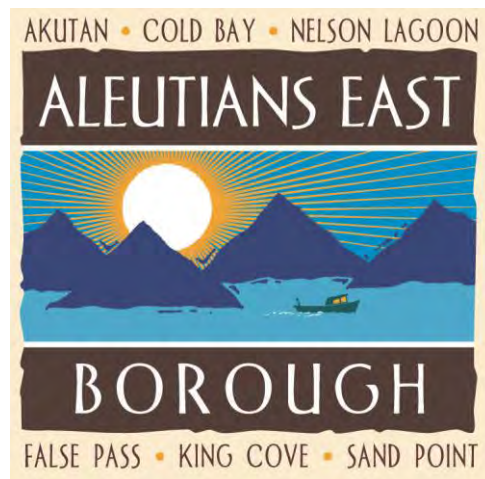


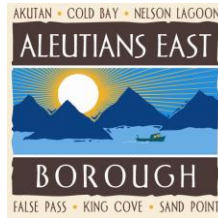
# Aleutians East Borough Assembly Meeting



**Meeting: Thursday, December 12, 2013 – 3:00 p.m.**

# Roll Call & Establishment of a Quorum

# Adoption of Agenda



## Agenda

### Assembly Meeting

(packet available on website [www.aleutianseast.org](http://www.aleutianseast.org) )

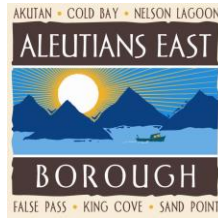
**Date:** Thursday, December 12, 2013

**Time/Location:** Meeting: 3:00 p.m. - Millennium Hotel, Redington Room 3, 4800 Spenard Rd, Anc. and by teleconference in each community location below:  
King Cove AEB office                      False Pass city office  
Sand Point – AEB office                      Akutan city office  
Nelson Lagoon Corp. office                      Cold Bay city office - library

### ASSEMBLY MEETING AGENDA

All communities will be provided with conference calling information for the designated location in your community. Public comments on agenda items will take place immediately after the adoption of the agenda. Additional public comments can be made at the end of the meeting.

1. Roll Call & Establishment of Quorum.
2. Adoption of the Agenda.
3. Community Roll Call and Public Comment on Agenda Items.
4. Minutes
  - November 6, 2013 Minutes
5. Financial Reports
  - Financial Reports, November, 2013.
  - Investment Reports, November, 2013
6. Consent Agenda:
  - Resolution 14-11, Adopting an alternative allocation method for the FY14 Shared Fisheries Business Tax Program for FMA 2.
  - Resolution 14-12, Adopting an alternative allocation method for the FY14 Shared Fisheries Business Tax Program for FMA 3.
  - Resolution 14-13, Approving the Fee & Penalty Schedule for the AEB Land Use Permits.
  - Introduction Ordinance 14-03, Amending AEB Code Title 1, General Provisions.
  - Introduction Ordinance 14-04, Amending AEB Code Title 2, Administration.
  - Introduction Ordinance 14-05, Amending AEB Code Title 40, Planning, Platting and Land Use.
  - Introduction Ordinance 14-06, Amending AEB Code Title 45, Powers and Functions.
7. Old Business
8. New Business
  - Approval of Maritime Helicopters Contract.
9. Reports and Updates



10. Assembly Comments
11. Public Comments
12. Executive Session: Appeal of KRI, Inc., regarding its Claim for Equitable Adjustment which is before the Armed Services Board of Contract Appeals. The purpose of the executive session is to discuss litigation tactics and strategies in the above referenced case which arises out of the False Pass Harbor Project.
13. Next Meeting Date and Time
14. Adjournment

# Community Roll Call & Public Comment on Agenda Items

# Minutes

Aleutians East Borough  
November 6, 2013  
4:30 P.M.

#### CALL TO ORDER

Mayor Mack called the November 6, 2013 Assembly meeting to order at 4:30 p.m. by teleconference in each community.

#### ROLL CALL

Mayor Stanley Mack	Present
Paul Gronholdt	Present
Carol Foster	Present
Marvin Mack	Present
Alvin D. Osterback	Present
Ken McHugh	Present
Joe Bereskin, Sr.	Present
Brenda Wilson	Present –Arrived late

#### Advisory Members:

Nikki Hoblet, False Pass	Present
Harold Kremer III, Cold Bay	Present
Justine Gundersen, Nelson Lagoon	Present

A quorum was present.

#### Staff Present:

Rick Gifford, Administrator  
Ernie Weiss, Resource Director  
Roxann Newman, Finance Director  
Anne Bailey, Community Development Coordinator  
Tina Anderson, Clerk

#### Adoption of Agenda:

##### MOTION

Carol moved to adopt and second by Alvin.

#### Community Roll Call and Public Comments on Agenda Items:

All the AEB communities were present. There were no Public Comments.

Minutes, October 10, 2013, October 14, 2013:

##### MOTION



Paul moved to adopt the October 10 and October 14, 2013 Assembly Meeting Minutes and second by Joe. Hearing no more the Minutes are approved as presented.

#### Financial Report, October 2013:

##### MOTION

Alvin moved to approve the October Financial Report and second by Ken.

##### DISCUSSION

The Finance Director made a correction, the Nelson Lagoon grant should not have been in the monthly financial, since the grant is closed.

##### ROLL CALL

Paul-yes, Alvin-yes, Marvin-yes, Ken-yes, Carol-yes, Joe-yes. Advisory: Harold-yes, Justine-yes, Nikki-yes. MOTION PASSED.

Investment Report, October: In packet.

#### PUBLIC HEARINGS

#### Community Development Block Grant Program (CDBG):

Mayor Mack Opened for Public Hearing.

The Community Development Coordinator, Anne Bailey, said at the October 14, 2013 Assembly Meeting a public hearing was held to discuss the CDBG Program. Since no public attended, the Assembly opted to postpone the decision on the project until the November meeting.

The Aleutians East Borough is interested in submitting a Community Development Block Grant (CDBG) proposal this year. In considering what projects might be considered for funding she reviewed the requirements saying the CDBG funding is intended to principally benefit low and moderate income persons by providing resources to communities for Community Development projects, Planning projects or Special Economic Development projects which encourage community self-sufficiency or reduce economic conditions which are detrimental to health and safety. CDBG may also provide funding to assist in the creation or retention of jobs. The State of Alaska intends to select projects for funding that provide a substantial or direct benefit to low and moderate income persons, prevent or eliminate slums or blights or meet urgent community development needs which pose a serious and immediate threat to public health and safety.

Projects that are not eligible include equipment, government buildings, regular government operations, maintenance, operation or political activities. The project maximum funding is \$850,000 and must have a matching local contribution of at least 25%.

For example, the City of False Pass is in need of a Harbor House in their community and the Borough is interested in developing a design for this facility. The Aleutians East Borough and the City of False Pass meet the Low and Moderate Income criteria; the False Pass Harbor House Design project falls under the Community Development project category and it provides a substantial or direct benefit to low and moderate income persons. This False Pass Harbor House meets all of the criteria for the CDBG program and could be selected as a FFY 13 CDBG proposed project.

In this public hearing, the Borough would like to solicit proposal suggestions for this grant opportunity and receive any other comments from the public.

No public comments. Public Hearing closed.

## RESOLUTIONS

Resolution 14-06, authorizing participation in the CDBG program and submitting a grant proposal entitled: False Pass Harbor House Design:

### MOTION

Paul moved to adopt Resolution 14-06 and second by Ken.

### DISCUSSION

None

### ROLLCALL

Carol-yes, Joe-yes, Alvin-yes, Marvin-yes, Paul-yes, Ken-yes. Advisory: Nikki-yes, Harold-yes, Justine-yes. MOTION PASSED.

(Brenda arrived 4:41 p.m.)

Resolution 14-07, approving the Akutan Airport Co-Sponsorship Agreement Amendment #1:

### MOTION

Carol moved to adopt Resolution 14-07 and second by Ken.

### DISCUSSION

Mayor Mack said Resolution 14-07 authorizes the Mayor to sign the Co-sponsorship Agreement Amendment #1 with DOT/PF and City of Akutan substituting helicopter service to for the Akutan/Akun link.

### ROLL CALL

Ken-yes, Paul-yes, Joe-abstain, Alvin-yes, Marvin-yes, Brenda-yes, Carol-yes. Advisory: Nikki-yes, Justine-yes, Harold-yes. MOTION PASSED.

Resolution 14-08, authorizing the Mayor to negotiate a contract with Maritime Helicopters:

Mayor Mack said Resolution 14-08 allows the Mayor to negotiate a contract with Maritime Helicopters for one year with option to renew for two additional one year terms to provide helicopter service between Akutan and the airport on Akun Island.

### MOTION

Alvin moved to adopt Resolution 14-08 and second by Ken.

#### DISCUSSION

Paul said at the workshop the Administrator gave a nice update and explanation on all three resolutions pertaining to the Akun/Akutan transportation link and he supports all of them.

#### ROLL CALL

Marvin-yes, Joe-yes, Carol-yes, Paul-yes, Alvin-yes, Brenda-yes, Ken-yes. Advisory: Justine-yes, Harold-yes, Nikki-yes. MOTION PASSED.

Resolution 14-09, authorizing the Mayor to terminate Hoverlink contract once Maritime Helicopters contract has been consummated:

Mayor reviewed the resolution.

#### MOTION

Ken moved to adopt Resolution 14-09 and second by Paul.

#### DISCUSSION

None

#### ROLL CALL

Joe-abstain, Carol-yes, Brenda-yes, Ken-yes, Paul-yes, Marvin-yes, Alvin-yes. Advisory: Nikki-yes, Harold-yes, Justine-yes. MOTION PASSED.

Resolution 14-10, recognizing the serious problem of illegal drugs coming into our communities, resolving to work with all parties to break the flow of illegal drugs and urging the State of Alaska to increase efforts to stop drug trafficking.

#### MOTION

Brenda moved to adopt Resolution 14-10 and second by Alvin.

#### DISCUSSION

Brenda said Dr. Cotton offered assistance if any is needed to write anything in the future for the AEB.

Paul said it is a good resolution and supports.

#### ROLL CALL

Marvin-yes, Brenda-yes, Carol-yes, Joe-yes, Alvin-yes, Paul-yes, Ken-yes. Advisory: Justine-yes, Nikki-yes, Harold-yes. MOTION PASSED.

#### OLD BUSINESS

None

#### NEW BUSINESS

Resignation/Appointment of Planning Commission Member:

MOTION

Paul moved to accept Heather Thompson resignation and approve the appointment of Amy Foster to the Planning Commission. Second by Carol.

Hearing no objections, MOTION PASSED.

#### REPORTS AND UPDATES

Paul said he read through the Planning Commission updates, feels a good job has been done.

ADF&G Meeting in December: There is a meeting set for December 4 and Mayor Mack is in the process of getting some fishermen and Assembly Members to attend. The goal is to have a problem solving session. ADF&G Commissioner and Director was receptive, the local management not as receptive but will be at the meeting.

#### ASSEMBLY COMMENTS

#### PUBLIC COMMENTS

#### NEXT MEETING DATE AND LOCATION

December 12 in Anchorage. Executive Session will be scheduled at that meeting.

#### ADJOURNMENT

Paul moved to adjourn and second by Carol. The meeting adjourned at 4:58 p.m.

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Mayor

Date

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Clerk

Date

# Financial Report

# ALEUTIANS EAST BOROUGH

## \*Revenue Guideline©

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Current Period: NOVEMBER 13-14

		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 01 GENERAL FUND</b>						
Active	R 01-201 INTEREST REVENUE	\$35,000.00	\$4,972.56	\$231.62	\$30,027.44	14.21%
Active	R 01-203 OTHER REVENUE	\$7,000.00	\$1,855.81	\$0.00	\$5,144.19	26.51%
Active	R 01-204 OPERATING TRANSFER F	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 01-206 AEBSD Fund Balance Refun	\$0.00	\$248,667.03	\$0.00	-\$248,667.03	0.00%
Active	R 01-218 AEB RAW FISH TAX	\$3,200,779.00	\$1,466,495.59	\$354,147.28	\$1,734,283.41	45.82%
Active	R 01-229 Southwest Cities LLC	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 01-233 STATE PERS ON-BEHALF	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 01-265 STATE RAW FISH TAX	\$2,033,097.00	\$1,869,127.03	\$1,869,127.03	\$163,969.97	91.93%
Active	R 01-266 STATE EXTRATERRITORIA	\$243,084.00	\$0.00	\$0.00	\$243,084.00	0.00%
Active	R 01-267 STATE FISH LANDING TAX	\$53,571.00	\$48,863.92	\$48,863.92	\$4,707.08	91.21%
Active	R 01-268 State"Loss" Of Raw Fish Tax	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 01-270 STATE REVENUE OTHER	\$575,711.00	\$406,626.00	\$0.00	\$169,085.00	70.63%
Active	R 01-276 AEB SCHOOL	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 01-277 STATE BOND REBATE	\$1,045,464.00	\$129,478.00	\$0.00	\$915,986.00	12.38%
Active	R 01-291 PLO-95 PAYMNT IN LIEU O	\$559,000.00	\$0.00	\$0.00	\$559,000.00	0.00%
Active	R 01-292 USFWS LANDS	\$36,256.00	\$15,222.00	\$0.00	\$21,034.00	41.98%
	<b>Total Fund 01 GENERAL FUND</b>	<b>\$7,788,962.00</b>	<b>\$4,191,307.94</b>	<b>\$2,272,369.85</b>	<b>\$3,597,654.06</b>	<b>53.81%</b>

# ALEUTIANS EAST BOROUGH

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## \*Expenditure Guideline©

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Current Period: NOVEMBER 13-14

		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 01 GENERAL FUND</b>						
<b>DEPT 100 MAYORS OFFICE</b>						
Active	E 01-100-000-300 SALARIES	\$72,897.00	\$30,374.00	\$6,074.80	\$42,523.00	41.67%
Active	E 01-100-000-350 FRINGE BENEFITS	\$27,810.00	\$12,272.70	\$2,454.54	\$15,537.30	44.13%
Active	E 01-100-000-400 TRAVEL AND PER	\$36,000.00	\$12,135.22	\$3,393.50	\$23,864.78	43.76%
Active	E 01-100-000-425 TELEPHONE	\$2,400.00	\$574.27	\$111.14	\$1,825.73	23.93%
Active	E 01-100-000-475 SUPPLIES	\$1,000.00	\$50.00	\$0.00	\$950.00	5.00%
Active	E 01-100-000-554 AK LOBBIST	\$45,000.00	\$18,867.53	\$0.00	\$26,132.47	49.71%
Active	E 01-100-000-555 FEDERAL LOBBIS	\$75,600.00	\$25,200.00	\$0.00	\$50,400.00	41.67%
<b>SUBDEPT 000</b>		<b>\$260,707.00</b>	<b>\$99,473.72</b>	<b>\$12,033.98</b>	<b>\$147,814.13</b>	<b>38.16%</b>
<b>Total DEPT 100 MAYORS OFFICE</b>		<b>\$260,707.00</b>	<b>\$99,473.72</b>	<b>\$12,033.98</b>	<b>\$147,814.13</b>	<b>38.16%</b>
<b>DEPT 105 ASSEMBLY</b>						
Active	E 01-105-000-300 SALARIES	\$25,000.00	\$9,400.00	\$3,000.00	\$15,600.00	37.60%
Active	E 01-105-000-350 FRINGE BENEFITS	\$56,000.00	\$27,143.30	\$447.90	\$28,856.70	48.47%
Active	E 01-105-000-400 TRAVEL AND PER	\$40,000.00	\$18,056.50	\$8,040.00	\$21,943.50	45.14%
Active	E 01-105-000-425 TELEPHONE	\$4,500.00	\$1,361.53	(\$23.61)	\$3,138.47	30.26%
Active	E 01-105-000-475 SUPPLIES	\$500.00	\$2,639.98	\$0.00	-\$2,139.98	528.00%
<b>SUBDEPT 000</b>		<b>\$126,000.00</b>	<b>\$58,601.31</b>	<b>\$11,464.29</b>	<b>\$67,398.69</b>	<b>46.51%</b>
<b>Total DEPT 105 ASSEMBLY</b>		<b>\$126,000.00</b>	<b>\$58,601.31</b>	<b>\$11,464.29</b>	<b>\$67,398.69</b>	<b>46.51%</b>
<b>DEPT 150 PLANNING/CLERKS DEPARMENT</b>						
Active	E 01-150-000-300 SALARIES	\$85,543.00	\$34,120.89	\$6,618.62	\$51,422.11	40.08%
Active	E 01-150-000-350 FRINGE BENEFITS	\$33,524.00	\$18,532.21	\$7,841.00	\$14,991.79	55.33%
Active	E 01-150-000-400 TRAVEL AND PER	\$12,500.00	\$4,924.00	\$1,094.00	\$7,576.00	39.39%
Active	E 01-150-000-425 TELEPHONE	\$7,500.00	\$2,305.59	\$704.29	\$5,194.41	35.70%
Active	E 01-150-000-450 POSTAGE/SPEED	\$1,500.00	\$112.42	\$0.00	\$1,387.58	8.56%
Active	E 01-150-000-475 SUPPLIES	\$9,000.00	\$3,423.51	\$151.89	\$5,576.49	38.04%
Active	E 01-150-000-526 UTILITIES	\$20,000.00	\$5,726.62	\$1,615.86	\$14,273.38	28.63%
Active	E 01-150-000-530 DUES AND FEES	\$5,000.00	\$2,891.55	\$0.00	\$2,108.45	57.83%
Active	E 01-150-000-650 ELECTION	\$8,000.00	\$3,823.72	\$150.00	\$4,176.28	47.80%
Active	E 01-150-000-670 Planning Commisio	\$4,300.00	\$7,637.89	\$1,800.00	-\$3,337.89	177.63%
<b>SUBDEPT 000</b>		<b>\$186,867.00</b>	<b>\$83,498.40</b>	<b>\$19,975.66</b>	<b>\$102,795.36</b>	<b>44.68%</b>
<b>Total DEPT 150 PLANNING/CLERKS DEPARMENT</b>		<b>\$186,867.00</b>	<b>\$83,498.40</b>	<b>\$19,975.66</b>	<b>\$102,795.36</b>	<b>44.68%</b>
<b>DEPT 200 ADMINISTRATION</b>						
Active	E 01-200-000-300 SALARIES	\$172,168.00	\$73,976.60	\$14,643.16	\$98,191.40	42.97%
Active	E 01-200-000-350 FRINGE BENEFITS	\$64,234.00	\$35,758.76	\$7,389.50	\$28,475.24	55.67%
Active	E 01-200-000-380 CONTRACT LABO	\$18,000.00	\$6,000.00	\$0.00	\$12,000.00	41.67%
Active	E 01-200-000-382 ANCHORAGE OFFI	\$0.00	-\$1,043.54	(\$12,486.60)	\$1,043.54	0.00%
Active	E 01-200-000-400 TRAVEL AND PER	\$25,500.00	\$7,417.05	\$2,572.50	\$18,082.95	31.99%
Active	E 01-200-000-425 TELEPHONE	\$6,000.00	\$3,425.68	\$1,258.33	\$2,574.32	57.09%
Active	E 01-200-000-450 POSTAGE/SPEED	\$2,500.00	\$0.00	\$0.00	\$2,500.00	0.00%
Active	E 01-200-000-475 SUPPLIES	\$18,120.00	\$3,753.30	\$1,198.76	\$14,366.70	27.26%
Active	E 01-200-000-500 EQUIPMENT	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 01-200-000-525 RENTAL/LEASE	\$14,500.00	\$6,568.34	\$2,973.66	\$7,931.66	45.30%
Active	E 01-200-000-530 DUES AND FEES	\$2,500.00	\$295.00	\$0.00	\$2,205.00	11.80%
<b>SUBDEPT 000</b>		<b>\$323,522.00</b>	<b>\$136,151.19</b>	<b>\$17,549.31</b>	<b>\$174,137.31</b>	<b>42.08%</b>
<b>Total DEPT 200 ADMINISTRATION</b>		<b>\$323,522.00</b>	<b>\$136,151.19</b>	<b>\$17,549.31</b>	<b>\$174,137.31</b>	<b>42.08%</b>
<b>DEPT 250 FINANCE DEPARTMENT</b>						
Active	E 01-250-000-300 SALARIES	\$122,867.00	\$49,938.20	\$9,490.16	\$72,928.80	41.99%
Active	E 01-250-000-350 FRINGE BENEFITS	\$51,161.00	\$21,889.05	\$4,572.03	\$29,271.95	42.83%
Active	E 01-250-000-400 TRAVEL AND PER	\$4,000.00	\$3,518.10	\$3,088.60	\$481.90	87.95%
Active	E 01-250-000-425 TELEPHONE	\$5,000.00	\$1,915.02	\$412.27	\$3,084.98	38.73%

# ALEUTIANS EAST BOROUGH

## \*Expenditure Guideline©

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Current Period: NOVEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	NOVEMBER MTD Amt	13-14 YTD Balance	% of Budget
Active	E 01-250-000-450 POSTAGE/SPEED	\$2,500.00	\$514.94	\$514.94	\$1,985.06	20.60%
Active	E 01-250-000-475 SUPPLIES	\$5,000.00	\$6,973.86	\$588.64	-\$1,973.86	145.19%
Active	E 01-250-000-526 UTILITIES	\$5,000.00	\$1,295.50	\$213.15	\$3,704.50	25.91%
Active	E 01-250-000-550 AUDIT	\$45,000.00	\$29,334.40	\$342.20	\$15,665.60	65.19%
<b>SUBDEPT 000</b>		<b>\$240,528.00</b>	<b>\$115,379.07</b>	<b>\$19,221.99</b>	<b>\$123,163.77</b>	<b>47.97%</b>
<b>Total DEPT 250 FINANCE DEPARTMENT</b>		<b>\$240,528.00</b>	<b>\$115,379.07</b>	<b>\$19,221.99</b>	<b>\$123,163.77</b>	<b>47.97%</b>
<b>DEPT 650 RESOURCE DEPARTMENT</b>						
Active	E 01-650-000-300 SALARIES	\$83,970.00	\$34,987.70	\$6,997.54	\$48,982.30	41.67%
Active	E 01-650-000-350 FRINGE BENEFITS	\$30,040.00	\$13,354.60	\$2,670.92	\$16,685.40	44.46%
Active	E 01-650-000-380 CONTRACT LABO	\$75,000.00	\$31,250.00	\$6,250.00	\$43,750.00	41.67%
Active	E 01-650-000-400 TRAVEL AND PER	\$35,000.00	\$6,900.50	\$1,933.00	\$28,099.50	20.80%
Active	E 01-650-000-401 SEMD SAMPLING	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 01-650-000-402 NPFMC Meetings	\$15,000.00	\$3,294.00	\$0.00	\$11,706.00	21.96%
Active	E 01-650-000-403 BOF Meetings	\$30,000.00	\$2,750.00	\$2,000.00	\$27,250.00	9.17%
Active	E 01-650-000-404 Unimak Bight Crab	\$50,000.00	\$0.00	\$0.00	\$50,000.00	0.00%
Active	E 01-650-000-425 TELEPHONE	\$3,000.00	\$604.80	\$176.25	\$2,395.20	20.16%
Active	E 01-650-000-475 SUPPLIES	\$7,000.00	\$6,507.76	\$5,303.26	\$492.24	92.97%
Active	E 01-650-000-525 RENTAL/LEASE	\$8,903.00	\$3,698.92	\$1,486.82	\$5,204.08	41.55%
<b>SUBDEPT 000</b>		<b>\$337,913.00</b>	<b>\$103,348.28</b>	<b>\$26,817.79</b>	<b>\$234,184.72</b>	<b>30.58%</b>
<b>Total DEPT 650 RESOURCE DEPARTMENT</b>		<b>\$337,913.00</b>	<b>\$103,348.28</b>	<b>\$26,817.79</b>	<b>\$234,184.72</b>	<b>30.58%</b>
<b>DEPT 651 PUBLIC INFORMATION</b>						
Active	E 01-651-011-300 SALARIES	\$89,778.00	\$37,407.40	\$7,481.48	\$52,370.60	41.67%
Active	E 01-651-011-350 FRINGE BENEFITS	\$32,736.00	\$13,347.95	\$3,307.33	\$19,388.05	40.77%
Active	E 01-651-011-400 TRAVEL AND PER	\$15,000.00	\$2,156.72	\$975.72	\$12,843.28	14.38%
Active	E 01-651-011-425 TELEPHONE	\$2,400.00	\$783.97	\$107.27	\$1,616.03	38.28%
Active	E 01-651-011-450 POSTAGE/SPEED	\$250.00	\$0.00	\$0.00	\$250.00	0.00%
Active	E 01-651-011-475 SUPPLIES	\$4,500.00	\$781.86	\$39.40	\$3,718.14	39.15%
Active	E 01-651-011-525 RENTAL/LEASE	\$10,016.00	\$4,161.30	\$1,672.68	\$5,854.70	41.55%
Active	E 01-651-011-532 ADVERTISING	\$15,000.00	\$5,385.36	\$35.28	\$9,614.64	35.90%
<b>SUBDEPT 011 PUBLIC INFORMATION</b>		<b>\$169,680.00</b>	<b>\$64,024.56</b>	<b>\$13,619.16</b>	<b>\$104,540.69</b>	<b>37.73%</b>
<b>Total DEPT 651 PUBLIC INFORMATION</b>		<b>\$169,680.00</b>	<b>\$64,024.56</b>	<b>\$13,619.16</b>	<b>\$104,540.69</b>	<b>37.73%</b>
<b>DEPT 700 PUBLIC WORKS DEPARTMENT</b>						
Active	E 01-700-000-300 SALARIES	\$77,138.00	\$32,740.40	\$6,428.08	\$44,397.60	42.44%
Active	E 01-700-000-350 FRINGE BENEFITS	\$29,602.00	\$13,035.06	\$2,537.38	\$16,566.94	44.03%
Active	E 01-700-000-400 TRAVEL AND PER	\$11,000.00	\$4,385.00	\$3,094.00	\$6,615.00	39.86%
Active	E 01-700-000-425 TELEPHONE	\$1,500.00	\$612.17	\$114.25	\$887.83	43.83%
Active	E 01-700-000-475 SUPPLIES	\$6,000.00	\$1,779.35	\$85.85	\$4,220.65	40.74%
Active	E 01-700-000-500 EQUIPMENT	\$1,500.00	\$0.00	\$0.00	\$1,500.00	0.00%
Active	E 01-700-000-526 UTILITIES	\$2,000.00	\$151.35	\$49.09	\$1,848.65	7.57%
<b>SUBDEPT 000</b>		<b>\$128,740.00</b>	<b>\$52,703.33</b>	<b>\$12,308.65</b>	<b>\$75,326.12</b>	<b>40.94%</b>
<b>Total DEPT 700 PUBLIC WORKS DEPARTMENT</b>		<b>\$128,740.00</b>	<b>\$52,703.33</b>	<b>\$12,308.65</b>	<b>\$75,326.12</b>	<b>40.94%</b>
<b>DEPT 844 KCAP</b>						
Active	E 01-844-000-300 SALARIES	\$2,500.00	\$0.00	\$0.00	\$2,500.00	0.00%
Active	E 01-844-000-350 FRINGE BENEFITS	\$2,000.00	\$0.00	\$0.00	\$2,000.00	0.00%
Active	E 01-844-000-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 01-844-000-425 TELEPHONE	\$1,120.00	\$968.45	\$841.96	\$151.55	86.47%
Active	E 01-844-000-475 SUPPLIES	\$600.00	\$775.32	\$194.50	-\$175.32	161.13%
Active	E 01-844-000-525 RENTAL/LEASE	\$8,903.00	\$2,955.51	\$743.41	\$5,947.49	33.20%
<b>SUBDEPT 000</b>		<b>\$15,123.00</b>	<b>\$4,699.28</b>	<b>\$1,779.87</b>	<b>\$10,232.29</b>	<b>31.07%</b>
<b>Total DEPT 844 KCAP</b>		<b>\$15,123.00</b>	<b>\$4,699.28</b>	<b>\$1,779.87</b>	<b>\$10,232.29</b>	<b>31.07%</b>
<b>DEPT 850 EDUCATION</b>						



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		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
Active	E 01-850-000-700 LOCAL SCHOOL C	\$1,150,000.00	\$287,500.00	\$0.00	\$862,500.00	25.00%
Active	E 01-850-000-701 SCHOOL SCHOLA	\$20,000.00	\$0.00	\$0.00	\$20,000.00	0.00%
Active	E 01-850-000-703 School Contribution	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 01-850-000-756 STUDENT TRAVEL	\$5,000.00	\$0.00	\$0.00	\$5,000.00	0.00%
<b>SUBDEPT 000</b>		<b>\$1,175,000.00</b>	<b>\$287,500.00</b>	<b>\$0.00</b>	<b>\$887,500.00</b>	<b>24.47%</b>
<b>Total DEPT 850 EDUCATION</b>		<b>\$1,175,000.00</b>	<b>\$287,500.00</b>	<b>\$0.00</b>	<b>\$887,500.00</b>	<b>24.47%</b>
<b>DEPT 860 SPECIAL ASSISTANT-NLG,FP,CDB</b>						
Active	E 01-860-000-300 SALARIES	\$73,970.00	\$30,821.00	\$6,164.20	\$43,149.00	41.67%
Active	E 01-860-000-350 FRINGE BENEFITS	\$27,256.00	\$12,554.46	\$2,475.50	\$14,701.54	46.06%
Active	E 01-860-000-400 TRAVEL AND PER	\$10,000.00	\$659.50	\$0.00	\$9,340.50	6.60%
Active	E 01-860-000-425 TELEPHONE	\$4,000.00	\$287.35	\$126.90	\$3,712.65	7.18%
Active	E 01-860-000-450 POSTAGE/SPEED	\$250.00	\$0.00	\$0.00	\$250.00	0.00%
Active	E 01-860-000-475 SUPPLIES	\$4,500.00	\$210.76	\$3.25	\$4,289.24	10.86%
Active	E 01-860-000-525 RENTAL/LEASE	\$8,903.00	\$3,698.92	\$1,486.82	\$5,204.08	41.55%
<b>SUBDEPT 000</b>		<b>\$128,879.00</b>	<b>\$48,231.99</b>	<b>\$10,256.67</b>	<b>\$80,369.01</b>	<b>37.42%</b>
<b>Total DEPT 860 SPECIAL ASSISTANT-NLG,FP,CDB</b>		<b>\$128,879.00</b>	<b>\$48,231.99</b>	<b>\$10,256.67</b>	<b>\$80,369.01</b>	<b>37.42%</b>
<b>DEPT 900 OTHER</b>						
Active	E 01-900-000-500 EQUIPMENT	\$13,200.00	\$1,568.44	\$0.00	\$11,631.56	11.88%
Active	E 01-900-000-515 AEB VEHICLES	\$20,000.00	\$0.00	\$0.00	\$20,000.00	0.00%
Active	E 01-900-000-525 RENTAL/LEASE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 01-900-000-526 UTILITIES	\$25,000.00	\$7,014.59	\$4,548.16	\$17,985.41	28.06%
Active	E 01-900-000-527 Aleutia Crab	\$58,522.00	\$0.00	\$0.00	\$58,522.00	0.00%
Active	E 01-900-000-551 LEGAL	\$175,000.00	\$54,172.84	\$16,018.78	\$120,827.16	30.96%
Active	E 01-900-000-552 INSURANCE	\$150,000.00	\$131,261.38	\$0.00	\$18,738.62	87.51%
Active	E 01-900-000-600 REPAIRS	\$10,000.00	\$2,824.02	\$642.31	\$7,175.98	28.24%
Active	E 01-900-000-727 BANK FEES	\$2,000.00	\$300.00	\$0.00	\$1,700.00	15.00%
Active	E 01-900-000-752 CONTRIBUTION T	\$150,000.00	\$37,500.00	\$0.00	\$112,500.00	25.00%
Active	E 01-900-000-753 MISC EXPENSE	\$96,000.00	\$51,766.02	\$0.00	\$44,233.98	53.92%
Active	E 01-900-000-757 DONATIONS	\$23,500.00	\$7,000.00	\$0.00	\$16,500.00	29.79%
Active	E 01-900-000-760 REVENUE SHARIN	\$32,000.00	\$0.00	\$0.00	\$32,000.00	0.00%
Active	E 01-900-000-943 WEB SERVICE	\$25,000.00	\$7,624.00	\$1,195.00	\$17,376.00	30.50%
<b>SUBDEPT 000</b>		<b>\$780,222.00</b>	<b>\$301,031.29</b>	<b>\$22,404.25</b>	<b>\$479,190.71</b>	<b>38.58%</b>
<b>Total DEPT 900 OTHER</b>		<b>\$780,222.00</b>	<b>\$301,031.29</b>	<b>\$22,404.25</b>	<b>\$479,190.71</b>	<b>38.58%</b>
<b>Total Fund 01 GENERAL FUND</b>		<b>\$3,873,181.00</b>	<b>\$1,354,642.42</b>	<b>\$167,431.62</b>	<b>\$2,486,652.80</b>	<b>34.97%</b>

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		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 20 GRANT PROGRAMS</b>						
Active	R 20-201 INTEREST REVENUE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 20-203 OTHER REVENUE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 20-207 AEB Grant Revenue	\$296,000.00	\$0.00	\$0.00	\$296,000.00	0.00%
Active	R 20-254 KCAP Road Completion	\$707,444.26	\$0.00	\$0.00	\$707,444.26	0.00%
Active	R 20-287 KCAP/09-DC-359	\$1,958,992.03	\$0.00	\$0.00	\$1,958,992.03	0.00%
Active	R 20-422 DENALI COMMISSION/FAL	\$103,658.05	\$0.00	\$0.00	\$103,658.05	0.00%
Active	R 20-424 EDA/Akutan Harbor Floats	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00	0.00%
Active	R 20-499 Cold Bay Airport-Apron&Taxi	\$2,000,000.00	\$0.00	\$0.00	\$2,000,000.00	0.00%
Active	R 20-504 Nelson Lagoon Erosion10CI	\$238,410.36	\$0.00	\$0.00	\$238,410.36	0.00%
Active	R 20-516 Library Grant Program	\$1,500.00	\$0.00	\$0.00	\$1,500.00	0.00%
Active	R 20-518 CIAP-Create A Resource La	\$226,544.52	\$3,282.00	\$0.00	\$223,262.52	1.45%
Active	R 20-813 Akutan Airport/CIP Trident	\$900,000.00	\$0.00	\$0.00	\$900,000.00	0.00%
<b>Total Fund 20 GRANT PROGRAMS</b>		<b>\$7,432,549.22</b>	<b>\$3,282.00</b>	<b>\$0.00</b>	<b>\$7,429,267.22</b>	<b>0.04%</b>

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	13-14	13-14	NOVEMBER	13-14	% of
	YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 20 GRANT PROGRAMS</b>					
<b>DEPT 422 DENALI COMMISSION/FALSE PASS</b>					
Active E 20-422-000-850 CAPITAL CONSTR	\$103,658.05	\$0.00	\$0.00	\$103,658.05	0.00%
SUBDEPT 000	\$103,658.05	\$0.00	\$0.00	\$103,658.05	0.00%
Total DEPT 422 DENALI COMMISSION/FALSE PASS	\$103,658.05	\$0.00	\$0.00	\$103,658.05	0.00%
<b>DEPT 424 EDA/Akutan Harbor Floats</b>					
Active E 20-424-000-850 CAPITAL CONSTR	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00	0.00%
SUBDEPT 000	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00	0.00%
Total DEPT 424 EDA/Akutan Harbor Floats	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00	0.00%
<b>DEPT 499 Cold Bay Airport-Apron&amp;Taxiway</b>					
Active E 20-499-049-850 CAPITAL CONSTR	\$2,000,000.00	\$0.00	\$0.00	\$2,000,000.00	0.00%
SUBDEPT 049 DCCED-13-DC-501	\$2,000,000.00	\$0.00	\$0.00	\$2,000,000.00	0.00%
Total DEPT 499 Cold Bay Airport-Apron&Taxiway	\$2,000,000.00	\$0.00	\$0.00	\$2,000,000.00	0.00%
<b>DEPT 502 Cold Bay Dock/Grant</b>					
Active E 20-502-000-600 REPAIRS	\$71,000.00	\$0.00	\$0.00	\$71,000.00	0.00%
SUBDEPT 000	\$71,000.00	\$0.00	\$0.00	\$71,000.00	0.00%
Total DEPT 502 Cold Bay Dock/Grant	\$71,000.00	\$0.00	\$0.00	\$71,000.00	0.00%
<b>DEPT 504 Nelson Lagoon Erosion</b>					
Active E 20-504-000-850 CAPITAL CONSTR	\$238,410.36	\$0.00	\$0.00	\$238,410.36	0.00%
SUBDEPT 000	\$238,410.36	\$0.00	\$0.00	\$238,410.36	0.00%
Total DEPT 504 Nelson Lagoon Erosion	\$238,410.36	\$0.00	\$0.00	\$238,410.36	0.00%
<b>DEPT 513 COLD BAY APRON PROJECT</b>					
Active E 20-513-000-850 CAPITAL CONSTR	\$225,000.00	\$0.00	\$0.00	\$225,000.00	0.00%
SUBDEPT 000	\$225,000.00	\$0.00	\$0.00	\$225,000.00	0.00%
Total DEPT 513 COLD BAY APRON PROJECT	\$225,000.00	\$0.00	\$0.00	\$225,000.00	0.00%
<b>DEPT 516 Library Grant Program</b>					
Active E 20-516-000-475 SUPPLIES	\$1,106.17	\$0.00	\$0.00	\$1,106.17	0.00%
SUBDEPT 000	\$1,106.17	\$0.00	\$0.00	\$1,106.17	0.00%
Total DEPT 516 Library Grant Program	\$1,106.17	\$0.00	\$0.00	\$1,106.17	0.00%
<b>DEPT 518 CIAP-Create A Resource LandUse</b>					
Active E 20-518-000-850 CAPITAL CONSTR	\$226,544.52	\$3,452.60	\$40.60	\$223,091.92	1.52%
SUBDEPT 000	\$226,544.52	\$3,452.60	\$40.60	\$223,091.92	1.52%
Total DEPT 518 CIAP-Create A Resource LandUse	\$226,544.52	\$3,452.60	\$40.60	\$223,091.92	1.52%
<b>DEPT 802 CAPITAL - COLD BAY</b>					
Active E 20-802-000-850 CAPITAL CONSTR	\$60,000.00	\$0.00	\$0.00	\$60,000.00	0.00%
SUBDEPT 000	\$60,000.00	\$0.00	\$0.00	\$60,000.00	0.00%
Total DEPT 802 CAPITAL - COLD BAY	\$60,000.00	\$0.00	\$0.00	\$60,000.00	0.00%
<b>DEPT 803 CAPITAL - FALSE PASS</b>					
Active E 20-803-000-850 CAPITAL CONSTR	\$14,070.13	\$0.00	\$0.00	\$14,070.13	0.00%
SUBDEPT 000	\$14,070.13	\$0.00	\$0.00	\$14,070.13	0.00%
Total DEPT 803 CAPITAL - FALSE PASS	\$14,070.13	\$0.00	\$0.00	\$14,070.13	0.00%
<b>DEPT 813 Akutan Airport/CIP Trident</b>					
Active E 20-813-000-850 CAPITAL CONSTR	\$345,032.15	\$301.74	\$0.00	\$344,730.41	0.09%
SUBDEPT 000	\$345,032.15	\$301.74	\$0.00	\$344,730.41	0.09%
Total DEPT 813 Akutan Airport/CIP Trident	\$345,032.15	\$301.74	\$0.00	\$344,730.41	0.09%
<b>DEPT 867 KCC Alternative Road</b>					
Active E 20-867-000-300 SALARIES	\$0.00	\$1,050.00	\$75.00	-\$1,050.00	0.00%
Active E 20-867-000-350 FRINGE BENEFITS	\$0.00	\$736.59	\$7.86	-\$736.59	0.00%

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		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
Active	E 20-867-000-380 CONTRACT LABO	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 20-867-000-381 ENGINEERING	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 20-867-000-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 20-867-000-475 SUPPLIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>SUBDEPT 000</b>	\$0.00	\$1,786.59	\$82.86	-\$1,786.59	0.00%
Active	E 20-867-168-300 SALARIES	\$17,800.00	\$0.00	\$0.00	\$17,800.00	0.00%
Active	E 20-867-168-350 FRINGE BENEFITS	\$8,985.46	\$0.00	\$0.00	\$8,985.46	0.00%
Active	E 20-867-168-381 ENGINEERING	\$943,500.00	\$0.00	\$0.00	\$943,500.00	0.00%
Active	E 20-867-168-400 TRAVEL AND PER	\$5,926.49	\$0.00	\$0.00	\$5,926.49	0.00%
Active	E 20-867-168-850 CAPITAL CONSTR	\$982,780.08	\$0.00	\$0.00	\$982,780.08	0.00%
	<b>SUBDEPT 168 KCAP/09-DC-359</b>	\$1,958,992.03	\$0.00	\$0.00	\$1,958,992.03	0.00%
Active	E 20-867-169-300 SALARIES	\$0.00	\$3,225.00	\$300.00	-\$3,225.00	0.00%
Active	E 20-867-169-350 FRINGE BENEFITS	\$0.00	\$7,553.33	\$31.44	-\$7,553.33	0.00%
Active	E 20-867-169-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 20-867-169-753 MISC EXPENSE	\$3,340.82	\$0.00	\$0.00	\$3,340.82	0.00%
Active	E 20-867-169-850 CAPITAL CONSTR	\$741,058.88	\$0.00	\$0.00	\$741,058.88	0.00%
	<b>SUBDEPT 169 KCAP Road Completion</b>	\$744,399.70	\$10,778.33	\$331.44	\$733,621.37	1.45%
	<b>Total DEPT 867 KCC Alternative Road</b>	\$2,703,391.73	\$12,564.92	\$414.30	\$2,690,826.81	0.46%
<b>DEPT 900 OTHER</b>						
Active	E 20-900-000-753 MISC EXPENSE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 20-900-000-850 CAPITAL CONSTR	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>SUBDEPT 000</b>	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>Total DEPT 900 OTHER</b>	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>Total Fund 20 GRANT PROGRAMS</b>	\$6,988,213.11	\$16,319.26	\$454.90	\$6,971,893.85	0.23%

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		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 22 OPERATIONS</b>						
Active	R 22-203 OTHER REVENUE	\$0.00	\$771.50	\$0.00	-\$771.50	0.00%
Active	R 22-204 OPERATING TRANSFER F	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 22-221 COLD BAY TERMINAL LEA	\$139,620.00	\$58,175.55	\$16,635.11	\$81,444.45	41.67%
Active	R 22-222 COLD BAY TERMINAL OTH	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 22-245 HOVERCRAFT/MEDEVACS	\$5,000.00	\$0.00	\$0.00	\$5,000.00	0.00%
Active	R 22-246 HOVERCRAFT /TICKETS	\$250,000.00	\$102,480.00	\$10,000.00	\$147,520.00	40.99%
Active	R 22-247 HOVERCRAFT/ VEHICLES	\$10,000.00	\$5,048.00	\$500.00	\$4,952.00	50.48%
Active	R 22-248 HOVERCRAFT/ FREIGHT	\$220,000.00	\$185,043.40	\$65,829.82	\$34,956.60	84.11%
	<b>Total Fund 22 OPERATIONS</b>	<b>\$624,620.00</b>	<b>\$351,518.45</b>	<b>\$92,964.93</b>	<b>\$273,101.55</b>	<b>56.28%</b>

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		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 22 OPERATIONS</b>						
<b>DEPT 802 CAPITAL - COLD BAY</b>						
Active	E 22-802-200-300 SALARIES	\$25,500.00	\$10,567.20	\$2,113.44	\$14,932.80	41.44%
Active	E 22-802-200-350 FRINGE BENEFITS	\$3,617.00	\$1,107.50	\$221.50	\$2,509.50	30.62%
Active	E 22-802-200-380 CONTRACT LABO	\$35,000.00	\$3,543.23	\$0.00	\$31,456.77	10.12%
Active	E 22-802-200-400 TRAVEL AND PER	\$3,000.00	\$0.00	\$0.00	\$3,000.00	0.00%
Active	E 22-802-200-425 TELEPHONE	\$4,500.00	\$2,652.38	\$585.17	\$1,847.62	59.02%
Active	E 22-802-200-475 SUPPLIES	\$15,000.00	\$956.41	\$35.00	\$14,043.59	6.38%
Active	E 22-802-200-525 RENTAL/LEASE	\$5,335.00	\$0.00	\$0.00	\$5,335.00	0.00%
Active	E 22-802-200-526 UTILITIES	\$24,000.00	\$10,955.05	\$5,008.94	\$13,044.95	45.65%
Active	E 22-802-200-551 LEGAL	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 22-802-200-576 GAS	\$1,500.00	\$0.00	\$0.00	\$1,500.00	0.00%
Active	E 22-802-200-577 FUEL	\$15,000.00	\$8,916.07	\$5,742.07	\$6,083.93	59.44%
Active	E 22-802-200-770 Depreciation Expen	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>SUBDEPT 200 COLD BAY TERMINAL</b>		<b>\$132,452.00</b>	<b>\$38,697.84</b>	<b>\$13,706.12</b>	<b>\$93,750.52</b>	<b>29.22%</b>
<b>Total DEPT 802 CAPITAL - COLD BAY</b>		<b>\$132,452.00</b>	<b>\$38,697.84</b>	<b>\$13,706.12</b>	<b>\$93,750.52</b>	<b>29.22%</b>
<b>DEPT 843 Hovercraft Operation</b>						
Active	E 22-843-100-300 SALARIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 22-843-100-350 FRINGE BENEFITS	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 22-843-100-380 CONTRACT LABO	\$2,317,000.00	\$735,910.76	\$142,426.53	\$1,581,089.24	31.76%
Active	E 22-843-100-400 TRAVEL AND PER	\$0.00	\$47,580.00	\$12,090.00	-\$47,580.00	0.00%
Active	E 22-843-100-425 TELEPHONE	\$2,500.00	\$607.65	\$120.00	\$1,892.35	24.31%
Active	E 22-843-100-475 SUPPLIES	\$100,000.00	\$493,991.98	\$437.91	-\$393,991.98	494.32%
Active	E 22-843-100-500 EQUIPMENT	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 22-843-100-526 UTILITIES	\$5,000.00	\$0.00	\$0.00	\$5,000.00	0.00%
Active	E 22-843-100-552 INSURANCE	\$215,000.00	\$0.00	\$0.00	\$215,000.00	0.00%
Active	E 22-843-100-576 GAS	\$10,000.00	\$1,866.15	\$1,492.92	\$8,133.85	18.66%
Active	E 22-843-100-577 FUEL	\$445,000.00	\$199,016.48	\$166,485.16	\$245,983.52	44.72%
Active	E 22-843-100-770 Depreciation Expen	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>SUBDEPT 100 HOVERCRAFT OPERATION</b>		<b>\$3,094,500.00</b>	<b>\$1,478,973.02</b>	<b>\$323,052.52</b>	<b>\$1,615,203.51</b>	<b>47.79%</b>
<b>Total DEPT 843 Hovercraft Operation</b>		<b>\$3,094,500.00</b>	<b>\$1,478,973.02</b>	<b>\$323,052.52</b>	<b>\$1,615,203.51</b>	<b>47.79%</b>
<b>Total Fund 22 OPERATIONS</b>		<b>\$3,226,952.00</b>	<b>\$1,517,670.86</b>	<b>\$336,758.64</b>	<b>\$1,708,954.03</b>	<b>47.03%</b>

## ALEUTIANS EAST BOROUGH

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## \*Revenue Guideline©

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Current Period: NOVEMBER 13-14

		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 24 BOND CONSTRUCTION</b>						
Active	R 24-201 INTEREST REVENUE	\$0.00	\$13,518.40	\$9,016.40	-\$13,518.40	0.00%
Active	R 24-203 OTHER REVENUE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 24-204 OPERATING TRANSFER F	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 24-227 COE-HARBOR PROJECTS	\$2,052,245.00	\$0.00	\$0.00	\$2,052,245.00	0.00%
Active	R 24-259 BOND PROCEEDS	\$1,070,821.50	\$0.00	\$0.00	\$1,070,821.50	0.00%
Active	R 24-270 STATE REVENUE OTHER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 24-277 STATE BOND REBATE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>Total Fund 24 BOND CONSTRUCTION</b>	<b>\$3,123,066.50</b>	<b>\$13,518.40</b>	<b>\$9,016.40</b>	<b>\$3,109,548.10</b>	<b>0.43%</b>

# ALEUTIANS EAST BOROUGH

## \*Expenditure Guideline©

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Current Period: NOVEMBER 13-14

	13-14 YTD Budget	13-14 YTD Amt	NOVEMBER MTD Amt	13-14 YTD Balance	% of Budget
<b>Fund 24 BOND CONSTRUCTION</b>					
<b>DEPT 809 Akutan Airport/Grant</b>					
Active E 24-809-000-850 CAPITAL CONSTR	\$786,249.79	\$32,665.58	\$32,665.58	\$753,584.21	4.15%
<b>SUBDEPT 000</b>	\$786,249.79	\$32,665.58	\$32,665.58	\$753,584.21	4.15%
<b>Total DEPT 809 Akutan Airport/Grant</b>	\$786,249.79	\$32,665.58	\$32,665.58	\$753,584.21	4.15%
<b>DEPT 830 KING COVE HARBOR</b>					
Active E 24-830-000-850 CAPITAL CONSTR	\$89,676.00	\$0.00	\$0.00	\$89,676.00	0.00%
<b>SUBDEPT 000</b>	\$89,676.00	\$0.00	\$0.00	\$89,676.00	0.00%
<b>Total DEPT 830 KING COVE HARBOR</b>	\$89,676.00	\$0.00	\$0.00	\$89,676.00	0.00%
<b>DEPT 831 SAND POINT HARBOR</b>					
Active E 24-831-132-850 CAPITAL CONSTR	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>SUBDEPT 132 Sand Point Harbor</b>	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active E 24-831-133-850 CAPITAL CONSTR	\$2,000,000.00	\$2,000,000.00	\$0.00	\$0.00	100.00%
<b>SUBDEPT 133 Robert E Galovin Boat Harbor</b>	\$2,000,000.00	\$2,000,000.00	\$0.00	\$0.00	100.00%
<b>Total DEPT 831 SAND POINT HARBOR</b>	\$2,000,000.00	\$2,000,000.00	\$0.00	\$0.00	100.00%
<b>DEPT 833 FALSE PASS HARBOR</b>					
Active E 24-833-000-850 CAPITAL CONSTR	\$397,966.43	\$0.00	\$0.00	\$397,966.43	0.00%
<b>SUBDEPT 000</b>	\$397,966.43	\$0.00	\$0.00	\$397,966.43	0.00%
<b>Total DEPT 833 FALSE PASS HARBOR</b>	\$397,966.43	\$0.00	\$0.00	\$397,966.43	0.00%
<b>DEPT 839 AKUTAN HARBOR</b>					
Active E 24-839-000-850 CAPITAL CONSTR	\$1,045,858.23	\$0.00	\$0.00	\$1,045,858.23	0.00%
<b>SUBDEPT 000</b>	\$1,045,858.23	\$0.00	\$0.00	\$1,045,858.23	0.00%
<b>Total DEPT 839 AKUTAN HARBOR</b>	\$1,045,858.23	\$0.00	\$0.00	\$1,045,858.23	0.00%
<b>DEPT 862 NELSON LAGOON DOCK</b>					
Active E 24-862-000-850 CAPITAL CONSTR	\$17,809.36	\$0.00	\$0.00	\$17,809.36	0.00%
<b>SUBDEPT 000</b>	\$17,809.36	\$0.00	\$0.00	\$17,809.36	0.00%
<b>Total DEPT 862 NELSON LAGOON DOCK</b>	\$17,809.36	\$0.00	\$0.00	\$17,809.36	0.00%
<b>DEPT 867 KCC Alternative Road</b>					
Active E 24-867-169-850 CAPITAL CONSTR	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>SUBDEPT 169 KCAP Road Completion</b>	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>Total DEPT 867 KCC Alternative Road</b>	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>DEPT 900 OTHER</b>					
Active E 24-900-000-380 CONTRACT LABO	\$0.00	\$9,356.40	\$0.00	-\$9,356.40	0.00%
Active E 24-900-000-725 BOND INTEREST	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active E 24-900-000-745 Bond Sale Expense	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active E 24-900-000-850 CAPITAL CONSTR	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>SUBDEPT 000</b>	\$0.00	\$9,356.40	\$0.00	-\$12,555.42	0.00%
<b>Total DEPT 900 OTHER</b>	\$0.00	\$9,356.40	\$0.00	-\$12,555.42	0.00%
<b>Total Fund 24 BOND CONSTRUCTION</b>	\$4,337,559.81	\$2,042,021.98	\$32,665.58	\$2,292,338.81	47.08%



## ALEUTIANS EAST BOROUGH

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## \*Revenue Guideline©

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Current Period: NOVEMBER 13-14

		13-14 YTD Budget	13-14 YTD Amt	NOVEMBER MTD Amt	13-14 YTD Balance	% of Budget
<b>Fund 30 BOND FUND</b>						
Active	R 30-201 INTEREST REVENUE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 30-203 OTHER REVENUE	\$1,597,432.52	\$0.00	\$0.00	\$1,597,432.52	0.00%
Active	R 30-204 OPERATING TRANSFER F	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 30-259 BOND PROCEEDS	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>Total Fund 30 BOND FUND</b>	<b>\$1,597,432.52</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,597,432.52</b>	<b>0.00%</b>

# ALEUTIANS EAST BOROUGH

## \*Expenditure Guideline©

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Current Period: NOVEMBER 13-14

		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 30 BOND FUND</b>						
<b>DEPT 900 OTHER</b>						
Active	E 30-900-000-725 BOND INTEREST	\$934,432.52	\$697,050.35	\$453,668.75	\$237,382.17	74.60%
Active	E 30-900-000-726 BOND PRINCIPAL	\$663,000.00	\$900,000.00	\$560,000.00	-\$237,000.00	135.75%
Active	E 30-900-000-745 Bond Sale Expense	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>SUBDEPT 000</b>		<u>\$1,597,432.52</u>	<u>\$1,597,050.35</u>	<u>\$1,013,668.75</u>	<u>\$382.17</u>	<u>99.98%</u>
<b>Total DEPT 900 OTHER</b>		<u>\$1,597,432.52</u>	<u>\$1,597,050.35</u>	<u>\$1,013,668.75</u>	<u>\$382.17</u>	<u>99.98%</u>
<b>Total Fund 30 BOND FUND</b>		<u>\$1,597,432.52</u>	<u>\$1,597,050.35</u>	<u>\$1,013,668.75</u>	<u>\$382.17</u>	<u>99.98%</u>

# ALEUTIANS EAST BOROUGH

## \*Revenue Guideline©

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Current Period: NOVEMBER 13-14

		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 40 PERMANENT FUND</b>						
Active	R 40-201 INTEREST REVENUE	\$0.00	\$1,246,647.00	\$260,214.76	-\$1,246,647.00	0.00%
Active	R 40-203 OTHER REVENUE	\$350,000.00	\$0.00	\$0.00	\$350,000.00	0.00%
Active	R 40-204 OPERATING TRANSFER F	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 40-230 LAND SALES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>Total Fund 40 PERMANENT FUND</b>		<b>\$350,000.00</b>	<b>\$1,246,647.00</b>	<b>\$260,214.76</b>	<b>-\$896,647.00</b>	<b>356.18%</b>

# ALEUTIANS EAST BOROUGH

## \*Expenditure Guideline©

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Current Period: NOVEMBER 13-14

	13-14 YTD Budget	13-14 YTD Amt	NOVEMBER MTD Amt	13-14 YTD Balance	% of Budget
<b>Fund 40 PERMANENT FUND</b>					
<b>DEPT 900 OTHER</b>					
Active E 40-900-000-380 CONTRACT LABO	\$35,000.00	\$9,356.41	\$0.00	\$25,643.59	35.87%
Active E 40-900-000-751 OPERATING TRAN	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>SUBDEPT 000</b>	<u>\$35,000.00</u>	<u>\$9,356.41</u>	<u>\$0.00</u>	<u>\$22,444.57</u>	<u>26.73%</u>
<b>Total DEPT 900 OTHER</b>	<u>\$35,000.00</u>	<u>\$9,356.41</u>	<u>\$0.00</u>	<u>\$22,444.57</u>	<u>26.73%</u>
<b>Total Fund 40 PERMANENT FUND</b>	<u>\$35,000.00</u>	<u>\$9,356.41</u>	<u>\$0.00</u>	<u>\$22,444.57</u>	<u>26.73%</u>

# ALEUTIANS EAST BOROUGH

## \*Revenue Guideline©

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Current Period: NOVEMBER 13-14

		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 41 MAINTENANCE RESERVE FUND</b>						
Active	R 41-201 INTEREST REVENUE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 41-203 OTHER REVENUE	\$100,000.00	\$0.00	\$0.00	\$100,000.00	0.00%
Active	R 41-204 OPERATING TRANSFER F	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	R 41-276 AEB SCHOOL	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
<b>Total Fund 41 MAINTENANCE RESERVE FUND</b>		<b>\$100,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$100,000.00</b>	<b>0.00%</b>

## ALEUTIANS EAST BOROUGH

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## \*Expenditure Guideline©

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Current Period: NOVEMBER 13-14

		13-14	13-14	NOVEMBER	13-14	% of
		YTD Budget	YTD Amt	MTD Amt	YTD Balance	Budget
<b>Fund 41 MAINTENANCE RESERVE FUND</b>						
<b>DEPT 800 CAPITAL - SCHOOL</b>						
Active	E 41-800-857-300 SALARIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-857-350 FRINGE BENEFITS	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-857-380 CONTRACT LABO	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-857-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-857-475 SUPPLIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-857-850 CAPITAL CONSTR	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>SUBDEPT 857 FALSE PASS SCHOOL</b>	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-865-300 SALARIES	\$0.00	\$4,080.00	\$4,080.00	-\$4,080.00	0.00%
Active	E 41-800-865-350 FRINGE BENEFITS	\$0.00	\$427.59	\$427.59	-\$427.59	0.00%
Active	E 41-800-865-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-865-475 SUPPLIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>SUBDEPT 865 Akutan School</b>	\$0.00	\$4,507.59	\$4,507.59	-\$4,507.59	0.00%
Active	E 41-800-866-300 SALARIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-866-350 FRINGE BENEFITS	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-866-380 CONTRACT LABO	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-866-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-866-425 TELEPHONE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-866-475 SUPPLIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-866-850 CAPITAL CONSTR	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>SUBDEPT 866 NELSON LAGOON SCHOOL</b>	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-867-300 SALARIES	\$0.00	\$15,135.00	\$0.00	-\$15,135.00	0.00%
Active	E 41-800-867-350 FRINGE BENEFITS	\$0.00	\$1,586.16	\$0.00	-\$1,586.16	0.00%
Active	E 41-800-867-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-867-475 SUPPLIES	\$0.00	\$3,552.53	\$0.00	-\$3,552.53	0.00%
Active	E 41-800-867-850 CAPITAL CONSTR	\$0.00	\$150,758.00	\$0.00	-\$150,758.00	0.00%
	<b>SUBDEPT 867 Sand Point School</b>	\$0.00	\$171,031.69	\$0.00	-\$171,144.93	0.00%
Active	E 41-800-868-300 SALARIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-868-350 FRINGE BENEFITS	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-868-380 CONTRACT LABO	\$0.00	\$313.40	\$0.00	-\$313.40	0.00%
Active	E 41-800-868-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-868-475 SUPPLIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-868-551 LEGAL	\$0.00	\$14,238.70	\$0.00	-\$14,238.70	0.00%
Active	E 41-800-868-577 FUEL	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-868-852 ASPHALT PAVING	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>SUBDEPT 868 King Cove School</b>	\$0.00	\$14,552.10	\$0.00	-\$14,552.10	0.00%
Active	E 41-800-869-300 SALARIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-869-350 FRINGE BENEFITS	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-869-380 CONTRACT LABO	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-869-400 TRAVEL AND PER	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-869-475 SUPPLIES	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Active	E 41-800-869-942 PROPERTY LEASE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>SUBDEPT 869 COLD BAY SCHOOL</b>	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>Total DEPT 800 CAPITAL - SCHOOL</b>	\$0.00	\$190,091.38	\$4,507.59	-\$190,204.62	0.00%
<b>DEPT 900 OTHER</b>						
Active	E 41-900-000-753 MISC EXPENSE	\$100,000.00	\$0.00	\$0.00	\$100,000.00	0.00%
Active	E 41-900-000-880 LAND	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
	<b>SUBDEPT 000</b>	\$100,000.00	\$0.00	\$0.00	\$100,000.00	0.00%
	<b>Total DEPT 900 OTHER</b>	\$100,000.00	\$0.00	\$0.00	\$100,000.00	0.00%
	<b>Total Fund 41 MAINTENANCE RESERVE FUND</b>	\$100,000.00	\$190,091.38	\$4,507.59	-\$90,204.62	190.09%

**ALEUTIANS EAST BOROUGH**

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**\*Expenditure Guideline©**

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Current Period: NOVEMBER 13-14

	13-14 YTD Budget	13-14 YTD Amt	NOVEMBER MTD Amt	13-14 YTD Balance	% of Budget
Report Total	\$20,158,338.44	\$6,727,152.66	\$1,555,487.08	\$13,392,461.61	33.37%

# INVESTMENT REPORT





November 8, 2013

Mr. Rick Gifford  
Administrator  
Aleutians East Borough  
3380 C Street, Suite 205  
Anchorage, Alaska 99503

*sent via email*

Dear Rick,

Enclosed is the October 2013 report for the Aleutians East Borough, which includes a listing of portfolio assets, purchases and sales.

**Permanent Fund:**

The month-end market value of the portfolio was \$34,998,793, which includes \$76,934 in accrued interest receivable. Estimated annual cash income from the portfolio, excluding dividends on equities, is \$305,722.

**Series E account:**

The month-end market value of the portfolio was \$2,454,595.

**Akutan Harbor-2006A:**

The month-end market value of the account was \$1,519,686.

**Operating Fund:**

The month-end market value of the portfolio was \$2,513,873.

**2010 Series A:**

The month-end balance \$1,012,933.

**2010 Series B:**

The month-end balance was \$2,017,754.

If we can provide anything further please let us know. See you on the 12<sup>th</sup>.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Wagnon", is positioned above the name Bert Wagnon.

Bert Wagnon  
Senior Vice President

A handwritten signature in blue ink, appearing to read "E. Rose", is positioned above the name Evan Rose.

Evan Rose  
President and CEO

cc via email: Anne Bailey, Office Manager,  
Linda Mack, Administrative Clerk

Alaska Permanent Capital Management Co.  
**PORTFOLIO SUMMARY AND TARGET**  
**ALEUTIANS EAST BOROUGH**  
*October 31, 2013*

<b>Asset Class &amp; Target</b>	<b>Market Value</b>	<b>% Assets</b>	<b>Range</b>
<b>FIXED INCOME (34%)</b>			
US Fixed Income (34.0%)	10,899,135	31.1	25% to 60%
Cash (0.0%)	15,889	0.0	na
<b>Subtotal:</b>	<b>10,915,024</b>	<b>31.2</b>	
<b>EQUITY (66%)</b>			
US Large Cap (36.0%)	13,030,322	37.2	30% to 50%
US Mid Cap (5.0%)	1,985,172	5.7	0% to 10%
Developed International Equity (10.0%)	3,635,895	10.4	5% to 15%
Emerging Markets (5.0%)	2,258,742	6.5	0% to 10%
Real Estate (10.0%)	3,173,551	9.1	5% to 15%
<b>Subtotal:</b>	<b>24,083,683</b>	<b>68.8</b>	
<b>TOTAL PORTFOLIO</b>	<b>34,998,706</b>	<b>100</b>	

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**ALEUTIANS EAST BOROUGH**  
*October 31, 2013*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
<b>U.S. TREASURY</b>									
350,000	US TREASURY NOTES 0.250% Due 11-30-13	100.00	350,014	100.01	350,042	1.00	875	368	0.10
125,000	US TREASURY NOTES 1.875% Due 02-28-14	98.35	122,940	100.59	125,732	0.36	2,344	401	0.11
300,000	US TREASURY NOTES 2.625% Due 06-30-14	100.45	301,337	101.66	304,980	0.87	7,875	2,654	0.13
400,000	US TREASURY NOTES 0.250% Due 02-28-15	100.01	400,031	100.06	400,236	1.14	1,000	171	0.21
700,000	US TREASURY NOTES 0.250% Due 08-15-15	99.80	698,578	99.96	699,755	2.00	1,750	371	0.27
525,000	US TREASURY NOTES 1.250% Due 10-31-15	97.52	511,991	101.86	534,760	1.53	6,562	18	0.32
250,000	US TREASURY NOTES 0.625% Due 05-31-17	99.52	248,799	99.28	248,202	0.71	1,562	657	0.83
250,000	US TREASURY NOTES 1.875% Due 09-30-17	103.03	257,568	103.49	258,730	0.74	4,687	412	0.96
275,000	US TREASURY NOTES 3.375% Due 11-15-19	97.63	268,490	110.16	302,951	0.87	9,281	4,288	1.60
150,000	US TREASURY NOTES 3.500% Due 05-15-20	104.04	156,059	110.77	166,149	0.47	5,250	2,425	1.75
950,000	US TREASURY NOTES 1.375% Due 05-31-20	98.87	939,262	97.09	922,317	2.64	13,062	5,496	1.85
500,000	US TREASURY NOTES 2.500% Due 08-15-23	97.85	489,258	99.62	498,125	1.42	12,500	2,649	2.54
	Accrued Interest				19,911	0.06			
			4,744,327		4,831,891	13.81		19,911	
<b>AGENCIES</b>									
250,000	FNMA* 0.625% Due 04-11-17	100.00	250,000	100.03	250,070	0.71	1,562	87	0.62
400,000	FHLB 4.875% Due 05-17-17	99.74	398,946	114.09	456,348	1.30	19,500	8,883	0.83
500,000	FNMA* 0.800% Due 02-28-18	98.26	491,300	98.26	491,315	1.40	4,000	700	1.21
	Accrued Interest				9,670	0.03			
			1,140,246		1,207,403	3.45		9,670	
<b>FNMA &amp; FHLMC</b>									
71,611	FHLMC 4.00% POOL G14203 4.000% Due 04-01-26	104.56	74,878	105.74	75,720	0.22	2,864	239	2.22

\* Callable security

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**ALEUTIANS EAST BOROUGH**  
*October 31, 2013*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
	Accrued Interest				239	0.00			
			74,878		75,959	0.22		239	
<b>ASSET-BACKED SECURITIES</b>									
150,000	GE CAPITAL CREDIT CARD MASTER NOTE 3.800% Due 11-15-17	107.25	160,875	103.23	154,844	0.44	5,700	253	0.68
	Accrued Interest				253	0.00			
			160,875		155,098	0.44		253	
<b>CORPORATE BONDS</b>									
100,000	CATERPILLAR FINANCIAL 6.125% Due 02-17-14	100.12	100,125	101.71	101,714	0.29	6,125	1,259	0.29
150,000	TOYOTA MOTOR CREDIT CORP 1.000% Due 02-17-15	100.85	151,270	100.81	151,213	0.43	1,500	308	0.37
100,000	MORGAN STANLEY 6.000% Due 04-28-15	95.25	95,250	107.13	107,134	0.31	6,000	50	1.16
150,000	CITIGROUP INC 4.750% Due 05-19-15	108.33	162,493	105.61	158,409	0.45	7,125	3,206	1.09
250,000	GENERAL ELECT CAP CORP MED TERM NT SER A 6.900% Due 09-15-15	104.49	261,227	110.68	276,697	0.79	17,250	2,204	1.12
150,000	PPG INDUSTRIES INC 1.900% Due 01-15-16	98.62	147,937	101.69	152,541	0.44	2,850	839	1.12
150,000	HSBC FINANCE CORP 5.500% Due 01-19-16	97.07	145,611	109.20	163,801	0.47	8,250	2,337	1.27
150,000	BRITISH COLUMBIA PROV OF 2.100% Due 05-18-16	99.98	149,971	103.79	155,685	0.44	3,150	1,426	0.60
150,000	CONOCOPHILLIPS CANADA 5.625% Due 10-15-16	117.91	176,866	113.46	170,190	0.49	8,437	375	0.99
150,000	JOHN DEERE CAPITAL CORP 2.000% Due 01-13-17	102.52	153,774	102.78	154,165	0.44	3,000	900	1.11
150,000	BANK OF NEW YORK MELLON 1.969% Due 06-20-17	103.68	155,515	101.86	152,787	0.44	2,953	1,075	1.44
150,000	STATOIL ASA 3.125% Due 08-17-17	107.07	160,599	106.45	159,675	0.46	4,687	964	1.37
150,000	ASTRAZENECA PLC 5.900% Due 09-15-17	101.14	151,711	116.52	174,783	0.50	8,850	1,131	1.49
150,000	EXELON GENERATION CO LLC 6.200% Due 10-01-17	117.17	175,749	114.72	172,084	0.49	9,300	775	2.25
150,000	JPMORGAN CHASE 6.000% Due 01-15-18	103.99	155,979	115.66	173,490	0.50	9,000	2,650	2.09
250,000	UNITED PARCEL SERVICE 5.500% Due 01-15-18	118.60	296,495	115.14	287,847	0.82	13,750	4,049	1.75

\* Callable security

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**ALEUTIANS EAST BOROUGH**  
*October 31, 2013*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
150,000	WACHOVIA CORP GLOBAL MEDIUM 5.750% Due 02-01-18	99.57	149,358	116.71	175,068	0.50	8,625	2,156	1.66
200,000	UNITED HEALTH GROUP INC 6.000% Due 02-15-18	121.46	242,916	117.12	234,240	0.67	12,000	2,533	1.83
150,000	BANK OF AMERICA CORP 5.650% Due 05-01-18	83.68	125,521	114.07	171,102	0.49	8,475	4,237	2.34
150,000	COMMONWEALTH EDISON 6.950% Due 07-15-18	123.20	184,800	115.84	173,755	0.50	10,425	3,070	3.29
150,000	GOLDMAN SACHS GROUP INC. 7.500% Due 02-15-19	116.51	174,771	122.79	184,183	0.53	11,250	2,375	2.83
150,000	PROCTER & GAMBLE CO. 4.700% Due 02-15-19	119.15	178,728	114.04	171,066	0.49	7,050	1,488	1.90
150,000	VERIZON COMMUNICATIONS 6.350% Due 04-01-19	125.02	187,530	118.12	177,187	0.51	9,525	794	2.73
150,000	MICROSOFT CORP 4.200% Due 06-01-19	117.24	175,854	111.15	166,723	0.48	6,300	2,625	2.07
153,934	SOUTHWEST AIRLS 2007-1 PASS 6.150% Due 08-01-22	102.36	157,570	114.87	176,832	0.51	9,467	2,367	4.11
	Accrued Interest				45,194	0.13			
			4,217,624		4,387,569	12.54		45,194	
<b>MUNICIPAL BONDS</b>									
200,000	FAIRBANKS NORTH STAR BORO AK 5.000% Due 09-01-22	120.54	241,078	119.82	239,634	0.68	10,000	1,667	2.49
	Accrued Interest				1,667	0.00			
			241,078		241,301	0.69		1,667	
<b>DOMESTIC LARGE CAP EQUITY FUNDS/ETF</b>									
80,893	VANGUARD INST'L S&P500 INDEX FUND	99.52	8,050,834	161.08	13,030,322	37.23	NA		
<b>DOMESTIC MID CAP EQUITY FUNDS/ETF</b>									
15,444	ISHARES S&P MIDCAP 400	72.41	1,118,232	128.54	1,985,172	5.67	NA		
<b>INTERNATIONAL FUNDS/ETF</b>									
89,006	VANGUARD MSCI EAFE ETF	37.88	3,371,959	40.85	3,635,895	10.39	NA		
<b>EMERGING MARKET FUNDS/ETF</b>									
53,953	VANGUARD EMERGING MARKET ETF	43.10	2,325,355	41.86	2,258,742	6.45	NA		
<b>REAL ESTATE</b>									
45,907	VANGUARD REIT ETF	53.03	2,434,236	69.13	3,173,551	9.07	NA		

\* Callable security

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
***ALEUTIANS EAST BOROUGH***  
*October 31, 2013*

<u>Quantity</u>	<u>Security</u>	<u>Average Cost</u>	<u>Total Average Cost</u>	<u>Price</u>	<u>Market Value</u>	<u>Pct. Assets</u>	<u>Annual Income</u>	<u>Accrued Interest</u>	<u>Yield to Maturity</u>
<b>CASH AND EQUIVALENTS</b>									
	CASH PAYABLE		-250,087		-250,087	-0.71	NA		
	FEDERATED PRIME CASH INST'L SHARES		265,976		265,976	0.76			
	VICTORY MONEY MARKET FUND		0		0	0.00			
			15,889		15,889	0.05			
<b>TOTAL PORTFOLIO</b>			<b>27,895,531</b>		<b>34,998,793</b>	<b>100</b>	<b>305,722</b>	<b>76,934</b>	

\* Callable security

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***ALEUTIANS EAST BOROUGH***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>PURCHASES</b>				
AGENCIES				
10-31-13	11-01-13	FNMA* 0.625% Due 04-11-17	250,000	250,000.00
				<b>250,000.00</b>
<b>DEPOSITS AND EXPENSES</b>				
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		9,418.10
MANAGEMENT FEES				
10-31-13	10-31-13	MANAGEMENT FEES		5,030.00
				<b>14,448.10</b>
<b>INTEREST</b>				
ASSET-BACKED SECURITIES				
10-15-13	10-15-13	GE CAPITAL CREDIT CARD MASTER NOTE 3.800% Due 11-15-17		475.00
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		5.60
CORPORATE BONDS				
10-01-13	10-01-13	EXELON GENERATION CO LLC 6.200% Due 10-01-17		4,650.00
10-01-13	10-01-13	VERIZON COMMUNICATIONS 6.350% Due 04-01-19		4,762.50

\* Callable security

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***ALEUTIANS EAST BOROUGH***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
10-15-13	10-15-13	CONOCOPHILLIPS CANADA		4,218.75
		5.625% Due 10-15-16		
10-28-13	10-28-13	MORGAN STANLEY		3,000.00
		6.000% Due 04-28-15		
				<hr/> 16,631.25
FNMA & FHLMC				
10-15-13	10-15-13	FHLMC 4.00% POOL G14203		244.28
		4.000% Due 04-01-26		
U.S. TREASURY				
10-31-13	10-31-13	US TREASURY NOTES		3,281.25
		1.250% Due 10-31-15		
				<b>20,637.38</b>

**PRINCIPAL PAYDOWNS**

FNMA & FHLMC				
10-15-13	10-15-13	FHLMC 4.00% POOL G14203	1,673.86	1,673.86
		4.000% Due 04-01-26		
				<b>1,673.86</b>

**PURCHASED ACCRUED INTEREST**

AGENCIES				
10-31-13	11-01-13	FNMA*		86.81
		0.625% Due 04-11-17		
				<b>86.81</b>

**WITHDRAW**

CASH AND EQUIVALENTS				
10-16-13	10-16-13	FEDERATED PRIME CASH		814.82
		INST'L SHARES		

\* Callable security



Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***ALEUTIANS EAST BOROUGH***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
10-16-13	10-16-13	FEDERATED PRIME CASH INST'L SHARES		60.00
				874.82
				<b>874.82</b>

\* Callable security

Alaska Permanent Capital Management Co.  
**REALIZED GAINS AND LOSSES**  
***ALEUTIANS EAST BOROUGH***  
*From 10-01-13 Through 10-31-13*

<u>Date</u>	<u>Quantity</u>	<u>Security</u>	<u>Avg. Cost Basis</u>	<u>Proceeds</u>	<u>Gain Or Loss</u>
10-15-13	1,673.86	FHLMC 4.00% POOL G14203 4.000% Due 04-01-26	1,750.23	1,673.86	-76.37
TOTAL GAINS					0.00
TOTAL LOSSES					-76.37
			<b>1,750.23</b>	<b>1,673.86</b>	<b>-76.37</b>

Alaska Permanent Capital Management Co.

**CASH LEDGER**

***ALEUTIANS EAST BOROUGH***

*From 10-01-13 To 10-31-13*

<b>Trade Date</b>	<b>Settle Date</b>	<b>Tran Code</b>	<b>Activity</b>	<b>Security</b>	<b>Amount</b>
<b>CASH PAYABLE</b>					
10-01-13			Beginning Balance		0.00
10-31-13	11-01-13	wd	Purchase	FNMA* 0.625% Due 04-11-17	-250,000.00
10-31-13	11-01-13	wd	Accrued Interest	FNMA* 0.625% Due 04-11-17	-86.81
<b>10-31-13</b>			<b>Ending Balance</b>		<b>-250,086.81</b>
<b>FEDERATED PRIME CASH INST'L SHARES</b>					
10-01-13			Beginning Balance		244,539.44
10-01-13	10-01-13	dp	Interest	EXELON GENERATION CO LLC 6.200% Due 10-01-17	4,650.00
10-01-13	10-01-13	dp	Interest	FEDERATED PRIME CASH INST'L SHARES	5.60
10-01-13	10-01-13	dp	Interest	VERIZON COMMUNICATIONS 6.350% Due 04-01-19	4,762.50
10-01-13	10-01-13	dp	Transfer from	FEDERATED PRIME CASH INST'L SHARES	9,418.10
10-01-13	10-01-13	wd	Transfer to	FEDERATED PRIME CASH INST'L SHARES	-9,418.10
10-15-13	10-15-13	dp	Interest	CONOCOPHILLIPS CANADA 5.625% Due 10-15-16	4,218.75
10-15-13	10-15-13	dp	Interest	FHLMC 4.00% POOL G14203 4.000% Due 04-01-26	244.28
10-15-13	10-15-13	dp	Paydown	FHLMC 4.00% POOL G14203 4.000% Due 04-01-26	1,673.86

\* Callable security

Alaska Permanent Capital Management Co.

**CASH LEDGER**

***ALEUTIANS EAST BOROUGH***

*From 10-01-13 To 10-31-13*

<b>Trade Date</b>	<b>Settle Date</b>	<b>Tran Code</b>	<b>Activity</b>	<b>Security</b>	<b>Amount</b>
10-15-13	10-15-13	dp	Interest	GE CAPITAL CREDIT CARD MASTER NOTE 3.800% Due 11-15-17	475.00
10-16-13	10-16-13	wd	Withdrawal	from Portfolio	-814.82
10-16-13	10-16-13	wd	Withdrawal	from Portfolio	-60.00
10-28-13	10-28-13	dp	Interest	MORGAN STANLEY 6.000% Due 04-28-15	3,000.00
10-31-13	10-31-13	dp	Interest	US TREASURY NOTES 1.250% Due 10-31-15	3,281.25
<b>10-31-13</b>			<b>Ending Balance</b>		<b>265,975.86</b>
<b>VICTORY MONEY MARKET FUND</b>					
10-01-13			Beginning Balance		0.00
<b>10-31-13</b>			<b>Ending Balance</b>		<b>0.00</b>

\* Callable security

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**AEB/AKUTAN HARBOR - 2006 A**  
*October 31, 2013*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
<b>U.S. TREASURY</b>									
250,000	US TREASURY NOTES 1.250% Due 02-15-14	102.45	256,113	100.34	250,840	16.51	3,125	662	0.09
325,000	US TREASURY NOTES 0.250% Due 05-31-14	99.98	324,949	100.08	325,253	21.40	812	342	0.12
250,000	US TREASURY NOTES 0.250% Due 10-15-15	99.77	249,434	99.89	249,735	16.43	625	29	0.30
	Accrued Interest				1,034	0.07			
			830,496		826,862	54.41		1,034	
<b>AGENCIES</b>									
200,000	FNMA 0.875% Due 08-28-14	100.98	201,952	100.58	201,152	13.24	1,750	306	0.18
150,000	FNMA 0.375% Due 03-16-15	100.12	150,175	100.19	150,283	9.89	562	70	0.24
325,000	FNMA* 0.350% Due 06-26-15	100.04	325,123	100.07	325,218	21.40	1,137	395	0.31
	Accrued Interest				772	0.05			
			677,250		677,425	44.58		772	
<b>CASH AND EQUIVALENTS</b>									
	FEDERATED PRIME CASH INST'L SHARES		15,400		15,400	1.01			
<b>TOTAL PORTFOLIO</b>			<b>1,523,146</b>		<b>1,519,687</b>	<b>100</b>	<b>8,012</b>	<b>1,805</b>	

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***AEB/AKUTAN HARBOR - 2006 A***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>PURCHASES</b>				
U.S. TREASURY				
10-11-13	10-15-13	US TREASURY NOTES 0.250% Due 10-15-15	250,000	249,433.59
				<b>249,433.59</b>
<b>DEPOSITS AND EXPENSES</b>				
AFTER FEE PERFORMANCE EXPENSE ACCOUNTS				
10-31-13	10-31-13	MANAGEMENT FEES		218.41
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		0.33
				<b>218.74</b>
<b>INTEREST</b>				
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		0.33
				<b>0.33</b>
<b>SALES, MATURITIES, AND CALLS</b>				
U.S. TREASURY				
10-11-13	10-15-13	US TREASURY NOTES 1.250% Due 02-15-14	250,000	250,947.27
				<b>250,947.27</b>
<b>SOLD ACCRUED INTEREST</b>				
U.S. TREASURY				
10-11-13	10-15-13	US TREASURY NOTES 1.250% Due 02-15-14		518.00
				<b>518.00</b>

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***AEB/AKUTAN HARBOR - 2006 A***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>WITHDRAW</b>				
CASH AND EQUIVALENTS				
10-16-13	10-16-13	FEDERATED PRIME CASH		63.23
		INST'L SHARES		
				<b>63.23</b>

Alaska Permanent Capital Management Co.  
**REALIZED GAINS AND LOSSES**  
***AEB/AKUTAN HARBOR - 2006 A***  
*From 10-01-13 Through 10-31-13*

<b>Date</b>	<b>Quantity</b>	<b>Security</b>	<b>Avg. Cost Basis</b>	<b>Proceeds</b>	<b>Gain Or Loss</b>
10-11-13	250,000	US TREASURY NOTES 1.250% Due 02-15-14	256,113.28	250,947.27	-5,166.01
TOTAL GAINS					0.00
TOTAL LOSSES					-5,166.01
			<b>256,113.28</b>	<b>250,947.27</b>	<b>-5,166.01</b>



Alaska Permanent Capital Management Co.

**CASH LEDGER**

***AEB/AKUTAN HARBOR - 2006 A***

*From 10-01-13 To 10-31-13*

<b>Trade Date</b>	<b>Settle Date</b>	<b>Tran Code</b>	<b>Activity</b>	<b>Security</b>	<b>Amount</b>
<b>FEDERATED PRIME CASH INST'L SHARES</b>					
10-01-13			Beginning Balance		13,430.80
10-01-13	10-01-13	dp	Interest	FEDERATED PRIME CASH INST'L SHARES	0.33
10-01-13	10-01-13	dp	Transfer from	FEDERATED PRIME CASH INST'L SHARES	0.33
10-01-13	10-01-13	wd	Transfer to	FEDERATED PRIME CASH INST'L SHARES	-0.33
10-11-13	10-15-13	wd	Purchase	US TREASURY NOTES 0.250% Due 10-15-15	-249,433.59
10-11-13	10-15-13	dp	Sale	US TREASURY NOTES 1.250% Due 02-15-14	250,947.27
10-11-13	10-15-13	dp	Accrued Interest	US TREASURY NOTES 1.250% Due 02-15-14	518.00
10-16-13	10-16-13	wd	Withdrawal	from Portfolio	-63.23
<b>10-31-13</b>			<b>Ending Balance</b>		<b>15,399.58</b>

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
***AEB OPERATING FUND***  
*October 31, 2013*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
<b>U.S. TREASURY</b>									
600,000	US TREASURY NOTES 1.750% Due 01-31-14	102.46	614,742	100.42	602,508	23.97	10,500	2,654	0.08
500,000	US TREASURY NOTES 0.250% Due 05-31-14	100.03	500,156	100.08	500,390	19.91	1,250	526	0.12
500,000	US TREASURY NOTES 0.250% Due 10-31-14	100.02	500,078	100.12	500,625	19.91	1,250	3	0.12
	Accrued Interest				3,183	0.13			
			1,614,977		1,606,706	63.91		3,183	
<b>AGENCIES</b>									
500,000	FNMA 0.625% Due 10-30-14	100.59	502,971	100.44	502,215	19.98	3,125	9	0.18
350,000	FFCB 0.390% Due 12-17-15	99.85	349,475	99.94	349,800	13.91	1,365	508	0.42
	Accrued Interest				517	0.02			
			852,446		852,532	33.91		517	
<b>CASH AND EQUIVALENTS</b>									
	FEDERATED PRIME CASH INST'L SHARES		54,635		54,635	2.17			
<b>TOTAL PORTFOLIO</b>			<b>2,522,057</b>		<b>2,513,874</b>	<b>100</b>	<b>17,490</b>	<b>3,700</b>	

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***AEB OPERATING FUND***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>DEPOSITS AND EXPENSES</b>				
AFTER FEE PERFORMANCE EXPENSE ACCOUNTS				
10-31-13	10-31-13	MANAGEMENT FEES		361.29
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		1.32
				<b>362.61</b>
<b>INTEREST</b>				
AGENCIES				
10-30-13	10-30-13	FNMA 0.625% Due 10-30-14		1,562.50
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		1.32
U.S. TREASURY				
10-31-13	10-31-13	US TREASURY NOTES 0.250% Due 10-31-14		625.00
				<b>2,188.82</b>
<b>WITHDRAW</b>				
CASH AND EQUIVALENTS				
10-16-13	10-16-13	FEDERATED PRIME CASH INST'L SHARES		104.53
10-16-13	10-16-13	FEDERATED PRIME CASH INST'L SHARES		10.00
				114.53
				<b>114.53</b>

Alaska Permanent Capital Management Co.  
**REALIZED GAINS AND LOSSES**  
***AEB OPERATING FUND***  
*From 10-01-13 Through 10-31-13*

<u>Date</u>	<u>Quantity</u>	<u>Security</u>	<u>Avg. Cost Basis</u>	<u>Proceeds</u>	<u>Gain Or Loss</u>
TOTAL GAINS					0.00
TOTAL LOSSES					0.00
			<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Alaska Permanent Capital Management Co.

**CASH LEDGER**

***AEB OPERATING FUND***

*From 10-01-13 To 10-31-13*

<b>Trade Date</b>	<b>Settle Date</b>	<b>Tran Code</b>	<b>Activity</b>	<b>Security</b>	<b>Amount</b>
<b>FEDERATED PRIME CASH INST'L SHARES</b>					
10-01-13			Beginning Balance		52,560.63
10-01-13	10-01-13	dp	Interest	FEDERATED PRIME CASH INST'L SHARES	1.32
10-01-13	10-01-13	dp	Transfer from	FEDERATED PRIME CASH INST'L SHARES	1.32
10-01-13	10-01-13	wd	Transfer to	FEDERATED PRIME CASH INST'L SHARES	-1.32
10-16-13	10-16-13	wd	Withdrawal	from Portfolio	-104.53
10-16-13	10-16-13	wd	Withdrawal	from Portfolio	-10.00
10-30-13	10-30-13	dp	Interest	FNMA 0.625% Due 10-30-14	1,562.50
10-31-13	10-31-13	dp	Interest	US TREASURY NOTES 0.250% Due 10-31-14	625.00
<b>10-31-13</b>			<b>Ending Balance</b>		<b>54,634.92</b>

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**ALEUTIANS EAST BOROUGH SERIES E BOND**  
*October 31, 2013*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
<b>U.S. TREASURY</b>									
500,000	US TREASURY NOTES 1.750% Due 01-31-14	102.61	513,047	100.42	502,090	20.46	8,750	2,211	0.08
275,000	US TREASURY NOTES 0.250% Due 05-31-14	100.03	275,086	100.08	275,214	11.21	687	290	0.12
500,000	US TREASURY NOTES 0.250% Due 10-31-14	100.02	500,078	100.12	500,625	20.40	1,250	3	0.12
	Accrued Interest				2,504	0.10			
			1,288,211		1,280,434	52.16		2,504	
<b>AGENCIES</b>									
500,000	FNMA 0.625% Due 10-30-14	100.59	502,971	100.44	502,215	20.46	3,125	9	0.18
500,000	FFCB 0.390% Due 12-17-15	99.85	499,250	99.94	499,715	20.36	1,950	726	0.42
	Accrued Interest				735	0.03			
			1,002,221		1,002,665	40.85		735	
<b>CASH AND EQUIVALENTS</b>									
	FEDERATED PRIME CASH INST'L SHARES		171,497		171,497	6.99			
<b>TOTAL PORTFOLIO</b>			<b>2,461,929</b>		<b>2,454,595</b>	<b>100</b>	<b>15,762</b>	<b>3,239</b>	

\* Callable security

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***ALEUTIANS EAST BOROUGH SERIES E BOND***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>DEPOSITS AND EXPENSES</b>				
AFTER FEE PERFORMANCE EXPENSE ACCOUNTS				
10-31-13	10-31-13	MANAGEMENT FEES		352.77
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		1.12
				<b>353.89</b>
<b>INTEREST</b>				
AGENCIES				
10-30-13	10-30-13	FNMA 0.625% Due 10-30-14		1,562.50
10-30-13	10-30-13	FHLMC 0.375% Due 10-30-13		234.38
				<hr/> 1,796.88
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		1.12
U.S. TREASURY				
10-31-13	10-31-13	US TREASURY NOTES 0.250% Due 10-31-14		625.00
				<b>2,423.00</b>
<b>SALES, MATURITIES, AND CALLS</b>				
AGENCIES				
10-30-13	10-30-13	FHLMC 0.375% Due 10-30-13	125,000	125,000.00
				<b>125,000.00</b>

\* Callable security

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***ALEUTIANS EAST BOROUGH SERIES E BOND***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>WITHDRAW</b>				
CASH AND EQUIVALENTS				
10-16-13	10-16-13	FEDERATED PRIME CASH		306.18
		INST'L SHARES		
				<b>306.18</b>

\* Callable security



Alaska Permanent Capital Management Co.  
**REALIZED GAINS AND LOSSES**  
***ALEUTIANS EAST BOROUGH SERIES E BOND***  
*From 10-01-13 Through 10-31-13*

<b>Date</b>	<b>Quantity</b>	<b>Security</b>	<b>Avg. Cost Basis</b>	<b>Proceeds</b>	<b>Gain Or Loss</b>
10-30-13	125,000	FHLMC 0.375% Due 10-30-13	125,087.88	125,000.00	-87.88
TOTAL GAINS					0.00
TOTAL LOSSES					-87.88
			<b>125,087.88</b>	<b>125,000.00</b>	<b>-87.88</b>

Alaska Permanent Capital Management Co.  
**CASH LEDGER**  
**ALEUTIANS EAST BOROUGH SERIES E BOND**  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Tran Code	Activity	Security	Amount
<b>FEDERATED PRIME CASH INST'L SHARES</b>					
10-01-13			Beginning Balance		44,379.83
10-01-13	10-01-13	dp	Interest	FEDERATED PRIME CASH INST'L SHARES	1.12
10-01-13	10-01-13	dp	Transfer from	FEDERATED PRIME CASH INST'L SHARES	1.12
10-01-13	10-01-13	wd	Transfer to	FEDERATED PRIME CASH INST'L SHARES	-1.12
10-16-13	10-16-13	wd	Withdrawal	from Portfolio	-306.18
10-30-13	10-30-13	dp	Interest	FNMA 0.625% Due 10-30-14	1,562.50
10-30-13	10-30-13	dp	Interest	FHLMC 0.375% Due 10-30-13	234.38
10-30-13	10-30-13	dp	Sale	FHLMC 0.375% Due 10-30-13	125,000.00
10-31-13	10-31-13	dp	Interest	US TREASURY NOTES 0.250% Due 10-31-14	625.00
<b>10-31-13</b>			<b>Ending Balance</b>		<b>171,496.65</b>

\* Callable security

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**AEB 2010 SERIES A GO BOND/KCAP**  
*October 31, 2013*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
<b>U.S. TREASURY</b>									
275,000	US TREASURY NOTES 0.750% Due 12-15-13	100.77	277,127	100.08	275,225	27.17	2,062	783	0.08
250,000	US TREASURY NOTES 0.250% Due 03-31-14	99.96	249,902	100.05	250,137	24.69	625	55	0.12
150,000	US TREASURY NOTES 0.250% Due 10-31-14	100.02	150,023	100.12	150,187	14.83	375	1	0.12
	Accrued Interest				839	0.08			
			677,053		676,390	66.78		839	
<b>AGENCIES</b>									
300,000	FNMA 0.500% Due 05-27-15	100.36	301,081	100.34	301,017	29.72	1,500	642	0.28
	Accrued Interest				642	0.06			
			301,081		301,659	29.78		642	
<b>CASH AND EQUIVALENTS</b>									
	FEDERATED PRIME CASH INST'L SHARES		34,885		34,885	3.44			
<b>TOTAL PORTFOLIO</b>			<b>1,013,019</b>		<b>1,012,933</b>	<b>100</b>	<b>4,562</b>	<b>1,481</b>	

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
***AEB 2010 SERIES A GO BOND/KCAP***  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>DEPOSITS AND EXPENSES</b>				
AFTER FEE PERFORMANCE EXPENSE ACCOUNTS				
10-31-13	10-31-13	MANAGEMENT FEES		145.58
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		0.86
				<b>146.44</b>
<b>INTEREST</b>				
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		0.86
U.S. TREASURY				
10-31-13	10-31-13	US TREASURY NOTES 0.250% Due 10-31-14		187.50
				<b>188.36</b>
<b>WITHDRAW</b>				
CASH AND EQUIVALENTS				
10-16-13	10-16-13	FEDERATED PRIME CASH INST'L SHARES		42.14
				<b>42.14</b>

Alaska Permanent Capital Management Co.  
**REALIZED GAINS AND LOSSES**  
***AEB 2010 SERIES A GO BOND/KCAP***  
*From 10-01-13 Through 10-31-13*

<u>Date</u>	<u>Quantity</u>	<u>Security</u>	<u>Avg. Cost Basis</u>	<u>Proceeds</u>	<u>Gain Or Loss</u>
TOTAL GAINS					0.00
TOTAL LOSSES					0.00
			<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Alaska Permanent Capital Management Co.  
**CASH LEDGER**  
***AEB 2010 SERIES A GO BOND/KCAP***  
*From 10-01-13 To 10-31-13*

<b>Trade Date</b>	<b>Settle Date</b>	<b>Tran Code</b>	<b>Activity</b>	<b>Security</b>	<b>Amount</b>
<b>FEDERATED PRIME CASH INST'L SHARES</b>					
10-01-13			Beginning Balance		34,738.41
10-01-13	10-01-13	dp	Interest	FEDERATED PRIME CASH INST'L SHARES	0.86
10-01-13	10-01-13	dp	Transfer from	FEDERATED PRIME CASH INST'L SHARES	0.86
10-01-13	10-01-13	wd	Transfer to	FEDERATED PRIME CASH INST'L SHARES	-0.86
10-16-13	10-16-13	wd	Withdrawal	from Portfolio	-42.14
10-31-13	10-31-13	dp	Interest	US TREASURY NOTES 0.250% Due 10-31-14	187.50
<b>10-31-13</b>			<b>Ending Balance</b>		<b>34,884.63</b>

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**AEB 2010 SERIES B BOND/AKUTAN AIR**  
*October 31, 2013*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
<b>U.S. TREASURY</b>									
500,000	US TREASURY NOTES 0.750% Due 12-15-13	100.77	503,867	100.08	500,410	24.80	3,750	1,424	0.08
175,000	US TREASURY NOTES 0.250% Due 03-31-14	99.96	174,932	100.05	175,096	8.68	437	38	0.12
100,000	US TREASURY NOTES 0.250% Due 10-31-14	100.02	100,016	100.12	100,125	4.96	250	1	0.12
	Accrued Interest				1,463	0.07			
			778,814		777,095	38.51		1,463	
<b>AGENCIES</b>									
750,000	FNMA 0.625% Due 10-30-14	100.59	754,456	100.44	753,322	37.33	4,687	13	0.18
450,000	FNMA 0.500% Due 05-27-15	100.36	451,622	100.34	451,525	22.38	2,250	962	0.28
	Accrued Interest				976	0.05			
			1,206,078		1,205,824	59.76		976	
<b>CASH AND EQUIVALENTS</b>									
	FEDERATED PRIME CASH INST'L SHARES		34,836		34,836	1.73			
<b>TOTAL PORTFOLIO</b>			<b>2,019,729</b>		<b>2,017,754</b>	<b>100</b>	<b>11,375</b>	<b>2,439</b>	

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
**AEB 2010 SERIES B BOND/AKUTAN AIR**  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>DEPOSITS AND EXPENSES</b>				
AFTER FEE PERFORMANCE EXPENSE ACCOUNTS				
10-31-13	10-31-13	MANAGEMENT FEES		289.99
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		0.81
				<b>290.80</b>
<b>INTEREST</b>				
AGENCIES				
10-30-13	10-30-13	FNMA 0.625% Due 10-30-14		2,343.75
CASH AND EQUIVALENTS				
10-01-13	10-01-13	FEDERATED PRIME CASH INST'L SHARES		0.81
U.S. TREASURY				
10-31-13	10-31-13	US TREASURY NOTES 0.250% Due 10-31-14		125.00
				<b>2,469.56</b>
<b>WITHDRAW</b>				
CASH AND EQUIVALENTS				
10-16-13	10-16-13	FEDERATED PRIME CASH INST'L SHARES		83.89
				<b>83.89</b>



Alaska Permanent Capital Management Co.  
**REALIZED GAINS AND LOSSES**  
***AEB 2010 SERIES B BOND/AKUTAN AIR***  
*From 10-01-13 Through 10-31-13*

<u>Date</u>	<u>Quantity</u>	<u>Security</u>	<u>Avg. Cost Basis</u>	<u>Proceeds</u>	<u>Gain Or Loss</u>
TOTAL GAINS					0.00
TOTAL LOSSES					0.00
			<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Alaska Permanent Capital Management Co.  
**CASH LEDGER**  
**AEB 2010 SERIES B BOND/AKUTAN AIR**  
*From 10-01-13 To 10-31-13*

Trade Date	Settle Date	Tran Code	Activity	Security	Amount
<b>FEDERATED PRIME CASH INST'L SHARES</b>					
10-01-13			Beginning Balance		32,450.19
10-01-13	10-01-13	dp	Interest	FEDERATED PRIME CASH INST'L SHARES	0.81
10-01-13	10-01-13	dp	Transfer from	FEDERATED PRIME CASH INST'L SHARES	0.81
10-01-13	10-01-13	wd	Transfer to	FEDERATED PRIME CASH INST'L SHARES	-0.81
10-16-13	10-16-13	wd	Withdrawal	from Portfolio	-83.89
10-30-13	10-30-13	dp	Interest	FNMA 0.625% Due 10-30-14	2,343.75
10-31-13	10-31-13	dp	Interest	US TREASURY NOTES 0.250% Due 10-31-14	125.00
<b>10-31-13</b>			<b>Ending Balance</b>		<b>34,835.86</b>



# MONTHLY PERSPECTIVES

## ECONOMY & MARKETS

### Goldilocks...Again.

October saw the U.S. unemployment rate rise slightly to 7.3% while a modest 204,000 new jobs were created last month. Wells Fargo notes that the labor force participation rate fell to 62.8%, the lowest rate since March 1978. They believe the data is consistent with soft economic growth of +2-2.5%.

The equity markets have been in Goldilocks mode again; an economy not too hot, but not too cold means the Federal Reserve will delay tapering its monthly QE bond buying until next year. And while wage growth has been tepid (less than +2% per year which crimps consumption), inflation is restrained and corporate profit margins are elevated.

The U.S. stock market continued to make new highs in October. Smaller stocks did better than their larger counterparts. Using the three S&P market cap composites, so far this year small-cap stocks lead the pack rising +33.3%, followed by mid-caps at +27.8% and large-caps up +25.3% year to date. The forward P/E's for those markets are elevated at 18.3x, 16.9x and 14.8x, respectively.

Ten year treasury yields have come down over 50 basis points since September to 2.5%, partly on the Fed's decision to not "taper" its bond purchases and news that Janet Yellen is the President's pick to replace Ben Bernanke. She is known to be quite dovish and more worried about unemployment than inflation. On balance that should drive yields higher.

### Unemployment: cyclical or structural?

It matters. If unemployment is cyclical then more aggregate demand via a stronger economy and easy money will lower the unemployment rate. If it is structural we will need different policies to fix it.

While the Federal Reserve seems to believe we have a cyclical unemployment problem, economist Ed Yardeni believes it is structural. He thinks "the Fed

may be trying to ameliorate a problem that can't be fixed with monetary policy" and cites these five reasons supporting his view:

1. The trauma of 2008 was an existential calamity for many companies which still has them cautious. Only time will fix this.
2. Never-ending policy uncertainty in Washington has dampened both business and consumer confidence. And Fed policy described as "unconventional" and "experimental" has to be a reason for caution.
3. The knowledge economy is evolving as machines and technology replace workers and improve productivity. "New workers have their heads in the Cloud." He notes that the jobless rate for those with a college degree is only 3.7%.
4. Government social welfare programs might be causing structural employment as workers simply drop out and don't bother searching for a job or get retraining. He cites several studies suggesting that high welfare payments and extensions of unemployment benefits are creating a disincentive for recipients to leave welfare for work.
5. "Long term unemployment can make any worker progressively less employable, even after the economy strengthens" concedes Janet Yellen. The Great Recession and lackluster recovery has contributed to structural unemployment.

I tend to agree with Yardeni. That means the Fed will probably stay too loose, too long, and inflation is in the cards – but not right now. The Fed fears deflation right now, more so than inflation, and will likely remain easy. So expect interest rates to remain range bound for the near future as this tug of war plays out.

**Jeff Pantages, CFA**  
Chief Investment Officer



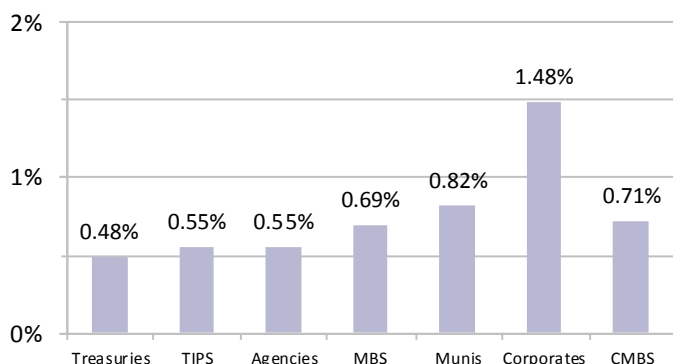
**Bill Lierman, CFA**  
Portfolio Manager

■ The U.S. Aggregate Index returned +0.81% for October. Fixed income got the best of both worlds as yields were slightly down across the curve and spreads narrowed.

■ Treasuries produced a +0.48% total return. Yields were fairly static for the start of the quarter as investors waited for the results of the FOMC meeting on October 30th. Treasury International Capital (TIC) data

for August was published showing that foreign investors in aggregate were sellers of U.S. Treasury Notes even though China and Japan were net buyers.

## October 2013 Bond Total Return



Data: Barclays

■ Agencies posted +0.18% excess return (vs. Treasuries) during the month. Deutsche Bank points out that Fannie and Freddie account for just 54% of the overall agency debt market while in 2011 they accounted for 62%. The front end of the agency curve is expensive, but APCM sees some value in 5 year agencies at +26 to Treasuries.

■ The mortgage index gained +0.69%. Mortgages still have the Fed's technical support as the FOMC decided to continue the purchase and reinvestment of mortgage securities.

■ High grade corporates were the best performing asset class returning +1.48% for the month and +0.83% of excess return (vs. Treasuries) driven by financials. The BoA Merrill Lynch Non-Financial Index option adjusted spread is now 146 basis points while the Financial Index is trading tighter at 141 basis points.

■ Money markets had some uncertain times during the month due to the political brinkmanship regarding the debt ceiling. Short-term Treasury bills approached 60 basis points in yield before returning back to single digits after a deal was made. Many large money market funds were selling short bills which exacerbated the problem.

■ The U.S. government shut down kept world markets on edge, but equities continued to climb higher in spite of the drama in Washington. The S&P 500 was up +4.6% and has now been up 8 of the 10 months this year. YTD large and mid caps are up +25.3% and +27.8% respectively and small caps are leading with gains of +33.3% YTD.

■ Q3 earnings season has just about wrapped up, as 423 companies in the S&P 500 have reported earnings per share (EPS) that are up +4.3% YOY. Moderate revenue growth and consistent share buybacks are supporting EPS growth.

■ Overseas, developed international equities (EAFE) continued to rally (+3.4%) with European markets leading the way. Italy posted double digits gains of +11.9%, while Spain added +8.3% and Germany +5.6%. Japan was a drag on performance (-0.2%) but is still the best performing region of the world YTD in local currency.

■ Emerging markets beat U.S. equities for the 3rd month in a row (+4.9%) as some countries continued to benefit from the delay in tapering expectations in the U.S. India's SENSEX index led the rally gaining +11.3% while China's Shanghai SE Composite lost -1.1%.

■ The broad based DJUBS Commodity Index was down -1.5% and is now down -9.9% YTD. Muted global growth expectations have created a subdued environment for commodities.

## Total Return (%) as of October 31, 2013

	One Month	Three Month	Six Month	Twelve Month
<b>Domestic Equities</b>				
Large Cap S&P 500	4.6	4.8	11.2	27.2
Mid Cap S&P 400	3.7	5.0	12.0	33.5
Small Cap S&P 600	3.6	7.4	19.5	39.1
<b>International Equities</b>				
Developed MSCI EAFE	3.4	9.5	8.5	26.9
Emerging MSCI Emerging Markets	4.9	9.8	1.2	6.5
<b>Other</b>				
Commercial Property S&P U.S. REIT	4.5	0.2	-6.6	11.4
Commodities DJ-UBS Commodity	-1.5	-0.7	-6.3	-12.2
<b>Fixed Income</b>				
Total Bond Market Barclays Aggregate	0.8	1.2	-2.0	-1.1
1-3 Yr U.S. Treasury/Agency Barclays 1-3 Gov	0.1	0.2	0.2	0.5
Int'l Treasury Barclays Global Tsy ex-US	1.2	3.4	-0.8	-0.9



**Brandy Niclai, CFA**  
Portfolio Manager



# Consent Agenda

## **RESOLUTION 14-11**

**A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 14 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE ALEUTIAN ISLANDS FISHERIES MANAGEMENT AREA 2.**

**WHEREAS,** AS 29.60.450 requires that for a municipality to participate in the FY14 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2012 from fisheries business activities; and

**WHEREAS,** 3AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

**WHEREAS,** 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

**WHEREAS,** the Aleutians East Borough proposes to use an alternative method for allocation of FY13 funding available within the Aleutian Islands Fisheries Management Area in agreement with all other municipalities in this area participating in the FY14 Shared Fisheries Business Tax Program;

**BE IT RESOLVED BY THE ALEUTIANS EAST BOROUGH ASSEMBLY THAT:**

**SECTION 1.** The Aleutians East Borough by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2012 of fisheries business activity in the Aleutian Island Region Fisheries Management Area 2.

**ALTERNATIVE ALLOCATION METHOD:**

1. Each municipality (including the Aleutians East Borough) will split 60 percent of the total funding allocation for the fisheries management area;
2. Each city (excluding the Aleutians East Borough) will split 40 percent of the funding allocation on a per capita basis.

Approved this \_\_\_\_\_ day of November, 2013.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk

## **RESOLUTION 14-12**

**A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 14 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE ALASKA PENINSULA FISHERIES MANAGEMENT AREA 3.**

**WHEREAS,** AS 29.60.450 requires that for a municipality to participate in the FY14 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2012 from fisheries business activities; and

**WHEREAS,** 3AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

**WHEREAS,** 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

**WHEREAS,** the Aleutians East Borough proposes to use an alternative method for allocation of FY13 funding available within the Aleutian Islands Fisheries Management Area in agreement with all other municipalities in this area participating in the FY14 Shared Fisheries Business Tax Program;

**BE IT RESOLVED BY THE ALEUTIANS EAST BOROUGH ASSEMBLY THAT:**

**SECTION 1.** The Aleutians East Borough by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2012 of fisheries business activity in the Alaska Peninsula Fisheries Management Area 3.

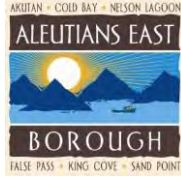


ALTERNATIVE ALLOCATION METHOD: It is proposed that 40% of the FY14 funding available for FMA3 be distributed equally among the eligible municipalities located within FMA3, and that the remaining 60% of the funding be divided among the same eligible communities based upon revenue sharing population estimated as determined for 2012 by DCCED, with exception of mutually agreed upon population counts for the Aleutians East Borough and Lake and Peninsula Borough.

Approved this \_\_\_\_\_ day of November, 2013.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk



## **RESOLUTION 14-13**

### **A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY APPROVING THE FEE AND PENALTY SCHEDULE FOR THE LAND USE PERMITTING SYSTEM**

**WHEREAS**, the Aleutian East Borough (AEB) is creating a Resource Development Land Use Permitting System to Protect Coastal Resources in the AEB Resource Development District Project (Land Use Permitting System), funded with qualified Outer Continental Shelf oil and gas revenues from the Coastal Impact Assistance Program (CIAP), administered by the Fish and Wildlife Service and the U.S. Department of the Interior; and

**WHEREAS**, the purpose of this project is to create and implement a permitting system to regulate resource development activities in the AEB coastal zone and maximize resource development opportunities while protecting coastal resources through an organized, efficient permit program consistent with the goals and objectives of the AEB Code; and

**WHEREAS**, the AEB Planning Commission held a Planning Commission Meeting on November 14, 2013 and approved Resolution 14-01 recommending the Aleutians East Borough Assembly consider and approve the proposed Aleutians East Borough Municipal Code Revisions to Titles 1, 2, 40 and 45 and the Fee and Penalty Schedule for the Land Use Permitting System; and

**WHEREAS**, the Aleutians East Borough Assembly held an Assembly Workshop on December 12, 2013 and reviewed the proposed Fee & Penalty Schedule for the AEB Land Use Permits (Attached as Exhibit 1).

**NOW THEREFORE BE IT RESOLVED** that the Aleutians East Borough Assembly approves the Fee & Penalty Schedule for the AEB Land Use Permits.

**PASSED AND APPROVED** by the Aleutians East Borough Planning Commission on this 12<sup>th</sup> day of December 2013.

---

**Stanley Mack, Mayor**

**ATTEST:**

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**Tina Anderson, Clerk**

ORDINANCE 14-03

AN ORDINANCE AMENDING TITLE 1, GENERAL PROVISIONS

**WHEREAS,** the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

**WHEREAS** The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 1, General Provisions.

**NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:**

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

**Section 2. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 3. Effectiveness.** This ordinance shall become effective upon adoption.

**Section 4: Adoption by Section.** Aleutians East Borough Code, Title 1 General Provisions is hereby repealed and Aleutians East Borough Code, Title 1 General Provisions as annexed hereto as part of this ordinance is hereby adopted as Title 1 of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Stanley Mack, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tina Anderson, Clerk

Date: \_\_\_\_\_

## TITLE 1

### GENERAL PROVISIONS

#### CHAPTERS

<u>1.04</u>	<u>CODE ADOPTION</u>
<u>1.08</u>	<u>BOROUGH DATA</u>
<u>1.12</u>	<u>INTERPRETATION AND USE OF ORDINANCE CODE</u>
<u>1.20</u>	<u>ORDINANCE -- RESOLUTION -- TECHNICAL CODES</u>
<u>1.24</u>	<u>PENALTIES</u>
<u>1.28</u>	<u>FINANCIAL DISCLOSURE</u>

## TITLE 1

### GENERAL PROVISIONS

#### Chapter 1.04 -- Borough Code

##### **Section:**

1.04            Code Adoption.

##### **1.04            Code Adoption.**

There is hereby adopted the "Code of the Aleutians East Borough of Alaska, and shall be sufficient to designate any ordinance adding to, correcting, amending, or amendment of the Code. Ordinances shall be cited by giving the title, chapter and section numbers preceded by the Code."

(Ord. 88-1, Sec. 1.04, part, 1987)

## TITLE 1

### GENERAL PROVISIONS

#### Chapter 1.08 -- Borough Data

##### **Sections:**

- |          |  |
|----------|--|
| 1.08.010 | Aleutians East Borough, Mayor - Assembly Form. |
| 1.08.020 | Borough Limits.                                |
| 1.08.030 | Borough Seal.                                  |

##### **1.08.010 Aleutians East Borough, Mayor - Assembly Form.**

- A. The Aleutians East Borough shall continue as a municipal corporation under the name: "Aleutians East Borough."
- B. The government of the Borough shall be that commonly known and designated as the Mayor - Assembly form.

(Ord. 88-1, Sec. 1.08.010, part, 1987)

##### **1.08.020 Borough Limits.**

The boundaries of the Borough are those set out in the Certificate of Incorporation dated October 23, 1987.

(Ord. 88-1, Sec. 1.08.020, part, 1987)

##### **1.08.030 Borough Seal.**

The Borough shall have a seal of two concentric circles bearing in the outer circle "Aleutians East Borough, Alaska," "October 23, 1987, and shall depict in the inner circle the word "Seal".

(Ord. 88-1, Sec. 1.08.030, part, 1987)

## TITLE 1

### GENERAL PROVISIONS

#### Chapter 1.12 -- Interpretation And Use Of Ordinance Code

##### **Sections:**

1.12.010	Definitions.
1.12.020	Grammatical Interpretation.
1.12.030	Ordinances included in the Aleutians East Municipal Code.
1.12.040	Amendments to Code - Effect of New Ordinances Amendatory Language.
1.12.050	Supplements or Revisions to the Aleutians East Borough Municipal Code.

##### **1.12.010 Definitions:**

Whenever the following words and terms are used in the Aleutians East Borough Municipal Code, they shall have the meaning herein ascribed to them unless the context clearly indicates otherwise.

A. "Administrator" means the Aleutians East Borough Administrator;

BA. "Attorney" means the Bborough Aattorney;

CB. "Assembly" means the assembly of the Aleutians East Borough;

DG. "Borough" means the Aleutians East Borough;

ED. "Building Official" means the borough building official;

FE. "Clerk" means the Borough Clerk;

GF. "Clerk-treasurer," whenever the reference is to duties not -involving money, means the Borough Clerk;

HG. "Code" means the Aleutians East Borough Municipal Code;

IH. "Computation of time" means the time within which an act is to be done. Throughout the Code, wherever a period of time is specified, that period of time It shall be computed by excluding the first day and including the last day; and if the last day is Saturday, Sunday or a legal-Borough holiday, that day shall be excluded, except when the term "calendar days" is used where

the period of time shall be strictly computed by excluding the first day and including the last day without excluding weekends or holidays;

JL. "Finance Director" means the Borough Finance Director;

KJ. "Judge" or "Magistrate" means the judge of any court of law;

LK. "Law" denotes applicable federal law, the Constitution and Statutes of the State Alaska, the Ordinances of the Borough and, when appropriate, any and all rules and regulations which may be promulgated thereunder;

ML. "May" is permissive;

N. "Mayor" means the Borough Mayor;

ON. "Month" means calendar month;

PO. "Municipality" means the Aleutians East Borough

QP. "Municipal Officer or Employee" means an officer or employee of the Borough, whether paid or unpaid, including members of the Assembly, and members of any board or commission;

RQ. "Must" and "Shall" - each is mandatory;

SR. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed;"

IS. "Or" is disjunctive and "and" is conjunctive;

UT. "Ordinance" means a law of the Borough, provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;

VU. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant of the entirety, or agent in charge for any of the foregoing, of the whole or a part of such building or land;

WV. "Peace Officer" means any officer of the state police, members of the police force of any incorporated borough or borough, United States Marshals and their deputies, and other officers whose duty it is to enforce and preserve the public peace;



XW. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;

YX. "Personal property" includes money, goods, chattels, things in action and evidences of debt;

ZY. "Presiding Officer: The Mayor is the Presiding Officer at meetings of the Assembly~~means the chairperson of the assembly~~;

AAZ. "Property" includes real and personal property;

BB. "Published" or "public noticed" means posting in two public places within each community of the Borough as well as on the Borough's public notice page of its website.

CCAA. "Real property" includes lands, tenements and hereditaments;

DDBB. "Registered mail" includes certified mail. When the use of registered mail is authorized or required by this Code, certified mail may be used unless expressly prohibited;

EEGG. "Sidewalk" means that portion of a street between the curb line and adjacent property line intended for the use of pedestrians;

FFDD. "Signature" or "subscription" includes mark when the person cannot write, with his name written near the mark by a witness who writes his own name near the person's name, but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto;

GGEE. "State" means the state of Alaska;

HHFF. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, parking areas, or other public ways which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state of Alaska;

IIGG. "Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others;

JJHH. "Title of Office." Use of the title of any officer, employee, department, board or commission of the borough and borough;

~~KKH~~. "Treasurer" whenever the reference to the duties involving money, means the borough finance director;

~~LLJ~~. "Written" includes printed, or typewritten, ~~mimeographed or multigraphed;~~  
and,

~~MMK~~. "Year" means a calendar year.

(Ord. 88-1, Sec. 1.12.010, part, 1987)

#### **1.12.020 Grammatical Interpretation**

The following grammatical rules shall apply in the Aleutians East Borough Municipal Code and the Ordinances of the Borough:

- A. Gender. Any gender includes the other genders;
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular;
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable;
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language; and,
- E. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(Ord. 88-1, Sec. 1.12.020, part, 1987)

#### **1.12.030 Ordinances Included in the Aleutians East Borough Municipal Code:**

The Assembly, with the advice and assistance of the Borough Attorney, shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption in the following manner:

- A. Ordinances enacted by the Borough Assembly ~~that are of the borough and borough general and~~ permanent in nature shall be inserted in the Aleutians

East Borough Municipal Code when properly prepared and authenticated by the Borough Clerk.

- B. Emergency, bond, temporary and appropriation ordinances and resolutions shall not be included in the Aleutians East Borough Municipal Code, but shall be retained by the Borough Clerk in the form enacted.
- C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

(Ord. 88-1, Sec. 1.12.030, part, 1987)

**1.12.040**                    **Amendments to Code - Effects of New Ordinances**  
**Amendatory Language.**

- A. All ordinances passed subsequent to this Code which amends, repeal or in any affect this Code, may be provided with numbers in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.
- B. Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section \_\_\_\_\_ of the Borough Municipal Code is hereby amended to read as follows: "\_\_\_\_\_" The new section shall then be set out in full as desired.
- C. In the event a new section not heretofore existing in the code, is to be added by an ordinance, the following language shall be used: "That the Aleutians East Borough Municipal Code is hereby amended to add a section, to be numbered \_\_\_\_\_, which said section reads as follows:" The new section shall then be set out in full as desired.
- D. All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

(Ord. 88-1, Sec. 1.12.040, part, 1987)

**1.12.050**                    **Supplements or Revisions to the Aleutians East Borough**  
**Municipal Code.**

The Aleutians East Borough Municipal Code shall be supplemented at regular intervals, or if the assembly deems that supplementation of the Code is unnecessary, the Code shall be revised and printed every five years.

(Ord. 88-11, Sec. 1.12.050, part, 1987)

## TITLE 1

### GENERAL PROVISIONS

#### Chapter 1.20 -- Ordinance--Resolutions--Technical Codes

##### **Sections:**

1.20.010	Acts of the Assembly.
1.20.020	Acts Required to be by Ordinance.
1.20.030	Ordinance Procedure.
1.20.040	Ordinance Form and Content.
1.20.050	Emergency Ordinances.
1.20.060	Signature.
1.20.070	Ordinances Confined to Single Subject.
1.20.080	Repeal Shall Not Revive Any Ordinances.
1.20.090	Act by Agents.
1.20.100	Codes of Regulations.
1.20.110	Formal Acts by Resolution.
1.20.120	Resolutions - Reading - Hearing - Final Passage Posting.
1.20.130	Rules and Regulations.

##### **1.20.010            Acts of the Assembly.**

The Assembly shall act only by ordinance, resolution or order. Laws of a general, uniform and permanent nature shall be reduced to ordinance; laws of a temporary or special character shall be reduced to resolution. When the Assembly expresses anything by way of command, the form of expression shall be "ordered"; when it expresses opinions, principles, facts or propositions, the form shall be "resolved."

(Ord. 88-1, Sec. 1.20.010, part 1987)

##### **1.20.020            Acts Required to be by Ordinance.**

In addition to other actions which AS Title 29 requires to be by ordinance, the Assembly shall use ordinances to:

- A. Establish, alter or abolish Borough departments;
- B. Fix the compensation of members of the Assembly;
- C. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

- D. Provide for levying of taxes;
- E. Make appropriations and supplemental appropriations or transfer appropriations;
- F. Grant, renew, or extend a franchise;
- G. Regulate the rate charged by a borough public utility; and
- H. Adopt, modify or repeal the Comprehensive Plan, zoning and subdivision ordinances, building and housing codes, and the official map.

(Ord. 88-1, Sec. 1.20.020, part, 1987)

**1.20.030 Ordinance Procedure.**

- A. An ordinance may be introduced if it is in writing and substantially in the form required in Chapters 12 and 20 of this Title.
- B. The following procedure governs the enactment of all ordinances except emergency ordinances:
  - 1. An ordinance may be introduced by a member or committee of the governing body, or by the Mayor.
  - 2. An ordinance shall be set by the governing body for a public hearing by the affirmative vote of a majority of the votes authorized on the question.
  - 3. At least five days before the public hearing a summary of the ordinance shall be published together—in accordance with the publication requirements of Section 1.12.010 with a notice of the time and place for the hearing.
  - 4. Copies of the ordinances shall be available to all persons present at the hearing, or the ordinance shall be read in full.
  - 5. During the hearing the governing body shall hear all interested persons wishing to be heard.
  - 6. After the public hearing the governing body shall consider the ordinance, and may adopt it with or without amendment. If an amendment to the ordinance is so substantial as to change the basic character of the ordinance, the ordinance, as amended, shall be treated as newly introduced and shall be scheduled for a public

hearing to occur after publication of the summary and notice required in subsection B (3) of this section.

7. The governing body shall print and make available copies of an ordinance that is adopted.
- C. An ordinance takes effect immediately upon adoption or at a later date specified in the ordinance.
- ~~D. For the purpose of this section, "published" means appearing at least once in a newspaper of general circulation distributed in the borough as well as being posted on the Borough's website., or, if there is no newspaper of general circulation distributed in the Borough municipality such that notice requirements can be met within the time required, notice shall be posted in three public places within the borough as well as on the Borough's website, for at least five days. If publication is by posting, publication does not occur until after the notice has been posted for five days. Thereafter, the five day publication required in subsection B(3) begins to run.~~

(Ord. 88-1, Sec. 1.20.030, part, 1987)

#### **1.20.040 Ordinance Form and Content.**

All ordinances enacted by the Assembly shall be in substantially the following form:

- A. The proposed ordinance shall have a heading and number.
- B. Title: A short summary of the ordinance's provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance.
- C. Enacting clause: The enacting clause shall read: "BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:"
- D. Substantive part of the ordinance: The provisions of the ordinance will follow the enacting clause.
- E. Signatures: Appropriate places shall be provided for the signatures of the Mayor and Borough Clerk.
- F. Attestation: The enactment and passage date of the ordinance shall be attested by the Borough Clerk.

- G. Code section numbers: Ordinances which amend, add to or repeal sections of the Aleutians East Borough Municipal Code shall refer to the Code sections by number.

(Ord. 88-1, Sec. 1.20.040, part, 1987)

**1.20.050 Emergency Ordinance.**

- A. To meet a public emergency the Assembly may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the Assembly that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting to which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The Assembly must print and make available copies of adopted emergency ordinances.
- B. An emergency ordinance may not be used to levy taxes to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its service.
- C. Emergency ordinances are effective for sixty days.

(Ord. 88-1, Sec. 1.20.050, part, 1987)

**1.20.060 Signature.**

Each ordinance shall be signed by the Mayor at its adoption and attested by the Borough Clerk.

(Ord. 88-1, Sec. 1.20.060, part, 1987)

**1.20.070 Ordinances Confined to Single Subjects.**

Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriation. The subject of each ordinance shall be expressed in the title.

(Ord. 88-1, Sec. 1.20.070, part, 1987)

**1.20.080 Repeal Shall Not Revive Any Ordinance.**

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.



(Ord. 88-1, Sec. 1.20.080, part, 1987)

**1.20.090 Acts by Agents.**

When an act is required by ordinance and the act may be done as well by an agent as by the principal, such requirement shall be construed as to require and include all such acts performed by an authorized agent.

(Ord. 88-1, Sec. 1.20.090, part, 1987)

**1.20.100 Codes of Regulations.**

The Assembly may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the ordinance nor its amendments need be distributed to the public or read in full at the hearings. ~~For a period of fifteen days before adoption at least five hearings.~~ For a period of fifteen days before adoption at least five copies of the Code must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The Assembly shall provide for the adopted Code to be sold to the public.

| (Ord. 88-1, Sec. 1.20.100, Part, 1987)

| **1.20.110 Formal Acts by Resolution.**

A. Formal acts by the Assembly not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

1. The heading "Aleutians East Borough, Alaska";
2. The space for a number to be assigned -- "Resolution, No.";
3. A short and concise title descriptive of its subject and purpose;
4. Short premises or whereas clauses descriptive of the reasons for the resolution, of necessary;
5. The resolving clause "Be it Resolved";
6. Provision for signature after the date, and designated lines for the signatures of the mayor; and,

7. An attestation to be signed by the Clerk.
- B. All resolutions adopted by the Assembly whether at the instance of the Assembly, shall conform to the requirements set forth in (A.) above.
- C. Resolutions shall not be included in the AEB Municipal Code .

(Ord. 88-1, Sec. 1.20.110, part, 1987)

**1.20.120. Resolution--Adoption--Effective Date--Posting.**

- A. Every resolution shall be introduced in writing and may be adopted by the Assembly upon introduction and with or without amendments.
- B. Unless specifically stated within the resolution or otherwise required by law, a resolution becomes effective-immediately upon adoption.
- C. Upon adoption of a resolution, a copy of the resolution shall be posted on the public bulletin board at the Borough headquarters within the Borough, as well as the Borough's website for at least fourteen days. Failure to post the resolution as required under this subsection does not affect the validity or enforceability of the resolution.

(Ord. 92-6 (Amended Ord. 88-1), Sec. 1.20.120, part, 1987)

**1.20.130 Rules and Regulations.**

Any rule or regulation made by any administrative officer or board or commission shall be published ~~either by one publication in a newspaper of general circulation in the Borough, by posting a copy thereof for ten days following its approval by the Borough Assembly on the Borough bulletin board in the borough offices and also on the Borough's website~~ in accordance with the publication requirements of Section 1.12.010.

(Ord. 88-1, Sec. 1.20.130, part, 1987)

## TITLE 1

### GENERAL PROVISIONS

#### Chapter 1.24 -- Penalties

##### **Sections:**

- |                    |   |
|--------------------|---|
| 1.24.010           | General <del>Policy</del> <u>Penalty</u> .      |
| <u>1.24.020</u>    | <u>Administrative Enforcement Action.</u>       |
| <u>1.24.030</u>    | <u>Administrative Inspections.</u>              |
| 1.24.0 <u>4</u> 20 | Penalty Surcharge Authorization and Collection. |

##### **1.24.010**      **General ~~Penalty~~Policy.**

- A. Every act prohibited by the ordinance of this Borough is unlawful. Unless another penalty is expressly provided by an ordinance, every person convicted of a violation of any of the ordinances of this Borough, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) per violation ~~or by imprisonment for not more than ninety days, or by both such fine and imprisonment~~. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(Ord. 88-1, Sec. 1.24.010, part, 1987)

- B. Notwithstanding the availability of any other remedy, the Borough or an aggrieved person may institute a civil action against a person who violates a borough ordinance or any order issued under the AEBMC. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the Superior Court shall grant the injunction as provided in AS 29.25.070(b) or any successor law.

##### **1.24.020**      **Administrative Enforcement Action.**

For provisions authorizing the Assembly to prescribe penalties for violation of codified ordinances not to exceed a fine of \$1,000 per violation, see AS 29.25.070.

- A. The Administrator may order:

1. The discontinuation of unlawful uses of land or structures;
2. The removal or abatement of unlawful structures, or any unlawful additions or alternations thereto;
3. The discontinuation of construction or other preparatory activity leading to an unlawful structure or an unlawful use of a land or structure;
4. Compliance with a permit condition or compliance with AEBMC requirements;
5. Cleanup and remediation; and
6. When necessary to ensure compliance with this title, the suspension or revocation of permits, or other borough land use entitlements.

B. Upon complaint by a citizen, or upon his own initiative, the Administrator may, after investigation, initiate State of Federal criminal proceedings against any person for the violation of this title.

#### **1.24.030 Administrative Inspections.**

The Administrator or his designee may conduct both announced and unannounced inspections necessary to enforce the AEBMC and land use permit terms and conditions.

#### **1.24.0420 Penalty Surcharge Authorization and Collection.**

The surcharge required to be imposed pursuant to AS 12.55.039 is authorized and shall be imposed as a surcharge on penalties imposed for the violation of an ordinance, Code provision, or regulation of the Aleutians East Borough brought under a citation or criminal complaint that would require a proceeding in the Alaska Court System if the defendant were to enter a plea of not guilty. The court may impose and collect the surcharge on all penalties imposed by the court where fines ~~and bail forfeitures~~ are paid to the court. For all criminal proceedings in which the fine ~~or bail forfeiture~~ is collected by the Borough, the surcharge imposed shall be collected by the Borough with the payment of the fine ~~or forfeited bail~~ and regularly paid over to the appropriate agency of the state less any collection and administration fee or reimbursement authorized by the state to be retained by the Borough.

(Ord. 99-01, new section 1.24.020)

## TITLE 1

### GENERAL PROVISIONS

#### Chapter 1.28 – Financial Disclosure

##### **Sections:**

1.28                      Financial Disclosure

##### **1.28                      Financial Disclosure**

- A. Financial disclosure is required by all Aleutians East Borough Assembly members, Aleutians East Borough School Board members, Planning Commission members and the Aleutians East Borough Mayor.
- B. Each elected or appointed official shall complete and file with the clerk a report of financial disclosure and business interest, the Aleutians East Borough Financial Disclosure form, no later than April 15 of each year.

(Ord. 12-03, New Sec. 1.28)

ORDINANCE 14-04

AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION

**WHEREAS,** the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

**WHEREAS** The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 2, Administration.

**NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:**

**Section 1.** **Classification.** This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

**Section 2.** **Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 3.** **Effectiveness.** This ordinance shall become effective upon adoption.

**Section 4:** **Adoption by Section.** Aleutians East Borough Code, Title 2 Administration is hereby repealed and Aleutians East Borough Code, Title 2 Administration as annexed hereto as part of this ordinance is hereby adopted as Title 2 Administration of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Stanley Mack, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tina Anderson, Clerk

Date: \_\_\_\_\_

TITLE 2  
ADMINISTRATION

CHAPTERS:

2.02        BOROUGH SCHOOL BOARD

2.04        BOROUGH ASSEMBLY

2.08        ASSEMBLY MEETINGS

2.12        ASSEMBLY PROCEDURES

2.16        MAYOR

2.20        BOROUGH OFFICES AND OFFICERS

| 2.28        BOROUGH CLERK ~~—TREASURER~~

| 2.29        FINANCE DEPARTMENT

2.40        PUBLIC WORKS DEPARTMENT

2.50        HEALTH DEPARTMENT

2.51        ALEUTIANS EAST BOROUGH HEALTH BOARD

2.60        NATURAL RESOURCES DEPARTMENT

## TITLE 2

### ADMINISTRATION

#### Chapter 2.02 -- Borough School Board

##### **Section:**

2.02.010	School Board Composition and Apportionment.
2.02.020	School Board Elections.
2.02.030	Financial Disclosure

##### **2.02.010 School Board Composition and Apportionment.**

The School Board shall consist of seven members, elected to seats identified as seats A-G, who are elected at large by the qualified voters of the Borough.

(Ord. 07-09 (Amended 02-08), Sec. 2.02.010, part, 1987)

##### **2.02.020 School Board Elections.**

The Borough Code Title 4 governing elections is applicable to all School Board elections.

(Ord. 07-09, New Sec. 2.02.020)

##### **2.02.030 Financial Disclosure**

- A. Aleutians East Borough School Board members shall submit a financial and business disclosure form in accordance with and as required by Borough Code 1.28.
- B. Participation in all borough governmental activities without the required disclosure by School board members is prohibited.

(Ord. 12-03, New Sec. 2.02.030)



## TITLE 2

### ADMINISTRATION

#### Chapter 2.04 -- Borough Assembly

##### **Sections:**

2.04.010	Borough Assembly--Composition and Apportionment
2.04.020	Qualifications of Assembly and School Board Members.
2.04.030	Election of Assembly and School Board Members--Terms.
2.04.040	Compensation of Assembly Members.
2.04.048	Declaration of Vacancy.
2.04.050	Filling a Vacancy.
2.04.060	Advisory Members.
2.04.070	Financial Disclosure

##### **2.04.010      Borough Assembly -- Composition and Apportionment.**

The Assembly shall consist of seven members, elected to seats, identified as Seat A-G, elected at large by the qualified voters of the Borough.

(Ord. 07-08 (Amended Ord. 02-09), Sec. 2.04.010, part, 1987)

##### **2.04.020      Qualifications of Assembly and School Board Members.**

The Assembly and school board members shall be qualified electors of the Borough, and shall have been a resident within the Borough for a minimum of one (1) year prior to holding office. An Assembly or school board member who ceases to be eligible to be a Borough voter immediately forfeits his office.

(Ord. 07-08 (Amended Ord. 88-1), Sec. 2.04.020, part, 1987)

##### **2.04.030      Election of Assembly Members -- Terms.**

- A. An election is held annually on the first Tuesday of October, to choose Assembly and school board members for three year terms and until their successors are elected and have qualified. In the event that a new form of representation is adopted, upon certification of the results, the Assembly and school board members elected at such election shall determine by lot the length of the terms of office so that the terms of two (2) members shall be for one (1) year, the terms of two (2) members shall be for two (2) years,

and the term of three (3) members shall be for three (3) years, resulting in staggered terms of office for all members subsequently elected.

- B. The regular term of office begins on the first Monday following the certification of the election.
- C. The Assembly may provide by ordinance for different terms not to exceed three (3) years, except that the current term of incumbent Assembly members may not be altered.

Ord. 07-08 (Amended Ord. 88-1), Sec. 2.04.030, part, 1987)

**2.04.040 Compensation of Assembly Members.**

Each member of the Assembly shall receive a meeting fee of ~~two~~three hundred dollars for each meeting day of the Assembly attended, including Board of Equalization and Board of Adjustment meetings attended. The meeting fee shall be paid monthly and shall be subject to all taxes and withholdings, including deductions for the Public Employee's Retirement System (PERS), if applicable.

(Ord. 02-12 (Amended Ord. 88-1), Sec. 2.04.040, part, 1987)

**2.04.048 Declaration of Vacancy.**

- A. An Assembly seat becomes vacant for any reason set out in AS 29.20.170 upon a declaration of vacancy by the Assembly by resolution.
- B. Prior to the adoption of a resolution declaring a vacancy, the Assembly shall hold a hearing on the question of whether to declare the seat vacant and shall give two weeks' notice of the date, time, place and purpose of the hearing to the Assembly member holding the seat. If the reason for the proposed declaration of vacancy is the mental inability of the Assembly member to perform the duties of office, notice shall be given to the Assembly member and, if possible, to a person responsible either for the care or for the affairs of the Assembly member. The Assembly member may be represented at the hearing by an attorney and may present such evidence and sworn oral and written testimony as is relevant.
- C. If the declaration of vacancy is because the Assembly member no longer physically resides in the Borough, there is a rebuttable presumption the Assembly member no longer physically resides in the Borough if it is shown that the Assembly member has established a place of residence outside the Borough and has resided outside the Borough for 90 or more consecutive or nonconsecutive days during the immediately preceding 6 month period without first having obtained a determination by the Assembly that unusual circumstances exist that justify both the temporary establishment of such a residence and the physical presence of the person outside the Borough. In

determining whether an Assembly member has established a residence outside the Borough the Assembly may consider such things as:

1. Where the Assembly member or a member of the Assembly member's household owns residential property that the Assembly member occupies.
  2. Where and for what term the Assembly member leases or rents and resides at nontransient residential property.
  3. Whether and where an Assembly member who lives aboard a vessel rents transient or permanent moorage.
  4. The location and amount of time the Assembly member resides at residential property owned or rented by or made available for the Assembly member, including the location and time residing on a vessel.
  5. The address to which the Assembly member's mail, other than advertising, is sent directly by the sender.
  6. The physical location of motor vehicles and other goods owned by the Assembly member or that are owned by members of his or her household and regularly used by the Assembly member.
  7. The places the Assembly member participates in activities of social clubs or other groups.
  8. The places children of the household of the Assembly member attend school.
  9. Other relevant factors.
- D. Resignation tendered by an Assembly member is unconditional and irrevocable. Upon submittal, the resignation shall be transmitted to the Assembly for consideration and action and cannot be withdrawn any time prior to consideration and action by the Assembly. (Ord. 00-05, new subsection 2.04.048(D))

The Assembly may find that an Assembly member no longer physically resides in the Borough whether or not the conditions for the rebuttable presumption are shown.  
(Ord. 90-4, Sec. 2.04.048, part, 1987)

**2.04.050 Filling a Vacancy.**

If a vacancy occurs in the Assembly, the Assembly by vote of a majority of is remaining members shall designate a person to fill the vacancy within thirty days. (Ord. 88-1, Sec. 2.04.050, part, 1987)

**2.04.060**                    **Advisory Members.**

- A.     There shall be advisory members appointed on the Assembly with the rights and responsibilities a set out in this section.
- B.     There shall be one for each of the communities in the Borough, which are without an Assembly member residing in its respective community.
- C.     The term of an advisory member is one year and begins on January 1<sup>st</sup> of each year. A person appointed holds office until a successor has been appointed and seated.
- D.     Advisory members may attend all Assembly meetings, work sessions, committee of the whole meeting and subcommittee meetings; except, an advisory member may not attend executive sessions except upon adoption by the Assembly or committee of the motion to permit the advisory members to attend the executive session.
- E.     Advisory members may participate in the discussion of any matter that comes before the Assembly or committee but may not make motions, vote or otherwise participate except to discuss matters before the body.
- F.     Only a person appointed under this section may participate in Assembly meetings as an advisory member. An advisory member may not serve as a proxy or substitute for a regular member of the Assembly unless appointed or elected to fill an Assembly vacancy. Upon such election or appointment to a vacancy, the advisory seat held by that person becomes vacant.
- G.     If an advisory member clearly expresses a position for or against a proposition, the minutes of the meeting shall reflect the position expressed.
- H.     Advisory members will receive per diem, reimbursement and payments in lieu as may be provided for Assembly members.
- I.     The presence or absence of an advisor member at an Assembly meeting, the existence of a vacancy in an advisory member seat, and an act or admission of an advisory member shall have no effect on any action of the Borough. An advisory member has no authority to act on behalf of the Borough and the meeting of advisory members does not constitute a

meeting of the Assembly or any other body of the Borough for any purpose.

- J. Advisory members shall be governed by the same rules as elected members concerning meeting attendance as provided for in 2.20 and other applicable ordinances.

(Ord. 08-04 (Amended Ord. 88-5), Sec. 2.04.060, part, 1987)

**2.04.070 Financial Disclosure.**

- A. Aleutians East Borough Assembly members shall submit a financial and business disclosure form in accordance with and as required by Borough Code 1.28.
- B. Participation in all borough governmental activities without the required disclosure by Assembly members is prohibited.

(Ord. 12-03, New Sec. 2.04.070)

## TITLE 2

### ADMINISTRATION

#### Chapter 2.08 - Assembly Meetings

##### **Sections:**

2.08.010	Regular Assembly Meetings.
2.08.020	Special Meetings.
2.08.030	Meetings - Location Change.
2.08.040	<a href="#"><u>Rescheduling of Meetings – Authority of Mayor Meetings– Emergency Special Meetings–Waivers.</u></a>
2.08.050	Executive Sessions.
2.08.060	Absences.

##### **2.08.010 Regular Assembly Meetings.**

- A. All regular meetings of the Assembly shall be held on the second Thursday of each month at 3:00 p.m.
- B. The regular place of Assembly meetings shall be at the Borough office at Sand Point, Alaska. In order to give the public a greater opportunity to attend and participate in meetings of the Borough Assembly, the Assembly may hold regular and special meetings in public locations throughout the Borough other than at the regular meeting place. When the Assembly determines to hold a meeting at a date, time or place other than the regular place, the Borough Clerk shall give notice of such meeting. The notice shall [in accordance with the publication requirements of Section 1.12.010](#)~~either be published in a newspaper or general circulation within the Borough at least three days prior to the scheduled meeting or shall be posted in at least one public place in each city and major community within the Borough and posted on the Borough's website~~, at least three days prior to the scheduled meeting.
- C. All meetings of the Assembly, including work sessions and committee meetings, shall be public meetings. The public shall have reasonable opportunity to be heard at regular and special meetings of the Assembly.
- D. Audio/Video Conferencing: Attendance and participation of members of the Assembly at Assembly meetings may be by teleconference or video conference in public locations established within the Borough or in the Borough's Anchorage office. The public shall be given notice

of teleconference or video conference locations and all materials that are to be considered at the meeting shall be made available at the locations if practicable.

- E. Telephonic participation by Assembly members is not authorized during Assembly meetings when an Assembly member is physically absent from the Aleutians East Borough or unable to attend at the Borough's Anchorage office or is physically incapacitated except when a quorum is necessary to conduct business or an emergency meetings is necessary.

(Ord. 08-02 (Amended Ord. 89-3), Sec. 2.08.010, part, 1987)

**2.08.020 Special meetings.**

- A. If a majority of the members of the Assembly are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the Assembly may be held at the call of the Mayor or at least three members of the Assembly. Notice of the special meeting must be given orally or in writing to each Assembly member or written notice may be left at the member's usual place of business or residence. A special meeting may be conducted with less than 24 hours' notice if all members of the Assembly are present or if absent members have waived in writing the required notice. Waiver of notice may be made before or after the special meeting is held. A waiver of notice must be made part of the journal for the meeting. The location of special meetings shall be the same as for regular meetings unless the Assembly, at a regular or special meeting, determines that a special meeting will be held at a different place.
- B. The notice of special meeting must specify the time, place and subject matter of the meeting. If two members at the meeting object, an item of business that was not on or related to an item mentioned in the notice may not be acted on by the Assembly, however, such items may be discussed and scheduled for Assembly action at a future meeting.

(Ord. 89-3, Sec. 2.08.020, part, 1987)

**2.08.030 Meetings - Location Change.**

Notwithstanding the provisions of Sec. 2.08.010 or 2.08.020, if after having been lawfully Assembly in a location properly designated, the Assembly determines that a condition exists which renders such location unsuitable; it may recess the meeting and reconvene at a different location suitable to the needs of the Assembly. Prior to the recess the Assembly shall make known to those assembled for the meeting the location at which the meeting will be reconvened.

In addition, a notice of the change of location must be posted at the place originally scheduled for the meeting.

(Ord. 89-3, Sec. 2.08.030, part, 1987)

**2.08.040 Rescheduling of Meetings - Authority of Mayor.**

If, prior to a regular or special meeting, the Mayor makes a written determination that:

- A. A quorum will not be present at the meeting;
- B. There will not be available information, documents or other materials or a person essential for the conduct of the meeting;
- C. A substantial number of members of the public who have attempted to get to the place of the meeting will be prevented from attending because of weather or transportation problems beyond their control; or,
- D. Other substantial and compelling reasons justify the postponement of the meeting;

The Mayor may postpone the meeting to a later time. Upon a postponement of a meeting under this section, the Mayor shall have posted in a conspicuous place at the main entrance of the building and on the door of the room in which the meeting was to have been held a notice of the postponement and the date and time to which the meeting is postponed. Similar notice shall be provided orally or in writing to each Assembly member. The Mayor shall also have a similar notice posted in a public place in each city and major community in the Borough, provided, failure to the notice required in this sentence posted in each city and major community does not affect the validity of postponed meeting. All matters acted upon by the Assembly at a postponed meeting shall be as valid as if such action had taken place at the originally scheduled meeting, but the date of such action shall be the date the action was actually taken.

(Ord. 89-3, Sec. 2.08.040, part, 1987)

**2.08.050 Executive Session.**

- A. The following subjects may be discussed in an executive session:
  - 1. Matters that immediate knowledge of which would clearly have an adverse effect on the finances of the Borough or school district; or,
  - 2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.



- B. The following shall be discussed in executive session when the best interests of the Borough requires:
1. Discussions of potential, threatened or pending suits, claims or governmental proceedings in which the Borough has an interest.
  2. Discussions with legal counsel to the Borough.
  3. Discussions of negotiations or other matters in which the public discussion of the possible strategy and positions of the Borough would be detrimental to the effectiveness of the Borough in such matters.
- C. The adoption of a motion to go into executive session for a purpose under subsection B constitutes a determination by the Assembly that the best interests of the Borough require such discussion in executive session.
- D. If subjects excepted by law or this section are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss excepted subjects shall be determined by a majority vote of the Assembly. No subjects may be considered at an executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at an executive session.

(Ord. 89-3, Sec. 2.08.050, part, 1987)

**2.08.060                      Absences.**

No member may absent himself from any meeting of the Assembly except for good and sufficient reason.

(Ord. 89-3, Sec. 2.08.060, part, 1987)

## TITLE 2

### ADMINISTRATION

#### Chapter 2.12 -- Assembly Procedures

##### **Sections:**

2.12.010	Presiding Officer.
2.12.020	Meetings - Order of Business.
2.12.030	Agenda.
2.12.040	Minutes.
2.12.050	<u>Council-Assembly</u> Rules.
2.12.060	Veto.
2.12.070	Duties of the Clerk at Assembly Meetings.

##### **2.12.010 Presiding Officer.**

- A. The Mayor shall be the Presiding Officer at meetings of the Assembly. He shall preserve order and decorum among the Assembly members, and is responsible for conduct of all meetings in compliance with the rules of the Assembly. He may at any time make such rules as he deems proper to preserve order among the spectators in the Borough Assembly chamber during sessions of the Assembly.

The Presiding Officer may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal to the Assembly by motion duly seconded as herein provided. He may at any time call any member to the chair during any meeting, such substitution to discontinue when he elects to resume the chair and in no event beyond adjournment of the meeting at which such substitution is made.

- B. In the temporary absence or disability of the Presiding Officer, any member of the Borough Assembly may call the Assembly to order at any duly called meeting to elect a president pro tempore from among its number and the president pro tempore shall exercise all the powers of chairman during such temporary absence or disability of the Presiding Officer and may also vote.

(Ord. 88-1, Sec. 2.12.010, part, 1987)

##### **2.12.020 Meetings - Order of Business.**

At every regular meeting of the Borough Assembly the order of business shall be as follows:

- A. Call to Order;
- B. Invocation;
- C. Roll Call;
- D. Minutes of Previous Meeting;
- E. Communications and Appearance Requests;
- F. Consent Agenda;
- G. Hearings, Ordinances and Resolutions;
- H. Old Business;
- I. New Business;
- J. Administrator/Manager Reports;
- K. Audience Participation;
- L. Assembly Comments; and,
- M. Adjournment.

(Ord. 92-6 (Amended Ord. 88-1), Sec. 2.12.020, part, 1987)

**2.12.030                      Agenda.**

- A. Regular and Special Assembly Meetings. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Assembly shall, at least seventy-two hours prior to each Assembly meeting, be delivered to the Borough clerk, whereupon the Mayor shall arrange a list of such matters according to the order of business. ~~\_\_and~~ At least forty-eight hours in advance of the Assembly meeting, the Borough clerk shall ~~furnish~~ each member of the Assembly and the Mayor ~~with~~ a copy of the same in packet form. -Distribution shall be by electronic mail to each Assembly member's email address of record as well as by posting on the Borough's website. If distribution by electronic means is not available, distribution shall be by delivery in person or mail to the Assembly member. at least forty-eight hours in advance of the assemblyAssembly meeting, excluding Saturdays, Sundays and holidays.
- B. Work Sessions. Any matter to be considered by the Assembly in work sessions shall be listed in agenda form by the clerk and be given to the Assembly at least three days prior to said work session. Any written material for said work session shall be furnished by the Borough Clerk to the Mayor, Assemblymen and Borough administrator three days in advance of the scheduled day for said work session. Reasonable public notice for work sessions of the Assembly shall be required.

(Ord. 88-1, Sec. 2.12.030, part, 1987)

- C. Consent Agenda. Matters requiring Assembly approval that are determined by the Mayor to be routine or noncontroversial may be placed under the Consent Agenda for approval by the Assembly upon a single motion. An ordinance may not be placed under the Consent Agenda except for the purpose of introduction and setting of a public hearing date. An ordinance placed under the Consent Agenda shall include a notation indicating the proposed public hearing date. The presiding officer, at his own discretion or upon the request of any member of the Assembly, shall remove a Consent Agenda item and place it under the appropriate agenda item for action at the time such other agenda item comes up. Except for minor clarifications, Assembly members may not discuss, debate, or amend any matter while it is on the Consent Agenda. Discussion, debate and amendment on a Consent Agenda item may be had by requesting the item be removed and placed for action under the appropriate agenda item. All items remaining on the Consent Agenda are adopted by approval of a single motion to adopt the Consent Agenda.

(Ord. 92-6, Sec. 2.12.030, part, 1987)

**2.12.040 Minutes.**

- A. Minutes of all regular and special meetings shall be taken. Minutes shall be in the form of a summary of discussion including a verbatim report of motions made and actions taken plus a report of each vote cast by Assembly members when a roll call vote is made. Summary notes shall be provided for each work session.

All minutes of regular and special meetings, and summary notes of work sessions, shall be kept in the journal of the proceedings of the Assembly. Paper copies of aAll minutes of the Assembly shall be distributed by the Borough Clerk to the public desiring same after payment of a reasonable charge. One copy of the minutes shall be given free of charge to any person appearing in person and requesting same with extra copies in person or by mail available at twenty-five cents per copy per page, and subscriptions available by mail at the rate of ten dollars per year. All minutes shall also be posted on the Borough's website and available to the public free of charge.

- B. Unless a reading of the minutes of an Assembly meeting, regular or special, is requested by a member of the Assembly, such minutes may be approved without a reading if the Borough Clerk has previously furnished each member with a synopsis thereof.
- C. The Borough Clerk may be directed by the Mayor, with the consent of the Assembly, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Assembly.

(Ord. 88-1 (amended by Ord. 90-5), Sec. 2.12.040, part, 1987)

**2.12.050 Assembly Rules.**

- A. In all matters of parliamentary procedure not covered in these rules, Robert's Rules of Order shall be applicable and govern.

(Ord. 88-1, Sec. 2.12.050, part, 1987)

**2.12.060 Veto.**

The Mayor may veto any ordinance, resolution, motion, or other action of the Assembly and may, by veto, strike or reduce items in appropriation ordinances. He shall submit to the Assembly at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of two-thirds of the authorized membership of the Assembly within 21 days following exercise of the veto or at the next regular meeting whichever is later. The veto does not extend to appropriation items in school budget ordinances; actions of the governing body sitting as the board of equalization or the board of adjustment; or, adoption or repeal of a manager plan of government.

(Ord. 88-1, Sec. 2.12.060, part, 1987)

**2.12.070 Duties of the Clerk at Assembly Meetings.**

The Borough Clerk shall give notice of Borough Assembly meetings, shall attend all meetings of the Assembly and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the Borough Clerk, the Borough Assembly may appoint a clerk pro tempore, with all the powers, duties and obligations of the Borough Clerk, who shall be duly qualified.

(Ord. 88-1, Sec. 2.12.080, part, 1987)

## TITLE 2

### ADMINISTRATION

#### Chapter 2.16 - Mayor

##### **Section:**

2.16.010	Mayor as Executive.
2.16.020	Mayor's Additional Duties.
2.16.030	Election and Term of Mayor.
2.16.040	Filling a Vacancy.
2.16.050	Mayor Pro Tempore.
2.16.060	Successor to Office of Mayor and Mayor Pro Tempore.
2.16.070	Salary of Mayor.
2.16.080	Financial Disclosure

##### **2.16.010 Mayor as Executive.**

- A. The Mayor is the chief executive officer of the Borough. He shall act as ceremonial head of the Borough, and sign documents on the Borough's behalf upon Assembly authorization.
- B. The Mayor shall:
1. Appoint Borough employees and administrative officers, except as provided otherwise in Sec. 2.20.050 and AS 14.14.065; he may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department;
  2. Suspend or remove by written order Borough employees and administrative officers, except as provided otherwise in Sec. 2.20.050 and AS 14.14.065;
  3. Supervise enforcement of Borough law;
  4. Prepare the annual budget and capital improvement program for the Assembly;
  5. Execute the budget and capital program as adopted;
  6. Make monthly financial reports to the Assembly on Borough finances and operations;

7. Report to the Assembly at the end of each fiscal year on the finances and administrative activities of the Borough;
8. Prepare and make available for public distribution an annual report on Borough affairs;
9. Serve as Borough personnel officer unless the Assembly authorizes him to appoint a personnel officer; and,
10. Execute other powers and duties specified in AS Title 29 or lawfully prescribed by the Assembly.

(Ord. 88-1, Sec. 2.16.010, part, 1987)

**2.16.020 Mayor's Additional Duties.**

The Mayor shall in addition to the powers and duties conferred on his office by Sec. 2.16.010:

- A. Direct and supervise the business of the Borough to assure that all ordinances and resolutions are executed; and,
- B. Act as ex-officio chairman of the board of adjustment for matters of building and zoning regulations of the Borough.

(Ord. 88-1, Sec. 2.16.020, part, 1987)

**2.16.030 Election and Term of Mayor.**

- A. A voter of the Borough is eligible to hold the office of Mayor. A voter must be a resident of the Borough no less than three consecutive years prior to serving as Mayor.
- B. The Mayor is elected at large for a term of three years and until a successor is elected and has qualified.
- C. The Mayor's regular term begins on the first Monday following his election, which is held on the first Tuesday of October.

(Ord. 88-1, Sec. 2.16.030, part, 1987)

**2.16.040 Filling a Vacancy.**

A vacancy in the office of Mayor occurring within six months of a regular election shall be filled by the Assembly. The person designated shall serve until the next

regular election and until a successor is elected and has qualified. If an Assemblyman is chosen, he shall resign his Assembly seat. If a vacancy occurs more than six months before a regular election; the Assembly shall call a special election to the unexpired term.

(Ord. 88-1, Sec. 2.16.040, part, 1987)

**2.16.050 Mayor Pro Tempore.**

Should the office of the Mayor become vacant, or if the existing Mayor is disabled or unable to act, the Assembly may appoint a Mayor pro tempore, to serve until the Mayor resumes his official duties, or until a new Mayor is qualified.

(Ord. 88-1, Sec. 2.16.050, part, 1987)

**2.16.060 Successor to Office of Mayor and Mayor Pro Tempore.**

Should the office of Mayor and Mayor pro tempore become vacant or should both the Mayor and Mayor pro tempore be absent or unable to perform the duties of the office of Mayor, the order of interim succession shall be determined as follows:

- A. The Assembly member with the longest total period of tenure in office shall assume the office of Mayor pro tempore.
- B. Should more than one Assemblyman have the same total period of tenure in office, that Assemblyman who received the largest plurality at the last election at which such Assembly members were elected shall assume the office of Mayor pro tempore.

(Ord. 88-1, Sec. 2.16.060, part, 1987)

**2.16.070 Salary of Mayor.**

- A. The office of the Mayor of the Borough may be filled on a part-time basis. The salary of the Mayor serving on a part-time basis shall be \$50,000.00 per annum increased annually on July 1 of each year by an amount equal to the increase of the Consumer Price Index (Urban) for the Anchorage area from the preceding July 1. The base date of computing increases is July 1, 1993. The salary of the Mayor, shall not be diminished during the Mayor's term but may be increased beyond the cost of living index increase provided in this subsection by an amount approved by the Assembly in the budget for the next fiscal year. Any increase beyond the annual consumer price index adjustment shall become effective on July 1 of the budget year for which approved unless otherwise provided by the Assembly.



(Ord. 01-01 (Amended Ord. 94-2), Subsection 6.04.042 A, part, 1987)

- B. The Borough Assembly may, at any time during the term of office of a Mayor, raise the salary of the Mayor to an amount the Assembly determines to be commensurate with the duties and responsibilities of the office of Mayor.
- C. The office of the Mayor shall be appropriately staffed, subject to Assembly approval, in order to meet the requirement of full service to the public.

(Ord. 94-2, (Amended Ord. 88-1) Sec. 2.16.070, part, 1987)

**2.16.080 Financial Disclosure.**

- A. Aleutians East Borough Mayor shall submit a financial and business disclosure form in accordance with and as required by Borough Code 1.28.
- B. Participation in all borough governmental activities without the required disclosure by the Mayor is prohibited.

(Ord. 12-03, New Sec. 2.16.080)

## TITLE 2

### ADMINISTRATION

#### Chapter 2.20 - Borough Offices and Officers

##### **Sections:**

2.20.010	Meetings Public.
2.20.020	Private Meetings.
2.20.030	Public Notice of Meetings.
2.20.040	Publication.
2.20.050	Emergency Meeting.
2.20.060	Oath of Office.
2.20.070	Salaries of Elected Officers Not to be Varied.
2.20.080	Appointment of Officers.
2.20.090	Prohibitions.
2.20.100	Conflicts of Interest.
2.20.110	Vacancies.

##### **2.20.010 Meetings Public.**

Meetings of all municipal bodies shall be public as provided in AS —44.62.310. The ~~assembly~~Assembly, all Boards and Commissions and ~~assembly Mayor~~ shall provide reasonable opportunity for the public to be heard at regular and special meetings.

(Ord. 88-1, Sec. 2.20.010, part, 1987)

##### **2.20.020 Private Meetings.**

- A. All meetings of the Assembly, Planning Commission, subcommittees of the Assembly, boards, administrative agencies and commissions created by this Code or by the Assembly, shall be open to the public; provided, however, that the following excepted subjects may be discussed in a private meeting by any of the above:
1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the Borough;
  2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; or,
  3. Matters which by law, municipal charter, or ordinance are required to be confidential.

B. The following shall be discussed in a private meeting when the best interests of the Borough so require:

1. Topics that meet the standard of Chapter 2.08.050 of this Code;
2. Negotiations with labor organizations representing Borough employees; or,
3. Discussions of pending or threatened lawsuits in which the Borough has an interest.

C. If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding a private meeting to discuss matters that come within the exceptions contained in subsections (A) and (B) of this section shall be determined by a vote of the body. No subjects may be considered at the private meeting except those mentioned in the motion calling for the private meeting unless auxiliary to the main questions. No action may be taken at the private meeting.

(Ord. 88-1, Sec. 2.20.020, part, 1987)

**2.20.030 Public Notice of Meeting.**

Reasonable public notice shall be given of all meetings of an administrative body, board, commission, committee, subcommittee, authority, agency or other organization including subordinate units of the above groups of the Borough including but not limited to Assembly, Planning Commission, school board, platting board, commissions or organizations advisory or otherwise of the Borough.

(Ord. 88-1, Sec. 2.20.030, part, 1987)

**2.20.040 Publication.**

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of the meeting is published in accordance with the publication requirements of Section 1.12.010 not less than twenty-four hours before the time of the meeting, ~~in accordance with 1.20.030(e).~~

(Ord. 88-1, Sec. 2.20.040, part, 1987)

**2.20.050 Emergency Meeting.**

An emergency meeting of the Assembly may be held after such public notice as is reasonable under the circumstances without regard to the publication

requirements in Sec. 2.20.040, upon the affirmative vote of all members present, or the affirmative vote of three-quarters of those elected that a public emergency affecting life, health, welfare or property exists and that reasonable public notice of the meeting has been given. Any action taken at an emergency meeting is valid only for sixty days.

(Ord. 88-1, Sec. 2.20.050, part, 1987)

**2.20.060 Oath of Office.**

- A. All officers elected or appointed before entering upon the duties of office shall affirm in writing the following oath and affirmation:

"I . . . . do solemnly swear that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the Aleutians East Borough, State of Alaska, and that I will honestly, faithfully and impartially perform the duties of the office of. . . So help me God.

- B. The Oath is filed with the Borough Clerk.

(Ord. 88-1, Sec. 2.20.060, part, 1987)

**2.20.070 Salaries of Elected Officials Not to be Varied.**

The Assembly may fix by ordinance the salaries of elected officials before they are elected. Salaries may not be changed during a term of office. An elected officer may not receive any other compensation for service to the Borough. Per diem payments or reimbursements for expenses are not compensation under this section.

(Ord. 88-1, Sec. 2.20.070, part, 1987)

**2.20.080 Appointment of Officers.**

The Borough Clerk, Borough Attorney and Administrator are appointed by the Mayor. Officers serve at the pleasure of the appointing authority. Appointments by the Mayor are subject to confirmation by the Assembly.

(Ord. 88-1, Sec. 2.20.080, part, 1987)

**2.20.090 Prohibitions.**

No person may be appointed to or removed from Borough office or be favored or discriminated against with respect to a Borough position because of race color,

sex, creed, national origin or, unless otherwise contrary to law, because of political opinions or affiliations.

(Ord. 88-1, Sec. 2.20.090, part, 1987)

**2.20.100 Conflicts of Interest.**

A member of the governing body shall declare a substantial financial interest that the member has in an official action and ask to be excused from a vote on the matter. The Presiding Officer shall rule on the request for abstention (excused). The decision of the Presiding Officer on the request may be overridden by the majority vote of the Assembly. An employee or official of the Borough, other than an Assembly member may not participate in an official action in which he has a substantial financial interest. 29.20.010

(Ord. 88-1, Sec. 2.20.100, part, 1987)

**2.20.110 Vacancies.**

An elected Borough office is vacated under the following conditions and upon the declaration of vacancy by the Assembly. The Assembly shall declare an elective office vacant when the person elected:

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the Borough for a ninety-day period, unless excused by the Assembly;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office;
- E. Is removed from office;
- F. Misses three regular meetings annually unless excused; or
- G. Is convicted of a felony or of an offense involving a violation of his oath of office.

(Ord. 88-1, Sec. 2.20.110, part, 1987)

## TITLE 2

### ADMINISTRATION

#### Chapter 2.28 -- Borough Clerk

##### **Sections:**

2.28.010	Appointment--Term.
2.28.020	Borough Clerk.
2.28.030	Additional Duties of Clerk.
2.28.040	Acting Clerk.
<del>2.28.050</del>	<del>Treasurer.</del>
<del>2.28.060</del>	<del>Additional Duties of the Treasurer.</del>
<del>2.28.070</del>	<del>Finance Department.</del>
<del>2.28.080</del>	<del>Administration.</del>

##### **2.28.010 Appointment.**

The Borough clerk shall be appointed by the Mayor. He shall hold office at the pleasure of the Assembly.

(Ord. 88-1, Sec. 2.28.010, part, 1987)

##### **2.28.020 Borough Clerk**~~---Treasurer.~~

A. The Borough Clerk shall:

1. Give notice of the time and place of meetings of the Assembly and all Boards and Commissions ~~meetings~~ to the Assembly and to the public;
2. Attend meetings of the Assembly and of all Boards and Commissions ~~meetings~~ and keep the journal;
3. Arrange publication of notices, ordinances, and resolutions for the Assembly, and all Boards and Commissions;
4. Maintain and make available for public inspection an indexed file including the municipal ordinances, resolutions, rules, regulations, and codes;
5. Attest deeds and other documents; and,

6. -Perform other duties specified in this title or prescribed by the Mayor or by the Assembly and any Board or Commission of the Borough.

(Ord. 88-1, Sec. 2.28.020, part, 1987)

**2.28.030 Additional Duties of the Clerk.**

- A. The Borough Clerk shall record and certify all actions of the Assembly and Planning Commission.
- B. The Borough Clerk shall have the power to administer all oaths required by law.
- C. The Borough Clerk shall be custodian of the Borough seal and the official records of the Borough.
- D. The Borough Clerk shall give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.
- E. The Borough Clerk shall be the registrar of the Borough and shall be responsible for the calling and supervision of all Borough elections unless otherwise provided by law.

(Ord. 88-1, Sec. 2.28.030, part, 1987)

**2.28.040 Acting Clerk.**

In case of the temporary absence of the Borough Clerk, the Assembly may appoint an acting Borough Clerk, with all the powers and obligations of the Borough Clerk. The acting Borough Clerk shall be duly qualified.

The acting Borough Clerk shall in all cases sign all documents in the name of the Borough Clerk, subscribing his personal signature as acting Borough Clerk.

(Ord. 88-1, Sec. 2.28.040, part, 1987)

**~~2.28.050 Treasurer.~~**

- ~~A. There shall be a borough treasurer who shall be appointed by the Mayor.~~

~~B. The treasurer is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations.~~

~~C. The treasurer shall give bond to the municipality in a sum which the assembly directs.~~

~~(Ord. 88-1, Sec. 2.28.050, part, 1987)~~

**2.28.060 Additional Duties of the Treasurer.**

The treasurer shall:

~~A. Be responsible for all matter pertaining to the maintenance of all fund accounts of the borough, and the maintenance and care of all property used for finance;~~

~~B. Certify all appropriation encumbrances as to availability of appropriation balances and funds;~~

~~C. Prepare and submit to the Mayor such financial reports and other data as may be required;~~

~~D. Prescribe and control such procedures as are necessary to protect borough funds and property;~~

~~E. Perform such other duties as the Mayor may require.~~

~~(Ord. 88-1, Sec. 2.28.060, part, 1987)~~



TITLE 2

ADMINISTRATION

Chapter 2.29 – Finance Department

Sections:

<u>2.29.010</u>	<u>Finance Department.</u>
<u>2.29.020</u>	<u>Finance Department Director</u>

**2.29.010 ~~2.28.070~~ Finance Department.**

There shall be a Finance Department, the head of which shall be the Borough Treasurer. The Finance Director may create divisions in the Finance Department, which approval of the Mayor, the officers of which shall be appointed by the Mayor and under the direction of the Borough Treasurer. The number of employees shall be determined by, and each such employee shall be appointed by the Mayor except as he may delegate such power to the treasurer.

(Ord. 88-1, Sec. 2.28.070, part, 1987)

**2.29.020 Finance Department Director.**

- A. There shall be a Borough Finance Department Director who shall be appointed by the Mayor.
- B. The Finance Department Director is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations.
- C. The Finance Department Director shall:
  - 1. Give bond to the municipality in a sum which the Assembly directs;
  - 2. Be responsible for all matter pertaining to the maintenance of all fund accounts of the Borough, and the maintenance and care of all property used for finance;
  - 3. Certify all appropriation encumbrances as to availability of appropriation balances and funds;

4. Prepare and submit to the Mayor such financial reports and other data as may be required;
5. Prescribe and control such procedures as are necessary to protect Borough funds and property; and,
6. Perform such other duties as the Mayor may require.

## TITLE 2

### ADMINISTRATION

#### Chapter 2.40 -- Public Works Department

##### **Sections:**

- 2.40.010 Department Established.
- 2.40.020 Functions.

##### **2.40.010 Department Established.**

There is established the Borough Public Works Department. The head of the public works department is the ~~Public Works~~Maintenance Director who is appointed by, and serves at the pleasure of, the Mayor. The ~~Public Works~~Maintenance Director shall supervise and be responsible for the work and functions of the Borough Public Works Department. Employees of the department shall be hired by the Mayor and supervised by the Director. The department shall be managed and supervised subject to the directions of the Mayor.

(Ord. 97-5, Sec. 2.40.010)

##### **2.40.020 Functions.**

The Department shall be responsible for:

- A. The maintenance, repair and upkeep of buildings, harbor, marine and other public facilities for which the Borough is responsible;
- B. The maintenance of equipment assigned to the department;
- C. The inspection of all Borough owned schools, docks and other marine facilities and other public facilities owned by the Borough or for which it has contractually assumed maintenance and repair responsibilities;
- D. Regularly reporting to the Mayor the condition of all Borough owned buildings and other public facilities;
- E. Annually preparing a report on the status and condition of all schools and related facilities for the Assembly and School Board;

- F. Preparing a 6 year capital projects plan to accomplish the Borough needs for major and minor repair, rehabilitation and replacement of Borough owned buildings and other public facilities including school facilities;
- G. Providing such review of the design, plans, maps and specifications for public works projects as may be requested by the Mayor or Administrator;
- H. Coordinating with the Borough's engineer and contractors on public works projects as may be needed;
- I. Performing or supervising minor construction projects; and,
- J. Other functions assigned by the Mayor.

(Ord. 97-5, Sec. 2.40.020)

~~TITLE 2~~

~~ADMINISTRATION~~

~~Chapter 2.50 – Health Department~~

~~Section:~~

~~2.50.010 – Health Department Established, Functions.~~

~~2.50.010 – Health Department Established, Functions.~~

~~There is established the Borough Health Department. The head of the Health Department shall be appointed by the Mayor. Pursuant to powers assumed by the Aleutians East Borough, the department is responsible for providing mental and physical health. The department shall provide to the Aleutians East Borough Health Board information requested by the Board which is not required by law, regulation or ordinance to be kept confidential.~~

~~(Ord. 91-9, Sec. 2.50.010)~~

## ~~TITLE 2~~

### ~~ADMINISTRATION~~

#### ~~Chapter 2.51 – Aleutians East Borough Health Board~~

##### **Sections:**

- ~~2.51.010 – Board Established, Purpose.~~
- ~~2.51.020 – Members Qualifications.~~
- ~~2.51.030 – Term.~~
- ~~2.51.040 – Appointments.~~
- ~~2.51.050 – Organization.~~
- ~~2.51.060 – Procedures.~~
- ~~2.51.070 – Meetings.~~
- ~~2.51.080 – Expenses, Reimbursement.~~

##### **2.51.010 – Board Established, Purpose.**

- ~~(a) – There is established the Aleutians East Borough Health Board consisting of six regular members and up to six additional members.~~
- ~~(b) – The Board shall monitor and evaluate the delivery of health services within the Borough, including services not delivered by the Borough, and shall make such recommendations as it finds appropriate to the Health Department, Mayor and the Assembly. The Health Director will work as staff to the Board. The Board shall review the budget proposed by the Health Department. It shall review and make recommendations of proposed Health Department policies.~~

~~(Ord. 91-9, Sec. 2.51.010)~~

##### **2.51.020 – Members, Qualifications.**

- ~~(a) – Members of the Board shall be classified as regular members or alternate members. The classification of a member shall be determined and stated by the Mayor when appointing a member to the Board.~~
- ~~(b) – There shall be one regular member from each of the six communities within the Borough.~~
- ~~(c) – For the reason of population, the level of the delivery of publicly provided health services or for other reasons determined to be appropriate by the Mayor, the Mayor may appoint from any one or more of the six communities~~

~~in the Borough as additional regular member to represent the community. Additional regular members serve a term of three years. The first year of the term of a person appointed as an additional regular member runs until December 31 of the year of the appointment.~~

- ~~(d) The Mayor may appoint an alternate member from each of the six communities. The alternate member will serve a term ending on the same date as the regular member appointed by the community. An alternate member may attend Board meetings and exercise all rights of a regular Board member when the seat of the regular Board member is vacant or when the regular member of the community is unable to attend a Board meeting.~~
- ~~(e) Board members must be bona fide residents of the Borough and of the community from which they are appointed at the time of appointment and during their tenure on the Board.~~

~~(Ord. 91-9, Sec. 2.51.020)~~

**2.51.030 Term.**

~~The term of regular members of the Board shall be three years with the term of two seats ending each year. Terms shall begin on January 1. Terms ending in a particular year shall end on December 31; provided, regular members and alternates continue to serve after the end of their term until a replacement has been appointed and takes their seat.~~

~~(Ord. 91-9, Sec. 2.51.030)~~

**2.51.040 Appointments.**

~~Appointments to the Board shall be made by the Mayor and confirmed by the Assembly. The Mayor shall consider recommendations made by the City Council of a community or by a recognized community group.~~

~~(Ord. 91-9, Sec. 2.51.040)~~

**2.51.050 Organization.**

~~At the first meeting after January 1 at which one or more new members or reappointed members attend, the Board shall organize and elect from its membership a chair, a vice chair and a secretary.~~

~~(Ord. 91-9, Sec. 2.51.050)~~

**2.51.060 Procedures.**

~~The Board procedures shall be governed by the most current version of Roberts Rules of Order with such additions or changes as the Board or the Assembly adopts. A quorum shall be the number of members exceeding one half the total membership of the Board. The total membership of the Board is the six regular members plus a number equal to the number of regular additional member seats as are filled at the time the determination is made.~~

~~(Ord. 91-9, Sec. 2.51.060)~~

**2.51.070 Meetings.**

~~The Board shall meet at least once each quarter and may meet by teleconference. All regular and special Board meetings and meetings of any subcommittee of the Board shall comply with the Alaska Open Meetings statute, AS 44.62.310. The Board shall maintain minutes of its meetings and shall provide the Mayor and Assembly a copy of both draft and approved minutes.~~

~~(Ord. 91-9, Sec. 2.51.070)~~

**2.51.080 Expenses Reimbursement.**

~~Board members shall receive reimbursement for expenses and per diem at the same rate as provided for Assembly members unless the Assembly by resolution establishes a different rate for the Board; provided, no expenses may be reimbursed unless there is an appropriation or other Assembly authorization for such expense. No expense or per diem may be paid to any Board member unless the expense is first approved by the Mayor or is incurred in accordance with procedures established by the Mayor. Expenses of the Board for such things as teleconferencing, copying and distribution of materials to Board members shall be an expense of the Health Department but may be incurred only to the extent that funds within the Department have been appropriated or allocated to such purposes.~~

~~(Ord. 91-9, Sec. 2.51.080)~~



## TITLE 2

### ADMINISTRATIVE

#### CHAPTER 2.60 -- NATURAL RESOURCES DEPARTMENT

##### **Sections:**

- 2.60.010 Natural Resources Department - Established
- 2.60.020 Natural Resources Department - Functions

##### **2.60.010 Natural Resources Department - Established.**

There is established the Borough Natural Resources Department. The head of the department shall be appointed by and serve at the pleasure of the Mayor and shall be known as the director of the department. Employees of the department shall be hired and terminated by or with the approval of the Mayor and shall work under the direction and supervision of the director.

(Ord. 92-13, Sec. 2.60.010)

##### **2.60.020 Natural Resources Department - Functions.**

The department is responsible for:

- A. the identification of land and interests in land that are appropriate for selection by the Borough under any entitlement.
- B. The acquisition, management, and disposal of land and interests in land,
- C. The study, investigation, and monitoring of fish, wildlife and other natural resources within the Borough.
- D. The promotion of development, use, and renewal of natural resources within the Borough.
- E. The provision of assistance and guidance, to other responsible parties, on the protection, development, management, and renewal of natural resources within or affecting the Borough, and
- F. Maximizing benefits to the Borough and its residents from the presence, development, use and renewal of natural resources within and affecting the Borough.

(Ord. 92-13, Sec. 2.60.020)

## ORDINANCE 14-05

### AN ORDINANCE AMENDING TITLE 40, PLANNING, PLATTING AND LAND USE

**WHEREAS**, the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

**WHEREAS**, Title 40 Code revisions will provide additional specificity on permit form types, standard operating procedures for reviewing and approving applications, authority to establish standard stipulations to protect coastal resources, an inspection/audit compliance program and a fee/penalty schedule; and

**WHEREAS**, The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 40, Planning, Platting and Land Use.

**NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:**

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

**Section 2. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 3. Effectiveness.** This ordinance shall become effective upon adoption.

**Section 4: Adoption by Section.** Aleutians East Borough Code, Title 40 Planning, Platting and Land Use is hereby repealed and Aleutians East Borough Code, Title 40 Planning, Platting and Land Use as annexed hereto as part

of this ordinance is hereby adopted as Title 40 Planning, Platting and Land Use of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED:\_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Stanley Mack, Mayor  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tina Anderson, Clerk  
Date: \_\_\_\_\_

## TITLE 40

### ALEUTIANS EAST BOROUGH PLANNING, PLATTING AND LAND USE

#### CHAPTER

40.01    GENERAL PROVISIONS

40.02    APPEALS TO THE PLANNING COMMISSION

40.03    APPEALS TO THE BOARD OF ADJUSTMENT

40.04    APPEALS TO SUPERIOR COURT

40.05    PLANNING COMMISSION

40.06    PLANNING DEPARTMENT

40.10    COMPREHENSIVE PLAN

40.15    ZONING DISTRICTS

40.20    RESOURCE DEVELOPMENT PERMITS

## TITLE 40

### PLANNING, PLATTING AND LAND USE

#### Chapter 40.01 General Provisions

##### **Sections:**

40.01.010	Purpose.
40.01.020	Geographic Scope.
40.01.030	Borough Administration.
<del>40.01.040</del>	<del>Permit Approval Required.</del>
40.01. <del>050</del> <del>040</del>	Compliance.
40.01. <del>060</del> <del>050</del>	Fees and Penalties.
<del>40.01.070</del>	<del>Elevation.</del>
<del>40.01.080</del>	<del>Applicant's Opportunity to Appeal.</del>
40.01. <del>090</del> <del>060</del>	Definitions.

##### **40.01.010 Purpose.**

This title creates land management principles and procedures for administering development within the Borough. The purpose of this title is to:

- A. Achieve the goals and objectives and implement the policies of the Borough's Comprehensive Plan;
- B. Establish the Borough's Land Use Regulations;
- C. Establish a Planning Commission and a Planning Department;
- D. Administer the Comprehensive Plan and Coastal Zone Management Plan;
- E. Establish Zoning Districts;
- F. Promote and protect the public health, safety, morals, and general welfare, as well as the historical, economic, social, and cultural interest of the Borough's residents;
- G. Protect fish resources and ensure continuation of a productive commercial fishery;
- H. Protect subsistence resources;
- I. Ensure the future growth and development is in accord with the values of its residents;
- J. Secure the beneficial effects of development for present and future residents;
- K. Identify, avoid, and mitigate the negative effects of development;

- L. Ensure future development is of the proper type, design, and location and is served by a proper range of public services and facilities;
- M. Protect human health and the environment by prohibiting adverse impacts of industrial pollution;
- N. Ensure public involvement in permitting, planning, and zoning decisions;
- O. Encourage local business development;
- P. Maintain all Borough maps and resource data within a ~~Geographic Information System~~ an electronic system;
- Q. Implement the requirements of the Borough Charter and AS 29.40 as they pertain to Planning, Platting, and Land Use Regulations; and
- R. Encourage public and private development to:
  - 1. Provide the maximum long term local benefits that reach the maximum number of Borough residents;
  - 2. Develop the undeveloped resources of the Borough or otherwise diversify the economic base of the Borough;
  - 3. Be a stable economic force that maximizes local employment;
  - 4. Minimize the adverse impact of the development on the environment, natural resources, neighboring properties and communities, and on public infrastructure;
  - 5. Bear its share of burden on local governments of providing public facilities and services and should contribute to improving the quality of life in the Borough; and
  - 6. Be sensitive and responsive to the subsistence and other life styles that exist in the communities that the development will affect.

**40.01.020 Geographic Scope.**

This title applies to all private, state, federal, Borough, and municipally owned lands, tidelands, submerged lands and waters within the Borough's boundaries. This title does not apply to federally restricted town site lots or allotments unless allowed by federal law. This title does not apply to any lands within the municipal boundaries of Akutan, Cold Bay, King Cove, False Pass and Sand Point; planning, platting and land use is administered by these municipalities under Chapter 45.05.030, which governs Planning, Platting and Land Use Regulations within the Borough.

**40.01.030 Borough Administration.**

- A. All planning, platting and land use permit approvals require Assembly approval unless otherwise specifically delegated to the Planning Commission or Administrator in this Code.  
~~Only minor amendments, to previously approved Resource Development projects, may be approved by the Planning Director under 40.20.010 (d).~~
- B. The Planning Commission reviews all planning, platting and land use permit applications that require Assembly approval and major amendments to previous approved projects. Planning Commission and prepares a recommendation for Assembly action. The Planning Commission also decides planning, platting and land use permit applications that are elevated by the Administrator to the Planning Commission.
- C. The Administrator and Planning Director serve as staff to the Mayor, Assembly, and Planning Commissions to carry out the requirements of this title. The Administrator is authorized to approve certain planning, platting and land use permit approvals as delegated in this Code. The Administrator may delegate its authority to approve a permit to a designee in his absence.

**40.01.040 Permit Approval Required.**

- A. All Resource Development within the Resource Development District requires an approved land use permit approval prior to construction or operation, to ensure compliance with the Code.
- B. The Assembly, Planning Commission, or Administrator may place conditions upon issuance of any permit that is necessary or desirable to ensure that a rule, policy, standard or intent will be implemented in a manner consistent with this Code.

**40.01.050 040 Compliance.**

- A. Permittees must comply with all terms, conditions, and permit stipulations included in an approved permit.
- B. Permittee must comply with all local, state, and federal laws, regulations, rules and orders, and requirements and stipulations.
- C. Any use that does not comply with the applicable provisions of a permit, approval, or other authorization issued under this Code is a violation of this Code.
- D. Permits are revocable immediately upon violation of any of its terms, conditions, and stipulations or upon failure to comply with any applicable laws, statutes, or regulations.

- E. Any person may bring to the attention of the Administrator suspected violation of this Code. The complaint must be submitted to the Borough in writing using the Borough Land Use Complaint Form.
- F. The Administrator is authorized to investigate any credible complaints in order to ensure compliance with this Code. The Administrator, or his authorized representative, has the the right to enter and inspect or investigate land uses approved under a Borough permit or approval for compliance with that approval or violations of this Code.
- G. After a violation has been discovered, investigated, and verified, the Administrator will notify by written finding the person responsible for the violation (Notice of Violation) and the property owner by personal notice, certified mail and/or notice posted on the site of the violation. A copy of the Notice of Violation will concurrently be provided to the Assembly and Planning Commission members.
- H. The Notice of Violation will specify the violation(s) and may The Administrator may revoke, suspend, or modify any permit or approval that is in conflict with this title Code or any applicable state or federal requirement and may specify the range of fines or penalties to be imposed and shall direct the person to cease the violation, or appeal the finding within 10 days after receipt, mailing or posting of the notice.
- I. The Administrator will provide an update on all Notices of Violation at each scheduled Planning Commission and Assembly meeting.
- J. The Administrator may elevate a compliance decision to the Planning Commission to decide. The Planning Commission may elevate a compliance decision to the Assembly to decide.-
- K. The Administrator may approve continued operation under a Compliance Plan until the compliance violation is remedied or require the use to cease,- or may elevate this decision to the Planning Commission or Assembly to decide.
- L. Application fees may be collected by the Administrator pursuant to Chapter 40.01.050.
- M. Penalties for non-compliance may be assessed by the Administrator pursuant to Chapter 1.24, which pertains to penalties.

#### **40.01.060 40.01.050 Fees and Penalties.**

The Planning Commission will establish-propose a schedule of fees and penalties for compliance with this title, for Assembly approval. The Assembly will establish procedures for the Administrator to follow when pursuing civil and criminal penalties.



**40.01.070 Elevation.**

- A. The Administrator may elevate a decision to the Planning Commission based on a written finding that the permit application may:
1. Have potential, significant or negative impacts on or conflict with Borough interests, resources or activities in a manner or to a degree that warrants consideration by the Commission;
  2. Conflict with adopted Borough policies in a manner or to a degree that warrants consideration by the Commission and cannot be easily decided by the Borough Planning Director; or,
  3. Raised a particular issue or set of issues that warrants consideration by the Commission.
- B. Decisions elevated to the Planning Commission will be placed on the next scheduled meeting of the Planning Commission. The permit applicant must participate in the Planning Commission meeting at a location designated by AEB, and present its application. The Planning Commission decision will be made at the meeting. The permit will either be approved or denied.

**40.01.080 Applicant's Opportunity to Appeal.**

- A. An applicant may appeal the decision of the Administrator made under this Chapter to the Planning Commission pursuant to procedures of Chapter 40.02.
- B. An applicant may appeal the decision of the Planning Commission made under Chapter to the Board of Adjustment pursuant to the procedures of Chapter 40.03.
- C. The Board of Adjustment's decision is final and may be appealed to the Alaska Superior Court in accordance with Alaska State Law.

**40.01.090 060 Definitions.**

The definitions listed below are in addition to those listed in Chapter 1.12.010, which provides general definitions for the Code:

- A. "Aggrieved Party" means a resident, landowner, municipality, tribes, or Native Corporation in the Aleutians East Borough, or the Applicant.

- B. “Applicant” means the person who makes an application for use under the provisions of this title, and successors in title or interest;
- C. “Casual Recreational Use” means a recreational use of Borough land that is nonexclusive and involves only minimal disturbance to the land by an individual or group of people that are not involved in the commercial provision of commercial recreation services. Nonexclusive examples of a casual recreational use may include: fishing, hunting, camping, hiking, skiing, climbing, canoeing, kayaking, rafting, paddle sports, water sports, scuba, adventure activities, sports, boating, all-terrain vehicle trips on existing trails or under conditions that will not cause damage to the land or vegetation, snow machine trips, dog-mushing, sight-seeing, bird watching, wildlife viewing, and subsistence activities.
- A.D. “Coal Mining” means mining, extraction, harvesting removing or producing for sale, profit or commercial use any coal and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources.
- E. “Commercial” means use involving the storing, wholesaling, retailing, or rental of any article, service, or substance for cash, trade, or any form of compensation, and supporting activities, but excludes such uses when they are conducted in a dwelling unit or accessory building and are clearly subordinate to the use of the dwelling for residential purposes provided that the primary use and appearance of the lot and accessory building remains residential and generally conforming to the appearance of the surrounding area. For the purposes of this title, Resource Development activities are administered as a separate and distinct commercial activity and are not included in this definition;
- B.F. “Commercial Recreation” means the commercial provision of services in support of any of the following: fishing, hunting, camping, hiking, skiing, climbing, canoeing, kayaking, rafting, paddle sports, water sports, scuba, adventure activities, sports, boating, all-terrain vehicle trips, snow machine trips, sight-seeing, bird watching, wildlife viewing, hotels and lodges, and tours. This definition includes professional guides and outfitters. This definition does not include: (a) Casual Recreational Use, (b) any commercial recreation activities conducted by Native Corporations or tribes that are Aleutian East Borough landowners, or (c) local residents that only provide transportation to a fishing, hunting, or recreational location but do not provide hunting, fishing, or ecotourism guide services.
- G.G. “Compliance Plan” means a written plan developed by the Administrator to bring development into compliance with this title;
- H. “Comprehensive Plan” means a document officially adopted by the Assembly including text, charts, graphics, or maps, or any combination, designed to portray general long-range proposals for the arrangement of land uses and development of an economic base and human resources and which is intended to guide

government policy towards achieving orderly and coordinated development of the entire community;

- I. “Direct Marketing Seafood Processor” means a for-profit or non-profit cooperative, partnership or individual fisherman who processes or exports only their own catch or has their own catch custom processed for sale.
- J. “Eco-Tourism” means the commercial provision of camping, hiking, skiing, climbing, canoeing, kayaking, rafting, paddle sports, water sports, scuba, adventure activities, sports, boating, all-terrain vehicle trips, snow machine trips, sight-seeing, bird watching, wildlife viewing, and tours.
- K. “Fishing Guide” means the commercial provision of fishing guide services.
- L. “Hotel and Lodge Operator” means the commercial provision of hotel and lodge accommodations.
- ~~D.M.~~ “Hunting Guide” means the commercial provision of hunting guide services.
- N. “Industrial” means an intensive land use and economic activity involved with manufacturing and production. For the purposes of this title, Resource Development activities area administered as a separate and distinct industrial activity and are not included in this definition;
- O. “Large Mining Operations” means Coal Mining or Mineral Mining operations of five (5) acres or more at any one time.
- P. “Mineral Mining” means mining, extraction, harvesting removing or producing for sale, profit or commercial use any copper, gold, silver, zinc, lead, molybdenum, or other metallic mineral product, compound or combination of mineral products and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources;
- Q. “Mineral and Coal Exploration” means exploration for minerals and coal, including two dimensional or three dimensional seismic surveys run in search of minerals and coal, but and does not include Mineral Mining or Coal Mining operations.
- R. “Offshore Seafood Processor” means a for-profit company that buys, processes, and/or exports a fishery resource using facilities located offshore. This definition includes floating processors that are anchored or docked at the shoreline. This definition excludes Onshore Seafood Processors and Direct Marketing Seafood Processors.
- S. “Oil and Gas” includes the exploration for (including seismic surveys and drilling) development of and production of petroleum or natural gas, including all

associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources;

- T. “Onshore Seafood Processor” means a for-profit company that buys, processes, and/or exports a fishery resource using facilities located onshore. This definition excludes Offshore Seafood Processors and Direct Marketing Seafood Processors.
- U. “Professional Researcher” means a person, company or organization that conducts on its own behalf, or is funded to conduct research on another’s behalf, including, but not limited to a: organization or company operating for profit; non-governmental organization; local government; state government; federal government; or university. Research conducted by local elementary, junior-high or high-school students in support of school educational activities and cultural surveys conducted by Native Corporations and tribes is excluded from this definition.
- V. “Recreational Mining” means recreational gold panning; hard-rock mineral prospecting or mining using light portable field equipment, such as a hand-operated pick, shovel, pan, earth auger, or a backpack power drill or auger; or suction dredging using a suction dredge with a nozzle intake of six inches or less, powered by an engine of 18 horsepower or less, and pumping no more than 30,000 gallons of water per day.
- W. “Research” means research conducted by Professional Researchers that require field work anywhere within AEB boundaries, and may include one or more of the following types of research:
1. wildlife, habitat or other biological research;
  2. air quality, meteorological, water quality, hydrological studies, or soil research;
  3. archeological or paleontological research for artifacts relating to human and prehistoric animal life;
  4. geological surveys that result in minimal disturbance of the ground surface, excluding: two dimensional or three dimensional seismic surveys run in search of oil, gas, or other minerals; drilling of holes; or excavation;
  5. socioeconomic research;
  6. land surveying or mapping;
  7. engineering assessments; and/or,
  8. any research or studies required to support Resource Development.
- This definition does not include earthquake monitoring equipment located in the Borough.

X. “Research Conducted in Support of Resource Development” means Research conducted by a Resource Development Operator, or a Professional Researcher hired by the Resource Development Operator, to conduct research to support a Resource Development Project.

Y. “Research Conducted for Other Purposes” means Research conducted by a Professional Researcher for any other purpose than to support a Resource Development Project.

E.Z. “Residential” means a use involving the occupation of a building or structure for living, cooking, sleeping, and accessory uses;

AA. “Resource Development” means:

1. Hydrocarbon Exploration and Development; exploration and development of petroleum, natural gas;
2. Coal Mining;
3. Mineral Mining;
4. Mineral or Coal Exploration
5. Sand, Gravel, and Rock Mining;
6. Research; and
- 1-7. Commercial Recreation, coal, metal ore, sand, gravel, other natural resources, and minerals, and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources and bring them to market, for example core drilling, seismic work, and trenching;

BB. “Sand, Gravel, and Rock Mining” means gravel mining, quarrying, or producing for sale, profit or commercial use and sand, gravel, or rock, including all associated processing and transportation and distribution infrastructure required to commercially develop these resources.

CC. “Scientific Advisory Council” means a council ~~that may be~~ is appointed by the Mayor to evaluate ~~the Study and Research, Project Monitoring Plans, and Remediation Plans, as needed and requested by the Mayor,~~ to determine if they are acceptable; this council will work closely with the Borough’s Natural Resource Department described in Chapter 2.6 of this Code.

DD. “Small Mining Operations” means Coal Mining or Mineral Mining operations that are limited to less than five (5) acres at any one time. This definition does not include Recreational Mining.

F.EE. “Technically Feasible” means technical solutions using commercially available technology that are safe and appropriate to achieve the intended purpose.

TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.02

Appeals to the Planning Commission

Sections:

<u>40.02.010</u>	<u>Persons Who May Appeal.</u>
<u>40.02.020</u>	<u>Commencement of Appeal – Stay.</u>
<u>40.02.030</u>	<u>Appeal Hearing – Notice, Preparation of Record</u>
<u>40.02.040</u>	<u>Appeal Hearing.</u>
<u>40.02.050</u>	<u>Decision.</u>

**40.02.010**      **Persons Who May Appeal.**

An Applicant or any Aggrieved Party that submitted timely comments to the Administrator during the public comment period may appeal a decision of the Administrator made under Chapter 40.01 to the Planning Commission.

**40.02.020**      **Commencement of Appeal – Stay.**

- A. A decision of the Administrator is final unless appealed to the Planning Commission within 14 calendar days of receipt of the Administrator's decision received by certified mail.
- B. A written notice of appeal must be filed with the Borough Clerk, specifically stating the reason for the appeal, the relief sought, and payment of a \$500 appeal fee. In the event the Appellant prevails, the appeal fee will be returned.
- C. The decision of the Administrator is stayed upon receipt of an appeal.

**40.02.030**      **Appeal Hearing – Notice, Preparation of Record.**

- A. Upon timely submittal of an appeal, the Borough Clerk shall schedule the appeal hearing, mail notice of the appeal, prepare the appeal record and notify the Planning Commission of the appeal.
- B. Within 15 calendar days of receipt of an appeal, notice of the appeal shall be given by certified mail, at a minimum, to the Permit Applicant, Appellant, adjoining property owners, Planning Commission Members, and all persons that submitted written comments on the decision under appeal. The appeal notice shall include

the Appellant's notice of appeal, describe the decision appealed from, state the date of the appeal hearing and time within which written argument supporting or opposing the appeal may be submitted, and contain the substance of subsection F of this section regarding the availability of the appeal record.

- C. The Permit Applicant, Appellant, adjoining property owners, and all persons that submitted written comments on the decision under appeal may submit to Borough Clerk written argument supporting or opposing the appeal within 15 calendar days of receipt of the notice of appeal. Written argument submitted shall become part of the appeal record.
- D. The appeal record shall be completed within 30 calendar days from the date that the notice of appeal was mailed by certified mail. The appeal record shall include the Administrator's written decision, the appeal, any written comments received supporting or opposing the appeal, and supporting documentation.
- E. Following completion of the record, the Borough Clerk shall, by certified mail, serve a copy of the appeal record on the Permit Applicant and the Appellant. The Borough Clerk shall deliver a copy of the appeal record to the Borough staff assigned responsibility for the appeal and the Planning Commission.
- F. A copy of the appeal record shall be available for public inspection at the Administrator's office and the Borough Clerk's office. Any person may obtain a copy of the record upon payment of the copying and postage charges.

#### **40.02.040          Appeal Hearing.**

- A. The Planning Commission shall hold a public hearing on the appeal at its first regular meeting which must be at least seven (7) calendar days after the appeal record has been completed and provided to the Planning Commission Members.
- B. Appeal hearings will be recorded.
- C. At the hearing before the Planning Commission, only persons who have received written notice of the appeal or submitted written comments on the appeal may present oral argument. Oral argument shall be subject to the following order and time limitations, unless the Planning Commission, for good cause shown, permits a change in the order or an enlargement of time.
  - 1. Administrator: 10 minutes to present the decision and to set forth the evidence and reasons relied upon for the decision.
  - 2. Permit Applicant, Appellant: 10 minutes each.
  - 3. Private persons supporting or opposing the appeal: 10 minutes each.

- 4. Permit Applicant, Appellant, and Administrator: 10 minutes each for rebuttal.
- D. Failure to observe the above procedures in a hearing shall not affect the validity of the decision so long as the Appellant has had a reasonable opportunity to be heard.
- E. The Planning Commission shall decide the appeal upon the appeal record and the written and oral argument presented on the appeal.

**40.02.050 Decision.**

- A. The Planning Commission shall either affirm or reverse the decision of the Administrator in whole or in part.
- B. Every decision of the Planning Commission to affirm or reverse an action of the Administrator shall be based upon findings and conclusions adopted by the Planning Commission. Such findings must be reasonably specific so as to provide the Applicant, Appellant, any other Aggrieved Party, the community and, where appropriate, reviewing authorities, a clear and precise understanding of the reason for the decision.
- C. The Planning Commission's decision affirming or reversing the decision of the Administrator shall be sent by certified mail to the Permit Applicant, Appellant, adjoining property owners, and all persons that submitted written comments on the decision under appeal within five working days after the appeal decision and approval of findings of fact. A copy of the decision will also be provided to each Assembly Member.



TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.03

Appeals to the Board of Adjustment

Sections:

<u>40.03.010</u>	<u>Organization</u>
<u>40.03.020</u>	<u>Powers of the Board.</u>
<u>40.03.030</u>	<u>Persons Who May Appeal</u>
<u>40.03.040</u>	<u>Commencement of Appeal - Stay</u>
<u>40.03.050</u>	<u>Appeal Hearing – Notice, Preparation of Record</u>
<u>40.03.060</u>	<u>Appeal Hearing.</u>
<u>40.03.070</u>	<u>Decision</u>
<u>40.03.080</u>	<u>Judicial Review</u>

**40.03.010**      **Organization.**

The Assembly is the Board of Adjustment for the Aleutians East Borough.

**40.03.020**      **Powers of the Board.**

The Board of Adjustment shall hear and decide appeals from the decisions of the Planning Commission.

**40.03.030**      **Persons Who May Appeal.**

A written decision of the Planning Commission granting or denying approval under the requirements of this Title may be appealed by the Applicant or any person who submitted timely written comments on the permit application, met the requirements of Chapter 40.02, or gave oral testimony at the public hearing before the Planning Commission.

**40.03.040**      **Commencement of Appeal - Stay.**

A. A decision of the Planning Commission is final unless appealed to the Board of Adjustment within 14 calendar days of receipt of the Planning Commission's decision received by certified mail.

- B. A written notice of appeal must be filed with the Borough Clerk, specifically stating the reason for the appeal, the relief sought, and payment of a \$500 appeal fee. In the event the Appellant prevails, the appeal fee will be returned.
- C. The decision of the Planning Commission is stayed upon receipt of an appeal.

**40.03.050 Appeal Hearing – Notice, Preparation of Record.**

- A. Upon timely commencement of an appeal, the Borough Clerk shall schedule the appeal hearing, mail notice of the appeal, prepare the appeal record, and notify the Administrator, Planning Commission and Board of Adjustment of the appeal.
- B. Within 15 calendar days of receipt of an appeal, notice of the appeal shall be given by certified mail, at a minimum, to the: Permit Applicant, Appellant, adjoining property owners, any person who submitted timely written comments on the permit application, met the requirements of Chapter 40.02, or gave oral testimony at the public hearing before the Planning Commission, the Administrator, Planning Commission Members, and Board of Adjustment. The appeal notice shall include the Appellant's notice of appeal, describe the decision appealed from, state the date of the appeal hearing and time within which written argument supporting or opposing the appeal may be submitted, and contain the substance of subsection F of this section regarding the availability of the appeal record.
- C. The Permit Applicant, Appellant, adjoining property owners, and all persons that submitted written comments on the decision under appeal may submit to Borough Clerk written argument supporting or opposing the appeal within 15 calendar days of receipt of the notice of appeal. Written argument submitted shall become part of the appeal record.
- D. The appeal record shall be completed within 30 calendar days from the date that the notice of appeal was mailed by certified mail. The appeal record shall include the Planning Commission's written decision, the appeal, any written comments received supporting or opposing the appeal, minutes of the proceedings before the Planning Commission, and any written documents considered by the Planning Commission, and supporting documentation.
- E. Following completion of the record, the Borough Clerk shall, by certified mail, serve a copy of the appeal record on the Permit Applicant and the Appellant. The Borough Clerk shall deliver a copy of the appeal record to the Borough staff assigned responsibility for the appeal, the Planning Commission and the Board of Adjustment.
- F. A copy of the appeal record shall be available for public inspection at the Borough Clerk's office or Borough Administrator's office. Any person may obtain a copy of the record upon payment of the copying and postage charges

**40.03.060 Appeal hearing.**

- A. The Board of Adjustment shall hold an appeal hearing on the appeal at its first regular meeting which must be at least seven (7) calendar days after the appeal record has been completed and provided to the Board of Adjustment.
- B. Appeal hearings will be recorded.
- C. At the hearing before the Board of Adjustment only persons who have received written notice of the appeal, submitted written argument on the appeal, or testified before the Planning Commission, or submitted written comments to the Planning Commission may present oral argument. Oral argument shall be subject to the following order and time limitations, unless the Board of Adjustment for good cause shown, permits a change in the order or an enlargement of time.
1. Planning Commission Chairman: 10 minutes to present the decision below and to set forth the evidence and reasons relied upon for the decision.
  2. Permit Applicant, Appellant: 10 minutes each.
  3. Private person supporting or opposing the appeal: 10 minutes each.
  4. Permit Applicant, Appellant and Planning Commission Chairman, for rebuttal, 10 minutes each.
- D. Failure to observe the above procedures in a hearing shall not affect the validity of the decision so long as the appellant has had a reasonable opportunity to be heard.
- E. The Board of Adjustment shall decide the appeal upon the appeal record, the written and oral argument, and the testimony and evidence presented on the appeal. The Board of Adjustment may exercise its independent judgment on the legal and factual issues raised by the Appellant.

**40.03.070 Decision.**

- A. The Board of Adjustment shall either affirm or reverse the decision of the Planning Commission in whole or in part. The Board of Adjustment may make its own findings on factual issues, based upon the evidence in the record.
- B. Every decision of the Board of Adjustment to affirm or reverse an action of the Planning Commission shall be based upon findings and conclusions adopted by the Board of Adjustment. Such findings must be reasonably specific so as to provide the Applicants, Appellant, any other Aggrieved Party, the community and,

where appropriate, reviewing authorities, a clear and precise understanding of the reason for the decision.

- C. The Board of Adjustment's decision affirming or reversing the decision of the Administrator shall be sent by certified mail to the Permit Applicant, Appellant, adjoining property owners, and all persons that submitted written comments on the decision under appeal within five working days after the appeal decision and approval of findings of fact. A copy of the decision will also be provided to the Administrator, and each Planning Commission Member.

**40.03.080 Judicial review.**

An Aggrieved Party may appeal the final decision of the Board of Adjustment under this chapter to the Superior Court within 30 days of the date of the decision. An appeal to the Superior Court shall be heard solely on the record before the Board of Adjustment or its Hearing Examiner and the Planning Commission. The appeal procedure shall be governed by the rules set forth in Part Six of the Rules of Appellate Procedure of the State of Alaska. The findings of the Board of Adjustment shall not be reversed if, in light of the whole record, they are supported by substantial evidence.

TITLE 40

PLANNING, PLATTING AND LAND USE

Chapter 40.04  
Appeals to Superior Court

Sections:

<u>40.04.010</u>	<u>Persons Who May Appeal</u>
<u>40.04.020</u>	<u>Judicial Review</u>

**40.04.010**            **Persons Who May Appeal.**

A written decision of the Assembly or a final decision of the Board of Adjustment may be appealed by the Applicant or any person who submitted timely written comments or gave oral testimony pursuant to the requirements of Chapter 40, may appeal that decision to the Superior Court within 30 days of the date of the decision.

**04.04.020**            **Judicial review.**

An appeal to the Superior Court shall be heard solely on the Assembly's record of decision or the record before the Board of Adjustment. The appeal procedure shall be governed by the rules set forth in Part Six of the Rules of Appellate Procedure of the State of Alaska. The findings of the Assembly or Board of Adjustment shall not be reversed if, in light of the whole record, they are supported by substantial evidence.

## TITLE 40

### PLANNING, PLATTING AND LAND USE

#### Chapter 40.05 Planning Commission

##### **Sections:**

40.05.010	Planning Commission.
40.05.020	Appointment.
40.05.030	Term of Membership.
40.05.040	Vacancy.
40.05.050	Filling Vacancy.
40.05.060	Organization.
40.05.070	Rules of Procedure.
40.05.080	Meetings.
40.05.090	Reimbursement and Compensation.
40.05.100	Powers and Duties.
40.05.110	Financial Disclosure

##### **40.05.010 Planning Commission.**

A Borough Planning Commission is adopted pursuant to authority set forth in Alaska Statute 29.40.020 and consists of seven Borough residents appointed by the Mayor and confirmed by the Assembly.

##### **40.05.020 Appointment.**

A. The Mayor shall appoint the Planning Commission members as follows: two from the City of Sand Point, a first class city; two from the City of King Cove, a first class city; and three from the Aleutians East Borough, outside the corporate limits of the cities of Sand Point and King Cove. Members appointed from the cities of Sand Point and King Cove must be appointed from a list of recommendations submitted by the Council of the respective City that the Planning Commission member is to represent. The list must contain at least two names for each vacancy. People recommended must be residents of the respective City the Commission member will represent. -Each member of the Planning Commission has one vote.

A.B. The Mayor may appoint one youth representative as an advisory nonvoting member to be seated on the Planning Commission for a term of one year. Appointments to fill vacancies in the youth position shall be for the unexpired term.

No youth representative may serve more than one term as youth member on the Planning Commission. The youth representative position shall be open to all Borough residents between the ages of 16 and 25 years of age.

**40.05.030 –Term of Membership.**

A. The term of a member shall begin on January 1, and shall continue for the duration of three years and until a successor is appointed and takes office.

B. Members first appointed shall draw lots for one, two and three-year terms.

A.C. Appointments to fill vacancies are for the unexpired term.

(Ord. 88-4, Sec. 40.05.030)

**40.05.040 Vacancy.**

The office of a member of the Planning Commission becomes vacant upon:

- A. The death or resignation of a member;
- B. The failure of a member to attend three consecutive regular meetings without first being excused by the Planning Commission;
- C. Failure of the member to attend two-thirds of the regular and special meetings of the Planning Commission during any twelve month period without first being excused by the Planning Commission;

D. Upon a two-thirds vote of the Assembly to remove the member from office;

E. If a member moves its permanent residence from the Borough;

F. If a members resignation is submitted to and accepted by the Mayor;

~~D.G.~~ If a member is convicted of a felony or an offense involving a violation of his oath of office, or

H. The occurrence of any other event that by ordinance or other law causes the office to become vacant.

**40.05.050 –Filling Vacancy.**

If a vacancy occurs on the Planning Commission, the vacant position shall be filled by Mayor appointment for the unexpired term of the Commission member being replaced.

**40.05.060 Organization.**

At the first meeting of each calendar year, following the day the Assembly confirms the ~~annual~~ appointments to the Planning Commission, the Planning Commission shall elect one member to chair meetings of the Planning Commission. The chair shall appoint a recording secretary.

~~Annually, It~~ the Planning Commission shall establish and publish in accordance with the publication requirements of Section 1.12.010 in a newspaper of general circulation in the Borough regular meeting dates for the Planning Commission. The Planning Commission will meet at least quarterly each year. Schedule revisions ~~shall must~~ be published 30 days in advance of the meetings.

**40.05.070 Rules of Procedure.**

A. Robert's Rules of Order, Newly Revised, shall govern the procedures of the Planning Commission to the extent it does not conflict with other provisions of this Code. The Planning Commission may, by resolution, modify Robert's Rules of Order.

~~A.B.~~ At its first meeting of each year, the Planning Commission shall elect a chairperson to conduct the affairs of the Planning Commission and a vice-chairperson in his absence.

C. A quorum of the Planning Commission for the conduct of any meeting or public hearing shall be a majority of the commission. No actions shall be taken by the commission except by concurrence of at least four members.

~~B.D.~~ All formal actions of the Planning Commission shall be made by resolution or permit approval or denial.

~~C.E.~~ Any and all final decisions of the Planning Commission may be overruled or reversed by the Assembly, but only upon a vote of five Assembly members in favor of such overruling or reversal.

**40.05.080 Meetings.**

A. ~~Regular-Mm~~ meetings of the Planning Commission shall be held as set out in the schedule of ~~regular~~ meetings pursuant to Chapter 40.05.060.

B. All reports, communications, ordinances, resolutions, permit applications or other matters to be submitted to the Planning Commission shall, at least seventy-two



hours prior to each Planning Commission meeting, be delivered to the Borough Clerk, whereupon the Planning Commission Chairperson shall arrange a list of such matters according to the order of business. At least forty-eight hours in advance of the Planning Commission meeting, the Borough Clerk shall furnish each member of the Planning Commission a copy of the same in packet form. Distribution shall be by electronic mail to each Planning Commission member's email address of record as well as by posting on the Borough's website. If distribution by electronic means is not available, distribution shall be by delivery in person or mail to the Planning Commission member.

- C. Special meetings of the Planning Commission may be called by the chairman or by three members. Reasonable notice of the meeting shall be given to all members and the public. The notice must state the subject or subjects of the meeting. No action may be taken on any matter that was not within the scope or subject of the meeting as set out in the notice.
- D. At every regular meeting of the Borough Assembly the order of business shall be as follows:
1. Call to Order;
  2. Invocation;
  3. Roll Call;
  4. Minutes of Previous Meeting;
  5. Consent Agenda;
  6. Hearings, Ordinances, Resolutions, and Permit Applications;
  7. Old Business;
  8. New Business;
  9. Administrator/Manager Reports;
  10. Audience Participation;
  11. Planning Commission Comments; and,
  12. Adjournment.
- E. Minutes of all regular and special meetings shall be taken. Minutes shall be in the form of a summary of discussion including a verbatim report of motions made and actions taken plus a report of each vote cast by Planning Commission members when a roll call vote is made. Summary notes shall be provided for each work session.
- F. All minutes of regular and special meetings, and Planning Commission. Paper copies of all minutes of the Planning Commission shall be distributed by the Borough Clerk to the public desiring same after payment of a reasonable charge. One copy of the minutes shall be given free of charge to any person appearing in person and requesting same with extra copies in person or by mail available at twenty-five cents per copy per page, and subscriptions available by mail at the rate

of ten dollars per year. All minutes shall also be posted on the Borough's website and available to the public free of charge.

G. Unless a reading of the minutes of a Planning Commission meeting, regular or special, is requested by a member of the Planning Commission, such minutes may be approved without a reading if the Borough Clerk has previously furnished each member with a synopsis thereof.

H. The Borough Clerk shall give notice of Planning Commission meetings, shall attend all meetings of the Planning Commission and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the Borough Clerk, the Borough Assembly may appoint a clerk pro tempore, with all the powers, duties and obligations of the Borough Clerk, who shall be duly qualified.

#### **40.05.090 Reimbursement and Compensation.**

Each member of the Planning Commission shall receive a meeting fee of three hundred dollars for each Planning Commission meeting day attended, including appeal hearings. The meeting fee shall be paid monthly and shall be subject to all applicable taxes and withholdings.

~~Planning Commission members shall be reimbursed, or paid a per diem, for such reasonable and necessary expenses the member incurs in the discharge of the member's duties. The Assembly may, by resolution, establish per diem rates, rules relating to reimbursement and other payments, and may authorize additional reimbursable item payments in lieu of, as well as payment of, compensation for an honorarium.~~

#### **40.05.100 Powers and Duties.**

The Planning Commission shall:

- A. Prepare and submit to the Assembly a proposed Comprehensive Plan in accordance with AS 29.40.030 for systematic and organized development of the Borough;
- B. Recommend amendments to the Comprehensive Plan to the Assembly for approval;
- C. Review, recommend, and administer measures necessary to implement the Comprehensive Plan, including measures provided under AS 29.40.040 and Chapter 40.15 (Land Use Regulations) of this Title;
- D. Act as the Aleutians East Borough Platting Board;

- E. Have the authority to prepare and submit to the Assembly for its approval a Master Plan for the physical development of the Borough, including the general location, character and extent of streets, bridges, parks, waterways, and other public ways, grounds and spaces, together with the general location of the public buildings and other public property, public utilities, and the extent and location of any public housing projects. The Planning Commission shall recommend modifications to the Master Plan from time to time, as it deems in the Borough's interest;
- F. Prepare and recommend to the Assembly a comprehensive zoning ordinance and map, or propose amendments or revisions thereof, with such provisions as the commission shall deem necessary or desirable for the promotion of health, safety, morals, and general welfare of the inhabitants of the Borough;
- G. Act as the platting board and exercise other functions with respect to land subdivisions, planning, and zoning as may be prescribed elsewhere in this Code or any other ordinance of the Borough, not inconsistent with the provisions of the Borough charter;
- H. Review all applications, and major amendments to previous approved projects, and prepare recommendations for Assembly action;
- I. Cause minutes of each meeting to be recorded and forwarded to the Borough Assembly through the Borough Assembly; and
- J. Perform other duties as may be prescribed by ordinance or requested by the Assembly.

(Ordinance 04-02, Chapter 40.05)

**40.05.110 Financial Disclosure.**

- A. Planning Commission members shall submit a financial and business disclosure form in accordance with and as required by Borough Code 1.28.
- B. Participation in all borough governmental activities without the required disclosure is prohibited.

(Ord. 12-03, New Sec. 40.05.110)

## TITLE 40

### PLANNING, PLATTING and LAND USE

#### Chapter 40.06 Planning Department

##### **Sections:**

- 40.06.010 Planning Department.
- 40.06.020 Planning Director.
- 40.06.030 Planning Department Functions.

##### **40.06.010 Planning Department.**

The Planning Department Director is appointed by the Mayor, confirmed by the Assembly, and reports to the Administrator. If a Planning Department Director is not appointed, the Administrator or his designee completes these duties. The Planning Department carries out the Borough functions described in:

- A. Chapter 40.06 Planning Department
- B. Chapter 40.10 Comprehensive Plan
- C. Chapter 40.15 Zoning Districts
- D. Chapter 40.20 Resource Development

##### **40.06.020 Planning Director.**

The Planning Director is responsible for providing balanced and orderly Resource Development within the Borough. Local, state, and federal law and regulations will govern the actions of the Planning Director.

##### **40.06.030 Planning Department Functions.**

The Planning Department functions include:

- A. Maximizing Resource Development benefits for Borough residents, while ensuring protection of human health and safety, the environment, commercial fishery resources, subsistence resources, cultural and historic sites, and other economic opportunities within AEB;
- B. Ensuring all Resource Development within the Borough complies with the Borough's Comprehensive Plan and all other local, state, and federal laws;

- C. Preparing written recommendations ~~to the Planning Commission for each Resource Development application; to either on whether to~~ approve the project, deny ~~it~~, or approve permit applications ~~it~~ with conditions;
- D. Review and comment on state and federal permits and approvals required for Resource Development projects within the Borough to ensure compliance with local requirements and address local concerns;
- E. Inspecting and auditing Resource Development projects for compliance with local requirements, and notifying state, and federal or federal requirements authorities of potential non-compliance with state or federal requirements;
- F. Preparing written recommendations on whether to conduct enforcement actions; and
- G. Maintaining complete and accurate maps and documentation on each Resource Development project within a ~~Geographic Information System~~ electronic mapping system and/or hard copy.

## TITLE 40

### PLANNING, PLATTING and LAND USE

#### Chapter 40.10 Comprehensive Plan

##### **Sections:**

40.10.010	Description and Purpose.
40.10.020	Planning Commission Review and Recommendations.
40.10.030	Assembly Action.
40.10.040	Adoption and Contents.

##### **40.10.010 Description and Purpose.**

The Comprehensive Plan is a guide for the systematic and organized physical, social and economic development, both public and private, of the Borough and serves as a long-range policy guide for the development of the Borough as a whole.- It may include separate elements that deal with discrete topics such as transportation, education, subsistence, economic development, tourism, public infrastructure, comprehensive development plans for specific communities or areas, delivery of public services, Borough lands management, and other subjects that may affect the orderly and beneficial development of the Borough.

It is the purpose of the Comprehensive Plan to:

- A. Encourage maximum, sound and reasonable development and use of renewable and nonrenewable resources within the Borough;
- B. Minimize the adverse impact of such development and use on the residents and environment of the Borough;
- C. Promote a healthy and stable ecosystem;
- D. Minimize the occurrence of incompatible land uses; and.
- E. Promote the health, welfare, and safety of the residents of the Borough.

The Comprehensive Plan shall be implemented through the adoption and application of land use regulations, conditional use and other permitting, zoning, platting, site development and other land use and related regulations.

**40.10.020 Planning Commission Review and Recommendations.**

The Planning Commission shall regularly review the Comprehensive Plan and recommend additions, deletions, and revisions to the Assembly.

**40.10.030 Assembly Action.**

The Assembly may expand, contract, or amend the Comprehensive Plan by ordinance.

**40.10.040 Adoption and Contents.**

The Borough Comprehensive Plan is adopted and consists of the following plans, statements, programs, reports, policies, recommendations, goals, standards, maps and documents:

~~A. Aleutians East Borough Coastal Management Program, titled, "Coastal Area Boundary Policies Implementation Resource Inventory and Analysis," prepared by Jon Isaacs and Associates Resource Analysis Fineline Graphics. Effective Date, November, 1992; reprinted April, 1993.~~

~~A.B.~~ Aleutians East Borough Transportation Improvement Program, prepared by HDR Alaska, Inc., dated September 2001.

~~CB.~~ Overall Economic Development Plan 1999, City of False Pass, prepared by The Stadum Group for the City of False Pass, dated July, 1999.

~~DC.~~ Strategic Economic and Community Development Plan 2001, Nelson Lagoon, prepared for Nelson Lagoon by The Stadum Group, dated November 2001.

~~ED.~~ Overall Economic Development Plan 1999, City of Cold Bay, prepared for the City of Cold Bay by The Stadum Group, dated July 1999.

~~FE.~~ Aleutians East Borough Resolution Number 04-10 entitled A Resolution of the Aleutians East Borough Adopting General Borough Policies to Guide Public and Private Development and Other Significant Activities within the Borough.

~~GE.~~ Coastal Resources Inventory and Environmental Sensitivity Maps, prepared by Research Planning, Inc Columbia, South Carolina, dated September 2001.

G. Aleutians East Borough, Alaska, Overall Economic Development Plan, dated March 1, 1994.

~~H. Borough Land Use Standards Document, dated February 2007.~~

-(Ordinance 04-02, Chapter 40.10)

## TITLE 40

### PLANNING, PLATTING and LAND USE

#### Chapter 40.15 Zoning Districts

##### **Sections:**

40.15.010	Enacting Clause.
40.15.020	Scope.
40.15.030	Compliance Required.
40.15.040	Official Zoning Districts, Boundaries, and Map.
40.15.050	Amendments.

##### **40.15.010 Enacting Clause.**

The zoning standards contained herein, together with all amendments, shall officially constitute the zoning regulations of the Aleutians East Borough.

##### **40.15.020 Scope.**

###### **A. Minimum Requirements**

In interpreting and applying the provisions of this Ordinance such provisions shall be the minimum requirements for the promotion of the public health, safety, and general welfare.

Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted ordinance of the Borough, those imposing the higher standards shall apply.

###### **B. Replacement of Other Ordinances**

The provisions of this Ordinance shall not be deemed or construed to repeal, amend, modify, alter, or change any other Ordinance or any part thereof not specifically repealed, amended, modified, altered, or changed herein, except in such particulars or matters where this Ordinance is more restrictive than such other Ordinances or parts thereof; and if this

Ordinance is found to be more restrictive, and each other Ordinance is found to be less restrictive, each such other Ordinance shall remain in full force and effect and shall prevail.



C. Compliance With Other Ordinances and Laws

Nothing in this Ordinance shall be construed to authorize the use of lands, buildings, and/or structures in violation of this Ordinance or any other applicable statutes, ordinances, or laws.

D. Reference to Any Portion of this Ordinance

Whenever reference is made to any portion of this Ordinance, or any other law or ordinances, the reference shall apply to all amendments and additions now or hereafter made.

E. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provisions thereof other than the part so decided to be invalid or unconstitutional.

**40.15.030 Compliance Required.**

All land, and buildings, structures, or appurtenances located thereon within the Borough, and subject to this Ordinance, which are hereafter occupied, used, erected, altered, or converted shall be used, placed, and erected in conformance with the Land Use Standards prescribed for the Zoning District in which such land, or buildings, structures, and appurtenances are located, except as hereinafter provided.

To insure that public uses and structures conform to the general community pattern and to regulations governing private uses and development, agencies of the federal government, the state, and the Borough shall submit plans and receive approvals in conformance with the requirements outlined in this title.

Whenever private use is made of any public land or public structures, such use shall fully conform to the regulations set forth in this title.

**40.15.040 Establishment of Official Zoning Districts, Boundaries, and Map.**

**A. Zoning District Established**

The unincorporated areas within the corporate limits of the Borough are hereby divided into zoning districts. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
R	Residential
C	Commercial
I	Industrial
<u>M</u>	<u>Municipality</u>
RD	Resource Development

1. **Residential:** The Borough contains one Residential Zoning District, which encompasses the Village of Nelson Lagoon and extends 10 miles from the Village boundary in each compass direction, with the exception of the Village of Nelson Lagoon airport and associated fuel and equipment storage facilities.
2. **Commercial:** The Borough contains one Commercial Zoning District, which encompasses the Village of Nelson Lagoon airport and associated fuel and equipment storage facilities.
3. **Industrial:** The Borough does not include any Industrial Zoning Districts at this time.
- 3.4. **Municipality:** Municipality zones include all areas exempted from the Chapter 40 Geographic Scope (40.01.020) where planning, platting and land use is administered by a municipality within the Borough.
- 4.5. **Resource Development:** A Resource Development Zoning District has been established, which includes all Borough Land ~~between the 160°00'00" and 162°00'00" degrees longitude, excluding the City of Sand Point and its boundaries, and the City of King Cove and its boundaries, and the Nelson Lagoon Residential and Commercial districts, except lands zoned Residential, Commercial, Industrial or as a Municipality.~~

**B. Zoning District Map**

The boundaries of the zoning districts set out herein are delineated and shown on the Zoning District Map of the Borough; said map being a part of this ordinance as fully as if the same were set forth herein in detail.

Two original, official, and identical copies of the Zoning Districts Map are hereby adopted, bearing the signature of the Mayor and the attestation of the Borough Clerk, and shall be filed and maintained as follows:

1. One copy shall be filed with the Borough Clerk and retained as the original record and shall not be changed in any manner;
2. One copy shall be filed with the Planning Commission and shall be maintained up to date by posting thereon all changes and subsequent amendments; and
3. Reproductions of the official Zoning Districts Map, as amended, may be made from time-to-time for informational purposes.

C. Zoning District Boundaries

The district boundary lines shown on the Zoning Districts Map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Districts Maps, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such center line.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following the centerline of creeks, drainage courses, or rivers shall be construed as following such centerline.
5. Boundaries indicated as parallel to, or extensions of, features indicated above shall so be construed. Distances not specifically indicated on the original Zoning Districts Map shall be determined by the scale of the map.

D. Zoning District Amendments

Zoning Districts Amendments require Assembly approval.  
(Ordinance 05-05, Chapter 40.15)

## TITLE 40

### PLANNING, PLATTING AND LAND USE

#### Chapter 40.20 Resource Development Permits

##### **Sections:**

40.20.010 Commercial Recreation Land Use Permit Required.  
40.20.020 Sand, Gravel and Rock Mining Land Use Permit Required.  
40.20.030 Research Land Use Permit Required.  
40.20.040 Mineral & Coal Exploration & Small Mining Operations Land Use Permit.  
40.20.050 Offshore & Direct Marketing Seafood Processing Land Use Permit.  
40.20.060 Onshore Seafood Processing Land Use Permit  
40.20.070 Large Mining Operations Land Use Permit Required.  
40.20.080 Oil and Gas Land Use Permit Required.  
~~40.20.010 Approval Required~~  
~~40.20.020 Purpose~~  
~~40.20.030 Duration~~  
~~40.20.040 Application Contents~~  
~~40.20.050 Approval Criteria~~  
~~40.20.060 Compliance and Enforcement~~  
~~40.20.070 Resource Development Fund~~

##### **40.20.010 Approval Required**

~~All Resource Development within the Resource Development District requires Assembly approval prior to construction or operation.~~

##### **40.20.010 Commercial Recreation Operator Land Use Permit Required.**

###### A. Land Use Permit Required

1. Commercial Recreation Operators conducting business within the Resource Development District must apply for and receive an approved Commercial Recreation Operator Land Use Permit from the Borough prior to conducting Commercial Recreation activities within the Borough each year, using the application form required by the Borough.
2. A separate permit application must be submitted by each Commercial Recreation Operator.
3. The land use permit shall be valid for a period of one year commencing on January 1<sup>st</sup> and expiring December 31<sup>st</sup>, provided applicant is in compliance

with permit terms and conditions.

4. The land use permit must be renewed at least 30 days prior to expiration if continued operations are planned.
5. Once the land use permit is issued, the permit may be amended. An amended permit is only valid for the remaining term on the originally issued permit.
6. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.
7. Commercial Recreation Operators are only authorized to conduct activities described in the permit application and authorized in the approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.
8. Casual Recreational Use does not require a permit.

#### B. Land Owner Authorization Required

1. Commercial Recreation Operator's activities on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.
2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to a Commercial Recreation Operator Land Use Permit.
3. Land owner approval to access lands described in the land use permit must be maintained during the permit term or the permit is null and void.

#### C. Permanent Facilities, Structures and Access Routes

1. Commercial Recreation Operator Land Use Permits do not grant the Commercial Recreation Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.
2. The Commercial Recreation Operator must obtain legal access and the authorization from the landowner prior to these activities.
3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Approval Process

1. Commercial Recreation Operator Land Use Permits are approved by the Borough Administrator or his designee.
2. Within 10 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will: approve the permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Chapter 40.01.070; or, deny the permit application.
- 4.3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.
4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.
5. Permit decisions may be appealed pursuant to Chapter 40.01.080.

E. Fees and Penalties

Commercial Recreation Operators doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapters 1.24 and 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.
2. Commercial Recreation Operators must keep and preserve all records of business activities conducted within the Borough boundaries for a period of at least five (5) years.
3. Commercial Recreation Operators must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.
4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Reporting Obligation

On or before February 1st of each year, after this permit expires, the Permittee shall submit a report to the Borough, confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as nearly as possible to pre-existing conditions.

**40.20.020 Sand, Gravel and Rock Land Use Permit Required.**

A. Land Use Permit Required

1. Sand, Gravel, and Rock Miners conducting business within the Resource Development District must apply for and receive an approved Sand, Gravel, and Rock Mining Land Use Permit from the Borough prior to conducting Sand, Gravel, and Rock Mining activities within the Borough, using the application form required by the Borough.
2. A separate land use permit application must be submitted for each separate Sand, Gravel, and Rock mining location.
3. The land use permit shall be valid for the mining operation period requested in the application, up to a maximum period of five (5) years.
4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.
5. The land use permit must be renewed at least 60 days prior to expiration if continued operations are planned.
6. An amended land use permit is only valid for the remaining term on the originally issued permit.
7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.
8. Sand, Gravel, and Rock Miners are only authorized to conduct activities described in the permit application and authorized in the approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.

B. Land Owner Authorization Required

1. Sand, Gravel and Rock Mining on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.
2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to a Sand, Gravel, and Rock Mining Land Use Permit.
3. Land owner approval to access lands described in the permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Sand, Gravel and Rock Mining Land Use Permits do not grant the Sand, Gravel, and Rock Miner the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.
2. The Sand, Gravel and Rock Miner must obtain legal access and the authorization from the landowner prior to these activities.
3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Approval Process

1. Sand, Gravel and Rock Mining Permits are approved by the Borough Administrator or his designee.
2. Within 30 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will: approve the permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Chapter 40.01.070; or deny the permit application.
- 4.3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.
4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written



comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.

5. Permit decisions may be appealed pursuant to Chapter 40.01.080.

#### E. Fees and Penalties

Sand, Gravel and Rock Miners doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapters 1.24 and 40.01.060.

#### F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.
2. Sand, Gravel and Rock Miners must keep and preserve all records of business activities conducted within the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.
3. Sand, Gravel and Rock Miners must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.
4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

#### G. Severance Tax

Sand, Gravel and Rock Miners are subject to Borough Severance Tax pursuant to Chapter 60.40.

#### H. Reporting Obligation

Within 180 days of permit expiration, the Sand, Gravel, and Rock Miner must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

**40.20.030 Research Land Use Permit Required.**

**A. Land Use Permit Required**

1. Professional Researchers conducting Research within the Resource Development District must apply for and receive an approved Research Land Use Permit from the Borough prior to conducting Research within the Borough, using the application form required by the Borough.
2. A separate land use permit application must be submitted for each separate Research project.
3. The land use permit shall be valid for the Research period requested in the application, up to a maximum period of five (5) years.
4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.
5. The land use permit must be renewed at least 30 days prior to expiration if continued operations are planned.
6. An amended land use permit is only valid for the remaining term on the originally issued permit.
7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.
8. Researchers are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the Research will require a permit amendment application to be submitted and approved prior to conducting those activities.
9. Research conducted by local elementary, junior-high or high-school students in support of school educational activities does not require a permit.

**B. Land Owner Authorization Required**

1. Research activities on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.
2. The Borough reserves the right to request a copy and verify all land owner authorizations related to a Research Land Use permit.

3. Land owner approval to access lands described in this permit must be maintained during the permit term or the permit is null and void.

#### C. Permanent Facilities, Structures and Access Routes

1. Research Land Use Permits do not grant the Professional Researcher the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.
2. The Professional Researcher must obtain legal access and the authorization from the landowner prior to these activities.
3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

#### D. Land Use Permit Approval Process

1. Research Land Use Permits are approved by the Borough Administrator or his designee.
2. Within 10 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will: approve the land use permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Chapter 40.01.070; or, deny the permit application.
3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.
4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.
5. Permit decisions may be appealed pursuant to Chapter 40.01.080.

#### E. Fees and Penalties

Professional Researchers doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapters 1.24 and 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the land use permit.
2. Professional Researchers must keep and preserve all records of business activities conducted within the Borough boundaries for a period of at least five (5) years.
3. Professional Researchers must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.
4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Reporting Obligation

1. On or before February 1st of each year, the Professional Researcher must submit an interim report to the Borough, providing an update on the status of the research, summarize any significant findings, and provide a schedule update on the time required to complete the research.
2. Within 180 days of completing its research, the Professional Researcher must submit a copy of its final research report to the Borough.

**40.20.040 Mineral & Coal Exploration & Small Mining Operations Land Use Permit Required.**

A. Land Use Permit Required

1. Mineral & Coal Exploration & Small Mining Operations (less than 5 acres at any one time) anywhere within the Resource Development District must apply for and receive an approved Mineral & Coal Exploration & Small Mining Operations Land Use Permit from the Borough prior to conducting Mineral & Coal Exploration or Small Mining Operations within the Borough, using the application form required by the Borough.
2. A separate land use permit application must be submitted for each separate project.
3. The land use permit shall be valid for the period requested in the application, up to a maximum period of five (5) years.

4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.
5. The land use permit must be renewed at least 60 days prior to expiration if continued operations are planned.
6. An amended land use permit is only valid for the remaining term on the originally issued permit.
7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.
8. Exploration and small mining Operators are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.
9. Recreational Mining does not require a permit.

B. Land Owner Authorization Required

1. Mineral and/or coal exploration and Small Mining Operations on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.
2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to a Mineral & Coal Exploration & Small Mining Operations Land Use Permit.
3. Land owner approval to access lands described in the land use permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Mineral & Coal Exploration & Small Mining Operations Land Use Permits do not grant the Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.
2. The Operator must obtain legal access and the authorization from the landowner prior to these activities.
3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Approval Process

1. Mineral & Coal Exploration & Small Mining Operations Land Use Permits are approved by the Borough Administrator or his designee.
2. Within 30 calendar days of application receipt, excluding Saturday, Sunday, and Borough holidays, the Borough will: approve the permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Chapter 40.01.070; or deny the permit application.
3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.
4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.
5. Permit decisions may be appealed pursuant to 40.01.080.

E. Fees and Penalties

Mineral & Coal Exploration & Small Mining Operators doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapters 1.24 and 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.
2. Mineral & Coal Exploration & Small Mining Operators must keep and preserve all records of business activities conducted within the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.
3. Mineral & Coal Exploration & Small Mining Operators must permit the Borough, or its authorized representatives, to examine, inspect, and copy the

business records.

4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Severance Tax

Mineral & Coal Exploration & Small Mining Operators are subject to Borough Severance Tax pursuant to Chapter 60.40.

H. Reporting Obligation

Within 180 days of permit expiration, the Mineral & Coal Exploration & Small Mining Operators must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

**40.20.050 Offshore & Direct Marketing Seafood Processing Land Use Permit Required.**

A. Land Use Permit Required

1. Offshore Seafood Processors and Direct Marketing Seafood Processors anywhere within the Resource Development District must apply for and receive an approved Offshore & Direct Marketing Seafood Processing Land Use Permit from the Borough prior to conducting operations within the Borough, using the application form required by the Borough.
2. A separate land use permit application must be submitted for each separate Offshore Seafood Processor and each Direct Marketing Seafood Processor.
3. The land use permit shall be valid for a period of one year commencing on January 1<sup>st</sup> and expiring December 31<sup>st</sup>, provided applicant is in compliance with permit terms and conditions.
4. The land use permit must be renewed at least 30 days prior to expiration if continued operations are planned.
5. Once the land use permit is issued, the permit may be amended. An amended permit is only valid for the remaining term on the originally issued permit.
6. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.

7. Offshore Seafood Processors and each Direct Marketing Seafood Processors are only authorized to conduct activities described in the permit application and authorized in the approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.

B. Permanent Facilities, Structures and Access Routes

1. Offshore & Direct Marketing Seafood Processing Land Use Permits do not grant the Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.
2. The Operator must obtain legal access and the authorization from the landowner prior to these activities.
3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

C. Land Use Permit Approval Process

1. Offshore & Direct Marketing Seafood Processing Land Use Permits are approved by the Borough Administrator or his designee.
2. Within 30 calendar days of application receipt, excluding Saturday, Sunday, and Borough holidays, the Borough will: approve the permit; send a letter to the Applicant explaining why the application is incomplete or requires modification; elevate the permit application for a decision by the Planning Commission pursuant to Chapter 40.01.070; or deny the permit application.
3. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the applicant has not provided sufficient information to approve the permit, the permit application will be denied.
4. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission member.
5. Permit decisions may be appealed pursuant to 40.01.080.



D. Fees and Penalties

Offshore Seafood Processors and each Direct Marketing Seafood Processors doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapters 1.24 and 40.01.060.

E. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.
2. Offshore Seafood Processors and each Direct Marketing Seafood Processors must keep and preserve all records of business activities conducted with the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.
3. Offshore Seafood Processors and each Direct Marketing Seafood Processors must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.
4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

F. Severance Tax

Offshore Seafood Processors and each Direct Marketing Seafood Processors are subject to Borough Tax pursuant to Chapter 60.20.

**40.20.060 Onshore Seafood Processing Land Use Permit Required.**

A. Land Use Permit Required

1. Onshore Seafood Processors operating within the Resource Development District must apply for and receive an approved Onshore Seafood Processing Land Use Permit from the Borough prior to conducting operations within the Borough, using the application form required by the Borough.

2. A separate land use permit application must be submitted for each separate Onshore Seafood Processing Operation.
3. The land use permit shall be valid for the mining operation period requested in the application, up to a maximum period of five (5) years.
4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.
5. The land use permit must be renewed at least 180 days prior to expiration if continued operations are planned.
6. An amended land use permit is only valid for the remaining term on the originally issued permit.
7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.
8. Onshore Seafood Processors are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the operation will require a land use permit amendment application to be submitted and approved prior to conducting those activities.

B. Land Owner Authorization Required

1. Onshore Seafood Processing operations on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.
2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to an Onshore Seafood Processing Land Use Permit.
3. Land owner approval to access lands described in the permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Onshore Seafood Processing Land Use Permits do not grant the Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.
2. The Operator must obtain legal access and the authorization from the landowner prior to these activities.

3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

#### D. Land Use Permit Application and Approval Process

##### 1. Pre-application Meeting

The Onshore Seafood Processor must meet with the Borough for a pre-application meeting at least 180 days prior to submitting the land use permit application for approval. At the pre-application meeting the Applicant shall present the project scope and timeline to the Borough and explain how this project will comply with the requirements of this title and state and federal laws and regulations

##### 2. Application Meeting

The Onshore Seafood Processor must meet with the Borough at least 180 days prior to construction or operation to submit an application for Borough approval.

##### 3. Land Use Permit Application Contents

The Applicant must fill out all the information required by the Onshore Seafood Processing Land Use Permit Application Form and follow all instructions. The application shall contain, at a minimum the following:

- a. Plan of Operations;
- b. Local Economic Development Plan;
- c. Design Plans
- d. Historical and Cultural Resources Protection Plan;
- e. Water, Waste Water, and Solid Waste Management Plan;
- f. Emergency & Medical Plan;
- g. Hazardous Materials and Hazards Assessment Plan;
- h. A copy of all required State and Federal permits
- i. Reclamation Plan;
- j. Copy of State of Alaska Business Licenses; and,
- k. Fees & Payments.

##### 4. Approval Process

- a. The Borough Administrator or his designee will have 90 days to review the land use permit application excluding Saturday, Sunday and Borough holidays, including a 30 calendar day public notice period requesting written comments. Public notice will be made in accordance with the publication requirements of Section 1.12.010. The Borough

Administrator or his designee may extend review time periods for complex projects. The public notice period will not commence until the Borough Administrator or his designee has determined that the application is complete and ready for Borough consideration.

- b. Within 30 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will issue the permit for public review or send a letter to the Applicant explaining why the application is incomplete or requires modification.
- c. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the Applicant has not provided sufficient information to approve the permit, the permit application will be returned to the Applicant. By the end of the 90 day review period, the Borough Administrator or his designee will submit a written recommendation to the Planning Commission. The Planning Commission will have 60 days, excluding Saturday, Sunday and Borough holidays to develop a written recommendation to the Assembly and will hold one meeting with the opportunity for oral or written public comment.
- e. The Assembly will grant the approval with or without conditions, or deny the application with explanation within 30 days excluding Saturday, Sunday and Borough holidays of receiving the Planning Commission's written recommendation and will hold one meeting with the opportunity for oral or written public comment before making its decision. The Assembly may extend review period for complex projects.
- f. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission and Assembly member.
- g. Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations), may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the.
- h. A permit amendment may be submitted at any time during the period that the existing permit is valid. The permit applicant must explain the reason for the permit amendment. Minor amendments are approved by the Administrator within 30 days. Major amendments require Assembly approval and can take 3-6 months. A minor amendment includes

administrative, scope or timing changes that do not increase impact over the original permit approval. Major amendments increase impact over the original permit approval.

## 5. Approval Criteria

The Planning Commission will establish procedures for the Planning Director to follow when reviewing land use permit applications for approval. At a minimum, the Planning Director must verify the application is complete and meets the requirements of this title prior to recommending it for Planning Commission consideration. The Planning Commission will make a recommendation for Assembly approval.

Due deference will be given to residents affected by the proposed development when setting the terms and conditions of approval.

Based on Planning Director and Planning Commission recommendation for Approval, the following criteria must be met for the Assembly to approve Resource Developments:

### a. Plan of Operations

The plan of operations shall be submitted in written form by the Owner/Operator and must include, at a minimum the following information:

1. Information on proposed Applicant (Operator) and any partners in the planned seafood processing operation;
2. Proposed seafood processing operations, location and timing;
3. Size and purpose of the operation;
4. Landownership and legal agreements that allow seafood processing plant on the property and any past seafood processing operations at this site;
5. A list and description of the required equipment, facilities, infrastructure and personnel;
6. Amount and type of fuel and chemicals that will be used and stored at the seafood processing plant and spill prevention measures that will be used;
7. Amounts and type of seafood to be processed and how the seafood will be processed;
8. Environmentally or culturally sensitive areas at or near the seafood processing plant;
9. Water and fish habitat protection measures that will be used;

10. Water requirements (i.e., intended use of appropriated waters, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and instream requirements);
11. Anticipated restrictions on other surface uses of the area, including public access;
12. Noise, smell, and visual mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
13. Safety and security that will be used at the site; and,
14. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained provide the permit number and date of expiration. If permits are in the process of being issued provide information on the date you applied for the permit and the expected date of issue.

The project scope and schedule must be compatible with existing and proposed adjacent uses, commercial fisheries, subsistence activities, and projected community needs.

The seafood processing operation must adhere to the goals and objectives of the Aleutians East Borough Comprehensive Plan.

Maps of proposed project must be submitted electronically for incorporation into the Borough's Geographic Information System.

b. Local Economic Development Plan

A Local Economic Development Plan shall include a local hire manpower plan, local business contracting plan, training program, and mentoring program for both construction and operation phases of the project.

The Local Economic Development Plan shall, at a minimum, include the following:

1. A plan to train local residents to become qualified for jobs at the project prior to start-up and during the period the seafood processing plant is actively operating. Training shall be provided in the lease area, or the Operator shall provide transportation and funding for local residents to obtain training in an alternate location. Paid apprenticeship positions shall provide hands-on training as part of this program;

2. A plan for recruiting and hiring local residents, including a mechanism for announcing jobs and recruiting locally qualified applicants in the lease area;
3. A plan for using local contractors and local businesses, including mandatory notification to qualified local contractors and businesses announcing contract opportunities; and,
4. A quarterly and annual reporting process documenting the success of the Economic Opportunity Plan in providing local hire and contracting opportunities to AEB residents.

c. Transportation Plan

Transportation Plan shall describe existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the seafood processing plant (including a map of these routes).

Transportation infrastructure (e.g., roads, bridges, runways, marine facilities, etc.) built by the Applicant on Borough, state, or federal lands must be available for all AEB resident use and access, unless waived by the Assembly.

Wherever possible, existing transportation infrastructure should be expanded to meet the Applicant's needs to minimize duplication and environmental impact.

The Applicant is responsible for construction, maintenance, and operating costs for the transportation infrastructure required to support their activities.

At cessation of operations, the transportation infrastructure must be donated to AEB for public use, or the transportation infrastructure must be completely removed and the area must be remediated to AEB's satisfaction.

d. Historical and Cultural Resources Protection Plan

A Historical and Cultural Resources Protection Plan must be submitted to demonstrate that traditional, historical and cultural sites may not be disturbed or adversely impacted during the construction or operation of the seafood processing plant.

e. Good Neighbor Plan

The Good Neighbor Plan shall, at a minimum, include the following:

1. A plan to ensure surrounding residential properties and residents are not adversely impacted by excessive noise, fumes, odors, pollution, contamination, glare, smoke, light, vibration, dust, litter, interference with media reception;
  2. Charitable and/or in-kind contributions to support local education, art, and charities, provide employment training programs to maximize local hire.
  3. A plan for providing services that includes contracting locally for fuel, power, waste, water, transportation, medical services, emergency and other services. If local service capacity is insufficient to meet the Operator's needs, the Operator shall expand capacity, unless it is infeasible. In cases where it is infeasible to expand existing services, the Operator may provide their own. The Operator's activities shall not adversely impact community access to existing services, and should improve and provide opportunities for more cost-effective services;
  4. A plan for communicating with the affected community members, to obtain their input and address their concerns on a regular basis; and,
  5. An annual reporting process to document the success of the Good Neighbor Policy.
- f. Pollution Prevention Plan. The Pollution Prevention Plan must include best management practices for protecting drinking water, air, and local food sources from pollution, including a recycling program. The Pollution Prevention Plan must include:
1. A zero water pollution discharge standard unless the Applicant proves to the Borough that it is not technically feasible;
  2. Best available air emission control technology for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds), and hazardous air pollutants;
  3. The lowest air pollution impact fuel sources. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used;
  4. Vapory recovery systems on all equipment and facilities to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited;
  5. An inspection maintenance and repair program to ensure that all pollution prevention systems are inspected, maintained, and



repaired, including a Quality Assurance/Quality Control (QA/QC) Program for all pollution prevention systems;

6. Secondary containment systems for all fuel, hazardous materials and chemicals that will hold at least 110% of the tank capacity;
7. Cathodic protection, leak detection systems and overfill alarms for all tanks;
8. Double hull vessels for all supply and fuel vessels operating in the presence of ice; and,
9. Sufficient spill response equipment and trained personnel to contain and clean up any fuel and chemical spills that may occur.

g. Hazardous Materials and Hazards Assessment Plan

The plan must include an evaluation of all hazardous materials used at the seafood processing plan and any potential hazards including, but not limited to, geophysical hazards, fire, flood, landslides, erosion, earthquake, coastal storms, and ice. The plan must include proposed mitigation measures to eliminate or reduce the risk of the hazard.

h. Reclamation Plan

The Reclamation Plan must be provided in sufficient detail to determine surety requirements, provide a timetable for each step in the reclamation process, and describe the reclamation actions to be completed at cessation of operations. The plan must include a description of the measures to ensure that all debris and toxic materials are disposed of in a sound manner, a description of the steps to be taken to comply with applicable water quality laws and statutes, and restore, stabilize and re-vegetate all disturbed areas. The Reclamation Plan must be developed using best management practices and shall comply with AEB's Coastal Zone Enforceable Policies.

i. Emergency & Medical Plan

The Emergency & Medical Plan must provide for adequate medical, rescue, fire, spill response and other emergency services. The plan should preferably include proposals to fund expansion of existing Borough emergency services to support increased demands created by the new mining project.

j. Fees & Payments

E. Fees and Penalties

Onshore Seafood Processors doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapters 1.24 and 40.01.060.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough land use permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.
2. Onshore Seafood Processors must keep and preserve all records of business activities conducted within the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.
3. Onshore Seafood Processors must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.
4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

G. Tax

Onshore Seafood Processors are subject to Borough Tax pursuant to Chapter 60.20.

H. Reporting Obligation

Compliance with Borough approval is required. Onshore Seafood Processors must submit annual reports demonstrating compliance with the approved plans listed in Chapter 40.20.050 by February 15<sup>th</sup> of each calendar year.

Within 180 days of permit expiration, the Onshore Seafood Processor must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

**40.20.070 Large Mining Operations Land Use Permit Required.**

**A. Land Use Permit Required**

1. Mineral and Coal Miners conducting Large Mining Operations (5 acres or more at any one time) within the Resource Development District must apply for and receive an approved Large Mineral & Coal Mining Operations Land Use Permit from the Borough prior to conducting Large Mining Operations within the Borough, using the application form required by the Borough. Mineral and Coal Exploration must obtain a permit pursuant to the requirements of Chapter 40.20.040.
2. A separate land use permit application must be submitted for each separate Large Mining Operation.
3. The land use permit shall be valid for the mining operation period requested in the application, up to a maximum period of five (5) years.
4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.
5. The land use permit must be renewed at least 180 days prior to expiration if continued operations are planned.
6. An amended land use permit is only valid for the remaining term on the originally issued permit.
7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.
8. Large Mining Operations are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the operation will require a land use permit amendment application to be submitted and approved prior to conducting those activities.

**B. Land Owner Authorization Required**

1. Large Mining Operations on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.

2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to a Large Mining Operation Land Use Permit.
3. Land owner approval to access lands described in the permit must be maintained during the permit term or the permit is null and void.

C. Permanent Facilities, Structures and Access Routes

1. Large Mining Operation Land Use Permits do not grant the Mineral and/or Coal Miner the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.
2. The Mineral and/or Coal Miner must obtain legal access and the authorization from the landowner prior to these activities.
3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

D. Land Use Permit Application and Approval Process

1. Pre-application Meeting:

The ~~Mineral and/or Coal Miner Owner/Operator~~ must meet with the Borough for a pre-application meeting at least 180 days prior to submitting the land use permit application for approval. At the pre-application meeting the Applicant ~~must~~ shall present the project scope and timeline to the Borough and explain how this project will comply with the requirements of this title and state and federal laws and regulations. At the pre-application meeting, the Applicant will be required to submit an initial payment of \$~~5025~~,000 to be placed in a ~~Resource Development Review Large Mining Operations Permit Fee~~ Fund for this project. The Applicant must maintain a minimum balance of \$10,000 in this fund at all times. The Borough will use these funds to pay for the cost of reviewing and approving the proposed ~~Resource Development project application and administering the permit during operations.~~ and will administer these funds in accordance with Chapter 40.20.070. Payment of the application fee does not guarantee approval of the project.

2. Application Meeting:

The ~~Mineral and/or Coal Miner Owner/Operator~~ must meet with the Borough at least 180 days prior to construction or operation to submit an application for Borough approval. ~~40.20.040 Application Contents.~~

To obtain Approval the Owner and Operator must submit the following to the Planning Director:

3. Land Use Permit Application Contents

The Applicant must fill out all the information required by the Large Mining Operations Land Use Permit Application Form and follow all instructions. The application shall contain, at a minimum the following:

- a. Project Scope and Schedule;
- b. Conflict Avoidance Plan (Fisheries & Subsistence Use);
- c. Study & Project Monitoring Plan;
- d. Local Economic Development Plan;
- e. Field Office Plan;
- f. Infrastructure Support Plan;
- g. Transportation Plan;
- h. Historical and Cultural Resources Protection Plan;
- i. Good Neighbor Plan;
- j. Pollution Prevention Plan;
- k. Hazard Assessment Plan;
- l. Surety Bond;
- m. Reclamation Plan;
- n. Emergency Plan;
- n. Copy of State of Alaska Business Licenses; and,
- o. ~~-Fees & Payments.~~

4c. Approval Process:

- a. The ~~Planning Director~~Borough Administrator or his designee will have 90 days to review the land use permit application excluding Saturday, Sunday and Borough holidays, including a 30 calendar day public notice period requesting written comments. Public notice will be made in accordance with the publication requirements of Section 1.12.010. The Borough Administrator or his designee ~~Planning Director~~ may extend review time periods for complex projects. The public notice period will not commence until the Borough Administrator or his designee ~~Planning Director~~ has determined that the application is complete and ready for Borough consideration.
- b. Within 30 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will issue the permit for public review or send a letter to the Applicant explaining why the application is incomplete or requires modification.
- c. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the Applicant has not provided

sufficient information to approve the permit, the permit application will be returned to the Applicant.

- d. By the end of the 90 day review period, the Borough Administrator or his designee ~~Planning Director~~ will submit a written recommendation to the Planning Commission. The Planning Commission will have 60 days, excluding Saturday, Sunday and Borough holidays to develop a written recommendation to the Assembly and will hold one meeting with the opportunity for oral or written public comment.
- e. The Assembly will grant the approval with or without conditions, or deny the application with explanation within 30 days excluding Saturday, Sunday and Borough holidays of receiving the Planning Commission's written recommendation and will hold one meeting with the opportunity for oral or written public comment before making its decision. The Assembly may extend review period for complex projects.
- f. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission and Assembly member.
- g. Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations), may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the.
- h. A permit amendment may be submitted at any time during the period that the existing permit is valid. The permit applicant must explain the reason for the permit amendment. Minor amendments are approved by the Administrator within 30 days. Major amendments require Assembly approval and can take 3-6 months. A minor amendment includes administrative, scope or timing changes that do not increase impact over the original permit approval. Major amendments increase impact over the original permit approval.

i. Approval Criteria

~~40.20.050~~ Approval Criteria

The Planning Commission will establish procedures for the Planning Director to follow when reviewing land use permit applications for approval. At a minimum, the Planning Director must verify the application is complete and meets the requirements of this title prior to recommending it for Planning Commission consideration. The Planning Commission will make a recommendation for Assembly approval.

Due deference will be given to residents affected by the proposed development when setting the terms and conditions of approval.

Based on Planning Director and Planning Commission recommendation for Approval, the following criteria must be met for the Assembly to approve Resource Developments:

j. Project Scope and Schedule

     The project scope and schedule must-shall be submitted in written form by the Owner/Operator and must include, at a minimum the following information:

1. Information on proposed Applicant (Operator) and any partners in the planned mine;
2. Proposed mining operations, location and timing;
3. Size and purpose of the operation;
4. Landownership and legal agreements that allow mining on the property and any past mining operations at this site;
5. A list and description of the required equipment, facilities, infrastructure and personnel;
6. Mining methods including overburden removal and storage and the amounts of material to be handled, processed or removed, and whether blasting, drilling, crushing, or screening will be performed.
7. Area and depth of the mining operation, including a map showing the topography, vegetation, distance to waterbodies, wetlands, residential areas, and other private structures or operations;
8. Amount and type of fuel and chemicals that will be used and stored at the mine site and oil spill prevention measures that will be used;

9. Amounts of material to be handled, processed, or removed; how the material will be processed; and how the tailings will be disposed of;
10. The actions to be taken to minimize detrimental effects to fish and wildlife;
11. Environmentally or culturally sensitive areas at or near the mine site (e.g. fish spawning habitat, subsistence use area, nearby residential properties or schools);
12. Water and fish habitat protection measures that will be used;
13. Water requirements (i.e., intended use of appropriated waters, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and instream requirements);
14. Type and quantity of any elements or chemicals to be used in mining or mineral recovery and storage plans;
15. Location and size of camp facilities and overland transportation;
16. Anticipated restrictions on other surface uses of the lease area, including public access;
17. Noise, visual and dust suppression mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
18. Plans to comply with AEB's Coastal Zone Enforceable Policies if mining is planned in the coastal lands and waters of the Borough;
19. Safety and security that will be used at the site; and,
20. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained please provide the permit number and date of expiration. If permits are in the process of being issued please provide information on the date you applied for the permit and the expected date of issue.

The project scope and schedule must be compatible with existing and proposed adjacent uses, commercial fisheries, subsistence activities, and projected community needs.

The project-mining operation must adhere to the goals and objectives of the Aleutians East Borough Comprehensive Plan. ~~Facilities~~The mining operation must be consolidated as practical; site selection must include sufficient acreage to allow for reasonable expansion of ~~facilities~~the mine and should minimize site clearing, dredging, and disturbance of productive habitats. The mine operation and should be located in an area of least biological productivity, diversity, and vulnerability, and where effluents and spills can be contained.



Maps of proposed project must be submitted electronically for incorporation into the Borough's Geographic Information System.

k. Conflict Avoidance Plan (Fisheries & Subsistence Use)

1. Mining shall not adversely affect fish habitat, populations or productivity. Commercial fishing, subsistence use, and sport harvest have priority.
2. The Conflict Avoidance Plan must demonstrate that Commercial Fishing, Subsistence Use, and Sport Harvest Conflicts will be avoided. Alternative site locations, transportation routes, and other mitigation measures may be proposed to avoid conflict.
3. Commercial fishing, subsistence use, and sport harvest priority use means that mining shall be restricted in order to prevent conflicts with local commercial, subsistence, and sport harvest activities and achieve the following goals.
  - a. Commercial, subsistence, and sport harvest activities must not be displaced or precluded from access to fishing or hunting areas, unless they are adequately compensated for the displacement;
  - b. Fishermen must not be precluded from participating in designated fishing seasons, unless they are adequately compensated for the lost season(s);
  - c. Fishermen must be compensated in a timely manner for damage to fishing equipment, vessels, gear or decreased harvest value or loss of fishing quota caused by the mine;
  - d. Established patterns of navigation and shipping for commercial fishermen must not be interrupted;
  - e. Port infrastructure must be expanded to accommodate increased vessel traffic for the mine. This will ensure that fishermen have adequate harbor slips, long-term boat storage and maintenance facilities, and are not unnecessarily delayed for supply and refueling. The cost of port expansion and any increase in port operating costs is the sole burden of the mine.

l. Study & Project Monitoring Plan

A Study and Project Monitoring Plan ~~must~~ shall be comprehensive and collect sufficient baseline and periodic monitoring data to ~~must~~ ensure protection of human health and the environment is being achieved. The plan must be reviewed and approved by the Borough Scientific Advisory

Council or an expert designated by the Borough. The Study and Project Monitoring Plan shall, at a minimum, include a:

1. Commercial, Subsistence and Sports Fisheries Baseline Data Assessment to assess potential impacts of the proposed mine, including an assessment of all commercial, subsistence and sports fisheries species, as well as the marine flora, fauna, habitat and prey species on which they rely for survival. The assessment shall be of sufficient quality to:
  - a. Document the fisheries' distribution, abundance, productivity, movement and migration patterns, and quality as a food source; include data that documents natural variation in fish stock such that incremental impact from mining operations can be distinguished from natural variation;
  - b. Document past, present and future commercial, subsistence and sports fisheries use areas;
  - c. Be of sufficient quality, quantity, and age to allow scientists to collect additional data in the future (for comparison) and draw scientifically valid conclusions, as to whether or not the fisheries resources are being impacted the mine;
  - d. Include a complete economic assessment of the economic value of the fisheries including the economic value of wild Alaska seafood harvested in pristine waters; and,
  - e. Provide a well documented, scientifically supported, and statistically significant analysis sufficient to compensate fisherman for decreased harvest value, decreases in fisheries stock, and/or displacement or loss of work due to a catastrophic event such as mine pollution contamination.
2. Commercial, Subsistence and Sports Fisheries Monitoring and Mitigation Plan to monitor impacts of the proposed mine. Adverse impacts identified via the monitoring program shall be mitigated;
3. Baseline water quality assessment and/or additional baseline data collection plan;
4. Cumulative water pollution impact assessment;
5. Assessment of the technical feasibility for zero water pollution discharge;
6. Water quality monitoring system(s) that will be used to continuously monitor effluents to ensure compliance with pollutant limitations if zero water pollution discharge is not technically feasible;
7. Baseline air quality and meteorological data assessment and/or additional baseline data collection plan;
8. Cumulative air pollution impact assessment;

9. Assessment of the technical feasibility for air pollution discharge control and reduction;
10. Air quality monitoring system(s) that will be used to continuously monitor emissions to ensure compliance with pollutant limitations;
11. A Baseline Health and Socioeconomic Assessment to: document the current public health status of communities that will potentially be affected by the mine; document ways the mine can improve the quality of life for local residents; identify ways the mining Operator can work with the local communities to design, install and operate facilities that improve the quality of life for local residents; identify community or village-level health indicators to detect changes in public health and in social and economic conditions that influence health in the region; identify health disparities and vulnerable populations; identify the likely social, economic, environmental, and behavioral influences on health; and identify appropriate social, economic, environmental and health indicators for use in monitoring the effects (in terms of health risk and health outcomes);
12. Impact Analysis and Mitigation Plan summarizing the potential public health and socioeconomic impacts of mine and a means proposed to mitigate these impacts completed under the direction of a medical doctor with recognized expertise in Alaska Native public health and a socio-economist with recognized expertise in Aleutian Region;
13. Public Health Monitoring Program and Mitigation Plan to be implemented under the direction of a medical doctor with recognized expertise in Alaska Native public health that addresses the public health indicators identified in the Baseline Health and Socioeconomic Assessment. Adverse impacts identified via the monitoring program shall be mitigated;
14. Socioeconomic Monitoring Program and Mitigation Plan to be implemented under the direction of a socio-economist with recognized expertise in issues affecting the Aleutian Region. Adverse social and economic impacts identified via the monitoring program shall be mitigated; and,
15. A Noise Mitigation Plan that minimizes adverse health effects from aircraft and other noises associated with the mine operations. The plan shall include a baseline assessment of ambient noise level in the affected community must be completed for a mine requiring more than two flights per day to, through or from a community that estimates indoor and outdoor ambient noise levels and assess the anticipated contribution of the proposed activity to overall noise levels in the community using an FAA-approved noise model. Activities for ambient noise levels above safe thresholds, or noise levels that cause unacceptable disruptions to community activities

and sleep, shall not be permitted. Mitigation including flight path routing, airport siting and sound proofing equipment must be proposed and implemented.

m. Local Economic Development Plan

A Local Economic Development Plan ~~must~~ shall include a local hire manpower plan, local business contracting plan, training program, and mentoring program for both construction and operation phases of the ~~resource extraction~~ mining project.

The Local Economic Development Plan shall, at a minimum, include the following:

1. A plan to train local residents to become qualified for jobs at the mine prior to mine start-up and during the period the mine is actively operating. Training shall be provided in the lease area, or the Operator shall provide transportation and funding for local residents to obtain training in an alternate location. Paid apprenticeship positions shall provide hands-on training as part of this program;
2. A plan for recruiting and hiring local residents, including a mechanism for announcing jobs and recruiting locally qualified applicants in the lease area;
3. A plan for using local contractors and local businesses, including mandatory notification to qualified local contractors and businesses announcing contract opportunities; and,
4. A quarterly and annual reporting process documenting the success of the Economic Opportunity Plan in providing local hire and contracting opportunities to AEB residents.

n. Field Office Plan

~~Resource Development Large Mining Operations activities~~ are required to maintain a field office at the construction and operating site. The field office must be manned 24 hours per day to ensure proper oversight of the project activities. The field office staff must include, at a minimum, a Native and Community Liaison, a Fisheries Protection Biologist, and an Environmental Compliance Officer to provide project oversight, monitoring, address local concerns, and ensure compliance, unless waived by the Assembly.

o. Infrastructure Support Plan

~~Resource Development~~ The Applicants must meet with Village, Municipal

Government, and Tribal Leaders of all communities within 25 miles of their operations to determine whether it will be beneficial to expand community infrastructure to include resource extraction needs, or whether it would be more appropriate to institute enclave development requirements.

A joint tribal, local community and ~~industry~~ Applicant agreement on this issue must be reached, approved by all parties, and submitted to the ~~AEB~~ Borough.

In the event there is agreement to expand existing community infrastructure to meet the needs of industrial development (e.g. medical clinic, school, community center, tank farm, recreation facilities, etc.), ~~industry~~ the Applicant is responsible for construction, maintenance, and operation costs of expanding these facilities to support their activities.

p. Transportation Plan

Transportation Plan shall describe existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the mine site (including a map of these routes).

Transportation infrastructure (e.g., roads, bridges, runways, marine facilities, etc.) built by ~~industry~~ the Applicant on Borough, state, or federal lands must be available for all AEB resident use and access, unless waived by the Assembly.

Wherever possible, existing transportation infrastructure should be expanded to meet ~~industry~~ the Applicant's needs to minimize duplication and environmental impact.

The Applicant ~~Industry~~ is responsible for construction, maintenance, and operating costs for the transportation infrastructure required to support their activities. ~~Whenever possible, onshore exploration activities should be supported by air service, an existing road system or port facility, or by vehicles which do not cause significant damage to the ground surface or vegetation.~~

At cessation of operations, the transportation infrastructure must be donated to AEB for public use, or the transportation infrastructure must be completely removed and the area must be remediated to AEB's satisfaction.

q. Historical and Cultural Resources Protection Plan

A Historical and Cultural Resources Protection Plan must be submitted to demonstrate that traditional, historical and cultural sites may not be

disturbed or adversely impacted during the construction or operation of the Resource Development projectmine.

r. Good Neighbor Plan

The Good Neighbor Plan shall, at a minimum, include the following:

1. The Good Neighbor Plan must include a -A plan to ensure surrounding residential properties and residents are not adversely impacted by excessive noise, fumes, odors, pollution, contamination, glare, smoke, light, vibration, dust, litter, or interference with media reception;:-
2. The plan should include Ccharitable and/or in-kind contributions to support local education, art, and charities, provide employment training programs to maximize local hire. This program should provide a fund for impact assistance if adverse impacts are realized by the community or individual residents;:-
3. A plan for providing services that includes contracting locally for fuel, power, waste, water, transportation, medical services, emergency and other services. If local service capacity is insufficient to meet the Operator's needs, the Operator shall expand capacity, unless it is infeasible. In cases where it is infeasible to expand existing services, the Operator may provide their own. The Operator's activities shall not adversely impact community access to existing services, and should improve and provide opportunities for more cost-effective services;
4. A system to compensate subsistence hunters and fishermen for disruptions to subsistence activities or to compensate for additional costs associated with relocating subsistence activities;
5. A system to compensate subsistence hunters and fishermen for costs of providing alternative food sources in the event of a spill;
6. A plan for communicating with the affected community members, to obtain their input and address their concerns on a regular basis; and,
- 4-7. A quarterly and annual reporting process to document the success of the Good Neighbor Policy.

s. Pollution Prevention Plan

The Pollution Prevention Plan must include best management practices for protecting drinking water, air, and local food sources from pollution, including and a recycling program. The Pollution Prevention Plan must include:

1. A zero water pollution discharge standard unless the Applicant proves to the Borough that it is not technically feasible;

2. Best available air emission control technology for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds), and hazardous air pollutants;
3. The lowest air pollution impact fuel sources. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used;
4. Vapor recovery systems on all equipment and facilities to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited;
5. An inspection maintenance and repair program to ensure that all pollution prevention systems are inspected, maintained, and repaired, including a Quality Assurance/Quality Control (QA/QC) Program for all pollution prevention systems;
6. Secondary containment systems for all fuel, hazardous materials and chemicals that will hold at least 110% of the tank capacity;
7. Cathodic protection, leak detection systems and overfill alarms for all tanks;
8. Double hull vessels for all supply and fuel vessels operating in the presence of ice; and,
9. Sufficient spill response equipment and trained personnel to contain and clean up any fuel and chemical spills that may occur.

t. Hazard Assessment Plan

A Hazard Assessment Plan must include an evaluation of all potential hazards to the Resource Development Project including, but not limited to, geophysical hazards, fire, flood, landslides, erosion, earthquake, coastal storms, and ice. The plan must include proposed mitigation measures to eliminate or reduce the risk of the hazard.

u. Surety Bond

A Surety Bond, or other financial instrument approved by the Assembly, must be appropriate for the magnitude, type, cost, nature, and duration of the development.

Surety must be provided in an amount sufficient to fund:

1. Environmental clean-up and restoration requirements;

2. Compensate residents for any adverse human health impacts
3. Compensate commercial fisherman and subsistence users for adverse impacts;
4. Dismantle, remove, and restore the Resource Development site to its original condition prior to development; and
5. The liability under the surety provisions shall continue until such time as released, or in its entirety, by the ~~Planning Director~~Administrator.

v. Reclamation Plan

The Reclamation Plan must be provided in sufficient detail to determine surety requirements, provide a timetable for each step in the reclamation process, -and describe the reclamation actions to be completed at cessation of operations. The plan must include a description of the measures to ensure that all debris and toxic materials are disposed of in a sound manner, a description of the steps to be taken to comply with applicable water quality laws and statutes, and restore, stabilize and re-vegetate all disturbed areas. The Reclamation Plan must be developed using best management practices and shall comply with AEB's Coastal Zone Enforceable Policies if mining is planned in the coastal lands and waters of the Borough.

w. Emergency Plan

The Emergency Plan must provide for adequate medical, rescue, fire, spill response and other emergency services. The plan should preferably include proposals to fund expansion of existing Borough emergency services to support increased demands created by the new ~~Resource Development~~mining project.

x. Fees & Payments

~~———Large Mining Operations Permit Resource Development Fee~~ Fund payments (Chapter 40.20.070) and all fees required by Chapters 40.01.060 must be paid.

~~40.20.030——Duration.~~

~~Approvals are valid while Owner/Operator is in compliance with this title, conditions of Borough approval, and all state and federal requirements. Approvals expire automatically within 12 months, if no construction or activity has commenced or if construction has been suspended for 12 consecutive months.~~



5d. Amendments:

~~Resource Development Approval~~ Large Mining Land Use Permit  
Amendments will require Borough approval. The Borough Administrator or his designee ~~Planning Director~~ will determine the significance of the proposed amendment. Minor amendments may be approved by the Borough Administrator or his designee within 30 days ~~Planning Director~~. A minor amendment is defined as an administrative, scope or timing change that does not increase impact over the original permit approval. A major amendment requires Assembly approval and a 30 day public comment period.

~~Significant amendments may warrant public and Planning Commission review, and Assembly approval, as determined by the Planning Director.~~

6. Appeals

Land use permit decisions may be appealed pursuant to Chapter 40.010.080.

E. Fees and Penalties

Mineral and Coal Miners doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapters 1.24 and 40.01.060.

~~Each Resource Development project~~ Large Mining Operations ~~are will be~~ required to fund the cost for Borough review and approval of their application, and the cost of inspection and oversight of the project once it is in operation.

Large Mining Operations Permit Fee ~~The Resource Development~~ Fund requirements are triggered at the pre-application meeting, or at the discretion of the ~~Planning Director~~ Borough Administrator, if Borough is incurring costs to participate in project meeting, discussions, and review prior to the pre-application meeting.

At the pre-application meeting, the Applicant will be required to submit an initial payment ~~of \$50,000- of \$25,000~~ to be placed in a Resource Development Large Mining Operations Permit Fee Fund for this specific project. ~~Each month~~ Quarterly, the ~~Planning Director~~ Finance Director will provide the Applicant with an account describing how the funds were used by the Borough to review, approve, or monitor project compliance.

The Applicant must maintain a minimum balance of \$10,000 ~~of \$25,000~~ in this fund at all times.

Failure to maintain and provide adequate funding within the Large Mining Operations Permit Fee Fund~~Resource Development Fund~~ for the project will trigger compliance actions under 40.01.040 and will automatically suspend all work on permit application review, processing, and approval.

Unused funds will be returned to the Applicant at the completion of the project and the site has been remediated to the Borough's satisfaction, or if an application is withdrawn from consideration.

#### F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough land use permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.
2. Mineral and Coal Miners must keep and preserve all records of business activities conducted within the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.
3. Mineral and Coal Miners must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.
4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

#### G. Severance Tax

Mineral and Coal Miners are subject to Borough Severance Tax pursuant to Chapter 60.40.

#### H. Reporting Obligation

Compliance with Borough approval is required. Mineral and Coal Miners ~~The Operator~~ must submit quarterly reports demonstrating compliance with the approved plans listed in Chapter 40.20.050 by January 15th, April 15th, July 15th and October 15th and of each calendar year. ~~Compliance violations will be subject to enforcement under Chapter 40.01.040 and may be subject to penalties under Chapter 40.01.050~~

Within 180 days of permit expiration, the Mineral and/or Coal Miner must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

**40.20.080 Oil and Gas Land Use Permit Required.**

**A. Land Use Permit Required**

1. Oil and Gas projects anywhere within the Resource Development District must apply for and receive an approved Oil and Gas Land Use Permit from the Borough prior to conducting operations within the Borough, using the application form required by the Borough.
2. A separate land use permit application must be submitted for each separate Oil and Gas project.
3. The land use permit shall be valid for the Oil and Gas project period requested in the application, up to a maximum period of five (5) years.
4. Once approved by the Borough, the land use permit is valid for the approved permit term, provided applicant is in compliance with permit terms and conditions.
5. The land use permit must be renewed at least 180 days prior to expiration if continued operations are planned.
6. An amended land use permit is only valid for the remaining term on the originally issued permit.
7. The land use permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party.
8. Oil and Gas Operators are only authorized to conduct activities described in the land use permit application and authorized in the approval. Any change to the operation will require a land use permit amendment application to be submitted and approved prior to conducting those activities.

**B. Land Owner Authorization Required**

1. Oil and Gas projects on private, local, state, or federal land may not commence without land owner approval, including travel across lands and use of lands.
2. The Borough reserves the right to request a copy and verify any and all land owner authorizations related to an Oil and Gas Land Use Permit.

3. Land owner approval to access lands described in the permit must be maintained during the permit term or the permit is null and void.

#### C. Permanent Facilities, Structures and Access Routes

1. Oil and Gas Land Use Permits do not grant the Oil and Gas Operator the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries.
2. The Oil and Gas Operator must obtain legal access and the authorization from the landowner prior to these activities.
3. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.

#### D. Land Use Permit Application and Approval Process

##### 1. Pre-application Meeting

The Oil and Gas Operator ~~Owner/Operator~~ must meet with the Borough for a pre-application meeting at least 180 days prior to submitting the land use permit application for approval. At the pre-application meeting the Applicant shall present the project scope and timeline to the Borough and explain how this project will comply with the requirements of this title and state and federal laws and regulations. At the pre-application meeting, the Applicant will be required to submit an initial payment of \$50,000 to be placed in a Resource Development Review–Oil and Gas Permit Fee Fund for this project. The Applicant must maintain a minimum balance of \$25,000 in this fund at all times. The Borough will use these funds to pay for the cost of reviewing and approving the proposed Resource Development Project application and administering the permit during operations and will administer these funds in accordance with Chapter 40.20.070. Payment of the application fee does not guarantee approval of the project.

##### 2. Application Meeting

The Oil and Gas Operator ~~Owner/Operator~~ must meet with the Borough at least 180 days prior to construction or operation to submit an application for Borough approval.

##### 3. Land Use Permit Application Contents

The Applicant must fill out all the information required by the Oil and Gas Land Use Permit Application Form and follow all instructions. The application shall contain, at a minimum the following:

- a. Project Scope and Schedule;

- b. Conflict Avoidance Plan (Fisheries & Subsistence Use);
- c. Study & Project Monitoring Plan;
- d. Local Economic Development Plan;
- e. Field Office Plan;
- f. Infrastructure Support Plan;
- g. Transportation Plan;
- h. Historical and Cultural Resources Protection Plan;
- i. Good Neighbor Plan;
- j. Pollution Prevention Plan;
- k. Hazard Assessment Plan;
- l. Surety Bond;
- ~~l.m.~~ Reclamation Plan;
- ~~m.n.~~ Emergency Plan;
- ~~n.o.~~ Copy of State of Alaska Business Licenses; and,
- ~~o.p.~~ Fees & Payments.

#### 43. Approval Process

- a. The ~~Planning Director~~ Borough Administrator or his designee will have 90 days to review the land use permit application excluding Saturday, Sunday and Borough holidays, including a 30 calendar day public notice period requesting written comments. Public notice will be made in accordance with the publication requirements of Section 1.12.010. The ~~Borough Administrator or his designee~~ Planning Director may extend review time periods for complex projects. The public notice period will not commence until the Borough Administrator or his designee ~~Planning Director~~ has determined that the application is complete and ready for Borough consideration.
- b. Within 30 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, the Borough will issue the permit for public review or send a letter to the Applicant explaining why the application is incomplete or requires modification.
- c. Incomplete applications will be retained at the Borough for a period of 60 calendar days. If after 60 calendar days the Applicant has not provided sufficient information to approve the permit, the permit application will be returned to the Applicant.
- d. By the end of the 90 day review period, the Borough Administrator or his designee ~~Planning Director~~ will submit a written recommendation to the Planning Commission. The Planning Commission will have 60 days, excluding Saturday, Sunday and Borough holidays to develop a written recommendation to the Assembly and will hold one meeting with the opportunity for oral or written public comment.

- e. The Assembly will grant the approval with or without conditions, or deny the application with explanation within 30 days excluding Saturday, Sunday and Borough holidays of receiving the Planning Commission's written recommendation and will hold one meeting with the opportunity for oral or written public comment before making its decision. The Assembly may extend review period for complex projects.
- f. Final permit decisions will be mailed to the Permit Applicant or Permit Operator, adjoining property owners, and all persons that submitted written comments on the decision, by certified mail. A copy of the final permit decision will be provided to each Planning Commission and Assembly member.
- g. Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations), may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the.
- h. A permit amendment may be submitted at any time during the period that the existing permit is valid. The permit applicant must explain the reason for the permit amendment. Minor amendments are approved by the Administrator within 30 days. Major amendments require Assembly approval and can take 3-6 months. A minor amendment includes administrative, scope or timing changes that do not increase impact over the original permit approval. Major amendments increase impact over the original permit approval.

## 5. Approval Criteria

The Planning Commission will establish procedures for the Planning Director to follow when reviewing land use permit applications for approval. At a minimum, the Planning Director must verify the application is complete and meets the requirements of this title prior to recommending it for Planning Commission consideration. The Planning Commission will make a recommendation for Assembly approval.

Due deference will be given to residents affected by the proposed development when setting the terms and conditions of approval.

Based on Planning Director and Planning Commission recommendation for Approval, the following criteria must be met for the Assembly to approve Oil and Gas Land Use Permits:

a. Project Scope and Schedule

The project scope and schedule ~~must~~shall be submitted in written form by the Owner/Operator and must include, at a minimum the following information:

1. Information on proposed Applicant (Operator) and any partners in the planned Oil and Gas project;
2. Proposed Oil and Gas operations, location and timing;
3. Size and purpose of the operation;
4. Landownership and legal agreements that allow Oil and Gas operations on the property and any past mining operations at this site;
5. A list and description of the required equipment, facilities, infrastructure and personnel;
6. Area of Oil and Gas operations, including a map showing the topography, vegetation, distance to waterbodies, wetlands, residential areas, and other private structures or operations;
7. Amount and type of oil, fuel, and chemicals that will be used and stored at the mine site and oil spill prevention measures that will be used;
8. The actions to be taken to minimize detrimental effects to fish and wildlife;
9. Environmentally or culturally sensitive areas at or near the project (e.g. fish spawning habitat, subsistence use area, nearby residential properties or schools);
10. Water and fish habitat protection measures that will be used;
11. Water requirements (i.e., intended use of appropriated waters, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and in stream requirements);
12. Location and size of camp facilities and overland transportation;
13. Anticipated restrictions on other surface uses of the lease area, including public access;
14. Noise, visual and dust suppression mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
15. Plans to comply with AEB's Coastal Zone Enforceable Policies if Oil and Gas is planned in the coastal lands and waters of the Borough;
16. Safety and security that will be used at the site; and,

17. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained please provide the permit number and date of expiration. If permits are in the process of being issued please provide information on the date you applied for the permit and the expected date of issue.

The project scope and schedule must be compatible with existing and proposed adjacent uses, commercial fisheries, subsistence activities, and projected community needs.

The ~~project~~ Oil and Gas project must adhere to the goals and objectives of the Aleutians East Borough Comprehensive Plan. ~~Facilities~~ The Oil and Gas project must be consolidated as practical; site selection must include sufficient acreage to allow for reasonable expansion of the project and should minimize site clearing, dredging, and disturbance of productive habitats. The project and should be located in an area of least biological productivity, diversity, and vulnerability, and where effluents and spills can be contained.

Maps of proposed project must be submitted electronically for incorporation into the Borough's Geographic Information System.

b. Conflict Avoidance Plan (Fisheries & Subsistence Use)

1. Oil and Gas operations shall not adversely affect fish habitat, populations or productivity. Commercial fishing, subsistence use, and sport harvest have priority.

4.2. The Conflict Avoidance Plan must demonstrate that Commercial Fishing, Subsistence Use, and Sport Harvest Conflicts will be avoided. Alternative site locations, transportation routes, and other mitigation measures may be proposed to avoid conflict.

3. Commercial fishing, subsistence use, and sport harvest priority use means that Oil and Gas operations shall be restricted in order to prevent conflicts with local commercial, subsistence, and sport harvest activities and achieve the following goals.

a. Commercial, subsistence, and sport harvest activities must not be displaced or precluded from access to fishing or hunting areas, unless they are adequately compensated for the displacement;

b. Fishermen must not be precluded from participating in designated fishing seasons, unless they are adequately compensated for the lost season(s);



- c. Fishermen must be compensated in a timely manner for damage to fishing equipment, vessels, gear or decreased harvest value or loss of fishing quota caused by the Oil and Gas project;
- d. Fishermen must be compensated for any lost fishing opportunities caused by additional Endangered Species Act (ESA) restrictions put in place because of oil and gas activities;
- e. Established patterns of navigation and shipping for commercial fishermen must not be interrupted;
- f. Season restrictions on oil and gas activities may be required to avoid commercial fisheries and subsistence seasonal impacts;
- g. Additional seismic activity, if needed, must not impact fish resources, and must be planned and implemented to maximize data sharing and reduce the number of surveys required;
- h. Offshore oil and gas facilities may not be used for aquaculture; and
- i. Port infrastructure must be expanded to accommodate increased vessel traffic for the Oil and Gas project. This will ensure that fishermen have adequate harbor slips, long-term boat storage and maintenance facilities, and are not unnecessarily delayed for supply and refueling. The cost of port expansion and any increase in port operating costs is the sole burden of the mine.

c. Study & Project Monitoring Plan

A Study and Project Monitoring Plan ~~must~~ shall be comprehensive and collect sufficient baseline and periodic monitoring data to ensure protection of human health and the environment is being achieved. The plan must be reviewed and approved by the Borough Scientific Advisory Council or an expert designated by the Borough. The Study and Project Monitoring Plan shall, at a minimum, include a:

- 1. Commercial, Subsistence and Sports Fisheries Baseline Data Assessment to assess potential impacts of the proposed Oil and Gas project, including an assessment of all commercial, subsistence and sports fisheries species, as well as the marine flora, fauna, habitat and prey species on which they rely for survival. The assessment shall be of sufficient quality to:
  - a. Document the fisheries' distribution, abundance, productivity, movement and migration patterns, and quality as a food source; include data that documents natural variation in fish stock such that incremental impact from Oil and Gas project can be distinguished from natural variation;
  - b. Document past, present and future commercial, subsistence and sports fisheries use areas;

- c. Be of sufficient quality, quantity, and age to allow scientists to collect additional data in the future (for comparison) and draw scientifically valid conclusions, as to whether or not the fisheries resources are being impacted the mine;
  - d. Include a complete economic assessment of the economic value of the fisheries including the economic value of wild Alaska seafood harvested in pristine waters; and,
  - e. Provide a well documented, scientifically supported, and statistically significant analysis sufficient to compensate fisherman for decreased harvest value, decreases in fisheries stock, and/or displacement or loss of work due to a catastrophic event such as mine pollution contamination.
- 2. Commercial, Subsistence and Sports Fisheries Monitoring and Mitigation Plan to monitor impacts of the proposed Oil and Gas project. Adverse impacts identified via the monitoring program shall be mitigated;
  - 3. Baseline water quality assessment and/or additional baseline data collection plan;
  - 4. Cumulative water pollution impact assessment;
  - 5. Assessment of the technical feasibility for zero water pollution discharge;
  - 6. Water quality monitoring system(s) that will be used to continuously monitor effluents to ensure compliance with pollutant limitations if zero water pollution discharge is not technically feasible;
  - 7. Baseline air quality and meteorological data assessment and/or additional baseline data collection plan;
  - 8. Cumulative air pollution impact assessment;
  - 9. Assessment of the technical feasibility for air pollution discharge control and reduction;
  - 10. Air quality monitoring system(s) that will be used to continuously monitor emissions to ensure compliance with pollutant limitations;
  - 11. A Baseline Health and Socioeconomic Assessment to: document the current public health status of communities that will potentially be affected by the mine; document ways the mine can improve the quality of life for local residents; identify ways the Oil and Gas Operator can work with the local communities to design, install and operate facilities that improve the quality of life for local residents; identify community or village-level health indicators to detect changes in public health and in social and economic conditions that influence health in the region; identify health disparities and vulnerable populations; identify the likely social, economic,

environmental, and behavioral influences on health; and identify appropriate social, economic, environmental and health indicators for use in monitoring the effects (in terms of health risk and health outcomes);

12. Impact Analysis and Mitigation Plan summarizing the potential public health and socioeconomic impacts of mine and a means proposed to mitigate these impacts completed under the direction of a medical doctor with recognized expertise in Alaska Native public health and a socio-economist with recognized expertise in Aleutian Region;
13. Public Health Monitoring Program and Mitigation Plan to be implemented under the direction of a medical doctor with recognized expertise in Alaska Native public health that addresses the public health indicators identified in the Baseline Health and Socioeconomic Assessment. Adverse impacts identified via the monitoring program shall be mitigated;
14. Socioeconomic Monitoring Program and Mitigation Plan to be implemented under the direction of a socio-economist with recognized expertise in issues affecting the Aleutian Region. Adverse social and economic impacts identified via the monitoring program shall be mitigated; and,
15. A Noise Mitigation Plan that minimizes adverse health effects from aircraft and other noises associated with the Oil and Gas project. The plan shall include a baseline assessment of ambient noise level in the affected community must be completed for a project requiring more than two flights per day to, through, or from a community that estimates indoor and outdoor ambient noise levels and assess the anticipated contribution of the proposed activity to overall noise levels in the community using an FAA-approved noise model. Activities for ambient noise levels above safe thresholds, or noise levels that cause unacceptable disruptions to community activities and sleep, shall not be permitted. Mitigation including flight path routing, airport siting and sound proofing equipment must be proposed and implemented.

d. Local Economic Development Plan

A Local Economic Development Plan ~~must~~shall include a local hire manpower plan, local business contracting plan, training program, and mentoring program for both construction and operation phases of the Oil and Gas project.

The Local Economic Development Plan shall, at a minimum, include the following:

1. A plan to train local residents to become qualified for jobs at the Oil and Gas project prior to mine start-up and during the period the project is actively operating. Training shall be provided in the project area, or the Operator shall provide transportation and funding for local residents to obtain training in an alternate location. Paid apprenticeship positions shall provide hands-on training as part of this program;
2. A plan for recruiting and hiring local residents, including a mechanism for announcing jobs and recruiting locally qualified applicants in the lease area;
3. A plan for using local contractors and local businesses, including mandatory notification to qualified local contractors and businesses announcing contract opportunities; and,
4. A quarterly and annual reporting process documenting the success of the Economic Opportunity Plan in providing local hire and contracting opportunities to AEB residents.

e. Field Office Plan

~~Resource Development activities~~ Oil and Gas projects are required to maintain a field office at the construction and operating site. The field office must be manned 24 hours per day to ensure proper oversight of the project. The field office staff must include, at a minimum, a Native and Community Liaison, a Fisheries Protection Biologist, and an Environmental Compliance Officer to provide project oversight, monitoring, address local concerns, and ensure compliance, unless waived by the Assembly.

f. Infrastructure Support Plan

The Applicant must meet with Village, Municipal Government, and Tribal Leaders of all communities within 25 miles of their operations to determine whether it will be beneficial to expand community infrastructure to include resource extraction needs, or whether it would be more appropriate to institute enclave development requirements.

A joint tribal, local community and Applicant agreement on this issue must be reached, approved by all parties, and submitted to the Borough.

In the event there is agreement to expand existing community infrastructure to meet the needs of industrial development (e.g. medical clinic, school, community center, tank farm, recreation facilities, etc.), the Applicant is responsible for construction, maintenance, and operation costs of expanding these facilities to support their activities.

g. Transportation Plan

Transportation Plan shall describe existing and new transportation infrastructure needed, anticipated routes and points of ingress and egress to the project site (including a map of these routes).

Transportation routes, utility corridors and infrastructure shall be carefully sited and constructed to allow for the free passage and movement of fish and wildlife, to avoid construction during critical migration periods for fish and wildlife. Pipelines shall be buried wherever possible. The siting of facilities, other than docks, roads, utility or pipeline corridors, or terminal facilities, is prohibited within one-half mile of the coast, barrier islands, reefs and lagoons, fish bearing waterbodies and 1,500 feet from all surface water drinking sources.

Transportation infrastructure (e.g., roads, bridges, runways, marine facilities, etc.) built by the Oil and Gas Operator on Borough, state, or federal lands must be available for all AEB resident use and access, unless waived by the Assembly.

Wherever possible, existing transportation infrastructure should be expanded to meet the Applicant's needs to minimize duplication and environmental impact.

The Applicant is responsible for construction, maintenance, and operating costs for the transportation infrastructure required to support their activities.

At cessation of operations, the transportation infrastructure must be donated to AEB for public use, or the transportation infrastructure must be completely removed and the area must be remediated to AEB's satisfaction.

h. Historical and Cultural Resources Protection Plan

A Historical and Cultural Resources Protection Plan must be submitted to demonstrate that traditional, historical and cultural sites may not be disturbed or adversely impacted during the construction or operation of the ~~Resource Development project~~ Oil and Gas project.

i. Good Neighbor Plan

The Good Neighbor Plan shall, at a minimum, include the following:

1. A plan to ensure surrounding residential properties and residents are not adversely impacted by excessive noise, fumes, odors, pollution, contamination, glare, smoke, light, vibration, dust, litter, or interference with media reception;
- ~~1.2.~~ Charitable and/or in-kind contributions to support local education, art, and charities, provide employment training programs to maximize local hire. This program should provide a fund for impact assistance if adverse impacts are realized by the community or individual residents;
3. A plan for providing services that includes contracting locally for fuel, power, waste, water, transportation, medical services, emergency and other services. If local service capacity is insufficient to meet the Operator's needs, the Operator shall expand capacity, unless it is infeasible. In cases where it is infeasible to expand existing services, the Operator may provide their own. The Operator's activities shall not adversely impact community access to existing services, and should improve and provide opportunities for more cost-effective services;
4. A system to compensate subsistence hunters and fishermen for disruptions to subsistence activities or to compensate for additional costs associated with relocating subsistence activities;
5. A system to compensate subsistence hunters and fishermen for costs of providing alternative food sources in the event of a spill;
6. A plan for communicating with the affected community members, to obtain their input and address their concerns on a regular basis; and,
7. A quarterly and annual reporting process to document the success of the Good Neighbor Policy.

j. Pollution Prevention Plan

The Pollution Prevention Plan must include best management practices for protecting drinking water, air, and local food sources from pollution, including a recycling program. The Pollution Prevention Plan must include:

1. A zero water pollution discharge standard unless the Applicant proves to the Borough that it is not technically feasible;
2. Best available air emission control technology for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds), and hazardous air pollutants;

3. The lowest air pollution impact fuel sources. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used;
4. Vapor recovery systems on all equipment and facilities to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited;
5. An inspection maintenance and repair program to ensure that all pollution prevention systems are inspected, maintained, and repaired, including a Quality Assurance/Quality Control (QA/QC) Program for all pollution prevention systems;
6. An oil spill trajectory analysis representing the worst-case oil spill volume to determine the maximum impacted region from a spill and identification of spill prevention measures that will be implemented to reduce the risk or impact of a spill. Drilling, pipeline and tank discharge scenarios must be considered. Tanker discharge scenarios must be considered for offshore projects;
7. Secondary containment systems for all fuel, oil, hazardous materials and chemicals that will hold at least 110% of the tank capacity;
8. Cathodic protection, leak detection systems and overfill alarms for all tanks;
9. Tank and pump systems capable of evacuating pipeline contents;
10. Cathodic protection and redundant leak detection systems for all pipelines;
11. Blowout prevention systems installed prior to drilling into over-pressured or hydrocarbon bearing zones on all drilling rigs;
12. Double hull tankers with redundant navigation and safety systems for all oil or LNG transportation;
13. Double hull vessels for all supply and fuel vessels operating in the presence of ice;

k. Hazard Assessment Plan

A Hazard Assessment Plan must include an evaluation of all potential hazards to the Oil and Gas project including, but not limited to, geophysical hazards, fire, flood, landslides, erosion, earthquake, coastal storms, marine hazards, and ice. The plan must include proposed mitigation measures to eliminate or reduce the risk of the hazard.

I. Surety Bond

A Surety Bond, or other financial instrument approved by the Assembly, must be appropriate for the magnitude, type, cost, nature, and duration of the Oil and Gas project.

Surety must be provided in an amount sufficient to fund:

1. Environmental clean-up and restoration requirements;
2. Compensate residents for any adverse human health impacts;
3. Compensate commercial fisherman and subsistence users for adverse impacts;
4. Dismantle, remove, and restore the Resource Development site to its original condition prior to development; and
5. The liability under the surety provisions shall continue until such time as released, or in its entirety, by the Administrator.

m. Reclamation Plan

— The Reclamation Plan must be provided in sufficient detail to determine surety requirements, provide a timetable for each step in the reclamation process, and describe the reclamation actions to be completed at cessation of operations. The plan must include a description of the measures to ensure that all debris and toxic materials are disposed of in a sound manner, a description of the steps to be taken to comply with applicable water quality laws and statutes, and restore, stabilize and re-vegetate all disturbed areas. The Reclamation Plan must be developed using best management practices and shall comply with AEB's Coastal Zone Enforceable Policies if Oil and Gas is planned in the coastal lands and waters of the Borough.

n. Emergency Plan

— The Emergency Plan must provide for adequate medical, rescue, fire, spill response and other emergency services. The plan should preferably include proposals to fund expansion of existing Borough emergency services to support increased demands created by the new Oil and Gas project.

o. Fees & Payments

Resource Development Oil and Gas Permit Fee Fund must be paid.



## 6. Amendments

Oil and Gas Land Use Permit amendments will require Borough approval. The Planning Director-Borough Administrator or his designee will determine the significance of the proposed amendment. Minor amendments may be approved by the Borough Administrator or his designee within 30 days. A minor amendment is defined as an administrative, scope or timing change that does not increase impact over the original permit approval. A major amendment requires Assembly approval and a 30 day public comment period.

## 7. Appeals

Land use permit decisions may be appealed pursuant to Chapter 40.010.080.

## E. Fees and Penalties

Oil and Gas Operators doing business within Borough boundaries are subject to the fee and penalty schedule approved by the Borough Assembly, pursuant to Chapters 1.24 and 40.01.060.

Oil and Gas projects are required to fund the cost for Borough review and approval of their application, and the cost of inspection and oversight of the project once it is in operation.

Oil and Gas Permit Fee Fund requirements are triggered at the pre-application meeting, or at the discretion of the Borough Administrator, if Borough is incurring costs to participate in project meeting, discussions, and review prior to the pre-application meeting.

At the pre-application meeting, the Applicant will be required to submit an initial payment -of \$50,000 to be placed in a ~~Resource Development~~ Oil and Gas Permit Fee Fund for this specific project. Quarterly, the Finance Director will provide the Applicant with an account describing how the funds were used by the Borough to review, approve, or monitor project compliance.

The Applicant must maintain a minimum balance of \$25,000 in this fund at all times.

Failure to maintain and provide adequate funding within the Oil and Gas Permit Fee Fund for the project will trigger compliance actions under 40.01.040 and will automatically suspend all work on permit application review, processing, and approval.

Unused funds will be returned to the Applicant at the completion of the project and the site has been remediated to the Borough's satisfaction, or if an application is withdrawn from consideration.

F. Inspection and Recordkeeping

1. Authorized representatives of the Borough have the right to enter and inspect land uses approved under a Borough land use permit to ensure uses are being or have been conducted in accordance with the terms and conditions of the permit.
2. Oil and Gas Operators must keep and preserve all records of business activities conducted within the Borough boundaries for a period of at least five (5) years after the site has been remediated to the Borough's satisfaction and the permit has been discontinued.
3. Oil and Gas Operators must permit the Borough, or its authorized representatives, to examine, inspect, and copy the business records.
4. If an enforcement action commences, business records must be kept and preserved until enforcement action proceedings are complete.

H. Reporting Obligation

Compliance with Borough approval is required. Oil and Gas Operators must submit quarterly reports demonstrating compliance with the approved plans listed in Chapter 40.20.050 by January 15th, April 15th, July 15th and October 15th and of each calendar year.

Within 180 days of permit expiration, the Oil and Gas Operator must submit a report to the Borough confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

ORDINANCE 14-06

AN ORDINANCE AMENDING TITLE 45, POWERS AND FUNCTIONS

**WHEREAS,** the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

**WHEREAS** The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 45, Powers and Functions.

**NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:**

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

**Section 2. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 3. Effectiveness.** This ordinance shall become effective upon adoption.

**Section 4: Adoption by Section.** Aleutians East Borough Code, Title 45 Powers and Functions is hereby repealed and Aleutians East Borough Code, Title 45 Powers and Functions as annexed hereto as part of this ordinance is hereby adopted as Title 45 Powers and Functions of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Stanley Mack, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tina Anderson, Clerk

Date: \_\_\_\_\_

## TITLE 45

### POWERS AND FUNCTIONS

#### CHAPTERS:

45.05      AREAWIDE POWERS

45.10      NON-AREAWIDE POWERS

45.15      SERVICE AREA POWERS

## TITLE 45

### POWERS AND FUNCTIONS

#### Chapter 45.05 -- Areawide Powers

##### **Sections:**

45.05.010	Areawide Powers and Functions.
45.05.020	Assessment and Collection of Taxes.
45.05.030	Planning, Platting and Land Use Regulations.
<del>45.05.040</del>	<del>Medical and Mental Health Services.</del>
45.05.0450	Airport Powers.
45.05.0560	Docks, Ports and Harbors.
45.05.0670	Transportation Systems.

##### **45.05.010 Areawide Powers and Functions.**

The powers and functions set out in this chapter are areawide and shall be exercised both inside and outside cities with such exceptions as are set out in this chapter or are as specifically set out in other provisions of this Code.

(Ord. 88-3, Sec. 45.05.010)

##### **45.05.020 Assessment and Collection of Taxes.**

- A. The Borough shall assess and collect sales and use taxes that are levied within its boundaries as provided in AS 29.45 with the exception of city sales and use taxes as set out in subsection (b).
- B. Pursuant to the authority granted under AS 29.45.700(a), the Assembly authorizes each city within the Borough to levy and collect at their own expense sales and use taxes on such sources as each city may at any time provide by ordinance.

(Ord. 88-3, Sec. 45.05.020)

##### **45.05.030 Planning, Platting and Land Use Regulation.**

- A. The Borough shall provide for planning, platting and land use regulation as provided in AS 29.40.010 with the exception of those areas of the Borough that are within cities as set out in subsection (b).
- B. Pursuant to the authority granted in AS 29.40.010(b), the Assembly authorizes each city within the Borough, at its own expense, to exercise within the boundaries of the city all of the powers and duties of the Borough

under AS 29.40. ~~The delegation under this subsection is effective only if a city accepts and consents to the delegation by July 1, 1988.~~

(Ord. 88-3, Sec. 45.05.030)

**45.05.040 Medical and Mental Health Services.**

- ~~A. The Borough shall exercise on an areawide basis the power to provide medical and mental health services, including treatment for substance abuse. The power includes the power to provide facilities within which to provide the services authorized under this section and to provide financial assistance for those medical services it may not provide directly as set out in subsection (b).~~
- ~~B. The power assumed under this section shall be broadly construed; provided, there is specifically excluded from such power the power to directly provide emergency medical services or to directly operate clinics for medical health practitioners.~~
- ~~C. The power under this section is assumed pursuant to Aleutians East Borough Resolution 90-7, adopted on February 22, 1990 and approved by separate majority votes both inside all cities and outside all cities at a special election held on March 21, 1990.~~

(Ord. 90-10, Sec. 45.05.040)

**45.05.0450 Airport Powers.**

- A. The Borough shall exercise on an areawide basis the power to construct, operate, maintain, expand and regulate public airports.
- B. This power is assumed pursuant to the exercise of said power on a non-areawide basis pursuant to voter approval of a proposition at a special Borough election held on March 21, 1990 and acceptance by the Borough under Borough Ordinance 91-3 of the transfer of the power from the City of Akutan by Akutan Ordinance No. 90-04 adopted on June 29, 1990; from the city of Cold Bay, by Cold Bay Ordinance No. 90-03, adopted on June 26, 1990; from the city of King Cove by King Cove Ordinance 90-5, adopted on May 17, 1990; and from the City of Sand Point by Sand Point Ordinance No. 90-9, adopted on May 8, 1990; said four cities being all the cities within the Aleutians East Borough on September 11, 1990. The airport power shall be exercised on an areawide basis commencing on September 11, 1990.
- C. There is retained by each city and there is granted to each city formed within the Borough after September 11, 1990 such powers as are necessary to permit each city to enter into one or more agreements, leases

or other arrangements for the city to acquire, construct, operate and maintain airports acquired, owned, to be owned, or otherwise held by the Borough under its areawide airport power and to enter into joint exercise of powers agreements with the Borough.

(Ord. 91-3, Sec. 45.05.050)

**45.05.0560 Docks, Ports and Harbors.**

- A. The Borough shall exercise on an areawide basis the power to construct, operate, maintain, and regulate public docks, ports and harbors upon which construction was started after September 11, 1990, along with such other powers as may be necessary or convenient thereto, including the power to acquire and own such facilities.
- B. This power is assumed pursuant to the exercise of said power on a non-areawide basis pursuant to voter approval of a proposition at a special Borough election held on March 21, 1990 and acceptance by the Borough of the transfer of the power from the City of Akutan by Akutan Ordinance No. 90-04 adopted on June 29, 1990; from the City of Cold Bay, by Cold Bay Ordinance No. 90-03, adopted on June 26, 1990; from the City of King Cove by King Cove Ordinance 90-5, adopted on May 17, 1990; and Sand Point Ordinance No. 90-9, adopted on May 8, 1990; said four cities being all the cities within docks, ports and harbors power shall be exercised on an areawide basis commencing on September 11, 1990.
- C. Only the following docks, ports and harbors were under construction or constructed prior to September 11, 1990.
  - 1. In the City of Sand Point:
    - a. Sand Point City Dock
    - b. Sand Point Boat Harbor
    - c. Sand Point Harbor Expansion Dock and Uplands as more specifically shown on Exhibit A to Sand Point Ordinance 90-9.
  - 2. In the City of King Cove, King Cove Boat Harbor as more specifically shown on Exhibit A to King Cove Ordinance 90-5.
  - 3. In the City of Akutan:
    - a. The Akutan City Dock and Uplands Support Facilities
    - b. The Akutan Seaplane Ramp and Turn-around, and

- c. The barge situated at the Old Seawest Dock, all as more particularly shown on Exhibit A to Akutan Ordinance 90-04.
- 4. In the City of Cold Bay, there are no docks, ports or harbors constructed or operated by the City upon which construction was started prior to September 11, 1990.
- D. There is retained by each city and there is granted to each city formed within the Borough after September 11, 1990 such powers as are necessary to permit each city to enter into one or more agreements, leases or other arrangements for the city to acquire, construct, operate and maintain docks, ports and harbors acquired, owned, to be owned, or otherwise held by the Borough under its areawide docks, ports, and harbors power and to enter into joint exercise of power agreements with the Borough.

(Ord. 91-4, Sec. 45.05.060)

**45.05.070060 Transportation Systems.**

- A. The Borough shall exercise on an areawide basis the power to provide transportation systems.
- B. The power set out in this section is assumed pursuant to Alaska Statute 29.35.210(b)(1) and consists of the power to acquire, construct, maintain, regulate and operate roads, vessels, and vehicles, including passenger, marine, and vehicle terminals and all related equipment and facilities that are necessary or appropriate for the construction, maintenance, regulation and operation of roads, vessels and vehicles that comprise a transportation system that interconnects cities and communities within the Borough.
- C. There is retained by each city, and there is granted to each city formed within the Borough after the effective date of Ordinance 99-02, such powers as are necessary to permit each city to enter into one or more agreements, leases or other arrangements for the city to acquire, construct, operate and maintain parts of the transportation systems held by the Borough under its areawide transportation systems power and to enter into joint exercise of power agreements with the Borough.

(Ordinance 99-02, Sec. 45.05.070)

**TITLE 45**



## POWERS AND FUNCTIONS

### Chapter 45.10 - Non-Areawide

#### **Sections:**

45.10.010	General.
45.10.020	Economic Development Power.
45.10.030	Airport Powers.
45.10.040	Docks, Ports and Harbors

#### **45.10.010 General.**

- A. The Borough assumes and may exercise on a non-areawide basis the powers and functions set out in this chapter.
- B. The Borough may enter into agreements with the United States, the State of Alaska, or with one or more cities for the cooperative or joint administration of all or any part of a power subject this chapter.
- C. Upon the transfer of all or a portion of a power by a city by ordinance and approval of the transfer by the Assembly by ordinance, the Borough shall exercise the transferred power within the city. Upon the assumption of the power by the Borough on a non-areawide basis and the transfer of the power by all cities within the Borough, the power shall be exercised on an areawide basis.

(Ord. 89-2, Sec. 45.10.010)

#### **45.10.020 Economic Development Power.**

- A. The Borough shall exercise on a non-areawide basis the power to provide for economic development, as authorized under AS 29.35.210 (a).
- B. The exercise of the power to provide for economic development includes, but is not limited to:
  - 1. Providing financial and other forms of assistance to public and private groups for the conduct of activities intended to preserve or further the economic health or development of the Borough.
  - 2. Construct, improve, operate and maintain facilities such as docks, wharves, harbors, transportation facilities, and industrial development sites that will encourage, or accommodate the needs of, the fishing industry within the Borough.

- C. Such other similar or different activities as the Assembly determines to be intended for the preservation or expansion of the economy of the Borough.

(Ord. 89-2, Sec. 45.10.020)

**45.10.030 Airport Powers.**

Pursuant to the approval by the voters of the Aleutians East Borough at a special election held on March 21, 1990, the Borough assumes and shall exercise on a non-area-wide basis the power to acquire, own, construct, operate, maintain and regulate public airports along with such other powers as may be necessary and convenient thereto.

(Ord. 91-3, Sec. 45.10.030)

**45.10.040 Docks, Ports and Harbors**

Pursuant to the approval by the voters of the Aleutians East Borough at a special election held on March 21, 1990, the Borough assumes and shall exercise on a non-area-wide basis the power to acquire, own, construct, operate, maintain and regulate public docks, ports and harbors along with such other powers as may be necessary and convenient thereto.

(Ord. 91-4, Sec. 45.10.040)

~~TITLE 45~~

~~POWERS AND FUNCTIONS~~

~~Chapter 45.15 – Service Area Powers~~

**Section:**

~~45.15.100 – Akutan Health Clinics Service Area~~

**~~45.15.100 – Akutan Health Clinics Service Area.~~**

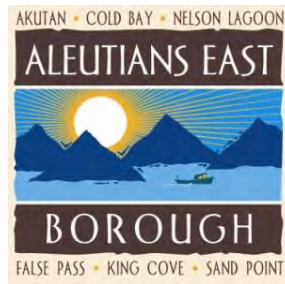
~~This section adopted under Borough Ordinance 92-1, is repealed and the service area dissolved.~~

~~(Ord. 93-4 (Amended Ord. 92-1), Sec. 45.15.100)~~

# OLD BUSINESS

none at this time

# New Business



## **Agenda Statement**

**Date of Meeting:**      **December 12, 2013**

**To:**                      **Honorable Mayor and Assembly Members**

**From:**                 **Rick Gifford, Administrator**

**Re:**                     **Maritime Helicopters, Inc. Contract**

Assembly Resolution No. 14-08 approved on November 6, 2013 authorized the Mayor to negotiate a contract with Maritime Helicopters, Inc. for one year with options to renew for two additional one year terms to provide helicopter services between the Akutan Airport on Akun Island and the community of Akutan. A draft contract was provided to the Assembly.

The Mayor and staff were able to successfully negotiate a contract with Maritime Helicopters, Inc. with substantially the same terms and conditions as presented to the Assembly at the November 2013 Assembly meeting.

Staff recommends the Assembly ratify the attached contract with Maritime Helicopters, Inc.

Attachment.

## HELICOPTER SERVICES AGREEMENT

The Helicopters Services Agreement ("Agreement") is entered into this 22nd day of November, 2013 ("Effective Date"), by and between Maritime Helicopters, Inc. ("Maritime") and the Aleutians East Borough ("AEB"), a Second Class Borough of the State of Alaska, collectively referred to as "the Parties."

### RECITALS

- A. Maritime owns and will operate a Bell 206L4 Helicopter (the "Helicopter") pursuant to the terms of this Agreement.
- B. Maritime will provide passenger and cargo transportation from a ramp located on Akutan Island near the village of Akutan to the Akutan Airport located on Akun Island (the "Service Route"), as depicted on the route plan set forth on Exhibit A (the "Plan").

***This Agreement shall supersede any and all previous offers and counter-offers, either oral or written. If this Agreement is not signed by all parties, it shall not represent a binding agreement.***

### AGREEMENT

#### 1. Term.

- a. Term and Renewal. The term of this Agreement is for one (1) year beginning on the Effective Date and ending November 21, 2014 with an option to renew for two successive, one-year terms (each, an "Additional Term").
- b. Termination of Convenience. The AEB may terminate this Agreement for any reason with ninety (90) days' prior written notice to Maritime. If AEB terminates this Agreement pursuant to this Section, AEB will be responsible for any portion of the compensation owed to Maritime for any Services rendered through the termination date.
- c. Termination Due to Lack of Funding. In the event of funding to AEB is withdrawn, reduced or limited in any way after the effective date of this agreement and prior to normal completion, AEB may terminate the agreement, reduce funding, or re-negotiate subject to those new funding conditions.
- d. Termination for Breach. Notwithstanding the above termination sections, either party may terminate this Agreement for breach or default of the other party by providing thirty (30) days' written notice to the breaching party. If the breaching party does not cure the breach or default within the thirty (30) day period, the non-breaching party may thereafter terminate this Agreement at any time, effective immediately, and has no obligation to accept an attempted cure by the breaching party. A party's right to



terminate pursuant to this Section 1.d. is not exclusive and is in addition to any other legal or equitable remedies accorded that party under applicable law.

2. Services. Maritime agrees to perform the following services throughout the term of this agreement:
  - a. Operate the Helicopter to provide round trip service on the Service Route, at a schedule to be agreed upon by the parties, which is synchronized with the regularly scheduled flights operated by approved air carrier at the Akun Island airport (the "Schedule").
  - b. Maritime shall maintain a manifest for AEB to seek payment for such transportation services and will work cooperatively with AEB to enhance and grow revenues.
  - c. Conduct mail transport services between Akutan Airport and the City of Akutan on behalf of the AEB. Coordination with the Essential Air Service (EAS) Provider and the U.S. Postal Service is required.
  - d. Be available to communicate with the AEB in support of the round trip service on the Service Route 7 days-a-week, 365 days-a-year.
  - e. Be available to operate the Helicopter for other missions (i.e. Airport Service Route Charters/Medevacs). Refer to paragraph 9 section b for Medevacs generally.
  - f. Be responsible for communications with the AEB. Maritime shall provide the AEB routine administrative reports and shall maintain all necessary logs and records necessary for compliance with applicable law.
  - g. Additional services as agreed by the Parties.
3. Delays/Continuity of Service. Maritime is not responsible for delays incurred either before the flight commences or at any time during the flight due to weather or other conditions beyond Maritime's control.

In the event of maintenance or crew-related delays or disruption of service not related to weather, Maritime acknowledges that after the first twenty-four (24) hours of downtime, that an amount equal to one daily rate will be deducted from payments issued by the AEB for each day that the air service cannot be performed.

4. Personnel.
  - a. Maritime shall have and maintain a qualified Pilot ("Pilot") and Mechanic ("Mechanic"), collectively referred to as the "Personnel") to perform the Services and its other obligations under this Agreement. The Personnel shall be qualified to operate the Helicopter on the Service Route and shall comply with all applicable



federal and state laws. Maritime shall be responsible for all travel to and from Akutan by the Pilots and Mechanics.

b. Additional Personnel Expectations

i. Final Authority Responsibility. The Maritime Pilot in command shall have complete discretion to make all decisions concerning the stability of weather and landing areas; condition of the aircraft for flight loading of the aircraft; and the manner of flight and all other factors effecting flight safety.

ii. Refusal of Service. Maritime may refuse to carry any passengers when there are reasonable grounds to believe that doing so presents a hazard to another person or property.

Maritime may refuse to carry any articles when there are reasonable grounds to believe that the articles present a hazard or danger to the aircraft and crew; may cause damage to a person's baggage or goods on board the aircraft; or are shipped contrary to any governmental regulations.

iii. Security of Aircraft and Equipment. The Personnel shall be responsible for the security of the helicopter, vehicles, and associated equipment used in support of this Agreement.

iv. Manifest. The Pilot shall ensure that a manifest has been completed. A copy of this manifest shall remain at the point of initial departure.

v. Helicopter Loading. The Mechanic shall be located on Akutan Island and is responsible for computing weight and balance of all flight loads, and to ensure that the actual gross weight does not exceed the aircraft limitations prior to transporting passengers or cargo. The Pilot shall ensure an accurate Interagency Load Calculation form is completed for each flight.

vi. Pilot Requirements. The Pilot shall possess all certifications required by the FAA to operate the Helicopter. The Pilot shall also hold at least a Second Class Medical Certificate issued under provisions of 14 CFR. Part 67 or better to provide Medevac services.

vii. Mechanic Requirements. The Mechanic shall possess all certifications and licenses required by the FAA or other agencies to perform maintenance and repair of the Helicopter.

c. Additional Crewmembers. Maritime aircraft will be crewed in accordance with all FAA requirements and as listed in FAA approved aircraft flight manuals. If the Borough desires an additional crewmember in order to operate the aircraft (VFR) with a two (2) pilot crew or to "double crew" the helicopter, thereby maximize daily aircraft utilization, Maritime will furnish an additional crewmember (Pilot) subject to

availability at a rate of \$500.00 per day plus transportation and expenses to and from the job site.

5. Helicopter.

- a. The following helicopter will be provided by Maritime and will fulfill the contract requirements set forth in this Agreement:

Aircraft Type	Seating	Useful Load	Fuel Burn (gph)	External Load Limit
Bell 206L4	6	1,300 lbs.	38	External load only with 40 minutes of fuel on board

- b. Maritime shall be responsible for ensuring that the Helicopter has and shall continue to have, all applicable permits, authorizations, and licenses necessary to provide the Services. Maritime shall maintain a current FAA Part 135 Air Carrier Certificate, Part 133 External Load Operations Certificate, Part 137 Agricultural Certificate, and Part 145 Repair Station Certificate.
- c. The hangar at the head of Akutan Bay is available for Helicopter storage and maintenance.
6. Maintenance and Repair. Maritime shall be responsible for all maintenance and repairs on the helicopter.
- a. Routine Maintenance. Maintenance on the Helicopter shall be performed on a progressive fifty (50) hour schedule to alleviate impact to the Helicopter while conducting normal business operations.
- b. Spare Parts. During the initial three (3) month initial contract period, spare parts shall be shipped to begin establishing a spare part inventory. A spare part inventory shall be maintained throughout the life of the Agreement at the sole cost of Maritime.
7. AEB Responsibilities:
- a. Fuel. All helicopter rates are "dry" (without fuel). The AEB shall be responsible for all fuel costs associated with this Agreement (to include remote fuel systems and permits and fees), as well as the fuel dispensing system. Fuel provided by AEB for the Helicopter shall be Jet A, Jet A-1, Jet B, DP-4, JP-5 or JP-8 as specified by the Helicopter engine manufacturer. Maritime shall maintain fuel filters and the fuel system at AEB's cost.
- b. Lodging. AEB shall be responsible for all costs related to lodging for the Maritime Personnel.



- c. Helicopter Subsistence and Expenses. AEB shall be responsible for all costs related to meals and local transportation expenses for Maritime crew members (Pilot/Mechanic) specific to the location and terms of this Agreement.

- 1) Meals. AEB shall be charged for Per Diem (meals only) for the Pilot/Mechanic for each day on site, at the rate of \$65 per day, per person.
- 2) Local Transportation. AEB shall provide transportation between Akutan and the Helicopter hangar at the head of Akutan Bay. In town, Maritime personnel may walk to and from their destination. AEB vehicles may be used by Personnel on Akutan and Akun as available for Helicopter business purposes only.

Communication. AEB shall make internet service available to ensure the helicopter crew has communication at the crew housing in order to effectively coordinate with EAS and other transportation needs, check weather conditions and file flight plans, etc.

- d. Fare Schedule, Fare Revenue and Ticketing. The AEB shall establish the fare schedule and shall be responsible for ticketing and fare collection, excluding other third party charters. Maritime shall maintain a manifest for the AEB to seek payment for such transportation services and will work cooperatively with AEB to enhance and grow revenues.

8. Contract Rates Service. Maritime will provide helicopter services at the following rates:

<b>1 Year Daily Rate</b>	<b>1 Year Hourly Rate (in excess of 365 hrs/year)</b>
\$3,190	\$1,595

- a. 1 Year Daily Rate. The 1 Year Daily Rate shall be billed each day for the duration of the Term of this Agreement once the Helicopter is on site in Akutan and providing service. Mobilization, demobilization and ferry flights of the Helicopter and other items required to provide the Services are included in this 1 Year Daily Rate pricing. Flights for the Maritime Personnel (Pilots/Mechanics) are also included.
- b. 1 Year Hourly Rate (in excess of 365 hours/year). The flight time for this rate is based upon aircraft revenue meter time. This rate shall be computed to the nearest 1/10-hours as recorded on the meter.
- c. Standby Charges. No Standby charges are applicable to this Section 8 of the Agreement.



- d. Additional One-Year Extension. Pricing for an the optional Additional Term shall be reviewed and discussed between the Parties 90 days prior to the ending date of this Agreement.
  - e. The rates set forth in this Section 8 do not apply to Charters and Medical Evacuation (Medevac) Flights. Charters and Medevac Flights shall be charged at different rates as outlined in Section 9 below.
9. Charters and Medevac Flights. Maritime may be permitted to conduct Charter and Medevac flights only if such flights do not interfere with the Schedule. (See Section 3.a)
- a. Charter Flights. The Charter Hourly Rate shall be reflected in the Fare Schedule that is established by the AEB.
    - 1) Airport Service Route Charter – Includes charters for airline flights that arrive in Akun and require passenger and cargo transport along the Service Route. These Charters shall be billed by AEB.
  - b. Other Third Party Charters – Includes charters that require Maritime to take Customers to a destination outside of the Service Route. These Charters shall be billed by Maritime. Maritime time shall credit AEB for fuel used during that time.
  - c. Medevac Flights. Medevac flight service may be provided routinely during daylight hours. Night flights shall be reviewed on a case by case basis and are dependent upon weather conditions. The Medevac rate shall be reflected in the Fare Schedule that is established by the AEB.
    - i. This Agreement between the Parties authorizes Maritime to conduct only local medevacs along the Service Route.
    - ii. All other medevacs that continue from the Akutan Airport on Akun Island to any other location may be conducted only if requested and paid by an Emergency Medical Services entity. A decision to participate in a medevac outside the Service Route shall be made at the sole discretion of Maritime and is outside the terms of this Agreement and shall be billed by Maritime.

10. Compensation.

- a. Fees. Maritime shall perform the Services set forth in this Agreement at the costs listed in Section 8 of this Agreement.
- b. Invoices; Payment. Maritime shall provide AEB monthly invoices not later than the tenth (10<sup>th</sup>) day of each month, for the Fees incurred for the previous month. AEB shall pay Maritime all amounts due within thirty (30) days of receipt of the monthly invoice. A service charge of one and one half percent (18% real interest per annum) may be assessed on the balance of all accounts over thirty (30) days.



- c. Taxes. Published tariff rates are exclusive of any federal excise taxes (FET), state or local government or special use taxes, landing fees, or permit costs incurred during the course of helicopter transportation services paid by the Customer. Unless negotiated otherwise, all such charges shall be the responsibility of the AEB. No taxes or landing fees are anticipated at this time.
  - d. Books and Records. During the Term of this Agreement and for one (1) year thereafter, Maritime shall keep copies of books and records related to amounts Maritime requests to be paid for the Services. A Certified Public Accountant designated by AEB may, on reasonable notice to Maritime, and during normal business hours, examine and make copies of Maritime's books and records for purposes of auditing and verifying the fees charged under this Agreement.
  - e. Reports. During the term of this Agreement, Maritime shall provide AEB a report of the Services upon request by AEB.
11. Hazardous Materials Shipping. AEB and Maritime acknowledge that filing of the proper shipper's certification forms, in accordance with 49 CFR part 175, for the shipment of hazardous materials by aircraft shall be the sole responsibility of the person utilizing Maritime's shipping or flight services ("Customer"). The Customer will be responsible to certify that any hazardous materials to be carried on board the Helicopter are fully and accurately described by proper shipping name and are classified, packed, marked, labeled, and in proper condition for carriage according to 49 CFR part 175.

12. Confirmation of Relationship.

Maritime is an independent contractor providing services to AEB under this Agreement. The provisions of this Agreement shall not be construed to establish any form of partnership, agency or other joint venture of any kind between AEB and Maritime, not to constitute either Party as the agent, employee or legal representative of the other. All persons furnished by Maritime to accomplish the intent of this Agreement shall be considered solely Maritime's employees or agents and Maritime shall be solely responsible for compliance with all laws, rules and regulations involving, among other things, employment of labor, hours of labor, working conditions, workers' compensation, payment of wages, and withholding and payment of all applicable taxes of any nature.

13. Representations and Warranties.

- a. AEB Representations and Warranties. AEB represents and warrants to Maritime that:
  - (i) AEB has the necessary authority to enter into this Agreement and carry out its obligations hereunder; (ii) AEB has all license, permits and authorizations necessary for operations under this Agreement; and (iii) AEB shall comply with all applicable laws, rules, regulations and orders of any governmental authority in its performance under this Agreement.



- b. Maritime Representations and Warranties. Maritime represents and warrants to AEB that: (i) Maritime has the necessary authority to enter into this Agreement and carry out its obligations hereunder; and (ii) Maritime and its employees possess all licenses, permits, and authorizations necessary to operate in accordance with this agreement; (iii) Maritime carries the insurance as required in Section 15 of this Agreement below; and (iv) Maritime shall comply with all applicable laws, rules, regulations and orders of any governmental authority in its performance under this Agreement.

14. Indemnification.

- a. AEB Indemnification. Except to the extent arising out of Maritime's negligence or willful misconduct, AEB shall indemnify, defend and hold harmless Maritime, its personnel, employees, contractors, officers, agents, managers, members, and representatives, from and against any and all damages, liabilities, penalties, fines, losses, costs and expenses, including reasonable attorney's fees (collectively, "Losses") arising from or relating to (a) any third-party claims or actions based on the performance of this Agreement and the provision of Services; or (b) breach of any of the representations or warranties set forth in Section 13 above.
  - b. Maritime Indemnification. Maritime shall indemnify, defend and hold harmless AEB, its personnel, employees, contractors, officers, agents, managers, members, and representatives, from and against any and all Losses arising from or relating to (a) any third party claims or actions based on Maritime's negligence or willful misconduct in performing its obligations under this Agreement; or (b) breach or any of the representations or warranties set forth in Section 13 above.
  - c. Notification, Rights and Cooperation. The indemnified Party agrees to give the indemnifying Party prompt written notice of any claim subject to indemnification; provided that an indemnified Party's failure to promptly notify the indemnifying Party shall not affect the indemnifying Party's obligations hereunder, except to the extent that the delay prejudices the indemnifying Party's ability to defend the claim. The indemnifying Party shall have the right to conduct the defense of any claim with counsel of its own choosing and to settle the claim as the indemnifying Party deems appropriate, provided that the indemnifying Party shall not enter into any settlement that adversely affects the indemnified Party's rights without the indemnified Party's prior written consent. The indemnified Party agrees to reasonably cooperate with the indemnifying Party in the defense and settlement of any claim, at the indemnifying Party's expense.
15. Insurance. Without limiting Maritime's indemnification, it is agreed that Maritime shall purchase at its own expense and maintain in full force at all times during the performance of services under this Agreement, the following policies of insurance. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If Maritime's policy contains higher limits, the Borough shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Borough prior to beginning work and must provide for a notice of cancellation, non-renewal, or



material change of conditions in accordance with a material breach of this contract and shall be grounds for termination of Maritime's services. All insurance policies shall comply with, and be issued by insurers licensed to transact all business of insurance under Alaska Statute Title 21.

Maritime shall at its expense procure and maintain in full force and effect, the following insurance coverage during the Term or any extended Term of this Agreement:

- a. Aircraft Hull & Liability Insurance. Aircraft Hull & Liability and Aviation General Liability in an amount not less than \$25,000,000 per occurrence, including Passenger Liability.
  - b. Workers' Compensation Insurance. Maritime shall provide and maintain, for all employees engaged in work under this Agreement, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations, including but not limited, to Federal U.S.L. & H. and Jones Act requirements. The policy must waive subrogation against the Borough.
  - c. Commercial General Liability Insurance. Maritime shall have commercial general liability insurance that covers all business premises and operations used by Maritime in the performance of services under this Agreement with minimum coverage limits of \$1,000,000 combined single limit per occurrence.
  - d. Automobile Liability Insurance. Maritime shall have auto liability (bodily injury and property damage) in an amount not less than \$1,000,000 combined single limit extending to owned, non-owned, and hired vehicles.
  - e. With the exception of Workers' compensation insurance, AEB shall be named as an additional named insured on Maritime's insurance policies. Maritime's insurance coverage shall be primary insurance and non-contributory with respect to all other available sources. All policies shall include provisions denying such respective insurer the right of subrogation and recovery against AEB. Such policies shall also provide for severability of interests and that an act or omission of one of the named insureds which would void or otherwise reduce coverage shall not reduce or void the coverage as to any insured, and shall afford coverage for all claims based on acts, omissions, injury or damage which occurred or arose (or the onset of which occurred or arose) in whole or in part during the policy period.
  - f. Maritime's liability for damages or loss to customer cargo shall in all events be limited to the amount of insurance coverage with regard to such risks of loss, which Maritime has in effect at the time of such loss.
16. Dispute Resolution. If a dispute or claim arises under this Agreement the AEB Administrator and Maritime Director of Operations, shall use good faith efforts to resolve the Dispute within ten (10) business days after receipt of a Dispute notice. If the Parties' senior business representatives are unable to resolve the Dispute, or agree on the



appropriate corrective action to be taken, within the ten (10) business day period, then the Parties shall submit the Dispute to a mediator mutually agreed upon. The costs of mediation shall be equally borne by the Parties and shall be conducted in the Third Judicial District at Anchorage, Alaska. Any judicial action arising out of this Agreement shall be brought in the Third Judicial District of the State of Alaska.

Pending resolution of the Dispute, both Parties shall continue to perform their respective, undisputed responsibilities under this Agreement. Nothing contained in this Section will limit or delay the right of either Party to seek injunctive relief where in such Party's sole opinion the absence of such relief would cause irreparable harm to such Party.

17. Governing Law. This Agreement is governed by the laws of the State of Alaska.
18. Assignment. The Parties may not assign or transfer this Agreement, in whole or in part, without the other Party's prior written consent. Any assignment in contravention of this provision will be null and void. This Agreement will be binding on all permitted assignees and successors in interest.
19. Entire Agreement/Amendments. This Agreement, together with all exhibits that are attached hereto, represents the entire agreement of the Parties regarding the subject matter described herein, and all other promises, representations, understandings, arrangements and prior agreements related thereto are merged herein and superseded hereby. The provisions of this Agreement may not be amended except by an agreement in writing signed by authorized representatives of both Parties referencing this Agreement and stating their intention to amend this Agreement.
20. Notices. Except as may be otherwise set forth herein, all notices, requests, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given: (i) on the day of delivery when delivered in person to the Party's designated representative(s) for receipt of notices; (ii) on the date three (3) days after mailing if mailed by registered or certified mail; or (iii) on the next day if delivered by overnight courier to the Party. To be effective, all notice must be sent to the following addresses to the attention of the person(s) or position(s) identified:

If to Maritime:

Maritime Helicopters, Inc.  
Attn: Director of Operations  
3520 F.A.A. Road  
Homer, AK 99603

If to AEB:

Aleutians East Borough  
Attn: Borough Administrator  
3380 C Street, Suite 205



Anchorage, AK 99503

Such addresses may be changed by notice given by one Party to the other pursuant to this section.

21. Severability. If any provision of this Agreement is invalid or unenforceable in any jurisdiction, the other provisions herein will remain in full force and effect in such jurisdiction and shall be liberally construed to effectuate the purpose and intent of this Agreement; and the invalidity or unenforceability of any provision of this Agreement in any jurisdiction, will not affect the validity or enforceability of any such provision in any other jurisdiction.
22. Waiver of Breach. The waiver of any breach of any provision of this Agreement shall be effective only if in writing. No such waiver shall operate or be construed as a waiver or subsequent breach.
23. Interpretation. As used in this Agreement, including Statements of Work, the use of the term "including" is illustrative and not limiting. In this Agreement the word "may" means "has discretion to or is permitted to." The word "shall" means "has a duty to."
24. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall considered one and the same Agreement.
25. Force Majeure. No Party shall be liable or responsible to the other Party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from the following force majeure event ("Force Majeure Events"): (a) acts of God; (b) flood, fire, earthquake or explosion; (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot or other civil unrest; (d) government order or law; (e) actions, embargoes or blockades in effect on or after the date of this Agreement; (f) action by any governmental authority; (g) national or regional emergency; (h) strikes, labor stoppages or slowdowns or other industrial disturbances; and (i) other similar events beyond the reasonable control of the Party impacted by the Force Majeure Event (the "Impacted Party").
26. Construction. This Agreement has been negotiated by the parties and their respective legal counsel, and the parties specifically agree that any legal or equitable principles that might require the construction of this Agreement or any provision of this Agreement against the party drafting will not apply in any construction or interpretation of this Agreement.

The Parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date.

**MARITIME HELICOPTERS, INC.**

By: [Signature]  
(signature)

Name: Robert Fell  
(printed)

Title: Director of Operations

Date Signed: 11/8/13

**ALEUTIANS EAST BOROUGH**

By: [Signature]  
(signature)

Name: Rick L. Gifford  
(printed)

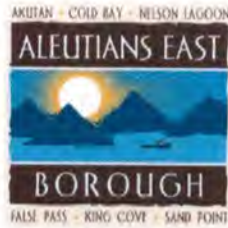
Title: Administrator

Date Signed: 11/22/13

RECEIVED  
NOV 12 2013

Aleutians East Borough

# REPORTS AND UPDATES



## Memorandum

Date: December 6, 2013

To: The Honorable Mayor Mack and Borough Assembly

From: Rick Gifford, Administrator *RG*

Re: **Administrator's Report**

### **Akutan Hovercraft Operations Update-November, 2013**

The hovercraft operated 13 days in November of 2013. There were 12 days of bad weather and 9 days where the hovercraft was out of service for preventative maintenance and repairs. The hovercraft hauled a total of 194 passengers, 12,781 pounds of cargo and mail, 2 vehicles, and 4,646 gallons of fuel was delivered to the City and DOT. Total net revenue for November was \$28,447. The total net revenue from July 1, 2013 through November 30, 2013 was \$150,978. Attached is a summary of operations for November, 2013 and since inception on September 1, 2012.

As of the date of this memo, we are anticipating the last day of operations for the hovercraft will be February 15, 2014. HoverLink will then winterize and prepare the hovercraft for storage at the hangar in Akutan that will take approximately 7 days, thereby ending the services of HoverLink on February 22, 2014. Depending on the weather and other contingencies we will be flexible on the end date. We believe that there is room to store the hovercraft in the hangar and still allow the helicopter to overnight in the hangar. This will keep the hovercraft in good condition until we are able to dispose of the vessel.

We anticipate that Maritime Helicopters will be on site by approximately February 5 and will be prepared to take over the transfer of passengers and mail on February 15.

Attachment.



<b>November-2013</b>	<u><b>This Month</b></u>		<u><b>Since Inception</b></u>	
Total Days	30		395	
Days Vessel Operational	21	70%	366	93%
Days Out of Service	9	30%	29	7%
Mission Days Completed	13		224	
Non-Mission Days	9		42	
Mission Days Missed	1	3%	12	3%
Good Weather Days	18	60%	272	69%
Bad Weather Days	12	40%	123	31%
<b>Service Reliability (includes weather)</b>	<b>73%</b>		<b>0</b>	<b>67%</b>
<b>Vessel Reliability (excludes weather)</b>	<b>72%</b>		<b>0</b>	<b>98%</b>
Passengers (#)	194		3,412	
Medical Evacuation (#)	0		1	
Charters (#)	0		2	
Cargo/Mail (pounds)	12,781		189,419	
Vehicles (#)	2		32	
Fuel Delivered (gallons)	4,646		80,252	

- 11/8-11 out of service for planned propeller maintenance
- 11/17-21 out of service due to failed lift fan stub shaft

Total Days	number of days in the calendar month
Days Vessel Operational	days vessel is available for mission
Days Out of Service	days vessel is out of service
Mission Days Completed	days vessel served the route
Non-Mission Days	vessel ready, good weather, but no mission to serve
Mission Days Missed	days vessel did not serve the route when weather was good
Good Weather Days	days when wind/sea/current/surf conditions allowed vessel operation
Bad Weather Days	days when wind/sea/current/surf exceeded the safe operating envelope of the vessel
Service Reliability	Mission Days Completed plus Non-Mission Days divided by Total Days
Vessel Reliability	Mission Days Completed + Non-Mission Days divided by Good Weather Days
Passengers	total one-way passengers carried
Medical Evacuations	total medical evacuation trips
Charters	total charter trips
Cargo/Mail	total weight of cargo and mail carried
Vehicles	total number of vehicles carried

**To:** Honorable Mayor Mack and AEB Assembly

**From:** Anne Bailey, Community Development Coordinator

**Subject:** Assembly Report

**Date:** December 4, 2013

### **Cold Bay Clinic**

The Clinic Design is complete. I received the 100% design documents on October 31, 2013.

The next step is to find construction funds for this project. During the first week of December, I have spoken to or discussed funding opportunities with the Rasmuson Foundation and USDA. I have also extensively researched funding opportunities through the Health Resources and Services Administration.

### **Cold Bay Dock**

Rick, Stanley and I met with the State of Alaska and R&M Consulting to discuss the Cold Bay Dock on November 4, 2013. Further discussions occurred on November 8, 2013 with R&M and Mayor Mack and Rick. They discussed the wave conditions in greater detail and the long range plan for the dock. The State is also soliciting comments from federal agencies about the environmental impact on the area. Comments are due by January 3, 2013.

### **False Pass Harbor House Design Project**

I completed and mailed the CDBG Application entitled the "False Pass Harbor House Design Project" on November 13, 2013. This project requests funds to design a 3,600 square foot harbor house in False Pass that will provide the harbor staff with a protected environment to view the harbor. It will also provide shower and laundry facilities to fishermen enticing them to stay in False Pass longer. This will have a positive economic impact to the community and will improve the safety of the facility. Decisions on grant awards will be made around March 2014.

### **False Pass Harbor Oil Spill Response**

In 2012, the Borough entered into contract with Alaska Chadux to provide oil spill response assistance for the False Pass Harbor. In mid-November, I received the GRS for False Pass with a list of equipment required to properly respond to an oil spill. I will meet with Alaska Chadux staff to discuss the purchase and shipment of the equipment. The Borough hopes to have the equipment available in False Pass in the spring. This will satisfy one of the Army Corps of Engineers mitigation measures for the False Pass Harbor.

### **CIAP Land Use Permitting Project**

The Planning Commission had a Workshop and Meeting on November 14, 2013. The Commission reviewed the updated documents and approved a resolution recommending the Code Revisions and the Fee & Penalty Schedule be reviewed and approved by the Assembly. The Code Revisions and Fee & Penalty will be introduced to the Assembly at the December 12, 2013 workshop and meeting. The Planning Commission will meet on December 19, 2013 to

adopt the Permit Applications, Standard Operating Procedures and Standard Stipulations for the different resource development permit types.

**For more information on the permitting project, visit the link below:**

[http://www.alutianseast.org/index.asp?Type=B\\_BASIC&SEC={E09154BE-3ADD-4B27-8A82-8974C1B1830}](http://www.alutianseast.org/index.asp?Type=B_BASIC&SEC={E09154BE-3ADD-4B27-8A82-8974C1B1830})

## **Contract Information**

A list of active contracts that I am involved in are listed below:

- |  |           |
|--|-----------|
| • Alaska Chadux                                |           |
| False Pass and Akutan Harbor Oil Response Plan | \$6,550   |
| • URS  |           |
| Akutan Harbor Floats                           |           |
| • Harvey Consulting                            |           |
| Land Use Permitting Project                    | \$102,180 |
| • HDR, Alaska                                  |           |
| Nelson Lagoon Coastal Erosion Project          | \$238,492 |

Other items:

- Helicopter Items. The Helicopter Contract has been signed and we are working with Maritime and Hoverlink on the transition of services.
- I compiled and mailed planning commission packets to the Planning Commissioners for their November 14<sup>th</sup> meeting and their December 18<sup>th</sup> meeting. I also compiled land use permitting packets for the Assembly's December 12<sup>th</sup> Workshop. A big thank you to Rick, Linda and Ernie for helping me with this.
- I attended the AML Conference on November 20 and 21, 2013. It was a good conference and I was pleased to see so many Assembly Members and others from the region.

As always, if you have any questions, comments or concerns please contact me at (907) 274-7580 or [abailey@aeboro.org](mailto:abailey@aeboro.org).

To: The Honorable Mayor Mack, Aleutians East Borough Assembly  
From: Ernie Weiss, Natural Resources Director  
Subj: Report to the Assembly  
Date: December 6, 2013

### **Pacific Marine Expo**

The Aleutians East Borough had a strong week at this year's Expo. The booth was busy with old friends and others who are interested in what our communities have to offer. Our annual fishermen's meeting at the Silver Cloud Hotel was picked up by the local Sand Point radio station KSDP and broadcast live to the region (and to the world via the internet), and featured presentations by the Alaska Board of Fisheries Executive Director, Glenn Haight and NPFMC Deputy Director, David Witherell. Stanley, Rick, Sam and I had productive meetings with management of both Peter Pan Seafoods and Trident in Seattle. And Mayor Mack and I also had a nice conversation with Steve Ignell, Deputy Director of the Alaska Fishery Science Center. Many thanks go to Laura Tanis for all her work on the Expo trip.

While in Seattle, I also attended 2 days of the NPFMC Groundfish Plan team meetings.

### **North Pacific Fishery Management Council**

Each December the NPFMC determines the ABC, OFL and TAC for all groundfish species in the GOA and BSAI. This December Council agenda has 10 hours allotted to discuss specifications and the Council will adopt specs for 2014 & 2015 based on recommendations by the GOA & BSAI Plan Teams, the AP & SSC. Other groundfish issues on the agenda are a possible new octopus fishery, Round Island Transit IR, Chinook Salmon PSC limit rollover and Grenadier management. ROFR contract clarifications and halibut issues are also on the agenda. NOAA Assistant Administrator for Fisheries Sam Rauch will be at the Council meeting Friday December 13 to discuss an option to request a 5-month extension of the court-ordered Steller sea lion EIS. Since I serve on the NPFMC Advisory Panel, I will be unavailable for this Assembly meeting.

### **Alaska Dept. of Fish and Game**

In response to suggestions heard at AEB fishermen's meetings this year, we set up a meeting with local fishermen and ADFG fishery managers to discuss Area M salmon season management, including the Southeast District Mainland management. Director of Commercial Fisheries Jeff Regnart, Westward Regional Supervisor Steve Honnold, and managers Jeff Wadle and Aaron Poetter represented the department and mostly listened to the concerns and suggestions by fishermen. Sam Cotten and I also attended the meeting held December 4th at the ADFG Anchorage office the day before the Chignik finfish Board of Fish meeting. Fishermen in attendance included Patrick Brown, Dick Jacobsen, Jack Foster Jr., Taylor Lundgren, David Osterback, Mike Kurtz, John Mitchell and AJ Newman. One hope is that local in-season management of the South Alaska Peninsula salmon fishery will be more responsive to local concerns and even utilize real-time information from fishermen. Another possibility is that in-season enforcement could be enhanced by fishermen watchdogs and peer pressure. Everyone agreed that meetings like this that help facilitate open communication between ADFG and fishermen are welcome. We will follow-up with the department for a formal response to the fishermen's comments in the coming months.



## Redistricting

On 11/18/13 Superior Court Judge Michael McConahy accepted the 2013 Proclamation Plan and ruled that the Alaska Redistricting Board had complied with the 12/28/12 Supreme Court Order to draft a new plan based on strict adherence to the 'Hickel' process. Since both the Riley Plaintiffs and the Alaska Democratic Party have declared no intention to appeal and drag the process on further, the 2013 Proclamation Plan is final and will be in place for the 2014 election on November 4. The new House District 37 boundary includes all of the Aleutian & Pribilof Islands, all of the Aleutians East Borough and Lake & Peninsula Boroughs, the Dillingham Census Area, the eastern portion of the Bethel Census Area and the lower portion of the Yukon-Koyukuk Census Area, up to the 64° north latitude. Bob Herron continues to be the HD 37 State Representative until the 2014 election, when Bryce Edgmon becomes the incumbent representative candidate for the newly drawn HD 37. Senator Hoffman continues as the Senator for HD 37 and HD 38, which includes Bethel. Although Senator Hoffman was reelected in 2012, he would face another election in 2014 due to truncation.

## Alaska Board of Fisheries

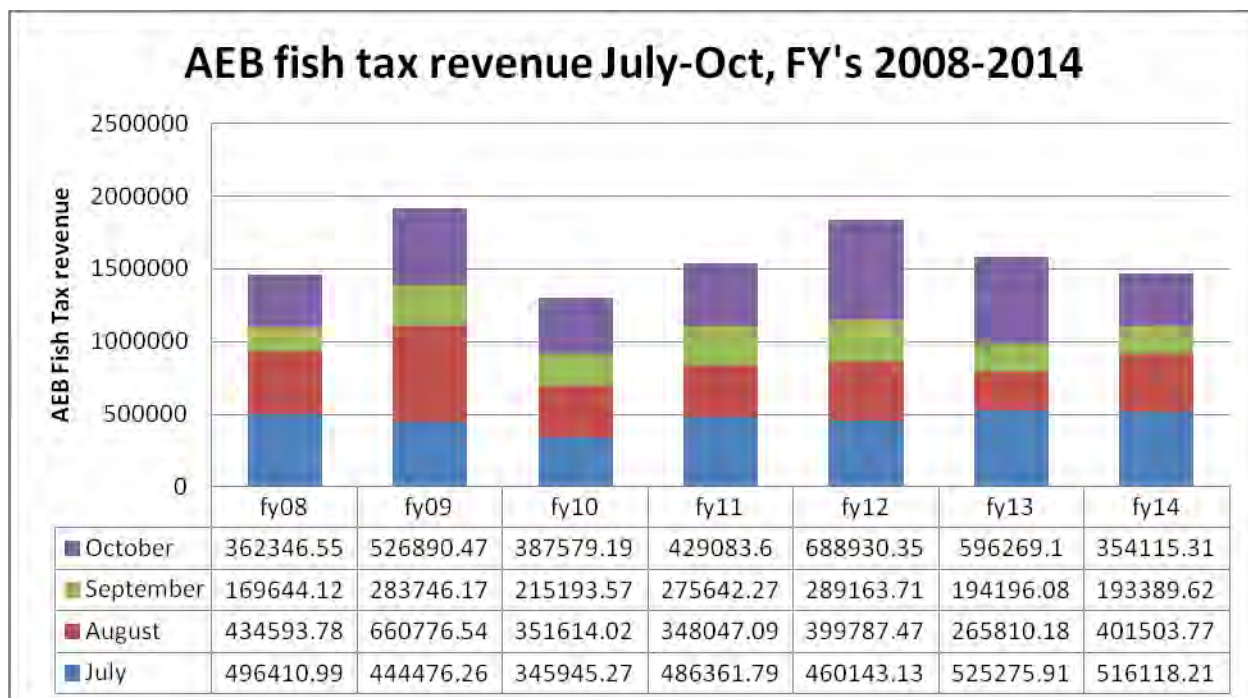
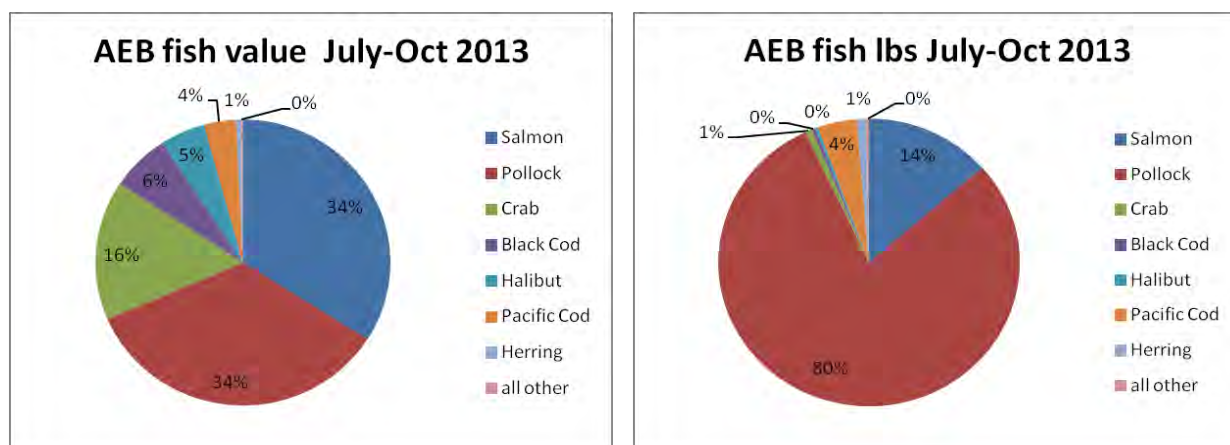
At the request of the Adak Community Development Corporation, the Board of Fisheries held an emergency meeting in November to rescind a previous action (from the Statewide Pacific Cod meeting) to establish an Aleutian Islands Atka Mackerel seine fishery. The Chignik Finfish meeting has just adjourned as of this writing, Noon Friday 12/6/13, and the Lower Cook Inlet meeting will be held at the Egan Center December 8 - 11. The Board will take public comment on 3 proposals that would impact Chignik, Kodiak and Cook Inlet, proposals 43, 44 & 45, at the next several meetings and then take any action on those 3 at the Kodiak finfish meeting in January.

Actions from the Board of Fisheries Chignik finfish meeting:

- Proposal 38 Open commercial fishing in June in the Western District, excluding the Inner Castle Cape Subsection, concurrently with commercial fishing openings in Chignik Bay, Central, and Eastern districts. **Failed 0-7.**
- Proposal 39 Change management plan to direct department to manage Perryville and Western districts based on abundance of pink, chum, and coho salmon in Stepovak and Shumagin Islands sections of Southeastern District, including closures in July through August. **Failed 0-7.**
- Proposal 40 Change "shall" to "may" relative to use of emergency orders. **Carried 7-0.**
- Proposal 41 Change seine specification for when seine has stopped fishing. **Carried 7-0.**
- Proposal 42 Increase purse and hand purse seine, and seine lead lengths allowed in Eastern, Central, Western, and Perryville districts. **Failed 0-7.**
- Proposal 43 Establish state-waters groundfish management plans for trawl vessels 58 feet and less in the Cook Inlet, Kodiak, and Chignik management areas. (*no deliberation*)
- Proposal 44 Establish state-waters walleye pollock fisheries in the Cook Inlet, Kodiak, and Chignik management areas for vessels 58 feet and less. (*no deliberation*)
- Proposal 45 Require 100% observer coverage for trawl vessels targeting groundfish in state waters of the Cook Inlet, Kodiak, and Chignik management areas. (*no deliberation*)
- Proposal 368 Change the date agenda change requests (ACRs) are due. **Amended by Substitute language in RC 12, Carried 7-0.**
- Board generated proposal based on RC 15, Enacting revised Chignik in-river escapement goals into regulation. **Carries 7-0**

### **December Fishery Meeting Schedule - Anchorage**

Dec 4 AEB /ADFG salmon fishery management meeting  
 Dec 5-6 Alaska Board of Fisheries, Chignik finfish  
 Dec 8-11 Alaska Board of Fisheries, Lower Cook Inlet finfish  
 Dec 9 Gulf of Alaska Coastal Communities Coalition Board meeting  
 Dec 10-12 Alaska Young Fishermen's Summit  
 Dec 11-17 North Pacific Fishery Management Council (SSC begins 12/9, AP begins 12/10)  
 Dec 19 2PM **AEB Fishermen Teleconference** with NMFS, USCG, ADFG  
 This meeting may be broadcast live on KSDP and <http://apradio.org/>.



Please don't hesitate to contact me if you have questions or concerns. Thanks!

To: Honorable Mayor Mack and Aleutians East Borough Assembly

From: Laura Tanis, AEB Communications Manager

Through: Rick Gifford, AEB Administrator

Subject: Communications Manager's Report to the Assembly

Date: December 6, 2013

Since the last regular Assembly meeting, I've been busy with last-minute details associated with Fish Expo to make sure all of our necessary promotional materials were packed for shipping to Seattle. We noticed an increase of visitors to our booth and received compliments on our flyers as well as on our other promotional material. In addition to tasks connected to Fish Expo, I sent out a notice about the AEB Fishermen's meeting in Seattle so those who couldn't attend, would be able to listen in on a teleconference line. After returning from Seattle, I worked on several stories for *In the Loop*. I distributed the newsletter on Dec. 6, 2013. I also completed numerous website and Facebook updates. The following lists some of the projects I've worked on:

**Headlines from recent In the Loop edition:**

- Recent Storm Destroys Nelson Lagoon Breakwater
- Delta Airlines Thanks Cold Bay for Warm Welcome During Emergency Landing Visit
- Sand Point Seal & Temporary Alaska Sealife Center Resident Moves to New England Aquarium
- Borough Promotes AEB Harbors, Infrastructure at Seattle's Pacific Marine Expo
- City of Akutan Hires Mary Tesche as New Assistant Administrator
- EAT Affordable Care Update
- UAF's Interior-Aleutians Campus Appreciates Shawn Dickson's Years of Service
- PSP-Tainted Sand Lace Project

**AEB Facebook Page updates:**

- Link to SeafoodNews.com story: "NMFS May Have Wildly Overestimated Halibut Discards from Gulf of Alaska Observer Data" – Dec. 6, 2013.

- Posted link to Cold Bay Dock Repair Project Proposal Comment Solicitation on Facebook and on Borough's web page. 12/6/13.
- Link to SeafoodNews.com story: "ADF&G revises Bristol Bay Sockeye Salmon Forecast Downward; Run to be 32% Below 10-Year Average" – Dec. 4, 2013.
- Posted info about upcoming AEB Fish Meeting in Seattle at Silver Cloud Inn – Nov. 21, 2013.
- Posted AEB's anti-drug resolution. 11/7/13.

### **Meetings:**

- Pacific Marine Expo – Seattle – Nov. 20 – 22<sup>nd</sup> – Set up and manned booth.
- AEB Fishermen's Meeting – Silver Cloud Inn – Nov. 21<sup>st</sup> 9 – 11 am. Checked with staff to make sure setup worked for us, attended meeting, took notes and photos.
- Alaska Young Fishermen's Summit – Dec. 10 – 13, 2013 – Anchorage – took photos and notes.
- North Pacific Fishery Management Council – Dec. 9 – 17<sup>th</sup> – attended meeting, took notes and photos for newsletter.

As always, I'm happy to help get the word out about an event or issue in your community. Please call any time. My direct phone number is (907) 274-7579, and my email is [ltanis@aeboro.org](mailto:ltanis@aeboro.org).

# Assembly Comments

# Public Comments

## Executive Session:

Appeal of KRI, Inc., regarding its Claim for Equitable Adjustment which is before the Armed Services Board of Contract Appeals. The purpose of the executive session is to discuss litigation tactics and strategies in the above referenced case which arises out of the False Pass Harbor Project.

# Date & Location of Next Meeting



# Adjournment