

**Minutes of Special Assembly Meeting
Held December 3, 2013**

Mayor David L. Jack called the special assembly meeting to order at 7:00 p.m., December 3, 2013, in the Assembly Chambers. Assembly Members Decker, McCloskey, Blake, and Wiederspohn were present. Assembly Members Stokes and Stough were absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

CONFLICT OF INTEREST

There were no conflicts of interest declared.

PERSONS TO BE HEARD

Paul Southland, P.O. Box 257- A letter, submitted by Mr. Southland, was read by the Borough Clerk.

ITEMS OF BUSINESS

5a PROPOSED RESOLUTION No. 12-13-1287: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT OF THE JOB DESCRIPTION FOR THE FINANCE DIRECTOR

M/S: Blake/McCloskey, to approve Resolution No. 12-13-1287. Motion approved unanimously by polled vote.

5b RESOLUTION No. 12-13-1288: A RESOLUTION OF THE ASSEMBLY PROPOSED OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE PARTICIPATION AGREEMENT WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF ALASKA (PERS) BY ADDING THE BOROUGH MANAGER TO SAID AGREEMENT

M/S: McCloskey/Wiederspohn, to approve Resolution No. 12-13-1288.

Mayor Jack asked if making the amendment to PERS would affect the future unfunded liability if the next Borough Manager chose not to enter into the PERS system.

Manager Jabusch stated that he did not have the answer to that question. He said that if the assembly wanted to table the item until the next meeting, he could call his contact at PERS and find out the answer.

Assembly Member McCloskey withdrew her motion.

M/S: Blake/Wiederspohn, to differ the Resolution until the next Regular Assembly meeting on December 10, 2013. Motion approved unanimously by polled vote.

- 5c** Discussion and possible action on the TBPA/SEAPA issues
- a) Power attorney's answers to Assembly's questions
 - b) Petersburg Borough Assembly Resolution
 - c) Future of TBPA & Commission
 - i. Status quo
 - ii. TBPA absorbed by Wrangell
 - iii. TBPA absorbed by SEAPA
 - iv. TBP Commission active vs. inactive status
 - d) SEAPA issues – suggestions for increased communication, transparency and trust-building
 - e) Wrangell's SEAPA Board members (2 voting + 2 alternates)
 - f) MOU between the City of Ketchikan, Wrangell, & Petersburg regarding study of divestiture of SEAPA
 - g) Wrangell's Energy Committee

Assembly Member Decker addressed a memo that was presented to the Borough Assembly from the Special Energy Committee that stated the advantages and the disadvantages to two options of if Wrangell were to absorb the TBPA employees or if SEAPA were to do that.

Assembly Member McCloskey stated that the Special Energy Committee had been presented with the advantages and disadvantages; the Special Energy Committee was looking for direction from the Borough Assembly.

Mayor Jack stated that the Special Energy Committee had submitted (in their memo), two recommendations:

1. Requesting that a letter be sent to the SEAPA Board, asking them to retain their meeting recordings for a longer period of time, and
2. The two options for the operations of Tyee.

Manager Jabusch stated that as a Special Energy Committee member, he understood that there might be more advantages and/or disadvantages; just because they were not listed, didn't mean that they didn't exist.

M/S: Decker/Blake, to direct the Borough Manager to draft a resolution for consideration at the Assembly's regular meeting on December 10, 2013 which includes the following:

- *Direction for Borough Manager & Attorney to enter into negotiations on a written offer between SEAPA, Petersburg Borough, City & Borough of Wrangell, and TBPA which essentially accepts the terms of the August 19, 2013 memo from the SEAPA CEO to the TBPA President.*
- *The written offer will be brought back to the governing bodies of each group for final approval.*
- *The City & Borough of Wrangell's acceptance of this offer is contingent upon the following:*
 1. *Current TBPA employees will have assurance that for two years under SEAPA management these positions will not be terminated or removed from Wrangell.*
 2. *Current TBPA employees will be "held harmless" during the management change; for example, accrued benefits will be transferred or otherwise compensated for.*
 3. *TBPA non-net billable expenses for the fiscal year 2014 will either be paid in total by SEAPA, or half will be paid by Petersburg.*
 4. *TBP Commission is not dissolved, but rather placed into an "inactive" status, which would allow for its reactivation if necessary in the future.*
 5. *Transparency and open communication will continue to be improved upon between the City & Borough of Wrangell and SEAPA through 1) future appointments of at least one Assembly member to the SEAPA Board, and 2) digital audio recordings of future SEAPA Board meetings being maintained for at least two years at the SEAPA office.*
 6. *The MOU between the City of Ketchikan, Petersburg Borough, and City & Borough of Wrangell dated December 22, 2008 regarding the commission of an independent analysis of full divestiture will be extended from December 31, 2014, to December 31, 2019.*

Assembly Member McCloskey suggested changing the verbiage in number 5, to say that it was a recommendation to have an Assembly Member on the SEAPA Board.

At the request of Mayor Jack, Trey Acteson, SEAPA CEO spoke to each numbered item in the motion as it pertained to SEAPA.

At the request of Mayor Jack, Michael Nicholls, TBPA General Manager spoke to the specific sections in the motion as it pertained to the employees of the Thomas Bay Power Authority. Mr. Nicholls stated that he would get a copy of the union contract to Manager Jabusch.

In response to Assembly Member Decker, Mr. Acteson stated that the SEAPA Board did abide by the Open Meetings Act. He also answered questions on the SEAPA Board voting structure.

In response to Manager Jabusch, Assembly Member Decker stated with regards to the Unfunded Liability, the motion addressed that issue by saying "which essentially accepts the terms of the memo".

In response to Assembly Member Decker, Brian Ashton commented on the content of the motion before the assembly. He stated that it was very well thought out.

Motion approved unanimously by polled vote.

Mayor Jack and Assembly Member McCloskey stated that the Special Energy Committee should remain intact for the time being.

5d Executive Session: Approval of the new Borough Manager's contract


Manager Jabusch requested that this item be differed until he was able to get the PERS question answered. He stated if the amendment to PERS did not happen then the proposed Manager's contract would not make a lot of since.

M/S: Blake/McCloskey, to differ this item until the Assembly had more information.
Motion approved unanimously by polled vote.

Special meeting adjourned at 8:07 p.m.



David L. Jack, Mayor

ATTEST: 
 Kim Lane, Borough Clerk

