.93
ACCRUED ANNUAL LEAVE	8,344.00
FICA CONTRIBUTION	(219.32)

Total Current Liabilities 32,818.11

Total Liabilities 32,818.11

Equity

FUND BALANCE - UNASSIGNED	4,157,092.65
CURRENT YEAR INCOME/(LOSS)	798,065.18

Total Equity 4,955,157.83

Total Liabilities & Equity 4,987,975.94

LAKE AND PENINSULA BOROUGH
Income Statement
For the Accounting Period: 11 / 16

10 GENERAL FUND

		----- Current Year -----					
Account	Object	Description	Current Month	Current YTD	Budget	Variance	%
Revenue							
	30011	RAW FISH SALES AND USE TAX	95,911.55	1,511,369.38	1,045,000.00	466,369.38	145
	30012	BED TAX	3,317.94	99,928.75	150,000.00	-50,071.25	67
	30019	PENALTIES & INTEREST	167.40	597.40	5,000.00	-4,402.60	12
	30021	FEDERAL PI LT			239,600.00	-239,600.00	
	30030	LI CENSES AND PERMITS		200.00	5,000.00	-4,800.00	4
	30031	PROFESSIONAL GUIDES	639.00	25,860.41	150,000.00	-124,139.59	17
	30032	DEVELOPMENT PERMITS		100.00	1,500.00	-1,400.00	7
	30033	LAND USE PERMITS			1,000.00	-1,000.00	
	30039	PENALTIES & INTEREST		-424.65		-424.65	
	30041	TEACHER HOUSING RENTS			330,000.00	-330,000.00	
	30044	LAND LEASE		10,290.14	50,000.00	-39,709.86	21
	30071	INTEREST		19,860.17	40,000.00	-20,139.83	50
	30072	MARKET GAIN/LOSS		35,872.62	40,000.00	-4,127.38	90
	30090	OTHER LOCAL REVENUES	1,946.00	2,294.00	1,000.00	1,294.00	229
	30104	STATE COMMUNITY REV SHARE			272,885.00	-272,885.00	
	30115	STATE FISHERIES BUSINESS TAX			350,000.00	-350,000.00	
	30116	SOA SHARED FISH TAX			26,000.00	-26,000.00	
	30120	ELECTRIC AND TELEPHONE COOP		403.38	2,500.00	-2,096.62	16
							63
		Total Revenue	101,981.89	1,706,351.60	2,709,485.00	-1,003,133.40	63
Expenses							
41100		ASSEMBLY					
	351	INSURANCE - LIFE AND HEALTH	8,758.38	34,992.62	94,153.00	59,160.38	37
	354	MEDI CARE CONTRI BUTI ON	8.70	44.95	165.00	120.05	27
	355	PERS RETI REMENT CONTRI BUTI ON	22.00	198.00	770.00	572.00	26
	356	SBS CONTRI BUTI ON	36.78	190.03	674.00	483.97	28
	435	COMMUNI CATIONS - TELECOM	50.17	248.04	1,500.00	1,251.96	17
	441	RENTALS			500.00	500.00	
	470	FOOD		1,634.40	8,500.00	6,865.60	19
	481	TRANSPORTATI ON		1,332.00	55,000.00	53,668.00	2
	482	REGI STRATI ON/TUI TI ON			500.00	500.00	
	484	STI PENDS	600.00	3,100.00	11,000.00	7,900.00	28
	485	PER DI EM		3,100.00	14,000.00	10,900.00	22
	486	LODGI NG	565.00	3,144.00	8,750.00	5,606.00	36
	491	DUES AND FEES			100.00	100.00	
		Total Account	10,041.03	47,984.04	195,612.00	147,627.96	25
41300		PLANNI NG COMMI SSI ON					
	354	MEDI CARE CONTRI BUTI ON		7.25	62.00	54.75	12
	356	SBS CONTRI BUTI ON		30.65	253.00	222.35	12
	470	FOOD		52.04	3,200.00	3,147.96	2
	481	TRANSPORTATI ON		349.00	13,000.00	12,651.00	3
	484	STI PENDS		500.00	3,500.00	3,000.00	14

LAKE AND PENINSULA BOROUGH
Income Statement
For the Accounting Period: 11 / 16

10 GENERAL FUND

		----- Current Year -----					
Account	Object	Description	Current Month	Current YTD	Budget	Variance	%
	485	PER DIEM		1,000.00	3,500.00	2,500.00	29
	486	LODGING			4,000.00	4,000.00	
		Total Account		1,938.94	27,515.00	25,576.06	7
41400		ADMINISTRATION					
	310	SALARIES - FULL TIME STAFF	13,618.01	122,048.59	327,627.00	205,578.41	37
	351	INSURANCE - LIFE AND HEALTH	3,024.08	28,300.49	70,455.00	42,154.51	40
	354	MEDICARE CONTRIBUTION	197.47	1,769.76	4,751.00	2,981.24	37
	355	PERS RETIREMENT CONTRIBUTION	2,052.60	18,630.70	80,269.00	61,638.30	23
	356	SBS CONTRIBUTION	834.78	7,481.55	20,084.00	12,602.45	37
	357	PERS SALARY FLOOR CONTRIBUTION	34,337.66	34,337.66	44,000.00	9,662.34	78
	399	OTHER EMPLOYEE BENEFITS			2,500.00	2,500.00	
	412	AUDITING AND ACCOUNTING		8,138.38	24,000.00	15,861.62	34
	414	LEGAL SERVICES		2,788.74	50,000.00	47,211.26	6
	415	ADVERTISING			405.00	405.00	
	419	LOBBYIST		18,333.32	55,000.00	36,666.68	33
	420	TECHNICAL SUPPORT		7,804.14	15,250.00	7,445.86	51
	422	CONSULTANTS	2,170.00	14,077.00	24,000.00	9,923.00	59
	425	MAPPING		396.54	2,500.00	2,103.46	16
	431	ELECTRICITY		1,307.75	8,690.00	7,382.25	15
	433	WATER AND SEWAGE		330.00	350.00	20.00	94
	435	COMMUNICATIONS - TELECOM	402.82	2,921.32	6,552.00	3,630.68	45
	436	COMMUNICATIONS - INTERNET SERVICES	315.00	8,317.45	27,450.00	19,132.55	30
	441	RENTALS		912.00	5,472.00	4,560.00	17
	443	OFFICE EQUIPMENT			1,500.00	1,500.00	
	444	SITE REPAIR AND MAINTENANCE			1,500.00	1,500.00	
	445	INSURANCE AND BOND PREMIUMS		21,410.36	18,000.00	-3,410.36	119
	451	OFFICE SUPPLIES		1,669.98	4,500.00	2,830.02	37
	452	COMPUTER HARDWARE/SOFTWARE		6,754.11	7,500.00	745.89	90
	453	OFFICE RENTAL	277.00	831.00	6,000.00	5,169.00	14
	455	POSTAGE		119.11	4,500.00	4,380.89	3
	465	VEHICLE EXPENSE		963.76	2,500.00	1,536.24	39
	470	FOOD		81.88		-81.88	
	481	TRANSPORTATION	540.00	11,654.81	45,000.00	33,345.19	26
	482	REGISTRATION/TUITION	350.00	460.00	2,000.00	1,540.00	23
	485	PER DIEM		600.00	3,500.00	2,900.00	17
	486	LODGING		1,460.50	8,500.00	7,039.50	17
	491	DUES AND FEES	50.00	3,396.95	5,700.00	2,303.05	60
	496	BANK FEES/CHARGES		1,126.92	4,200.00	3,073.08	27
		Total Account	58,169.42	328,424.77	884,255.00	555,830.23	37
41500		ELECTIONS					
	415	ADVERTISING		313.76	750.00	436.24	42
	451	OFFICE SUPPLIES		635.43	7,500.00	6,864.57	8
	455	POSTAGE		510.41	1,200.00	689.59	43
	470	FOOD		133.80		-133.80	
		Total Account		1,593.40	9,450.00	7,856.60	17

LAKE AND PENINSULA BOROUGH
Income Statement
For the Accounting Period: 11 / 16

10 GENERAL FUND

Account	Object	Description	----- Current Year -----				%
			Current Month	Current YTD	Budget	Variance	
Total Expenses			68,210.45	379,941.15	1,116,832.00	736,890.85	34
Net Income from Operations			33,771.44	1,326,410.45			
Other Revenue							
	30225	UNDESIGNATED SUSPENSE			22,235.00	-22,235.00	
	30250	TRANSFERS FROM GENERA FUND		-2,008,219.46	893,323.00	-2,901,542.46	-225
Total Other Revenue			0.00	-2,008,219.46	915,558.00	-2,923,777.46	-219
Other Expenses							
42000		COMMUNI TY/ECONOMI C DEVELOPMENT					
	429	OTHER PROFESSIONAL/TECHNI CAL			85,000.00	85,000.00	
Total Account					85,000.00	85,000.00	
42200		ILIAMNA DOCK REHAB					
	458	CONSTRUCTION SERVICES		202.30		-202.30	
Total Account				202.30		-202.30	
43100		FI SHERIES ADVI SOR					
	420	TECHNI CAL SUPPORT		4,500.00		-4,500.00	
	422	CONSULTANTS		9,000.00	54,000.00	45,000.00	17
Total Account				13,500.00	54,000.00	40,500.00	25
44500		LEASE - KSVC					
	441	RENTALS			5,000.00	5,000.00	
Total Account					5,000.00	5,000.00	
46000		MANAGERS CONTI NGENCY					
	549	MANAGERS CONTI NGENCY			10,000.00	10,000.00	
Total Account					10,000.00	10,000.00	
49120		CDBG					
	508	GRANT EXPENSE		357,763.47		-357,763.47	
Total Account				357,763.47		-357,763.47	
49200		STATE REVENUE SHARI NG					
	104	STATE REVENUE SHARI NG			87,688.00	87,688.00	
Total Account					87,688.00	87,688.00	
49400		BOROUGH REVENUE SHARI NG					
	106	BOROUGH REVENUE SHARI NG			175,000.00	175,000.00	

10 GENERAL FUND

Account	Object	Description	----- Current Year -----					
			Current Month	Current YTD	Budget	Variance	%	
		Total Account			175,000.00	175,000.00		
49500		SHARED FISHERIES BUSINESS TAX						
	116	SOA SHARED FISH TAX			26,500.00	26,500.00		
		Total Account			26,500.00	26,500.00		
49800		OTHER FINANCING USES						
	550	TRANSFER TO OTHER FUNDS	100,000.00	-1,908,219.46	100,000.00	2,008,219.46	****	
	553	TRANSFER TO DEBT SERVICE			498,600.00	498,600.00		
	557	TRANSFER TO PERMANENT FUND			150,000.00	150,000.00		
	559	TRANSFER TO WIND ENERGY		2,879.50		-2,879.50		
	590	TRANSFER TO COMPONENT UNIT			1,347,423.00	1,347,423.00		
	591	TRANSFER TO VO-TECH PROGRAM	54,000.00	54,000.00	54,000.00			100
		Total Account	154,000.00	-1,851,339.96	2,150,023.00	4,001,362.96		-86
		Total Other Expenses	154,000.00	-1,479,874.19	2,593,211.00	4,073,085.19		-57
		Net Income	-120,228.56	798,065.18				

E. 8. Reports Lobbyist

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

Hickey & Associates
Planning * Management * Lobbying

Telephone (907) 723-8574
Fax (907) 789-9090

211 Fourth Street; Suite 110; Juneau, AK 99801
E-mail mshickey@gci.net

Memorandum

To: Mayor Glen Alsworth, Borough Assembly
Manager Nathan Hill

From: Mark Hickey, Borough Lobbyist

Date: November 5, 2016

Subject: Lobbyist Report

This memorandum provides a brief update since my last report.

Chignik Dock Project: Construction of the new ferry dock in Chignik continues to move toward completion. Below is a new image from late October. **An updated briefing will be provided at the November Assembly meeting.**



FY 2017/2018 Revenue Picture: The 2016 spring revenue forecast predicted a price of between \$30 and \$40 per barrel of oil for FY 2017 based on production of at least 500,000 barrels per day. To date, ANS west coast crude has averaged about \$45 per barrel during FY 2017, while production has been slightly under the projected amount. **If these figures hold for the rest of FY 2017, the actual budget shortfall for FY 2017 will decrease but still require a substantial draw from the state's Constitutional Budget Reserve (CBR).**

As a result of the inability to pass any fiscal reform measures this year, the balance left in the CBR will be insufficient to fund the expected shortfall for the upcoming FY 2018 budget. **While additional budget cuts will likely be pursued during the upcoming session, the only solution to fund the FY 2018 budget will be to begin using a substantial portion of funds from the Permanent Fund earnings reserve account.**

FY 2018 Walker Budget Proposals: To date, no budget proposals by Governor Walker have materialized. I would now expect to see his proposals closer to the required deadline of mid December. I still expect to see some type of proposal to show what another major reduction in funding would look like – possibly as much as 15% to 20% more. The point would be to underscore why the state needs to act immediately to implement a balanced, comprehensive fiscal plan such as the one developed by the governor. **There is also talk behind the scenes that the governor is considering a proposal for a general obligation bond bill for transportation and other infrastructure projects to go in front of the voters in 2018.**

Revenue sharing will be slightly reduced compared to the current year under the new formula enacted in SB 210. While there are no reports yet on what to expect with K-12 education funding and school debt reimbursement, I expect to see proposed education funding cuts in the governor’s budget proposal.

Pension Obligation Bonds: In an earlier report, I noted that the Walker Administration planned to proceed with issuance of up to \$3.2 billion of pension obligation bonds. The proceeds would have been deposited in both PERS and TRS to address the unfunded liabilities for both systems. The governor recently halted the proposed sale at this time due to a lack of legislative support for the proposal. Credit rating agencies had warned that Alaska could face a credit downgrade if it pursued the idea.

PFD reduction lawsuit: Senator Bill Wielechowski and others sued the state over Governor Walker’s decision to veto one-half of the funds for the PFD payment made in October of this year. A sum of nearly \$700 million was vetoed this summer to ensure these funds would remain available in the earnings reserve account to fund essential services in future years. A Superior Court judge agreed to expedite the trial with a goal to have a decision before next session.

Please let me know if there are any questions.

E. 9.

Reports

Clerk's

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**



Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



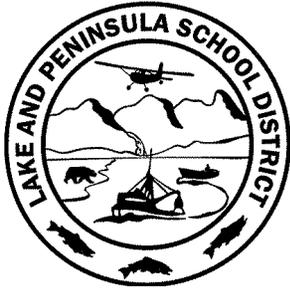
Date: November 7, 2016
To: Mayor and Assembly
From: Kate Conley, Borough Clerk
Re: Clerks Report

I keep a "to do list" each week. It helps me remember and keeps me focused so I can get back on track after being distracted. I find it helpful in creating these reports and it amazes me how much I get done in a day!

- Elections – Municipal Election 2016 for Lake and Peninsula Borough is completed. We certified the election and I sent the results to the State.
- Upcoming Meetings – This annual meeting in Anchorage is a bit of a different format. Remember you will have your days free, but I need everyone in the evening. On Monday night, the reception will be at the Captain Cook (same location as last year) from 6pm to 8pm. Tuesday and Wednesday night, we will have dinner at the hotel at 5:00 pm and then the meeting is noticed for 5:30 pm. Tuesday will be a workshop with Mark Hickey and Wednesday will be the Assembly meeting. There will not be a planning commission meeting, as there is no business to be conducted.
- Community Development – please see the CDC report for what is new in this department.
- Conferencing System – The new conferencing system has arrived! I am anxious to try it out and see if we have better reception.
- Public Records – We had a public record request come in that required we pull five years of financial documents. A big thank you to the finance department, and especially Nikki, for completing this request.
- APOC Decisions – A couple LPB officials submitted APOC reports late and they were able to appeal the late fees, but a charge was still assessed. After consideration, Nathan and I agree that elected officials should not be punished for their participation. While we have warned the elected officials of the results of not filing, we decided that we will pay the first penalty each official receives, but they will be responsible for any additional penalties. The total paid out for the two late filers will be \$182.60.

E. 10. Reports Superintendent's

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**



THE
LAKE AND PENINSULA
SCHOOL DISTRICT
101 Jensen Drive
P.O. Box 498
King Salmon, Alaska 99613
Phone (907) 246-4280 / Fax (907) 246-
4473



Date: November 7, 2016
To: Lake and Peninsula Borough Assembly
From: Ty Mase
Re: Superintendent's Report – November 2016

LPSD Capital Improvement Bond Process Wrap-Up

Port Alsworth

Project Description: The Debt Reimbursement Application for \$15 million to expand and upgrade the Tanalian School was based on a 70/30 reimbursement. The Tanalian project qualified for a total of 21,224 sq. ft. The scope of the base bid project fully renovated the existing building and added space to provide seven new classrooms, with small group instructional spaces, a large project lab/media center, expanded gym, an administration area and a new kitchen. Site work included upgraded and expanded sewer system, fire suppression water storage and a new well. Due to the nature of this project, it included a full-on equipment function replacing furniture, technology, and other educational equipment.

The District received a very favorable bid from a highly qualified and competent contractor and with the approval of the Department of Education was able to transfer \$1,021,000 in excess funding to the Newhalen project to cover the budget shortfall of that project. ASRC Eskimos Inc. was very diligent in the execution of their contract and the District completed the project with a balance of about \$500,000.

Budget Overview:

Original Grant – \$15,000,000
Transferred to Newhalen – (\$1,021,000)
Amended Grant - \$13,979,000
Expended – \$13,460,133979
Balance - \$518,867

Newhalen

Project Description: The original approved budget for this project was \$3.25 million to reorient the gym 90 degrees to provide a full high school sized gym. As Newhalen was not considered overcrowded by the DEED formula the work under this project only qualified for 60/40 reimbursement.

The scope of the project included upgrade of the kitchen, and new, more extensive, bleacher seating. A portion of increased area will serve double duty as a multipurpose dining area. This project was faced with the removal of a load bearing wall, a deficient fire suppression system, and a design change to allow for a sloped roof. The cost estimate for this identified scope of work significantly exceeded the original budget.

Fortunately, the low bid for the Tanalian project was far below that project's construction budget. The Department of Education was willing to approve the transfer of \$1,021,000 to the Newhalen project so that the gym expansion could proceed.

In addition to the work mentioned above, the school had several significant deficiencies that were encountered during the construction work. The existing sewer and drainage systems were known to be inadequate and because the expansion work occurred in these areas it was only prudent to correct the problems while the areas were disturbed for construction and a competent contractor, Steppers Construction, was on-site. Other needed improvements to protect the structure were replacement of the second floor fire exit and repair of structural damage to the northeast wall.

The increased budget for the project did not fully cover the cost of upgrading the sewage system and correcting the drainage issues. The cost proposals for this work exceeded the current grant amount by about \$110,000. The Administration received Board approval to proceed with the work this summer.

The District now has two options to balance the Newhalen budget. One is to request an additional transfer of funds from the Tanalian balance to increase the funding for the current Newhalen Expansion project. This increase would fall under the existing 60/40 reimbursement rate. The other is to request DEED to approve a new project agreement for work that could be classified as a separate Newhalen School Improvement project funded with redirected debt project balances. The new project would include not only the sewer and drainage correction but other corrective action on the existing school undertaken as change orders to the Steppers contract. This would be eligible for 70/30 reimbursement.

DEED may be reluctant to approve a new project using redirected bond funds given the moratorium on debt reimbursement for bonds approved after January 2015. Lake and Peninsula bonds were approved and sold prior to this date. However, it is worth making the request.

The total cost of work items that could be incorporated into the scope of work of the Newhalen School Improvement project total approximately \$380,614. Of this amount, approximately \$270,000 of work items could be funded by redirecting funds from the current Expansion project to the Improvement Project. The work items that are not directly within the gym area would become part of the scope

of the new project and the associated costs of these items would also transfer to become part of the budget of the new project. Additional funding in the amount of \$110,000s would still be required from Tanalian to complete the funding for the Improvement Project.

There is not cost difference between the two options, \$110,000 is required to pay for work that has already been accomplished. The difference is that creating an Improvement project improves the rate of state reimbursement

Budget Overview:

Original Grant – \$3,250,000

Amendment added - \$1,021,000

Amended Grant - \$4,221,000

Obligated - \$4,232,207

Newhalen shortfall- \$110,000

Costs Eligible for transfer to Improvement project - \$380,614

Balance of NEW funds that could be to reallocated to Improvement Project - \$270,000.

Additional PTA funds required to resolve shortfall - \$110,000

WHAT NEXT...

After resolving the funding shortfall for Newhalen a balance of approximately \$408,000 in bond funding will remain after close out of Tanalian. There are two potential projects for the Board to consider.

District-wide Playground Upgrades

This would be a new debt reimbursement project to correct playground deficiencies at the highest need playgrounds. It may be possible to stretch the funding with contributions from the District's insurance company and community and corporate donations.

District-wide HVAC and Energy Upgrades

Project Description: The approved budget for this project was \$1.8 million to provide LED lighting, systems efficiencies and Siemens monitoring systems, this was based on a 70/30 reimbursement. Due to closing, Chignik Bay was not included in this scope of work.

The agreement with the DEED is still open and bond proceeds remaining from Tanalian (and Newhalen Expansion if a Newhalen School Improvement project is not pursued) could be reallocated for additional work under this project.

Budget Overview:

Grant Amount - \$1,800,000

Expended -\$1,800,000

Potential work could include

- Install a Siemens system at Chignik Bay. \$211,000
- Install exterior LED lighting at Newhalen School
- Insulate crawl spaces, piping and areas found to have insufficient insulation.
- Replace worn out Doors, Panels and Frames . \$130,800
- Replace old, inefficient, worn and faulty windows in IGI, PIP, KOK, and the DO. \$380,000
- Replace old, worn valves in our energy systems.

Where we Find Ourselves:

This fall the Borough passed a resolution to repurpose bond monies left over from the PTA project. This amount was estimated at - \$472,000. The Borough approved the use for both NEW School Improvement project and an increase to the Energy Upgrade project.

As the State approved \$20 million in District bond projects prior to the moratorium on new debt reimbursement and the Legislation setting the moratorium does not address restrictions of prior approved debt there is no legislation preventing the Department from reallocating prior approved debt proceeds to a new project. It is in the Borough and the District 's best interest to request redirection of debt for Newhalen School Improvements.

Should the District be unsuccessful in gaining approval for a new project, then the Newhalen Expansion project would need to be amended to include the corrective work in the scope of the project. The same of amount of funding would need to be redirected from Tanalian project to cover that total cost. The main advantage of creating a new project for Newhalen is to increase the amount of work reimbursable at 70% vs 60% over the life of the bond this becomes a significant amount and helps to offset any reduction in reimbursement such as occurred in the FY 2017 state budget.

The 6 Year CIP will need to be updated to support a new project request.

E. 11.
Reports
Student Rep's

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**



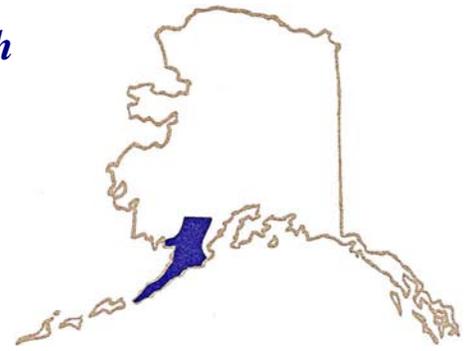
Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



Date: November 7, 2016
To: Mayor and Assembly
From: Kate Conley, Borough Clerk
Re: Student Representative

I spoke with Tim Welch, the Student Council Advisor this month and there were no students available to attend the meetings this month in Anchorage. The students are planning to have a meeting on Friday November 11th while they are in Port Alsworth for the volleyball tournament. This will happen only if timing is right and they have some extra minutes before flying out. If they are able to meet, Mr. Welch said he would write up a short report for the Assembly.

G. 1.
New Business
Ordinance 16-13
Amending Budget
CIP Fund Monies
Hearing & Decision

Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016



Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



PLEASE POST

PUBLIC HEARING NOTICE

ORDINANCE NO. 16-13

AN ORDINANCE AMENDING THE AMENDED LAKE AND PENINSULA BOROUGH OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 (FY-17) TO APPROPRIATE CAPITAL IMPROVEMENT FUND MONIES.

The Lake and Peninsula Borough Assembly will hold a public hearing to solicit comments on the above referenced ordinance on **Wednesday, November 16, 2016 at 5:30 pm** in the meeting room at Clarion Suites Downtown, 1110 West 8th Ave, Anchorage AK 99501. Interested members of the public are encouraged to attend. To participate you may submit written comments up to 24 hours prior to the hearing, or attend in person or call **1-866-339-5580 and enter the meeting number *2288317*** (star, two, two, eight, eight, three, one, seven, star) during the hearing. Copies of the proposed ordinance can be viewed at local village and city council offices, or at the Lake and Peninsula Borough offices in King Salmon, Alaska. For information contact Kate Conley at 907-246-3421 or 1-800-764-3421.

Note: Due to telephone service inconsistency inherent to rural Alaska, the Borough meeting may not always be available in all locations or audible.

**LAKE AND PENINSULA BOROUGH
ORDINANCE NO. 16-13**

AN ORDINANCE AMENDING THE AMENDED LAKE AND PENINSULA BOROUGH OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 (FY-17) TO APPROPRIATE CAPITAL IMPROVEMENT FUND MONIES.

BE IT ENACTED by the Assembly of the Lake and Peninsula Borough that:

Section 1. Classification.

This is a Non-Code Ordinance.

Section 2. General Provisions.

The Lake and Peninsula Borough is authorized to receive revenues, make expenditures, and make changes to the same for the period beginning July 1, 2016 and ending June 30, 2017, in accordance with the "Fiscal Year 2017 Operating Budget."

Section 3. Authorization and Appropriation.

The following appropriations are amendments and are hereby adopted and authorized for the period beginning July 1, 2016 and ending June 30, 2017, and are the operating budget for that period:

- An appropriation for the Capital Project Fund needs to be made by the Assembly. Per Borough Code 6.72 and Resolution 09-02, the Lake and Peninsula Borough makes available funds for each community to assist in the design, construction, renovation and acquisition of capital projects and facilities. Historically the Assembly has approved \$5000 per community, but may appropriate any dollar amount.

Acct #: **10.49800.554**

Amount: **\$80,000.00**

Total additional amount to add to the FY16-17 budget: **\$80,000.00**

Section 4. Purpose

The purpose of this ordinance is to amend the FY17 budget.

Section 5. Effective Date.

This ordinance shall become effective upon enactment by the Borough Assembly.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 15th day of November, 2016.

IT WITNESS THERETO:

ATTEST:

Glen Alsworth Sr., Mayor

Kate Conley, Borough Clerk

Introduced: October 24, 2016
Public Hearing:
Enacted:
Ayes:
Nays:
Not Voting:
Absent:

G. 2.
New Business
Ordinance 16-14
Lease to Cenci
Girls Salmon
Hearing & Decision

Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016



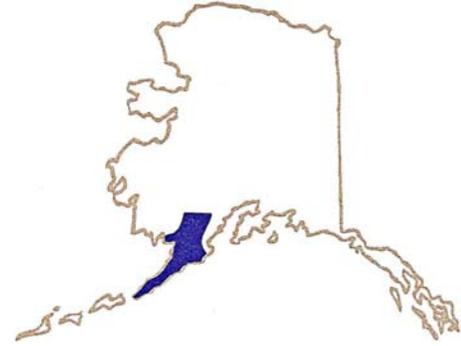
Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



PLEASE POST

PUBLIC HEARING NOTICE

ORDINANCE NO. 16-14

AN ORDINANCE AUTHORIZING A TRANSFER AND FIVE YEAR LEASE OF REAL PROPERTY CONTAINING 1.0 ACRES MORE OR LESS TO CENCI GIRLS SALMON COMPANY, LLC FOR THE OPERATION OF A COMMERCIAL SET NET OPERATION.

The Lake and Peninsula Borough Assembly will hold a public hearing to solicit comments on the above referenced ordinance on **Wednesday, November 16, 2016 at 5:30 pm** in the meeting room at Clarion Suites Downtown, 1110 West 8th Ave, Anchorage AK 99501. Interested members of the public are encouraged to attend. To participate you may submit written comments up to 24 hours prior to the hearing, or attend in person or call **1-866-339-5580 and enter the meeting number *2288317*** (star, two, two, eight, eight, three, one, seven, star) during the hearing. Copies of the proposed ordinance can be viewed at local village and city council offices, or at the Lake and Peninsula Borough offices in King Salmon, Alaska. For information contact Kate Conley at 907-246-3421 or 1-800-764-3421.

Note: Due to telephone service inconsistency inherent to rural Alaska, the Borough meeting may not always be available in all locations or audible.

**LAKE AND PENINSULA BOROUGH
ORDINANCE 16-14**

AN ORDINANCE AUTHORIZING A TRANSFER AND FIVE YEAR LEASE OF REAL PROPERTY CONTAINING 1.0 ACRES MORE OR LESS TO CENCI GIRLS SALMON COMPANY, LLC FOR THE OPERATION OF A COMMERCIAL SET NET OPERATION.

WHEREAS, the Lake and Peninsula Borough owns a 1.00 acre parcel of land located at North Coordinates: 58-13.55-16, West Coordinates: 157-21-27.36, Township 13 South, Range 16 West, Section , Seward Meridian , Alaska ("the Property"); and

WHEREAS, Cenci Girls Salmon Company, LLC has been operating a commercial set net operation at this site; and

WHEREAS, Representatives of Lake and Peninsula Borough have inspected the property and observed that Cenci Girls Salmon Company, LLC has demonstrated extemporary care and stewardship of this land; and

WHEREAS, Cenci Girls Salmon Company, LLC has submitted a completed lease application and is ready to fulfill all terms set forth by Borough Code 6.80.260; and

THEREFORE BE IT ENACTED by the Assembly of the Lake and Peninsula Borough that:

Section 1. Classification.

This is a Non-Code Ordinance.

Section 2. General Provisions.

The Assembly finds that issuing a 5-year lease located at North Coordinates 58-13.55-16, West Coordinates 157-21-27.36 Township 22 South, Range 49 West, Section 31, Seward Meridian, Alaska, containing 1.0 acres, more or less, to Cenci Girls Salmon Company, LLC is in the best interest of the Borough. A copy of the completed lease application is attached to this Ordinance as Exhibit "A." The Assembly hereby approves the issuance of a 5-year lease to Cenci Girls Salmon Company, LLC for the operation of a set net site for a 5-year term.

Section 3. Rental Rate.

The Assembly determines that it is not cost efficient or practical to obtain an appraisal under Borough Ord. 6.80.140 to determine the fair rental value of the Property. By the best estimate the Borough can obtain, the approximate fair rental value of the Property is \$1000 per year. Based upon the Borough's experience, the cost of obtaining an appraisal of the property would be significantly greater than the annual rent. Therefore the foregoing rental rate was determined by examining lease rates charged by the Borough for similar commercial activities on similar properties inside the Borough.

Section 4. Authorization.

The Lake and Peninsula Borough Assembly authorizes the Borough Manager to sign a lease and all other documents deemed necessary to finalize a lease in accordance with Chapter 6.80 of Lake and Peninsula Borough Code.

Section 5. Effective Date.

This ordinance shall become effective upon enactment by the Borough Assembly.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 15th day of November 2016.

IT WITNESS THERETO:

ATTEST:

Glen Alsworth Sr., Mayor

Kate Conley, Borough Clerk

Introduced: October 24, 2016

Public Hearing:

Enacted:

Ayes:

Nays:

Not Voting:



Lake and Peninsula Borough

P.O. Box 495
King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



APPLICATION FOR A LEASE

Applicant

Name:	MICHAEL CENCI		
Company Name:	CENCI GIRLS SALMON CO. LLC		
Address:	P.O. BOX 307 NASELLE, WA 98638		
Telephone:	360 484-3404	Cell:	360 880-0339
Email:	SOCKEYE2017@G-MAIL.COM		
Web Site:	- NA -		

New Lease Renewal

Has the applicant ever registered either as a business or guide in the LPB?

LPB Registration #: NO

Land Location

Seward Meridian:

Section	Township	Range
(or)	GPS Coordinates: 58°13'54.96"N, 157°21'27.12"W.	

A right to encumber is / is not requested.

Purpose of Lease

COMMERCIAL SET NET

Structures on Leased Property

Structure Name	Length	Width
CABIN	20'	20'
SHOP	30'	30'



Google earth

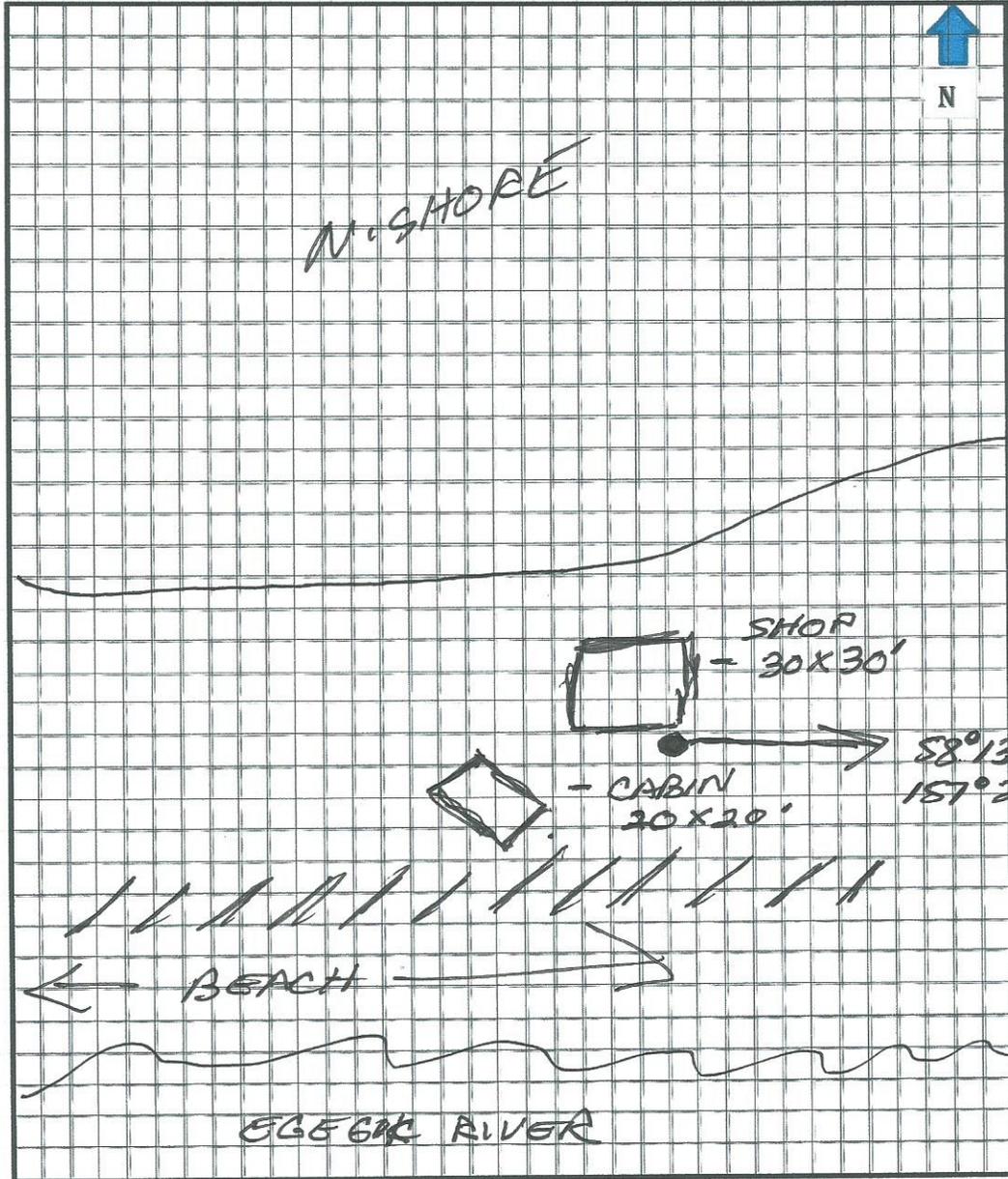


NW CORNER	58° 13' 57.14" N	157° 21' 28.66" W
SW CORNER	58° 13' 53.14" N	157° 21' 27.72" W
NE CORNER	58° 13' 56.98" N	157° 21' 26.67" W
SE CORNER	58° 13' 53.06" N	157° 21' 25.65" W

$$108' W \times 402' L = 43.416 \text{ } \frac{\text{sq}}{\text{FT}} < 1 \text{ AC}$$



Lake and Peninsula Borough



←
TO BARTLETTS
AIR FIELD

→
CUT BANK

Scale: 1 inch = _____ feet

SEE GOOGLE MAP
"CORNERS"

Instructions:

- Draw all lines and structures to scale
- Draw in the property lines with dimensions
- Draw in all existing and planned structures with dimensions
- Draw in existing/planned roads, trails, foot paths on property
- Draw in all water bodies in proximity and/or indicate approximate distance from property line
- Write in the scale at the bottom of the drawing

Is the land within 100' of an anadromous (salmon spawning) stream? Yes No

Chignik Bay • Chignik Lagoon • Chignik Lake • Egegik • Igiugig • Iliamna • Ivanof Bay • Kokhanok • Levelock • Newhalen
• Nondalton • Pedro Bay • Perryville • Pilot Point • Pope Vannoy • Port Alsworth • Port Heiden • Ugashik



APPLICATION FEE SCHEDULE

Section 1. Borough Held Lands.

		TEMPORARY USE	LEASE ¹	RENEWAL	SALE ²
1.	Non-commercial uses including: Conservation, Conservation Easement, Preservation and Recreational	\$10	\$150	\$0	\$100
2.	Commercial	\$50	\$250	\$150	\$150
3.	Government	\$100	\$250	\$150	\$200
4.	Heavy Industrial and Resource Development	See Section 5.			
5.	Institutional	\$100	\$250	\$150	\$100
6.	Light Industrial and Resource Management	\$150	\$250	\$150	\$250
7.	Residential and Settlement	n/a	\$250	\$100	\$200
8.	Utility/Transportation	See Section 5.			
9.	<u>Resource Extraction</u>	See Section 5.			
10.	Waste Handling	See Section 5.			

LAND USE/LEASE FEE SCHEDULE

Section 2. Permitting Land Uses/Leases within the Borough Requiring Development Permitting.

		TEMPORARY USE	ANNUAL
1.	Non-commercial uses including: Conservation, Conservation Easement, Preservation and Recreational	\$50	\$200
2.	Commercial use	\$100	\$1000 (first acre) \$500(ea. add acre)
3.	Government	\$100	\$1000 (first acre) \$500(ea. add acre)
4.	Heavy industrial and Resource Development	See Section 5.	
5.	Institutional	See Section 5.	

^{1, 2} This schedule covers application fees only. All sales and leases are at fair market value as determined by the land management officer or the Borough. The land management officer can waive or reduce application fees in appropriate circumstances.



Lake and Peninsula Borough



Indemnification

Applicant shall defend, indemnify and hold harmless the Lake and Peninsula Borough, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind of nature including all attorney fees and litigation costs, arising out of, in connection with or incidental to any act or omission by Applicant, its employees, agents, guests, contractors, subcontractors or licensees unless the sole proximate cause of the injury or damage is the negligence or willful misconduct of the Borough or anyone acting on the Borough's behalf. Within 15 days Applicant shall accept any such cause or action or proceeding upon tender by the Borough. This indemnification shall survive the expiration or termination of this lease or permit.

Acceptance of Conditions. Applicant, by signing this application accepts full knowledge of the ordinances of the Lakes and Peninsula Borough and agrees to abide thereby, including amendments thereto, in the administration of the interest conveyed to applicant by the borough under this application. All conveyances or grants of interest are made under the ordinances of the Lakes and Peninsula Borough and in the event of a conflict between this application and any conveyance made hereunder and the ordinances of the Lakes and Peninsula Borough, the ordinances govern. Applicant also acknowledges that any lease is subject to state and federal regulation and restrictions, and agrees to keep itself informed as to the nature of those laws, regulations and restrictions, and to abide in all ways with those laws, regulations and restrictions.

Stewardship. The lessee is obligated to be a steward for this region by maintaining the pristine environment and by **keeping written notation of complaints** from concerned parties visiting the region and by forwarding such complaints to the borough. The lessee shall not impede access to traditional trails or waterways and shall not obstruct any landing strip, except when it is deemed unsafe by the lessee, or closed for regular maintenance. The ability of all users to use or access state, borough or other public land or waters adjacent to or surrounding the leased premises must not be restricted in any manner. However, the lessee may restrict access to the leased property and grounds directly around the buildings site for security of buildings, resources, equipment, supplies and for the privacy of clients. The borough may give notice of particulars of sanitation, etc., which bind the applicant. The applicant is allowed to bury up to 10 gallons of pulverized glass and incinerator ash on site yearly, provided the vegetation above the pit is restored to the original condition.

Inspections: Representatives and personnel of the Lake and Peninsula Borough and other interested state agencies may inspect the leased area at any time. Non-compliance determinations will subject the site to re-inspection. Lessee will be assessed the actual expenses incurred by the Borough for re-inspection. A non-compliance determination occurs when a lessee is found to be in violation of the lease and has not remedied that violation, or if there is a reported violation that is substantiated by a site visit.

Modification of Agreements. The Borough reserves the right to modify any lease or permit whenever required to meet emerging environmental circumstances. The lessee will be advised before any such modifications or additions are finalized. Any correspondence on this lease or permit may be directed to the Lake and Peninsula Borough Manager, PO Box 495, King Salmon, AK 99613, telephone (907) 246-2341.



Lake and Peninsula Borough

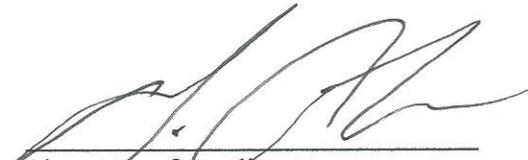


Land use is regulated under chapter 6.80 of the Lake and Peninsula Borough Code and any other provision of the borough ordinances as they are now or as they may be amended. General Conditions from 6.80.260

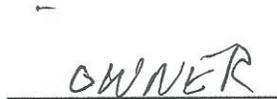
Process

Upon receipt of the completed application and application fee, the application will go before the Borough Assembly for review and approval by ordinance. Once approved by the Assembly, the applicant will be mailed a lease to sign. When signed and returned with first years rent payment, bond or cash guarantee, and proof of insurance, the Borough will sign the lease to be in full and binding effect. Lessee will receive from the Borough a copy of the application, signed lease, and ordinance for their records.

I have read and understand all of the foregoing and attached stipulations. By signing this lease application, I agree to the terms and conditions of this lease when issued except price.



Signature of Applicant or
Authorized Representative



Title



Application Date

Application fee enclosed: \$ _____

G. 3.
New Business
Ordinance 17-01
Changes to
Election Code
Introduction

Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016



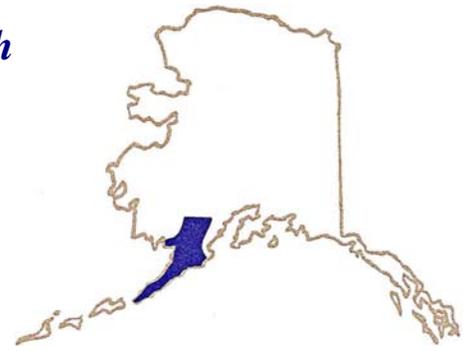
Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



Date: November 7, 2016
To: Mayor and Assembly
From: Kate Conley, Borough Clerk
Re: Ordinance 17-01 Election Code Changes

This ordinance is a direct result of a letter from Jim DeWitt. Because it is attorney-client privilege, I will review the letter with the Assembly in Executive Session. At this time, I am asking the Assembly to introduce the ordinance and set a public hearing for the next scheduled Assembly meeting in January.

**Lake and Peninsula Borough
Ordinance 17-01**

**An Ordinance Amending the Lake and Peninsula Borough Code, Section
4.15, Providing Direction to the Canvass Committee in Determining
Residency, and an Effective Date.**

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The Canvass Committee, in administering 4.15.010, has struggled with the numerous definitions of “residency” as per Alaska law. Definition varies depending upon the purpose for which residency is being measured. For example, the definition of residency when qualifying for the permanent fund dividend is vastly different than the definition of residency when qualifying for a hunting license.

2. The Alaska Supreme Court’s decision in the *Lake and Peninsula Borough v. Oberlantz* has determined that "*Absent any indicia of fraud or unreasonableness or implausibility, the court should accept the statements of the voter as to their intended residence if supported by sufficient indicia of residency.*" The decision further stated that the intent of the voter is the determining factor.

3. Additionally, a voter is to be presumed to be a resident. While it is still the Canvass Committee’s responsibility to guard against fraud, it must determine that only based on evidence.

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a code ordinance

Section 2. General Provisions

A. The Lake and Peninsula Borough Charter, Section 4.15 is amended to read:

4.15.020 Standards for determination of residency.

A. A qualified voter under Section 4.15.010 is presumed to be a resident for purposes of voting. The presumption may be overcome by indicia of fraud, unreasonableness or implausibility. To determine whether a person is a resident of the Borough, the Canvassing Committee may consider all evidence, including but not limited to:

- (1) Where the person spends most of his or her time;
- (2) The location of people and things that are typically identified with one’s “home,” such as family members, pets, and vehicles;

(3) Sincere statements or actions of the person as to where he or she intends to make a primary residence (where he or she manifests an intent to make a permanent home);

(4) Where the person receives his or her mail;

(5) Where the person and the person's spouse have registered to vote and how long they have been registered to vote there (and whether they have actually voted);

(6) Whether the person's daily life is connected to that address, including mail, bills, and bank accounts.

B. The Canvassing Committee may also consider evidence that tends to show that the claim of residency is untrue, contradictory or inconsistent with other actions or inactions of the person.

C. The burden of proof shall be on the person asserting the voter is not a resident. The presumption of residency may be overcome only by clear and convincing evidence.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 17th day of January, 2017.

IN WITNESS THERETO:

Glen R. Alsworth, Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

Introduced: October 24, 2016

Public Hearing: January 17, 2017

Enacted:

Ayes:

Nays:

Not Voting:

Absent:

G. 4.
New Business
Ordinances 17-02
to 17-08
Changes to Rev &
Finance Code
Introduction

Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016

**Lake and Peninsula Borough
Ordinance 17-02**

**An Ordinance Amending the Lake and Peninsula Borough Code, Section 6.40,
Sales and Use Tax (Fish Tax), and an Effective Date.**

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The registration fee for commercial fish, originally set eight years ago, is not proportional to the current scale of the processing industry,
2. The refunding the registration fee to commercial processors does not serve a positive purpose for the borough, is not an inducement for new business or in retaining current operators, and is at odds with all other licensing entities in the state and with the State itself,
3. Revenue from registration fees and would be better used to offset tax administration costs,
4. The fine and penalty amounts as set forth are not proportional to the scale of the fish processing industry and therefore do not serve as the intended deterrent to and inducement for compliance with Borough Code,

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a code ordinance

Section 2. General Provisions

A. In the Lake and Peninsula Borough Code, the following from Section 6.40 is amended to read:

6.40.110 (A.) 6.

6. The Application shall be accompanied by a check payable to the Borough in the amount of ~~\$200.00~~ \$25.00 as an annual application Processing Fee. ~~The application fee is non-refundable. The application fee shall be applied to annual taxes.~~

6.40.140

- A. A person who fails to file a return as required under this chapter or who fails to remit all the taxes due the Borough by that person shall pay a penalty of five percent (5%) of the taxes due with a minimum penalty of ~~\$500.00~~ \$100 if no return is filed. The penalty is imposed for each month or part of a month during which the delinquency of failure to file exists up to a maximum of ~~twenty five percent (25%); provided, the total penalty for a single calendar quarter shall not exceed three thousand dollars (\$3000).~~ The filing of an incomplete return shall be treated as the filing of no return.

- B. Interest at the rate of twelve percent (12%) per annum shall be paid on all amounts due the Borough that are not received by the Borough as required under this chapter except interest does not accrue on penalties.
- C. A person who fails to apply for a certificate of registration as required by this chapter shall pay a penalty of ~~two~~ five hundred dollars (~~\$200~~) (\$500.00). Such penalty must be paid before the license is issued or, if the original license was issued before the determination that a penalty was due or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due. A person who fails to apply for a certificate of registration, who engages in taxable transactions after being informed in writing that a certificate of registration is required, shall pay a penalty of ~~four hundred~~ one thousand dollars (~~\$400~~) (\$1,000) before the license is issued or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due.
- D. A person required to collect a tax under this chapter who fails to provide a written statement setting out the amount of the tax due on the transaction shall pay a penalty to the Borough equal to the amount of the tax due on the sale.
- E. A failure of or refusal of a person required to collect a tax under this chapter to produce records or allow inspection at such reasonable times as requested or demanded by the sales tax administrator shall pay to the Borough a penalty equal to three times any deficiency found or estimated to have occurred by the sales tax administrator; provided, the minimum penalty payment is three thousand dollars (\$3000).
- F. A person required to maintain records under the provisions of this chapter shall immediately notify the Borough of any fire, theft or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty is a defense to a civil penalty levied under subsection E. of this section, but does not excuse the person from the liability for payment to the Borough of taxes required to be collected. Accidental or unexplained loss of funds or records does not excuse a person from the performance of any of the requirements under this chapter.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 17th day of January, 2017.

IN WITNESS THERETO:

Glen R. Alsworth, Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

Introduced: November 14, 2016

Public Hearing: January 17, 2017

Enacted:

Ayes:

Nays:

Not Voting:

Absent:

**Lake and Peninsula Borough
Ordinance 17-03**

**An Ordinance Amending the Lake and Peninsula Borough Code, Chapter
6.50 Annual Permit Fee for Professional Guides, and Providing for an
Effective Date.**

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The refunding the registration fee to professional guiding providers does not serve a positive purpose for the borough and would be better used to offset tax administration costs,
2. A grammatical clarification is needed to documentation needed in support of a professional guide operators tax filing,

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a code ordinance

Section 2. General Provisions

A. In the Lake and Peninsula Borough Code the following from Section 6.50 is amended to read:

6.50.020 (A.)

- A. In order to obtain a permit as required by this chapter, the professional guide must accurately and completely fill out an application form, available through the Borough, and submit within 30 days of guiding activity in the borough. The application shall be accompanied by a check payable to the Borough, and submit within 30 days of guiding activity in the borough. The application shall be accompanied by a check payable to the Borough for twenty five dollars (\$25.00) annual Application Processing Fee. The application fee is nonrefundable. The \$25.00 application fee shall be applied to annual guide fee remittance. (Amended by Ordinance 09-09; 11/14/09 & Ordinance 15-03; 5/11/15)

6.50.020 (B)

- B. The Borough Tax Administrator may require that the applicant submit documentation supporting the tax filing including but not limited to: copies of all activity reports provided to the National Park Service, US Fish and Wildlife Service, or other Federal land management agencies, copies of fish and game harvest reports submitted to the Alaska Department of Fish and Game, copies of any occupational or business licenses required by the Alaska Department of

Fish and Game, Department of Commerce, or other State or Federal Agency, and copies of any leases or land use permits obtained from the Department of Natural Resources or other State or Federal Agency or affected private landowner in cases where the Tax Administrator has reason to believe that the professional guide has not complied with the requirements of this Chapter.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 17th day of January, 2017.

IN WITNESS THERETO:

Glen R. Alsworth, Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

Introduced: November 14, 2016

Public Hearing: January 17, 2017

Enacted:

Ayes:

Nays:

Not Voting:

Absent:

**Lake and Peninsula Borough
Ordinance 17-04**

**An Ordinance Amending the Lake and Peninsula Borough Code, Chapter
6.50 Annual Permit Fee for Professional Guides, Procedure for Obtaining
Permit, and Providing for an Effective Date.**

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The annual cap on tax collection by professional guide operators who are not guiding as part of a lodge package is perceived as putting smaller guide operators at a competitive disadvantage,
2. The borough is foregoing significant additional revenue at a time when State revenue sharing to the Borough has been reduced by 50% from prior years,
3. The State's budget difficulties make it highly unlikely that those sources of State support shall be restored in the foreseeable future,
4. This incremental increase in revenue will not make up for the decrease in State support to the Borough but is a prudent action to slow the drain upon borough reserves, prolonging the Borough's ability to support the school district and support capital projects in the villages,

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a code ordinance

Section 2. General Provisions

A. In the Lake and Peninsula Borough Code the following from Section 6.50 is amended to read:

6.50.020 (C)(1)

The following permit fees are established:

Professional Guides who provide guiding services only and do not provide any overnight accommodations or who provide guide services for lodges, when those services are not part of an inclusive Lodge package. \$3.00 per visitor-day. ~~to a maximum of \$750.00 per year~~ Professional Guides that provide guide services for lodges that are registered to pay the Hotel-Motel Room Tax under Chapter 6.90 shall pay \$1.00 per visitor day., ~~to a maximum of \$750.00.~~ (Amended by Ordinance 09-09; 11/14/09)

6.50.020 (C) (2)

2. Professional Guides who provide guiding services and primitive overnight accommodations.

(a) Primitive overnight accommodations include:

1. Cabins without indoor plumbing, running water, or restroom facilities. They also include established, permanent, or semi-permanent camps that have wall tents, framed huts, or other semi-permanent shelter. Camps qualify as "established" or permanent if they contain improvements such as cooking facilities, storage facilities for equipment, food, or fuel, and improvements to provide for solid waste disposal, human waste disposal, and drinking water. These overnight accommodations must be for the exclusive use of the guide's clients and used as part of the guiding package or tour.
2. Lodge or cabin accommodations with indoor plumbing, running water, and/or restroom facilities that are for the exclusive use of the guide operator's clients and is used as part of the guiding package price.

(b) If these facilities are available for rent by the general public or if they do not qualify as primitive as defined herein, they are subject to the Borough's Hotel - Motel Room Tax (Chapter 6.90 of the Municipal Code).

(c) \$3.00 per visitor-day, ~~but not to exceed \$750.00 per year,~~ and

(d) \$250.00 per year for each established camp, cabin site, cabin, or lodge providing primitive overnight accommodations as defined herein. *(Amended by Ordinance 09-09; 11/14/09; Ordinance 15-03; 5/11/2015)*

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 17th day of January, 2017.

IN WITNESS THERETO:

Glen R. Alsworth, Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

Introduced: November 14, 2016

Public Hearing: January 17, 2017

Enacted:

Ayes:

Nays:

Not Voting:

Absent:

**Lake and Peninsula Borough
Ordinance 17-05**

**An Ordinance Amending the Lake and Peninsula Borough Code, Chapter
6.50.20 Annual Permit Fee for Professional Guides 6.40.030 Estimated
Fees/Forced Filing, and Providing for an Effective Date.**

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The option on how and when a professional guide operator may count and remit collected taxes has never been used,
2. The option is confusing and overly complicated,
3. With over 350 professional guide operators doing business in the Borough, this option, should it be used, is an undue additional administrative cost to the Borough,
4. The additional language clarifies and enumerates what actions that may be taken by the Borough should it be necessary to force file a tax return for a professional guide operator.

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a code ordinance

Section 2. General Provisions

A. In the Lake and Peninsula Borough Code the following from Section 6.50 is amended to read:

6.50.020 (C)(4) is to be omitted and the remaining bullet points are to be renumbered.

~~4. The permit fee for visitor days shall, at the option of the permittee, be based upon either (1) the actual number of visitor days that occurred during the previous calendar year, or (2) the estimated number of visitor days for the year for which the current permit is obtained. In the event that the actual number of visitor days is less than the number of visitor days for which a permit fee is paid, the professional guide may apply for and receive a refund of \$3.00 for each visitor day that is in excess of the actual visitor days for that calendar year or, alternatively, receive an equivalent credit toward his or her permit fee for the following year. In the event that the actual number of visitor days exceeds the number of visitor days for which a permit fee is paid, the Professional Guide shall pay an additional \$3.00 per visitor day as a condition precedent to receiving a Professional Guide Permit for the succeeding year. (Amended by Ordinance 09-09; 11/14/09)~~

6.50.030 Estimated Fees/Forced Filing

If the Borough is unable to ascertain the amount of fees due from a professional guide for any given year because the guide has failed to apply for a permit, file the required application form, provide required supplemental information, filed a false, inaccurate or incomplete application, failed to keep accurate books and records as required, or has falsified records, the Borough may make an estimate of the amount of permit fees due based upon any evidence in its possession.

The Borough shall mail by certified mail or deliver to the guide written notice of the amount of the estimate. This amount shall be presumed to correctly state the amount of permit fees due unless the guide files an accurate return with supporting documentation and transmits the amount due to the Borough not later than thirty (30) days after the date on which the Borough mails or delivers the notice. A notice is sufficient under this section if it is either actually delivered to the guide, or if it is mailed by certified mail return receipt requested, at the guide's most current address as contained in the Borough's permit records. If the guide has not filed a correct return satisfactory to the administrator, along with the taxes due, within thirty (30) days of the date of mailing of the forced filing, the amount of any deficiency remaining unpaid on the forced filing is presumed correct and is delinquent from the date originally due; provided, if upon a subsequent audit or inspection of the records of the guide, it is determined that a greater amount was due, the guide shall be liable for payment of such additional amount. A forced filing may be made if the Borough is unable to ascertain the tax due to be remitted by a guide by reason of the failure of the guide to keep accurate records or to allow inspections of the guide's records, or of the guide's falsification of records.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 17th day of January, 2017.

IN WITNESS THERETO:

Glen R. Alsworth, Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

Introduced: November 14, 2016
Public Hearing: January 17, 2017
Enacted:
Ayes:
Nays:
Not Voting:
Absent:

**Lake and Peninsula Borough
Ordinance 17-06**

**An Ordinance Amending the Lake and Peninsula Borough Code, Chapter
6.50.70 Annual Permit Fee for Professional Guides, Civil Penalties and
Enforcement, and Providing for an Effective Date.**

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The Code section listing penalties and enforcement provisions as written is confusing for stakeholders and administrators,
2. This Code section is inconsistent in structure and process with other penalties and enforcement sections of the Code,
3. Clarification of terms and process by which penalties and enforcement will simplify communication to Borough stakeholders and reduces time spent by staff interpreting and explaining this section of the Code,

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a code ordinance

Section 2. General Provisions

A. In the Lake and Peninsula Borough Code the following from Section 6.50 is amended to read:

6.50.070 Civil Penalties and Enforcement

~~A person who fails to obtain a permit required by this chapter, or fails to pay the required fees, shall, in addition to the fees provided for in Section 6.50.020, be assessed a penalty equal to five percent (5%), of the permit fee for each thirty day period or fraction thereof during which the fee remains unpaid. However, the penalty provided for by this section shall not, for any given year, exceed twenty five percent (25%) of the permit fee owed. All delinquent fees and any penalties shall bear interest at the lawful rate from the date they become due. A person who fails to obtain a permit required by this chapter, or fails to pay the required fees, shall, in addition to the fees provided for in Section 6.50.020, be assessed a penalty equal to five percent (5%) of the permit fee for each thirty day period or fraction thereof during which the fee remains unpaid. However, the penalty provided for by this section shall not, for any given year, exceed twenty five percent (25%) of the permit fee owed. All delinquent fees and any penalties shall bear interest at the lawful rate from the date they become due. The Borough may also levy a charge to cover its administrative costs associated with collection actions including, but not limited to, actual and reasonable lawyer's fees.~~

To enforce payment of the required fees and any penalties, interest, and administrative costs of collection, the Borough may institute a civil action against the violator in the appropriate court for the State of Alaska and seek an injunction prohibiting the violator from operating without a permit until all required fees and other charges have been paid. The Borough reserves the right to exercise any and all additional lawful remedies available to it against violators of this chapter, including, but not limited to, the imposition of tax lien against the property and other assets of the guide or corporate officers of the company responsible for payment of the fees.

The Borough may also, in addition to any penalties or other fees, levy a charge to cover its administrative costs associated with collection actions including, but not limited to, actual and reasonable lawyer's fees.

A. A person who fails to file a return as required under this chapter or who fails to remit all the taxes due the Borough by that person shall pay a penalty of five percent (5%) of the taxes due with a minimum penalty of \$500.00 if no return is filed. The penalty is imposed for each month or part of a month during which the delinquency of failure to file exists up to a maximum total penalty for a single calendar quarter shall not exceed three thousand dollars (\$3000). The filing of an incomplete return shall be treated as the filing of no return.

B. Interest at the rate of twelve (12%) per annum shall be paid on all amounts due the Borough that are not received by the Borough as required under this chapter except interest does not accrue on penalties.

C. A person who fails to apply for a certificate of registration as required by this chapter shall pay a penalty of five hundred dollars (\$500.00). Such penalty must be paid before the license is issued or, if the original license was issued before the determination that a penalty was due or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due. A person who fails to apply for a certificate of registration, who engages in taxable transactions after being informed in writing that a certificate of registration is required, shall pay a penalty of one thousand dollars (~~\$400~~) (\$1,000) before the license is issued or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due.

D. A failure of or refusal of a person required to collect a tax under this chapter to produce records or allow inspection at such reasonable times as requested or demanded by the sales tax administrator shall pay to the Borough a penalty equal to three times any deficiency found or estimated to have occurred by the sales tax administrator; provided, the minimum penalty payment is three thousand dollars (\$3000).

E. A person required to maintain records under the provisions of this chapter shall immediately notify the Borough of any fire, theft or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty is a defense to a civil penalty levied under subsection E. of this section, but does not excuse the person from the liability for payment to the Borough of taxes required to be collected. Accidental or unexplained loss of funds or records does not excuse a person from the performance of any of the requirements under this chapter.

F. The Borough shall apply payments received on a delinquency first to the payment of penalties, then to the payment of administrative costs of collection, then to the payment of interest, and then to the payment of delinquent taxes.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 17th day of January, 2017.

IN WITNESS THERETO:

Glen R. Alsworth, Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

Introduced: November 14, 2016

Public Hearing: January 17, 2017

Enacted:

Ayes:

Nays:

Not Voting:

Absent:

**Lake and Peninsula Borough
Ordinance 17-07**

**An Ordinance Amending the Lake and Peninsula Borough Code, Chapter
6.90 Hotel-Motel Room Tax, and Providing for an Effective Date.**

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The valuation of overnight lodging as part of a rent or tour package has not been updated for eight years,
2. The current valuation is below current rates that can be found in almost all other parts of the state,
3. The Federal Per Diem rate for over-night accommodations in \$350 in Dillingham, \$225 in King Salmon, the Borough valuation of overnight accommodation is below current market valuation,
4. The refunding the registration fee does not serve a positive purpose for the borough, is not an inducement for new business or in retaining current operators, and is at odds with all other licensing entities in the state and with the State itself,
5. Revenue from registration fees and would be better used to offset tax administration costs,

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a code ordinance

Section 2. General Provisions

A. In the Lake and Peninsula Borough Code the following from Section 6.90 is amended to read:

6.90.020 (B)(2)

2. The minimum amount of tax paid shall not be less than six thirteen and 50/100's dollars ~~(\$6.00)~~ (\$13.50) per person, per night (room rental rate equivalent at 6% x ~~\$100.00~~ \$225.00 = ~~\$6.00~~ \$13.50). The tax remitted shall be either 6% of the amount apportioned to room rent, 6% of the established or published room rental rate if that rate is used as part of the package price, or the minimum rate described herein; whichever is greater. (Added by Ordinance 97-06, 11/18/97) *(Amended by Ordinance 09-09; 11/14/09)*

6.90.040 (A)

A. Every merchant shall file with the Borough an application for a certificate of registration on a form provided by the Borough not later than ten days after the date of commencing operation of an overnight accommodation or opening an additional place of business as an overnight accommodation. The application shall include at a minimum, the name and mailing address of the applicant, the location or locations at which the applicant will conduct business, the location at which transactions subject o this tax will occur, a statement certifying the owner of record of the overnight accommodation facility to be registered, a statement signed by the owner of the overnight accommodation acknowledging that he/she understands that the facility at which the taxes are generated is subject to tax lien in the event of tax delinquency, and other information with respect to description, location, and value of property owned by the merchant within borough boundaries which the manager may require in the best interest of the Borough. The completed application shall be accompanied by a check payable to the Borough for a twenty five dollar (\$25.00) annual Application Processing Fee and the merchant's Accommodation Rate Schedule for the Application Year. After initial registration with the Borough, merchants shall submit a renewal form supplied by the Borough, the operator's rate schedule, and the \$25.00 registration fee. The application fee is non-refundable. ~~The \$25.00 application fee shall be applied to the Hotel/Motel tax remittances.~~ (Amended by Ordinance 09-09, November 14, 2009; Ordinance 15-03, May 11, 2015)

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 17th day of January, 2017.

IN WITNESS THERETO:

Glen R. Alsworth, Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

Introduced: November 14, 2016

Public Hearing: January 17, 2017

Enacted:

Ayes:

Nays:

Not Voting:

Absent:

**Lake and Peninsula Borough
Ordinance 17-08**

**An Ordinance Amending the Lake and Peninsula Borough Code, Chapter
6.90 Hotel-Motel Room Tax, Penalties and Interest, Civil Action
Authorized, Prohibition of Making Rentals without Registering and
Providing for an Effective Date.**

The Borough Assembly of Lake and Peninsula Borough finds and determines that:

1. The Code section listing penalties and enforcement provisions as written is confusing for stakeholders and administrators,
2. This Code section is inconsistent in structure and process with other penalties and enforcement sections of the Code,
3. Clarification of terms and process by which penalties and enforcement will simplify communication to Borough stakeholders and reduces time spent by staff interpreting and explaining this section of the Code,

THEREFORE, BE IT ENACTED by the Assembly of the Lake and Peninsula Borough:

Section 1. Classification

This is a code ordinance

Section 2. General Provisions

A. In the Lake and Peninsula Borough Code the following from Section 6.90 is amended to read:

6.90.110

- A. ~~A merchant who fails timely to file a return as required by this ordinance shall pay to the Borough a penalty of five percent (5%) the tax shown or which should have been shown on the return for each thirty day period or fraction thereof during which the tax remains unpaid. However, the penalty provided for in this Section shall not, for any given year, exceed twenty five percent (25%) of the taxes due. In addition, the merchant shall pay the Borough's administrative costs of collection incurred in enforcing the requirement to file a return. Penalties and administrative costs of collection are due immediately upon accrual and are delinquent thereafter. (Replaced by Ordinance 97-06, 11/18/97)~~

A Merchant who fails to file a return as required under this chapter or who fails to remit all the taxes due the Borough by that person shall pay a penalty of five percent (5%) of the taxes due with a minimum penalty of \$500.00 if no return is filed. The penalty is imposed for each month or part of a month during which the delinquency of failure to file exists up to a

maximum total penalty for a single calendar quarter shall not exceed three thousand dollars (\$3000). The filing of an incomplete return shall be treated as the filing of no return.

~~B. A merchant who fails to transmit the tax required by this ordinance in a timely manner shall pay a penalty of five percent of the taxes owed for each month or portion thereof during which the taxes are delinquent, but the penalty shall not exceed twenty five percent of the amount of the delinquent taxes or one thousand dollars, whichever is less. This penalty shall be paid in addition to the penalty provided in subsection (A) for failure to file a return. In addition, the merchant shall pay the Borough's administrative costs of collection and interest at the rate of fifteen percent per year on all delinquent taxes, not including penalties and administrative costs of collection, from the due date until paid in full. Penalties, interest, and administrative costs of collection are due immediately upon accrual and are delinquent thereafter.~~
Interest at the rate of eighteen (18%) per annum shall be paid on all amounts due the Borough that are not received by the Borough as required under this chapter except interest does not accrue on penalties.

- ~~C. The Borough shall apply payments received on a delinquency first to the payment of penalties, then to the payment of administrative costs of collection, then to the payment of interest, and then to the payment of delinquent taxes.~~

A Merchant who fails to apply for a certificate of registration as required by this chapter shall pay a penalty of five hundred dollars (\$500.00). Such penalty must be paid before the license is issued or, if the original license was issued before the determination that a penalty was due or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due. A person who fails to apply for a certificate of registration, who engages in taxable transactions after being informed in writing that a certificate of registration is required, shall pay a penalty of one thousand dollars (\$400) (\$1,000) before the license is issued or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due.

- ~~D. The Borough Tax Administrator is authorized to exercise his or her discretion regarding the enforcement of this section during the first year this tax is in effect. (January 1, 1998 January 1, 1999). Decisions shall be based upon individual circumstances and the facts in each case. This section is enacted in recognition of the fact that it will take at least one year for all merchants to become thoroughly familiar with this tax ordinance. (Amended by Ordinance 97- 06, 11/18/97)~~

A failure of or refusal of a person required to collect a tax under this chapter to produce records or allow inspection at such reasonable times as requested or demanded by the sales tax administrator shall pay to the Borough a

penalty equal to three times any deficiency found or estimated to have occurred by the sales tax administrator; provided, the minimum penalty payment is three thousand dollars (\$3000).

- E. A person required to maintain records under the provisions of this chapter shall immediately notify the Borough of any fire, theft or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty is a defense to a civil penalty levied under subsection E. of this section, but does not excuse the person from the liability for payment to the Borough of taxes required to be collected. Accidental or unexplained loss of funds or records does not excuse a person from the performance of any of the requirements under this chapter.
- F. The Borough shall apply payments received on a delinquency first to the payment of penalties, then to the payment of administrative costs of collection, then to the payment of interest, and then to the payment of delinquent taxes.

6.90.120 (C)

C. The Borough may institute a civil action against any person who violates a provision of this ordinance. In addition to injunctive relief and compensatory relief, the Borough may recover its administrative costs of collection and a civil penalty not to exceed one thousand five hundred dollars (~~\$1000.00~~) (\$1,500.00) for each violation. Each act of violation and every day upon which said violation shall occur shall constitute a separate offense. The Borough may bring an action to enjoin a violation or to recover a civil penalty notwithstanding the availability of any other remedy. Nothing in this section precludes the Borough from taking any other lawful actions to recover delinquent taxes, penalties, interest, and administrative costs.

6.90.140 (C)

C. A person who fails to apply for a certificate of registration as required by this chapter shall pay a penalty of ~~two~~ five hundred dollars (\$500). Such penalty must be paid before the license is issued. A person who fails to apply for a certificate of registration, who engages in taxable transactions after being informed in writing that a certificate of registration is required, shall pay a penalty of ~~four hundred one~~ thousand dollars (\$1,000) before the license is issued or before a renewal or amended license is issued.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption.

ENACTED by a duly constituted quorum of the Lake and Peninsula Borough Assembly
this 17th day of January, 2017.

IN WITNESS THERETO:

Glen R. Alsworth, Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

Introduced: November 14, 2016

Public Hearing: January 17, 2017

Enacted:

Ayes:

Nays:

Not Voting:

Absent:

**G. 5.
New Business
Resolution 16-14
Support Full
Student Bond
Reimbursement**

**Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016**

**LAKE AND PENINSULA BOROUGH
RESOLUTION 16-14**

**A RESOLUTION IN SUPPORT OF FULL FUNDING FROM THE STATE OF ALASKA
FOR THE SCHOOL BOND DEBT REIMBURSEMENT**

WHEREAS, the State of Alaska has a constitutional responsibility to “maintain a system of public schools” under Article VII, section 1 of the Alaska Constitution; and

WHEREAS, since 1970 the State of Alaska has encouraged municipalities to bond for school major maintenance projects by reimbursing municipalities with bonding authority for principal and interest payments; and

WHEREAS, the Alaska Legislature has for decades provided major maintenance for rural Regional Attendance Area schools through appropriations in the annual capital budget; and

WHEREAS, between 2006 and 2015, the Alaska Legislature determined that school projects which passed the Department of Education & Early Development’s criteria and were approved by local voters would receive 70 percent debt reimbursement, and those that did not meet the department’s criteria would receive 60 percent reimbursement; and

WHEREAS, since 2010 the Alaska Legislature provided consistent funding parity for rural schools’ major maintenance needs by automatically funding major maintenance projects in areas without the ability to bond with a percentage of the school bond debt reimbursement funding; and

WHEREAS, relying on these programs and the State of Alaska’s commitment to fund its moral and constitutional obligations, Alaska municipalities have maintained schools for the education of our state’s most precious resource, our children; and

WHEREAS, Alaska municipalities issued bonds relying in good faith on the State of Alaska to live up to its financial commitments to education; and

WHEREAS, in 2016 the Alaska Legislature responded to a difficult fiscal situation by placing a five-year moratorium on any new projects being eligible for school bond debt reimbursement, thus giving municipalities and voters across the state notice that bonds sold within the five-year period would be the sole responsibility of local taxpayers; and

WHEREAS, the Lake and Peninsula Borough spent at total of \$19,432,642 to build a new school building in Port Alsworth (\$13,379,398) and to remodel the gym and kitchen in Newhalen (\$4,253,243) and to do districtwide Energy Upgrades (\$1,800,000); and

WHEREAS, in 2016 the Alaska Legislature recognized the State responsibility to honor past project funding and appropriated funds to the municipalities for school debt reimbursement; and

WHEREAS, in 2016 Governor Bill Walker, in trying to address the budget deficit, cut twenty-five percent of the funding for both municipal and rural schools from appropriation bills using his line-item reduction power; and

WHEREAS, these reductions “saved” the State of Alaska \$40,703,819 out of an estimated \$3.4 billion deficit, or 1.2 percent, by shifting costs to local municipalities and by leaving badly needed rural projects unfunded; and

WHEREAS, Lake and Peninsula Borough reduced revenue by \$203,623 as a result of the line-item reduction, or approximately 14 percent of its cash revenues; and

WHEREAS, Alaska municipalities do not have the fiscal resources to close the State's revenue gap; and

WHEREAS, the State of Alaska should not reach a long-term solution to its revenue problems by ignoring its constitutional obligation to public education.

NOW THEREFORE BE IT RESOLVED, that the Assembly of Lake and Peninsula Borough calls on Governor Bill Walker to fully fund the FY18 and future State of Alaska moral and constitutional obligation to public schools through both school bond debt reimbursement and state aid for construction in Regional Education Attendance Areas in his budget submittal to the Alaska State Legislature.

BE IT FURTHER RESOLVED, that the Assembly of Lake and Peninsula Borough calls on the Alaska Legislature to continue its practice of fully funding these moral and constitutional obligations to public schools as it has in the past.

BE IT FURTHER RESOLVED, that the Assembly of Lake and Peninsula Borough calls on fellow municipalities and the Alaska Municipal League to join in its support for funding school bond debt reimbursement and the State's new construction and major maintenance obligations.

BE IT FURTHER RESOLVED, that the Assembly of Lake and Peninsula Borough calls on Governor Bill Walker and the Alaska Legislature to adopt an FY17 budget supplemental that reinstates full funding for this year's school debt reimbursement payments.

PASSED AND APPROVED by a duly constituted quorum of the Lake and Peninsula Borough Assembly this 16th day of November, 2016.

IN WITNESS THERETO:

Glen Alsworth Sr., Mayor

ATTEST:

Kate Conley, Borough Clerk

G. 6.
New Business
Strategic Plans
Budget & Timeline

Lake and Peninsula Borough
Regular Assembly Meeting
Wednesday, November 16, 2016



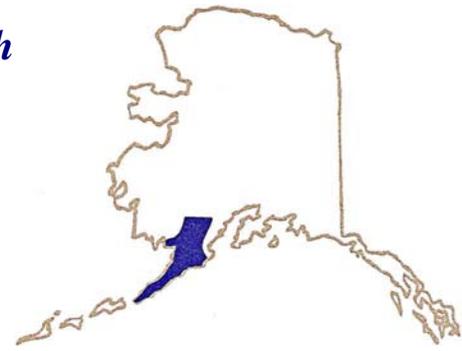
Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



Date: November 7, 2016
To: Mayor and Assembly
From: Kate Conley, Borough Clerk
Re: Strategic Plans with Foraker

As explained briefly at the last Assembly meeting, Nathan and I have been working with The Foraker Group (Foraker) with the intent of doing strategic plans for each of our villages. This will work in nicely with the Foraker's focus offer "capacity building" in eight of the LPB villages. This will also work nicely toward the Borough's need to update the comprehensive plan.

The strategic plans will be used as raw data to incorporate into the comp plan. Foraker will not create a comprehensive plan, but I am working closely with them to make sure that the strategic plans will be applicable toward our needs.

I am asking the Assembly for a motion to approve this outline and budget to complete strategic plans for all sixteen Lake and Peninsula villages. If approved, Foraker will take this plan to their board in December for approval. If their board approves, I will bring the Assembly a contract between Foraker and LPB for approval at the January meeting and we will also need to do a budget amendment to appropriate the funds the first quarter of 2017.

The villages have been divided into four groups of four villages:

- North – Port Alsworth, Nondalton, Iliamna, Newhalen
- Lakes – Levelock, Igiugig, Kokhanok, Pedro Bay
- Southwest – Egegik, Pilot Point, Ugashik, Port Heiden
- South – Chignik Lake, Chignik Lagoon, Chignik Bay, Perryville

For each group we will hire a coordinator from one of the villages who will serve as a primary point of contact for Foraker staff. The coordinator will shadow and assist Foraker staff as they facilitate and lead strategic planning discussions in each community, will be engaged during the write up of the plans, and attend a final training with Foraker staff to learn about best practices when it comes to implementing strategic plans. The coordinator would also be responsible to conduct additional community meetings if necessary. I will attend the initial training and as many community visits as possible and will act as a substitute if any of the coordinators are unable to complete their responsibilities.

Developing the plans will consist of three primary components: 1) initial training of coordinators, 2) village visits and strategic discussions, and 3) finalization of planning documents. The initial training will take place in Anchorage at Foraker offices. We estimate up to an eight hour training where the coordinators and I will learn about Foraker's philosophy and approach to hosting strategic conversations and developing

plans. We will then send the coordinators back to their villages and they will then accompany me and a Foraker employee as we conduct the strategic planning meeting in each village. It is anticipated that each village will take up to eight hours of meeting and two hours of write up. After all the strategic plans are drafted, the coordinators and I will meet with Foraker staff in Anchorage for a wrap up meeting.

The fundamental questions Foraker asks while facilitating strategic discussions include: Identifying community core ideology (focus/values) and asking the questions of: What is going well in your community? What are current challenges in your community? And what does success look like for your community in ten years? These questions are intended to keep participants focused on their communities from a 30,000 ft. view perspective that will ultimately address infrastructure, social development, and economic development needs. Additional questions will include: What information do we need? What capacities/skills do we need to develop? What partnerships should we focus on? What policies will support our efforts? What communication strategies will strengthen our initiatives? The strategic plan will need to specifically consider:

- o Land use
- o Transportation
- o Public infrastructure
- o Education/job training,
- o Health and wellness
- o Cultures and subsistence
- o Energy
- o Community leadership
- o City/tribal/borough government relations
- o Employment/economic development
- o Housing

While not all of these items may be addressed in detail on the strategic plan, we will use the plans to extrapolate the needs of the community. We can also call upon the coordinators to address additional topics in a follow up meeting, if necessary.

The last comprehensive plan was done in 2012 by Agnew:Beck and cost the Borough \$75,000 for the write up. The Borough also paid for travel, lodging and food for visits to all 16 communities. There is not a comprehensive budget created and so I cannot report how much the final cost was.

I have made an agreement with Foraker for them to cover 50% of all charges, as the funds from Anglo American is for 50% of the villages. While figuring the budget, I erred on the high side when possible and added in a 10% contingency. The total budget is \$78,864 to complete the travel and strategic plans. The Borough's responsibility would be \$39,432. Please see the attached, detailed budget

Each village would take eight hours of meeting time. We would visit two villages each week, with the exception of the southern group, which we would do in one trip to keep the costs down. Allowing one trip per week, this project will take 27 days in nine weeks to complete. We would anticipate beginning the project the beginning of, or mid-March and completing the project by mid-May.

Initial Training - 4 trainers to ANC + 1 LPB Staff from AKN					total cost	\$8,530.00
Flight		1 way	RT			
	ILI-ANC			\$225.00		
	LVL-ANC			\$400.00		
	PTH-ANC			\$550.00		
	PRV-ANC			\$650.00		
	AKN-ANC			\$700.00		
		\$2,525.00	\$5,050.00			
Lodging						
	85/night	x4 people	x3 nights	\$1,020.00		
Per diem						
	100/day	x5 people	x3 days	\$1,500.00		
payroll						
	8 hours	x4 people	x \$30/hour	\$960.00		
Village Visits					total cost	\$54,635.00
Flights & Lodging						
	LPB Staff	\$7,050.00	x1	\$7,050.00		
	Foraker	\$9,025.00		1	\$9,025.00	
	Coordinator	\$4,610.00			\$4,610.00	
Per Diem						
	LPB	\$100.00	x27	x 2 people	\$5,400.00	
	Foraker	\$50.00		27	1	\$1,350.00
Pay roll						
	LPB	16 villages	10 hours	x \$30/hr	\$4,800.00	
	Foraker	16	10	\$140.00	\$22,400.00	
Wrap up - 4 trainers to ANC + 1 LPB Staff from AKN					total cost	\$8,530.00
Flight		1 way	RT			
	ILI-ANC			\$225.00		
	LVL-ANC			\$400.00		
	PTH-ANC			\$550.00		
	PRV-ANC			\$650.00		
	AKN-ANC			\$700.00		
		\$2,525.00	\$5,050.00			
Lodging						
	85/night	x4 people	x3 nights	\$1,020.00		
Per diem						
	100/day	x5 people	x3 days	\$1,500.00		
payroll						
	8 hours	x4 people	x \$30/hour	\$960.00		
					subtotal	\$71,695.00
Contingency	10%		\$7,169.50			
					grand total	\$78,864.50