

**CALL TO ORDER**

Mayor Alvin D. Osterback called the Aleutians East Borough Assembly meeting to order by teleconference in each community on January 12, 2023 at 3:00 p.m.

**ROLL CALL**

Mayor Alvin D. Osterback	Present
Brenda Wilson	Present
Jim Smith	Present
Chris Babcock	Present
Dailey Schaack	Present
Josephine Shangin	Present
Paul Gronholdt	Present
Warren Wilson	Present

**Advisory Members:**

Samantha McNeley, Nelson Lagoon	Present
Tom Hoblet, False Pass	Present

Quorum was present.

**Staff Present:**

Anne Bailey, Administrator  
Talia Jean-Louis, Assistant Administrator  
Laura Tanis, Communications Director  
Ernie Weiss, Natural Resources Director  
Charlotte Levy, Natural Resources Assist. Director  
Glennora Dushkin, Administrative Clerk  
Beverly Ann Rosete, Borough Clerk  
Seward Brandell, Accounting Clerk

**ADOPTION OF THE AGENDA**

Warren move to Adopt the Agenda, seconded by Josy

Hearing no objections, the Agenda will stand as Written.

**COMMUNITY ROLL CALL AND PUBLIC COMMENTS ON AGENDA ITEMS**

The communities of King Cove, Sand Point, Akutan, Cold Bay, False Pass, Nelson Lagoon and the Anchorage office were participating by teleconference. Also broadcast on KSDP radio.

**CONFLICT OF INTEREST**

Mayor Osterback asked for any potential **Conflict of Interests** to discuss. There were no conflicts on agenda items.

**PRESENTATION:**

- Missing and Murdered Indigenous Persons/Individual Safety Presentation by Ingrid Cumberlandidge

Brian Wilson talked about the umbrella project they have that doesn't only includes MMIP but RAAVEN, an initiative for Rural Alaska Anti Violence Enforcement Network. They realized that for many years, the district focused on crowded areas like Anchorage, Fairbanks and Juneau so they decided to make road to the rural part of the state and see what they can do as far as prosecuting crimes in rural Alaska. They found 3 areas they can do something about. First is human trafficking or exploitation of children. There are a lot of sexual exploitation of children and some exploitation of labor in rural Alaska. Second area would be domestic violence. They typically do not have jurisdiction over tribes or city run communities. Variety in domestic violence case in rural Alaska but if the person committing the violence have a felony and have a firearm, they can prosecute them for possession of a firearm and if they are under a domestic violence restraining order and they have a firearm, we have jurisdiction over that case. And the last, and probably most familiar with is the drugs. The way they changed the method of operation in that regard was to tell the different law enforcement agencies that in smaller communities even the smallest amount of drugs can have a big impact in the villages. They don't care what amount of drugs are, they will look in that case and see what can be done to prosecute that person. In smaller villages, it is hard to send an undercover person because everyone knows everyone, so most of the efforts are in interdiction and stopping the passage arriving from lower 48 or into the villages, either by Anchorage International Airport or even on larger villages before going into smaller villages. It has been their focus outside the MMIP. Pre Covid, they also help with prevention where teams were to schools and have presentations to talk about the dangers of drugs and internet safety. Now that the Covid has lifted and villages are opening, they want to start presentations again. Would love to hear from you and coordinate with Ingrid into getting a team out to different villages to talk about these issues. We could contact them if we suspected criminal activities, and they can connect us the right people in their office.

Ingrid Cumberlidge said they are a bit of a traveling road show. The benefit to that is we can do presentation to the community and schools and offering resources to other places to report and get support. When our US Attorney came aboard, she was able to get a list of what was missing and we were able to do hundreds of hours of consultation with tribes and communities across the state and they gave us a lot of recommendations and she accepted almost all of them. This US Attorney is really interested in doing something in rural Alaska and would like to see our public safety stronger, and not to see us at the top of every public safety list and see our response. This has been mirrored with all of our partners and they ask if she can come out.

TALIA asked if the Savanna's Act is based on someone. CUMBERLIDGE said Savanna was a young native woman in South Dakota who was pregnant and her next-door neighbor wanted the baby and took it, Savanna did not survive, but the baby did.

MMIP in Alaska is at the top of the list as far as states go. We have done listening session in almost all parts of Alaska besides the north slope, they are on our agenda. We have heard from our communities are stories and how they have someone who was murdered in their community or the neighboring community. We now have two Missing and Murdered officers in Alaska; Fairbanks and Soldotna. We have a lot of victim service folks who are supportive. If you don't know who to go to, come to Ingrid, she can point you in the right direction.

JOSY asked if there is a statute of limitations. CUMBERLIDGE said the BIA is looking at cases that are upwards of 80 years old and they are aware of cases older than that. They don't have natural

jurisdiction in the communities, so they are looking at cases that they can get through their commission with the state troopers or their department with support.

JOSY asked if something was closed 50 years ago and we went it to be looked at again do we just call. CUMBERLIDGE said absolutely.

PAUL wanted to thank the presenters and said this is an important topic and that he is glad we scheduled them on the agenda.

OSTERBACK said we do not have any jurisdiction, that is up to the cities.

CUMBERLIDGE said if they can support you in any of the communities we would love to come out and do that.

#### **MINUTES**

December 8, 2022 Regular Assembly Meeting Minutes

#### **MOTION**

CHRIS moved to accept the December 8, 2022 Assembly Meeting Minutes, seconded by DAILEY

Hearing no correction, Minutes will stand as written

#### **FINANCIAL REPORT**

November 2022 Financial Report

#### **MOTION**

BRENDA made a motion to approve the Financials Report and second by PAUL

Administrator Bailey this is the 5<sup>th</sup> month into the fiscal year. We received 73.9% in Raw Fish Tax of what we anticipated on receiving for FY2023. This value reflects what we received in November.

PAUL asked about the Interest Revenue and what it represents. Administrator Bailey said it is the AMLIP interest revenue.

PAUL asked about the what's the administrator's interpretation of 75.74% of our budget halfway through the year? Administrator Bailey said we are doing really well for the Shared Raw Fish Tax and we are tracking along very well.

#### **ROLL CALL**

Yeas: Josy, Warren, Dailey, Paul, Jim, Chris, Brenda Advisory: Tom, Samantha

Nay: None

#### **MOTION CARRIED**

#### **INVESTMENT REPORT**

APCM November 2022 Investment Report

PAUL commented in the past there were 2 people that presents the report for Investment, this year only one. Administrator said Blake was the only person available to present last meeting.

**CONSENT AGENDA**

**Resolution 23-31**, Supporting the Sustainability of Community Assistance

**Resolution 23-32**, Requesting the State of Alaska to Increase the base student allocation for public schools

**MOTION**

PAUL made a motion to approve Consent Agenda and second by BRENDA

Administrator Bailey said both are being addressed being issues Juneau. The community assistance isn't in the FY24 State budget, so we are requesting that they include legislation for the ability to increase payment to local governments that account for inflation and include additional transfers to compensate local governments for their provision on behalf of the state of basic obligations, (police, jails, etc.), reimbursements (bond debt) or unfunded mandates. So, this will go to our State lobbyist Mark Hickey. The other one is Resolution 23-32, Requesting the State of Alaska to increase the base student allocation for public schools. We would be requesting the state of Alaska to Student Allocation to offset inflationary impacts by enacting statute to automatically adjust for inflation going forward and return to forward funding for education. So, these are the 2 Resolution that we would lobby for in Juneau.

**ROLL CALL**

Yeas: Warren, Brenda, Dailey, Jim, Chris, Josy, Paul Advisory: Samantha, Tom  
Nay: none

**MOTION CARRIED**

**PUBLIC HEARINGS**

**Ordinance 23-01**, Amending the Operating and Capital Budget for FY23

**MOTION**

JOSY made a motion to take Ordinance 23-01 to the table for Public Hearing and second by BRENDA

**DISCUSSION**

Administrator Bailey said last meeting the ordinance was introduced to the Assembly. Overview of the changes are as follows:

- State Shared Fish Raw Fish Tax – Line-Item R 01-265. Increasing the State Shared Fish Raw Tax Line-Item from \$1,500,000 to \$2,244,356.84. This reflects what we received from the State in October 2022 for the FY22 Fish Business Shared Tax and the FY22 Fish Landing Share Tax.
- Finance Department – Rental/Lease Line Item - Add Rental/Lease Item E 01-650-000-525 in the amount of \$6,000 to the Finance to cover for monthly lease of \$750.
- Communications Department – Travel and Per Diem Line-Item E 01-651-011-400 Increasing the Communication Department Travel and Per Diem Line-Item from \$6,000 to \$10,000.00
- Other Department – Insurance Line-Item E 01-900-000-552 - Increasing the Insurance Line-Item from \$228,000 to \$250,000. The FY23 Insurance costs were more than anticipated.

- Fund 24 Bond Construction and Fund 40 Permanent Fund, we will add Contract Labor Line-Item E 24-900-000-380 on each department with the amount of \$42K each. The Aleutians East Borough's Bonds and Permanent Fund monies are managed by APCM. The Borough pays a fee to APCM to manage the funds, which is approximately \$7,000 per month or \$84,000 which will then be divided between 2 departments.

This shows a surplus; however, the Transfer in from the Permanent Fund will need to be adjusted at year end. Based off these numbers, we will have a deficit of \$324,474.16.

#### **Amendment**

PAUL move to amend the proposed Ordinance 23-01 by increasing the AEB Raw Fish Tax by 400K making to \$3.9M and adding a line-item expenditure for Sand Point Pool with 400K, seconded by JIM

#### **DISCUSSION**

PAUL said in the workshop, we talked about how the pool will need some money for repair. By putting in a budget, he is hoping to prompt administration to move fast in order to get work done this summer while the kids are out of school. If we pass this now, we unlikely to spend it but shows the intent before June 30<sup>th</sup>. By passing this amendment it will clearly shows that the administration, citizens and everybody in the community that we are really serious to get it fix the way it should be. As I mentioned in the workshop, I went there and took some pictures and the most worrisome for me is the doors has to be looked in order for the pool to function. The kids need to be able to get out in case of emergency. This is my intent of having the motion now and I believe we have the money. Perhaps this will get us to 80% of repair done.

Mayor Osterback asked Administrator Bailey to speak on it.

Administrator Bailey said that she does understand that we need the pool repaired and agrees with PAUL but to keep in mind that AEB received a DEED Grant to do major renovation in Sand Point School and some of the items that PAUL mentioned might be covered by that already. We just got the project agreement yesterday and we have not had the chance to review it yet. We will look at the scope of work if that is already covered. Part of that grant is that DOWL or ECI will be so out to do assessment of the school so they can see what needs to be repaired and give us a better idea of the repairs needed and hopefully a cost estimate. I don't think the section under Other General Fund is the appropriate place to put the expenditure line item, but I do not have a recommendation at this point where to put it. It is a maintenance item, so I would not put it there.

Mayor Osterback asked the amount of the DEED Grant. Administrator Bailey said \$2.9M million total.

Mayor Osterback asked if the Assembly decided to pass this and later, we find that we put it not in the right line item and if all the items that PAUL was talking about is already covered by DEED Grant, then we could transfer this money to pay for the \$1M part of the Borough? Would that be proper?

Administrator Bailey said, she doesn't think so. Said everything in Fund 01 doesn't carry over to the next fiscal year, so if you put \$400K here it doesn't carry over to the next year. So basically, we could reappropriate it if we don't spend it at the end of the year. On Fund 20, how it is currently set up, is that it carries over from year to year.

Mayor Osterback said we have all the communities and representatives in our community and they see things that is our responsibility and to them it looks like it's not being done or should be done faster, I have no problem with Assembly holding the administration to get the speed to get things done. I think this is good practice for the Assembly since we are not in the communities very often. I think bringing this before the Assembly and the public is a good idea. It will help to make sure it gets done. When DOWL comes in to do their Engineering work, these are the things that we make sure they look at and take care of because first and foremost is our responsibility to take care of the school and make sure it's a safe environment for kids to be.

WARREN said he doesn't know if we want to put extra money in there hoping something comes along where we can spend it, but if we put it in the budget to have it done that year to have a designated spot for the cash and I know there is always cost-overages. With any project there are unseen items. This pool problem with the heat exchanger is an unseen problem, but to put in an extra \$400,000 maybe to fix the door but that comes under when DOWL was up there. I don't know if we want to have a bunch of extra money sitting there when we could fix some other village school park they need to fix or any projects they have. I know it is a good idea to have money sitting there. Would prefer something Itemized.

PAUL asked Anne about Maintenance line item. Administrator Bailey responded that Fund 20 is not *in here but we do have a Deferred Maintenance account that we set aside for maintenance* and Fund 41 is also maintenance department but per code it has to be \$100K, so there's code requirements for Fund 41. So, there is 2 Maintenance department that we have that can be used for school. We also have terminal maintenance that is specific to Cold Bay Terminal. I guess I am not sure where to put it without looking into it more.

PAUL commented that if it was left as the amendment says and it passes that way, there would be no question you knew what the money was for and intent of the money?

Administrator Bailey responded she guess it can go there but not 100% sure if putting it under Other General Fund is appropriate. But if you put it there, I would definitely know it is for the Sand Point Pool.

Mayor Osterback said the DEED Grant covers a lot of the damage up there. A lot of it is just old and rusting and falling apart. It took a while to have this DEED grant, we didn't have this almost \$4M to go and do all this stuff. *It's all going to get done one way or the other.*

PAUL said the reason why he is making an amendment now is that he doesn't see a better way to try it again in the summer, otherwise were not going to have a pool again next year. And it benefits all the kids and the Borough residents.

Jim asked Paul if the intent was the scope of work is to include all the damage he have seen and if we don't move that money right now, we can still move it at a later date.

Mayor Osterback commented the one of the main things when the Borough was formed, the Borough took the School District, it is our #1 priority to keep the School District whole and keep all our building up to standard. There is money in there that we can access to do this. And one of the main reasons for our Permanent fund is to basically make sure or school district is good and pay off our bonds. And it is not like if we put \$400k in here now, I have no idea how much money it will all

going to take to do all the stuff that is needed in there, it will be part of it. Once we get the Engineers out here and they have finalized and figure out what has to be done under this Grant, put it in the contract and bring it in. we can put the money where Paul wants it for now and we can put it somewhere else at a later date with the Assembly's wishes.

WARREN commented that he likes Paul's idea to have money sitting to have this repair done but thinks we need a little more than \$400K and suggested \$500K.

**2<sup>nd</sup> Amendment**

WARREN move to further amend the proposed Ordinance 23-01 by increasing the AEB Raw Fish Tax by \$500K making to \$4M and adding a line-item expenditure for Sand Point Pool with \$500K, seconded by JIM

WARREN reiterates that we are working for our children and school and swimming is very important to their lifestyle here.

**ROLL CALL on Amendment**

Yeas: Jim, Dailey, Paul, Warren, Brenda, Chris, Josy, Advisory: Samantha, Tom  
Nay: None

**MOTION CARRIED**

**ROLL CALL on the Main Motion as Amended**

Yeas: Chris, Josy, Jim, Dailey, Paul, Warren, Brenda Advisory: Tom, Samantha  
Nay: None

**MOTION CARRIED**

**ORDINANCES**

None

**RESOLUTIONS**

**Resolution 23-33**, Supporting the current South Alaska Peninsula Salmon Management Plan and opposing certain proposals before the Board of Fisheries

**MOTION**

PAUL made a motion to approve Resolution 23-33 and second by WARREN

Natural Resources Director Weiss said that this resolution states the Assembly's support to the conciliatory efforts by Area M fishermen sharing in the burden of conservation of Alaska salmon that have yielded impressive results, supports the current South Alaska Peninsula Salmon Management Plan that will allow the time and area for fishermen to continue these conservation efforts and feed their families and opposes the following Board of Fisheries 2022/2023 cycle proposals that would needlessly limit South Alaska Peninsula fishermen conservation efforts and opportunities to make a living: The Aleutians East Borough Assembly opposes Board of Fisheries 2022/2023 Proposals 133, 134, 135, 136, 137, 138, 139, 140, 143, 148, 149, and 150.

PAUL asked if the Board of Fisheries will keep the Committee of the Whole for all their meetings. Natural Resources Director Weiss said that's what they've been doing and Committee of the whole is now the standard procedure.

**ROLL CALL**

Yeas: Warren, Chris, Dailey, Paul, Jim, Josy, Brenda  
Advisory: Tom  
Nay: None  
Abstain: Samantha

**MOTION CARRIED**

**Resolution 23-34**, Selecting and Promoting FY 2024 Capital Projects for the Health, Safety, and Welfare of Its Residents

**MOTION**

BRENDA motion to approve Resolution 23-34 and second by JOSY

Administrator Bailey said every year we put a list together of legislative priorities for Assembly to consider Borough staff have reviewed the Borough projects and have had conversations with Mayor Osterback and Mark Hickey in regard to the projects listed below. Borough staff recommends that the Cold Bay Dock Design and Permitting be listed as the Borough Legislative Priority for FY2024 Capital Project Funding. Staff also recommends the King Cove Access Project, the Akun Dock and Breakwater Project and the False Pass Airport Project be listed as a Borough Legislative Priorities for FY2024 with no specific funding requests at this time. For Cold Bay Dock Design and Permitting, currently we are doing a feasibility study that I haven't gotten yet but when I do, it'll have some very basic conceptual design and rough estimate of the cost of the project including design and construction. The Borough is estimating that the design and permitting costs will be approximately \$2,500,000; however, we will be working with the engineers for a better cost estimate, Currently, the Borough has ~\$83,000 secured for the Cold Bay Dock Project, that Administration would round up to \$100,000, needing an additional \$2,400,000 in State Funding. Other Project on the list is Requesting State Support, King Cove Access Project, which the State is heavily involved with. Another one is the Akun Dock and Breakwater Project. The Borough is working with the Akutan Tribe and Army Corps of Engineers to determine the feasibility of building a small dock and breakwater on Akun Island. We ask for the State of Alaska's support on this project. Then the False Pass Airport, which in Oct .2022, a project to do some rehabilitation or renovation to the airport was presented and scored very well. We are still waiting on spending plan, but we want to make sure that the State continues to look at engineering options to lengthen the runway. The next plan if this is approved, we will submit a CAPSIS request for the funding for Cold Bay Dock Design and Permitting.

PAUL made amendment to add "and Permitting" under Projects Requesting State Funding second by JIM.

Administrator Bailey clarified that the change would be Under Projects Requesting State Funding Support

1. Cold Bay Dock Design and Permitting

PAUL commented that when we talk about the Cold Bay Dock Design, one of the options we always talk about is kind of lift the top off, new sheet pile and rocks which you do not need a CORPS permit to add rocks to the middle of the dock. To me we should continue to look at that because that will make a more safe dock to tie up if we can incorporate that to our new design.



Mayor Osterback commented that Anne and him talked about this a few weeks ago and he agrees with Paul and thinks that that should be one of the design options and makes much more sense and when we talked about it, Anne agrees with it too.

**ROLL CALL on Amendment**

Yeas: Paul, Josy, Warren, Chris, Brenda, Daile, Jim  
Advisory: Samantha, Tom  
Nay: None

PAUL asked if there was any damaged in False Pass when the high tide happened last December.

TOM said that both end of the runway were under the water.

**ROLL CALL on main Motion**

Yeas: Dailey, Jim, Brenda, Chris, Warren, Josy, Paul,  
Advisory: Tom, Samantha  
Nay: None

**MOTION CARRIED**

**Resolution 23-35**, Authorizing the Mayor to Negotiate and Execute a Contract with Evolution Pools & Spas Inc to Perform Additional Maintenance on the Sand Point Pool in an Amount Not to Exceed \$100,000 and to Appropriate a Portion of the Borough's Local Assistance and Tribal Consistency Funds to Pay for this Maintenance Project

**MOTION**

PAUL motion to approve Resolution 23-35 and second by BRENDA

Administrator Bailey said is regarding the Sand Point pool. Currently we have Evolution Pools under contract, at the July 14, 2022 meeting, The Assembly Authorize the mayor to negotiate and execute a contract not to exceed \$280,030. We entered into new contract with Evolutions Pools for \$250,0024 and there was small contingency fund to cover for unexpected expenses. When the contractor was on site, it was determined that the original heat exchanger was undersized and was cracked and leaking and needed to be replaced. We received a preliminary quote in the amount of approximately \$100K for the heat exchanger and installation and they are in the process fine tuning that now. Administration is requesting additional \$100k to complete this project. Administration is Administration recommends using a portion of the Local Assistance and Tribal Consistency Funds (LATCF) to pay for this project. At the November 10, 2022 Assembly Meeting, the Assembly approved Resolution 23-23, which approved allocating the money for maintenance projects, grant match requirements or to pay for a portion of the 2nd 10% owed to the Army Corps of Engineers for the Akutan Harbor project. Prior to expending any LATCF funds, Assembly approval is needed. Therefore, Administration is requesting the Assembly to appropriate a portion of the LATCF monies for this project.

PAUL move to amend Resolution 23-35 for 1<sup>st</sup> now therefore, BE IT RESOLVED, to change \$280,030 to \$100,000.

**ROLL CALL on Amendment**

Yeas: Chris, Josy, Warren, Brenda, Dailey, Paul, Jim,  
Advisory: Tom, Samantha

Nay: None

**MOTION CARRIED**

**ROLL CALL on Main Motion**

Yeas: Jim, Dailey, Brenda Paul, Warren, Josy, Chris Advisory: Samantha, Tom

Nay: None

**MOTION CARRIED**

*OLD BUSINESS*

None

*NEW BUSINESS*

- Assembly Per Diem Discussion

**MOTION**

PAUL move to approve a flat rate Per Diem from \$200 of \$374, seconded by CHRIS

PAUL commented that that during the workshop Administrator Bailey laid out a nice memo explaining how we deal with expansive hotels in Anchorage and other places. Perhaps we like the idea of simple daily rate of per diem.

Administrator Bailey said with the increase of this rate and also with tax requirements, if there is not expense report filed that can trigger taxable rate if you went over the DOD rate, just to keep that on mind.

Mayor Osterback commented that majority of the Assembly seem to agree with the motion on the floor and that rate is set on the DOD rates where most of our travel leads to.

Administrator Bailey said the Finance department does have to follow IRS rules and regulations. If it does trigger the 1099, I just want to let everyone to be aware that is different from currently is what happening.

PAUL commented that these might potentially save the Borough some money.

BRENDA commented that she supports this. It is not conducive when you must spend your own money out of your own pocket to be in the Assembly. We want to make sure that when Assembly members travel to Anchorage, we want them to feel supported. This is a long time coming because we've talked about this a few times. It is a nice incentive for people to know that they won't be spending their own money to go to a conference wherever that it might be.

Mayor Osterback commented that it is a resolution, so in the future if we need to change it we can.

**ROLL CALL**

Yeas: Josy, Warren, Dailey, Paul, Jim, Chris, Brenda Advisory: Samantha, Tom

Nay: None

**MOTION CARRIED**

**REPORTS AND UPDATES**

**Assistant Natural Resources Director Report in packet. Highlights below:**

We have finalized data review from B season and are still preparing an annual report for the NPFMC, as well as for the Trawl EM committee and a presentation that I will be giving at the TRAWL EM Committee meeting. I have prepared documents and a presentation for a pre-season fleet meeting that will review how the program went in 2022 and to discuss final action. I have submitted the Annual Financial Report and am working on the Interim Programmatic Report due in March. NFWF has officially awarded us another grant for \$474K for the final year of the Trawl EM Project. For Fixed-Gear EM Project, met with AFSC and Saltwater in January to discuss the next steps for this project. AFSC is currently reviewing our draft sampling designs, and we are working on outreach documents that will aid volunteer vessels on the project objectives, instructions on catch handling and taking observers. It is unlikely we will be able to test on pot cod but anticipate having enough trips for pot black cod. No update on Mariculture. For Board of Fisheries, we had our first kickoff meeting with Chordata LLC and several members of the Seiners Association. Chordata provided us with a first draft of the portal, and together we provided feedback and direction on user interface and portal functions. I will be joining Area M Seiners and CAMF for a meeting in Kodiak at the end of January to discuss BOF and the genetics study. For Cod Tagging, I met with AFSC scientist Susanne McDermott in Seattle and discussed a tentative fieldwork plan for 2023. We have modified the field work plan to conduct an abbreviated cruise, lasting 5-6 days and releasing approximately 20 tags at 4 major sites. This work will occur in March 2023 pending available funding in the fisheries research fund and approval of AFSC cooperative research funds.

**Administrator's Report in packet. Highlights below:**

**Sand Point Harbor Float Project** On December 9, 2022, Moffatt & Nichol submitted the Drinking Water Program Engineering Plan Review Information to the Department of Environmental Conservation Division of Environmental Health. This application requests approval to construct a new potable water distribution extension on the Sand Point Harbor A Float. On December 16, 2022, Administration and Moffatt & Nichol attended the MARAD Kick-Off Call. Grant requirements were discussed including completing an Engineering Register; the construction schedule; environmental requirements (i.e. NEPA); the Buy America Act Requirement; site visits; civil right needs and other items. So that project is starting to move along and I will have more information in the future.

**King Cove Road Update** as you all know we had an en banc hearing and we are still waiting for additional information regarding that. I included an attachment from the attorney in the packet that included the 9<sup>th</sup> Circuit channel information with all the judges, the Dept. of Justice's response to the National Wildlife Refugees, the State of Alaska's response and the letter from Senator Murkowski that was sent to Secretary Haaland about this project. We are already on the ninth-year anniversary which is December 23 and we are still fighting the fight.

**School Updates** DOWL, Evolution Pools and the Borough are having continuous meetings to discuss the pool status. The contractor should be arriving in Sand Point within the next week to complete the existing scope of work. The HVAC system at the Sand Point School is not working properly. On December 27, 2022, Administration executed an agreement with LONG to provide and install a new controller and associated programming in the amount of \$34,402. The School District has hired Chinook to complete the fire and sprinkler inspections the week of January 16, 2023. The Borough has contracted LONG to complete the boiler inspections for King Cove, False Pass and Akutan. They are planning on going to King Cove and False Pass

January 24-27, 2023. The Akutan dates are still being determined. The Strategic Planning Session has been rescheduled for February 17, 2023. There is no virtual option at this point in time. At the end of my report is a document from our federal lobbyist that do go through a bunch of things that is happening on the federal level like what is occurring at the 118<sup>th</sup> Congress to future options for earmarks which is coming up soon and *there's also the Denali Commission Money that was mentioned in the report that we can be possibly used in the Cold Bay Dock Project.* Tons of good information.

JOSY asked why the Strategic Planning is not offered virtually. Administrator Bailey responded it is not set up for that at the Nave but she ask PGS if it is possible but we haven't done that in the past and It'll be difficult because a lot of it is interactive.

Mayor Osterback said we will check with PGS if it is possible.

**Assistant Administrator Report in packet. Highlights below:**

**Sand Point School Pool** I would like to note that Anne and I met with DOWL today and the CEO of Evolution Pools and we will be meeting with them every week and will stay on top of this project. We understand how imperative it is for the community and to the kids at the school. Evolution Pools anticipate on being back at the site on Jan.16.

**Bridge Inspection Reports** on September 2022, the State of Alaska per federal law conducted their two-year bridge inspection. On 12.28.22 the Borough received the bridge inspections for False Pass and King Cove. There remains work from the 2-year prior report with additional new work needed. Much of the work needed is at medium to low priority with the high priority listed as; adjusting approach rail heights, orienting object markers so lines point downwards and towards the bridge, installing name place and bridge number plates, and placing riprap to protect against erosion. The Cold Bay Dock Bridge will require extensive repairs as it was found to have structural damage and erosion with fair to poor conditions.

**ISO Tank Inspection Report** Back in March 2022, the Borough was notified by Matson that our tank inspection was due. This is required every 2 years. This is the tank over in Akutan that holds the helicopter fuel. On May, 3rd 2022 the Borough received its ISO Tank inspection through Applied Technical Services. At the time the inspection was accepted by Matson but 2 weeks ago, I was notified that they were no longer accepting it because report does not have the terminology that they were looking for. I was in contact with asset management with Matson and received an email today saying they will now accept it. Next inspection is not due until October 2024. However, we are looking on finding new inspection company and purchasing new ISO tank as the one we currently have is outdated and needs to be replaced.

**Maintenance Connection** Jack Walsh, Anne and I met with DOWL and SERCC to talk about capital improvement project. We also discussed creating access for DOWL and ECI to look over Maintenance Connection.

PAUL said that because the Pool is a saltwater pool, the steel doors do not have a chance, but a stainless door would be a great replacement.

**Communications Director Report in packet. Highlights below:**

**White Paper – Akun Dock & Breakwater project** As of the writing of this report, I'm working on version 4 of the Akun Dock & Breakwater project white paper. I turned in version 3 at the end of last month. Then Anne provided edits and other helpful information within a few days. The information in this document came from Assembly Reports, Agenda Statements, Resolutions, helicopter agreements, EAS agreements, and Strategic Initiatives. I've made a few corrections, and I'm checking the facts on a couple of items. I'm also reviewing conceptual vessel studies for this project. The next version will be completed soon.

**Professional Photography project.** The images of our communities from professional photographer Kerry Tasker have been edited and uploaded. Kerry had to sift through more than 29,000 images. A hard drive of the high-resolution images will be delivered to the Borough office in Anchorage. Some of the imagery will be shared to the AEB's social media platforms.

**Press Release** I'm also working on a press release, ahead of time, in anticipation of the decision by the 11-panel judge from the Ninth Circuit Court of Appeals regarding the King Cove land exchange. I sent the archived link of the hearing to the clerk, who forwarded it to the Assembly for any members interested in viewing the proceedings on Dec. 13th. That link is in my packet.

**Media Coverage** The media coverage that followed the en banc hearing included the Associated Press, which also appeared in the Anchorage Daily News, Alaska Public Media and ABC News. In addition, articles were published by Bloomberg Law and E&E News. The last two media outlets are subscription only. A link is included to the A.P. stories in the packet.

**Fish News** The last two Fish Newsletters were sent out on December 17th and the 21st. The December 17th issue contained information about the North Pacific Fishery Management Council taking measured steps to address chum salmon bycatch, which include recommendations for the Council to review at their April meeting. I'll defer to the Natural Resources Department for details. The newsletter also contained information about how the Crab Plan Team will work on trawl and non-trawl crab bycatch limits, and will consider area closures for groundfish fisheries. Fish News also provided a summary of meeting actions taken at the Alaska Board of Fisheries Nov. 29th – December 1st. A flyer providing information about the AEB Fishermen's Winter Fisheries Meeting was also announced and held toward the end of last month.

**Natural Resources Director Report in packet. Highlights below:**

**Alaska Board of Fisheries.** The Board meets to consider Arctic/Yukon/Kuskokwim (AYK) finfish January 14 - 18 at the Egan Center in Anchorage. I will be there to speak on proposal 170 that would establish a vessel pot limit of 500 pots and an overall fishery cap of 10,000 pots for the North Peninsula District Dungeness fishery. And I'll be testifying that most of our fishermen support the 500 pots limit but not the cap of 10,000. The Board will meet at the Dena'ina Center in Anchorage February 20 – 25 to consider Alaska Peninsula/Aleutian Island/Chignik finfish proposals. There is a link in the packet with a spreadsheet of all the proposals that we addressed in the resolution. There are links in the packet if individuals want to submit their comments, I have that information ready to go to teachers for use of the students and by tribes.

**North Pacific Fishery Management Council** the link to my December NPFMC meeting was in the packet. Not mentioned were a couple of interesting items from the NMFS Report: NMFS is considering a review of 3 of the 10 National Standards - National Standard 4 Allocations, National Standard 8 Communities and National Standard 9 Bycatch. Also, NMFS is reinitiating an Endangered Species Act Section 7 consultation to evaluate the effects of the fisheries managed under GOA and BSAI groundfish Fishery Management Plans, including for critical habitat for threatened and endangered humpback whales. Highlights for the upcoming February NPFMC meeting are final action on the Snow Crab rebuilding plan, and the Trawl Electronic Monitoring Committee report.

**Land Issues** The State has requested final preparations before acceptance and recording on two of our Municipal land surveys from McClintock Land Associates – ASLS 2018-24 Bear Lake and ASLS 2017-47, one of the sections for Sandy River Surveys. We seem to be on the final stretch to obtain final deeds to these 2 surveys. The Assembly should expect a request at the February Meeting for a Platting Board meeting to consider a plat subdivision by CRW in Nelson Lagoon for a Nelson Lagoon power upgrade. There is a pie chart showing where our fish tax is coming from by species. If you put all the salmon together that come to about 32% and pollock at 31%. Things are changing. I'll look at the fish tax more and more as we try to figure out the fish tax projection.

PAUL asked if the pie is by dollar amount. Natural Resources Director Weiss said yes, it is by dollar amount.

**Finance Director's Report**

Is included in the packet

*ASSEMBLY COMMENTS*

CHRIS thanked the administrative staff in Anchorage and is looking forward in what's going to happen this new year.

PAUL asked about the Strategic Planning date. Clerk answered February 17. PAUL asked what the policy is if an Assembly wants to attend Board of Fish meetings. Mayor Osterback said we've never said no to an Assembly who wants to go to the Board of Fish meetings. PAUL encouraged everyone to go to SWAMC meeting on March 2 and 3, 2023 and asked if the plan of doing a special meeting is confirmed. Administrator Bailey said no. PAUL suggested if we can move the meeting to March 1 to encourage people to come to SWAMC.

DAILEY asked what is CRW in Nelson Lagoon. CRW is a company that did a survey work. Some sort of power upgrade for the community. I have more information in my email but I am assuming the community know about it.

BRENDA thanked the Assembly and Mayor Osterback for sitting at the 9<sup>th</sup> circuit court. It was really an awesome experience and really proud for all the people that worked for us and make sure we have what we need for our community. And to talked to those people and find out the background and history of how hard they have to work was really eye opening. So Thank you very much.

WARREN reminded that before Strategic Planning to bring pictures of damages caused by the big tide that happened so we can see a clear picture of what is the need for each community and we can all collaborate on that and can come up for a plan for disaster. Thanked everyone for being able to go to Pasadena.

*PUBLIC COMMENTS*

*NEXT MEETING DATE*

Regular Assembly Meeting February 9, 2023

*ADJOURNMENT*

BRENDA moved to adjourn seconded by WARREN. Hearing no more, the meeting adjourned at 5:15 p.m.



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Mayor Alvin D. Osterback

Date: 2/10/2023

  
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Beverly Ann Rosete, Borough Clerk