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Assembly to Revisit Off-Premises Signs

Next public hearing set for August 27

By Roger Maynard

The Haines Borough Assembly voted unanimously to revisit the issue of off-premises signs, setting the matter for another public hearing on August 27.

The motion to revisit the issue was made by assemblywoman Waterman who said, “What happened in our haste—we could have postponed it instead of voting not to pass it—we didn’t want to kill it. We wanted the planning commission to address concerns that were brought up. We wanted the planning commission to give us their opinion and thought process behind it. The perception was that we killed it. What we did was send it back to the planning commission.”

Rossman said he thought off-premises signs were self-regulating anyway, saying, “You can’t put a sign on someone’s property without their permission.”

Assembly members voted unanimously to postpone further action until the 27th.



Photos by Roger Maynard

Some current off-premises signs of businesses not on Main Street.

Haines Recall Committee Still on Track

“This recall is about making the assembly follow the law...”

By Roger Maynard

Haines Recall Committee chairman Jim Shook reports that as of Tuesday morning, the petition sponsors had gathered 268 signatures. With 3 days to go until the “drop dead” date, it looks like the issue could make it onto the October 4 municipal ballot.

In order to be certified, the petition must have 275 valid signatures. The committee’s target is 300 signatures as a safe margin in case some of the signatures are duplicates or otherwise disqualified. Though the signature gathering seemed to slow over the weekend,

the committee has redoubled its efforts during the past few days.

The recall petition was prompted by last year’s election of Greg Goodman, and confirmation by the Haines Borough Assembly in spite of his obvious disregard of the borough code which required him to be a Haines resident for one year immediately prior to running for that office. When Karen Hess, the runner-up, challenged the election, the assembly did not complete a thorough investigation as required, and appointed Goodman anyway. Hess appealed and the

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Tourism Tax Issue Not to Appear on Municipal Ballot

By Roger Maynard

An attempt by the Haines Borough Assembly to place a measure on the October 4 municipal election ballot that would remove the 1% tourism tax designation, failed when assembly members voted 3-2 against a motion to advance ordinance 11-07-271 to a second public hearing.

The ordinance would have amended Haines Borough Code 3.80.220 to remove the designation of the 1% tax for tourism and economic development, allowing the funds to go into the general fund instead. It would not have removed the tax; only the designation.

This issue was first broached in public during last year's political campaign when candidates Steve Vick and Greg Goodman both said that too much money was spent on tourism and it needed to be redirected toward "economic development." Neither candidate presented a specific economic development plan.

Then, at the May 24 assembly meeting, Sally McGuire spoke and said they were working on a citizen's initiative to repeal the 1% tourism tax. She said it has been costing between 1/3 and 1/2 million dollars each year for about 20 years, and a lot of people are getting tired of paying the tax. She encouraged the assembly to take the lead on this so it doesn't have to be done by initiative, and asked the mayor to put it on an assembly agenda.

The tourism tax issue appeared on both the June 28 and July 12 borough assembly agendas as a discussion item. At the July 26 assembly meeting, assemblywoman Joanne Waterman introduced ordinance 11-07-271, and Ms. Deborah Vogt was allowed to speak to a small correction that was needed in the ordinance.

During discussion at last Tuesday's meeting (July 9), there was some discussion regarding history of the 1-percent tax. The July 12 manager's report to the assembly summarizes the history of the tax.

"Overview of 1% Sales Tax for Tourism and Economic Development

City of Haines voters approved increasing the general sales tax from 3% to 4% in 1985, with the additional 1% to be used for tourism development and promotion, once the terms of a settlement with a former city employee were satisfied. In 1987, the voters of the city reaffirmed the use of the 1% general sales tax for tourism development and promotion, after the settlement requirements were achieved. The following year, the city established Fund 23 for tourism development and promotion, with the 1% sales tax identified as the funding source. In 2001, the voters of the city approved a proposition adding "economic development" as an allowable use of the 1% general sales tax so that Fund 23 could be used for "tourism develop-

ment and promotion and economic development" [emphasis in the original]. In 2005, after consolidation, Haines Borough voters approved extending the 1% sales tax for tourism promotion and economic development throughout the Borough."

Lapp and Rossman both opposed the ordinance, pointing out that there are other dedicated taxes that are not being called into question, and that folks voted for the tourism tax because it was a dedicated tax — they would be less likely to vote for a tax increase just to put into the general fund.

Vick said he does not support designated taxes and believes removing the designation on the tourist tax would be a step in the right direction.

Both Hoffman and Waterman claimed they were conflicted on this issue.

After discussion, the motion to move the ordinance to a second hearing failed 3-2 with only Vick and Hoffman voting "yes."

During assembly comments at the end of the meeting Waterman suggested further action on the issue:

Waterman: "I guess I would like to ask the government affairs chairman (Vick) if he would consider having a meeting to discuss the sales tax issue—if that committee is the right one.

Vick: "Uuuuuuhhh. It could be the right one...I guess

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SEABA Receives Tour Permit

By Roger Maynard

The Haines Borough Assembly unanimously approved the tour permit for SEABA's backcountry tour permit for 2012 after a public hearing during which only one person spoke.

Thom Ely testified that he witnessed a SEABA violation, and that the borough manager dismissed the violation. Ely said SEABA has a violation every year and doesn't deserve a permit. He said that they should be placed on probation and

then if they have one more violation, "they're out."

No other violations against SEABA were alleged.

A letter from Eric Holle said that SEABA was submitting GPS data in an unusable format, and they should be required to submit data in a format that can be used.

Assembly members agreed that data has been submitted to the borough as required, but then there is no procedure for the borough staff to deal with the data.

Assemblyman Lapp said he appreciated the timeli-

ness of the application, rather than waiting until the last minute to apply for the permit.

James King, of Lynn Canal Conservation, spoke during public comments at the end of the assembly meeting, apologizing for forgetting to sign up to testify at the SEABA permit hearing. He said that LCC had a copy of the same GPS data as the borough. He alluded to problems with the data and how it is being reported, but said LCC has plotted the information on maps, if the assembly members want to see them.

RECALL PETITION

(Continued from page 1)

court overturned the assembly's decision, ordering the borough to conduct a special election to fill the now-vacant seat.

Haines borough code requires the assembly to fill a vacant seat in 30 days, but some assembly members balked at appointing Hess to the position, and when the assembly appeared deadlocked they decided to leave the assembly seat vacant until the October 4th election—a period of about 5 months.

Part of the assembly's discussion of whether the vacancy actually needed to be filled centered around differences in language between the borough code and the borough charter.

The Haines Borough code parallels the Alaska Statutes regarding borough assemblies:

"2.10.250 Filling of vacancy - If a vacancy occurs

in the assembly, the remaining members shall, within 30 days, appoint a qualified person to fill the vacancy."

The Haines Borough Charter, however, reads slightly different:

"Section 2.04 Vacancies - If a vacancy occurs on the assembly, the remaining members shall attempt to appoint a qualified person to fill the vacancy within 30 days."

Normally, if there is a conflict between the founding document [the borough charter] and the borough code, the language in the charter takes precedent. When the assembly inquired about this, borough clerk Julie Cozzi explained that in this case there does not appear to be a conflict; instead, the borough code refines the charter language, making the provision more specific. This is not unusual.

Nevertheless, the assembly used this apparent dis-

crepancy as a "loophole," satisfied that they had found a way past the deadlock. During the discussion assemblyman Hoffman let voters know that the assembly did not feel any necessity to obey either the voters' wishes or the law when he said, "What are they going to do to us, throw us in jail?" For many present in the audience, this was the last straw — a few weeks later the recall petition was born.

In a letter to the Haines Borough clerk, the borough attorney agreed with the clerk's analysis, and recommended that the borough proceed with recall petitions against Waterman and Hoffman. Vick, present by telephone and the last one to vote at the May 16th meeting, voted "no" on the motion which passed 4-1, and therefore was not included in the recall of other members. Members Rossman and Lapp

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RECALL PETITION 2

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are up for election in October, and therefore not eligible for recall under the law.

Retired attorney and Haines political activist Deborah Vogt's opinion differs from that of the borough attorney's. She argues that the borough charter does take precedence in this case, and therefore the recall petition is unjustified. According to the Vogt, the borough attorney has repeatedly given the borough bad legal advice. She has delivered a letter to Haines Borough manager Mark Earnest to that effect, though she emphasizes that she is not giving legal advice as an attorney.

When asked if it is usual for the borough code to be more specific than the charter on some issues, Vogt admitted that is true, however it is impossible to be sure without researching the assembly minutes at the time that section of code was passed, to determine legislative intent.

Although comments by some voters indicate that they are hoping for a more balanced assembly in the future—one that is willing to actually work toward an improved economy for Haines—recall committee chairman Shook reminds them that the recall petition is not about changing the assembly, "It's about the rule of law—the assembly is not above the law."

TOURISM TAX ISSUE

(Continued from page 2)

you're on the committee and...it will just be us.

Waterman: "I would be happy to join you."

Lapp: "I guess I'd like to join you too."

Vick: "I would love it if uh, ...I think it would be a good topic, actually, I think we could use some assistance too, on research—maybe waiting until the manager comes back... unless we can direct staff to do the research on dedi-

cated tax and usage...it's a big subject. I guess we could determine what we need to know.

Waterman: "Yeah."

Vick: "And then we could set up a —because it might be a public hearing process, where we get input and feedback and—it's a big egg to tackle."

The committee meeting on the tourism tax is set for September 16. The issue is not timely for the October 4th municipal ballot, but it's not dead yet.


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