

**Minutes of Special Assembly Meeting
Held October 24, 2014**

Mayor David L. Jack called the special assembly meeting to order at 12:00 p.m., October 24, 2014, in the Assembly Chambers. Assembly Members Decker, McCloskey, Mitchell, Rooney, and Blake were present. Assembly Member Prysunka was absent but participated telephonically. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

CONFLICT OF INTEREST

There were no conflicts of interest declared.

PERSONS TO BE HEARD

Stephen Todd, 11.2 Mile Zimovia Hwy., spoke in opposition to intervening in the Big Thorne Timber Sale lawsuit.

Marlene Clarke, Box 1020, spoke in opposition to the City spending public money to intervene and to paying a lawyer's fees to do so.

ITEM OF BUSINESS

5a Approval to join as an intervener in the Big Thorne Timber Sale lawsuit
M/S: Blake/Decker, Move to join as an intervener in the Big Thorne Timber Lawsuit.

In response to Assembly Member Mitchell, Manager Jabusch stated that as far as time goes, last Friday the original intervention was filed; since then, Ketchikan (City & Borough) was looking at joining the intervention; sometime within the next week or so, those who had filed the intervention would look into filing an amendment.

In response to Assembly Member McCloskey, Jabusch said that he thought that the City of Craig and that Ketchikan (City & Borough) were the only "Cities" that have joined (or wanted to join) in the intervention.

Assembly Member Blake stated that he did not like what clear cutting did to the land; should be required to clean up and re-plant; if the sale did not go through, it would affect our community directly; affects AP&T, Samson Tug and Barge, and AML; wants to support but has a hard time spending the \$5,000; would support as filing an Amicus Brief, as a friend of the court.

Assembly Member Decker stated that she supports getting more value and jobs out of our timer in our communities; do not have large scale companies anymore; one medium company on Prince of Whales Island; smaller mills in the region; Forest Service has changed their management process since the '90's; they take the time to take into consideration, all of the concerns that are out there before they put out a timber sale; decisions should be made based on sound science. Decker stated that she was in support of intervening.

Assembly Member Mitchell stated that if you do not harvest the natural resources, Mother Nature will take it over. Mitchell stated that he would vote to intervene.

Assembly Member McCloskey stated that we need production; need to have the log cutting done here; should clean the clear cuts up after logging. McCloskey stated that we need to be in support of this.

Assembly Member Blake stated that it was his understanding that as an intervener, we pay the \$5,000 and that's it; as a friend of the court we could actually submit our brief and state our opinion.

Assembly Member Decker explained that as an intervener, there would be a \$5,000 fee to join; however, we would be able to put in our comments for our community and we could continue to comment as the case moved forward; also, if there were any attempts to settle, we would be at the table and be a part of that process; as an Amicus Brief, more people were accepted in, but you get only one comment - only one shot at what you want to say.

Assembly Member Prysunka (telephonically) thanked the members of the public who submitted both letters in support and in opposition. Prysunka stated that he was opposed to paying money to a Defendant Intervener; paying \$5,000 would be showing support to the cause, but deriving limited benefit from the expenditure. Prysunka stated the following points:

- Do not believe that environmental groups were the enemy or that they were counterproductive to the public process surrounding the timber industry;
- Those groups are the same groups that we will be relying on as we question mining activities that are proposed on tributaries of the Stikine River in Canada;
- Process was currently set up to allow for lawsuits to be launched against projects that take place on public lands;
- Do not like the idea of logs being shipped out in the round overseas; need to maximize the value added to our timer.

Assembly Member Rooney stated that 50% of logs processed would be better than zero percent. Rooney also stated that after listening to Assembly Member Prysunka's comments, she was leaning towards an Amicus so that we could put make points of view for our upcoming log sale; we coup put our spin on the lawsuit; Amicus would not come for free though; should be supporting our fellow Southeast Communities.

In response to Assembly Member Blake, Jabusch stated that this type of work would be outside of the Borough Attorney's retainer.

Assembly Member Blake withdrew his original motion.

M/S: Blake/McCloskey, to enter as a Friend of the Court instead of an Intervener.

Assembly Member Decker stated that we need to decide on whether we would want to file an Amicus on our own or with another organization. Decker said that SE Conference was also filing an Amicus; so if we wanted, we could probably file with them; cost would be less.

Assembly Member McCloskey stated that we should have full control and file our own Amicus.

Manager Jabusch requested clarification that the Assembly was looking for our Borough Attorney to do the Amicus and not to file with SE Conference.

Mayor Jack said yes.

Assembly Member Mitchell said that it would need a good idea to postpone this so that we could get a cost estimate from our Borough Attorney.


M/S: Mitchell/McCloskey, to postpone this item, and take it up at our next Regular Assembly meeting on Tuesday. Motion approved unanimously by polled vote.

Special meeting adjourned at 12:36 p.m.



David L. Jack, Mayor

ATTEST:



Kim Lane, CMC, Borough Clerk

