



**City and Borough of Wrangell  
Borough Assembly Meeting  
REVISED  
AGENDA**

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**July 23, 2013 – 7:00 p.m.**

**Location: Assembly Chambers, City Hall**

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**1. CALL TO ORDER**

- a. PLEDGE OF ALLEGIANCE led by Assembly Member Maxi Wiederspohn
- b. INVOCATION to be given by
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
  - i. Certificate of Service; Dorothy Hunt-Sweat, Economic Development Committee

**2. ROLL CALL**

**3. AMENDMENTS TO THE AGENDA**

**4. CONFLICT OF INTEREST**

**5. CONSENT AGENDA**

- a. Items (\*) 6a, 7b, & 7c

**6. APPROVAL OF MINUTES**

- \*a. Minutes of the Regular Assembly meeting held June 25, 2013

**7. COMMUNICATIONS**

- \*a. Minutes of the TBPA Regular meeting held March 27, 2013; Minutes of the TBPA Special Teleconference meeting held April 4, 2013; Minutes of the TBPA Special meeting held April 15, 2013; Minutes of the TBPA Special meeting held April 22, 2013; Minutes of the TBPA Special meeting held April 26, 2013
- \*b. Minutes of the Economic Development Committee Regular meeting held June 27, 2013

**8. BOROUGH MANAGER'S REPORT**

**9. BOROUGH CLERK'S FILE**

**10. MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS**

- a. Reports by Assembly Members
- b. Appointment to fill the vacancy on the Planning & Zoning Commission
- c. Appointment to fill the vacancy on the Economic Development Committee
- d. Discussion and possible Appointment to fill the vacancy on the IFA, Board of Directors seat (Wrangell Representative)

**11. PERSONS TO BE HEARD**

**12. UNFINISHED BUSINESS**

- a. AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA TO ADJUST THE RATE OF CONSUMER SALES TAX LEVIED WITHIN THE CITY AND BOROUGH OF WRANGELL, ALASKA (*second reading*)

**13. NEW BUSINESS**

- a. Request to Lease a Portion of the Former Institute Property – Alcan Forest Products
- b. Approval of the Revised 2013 Wrangell Medical Center Personnel Policies
- c. Approval of an Assignment of Tidelands Lease in Lieu of Foreclosure
- d. Consideration and possible action regarding a proposed iPad Policy
- e. Approval to send a letter to DOT&PF opposing ADOT's new Regulations on Herbicide and Pesticide use
- f. Consideration and possible action regarding the Final Finding and Decision from Alaska Department of Natural Resources on the Borough Land Selection
- g. Approval of Change Order #1 to ASCOM S.p.A. for the 300-ton Marine Vessel Hoist

**14. ATTORNEY'S FILE**

**15. EXECUTIVE SESSION**

- a. Discussion regarding possible replacement of the Borough Manager

**16. ADJOURNMENT**

# Agenda Items 1 - 6

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY

### AGENDA ITEM

July 23, 2013

#### **ITEM NO. 1 CALL TO ORDER:**

**INFORMATION:** *The Mayor, by code, is required to call the meeting to order at 7:00 p.m. in the Borough Assembly Chambers. Special meetings or continued meetings may be called for at differing times but at the same location. Notice of such will be required by the Borough Clerk. The Mayor will call the meeting to order according to such special or continued meeting notice. At all meetings of the assembly, four assembly members or three members and the mayor shall constitute a quorum for the transaction of business, but a smaller number less than a quorum may adjourn a meeting to a later date.*

#### **RECOMMENDED ACTION:**

The Mayor, as presiding officer, is to call the meeting of the Borough Assembly to order, with the following actions to follow:

- a. Pledge of Allegiance to be given by Assembly Member Maxlyn Wiederspohn
- b. Invocation to be given
- c. Ceremonial Matters – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
  - i. Certificate of Service; Dorothy Hunt-Sweat, Economic Development Committee

#### **ITEM NO. 2 ROLL CALL – BOROUGH CLERK:**

**INFORMATION:** *The Borough Clerk shall conduct a roll call of each elected and duly qualified Assembly Member. Such call shall result in an entry of those present or absent from the meeting. The roll call is primarily utilized in determining if sufficient member(s) are present to conduct a meeting. The Borough Clerk may randomly change the conduct of the roll to be fair to the members of the governing body unless the council determined an adopted procedure for roll call which is different than currently in use.*

#### **RECOMMENDED ACTION:**

Borough Clerk to conduct a roll call by voice vote. Each member to signify by saying here, present (or equal) to give evidence of attendance.

### **ITEM NO. 3   AMENDMENTS TO THE AGENDA:**

**INFORMATION:** *The assembly may amend the agenda at the beginning of its meeting. The outline of the agenda shall be as from time to time prescribed and amended by resolution of the assembly. (WMC 3.04.100)*

#### **RECOMMENDED ACTION:**

The Mayor should request of the members if there are any amendments to the posted agenda. ***THE MAYOR MAY RULE ON ANY REQUEST OR THE ASSEMBLY MEMBERS MAY VOTE ON EACH AMENDMENT.***

### **ITEM NO. 4   CONFLICT OF INTEREST:**

**INFORMATION:** *The purpose of this agenda item is to set reasonable standards of conduct for elected and appointed public officials and for city employees, so that the public may be assured that its trust in such persons is well placed and that the officials and employees themselves are aware of the high standards of conduct demanded of persons in like office and position.*

*An elected city official may not participate in any official action in which he/she or a member of his/her household has a substantial financial interest.*

### **ITEM NO. 5   CONSENT AGENDA:**

**INFORMATION:** *Items listed on the Consent Agenda or marked with an asterisk (\*) are considered part of the Consent Agenda and will be passed in one motion unless the item has been removed by an Assembly Member or the Mayor and placed on the regular agenda.*

#### **RECOMMENDED ACTION:**

Move to approve those Agenda items listed under the Consent Agenda and those marked with an asterisk (\*) Items:

***6a, 7a, and 7b***

### **ITEM NO. 6   APPROVAL OF MINUTES:**

**INFORMATION:**

***6a      Minutes of the Regular Assembly meeting held June 25, 2013***




# *CERTIFICATE OF SERVICE*

The City & Borough of Wrangell, Alaska  
Presents this Certificate of Service to:

**Dorothy Hunt-Sweat**

for her service and dedication on the Economic Development Committee  
from:

*November 2012 – June 2013*

  
ATTEST: Kim Flores, Borough Clerk

Dated this 23rd day of July, 2013



David L. Jack, Mayor

**Minutes of Regular Assembly Meeting  
Held on June 25, 2013**

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., June 25, 2013, in the Borough Assembly Chambers. Assembly Members Stough, McCloskey, Wiederspohn, Jamieson, and Christian were present. Assembly Member Stokes was absent. Borough Manager Timothy Rooney and Borough Clerk Kim Flores were also in attendance.

Pledge of Allegiance was led by Assembly Member James Stough.

Invocation was given by Kris Reed with the Baha'i Faith.

**CEREMONIAL MATTERS** – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*

There were no ceremonial matters.

**AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

**CONFLICT OF INTEREST**

There were no conflicts of interest declared.

**CONSENT AGENDA**

***Moved by Jamieson, seconded by Christian, to approve Consent Agenda Items marked with an (\*) asterisk; 6a, 7a, 7b and 7c.***

**APPROVAL OF MINUTES**

\*6a Minutes of the Regular Assembly meeting held May 28, 2013 were approved, as presented.

**COMMUNICATIONS**

\*a Minutes of the Regular School Board meeting held April 15, 2013

\*b Minutes of the Regular Port Commission meeting held January, 3, 2013;  
Minutes of the Regular Port Commission meeting held February 11, 2013; Minutes of the Regular Port Commission meeting held March 11, 2013; Minutes of the Regular Port Commission meeting held April 4, 2013; Minutes of the Regular Port Commission meeting held May 2, 2013

\*c Minutes of the Regular Parks & Recreation meeting held May 1, 2013

**BOROUGH MANAGER'S REPORT**

Borough Manager Rooney's report was provided.

In addition to Manager Rooney's written report, he stated that the Planning Commission had – at their last Planning & Zoning Commission meeting – approved the Batch Plant to operate at a rock quarry. He stated that there was not enough room to fit the asphalt plant at the rock quarry. So, the Batch Plant was currently operating out at the Old Mill Property. He also said that it was zoned industrial and was okay for that use.

Manager Rooney stated that the items that were on display in the Assembly Chambers were a result of the Early Education Grant Program.

Assembly Member Jamieson requested to be given a copy of the Leaseholders Agreements for Shoemaker Bay. She stated that she wanted to review the conditions of the Leases.

Manager Rooney replied that he would provide the Assembly with the Lease Agreements.

### **BOROUGH CLERK'S FILE**

Borough Clerk Flores's report was provided.

In addition to the Clerk's File, Clerk Flores provided the Borough Assembly with a written report of her Professional Development training in Tacoma, WA.

### **MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS**

#### **10a Reports by Assembly Members**

Assembly Member Jamieson thanked the Wrangell Chamber of Commerce and the Queen Candidates for their hard work and efforts in preparing for the upcoming July 4<sup>th</sup> events.

Assembly Member Jamieson also congratulated Clerk Flores on her upcoming wedding.

Assembly Member Jamieson offered congratulations to the new General Manager of KSTK, Cindy Sweat.

Assembly Member Christian updated the Borough Assembly on the Wrangell Cooperative Associations Long Term Transportation Plan. He stated that he would provide further updates as the completion of the plan gets closer.

Assembly Member Stough thanked the City and the Contractors for their hard work around town and on Zimovia Highway.

Mayor Jack commented on the "bump outs" downtown.

Manager Rooney stated that they would be taking pictures of the "bump outs" and putting them on the City's Facebook and Website.

#### **10b Appointment to fill the vacancy on the Planning & Zoning Commission**

Mayor Jack stated that there were no letters of interest received for the vacancy; the Borough Clerk would continue to advertise for the vacancy.

### **PERSONS TO BE HEARD**

There were no persons to be heard.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

**13a** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA TO ADJUST THE RATE OF CONSUMER SALES TAX LEVIED WITHIN THE CITY AND BOROUGH OF WRANGELL, ALASKA

***Moved by Stough, seconded by Christian, to approve first reading and move to a second with a public hearing to be held on July 23, 2013.***

Assembly Member Jamieson clarified that the purpose of this Ordinance was so that it could be placed on the ballot.

Mayor Jack clarified that yes, this Ordinance would not lower the sales tax; this would only allow it to be placed on the ballot.

***Motion approved unanimously by polled vote.***

**13b** Approval of Boat Yard Lot Leases; Lots 5, 6 & 7, located in the Wrangell Marine Service Center Area

***Moved by Jamieson, seconded by Christian, to approve the following leases contingent upon the filing of a certificate of insurance for each boat yard lease holder as follows: Boat Yard Lot 5 – Jim Pritchett, dba J.P. Welding, \$500.00 per month; Boat Yard Lot 6 – Josh Young, dba J & R Fiberglass Repair, \$740.00 per month; Boat Yard Lot 7 – Don Sorric, dba Superior Marine, \$475.00 per month. Motion approved unanimously by polled vote.***

**13c** Discussion and possible action relating to a Special Public Notice POA-2012-138 – Southeast Watershed Coalition Mitigation Fund

Manager Rooney stated that he had included information regarding the Southeast Watershed Coalition Mitigation Fund in his Manager's Report. He further stated that the deadline for comments were due on June 6, 2013.



Manager Rooney said that the U.S. Army Corps of Engineers stated that they would welcome a letter in support of the program.

Assembly Member Jamieson asked for clarification that the assumption that had been made at the last Assembly Meeting on May 28, 2013 that this proposal would automatically increase the cost to residents, private land owners, or the public was false.

Manager Rooney replied "correct".

**Angie Aldred, P.O. Box 707**, Communications Coordinator with the Watershed Coalition, stated that the U.S. Army Corps of Engineers had approved the Coalition to move forward with developing a draft instrument; another step towards developing the program.

Ms. Aldred further stated that if the City was in support of the program, to go ahead and send the letter to the U.S. Army Corps of Engineers. She also said that with this program, the City was more able to keep the funds in the community.

Assembly Member McCloskey asked how strong the possibilities were to keep the funds in our region.

Ms. Aldred answered that it would depend on if the City had sights within the community that had been identified as needing to be restored.

With a consensus of the Assembly, it was agreed that the Borough Manager would write a letter to the U.S. Army Corps of Engineers in support of the program.

**13d Approval of the Senior Property Tax Exemption for Nadine Phillips**

***Moved by Stough, seconded by Christian, to approve the Senior Tax Exemption for the year 2013 for Nadine Phillips.***

Assembly Member Jamieson clarified that this would approve the Supplement Tax Role and the Senior Tax Exemption for Ms. Phillips.

Finance Director Jabusch stated that Ms. Phillips had filed her Senior Tax Exemption on time; there were questions with her exemption application; her exemption application had originally been denied; later Ms. Phillips proved her eligibility. Mr. Jabusch recommended approval of the Senior Tax Exemption.

***Motion approved unanimously by polled vote.***

**13e RESOLUTION NO. 06-13-1279: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA APPROVING A REVISION TO THE PERSONNEL HANDBOOK TITLED PERSONNEL POLICY, AND PROVIDING FOR AN EFFECTIVE DATE**

***Moved by McCloskey, seconded by Wiederspohn, to adopt Resolution No. 06-13-1279. Motion approved unanimously by polled vote.***

**13f** Acceptance of the resignation from the Borough Manager

***Moved by Jamieson, seconded by Christian, to accept the resignation from Borough Manager Timothy D. Rooney, effective August 9, 2013. Motion approved unanimously by polled vote.***

Assembly Member Jamieson thanked Manager Rooney for his dedication to the Community.

Assembly Member Stough also thanked Manager Rooney for his dedication to the Community and to the Assembly.

Assembly Member McCloskey stated that she appreciated all that Manager Rooney has done. She also said that she appreciated that he always kept the Assembly well informed; the town had become very viable with the grants that he helped the City get.

#### **ATTORNEY'S FILE**

Summary provided to the Borough Assembly in their Assembly packet.

#### **EXECUTIVE SESSION**

##### **15a Borough Clerk's Evaluation**

***Moved by Jamieson, seconded by Christian, to move pursuant to 44.62.320 (c) (2), that we recess into executive session to discuss matters that may tend to prejudice the reputation and character of any person, specifically the Borough Clerk's Evaluation.***

Recessed into Executive Session at 7:42 p.m.

Reconvened back into the Regular meeting at 8:04 p.m.

***Moved by Jamieson, seconded by Christian, to approve the annual evaluation of the Borough Clerk, Kim Flores and grant her with the next step increase to 27-3. Motion approved unanimously by polled vote.***

Assembly Member Jamieson stated that Clerk Flores has done an excellent job; very efficient; very professional.

##### **15b Discussion regarding the possible replacement of the Borough Manager**

***Moved by Stough, seconded by Christian, to move, pursuant to 44.62.320 (c) (2), that we recess into executive session to discuss matters that may tend to prejudice the***

***reputation and character of any person, specifically the replacement of the Borough Manager. Motion approved unanimously by polled vote.***

Assembly Member Stough asked for clarification on if the Assembly would be discussing the job or if they would be asking candidates to come in and discuss the job.

Mayor Jack replied that it would be appropriate to go into Executive Session first to discuss how the Assembly should proceed.

Recessed into Executive Session at 8:08 p.m.

Reconvened back into the Regular meeting at 8:45 p.m.

***Moved by Jamieson, seconded by Christian, to table this agenda item until the next Assembly Meeting which will be July 23, 2013, upon the review of the Borough Attorney. Motion approved unanimously by polled vote.***

**ADJOURNMENT: 8:46 p.m.**

ATTEST: \_\_\_\_\_  
Kim Flores, Borough Clerk

\_\_\_\_\_  
David L. Jack, Mayor

# Agenda Item 7

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013

#### **COMMUNICATIONS:**

INFORMATION: The Assembly may receive items for Communications, reasons only which do not require action. This is an avenue to keep the Assembly informed, for the public to enter items on the record, if necessary. The Assembly also receives agenda communications directly by their constituents, Borough Manager, other agencies' Officers and Department Directors.

**A MAIL BOX IS ALSO AVAILABLE IN THE BOROUGH CLERK'S OFFICE FOR EACH MEMBER OF THE ASSEMBLY AND SHOULD BE CHECKED ON A ROUTINE SCHEDULE.**

All items appearing under Communications on the Agenda have been approved under the Consent Agenda unless removed.

- \*a** Minutes of the TBPA Regular meeting held March 27, 2013; Minutes of the TBPA Special Teleconference meeting held April 4, 2013; Minutes of the TBPA Special meeting held April 15, 2013; Minutes of the TBPA Special meeting held April 22, 2013; Minutes of the TBPA Special meeting held April 26, 2013
- \*b** Minutes of the Economic Development Committee Regular meeting held June 27, 2013



# AGENDA

\*7a



APPROVED

— TYEE LAKE HYDROELECTRIC PROJECT —

P. O. BOX 1318 WRANGELL, ALASKA 99929 (907) 874-3834 FAX (907) 874-2581

## THOMAS BAY POWER AUTHORITY REGULAR COMMISSION MEETING

Minutes of  
March 27, 2013  
FY2013

Thomas Bay Power Authority Office  
4498 Zimovia Highway – Wrangell, Alaska 99929

Summary of Items Discussed at this meeting: Minutes of January 30, 2013, Financials for January and February 2013, Monthly Tyee reports, GM performance review, GM hire process, ARECA investment follow up, NNB potential overage, FY2014 budget approval.

Thomas Bay Power Authority's Regular Commission Meeting was called to order by President John Jensen on Wednesday March 27, 2013 at 10:00AM.

Present were Commissioners President John Jensen, Vice President Robert Larson, and Member at Large Brian Ashton, Joe Nelson, Clay Hammer, and Warren Edgley.

Also present TBPA General Manager Paul Southland.

Excused absence: Secretary/Treasurer David Galla.

A QUORUM was established.

Visitors Acknowledged: Kipha Valvoda

Amendments to the Agenda: None

Conflict of Interest: None

Ashton moved to approve minutes of January 30, 2013; Larson seconded. NO discussion, Question was called. APPROVED unanimously.

**No action was taken during Agenda Items (8) Communication/ Correspondence, (9) Financials, or (10) Other Reports.**

TBPA General Manager Southland provided a verbal report to supplement the written report included in the Commission packet. The verbal report emphasized the loss in efficiency of the line clearing crew without the use of the ARGO, and the continuing accounting issues with SEAPA and the potential impact on TBPA's NNB budget. Southland reported that President Jensen and Commissioner Nelson had a conversation with staff at SEAPA which resolved payment of the KPU billing, but did not resolve all account discrepancies.

**Agenda item 12 (A)** – During Commission discussion it was **consensus to take no action on GM performance evaluation**. GM Southland indicated that it was in personnel policy and had been included in the January meeting packet.

**Agenda item 12 (B)** – President Jensen directed that a Special Meeting by teleconference be noticed for April 4, 2013 to discuss and take potential action on the General Manager's position. Southland was directed to have all GM applications distributed to the Commission by the week's end. **The Commission agreed by consensus.**

**Agenda item 12 (C)**- Commissioner Nelson suggested the General Manager be directed to approach the City and Borough of Wrangell to have legal staff look into the release of the ARECA investment funds. **It was consensus of the Commission to pursue this suggestion.**

**Agenda item 12 (D)** The Commission through consensus has determined to eliminate all discretionary spending in FY13 NNB budget. Future FY13 Commission meetings will be held by teleconference, **No formal action taken.**

**Agenda Item 13 (A)** – Commissioner Nelson MOVED to adopt "FY14 DRAFT Budget 2/12/2013"; Larson Seconded, discussion followed. Commissioner Nelson questioned a number of items within the submitted draft, GM Southland provided explanation for increases in insurance as a result of moving all insurance billing into one fiscal year. Southland explained that multiple contract items are included in the budget that he anticipates SEAPA will remove. Training is again a focus of this draft budget, also included are funds to purchase emergency tools requested by Chatham Electric.

**Question called; motion passed unanimously.**

**Commission broke for lunch  
Commission reconvened 1:50PM**

Commission discussion led to Commissioner Larson moving to reconsider previous motion to adopt "FY2014 DRAFT Budget 2/12/2013"; seconded by Commissioner Ashton. **Motion passed unanimously.**

Significant discussion of the interaction of SEAPA accounting staff in budgetary issues with TBPA staff involving budget interpretation ensued. Commissioner Ashton asserted

that TBPA solely worked to operate and maintain the Tyee facility under contract to SEAPA and that therefore all expenditures should be reimbursed by SEAPA. He referred to a white paper prepared by Southland on this issue. Commissioner Larson suggested that all expenses directly attributable to the the Commission be included in NNB budget with all the rest in SEAPA Operations and Management budget.

Commissioner Nelson stated that for purposes of moving the discussion forward he was prepared to make a motion.

Commissioner Nelson **MOVED** to adopt "FY14 Thomas Bay Power Authority NNB Apportioned Budget 2/12/2013" as prepared; Commissioner Ashton **SECONDED**, discussion followed.

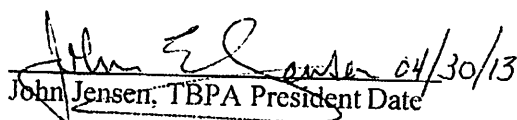
Commissioner Ashton explained that while in the past TBPA may have operated in a different fashion for the past number of years the Cities of Petersburg and Wrangell have been subsidizing operational expenses truly attributable to executing the Operations and Maintenance agreement. Commissioner Nelson asked Southland about the apportioning of expenses. Southland stated that all Commission only expenses are in NNB request to Cities all other expenses are allocated 80% SEAPA 20% Cities which he feels fairly distributes actual costs. Further discussion ensued. Question called.

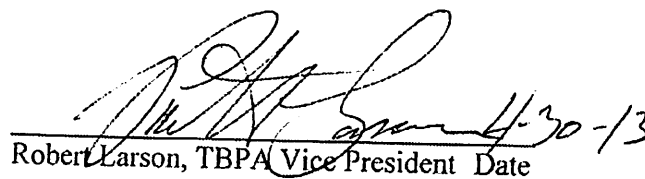
**Motion passed unanimously.**

Moved by Larson to pass along all R&R Requests as received; Commissioner Ashton **SECONDED**. Commission questioned the need for a roller. Commissioner Ashton explained this was a safety issue with regard to the runway surface condition. Question was called.

**Motion passed unanimously.**

**Meeting Adjourned at 2:30PM**

  
John Jensen, TBPA President Date 04/30/13

  
Robert Larson, TBPA Vice President Date 4-30-13



— TYEE LAKE HYDROELECTRIC PROJECT —

P. O. BOX 1318 WRANGELL, ALASKA 99929 (907) 874-3834 FAX (907) 874-2581

**THOMAS BAY POWER AUTHORITY  
SPECIAL TELECONFERENCE COMMISSION MEETING**

**Minutes of  
April 4, 2013  
FY2013**

**TELECONFERENCE LOCATIONS**

Thomas Bay Power Authority, 4498 Zimovia Highway., Wrangell, Alaska and the Petersburg Municipal Power & Light Office, 11 South Nordic Drive, Petersburg, Alaska

Summary of Items Discussed at this meeting:

General Manager Hire Process, IBEW Contract Ratification

Thomas Bay Power Authority's Special Teleconference Commission Meeting was called to order by President John Jensen on Thursday, April 4<sup>th</sup>, 2013 at 1:07pm.

Present were Commissioners President John Jensen, Vice President Robert Larson, Secretary/Treasurer Dave Galla, Member at Large Brian Ashton, Joe Nelson, Clay Hammer and Warren Edgley.

Also present were TBPA General Manager Paul Southland and TBPA Secretary Rhonda Christian.

Excused Absence: none all present

**A QUORUM was established.**

**Visitors Acknowledged:** Wrangell Sentinel Reporter Greg Knight

**Persons to be heard:** None

**Amendment to the Agenda:** None

**Conflict of Interest:** None

**Item 7-A General Manager Hire Process Motion:**

Commissioner Dave Galla **MADE A MOTION** to continue with Paul Southland as the General Manager for another year. Commissioner Warren Edgley **SECONDED the MOTION.**

**Discussion was called for:**

*Commissioner Clay Hammer* I would like to discuss this to some degree you know with the direction we are expecting this to all go. I know when we were first throwing this out I know we were looking real hard in getting some people in here with some credentials to keep us going and something for the long term. I know there has been a lot of scuttle if Thomas Bay is leaving and what and continue to exists in the future and I have made the statement before that we can't run our business like that and we have to run our business with the understanding and the assumption that we are going to be around for a long while and I felt that Paul has done a very admiral job in filling in for us as our interim General Manager but I know in going over this the last time we were really wanting to get some credentials in there and I felt that is something that is going to be important for the long term. I would like to open the floor to some discussion on that.

*Commissioner Warren Edgley* I have a question what are the credentials that you are talking about? SEAPA has an engineer we do not need an engineer. SEAPA has an operations manager we don't need an operations manager what do we need....well we somebody .....

*Commissioner Clay Hammer* we need somebody on this end that under stands what they're talking about when it come to that kind of stuff so when we can offer an informed rebuttal to some of that stuff that is my take on that. I don't want this group to take SEAPA's word on any of that in my opinion we need a somebody that can say well let's hear the other side of that somebody that understands their lingo and can call BS when it is BS ya know.

*Commissioner Warren Edgley* I agree but some....

*Commissioner Clay Hammer* there is the business aspect and then there is the fundamentals of the hydro business

*Commissioner Warren Edgley* well that is basically economics and we need somebody with a little knowledge or fundamental economics somebody that can do a cost benefit analysis we have had some of those done by John Heberling and they do not pass the giggle test in my book but he is in my opinion he will sell his opinion to the best bidder to line his pocket I think we need somebody at this point that understands what Thomas Bay Power Authority is and what SEAPA is because there are some things I think we need to discuss and that is just what SEAPA isn't and I also think we need somebody with a little common sense. And that is what Paul has shown us and I do not want to get a new manager in here that has to start from ground zero.

*Commissioner Clay Hammer* I would hope in the course of this meeting today that basically we would narrow this list of candidates down to three or maybe even two and then have an open discussion on the merits for instance of those last two ok? And at the end of it we would just have the one candidate but for the purposes of discussion at this point I feel that we should narrow the list down to one or two people so we are not sitting around talking about one candidate for that would be a pretty short meeting.

*Commissioner President John Jensen*...well we have a motion on the floor and the discussion is open in particular to that motion so right now we have to stay on track with that motion and that candidate until we come to a conclusion on the motion. And at this time Joe had a comment.

*Commissioner Joe Nelson* I would echo Clay's comments in the senses that we need to make this decision based on that fact that Thomas bay Power Authority is going to be around for a while and I think realistically even if SEAPA decided to pull the plug tomorrow we would still be around here two years from now so that being the case I think we need to take a hard look at the candidates and we need to compare them to the job description and Clay is talking about the credentials and they are spelled out in the job description and after I have reviewed the candidates it appears to me there are only two candidates that meet the requirements and the basic requirements of the job description and that is a gentleman that is retiring from the coast guard Mr. Koontz and the other one is Mick and so I think either of those candidates would not only serve us now but they can also take us into the future. I agree Paul has done admiral job but again we need somebody that meets the basic qualifications of the job description so my standpoint is the discussion should really be around the two candidates whom meet that.

*Commissioner Brian Ashton* Joe would you mind elaborating around the specific job descriptions qualifications you are referring to that these only two people meet those job qualifications

**Commissioner Joe Nelson** yes the bachelor degree or a credited the college university in the high school diploma or GED and a minimum of 10 years of management and experience. Working knowledge of hydro generation equipment and operation and maintenance working knowledge of high voltage line and maintenance etc.... that is part of the JD or the job description.

**Commissioner Brian Ashton** and I agree I read that but I was looking for more elaboration from your perspective in being in the business.

**Commissioner Joe Nelson** Well there is only two that qualify you have two candidates that have journey level electricians plus they both have at least supervisory experience the one candidate coast guard candidate has managerial experience I think he is supervising 25 people right now.

**Commissioner Dave Galla** ok then I would like to ask where the opinion was back in the days when Dick Olson got this job and go hire on because he never met any of the qualifications.

**Commissioner Joe Nelson** Dave you hired him I didn't...

**Commissioner Dave Galla** I didn't hire him I was not part of that I did not vote for him so don't put me in that boat.

Cross talk... I don't think any of us were....

**Commissioner President John Jensen** apparently this job description has evolved from when Dick was there to now for that reason.

**Commissioner Clay Hammer** in my opinion and this is strictly my opinion that was a start and a drift away from these credentials that are in part of the qualifications in the job description I feel over a series of years that there was a drift away from that and there were people on staff that were knowledgeable and that could fill the gap back then and we are all away when Carl Thrift he took on a lot of stuff of the years and for our previous general managers in where they lacked in my opinion Carl was very strong in and if it worked or not was a matter of opinion I guess but that was just the state in where things existed and was you are correct I think in that there has been solely been a drift away from holding to these qualifications and for the credibility of the establishment I feel like we need to get back on track with that and be holding to the qualifications again.

**Commissioner President John Jensen** thanks Clay and Robert has his hand up over here...

**Commissioner Robert Larson** thank you Mr. Chair when I was reading through both the job qualifications and the applications it seemed to me that Mr. Rhoades also was a qualified candidate for consideration I'm not an expert at this and I think that Joe is but it seems to me before we take a vote on the motion before us that we need an interpretation for it only makes sense that we vote on within the pool of qualified applicants so without regard to the job performance of Paul and personally I think Paul has done an extraordinary job stepping in when we needed him but it was this board whom established these job qualifications and that is the background of the persons we are going to hire and it seems to me what we need to do is take a step back and determine which of these candidates are qualified according to our own job description specification and then make a choice between them, is this motion in order I don't know it seems it may and it may not be...

**Commissioner President John Jensen** as Robert just mentioned I want to be strict and hold to the qualifications of the... all of the applicants that we received three have met the qualifications that we set up years ago when we started to replace the last manager we wanted to do it right so we sat down and we put together this qualifications and that is what we have to deal with and from what I have seen kudos to Paul for the job he has done too but from what I see here is that there is only three candidates that fit the requirements as far as the qualifications went and I had two on the top of the list and one of the reasons I picked Nicholls and Koontz was because one is moving to Wrangell and the other one is already lives in Wrangell so that would defray some of the costs for setting these guys up and they both have stellar backgrounds and the qualifications and yes I think the motion is legitimate we have to get back on track that and deal with that now and go from there whatever comes from the motion.

**Commissioner Warren Edgley** and I would like to make a couple of comments I made some before the meeting was opened I read this job description for general manager and in my view it is ambiguous it doesn't really recognize what Thomas Bay Power Authority is in terms of the Tyee and Swan Lake projects we are a contractor I asked the question at this last meeting are we an independent contractor I see things in here that indicate that we have sort of ownership authority or responsibility just looking at one it says approval of all service materials and equipment purchases for the project that is not in a contractors authority for we have no ownership responsibilities for the project that is SEAPA, and I think we need to step back and really take a look at the job description that works for a general manager.

**Commissioner Brian Ashton** hey Warren just on hat if it is in our budget and approved for us to buy those materials and services and equipment then it would be the general managers responsibility to make sure the right stuff is purchased so if it is in our budget to do those then...

**Commissioner Warren Edgley** well that is true but it doesn't say that it says for the project.

**Commissioner Brian Ashton** well the project that we have a contract to do is basically operate, but I see what you are saying and I see where you are going but I do not necessarily agree with the scope of that because if this is budgeted in our contract (inaudible) he is the boss whomever is sitting there in that seat is responsible for making sure the right stuff is purchased that we are contracted to purchase.

**Commissioner President John Jensen** I see it that same way you do Brian.

**Commissioner Brian Ashton** then only thing that I would like to mention on that the two items and qualification on that seem to be the most in question here to make a decision of whom to look at is the working knowledge of hydro generation and working knowledge of high voltage transmission lines and I think that is kind of vague because I have personally seen and have sat in meeting over the last year Paul has addressed very meaningful and technical issues that nobody else did and that is a fact. Even our previous general manager did not have the management experience to basically raise his hand and question those things and in my opinion the leadership and the management skills of whoever sits in that seat right now are going to be very, very critical to making this work a persona that has demonstrated the ability to work with a staff that can be quiet finicky and temperamental and the very nature of that is just simply because that is how they are. It is not slighting anybody out there it is just how it is and we need to have good people that have the ability to manage those type of people and operations and also have to have a very strong demonstrated ability to handle all of the logistics involved in that is well for that is a big part of this operation, and so I guess I look at to talk a little more about those two working knowledge bullet's to really define specifically what that means because at this point and time I simply do not disqualify Paul from those two line items bullets he simply stepped up without any formal education and has done quiet well.

**Commissioner Brian Ashton** and I would also like to simply say that Clay so did you in the position you are in now you are proof of that. You know people can basically come in and say wow you just kind of got groomed for that job for you had very little experience running a utility and you are doing a dam good job because you are smart and you are learned it, you had areas that were critical which demonstrated the ability for leadership and management and you came to through so you are the biggest proof that you can in fact bring somebody in with good leadership and management skills and train them up in the business that anybody can learn and we do have full time staff that actually have to have very specific certifications. And those people are on staff and a good manager knows where to go to get information and make sure the technical stuff is covered.

**Commissioner Dave Galla** and I agree with Brian and I think Paul has done a really good job getting himself up to speed in a lot of these technical aspects that was mentioned. The previous two general managers did not really care about anything so as far as stepping in and really getting up to the plate here I think Paul has gone above the call of duty with respect Paul seems to be able to address most all of the issues I have heard come up that crosses our talk here at this table to our meeting and to bring anybody else at this critical time when we do not know what is going on with Thomas Bay and SEAPA it is problematic I think at that I still think we are better served with the knowledge that Paul brings to the table here in managing things to the next year or so and beyond that I don't know but with the flux that we are in yeah we can plan that we are going to be around but it is not fair to bring somebody in there and they might be gone in a year or two say they up root or whatever they are doing and then their job goes away where Paul is already sitting in this seat and already to go and fired up with all cylinders so I'm sticking with Paul on this one.

**Commissioner President John Jensen** is there any other comments?

**Commissioner Clay Hammer** you know going through the pile and I did not have any problem at all narrowing this down to my top three and Paul was certainly amongst those and it was strictly based on his performance in this capacity I do feel like he has done a really good job. But we went at this from this with the approach that we were going to that is when we went back and looked at this again you know we were going to have some qualifications and if we are not going to adhere to that then why have it on here, why even have it as a consideration? And that narrowed it down to two more and that would leave Koontz and Mick. I would kind of agree that bringing somebody in from the outside might not be fair to have someone relocate here with the thought that maybe that this is something that might end up going away, this man has some very stellar qualifications but that last time we were down this road we have it down to one outside guy and it was Mick and at that point and time it was almost a split 50:50 when it comes to Mick and I cast my vote to keep him out at site because I felt that the skills and stuff that he recently downloaded from Carl were more important and needed out there on the site and the time that has well now we have kind of put this whole thing on hold with the understanding that we were going to bring it back at a later point and the later point is now there has been enough water underneath the bridge I think at this point I for one would feel more comfortable now about bringing Mick in now than I did back then he does have the knowledge of the plant itself and we know have



another electrician out there so we would be leaving the place potentially wanting out there. Another pro if you will of moving Mick into that position would be that ... it is no news that we got an ageing staff out there and this would present an opportunity to backfill with you knows somebody a little bit younger out there that might be in for the long haul. Granted there are no guarantees that somebody necessarily take a job out there and stay forever but it would at least improve the odds. So anyway with at in mind I guess at this point my choice would probably be would be Mick for the job, based primary on the fact that he was first runner up last time when we went down this road and um he does meet a lot of these qualifications that we have mapped out and decided on at an earlier point that we were going to be part of the job. So anyway I guess that is my standpoint in absolute credit to Paul I think he has done a very admiral job on this and I don't want to take anything from him in regards to that and I'm very appreciative of him stepping up to the plate and doing what he has done I think he has done a great job but we did agree going into this that we were going to have qualification part of this and I think we need to stick to it for the long haul here and that is all I have got.

**Commissioner President John Jensen** thanks Clay, now is there any more discussion on the motion that we have here before us?

**Commissioner Dave Galla** well once more just real quick on the Mick you know I believe Mick is doing a great job out there and I would hate to see us to have to go back on the search to find somebody because as we know it is not going to be all that easy to go back and fill Mick's job and in the meantime those guys are out there one man short again and I have heard indications that that Mick may be retiring here in a year or two at the most so he would kind of be coming in as someone as of a lame duck it seems to me and again not cutting Mick short but sounds to me like he would be a short timer or perhaps in that and I can see months and months of trying to get a new guy that fits or more out at Bradfield it just seems like a lot of complication and not that much gain to me and that is what I have got to say.

**Commissioner President John Jensen** yeah o.k. thanks Dave, any further discussion?

**Commissioner Robert Larson** question

**Commissioner President John Jensen** question has been called, Rhonda roll call vote please.  
**Commissioner Warren Edgley** could I get the motion read over again please.

**Secretary Christian** Commissioner Galla made a motion to continue with Paul southland as the TBPA General Manager for at least another year, this was seconded by Edgley and then before the board for discussion, question was called.

**Commissioner Warren Edgley** thank you.

**Secretary Christian** Mr. President I believe I heard a call for a roll call vote.

**Commissioner President John Jensen** yeah roll call vote please Rhonda.

**Question was called for roll call vote:**

No – Commissioner Robert Larson  
Yes – Commissioner Brian Ashton  
No – Commissioner Joe Nelson  
Yes – Commissioner David Galla  
Yes – Commissioner Warren Edgley  
No – Commissioner Clay Hammer  
No – Commissioner President, John Jensen

**MOTION FAILED 4/3.**

**Commissioner President John Jensen** with that this will open the floor for more nomination if it be your wishes.

**Commisisoner Brian Ashton** Mr. Chairman.

**Commissioner President John Jensen** yes.



*Commissioner Brian Ashton um I would like to make a motion we put Mick into the job...pardon my terminology if Mr. Southland is not acceptable to the board then I think that Mick would be the second person*

*Commissioner Robert Larson I will second that.*

**Item 7-A General Manager Hire Process Motion:**

Commissioner Brian Ashton **MADE A MOTION** to put Mick into the job if Mr. Southland is not acceptable to this board. Commissioner Robert Larson **SECONDED the MOTION.**

**Discussion was called for:**

*Commissioner President John Jensen there has been motion and it has been first and seconded, I will open it up for discussion.*

*Commissioner Joe Nelson yeah I think some of us had some questions about Mick in a supervisory type of roll and I think he has proved himself and he has had an opportunity to speak in front of the SEAPA board and I think he has done very well in doing that so uh I guess I'm still very comfortable with him. I think we have uh and opportunity out there to create another employee to Forman and immediately go to filling in behind him. I'm not sure we would go back to the list of candidates that we had when we hire the last one and maybe find someone body but at any rate I agree with Clay that if we can uh reduce the average age of our workforce out there were well served and again I look at the Thomas Bay Power Authority as being a long term commitment and uh I think that is the direction we should go, thank you*

*Commissioner President John Jensen ok than anybody else? Hearing now ....continue with are we done discussing this motion then? I would entertain a question.*

*Commissioner Robert Larson question called.*

*Commissioner President John Jensen question has been called roll call vote please Rhonda.*

**Question was called for roll call vote:**

Yes – Commissioner Brian Ashton

Yes – Commissioner Joe Nelson

Yes – Commissioner David Galla

Yes – Commissioner Warren Edgley

Yes – Commissioner Clay Hammer

Yes – Commissioner Robert Larson

Yes – Commissioner President, John Jensen

**MOTION PASSED 7/0.**

*Commissioner President John Jensen ok then I think we have that agenda item processed now. With that we can go on to um the next item on the agenda which is the IBEW contact and does everybody have the information in front of them?*

*Commissioner Robert Larson and for the record Mr. Chairman we have it on this side as well.*

*Commissioner President John Jensen with that I will open the floor here on the IBEW negotiations what re your wishes?*

*Commissioner Brian Ashton I would like a brief narrative of where we are on this.*

*General Manager Paul Southland Mr. Chairman, Mr. Hammer, Mr., Galla and myself negotiated with Jay Rhoades and Brent Mill representatives of the bargaining unit last Thursday and Friday and reached and in tentative agreement on these items that you have in front of you and that you have copies of. You should be aware it is package deals that all of the items are interrelated so were looking for an up or down vote on this package.*

*Commissioner President John Jensen oh I see if one link fails then the whole thing fails*

*General Manager Paul Southland quite possibly we could go back to negotiations.*

*Commissioner President John Jensen* Ok then, ok then did everybody get that and we will continue the discussion.

*Commissioner Joe Nelson* yeah Paul I think you guys did an excellent job in getting through it quickly I will a little disappointed I guess in the proposed raises as you are aware pretty much every other IBEW contract in SE has been like a one zero, zero, or a zero one something like that and so were all through greatly we are somewhat higher than the rest in the interest of somebody dealing with the union and those guys out there I can support that but that is the only area in that I was a little disappointed.

*Commissioner Dave Galla* well we tried our best in negotiating and holding the line and I think it would have dug it out in who knows how long if we didn't dig our feet in, I think we got the best deal we could for what was out there.

*Commissioner Clay Hammer* I kind of felt like in the end that there were concessions made on both sides of the table and that we were able to put a cap on some things like the medical issues that were kind of open ended before and uh we were able to insert some language in there that will apply to new hire in regards to some of the medical. That anybody that starts out we start on firm footing and we know well they will know where we are at when they come on board. Anyway all in all I thought it went very, very well and I'm comfortable knowing that our guys are treated maybe just a little bit better than our neighbors in the sense that we are a little bit more competitive and maybe a little bit more desirable than of a company to work for and anyway I'm pretty happy with that, that is with the whole thing all together.

*Commissioner Dave Galla* I think nobody went away completely happy which is the best way for negotiations.

*Commissioner President John Jensen* ok Joe had his hand up over here, go ahead Joe.

*Commissioner Joe Nelson* yeah just a question Dave on the cap on the medical once the contract is enacted does that apply to everybody? Or are the present employees grandfathered in just how does that work?

*Commissioner Dave Galla* it refers to new hires Paul is that correct?

*General Manager Paul Southland* yes it applies to everyone once the contract is ratified.

*Commissioner President John Jensen* so it is not just new employees than it is everybody.hmmm ok.

*General Manager Paul Southland* well that was part of the commission's desire that was that everybody be treated equally. So the only thing is that a new hire for a position will be treated differently is on the medical care end, any new hire as you back fill into Micks position that one will be somewhat different.

*Commissioner President John Jensen* any further questions or comments? I'm hearing none I guess we will put this for a roll call vote then, Rhonda please.

*Secretary Christian* can we have a motion before a roll call vote please?

*Commissioner President John Jensen* oh yeah can I please have a motion.

*Commissioner Joe Nelson* I make a motion that we accept the Union proposals as presented.

**Item 7-B IBEW Contract Ratification (corrected below):**

~~Commissioner Joe Nelson MADE A MOTION to accept the union proposals as presented. Commissioner Clay Hammer SECONDED the MOTION.~~

*Commissioner President John Jensen* we have a motion and second is there any more discussion?

*General Manager Paul Southland* Mr. President just for clarification if the maker of the motion and the second wouldn't mind I would suggest the motion to say that you are adopting resolution 2013-001 ratification IBEW contract.

*Commissioner President John Jensen* yes I see that Paul so be it if it is the will of the motion maker and the seconder

*Commissioner Joe Nelson* yeah this is Joe I'm ok with that, that should have been my motion.

*Commissioner President John Jensen* is that ok also with the second?

*Commissioner Clay Hammer yep*

*Commissioner President John Jensen ok then any further discussion? Hearing none. Rhonda now a roll call vote please.*

**Item 7-B IBEW Contract Ratification:**


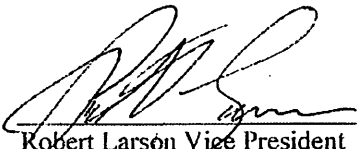
Commissioner Joe Nelson **MADE A MOTION** to adopt resolution 2013-001 ratification IBEW contract as presented. Commissioner Clay Hammer **SECONDED the MOTION**.

**Question was called for roll call vote:**

Yes – Commissioner Joe Nelson  
Yes – Commissioner David Galla  
Yes – Commissioner Warren Edgley  
Yes – Commissioner Clay Hammer  
Yes – Commissioner Robert Larson  
Yes – Commissioner Brian Ashton  
Yes – Commissioner President, John Jensen  
**MOTION PASSED 7/0.**

*Commissioner President John Jensen ok then that includes the work on our agenda today and I want to thank Paul again for his hard work. I know you just did a excellent job and you have served the commission well thank you very much. And with that I will entertain a motion to adjourn.*

Commissioner Robert Larson **MADE A MOTION** to adjourn the meeting at 1:43 pm.  
Commissioner Clay Hammer **SECONDED the MOTION**. It was the consensus of the Commission to adjourn.

	<u>04/30/13</u>			<u>4/30/13</u>	
John Jensen, TBPA President	Date		Robert Larson Vice President	Date	

APPROVED



— TYEE LAKE HYDROELECTRIC PROJECT —

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**THOMAS BAY POWER AUTHORITY  
SPECIAL COMMISSION MEETING**

**Minutes of  
April 15<sup>th</sup>, 2013  
FY2013**

**MEETING LOCATION**

**THOMAS BAY POWER AUTHORITY OFFICE  
4498 ZIMOVIA HIGHWAY – WRANGELL, AK 99929**

**Ended up being a Teleconference with Petersburg and Wrangell Commissioners**

**Summary of Items Discussed at this meeting:**

Continuing Business NNB meetings and saving money flying/transportation, New Business GM Hire Process Resolution 2013-02.

Thomas Bay Power Authority's Regular Commission Meeting was called to order by President John Jensen on Monday April 15<sup>th</sup>, 2012 at 10:00 AM.

**Present were:** Commissioners President John Jensen, Vice President Robert Larson, Secretary Treasurer Dave Galla, Member at Large Brian Ashton, Joe Nelson, Clay Hammer and Warren Edgley.

**Also present were:** TBPA General Manager Paul Southland and TBPA Secretary Rhonda Christian.

**A QUORUM was established:** 7/0

**Visitors Acknowledged:** None

**Persons to be heard:** None

**Amendment to the Agenda:** Yes:

Item 7-A Continuing Business: Clarification of NNB Commission meeting flights and teleconference verses face to face meetings:

**Conflict of Interest:** None

**Amendment to the Agenda: Clarification of NNB Commission meeting flights and teleconference verses face to face meetings.**

Commissioner Joe Nelson **MADE A MOTION** to approve the amendment to the agenda as presented. Commissioner Brian Ashton **SECONDED the MOTION**.

**Discussion was called for:**

*Commissioner President John Jensen noted that the reason the Petersburg Commissioners didn't show up for the face to face meeting is a few meetings ago it was voted on to save in costs for the NNB and have teleconference meetings instead of flying back and forth in order to bring NNB so we wouldn't have to ask the two communities for more money and we already had a unanimous vote not to fly and save money and it came up this time everybody wanted to have a face to face so I just want to discuss that is see where we are. I do not recall on our last discussion if we had an option for face to face meetings so I would like to have this put on the agenda for discussion.*

*Secretary Christian is the commission ok with having this discussion and then having this item be put on the agenda?*

*The consensus of the commission to do so...*

*Secretary Christian noted this will be put on the agenda under continuing business item 7-A*

*Commissioner President John Jensen asked if we have to have a motion for this to be put on the agenda. Secretary Christian noted yes if approved by the Commission this would be noted in continuing business item A. Amendment to the agenda was put to motion and voted on as noted below.*

*Commissioner President John Jensen asked if there are any other amendments to the agenda.*

*Hearing none...*

*Commissioner President John Jensen do we have to have a motion for this to be put on the agenda?*

*Secretary Christian yes sir I would appreciate it.*

**Question was called for roll call vote:**

Yes – Commissioner Brian Ashton

Yes – Commissioner Joe Nelson

Yes – Commissioner Dave Galla

Yes – Commissioner Warren Edgley

Yes – Commissioner Clay Hammer

Yes – Commissioner Robert Larson

Yes – Commissioner President, John Jensen

**MOTION CARRIED unanimously 7/0.**

**Item 7-A Continuing Business: Clarification of NNB Commission meeting flights and teleconference verses face to face meetings:**

Commissioner Robert Larson **MADE A MOTION** to move that we poll the board prior to making a decision of whether to travel or not for our meetings. Commissioner Clay Hammer **SECONDED the MOTION**.

**Discussion was called for:**

*Commissioner President Jensen does anybody want to talk about that?..... I was well the reason we did not come over today for the face to face meeting I figured we had better stick with what we voted for and if we wanted to change that we would have to do that at another meeting so I wasn't being stubborn I'm just trying to follow the rules and trying to save the company a little bit of money*

*Commissioner Brian Ashton I agree with that philosophy it was one of the things we discusses in the past was that if we had some really important things to go over and that sometimes it is best to do it in person, and I certainly want to be fiscally responsible I'm not suggesting that we should have done this in person or not I guess I'm just saying that this is the most split vote that we have had as a commission since I have been on this board. And one of my main objective right now is regardless of how of an animated discussion we had I guess one of the things that I'm worried*

about is and I want to be protective of is making sure that this board continues to work together very closely so that even if we have animated discussion and differences of opinion's that we are really working hard to protect this organization and for the best interest of our communities. And so I think it was Robert Larson that had made a comment at one time if we need to have an in person meetings so that we really can discuss things well, especially if it is going to be a difficult discussion to be had. So I'm kind of bringing up both side of the fence and I'm ok with what the board decides but those are the things that come to mind. The other thing is just simply when it comes to the costs we just passed a budget to limit the NNB because we feel like the cities should not have to be paying for that and it should be part of the contract expenses for providing the service for SEAPA.

**General Manager Paul Southland** just for the record to be clear at the March 27<sup>th</sup> meeting the commission by consensus discussed having the rest of the meetings by teleconference and it was defiantly a consensus there was not a motion and no formal action was taken.

**Commissioner David Galla** here too and I'm with Brian on this I'm for being fiscally responsible but when there is important issues big that have large impact I defiantly believe we face to face meetings should happen with the entire board and to me that is an absolute it should be that we just don't ever have face to face that is not right to me at all business shouldn't be conducted totally across the across the phones all the time so that is my word.

**Commissioner President John Jensen** I would suggest them we uh maybe put some criteria together that spells it out or are we going to just do this off the cuff? And we just have everybody to a poll count of the commission and see if it is necessary to have a face to face is that what everyone wants to do once we know what the agenda is on a particular meeting maybe that is the way we should go about it and then keeping in mind the whole time that we have to be budget conscience.

**Commissioner Dave Galla** I would agree with that, things such as out negotiated agreement or some of that stuff we should meet I mean stuff that is going on like right now such as the general manager budget or offer things like that is where I believe we should meet we might have two or three meetings a year give or take but those kind of big items I think should be on the table.

**Commissioner President John Jensen** so maybe the budget meeting should be face to face and a do a GM hire that should be face to face or are we going to go down as far as plant out there is that going to require a face to face ya know where do we go?

**Commissioner Robert Larson** I think that...

**Commissioner President John Jensen** can you guys hear Robert ok?

Yes.

**Commissioner Robert Larson** I was ya know I don't know who suggested it but I was thinking that might be a good idea our previous action of to restrict travel was only for this fiscal year and it was not ya know for the rest of the century. But I do think we need to be flexible, we need to be cost conscience and maybe you or whomever suggested it had a really good idea that part of the package before we ever decide on to travel or not to travel is to poll the board. Is there items on this agenda that we need to meet face to face and that be part of our regular decision making process you know here is the agenda and then we will just pull the board and see if we need to travel or not to travel. It could may very well be that there are people that are away from the office and there are calling in anyways that make or change that decision process. I wouldn't mind having it as a decision as part of our monthly meeting process.

**Commissioner Clay Hammer** I think polling the board on the subject of whether it f should be a telecon or not I think that is a great idea and probably the easiest way around this.

**Commissioner President John Jensen** ok then once we have an agenda then shortly after that we can do an official poll and see what the wishes are of the board or the commission is, I that ok with you guys?

**Commissioner** consensus in agreement....

**Commissioner President John Jensen** that sounds ok to me to and I like Robert's idea and that is probably where we should have gone in the first place instead of just cutting it all out and get back and trying to do it again and so I agree with Dave and everybody else in meeting face to face once in a while and Robert sad that maybe this is just this year in where we are more conscience of our expenses and but anyway if that is what the commission wishes is then so be it. Do we need to have a motion and a vote or are we just going to do it as a consensus?

**General Manager Paul Southland** I would like to hear a motion and a vote for the record.

*Commissioner John Jensen ok then I would entertain a motion.*

*Motion made above:*

*Commissioner John Jensen is there any more discussion on the motion?*

*Commissioner Robert Larson...question*

*Commissioner President John Jensen hearing none question has been called, Rhonda roll call please.*

**Question was called for roll call vote:**

Yes – Commissioner Joe Nelson

Yes – Commissioner Dave Galla

Yes – Commissioner Warren Edgley

Yes – Commissioner Clay Hammer

Yes – Commissioner Robert Larson

Yes – Commissioner Brian Ashton

Yes – Commissioner President, John Jensen

**MOTION CARRIED unanimously 7/0.**

*Commissioner President John Jensen is there any other continuing business or do we need to go to item 8?*

*Commissioner Clay Hammer um do we have to further discuss the non-net billable issue? Or are we done with that?*

*Secretary Christian sir we just voted on that.*

*Commissioner Clay Hammer oh I'm sorry about that.*

*Secretary Christian that is all right sir you were right there with us on this issue you seconded the motion.*

*Commissioner President John Jensen what did you mean by that Clay?*

*Commissioner Clay Hammer ahhh I'm sorry never mind.*

*Secretary Christian he hasn't had his coffee yet.*

*Commissioner Clay Hammer yeah.*

*Commissioner President John Jensen ok then I guess we will move on to number 8 the new business which is the GM hiring process. Paul had sent me a resolution and it had um and I don't know if you all have it in front of you over there? But I have it over here and I thought it was a resolution number 2013-02 um a 2 pager here and it discusses wages and benefits and um ... Paul I need to ask you the number you put in there is just in tentative number right? Also that um would that just be the um probationary period or is that um I don't know how that is really going to um well how that works?*

*General Manager Paul Southland well John if you recall when we had a couple of brief emails you were the one that suggested that uh what should be offered in the range of what has been paid in the recent past general manager's and it just seemed to that from when the Commission last offer to Mr. Rhoades this is essentially the pinnacle offer that we offered to Mr. Rhoades. It is at the very top of the range for general manager's salaries that Thomas Bay has provided in the past, Mr. Nelson was the highest paid in the recent past and his salary was just over \$5,000.00, I believe \$5,040.00 or something like that, so that is what was thrown in there and for the commission to look over the rest of it is the same pretty much language that you have used in the past in hiring GM's. Your commission policies and the cities policies require that you do this by resolution and so I think that a resolution as of this type should satisfy all of your commission policies of course it is up to the Commission to what the specifics are.*

*Commissioner President John Jensen thanks Paul, um ok I will open the floor now to....um I take it you guys do not have a copy of this over there right?*

*Secretary Christian sir, I have provided a copy to all of the Commission including this side.*

*Commissioner President John Jensen thank you Rhonda*

**Secretary Christian** your welcome sir.

**Commissioner President John Jensen** ok then are there any comments?

**Commissioner Dave Galla** here I think there has been a little bit of misconception amongst the guys out there I know that at least one of them has said that they think this job pays more than it does. Perhaps due to the fact that they just didn't know and didn't ask they just assumed heading towards more what SEAPA staff levels in which I very much object to for what they get so I think there is a little misconception that may be floating out there to what is currently being paid in the past so I just thought I would throw that out there.

**Commissioner John Jensen** ... Robert.

**Commissioner Robert Larson** well I maybe have some questions...well anyway maybe I should direct them to Paul but just what is he being paid right now? What is Mick being paid right now?

**General Manager Paul Southland** Mick is in a wage type position in where I did the math for the last three years and did that with an average amount of overtime. With the average amount of overtime he has had and his straight time and then given the wage increase that has been approved through IBEW and this commission and the new contract he would be making a little bit over 105,000.00 plus benefits out at the plant.

**Commisisoner Robert Larson** and how much of that is straight time and not over time?

**General Manager Paul Southland** well...approximately 2100 hours of straight time and about 150 hours a year average of OT.

**Commisisoner Joe Nelson** yeah Paul just what is his hourly rate?

**General Manager Paul Southland** it will be with the 1% increase \$45.00 per hr.

**Commissioner Joe Nelson** yeah and \$45.00 times 2088 is what?

**General Manager Paul Southland** they get slightly more than 2080 in straight time and Rhonda is doing the math now given the 10 on and 4 off schedule it works out to a little more than the 2088.

**Secretary Christian**... the math on that is 93,960.00.

**Commissioner Joe Nelson** thank you.

**Commisisoner Brian Ashton** I guess one of the things that I'm considering in this process is that we are selecting within the budget and whom we best feel could do the job and the amount that they are being paid out there in representative to the remote nature of the work and the other factors that come into consideration with that. I'm not really concerned about considering what his pay is now because it is apples and oranges. This is a general manger job in town there are benefits about coming into town there are benefits working remote so for me it is not really an issue to be looking at that it is who is the best person for this job and we have made some decisions in the last meeting to make an offer and I just think we need to do that.

**Commisisoner President John Jensen** yeah I agree with that Brian, is there any other comments?

**Commisisoner Robert Larson** ...no and I should preference my question in speaking to it is that I was just wondering if this was a significant drop in pay for Mick or not. I'm not in favor of raising compensation for the general manager at this point. But it sounds like he would make more money in doing what he is doing now, but they are different jobs so I'm actually happy with the resolution the way it is written now.

**Commisisoner Brian Ashton** I am as well.

**Commisisoner Dave Galla** I agree to I ...uh the plant like Brian said remote verses town they are two different things we can't adjust a wage to accompany something as this it just doesn't make any sense to do so.

**Commisisoner Warren Edgley** I would like to make a couple of comments. One we need to be looking at what is going on particularly in Ketchikan and in to a lesser degree what is going on in Wrangell. Ketchikan as I understand it has already brought in Black & Veatch on board to study the issue of if Ketchikan should continue to participate in SEAPA.



*Commissioner President John Jensen* excuse me Warren this is not on the agenda here we are basically talking about this resolution.

*Commissioner Warren Edgley* I know and that is what I'm getting to.

*Commissioner President John Jensen* ok....

*Commissioner Warren Edgley* the qualifications that you guys talk about are basically technical somebody that know the nuts and bolts of the project. With all of this flux of management and ownership and the irrational economics that we have under SEAPA uh I'm not sure it is time to go to a technical person as a general manager I think we need somebody that understands economics and business that can advise us and you know if you go back to the beginning. The job of the Thomas Bay general manager of the Thomas Bay Power Authority is spelled out in the ordinance that created us we are supposed to be giving advice on energy issues to our two communities Wrangell and Petersburg which are boroughs now but uh still in all that was one of the things that the Thomas Bay Power commission was created to do.

*Commissioner President John Jensen* is there anybody else?

*Commissioner Clay Hammer* it seems to me the best of operator of the project and the contractor our responsibilities in my opinion anyway would be more technical to the operation of the project because that is our primary job.

*Commissioner Warren Edgley* ...Clay we are a contractor.

*Commissioner Brian Ashton* we are a contractor because what has taken place in the last years we have been Thomas Bay for over 30 years was much more than that, (un-audible) of the two communities in making good executive decisions in management of our power infrastructure and how we develop it or not develop it, we have fallen into this delay because of the way things have happened but that doesn't necessary mean that isn't what the communities have been paying for the last 30 years we supplement to have us be there and beyond the wall watching out for our energy structure development and management and so I do not agree. I think you guys are both right to a point we have some technical responsibility and we have to hold the line without a doubt Thomas Bay in my view is a lot more than that and we have been amiss the last few years because we lost sight of that.

*Secretary Christian* President Jensen is this something that you would like me to put on the agenda for the next meeting for discussion for we are off base here.

*President John Jensen* what is that Rhonda?

*Secretary Christian* um help me out here Brian technical issues and the Thomas Bay duties?

*Commissioner Brian Ashton* the Thomas Bay mission statement

*Secretary Christian* the TBPA mission statement sir? Just to bring the Commission back to the floor and our discussion at hand we are on the GM hire process and what is before you is the resolution 2013-02.

*Commissioner President John Jensen* I'm waiting for somebody to make a motion.

*Commissioner Robert Larson* I move we approve resolution 2013-02.

*Commissioner Clay Hammer* second.

### **Item 8-A New Business: GM Hire Process**

*Commissioner Robert Larson* **MADE A MOTION** to approve resolution 2013-02.

*Commissioner Clay Hammer* **SECONDED the MOTION.**

*Commissioner John Jensen* it has been moved by Robert and seconded by Clay. is there any other discussion?

### **Further Discussion:**

*Commissioner Robert Larson* I believe that the compensation package as described in 2013-02 is in the best interest of this Commission and Thomas Bay and I hope that we will support this and move on thank you.

*Commissioner Dave Galla* I agree with Robert too. I think that this is a more than fair offer to put up there for Mr. Nicholls. I myself am unwilling to negotiate up from that and I think this should be where it is and should stay and those are my thoughts.

*Commissioner Brian Ashton* I also agree.

*Commissioner Warren Edgley* I don't agree I think the qualifications that were used to select Mr. Nicholls were off base.

*Commissioner Robert Larson*...question

*Commissioner President John Jensen* we are on a motion here so please keep your comments to the motion.

*Secretary Christian*...question has been called.

*Commissioner President John Jensen* Rhonda roll call vote please.

**Question was called for roll call vote:**

Yes – Commissioner Dave Galla

No – Commissioner Warren Edgley

Yes – Commissioner Clay Hammer

Yes – Commissioner Robert Larson

Yes – Commissioner Brian Ashton

Yes – Commissioner Joe Nelson

Yes – Commissioner President John Jensen

**MOTION CARRIED unanimously 6/1.**

*Commissioner President John Jensen* hey Rhonda when we were discussion the motion what was the item for discussion at the next meeting agenda?

*Secretary Christian* as I heard it there was discussion regarding as a TBPA Commission what is our Thomas Bay Power Authority mission and duties. Am I hearing that correctly Mr. Ashton?

*Commissioner Brian Ashton*...well that to me sounds like the discussion that started to be speaking to... and I think you were appropriate Rhonda in putting this in its right place as far and as when we talk about it so....

*Commissioner President John Jensen* so then Rhonda let's bring this for discussion and put it on the next agenda.

*Secretary Christian* very good sir and I will get together some information on this so I can forward it to you for approval before it is submitted in the packet for the next meeting regarding discussion.

*Commissioner Warren Edgley* I need to make a comment Thomas Bay Power Authority mission was spelled out in an ordinance and it is approved by both Wrangell and Petersburg.

*Secretary Christian* and sir I will find that and provide that.

*Commissioner Warren Edgley* find that and maybe we can work from that like were supposed to I do not see how we can change as a commission change that in any way.

*Secretary Christian* sir, we cannot be changed without it being brought forth to both the City of Wrangell and Petersburg you are under ordinance and I will bring all that information forward.

*Commissioner Warren Edgley* to bring this information out for the commission that may be a valuable thing we ought to know what we are supposed to do.

*Secretary Christian* I will provide information sir in the next packet with the President's that is Mr. Jensen's approval.

*Commissioner Dave Galla* ok then so from this now from our meeting now is it upon all here to call Mick today or a.s.a.p. or what to take care of this?

*Commissioner President John Jensen I would think ....*

*General Manager Paul Southland John may I respond to that?*


*Commissioner President John Jensen yeah.*

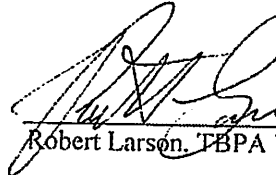
*General Manager Paul Southland the resolution this commission just adopted specifically stated this offer will be transmitted by the General Manager and the Thomas Bay Power Authority Secretary David Galla to Michael J. Nicholls, so Dave and I will submit this offer of the Commission to Michael or Mick.*

*Commissioner President John Jensen with that I believe we have completed our agenda I would look for a motion to adjourn.*

*Commissioner Brian Ashton moved to adjourn, Commissioner Hammer seconded the adjournment.*

It was the consensus of the Commission to adjourn the meeting at 10:28 am

 04/30/13  
John Jensen, TBPA President Date

 4-30-13  
Robert Larson, TBPA Vice President Date

APPROVED



— TYEE LAKE HYDROELECTRIC PROJECT —

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**THOMAS BAY POWER AUTHORITY  
SPECIAL COMMISSION MEETING**

**Minutes of  
April 22<sup>nd</sup>, 2013  
FY2013**

**MEETING LOCATION**

**THOMAS BAY POWER AUTHORITY OFFICE  
4498 ZIMOVIA HIGHWAY – WRANGELL, AK 99929**

**~And~**

**PETERSBURG MUNICIPAL POWER AND LIGHT OFFICE  
11 SOUTH NORDIC DRIVE – WRANGELL, AK 99929**

Summary of Items Discussed at this meeting:  
GM Hire process

Thomas Bay Power Authority's Regular Commission Meeting was called to order by President John Jensen on Monday April 22<sup>nd</sup>, 2013 at 10:00 AM.

**Present were:** Commissioners President John Jensen, Vice President Robert Larson, Secretary/Treasurer Dave Galla, Member at Large Brian Ashton, Joe Nelson, and Clay Hammer.

**Excused Absence:** Commissioner Warren Edgley.

**A QUORUM was established:** 6/0

**Also present were:** TBPA General Manager Paul Southland and TBPA Commission Secretary Rhonda Christian.

**Visitors Acknowledged:** Shelly Pope, Reporter for the Petersburg Pilot.

**Persons to be heard:** None

**Amendment to the Agenda:** None

**Conflict of Interest:** None

**President Commissioner John Jensen** we will go right to new business and under item A is the GM Hire process and today before we start any discussion on an item lets um last week I notice when looking at the minutes that we started discussion it and then made a motion so we are going to try and go in the right order this time so I will open the floor. Joe...

**Commissioner Joe Nelson** um before we start the meeting and get to a motion I wonder if somebody could since I have been out of town maybe somebody can bring me up to date on where we are at, what has transpired and what has prompted this meeting and what do we hope to accomplish.

**General Manager Paul Southland** maybe I can take a stab at this at least of what has transpired.

**President Commissioner John Jensen** yeah go ahead.

**General Manager Paul Southland** after your teleconference meeting last week when you adopted the resolution to make the offer to Mr. Nicholls shortly after that meeting Mr. Galla and myself as we were instructed to do and submitted the offer to Mr. Nicholls, he indicated that he needed some time to review it and then he called back to the office and at that point Rhonda took that call and she can clarify this but I believe Mr. Nicholls had no need and neither wished to talk with Dave or I and that he would be transmitting a counter offer in which he did.

**Commissioner Joe Nelson** and we'll do we have that?

**General Manager Paul Southland** yes.

**President Commissioner John Jensen** yes Joe it is the second page in sorry third page.

**Commissioner Joe Nelson** so the real issue we have then is if I understand it right or the main issue is that what he requires for an annual salary is in excess of what we offered and what other salary range has been historically for this position is that correct?

**General Manager Paul Southland** the salary and also the severance request.

**Commissioner Joe Nelson** ok but the salary is .

**General Manager Paul Southland** the salary is outside of anything that was authorized offer to the last GM.

**Commissioner Joe Nelson** right so I'm wondering if the salary is the main thing we need to address as a Commission is look at whether or not we want to raise that salary range limit.

**General Manager Paul Southland** perhaps and that is why we supplied the complete transcript from the last teleconference, so that you can review your comments made at the last meeting.

**Commisisoner Clay Hammer** just so we are clear what is the salary range?

**General Manager Paul Southland** the range you know we never specifically discussed but the range of the high end that you offered or you allowed me to go to Mr. Rhoades's was 90,000.00.

**Commissioner Clay Hammer** but beyond that we do not have an established range?

**General Manager Paul Southland** in essence we have a budgetary cap at 95,000.00 at the moment and we do not have an approved budget going into FY14 yet at this time but we do have a request of 95,000.00.

**President Commissioner John Jensen** what year did we make that offer to Rhoades two years ago now?

**General Manager Paul Southland** no that was last year one year ago.

**President Commissioner John Jensen** oh just one year ago then and of course. Mick submitted a resignation letter and I talked with him later on and I can't remember if it was Thursday or Friday I think it was Friday afternoon or Friday morning he called me and I talked to him a little bit and he said I will try and remember his last words but he said that letter of resignation was tendered because he had to do it anyway if he left the job over at Tyee and that was part of the protocol and I or he told me that the first as he said was woefully inadequate and I didn't agree with him I just said well that was the offer and in my mind that was the first step of the negotiation of the job for wages and I don't know what you all think about that I mean if you are thinking the same thing I am or what but usually when you go into well you offer a job to a person and you start with some kind of terms and then you go into negotiate....Joe

*Commissioner Joe Nelson yeah to get this discussion into detail I make a motion that we accept Mr. Nicholls counter offer.*

*President Commissioner John Jensen do I hear a second?*

*Commissioner Robert Larson yeah I will second that motion.*

**TBPA GM Hire Process: (NOTE: motion was amended below)**

Commissioner Joe Nelson **MADE A MOTION** to accept the counter offer from Michael Nicholls. Commissioner Robert Larson **SECONDED the MOTION.**

**Discussion was called for:**

*President Commissioner John Jensen ok we had a motion and that second was by Robert and Joe wants to speak to his motion.*

*Commissioner Joe Nelson I would like to speak to the motion and I'm going down through this real quickly the first item he uh well the wage I think is probably doable and the terms are probably ok but we do have a probationary well in my mind we have to have a probationary period. He just might be the best Foreman in the world but that doesn't mean that you are a good manager just like you might be the best carpenter in the world but you may not make a good corner so I'm in favor of a probationary period maybe 6 months is out of line for a severance package of what the industry standard is unless you are a CEO with a golden parachute you are not going to get six months or a year I think 3 months is still more appropriate and as far as the PTO is concerned it is going to be with the same well to me we just move it whatever he has got accrued now you need to buy it out and start with zero or we can move it over and for it to accrue at the same rate that he gets now and so I guess on backing up to the wage I think it might be more appropriate to start out with a like uh 90,000 offer for the first 6 months and if he does well on the probationary period then we go to 95,000.00 and those are just my thoughts.*

*Commissioner Brian Ashton you might want to amend your motion with the second for what you said was to accept his counter offer.*

*Commissioner Joe Nelson no I'm just telling you what my thoughts are. I just want to get it out for discussion so before we do any amending or anything like that I think we ought to hear from everybody.*

*Commissioner Clay Hammer I would be more comfortable at this point I guess if we iron out the terms of the counter offer before this necessarily becomes a motion to vote on. does that sound reasonable?*

*President Commissioner John Jensen yeah I agree.*

*General Manager Paul Southland you have a motion on the floor.*

*President John Jensen yes we do have a motion on the floor and we have to speak to it.*

*Commissioner Joe Nelson a motion that can be amended.*

*President Commissioner John Jensen yeah the motion can be amended. Robert.*

*Commissioner Robert Larson it was my intention with the second and I assume yours was to put this topic on the table for discussion prior to well this is our main motion prior to voting on it I would expect there would be some amendments and we can vote on those separately before we come back to the main motion so we are in the discussion phase.*

*Commissioner Clay Hammer what would be reasonable for a severance pay he has asked for 6 months is there a industry standard that.*

*Commissioner Joe Nelson well here in Petersburg it is typical 3 months for a new position that is a contract.*

*President Commissioner John Jensen is severance pay if he is fired or what? ok. ok...*

*Commissioner Dave Galla I would have a problem with this contract being 2 years because of the flux that we are in we don't know what is going to happen it just doesn't make sense if we are going to talk time or what. And termination at the most 3 months um certainly not without a probationary period would be my thoughts. I do have a problem with the way he sent out his resignation to the paper I don't know and why would he do that we need to speak to that.*

**President Commissioner John Jensen** well that is what the call was about I was taken by surprise at that and he quoted some information of the bylaws for the reason for doing it and I never did follow up with that or get into with him... Paul?

**General Manager Paul Southland** just to speak to that (un-audible) our bylaws are very clear that the resignation should come through the General Manager's office and I was taken back when I was called by the Wrangell Sentinel asking me about Micks resignation he sent his resignation to the paper and then he sent it to me so if he was quoting from our Commission Policies and our Personnel Policies he was a little bit remiss in that process.

**President Commissioner John Jensen** yeah.... Rhonda.

**Secretary Rhonda Christian** if I may sir I would like to remind the Commission that about a year and on half ago and it was a majority vote by this Commission to remove the severance pay from the GM contract package discussion that is back when Mr. Henson was here and I believe and this is off the top of my head but I believe the vote was 6/0 and there was one Commissioner missing from that meeting, now we do have that language in priori contracts but the language was removed by this Commission.

**Commissioner Clay Hammer** so we would have to re-instate that contract language then if we were to follow through with this request.

**President Commissioner John Jensen** yeah that is right and we are still having discussion on this motion so is there any further... Joe

**Commissioner Joe Nelson** I don't understand the PERS to SBS what is that?

**President John Jensen** yeah I don't understand that either... does anybody know what that is?

**General Manager Paul Southland** I am not completely familiar with the SBS process but it is something that is in lieu of social security that the Wrangell employees get maybe Clay can speak to that better than I can because it is not something I dealt with.

**Commissioner Clay Hammer** yeah I don't know all the specifics.

**General Manager Paul Southland** (un-audible) and somehow Wrangell is able to get it's complete block of employees out of the social security package and go to SBS system instead that is the State Benefits System.

**Commissioner Joe Nelson** that is something you can speak to Jabusch and get this squared away?

**General Manager Paul Southland** it is something that is very doable and it is not an increase in cost.

**Commissioner Clay Hammer** so where we are at if I'm hearing this right and we are looking at a counter offer of a 6 month probationary period at 90,000 and then at the end of the probationary period we will bump up to the full 95,000 is that.

**Commissioner Joe Nelson** that is what we are discussing we haven't heard from.

**Commissioner Brian Ashton** Mr. Chairman Dave had asked that we discuss the process (un-audible) in how we even get to that point and I'm not saying we should or shouldn't but (un-audible) Dave has voiced a interest in how the resignation took place and do we feel comfortable with that if everybody is then we need to look at a counter offer to decide on then but are we comfortable with that type of action (un-audible).

**Commissioner Dave Galla** well my concern is what he is trying to do is he trying to play it out in the press a little bit or....

**Commissioner Brian Ashton** was it a political maneuver do we consider this good management?

**Commissioner Dave Galla** I mean really why did he do it we need to look at that because we do not want it coming back it shouldn't have even gone to the paper. it should have come to Paul and to us we are the ones that need to hear about it first and really there is no point in it going to the paper he first place so I question why he did and I question his motive in doing so.

**President Commissioner John Jensen** yeah I did I asked him...

**Commissioner Dave Galla** well I would like to know and I would like his answer to that.

*President Commissioner John Jensen* yeah I know.

*Commissioner Brian Ashton* well can we call and ask him that is that appropriate in a meeting setting and actually ask him some questions.

*President Commissioner John Jensen* yeah I know I asked him if he was considering attending the meeting either telephonically or in person he didn't well it sounded to me like he was thinking about joining in so he could be part of the discussion and obviously he didn't make it or call for a number.

*Commissioner Brian Ashton* is he home or at a number to where we can call him.

*General Manager Paul Southland* he is at the plant (un-audible) he does not want to negotiate through Dave and I he has made that clear uh the process he wants to follow I'm not sure what it has been very difficult.

*President Commissioner John Jensen* well what I told him that I thought would happen at this meeting is that we would make a counter offer but that is as far as I went I didn't talk with him about anything that like whom he sent his resignation letter to the paper but I told him the first offer is always just a first offer and the first stage of negotiation and so that is basically what I told him.

*Commissioner Dave Galla* and so at the previous meeting I thought we were pretty firm on 85,000 I believe Robert spoke to that and I know I spoke to that and that is my bottom line of an offer on this position I know I'm not going to be changing it.

*Commissioner Brian Ashton* I guess I would like to look at how we set the budget and why we set the budget. Are we increasing this because he is the man we want and I'm fine with that if that is the case but how are we making this executive decision with the money you know is it just simply to respond to him because we want him in or it is apples and oranges. They make a lot of money out there (un-audible) at a remote location and I know it is tough and a lot of sacrifices are made but again this is apples and oranges as far as I'm concerned when it comes to the budget they make good money out there (un-audible) and I do not associate those two job descriptions to dove tail in any way he will not be out at the remote location anymore and he will be in a management position and I certainly encourage people to put in for that but we need to decide what that position is worth here regardless of who is applying.

*Commissioner Dave Galla* I'm concerned he is trying to bump this wage up to match or at least get it as closely as he can to match what he makes out there and these are two different jobs and I do not think it is appropriate for us to adjust his wage and down to get it close to what he makes now....but like what Brian said when he gets out there is differently.

*President Commissioner John Jensen* well and that is the reason we are here to discuss that and even if we do offer him what we are talking about so far and he is inclined to turn it down we will have to go back to the pool of candidates again and this is starting to get drag out pretty long here and I'm trying to get this done in the most timely manner and fashion so we can go on with our lives so anyway.

*Commissioner Brian Ashton* so is everybody ok with the two year contract and probationary period first (un-audible) are you satisfied with the discussion you had Dave?

*Commissioner Dave Galla* well I still would like to know his motivations were with the paper thing.

*Commissioner Brian Ashton* I could recommend that somebody call him and just simply ask him.

*President Commissioner John Jensen* I don't know if we should do that during a meeting myself. I would like to ask him that aside of the meeting and find out what his rationalization was for that.

*Commissioner Brian Ashton* so then should we recess for 10 minutes and try and give him a call?

*President Commissioner John Jensen* yeah we can do that.

*Commissioner Brian Ashton* I think for credibility to the communities we serve we are talking about management (un-audible) and the rocky road that we have been on we can at least as the question (un-audible) and if you want to call him I would recommend that we recess for 10 minutes and give him a call.

*President Commissioner John Jensen* we can try that and I can give him a call I would like to know his rationalization behind that also. apparently it is out of line because he is supposed to tell the manager first in the first place what his intentions are with the first offer he might of made a mistake in calling the wrong person first but I can call him and ask



him. Always let's take a 10 minute break and I will call him up and see what he says about that. ok then we will take a break until 10:30 then.

**Secretary Rhonda Christian** ok then 10 minute break from 10:20 to 10:30.

**President Commissioner John Jensen** call the meeting back to order it is April 22 2013 and 10:30 we are discussing hiring Mick Nicholls or not is there any further discussion?

**Commissioner Robert Larson** so we called Mick during this 10 minute break could you fill us in on what was said.

**President Commissioner John Jensen** sure this is what Mick said or told me I called and I asked him what transpired as far as his letter of resignation and he said he typed up his letter and sent it to the General Manager there at the office and to the commissioners and my computer shows 10:58 am and he said he did not send it to the Wrangell Sentinel first and that shortly after he had sent this out he was talking to Greg from the Wrangell Sentinel about a trip that Greg wanted to take out to Tyee and look at the plant some time in May and he told him that he may not be there because he had just sent his letter of resignation in and that is the timeline as per Mick or the conversation I had with Mick a few minutes ago.

**Commissioner Dave Galla** thanks did you hear what we just spoke about though the time stamp to the sentinel was sent to them previous to us getting contacted about it he seems to get it before we got it that is the time shows us what Mick has said is not what and not how it happened that is according to the time stamp.

**Commissioner Robert Larson** you know I'm not a technical expert in timestamp. What Mick said makes perfect sense to me and I have no reason to doubt what his response was without regard to something my computer says or has on as a time stamp I don't know if that seems particularly right. Anyway I'm tempted to take what he said as is fact what has happened, next.

**President Commissioner John Jensen** ok then Joe.

**Commissioner Joe Nelson** you know I think we have had the discussion now on the motion and it appears now this motion made would not pass and in fact I cannot support it myself so maybe we should go ahead and vote it up or down and move on to the next action I call for the question.

**Commissioner Robert Larson** Mr. Chair.

**President Commissioner John Jensen** yes.

**Commissioner Robert Larson** I have an alternative in voting this up or down I think we are still in the discussion of making an offer to Mick and I think that maybe this may be more appropriate to amend this offer to something that is agreeable to this board instead of you know there is still some value in this offer so let's amend it in something that is agreeable to all of us and that is my suggestion but um whatever is the will of the board I will go with because mick's offer is what we can work and provide as a counter offer but I think that it can provide some basis for some that we can apply as a counter offer so whatever is the will of this board is ok with me.

**President Commissioner John Jensen** so do you have any ideas of what it is that you would like to see Robert.

**Commissioner Robert Larson** I would like to see I would like to see um 90,000 for six months, I'm in agreement with the 2 years. I think the 3 months' severance package if we fired him seems reasonable the other items that he reference are none controversial and completely agreeable.

**President Commissioner John Jensen** you said three months probationary right?

**Commissioner Robert Larson** no, no excuse me probation for 6 months and the severance for 3 months and the term 2 years is what I said.

**Cross talk** ~ the moving expense... well that is already covered.

**President Commissioner John Jensen** the main is the severance and probationary period and the wage.

**Commissioner Dave Galla** I would not support a 2 year term I would support and I wouldn't support the 90,000 I stand firm on the 85,000 that is where I'm at so.

**Commissioner Robert Larson** that stuff seems to me that he has already rejected so that is nonsense in providing an offer of good faith.

*Commissioner Brian Asthon and I also would support a 1 year term contract.*

*President Commissioner John Jensen well let's put that in motion for and get it on the table and discuss that. is that another motion or an amendment to the motion and what I see up there I'm ok with right now.*

*Commissioner Robert Larson my other point there Paul was at 95,000 at the end of the probationary period.*

*Secretary Rhonda Christian sir is that after the 6 month probationary period?*

*Commissioner Robert Larson after 6 months yeah*

*Commissioner Dave Galla suppose what would happen if the worst case scenario that SEAPA gets rid of us and cancels out contract and next July a year from this we are gone and what happens the 2 year contract?*

*Cross talk ~*

*Commissioner Robert Larson well we are not firing him.*

*Cross talk~*

*General Manager Paul Southland well that is Micks request in his counter and that is something that.*

*Commissioner Robert Larson if we terminate our contract with SEAPA well that is a reason he gets severance pay.*

*Cross talk~*

*Commissioner Joe Nelson if SEAPA told us today that they were going to cancel the contract it would take at least 18 months before that could actually happen and so if there are a couple months left on his contract so be it, but right now there is no movement at the SEAPA level to even move that direction it is still in limbo and so we are months out before there is a decision made on that probably this fall at the earliest so I don't see that as an issue.*

*Commissioner Robert Larson and that is my impression as well we are years away from changing anything.*

*Commissioner Joe Nelson it is roughly 2 years away if they decide to.*

*President Commissioner John Jensen anyone else Clay what are you thinking?*

*Commissioner Clay Hammer I would (un-audible).*

*President Commissioner John Jensen so do one of you guys want to make this into a motion or amend the main motion with this language so we have something we can vote on.*

*Commissioner Robert Larson Mr. Chair I can amend the main motion to include 90,000 for 6 months and then change that to 95,000 and then include a 2 year term and 3 months' severance pay.*

*President Commissioner John Jensen is there a second to that amendment?*

*Commissioner Clay Hammer I will second that.*

*President Commissioner John Jensen any more discussion then well we have to do a roll call vote on the amendment Rhonda please.*

**Amendment to Motion GM Accept Counter Offer:**  
**(NOTE: motion was amended below)**

Commissioner Joe Nelson **MADE A MOTION** that we accept Mr. Nicholls counter offer.  
Commissioner Robert Larson **SECONDED** the MOTION.

**Question was called for roll call vote:**

**No – Commissioner Dave Galla**

**Yes – Commissioner Clay Hammer**

Yes – Commissioner Robert Larson  
Yes – Commissioner Brian Ashton  
Yes – Commissioner Joe Nelson  
Yes – Commissioner President John Jensen  
**MOTION CARRIED unanimously 5/1.**

*President Commissioner John Jensen ok we have amendment version of the motion in front of us Joe.*

*Commissioner Joe Nelson you know I tend to agree with Dave that um we are pushing this position up into an area that I question. You know well I don't know what Clay makes but I know what I make and I know what our duties and responsibilities are compared to this position and the requirement for our positions and so in my mind even the \$3,000 is over paid, um but the fact remains that the supervisors provides management to people that make more money and in this business that is not unusual like Bobby my Line Foreman that just walks through here makes more than I do even our Lead Lineman makes more than I do and if we have very much overtime even the other lineman make more than I do and that is again not unusual but I sit in here at a desk with a computer and the have the rain face and (un-audible) and so getting the lights back on so you know there is a reason for it, so regardless in how much Mick perceives (un-audible) it is a substantial cut and that is his decision if he wants to move back in town or not or if he wants to resign that is all of his decision. I don't know how much we bend the rules and reach out there and frankly I'm disappointed by some of the things that have transpired well maybe I won't go there but quiet frankly I'm having a hard time at this point supporting my motion and I'm not sure that I can that's all.*

*President Commissioner John Jensen yes Paul.*

*General Manager Paul Southland Mr. President just for clarification I do know what Clay makes and it is just under 78,000.*

*President Commissioner John Jensen ok Brian.*

*Commissioner Brian Ashton I appreciate the input Joe because it is for clarification not only for us but also what the paper reports in how we are looking at this and it is apples and oranges um again I'm not comfortable with the wage or the term but I'm also really hypersensitive right now to make sure we work together as a board and we not polarize ourselves or our two communities right now (un-audible) just so we can get back on track..*

*President Commissioner John Jensen thanks any further comments?*

*Commissioner Clay Hammer you know the 6 month probationary period does give us some leeway there and if we are not comfortable with the job that the guy is doing then that is the loop hole we would have something to fall back on I mean if we think one way or the other that this arrangement isn't working um and we all know traditionally once upon a time back in the good old days that this position paid a heck of a lot more than it does now and the staff on sight relied I believe a little bit more (un-audible) know how they have in the few recent terms and so you know by bumping things up a bit it still falls far short of what it had been years ago I think maybe that potentially that reflects a little bit more than you know technical knowhow (un-audible) we all find in our favor or not (un-audible) when we go for our vote here anyway it is my belief that somewhere we are going to keep good people we start now or we start later and that is my feeling.*

*President Commissioner John Jensen ok Robert...*

*Commissioner Robert Larson we have lots of people of interested parties that are looking at our organization and they are looking at the whole organization the SEAPA organization and the Thomas Bay organization and the way the communities are working together. There are interest groups that would like to see us broken up and they would like to change ownership of some of these facilities and I think that we are at a real crossroads not only with in which we are conducting business but in maintaining our accountability with the communities and with the power and light superintendents and all of Ketchikan, Petersburg and Wrangell. What I believe we need is someone that is in this position that is technically able to work with and do argue with (un-audible) our engineers and whatever contractors that we have at these places or in these positions that we need to work with. Mick is still going to make more money out there than he is here as a General Manager. It has been the board's decision to allow those wages to increase you know and it somehow seems reasonable to me that when you change into a supervisory position (un-audible) you know that you wouldn't take a cut in pay at least not a significant cut in pay so a small cut in pay you know it is a different conditions you know whatever it is that seems reasonable enough to me but I do not like the idea of spending more money than what the position is worth but in this case I think we have to spend the money to get the people that are competent to run us into the future and that is kind of where I'm at.*

*President Commissioner John Jensen thank you Robert... Clay...*

*Commisisoner Clay Hammer* can anybody speak to why over the years that the operations positions on site have continued to rise over the years but on the other hand the GM position has continued to decline.

*(Un-audible)*

*Commisisoner Clay Hammer* well I have my own theory to that but I would like to hear some others folks theory's as well.

*General Manager Paul Southland* I can only speak and share for the last 4 or 5 years in which I have been involved in negotiating contracts and what I found is that the GM's that you had in positions were not very astute negotiators and in prior there was some fairly incredible raises that took place over the years and the GM's negotiating with IBEW and of course only in the last couple of contracts we were able to rein in some of those increases so in fact you know frankly your administrator didn't administrate.

*President Commissioner John Jensen* ok then are there any further comments? And I'm not sure he is even going to accept this package anyway even if it were passed so you know.

*Commisisoner Clay Hammer* well this is just something that we need to get through so you know we can move on to the next step.

*President Conumissioner John Jensen* well then if everyone is done commenting on this I would entertain a question.

*Commisisoner Dave Gall* well again I question why (un-audible) why Mick (un-audible) if this didn't get agreed upon and we didn't offer something that was acceptable to him why wouldn't he just sat there and not turned in a resignation off hand for no reason I'm not sure why he even did that because it is the cart before the horse you don't throw out your resignation before you have something else in hand I see it being more of a pressure move to do something else and that is why I'm having a lot of heartache over this something is not right for that didn't have to be thrown out there like this it had to be a meaning for him to do it that way and I do not like the implication of that and I just want to get that on the record that is my take.

*President Commissioner John Jensen* thanks Dave are there any further comments? Hearing none I guess we are ready for a roll call vote Rhonda.

*Secretary Rhonda Christian* Ok, so we have the original motion to accept Nicholls counter offer with the amendments to is that what you want to vote on sir?

*President Commissioner John Jensen* yes in my mind that is what we are voting on.

*Commisisoner Joe Nelson* yes Rhonda if you could read the motion please with the amendments.

*Secretary Rhonda Christian* absolutely and if you could correct me if I'm wrong, I tried to get this all down as quick as I could. Commissioner Nelson made a motion to accept Nicholls counter offer and this was seconded by Larson. Larson then amended the motion to read uh pay of 90,000.00 for 6 months and after a 6 month probationary period discussion would take place for a wage of 95,000.00 did I hear that correctly.

*Conumissioner Robert Larson* no, no we just make it 95,000.00

*Commissioner Joe Nelson* no it would be automatic if we kept him.

*Secretary Rhonda Christian* very good let me re-do that. That would be 90,000 for a 6 month probationary period and after 6 months wage would be 95,000.00; this would include a 3 month severance package and a 2 year contract.

*Secretary Rhonda Christian* noted \*\*Moving and other things are just normal transferring over is what I heard.

*President Commissioner John Jensen* yes that is the motion the way I understand it amended motion.

*Secretary Rhonda Christian* ok then is that how everybody understands it? (Consensus agreement)

**TBPA GM Hire Process: (NOTE: motion was amended to read as follows)**

Commissioner Joe Nelson **MADE A MOTION** the TBPA accepts the counter offer from Michael Nicholls with the following amendments \$90,000.00 wage for a 6 month probationary period and after the 6 months wage would be adjusted to \$95,000.00; this offer includes a 3 month severance package and a 2 year contract. **Commissioner Robert Larson SECONDED the MOTION.**

**Question was called for roll call vote:**

Yes – Commissioner Clay Hammer

Yes – Commissioner Robert Larson

No – Commissioner Brian Ashton

Yes – Commissioner Joe Nelson

No – Commissioner Dave Galla

Yes – Commissioner President John Jensen

**MOTION CARRIED unanimously 4/2.**

*President Commissioner John Jensen ok with that that was the only business on our agenda unless there is any further discussion on that we will entertain a motion for adjournment.*

*General Manager Paul Southland if I might?*

*President Commissioner John Jensen yes Paul.*

*General Manager Paul Southland your policy requires that your offer be in terms of a resolution so if someone would make a motion that so that you can put that offer in a form of a resolution I will put it together and then the question is how do you want to deliver it to Mr. Nicholls.*

*Commissioner Clay Hammer I so move.*

*Secretary Rhonda Christian Commissioners would that be resolution 2013-03.*

*President Commissioner John Jensen what is that again?*

*Secretary Rhonda Christian that would be resolution number 2013-03.*

*Commissioner Brian Ashton before we adjourn I've got a question.*

*Secretary Rhonda Christian is this regarding the resolution to your motion? What ok so nobody put anything forward to do a resolution?*

*Commissioner Brian Ashton ok I basically seconded it.*

*Secretary Rhonda Christian ok then thank you.*

*President Commissioner John Jensen ok then is there any discussion on this resolution?*

*Commissioner Brian Ashton should we when we are in discussion (un-audible) when we do it with SEAPA we call then into session (un-audible) to offer it in the meeting in order to get this thing going (un-audible) delay things more should we make the resolution and then adjourn for 5 minutes (un-audible) and then call him and see if he wants to go over it right now.*

*President Commissioner John Jensen yea we can do that right now.*

*Commissioner Clay Hammer it sounds reasonable.*

*Commissioner Brian Ashton just so we don't drag this out anymore.*

*~Cross Talk*

**Commissioner Clay Hammer** that was well my next question I had was how long are we going to wait or for him to give us a thumbs up or a thumbs down on it? (un-audible).

**Commissioner Joe Nelson** well the down side of that is throwing it on the counter and saying yes or no ya know and to be fair I think he needs some time to think about it.

(un-audible) so I agree.

**Commissioner Joe Nelson** so my recommendation would be since there is some difficulty in him negotiating with you two that we twist that around and have Clay or John negotiate with him and get it done that way.

**Commissioner Dave Galla** when we called him on that he got on the phone and I just told him that we had a proposal that we emailed to him and we got off the phone so there is really no need or no justification for him at all to be upset on our end because we didn't even talk about it so I don't understand that whole thing it just doesn't make any sense.

**President Commissioner John Jensen** I personally think that we should finish the resolution and make him a offer and give him "x" amount of time to answer it I mean me Joe and Clay (un-audible) perspective talents few days now coming up but we can certainly entertain an answer by a certain date.

**General Manager Paul Southland** Mr. Chair if I may make a suggestion the last offer we gave him we made the offer the same day of the week and it was valid through Friday and that gave him time to think about it and it only took him 10 minutes but I think that give him ample time to think about it.

**Secretary Rhonda Christian** we could email it to him.

**Commissioner Brian Ashton** well that is my point though of course give him time (un-audible) and then simply we can move on. (un-audible) if he needs more time to think about it absolutely then.

**President Commissioner John Jensen** yeah we certainly can't have a meeting between now and Friday anyways I would suggest just to let know to give us an answer by Friday and we could go back and start at square one if he refuses the offer and see where we end up.

**Commissioner Robert Larson** I think that is reasonable.

**President Commissioner John Jensen** ok then.

**Commissioner Robert Larson** just put it in the form of a resolution write it up and give it to him give him a week (un-audible) whatever you decide to do.

**President Commissioner John Jensen** and then on Friday we will have his answer for sure and maybe we could and (un-audible) maybe if he does not accept this offer and then I guess we will see when we can get everybody on the next teleconference.

**Secretary Rhonda Christian** you have a teleconference scheduled for Tuesday April 30<sup>th</sup>, and that was going to be a question if you still wanted that this would be a regular meeting.

**General Manager Paul Southland** then add to your resolution that the offer is open until Friday to your motion Clay.

**Commissioner Joe Nelson** no we haven't voted on the resolution have we.

**Secretary Rhonda Christian** you haven't voted on anything...

**Commissioner Robert Larson** it is just a formality. I mean we have already made the motion.

**General Manager Paul Southland** the resolution is just formalize on the motion and it needs to be noted how long the resolution is in effect.

**Commissioner Clay Hammer** I would amend the resolution it and add that we hear back by Friday.

**President Commissioner John Jensen** ok then is that ok with the second.

**Commissioner Robert Larson** that is perfect.

*General Manager Paul Southland* excuse me gentleman if you would mind I would think that (un-audible) would be more appropriate you are going to have a teleconference on the 30<sup>th</sup> but if we had an answer on Friday that would give us time to act appropriately if he turns it down.

*President Commissioner John Jensen* right.

*General Manager Paul Southland* you know if you had something front of you that would be appropriate and that give him the rest of the week to look at it.

*President Commissioner John Jensen* that is what I was thinking to I mean we can open up the discussions again on the 30<sup>th</sup> if we need to.

*Commissioner Robert Larson* and that sounds good to me.

*Secretary Rhonda Christian* if I may since there has been a lot of confusion and again correct me if I'm mistaken we are going to create the resolution 2013-03 by going through the already approved amended motion corrected the original motion are you with me all, ok and your expiration date of Friday the 19<sup>th</sup>.

*President Commissioner John Jensen* no that is Friday the 20 something.

*Secretary Rhonda Christian* Friday the 26<sup>th</sup> excuse me I got that corrected and that was seconded by Ashton.

*Consensus of the commission*

*Secretary Rhonda Christian* very good.

*President Commissioner John Jensen* yeah go ahead roll call vote please.

**TBPA GM Hire Resolution:**

Commissioner Clay Hammer **MADE A MOTION** I so move to put this offer into the form of a resolution 2013-03 with a reply date to be set for Friday the 26th.

Commissioner Robert Larson **SECONDED** the MOTION.

**Question was called for roll call vote:**

**Yes – Commissioner Robert Larson**

**Yes – Commissioner Brian Ashton**

**Yes – Commissioner Joe Nelson**

**No – Commissioner Dave Galla**

**Yes – Commissioner Clay Hammer**

**Yes – Commissioner President John Jensen**

**MOTION CARRIED unanimously 5/1.**

*Commissioner Robert Larson* one last item on the meeting of the 30<sup>th</sup> um I have to catch that airplane by 10:00 can we meet if it is a teleconference could we meet say at 8:00 am.

*General Manager Paul Southland* the time that was set up was 9:00 am. Does that work for you?.

*Commissioner Robert Larson* oh was it 9:00.

*General Manager Paul Southland* yes.

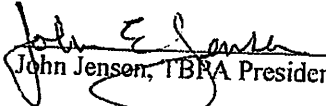
*~Cross Talk*

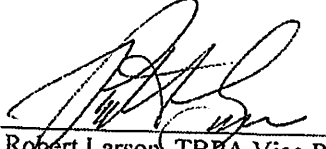
*Secretary Rhonda Christian* ok then for clarification then we have a regular Commission meeting set for Tuesday the 30<sup>th</sup> which is going to be a teleconference at 9:00 am.

*President Commissioner John Jensen* we need to move to adjourn.

*Secretary Rhonda Christian* thank you.

It was the consensus of the Commission to adjourn moved by Ashton and seconded by Larson the meeting ended at 11:40am

  
John Jensen, TBPA President      04/30/13      Date

  
Robert Larson, TBPA Vice President      4-30-13      Date

*Thomas Bay Power Authority - P.O. Box 1318 - Wainwright, Alaska 99929 - ph: (907) 874-3834 FX: (907) 874-2581*



**APPROVED**



— TYEE LAKE HYDROELECTRIC PROJECT —  
P. O. BOX 1318 WRANGELL, ALASKA 99929 (907) 874-3834 FAX (907) 874-2581

**THOMAS BAY POWER AUTHORITY  
SPECIAL COMMISSION MEETING**

**Minutes of  
April 26<sup>th</sup>, 2013  
FY2013**

**MEETING LOCATION**

**THOMAS BAY POWER AUTHORITY OFFICE  
4498 ZIMOVIA HIGHWAY – WRANGELL, AK 99929  
~And~  
PETERSBURG MUNICIPAL POWER AND LIGHT OFFICE  
11 SOUTH NORDIC DRIVE – WRANGELL, AK 99929**

**Summary of Items Discussed at this meeting:**  
GM Hire process

Thomas Bay Power Authority's Regular Commission Meeting was called to order by President John Jensen on Friday April 26<sup>th</sup>, 2013 at 1:30 pm.

**Present were:** Commissioners President John Jensen, Vice President Robert Larson, Secretary/Treasurer Dave Galla, Member at Large Brian Ashton, Joe Nelson, Clay Hammer and Warren Edgley.

**A QUORUM was established:** 7 present

**Also present were:** TBPA General Manager Paul Southland and TBPA Commission Secretary Rhonda Christian.

**Visitors Acknowledged:** Sherry and Michael Nicholls, Chloe Edgley and Archie Galyean all from Wrangell Alaska.

**Persons to be heard:** None

**Amendment to the Agenda:** None

**Conflict of Interest:** None

**TBPA GM Hire Motion:**

Commissioner Clay Hammer **MADE A MOTION** for resolution 2013-03 is modified in the salary section B and this contract is subject to a 6 month probationary period and at the end of the first 3 months of that period the salary will be increased by \$5,000.00 in his annual salary, under section 5 benefits under section "F" PTO will be established in the first year as 34 days. Commissioner Robert Larson **SECONDED the MOTION**.

**Discussion was called for:**

*The consensus of this lengthy discussion was that the commission will hire Michael J. Nicholls as the Thomas Bay Power Authority General Manager employment is to begin on May 3, 2013 as the TBPA General Manager. Discussions of specific approved items are the following: 2 year contract; first three month he will be paid \$90,000.00 salary; after the 3 month probationary period his salary will be adjusted to \$95,000.00; the full probation period will be 6 months; 34 days of PTO is be added into a resolution.*

*PTO is paid out in full upon resignation as foreman; moving expenses are moot and are already taken care of.*

**Question was called for roll call vote by Commissioner Joe Nelson:**

No – Commissioner Dave Galla  
No – Commissioner Warren Edgley  
Yes – Commissioner Clay Hammer  
Yes – Commissioner Robert Larson  
Yes – Commissioner Brian Ashton  
Yes – Commissioner Joe Nelson  
Yes – Commissioner President John Jensen  
**MOTION PASSES 5/2.**

**TBPA GM Adoption of Resolution 2013-04:**

Commissioner Robert Larson **MADE A MOTION** to adopt the resolution 2013-04. Commissioner Clay Hammer **SECONDED the MOTION**.

**Discussion was called for:**

*A formal resolution was created and handed to Mr. Michael Nicholls for approval, he approved. During conversation there was one error noted by Mr. Nicholls regarding the expiration date of acceptance this was changed. Commissioner Warren Edgley asked that this resolution be read into the record:  
Resolution 2013-04 Attachment Provided.*

**Question was called for roll call vote by Commissioner Joe Nelson:**

No – Commissioner Warren Edgley  
Yes – Commissioner Clay Hammer  
Yes – Commissioner Robert Larson  
Yes – Commissioner Brian Ashton  
Yes – Commissioner Joe Nelson  
No – Commissioner Dave Galla  
**Yes – Commissioner President John Jensen**  
**MOTION PASSES 5/2.**

**Motion: TBPA GM Relieve of Duties:**

Commissioner David Galla **MADE A MOTION** to relieve Paul Southland of all duties as General Manager. Commissioner Warren Edgley **SECONDED the MOTION**.

**Discussion was called for:**

*Discussion took place if we are to release Paul who will take over; there is a provision when there is no manager that the president takes over in the commission policies or a board member is appointed. Paul Southland was asked if this was his desire, he replied yes. There was concern to show Mick how things work to make this a smooth transaction and function well and if there was any way for Paul to stay it would be the best for the organization. Paul Southland shared a comment regarding Micks email that he sent out to the Commission on the 24<sup>th</sup> he indicated that he is wary any of the things being done by me and it may be more appropriate that he not be involved even though there has not been any interaction he questions Micks desire to help him at this point and from the email his integrity is being questioned.*

**Question was called for roll call vote by Commissioner Clay Hammer:**

**Yes – Commissioner Clay Hammer**

**No – Commissioner Robert Larson**

**Yes – Commissioner Brian Ashton**

**Yes – Commissioner Joe Nelson**

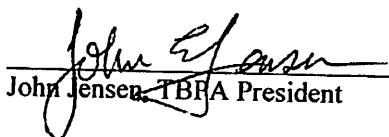
**Yes – Commissioner Dave Galla**

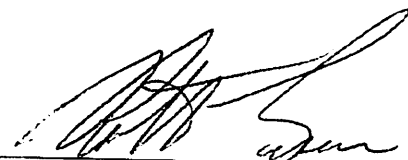
**Yes – Commissioner Warren Edgley**

**No – Commissioner President, John Jensen**

**MOTION PASSES 5/2.**

It was the consensus of the Commission to adjourn moved by Larson and seconded by Hammer the meeting ended at 2:20 pm

  
John Jensen, TBPA President Date

  
Robert Larson, TBPA Vice President Date

*City and Borough of Wrangell, Alaska*

Economic Development Committee

June 27, 2013

6:30pm Assembly Chambers

Minutes

Call To Order

Roll Call: Present - Dawn Angerman, Daniel Blake, Dorothy Hunt- Sweat, Marlene Clark, Julie Decker, Cyni Waddington, Bob Maxand

Amendments to the Agenda- none

Approval of Minutes: April 24, 2013

DB moves

BM 2<sup>nd</sup>

Approved

Persons to be Heard - None

Correspondence

a) Draft Alaska Mariculture Development Prospectus

State of Alaska's draft prospectus with community meetings in the fall. Glenn Haight at DCCED has been working on. What are the needs to better launch the industry. Think how our community could potentially participate from this development opportunity. 70 permitted farms in AK with about 30 having sales every year. This targets shellfish farming.. but it could be broadened to look at restoration and enhancement. Getting ready to release first King crab raised in captivity out of Seward for release in Kodiak Island. SE dive fisheries are looking for seacumbers to be hatched.

Jackie DeMontigny asks about the regional oyster farmers needing a local market and distribution. The local oyster product doesn't seem to be well known in Wrangell. Will that be part of the plan?

JD main issue is the seed and getting the oysters, the technical elements of the business.

Bob Dalrymple. USFS is also very interested in this being the upland land owner and we have 2 permitted in the Wrangell district.

b) July 10: Wrangell Stewardship Contracting Public Meeting

Erik Wortman: Community workshop being put on working with USFS, STATE, and SEACC. Hopefully looking at stewardship contracting issues and looking at receipts and how to use them for forest enhancement projects.

JD What kind of enhancement? For timber/trails/road improvement/ fisheries habitat?  
EW there are criteria that identifies stewardship type projects. But need to get public collaboration

c) Brass Tacks business workshop – video conference at the library on 6/27 5:00pm

Old Business

a) Draft Wrangell Timber Plan

DA: Should pass on to the assembly to review and accept or not.

Is all happy with content? Generically? What it says? And what can we do with it..

BM moves to approve with clean up changes and final review by committee by email

DA 2<sup>nd</sup>

Approved

Marlene Clarck has issue with fact that the USFS focuses on fact that 80 years to cut 2<sup>nd</sup> growth. AO... usually 70 years is the minimum BD.. By law cannot stand of trees until it reaches mean annual increment... when the rate of growth declines.. usually around 80 years

b) Maritime business development – update- started website.. contract has been signed and we will start the design work in August.

JD.. do we want to do a Marine Industry plan like the timber plan? Basis for the timber was as an outcome of the Transition Cluster plan

We have been in contact and discussion with the region and other communities.

Workforce Development.. do an interview rather than survey to solicit information for the plan.

c) Former Institute Property- update  
working on the advertising plan for the prospectus...

JD get ROW receipts and stick into fund for development of the property

We plan to talk to the USFS regarding contract and harvesting

Send recommendation to the Assembly. Logs would be going to Pats LTF  
Concern about the log trucks

City trees.. where does it go. MHTL is 100% export but city could say trees on borough land must remain in Wrangell. City could control where their ROW logs could go. Does the city want to get the most money or do you want to have jobs. MC If they can be locally milled and jobs kept in town we should be kept here. Is anyone in the borough up to arguing with ALCAN.. timber plan argues for encouraging, putting things in place to allow it to grow.

City trees, so they can have them decked or export.. what do we do with it.

AO in reality it is what negotiations you can work out with Alcan.

List of issues to discuss... need or want for timber on the Institute by music wood folks and Mike Allen

DA.. try to get aerals of the Institute.

d) Kiva Zip

DA moves to turn down participating in the program

BM 2<sup>nd</sup>

approved

#### New Business

a) Borough-USFS collaboration and coordination efforts: Update on USFS programs and projects by District Ranger Bob Dalrymple. Also present Austin Obrien timber staff, Tim Piazza – project leader for Wrangell Island Sale, IT leader out of Ketchikan.

Part of our collaboration with the community is to Update the City via the EDC, a noticed meeting, with minutes, and information that will be passed to Assembly and community.

Updates: Cabin removal EA.. not progressed further. Formal comment period is closed but still accepting comments regarding the cabins proposed for removal. Have been alot of comments not supporting getting rid of certain cabins.. Binkley Slough Cabin comments are to move it or reuse it.

Invasive Plant EA has been worked on over last year. Draft document hope to have out in July. The plan is to look at how to manage invasive plants on the district. Providing a suite of tools.. from hand pulling, mechanical treatment, herbicides, burning. Restrictions for certain uses – some are for individual plants by hand or on target species only. No herbicides are proposed near waterways.

RAC funded a community invasive plant plan in partnership with the Alaska Association of Conservation Districts and should probably be out this summer. How the borough wants to proceed is entirely up to the Borough, but it presents the Borough with the invasive weed situation and possible options.

USFS is now doing hand pulling with boy scouts, but it has limited effectiveness. Would take collective suite thru all landownerships. USFS has some brochures on invasive species.



USFS had surplus property, sold two lots up on the hill. Getting ready to sell the Ranger house on First Avenue

In Fall, revision to the Anan management plan will be out for comment. Decision is between the allocation for commercial and non commercial. Caveat is that people can hire commercial to take down. Trend right now is that 70% use someone to take them rest go on their own

Subsistence Issues: BD was required to close Stikine River for subsistence fishery first time ever. Normal fish allocation and Transborder agreements determines allotment. We did not get enough anticipated escapement, so all fish on subsistence was closed. They look at the numbers every week and it was opened as soon as numbers got bigger. Sockeye is now back open. Strict reporting requirements. USFS manages the federal subsistence fishery.

Deer: State of AK has requested USFS federal Subsistence Board to close harvest on Lindenberg Peninsula near Mitkof Island. Concern on that closure are the related effects, people going over to Zarembo to hunt. Having a meeting on 7/1 at 6:00pm if interested in participating.

Wrangell Island Sale update: We have just recently gotten through the USFS internal process. Can't yet show the individual units proposed for harvesting. Timber harvest is now allowed in Red areas on the map (will leave in Carol's office). White area is what has been harvested, cross hatch is Old Growth Reserves (OGR) wildlife conservation strategy for Forest Plan. This has been through a scoping process a couple of times, but the results from the recent internal discussion is that we have to go back out to public once more in Fed Register. We have a new objection process, anyone can appeal. USFS is trying to move away from appeals to an objection process. Let people know. A 218 objection process 218 CFR requires a new notice of intent. Public news letter. We received a lot of public input and feedback that we need to manage road systems as part of the sale process, look at how we will manage roads on the island. Current policy is now to close all the roads when done with sale, but the idea is to take another look in the EIS at what might stay open and what type of traffic the roads should have, what the community wants. Many roads are closed because of water quality issues- plugged culverts, ditches over grown, erosion. The Wrangell Island website is [http://www.fs.fed.us/nepa/nepa\\_project\\_exp.php?project=27243](http://www.fs.fed.us/nepa/nepa_project_exp.php?project=27243) and you can sign up for the newsletter.

TP: the proposed action originally was scoped at 80 million board feet, but based on more field work completed it is now at 60 million to meet Forest Plan design standards and guidelines without any modifications or adjustments. In the design looked hard at resource concerns. We have issues on the resources.... Some of the issues could be significant. Trying to package an economic sale, providing enough timber. Looking at modifying the OGR. Was directed to

consider this option in light of the Roadless Rule – it wasn't in place in Alaska when the plan last went into effect. If we could shift some of the OGR into the Roadless areas, and allow harvest in those opened up areas. Significant issue but drives the alternatives. Do it in a different way but still meet the Forest Plan? Another issue is road access based on community comments. This affects more recreation and subsistence use rather than timber volume, so the issue is how the roads are handled after the sale is complete. Can we dual designate roads.. allow all vehicles until sale is complete and then close it but open to ATVs. It is possible that there could be new comments

Proposed action is Alt 2 at 60 million board feet. Alt 3 is the maximum timber available... stemmed from the original intent of the project to provide one sale over 10 year to provide incentive to create an opportunity to capitalize a mill. This alternative will take Forest plan amendments to shift OGR.. and change visual constraints on the road system. It will change how much can be harvested near recreation sites, more than normal., and redesignating Land use designations. 125 million Board feet is estimated. Was originally identified over 300,000 suitable timber acres, which did NOT include OGR. OG is a subjective term- it may be Old Growth and isn't merchantable, old wood vs. merchantable.

Alt 4 lies between Alternatives 2 and 3.. it is unique and based on comments from the borough. While we are not ready yet to transition to Young Growth for another 30 years, it looks at how can we bridge that, looking at a 30 year horizon, and what could be harvested over a 30 year period. It tries to identify what will green up during that time so areas can be harvested later that cannot be harvested now. Looks at more resource concerns, at partial helicopter harvesting and not build some roads.

Green up: requires that an adjacent stand reaches point of maturity before harvesting next to it.. an over all visual landscape that can be modified at one time.. green up takes usually around 10-15 years before harvesting adjacent stands if it is OG.

Maximizes open size to 150 acres in Alt 3. Alt 4 varies between 40 and 100 acres of the opening. 91million total, but 13 million is in the latter years.. so 70 million board feet is for first 10 years.

Another component of the EIS is road management and what we plan on doing with them. Proposed action is to build and then close using current ATM plan.

Alts 3 and 4 will take action on road by road basis... and then the ATM plan would become what is approved for Wrangell island sale. If you have concerns about some certain roads, during scoping is the time to comment again.

Need to look at existing roads- uses, needs.

Will have a project website (right now it is [http://www.fs.fed.us/nepa/nepa\\_project\\_exp.php?project=27243](http://www.fs.fed.us/nepa/nepa_project_exp.php?project=27243)) .. post all the maps



and letters for everything. Info will be in Federal Register and mailed to all those who previously responded.

Stewardship projects: looking for brainstorming ideas.. restoration projects, to create a robust list of opportunities - -utilize the contractor to implement the project. Receipts from the sale of the timber are used to do these restoration and enhancement projects. We can retain them back to work on the ground. The authority will sunset 9/3 2013.. but should be renewed. More geared toward watershed restoration.. wildlife thinning.. some recreation uses such as maintenance/restoration, hardening a trail surface. Receipts can be used on non federal lands.. borough and state and private. Will put some of these projects within the EIS.. or might be handled separately. Again, ideas need to be submitted to USFS.

The 7/10 Stewardship contracting workshops will be a continuation of previous workshop.

July have new scoping. 30 day comment period. NEPA late fall with 45 day comments and public meetings... maybe final EIS by next spring. The objection process puts out the draft decision so folks can comment on that.

Borough has cooperating agency status as does state forestry and habitat, and USFWS. Process that is more inclusive than normal.. all cooperating agencies must be governmental agencies...

Discussion about Pats Creek restoration opportunities – mix of land ownership.

Considering vault toilets – could create a business opportunity to pump.

What is the experience of working with the State? ie Pats Creek Road. Gets more complicated when not Fed lands. Promoting economic opportunity.. .. borough land does not need to be adjacent...

USFS will share the existing list.

Has wildlife habitat improvements, fish improvements, talking with school district about egg boxes. Get a whole bunch of ideas before dismissing any particular project.

If put into EIS will be displayed and can be implemented through contracting tools we have.

b) RFP develop a master plan identifying uses along the water front.

c) If sales tax initiative passes.. how long before it can be changed. Is it 3 years?? BM: I am used to paying it now, but if you were to raise it, I might object.

Going to lose a lot of money if it is lowered. Is there anyway to get this info out?  
Information materials will be comprised in July/August.

CW: The budget page is handed out in Chamber office. People must know what the consequences are. Hopefully the chamber board will be proactive

Adjourned 8:37pm

DRAFT

# **Agenda Item 12a**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013**

#### **INFORMATION:**

**AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA TO ADJUST THE RATE OF CONSUMER SALES TAX LEVIED WITHIN THE CITY AND BOROUGH OF WRANGELL, ALASKA (*second reading*)**

#### **Attachments**

1. Proposed Ordinance
2. Letter to sponsors regarding Petition for Initiative Ordinance, dated September 6, 2012
3. Sufficiency of Initiative Petition, dated November 30, 2012

#### **RECOMMENDED ACTION:**

Move to approve Ordinance No. 869.

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CITY AND BOROUGH OF WRANGELL

ORDINANCE No. 869

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND  
BOROUGH OF WRANGELL, ALASKA TO ADJUST THE  
RATE OF CONSUMER SALES TAX LEVIED WITHIN THE  
CITY AND BOROUGH OF WRANGELL, ALASKA

BE IT ORDAINED BY THE VOTING CITIZENS OF THE CITY AND  
BOROUGH OF WRANGELL, ALASKA.

SEC. 1        Action. The purpose of this ordinance is to adjust the rate of Consumer sales tax within the City and Borough of Wrangell. This ordinance amends Section 5.08.020 of the Wrangell Municipal Code.

SEC. 2        Amendment. Section 5.08.020 of the Wrangell Municipal code is amended as follows:

The words: "The consumer sales tax is levied in the amount of seven percent of the sales price" are stricken from Section 5.08.020 of the Wrangell Municipal Code and replaced with the words, "The consumer sales tax is levied in the amount of five and one half percent (5.5%) of the sales price."

SEC. 3        Effect of the Amendment. The effect of this ordinance is that Section 5.08.020 of the Wrangell Municipal Code is amended to read in its entirety:

The consumer sales tax is levied in the amount of five and one half percent (5.5%) of the sales price of all retail sales, on all rents, and on all services, made, paid or performed within the municipality.

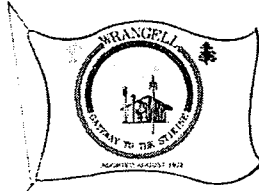
SEC. 4        Classification. This is a permanent code ordinance.

SEC. 5        Initiative Election. The Proposition to approve this ordinance would adjust the rate of consumer sales tax levied within the City and Borough of Wrangell, Alaska, and shall Ordinance No. 869 of the Borough authorizing the sales tax adjustment be approved, and that the Proposition be submitted to the qualified voters of the Borough for approval or rejection at the next regular borough election, to be held October 1, 2013.

CITY AND BOROUGH OF WRANGELL

PROPOSITION 1

Kim Flores, Borough Clerk



City & Borough of Wrangell, Alaska  
P.O. Box 531  
Wrangell, Alaska 99929  
Ph: (907) 874-2381  
Fax: (907) 874-3952 or 874-2304  
[clerk@wrangell.com](mailto:clerk@wrangell.com)

September 6, 2012  
Via US Mail and Email

Ernie Christian  
P.O. Box 428  
Wrangell, AK 99929  
[echristian@aptalaska.net](mailto:echristian@aptalaska.net)

Rhonda Dawson  
P.O. Box 575  
Wrangell, AK 99929  
[rhondainwrangell@hotmail.com](mailto:rhondainwrangell@hotmail.com)

Re: Petition Booklets for Initiative Ordinance

Dear Mr. Christian and Ms. Dawson:

The Petition booklets for the Initiative Ordinance to adjust the Rate of Consumer Sales Tax Levied within the City & Borough of Wrangell from seven percent (7%) to five and one half percent (5.5%) be placed on the ballot for the next Regular Borough Election to be held October 1, 2013 shall be prepared and will be ready for pickup at my office, no later than the afternoon of September 6, 2012.

As the contact person, you are responsible for notifying sponsors that the petition will be available at that time. In reference to WMC 2.32.030 (C), copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

Per WMC 2.32.040 (A), the signatures on an initiative or referendum petition shall be secured within 90 days after the clerk issues the petition.

*Letter to Mr. Christian and Ms. Dawson*  
*September 6, 2012*  
*Page 2 of 2*

Also, per WMC 2.32.050 (A), all copies of an initiative or referendum petition shall be assembled and filed as a single instrument.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Flores". The signature is fluid and cursive, with the first name "Kim" and last name "Flores" clearly distinguishable.

Kim Flores  
Borough Clerk

cc: Mayor/Assembly Members  
Borough Manager  
Borough Attorney





City & Borough of Wrangell  
P.O. Box 531  
Wrangell, AK 99929  
Ph: 907-874-2381  
clerk@wrangell.com

November 30, 2012  
Via US Mail and Email

Ernie Christian  
P.O. Box 575  
Wrangell, AK 99929  
*echristian@aptalaska.net*


Rhonda Christian  
P.O. Box 575  
Wrangell, AK 99929  
*rhondainwrangell@hotmail.com*

Re: Sufficiency of Initiative Petition

Dear Mr. & Mrs. Christian:

Upon review and in consultation with the Borough Attorneys, I hereby certify that the Initiative Petition to adjust the Rate of Consumer Sales Tax Levied within the City & Borough of Wrangell from seven percent (7%) to five and one half percent (5.5%) is sufficient and filed with the City and Borough of Wrangell.

There were a total of 113 valid signatures received as of November 21, 2012, of which 94 signatures were needed.

  
\_\_\_\_\_  
Kim Flores, Borough Clerk

11-30-12  
Date:

cc: Mayor and Assembly Members  
Borough Attorney  
Borough Manager

**TO: THE HONORABLE MAYOR AND ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: TIMOTHY D. ROONEY  
BOROUGH MANAGER**

**RE: BOROUGH MANAGER'S REPORT**

**DATE: July 19, 2013**

*"I hated myself for going, why couldn't I be the kind of person who stays?"*

*- Jonathan Safran Foer  
American Author*

**MANAGERIAL:**

BEARFEST - Bearfest is from July 24-28, 2013. There are lots of great workshops, bear research symposiums, music, storytelling, and fun activities for all ages. Photo workshops, kids activities and evening music or presentations are always well attended. A short version of the schedule has been put as an insert in the newspaper and is attached to this report. A longer more detailed version is available around town or line at [www.alaskabearfest.org](http://www.alaskabearfest.org).

TECHNOLOGY COMMITTEE – The Technology Committee conducted a meeting on Wednesday, June 12, 2013 at 4:00 PM at City Hall. At the meeting, two policy documents were finalized and have been forwarded to the Borough Assembly for consideration at their July 23, 2013 regular meeting. There are two potential policies, one regarding the use of technology by the Borough Assembly solely and the other for the use of technology by all elected/appointed Boards and Commissions of the City and Borough of Wrangell. Copies of the proposed policies are included in the July 23, 2013 Borough Assembly packet.

WASHINGTON UPDATE – Mr. Gilman and Mr. O'Kelly have provided a quarterly update regarding several items of interest to the City and Borough of Wrangell and the State of Alaska. The update is attached for your review and provides information regarding the FY 2014 Federal Budget, Water Resources Development Act, Secure Rural Schools/PILT Reauthorization, Tongass Timber Management, Fisheries, Sealaska Withdrawal Legislation, Energy, TWIC Reform, and Southeast Sea Otter Management.

Particularly noteworthy among those items is Senator Lisa Murkowski's bill to promote the development of small hydropower projects and to streamline the FERC licensing process for such projects. Senator Begich is the bill's co-sponsor and it has passed out of Committee and is awaiting action on the floor. The House of Representatives has passed its version earlier.

TIMESHEET – My timesheet for the month of June is attached for your information and review.

**CAPITAL PROJECTS:**

300-TON MARINE VESSEL HOIST - Upon Assembly approval, Ascom will begin adding the operator station from change order one to the final design and submit the final drawings to the Borough for approval. This item is on the July 23, 2013 Borough Assembly agenda for approval.

CASSIAR STREET ROAD AND UTILITY IMPROVEMENTS - Plans are bid-ready and grant documents are in hand. Staff is currently working on approvals of the plans and specifications from the grant sources so that the project can go to bid. It is anticipated that some work on utilities could begin late this season if the weather allows with the remaining work to be complete by next fall.

COMMUNITY CENTER RENOVATIONS - Staff continues to pursue closeout with Johnson Construction and Supply, Inc. for the Community Center Roof Replacement project. Cost estimates are being prepared to help determine the scope of the asbestos removal to be performed with remaining grant funds.

HERITAGE HARBOR - Most remaining grant funds for Heritage Harbor are designated to go toward the Mariners' Memorial. The Port Commission is working on conceptual designs at this time.

MARINE SERVICE CENTER, PIER STRUCTURAL UPGRADES - Pool engineering has begun work on the pier upgrades and good progress is being made. The two new batter piles have been driven and attached to the existing dock structure. Scaffolding is in place under the dock to allow work to begin on the new reinforcing beams.

MARINE SERVICE CENTER, CONCRETE PAVING PHASE II - Southeast Roadbuilders has completed work in area 1B at the North end of the Marine Service Center (at the end of Silvernail Road) allowing access again at that gate. Steel reinforcement is complete in area 2A in front of Chuck Jenkins shop with concrete to begin being placed on July 23, 2013. Excavation has also begun on area 2 which is right in the middle of the boat storage area. Less wood waste is being encountered in this area than expected and the contractor is currently on track to complete the project earlier than originally anticipated.

WEBER STREET PAVING - This project is being designed, funded, and will be constructed by the Wrangell Cooperative Association. Borough staff has been reviewing and approving plans and assisting the WCA as needed. Currently the project is scheduled to bid this Winter with construction to begin as soon as weather allows in the Spring.

***Borough Manager's Report***

***July 19, 2013***

***Page 3 of 11***

WOOD STREET IMPROVEMENTS - This project is bid ready, funded, and waiting until completion of the WMC replacement facility before it goes to bid and construction.

ZIMOVIA HIGHWAY PAVING - Staff has been receiving numerous questions regarding the Zimovia Highway Paving project and has been assisting the State, SECON, and the public as needed. This is a State DOT project.

**CONVENTION AND VISITORS BUREAU:**

TRAVEL WRITERS - Several travel writers have already visited Wrangell (with assistance from private businesses) and participated in local things to see and do. There are currently five more writers that the CVB is hosting in one way or another. Three of these writers were a result of contacts made the last two years from the Alaska Media Roadshow that is hosted by the Alaska Travel Industry Association and that Wrangell attends as part of the Alaska Rainforest Islands consortium. One writer is arriving on the Silver Shadow; One will be here for three days during Bearfest and has multiple stories to cover including one for Alaska Airlines magazine and other stories on "Best Kept Secrets", Bearfest, and Native Culture; One is arriving on the ferry and focusing on RV parks and things to do; And one has an article for National Geographic Traveler.

WRANGELL TOURISM BROCHURES - Wrangell CVB participates in the ferry brochure restocking program that Alaska Marine Highway System has implemented for all communities and businesses that want their brochure on board. CVB pays a contractor to keep our Wrangell brochures on board all of the southeast ferries. Approximately 2500 were shipped to Juneau at the end of April and staff has just shipped approximately 2500 more.

WRANGELL ARTICLES - Recently there were two media articles on Wrangell. One was an economy related article about the maritime industry in the July issue of Pacific Fishing and one was a tourism related article in July issue of Alaska Business Monthly, both by Paula Dobbyn. Both articles have been attached for your information and review.

**ECONOMIC DEVELOPMENT:**

PEOPLE AND PLACE CAMPAIGN - The People and Place Campaign is a program which is funded through private foundations and non-profits to maximize local benefits and build capacity within a community. Currently there are two individuals in Wrangell that the People and Place program is funding – Ms. Angie Eldred (working with the Southeast Alaska Watershed Coalition) and Mr. Eric Wortman (working with Southeast Alaska Conservation Council). Mr. Wortman helped set up the recent Stewardship Contracting workshops in partnership with SEACC, USFS, and Nature Conservancy. These were a follow-up to the Stewardship Contracting workshops held last fall in Wrangell.

***Borough Manager's Report***

***July 19, 2013***

***Page 4 of 11***

There were approximately 15 individuals attending that included presenters and USFS personnel. The focus of the workshop was to explain what Stewardship Contracting is and discuss the potential use of it for future timber sales, including the current Wrangell Island Timber Sale. Stewardship contracting, in a nutshell, allows timber receipts to remain in the region (hopefully with the district within which they are obtained, but not necessarily). The money can be used for restoration projects, thinning, roadwork to stop erosion, stream and fisheries enhancement, invasive weed eradication, etc. Under current federal regulations, it cannot directly be used for recreation projects unless it is for maintenance that eliminates an environmental concern. Stewardship contracting requires local collaboration and could potentially provide some jobs for contractors, but the longevity and value of those jobs would depend on the scale of the contracts and projects to undertake.

The USFS is seeking ideas from the community for stewardship projects- as well as any ideas the community may have or things they would like to see. Attached is a list they have currently put together based on local input, but more ideas through the next scoping process for the Wrangell Island Timber Sale would be welcomed. Comments can also be provided to Ms. Rushmore, who is currently representing the Borough in the Cooperating Agency meeting on the Wrangell Island Timber Sale.

**WRANGELL ISLAND TIMBER SALE** - The Wrangell Island Timber Sale has been delayed yet again and will go out for a third scoping process by the end of July. Basically, the volume of timber originally thought available for the sale to meet all plan requirements without any adjustments, has been dramatically reduced from about 80mbf to approximately 60mbf. Because this is considered a significant change, and because other issues have been added to the EIS statement of intent, it was determined that legally a new 30-day scoping period was required.

Wrangell Island Road Management issues will also be added to this EIS, since road closures/maintenance and uses are so important to citizens of Wrangell. Different alternatives in the EIS require new road construction, but typically those roads are closed shortly after the sale is completed. The EIS will allow for **(and need)** comments by the community pertaining to road needs and usage. The alternatives currently proposed within the EIS range from about 60mbf to approximately 125mbf of timber.

The Scoping notice should be out in the Federal Register by the end of the month with a 30-day scoping period. It is very important for the community to comment on any aspects of the issues in the scoping notice and become involved in this sale process. One of the things the USFS is considering for the sale are multiple small sales, or a larger plus small sales, or stewardship contracting.

For information online go to: [http://www.fs.fed.us/nepa/nepa\\_project\\_exp.php?project=34831](http://www.fs.fed.us/nepa/nepa_project_exp.php?project=34831).

***Borough Manager's Report***

***July 19, 2013***

***Page 5 of 11***

**COLLABORATIVE EFFORTS** - The Economic Development Committee met in June. Part of the USFS local collaborative effort is to attend and participate with the EDC - provide updates as to local project status, answer questions, and interact on mutual issues of concern. That information will then be forwarded to the Assembly via direct memos or minutes. The EDC will also work cooperatively with the USFS to provide public input and help solicit public participation on various Forest Service projects. An update and status report was provided at the June EDC meeting and those minutes are included in the Assembly Packet.

**ELECTRIC:**

**POWER PLANT MODIFICATIONS** – Staff has been relocating the roll up access door to the Unit #5 building (20 Cylinder) from the switch gear side of the building to the North end. When completed, this project will allow for vehicle access to this building and will enable the storage of at least one more vehicle out of the weather, thus extending the service life of the truck as well as improving the ability to move large generation components in and out of the building.

**SERVICE UPGRADES** - Staff has been working on several service upgrades throughout the community. The new service to the Post Office is complete and they are now using electric heat. The transformers have arrived for Ketchikan Ready Mix and staff awaits completion of the work required on their end to complete that service. There is also a large pad mount transformer scheduled for change out next week in the Marine Service Center. This has been a coordinated effort waiting until the business owners have a slow spot in their schedule that would allow the change out without adversely affecting their businesses. Line maintenance continues to be a priority with the good weather at hand with brushing and pole repair high on the list.

**MET TOWER** - Staff continues to move forward with the MET tower test site projects. The Alaska Energy Authority (AEA) has hit a snag with the permitting of the Spur Road location as the FAA has concerns that the test tower will be in the flight path of the airport. AEA staff is hoping the more detailed photos provided by the City and Borough of Wrangell will mitigate their concerns over this potential impact as the tower is only 30 feet tall and the trees on the hill top are at least 50 feet tall.

The Salamander Ridge site has made it through the initial Forest Service screening process required under Special Use Streamline Regulations and will be proceeding further as soon as Cost Recovery obligations have been met. At the current rate of progress it is hoped that both towers may be in place collecting data by the end of the coming month.

**ELECTRIC LOADS** - As the commercial fishing season ramps up to full swing, the electrical load for the community has predictably ramped up as well. To date, both Sea Level Seafood and Trident Seafood have been busy and this has driven our peak load to 6.3 megawatts. With the coming of the seine openings, staff expects this peak to top out around 7 megawatts if the fish

***Borough Manager's Report***  
***July 19, 2013***  
***Page 6 of 11***

numbers materialize. Wrangell's primary fish export has been frozen product and these numbers reflect the dependency on powerful refrigeration to accomplish this task.

**FINANCE:**

IMPORTANT DATES – Below is a reminder of upcoming dates of significance in the Finance Department:

- JULY 31, 2013 – Fourth quarter sales tax returns due for the quarter ending June 30, 2013.
- AUGUST 12, 2013 – The City Auditors will be conducting the Annual Audit as is required by law during this week.

AUDIT – Staff is in the process of preparing year end schedules and documents for our auditors who arrive and will be here the week of August 12, 2013. The audit is an annual requirement of the Wrangell Municipal Code, but also is a requirement of the State and Federal government for grant compliance. Additionally it is also required by the State in order to receive revenue sharing money. Although generally referred to as an audit - which it is - it is also a time that staff works with the auditors in reviewing practices to see if changes should be implemented. When the audit work is completed, the auditors then assist staff in the development of the financial statements and other required information.

TRAINING AND DEVELOPMENT - The training of new employees in new positions within the department are going well as they continue to learn new aspects of their jobs. This will be an ongoing process as there is much to learn. There will be some additional out-of-town training that will be conducted this Fall that revolves around payroll and the many State and Federal requirements.

FUEL SURCHARGE – The August utility bills will include the fuel surcharge for the June shutdown. The surcharge rate is 5.8 cents per KWH for the KWH used on the June bill. If you used 500 KWH in June, the surcharge amount would be an additional \$29 on your July bill.

**LIBRARY:**

CIRCULATION STATISTICS - The library keeps circulation statistics (items checked out) specifically for our Alaska State Library grants. During the FY2013, the community borrowed 37,724 items from the library as compared to 31,801 items in FY2012. The computers/internet were used 6,820 times in FY2013 as compared to 5,845 times in FY2012. The U.S. national average of borrowing items from a public library is 8.3 per capita and the City and Borough of Wrangell's average is 15.41 per capita.

***Borough Manager's Report***

***July 19, 2013***

***Page 7 of 11***

SUMMER READING PROGRAM – The Summer Reading Program will continue until July 31, 2013 and the pool/pizza party has been scheduled for Saturday, August 10, 2013 for all those elementary and middle school students that have completed the program. There have been some requests, especially from high school boys that have previously been in the program, to be able to participate next year. Therefore during the 2014 year, we will be offering the program to students from kindergarten through those entering their senior year in high school.

VIDEOCONFERENCE - The library will be hosting a videoconference on Monday, July 22, 2013 at 6:00 PM. Mr. Bill Butler will be presenting his true story of disaster and survival during his 66 days adrift on the Pacific Ocean.

MS. ROBIN GERBER – On Tuesday, August 6, 2013, the library will be hosting Ms. Robin Gerber, a powerful speaker, best-selling author and historian. She has appeared on History Channel and Biography Channel programming, as well as The PBS Newshour, and CBS and FOX channel affiliates. Her articles have appeared in *USAToday*, the *Washington Post*, *The Philadelphia Inquirer* and numerous other newspapers and magazines. Ms. Gerber is Senior Faculty for the Institute for Management Studies where she teaches her popular course on "Authentic Leadership."

Ms. Gerber is the author of the bestseller, ***Leadership the Eleanor Roosevelt Way: Timeless Strategies from the First Lady of Courage*** (Penguin/Portfolio). Her most recent book is the first biography of the founder of Mattel, Ruth Handler: ***Barbie and Ruth: The Story of the World's Most Famous Doll and Woman Who Created Her*** (Harper/Collins). Ms. Gerber's book ***Katharine Graham: The Leadership Journey of an American Icon*** with a foreword by Jim Collins, author of ***Good to Great*** (Penguin/Portfolio), explores the life of the legendary publisher of *The Washington Post* newspaper. Prior to becoming an author, Ms. Gerber practiced law in Washington, D.C. and worked on Capitol Hill. She has studied and written about leadership development since 1975.

BEARFEST EVENTS – During Bearfest, the library will be sponsoring the annual Teddy Bear Clinic along with its Read with a Ranger and Smokey Bear program on Friday, July 26, 2013 at 10:30 AM.

If you have any questions regarding the above items, please contact Ms. Jabusch.

**MUSEUM:**

VOLUNTEERS – Mr. Addie Florschutz, a local college student, has joined the Museum as a summer volunteer and will be assisting with the preparation and organization of the archives collection to ready it for databasing. Additionally, Ms. Cindy Kilpatrick continues to work on the object collection in preparation for a complete inventory.



***Borough Manager's Report***

***July 19, 2013***

***Page 8 of 11***

ROTATING EXHIBITS – The current rotating exhibits feature the history of the Russian fort in Wrangell, and also a display of the archaeological items found during the Downtown Revitalization Project. This display was developed by Ms. Kilpatrick and I recently received a letter commending her work from the Project Archaeologist, Mr. Paul Rushmore. The letter is attached for your information and review.

GIFT SHOP – There are a total of 17 cruise ships of varying sizes visiting Wrangell during the month of July, as well as numerous independent travelers. As a result, the Museum Gift Shop has witnessed a very busy month summer to date with July revenue figures on pace to be the best ever.

**NOLAN CENTER:**

UPCOMING EVENTS – The Nolan Center is booked solid during the upcoming Bearfest as the Nolan Center serves as the main hub for activities during the week. There will be live music on Thursday and Saturday evenings, July 25, 2013 and July 27, 2013, while on Friday evening July 26, 2013 there will be Storytelling. During the daytime hours through the week there are numerous public workshops and symposiums.

The Nolan Center will be hosting an Oncology Conference immediately following Bearfest.

SIGNAGE – New signs designating the Nolan Center grounds as prohibited to pets will be installed in the near future. The signage is necessary to alert both citizens and visitors that this area is not permitted as a relief area for animals. One of the items most enjoyed and commented on by visitors – as well as residents – are the planting areas surrounding the Nolan Center. This will assist staff in keeping this area clean for visitor and resident enjoyment – particularly during times of good weather like Wrangell has been experiencing lately.

**PARKS AND RECREATION:**

AQUATICS/POOL - The second of two, two-week sessions of Learn-To-Swim classes is currently running from July 15 – July 26, 2013. The demand for these children's swimming lessons is high, with each class full and experiencing waiting lists. The program is well supported by parents and encourages their participation in teaching their children this invaluable life skill.

THANK YOU - A special thanks to the Alaska Public Entity Insurance company who provided Parks & Recreation with a grant for a fully-submersible rescue training manikin. The manikin has arrived in Wrangell and has been implemented during surface dive and retrieve skill drills during Lifeguard practice sessions. Parks and Recreation staff is looking to name the manikin. If the public has an idea for a name, feel free to leave it in the Suggestion Box.

ENERGY SAVINGS - Following a recommendation from a 2011 energy audit, funded by Alaska Housing Finance Corporation, a removable surge tank cover was custom fabricated and installed as an energy efficiency measure within the pool system. Without a cover, the open tank allowed water heat loss and an increase to the humidity in the mechanical room. While the surge tank cover required minimal capital investment, it is anticipated as an operational and behavioral change, resulting in energy savings. As funds allow, further energy efficiency measures, as recommended in the energy audit, will be reviewed for implementation.

ANNUAL MAINTENANCE - The Recreation Center and Pool facility **will not** be closing for three weeks in August for annual maintenance. The facility will maintain regular operating hours throughout the month of August; however, there may be short closures to the swimming pool, as required by certain mechanical repairs. Necessary closures will be kept to a minimum, and the public will receive adequate notice. By following this schedule, we hope to minimize interruption to our patrons' activity schedules.

RECREATION PROGRAMS – The following updates are being offered regarding recreation programs:

- The Summer Recreation program continues to see a high level of participation from children ages 6-11. Daily activities include horseback riding, swimming, gardening, golfing, geocaching, dock fishing, hiking, Forest Explorers with the USFS, gym games, and crafts.
- The Parks & Recreation *Fun Run* took place on the morning of July 4, 2013. Thirty-eight people, ranging in ages from 10 to 65, participated in the event. First place finishers in each age class are posted on the Parks and Recreation web page for this event.
- The Parks and Recreation *3-on-3 Basketball Tournament* took place on July 2, 2013. There was one women's game and one men's game. The event's date was changed from its normal July 3<sup>rd</sup> occurrence, which was likely a reason for the poor turnout.

### **PORTS AND HARBORS:**

MARINE SERVICE CENTER OPERATIONS – The boat yard hours of operation have changed to Monday through Thursday, 7 AM to 5:30 PM. This 4-day work week is to allow for the contractor to have 3 unobstructed days to work around the Travelift pier. The boat yard operations have slowed down as expected for July, which also helps with the concrete, pier, and fisheries activities that are occurring. The public has been notified of the change in hours, as have the contractors in the yard.

MAINTENANCE - Harbor staff have been attending to and performing many small projects like the installation of the safety railing on the City Dock, brushing and cleaning the grids, painting, and general summer clean-up due to high use of the harbor areas.

**PUBLIC WORKS:**

**STREETS** - Public Works and Parks staff have things cleaned up and back to normal in town following the Independence Day holiday. For most of August, Public Works will primarily be performing hydrant flow testing on all of the over 200 fire hydrants in the water system and making other preparations for the 10 year visit from ISO on August 15, 2013. Once ISO is gone, street crews will focus on concrete repair and this season's street repaving work, including Mission Street.

**SOLID WASTE** - Household hazardous waste collected during the annual collection event has been shipped out and processed. The event was very successful and resulted in the collection of nine drums and two 4'x 4' totes of various hazardous wastes.

**WATER/WASTEWATER** - The water department is in the middle of the busiest portion of the year and is taking the necessary steps in order to keep up with water demand and keep the water plant operating at full capacity. The wastewater department is performing normal maintenance and assisting the water department.

**WATER TOWERS** - The benefits of having a second treated water storage tank were made very apparent on the day of the recent Thomas house fire. From the date of completion of the water treatment plant until the addition of the second treated water storage tank in 2010 by Johnson Construction, Wrangell operated off of one 440,000 gallon treated water storage tank.

Numerous times during those eleven years the water treatment operators would call fish processors to have them conserve water, shut down water to cruise ships, and appeal to the public to conserve water because the water tank was getting down to critical levels. Most concerning was that water storage was getting to levels where it would be difficult to supply water to a large or prolonged fire. The lowest the water level ever reached in the 32 foot tall tank was three feet deep. In that case the tank was about 400,000 gallons low.

On the day of the Thomas fire, because of the large number of people in town associated with the Independence Day holiday and some fish processing water usage, both tanks were already down to about 16 feet deep before the fire. By the end of the fire the tanks were down to 13 feet, the lowest level they have ever reached since the second water tank was installed. The tanks were low by 522,000 gallons that day when totaling both tanks. This means that with only one 440,000 gallon tank, Wrangell most certainly would have run out of water.

Staff was already making efforts to reduce water consumption around town and would have been much more aggressive about it if there was no second tank, but it is very clear that Wrangell has gained much by adding the second storage tank and even at the 13 feet the tanks reached, there was still over 350,000 gallons of water in the tanks in case of another major fire or breakdown at the treatment plant. The main limitations of the water system now are the inadequate capacity of

***Borough Manager's Report***  
***July 19, 2013***  
***Page 11 of 11***

the treatment plant to produce treated water and the limited size of the reservoirs. These are both issues that staff have and will continue to seek funding.

Mr. Johnson and the crews at the Water Treatment Plant should be commended for their efforts.

**ATTACHMENTS:**

1. Bearfest Schedule of Events
2. Quarterly Washington Update from Mr. Brad Gillman and Mr. Sebastian O'Kelly
3. June Timesheet
4. Wrangell Article from Pacific Fishing Magazine
5. Wrangell Article from Alaska Business Monthly
6. List of Ideas for Local Stewardship Projects
7. Letter from Mr. Paul Rushmore, Project Archaeologist for Downtown Revitalization Project





## July 24-28, 2013 Wrangell, Alaska Schedule of Events

### **DAILY July 24 – July 28**

#### **Charter Trips to Anan Wildlife Observatory**

Charter operators offer daily trips to Anan Wildlife Observatory to view the bears. Located south of Wrangell Island, about a one hour jetboat ride away or only 25 minutes by floatplane. Please check with local operators for departure times, costs and daily pass requirements. **Advanced reservations required.**

#### **Bearfest Photo Contest Exhibit - FREE**

Entries in the Third Annual Bearfest Photo Contest must be turned in by July 19. Details and rules for entering photos are on [www.alaskabearfest.org](http://www.alaskabearfest.org). Winners are posted by 5:00pm on Thursday, July 25. **Raffle Tickets** – Courtesy of sponsor Alaska Airlines, two Round Trip System-wide Airline Tickets are being raffled. A limited number of tickets are available at \$5.00 each.

### **WEDNESDAY- JULY 24**

**10:00am - 3:00pm Movies with bear themes** Nolan Center small theater in the Visitor Center Free.

**10:00am Photography Workshop: Printing and Displaying** Nolan Center. Free.

**2:00pm Bear Obstacle Course for kids** Elementary School Playground.

**2:00pm Photography Workshop – How to choose a camera** Nolan Center. Free.

**2:00pm Bear Viewing in Alaska** US Forest Service presentation at the Nolan Center. Free.

**5:00pm Welcome and Salmon Bake** Fundraiser for the Carving Shed at Shakes Island.

### **THURSDAY- JULY 25**

**9:00am Bear Deterrent Devices** Outdoor Shooting Range (just past golf course). Free

**10:00am - 3:00pm Movies with bear themes** Nolan Center small theater in the Visitor Center Free.

**10:30am Photography Workshop: Special Effects** Nolan Center. Free.

**12:30pm Photography Workshop: Motion and Action** Nolan Center. Free.

**1:00pm Cub Plunge** Parks and Recreation Indoor Swimming Pool. Free.

**1:30pm-5:00pm Bearfest Symposium: Bears Around the World** Held at the Nolan Center. Free.

**3:00pm Bocce Bear for Kids** Outer Drive lawn

**7:00pm Music of Pearl Django - Nolan Center - FREE CONCERT** - Seattle band will provide a great evening of gypsy jazz music and entertainment. (\$10 donations suggested).

### **FRIDAY- JULY 26**

**10:00am - 3:00pm 00pm Movies with bear themes** Nolan Center small theater in the Visitor Center Free.

**10:00am Photography Workshop: Depth of Field vs. Light, Finding the Balance** Nolan Center. Free.

**10:30am Read with a Ranger and Smokey Bear followed by the Annual Teddy Bear Check-up** At the Wrangell Library. Free.

**12:30pm Photography Workshop: Macro** Nolan Center. Free.

**1:00pm – 6:00pm Arts and Crafts Fair** Featuring local and regional artists at the Nolan Center.



**1:30pm-4:30pm Bearfest Symposium: Bear Research and Conservation** Held at the Nolan Center. Free.

**2:00pm Photography Workshop: Focal Length** Nolan Center. Free.

**7:00pm Anan Wildlife Observatory Management Plan** Presentation on existing conditions and requirements. Nolan Center.

**7:30pm – 8:15pm Lessons Learned – Bear Viewing here and there** Symposium panel discussion and town hall meeting to discuss the lessons learned from other bear viewing locations.

**8:30pm Jack Dalton – Storyteller** Native story teller Jack Dalton entertains with his mesmerizing stories and thought provoking messages. Nolan Center. Free.

### **SATURDAY - JULY 27**

**9:30am Gun Safety** Public Safety Building. Open to all ages. Free.

**10:00am Bearfest Golf Tournament** 18-holes best ball scramble and closest to the bear tournament at Muskeg Meadows Golf Course. Tournament begins at 10:00am. \$25 entry fee.

**10:00am Bear Workshop: Safety in Bear Country** Open to all ages. Nolan Center. Free.

**11:00am Make a Bear Mask followed by Good Camp/Bad Camp Workshop** City Hall lawn. Free.

**11:00am Bears of Anan – Bears of Anan Wildlife Observatory** US Forest Service slide show. Nolan Center. Free

**1:00pm-6:00pm Crafts and Arts Bazaar** Featuring local and regional artists at the Nolan Center.

**1:00pm Jack Dalton – Workshop: Storytelling and Acting** Native story teller Jack Dalton. Nolan Center

**4:00pm-5:00pm Photography Workshop: Smart phones apps and gadgets** Nolan Center. Free.

**2:30pm Street Games** City Hall lawn. Free.

**4:00pm Photography Workshop: Smart phones and tablets** Nolan Center - Free

**5:30pm -7:00pm Pasta Feed for Marathon Runners** All runners and volunteers are invited to a pasta dinner at City Park. Dinner Free for runners and volunteers. Pre registration for Marathon, 1/2 marathon, team Marathon and 5 K run/walk is free at Pasta Feed or \$15.00 morning of the race.

**7:30pm Kathleen Herring Music Concert** FREE CONCERT –This well-known artist will provide a great evening of music and entertainment at the Nolan Center. (\$10 donations suggested).

### **SUNDAY - JULY 28**

**7:00am-7:45am MARATHON, 1/2 MARATHON, 5K WALK/RUN REGISTRATION \$15.00- \$65.00** (Free at the Pasta Feed on Saturday). Register online as well.

**8:00am MARATHON RACE START** Simultaneous start time for the Marathon, 1/2 Marathon, team Marathon and 5 K run/walk. The race will start and end at the Nolan Center.

**1:00pm Running Of The Bears** - 100 yard dash for kids of all ages. (Wear your BEAR MASK made on Saturday!) In front of the Nolan Center. Free.

**1:30pm Photography Workshop: Smart phones and tablets** Nolan Center - Free

**3:00pm Photo Presentation: Photography of Robert E Johnson** Nolan Center. Free.

**4:00pm Raffle Drawing** Winner of the Bearfest Alaska Airlines Roundtrip Ticket raffle will be drawn and announced.

A detailed Schedule of Events is available in local businesses or online at [www.alaskabearfest.org](http://www.alaskabearfest.org).

Email: [fun@alaskabearfest.org](mailto:fun@alaskabearfest.org)

Thank you to all our Sponsors for making this event such a success.

Join us next year July23-27, 2014

To: The Honorable Dave Jack  
The Wrangell Borough Assembly  
Tim Rooney, Borough Manager

From: Brad Gilman & Sebastian O'Kelly

Re: Washington Update

Date: July 11, 2013

**1. FY 2014 Federal Budget:** The House and Senate Appropriations Committees have begun marking up appropriations bills for Fiscal Year 2014. The \$100 billion difference in overall discretionary spending amounts between the House and Senate is extreme. Progress on the bills will be slow unless the Congress and the President reach a long-term agreement on spending, entitlements, and taxes. The Treasury Department is estimating that the debt limit ceiling will be reached in October. Thus far, there have been no budget bargaining sessions scheduled between the President and Congressional leaders and we do not expect such sessions to start until later in the summer or fall. Federal agencies have been implementing Sequestration, which for most non-defense programs has meant a 5 percent cut. Furloughs of Federal employees have begun but have not been as extensive or lengthy as estimates from earlier in the year.

**2. Water Resources Development Act (WRDA):** The Senate has now passed a comprehensive WRDA reauthorization bill, with the House expected to act later this summer. We filed project authorization requests with the Delegation for feasibility study of a breakwater extension at Shoemaker Harbor but the Senate bill did not include new project authorizations due to the earmark moratorium (note: while helpful, an authorization is not required for a feasibility study if appropriations are available). We have also developed bill language which funds the rural navigation projects separately from the larger navigation and flood control projects for the Lower 48. Both Alaska Senators have backed the proposal and were successful in including it in the Senate WRDA bill. Rep. Young has also been receptive, but it is too early to forecast whether the proposal will be included in the House version. Separately, the Senate Appropriations Committee in its FY 2014 Energy & Water Appropriations Bill has included \$4 million and \$30 million, respectively, for Army Corps general investigations and operations and maintenance for rural, subsistence harbors.

**3. Secure Rural Schools/PILT Reauthorization:** It appears unlikely that Congress will pass a multi-year SRS/PILT reauthorization bill this year. Talks have instead settled on passage of an emergency one year extension, the same course followed in 2007. There remains strong bi-partisan support for both programs, particularly from Western State Members, but the challenge for the extension of both programs is finding a funding offset. Senator Murkowski has found such an offset for the SRS Program through a bill reauthorizing the Federal Helium Reserve Program. That bill has moved through Committee and awaits floor consideration.



**4. Tongass Timber Management:** The USFS has recently announced the imminent sales of a larger than normal timber sale known as Big Thorne on Prince Wales Island. This sale could be significant if it survives the typical appeal and timber litigation process.

Shortly after the Big Thorne sale announcement, the Secretary of Agriculture issued a memorandum announcing a transition in Tongass timber management through a transition to second growth harvesting. Among other measures, the Secretary's memo calls for a new work plan for the Tongass that includes a growing mix of second growth projects; requests that the Forest Service consider an amendment to the Tongass National Forest land management plan that would speed the transition; and approves establishment of a Federal Advisory Committee to provide stakeholder input. The Alaska timber industry is concerned that such a transition cannot be undertaken as quickly as the Secretary is calling for from either timber supply or market readiness standpoint.

Both Senators Begich and Murkowski have been active on Tongass timber issues in recent weeks. Citing the steep decline in industry jobs over the last two decades, Senator Murkowski has pressed USFS Chief Tidwell in hearings to move forward more aggressively on timber sales, including for a sale next year on Wrangell Island, as well as ensure that old growth harvesting has a role in future management. Senator Begich has raised a number of questions over the Secretary's memo over transition to second growth while also reiterating an earlier request to update inventoried roadless maps.

**5. Fisheries:** The following summarizes new developments in the fisheries policy arena from the last couple of months.

- **Genetically-Modified (GM) Salmon:** Alaska's Senators have succeeded in attaching an amendment to the FY 2014 Agriculture Appropriations Bill to require labeling of Genetically Modified/Engineered Salmon. The amendment provides \$150,000 to the USDA to conduct the labeling. The bill has cleared Committee and awaits floor action. Rep. Young is the lead sponsor of the counterpart labeling bill in the House and has made this a flagship issue as co-chair of the Wild Salmon Caucus.
- **Halibut Catch Share Plan:** Both Alaska Senators have called on NMFS to extend the 45 public comment period on the Halibut Catch Share Plan recently submitted by the North Pacific Fisheries Management Council. While neither Senator has weighed in on the substance or allocations of the plan, both are concerned that the comment period takes place during prime fishing season when fishermen are busy on the water and unable to review a detailed and complex document.
- **Immigration Visas For Seafood Processing Workers:** The recently-passed Senate Immigration Reform Bill has two provisions important to the Alaska seafood processing industry. The first explicitly references Alaska seafood processing as an eligible activity for the issuance of J-1 cultural/education visas



for seasonal processing workers from overseas. The State Department has been reluctant to issue these visas on legal grounds in recent years. This provision should ease that process. The second provision makes Alaska seafood processing eligible for the new 3 year W-visas created in the bill for those occupations where there is a shortage of domestic workers.

- **International Boundary Line Enforcement:** In April, Senator Murkowski hosted with the participation of Senator Begich and Representative Young a panel discussion with relevant Federal agencies on how to tighten enforcement over illegal fishing by foreign vessels across the Maritime Boundary Line. Poaching has had a particularly negative impact on Alaska's crab and salmon fisheries.
- **Magnuson-Stevens Reauthorization:** As Chair of the Senate Subcommittee with responsibility for MSA Reauthorization, Senator Begich held listening sessions in Kodiak and Fairbanks to gather perspectives on commercial and subsistence fishing, respectively, with another session planned in August in Kenai to hear the view of sports fishermen. Additional hearings will be held elsewhere in the country and the Senator has pledged to work closely with Senator Marco Rubio, the lead Republican on the Subcommittee, to develop bipartisan legislation.

5. **Sealaska Withdrawal Legislation:** Bills to permit Sealaska to withdraw ANSCA entitled lands have begun to move, clearing Committees in both the House and Senate. They now await floor consideration.

6. **Energy Issues:** Below are the latest developments in energy policy and legislation.

- **Hydropower:** Senator Murkowski's bill to promote the development of small hydropower projects and to streamline the FERC licensing process for such projects has been approved by Committee and now awaits floor action. Senator Begich is a cosponsor. The House has passed its version.
- **LNG:** The Department of Energy has begun to move more aggressively to process and approve LNG export permits. In May, it approved a 20 year export license to allow Freeport to sell LNG to nations in Europe and Asia that currently do not have free trade agreements with the U.S., including Japan.
- **OCS Revenue Sharing:** In June, the House passed legislation to expand OCS energy development. The bill includes revenue-sharing to affected States (including Alaska) by allocating 37.5 percent of OCS-derived revenues. Unlike the Senate bill, it does not have an allocation to local governments. The Senate version sets aside 25 percent of the State share for local governments that are closest to the lease areas or serve as significant staging areas. The Senate has yet

to act on the legislation. The State's allocation would become available for appropriation by the Alaska State Legislature.

**7. TWIC Reform:** Rep. Young has signed on to a letter with 47 other House Members to TSA in support of the elimination of site visits for Transportation Worker Identification Cards ("TWIC"). Last year's Coast Guard Reauthorization Act required TWIC to be completed with 270 days and that time frame has now elapsed. Alaskans in rural areas have been required to travel at their own expense to obtain and renew their TWIC documentation.

**8. Southeast Sea Otter Management:** We along with others have alerted the Delegation to the growing concern in Southeast over the rapidly growing population of sea otters in the region and their negative impact on nearshore fisheries. In the last Congress, the Delegation introduced legislation that would have permitted Native Alaskan commercial sales of unaltered pelts and otter products using modern production methods. Currently, Native harvest of sea otters is well below allowable levels, in part due to requirements imposed by the U.S. Fish & Wildlife Service banning the sale of unaltered pelts and limiting otter products to handicraft items made by traditional weaving techniques. The bills have not yet been reintroduced this Congress.

# City & Borough of Wrangell

Attachment #3

Pay Period	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	Hours
Regular				8	8	8	8	US			8	8	8	8	8			8	8	8					8	8	8	8			
Overtime																															
Sick Leave																															
Holiday WK																															
Vacation																				8	8			8							

Total Regular																															
Overtime																															

US = Meeting with USDA re: WMC Replacement Faciltiy in KTN

Approved By: \_\_\_\_\_  
Supervisor

Approved By: Timothy S. Rooney  
Borough Manager

I hereby certify that the hours stated hereon are  
a true and accurate record of all hours I worked  
within this pay period.

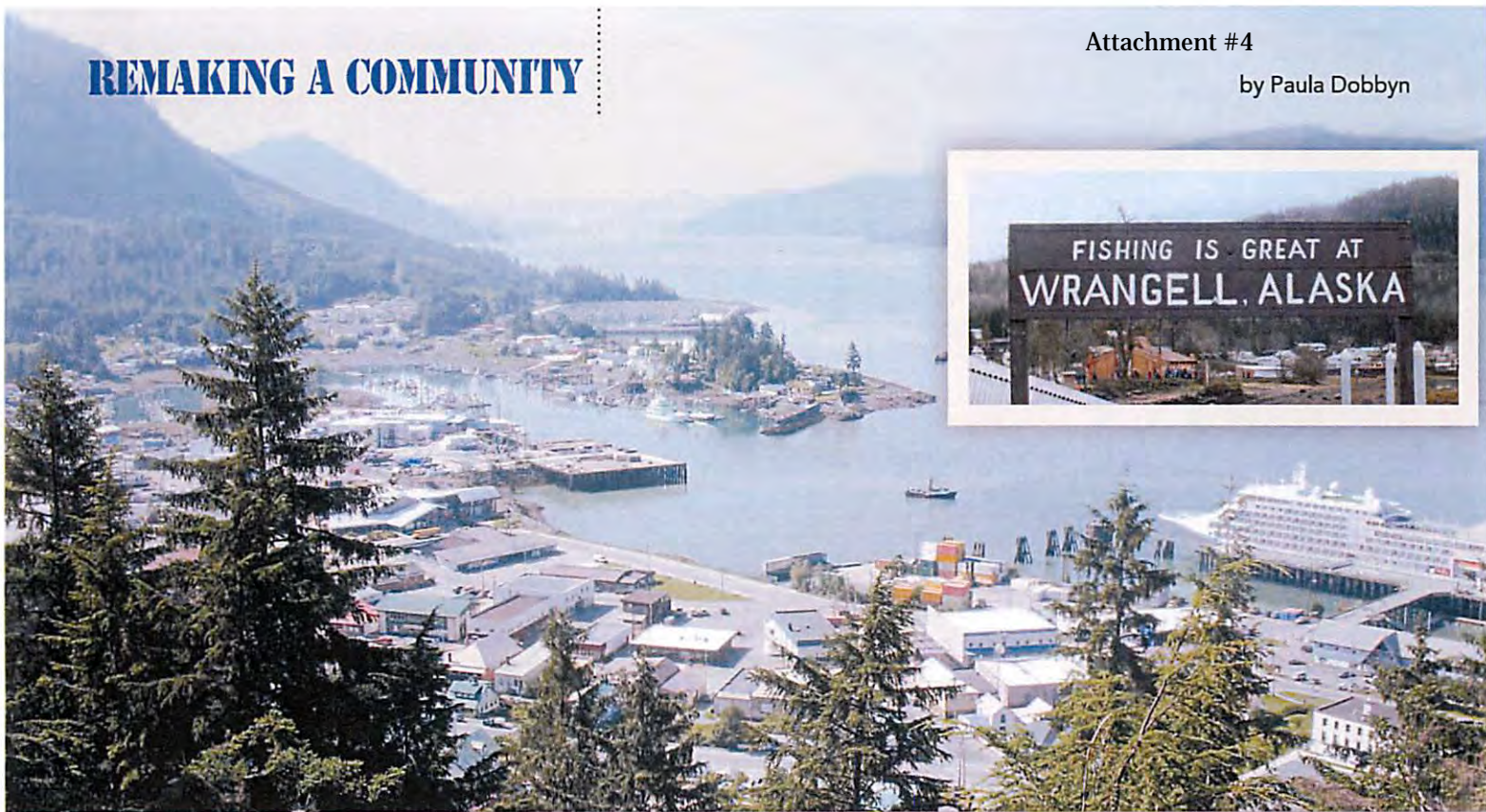
Name: Timothy Rooney  
Employee

Pay Period Ending June 30, 2013

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SL _____	HR _____ @ _____ =	
OTD _____	OT _____ @ _____ =	
_____	_____ @ _____ =	
_____	_____ @ _____ =	
_____	_____ @ _____ =	
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## Wrangell finds economic health in fishing fleet

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When an Alaska timber town evolves into something new, a few dead giveaways tell the story:

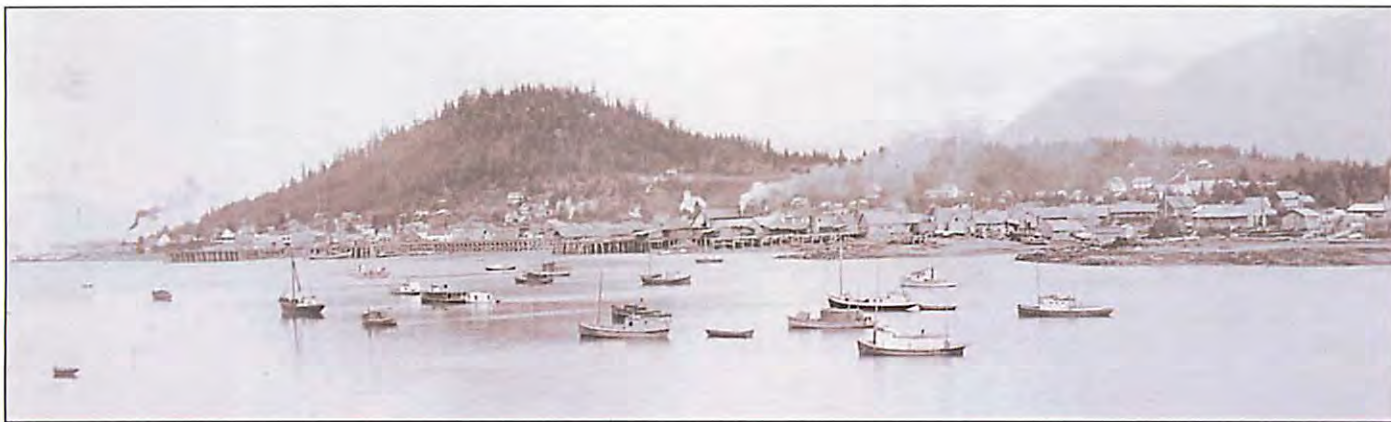
The boatyard overflows, a new harbor immediately fills up, marine-oriented businesses sprout, fish-processing plants expand, and the local chatter revolves around a 300-ton vessel hoist arriving from northern Italy.

This place would be Wrangell, population roughly 2,300. Located in Southeast Alaska about 155 miles south of Juneau, the island community of Wrangell is surrounded by the 17-million-acre Tongass National Forest, the country's largest. It's a place where the forest products industry long reigned, employing hundreds of loggers, mill workers, longshoremen, and others in support jobs. But the days of large-scale timber production have waned, and Wrangell is diversifying its economy in a post-logging era. Some steps are paying off. The fishing, seafood-processing, and maritime industries have all been growing, breathing life and energy into what has been a moribund local economy.

"It's saved their bacon," said Juneau seiner Bruce Wallace. "I'd guess about 60 percent of the money coming into Wrangell these days are fish dollars."

Wallace bases his vessel out of Wrangell.





A photo of Wrangell – taken 100 years ago this August – shows plumes of smoke arising from sawmills.

Between dock fees, lift fees, storage, accommodation costs for crew members, and money paid to contractors, Wallace spends tens of thousands of dollars each year in Wrangell getting his vessel ready for the fishing season. He still needs to go to the Puget Sound area to get specialized hydraulic and electrical work done. But most of his vessel maintenance is done locally in Wrangell because of new investments in boat infrastructure and repair, Wallace said.

"The maritime sector is booming," said Harbor Master Greg Meissner. Showing a visitor around the crowded docks and waterfront, Meissner points to the myriad signs of Wrangell's emergence as regional maritime hub. One of the most obvious is the sheer number of boats visible from downtown. Seiners, trollers, gillnetters, yachts – all types of working vessels and pleasure crafts dot the waterfront.

"I never remember there being anywhere near this number of boats when I was young," said Jean Gamache, an Anchorage resident whose mother is from Wrangell. She visited Wrangell this past summer for a clan house rededication.

■ Meissner, who grew up in Wrangell, confirmed Gamache's observation that the town is undergoing a maritime renaissance. With his job managing the city's harbors, he sees evidence of it every day.

He drives his white pickup truck around a shipyard and boat haul-out that formerly housed the Alaska Pulp Co. sawmill. Once the town's dominant employer, Alaska Pulp Co. quit Wrangell amid a regionwide industry downturn in 1994, throwing the blue-collar community into economic turmoil.

The recovery remains a work in progress, city officials say. But with multimillion-dollar investments from the public and private sectors, Wrangell decidedly has entered a new chapter – one largely built

*Continued on page 10*

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Wrangell's 150-ton lift soon will be complemented by a 300-ton lift. Paula Dobbryn photo

around the ocean and fish, particularly salmon.

Besides the visual clues that Wrangell is changing, taxes collected by the city underscore where things are headed. In 1990, Wrangell

collected \$55,483 in raw fish taxes. By 2012, the figured had more than quadrupled to \$265,498.

"There's a lot more product that's being run through Wrangell these days," said Jeff Jabusch, city finance director. "That's the direct result of steps we've taken to encourage more boats to come to Wrangell, the investments we've made in infrastructure, and moves taken by the processors to expand."

Revenue is also up dramatically from harbor fees. According to data provided by Jabusch's office, Wrangell took in \$135,719 in stall rentals and transient moorage fees in 1990. In 2012, the number jumped to \$493,698.

■ Wrangell's economic transition from timber to fishing, seafood processing, and all-things-maritime has been slow and steady and not always easy.

The Alaska Pulp Co. sawmill closure sent the unemployment rate up to 20 percent practically overnight. The town's other medium-sized sawmill, Silver Bay Logging, struggled to continue operating but finally closed five years ago. No new industries organically swept in to replace what was lost.

A few micro-sized mills that do custom orders and niche manufacturing are still operating, and there's interest in growing that sector. But it's clear from the investments that the city, state, and private sector have decided that the future is being built largely around fish, with a secondary focus on tourism.

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## The demise of Big Timber in Southeast

Southeast Alaska's timber industry thrived until the 1990s. It was built mostly around two large pulp mills that operated in Sitka and Ketchikan, along with several sawmills in towns including Wrangell and Metlakatla.

Industrial-scale logging, pulp production, and sawmilling kept several hundred workers employed in high-paying, year-round jobs.

Underpinning the timber industry were a pair of 50-year contracts that the Forest Service issued to Ketchikan Pulp Co. and Alaska Pulp Co. The contracts pledged to supply the companies with 13.5 billion board feet of timber from the Tongass National Forest, a coastal temperate rainforest that blankets the Southeast Alaska panhandle.

For four decades, the Ketchikan and Sitka pulp mills and associated sawmills consumed large volumes of Tongass old-growth timber, churning Sitka spruce, western hemlock, and red and yellow cedar logs into forest products, including pulp, saw logs, and wood chips.

The industry hit its heyday in 1990 when Southeast Alaska lumber exports peaked at 225.5 million board feet. The combined wood-products industry that year enjoyed a record export value of \$641 million, according to the Alaska Division of Economic Development.

Things changed dramatically for the industry soon afterward. Increasing market pressures, an Asian economic crisis, tougher regulations by the Environmental Protection Agency, logging cutbacks imposed by Congress through the Tongass Timber Reform Act, and numerous environmental lawsuits soured the business climate for the timber industry.

The Alaska Pulp Co. mill in Sitka closed in 1993, followed by the Ketchikan Pulp Co. mill in Ketchikan in 1997. The industry has downsized since, although a medium-sized sawmill in Klawock on Prince of Wales Island continues to operate, as well as several niche manufacturers in Wrangell, Hoonah, Tenakee Springs, Craig, Gustavus, Juneau, and Thorne Bay.



Soon after the mill closure, Wrangell began a series of steps to shore up its economy. In 1997, the town did a feasibility study looking at the pros and cons of converting the old mill site downtown into a marine services center and boat yard. Later, the city purchased a seafood plant, and with funds received from Congress from a timber industry disaster fund, Wrangell invested in a belt freezer to flash-freeze fish, and the city also put in a cold storage.

Trident Seafoods ultimately bought what was then called Wrangell Seafoods and has been expanding the plant almost every year, said economic development director Carol Rushmore. Sea Level Seafoods, Wrangell's other big seafood processor, has also invested in and expanded its plant, she said.

Other steps have included building Heritage Harbor, a new boat basin — one of three in Wrangell — that can accommodate more than 165 boats, in addition to having 1,500 feet of transient moorage space. The harbor was finished in 2010 and is packed, with the exception of a few berths for some larger-sized vessels, Meissner said.

Wrangell also built a convention and visitors center and upgraded its cruise ship dock and main drag, called Front Street, with the goal of attracting more visitors to the community. Some of its natural assets include the Stikine River, with its bears, moose, and thousands of migrating birds in spring and fall, as well as the LeConte Glacier and the Anan Bear and Wildlife Observatory, which offers some of the best bear viewing in the world.

Of all the investments Wrangell has made so far, the transformation of the old sawmill site downtown is perhaps the most successful, a testament to the town's emerging identity and its willingness to embrace new economic opportunities beyond timber. The new marine services center is a beehive of activity for

*Continued on page 12*



*Greg Meissner is Wrangell's harbor master. Paula Dobbyn photo*



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## REMAKING A COMMUNITY continued from page 11

boat design, repair, fabrication, painting, welding, custom glasswork, hydraulics, and other businesses.

"It's been a huge success," said Jabusch.

Since Wrangell has geared up to accommodate the fishing industry, Wallace has saved thousands of dollars not having to journey to Washington state to get his boat worked on all the time, he said. If even more specialized businesses moved into town, he would be able to avoid heading south entirely, Wallace said.

"They just need to tool up a bit more."

The Alaska Legislature appropriated \$9.8 million in 2012 and 2013 for upgrades to the marine services facility. This year it allocated \$2.7 million for a 300-ton boat lift so that Wrangell can accommodate and service bigger vessels than it currently can handle, according to data provided by the office of Sen. Bert Stedman, R-Sitka.

"The goal is to capture more of the marine support economy and bring it up here from Puget Sound," said Stedman.

Government appropriations can sometimes turn into boondoggles, said Wallace. Not so in the case of Wrangell.

"It's been a quiet success story. That place could have easily turned into Ghost Town, USA," Wallace said.

The larger boat lift is supposed to arrive from Formigine, Italy, soon. The 150-ton vessel hoist the city currently owns arrived in 2008, and it's been a boon to the economy, Meissner said.

"See over there?" the harbor master said, pointing to a huge tent-covered area with several men in Carharts and Xtratufs milling around a boat. "There's three guys over there doing fiberglass work. Those are new jobs."

### Government appropriations can sometimes turn into boondoggles. Not so in the case of Wrangell.

He points to several other massive tents, each covering a different business that's somehow related to boats, fishing, processing, and maritime. Chuck Jenkins, owner of Jenkins Welding, is among those who expanded his business as a result of the marine services center going in. Jenkins has a shop a few blocks away but also opened an extension down at the boat yard.

"It's been great for my business. Some months I'm booked up two years

out," Jenkins said.

Meissner edges his truck close to fisherman Brian Rooney's troller. The hull of Rooney's boat is nestled into the straps of a 150-ton hoist, a remotely operated machine that lifts boats in and out of the water. Repairs to Rooney's vessel have wrapped up and it's time to return it to Zimovia Strait. A narrow waterway on the east side of Wrangell Island, Zimovia is an artery of Southeast Alaska's scenic and salmon-rich Inside Passage.

Meissner and a visitor watch as a harbor employee switches levers on a waist-mounted remote control system that operates the boat hoist. He adroitly maneuvers the troller closer to the water, easing it down a pier that looks to the sea. The rusty metal boat splashes back into the water. Rooney fires up the engine and steers the vessel into the cold gray water.

"That's how the 150-ton lift works," Meissner said, his eyes gleaming. "When we get the 300-ton one here, we'll have even larger vessels coming to Wrangell."

Bigger boats, including fishing tenders, should mean more jobs and more income for Wrangell, city officials predict.

But Wrangell's maritime and seafood industry expansion has meant the shipyard is already bursting with fishing and pleasure boats. So where are the larger vessels going to fit?

"We're going to work with the existing space, but it would definitely be good to expand out," said Meissner. "There's a site out the road we're interested in, but right now the city doesn't have the money to buy it."

He's referring to the former Silver Bay Logging sawmill at Shoemaker Bay, about five miles south of town. The defunct lumber manufacturer was demolished and the site cleaned up a couple of years ago. The parcel is currently for sale, and the city is eyeing it.

Meanwhile, improvements to the marine services center continue. In early spring, electricians were installing underground lines and paving crews were getting ready to pour concrete so that the yard — surrounded by a rainforest — isn't constantly muddy.

Front Street looks busier than it has been for years.

"Four years ago when I was there, I stood on the main street and waited 20 minutes before a single car drove by. Today, you have to make sure you look both ways before you cross the road. There are that many more cars, especially in summer when the fish are in," said Wallace. ↓



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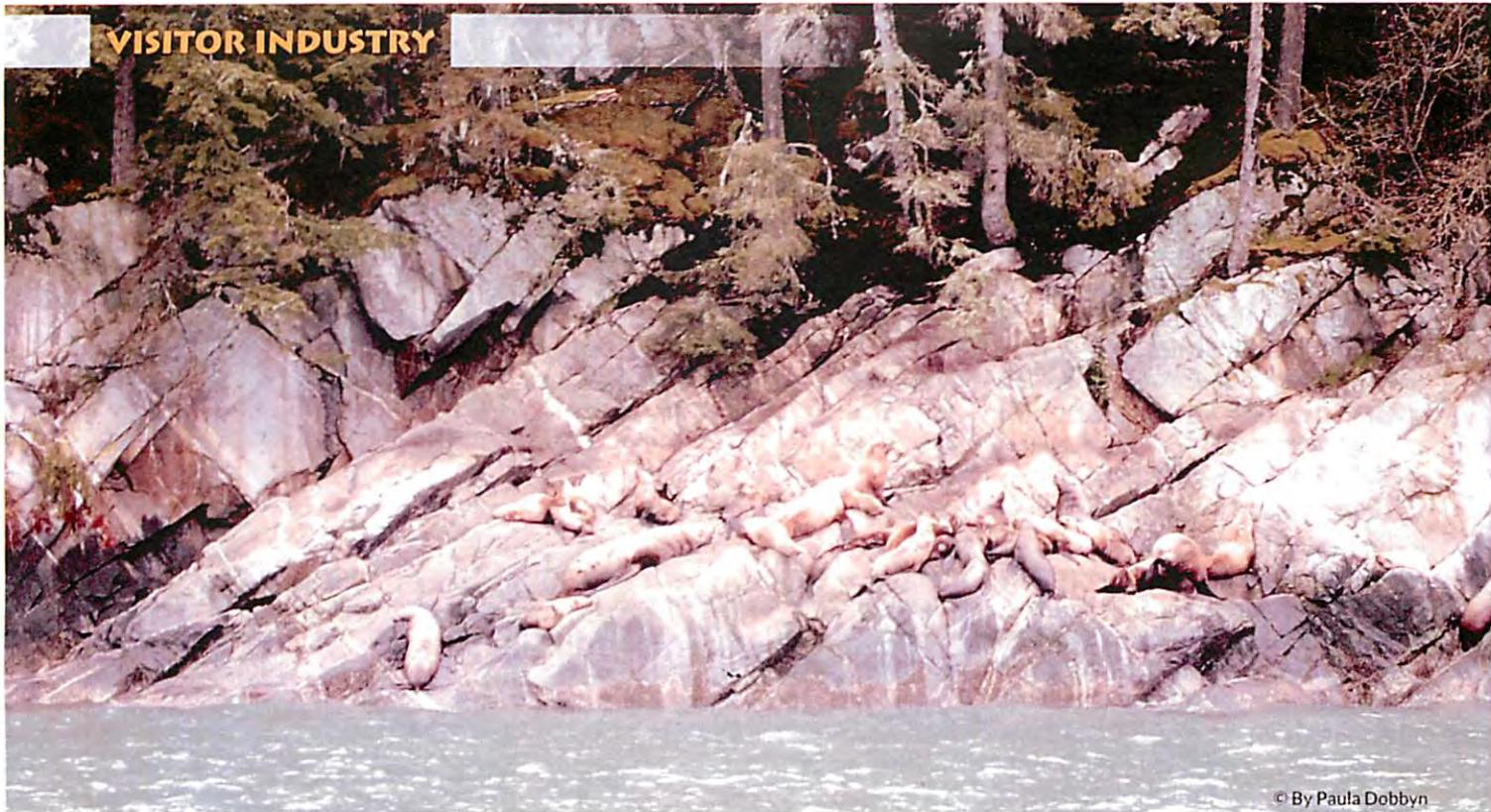
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## VISITOR INDUSTRY



© By Paula Dobbyn

One of the first stops on any jet boat tour of the Stikine River is a sea lion haul out on Leisnoi Island near the Stikine River Delta, a biological hot spot for marine life, birds, and waterfowl.

# The Real Southeast

## Wrangell's pioneering tourism entrepreneurs

By Paula Dobbyn

Sylvia Ettefagh made her living as a drift gillnetter, fishing the waters near her home in Wrangell for many years. When prices for Alaska wild salmon tanked in the 1990s following the rise of Chilean farmed salmon, Ettefagh knew she needed to switch gears.

She and her husband, John Verhey, took a look around. It was 1995 and Wrangell's main employer, a sawmill, had just closed, leaving more than 250 people jobless. Between the mill closure and the depressed salmon prices, Wrangell's economy was dire. But amid the gloom and hardship, Ettefagh and Verhey saw potential in the town's location. Wrangell sits on a mountainous coastal island in the heart of the Tongass National Forest. A massive rainforest of nearly 17 million acres, the Ton-

gass hosts thousands of miles of salmon and trout-filled rivers and lakes, picturesque stands of ancient trees, and a plethora of wildlife including whales, bears, moose, and eagles, as well as stunning glaciers, emerald fjords, and snow-capped mountains.

"It looked to us like tourism could be an option," says Ettefagh.

She and Verhey launched Alaska Vistas that year, becoming one of Wrangell's pioneering tourism companies. Until then, tourism was in its infancy in Wrangell, a blue-collar town with a history of boom-and-bust cycles in fur, fishing, mining, and more recently, timber. Ettefagh was not alone in sensing that Wrangell's natural beauty could attract tourists. Several timber industry veterans moved in that direction as well. There are now at least

seven jet boat tour operators, a slew of hunting and fishing outfitters, a glistening convention and visitors' center, and no shortage of operators offering kayaking, guided hiking, cultural tours, and other options.

While Wrangell remains a sleepy, off-the-beaten-track town still trying to secure its economic footing, tourism has evolved into a growing sector that adds diversity to what had been a one-industry town. Tourism in Wrangell is largely built around the area's wild landscape. Some of the main Wrangell-area highlights include the Stikine River, the LeConte Glacier, and the Anan Wildlife Observatory, one of the world's best places to view black and brown bears feasting on salmon.

"There's nothing in Alaska, hands down, that beats Anan," says Ettefagh.





The newly restored Chief Shakes Tribal House in Wrangell is a draw for tourists looking to learn about the Stikine Tlingit culture. Tribal members are celebrated in May the successful restoration of the cedar structure, which had fallen into disrepair.

© Paula Dobbyn

Although it lacks the name recognition of some of Alaska's top tourist attractions such as Denali, Glacier Bay National Parks, or the McNeill River State Game Sanctuary and Refuge, Anan Wildlife Observatory is growing in popularity because of its large and easy visible resident bear population.

About thirty-five miles southeast of Wrangell on the mainland, Anan is located in one of the Tongass' protected spots, an area zoned as Land Use Designation Two (LUD II) for its critical fish and wildlife habitat. Human activities in LUD II areas are restricted so that fish and game can flourish. The LUD II designation has proved to be a boon for tourism businesses. In the case of Anan, the visitor industry considers it one of the prime destinations in Southeast Alaska.

A float plane or a boat ride is required to get there. A half-mile trail through the forest leads to an observation deck from which up-close bear viewing takes place.

About sixty black bears and fifteen brown bears congregate at Anan Creek when the salmon are running, usually from early July until late August or early September, according to Matt Jurak, the Forest Service site manager for Anan.

An historic fishing site for members of the Tlingit tribe, Anan Creek has one

of the most prolific pink salmon runs in Southeast Alaska, with an annual average return of 250,000 fish. It's one of the few places in the world where black and brown bears tolerate each other.

"It's very unique in that regard," Jurak says.

Ettefagh says her clients are routinely wowed as they watch salmon jumping through the waterfalls and getting snatched by the bears.

"In any given day, you can see anywhere ten to thirty bears. It's because of the huge pink salmon run. Bears feel comfortable being there. There's plenty of food for them to eat. It's an amazing place," says Ettefagh.

There's growing pressure to increase visitation at Anan. Under the current management plan, a maximum of sixty people per day can visit Anan during the peak season of July 5 to August 25. But that ten-year plan is up for review and with public comments currently being accepted.

Most of the comments received so far are from people asking for more access to Anan, Jurak said.

### Alaska Waters Inc.

Jim Leslie, owner of Alaska Waters Inc., is another tourism entrepreneur who, like Ettefagh, was also forced to

change because of Wrangell's economic meltdown.

Leslie had a career before starting a tour company in 1992. He owned a logging business, Leslie Cutting Inc. When logging was in its heyday, Leslie employed seventy-five workers, operated seven remote logging camps, and had offices in Wrangell, Ketchikan, and Thorne Bay on Prince of Wales Island. But when the Southeast Alaska timber industry went bust, so did Leslie's company.

He took little time – exactly one day according to Leslie – deciding what his next move would be. Like Ettefagh, he decided that Wrangell's backyard—both Anan Creek and the nearly 450,000-acre Stikine-LeConte Wilderness Area—could spawn a new business.

With his wife, Wilma Stokes-Leslie, the Vietnam veteran launched Alaska Waters Inc., a full-service tour company which showcases the Stikine River Valley, Anan bears, local glaciers, and other attractions. It also specializes in cultural tourism, providing visitors the opportunity to learn about Wrangell's tribal communities. One of their tours consists of a rainforest walk with an Alaska Native cultural interpreter who instructs about Tongass edible and me-





Above: A grizzly bear with a fish in the Anan Wildlife Observatory near Wrangell.

Photo by Tish Beach/  
Courtesy of Wrangell CVB

Right: A black bear looks down at a grizzly bear with a fish in the Anan Wildlife Observatory near Wrangell.

Photo by Doug Beach/  
Courtesy of Wrangell CVB



dicinal plants that indigenous people have used for millennia.

While the early years of his tourism business were tough going at times, Leslie says never seriously considered leaving Wrangell after the timber industry imploded.

"I like Wrangell and my wife is Alaska Native. Her family has been here for 10,000 years," he says.

### Naturally Wrangell

It's 7 a.m. at the cruise ship dock in Wrangell, a Saturday in early May. It's quiet except for the hum of Leslie's jet boat engine. This is the "shoulder season," a couple of weeks before cruise ships arrive in Southeast Alaska.

Several Southeast towns along the Inside Passage have chosen to make large cruise ships a centerpiece of their economies. Juneau, Ketchikan, and Skagway are cases in point. These towns are scheduled to receive more than one million cruise ship passengers this summer and their downtowns are set up to cater to them. Glitzy jewelry shops, kiosks offering shore excursions, and seasonal gift shops selling T-shirts, plastic totem poles, and other souvenirs



dominate the main streets. The skies are filled with flightseeing helicopters that buzz tourists over ice fields and plop them on glaciers for picnic-style lunches and brief walkabouts.

Wrangell is different. Large cruise ships don't come here. Most of the visitors who arrive come on smaller vessels, the state ferry, or they fly in as independent travelers. As a result, the town has kept much of its original character. In place of trinket shops, Wrangell has hardware and drug stores, grocers and bars, the kind of places that serve regular people.

"We're the real deal," says Terri Hen-son, Wrangell's director of conventions.

That's one of Wrangell's main selling points.

"People come here because they want to experience what the real Alaska is," says Brenda Schwartz-Yeager, a fourth-generation Alaskan who was born and raised in Wrangell. Schwartz-Yeager owns Alaska Charters and Adventures, a company that offers jet boat tours, fishing excursions, and other tourism adventures. She's been in the tourism business for twenty-four years.

"Originally I started off in charter fishing. Gradually over the last twenty years, we've moved into much more nature-based tours. There's still a bunch of people who want to come to fish but there's a whole bunch of other people who want to see spectacular scenery, glaciers, bears. And we happen to have that all in our backyard," says Schwartz-Yeager.

### Leslie is Well Aware of That

After a small group of passengers board on this early Saturday morning, Leslie pulls his jet boat away from the dock. Crisp air infused a hint of salt and seaweed fills the cabin. The first stop is Leisnoi Island, a sea lion haulout at the mouth of the Stikine River. After lingering for a few moments, Leslie drives the boat past the Stikine River Delta, a major stopover for migrating birds on the Pacific Flyway.

"We'll have over one hundred thousand shorebirds come through here over the course of the migration," says Leslie, gesturing toward a muddy flat in the braided river. Old logs and trees stumps line the mud.

Many of the snags have bald eagles perched in the branches, scanning the



Jim Leslie, owner of Alaska Waters Inc., piloting a jet boat on the Stikine River near Wrangell.



During the springtime, the Stikine River draws a huge concentration of bald eagles. The birds come to feed on an early run of salmon—marking the unofficial start of the tourist season.

© By Paula Dobbyn

river looking for salmon.

Naturalist John Muir described the Stikine River Valley as "a Yosemite one hundred miles long." A trans-boundary river with its headwaters in Canada, the Stikine runs about four hundred miles until it empties out at Wrangell. It is North America's fastest flowing navigable river. It flows through a majestic valley dotted with glaciers and snow-capped peaks. In the spring it attracts one of the world's largest concentrations of bald eagles and in the summer it's filled with five species of Pacific salmon, trout, and steelhead. Brown and black bears, moose, and wolves are common.

As if on cue during the boat tour with

Leslie, a brown bear scampers up across the delta as the jet boat approaches. An hour or so later, a moose with calves is spotted swimming across one of the river's many tributaries.

This is the way tourism is supposed to be, according to Leslie. It blends in with the local scenery and doesn't change the character of a place.

"We don't do large cruises. We're not geared up for it. We're geared up to be ourselves. We're the real Southeast Alaska," he says.

*Freelance journalist Paula Dobbyn lives in Anchorage.*



## Preliminary Stewardship, Restoration and Enhancement Opportunities

Until September 30, 2013, Public Law 108-7 authorizes the Forest Service to enter into stewardship contracting projects to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs. The land management goals of a project under subsection (a) may include, among other things - (1) road and trail maintenance or obliteration to restore or maintain water quality; (2) soil productivity, habitat for wildlife and fisheries, or other resource values; (3) setting of prescribed fires to improve the composition, structure, condition, and health of stands or improve wildlife habitat; (4) removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives; (5) watershed restoration and maintenance; (6) restoration and maintenance of wildlife and fish habitat; and (7) control of noxious and exotic weeds and reestablishing native plant species.

### Roads & Transportation:

- Reroute the slide-prone switchback on Middle Road
- Support the Alaska DNR & Borough of Wrangell to complete the north Wrangell loop road (Doughnut).
- Bridge replacement & maintenance (as needed/almost done)
- Replace or remove 'red pipes'
- Reroute the slide-prone switchback on the Old Hermit road
- Tyee transmission line road access (Old Hermit)
- Fools Inlet ferry terminal
- Improve Pats Lake road (RAC 2013) and parking & picnic sites within FS right-of-way easement)
- Manage roadside vegetation to improve sight distance & safety
- Surfacing improvements to timber haul road accessing Middle Ridge recreation cabin
- Road access parallel to 11-12 mile Zimovia Hwy. (reconstruct)

### Recreation:

- Upper Salamander campsite improvement
- Surface trail Salamander Ridge
- Re-establish snowmobile trail in Pats Creek valley
- Old Hermit / Mt. Extreme snowmobile trail access
- Establish & implement vegetation management plans around recreation sites & key roadside viewpoints (includes hazard tree assessment & removal)
- Develop new dispersed recreation sites
- Island kayak route, pullout, and shelters - including Fools Inlet area
- Water trail concept with pullouts and shelters to circumnavigate island
- Earl West Marsh parking & recreation enhancement
- Picnic area and shelter at overlook on Earl West Cove
- Trail to Earl West marsh and kayak launch area

- Roadside cabin in Thoms Creek Crossing campsite area
- Roadside cabin at Fools Inlet road/trail
- Long Lake pond trail access & campsite improvement
- Long Lake and High Bush Lake access improvements
- Extend trail along Long Lake with shelter
- Improve dock at Long Lake
- Build a dock at Thoms lake
- Connect the 'Spur Road'
- Improve Salamander Ridge trail
- Create a short, accessible trail to an old-growth stand of timber
- Extend other existing trails with possible forks and loops
- Cross-country ski trail off Pats Creek road or McCormack Creek road area
- Create a network system of ATV-preferred roads
- Create trail along ridge and to ridge overlooking the mill basin
- Create trail to access national forest land above Sowle's rock pit.
- Create trail from over-grown road across from Nemo Campsite for subsistence berry picking
- Create trail to fork off Rainbow Falls trail after first bridge, to other creek, and possibly looping back to main trail
- Improve visuals by undulating timber stand backlines along harvest unit boundaries in heavily impacted viewsheds.

**Wildlife and Fisheries habitat improvement:**

- Pat's Lake area restoration (partner with State DNR)
- Beach fringe thinning
- Pre-commercial thinning
- Invasive plant control
- Reestablish south shore road access to Highbush lake for potential fisheries enhancement
- Invasive plant treatment on Non-NFS land
- Mental Health Trust and Pats Valley stream restoration
- Soils and water impacts - vault toilets on Island and operational equipment to maintain them



July 8, 2013

Tim Rooney  
Borough Manager  
P.O. Box 531  
Wrangell, AK 99929

Dear Tim,

During the Front Street reconstruction project I was the Project Archaeologist, monitoring the replacement of preexisting services beneath Front Street. The artifacts I collected date from the late 1800s to mid-20<sup>th</sup> century and include various types of bottles, clay tobacco pipe fragments manufactured in England and Scotland, animal bones, shoes from the 1920s, stoneware from Ireland, ceramic plate and cup fragments from all over the world, artifacts from the 1906 fire; all of which was brought in by ship.

To make holistic sense of these artifacts and their part in the development of early Wrangell it is necessary to clean, catalog, photograph, and research the artifacts, which is exactly what Cindy Kilpatrick, a volunteer at the Museum did for us. Cindy not only did an excellent job organizing and preserving the collection she also developed a display of the artifacts located in the lobby of the Nolan Center. I would like to commend Cindy for her professionalism and willingness as a volunteer to complete what can be a tedious process. I encourage each of you to please look at the display.

Sincerely,

Paul Rushmore

# Agenda Item 9

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013

#### **BOROUGH CLERK'S FILE:**

##### **Mark Your Calendar:**

- 7/24 Economic Development Committee Mtg. @ 6:30 pm in the Assembly Chambers
- 8/01 **First Day to file for Declaration of Candidacy for various seats (see below)**
- 8/08 Planning & Zoning Commission Mtg. @ 7 pm in the Assembly Chambers
- 8/14 Hospital Board Mtg. @ 5:30 pm in the Nolan Center Classroom
- 8/15 WCVB Mtg. @ 6:30 pm in the Assembly Chambers
- 8/21 EDC Mtg. @ 6:30 pm in the Assembly Chambers
- 8/30 **Last Day to file for Declaration of Candidacy for various seats (see below)**

#### **Elections**

**Voters** - Please remember to register to vote for the upcoming Regular Borough Election to be held on October 1<sup>st</sup>, 2013. The deadline to register to vote is on ***Sunday, September 1<sup>st</sup>, 2013.***

***Declaration of Candidacy*** will begin on August 1<sup>st</sup> and close on August 30<sup>th</sup> for the following seats:

- |                  |  |
|------------------|--|
| Mayor:           | One – Unexpired term until October 2014<br>(Jack's term expires 10/2013)         |
| Assembly:        | Seat B - Unexpired term until October 2014<br>(Christian's term expires 10/2013) |
| Assembly:        | Seat E - 3 Year Term<br>(Jamieson's term expires 10/2013)                        |
|                  | Seat F – 3 Year Term<br>(Wiederspohn's term expires 10/2013)                     |
| Port Commission: | Two - 3 Year Term<br>(Yeager & Knecht's terms expire 10/2013)                    |



Port Commission:	One – Unexpired term until October 2015 (Yancey's term expires 10/2013)
School Board:	Two - 3 Year Term (Helgeson & Howell's terms expire 10/2013)
Hospital Board:	Two - 4 Year Term (Massin & Henson's terms expire 10/2013)

*The week of July 29<sup>th</sup>, there will be an Election table in the City Hall Lobby area with information pertaining to the October 1<sup>st</sup> Regular Borough Election.*

### **City Boards and Commissions Appointments**

*Persons interested in serving on the following Boards and Commissions, please submit your Letter of Interest to the Borough Clerk's office beginning on September 3<sup>rd</sup> until September 30<sup>th</sup>, 2013.*

Planning & Zoning Commission – four vacancies – three year terms  
Parks & Recreation – one vacancy – three year term  
Wrangell Convention & Visitors Bureau – two vacancies – three year terms  
Thomas Bay Power Commission – one vacancy – three year term  
Economic Development Committee – two vacancies – three year terms  
Cemetery Committee – two vacancies – three year terms  
Nolan Museum/Civic Center Board – three vacancies – three year terms

### **Upcoming Assembly Travel**

#### **Alaska Municipal League Summer Legislative Meeting**

To be held this year in Valdez, AK at the Convention & Civic Center ~ August 20 – 22, 2013

Mayor Jack & Assembly Members Stough & Christian will be attending.

*Thank you,  
Kim Lane*

# Agenda Items 10 a, b, c & d

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013

#### MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS:

INFORMATION: This agenda item is reserved for the Mayor and Assembly Member's special reports. Such information items as municipal league activities, reports from committees on which members sit, conference attendance, etc., are examples of items included here.

#### **Item 10a**

#### **Reports by Assembly Members**

#### **Item 10b**

#### **Appointment to fill the vacancy on the Planning & Zoning Commission**

*There were \_\_\_\_\_ letters of interest received for the unexpired term until October 2014 from:*

#### **RECOMMENDED ACTION**

Appointment to be filled by the Mayor with the consent of the assembly for the unexpired **term ending October 2014**

#### **Recommended Action if not approved with the consent of the Assembly:**

**Motion:** Move to appoint \_\_\_\_\_ to fill the vacancy on the Planning & Zoning Commission for the unexpired term up until **October 2014**.

*If there were **no** letters of interest received, the Borough Clerk will continue to advertise for letters of interest to fill the vacancy.*

## **Item 10c**

### **Appointment to fill the vacancy on the Economic Development Committee**

*There were \_\_\_\_\_ letters of interest received for the unexpired term until October 2014 from:*

#### **RECOMMENDED ACTION**

Appointment to be filled by the Mayor with the consent of the assembly for the unexpired **term ending October 2014**

#### **Recommended Action if not approved with the consent of the Assembly:**

**Motion:** Move to appoint \_\_\_\_\_ to fill the vacancy on the Economic Development Committee for the unexpired term up until **October 2014**.

*If there were **no** letters of interest received, the Borough Clerk will continue to advertise for letters of interest to fill the vacancy.*

## **Item 10d**

### **Discussion and possible appointment to fill the vacancy of the Inter-Island Ferry Authority, Board of Directors seat (Wrangell Representative)**

#### **Attachments**

1. Memorandum from Kim Lane, dated July 10, 2013.

*There were \_\_\_\_\_ letters of interest received for the term until June 30, 2017*

#### **RECOMMENDED ACTION**

#### **Assembly Discussion.**

Appointment to be filled by the Mayor with the consent of the assembly for the four (4) year **term ending on June 30, 2017**

#### **Recommended Action if not approved with the consent of the Assembly:**

**Motion:** Move to appoint \_\_\_\_\_ to fill the vacancy of Inter-Island Ferry Authority Board of Directors (Wrangell Representative) until June 30, 2017

*If there were **no** letters of interest received, the Borough Clerk will continue to advertise for letters of interest to fill the vacancy.*

## **MEMORANDUM**

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: KIM LANE  
BOROUGH CLERK**

**SUBJECT: IFA (Wrangell Representative) BOARD OF DIRECTOR SEAT**

**DATE: July 10, 2013**

The Inter-Island Ferry Authority currently has members who serve on the Board of Directors from Thorne Bay, Craig, Wrangell, Coffman Cove, Klawock, and Hydaberg. Petersburg no longer has a member serving on the Board.

Bernie Massin's seat (Wrangell Representative), expired on June 30, 2013.

This item is on the Agenda so that the Assembly can discuss whether it would be in the best interest of Wrangell to continue having representation on the Inter-Island Ferry Authority Board of Directors.

**RECOMMENDATION:**

Assembly discussion and possible appointment.

# **Agenda Item 13a**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013**

#### **INFORMATION:**

#### **Request to Lease a Portion the of Former Institute Property – Alcan Forest Products**

#### **Attachments**

1. Memorandum from Manager Timothy Rooney dated July 17, 2013
2. Alcan Lease Proposal
3. Staff Report from P&Z Commission held on June 13, 2013

#### **RECOMMENDED ACTION:**

Move to approve a lease with Alcan Forest Products for use of a portion of the Institute Property as outlined in the agreement with the proceeds from the leases to be reserved for the future marketing and/or development of the property.

## MEMORANDUM

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: TIMOTHY D. ROONEY  
BOROUGH MANAGER**

**SUBJECT: REQUEST TO LEASE PORTION OF FORMER INSTITUTE PROPERTY  
ALCAN FOREST PRODUCTS**

**DATE: July 17, 2013**

### **BACKGROUND:**

As discussed in the June 21, 2013 Borough Manager's Report, the Planning Commission approved Alcan Forest Products request for the temporary use of the former Institute Property (with conditions) at their June 13, 2013 meeting. That approval by the Planning Commission has resulted in a formal request from Alcan to lease a portion of the property in order to provide access to the Mental Health Trust (MHT) land that they will be logging.

As you may recall, the City and Borough of Wrangell received several complaints from concerned residents near the site of the MHT land that will be logged. A large focus of those complaints centered on the truck access to the MHT land and its proximity to nearby residential dwellings. At the time, concerned citizens as well as members of the Borough Assembly asked that something be done, if possible, to address these concerns and provide an alternative access to the MHT site.

The proposal from Alcan would be for a 100' wide easement where the proposed logging road would be located. The road would be installed by Alcan, a gate would be installed between the MHT and the Borough property to prohibit access upon completion, and all merchantable timber within the right-of-way shall be considered the property of Alcan Forest Products. In exchange for the use of the land and possession of the timber, the City and Borough of Wrangell would receive \$17,000. The maximum time frame for the use of the property would be for a total of 18 months. Please note the original proposal from Alcan included a request to store timber on the property and that request has been rescinded.

While it is difficult to fully estimate the value of the timber that Alcan will be receiving from the property without a timber expert walking, inspecting, and surveying the property, there is certainly value to the City and Borough of Wrangell, Alcan, and MHT to enter into this lease agreement. The City and Borough of Wrangell will be left with the benefit of a logging road through the property that could be used for future development on the site; Alcan achieves more direct access to portions of the MHT land and receives some additional timber from the former Institute Property; and both the City and Borough of Wrangell and MHT alleviates and addresses the largest concern from nearby and neighboring property owners.

Finally, if the City and Borough of Wrangell was to enter into this agreement, staff would recommend that the funds collected from the agreement be placed into a reserve account that could be utilized to assist in the marketing and developing of the property in the future.

**RECOMMENDATION:**

Staff recommends Borough Assembly approval of the lease with Alcan Forest Products for use of a portion of the Institute Property as outlined in the agreement with the proceeds from the leases to be reserved for the future marketing and/or development of the property.

**ATTACHMENTS:**

1. Alcan Lease Proposal
2. Staff Report from Planning Commission Meeting on June 13, 2013

ALCAN FOREST PRODUCTS  
PO Box 23105  
Ketchikan, AK 99901

Permit for easement within road corridor on Wrangell Institute Lands.

Under the authority granted to me, I hereby authorize ALCAN FOREST PRODUCTS to construct road and install improvements between Zimovia Highway and Mental Health Trust Land through City of Wrangell Property, commonly referred to as the Institute Property. The road shall be used to access timber on Trust property and be subject to the conditions herein. This easement shall be 100 foot wide and the road centerline shall determine its width, being 50 feet within each edge of the easement.

Easement Conditions:

- 1) ALCAN FOREST PRODUCTS will be responsible for compliance with any all permits required by State, Federal or local authorities.
- 2) The City and Borough of Wrangell is not obligated to compensate any party for expenses, costs or purchases.
- 3) ALCAN FOREST PRODUCTS will maintain the road during construction and use and upon finishing its logging operations shall turn the road over to the Borough for its use or at the preference of the Borough, put the road to bed under the direction of the State Department of Natural Resources. A gate or barrier shall be placed on the property line between the Mental Health and Borough Lands to prevent access at the termination of this agreement.
- 4) ALCAN FOREST PRODUCTS shall pay a one time fee to the Borough for its use of \$17,000.
- 5) Merchantable timber within the right of way shall be considered the property of ALCAN FOREST PRODUCTS.

Special Conditions:

- 1) Access across the improved roadway you construct may be restricted by you until such time as the Borough either revokes this permit or assumes responsibility for and control over the improvements.
- 2) During any time at which the improvements are under your control, you shall ensure that users provide proof of business auto and liability insurance with the Borough and ALCAN FOREST PRODUCTS named as additional insured. You will also ensure that any subcontractors working on the improvement provide proof of worker's compensation insurance.
- 3) All rights granted herein would remain in force for a period of 18 months or upon notice by ALCAN FOREST PRODUCTS that it wishes to cease.

Your signature below, indicated that you accept and agree to comply with the terms and conditions of this permit. The Borough's point of contact for this permit will be \_\_\_\_\_.

Sincerely,



---

Tim Rooney  
Borough Manager

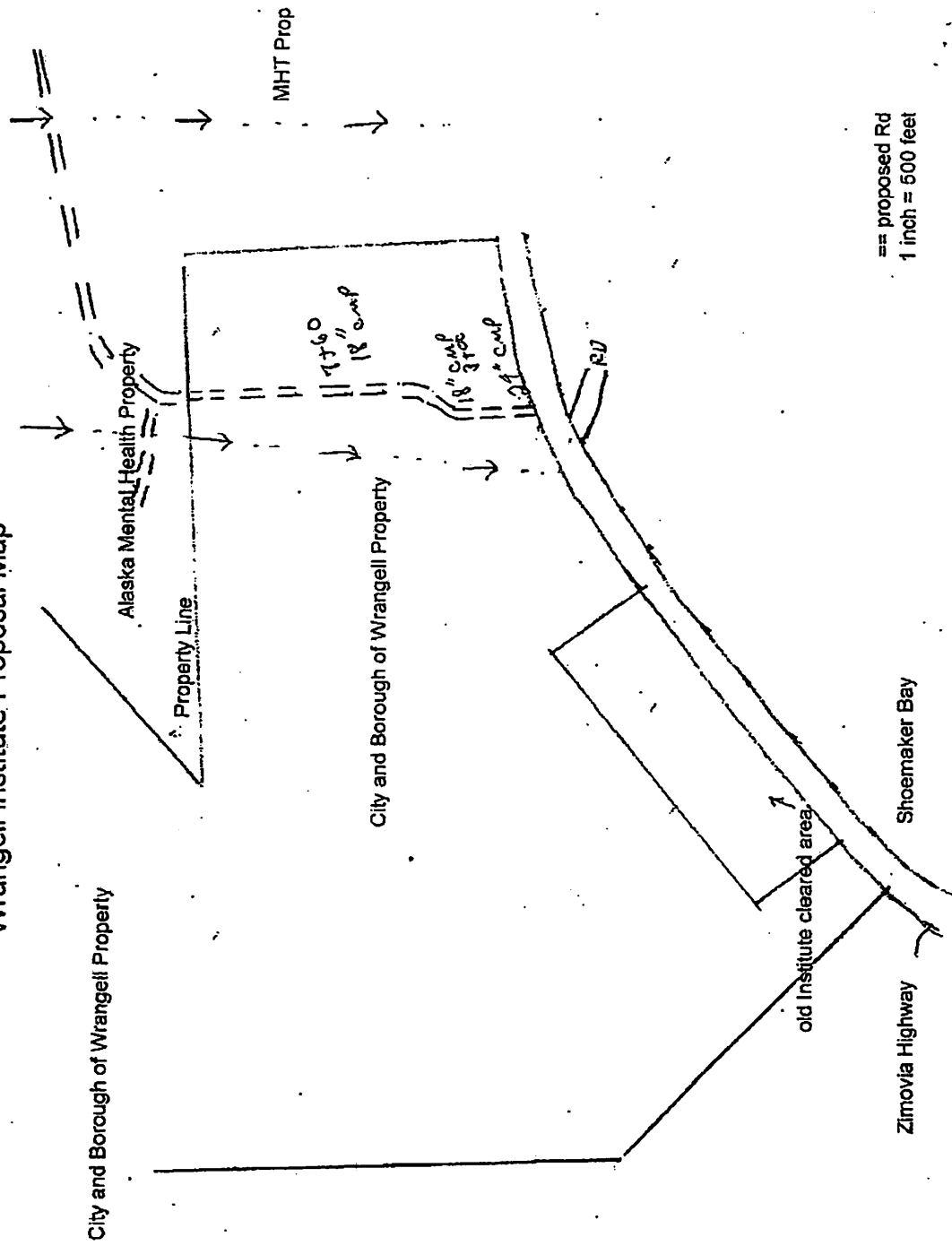
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Brian Brown  
Alcan Forest Products

---

Date

# Wrangell Institute Proposal Map



## *City and Borough of Wrangell, Alaska*

### AGENDA G2

Date: June 7, 2013

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Temporary use permit application for use of a portion of the Institute Property within the fenced area, Lots 1-5, Block 1; Lots 1-5, Block 2; Lots 1-3, Block 3; and Tract A, Shoemaker Bay Subdivision; for sorting and processing wood obtained from the adjacent Trust Land timber sale, zoned Holding, and request to construct an access road through the Institute Property to the Mental Health timber sale area, also zoned Holding, requested by Brian Brown of Alcan Forest Products, owned by the City and Borough of Wrangell.

---

**Background:** Alcan Forest Products was awarded the contract from Mental Health Trust Land Office (TLO) to harvest timber on the TLO property located directly behind the former Institute Property from the electrical transmission lines south behind residences to approximately near where the City's fire substation is located. Alcan is asking to utilize a portion of the fenced in area of the former Institute Property and construct a logging road to access the timber on Mental Health land. The Commission may issue a Temporary Use permit for seasonal activities normally not permitted in the district.

A similar request for the log storage area was proposed by Whale Bay Woods in March 2013, but when the contract was awarded to Alcan, their request was withdrawn.

**Review Criteria:**

Rural Residential: Chapter 20.28  
Temporary Use: Chapter 20.54  
Standards: Chapter 20.52

**Findings:**

Alcan Forest Products is seeking to utilize approximately 2 acres of the fenced in area of the former Institute Property for log storage and sorting from the TLO timber sale located directly behind the Institute Property. In addition, they are seeking to construct a 2400'-2500' long logging road through the southern portion of the former Institute property to access the timber on the Mental Health property. This road would be utilized for the harvest, rather than the proposed road TLO provided the contractor located between Daryl Gross' and Bruce Smith properties. Alcan estimates that the harvesting would be completed by summer of 2014.

The Planning and Zoning Commission will be making a recommendation to the Assembly. Typically on Temporary Use permits, the Commission is the final decision, but because the request is for use of public lands, the Commission will be making a recommendation to the Assembly regarding the proposed use and any conditions of approval. The Assembly would approve or disapprove of the request and establish the necessary fee structure.

At the March Planning and Zoning Commission meeting, Mr. Gross and other residents had voiced concerns about the timber access road being located between two residences. According to Paul Slenkamp of the TLO, if Alcan is allowed to construct a road for the harvest through the Institute Property, they would not be required to build the access road through the contract designated access location, unless they wanted. Mr. Slenkamp did stress that Mental Health proposed access could be utilized in the future for subdivision or other proposed activities for the Mental Health Trust Land.

Also at the meeting, Mr. Gross discussed his concern for hazardous materials on the Institute property and health risks that could result from harvesting the Mental Health lands. I have not spoken to Mr. Gross regarding this request, but the issue may be voiced again since there would be harvesting required for the 12' wide logging road construction. As stated at the previous meeting, any hazardous material at the Institute Property has been cleaned and the property has been cleared by the Alaska Department of Environmental Conservation. There are two small surveyed and recorded hazardous sites on the southern edge of the fenced area, but not in the area proposed for use by Alcan.

The Economic Development Committee has developed a prospectus to seek development proposals for the Institute Property and is currently preparing the advertising notices and information for publication. There was some concern at their last meeting over Whale Bay Wood proposal and how it might affect potential proposals. The consensus at that time was it would not affect proposals, but a road was not part of the earlier proposal. Staff does not believe that a logging road would affect future development proposals. It will provide greater short term access to the property and also potential public uses if the Assembly chooses to allow public access.

Alcan has also mentioned in their letter that if the Borough wanted any harvesting done on the Institute property, the road construction would enable access to Borough timber. At this time, the request being reviewed is strictly for the log storage area and for the access road.

Staff recommends approval of the request to utilize a portion of the Institute Project for log storage, and to construct a proposed logging road through the Institute to access TLO timber sale, subject to the following conditions:

- 1) The Log storage area will be cleaned of bark and debris and returned to its state prior to use. If any fuels are spilled, the contaminated area should be excavated and replaced with clean material
- 2) Establish a permanent gate between the Institute Property and Mental Health lands at the end of the harvest period.
- 3) Provide signage during use periods to warn of logging truck traffic.
- 4) Install proper culverts over resident creeks for fish passage in case future fish should be discovered in them

# **Agenda Item 13b**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013**

#### **INFORMATION:**

#### **Approval of the Revised 2013 Wrangell Medical Center Personnel Policies**

#### **Attachments**

1. Memorandum from Woody Wilson, President, Wrangell Medical Center Board, dated June 27, 2013
2. 2013 Revised Wrangell Medical Center Personnel Policies

#### **RECOMMENDED ACTION:**

Move to approve the Revised 2013 Wrangell Medical Center Personnel Policies as required per Wrangell Municipal Code 3-32-030 (D).

Attachment 13b - 1

**Mission:**

To enhance the quality of  
life for all we serve

**Vision:**

Honor our heritage and be  
the pride of the community

**Values:**

Integrity  
Compassion and Caring  
Trust  
Transparency  
Loyalty  
Honoring our Heritage  
Quality  
Fiscal Responsibility

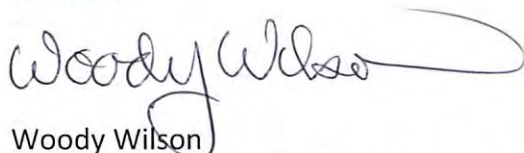
June 27, 2013

Mayor Dave Jack,  
City & Borough Assembly  
PO Box 503  
Wrangell, AK 99929

Dear Mayor Jack and Assembly Members of the City and Borough of  
Wrangell,

The Wrangell Medical Center Board's Bylaws, Policy, Ordinance  
Review Committee has studied the attached, revised WMC Personnel  
Policy Manual and recommended to the full WMC Board that the  
updated manual be adopted, which was done during the regular board  
meeting of June 19, 2013. The Wrangell Medical Center Board now  
respectfully brings the policy to the Borough Assembly for approval as  
required per Wrangell Municipal Code 3.32.030 (D)

Sincerely,



Woody Wilson  
President, Wrangell Medical Center Board

*Caring for  
Southeast*



# WRANGELL MEDICAL CENTER

## PERSONNEL POLICIES 2013

## PERSONNEL POLICIES TABLE OF CONTENTS

---

1. Acknowledgement of Receipt of Employee Handbook.....	1
2. Mission, Vision and Values of Wrangell Medical Center.....	2
3. Standards of Performance.....	4
4. At-Will Status of Employment.....	5
5. Equal Employment Opportunity Statement.....	5
6. Recruitment and Background Checks.....	6
7. Classification of Employment.....	7
8. Compensation.....	7
9. Orientation and Probationary Period.....	8
10. Personnel Files.....	9
11. Job Description.....	10
12. Licensure and Certification.....	10
13. Performance Evaluations.....	11
14. Confidentiality of Information.....	11
15. Meetings and In-Services.....	12
16. Emergency Preparedness Plan.....	12
17. Shift Work Schedules – Shift Differential and Overtime Pay.....	13
18. Meal and Rest Periods.....	14
19. On Call and Callback.....	14
20. Time Clock and Time Studies.....	15
21. Pay Day and Credit Union Membership.....	16
22. Travel and Meals.....	16
23. Attendance Policy.....	17
24. Leaves of Absence.....	19
25. Paid Time Off and Personnel Action Forms.....	21
26. Holidays.....	23
27. Bereavement Leave.....	24
28. Jury Duty.....	24
29. Low Census Days.....	24
30. Personal Appearance.....	25
31. Fragrance Policy.....	26
32. Smoke – Free Workplace.....	26
33. Parking.....	26
34. Use of Personal Technology.....	27
35. Use of Wrangell Medical Center Technology.....	29
36. Social Media.....	30
37. Media Releases.....	32
38. Nepotism.....	33
39. Discrimination and Harassment Policy.....	34
40. Workplace Violence.....	36
41. Whistleblower Protection Policy.....	38
42. Acceptance of Gifts.....	39
43. Break Time for Nursing Mothers.....	39
44. Disciplinary Actions.....	40
45. Problem Resolution Procedure.....	41



46. Substance Screen Policy and Employee Assistance Program.....	43
47. Employee Physicals and Medical Evaluations.....	53
48. Safety.....	54
49. Worker’s Compensation – Accidents and Injuries.....	54
50. Health and Wellness Program.....	55
51. Health Insurance Plan.....	56
52. COBRA.....	56
53. Employee Discount.....	57
54. Flexible Spending Arrangement.....	57
55. Life Insurance.....	57
56. Education and Tuition Reimbursement.....	58
57. Social Security and Supplemental Benefits System (SBS).....	59
58. Deferred Compensation and Retirement Plan.....	59
59. Employment Termination.....	60

## **ALPHABETICAL LISTING OF CONTENTS**

---

<b>Acceptance of Gifts</b>	<b>39</b>	<b>Life Insurance</b>	<b>57</b>
<b>Accidents and Injuries</b>	<b>55</b>	<b>Low Census Days</b>	<b>24</b>
<b>Acknowledgment of Receipt</b>	<b>1</b>	<b>Meal Period</b>	<b>14</b>
<b>Attendance Policy</b>	<b>17</b>	<b>Media Releases</b>	<b>32</b>
<b>At-Will Status of Employment</b>	<b>5</b>	<b>Medical Evaluations</b>	<b>53</b>
<b>Background Checks</b>	<b>6</b>	<b>Meetings</b>	<b>12</b>
<b>Bereavement Leave</b>	<b>24</b>	<b>Mission, Vision &amp; Values</b>	<b>2</b>
<b>Callback</b>	<b>14</b>	<b>Nepotism</b>	<b>33</b>
<b>Certification</b>	<b>10</b>	<b>Nursing Mothers Break Times</b>	<b>39</b>
<b>Classification of Employment</b>	<b>7</b>	<b>On Call</b>	<b>14</b>
<b>COBRA</b>	<b>56</b>	<b>Orientation</b>	<b>8</b>
<b>Compensation</b>	<b>7</b>	<b>Overtime Pay</b>	<b>13</b>
<b>Confidentiality</b>	<b>11</b>	<b>Paid Time Off</b>	<b>21</b>
<b>Credit Union Membership</b>	<b>16</b>	<b>Parking</b>	<b>26</b>
<b>Deferred Compensation</b>	<b>59</b>	<b>Pay Day</b>	<b>16</b>
<b>Disciplinary Actions</b>	<b>40</b>	<b>Performance Evaluations</b>	<b>11</b>
<b>Discrimination Policy</b>	<b>34</b>	<b>Personal Appearance</b>	<b>25</b>
<b>Education Reimbursement</b>	<b>58</b>	<b>Personnel Action Forms</b>	<b>21</b>
<b>Emergency Preparedness Plan</b>	<b>12</b>	<b>Personnel Files</b>	<b>9</b>
<b>Employee Assistance Program</b>	<b>48</b>	<b>Probationary Period</b>	<b>8</b>
<b>Employee Discount</b>	<b>57</b>	<b>Problem Resolution Procedure</b>	<b>41</b>
<b>Employee Physicals</b>	<b>53</b>	<b>Recruitment</b>	<b>6</b>
<b>Equal Employment Opportunity</b>	<b>5</b>	<b>Resignation</b>	<b>61</b>
<b>Evaluations</b>	<b>11</b>	<b>Rest Period</b>	<b>14</b>
<b>FMLA</b>	<b>19</b>	<b>Retirement Plan</b>	<b>59</b>
<b>Flexible Spending Arrangement</b>	<b>57</b>	<b>Safety</b>	<b>54</b>
<b>Fragrance Policy</b>	<b>26</b>	<b>SBS System</b>	<b>59</b>
<b>Harassment Policy</b>	<b>34</b>	<b>Shift Differential</b>	<b>13</b>
<b>Health Insurance Plan</b>	<b>56</b>	<b>Shift Work Schedules</b>	<b>13</b>
<b>Holidays</b>	<b>23</b>	<b>Smoke Free Workplace</b>	<b>26</b>
<b>In-Services</b>	<b>12</b>	<b>Social Media</b>	<b>30</b>
<b>Job Description</b>	<b>10</b>	<b>Social Security</b>	<b>59</b>
<b>Jury Duty</b>	<b>24</b>	<b>Standards of Performance</b>	<b>4</b>
<b>Leaves of Absence</b>	<b>19</b>	<b>Substance Screening</b>	<b>43</b>
<b>Licensure</b>	<b>10</b>	<b>Termination</b>	<b>60</b>

<b>Time Clock</b>	<b>15</b>
<b>Time Studies</b>	<b>15</b>
<b>Travel</b>	<b>16</b>
<b>Tuition Reimbursement</b>	<b>59</b>
<b>Use of Personal Technology</b>	<b>27</b>
<b>Use of WMC Technology</b>	<b>29</b>
<b>Violence in the Workplace</b>	<b>36</b>
<b>Wellness Program</b>	<b>55</b>
<b>Whistleblower Protection</b>	<b>38</b>
<b>Worker's Compensation</b>	<b>54</b>

## **Acknowledgement of Receipt of Employee Handbook**

**I acknowledge that I have received a copy of the Wrangell Medical Center Employee Handbook in its most current form. I understand that this handbook replaces any and all previous editions of the Wrangell Medical Center Personnel Policies.**

**I understand that the contents of this employee handbook are simply policies and guidelines, not a contract or implied contract with employees. I have received the Personnel Policies and I understand that it is my responsibility to read and comply with the policies contained in this handbook.**

---

**Employee signature**

---

**Date**

---

**Employee name (please print)**

# **The Mission, Vision, Values of Wrangell Medical Center**

**Our Mission: To enhance the quality of life for all we serve.**

**Our Vision: Honor our heritage and be the pride of the community**

By being a community driven organization;  
By being an active participant in planning for the future of our community;  
By being the leader in our industry and region in providing high quality care for patients;  
By being ready and responsive to meet health care needs;  
By being the hospital and long term care facility of choice;  
By providing a beautiful, comfortable setting for our patients and our long term care residents;  
By being the employer of choice;  
By being financially healthy; and  
By being a model of excellence in promoting wellness and restoring health.

## **Our Values:**

### **INTEGRITY**

We do the right thing, even if it is not the easy choice. We hold ourselves to high standards in the work that we do - this means we have a strong work ethic and do our jobs to the best of our abilities. We are honest, fair, and respectful to our patients, our community and ourselves.

### **COMPASSION AND CARING**

Patients are always the focus and center of everything we do. Regardless of our role in the organization, we go above and beyond to provide services in a manner that lets patients know that we care deeply about them.

### **TRUST**

It is absolutely important to us that our patients and our community trusts us. We will provide patient care and conduct our business such that they always do.

### **TRANSPARENCY**

We are open and forthright with our community, our partners, and ourselves. Our community and patients have a right to know how we are planning for the future. They deserve to know how we are performing in the present, both financially and on quality measures.

### **LOYALTY**

We are loyal to our patients, because we care about them deeply as our friends, family, and neighbors. We are also loyal to Wrangell Medical Center, and always act as excellent ambassadors of the organization. We treat each other with respect, and work cooperatively as members of a cohesive team.

**HONORING OUR HERITAGE**

We respect and remember our long history of caring for the diverse people in our community and region. We are committed to honoring this heritage by holding in the highest esteem our elders who came before us. We will focus on planning for our future so our elders can age in place, and maximize the potential that all patients may be served right here in the community.

**QUALITY**

Above all, we provide safe, high quality health care. We strive for excellence in everything we do, regardless of whether or not it is related directly to patient care. We hold ourselves accountable for this excellence. We embrace growth and change that comes with constantly improving ourselves. We focus on creating strong systems, and do not blame individuals for outcomes related to weak systems.

**FISCAL RESPONSIBILITY**

We believe in the prudent use of our resources. We deliver high quality services in a manner that is cost-effective while not compromising our services. Good stewardship of our finances benefits our community in the form of improvements and expansion of the services available.



# **Standards of Performance**

## **To all who enter**

We commit to provide fully informed quality healthcare which encompasses respect, dignity, compassion and confidentiality.

### **TEAMWORK**

We commit to teamwork that is based on reliable, supportive and committed engagement with each other at all times and under all circumstances.

### **COMMUNICATION**

We commit to conducting ourselves with integrity in an approachable, receptive and respectful manner in order to foster a positive work environment.

### **EDUCATION**

We commit to encouraging all employees to reach their full potential through education and personal growth; our goal being to provide safe, efficient and quality healthcare.

### **ACCOUNTABILITY**

We commit to honoring ourselves and our coworkers by being punctual, focused, prepared and responsive to provide professional patient centered care.

## **AT WILL STATUS OF EMPLOYMENT**

Employment here is “at-will”. This means that at the sole discretion of either the employer or the employee, the employment relationship may be terminated at any time for any reason or no reason at all. No one in the facility other than the CEO has the authority to change the at-will nature of your employment.

## **EQUAL EMPLOYMENT OPPORTUNITY**

Equal employment opportunity is granted to all qualified individuals without regard to race, color, religion, disability, sex, age, or national origin. Wrangell Medical Center will attempt to make reasonable accommodations for applicants and employees with disabilities.



# **RECRUITMENT**

Prior approval from the Chief Executive Officer is required before establishing a new position or filling an existing position.

Any position that opens or is created at Wrangell Medical Center will be advertised for five working days. The position and its qualifications will be posted publicly in the staff dining room, and on all standard door entrances into the Medical Center. The position may be advertised out of house concurrently with in-house posting.

Applicants will complete the application forms provided by Wrangell Medical Center. The written application will be reviewed by the supervisor. Upon review, the supervisor will select those applicants to interview, check references, and all other processing of the application. All employees will be required to have a drug and alcohol screen and a criminal background check performed prior to hire.

Successful applicants will be hired at the proper grade established for the position, and at a step depending on experience, but not to exceed the median step on the established pay grid.

Any present employee of WMC who is successful in being hired for a new position or promotion will be subject to a six-month probation period with the exception that all present benefits will continue. The date of promotion to a new position will become the anniversary date of the employee for annual step increases.

# **BACKGROUND CHECKS**

Wrangell Medical Center will conduct background screening checks on all new employees in accordance with the State of Alaska Department of Health and Social Services regulations. The background check will be processed through the Alaska Background Check Program. A background check will be done prior to employment at Wrangell Medical Center. Any offer of employment at Wrangell Medical Center is contingent on the successful completion of the background check. The Alaska Background Check Program also requires current employees to have their background check clearance renewed every six years. Employees will be notified when they are required to have their background check renewed. Wrangell Medical Center will pay for all costs of the background check screening. If a barrier crime is committed while you are employed by Wrangell Medical Center, the State of Alaska may revoke your clearance for employment. If an employee's background check clearance is revoked, Wrangell Medical Center must comply with the findings of the Background Check Unit.

# **CLASSIFICATION OF EMPLOYMENT**

For the purposes of administration and eligibility for overtime compensation and benefits, Wrangell Medical Center has classified its employees as follows:

- **REGULAR EMPLOYEES:** Those employees who are hired to work at least 20 hours per week on a regular basis. These employees may be exempt or non-exempt.

Non-exempt employees are those employees whose compensation is based on an hourly wage rate. Non-exempt employees will be paid overtime at the rate of time and one-half their regular rate of pay for all hours worked beyond forty (40) hours in a work week.

Exempt employees are appointed by the CEO and are paid on a straight 40 hours per week basis. An exempt employee is not eligible for overtime pay or shift differential.

- **PRN EMPLOYEES:** Those scheduled on an "as needed" basis. These employees receive none of the regular employee benefits. Monetary compensation will be at the proper grade and step for the position, plus ten percent. PRN employees will not be eligible for PTO accrual, holiday pay, group health insurance, life insurance, employee discount, step raises, or the retirement plan. Supervisors will determine the need for PRN employees in their departments.
- **CONTRACT EMPLOYEES:** Contract employees= pay terms are negotiable.

## **COMPENSATION**

The compensation plan of Wrangell Medical Center is established by assigning each job classification a salary grade which reflects the knowledge, skills and abilities needed to fill that position. Each employee will be compensated based upon the salary grade that is assigned to his or her position. The compensation plan establishes a salary range within each job. It is designed to provide for annual step increases to an employee as a reward for their increased value to the Medical Center.

New employees will be hired at the proper grade established for the position, and at a step depending on experience, but not to exceed the median step on the established pay grid.

# **ORIENTATION**

All employees shall be appropriately oriented to the facility, to their departments, and to the duties of their job positions upon hire. All employees will be provided with a copy of their current job description and personnel policies. It is the responsibility of the supervisor to notify the Personnel department of a new hire.

Each employee shall be provided with a facility orientation checklist. This checklist must be completed and signed by the employee by the end of a two-week period. The checklist shall then be returned to the supervisor for placement in the employee's personnel file.

The supervisor is responsible for providing adequate employee orientation within their department. A signed checklist for department orientation will be placed in the personnel file.

Contract employees and students will be oriented in specific departments as appropriate. Contract employees must complete a contract employee orientation form.

Following a break in service of 12 months or more or at the discretion of the supervisor, an employee will be reoriented.

# **PROBATIONARY PERIOD**

The first six calendar months of employment are considered probationary. The probationary period is designed so that the new employee may determine whether or not he/she is satisfied with his/her position and the supervisor may decide whether or not a new employee is satisfactorily performing his/her duties. The supervisor may extend the probationary period with the approval of the CEO. Any employee may be requested to leave for any reason, whatsoever, at the close of, or any time during, the probationary period.

# **PERSONNEL FILES**

A personnel file will be kept for each employee of Wrangell Medical Center. The personnel file will contain his/her application for employment, hiring records, federal tax forms, salary records, job performance evaluations, current certifications, correspondence relating to the employee, reprimands and other disciplinary actions. Employee health records are maintained in a separate file by the Employee Health coordinator. Records of continuing education are maintained by the In-service Coordinator.

For the purpose of maintaining complete and accurate personnel files, employees are required to report any changes in their personal status to the Personnel department. This information should include:

- Change of address or telephone number
- Any change affecting your tax withholding status
- Legal change of name
- Changes that would affect your insurance or retirement benefits

Personnel files are the property of Wrangell Medical Center, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the medical center who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Personnel department. With reasonable advance notice, employees may review their own personnel files in the Personnel department office. The examination of the personnel file will be supervised and will be scheduled during regular office hours. If an employee requests a photocopy of the contents of her or her personnel file, the request must be made in writing.

## **JOB DESCRIPTION**

Upon application, each employee will receive a written job description which describes the following:

- Qualifications necessary for the position
- Essential functions of the position
- Job classification
- Brief description of responsibilities and duties
- Title of immediate supervisor

Any job description distributed by Wrangell Medical Center is not inclusive of all duties that the employee will be required to perform. The employer expressly reserves the right to change the responsibilities and duties at its sole discretion. Upon hire, the job description will be signed by the employee to indicate acceptance and knowledge of the responsibilities of the position. The signed job description will be placed in the employee's personnel file.

## **LICENSURE AND CERTIFICATION**

Those employees required by law, regulation or Wrangell Medical Center to be licensed or certified shall have the appropriate license or certification, and shall maintain such license in force during employment. Failure to acquire or maintain a required license or certification may result in suspension or termination.

# **PERFORMANCE EVALUATIONS**

Performance evaluations for each job title will be at six (6) months, and one (1) year, and annually thereafter. The purpose of the employee evaluation is to take a personal inventory, to pin-point weaknesses and strengths, and to outline and agree upon a practical improvement program. The evaluations will provide a history of development and progress. Additional evaluations may be performed at any time. Employee evaluations will be in writing, signed by the supervisor and the employee and become part of the permanent personnel file. Employees may request a copy of the evaluation from their supervisor.

Supervisors and the executive team will be notified in writing of all evaluations that have not been completed in the past calendar year.

## **CONFIDENTIALITY**

Employees have access to a wide range of confidential information. “Confidential information” is information which is not generally known and which the employee obtained solely as a result of his or her employment. It includes, but is not limited to, written records, lists, and any information pertaining to patients. Employees should only share or discuss confidential information with other employees on a need to know basis. It is not information which should be gossiped about or discussed with any other employees who do not have a need to be aware of that information. Employees should never discuss confidential information with anyone outside of the facility. As a condition of employment, employees must sign a confidentiality agreement. That agreement is a legally binding document in which employees acknowledge their obligation to maintain and protect the confidential information of Wrangell Medical Center.

Any breach in confidentiality should be reported to the employee’s supervisor. The supervisor must file an incident report with the Quality Director and place a statement of the incident in the employee’s personnel file.

Information to press and radio is restricted; do not give information to these sources unless you have been designated to do so by the CEO. If at any time an employee has any questions concerning what is or is not confidential and what their duties are with regard to confidential information, they should not hesitate to discuss those questions with their immediate supervisor.

## **MEETINGS AND IN-SERVICES**

All necessary training required by the employer or any state, federal or local agency must be completed by all employees. Documentation of attendance at training will be kept by the In-Service department. Direct patient care personnel are required to take CPR.

## **EMERGENCY PREPAREDNESS PLAN**

Employees are expected to review the Emergency Preparedness Plan, as established by the Medical Center. Emergency Preparedness Drills are held periodically. Employees present at the facility, for any reason, are expected to participate in Fire Drills. All employees are expected to participate in mandatory Emergency Preparedness Drills. Copies of the Emergency Preparedness Plan are available in all departments.

# **WORK SCHEDULES**

Personnel in the nursing, dietary, housekeeping, maintenance, laundry and lab departments may be scheduled to work shifts. Employees are responsible for working the assigned posted schedule. If an employee voluntarily trades a shift after the schedule is posted, it is the scheduled employee's responsibility to find a replacement for that shift. The trade in shifts cannot result in overtime for either employee without the prior approval of the supervisor. Employees working evening shift and night shift will be eligible for shift differential pay.

## **SHIFT DIFFERENTIAL**

Personnel in departments that regularly schedule two or more shifts per day will be eligible for shift differential. Normally, the evening shift is scheduled from 4:00 p.m to 12:00 midnight and night shift is scheduled from midnight to 8:00 a.m.

Employees working within two (2) shift differential periods shall be paid the respective differential rate for hours worked within each period. Differential is paid only for hours worked. Paid time off, call back time, sick time, education time, and other non-worked benefit time do not qualify for differential pay.

## **OVERTIME PAY**

All hourly employees who are scheduled up to twelve (12) hours or less, shall be paid at time and a half for all hours worked in excess of:

- Eight (8) to twelve (12) hours in any workday
- Eight (8) to twelve (12) consecutive hours on any shift
- Forty (40) hours in a seven (7) day work period

All overtime will be computed to the nearest quarter (1/4) hour.



## **MEAL PERIOD**

The meal period will be at least a 30-minute non-paid break to be scheduled where possible in the middle of each shift scheduled over six hours. The meal period should be taken. The omission is no basis for leaving work early.

A dining room is available for staff to take breaks and eat meals. Staff members are responsible for keeping dining room clean and neat after use.

## **REST PERIOD**

A paid rest period of 15 minutes is allowed for each four hours worked. Rest periods should be taken. Their omission is no basis for leaving work early, nor qualifying for overtime.

## **ON CALL & CALLBACK**

Designated employees are scheduled to take call and will do so as a requirement for employment. During call time, employees will abstain from any consumption of alcohol or the use of drugs. Violations of this policy will be subject to disciplinary procedures at the discretion of the supervisor. Employees who are onBcall will be responsible for being able to be reached by Wrangell Medical Center and available to report for work at all times. On-call pay continues when called in. This is in addition to the call back pay.

Employees will be guaranteed a minimum of 1 hour pay when called back to work. Call back pay is 12 times employee's regular rate of pay.

## **TIME CLOCK**

All employees are expected to be at their work areas ready and able to start work at the scheduled time and are expected to remain in their work areas until their scheduled quitting time. A time clock is provided for employees to keep an accurate record of attendance, time worked and leave taken for pay purposes. It is the employee=s responsibility to clock in at the beginning of his/her shift and out at the end of the shift. Employees are not required to punch out and back in at lunch time C a lunch break will be automatically deducted. Employees should not clock in over 7 minutes before the beginning of the shift or more than 7 minutes after the shift ends. Employees working in multiple departments need to clock in to the appropriate department. It is the employee=s responsibility to report any problems he/she may have clocking in or clocking out, or any exceptions to pay that need to be reported by completing a Payroll Exceptions form. Call Pay, In-service time and PTO may also be recorded on the time clock. Supervisors will review their employee's time and attendance and sign a Supervisor Review form at the end of the pay period. The signed Review form must be turned in to the Payroll Department by noon on the Monday of the week of payday. Any time not recorded or any problems not reported by this time will be paid or adjusted on the next regular pay period.

## **TIME STUDIES**

Time Studies are mandatory and must be done one week of every month for salary allocation on the Medicare cost report. These studies must be on rotating weeks. The personnel affected are the Nursing staff, Physical Therapy and Activities.

## **PAY DAY**

Employees are paid on a bi-weekly basis every other Friday. Direct deposit of funds is available to either a savings or checking account at the employee's bank of choice. To activate direct deposit, a Direct Deposit Authorization form must be completed and returned to the Personnel department. Wrangell Medical Center employees are eligible for membership in the Alaska USA Federal Credit Union. See the Personnel department for membership application.

Any paycheck or direct deposit voucher not picked up by 5:00 pm on pay day will be mailed to the employee.

There will be no employee advances between pay days.

## **TRAVEL AND MEALS**

An employee must fill out a Personnel Action Form for any employee travel. Travel funds must be approved in advance by the supervisor and the CEO. The Medical Center will pay the employee=s regular salary while they are attending education or business meetings. Travel and Education pay will not exceed 8 hours per day.

Airline tickets should be charged to the hospital. Registration fees, meal per diem and lodging expenses may be obtained in advance, if the employee wishes. Airline and lodging reservations should be made through the Administrative Assistant. Receipts for expenses must be returned to the Accounts Payable department within 30 days of travel.

A meal per diem allowance is paid for any out of town travel resulting in an overnight stay. One day of meal per diem will be given for each night the employee is out of town.

Rental cars must be charged to employee=s own credit card and the receipt turned in to Accounts Payable for reimbursement. Employees may be asked to present a written or oral report on information learned while traveling at the Medical Center=s expense.

# **ATTENDANCE POLICY**

Wrangell Medical Center (WMC) encourages excellent attendance and punctuality by all employees. While there are sometimes legitimate reasons for employees to be absent or late on occasion, excessive absenteeism and lateness impacts other employees and impedes the WMC's progress toward meeting its goals. Excessive absenteeism and lateness are not acceptable behaviors, and employees will be counseled when their absence record is excessive. Should an employee be unable to correct the excessive absence or lateness, corrective action up to and including discharge may be taken.

**Notification of Absence:** Employees who must be absent or late are required to notify their supervisor or his/her designee, who will be responsible for notifying the manager/supervisor of the absence or tardiness as soon as possible. The manager/supervisor should designate an individual to be notified during times when they cannot be reached.

Employees requesting leave under one of our specific leave policies (FMLA, Earned Time, Military Leave, etc.) must follow the notification and approval procedures contained in that leave policy. Attendance expectations are administered within the requirement of applicable leave laws. Certain absences such as Family and Medical Leave (FMLA) and approved disability accommodations generally do not count as unscheduled absences under this policy.

Employees who fail to properly report their absence within three consecutive scheduled working days are considered to have voluntarily terminated their employment. Improper notification or failure to notify of absence will be considered just cause for corrective disciplinary action and may affect some clinical licenses.

**Reducing Absenteeism by Disciplinary/Corrective Action:** Excessive absenteeism, excessive lateness, or improper notification are correctable infractions; as such, the appropriate pattern for correcting is verbal counseling, written warning, final written warning with corrective probation, and termination. In applying corrective action to excessive absenteeism, the following guidelines should be used:

- An "occurrence" approach should be adopted. "Occurrence" means one (1) or more consecutive days of unscheduled absence. If an employee misses work due to an illness for one or multiple consecutive work days, this will be considered as one occurrence. Consecutive absences, however, for different reasons will be treated as separate occurrences. For example, an employee who is sick on one day, and then who fails to show up to work the next day due to a car problem, would have two absenteeism occurrences under this policy. Any absenteeism from a scheduled workday or tardiness greater than an hour that has not been pre-approved with the department supervisor/manager is generally considered an absenteeism occurrence. Please make note that the provision of the physician's note does not prevent the absence from constituting an absenteeism occurrence under this policy.
- When applying corrective action to an employee for absenteeism, it is important to explore the reasons for the absences at the first stage, during verbal counseling. For

example, if the employee's absences are due to a legitimate reason not the fault of the employee, it may not be appropriate to discipline the employee.

- In cases where formal corrective action is being taken with an employee for excessive absence, it is appropriate to deny the last minute request for personal time off (not including Paid Time off (PTO) for illness or emergency) until the employee's attendance complies with departmental averages.
- If an employee's absence continues to be excessive, after application of formal corrective action, it is appropriate for a supervisor to have the employee verify their reasons for continued absence or lateness, e.g., doctor's certification.
- All employee absenteeism must be handled consistently, and within the definitions provided in this policy. Employee attendance records should be reviewed with the employee, at least annually, during the employee's performance appraisal.

**Administrative Guidelines:** Supervisors are responsible for maintaining accurate attendance records for employees under their direction. Records must document the reasons for the employee's absence/lateness. An employee's record of attendance should be documented and shared with the employee on an annual basis.

## **DEFINITIONS:**

*"Absenteeism"* is generally defined as the failure of employees to report on the job for normally scheduled work hours; absenteeism does not include time-off scheduled in advance.

The term *"Excessive Absenteeism"* occurs when one or more of the following exists with regard to an employee's absenteeism:

- Absences are exceeding PTO time accrued.
- Absences are developing a "pattern"; e.g., employee calls in sick every Friday or Monday, to extend weekend, etc.
- Rate of employee absenteeism is exceeding average departmental and/or hospital absenteeism rates.
- When an employee's absence or lateness begins approaching or reaches an excessive stage, it is required that the reasons for lateness/absence be documented by the manager.

*"Lateness"* occurs when an employee is not at their workstation and ready for work at the start of assigned shift or when returning from meals or breaks.

The term *"Excessive Lateness"* is defined as lateness that exceeds an average of **three late** start times per month or three late returns from meals and breaks per month.

# **LEAVES OF ABSENCE**

## **FAMILY MEDICAL LEAVE ACT**

Those regular employees who have worked (hours include in-service, holidays and PTO) at least 1250 hours in the previous 12 month period prior to the requested time off are entitled to take up to 12 work weeks of leave during a 12 month period. The determination of eligibility for the Family and Medical Leave Act is made at the time that the employee's leave would begin. Request for leave will be made in writing at least 30 days in advance when possible. It is the supervisor's responsibility to notify the personnel department in the event of an emergency medical leave situation.

The appropriate instances for this leave are:

- The birth of a son or daughter and to care for the newborn child
- The placement with the employee of a son or daughter by adoption or foster care
- The need to care for the employee's spouse, son, daughter or parent with a serious health condition
- A serious health condition that makes the employee unable to perform the functions of the employee's job

Leave taken under this act will run after all PTO, and sick time has been used. Your health coverage, along with the coverage of any spouse or dependents will be maintained at the same rate, as coverage would have been provided had the employee not taken leave. Any share of the health insurance premiums which has been paid by the employee prior to family medical leave will continue to be paid by the employee during the family medical leave period. Payment would be due at the same time as it would be made if by payroll deduction unless another payment schedule is agreed to between the employee and the Medical Center.

Upon return from family medical leave an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. The anniversary date of the employee will be adjusted by the length of the leave of absence.

If an employee decides not to return to work following FMLA leave and you fail to provide your supervisor with advance notice, you will be considered to have voluntarily resigned.

It is Wrangell Medical Center's intent to fully comply with the Family Medical Leave Act. The actual federal regulation will govern any questions arising under this policy. This is intended as a general summary of Wrangell Medical Center's compliance with FMLA.

## **NON - FAMILY MEDICAL LEAVE POLICY**

For special, personal or urgent reasons, an employee employed one year or more may apply for a leave of absence without pay up to 120 consecutive calendar day's duration. A leave of absence must be requested in writing on the Leave of Absence Request Form and submitted to your supervisor as far in advance as possible. The request must state the reasons for the leave and the amount of time requested. The supervisor will give consideration to the circumstances of each application and shall have the right to determine whether or not the leave shall be granted and the duration. A major consideration in granting or denying a requested leave of absence for other than medical related conditions, or those conditions covered under the Family Medical Leave Act, will be the ability of the Medical Center to provide adequate coverage without extra cost. All accumulated PTO hours will be used prior to the granting of leave of absence without pay. Benefits will not accrue during a leave of absence without pay. The employee will be responsible for the entire expense of continued health insurance coverage (COBRA) during personal leave. The employee must pay the entire premium at the regularly scheduled payment date. Failure to make timely payments will result in termination of benefits. Approval of a leave of absence without pay does not guarantee employment at the Medical Center at the end of the leave. Upon returning from a leave of absence, the anniversary date of the employee will be adjusted by the length of the leave. All benefits will resume immediately upon return to work from a leave of absence. Leave may be extended with CEO approval. If an employee decides not to return to work following personal leave and you fail to provide your supervisor with advance notice, you will be considered to have voluntarily resigned.

## **MILITARY LEAVE POLICY**

Wrangell Medical Center will comply with its obligations under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The Act applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services." These services include the Army, Navy, Marine Corps, Air Force, Coast Guard and Public Health Service Commissioned Corps, including their reserve components.



# **PAID TIME OFF**

Employees requesting Paid Time Off (PTO) will fill out a Personnel Action Form for scheduling purposes. A personnel action form must be filled out for any time off the job which will be claimed for pay, with the exception of regular holidays. This form will be filled out in advance when requesting vacation, leave, travel and education. Employees are responsible for managing their PTO balances.

All employees accrue Paid Time Off for purposes of vacation and sick leave. Employees in temporary or PRN status do not accrue Paid Time Off.

## **Rate of Accrual:**

The rate of accrual shall be based upon the total number of hours worked during a pay period, and your accrual rate for length of service.

X	0-1 years	.084616 per hour worked	
		6.77 maximum accrual per pay period	176 Hrs.
X	1-4 years	.103847 per hour worked	
		8.31 maximum accrual	216 Hrs.
X	4-9 years	.123077 per hour worked	
		9.85 maximum accrual	256 Hrs.
X	9 + years	.142308 per hour worked	
		11.38 maximum accrual	296 Hrs.

## **Paid Time Off Pay:**

PTO shall be paid at the employee's base rate of pay and will be figured into that pay period during which the leave was taken. PTO used for leave from work will be used at least at the rate an employee is normally scheduled to work, which has been determined by your supervisor. No regular employee shall have a negative PTO balance.

## **Accumulation:**

PTO accrued, but not used, shall accumulate from pay period to pay period to a maximum of 500 hours. Anything beyond this cap will periodically be paid in cash.

## **Conversion to Cash:**

Employees may request a cash payment of hours accumulated in their PTO banks on a quarterly basis. Any conversions over four in one year must be approved by the CEO. PTO shall be paid at 100% of the employee's base rate. Cash conversions are subject to normal payroll withholdings. Requests for conversion to cash will be paid with the regular payday.

## **Required Time Off:**

All employees regularly scheduled for full-time will be required to take ten days off during the calendar year. Employees regularly scheduled for part-time will be required to take off five days

during the calendar year. Supervisors will be notified in October of those who need to schedule vacation.

**Scheduling:**

Employees shall present written requests for Paid Time Off at least four (4) weeks in advance. PTO is subject to supervisor approval, and will be granted according to the convenience of the Medical Center.

Extended PTO (more than four (4) weeks) must be submitted for approval at least eight (8) weeks in advance.

**Illness:**

Employees who must be absent or late are required to notify their supervisor or his/her designee, who will be responsible for notifying the supervisor of the absence or tardiness as soon as possible. The supervisor should designate an individual to be notified during times when they cannot be reached. Employees will be required to use PTO for scheduled shifts missed due to illness.

**Payment on Termination:**

An employee shall be paid upon termination for all PTO accumulated but not used. PTO shall be paid at 100% of the employee's base rate.

# **HOLIDAYS**

The following days are approved holidays:

- < New Year's Day
- < President's Day\*
- < Seward's Day\*
- < Memorial Day
- < Independence Day
- < Labor Day
- < Alaska Day\*
- < Veteran's Day\*
- < Thanksgiving
- < Christmas

Holidays designated with an asterisk (\*) are considered minor holidays. Departments will need to schedule staff for these holidays as determined by the supervisor.

You must be paid for at least 40 hours in the pay period, which contains the holiday to be eligible for holiday pay. Paid hours will consist of regular hours worked, PTO, Sick Time, In-service Time, Jury Duty, or Bereavement pay.

Regular employees are entitled to holiday pay in proportion to the number of hours paid in the holiday pay period:

- Less than 40 hours: 0 hours holiday pay
- 40 C 44 hours paid: 4 hours holiday pay
- 45 C 49 hours paid: 5 hours holiday pay
- 50 C 59 hours paid: 6 hours holiday pay
- 60 C 69 hours paid: 7 hours holiday pay
- 70 C up hours paid: 8 hours holiday pay

Holiday pay will be paid in the pay period, which contains the holiday for all regular and exempt employees. Exempt employees will not be paid extra for working on a holiday. Holiday time will not be added to your PTO balance.

## **BEREAVEMENT LEAVE**

Scheduled employees, with approval of the CEO, will be granted a leave with pay of 40 hours for regular employees in the event of a death in the immediate family. The Supervisor must be notified and the bereavement leave must be requested immediately. Immediate family is defined as *parents, parents-in-law, spouse, children, grandchildren, grandparents, brothers, sisters, and domestic partners*.

## **JURY DUTY**

Employees must notify their supervisor when they are notified that they are on call for jury duty. Also, please notify your supervisor when you have been released from the courthouse.

Employees, who are called to serve on Jury Duty, will be compensated by the Medical Center for his/her regular pay for the regularly scheduled time missed.

## **LOW CENSUS DAYS**

When more personnel are scheduled than required because of intermittent low patient census, a low census period may be given to employees who request it, or it may be assigned to employees if there are no requests. Assignment will depend upon the particular needs of the Medical Center for that period; however, every effort will be made to equitably rotate such periods where feasible.

A low census period is a period without regular pay, but one for which benefits are accrued for all regular employees. Employees may elect to use PTO for low census periods.

A low census period must be assigned at least one hour before the scheduled shift, unless the supervisor and staff member agree to a lesser time period. Low census hours must be authorized by the supervisor in writing.

Low census periods do not contribute to overtime calculations.

Low Census Periods must be designated by the CEO. The CEO will designate a beginning and ending date for low census periods.

# **PERSONAL APPEARANCE**

Employees are expected to maintain high standards of neatness, cleanliness and personal hygiene. All employees should arrive for work in modest, neat and clean clothing appropriate for work. Wrangell Medical Center is an important part of our community and our employee's attire should be reflective of our professional commitment to those we serve. Our appearance should not distract from our professionalism individually or collectively, and should not be distracting or offensive.

Clothing must be clean, safe, non-wrinkled, in good repair and sized appropriately (no wrinkled, torn or revealing apparel) with no slogans, or inappropriate pictures/graphics. No sweatshirts, bare midriffs, low rider jeans or tank tops can be worn. Wrangell Medical Center and Wrangell Medical Center Foundation logo attire is acceptable. Specific uniform requirements may apply depending upon your position. These will be documented in each department and communicated to all staff within that department. Any change to department dress code must have prior administrative approval.

All employees must wear a facility issued photo identification badge. This must be worn in a visible location above the waist at all times. The Personnel department will issue these upon hire. Duplicate identification badges may be obtained from the Personnel department.

Cosmetics, colognes and fragrances must be kept to a minimum so as to prevent discomfort or allergic reactions from co-workers and patients. These include, but are not limited to, heavy cologne, perfume, or after shave lotions.

Body piercings and jewelry must be conservative in nature and should not compromise health, sanitation or safety. Tattoos should not be perceived as offensive to patients, visitors or other staff. Employees will be asked to cover any visible tattoos which are determined to be offensive and remove any excessive body piercings or jewelry at the discretion of the employee's immediate supervisor.

Footwear should be appropriate and safe for each employee's daily work activities. For reasons of safety and infection control, no open toe shoes, thong type footwear or any type of shoes with openings are allowed in clinical areas.

Supervisors are responsible for enforcing dress codes. Employees are responsible to know and follow the hospital and departmental dress codes. If any employee reports to work improperly dressed or groomed, the supervisor will instruct the employee to obtain a pair of scrubs, shower if necessary and return to their shift, or be asked to return home to change into appropriate attire. The employee will not be compensated during such time away from work. Repeated violations may result in disciplinary action.

## **FRAGRANCE POLICY**

In order to ensure the comfort and safety of our staff, visitors and patients, no strong odors are allowed to be worn. Staff members are asked to refrain from using cologne, hairspray, perfume, aftershave lotion or scented lotions in the facility. If any employee reports to work wearing a strong fragrance, the supervisor will instruct the employee to shower if necessary and return to their shift, or be asked to return home. The employee will not be compensated during such time away from work. Repeated violations may result in disciplinary action.

## **SMOKE-FREE WORKPLACE**

In order to provide a smoke-free workplace, smoking is allowed in designated areas only. Employees may smoke during his/her break times and meal periods only. The designated staff smoking area is at the back of the covered area where the LTC van is parked. Containers will be provided for the extinguishing and disposal of smoking materials. Smoking is not allowed in WMC vehicles.

## **PARKING**

There is available parking for employees in the parking lots, except that lot adjacent to the clinic. No employee parking is allowed on the street from the first driveway of the Medical Center entrance to the driveway of the clinic parking lot. The parking in front of the ER is to be kept free for patients, visitors, and family.



# **USE OF PERSONAL TECHNOLOGY**

This policy applies to all Wrangell Medical Center staff members including employees, medical staff, volunteers, students, and contractors working onsite; all hereafter referred to as “staff” or “staff members”.

The purpose of this policy is to establish guidelines for use of personal technology in the work place. The term “personal technology” refers to portable or stationary devices/resources personally owned by anyone covered by the scope of this policy and includes, but is not limited to desktops, laptops, notebooks, palmtops, handhelds, portable digital assistants (PDA), smart tablets, iPods, thumb drives, USB keys, flash memory, portable storage devices, BlackBerries, smart phones, and any other computer or media.

Wrangell Medical Center supports a healthy balance between work and personal life and understands the need for staff members to occasionally connect with their personal life while at work. We expect staff to act in a way that lives out our Mission, Vision and Values and our Standards of Performance when considering use of personal technology in the work environment. Therefore, during work hours, staff should limit their use of personally-owned technology to break times, except in cases of emergency. Use of personal technology in patient care areas should be limited to activities authorized by Wrangell Medical Center.

The use of personal technology should not interfere with an employee’s work performance or direct patient or resident care and should otherwise be in accordance with all other applicable Wrangell Medical Center and/or department policies or procedures.

## **PERSONAL TECHNOLOGY BEHAVIORAL EXPECTATIONS:**

- No device with earphones will be allowed to be used in the facility.
- Ringers/alerts on personal technology should be silenced during working time and in patient care areas, unless authorized by WMC administration.
- Even in circumstances where personal technology use is permitted at work, the viewing of sexually explicit or offensive material, or any material that is contrary to Wrangell Medical Center’s Mission, Vision and Values and our Standards of Performance is strictly prohibited.
- To protect the privacy of our patients, no photographs or video, audio or voice recordings may be made that contain any protected patient information, in adherence with HIPAA and applicable state health information privacy laws and to be consistent with Wrangell Medical Center policies.

- Electronic messages on personal technology (for example emails or text messages), even those that have been deleted, are typically discoverable in legal proceedings to the same extent as hard copies. By transmitting a message electronically, a user may be deemed to have waived certain personal privacy protections that would otherwise be available.
- Wrangell Medical Center is not liable for the loss or damage of personal technology brought into the workplace.
- Violations of this policy may result in corrective action, up to and including termination of employment.

# **USE OF WMC TECHNOLOGY**

This policy applies to all Wrangell Medical Center staff members including employees, medical staff, volunteers, students, and contractors working onsite; all hereafter referred to as “staff” or “staff members”.

The purpose of this policy is to establish guidelines for the use of e-mail, voice mail and Internet usage on equipment and devices provided by Wrangell Medical Center.

Staff members should have no expectation of privacy in e-mail or voice mail communication, whether to supervisors, co-workers, or others. Even if e-mail is deleted from the device, it is not deleted from the system. Internet activity may be monitored by Wrangell Medical Center administration and privileges may be changed or revoked at any time.

Use of e-mail, voice mail or Internet on Wrangell Medical Center equipment and devices should be in accordance with all applicable Wrangell Medical Center and/or department policies or procedures. Any device or equipment that is the property of Wrangell Medical Center must be surrendered immediately upon termination.

## **WRANGELL MEDICAL CENTER TECHNOLOGY EXPECTATIONS:**

- All e-mail and voice mail are the property of Wrangell Medical Center. Wrangell Medical Center reserves the right to monitor the communications. E-mail should be restricted to Wrangell Medical Center business use.
- Wrangell Medical Center reserves the right to determine, at the sole discretion of Wrangell Medical Center administration, what constitutes permissible use of e-mail in the event of a dispute.
- Internet access is provided for Wrangell Medical Center business use. Internet users have a responsibility to use the Internet appropriately in conducting the business of Wrangell Medical Center. Misuse of the Internet can result in disciplinary action, including termination. Some examples of behavior that could result in disciplinary action are:
  - Illegally downloading electronic files, including those that may be copyrighted.
  - Downloading, transmission and possession of pornographic, profane or sexually explicit material.
  - Sending threatening messages/files.
  - Sending racial, ethnic, religious, sexually harassing or offensive message/files.
  - Sending chain letters through e-mail.
  - Attempting to access any computer system without proper authorization.
  - Sending or posting confidential information.
  - Using company time or resources for personal gain.

# **SOCIAL MEDIA**

All Wrangell Medical Center staff members including employees, medical staff, volunteers, students, and contractors working onsite; all hereafter referred to as “staff” or “staff members” will be expected to follow the established policy regarding the appropriate use of social media for business and personal reasons.

Wrangell Medical Center recognizes that social media has changed the way people communicate and that this form of communication will continue to evolve in the future. For those in the health care field, our responsibility to our patients means special caution is necessary in maintaining a separation of personal and professional life. While Wrangell Medical Center has no desire to restrict our staffs’ ability to have an online presence, staff are expected to be mindful of our Mission, Vision and Values and our Standards of Performance in how they present themselves and represent this organization when using or accessing social media sites. Staff members are the ambassadors for Wrangell Medical Center in our community and should use good judgment and sound ethics when posting to social media sites.

Social media can take many different forms including, but not limited to: internet forums, chat rooms, blogs and micro-blogs, online profiles, wikis, podcasts, pictures, videos, instant messaging, music-sharing and voice over IP. Whether posting for business or personal reasons, staff members are prohibited from posting confidential patient or Wrangell Medical Center confidential or proprietary information unless it is within the course and scope of their position. Additionally, staff members are expected to keep their focus on work and refrain from utilizing social media during work hours, with the exception of approved business-related activities. Nothing in this policy is intended to prohibit activities protected by law such as union organizing, whistleblower protection or other protected concerted employee activity.

If a posting includes information that could directly or indirectly identify a Wrangell Medical Center patient or resident, even if the patient or resident is not identified by name, it could violate Wrangell Medical Center policy and state and federal law.

**SOCIAL MEDIA BEHAVIORAL EXPECTATIONS:** Whether you are posting for business or personal reasons, the following are expected of all staff members:

- Always act consistently with Wrangell Medical Center Mission, Vision & Values and our Standards of Performance.
- Know and follow laws, regulations and Wrangell Medical Center policies regarding privacy and confidentiality at all times.
- Always be aware that written messages are, or can become, public. The Internet is immediate and nothing posted is ever truly private or anonymous.
- If a staff member sees unfavorable opinions, negative comments or criticism about Wrangell Medical Center on a social media site, he or she should not attempt to rebut it

nor have it removed as that may escalate the situation. Instead, he or she should forward the information to the CEO.

- Any staff member who believes they have been the target of harassment through another staff member's social media activity should report the incident to their supervisor. Abusive or harassing behavior violates Wrangell Medical Center's policy and is subject to disciplinary action.
- Any unauthorized information posted on a social media site that discloses confidential or proprietary Wrangell Medical Center information or implies official Wrangell Medical Center opinion violates Wrangell Medical Center policy and may be used as grounds for discipline, up to and including termination, even if the action was on personal time and equipment.
- A suspected Breach of Confidentiality will be dealt with according to Wrangell Medical Center's Confidentiality policy.
- Wrangell Medical Center administration has the right to view, monitor and request removal of any posting on a social media site that does not meet the requirements of this policy.

**Personal Social Media Activity:** The majority of social media sites on the Wrangell Medical Center network are blocked. This section pertains to staff members' personal social media use not related to their work, position or responsibilities at Wrangell Medical Center. If a staff member's personal posting includes comments on any aspect of Wrangell Medical Center's business, they must reveal their relationship and include a disclaimer stating: *"The opinions expressed in this post are my own and do not represent the views of Wrangell Medical Center."* Staff members should not use their Wrangell Medical Center e-mail address or include any reference to Wrangell Medical Center in their personal username when posting online.

**Social Media Activity for Business Purposes:** Business social media activity refers to developing, writing, and posting content for social media sites within the staff members' job duties for Wrangell Medical Center.

- Any media release must be approved by the Wrangell Medical Center CEO.
- When you post or comment on social media, always state your name or be speaking as a representative of Wrangell Medical Center.
- Always act consistently with Wrangell Medical Center's Mission, Vision, Values and our Standards of Performance. You are accountable for what you write, produce or record. Participation in social media within a staff member's role at Wrangell Medical Center must be taken seriously.
- Be a leader. Frame what you write to invite differing points of view. Refrain from denigrating our competitors or any other businesses or individuals. Once the words or other material are out there, you cannot get them back.
- Reply to comments quickly when a response is appropriate.
- Requests for staff member references must be processed through Human Resources only.
- Stick to posting Wrangell Medical Center materials and information. Do not share third party copyrighted publications, logos or other trademarked images. If you do use

someone else's material, give them credit. In some cases, you may also need their written permission.

- Write what you know. Write and post about your area of expertise, especially as it relates to Wrangell Medical Center or health/medical care. Write in the first person. Talk to your readers as you would talk to people in professional conversations. Consider content that invites response and encourages comments.
- Quality matters. Use a spell-checker. You must make an effort to be clear, complete and concise. There are very few first drafts that cannot be shortened and improved.

**Use of Wrangell Medical Center Resources and Relationship:** Staff may not link their personal websites or blogs to Wrangell Medical Center's internal or external web site.

- Staff members should not be in the position of endorsing anything on behalf of Wrangell Medical Center without prior approval.
- Wrangell Medical Center, as an entity of the City and Borough of Wrangell, cannot support or endorse candidates for office. Support or opposition to legislation on behalf of Wrangell Medical Center is limited to authorized personnel.

## **MEDIA RELEASES**

Only authorized spokespersons may give information to the media. If a contact is made by the media directly to an unauthorized staff person, the staff should require the name of the visitor/caller, the telephone number where the person can be reached and the name of the media represented. The employee must inform the visitor/caller that the employer's spokesperson will return the call or make arrangements to meet with them at an alternate site or time. The employee shall advise the employer of any such call or visit at once. Staff should never release the home telephone number of any other staff member, including the supervisory staff. No member of the press should be allowed in the patient care areas without the approval of Wrangell Medical Center.



# **NEPOTISM**

The employment of a relative of a current employee is permitted by Wrangell Medical Center as long as qualifications for the position are met and, in the opinion of the Medical Center, employing the relative will not create an actual or perceived conflict of interest. Supervisors who seek to hire, transfer or promote any relative (as defined below) must obtain prior written approval from the CEO.

Relative defined: Relatives includes a spouse, parent, parent-in-law, child, grandparent, grandchild, sister/brother, sister/brother-in-law, aunt/uncle, niece/nephew and any individual with who an employee has a personal relationship.

Personal relationships may create an actual or perceived conflict of interest, and/or create the risk of sexual harassment/hostile work environment related claims. A personal relationship includes, but is not limited to a romantic or intimate social relationship. Thus, a supervisor may not hire, promote or directly supervise any person with whom they have a personal relationship, nor may they engage in any personal relationships with their subordinates.

An employee must notify his/her supervisor if his or her relationship to another employee changes to fit the definition of “relative” above. If a personal relationship develops between a supervisor and subordinate, both employees are required to inform the CEO of the relationship.

Company Discretion: Wrangell Medical Center reserves the right to use its sole discretion in hiring, assigning and transferring relatives in a manner calculated to eliminate potential conflicts of interest or other employment complaints. To do this, the Executive Team will take action that is fair and equitable and that will remove any direct reporting or management relationship between employees who are defined as “relatives”.

Similarly, Wrangell Medical Center reserves the right to use its sole discretion in hiring, assigning or transferring employees who have personal relationships with co-workers. The Executive Team will take action that is fair and equitable to eliminate any direct reporting or management relationship between employees who are involved in a personal relationship.

Finally, Wrangell Medical Center may change the placement of relatives and individuals involved in a personal relationship regardless of whether there is a direct reporting or management relationship if the Executive Team determines that the personal relationship actually or potentially interferes with the employees’ job performance.

# **DISCRIMINATION & HARASSMENT**

Wrangell Medical Center is committed to providing and promoting an atmosphere in which employees, non employees, and employee applicants can be assured of a workplace free of discrimination or harassment on the basis of sex, color, race, religion, national origin, age, disability, marital status, changes in marital status, pregnancy, parenthood or sexual orientation. Harassment will not be tolerated, condoned or permitted. Such harassment or discrimination is in direct violation of federal and state law, and is inconsistent with Wrangell Medical Center=s policy on equal opportunity and its Standards of Performance.

Persons who knowingly engage in or instigate such discrimination or harassment will be subject to disciplinary actions which may lead to suspension or discharge. Additionally, managers and supervisors who knowingly permit discrimination or harassment activity to occur without further action will be subject to disciplinary action. Where such prohibited activity is perpetrated by a non-employee, Wrangell Medical Center will take available and appropriate disciplinary action which may include, by way of example, loss of contract.

Persons making frivolous or malicious accusations of discrimination or harassment may be subjected to disciplinary actions. This policy is not intended to restrict bonafide activities such as reprimands, disciplinary actions and employee performance evaluations which are clearly within the scope of a supervisor=s duties and responsibilities, and which serve a legitimate management purpose.

## **DEFINITIONS:**

**Discrimination:** An act committed on the basis of prejudice or bias based on the sex, race, color, religion, national origin, age disability, marital status, changes in marital status, pregnancy, parenthood or sexual orientation. There are two types of discrimination: 1) **Overt** B conscious actions against individuals and 2) **Systemic** B a result of often normal and seemingly neutral practices throughout the employment. This act can be intentional or unintentional. The result of this act is that an individual or group is subject to unequal treatment or physical conduct.

**Quid Pro Quo Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a position of power or influence constitutes Aquid pro quo sexual harassment@ when 1) submission by an individual is made either an explicit or implicit term or condition of employment or of academic standing, or 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee, non employee or employee applicant. As defined here, Aquid pro quo sexual harassment@ normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or it may be indirect when the harasser has the power to influence others who have authority over the victim.

**Hostile Environment Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute a hostile environment sexual harassment when such conduct is directed toward an individual because of his or her gender and has the purpose or effect of 1) creating an intimidating, hostile, or offensive work or academic environment, or 2) unreasonably interfering with another's work performance. Generally, a single sexual joke, offensive epithet, or request for a date does not constitute hostile environment sexual harassment; however, being subjected to such jokes, epithets or requests repeatedly may constitute hostile environment sexual harassment.

In determining whether alleged sexual harassing conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

### **GUIDELINES FOR IMPLEMENTATION:**

**Responsibility for Implementation:** Overall responsibility for the administration of this policy is delegated to the CEO. All managers and supervisors within Wrangell Medical Center are responsible for taking immediate and appropriate corrective action where they have any knowledge of such prohibited practices.

**Complaints:** Complaints should be made within ninety (90) days of the last discriminatory incident. Employees believing they have been subjected to discrimination or harassment should contact a member of the Executive Team.

A complaint may be filed in writing and a copy given to a member of the Executive Team. Appropriate steps will be taken to investigate any reported incidents of sexual harassment and discrimination, in order to remedy the situation. Disciplinary action will be taken as warranted.

Any form of retaliation, reprisal or adverse action taken against an employee for complaining about, reporting, or cooperating in the investigation of such alleged discrimination or harassment is prohibited and will be dealt with severely. Such disciplinary action may include suspension or dismissal.

**Dissemination of Policy:** The policy is to be posted in the facility.

# **WORKPLACE VIOLENCE**

Violence or threats of violence in the workplace will not be tolerated. If an employee engages in any violence in the workplace, or threatens violence in the workplace, the employee=s employment may be terminated immediately subject to the progressive discipline policy.

AViolence@ includes, but is not limited to, physically harming another, pushing, harassing, bullying, intimidating, coercing, brandishing weapons, or threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with WMC, including employees, patients, and residents, never feel threatened by any employee=s actions or conduct.

By nature, bullying is the repeated, unreasonable actions of an individual directed toward an employee intended to intimidate, and by doing so, can create a risk to the health and safety of an employee. Bullying includes behavior that intimidates, degrades, offends, or humiliates a worker often in front of others or on a social media site.

## **WORKPLACE SECURITY MEASURES:**

In an effort to fulfill this commitment to a safe work environment for employees, patients and visitors, the following rules have been created. These are:

- X Access to WMC=s property is limited to those with a legitimate business interest.
- X All employees are furnished a name badge upon 1<sup>st</sup> day of employment and are required to wear it at all times while working.

## **WEAPONS PROHIBITED**

WMC specifically prohibits the possession of weapons by any employee while on Medical Center property. Employees are prohibited from carrying a weapon while performing services for Wrangell Medical Center.

Weapons include guns, explosives, and other items with the potential to inflict harm. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

## **REPORTING VIOLENCE**

Wrangell Medical Center is committed to trying to provide a safe working environment for its employees. It is every employee=s responsibility to prevent violence in the workplace. An

employee must immediately report to a supervisor what he or she sees or hears in the workplace that could indicate a co-worker may be in a potentially violent situation.

Any private conversations overheard or private messages received that constitute a threat against another individual will be reported to the proper authorities. These threats will also be used as the basis for disciplinary action, up to and including termination.

Employees are encouraged to report any incident that may involve a violation of WMC=s policies that are designed to provide a safe working environment. All complaints will be treated on a confidential basis to the extent possible. No disciplinary or retaliatory action will be taken against any employee filing a complaint in good faith.

All reports will be investigated by the supervisor and CEO and may be reported to the authorities as required by law.

# **WHISTLEBLOWER PROTECTION**

If any employee reasonably believes that some policy, practice, or activity of Wrangell Medical Center is in violation of law, a written complaint must be filed by that employee with the CEO or the Board President.

It is the intent of WMC to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation if the employee brings the alleged unlawful activity, policy, or practice to the attention of Wrangell Medical Center and provides WMC with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

WMC will not retaliate against an employee who in good faith, has made a protest or raised a complaint against some practice of WMC or of another individual or entity with whom WMC has a business relationship, or on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

WMC will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of Wrangell Medical Center that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

It is Wrangell Medical Center's intent to fully comply with the Whistleblower Protection Act. The actual federal regulation will govern any questions arising under this policy.



## **ACCEPTANCE OF GIFTS**

Employees should not accept gifts from acute care or swing bed patients unless it is a gift to all the staff, such as box of candy, fruit, etc. Employees and their families may accept gifts from long term care residents on special occasions, i.e., Christmas with the value of the gift not to exceed \$25. Money should never be accepted from patients or residents by individual employees. Employees are not permitted to borrow money from patients or residents under any circumstances. Patients or residents may make contributions to Wrangell Medical Center or Wrangell Medical Center Foundation.

## **BREAK TIME FOR NURSING MOTHERS**

Wrangell Medical Center allows sufficient break time for breastfeeding employees to express milk or nurse infants at work for up to one year after the child's birth. Supervisors are encouraged to consider flexible schedules to accommodate employee's needs. Wrangell Medical Center will provide a private room or space close to an employee's work area to express milk or nurse an infant. Supervisors will ensure that employees are aware of these workplace accommodations.

It is Wrangell Medical Center's intent to fully comply with Section 4207 of the Patient Protection and Affordable Care Act. The actual federal regulations will govern any questions arising under this policy.

# **DISCIPLINARY ACTIONS**

The supervisor has the right to discipline any employee for cause. New probationary employees may be terminated for any reason with or without cause. "*Cause*" shall include, but is not limited to: the abuse of a patient or resident, behavior detrimental to patient/resident welfare, incompetence, excessive or unexcused absenteeism, insubordination, unsatisfactory performance of duties, being under the influence of alcohol or unauthorized drugs, or violation of Wrangell Medical Center's personnel policies.

The supervisor may follow a policy of progressive discipline with the severity of the disciplinary measures progressing from verbal warning, to written reprimand, to suspension without pay, to termination, or any combination of the foregoing, all of which will be documented in the employee's personnel file. However, the supervisor reserves the right to discipline any employee at any level of discipline based upon the severity or frequency of his/her misconduct.

Employees shall acknowledge receipt of written disciplinary action by signature. Signature by the employee does not constitute admission of guilt.

After twelve (12) months from the date of a disciplinary action, an employee may request that his/her personnel file be expunged of that disciplinary action. This request must be presented in writing. The CEO, in consultation with the employee's supervisor, shall make a determination, based upon the severity of the offense and the employee's performance since the offense, whether to expunge that disciplinary action from the personnel file. If so, all copies of the disciplinary action shall either be returned to the employee or destroyed.

Prior to any termination of an employee for cause, the CEO and the hospital attorney will be consulted.

# **PROBLEM RESOLUTION PROCEDURE**

Wrangell Medical Center is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the Medical Center supervisors and management.

Wrangell Medical Center strives to ensure fair and honest treatment of all employees. Supervisors, managers and employees are expected to treat each other with mutual respect in accordance with Wrangell Medical Center's Standards of Performance. If an employee disagrees with established policies or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the Medical Center in a reasonable, business-like manner, or for using the problem resolution procedure. If a situation occurs where an employee believes that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

**Step One:** Discussion of the problem with the employee's immediate supervisor is encouraged as a first step. Within ten (10) working days of the act or event being grieved, the employee shall present the grievance verbally to his or her immediate supervisor. The supervisor shall note the date and time of the presentation of the grievance. An untimely grievance may be rejected.

**Step Two:** If no mutually satisfactory adjustment is reached between the employee and the immediate supervisor within five (5) working days after the verbal presentation, the employee may present the grievance in writing to the immediate supervisor. The supervisor shall then inform the CEO of the existence and nature of the grievance.

**Step Three:** If no mutually satisfactory adjustment is reached between the employee and the supervisor, the employee may present the grievance in writing to the CEO within five (5) working days.

**Step Four:** The CEO, after a full examination of the facts will advise the employee of his or her decision within ten (10) working days.

**Step Five:** If no mutually satisfactory adjustment of the grievance is reached between the employee and the CEO, the employee may appeal the grievance to a grievance committee by notifying the CEO in writing of his or her intention to do so within five (5) working days. This step is allowed only when the grievance involves the layoff, suspension without pay, any disciplinary action that could result in a written record being placed in the personnel file, or discharge ~~or removal~~ of an employee who has successfully completed the probationary period. The grievance committee shall be composed of:

1. One supervisor selected by the CEO.
2. One regular employee not from the grievant's department and selected by the grievant.
3. One other Wrangell Medical Center employee chosen by the first two members of the committee.

No member of the grievance committee shall be related by blood or marriage to the grievant or the supervisor whose action is being grieved.

The grievance committee shall commence a closed hearing within fifteen (15) working days of the filing of the appeal, unless that time is extended by the committee for good cause. Due and proper notice of the hearing shall be given to the grievant and the supervisor involved. Both sides may be represented by counsel or anyone of their choosing. Both may call and examine witnesses subject to cross-examination by the other and rebut relevant evidence presented. The hearing need not be conducted according to technical rules of evidence. Relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons customarily rely in the conduct of their serious affairs. Irrelevant and unduly repetitious evidence upon hearsay evidence unless it would be admissible over objection in a civil action. The proceedings shall be recorded in their entirety.

Within ten (10) working days following the hearing, the grievance committee shall issue written findings of fact and its decision on the grievance, and shall cause them to be served on the grievant and the supervisor involved. The findings and decision shall be based solely on the evidence presented at the hearing. The grievance committee's decision shall be final and binding.

# **SUBSTANCE SCREENING**

It is the policy of Wrangell Medical Center to maintain a drug free work environment for all employees. Drug and alcohol testing will be conducted by a laboratory certified by CLIA.

## *Substances to be tested:*

Alcohol	Amphetamines	Cannabinoids	Cocaine
Opiates	Oxycodone	PCP	TCH
Methamphetamines			

## *Pre-Employment Substance Screening:*

All new job applicants will be informed that a substance screen is required. All offers of employment will be contingent upon the applicant passing a pre-employment substance screen. Testing methodology and procedures will follow the same guidelines established for employee testing.

- A written consent from the applicant will be obtained prior to the drug and alcohol testing being performed. Completed consents will be kept in personnel records.
- If the applicant refuses to submit to the drug and alcohol test, the offer of employment will be withdrawn.
- An individual will not be allowed to begin work or orientation until test results are received by the Employee Health Coordinator.
- Any applicant who has a positive test for the presence of any illegal or unauthorized substance will be denied employment.

## *Reasonable Suspicion Testing:*

Employees who are reasonably suspected of being under the influence of any illegal or unauthorized substance will be subject to drug and alcohol testing. Before an employee can be requested to have a drug and alcohol test, the recommendation must be approved by the CEO, who will consider the reasonableness of the suspicion and the specific evidence on which the suspicion is based in granting or denying the recommendation.

Examples of reasonable suspicion may include but are not limited to:

- Observed alcohol or drug use during work hours or on-call shifts.
- Apparent physical or mental impairment or abnormal conduct including fights, assaults, flagrant violations of established safety, security or other operating procedures.
- Deteriorating work performance that does not respond to normal corrective action.
- Job-related accidents or other incidents.

- Excessive or unusual absenteeism.
- Actions, appearance, conduct or odors which reasonably cause an employee to suspect that another employee is impaired or under the influence of drugs or alcohol. Any suspicion should be immediately reported to a supervisor.

When an employee is asked to submit to drug or alcohol testing, the employee will be informed of the reasons they are being asked to submit to the test. The test must be performed within 2 hours of notification.

1. The employee must consent or refuse to substance testing in writing. Failure to indicate consent or non-consent will be deemed refusal.
2. An employee under reasonable suspicion of impairment will be suspended in writing without pay until the investigation is complete. If test is negative, pay will be restored retroactive to time of suspension, according to normally scheduled hours.
3. The employee will be informed that refusal to timely submit to the drug test, tampering with the sample during testing, or similar non-cooperation constitutes misconduct or insubordination and is grounds for corrective action up to and including discharge.
4. In all circumstances of suspected drug or alcohol use, the facility will offer appropriate transportation. If the employee refuses to accept transportation and attempts to drive, authorities will be notified.

*Consequences of Testing Positive:*

1. A preliminary POSITIVE test result for a specific drug indicates that the sample may contain drug/drug metabolite near or above the cutoff level. It does not indicate the level of intoxication or the specific concentration of drug in the urine sample. Positive samples will be sent to a reference laboratory for more definitive testing.
2. If test results are positive, the employee may be administratively referred to the Employee Assistance Program (EAP). Failure to diligently comply with EAP assessment and referral will result in discharge.
3. If the test results are positive, an employee may be granted a leave of absence for rehabilitation. The employee will be required to participate in all recommended continuing care and work rehabilitation programs. Upon successful completion of all or part of these required programs, the employee may be released to resume work but must agree to unannounced testing for up to 24 months after being returned to work. A specific return to work agreement will be required by WMC to document rehabilitation terms.



4. Employees who test positive or who possess, use, buy, sell, dispense or distribute drugs or alcohol during working time, on-call time, at work or while located on or near WMC premises are subject to appropriate discipline including termination.
5. For safety sensitive positions and for positions where the violation results in loss or substantial reduction of authorization to perform the responsibilities of the employee's position, WMC reserves the right to dismiss employees for first violations and for any repeat violations. In lieu of dismissal, WMC may transfer or demote the employee to a less sensitive position, on a temporary or permanent basis. However, due to the small size of the work force and the limited number of openings, this option may not be feasible or appropriate.

#### Privacy and Confidentiality

1. To the maximum extent feasible, individual privacy and confidentiality will be respected in WMC's testing program. This policy shall not restrict WMC's duties towards its patients or the public, and shall not limit disclosure, which are authorized or permitted by applicable laws, WMC policies, or court order.
2. Employee drug test results will be released without the written authorization of the tested employee to their supervisor, Employee Health and the CEO. It is the responsibility of the supervisor to discuss the test results with the employee. At the discretion of the CEO, the results may be released to the Medical Center board, legal counsel, professional licensing boards, credentialing bodies, government authorities and similar entities, with or without the employee's consent.
3. Written records regarding drug testing and/or communication with the employee regarding substance use and abuse will not become part of the employee's personnel file, but will be maintained as a separate record. Drug testing results will be stored in the employee's health record.
4. WMC will not seek disclosure or access to medical or counseling records developed as a result of the EAP, absent the employee's consent to the release.

### Responsibility

Commitment to a Drug-Free Workplace requires the cooperative efforts of everyone who works at Wrangell Medical Center.

1. It is the responsibility of WMC supervisors to monitor job performance. Supervisors should not attempt to diagnose the nature of an employee's problem, but will be alert to changes in behavior and will observe and document problems related to job performance and safety. Supervisors who knowingly or negligently disregard the requirements of this policy may be subject to corrective action.
2. It is the responsibility of all WMC employees to maintain an acceptable standard of job performance and to comply with all regulations, rules, policies and the Standards of Performance regardless of the underlying cause or circumstances of an employee's problem. Employees are encouraged to seek assistance before personal difficulties affect job performance.
3. A Return to Work Agreement will be required. The Return to Work Agreement form follows this policy. Failure to correct unsatisfactory job performance or behavior will result in appropriated corrective action up to and including discharge.

**Wrangell Medical Center**

**EMPLOYEE TESTING CONSENT/REFUSAL FORM**

I, \_\_\_\_\_  
Print Name

have been told that I must take and pass a drug test. I have been given a copy of this policy, which gives a summary of the collection and testing processes and of my options. I understand what will happen if I refuse to be tested or test positive for alcohol or drugs.

I have freely and knowingly decided to cooperate. I consent and agree to be tested.

I authorize the release of the test results to Wrangell Medical Center's Employee Health Department.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date & Time

I have decided not to be tested; I understand WMC will terminate me if I do not resign, if presently employed, or deny me employment if an applicant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date & Time

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date & Time

## **EMPLOYEE ASSISTANCE PROGRAM**

Wrangell Medical Center recognizes that a wide range of problems, not directly related to job function, can have an adverse effect on an employee=s job performance. In most instances, the employee will overcome such problems independently, and the affect on job performance will be negligible. In other instances, supervisory assistance may be needed as motivation or guidance so problems can be resolved. In some cases, however, efforts of the supervisor and of the employee may not have the desired effect of resolving the employee=s problems. WMC recognizes many problems can be successfully treated, provided they are identified in their early stages, and individual referral is made to an appropriate treatment resource. It is in the interest of the employee, the employee=s family and the employer and community to provide this employee service. Therefore, it is the policy of WMC, and in the best interest of the employees, to handle such problems within the following framework.

### *Purpose of the EAP*

The Employee Assistance Program (EAP) is a benefit, which provides confidential assistance to employees and their immediate family members (spouse and children). WMC is aware that many personal or health problems can and do interfere with an employee=s ability to perform on the job. These problems may include, but are not limited to, emotional, physical, mental illnesses, family and marital stress, financial difficulties, and abuse of alcohol or other drugs.

- a) Employees whose job performance problems are not related to a lack of skill may be in need of professional help in order to return to acceptable job performance.
- b) The EAP is an integral part of the Facility=s Drug-Free Workplace Program. The EAP provides confidential assessment and referral to employees and their dependents up to a maximum of three counseling sessions at no cost to the employee. All referrals to the EAP program will be with prior authorization of the CEO.
- c) AICS or a similar approved licensed agency will provide services under the EAP program.

### *Treatment Costs*

If a referral to a provider outside the initial EAP program is necessary, costs may be covered by the employee=s medical insurance benefit, but the cost of such outside services is ultimately the employee=s responsibility.

### *Rehabilitation*

- a) Any employee identified under this policy as having a substance abuse problem will be given the same consideration extended to employees having other health problems, including use of FMLA medical leave to pursue a professionally prescribed program of treatment.

- b) As a condition of continuing employment, the employee will be required to sign a Return to Work agreement and successfully complete any program (including aftercare) recommended by the treatment professional and approved by the EAP. The Supervisor must receive information about the recommendations of the EAP from the employee. The supervisor will forward all documentation to Employee Health.

### *Confidentiality and Privacy*

All written documentation regarding the EAP should be added to the employee's health file. Information regarding the nature of substance abuse and related problems will be maintained with the strictest confidentiality allowable. Once an employee becomes an EAP client, information about the personal problem, treatment, or substance abuse obtained by the provider will not be revealed to WMC without the employee's knowledge and consent, except as permitted or required by law. Records are kept confidential in accord with professional codes of ethics and applicable federal and state regulations. However, critical situations requiring third-party warnings, medical emergencies, and appropriate legal action may require information release without client consent. Where, in the EAP counselor's professional judgment, the employee's situation poses a significant potential health or safety risk to others, the EAP counselor will as required by law, require the employee to inform WMC of this fact, but not the nature of the problem, and will confirm with WMC that this contact was made.

## **RETURN-TO-WORK AGREEMENT**

A Return to Work Agreement is used to establish a set of conditions for an employee returning to work following participation in the Employee Assistance Program. This agreement will be completed by the employee's supervisor. Check all boxes that apply to the employee's specific situation. This agreement will be signed by the employee, the supervisor and the CEO prior to the employee returning to work.

- ☐ The employee tested positive for alcohol and/or drugs.
- ☐ A supervisor referred the employee to the EAP or treatment due to declining job performance.
- ☐ The employee has violated a work rule that could result in termination.
- ☐ The employee acknowledges receipt of the organization's drug and alcohol policy and agrees to comply with all provisions.
- ☐ The employee has voluntarily signed the Release of Information form allowing the organization to receive information from counseling professionals regarding continuing care recommendations and compliance. The employee understands that they must supply their supervisor with the recommendations given to them by their EAP provider. All documentation will be kept in the employee's health file.
- ☐ The employee agrees to comply with all aspects of the counseling professional's recommendations.
- ☐ The employee agrees to be subject to unannounced follow-up testing for a period of up to 24 months after being returned to work.
- ☐ The employee agrees that WMC will monitor compliance by receiving updates from professionals regarding compliance with continuing care recommendations. The employee will maintain documentation of attendance.
- ☐ The employee agrees that all costs of treatment and monitoring not covered by the employee's insurance plan are the financial responsibility of the employee.
- ☐ If absence from work is required as part of rehabilitation, PTO will be used prior to FMLA medical leave.
- ☐ The employee agrees to comply with all WMC policies and procedures and understands that nothing in this agreement prohibits WMC from applying discipline for other violations.

☐ The employee understands this is his/her last chance to successfully address his/her problem as it relates to their employment at Wrangell Medical Center. The employee must satisfactorily meet WMC's expectations and standards. The employee understands that failure to comply fully with this agreement will result in IMMEDIATE termination.

☐ Other:

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Signature of Employee \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Supervisor \_\_\_\_\_

Date: \_\_\_\_\_

Signature of CEO \_\_\_\_\_

Date: \_\_\_\_\_



**AUTHORIZATION FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION**

I hereby authorize \_\_\_\_\_ to disclose my individually identifiable protected health information as described below, which may include information concerning communicable diseases such as Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), mental illness (except for psychotherapy notes), chemical or alcohol dependency, laboratory test results, medical history, treatment or any other such related information. I understand that this authorization is voluntary and I may refuse to sign this authorization. I further understand that my health care and the payment of my health care will not be affected if I do not sign this form.

I understand that if the recipient authorized to receive the information is not a covered entity (insurance company or health care provider); the released information may no longer be protected by federal and state privacy regulations.

\_\_\_\_\_  
Printed Patient Name                      Date of Birth                      Social Security Number

Description of information to be released: \_\_\_\_\_ Dates of Service (if known): \_\_\_\_\_

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Admission/Registration Records | <input type="checkbox"/> Emergency Room     | <input type="checkbox"/> Nurses Notes       |
| <input type="checkbox"/> Billing Records                | <input type="checkbox"/> History & Physical | <input type="checkbox"/> Operative Records  |
| <input type="checkbox"/> Chemical/alcohol dependency    | <input type="checkbox"/> HIV/AIDS           | <input type="checkbox"/> Physician's Orders |
| <input type="checkbox"/> Consultation Reports           | <input type="checkbox"/> Laboratory Reports | <input type="checkbox"/> Progress Notes     |
| <input type="checkbox"/> Discharge Summary              | <input type="checkbox"/> Mental Illness     | <input type="checkbox"/> Radiology Reports  |

☐ Other: \_\_\_\_\_

Description of the purpose of the use and/or disclosure: \_\_\_\_\_

The health information described herein shall be released to:

☐ Hospital ☐ Physician ☐ Insurance Company ☐ Attorney ☐ Patient ☐ Other

\_\_\_\_\_  
Name                      Address                      City                      State      Zip

I understand that this authorization will expire 90 days from the date of this authorization unless I otherwise specify.

I desire this authorization to remain in effect until \_\_\_\_\_  
Expiration Date

I further understand that I may revoke this authorization at any time by notifying the Health Information Management Department above named entity in writing. I also understand that the written revocation must be signed and dated at a date later than the date on this authorization. The revocation will not affect any actions taken before the receipt of the written revocation.

\_\_\_\_\_  
Signature of Patient/Patient Representative                      Date                      Relationship

\_\_\_\_\_  
Printed Name of Patient Representative                      Witness

# **EMPLOYEE PHYSICALS**

As soon as possible after hire, an employee will have a physical exam. The cost of the exam will be paid by Wrangell Medical Center.

Employees will also be tested for Rubella and TB. Some employees may be tested for Hepatitis B, depending on department in which the employee will be working.

# **MEDICAL EVALUATIONS**

The supervisor reserves the right at any time to require the employee to submit to a medical examination verifying that the employee is physically and emotionally capable of performing the employee's job responsibilities from a physician selected by the employer at the employer's expense. The employer also reserves the right at its sole discretion and expense to require an employee who is presently working and is not on any leave of absence, to provide a physician's statement verifying that the employee is physically and emotionally capable of performing the employee's job responsibilities.

# **SAFETY**

Wrangell Medical Center makes every effort to maintain a safe working environment, and safety is the shared responsibility of every employee. Employees must always use their best judgment and avoid carelessness and risky situations. If an accident involving an employee, patient or visitor should occur, the employee must report it immediately to his/her supervisor, who will then make certain that all necessary steps are taken. All incidents and accidents must be reported in writing. In the absence of your supervisor or designee, advise the R.N. on duty.

Employees have a right to know about the chemicals and materials used in the workplace. Wrangell Medical Center has identified hazardous chemicals/materials, labeled containers and secured Material Safety Data Sheets. Employees have been oriented with regard to the safe utilization of all hazardous chemicals and materials in the workplace.

Employees may be required to receive immunizations. Employees are required to participate in infectious disease screening to include Tuberculosis, Rubella and Hepatitis B. Low risk employees may request Hepatitis B vaccinations. Their insurance will be billed and the hospital will write off any portion not covered by insurance.

# **WORKERS' COMPENSATION**

All employees are protected while on the job by Workers' Compensation insurance. This insurance will provide coverage for work-related injuries, occupational illness and prolonged absences due to such injuries. In case of an accident or injury, no matter how slight, the employee must notify their supervisor and fill out an accident report immediately. In the absence of your supervisor, advise the RN on duty. It is the supervisor's responsibility to forward the report to the Director of Quality. It is the employee's responsibility to keep his or her supervisor updated on their ongoing medical care for the injury or illness. Payments for medical expenses and lost time at work are determined by state law. Wrangell Medical Center pays the full cost of this protection. Failure to promptly report an injury may result in loss of benefits.

# **HEALTH & WELLNESS PROGRAM**

Wrangell Medical Center has a Health and Wellness program to promote personal wellness among employees. Wrangell Medical Center sponsors a variety of temporary programs throughout the year to encourage healthy lifestyles, including good nutrition, physical activity, and stress reduction. Staff is encouraged to participate in these programs.

All employees of Wrangell Medical Center have a corporate membership to Wrangell Parks and Recreation facility, and have free use of the pool, weight room, racquetball court, and cardio equipment. Family passes for immediate family members are also provided.

Wrangell Medical Center encourages smoking cessation through the State Quit Line and Alaska Island Community Services, both of which are free to employees. Employees who wish to quit smoking by use of medications may get their co-pays reimbursed by the Medical Center so the entire expense of those medications can be obtained at no cost. This benefit is subject to change at the discretion of the CEO, so employees should first inquire about program status.

Routine adult immunizations will be offered to regular employees at no cost to the employee. Flu vaccination will be offered on a yearly basis in the fall. The employee's insurance will be billed and the hospital will write off any portion not covered by insurance.

# **HEALTH INSURANCE PLAN**

All regular employees who exceed a minimum of 40 hours worked per pay period are eligible for membership in the facility's employee group health insurance program. Coverage will begin on the first day of the month following the date of hire. To maintain health insurance coverage, the employee must be paid for at least 40 hours per pay period. Paid hours will consist of Regular hours worked, PTO, Sick Time, Holiday, Jury Duty or Bereavement Pay. Overtime *does not* apply to the 40 hour minimum requirement.

If an employee is paid for less than 40 hours per pay period, PTO will be applied to make up the difference. If PTO is exhausted, the employee will be required to pay the employer and employee portion of the health insurance premium for yourself and your dependents unless your absence falls under the Family Medical Leave Act. The amount for the insurance will be prorated based on the number of hours missing from the 40 hour requirement.

The Medical Center provides 100% of the cost of employee coverage and 2/3 of the cost for dependent coverage for those who are paid for at least 40 hours per pay period.

Premiera Blue Cross Blue Shield of Alaska provides online information about your health care plan at [www.Premiera.com](http://www.Premiera.com). Benefit booklets, forms and all kinds of useful health and wellness information are available on this website.

## **COBRA**

Employees who terminate their employment or are laid off, discharged from employment or there is a reduction in scheduled work hours, and are covered by the employer's group medical plan may continue their coverage by notifying the Personnel department. The employee must complete a COBRA application form and pay up to 102% of the premium costs. By law, other employment related events may qualify the employee or his or her dependents for COBRA benefits. See the Personnel department for more information on your COBRA rights.

Note: for the following section :

‘Insurance Deductible’ – is a new item, to go in after the ‘Health Insurance Plan’ (page 56)

## **INSURANCE DEDUCTIBLE**

Wrangell Medical Center will forgive the \$1,500.00 annual deductible for regular employees and any employee’s spouse, domestic partner or dependent children that are covered under Wrangell Medical Center’s group health insurance plan for services received at Wrangell Medical Center. That means that employees and their covered dependents will not be required to pay any deductible expense for services received at Wrangell Medical Center. For services that are received outside of Wrangell Medical Center through other providers, the employee and any covered dependents will be responsible for the first \$500.00 of the deductible expense up to \$1,500.00 annually for the family coverage. Any deductible expenses incurred over \$500.00 per individual will need to be submitted to Wrangell Medical Center for reimbursement. Wrangell Medical Center will reimburse the deductible expenses incurred from \$501.00 - \$1,500.00 for each individual family member (capped at maximum of 3 per family) for the calendar year.

## **EMPLOYEE DISCOUNT**

Wrangell Medical Center will accept insurance payments on regular employee bills, as paid in full. A regular employee’s spouse, domestic partner or dependent children that are covered under Wrangell Medical Center’s group health insurance plan will receive a twenty-five percent (25%) discount on hospital bills incurred during employment on any balance of the bill that the insurance carrier does not pay. This employee discount does not apply to long-term care, elective procedures or services not covered by insurance. PRN employees do not receive the employee discount. Any employee’s spouse, domestic partner or dependent children who are not covered under Wrangell Medical Center’s group health insurance plan will not receive the employee discount.

It is the employee’s responsibility to assist the billing department in recouping payment from third party payers. This may include responding to questionnaires from insurance companies.

## **FLEXIBLE SPENDING ACCOUNTS**

Wrangell Medical Center currently offers an employee funded Flexible Spending Account plan to regular employees. At the beginning of each new plan year, plan participants may elect an annual amount of flexible dollars on a pre-tax basis to pay for eligible health care expenses. The Flexible Spending Account covers a wide variety of expenses and may include medical or dental insurance deductibles, co-payments and out of pocket costs for vision care and dental services. See the Personnel department for enrollment information.

## **LIFE INSURANCE**

Wrangell Medical Center has life insurance programs available for regular employees. Coverage will begin on the first day of the month following the date of hire. The basic life insurance program is provided at no cost to the employee. Supplemental life insurance may be purchased by the employee and paid for through regular payroll deductions. See the Personnel department for more information.



# **EDUCATION REIMBURSEMENT**

Wrangell Medical Center's Standards of Performance encourages the professional and personal development of employees through continuing education. In keeping with this philosophy, Wrangell Medical Center has established a reimbursement program for tuition expenses incurred through approved institutions of learning. All regular employees are eligible for education assistance once they have completed the six month probationary period. Employees interested in participating in this education assistance program must complete a Personnel Action Form prior to registering for any courses for which they request to be reimbursed. The employee's supervisor must approve the courses (in his or her sole discretion) prior to registration. Courses eligible for tuition reimbursement must either offer growth in an area related to the employee's current position or might lead to promotional opportunities. Budgetary limitations will also be considered when approving tuition assistance.

Approved coursework must be completed on the employee's own time. Reimbursement is contingent upon the student earning a grade of "C" or better or a "Pass" grade on a pass/fail class. Wrangell Medical Center will reimburse an employee for tuition, books and required course fees for all passing grades up to a maximum of \$3,000 per calendar year. Failure to satisfy the minimum passing grade will result in denial of reimbursement for the course. An employee will not be eligible for tuition reimbursement if they withdraw from an approved course or if they terminate employment prior to completion of an approved course.

To receive tuition reimbursement, the employee should:

- Provide his or her supervisor with information about the course and complete a Personnel Action Form outlining the costs of the course.
- The supervisor must approve the class by signing the Personnel Action Form prior to the employee enrolling in the class. A copy of the Personnel Action Form will be given to the Personnel department.
- The employee can then enroll in the course. The employee must pay all tuition, book and course fees.
- Upon completion of the course, the employee must submit the receipts for the tuition and fees, along with a transcript or evidence of a passing grade in the course.

In some cases, the CEO may grant tuition reimbursement above the annual maximum reimbursement limit. In cases where extensive funds are spent on tuition assistance, the employee may be required to sign an agreement to pay back the tuition assistance if he or she leaves employment within a certain period of time.

## **SOCIAL SECURITY & SUPPLEMENTAL BENEFITS SYSTEM (SBS)**

Wrangell Medical Center participates in the Alaska Supplemental Annuity Plan for its eligible employees. Employee and employer contributions are made pre-tax to this plan instead of contributing to Social Security. SBS plan information may be accessed online at [www.doa.alaska.gov/drb/retirement](http://www.doa.alaska.gov/drb/retirement). PRN and contract employees will not be eligible for the SBS plan and will remain with Social Security.

## **DEFERRED COMPENSATION**

Wrangell Medical Center has a deferred compensation plan for employees who wish to participate. The Personnel department will provide further information for those employees desiring to join the plan. Wrangell Medical Center provides a matching funds program for participating employees.

## **RETIREMENT PLAN**

Wrangell Medical Center has a defined contribution retirement plan for all eligible employees. Information about the program can be obtained from the Personnel department. Participation in the retirement plan is free of charge to the employee. An employee must complete one year of service and work at least 1,000 hours before they are eligible for the retirement plan. Retirement plan information can be accessed at [www.LincolnFinancial.com](http://www.LincolnFinancial.com).

# **EMPLOYMENT TERMINATION**

There are many routine reasons for termination. Below are examples of some of the most common circumstances under which employment is terminated:

- *Resignation:* Voluntary employment termination initiated by an employee. Three days without reporting to work or contacting the supervisor may be considered a voluntary resignation, at the discretion of the supervisor and the CEO. Written notice of voluntary resignation is required. It is requested that the written notice be given as far in advance as possible. Generally, failure to give adequate notice will make the employee ineligible for re-hire.
- *Discharge:* Involuntary employment termination initiated by the medical center.
- *Layoff:* Involuntary employment termination initiated by the medical center for non-disciplinary reasons.
- *Retirement:* Voluntary employment termination initiated by the employee meeting age, or any other criteria for retirement from the medical center.

Employees shall be paid in full, at their request within three working days of termination. All accrued, vested benefits that are due at termination will be paid.

Wrangell Medical Center will generally schedule an exit interview at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to Wrangell Medical Center and the return of any Medical Center owned property. Suggestions, complaints, and questions can also be voiced at the exit interview.

*Layoffs:* When it is necessary to reduce the number of employees because of any lawful reason, including lack of work or funds, the supervisor concerned, in conjunction with the Medical Center CEO, will thoroughly investigate the fiscal alternatives and develop a plan for necessary lay-offs and/or curtailment of activities. Consideration shall be given to the length of service employees affected and the possibility of demoting employees in higher grades to lower grades; however, the decision shall also be made on the relative merit of the employees and their function in the Medical center. The decision shall be made at the discretion of the supervisor with the approval of the CEO.

# **Agenda Item 13c**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013**

#### **INFORMATION:**

#### **Approval of an Assignment of Tidelands Lease in Lieu of Foreclosure**

#### **Attachments**

1. Memorandum from Attorney Michael Nash, dated July 12, 2013
2. Assignment of Tidelands Lease – Parcel 3 in Lieu of Foreclosure document

#### **RECOMMENDED ACTION:**

Move to approve the Assignment of Tidelands Lease – Parcel 3 in Lieu of Foreclosure from Beaver Connections, Inc. to Kenneth G. Trammel, the Hungry Beaver, Inc. and Patty J. Kautz.

LAW OFFICES OF MICHAEL P. NASH, P.C.  
P.O. BOX 2341  
WRANGELL, AK 99929  
(907) 874-4231  
michaelnash@att.net

MEMORANDUM

TO: Wrangell City Council  
FROM: Michael Nash, Attorney for Ken Trammel  
RE: Request to approve the reassignment of a tidelands lease at the Marine Bar  
DATE: July 12, 2013

This memorandum explains my request for the city's approval of a reassignment of a tidelands lease in lieu of foreclosure from Ken Trammel and his business to Patricia Kautz fka Patricia Cummins and her business.

**Background:** Five years ago, Ms. Patricia Cummins, nka Patricia Kautz, and her business sold the Marine Bar and Hungry Beaver establishment to Ken Trammel. The facility is partly built on tidelands that were leased to Ms. Cummins or her business entity by the City of Wrangell. Five years ago, as part of the sale, the lease on the tidelands underlying the facility was assigned to Mr. Trammel and his business with the City's approval.

Ms. Cummins nka Kautz partially financed the sale. The financing called for a balloon payment that was due in May 2013.

**Current Circumstances – sale in lieu of foreclosure:** A short time after he acquired the business and was assigned the lease, Mr. Trammel suffered medical problems. Consequently he fell behind in his obligations and was not able to make the balloon payment due this past May. Ms. Kautz was prepared to foreclose on the property and business, but declined to do so if Mr. Trammel would transfer the business assets back to Ms. Cummins, nka Kautz. Mr. Trammel agreed to do so.

**Tidelands Lease:** Among the assets is the tidelands lease, the property upon which the facility is partially built. As part of the sale in lieu of foreclosure, Mr. Trammel agreed to reassign the tidelands lease to Ms. Cummins, nka Kautz, subject to the City's approval. Mr. Trammel now seeks approval to reassign the lease back to Ms. Kautz and her corporation.

If you have questions, please address them to me, and I will respond.

cc. Bill Bankston, Esq., attorney for Patricia Kautz  
Kenneth Trammel

**ASSIGNMENT OF TIDELANDS LEASE – PARCEL 3  
IN LIEU OF FORECLOSURE**

This *Assignment of Tidelands Lease – Parcel 3 in Lieu of Foreclosure* (“Agreement”) is made and entered into this 28<sup>th</sup> day of June, 2013, by and between BEAVER CONNECTIONS, INC., an Alaska corporation, with an address of P.O. Box 2214, Wrangell, Alaska 99929 and KENNETH G. TRAMMEL, an individual whose address is P.O. Box 2214, Wrangell, Alaska 99929 (collectively referred to as “Assignor”), and HUNGRY BEAVER, INC., a Washington corporation whose address is 15 W. Slavin Road, Yakima, Washington 98903 and PATTY J. KAUTZ, an individual with an address of P.O. Box 2313, Wrangell, Alaska 99929 (collectively referenced herein as “Assignee”);

WHEREAS, Assignor owns and operates business entities known as *Marine Bar*, *Marine Liquor Store*, *Hungry Beaver Hotel* and *Hungry Beaver Pizza*, all located at 640 Shakes Street, Wrangell, Alaska 99929 (“Business”);

WHEREAS, Assignor owns all of the real and personal property, rights, title, interest and estates, including all fixtures, furnishings, equipment and other collateral contained upon the real property, which is more particularly described as follows:

A portion of the unsubdivided tidelands owned by the City of Wrangell, located adjacent to Lot 14 & Lot 15, Block 7A of the Wrangell Tidelands Addition in the inner harbor. This parcel is more particularly described as follows:

Beginning at the Southeast Corner of Lot 15, Block 7A Wrangell Tidelands Addition, Wrangell, Alaska; thence 12.00', S 81°-00'E, to a point; thence 60.00', N09°-00'E, to a point; thence 12.00', N 81°-00E', to a point on the

Easterly Line of Lot 14, Block and addition as above; thence 19.32', S 09°-00'W, along said Easterly line to the Easterly corner common to Lots 14 and 15, Block and Addition as above; thence 40.68', S 09°-00'W along the Easterly line of Lot 15 to the point of beginning. Points described above enclose an area of 720 square feet of City of Wrangell Tideland Property;

WHEREAS, Assignor is in default under its obligations to Assignee created by a *Second Deed of Trust* dated May 20, 2008 and recorded on June 4, 2008, under Document No. 2008-000177-0, Wrangell Recording District, First Judicial District, State of Alaska that grants equitable title interest in the real property described in **Exhibit A** herein and incorporated into this Agreement. Said deed being offered as security for a Promissory Note in the amount of \$440,000;

WHEREAS, by virtue of the default by Assignor, Assignee has the right to foreclose and exercise the rights and remedies available under the *Second Deed of Trust*;

WHEREAS, Assignor hereby assigns to Assignee, with right of reassignment, all of Assignor's rights, title to, and interest in and to the leasehold estate identified herein and created by that *Assignment of Lease – Parcel 3*, dated May 20, 2008 and recorded on June 4, 2008 under Document No. 2008-000170-0, recorded in the Wrangell Recording District, First Judicial District, State of Alaska;

WHEREAS, the interest given in Parcel 3 by the assignment relates to that *Lease Agreement* dated the 30<sup>th</sup> day of September 1986, between CITY OF WRANGELL, as Lessor and PATTY J. KAUTZ (f/k/a Patty J. Warwick, f/k/a Patty J. Cummings, f/k/a Patty J. Tomal), as Lessor and recorded on the 2<sup>nd</sup> day of October, 1986, in the Wrangell Recording District, First Judicial District, State of Alaska in Book 15, at Pages 103-106;

WHEREAS, the CITY OF WRANGELL, as Lessor, granted its consent to the assignment under a *Consent to Assignment of Lease – Parcel 3*, dated May 2, 2008 and recorded on June 4, 2008 under Document No. 2008-000171-0, in the Wrangell Recording District, First Judicial District, State of Alaska;



WHEREAS, Assignor desires to assign to Assignee and Assignee desires to assume, all of Assignor's rights and obligations granted under the *Lease Agreement*, with the consent of the CITY OF WRANGELL, contained herein;

THEREFORE, in consideration of the mutual covenants, representations, warrants, consents and agreements contained herein and other valuable consideration received, and with the intent to be legally bound by this Agreement, the parties herein agree as follows:

1. Assignor hereby assigns to Assignee all of Assignor's right, title and interest thereunder to Assignee. Assignee hereby accepts such assignment. Assignee shall have all of the rights of Assignor under the *Lease Agreement*, including, without limitation, any option to renew or extend the *Lease*.
2. Assignee hereby assumes and agrees to be bound by all of Assignor's obligations under the *Lease*. Assignee shall perform all the terms, covenants and conditions of the *Lease*, including the payment of rent and any other required amounts to Lessor, after the date hereof.
3. Assignee shall indemnify and hold Assignor harmless from any and all claims, damages, expenses and liabilities of whatever nature, including attorney's fees, arising under the *Lease* or relating to the Premises after the date hereof.
4. Assignor hereby warrants that no other assignments, encumbrances, or transfer of its rights under the *Lease*; that the *Lease* is in full force and effect; and that the *Lease* is free of any and all other claims, liens and encumbrances.
5. Except as specifically modified herein, the *Lease* will continue in full force and effect.

6. No provision set forth in this *Agreement*, express or implied, is intended to constitute an act of merger.

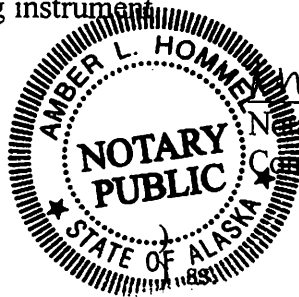
Dated in Wrangell, Alaska this 27 day of June, 2013.

BEAVER CONNECTIONS, INC.  
an Alaska corporation

By: [Signature]  
Kenneth G. Trammel  
Its: Secretary  
[Signature]  
Kenneth G. Trammel

STATE OF ALASKA                    )  
  ) ss.  
FIRST JUDICIAL DISTRICT        )

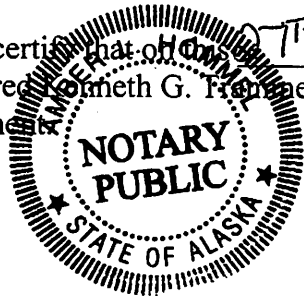
This is to certify that on this 27<sup>TH</sup> day of June, 2013, before me,  
personally appeared Kenneth G. Trammel, known to me and known to me to be  
the Secretary of Beaver Connections, Inc., the corporation that  
executed the foregoing instrument.



[Signature]  
Notary Public in and for the State of Alaska  
Commission expires: Oct. 14, 2016

STATE OF ALASKA                    )  
  ) ss.  
FIRST JUDICIAL DISTRICT        )

This is to certify that on this 27<sup>TH</sup> day of June, 2013, before me,  
personally appeared Kenneth G. Trammel, known to me to be the individual named in the  
foregoing instrument.



[Signature]  
Notary Public in and for the State of Alaska  
Commission expires: Oct. 14, 2016

ASSIGNMENT OF TIDELANDS LEASE – PARCEL 3  
IN LIEU OF FORECLOSURE


**ACCEPTANCE OF ASSIGNMENT OF TIDELANDS LEASE – PARCEL 3**

Assignee hereby accepts the foregoing Assignment of the above-described *Lease* dated September 30, 1986, and subjects itself to all the promises and covenants therein contained. The Assignment is contingent upon the making of timely payments on the *Lease* and complying with all the terms and provisions of the *Lease*. Assignee promises to pay and be fully liable to Lessor for the rent payments of said *Lease* due from the Closing Date to the *Lease* ending date defined as September 1, 2041, to be paid in the manner and at the times therein specified in said *Lease*.

Assignee agrees to indemnify and hold Assignor harmless for all liability of any nature whatsoever arising from the Lease. Assignee understands, acknowledges, and accepts the conditions that the Lease expires on September 1, 2041, with no right of renewal. The length of the term of the Lease and the inability to renew the Lease will affect the sale of the Property. Assignee releases the Assignor for all liability resulting from the inability to renew the Lease and accepts the premises as is, where is, without any warranty of any kind.

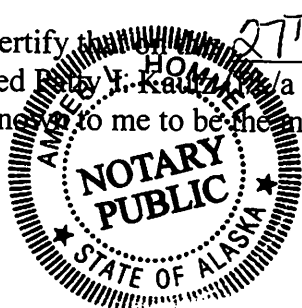
IN WITNESS WHEREOF, the undersigned has caused this Acceptance of Assignment of Lease to be executed this 27 day of June, 2013.

**ASSIGNEE:**

  
Patty J. Kautz (f/k/a Patty J. Warwick,  
f/k/a Patty J. Cummings, f/k/a Patty J. Tomal)  
P.O. Box 2313  
Wrangell, Alaska 99929

STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

This is to certify that on the 27<sup>th</sup> day of June, 2013, before me, personally appeared Ray Y. Kauffman/a Patty J. Warwick, f/k/a Patty J. Cummings, f/k/a Patty J. Tomal, known to me to be the individual named in the foregoing instrument.



Amber K. Munn  
Notary Public in and for the State of Alaska  
Commission expires: Oct. 14, 2016

**CONSENT OF LESSOR TO ASSIGNMENT OF TIDELANDS LEASE**  
**- PARCEL 4 AND DEED IN LIEU OF FORECLOSURE**

The CITY OF WRANGELL, as Lessor, hereby consents to the *ASSIGNMENT OF TIDELANDS LEASE – PARCEL 3 IN LIEU OF FORECLOSURE* that assigns all right, title and interest secured under that certain Lease dated September 30, 1986, and recorded on October 2, 1986, in the Wrangell Recording District, First Judicial District, State of Alaska, recorded in Book 15 at Pages 103-106, from BEAVER CONNECTIONS, INC., an Alaska corporation, whose address is P.O. Box 2214, Wrangell, Alaska 99929 to PATTY J. KAUTZ (f/k/a Patty J. Warwick, f/k/a Patty J. Cummings, f/k/a Patty J. Tomal), P.O. Box 2313, Wrangell, Alaska 99929. The leased real property is situated in the Wrangell Recording District, First Judicial District, State of Alaska, and more particularly described as follows, to-wit:

A portion of the unsubdivided tidelands owned by the City of Wrangell, located adjacent to Lot 14 & Lot 15, Block 7A of the Wrangell Tidelands Addition in the inner harbor. This parcel is more particularly described as follows:

Beginning at the Southeast Corner of Lot 15, Block 7A Wrangell Tidelands Addition, Wrangell, Alaska; thence 12.00', S 81°-00'E, to a point; thence 60.00', N09°-00'E, to a point; thence 12.00', N 81°-00'E', to a point on the Easterly Line of Lot 14, Block and addition as above; thence 19.32', S 09°-00'W, along said Easterly line to the Easterly corner common to Lots 14 and 15, Block and Addition as above; thence 40.68', S 09°-00'W along the Easterly line of Lot 15 to the point of beginning. Points described above enclose an area of 720 square feet of City of Wrangell Tideland Property.

Patty J. Kautz (f/k/a Patty J. Warwick, f/k/a Patty J. Cummings, f/k/a Patty J. Tomal) is subject to all the provisions of said *Lease*.

Dated at Wrangell, Alaska, this \_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF WRANGELL, ALASKA  
LESSOR

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF ALASKA                     )  
   ) ss.  
FIRST JUDICIAL DISTRICT        )

This is to certify that on this \_\_\_\_ day of \_\_\_\_\_, 2013, before me,  
personally appeared \_\_\_\_\_, known to me and known to me to be  
the \_\_\_\_\_ of the City of Wrangell, Alaska.

\_\_\_\_\_  
Notary Public in and for the State of Alaska  
Commission expires: \_\_\_\_\_

**RECORD IN THE WRANGELL RECORDING DISTRICT**

**After Recording, Return Original to:**

Bankston Gronning O'Hara, P.C.  
601 W. 5<sup>th</sup> Avenue, Suite 900  
Anchorage, Alaska 99501  
ATTN: Y. Gearing

# **Agenda Item 13d**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013**

#### **INFORMATION:**

#### **Discussion and possible action regarding the proposed iPad Policies**

#### **Attachments**

1. Memorandum from Timothy Rooney dated July 16, 2013.
2. Proposed iPad Policy – Allowing iPads to leave City Hall
3. Proposed iPad Policy – Restricting iPads from leaving City Hall

#### **RECOMMENDED ACTION:**

Assembly Discussion.

## **MEMORANDUM**

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: TIMOTHY D. ROONEY  
BOROUGH MANAGER**

**SUBJECT: PROPOSED POLICIES GOVERNING TECHNOLOGY USE**

**DATE: July 16, 2013**

### **BACKGROUND:**

On April 9, 2013, the Technology Committee was formed for the purpose of developing a policy regarding the use of technology by the Borough Assembly and all other elected boards and commissions. Members of the Technology Committee consisted of Assemblyman James Stough, Matthew Gore, Kim Flores, and myself. The Technology Committee met several times in April, May, and June in order to review policies that were adopted in other communities in Alaska and throughout the nation, as well as develop proposed policies. A total of two proposed policies have been developed.

The first policy outlines the use of technology specifically as it relates to iPads that would be purchased by the City and Borough of Wrangell and used by the Borough Assembly and all elected/appointed Boards and Commissions. It would allow for the iPads to leave the Borough Assembly chambers in order for all members to access email and respective agenda packets away from City Hall. The policy outlines procedures for the devices' inspection, return, prohibitions and responsibility. Each member of the Borough Assembly, as well as each member of elected/appointed Boards and Commissions would receive an iPad under this policy. There would be a total of up to 36 iPads that would need to be purchased.

The second policy outlines the use of technology specifically as it relates to iPads that would be purchased by the City and Borough of Wrangell and used by all elected/appointed Boards and Commissions as well but would not allow the iPads to leave City Hall. Each iPad would be loaded with the corresponding agenda packet for the Assembly, Board, or Commission. When members of each arrive for the meeting, the iPads would be located at their seats, used during the meeting, and returned upon conclusion. There would be a total of 7 iPads purchased.

### **COMMENTS:**

Given everything the City and Borough of Wrangell recently experienced and the funds expended in order to seek the return of information contained on municipally owned devices that were permitted to leave municipally owned facilities, as the Borough Manager I have grave concerns about approving a policy that would allow potentially up to 36 devices to leave City Hall.

It comes down to answering the goal here. If the goal is to develop a policy that will transition the City and Borough of Wrangell and its Boards and Committees from the traditional paper agenda packet to an electronic packet, the second policy accomplishes that task with little or no risk to the City and Borough of Wrangell.



If the goal is to do the above, as well as provide the ability of all members of all Boards and Commissions to receive communications and correspondence outside of meetings, than the first policy accomplishes this task with quite a bit of risk to the City and Borough of Wrangell.

Please note that no funding has been included in the FY 2013-14 budget for the purchase of any iPads.

**RECOMMENDATION:**

The Technology Committee was not asked to develop a recommendation, but rather develop a policy that would allow for the use of technology as outlined above. Two policies have been developed. Which policy is most appropriate would depend on the answer to the underlying goal.

**ATTACHMENTS:**

1. Proposed Policy Allowing iPads to leave City Hall
2. Proposed Policy Restricting iPads from leaving City Hall

## City and Borough of Wrangell

### Borough Assembly

### Proposed iPad Policy



1. **Purpose.** The City and Borough of Wrangell recognizes the benefits of utilizing digital communication and information, and supports the utilization of the iPad by the Mayor and Borough Assembly. Users of the iPad acknowledge, understand, and respect the underlying iPad, Internet, and usage philosophy that forms the basis of this policy.
2. **Receipt of iPad.** The Borough Clerk, or designated I.T. professional, will issue iPads that include appropriate applications for use relating to City and Borough business.
3. **Care of iPad.** Users are responsible for the general care of the iPad that they have been issued by the City and Borough of Wrangell. iPads must remain free of any writing, drawing, stickers, or labels that are not the property of the City & Borough. Only a clean, soft cloth should be used to clean the screen.
4. **Employee Information.** Software on iPad. The software and applications installed by the Borough Clerk or designated I.T. professional must remain on the iPad in usable condition and be readily accessible at all times. From time to time, the Borough Clerk or designated I.T. professional may add, upgrade, or remove software applications such that users may be required to check in their iPads with that office for periodic updates and syncing. In the event it becomes necessary to restore an iPad to its original condition, the City and Borough of Wrangell will not be held responsible for the loss of any software or documents deleted due to a re-format and re-image. Any software, email messages, or files downloaded via the Internet becomes the property of the City and Borough of Wrangell and may only be used in ways that are consistent with applicable licenses, trademarks, or copyrights. Files from sources that a user may have any reason to believe may be untrustworthy shall not be downloaded, nor shall files attached to email transmissions be opened and read unless the user has knowledge that they originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the City and Borough's information systems. Users will be held accountable for any breaches of security caused by files obtained for non-City and Borough business purposes.
5. **Life of the iPad.** The technological life of the iPads might not exceed three years; therefore, the iPads will be assessed every three years and, if necessary, the City and Borough will purchase upgraded devices pending Borough Assembly approval through the budgeting process.
6. **WARNING – NO PRIVACY.** All communications made via City and Borough-issued devices are subject to disclosure under the Open Records Act or for litigation purposes unless a privilege or exception exists that justifies withholding the information. (For example, attorney/client privileged communication)
7. **Audits.** All iPads are subject to audit by the Borough Clerk or designated I.T. professional. If the iPad is requested by either position for any reason, users have three (3) days to provide the iPad to that office. Upon a request for the iPad for audit purposes, no files, software applications, or communications shall be removed from the device prior to the audit. The iPad should be returned to the user within five (5) business days.

8. **Representations.** In advocating, advancing, or expressing any individual religious, political, or personal views of opinions, users must not misrepresent their statements as official City and Borough policy unless authorized to do so.
9. **Email Usage for City and Borough Business.** For the purposes of activity related to City and Borough business, the user shall conduct all email communication through their assigned City and Borough email account. All emails on the City and Borough email account are archived and retained by the City and Borough. This account shall be synced to the user's individual iPad. Personal email boxes are allowed to be synced to the iPad as well, but all City and Borough-related business must be conducted through the City and Borough email address or copied to the City and Borough email address if the user's personal email box is used
10. **Acceptable Use.** Internet access, when provided by the City and Borough of Wrangell, is to assist elected officials in obtaining data and technology. The following guidelines have been established to help ensure responsible and productive Internet and iPad usage. While Internet usage is intended for communication purposes, incidental and occasional brief personal use is permitted within reasonable limits. All Internet data that is composed, transmitted, or received via the City and Borough of Wrangell's computer communications systems is considered to be part of the official records of the City and Borough of Wrangell and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, users should always ensure that the business information contained in Internet transmissions is accurate, appropriate, ethical, and lawful. The equipment, services, and technology provided to access the Internet remain at all times the property of the City and Borough of Wrangell. As such, the City and Borough of Wrangell reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through borough online connections and stored in borough computer systems.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if the user did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

The following behaviors are examples of previously stated or additional actions and activities that are prohibited:

- SENDING OR POSTING DISCRIMINATORY, HARASSING, OR THREATENING MESSAGES OR IMAGES (GRAY LIKE THE REST, AND SAME FONT.)
- USING THE ORGANIZATION'S TIME AND RESOURCES FOR PERSONAL GAIN

- STEALING, USING, OR DISCLOSING SOMEONE ELSE'S CODE OR PASSWORD WITHOUT AUTHORIZATION
- COPYING, PIRATING, OR DOWNLOADING SOFTWARE AND ELECTRONIC FILES WITHOUT PERMISSION
- VIOLATING COPYRIGHT LAW
- FAILING TO OBSERVE LICENSING AGREEMENTS
- ENGAGING IN UNAUTHORIZED TRANSACTIONS THAT MAY INCUR A COST TO THE ORGANIZATION OR INITIATE UNWANTED INTERNET SERVICES AND TRANSMISSIONS
- SENDING OR POSTING MESSAGES OR MATERIAL THAT COULD DAMAGE THE ORGANIZATION'S IMAGE OR REPUTATION
- PARTICIPATING IN THE VIEWING OR EXCHANGE OF PORNOGRAPHY OR OBSCENE MATERIALS
- SENDING OR POSTING MESSAGES THAT DEFAME OR SLANDER OTHER INDIVIDUALS
- ATTEMPTING TO BREAK INTO THE COMPUTER SYSTEM OF ANOTHER ORGANIZATION OR PERSON
- REFUSING TO COOPERATE WITH A SECURITY INVESTIGATION
- USING THE INTERNET FOR POLITICAL CAUSES OR ACTIVITIES, RELIGIOUS ACTIVITIES, OR ANY SORT OF GAMBLING
- JEOPARDIZING THE SECURITY OF THE ORGANIZATION'S ELECTRONIC COMMUNICATIONS SYSTEMS
- SENDING OR POSTING MESSAGES THAT DISPARAGE ANOTHER ORGANIZATION'S PRODUCTS OR SERVICES
- PASSING OFF PERSONAL VIEWS AS REPRESENTING THOSE OF THE ORGANIZATION
- SENDING ANONYMOUS EMAIL MESSAGES
- ENGAGING IN ANY OTHER ILLEGAL ACTIVITIES

11. **Open Meetings Act Compliance.** Except in an emergency, users shall not use email, instant messaging, text messaging, or similar forms of electronic communications at any time during a meeting of the Borough Assembly. Users shall not use the iPad in any way as to violate the Open Meetings Act requirements of the State of Alaska.

12. **User Responsibility.** It is the responsibility of the user to ensure the City and Borough provided iPad is kept in a reasonable and safe condition. iPads must remain free of any writing, drawing, stickers, or labels that are not the property of the City & Borough of Wrangell. Should an iPad be accidentally lost, damaged, or stolen, responsibility for replacement shall be that of the user and not the City and Borough of Wrangell.

13. **Return of the iPad.** Users shall return their iPad to the Borough Clerk or designated I.T. professional when the individual's term and service as Mayor or Assembly Member has ended.

Upon return of the iPad to the City and Borough of Wrangell and following the preparation of any appropriate backup files, the iPad will be wiped clean of any and all information.

14. **Compliance with Policy.** The City and Borough of Wrangell reserves the right to inspect any and all files stored on iPads that are the property of the City and Borough of Wrangell in order to ensure compliance with this policy. The City and Borough of Wrangell also reserves the right to pursue appropriate legal actions to recover any financial losses suffered as a result of violations of this policy. Users do not have any personal privacy right in any matter created, received, stored in, or sent from any City and Borough issued iPad, and the Borough Clerk or designated I.T. professional is hereby authorized to institute appropriate practices and procedures to ensure compliance with this policy. Any violation of this policy may result in discipline as deemed appropriate by the balance of the Borough Assembly.

**Proposed Ipad Policy Signature Page**

I hereby certify that I have received a written copy of the City and Borough of Wrangell, Borough Assembly iPad Policy form. I have read and fully understand the terms of this policy and agree to abide by it.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
(Elected Official's Signature)

\_\_\_\_\_  
(Printed Name)

## City and Borough of Wrangell

### Borough Assembly and Elected Boards and Commissions

#### Proposed iPad Policy



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**Proposed Ipad Policy Signature Page**

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Dated: \_\_\_\_\_

By: \_\_\_\_\_  
(Elected Official’s Signature)

\_\_\_\_\_  
(Printed Name)

# **Agenda Item 13e**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013**

#### **INFORMATION:**

**Approval to send a letter to DOT&PF regarding ADOT's new Regulations on Herbicide and Pesticide use.**

#### **Attachments**

1. Southeast Conference Correspondence

#### **RECOMMENDED ACTION:**

Authorization the Borough Mayor to send a letter to Department of Transportation and Public Facilities, regarding ADOT's new Regulations on Herbicide and Pesticide use.

Est 1958

Southeast Conference



**Message of Importance**  
**State of Alaska adopts regulations that would allow state agencies to apply herbicides and pesticides on state property and rights of way without obtaining a permit from the Department of Environmental Conservation and without public review.**

**Concerned communities send letters to Commissioner Kemp**

July 2013

**Southeast Conference board nominations process is underway. Contact a board member or SEC office if you are interested in serving.**

#### Board Members

**Tim Rooney, President**

**Lori Blood, 1st Vice President**

June 17, 2013

Commissioner Patrick J. Kemp,  
 Department of Transportation & Public Facilities  
 PO Box 112500  
 3132 Channel Drive  
 Juneau, Alaska 99811-2500

Re: Herbicide and Pesticide applications in the Petersburg Borough



Patty Phillips, 2nd Vice  
President

Merrill Sanford, Treasurer

Tory Korn, Secretary

Leo Luczak, Director

Richard Peterson, Director

Charles Edwardson, Director

Mary Becker, Director

Bryce Dahlstrom, Director

#### Staff

Shelly Wright, Executive  
Director

Cheri Lancaster, Finance  
Officer

Robert Venables, Energy  
Coordinator

Elaine Price, Special Projects

**SEC**

::

P.O. Box 21989  
Juneau, AK 99801  
907-586-4360  
907-463-5670  
info@seconference.org

[www.seconference.org](http://www.seconference.org)

Dear Commissioner Kemp;

The Petersburg Borough has learned that earlier this spring, regulations were adopted that would allow state agencies to apply herbicides and pesticides on state property and rights of way without obtaining a permit from the Department of Environmental Conservation and without public review. The Petersburg Borough is very concerned that this action denies our citizens the right to participate in the decision-making process and jeopardizes our community. The broad application of herbicides and pesticides can and does affect drinking water, aquatic habitat, and impacts traditional food gathering areas. In addition, this process exposes our children and pets to harmful, possibly carcinogenic, toxins.

These regulations were adopted despite widespread public opposition across the state. The people of Alaska collectively own our public water supply, our fish and our wildlife resources. We strongly feel that we should have a voice regarding if and when there are any plans which might negatively impact those resources within our area. The 30- day notification requirement prior to application that was adopted, allows for no public input. This falls way short of providing our citizens a voice.

Alaska markets our wild salmon to the world by touting our pristine waters. Applying toxic chemicals to the upland habitat would certainly make that a questionable claim. Spraying our uplands could negatively impact productivity of local salmon streams. Even the small tributaries are important fish rearing habitat. Also, many out-the-road residents rely on surface run-off and small streams for their drinking water. Many of our residents gather berries, fiddlehead ferns, and other traditional foods along roadways in our area. If herbicides and pesticides are applied, there is simply no way to protect against contamination. This is particularly true in our island rain forest ecosystem where anything applied to the land is rapidly washed into adjacent waterways and eventually into salt water by the rain.

You may recall that several years ago the Department of Transportation announced plans to spray herbicides to control plant growth along Mitkof Highway. The people of Petersburg expressed strong opposition and that program was stopped before it got started. Some were opposed to the visual impact but most were more concerned that toxic residue would contaminate residential runoff-based water supplies and run into aquatic habitats and impact fish productivity. Those concerns have not changed. ADOT went back to mowing the roadsides and, although that method is more labor intensive, it has kept the vegetation down and kept toxic chemicals out of the island's water supplies and waterways.



**Sout  
theast Conference  
Annual Meeting  
in Sitka**

**September**

**16th Meetings, Tours and  
Cruises**

**17th Presentations**

**18th Presentations**

**19th Membership Meeting  
and Tours**

**Preliminary information  
on our website. Continue  
to follow as plans are  
finalized.**

**Southeast Conference**

***Sponsor Program***

We invite you to be a sponsor of Southeast Conference to help us support activities that promote strong economies, healthy communities, and a quality environment in Southeast Alaska.

If you would like to participate, please call SEC at (907) 586-4360

**Annual Sponsor**

Receive recognition at Mid-Session Summit Annual Membership Meeting as well as on our website. Sponsorships are opportunities to advertise and build name recognition in our Southeast

Article 10 of the State Constitution clearly provides broad powers to local governments. Home Rule local governments enjoy even broader powers. Article 10, Section 11 of Alaska's Constitution provides that: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter, Adoption of a Home Rule charter promotes maximum local self-government to the greatest extent possible."

Given that language in the constitution, it certainly seems that the Borough, not the state, should be making the decision on whether or not it is important to protect our primary industry and protect the residents of the borough from toxic contamination. We feel strongly the large-scale application of herbicides and pesticides should not be allowed within our Borough. This is the best way to protect our citizens and the waterways of our community.

The Borough hopes that it does not have to consider the adoption of an ordinance and land use restrictions that will ban the large-scale application of herbicides and pesticides within Borough boundaries. At the very least any plans to apply herbicides or pesticides should require a public review process and approval by the Assembly before application could occur.

We would appreciate your immediate attention to this issue.

Sincerely,  
Susan Flint, Vice Mayor

Distribution KFSK Radio Petersburg Pilot  
Senator Dennis Egan (email)  
Representative Beth Kerttula (email)

Borough Administration  
PO Box 329, Petersburg, AK 99833 - Phone (907) 772-4519 Fax (907) 772-3759  
[www.ci.petersburg.ak.us](http://www.ci.petersburg.ak.us)

June 25, 2013

Pat Kemp, Commissioner  
Alaska Department of Transportation  
PO Box 112506 Juneau, AK 99811

Re: Herbicide and Pesticide use in the Haines Borough

The Alaska Department of Environmental Conservation's decision earlier this year to eliminate the public review process and permitting requirements for using chemicals on state lands deeply concerns the Haines Borough. At a minimum, the Haines Borough requests that DEC reinstate a public review process, including right of appeal, for the potential use of herbicides and pesticides within the borough.

Most of the Haines Borough roadways lie adjacent to, or cross anachronous streams and salmon habitat. The Haines Highway passes through the world class Alaska Chilkat Bald Eagle Preserve, home to the largest gathering of Bald Eagles. Spraying herbicides and pesticides has





communities.  
Annual Sponsors also support special projects that SEC members choose to accomplish, such as the modeling project we are currently working on with McDowell Group.

**Benefactor**                      \$5,000  
3 free event registrations

& 2 additional banquet tickets  
(Annual Meeting)

**Gold**                                \$3,500  
2 free event registrations

& 1 additional banquet ticket  
(Annual Meeting)

**Silver**                              \$2,500  
1 free event 1 registration

**Bronze**                            \$1,500

#### Event Sponsor

Event sponsors receive recognition at the event which they agree to sponsor, such as the Mid-Session Summit in the spring or the Annual Meeting in the fall. This is the basic price structure; however, we are willing to take any sponsor amount, no matter how large or small!

Delegate Bags            \$4,500  
Beverage Service        \$1,500  
Breakfast                   \$750  
Lunch                        \$2,500

Mid-Session  
Reception    \$5,000  
Reception Drink  
Tickets    \$1,500  
Annual Meeting  
Banquet    \$7,500  
Banquet Drink  
Tickets    \$2,500  
Other Amount  
\$ \_\_\_\_\_

the potential to harm the environment, fish, wildlife, and human health. Healthy salmon returns for commercial, sport and subsistence fisheries provide major economic benefit to Southeast Alaskans. There is a wealth of scientific literature that links pesticide and herbicide contamination with salmon mortality as well as non-lethal impacts that result in lowered survival rates. Many salmon spawn in waterways adjacent to Haines' roadways. The commercial value of the Lynn Canal salmon fishery ranges from \$1 million to \$3.4 million annually.

Pesticide and herbicide use near residences and areas that our citizens use for gathering food, medicinal substances, or craft materials is inherently dangerous. Use within watersheds that provide drinking water for communities or individuals also poses serious threats. Pesticides and herbicides contain toxic chemicals which rapidly disperse in our local rainforest environment. They have been linked with numerous environmentally caused cancers and may have additional detrimental effects that are presently unknown.

Article 10 of the State Constitution clearly provides broad powers to local governments. Home Rule local governments enjoy even broader powers. Article 10, Section 11 of Alaska's Constitution provides that: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter. Adoption of a Home Rule charter promotes maximum local self-government to the greatest extent possible."

In the past, the community of Haines has opposed the spraying of toxic herbicides or pesticides along borough roadways and on public lands. The Haines Borough continues to strongly oppose the use of herbicides and pesticides on roadways and public lands in the borough.

Protecting our residents and the environment from potential damage caused by using toxic chemicals along roadways in the Chilkat and Chilkoot watersheds and within the Alaska Chilkat Bald Eagle Preserve are of utmost importance to the Haines Borough.  
Thank you for your consideration of this matter.

Mayor, Haines Borough

Cc: Senator Bert Stedman  
Representative Jonathan Kreiss-Tomkins  
Representative Les Gara A1  
Clough, Assistant Commissioner Matt Boron, DOT, Haines

HAINES BOROUGH, ALASKA  
P.O. BOX 1209 \* HAINES, ALASKA 99827  
Administration 907.766.2231 \* (fax) 907.766.2716  
Tourism 907.766.2234 \* (fax) 907.766.3155  
Police Dept. 907.766.2121 \* (fax) 907.766.2128  
Fire Dept. 907.766.2155 \* (fax) 907.766.3373

# **Agenda Item 13f**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013**

#### **INFORMATION:**

**Consideration and possible action regarding the Final Finding and Decision from Alaska Department of Natural Resources on the Borough Land Selection**

#### **Attachments**

1. Memorandum from Timothy Rooney dated July 16, 2013
2. Final Finding and Decision letter from ADNR, dated July 9, 2013
3. Final Finding and Decision Statement and Action from ADNR
4. Land Entitlement maps

#### **RECOMMENDED ACTION:**

Assembly discussion and possible action.

## MEMORANDUM

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: TIMOTHY ROONEY  
BOROUGH MANAGER**

**SUBJECT: FINAL FINDING AND DECISION FOR BOROUGH LAND SELECTION  
PROCESS**

**DATE: July 17, 2013**

### **BACKGROUND:**

As communicated with you earlier this month via email, the Alaska Department of Natural Resources has rendered its final finding and decision regarding the land parcels that the City and Borough of Wrangell selected as part of the borough formation and entitlement process. The final decision is considered to be the State's best interest finding according to Alaska Statutes AS 38.05.035(e).

The final decision and accompanying maps, attached for your information and review, allows for the conveyance of a majority of the parcels which were selected by the City and Borough of Wrangell for ownership, a total of 7,384.39 acres, more or less. It rejects a total of 1,923 acres of land parcels selected by the City and Borough of Wrangell – a majority of which are located in the Bradfield Canal area. The total amount of municipal entitlement eligible for the City and Borough of Wrangell is 9,006 acres. *(Please note that the land totals of what was approved to be conveyed vs. what was not approved does not total 9,006 acres. This is due to confusion over the size of the parcels that were selected by the City and Borough of Wrangell that were included in the "not approved" category)*

On Monday, July 16, 2013, Ms. Rushmore and I visited with Mr. Bruce Phelps, Section Chief for the Department of Natural Resources to discuss the options available to the City and Borough of Wrangell following the final finding and decision. There are two options available to the City and Borough of Wrangell:

- Accept the final finding and decision by the Alaska Department of Natural Resources. This would provide for the conveyance of 7,384.39 acres of land to the City and Borough of Wrangell. The land would be conveyed to the City and Borough of Wrangell and the process for selecting the balance of land (1,621.61 acres) owed to the City and Borough of Wrangell would begin much like the process the staff has gone through to arrive at this point. According to the State, no action is necessary by the Borough Assembly in order to accept the final finding and decision, although staff would recommend a motion by the Borough Assembly in order to establish a record of that acceptance.
- Appeal the decision. If an appeal is to be made by the City and Borough of Wrangell regarding the final finding and decision, it must be made within thirty (30) days of the final finding and decision - August 8, 2013. The land that was approved for conveyance (7,384.39 acres) would be held by the State of Alaska during the appeal process and not conveyed to the City and Borough of Wrangell until a final decision regarding the appeal

is achieved. The appeals are handled on a first come/first served basis and there are currently between 60-70 appeals in the system at this time. The appeal process would likely take several years – some have taken as long as 6 to 7 years to be resolved. If the appeal is ultimately denied the City and Borough of Wrangell would be back at accepting the 7,384.39 acres as outlined in the first bullet.

Ms. Rushmore and I received the distinct impression from Mr. Phelps that the likelihood of an appeal by the City and Borough of Wrangell being successful is slight at best. The reasons for the denial of a majority of the land, much of which is contained in the Bradfield Canal area, is quite simply unlikely to be overturned.

Staff has placed this item on the agenda because if the City and Borough of Wrangell is going to appeal the decision, notice needs to be provided to DNR by August 8, 2013 and currently there is not another Assembly meeting scheduled until August 23, 2013.

**RECOMMENDATION:**

Staff recommends Borough Assembly acceptance of the final finding and decision by the Alaska Department of Natural Resources dated July 8, 2013.

**ATTACHMENTS:**

1. Notice of Final Finding and Decision by the Alaska Department of Natural Resources.



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

## Department of Natural Resources

DIVISION OF MINING, LAND & WATER  
Resource Assessment & Development Section

550 West 7th Avenue, Suite 1050  
Anchorage, Alaska 99501-3579  
Main: 907.269.8534  
TDD: 907.269.8411  
Fax: 907.269.8915

July 9, 2013

Ms. Carol Rushmore  
Economic Development Director  
City and Borough of Wrangell  
P. O. Box 531  
Wrangell, AK 99929

Re: Final Finding and Decision for ADL 108133

Dear Ms. Rushmore,

Enclosed is the Final Finding and Decision approved by the Alaska Department of Natural Resources on July 8, 2013. This is the State's best interest finding under AS 38.05.035(e).

This decision is subject to the appeal provisions that any person who meaningfully participated in comment on this decision and who is affected by the decision may appeal the decision to the Commissioner of Natural Resources. Please refer to the appeal paragraph in the decision for appeal procedure information. If no appeal is filed by the 31<sup>st</sup> day after issuance, the decision then goes into effect.

If you have any questions concerning this action, please contact myself @ (907)269-8526, or by email: [sandra.swanger@alaska.gov](mailto:sandra.swanger@alaska.gov) or Bruce Phelps @ (907) 269-8592, or by email [bruce.phelps@alaska.gov](mailto:bruce.phelps@alaska.gov).

Sincerely,

 A handwritten signature in purple ink, reading "Sandra Swanger-Jensen".
 

Sandra Swanger-Jensen  
Municipal Entitlement, Manager

Attachments:

Final Finding and Decision  
Maps 1-9 & Vicinity Map

Cc: CBW, Timothy Rooney, Manager  
CBW, Honorable David L. Jack, Mayor

**ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
MUNICIPAL ENTITLEMENT**

**FINAL, FINDING AND DECISION  
CONVEYANCE OF LAND UNDER AS 29.36.010**

<b>CITY AND BOROUGH OF WRANGELL MUNICIPAL LAND ENTITLEMENT SELECTIONS ADL 108133</b>
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**I. SUPPLEMENT STATEMENT**

This Final Finding and Decision (FFD) supplements the Preliminary Decision issued on March 29, 2013 for the proposed actions, which is incorporated herein, except as modified by this decision.

**II. RECOMMENDED ACTION**

The Department of Natural Resources (DNR) has determined in this decision that Alternative 3 described in the Preliminary Decision (PD) is the preferred action since it best fits the intent of and requirements of the Municipal Entitlement Act. The PD recommended actions were to convey and reject certain lands selected as municipal entitlement selections by the City and Borough of Wrangell (CBW). This decision generally follows the recommendations of the PD, both conveying and rejecting selections, but also modifies the PD slightly. The FFD approves conveying the majority of these selections totaling approximately 7,384.39 acres as identified in TABLE 'A', and rejects a total of 1,922.96 acres in those areas identified in TABLE 'B'. The CBW total municipal entitlement is 9,006 acres.

**LANDS TO BE CONVEYED**

TABLE 'A' lists those lands totaling 7,384.39 acres for conveyance by this decision, and the acreage will be determined at time of survey. The determined acreage amount is a net chargeable acreage that will be credited towards the partial fulfillment of the CBW municipal land entitlement. The state will retain the beds including all the islands and gravel bars within any navigable waters and anadromous streams. The estimated acreages for conveyance does not account for any exclusions from navigable waters.

For these parcels this decision determines that the interests of the CBW in obtaining this land outweigh the interests of the state in retaining it. Note: this decision modifies the PD determining that the municipal land selection at Saint John Harbor is appropriate for conveyance to the CBW. The PD had recommended that this parcel be retained by the state, but a more thorough review of this selection resulted in the DNR determination that the interests of the CBW outweigh those of the state, and that this area is appropriate for conveyance.

TABLE 'A'

Map # Parcel Name	CRM Township, Range	Section	Acres
1 Sunny Bay	T. 68 S., R. 87 E.	Sec. 15: that portion of Tract A Sec. 16: that portion of Tract A Sec. 17: that portion of Tract A Sec. 18: that portion of Tract A Sec. 19: that portion of Tract A Sec. 20: that portion of Tract A Sec. 21: that portion of Tract A Sec. 22: that portion of Tract A Sec. 28: that portion of Tract A Sec. 29: that portion of Tract A Sec. 30: that portion of Tract A	2,254.00
	T. 68 S., R. 86 E.	Sec. 24: that portion of Tract A Sec. 25: that portion of Tract A	
2 Olive Cove	T. 65 S., R. 85 E.	Sec. 31: Lot 2 (33.24 acres) Lot 3 (33.34 acres) Lot 4, excluding Olive Cove Subdivision ASLS 810233 (7.25 acres) Lot 5, excluding Olive Cove Subd. ASLS 810233 and ASLS 820063 (24.16 acres) Lot 6 (33.42 acres) Lot 7 (33.52 acres) Lot 8 (47.22 acres) SE1/4NW1/4, excluding ASLS 810233 Olive Cove Subdivision (30.00 acres). SW1/4NW1/4 (40.00 acres).	33.24 33.34 7.25 24.16 33.42 33.52 47.22 30.00 40.00
	T. 66 S., R. 85 E.	Sec. 6: Lot 1 (35.17 acres) excluding USS 1966 Lot 2 (33.60 acres) Lot 3 (33.68 acres) Lot 4 (33.98 acres) excluding USS 1966 Lot 5 (45.34 acres)	181.77
3 Thoms Place	T. 65 S., R. 85 E.	Sec. 25: S½ SW¼ (80 acres), SW¼SE¼ (40 acres)	120.00
		Sec. 26: SE1/4 (160 acres), N1/2SW1/4 (80 acres), SE1/4SW1/4 (40 acres), and Lot 1 (39.93 acres).	319.93
		Sec. 27: Lot 4 (39.98 acres), Lot 5 (17.60 acres), and SE1/4NE1/4 (40 acres). Sec. 35: Lot 6 (39.04 acres),	97.58



3 Thoms Place	T. 65 S., R. 86 E.	Lot 7 (21.36 acres), Lot 8 (12.57 acres), and Lot 9 (6.88 acres)	79.85
		Sec. 36: Lot 20 (34.38 acres), Lot 2 (1.84 acres), Lot 21 (26.40 acres), NE1/4NW1/4 (40 acres), NE1/4 (160 acres), Lot 3 (39.32 acres), Lot 17 (40.82 acres), and NE1/4SE1/4 (40 acres)	382.76
		Sec. 31: Lot 4 (33.24 acres), Lot 5 (33.33 acres), and E1/2NW1/4 (80 acres).	146.57
4 Wrangell Island West	T. 64 S., R. 84 E.	Sec. 8: Lot 1, excluding Lots 16 & 17 of Wrangell Island West Subdivision ASLS 83-7 (33.50 acres), SW1/4NE1/4, excluding Lots 13, 14, 15 & 16 of Wrangell Island West Subdivision ASLS 83-7 (35.00 acres), NE1/4NE1/4 (40.00 acres) Lot 5, excluding ASLS 83-7 Wrangell Island West Subdivision (3.25 acres), Lot 6, excluding ASLS 83-7 Wrangell Island West Subdivision (15.00 acres), W1/2SE1/4, excluding Lot 12 of Wrangell Island West Subdivision ASLS 83-7 (79.50 acres).	204.77
		Sec. 17: All land east of the Wrangell Island West Subdivision ASLS 83-7, excluding three 50' radius temporary turnarounds off of Hemlock Avenue, Spruce Avenue and Timber; excluding the E½NE¼, E¼SE¼ (221.00 acres),	221.00
	T. 64 S., R. 84 E	Sec. 20: <u>Lot 1</u> (22.80 acres), excluding Lot 5, Block 1 of Wrangell Island West Subdivision ASLS 83-7; Lot 1A and 2A, Block 2 of ASLS 83-7.	22.80
		<u>Lot 2</u> (24.17 acres), excluding Lots 1, 2, 3 & 4, Block 1 of Wrangell Island West Subdivision ASLA 83-7;	24.17
		<u>Tract A</u> of ASLS 96-12 (68.21 acres), <u>Tract B</u> of ASLS 96-12 (85.76 acres), <u>Tract C</u> of ASLS 96-12, excluding Lot 1A, Block 2 of Wrangell Island West	68.21 85.76

		Subdivision ASLS 83-7 (69.61 acres).	69.61
5 Earl West Cove	T. 64 S., R. 85 E.	Sec. 2: Lot 1 (29.54 acres), Lot 2 (39.30 acres), and NW $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres).	108.84
		Sec. 3: Lot 1 (23.47 acres), Lot 2 (8.13 acres), Lot 3 (5.64 acres), Lot 4 (10.94 acres), Lot 5 (39.26 acres), Lot 6 (34.09 acres), Lot 7 (3.68 acres), and N1/2SE1/4 (80 acres).	205.21
		Sec. 4: Lot 1 (3.50 acres), Lot 2 (30.69 acres), Lot 3 (4.35 acres), Lot 4 (8.37 acres), Lot 5 (21.53 acres), Lot 6 (37.23 acres), and SW1/4SW1/4 (40 acres)	145.67
		Sec. 9: Lot 1 (34.39 acres), NW1/4NE1/4 (40 acres), S1/2NE1/4 (80 acres), NW1/4 (160 acres),	314.39
		Sec. 10: Lot 1 (31.29 acres) Lot 2 (7.37 acres) Lot 3 (2.57 acres), Lot 4 (39.95 acres), and SE1/4NW1/4 (40 acres).	121.18

6 Wrangell Island East	T. 62 S., R. 84 E.	Sec. 27: Lot 1 (12.08 acres) Lot 2 (42.15 acres) Lot 3 (45.12 acres) Lot 4 (16.75 acres), and SW1/4NW1/4 (40.00 acres).	156.10
		Sec. 28: Tract B (54.78 acres)	54.78
		Sec. 34: NW1/4NE1/4 (40 acres), Lot 2 (35.71 acres), SE1/4NE1/4 (40 acres), NE1/4SE1/4 (40.00 acres).	155.71
		Sec. 35: Lot 1 (39.92 acres), Lot 2 (24.51 acres), N1/2SW1/4 (40 acres), Lot 3 (37.60 acres) Lot 4 (26.01 acres), and SW1/4 SE1/4 (40 acres)	208.04
	T. 63 S., R. 84 E.	Sec. 1: Lot 1 (7.52 acres), Lot 2 (13.54 acres) Lot 3 (14.86 acres) Lot 4 (17.21 acres)	53.13
		Sec. 2: Lot 1 (39.85 acres) SE1/4NE1/4 (40.00 acres) E1/2SE1/4 (80.00 acres)	159.85
7 Mill Creek South	T. 62 S., R. 85 E.	Sec. 11: E1/2NE1/4NE1/4 (20 acres) NE1/4SE1/4NE1/4 (10 acres)	30.00
		Sec. 12: Lot 1 (28.32 acres) N1/2 of Lot 2 (28.98 acres)	57.30
7 Crittenden Creek	T. 62 S., R. 84 E.	Sec. 31: Lot 3 (37.57) Lot 4 (31.00) E1/2SE1/4 (80.00)	148.57
7 Crittenden Creek	T. 62 S., R. 84 E.	Sec. 9: Lot 1 (46.30 acres), Lot 2 (23.85 acres) W1/2SE1/4SE1/4 (20.00 acres)	90.15
		Sec. 15: Lot 1 (39.19 acres), Lot 2 (15.96 acres), W1/2SW1/4NW1/4 (20.00 acres), SW1/4NW1/4NW1/4 (10.00 acres), W1/2SE1/4SW1/4 (20.00 acres), SE1/4SE1/4SW1/4 (10.00 acres), S1/2NE1/4SE1/4SW1/4 (10.00 acres), SW1/4SW1/4NE1/4SW1/4 (5.00 acres), S1/2SE1/4 (40.00 acres), NE1/4SE1/4SE1/4 (10.00 acres), SE1/4NE1/4SE1/4 (10.00 acres), E1/2NE1/4NE1/4SE1/4 (5.00 acres)	205.15

7 Crittenden Creek		Sec. 16: Lot 1 (46.41 acres) Lot 2 (23.10 acres)	
		Sec. 22: Lot 1 (10.36 acres) Lot 2 (15.11 acres) Lot 3 (15.51 acres)	69.51 40.98
9 St. Johns Harbor	T. 62 S., R. 80 E.	Sec. 32: Lot 1 (115.42 acres) Sec. 33: All uplands following along the Mean High Water Mark, as determined by survey, upland a 1,000 feet in width.	115.42 142.85
	T. 63 S., R. 80 E.	Sec. 5: Lot 1	240.63
<b>TOTAL ACREAGE</b>			<b>7,384.39</b>

### **LANDS TO BE REJECTED**

TABLE 'B' lists those lands totaling 1,922.96 that will be rejected by this decision that are either retained in state ownership, because the interests of the state outweigh those of the CBW and where the state has no ownership rights to the land. Those affected areas to be retained in state ownership and the rationale for this action are described below. These lands are depicted on Maps 3, 6 & 8: Bradfield Canal, Thoms Place, and Wrangell Island East.

#### **Thoms Place Parcels (Map 3):**

The area of the selection in Section 8, Lot 9 consisting of 22.65 acres is rejected; the Central/Southern Southeast Alaska Area Plan (C/SSEAP) requires for this area be retained by the state. This area is to function as a buffer between different uses, especially between the Thoms Place Subdivision and Thoms Place State Marine Park.

The area of the selection in Section 27, consisting of 199.59 acres is also rejected; is necessary for the effective maintenance of the state land sale disposal program. The utility of this area was re-evaluated as a result of comments received from the CBW. The state maintains that this area represents an important component of the overall state disposal program in Southeast Alaska. Additionally, the remainder of the state land that abuts this parcel situated to the north and east may also be suitable for development. These lands were not selected by the CBW; the development by the CBW of the waterfront portion in Section 27 would make development of these lands difficult, because of the conflicting ownerships, and absence of access, resulting in the inability to develop valuable state lands and the creation of isolated remnant parcels of state land.

#### **Wrangell Island East (Map 6):**

The area of the selection in Section 24, consisting of 461.30 acres is also rejected. This area is necessary for the effective maintenance of the state land sale program and for the state forestry program. The utility of this area was re-evaluated as a result of comments from the CBW, and further examination reveals that this area has nearby on-going timber sale activity that is linked by roads to the land that is being rejected and to other components of the Southeast Alaska State Forest. This area also connects to state land to the north (again, not selected by the CBW) that would otherwise lack road access and access to water, which both are vital to the land disposal

program. Without this access, this land would be landlocked and become an isolated remnant parcel of state land. A valuable parcel of state land might become undevelopable.

**Bradfield Canal, Bradfield North Shore & Bradfield South Shore (Map 8):**

The area of the selections consisting of 1,165 acres in this area is also rejected. These parcels are essential to be retained by the state in order to accommodate roads, other planned transportation facilities and electrical transmission easements. The CBW municipal land selections conflict with the planned transportation routes and facilities (ferry terminal), as identified in the Southeast Alaska Transportation Plan and other Alaska Department of Transportation & Public Facilities (ADOT/PF) documents. The ADOT/PF has existing rights across both state and federal lands to plan and construct rights-of-way and utility corridors in the Bradfield Corridor under the authority of Section 404 of Public Law 109-59. (See comments of ADOT/PF in PD for details.)

**Lands not owned by the state:**

The CBW land selections that pertain to land that is not owned (or selected) by the state is rejected totaling 74.42 acres for reasons of ownership. These include areas in: Olive Cove (9.31 acres), Thoms Place (40 acres), Earl West Cove (2.96 acres), and Saint John Harbor (22.65 acres).

**TABLE 'B'**

Map # Parcel Name	MTR	Section	Acres
2 Olive Cove	T. 65 S., R. 85 E.	Sec. 31: Lot 1, Block 1, Olive Cove Subdivision of ASLS 810233 (3.435 acres)	3.44
	T. 66 S., R. 85 E.	Sec. 6: USS 1966/US Forestry Land (5.87 cres)	5.87
3 Thoms Place	T. 65 S., R. 85 E.	Sec. 25: SE¼ SE¼ (40 acres) Sec. 27: S½NW¼ (80 acres) SW¼NE¼ (40 acres) Lot 1 (9.92 acres) Lot 2 (11.74 acres) Lot 3 (17.93 acres)	40.00 199.59
3 Thoms Place South	T. 66 S., R. 86 E.	Sec. 8: Lot 9 (22.65 acres)	22.65
5 Earl West Cove	T. 64 S., R. 85 E.	Sec. 3: USFS Commercial Use/ Earl West Marine /LTF/USFS Earl West Rec. Site	2.96
6 Wrangell Island East	T. 63 S., R. 84 E.	Sec. 23: E½E½E½ (80 acres) Sec. 24: Lot 1 (12.70 acres) Lot 2 (35.91 acres) W1/2NW1/4 (80 acres) SW1/4 (160 acres)	80.00 381.30

		Lot 3 (7.70 acres) Lot 4 (33.67 acres) Lot 5 (11.32 acres) SW1/4 SE1/4 (40 acres)	
8 Bradfield Canal	T. 65 S., R. 90 E.	Sec. 14: (156 acres) Sec. 23: ( 46 acres) Sec. 22: (132 acres) Sec. 21: (140 acres) Sec. 20: (294 acres)	768.00
8 Bradfield North Shore	T. 65 S., R. 90 E.	Sec. 19: (63 acres)	167.00
8 Bradfield South Shore	T. 65 S., R. 90 E.	Sec. 29: (66 acres) Sec. 30: (85 acres) Sec. 31: (79 acres)	230.00
9 St John Harbor	T. 62 S., R. 80 E.	Sec. 33: Low Pt. Lighthouse Reserve/USS 1719	22.15
		<b>TOTAL ACRES</b>	<b>1,922.96</b>

### **III. AUTHORITY**

The proposed actions for this Final Finding and Decision is authorized pursuant to the Alaska State Statutes (AS) together with the Alaska Administration Code (AAC), particularly AS 29.65, AS 38.05.035(e), AS 38.05.125, AS 38.05.127, AS 19.10.010 and 11 AAC 55.

### **IV. PUBLIC NOTICE**

Public Notice has been accomplished in accordance with AS 38.05.945.

#### **DNR Response:**

ADF&G and the CBW were the only two entities who submitted comments in response to the PD.

### **V. COMMENTS ON THE PRELIMINARY DECISION AND DNR RESPONSES**

#### **1. Comments from Department of Fish and Game (ADF&G), Div. of Sport Fish-HQ**

ADF&G reviewed the PD and stated in its review of the Agency Review draft they provided resource information and recommendations on the selections. Their main concerns addressed riparian buffers along anadromous fish streams and public access easements. ADF&G also recommended Thoms Place South and Bradfield Canal parcels to be retained in state ownership for public recreation and the protection of fish and wildlife resources. ADF&G noted that, in according to the PD, public access easements, section line easements, and riparian buffers will be

reserved. DNR also determined that it is in the best interest of the state to retain the Thoms Place South parcel and the Bradfield Canal, Bradfield North Shore, and Bradfield Shore parcels, as recommended by ADF&G.

ADF&G has no objection to the conveyance of the recommended for conveyance to CBW in the PD or with the conditions and reservations to be included in the conveyance documents.

**DNR Response to ADF&G:**

DNR acknowledges ADF&G comments, which supports the recommendations in the PD.

**2. Comments from Public Access Assertion & Defense Unit (PAAD)**

PAAD states that all of their concerns have been met.

**DNR Response to PAAD**

DNR acknowledges PAAD statement.

**3. Comments from the City and Borough of Wrangell (CBW)**

The CBW stated they reviewed the PD and have the following comments:

**Thoms Place South, W-28, (Map 3):**

The City and Borough of Wrangell objects to the complete rejection of the proposed 22.65 acres in Thoms Place South, W-28, Section 8 as shown on Map 3. The State has indicated the rejection was based on needing that area to remain as a greenbelt and buffer between Thoms Place development and Thoms Place State Marine Park. The Borough has requested selection in this area as a result of and at the request of the Thoms Place residents. Discussions with landowners during our Comprehensive Plan process in 2010 identified a potential need for a community moorage and a possible community center for Thoms Place communication equipment, emergency cache, and other community economic needs. This area was determined to be a fairly protected and easily accessible moorage area for a community dock. It is the Borough's position that consolidating community resources in one area would provide more effective and efficient service and therefore sought to select adjacent uplands to provide on shore community services. The Borough would be comfortable with one or two acres in order to be able to provide for the Thoms Place community needs. No large scale development is proposed that would impact the Marine Park, but rather necessary service area to meet the needs of the area landowners in an easily accessible area with necessary protected moorage.

**Thoms Place, W-18, (Map 3):**

The City and Borough of Wrangell objects to the rejections of the 199.59 acres, in Section 27 of W-18, Map 3 for the State of Alaska to retain for support of their own land disposal program. DNR acknowledges that there is little land in Southeast Alaska for this purpose so



DNR is retaining a total of approximately 900 acres in the Wrangell area (Thoms, PatCreek/Eastern Passage and St. Johns), of prime development land.

Why is the State's interest in providing disposal opportunities a better interest than of the Borough? The Borough would argue that our ability to have quality land available for development purposes based on the needs and requirements of the public and Borough residents outweighs that of the State.

The Borough of Wrangell (or previously the City of Wrangell) was unaware that the State was ever considering land disposal in the Thoms Place area in addition to the previously completed land sales at that location. If the City (and Borough) of Wrangell was previously notified of this intent by the State of Alaska, please provide a copy of that notification.

St. John Harbor (Map 9):

The City and Borough of Wrangell objects to the rejection of 2,400.63 acres in St. John Harbor as depicted on Map 9. Again, why is the State's interest in providing land disposal opportunities a better public interest than that of the local Borough? St. John Harbor is a very important safe harbor. Commercial and recreational boaters use the harbor frequently for a variety of economic and recreational uses. The harbor provides safe moorage during bad weather, offer great access to the Zarembo Island road system for hunting and other recreational or subsistence uses by not only residents of the Wrangell Borough, but also the residents of the newly formed Petersburg Borough. Additionally, this area provides access for timber harvesting, shipping, and nearby mining interests. The Borough believes that the land that DNR is rejecting could provide beneficial economic uses to the Wrangell Borough. DNR has rejected all of the land that is within the Harbor area and some of the most protected and desirable land available in that unit. Potential uses ranging from residential, recreational, or industry support areas are now no longer an option for the Borough.

DNR noticed the City and Borough of Wrangell in 2009 of a proposed subdivision development and the Borough responded at that time that the area was of interest for selection by a newly formed Wrangell Borough (see attached letter). The area notified for subdivision development in 2009 included Sections 32, 33, and 34 whereas the State's proposed land development in 2013 is now Section 5.....different from what was notified previously. If the State is having difficulty zeroing in on an area it deems it wants to keep for subdivision development, we begin to question why the State's interest outweighs that of the City and Borough of Wrangell.

Pats Creek Parcel on Eastern Passage/Wrangell Island East (Map 6):

The City and Borough of Wrangell objects to the rejection of 461.30 acres on Pats Creek drainage on the Eastern Passage, W-10, as depicted on Map 6. The land area is some of the most desirable land on the Eastern Passage because of the topography and amount of sun that the northern and eastern shoreline receives. The parcel also was the only land area on the Eastern Passage considered for potential commercial economic development use in the Borough's 2010 Comprehensive Plan. In January of 2013, this parcel was zoned Industrial in keeping with the Comprehensive Plan's proposed future growth maps and economic development opportunities. Most of the land on the Wrangell Island East/Eastern Passage area is timber land of which the

state has already harvested the vast majority of the resource. The parcel is still considered valuable for economic growth by the Borough. The Borough would certainly support any harvesting activities already under contract and supports continued access and use by the State on the state forestry road.

**Bradfield Canal, North and South Shores (Map 8):**

The City and Borough of Wrangell object to the complete rejection of the proposed 1,165 acres in the Bradfield Canal area on Map 8. The City and Borough of Wrangell has selected land with the primary purpose of providing future economic development opportunities to Borough residents should the Bradfield Road and/or electric connection ever be constructed. The terrain can be very steep and difficult or flat through floodplain areas. The Borough is seeking some developable land along the shoreline or adjacent to the rights-of-ways reserved by the Department of Transportation in order to provide commercial support services for the transportation corridor. DNR should be able to grant to the Borough for potential future development opportunities small chunks of developable land in the range of 20 to 40 acres on both the north shore and south shore. Any right-of-way easements are supported, but adjacent land could still be useful for commercial support activities.

Additionally, member communities of the Southeast Alaska Power Agency (SEAPA) are currently in the process of reviewing the management agreement for the Tyee Hydro facility. It is possible – in the future – the member communities will vote to modify the existing agreement and ownership of the facility could change. If these changes result in the City and Borough of Wrangell owning the Tyee Hydro facility, it would make sense that the land on which it is located also be owned by the City and Borough of Wrangell, as well as land adjacent to it.

**DNR Response to the CBW:**

**Thoms Place South (Map 3):**

The CBW land selection identified as Thoms Place South located in unit W-28 is to be retained in state ownership and managed under the Undeveloped Recreation designation and in accordance with the C/SSEAP management guideline that affects this selection. This parcel of land is reserved in this plan (management guideline) to act as a greenbelt and buffer between development and Thoms Place State Marine Park; the guideline specifically requires that this unit be retained in state ownership. The interest of the state outweighs the interest of the CBW by protecting this area from future development.

**Thoms Place (Map 3):**

DNR re-evaluated this selection due to the adverse CBW response to the PD, but we have determined that this parcel is important to the state land disposal program and that this area should be retained in state ownership. There is substantial state land to the north and east of this CBW selection, but this land can only be developed if water and land access are retained. The selection by the borough of (only) the waterfront property essentially land locks the abutting state land, making its development difficult at best. Were the state to agree to convey this selection, DNR would end up with a parcel of state land of considerable size that could not be developed, resulting in the creation of an isolated remnant of inaccessible state land. DNR has

always maintained that the 'high grading' of state land (by selecting only the waterfront) is inappropriate and has avoided such actions in the past in its disposal actions. Moreover, the borough will receive considerable state land within Thoms Place that is classified Settlement and the amount of land being retained by the state is small in comparison. The state's interest outweighs that of the CBW in this instance and this land will be retained by the state.

Wrangell Island East (Map 6):

DNR re-evaluated this parcel, and concluded this land should remain in state ownership. The DNR Forestry Division has on-going timber sales in this area, and is building of new roads that affect the Wrangell East area and specifically this selection. Moreover, this selection adjoins portions of the Southeast Alaska State Forest, and it is important that the links to the State Forest from nearby state land be retained. This selection is also important because of the water and road access it provides to both land disposal and forestry activities. It is also appropriate to retain this parcel since, if it were to be conveyed to the borough, it would land lock state land situated to the north. Without continuous state land ownership in this area, this northern parcel would be inaccessible, resulting in the creation of an isolated parcel of state land. DNR's practice is to avoid the creation of such remnant parcels. DNR therefore concludes that the interest of the state outweighs the interest of the CBW and this parcel is to be retained in state ownership.

St. Johns Harbor (Map 9):

DNR has re-evaluated the state's opposition to the entitlement selection in St. John Harbor. We have determined that the state's interest does not outweigh that of the borough and that this action will not result in the creation of isolated remnants of state land, as it does in the other two selections at Thoms Place and Wrangell Island East. DNR finds it appropriate to convey all CBW land selections in St. Johns Harbor, excluding the Low Point Lighthouse Reserve as the state holds no ownership to the land.

Bradfield Canal, Bradfield North Shore & Bradfield South Shore (Map 8):

DNR has determined that the interests of the state outweigh the interest of the CBW on these land selections and that they need to remain in state ownership. Discussions with ADOT&PF, as well as the extensive comments submitted by that agency, which maintained that these state lands need to be retained, have indicated that it would be inappropriate to convey any of these lands as the state needs to preserve the lands for future roads and facilities. The CBW land selections conflict with planned transportation routes, as identified in part by the Southeast Alaska Transportation Plan. ADF&G has existing rights across federal lands to plan and construct rights-of-way and utility corridors in the Bradfield Corridor under Section 404 of Public Law 109-59. See the comments of that agency in the PD for additional details.

In regards to the area of the Tyee Hydro facility, since there have not been any land selections made by the CBW in this area; it is premature to evaluate this issue in depth. It appears that the CBW will fall slightly short of their granted municipal entitlement; subsequent to this decision and a determination that the CBW entitlement is not fulfilled. The CBW can submit an application for new land selections of state owned land in this area and DNR will adjudicate their selections at that time.

**VI. DISCUSSION AND FINAL FINDING AND DECISION**

This decision affects the CBW municipal entitlement land selections totaling 9,307.35 acres. The majority of these selections (totaling 7,384.39 acres) were determined to meet the requirement of AS 29.65.050(c), with the decision determining that the interest of the CBW outweigh those of the state and are to be conveyed to the CBW, although some (totaling 1,848.54 acres) were found to be inconsistent with the requirement and are to be retained by the state.

The reasons for rejection of the selections vary, but are related to the need to protect areas along the Bradfield Canal that are important for state roads, transportation facilities, and electrical transmission easements, or to the need to maintain a certain amount of land for the state land disposal program in Southeast Alaska. Lands to be conveyed to the CBW are identified in TABLE 'A'; these lands will be credited towards the partial fulfillment of the CBW entitlement and are subject to the requirements and stipulations identified in the PD. The parcels identified in TABLE 'B' are rejected as they are to be retained by the state.

Additionally, DNR is rejecting 74.42 acres where the state has no ownership to the lands.

**The following are specific findings in this decision that:**

It is appropriate to convey 7,384.39 acres of state owned land to CBW. The interest of the state to retain these lands does not outweigh the interest of the CBW to obtain them.

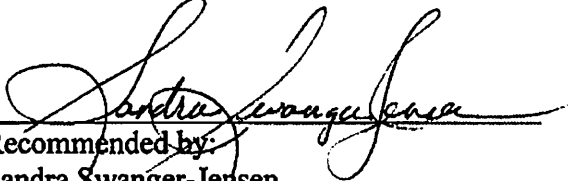
It is appropriate to reject a total of 1,922.96 acres of CBW land selections as the interest of the state outweighs the interest of the CBW, which entail rejecting 1,165 acres in Bradfield Canal, Bradfield North Shore, and Bradfield South Shore to preserve state lands for future roads and facilities; these selections conflict with the planned transportation routes as identified in part by the Southeast Alaska Transportation Plan.

It is appropriate to reject 22.65 acres in Thoms Place South requirement in the C/SSEAP to retain an area to function as a greenbelt and act as a buffer between residential and park areas, and reject 199.59 acres for the purpose of providing some lands for the state land disposal program in the Wrangell and to avoid the creation of inaccessible undeveloped land and the creation of isolated remnant parcels of state land.

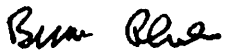
It is appropriate to reject 461.30 acres in Wrangell Island East in order to accommodate on-going state timber sales, provide an area for the construction of roads that will provide access to both forest and land disposal functions, avoid the creation of inaccessible and isolated remnants of state land, as well as to provide an area for state land disposals.

It is appropriate to reject 74.42 acres of the CBW land selections as these are not state owned.

The findings presented above has been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945. The case file has been found to be complete and the requirements of all applicable statutes have been satisfied. I find that it is in the best interest of the state to proceed with the conveyance of those lands recommended for conveyance in this decision totaling 7,384.39 acres, subject to the requirements and stipulations of this decision and the PD and reject 1,922.96 acres of those lands recommended to be retained by the state and those lands the state has no ownership. TABLE 'A' identifies those lands to be conveyed and TABLE 'B', of those that are rejected.

  
Recommended by:  
Sandra Swanger-Jensen  
Municipal Entitlement, Manager

7/8/2013  
Date

  
Approved by:  
Bruce Phelps, Section Chief  
Resource Assessments & Development

7/8/13  
Date

**ATTACHMENTS**  
FFD Vicinity Map  
FFD Maps 1-9

### **APPEAL PROVISION**

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received in writing within 20 calendar days after the date of the issuance of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to Daniel S. Sullivan, Commissioner, Department of Natural Resources, 550 West 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov).

If no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the department on the 31<sup>st</sup> day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court (11 AAC 02.020(a) and (b)). A copy of 11 AAC 02 may be obtained from any regional office of the Department of Natural Resources.



## Vicinity Map

City & Borough of  
Wrangell Selections

ADL 108133



### Legend

- Borough Boundary
- Forestry roads

### Wrangell M.E. Selections

- ▨ Selected

### City & Borough

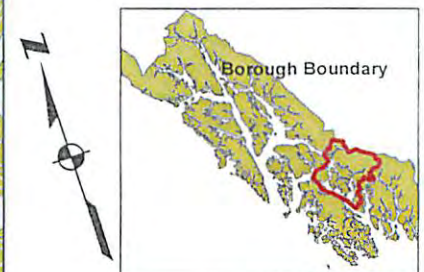
- Conveyed

### State Land

- TA or Patent

### Other Land

- Federal Land



This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Final Finding and Decision

July 1, 2013

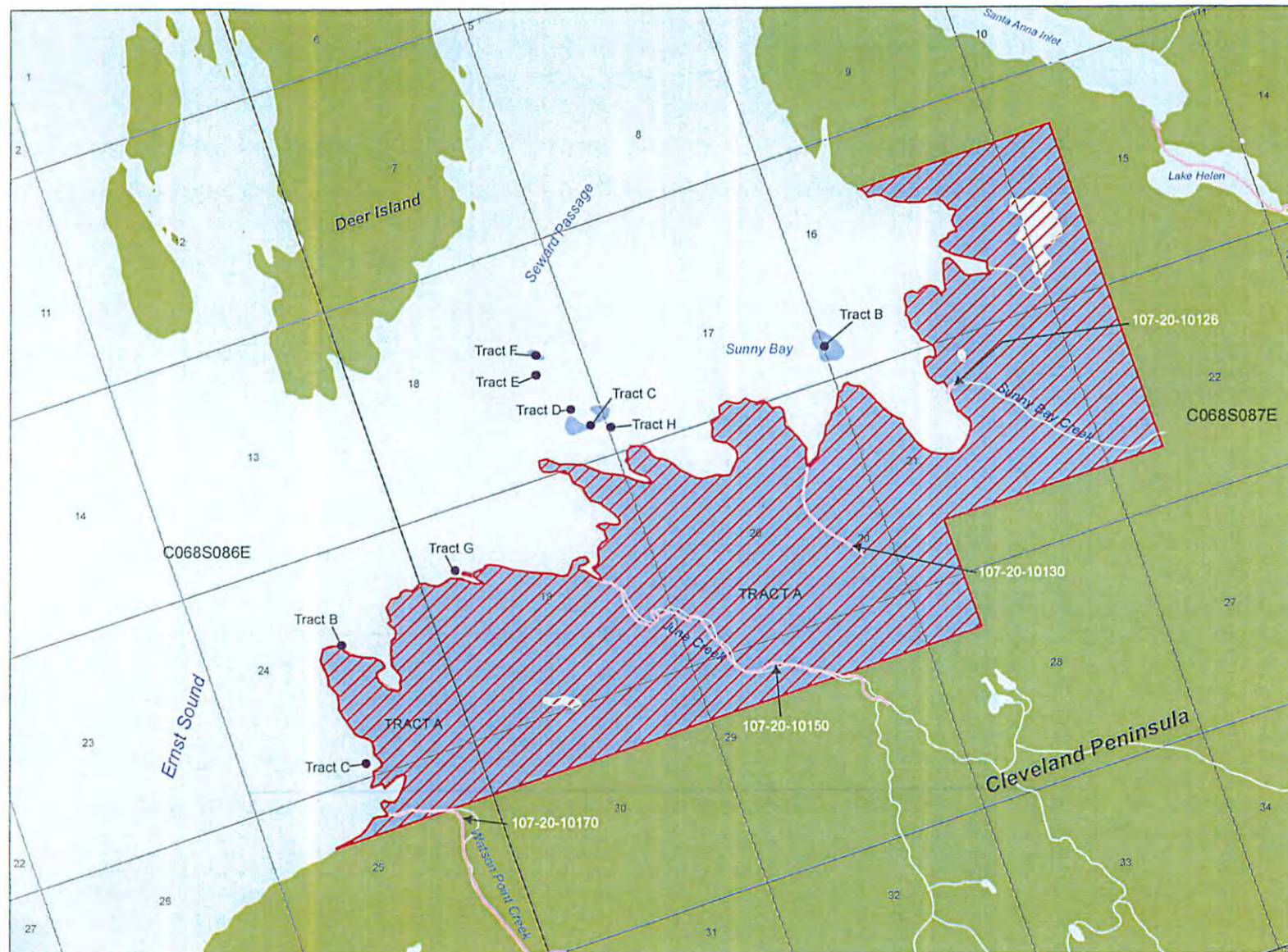


# Map 1

## City & Borough of Wrangell Selections

ADL 108133

### Sunny Bay



#### Legend

-  Anadromous stream
- Wrangell M.E. Selection**
  -  Selected
- State Land**
  -  TA or Patent
- Other Land**
  -  US Forest Service



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Final Finding and Decision July 1, 2013



# Map 2

## City & Borough of Wrangell Selections

ADL 108133

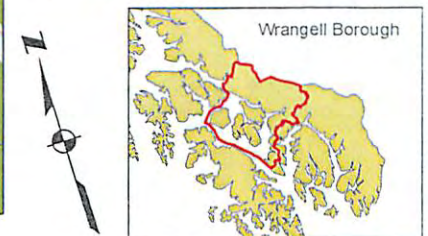
### Olive Cove

#### Legend

-  Forestry Roads
-  Anadromous stream
- Wrangell M.E. Selection**
  -  Selected
- State Land**
  -  TA or Patent
- Other Land**
  -  US Forest Service
  -  Retained by USFS
  -  Mental Health
  -  Private (Land Disposals)
  -  Surveyed Parcels
  -  Agreement Settlement
  -  Not State land



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Final Finding and Decision July 1, 2013

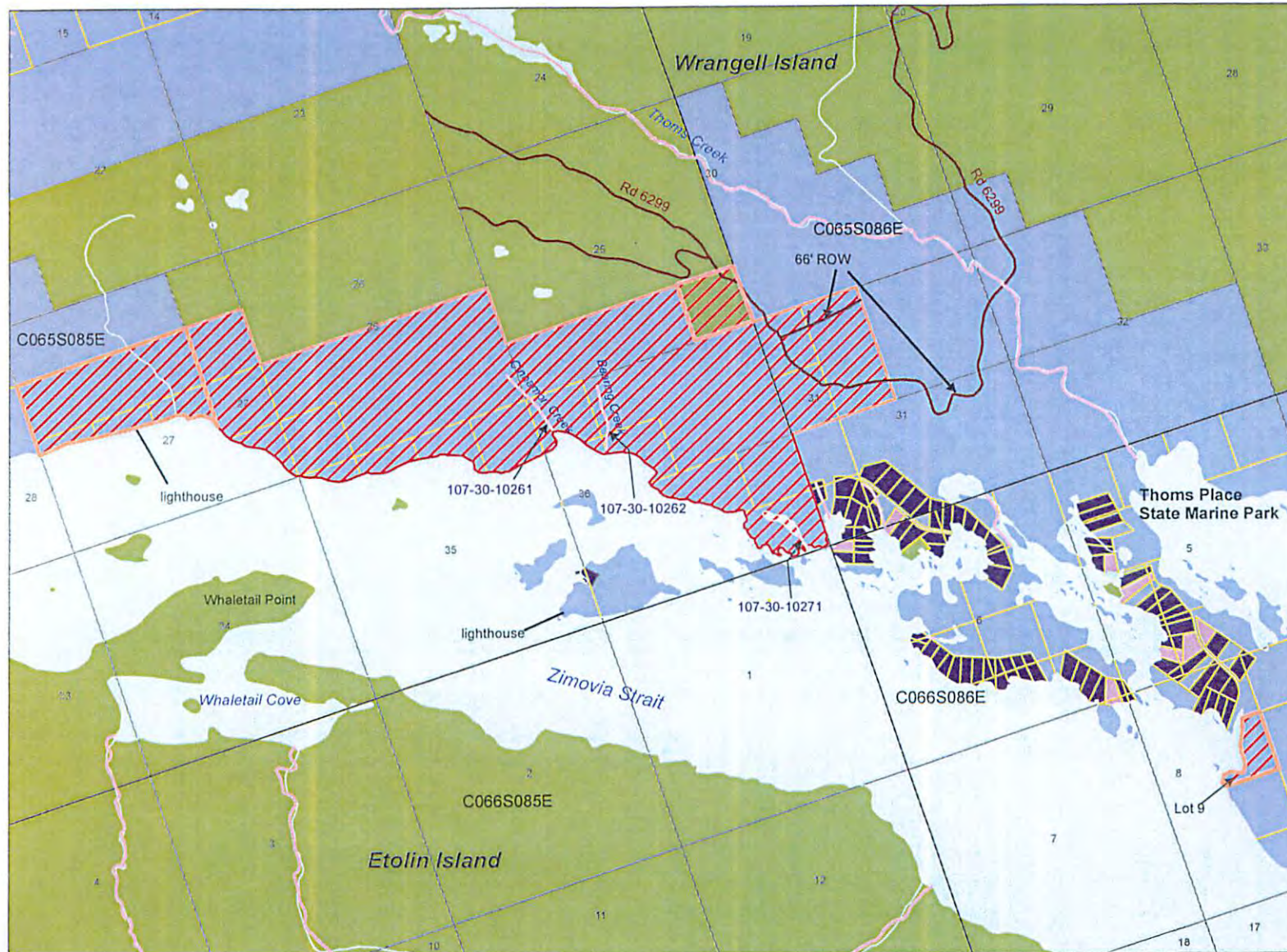


## Map 3

City & Borough of  
Wrangell Selections

ADL 108133

## Thoms Place & Thoms Place South



### Legend

- Forestry Roads
- Anadromous stream

### Wrangell M.E. Selection

- Selected

### State Land

- TA or Patent
- Retain by State

### Other Land

- US Forest Service
- Retained by USFS
- Mental Health
- Private (Land Disposals)
- Surveyed Parcels



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Final Finding and Decision July 1, 2013

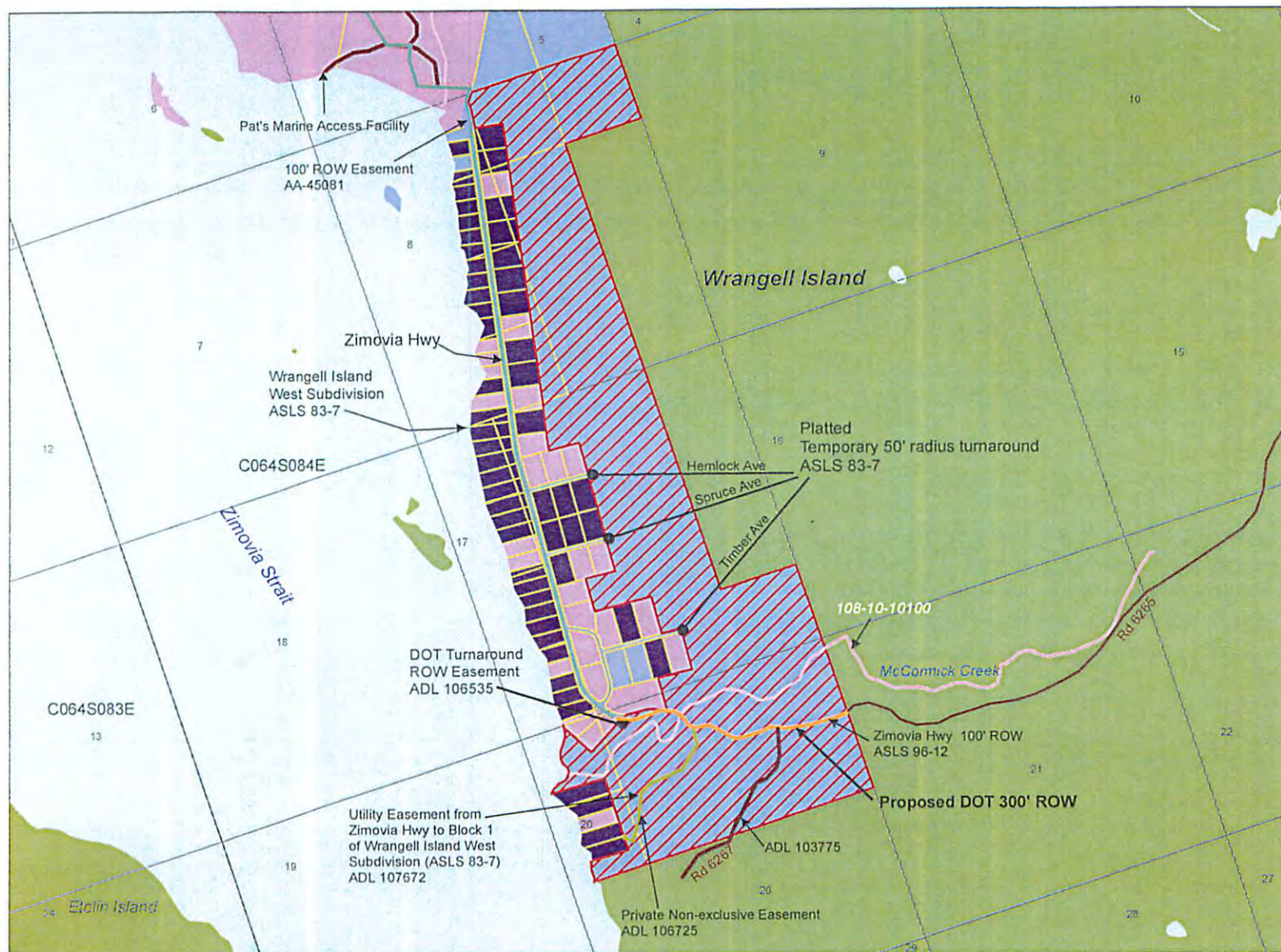


# Map 4

## City & Borough of Wrangell Selections

ADL 108133

### Wrangell Island West



#### Legend

- USDA Forest Service Rd
- Anadromous stream
- Private & Utility Easement
- Zimovia Hwy (100' ROW)

#### Wrangell M.E. Selection

- Selected

#### State Land

- TA or Patent

#### Other Land

- US Forest Service
- Mental Health
- Private (Land Disposals)
- Surveyed Parcels



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Final Finding and Decision July 1, 2013

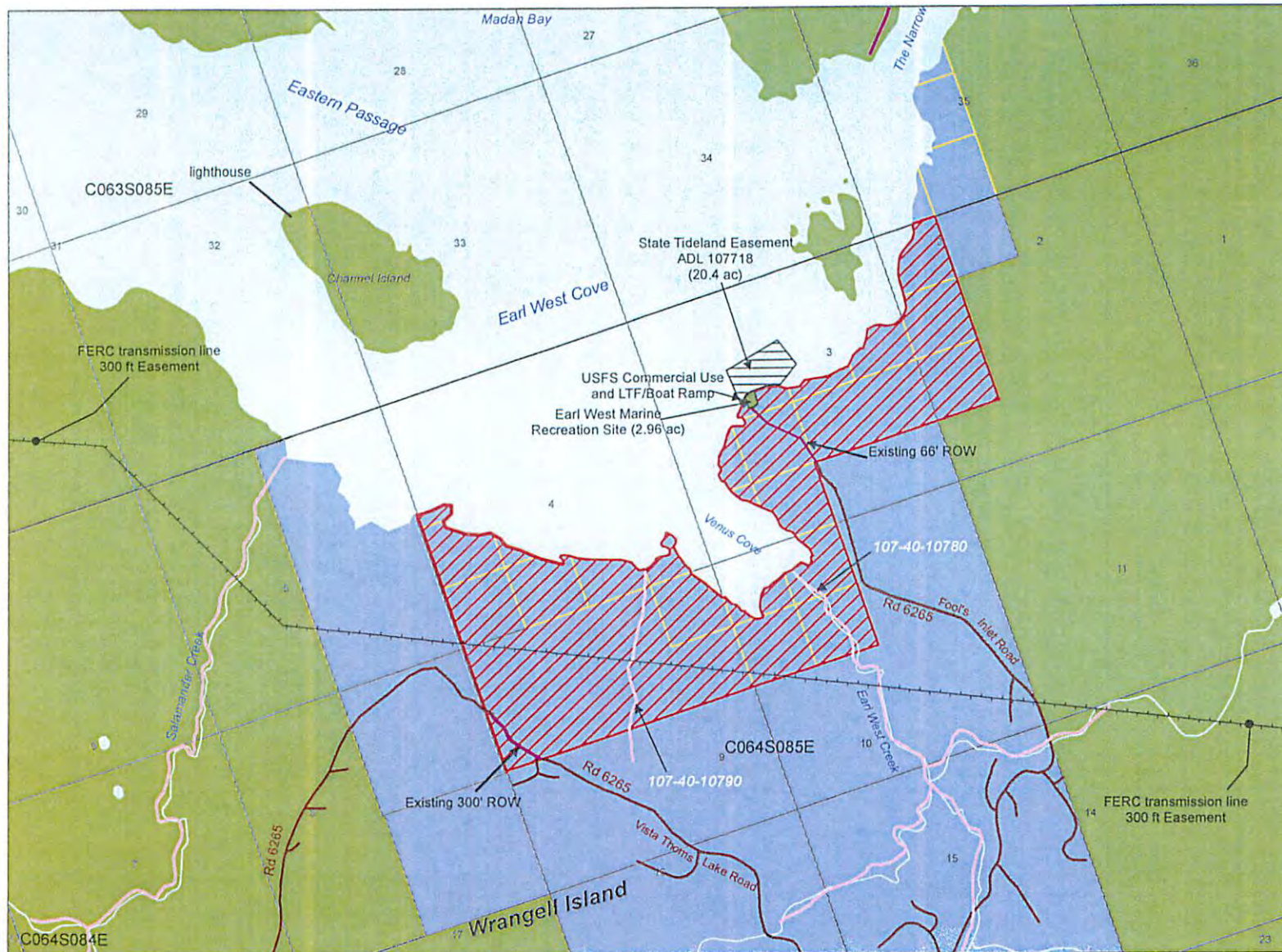


# Map 5

## City & Borough of Wrangell Selections

ADL 108133

### Earl West Cove



#### Legend

- Forestry Roads
- Anadromous stream
- Wrangell M.E. Selection**
  - Selected
- State Land**
  - TA or Patent
- Other Land**
  - US Forest Service
  - Surveyed Parcels

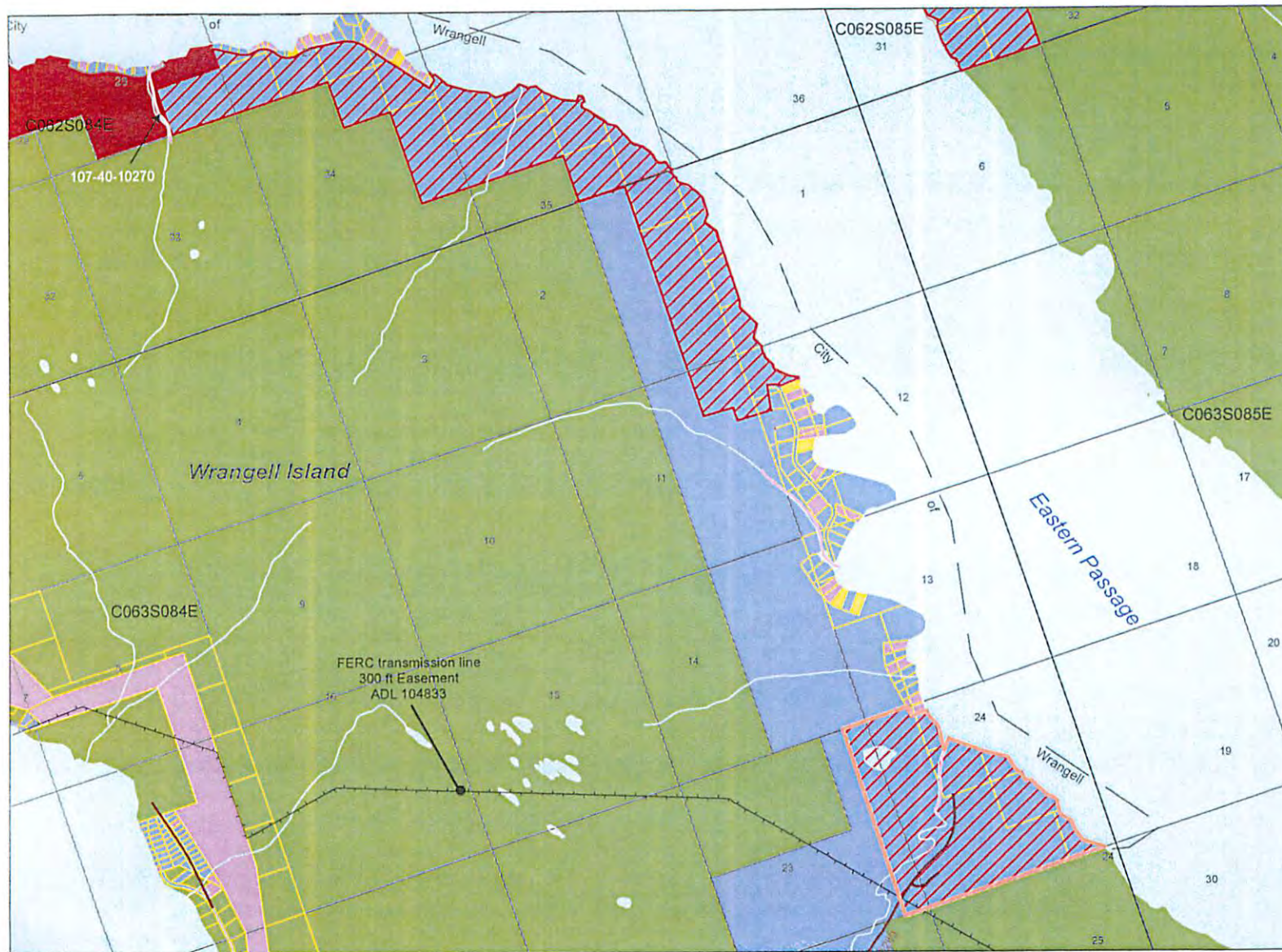


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Final Finding and Decision July 1, 2013





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## Map 6

### City & Borough of Wrangell Selections

ADL 108133

### Wrangell Island East

#### Legend

- Forestry Roads
- Anadromous stream
- Wrangell M.E. Selection**
  - Selected
- City & Borough**
  - Conveyed (262 ac)
- State Land**
  - TA or Patent
  - Retain by State
- Other Land**
  - US Forest Service
  - Mental Health
  - Surveyed parcels
  - Agreement Settlement



Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Final Finding and Decision July 1, 2013

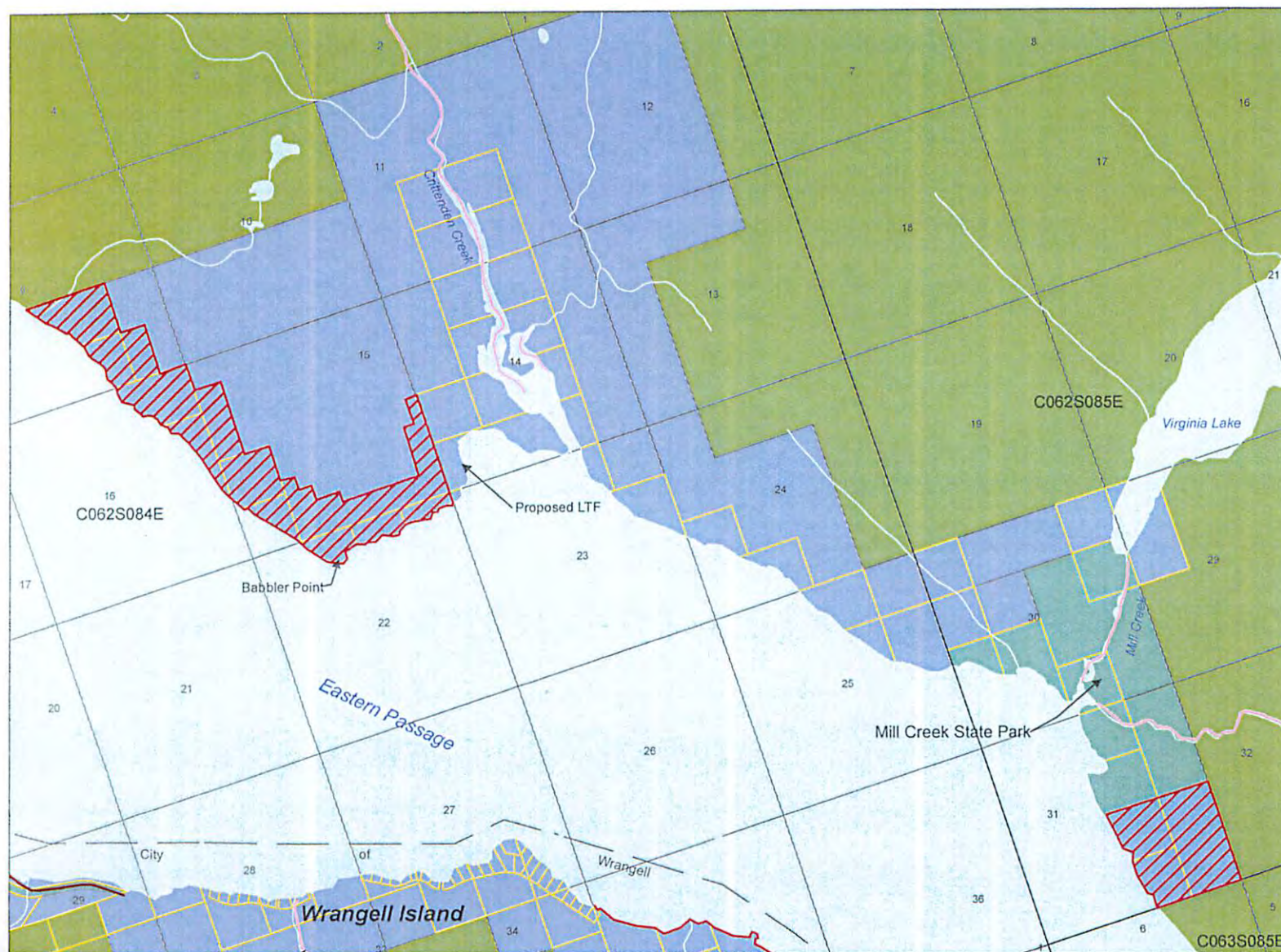


## Map 7

### City & Borough of Wrangell Selections

ADL 108133

### Crittenden Creek & Mill Creek South



#### Legend

Anadromous stream

#### Wrangell M.E. Selection

Selected

#### State Land

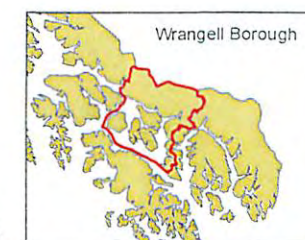
TA or Patent

#### Other Land

US Forest Service

Manage Agreement

Surveyed Parcels



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Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Final Finding and Decision July 1, 2013




# Map 8

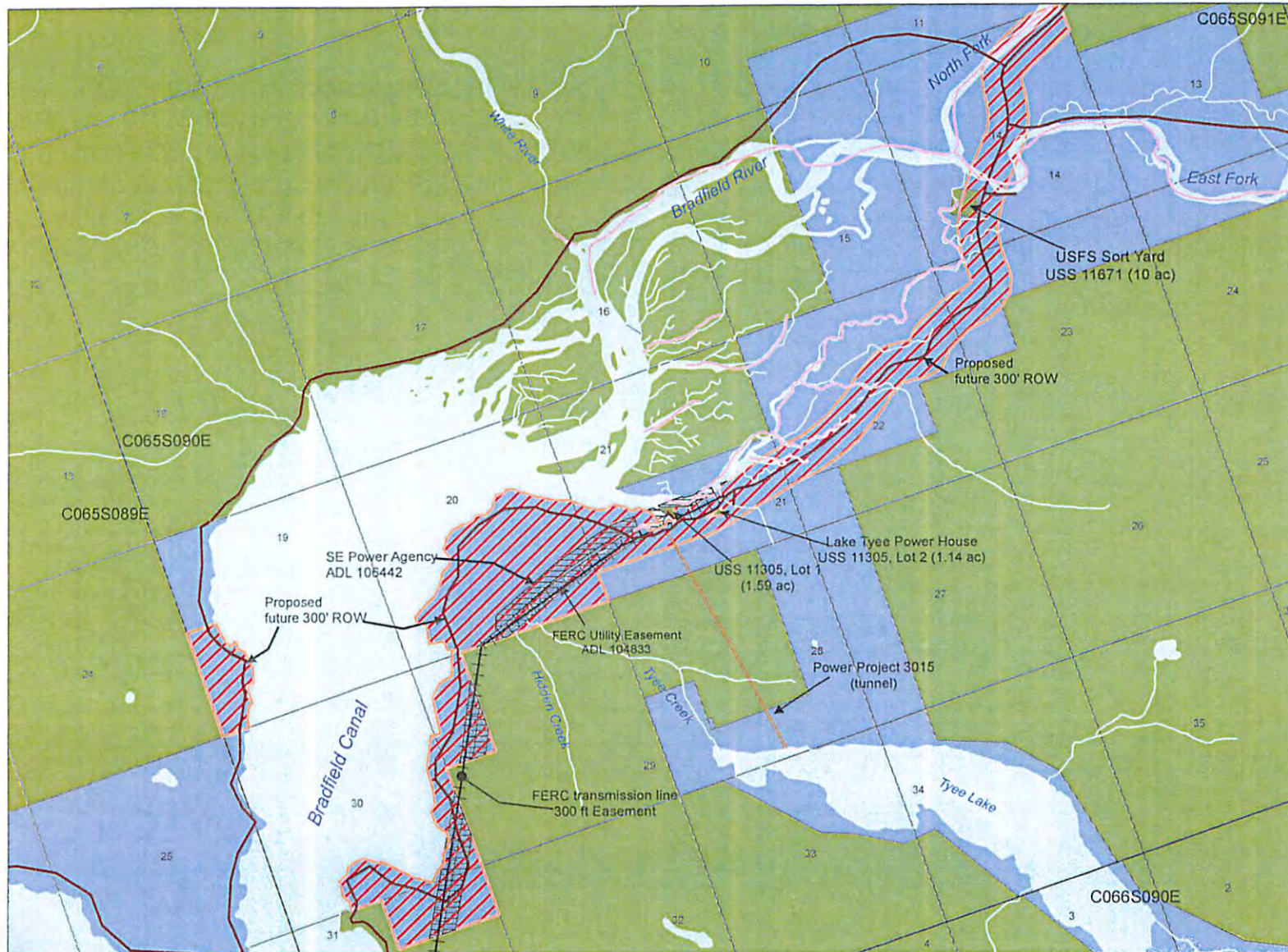
## City & Borough of Wrangell Selections

ADL 108133

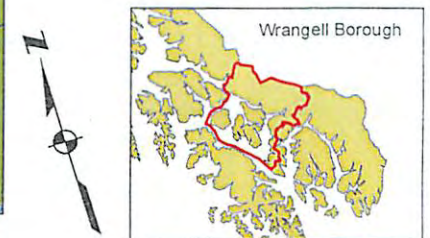
### Bradfield Canal, North Shore & South Shore

#### Legend

-  Forestry Roads
-  Anadromous stream
-  300' Public Utility Easement
- Wrangell M.E. Selection**
-  Selected
- State Land**
-  TA or Patent
-  Retain by State
- Other Land**
-  US Forest Service



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Final Finding and Decision July 1, 2013

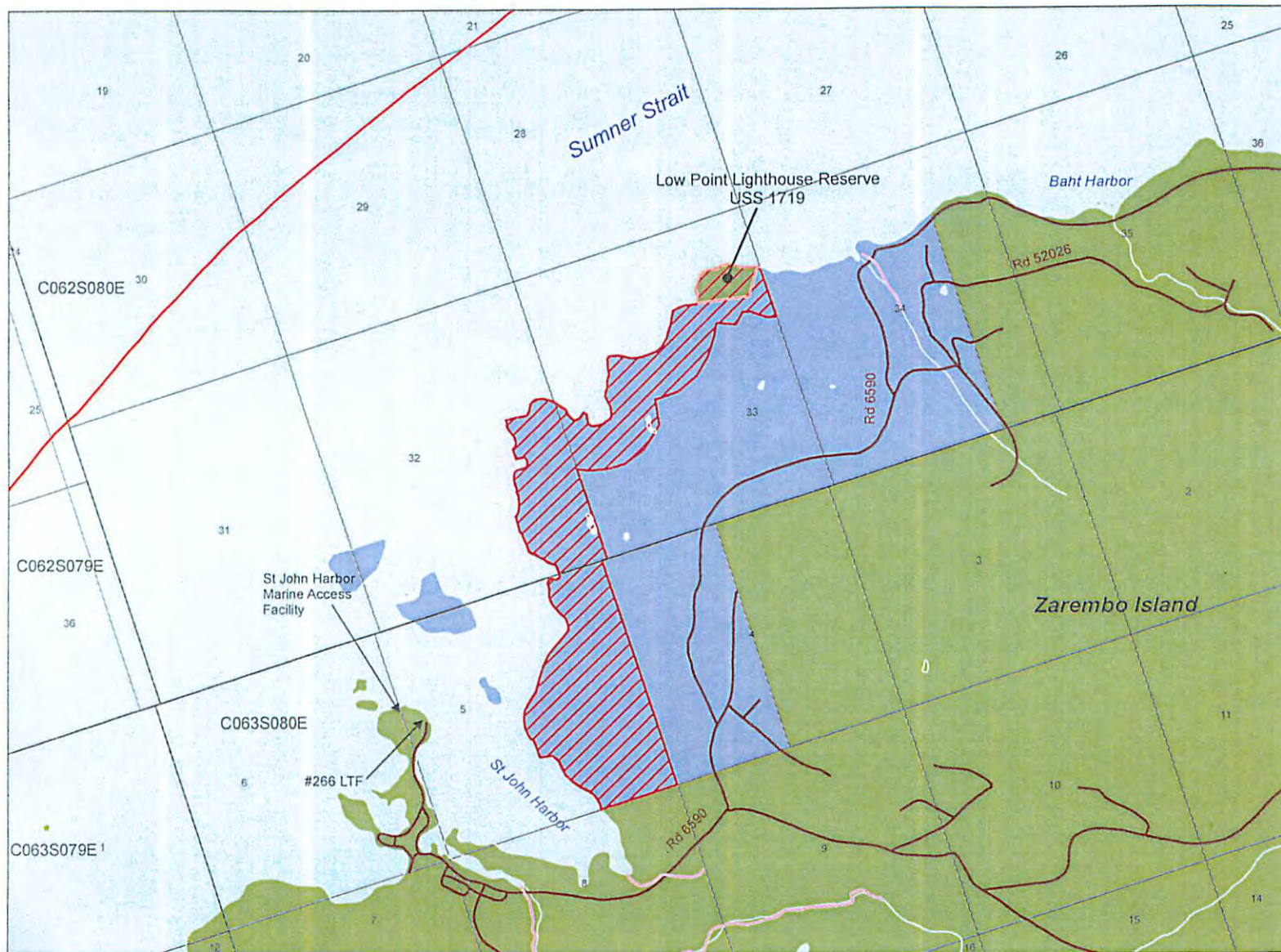


# Map 9

## City & Borough of Wrangell Selections

ADL 108133

### St John Harbor



#### Legend

- Borough Boundary
- Forestry Roads

#### Wrangell M.E. Selection

- Selected

#### State Land

- TA or Patent

#### Other Land

- US Forest Service
- Retained by USFS



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Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Final Finding and Decision July 1, 2013



# **Agenda Item 13g**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM July 23, 2013**

#### **INFORMATION:**

#### **Approval of Change Order #1 to ASCOM S.p.A. for the 300-ton Marine Vessel Hoist**

#### **Attachments**

1. Memorandum from Carl Johnson dated July 17, 2013
2. Request for Proposal (RFP) #1
3. Change Order from ASCOM S.p.A.

#### **RECOMMENDED ACTION:**

Authorize the Borough Manager to issue Change Order #1 to Ascom S.P.A. for the 300 Ton Marine Vessel Hoist Procurement Project in the amount of \$34,600 to be paid from the State of Alaska's DCCED grant for this project.

## **MEMORANDUM**

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY  
CITY AND BOROUGH OF WRANGELL**

**FROM: CARL JOHNSON  
PUBLIC WORKS DIRECTOR**

**SUBJECT: 300 TON MARINE VESSEL HOIST PROCUREMENT –  
CHANGE ORDER #1**

**DATE:** July 17, 2013

### **BACKGROUND:**

The City and Borough of Wrangell is under contract with Ascom S.P.A. to Manufacture and assemble a new 300 ton capacity marine vessel hoist.

The bid documents required a backup control system for use in the case of failure of the wireless remote control, which Ascom is providing as a redundant, plug in, wired remote control.

Due to Wrangell's remoteness from repair personnel in the lower 48 states and to ensure utmost reliability and redundancy, staff has asked that the backup control system be upgraded to include hydraulic controls mounted in an operator's cab attached to the machine. This control system would bypass, not just the wireless controller, but also most of the electronics on the hoist.


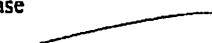
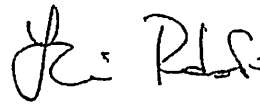
This change order will add \$34,600 to the initial bid amount of \$1,315,000.

### **RECOMMENDATION:**

Staff recommends the Assembly authorize the Borough Manager to issue Change Order #1 to Ascom S.P.A. for the 300 Ton Marine Vessel Hoist Procurement Project in the amount of \$34,600 to be paid from the State of Alaska's DCCED grant for this project.

### **ATTACHMENTS:**

1. Request for Proposal(RFP) #1.

REQUEST FOR PROPOSAL		
Redundant Onboard Operator's Station		
Project Name: 300 Ton Marine Vessel Hoist Procurement	Contractor: ASCOM S.P.A.	
Project No.:	Owner Project No. CBW	
Issuing Authority: Carl Johnson		RFP No.: 001
<p>A proposal is requested for making the hereinafter described change in accordance with the specifications and drawing revisions cited herein or listed in attachment hereto. Submit your proposal in space provided below, including detailed breakdown of prime and subcontract costs. DO NOT start work under this Request For Proposal until you receive a copy of the signed Change Order by the City &amp; Borough of Wrangell, or a notice to proceed.</p>		
<p><b>Description of Change:</b> Provide a redundant operator's station onboard the new 300 ton marine vessel hoist.</p> <p><b>Provide a cost proposal:</b> to provide complete design and construction to add a redundant operators station permanently affixed to the currently contracted 300-ton marine vessel hoist. The station will be designed so that the operator can ride on the hoist and operate it using a set of manual hydraulic valves in case of the failure of the main remote control system. The station will be provided in the location shown on the attached drawing. Proposal to include all costs and time for a fully functional system including design, materials, labor, and initial calibration and testing after hoist assembly. All existing contract terms apply.</p> <p>Answer requested by: 6-10-2013</p>		
Date:		Carl Johnson 907 305-0952 Public Works Superintendent
		Signature: 
Contractor's Proposal - Change in Contract Price		
Detailed breakdown. (Attach additional sheets as necessary.)		
Net Increase \$ 34,600.00	Net Decrease \$ 	Calendar Days Increase/Decrease- 10 (TEN)
Date: 17 JULY 2013	Typed or Printed Name and Title: SCHEDONI ROBERTO C.E.O.	Signature: 
cc: Greg Meissner		

**CHANGE ORDER**

OWNER ☒  
 CONSTRUCTION MANAGER ☒  
 ARCHITECT ☐  
 CONTRACTOR ☒  
 FIELD ☐  
 OTHER ☐

PROJECT:  
**300 TON MARINE VESSEL HOIST PROCUREMENT**

CHANGE ORDER NO: 1

INITIATION DATE: 07/24/13

TO CONTRACTOR:  
**ASCOM SPA**

THE CONTRACT IS CHANGED AS FOLLOWS:

Redundant Onboard Operator's Station as per attached RFP #1 \$34,600.00

TOTAL CHANGE TO CONTRACT THIS CHANGE ORDER: Add: \$ 34,600.00

**Not valid until signed by the Owner, Construction Manager, Architect, and Contractor.**

The original Contract Sum was:	\$ 1,315,000.00
Net change by previously authorized Change Orders:	\$ -
The contract Sum prior to the Change Order was:	\$ 1,315,000.00
The contract Sum will be <input checked="" type="checkbox"/> (increased) <input type="checkbox"/> (-decreased) <input type="checkbox"/> (unchanged) by this Change Order:	\$ 34,600.00
The new Contract Sum including this Change Order will be:	\$ 1,349,600.00
The Contract Time will be <input checked="" type="checkbox"/> (increased) <input type="checkbox"/> (-decreased) <input type="checkbox"/> (unchanged) by:	10 Days

CONTRACTOR  
**ASCOM S.p.a.**  
 VIA della Sornace, 16, 41043 Formigine "MO" Italy

OWNER  
**CITY and BOROUGH of WRANGELL, ALASKA**  
 P.O. Box 531, Wrangell, AK 99929

BY \_\_\_\_\_ DATE \_\_\_\_\_

BY \_\_\_\_\_ DATE \_\_\_\_\_

# **Agenda Item 14**

## **CITY & BOROUGH OF WRANGELL**

**BOROUGH ASSEMBLY  
AGENDA ITEM  
July 23, 2013**

**ATTORNEY'S FILE:**

Summary provided to the Borough Assembly

# Agenda Item 15

## CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY  
AGENDA ITEM  
July 23, 2013

### EXECUTIVE SESSION

- a. Discussion regarding possible replacement of the Borough Manager

### RECOMMENDED ACTION:

I move, pursuant to 44.62.320 (c) (2), that we recess into executive session to discuss matters that may tend to prejudice the reputation and character of any person, specifically the possible replacement of the Borough Manager. *(Discussion tabled at the June 25, 2013 meeting)*