

May 1, 2013

To: Mayor Jensen and Assembly Members

Fr: Kathy O'Rear, Borough Clerk

Re: RFPs for General Legal Counsel

The Borough received seven responses to our Request for General Counsel Legal Services. The proposals were each scored independently by retiring City Attorney Paul Dillon, Manager Steve Giesbrecht and I. Following is the ranking of the proposals when combining the independent reviews from highest to lowest:

<b><u>Points</u></b> <b>(300 Highest Possible)</b>	<b><u>Firm Name</u></b>
284	Hedland, Brennan & Heideman
283	Hoffman & Blasco, LLC
278	Birch Horton Bittner & Cherot
270	Wohlforth/Brecht/ Cartledge/Brooking
262	Clapp Peterson Tiemessen Thorsness & Johnson, LLC
261	Simpson, Tillinghast, Sorensen & Sheehan
254	K & L Gates, LLP

Page 5 of the RFP outlines the scoring criteria and process used in selecting the Assembly's legal counsel. The next step in the process would be for the assembly to choose two to five of the highest scored proposals for telephonic interview.

Retiring Attorney Paul Dillon would like the Assembly to know that he is very pleased with the response we received to the RFP. All the firms are well qualified and would represent the borough well. He called the group an "All Star Lineup".

The individual proposals are available for Assembly member's review in the Clerk's office. The proposals will not become public record until a contract is awarded.



**Petersburg Borough**

P.O. Box 329  
Petersburg, Alaska 99833  
Phone (907) 772-4425 • Fax (907) 772-3759 www.ci.petersburg.ak.us

**REQUEST FOR PROPOSALS**

**The Petersburg Borough is soliciting proposals for  
General Counsel Legal Services.**

RELEASE DATE  
Monday, March 11, 2013

DEADLINE FOR SUBMISSION AND OPENING DATE AND TIME  
Monday, April 22, 2013 3:00 pm

**Response By:**

Attorney/Firm Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Address \_\_\_\_\_

Telephone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail Address \_\_\_\_\_

I have read, understand, and agree to all terms and conditions herein.

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

Print Name and Title \_\_\_\_\_

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### I. OVERVIEW OF REQUESTED SERVICES

The Petersburg Borough (**borough**), population approximately 3,300, is seeking proposals for general counsel legal services. It is the intention of the borough through this solicitation to enter into a contract with a general counsel that will serve the borough assembly, borough manager, and borough staff in various capacities. The borough reserves the right to enter into contracts with attorneys other than the general counsel should the assembly so choose from time to time. Proposals are invited from any qualified State of Alaska licensed attorney-at-law or law firm. Attorneys/Firms (**proposers**) must be qualified to represent the borough in all State of Alaska Courts and the U.S. District Court for the District of Alaska.

### II. SCOPE OF SERVICES, TERM, AND QUALIFICATIONS

It is the intention of the borough to enter into an agreement under which a qualified proposer will provide general counsel legal services on behalf of the borough at a fixed hourly rate.

- A. SCOPE OF SERVICES. Proposer is expected to provide the borough with general counsel legal services, to include the following:
1. Serve as the legal advisor of and be responsible to the borough assembly, and advise the borough manager and borough clerk concerning matters affecting borough administration, as well as perform other duties as may be prescribed by the borough assembly.
  2. Prepare legal documents such as ordinances, resolutions, contracts, conveyances, etc., and legal opinions as needed. Provide limited representation in court, negotiate on the borough's behalf and handle other legal matters that may arise.
  3. Be readily available for consultation by the borough assembly, borough manager, borough clerk and borough staff.
  4. Draft opinion letters regarding, among other subjects, the interpretation of the borough code and charter, state and federal laws, and policies.
  5. Perform other such duties as may be prescribed for the borough attorney by ordinance or by direction of the borough assembly and/or borough manager.
  6. Must work effectively with the borough assembly, borough manager, and borough staff, and also with other public agencies with which the borough has legal relations.
  7. The borough attorney is expected to attend at least one borough assembly meeting per year in person.

B. **TERM.** The term of the professional services agreement is two years, with three one-year options unilaterally available to the borough. The agreement may be terminated at the convenience of the borough at any time.

C. **QUALIFICATIONS**

1. The proposer (or primary attorney for the borough in a firm—see III B 1 below) must be a member in good standing of the State of Alaska Bar Association and be qualified to represent the borough in all State of Alaska Courts and the U.S. District Court for the District of Alaska.
2. The proposer (or primary attorney for the borough in a firm) should have at least five years professional experience as legal counsel for an entity such as an Alaska municipality.
3. The proposer (or primary attorney for the borough in a firm) should be experienced and proficient in legal matters affecting the borough, to include without limitation, Alaska municipal law including AS 29, borough charter and code, Petersburg Borough Code, other applicable State of Alaska law and federal law.
4. The proposer (or primary attorney for the borough in a firm) must maintain during the course of the contract attorneys errors and omissions insurance in the amount of at least \$1,000,000 per claim and \$2,000,000 aggregate, with a deductible no greater than \$25,000. In addition, if the policy is a claims-made policy, the contractor must maintain such policy of insurance after the termination of the contract for a period of four years or alternatively obtain an extended reporting endorsement [tail coverage] for four years after the termination providing the same coverage, or a combination of the two.)

III. **RESPONSE TO RFP.**

To achieve a uniform review process and obtain a reasonable degree of comparability, a proposer should submit a Response to RFP following the below contents, which must not exceed fifteen (15) pages in length, double spaced, including page 1 of this RFP and the Letter of Transmittal. In page 1 of this RFP, provide the name, address, phone number, fax number, website URL of the proposer, together with the name of the person who the borough manager may contact in regard to the RFP. Detail each of the following points in your Proposal:

- A. **Letter of Transmittal (limited to one page).**
  1. Briefly state proposer's understanding of the services to be performed and make a positive commitment to provide the services as specified.
  2. State any problems or issues related to the long term availability of proposer to the borough.
  3. Give the name(s) of the person(s) who are authorized to make representations for proposer, their titles and telephone numbers.
  4. The letter must be signed by an individual who has the authority to bind the proposer.
- B. **Statement of Qualifications.**
  1. Statement of Qualifications of the attorney who will be the primary attorney for the borough.
  2. Statement of Qualifications of other attorneys, if any, who will support the primary attorney. These attorneys may be in the same firm.

aThe Statement of Qualifications should address the municipal experience, other applicable legal experience, and education of the attorney(s) in B1 and B2 above. List municipal law cases

handled by the primary attorney and supporting attorneys and whether the attorney's clients were the prevailing party or not. In particular, identify and describe the experience over the last five years and the level of expertise in the following areas:

- a. Attendance at assembly/assembly meetings and related legal issues;
- b. Issues facing the borough;
- c. Ordinance drafting;
- d. Zoning and land use regulation;
- e. Ordinance enforcement;
- f. Municipal sales tax law and enforcement;
- g. Public employment labor law;
- h. Municipal insurance, purchasing, and contracts;
- i. Police liability;
- j. Acquisition and disposition of public property; and
- k. Intergovernmental issues with State and Federal agencies.

- C. Conflicts. List all matters and/or cases where the proposer currently represents an individual or entity with interests potentially adverse to the borough, to include without limitation, the City and Borough of Juneau, the City of Wrangell, the State of Alaska, etc. Describe the scope of the representation and nature of the conflict.
- D. Availability. Specify how available the primary attorney will be to the borough. State whether the borough will be primary attorney's main client or one of several or one of many. State the current workload of the primary attorney and how that attorney intends to accommodate the borough's work. State the location of the office from which the primary attorney will serve the borough.
- E. Disclosure. Disclose any alleged significant prior or ongoing contract failures, contract breaches, any civil or criminal litigation or Bar Association investigation which involve the proposer as a party or in which the proposer has been judged guilty or liable or sanctioned. This is a mandatory disclosure.
- F. Cost. Proposals must state the following cost information:
  1. An hourly cost for services to be provided.
  2. Attorney travel time cost, if any.
- G. Municipal experience. List all municipalities for which the proposer has performed legal services in the last five years. Provide a short description of the services, the date performed, and the municipal contact person.
- H. References. Provide a minimum of two (2) references from similar clients, to include local government, state and/or private clients, for whom the proposer has performed legal services within the last three years. It is the proposer's responsibility to ensure that the completed references are received by the borough manager on or before the proposal submission deadline for inclusion in the evaluation process. References that are not received, or are not complete, may affect the proposer's evaluation score. The borough may contact any or all references for validation of information submitted and other information.

- I. Statement and Proof of Insurance (See II. C. 4)
- J. A suggested Legal Services Agreement

IV. PROPOSAL EVALUATION AND AWARD PROCESS

A. Proposals will be evaluated and scored on a 100/125 point scale based upon the following criteria.

Qualifications of primary attorney	35, based on criteria in III B, better qualifications--higher score
Qualifications of other attorneys	10, based on criteria in III B, better qualifications--higher score
Conflicts (may exclude proposer)	10, based on III C, more/greater conflicts—lower score
Availability	10, based on III D, more available—higher score
Disclosure (may exclude proposer)	10, based on III E, negative disclosures—lower score
Cost	<u>25</u> , based on III F, lower cost--higher score
Subtotal for initial selection	100
Assembly interview	<u>25</u> , better demonstration of qualifications and ease of understanding for Assembly—higher score
Total	125

**Proposals will be kept confidential until a contract is awarded, subject to law.**

- B. The borough may contact the references provided by the proposer; contact any proposer to clarify a response; solicit information from any available source concerning any aspect of a proposal; and see and review any other information deemed pertinent to the evaluation process.
- C. After the proposals are received the borough manager, clerk and retired attorney Paul Dillon will initially evaluate and score the proposals and then select the top two to five proposals and submit them to the assembly for its review and interviews. The assembly will then review selected proposals and interview proposers. The assembly has the right to review and interview any proposer, whether or not selected.
- D. At the conclusion of proposal evaluations and interviews, the borough assembly will determine its choice of the highest rated proposer. Any award is contingent upon the successful negotiation of final contract terms and upon approval by the borough assembly. Negotiations shall be confidential and not subject to disclosure to competing proposers unless and until an agreement is reached. If contract negotiations cannot be concluded successfully, the borough upon written notice to all selected proposers may negotiate a contract with the next highest scoring proposer or proposers or withdraw the RFP.

V. SUBMITTAL INSTRUCTIONS

A. RFP TIMELINE

<u>TASK</u>	<u>DATE/TIME</u>
<b>Deadline for submission and opening of proposals</b>	<b>3:00 p.m. Monday, April 22</b>
Initial evaluation period	<b>7 to 10 days</b>
Selection for interview with Borough Assembly	<b>May 6, 2013</b>
Assembly interview of selected proposers	<b>+ 2 WEEKS</b>
Selection of attorney/firm	At the next available borough meeting
Commencement of services	To be determined

NOTE: These dates represent a tentative schedule of events. The borough reserves the right to modify these dates at any time, with appropriate notice to applicable proposers.

B. Proposers shall submit one (1) original proposal marked "MASTER" and six (6) identical copies to: Stephen Giesbrecht, Borough Manager, Borough of Petersburg, P.O. Box 329, Petersburg, AK 99833.

C. Proposals shall be clearly labeled in a sealed envelope or box as follows:

REQUEST FOR PROPOSAL: Legal Counsel Services  
Proposal opening date: Monday, April 22, 2013

D. Proposals must be received at the above-reference address no later than 3:00 pm on April 22, 2013. Proposals that do not arrive by proposal opening time and date WILL NOT BE ACCEPTED. Proposers may submit their proposal at any time prior to the above stated deadline. Facsimile, email or telephone proposals will NOT be considered.

E. Proposals may be modified by facsimile, email or written notice, provided such notice is received prior to the opening of the proposals. Proposers may transmit proposal modifications by facsimile or email at their own risk. Only changes in cost information (reduce or increase fee by \$X; may be submitted by facsimile or email; do not send actual cost data via facsimile or email. The borough will not be responsible for any error or failure in facsimile or email transmission or receipt.

F. For ease of evaluation, the proposal should be presented in a format that corresponds to and references sections outlined in this RFP, and should be presented in the same order. Responses to each section and subsection should be labeled so as to indicate which item is being addressed.

G. Proposals should be prepared in such a way as to provide a straightforward, concise delineation

of capabilities to satisfy the requirements of this RFP. Expensive bindings, colored displays, promotional materials, etc. are not necessary or desired. Emphasis should concentrate on conformance to the RFP instructions, responsiveness to the RFP requirements, and on complete and clear content.

H. The proposal must be signed by the individual legally authorized to bind the proposer.

#### VI. GENERAL TERMS, CONDITIONS AND EXCEPTIONS

- A. Performance of the proposer may be rated semi-annually for the first year following contract award and then annually for the term of the contract by the borough assembly.
- B. The borough reserves the right to alter, amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of a contract pursuant hereto, if it is in the best interest of the borough to do so.
- C. The borough reserves the right to waive informalities and minor irregularities in proposals received.
- D. The borough reserves the right to reject any or all proposals received prior to contract award.
- E. The borough shall not be obligated to accept the lowest priced proposal, but may make an award in the best interests of the borough after all factors have been evaluated.
- F. Alterations, modifications or variations to a proposal may not be considered unless authorized by the RFP or by addendum or amendment.
- G. Proposals may be withdrawn by written or facsimile notice received prior to the proposal opening time. Withdrawals received after the proposal opening time will not be considered. Proposers transmit proposal withdrawals by facsimile at their own risk. The borough will not be responsible for any error or failure in facsimile transmission or receipt.
- H. Prices offered by proposers in their proposals are an irrevocable offer for the term of the Contract. The awarded proposer agrees to provide the services at the costs, rates and fees as set forth in its proposal in response to this RFP. No other costs, rates or fees shall be payable to the awarded proposer for implementation of their proposal.
- I. The borough will not be liable for any costs incurred by a proposer to prepare its proposal. Costs to develop the proposals and any other such expenses incurred by the proposer in responding to the RFP are entirely the responsibility of the proposer and shall not be reimbursed in any manner by the borough.
- J. All proposals submitted become the property of the borough and will be returned only at the borough's option and at the proposer's request and expense. The master copy of each proposal shall be retained for official files and will become public record after the award of the contract.
- K. The borough reserves the right to negotiate final contract terms with any proposer selected.



The contract between the parties will consist of the RFP, including the professional services agreement form, together with any modifications thereto, and the awarded proposer's proposal, together with any modifications and clarifications thereto that are submitted at the request of the borough during the evaluation and negotiation process.

- L. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the borough in evaluation of the proposal. Any proposer misrepresentation may be treated as fraudulent concealment from the borough of the true facts relating to the proposal.
- M. The borough reserves the right to conduct a background inquiry of each proposer that may include collection of appropriate criminal history information, contractual and business associations and practices, Bar sanctions and reprimands, employment histories and reputation in the legal and business communities. By submitting a proposal to the borough, the proposer consents to such an inquiry.
- N. All interested and qualified proposers will be considered, but not every proposer need be interviewed.
- O. The borough is an equal opportunity employer and complies with Title I of the American with Disabilities Act. Proposers who need accommodation to respond to this RFP may call the borough clerk at 907-772-4519.

(End of RFP)

**PETERSBURG BOROUGH  
ORDINANCE #2013-7**

**AN ORDINANCE PROVIDING FOR CHAPTER 3.12 OF THE MUNICIPAL CODE,  
ENTITLED "ADMINISTRATION", UPDATING CURRENT LANGUAGE, ADDING A  
SECTION THAT INFORMS HOW EMPLOYEES WILL BE COMPENSATED AND  
APPLYING THE PROVISIONS OF THIS ORDINANCE ON AN AREA-WIDE BASIS**

**Section 1. Classification:** This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

**Section 2. Purpose:** The purpose of this ordinance is to update the language of the chapter to reflect borough incorporation and to provide a section that informs how employees of the borough will be compensated..

**Section 3. Substantive Provisions:** Chapter 3.12 of the former Petersburg City Code with amendments as noted herein, is hereby adopted as a Borough ordinance and shall read as follows:

**Chapter 3.12 - ADMINISTRATION**

**Sections:**

3.12.010 - City Borough manager.

3.12.020 - City Borough clerk.

3.12.030 - ~~Reserved.~~ **Compensation of employees**

**3.12.010 – ~~City~~ Borough manager.**

The ~~city council~~ **borough assembly** shall appoint a ~~city~~ **borough** manager for an indefinite term and determine the manager's compensation. The ~~city~~ manager shall be the chief administrative officer of the ~~city~~ **borough**, responsible to the ~~city council~~ **assembly** for the administration of all day to day ~~city~~ **borough** affairs placed in the manager's charge by Charter, City **Borough** Code or ~~city council~~ **assembly** direction.

**3.12.020 - ~~City~~ Borough clerk.**

The ~~city~~ **borough** clerk is an administrative officer of the ~~city~~ **borough** appointed by the ~~city~~ manager, with the approval of the ~~city council~~ **assembly**, to serve a term not to exceed five years with compensation to be from time to time determined by the ~~city council~~ **assembly**. An employment contract with an administrative officer may be terminated only for just cause.

In addition to duties and responsibilities specified by state statute, City **Borough** Charter and Code, or as directed by the ~~city~~ manager, the ~~city~~ clerk shall:

- A. Give notice of the time and place of ~~city council~~ **assembly** meetings to the ~~city council~~ **assembly** and the public;
- B. Prepare ~~city council~~ **assembly** meeting agendas and attend all regular and special meetings of the ~~city council~~ **assembly** and keep an accurate record of its proceedings;
- C. Arrange publication of notices, ordinances and resolutions;
- D. Maintain and make available for public inspection the municipal ordinances, resolutions and codes;

- E. Attest documents;
- F. Act as secretary to the ~~city~~-manager;
- G. Receive and distribute documents addressed to the ~~city council~~ **assembly**;
- H. Answer citizen inquiries and provide information to the public; and
- I. Administer personnel rules, including job classification plan, compensation plan, personnel records system, drug testing procedures, administrative procedures for recruitment and termination, and other related personnel issues;
- J. Assist in the interpretation and application of labor contracts; draft rules, regulations, procedures and policies for the human resource management program;
- K. Approve departmental expenditures up to five thousand dollars. Expenditures exceeding five thousand dollars shall require prior approval of the ~~city~~ manager.

**3.12.030 - ~~Reserved~~-Compensation of Employees**

**The goal of the Borough is to attract and retain skilled employees who will in turn provide valued service to the residents of the community. Employees should be compensated with wages and benefits that are fair to the employees, to the Borough which is the employer and to the public. With the recognition that the Borough is competing for skilled employees in Southeast Alaska, the Borough's goal will be to consider the compensation paid for similar jobs in the communities of Ketchikan, Wrangell, Sitka, Juneau, Haines and Cordova in determining the compensation to be paid, along with other factors, including the Borough's ability to pay such compensation.**

**Section 4. Severability:** If any provision of this ordinance or any application 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.

**Section 5. Effective Date:** This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mark Jensen, Mayor

ATTEST:

\_\_\_\_\_  
Kathy O'Rear, Clerk

Adopted:  
Published:  
Effective:

May 6, 2013

To: Members of the Borough Assembly

From: John Hoag

Re: Addition to the Borough's Code of the Goal for Employee Compensation

When the City Council began preparing for negotiations with IBEW, we discussed the fact that Alaska Labor Statutes merely require municipalities to negotiate in good faith. While many other states spell out standards for negotiating employee compensation with labor organizations, Alaska does not. It makes sense for the Borough to spell out its goals in providing employee compensation so there is an objective standard that can be explained to the employees, to itself as the employer and to the public whose taxes pay for the compensation.

The goal of an employer should be to provide fair compensation, not only because it is the right thing to do, but in order to avoid the costs of employee turnover. Those costs can be tracked in the additional costs of training for the many classifications which require state certifications such as police officers, electricians, water and wastewater treatment employees. There are also costs that cannot be measured such as the loss of knowledge as to how Petersburg's equipment functions and in law enforcement, what needs to be carefully monitored, such as the influx of illegal drugs with all of the resultant costs to the community.

As a practical matter Petersburg competes with other Southeast communities for skilled employees. For instance when hiring electricians, Joe Nelson has informed us that he competes with larger Southeast cities such as Juneau and Sitka, so those entities cannot be overlooked.

In order to spell out the Borough's long term goals for employee compensation, section 3.12.030 of the Code has been drafted and is presented to you for ratification. Hopefully, it will provide a realistic guide for employment compensation for the future.

**PETERSBURG BOROUGH  
ORDINANCE # 2013-8**

**AN ORDINANCE OF THE PETERSBURG BOROUGH ADOPTING THE BUDGET AND SETTING THE  
MILLAGE RATES FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014**

**Section 1. Classification:** This ordinance is not of a permanent nature and shall not be codified in the Petersburg Municipal Code.

**Section 2. Purpose:** The purpose of this ordinance is to set forth budgetary requirements for the operation of the various divisions, departments and organizations of the Petersburg Borough for Fiscal Year 2014. Support to the Petersburg School District has been included in the General Fund Expenditures. This ordinance includes approving the millage rate upon each dollar of assessed taxable real property for Fiscal Year 2014.

**Section 3. Substantive Provisions:** In accordance with Section 11.07 of the Charter of the Petersburg Borough, the budget for the fiscal period beginning July 1, 2013 and ending June 30, 2014 and the tax mill rate to support the budget are hereby approved in the amounts and for the purposes as stated below. The supporting line item budget detail, as reviewed by the Assembly, is incorporated as part of this ordinance.

**A. Fiscal Year 2014 Revenue and Expenditure Budget**

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENDITURES BUDGET</u>
<b><u>GENERAL FUND</u></b>		
General Fund	\$ 9,368,391	\$ 9,368,391
<b><u>ENTERPRISE FUNDS</u></b>		
Electric Fund	\$ 5,692,344	\$ 6,633,225
Water Fund	\$ 1,080,250	\$ 1,883,103
Wastewater Fund	\$ 690,500	\$ 1,005,822
Sanitation Fund	\$ 1,137,000	\$ 1,191,007
Harbor Fund	\$ 1,594,895	\$ 2,315,058
Elderly Housing Fund	\$ 428,756	\$ 517,775
Assisted Living Fund	\$ 1,172,350	\$ 1,220,774
<b><u>INTERNAL SERVICE FUNDS</u></b>		
Motor Pool Fund	\$ 1,088,298	\$ 1,047,473
<b><u>DEBT SERVICE FUND</u></b>	\$ 918,370	\$ 918,370
<b><u>SPECIAL REVENUE FUNDS</u></b>		
Miscellaneous Grants	\$ 1,082,558	\$ 1,082,558
Economic Development Fund	\$ 300,000	\$ 345,000
School National Forest Receipts	\$ 2,167,000	\$ 4,155,000
Roads National Forest Receipts	\$ 500	\$ -
Property Development Fund	\$ 2,000	\$ 1,000
E911 Surcharge Fund	\$ 31,000	\$ 1,000
Borough Organizational Fund	\$ 200,000	\$ 259,000
<b><u>CAPITAL PROJECTS FUNDS</u></b>	\$ 27,505,817	\$ 25,738,243

**B. Levy of Taxes to Support Budget**

In accordance with Section 3.01 Petersburg Borough Charter, the Levy of Taxes must be approved by ordinance. 4.24.020 of the Petersburg Municipal Code provides that there shall be assessed, levied and collected a general tax for school and municipal purposes upon all real property within the incorporated limits of Service Area 1, except for exemptions as provided in Section 4.24.060.

Total Assessed value of all real property within Service Area 1 of the Petersburg Borough as of January 1, 2013, is **\$298,411,100**. The rate of tax levy for the Petersburg Borough for FY 2014 shall be fixed at **11 mills**, upon each dollar of assessed taxable real property.”

<b>GENERAL PURPOSES</b>	<b>4.42 MILLS</b>
<b>SCHOOLS</b>	<b>4.3 MILLS</b>
<b>GO BOND DEBT RETIREMENT</b>	
AQUATIC CENTER	.75 MILLS
VOCATIONAL BUILDING	.13 MILLS
SCHOOL DEF. MAINTENANCE	.3 MILLS
ASSISTED LIVING	.7 MILLS
LIBRARY	.4 MILLS
<b>TOTAL GO BOND DEBT RETIREMENT</b>	<b>2.28 MILLS</b>
<b>TOTAL</b>	<b>11 MILLS</b>

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

**Section 5. Effective Date:** This ordinance shall become effective July 1, 2013.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mark Jensen, Mayor

ATTEST:

\_\_\_\_\_  
Kathy O’Rear, Clerk

Adopted:  
Published:  
Effective:

**PETERSBURG BOROUGH**  
**Resolution #2013-13**

**A RESOLUTION REQUESTING THE STATE LEGISLATURE TO PETITION THE  
FEDERAL GOVERNMENT TO RELINQUISH SEA OTTER MANAGEMENT TO THE STATE TO  
BE MANAGED IN ACCORDANCE WITH ARTICLE 8 OF THE ALASKA STATE CONSTITUTION**

**WHEREAS**, Petersburg Borough Alaska is a small island fishing community located in Southeast Alaska with a population of approximately 3,000 citizens; and

**WHEREAS**, residents of the Petersburg Borough are dependent on abundant, sustainable resources from the coastal waters of Southeast Alaska; and

**WHEREAS**, in the late 1960's the Alaska Department of Fish and Game re-introduced approximately 400 sea otters in six different locations to the near shore waters of Southeast Alaska with no management plan; and

**WHEREAS**, the federal government through the US Fish and Wildlife Service (FWS) has jurisdiction under the Marine Mammal Protection Act (MMPA) and has no active management plan protecting the ecosystems affected by sea otters; and

**WHEREAS**, the FWS has failed to obtain the majority of its objectives as stated in the June 1994 *Conservation Plan For The Sea Otter In Alaska*, in particular Objective 1: *Identify the optimal sustainable population range of sea otters including those factors which may influence how such a range is defined*; and

**WHEREAS**, the FWS acknowledges that the sea otter population is actively expanding into unoccupied habitat and that they are working to determine its optimum sustainable population and carrying capacity of the habitat for this species, their failure to attain Objective 1 and establish these two population parameters over the past nineteen years has prevented the development of a biologically based management plan to manage the dramatically increasing population of sea otters in Southeast Alaska, and;

**WHEREAS**, without active proper management, the sea otter population in Southeast Alaska is growing at an alarming rate and the FWS currently estimates this population to be at about 25,000 individuals with growth rates ranging between 12 to 14 percent per year across the stock; and

**WHEREAS**, this drastic increase in sea otters is threatening the populations of many shellfish species, such as crab, abalone, sea urchins, sea cucumbers, geoducks clams and others, to a point where subsistence, sport and commercial fishing has been stopped or significantly reduced in many areas due to low abundance; and

**WHEREAS**, a degradation in the ecological balance of a diversity of species has taken place in many areas; and

**WHEREAS**, residents of Petersburg and many other communities throughout Southeast Alaska rely on shellfish not only for their livelihood, but for the survival of a subsistence way of life; and

**WHEREAS**, the loss of commercial harvests have resulted in negative economic impacts on the seafood industry and fishermen. Processors and seafood dependent communities have experienced a loss in employment, wages and associated economic activities.

**THEREFORE BE IT RESOLVED**, the Petersburg Borough Assembly requests that the State of Alaska petition the Federal government to relinquish sea otter management to the State to be managed in accordance with Article 8 of the Alaska State Constitution.

**Passed and Approved by the Petersburg Borough Assembly on Monday, May 6, 2013.**

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**Mark Jensen, Mayor**

**ATTEST:**

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**Kathy O'Rear, Clerk**





ARTICLE 08

NATURAL RESOURCES

Section 8.1 - Statement of Policy.

<subs>It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Section 8.2 - General Authority.

<subs>The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Section 8.3 - Common Use.

<subs>Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Section 8.4 - Sustained Yield.

<subs>Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Section 8.5 - Facilities and Improvements.

<subs>The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

Section 8.6 - State Public Domain.

<subs>Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

Section 8.7 - Special Purpose Sites.

<subs>The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

Section 8.8 - Leases.

<subs>The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

Section 8.9 - Sales and Grants.

<subs>Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

#### Section 8.10 - Public Notice.

<subs>No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

#### Section 8.11 - Mineral Rights.

<subs>Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

#### Section 8.12 - Mineral Leases and Permits.

<subs>The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

#### Section 8.13 - Water Rights.

<subs>All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

#### Section 8.14 - Access to Navigable Waters.

<subs>Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

#### Section 8.15 - No Exclusive Right of Fishery.

<subs>No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

#### Section 8.16 - Protection of Rights.

<subs>No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law.

Section 8.17 - Uniform Application.

<subs>Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

Section 8.18 - Private Ways of Necessity.

<subs>Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

ARTICLE 09

FINANCE AND TAXATION

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**CITY OF PETERSBURG, ALASKA**

**RESOLUTION #2013-14**

**A RESOLUTION DECLARING SATURDAY, MAY 11, 2013, AS A SALES TAX-FREE DAY IN THE PETERSBURG BOROUGH**

**WHEREAS**, Ordinance # 2013-01, adopted February 4, 2013 and effective April 1, 2013, subsection 4.28.135, provides for the Petersburg Borough Assembly to declare up to two "Sales Tax-Free Days" annually and establish certain sales that are exempt from "Sales Tax-Free Days"; and

**WHEREAS**, the Retail Committee for the Petersburg Chamber of Commerce has requested that a Sales Tax Free Day be declared for May 11, 2013; and

**WHEREAS**, any Borough merchant may choose to opt out of the sales tax-free day should they desire.

**THEREFORE BE IT RESOLVED** the Borough Assembly hereby declares Saturday, May 11, 2013 as a "Sales Tax-Free Day" in the Petersburg Borough, Alaska, under the prescribed guidelines of the above cited ordinance.

Passed and Approved by the Petersburg Borough Assembly this 6<sup>th</sup> day of May, 2013.

\_\_\_\_\_  
Mark Jensen, Mayor

ATTEST:

\_\_\_\_\_  
Kathy O'Rear City Clerk



R&M ENGINEERING, INC.  
ENGINEERS  
GEOLOGISTS  
SURVEYORS

6205 GLACIER HWY. «» JUNEAU, ALASKA 99801  
PHONE: 907-780-6060 «» FAX: 907-780-4611  
EMAIL: rmengineering@rmjuneau.com

February 14, 2013

Ms. Susan Christensen, Mapping Technician  
City of Petersburg  
Dept. of Community Development  
P.O. Box 329  
Petersburg, Alaska 99833

Re: Petersburg Borough Mapping Project  
Consulting Services Estimate

Ms. Christensen,

Per your request on February 12, 2013, R&M Engineering, Inc. (R&M) is pleased to provide you a budgetary estimate to assist the Borough in setting up base mapping for the newly formed Petersburg Borough.

#### **SCOPE OF WORK**

As a starting point, R&M would need the formal description for the boundary for the new borough. From this we can compute and coordinate all corners of the boundary, input this data into AutoCAD and annotate the boundary with bearings and distances if desired. To depict existing U.S. Surveys, subdivisions and other features within the borough boundary a comprehensive search would need to be accomplished to gather all available data if you have not already completed this task. I say "depicted" in that unless the surveys are directly tied to existing monumentation they would be placed and shown at a computed position based on record information.

It is very difficult to provide you a hard and fast budget not knowing the extent and depth of your work and research to date, but we estimate a budgetary figure of \$15,000 to accomplish this task. This will allow a survey technician and AutoCAD draftsman nearly 3 weeks of research, computation, drafting and other associated tasks. This project would be setup on a time and materials basis to ensure R & M accomplishing the work as economically as possible by not invoicing for anything more than actual time spent on the project. Should time and/or project requirements exceed the above amount we would alert you ahead of time and request authorization and a budget increase.

We have included for your information and reference R&M's 2013 fee rate sheet. If you have any questions/comments please do not hesitate to contact the writer at your convenience. We look forward to continuing service to the Petersburg Borough.

Sincerely,

R&M Engineering, Inc.

Mark A. Johnson, L.S.  
Land Surveyor

Approved by: \_\_\_\_\_ date

EFFECTIVE  
JANUARY 2013

**R & M ENGINEERING, INC.  
JUNEAU, ALASKA  
SCHEDULE OF FEES**

**PRINCIPAL AND/OR ASSOCIATES**

CIVIL ENGINEER, PRINCIPAL \$155/HOUR  
REGISTERED LAND SURVEYOR, PRINCIPAL \$140/HOUR

**GEOTECHNICAL/GEOLOGICAL SERVICES**

GEOTECHNICAL ENGINEER \$140/HOUR

**ENGINEERING AND SURVEYING SERVICES**

CIVIL ENGINEER, SR \$140/HOUR  
CIVIL ENGINEER \$130/HOUR  
CIVIL ENGINEER, EIT \$105/HOUR

**SURVEYING SERVICES**

REGISTERED LAND SURVEYOR \$125/HOUR  
REGISTERED LAND SURVEYOR, LSIT \$95/HOUR

**DEPOSITION OR TESTIFYING**

CIVIL ENGINEER \$190/HOUR  
REGISTERED LAND SURVEYOR \$190/HOUR

**TECHNICAL SERVICES**

	<u>STRAIGHT TIME</u>	<u>OVERTIME</u>
ENGINEERING TECHNICIAN, SR.	\$100.00	\$110.00
ENGINEERING TECHNICIAN	\$90.00	\$100.00
ENGINEERING TECHNICIAN, JR.	\$70.00	\$80.00
INSPECTOR	\$95.00	\$105.00
AUTOCAD TECHNICIAN, SR.	\$100.00	\$110.00
AUTOCAD TECHNICIAN	\$90.00	\$100.00
DRILLER	\$125.00	\$140.00
DRILLER HELPER	\$90.00	\$100.00
THREE-PERSON SURVEY TEAM (TOTAL STATION &/OR ROBOTIC)	\$240.00	\$270.00
TWO-PERSON SURVEY TEAM (TOTAL STATION &/OR ROBOTIC)	\$180.00	\$200.00
ONE-PERSON SURVEY TEAM (TOTAL STATION &/OR ROBOTIC)	\$120.00	\$130.00

**OTHER**

LONG DISTANCE CALLS, ETC.	COST (INVOICE) +15%
TRAVEL EXPENSES (OUTSIDE JUNEAU ROAD SYSTEM)	COST (INVOICE) +15%
OTHER ITEMS NECESSARY FOR SPECIFIC PROJECTS	COST (INVOICE) + 15%
ENGINEERING XEROX	\$0.50/SQUARE FOOT
XEROX COPIES	\$0.25/COPY
LARGE XEROX COPIES	\$0.60/COPY
LAND MONUMENTS: PRIMARY WITH WITNESS POST	\$60/EACH
LAND MONUMENT: SECONDARY	\$25/EACH
CARSONITE POSTS	\$25/EACH
DESIGN JET PLOT - MYLAR	\$2.50/SQUARE FOOT
DESIGN JET PLOT - PAPER	\$1.50/SQUARE FOOT
RESEARCH R&M OFFSITE ARCHIVES	\$75.00



**DRILLING EQUIPMENT**

CME 55, ROTARY	\$150/HOUR
CME 45C ROTARY	\$120/HOUR
A-FRAME & CATHEAD (PORTABLE)	\$180/DAY
CONCRETE CORING RIG	\$4/IN. DIAMETER X DEPTH IN INCHES PLUS PERCENT BIT WEAR AT BIT REPLACEMENT COST
PORTABLE AUGERS (MOTORIZED – ICE OR SOIL)	\$100/DAY
PIONEER, PORTABLE DIAMOND CORING RIG	\$200/DAY

**SPECIALIZED ENGINEERING AND/OR SURVEYING EQUIPMENT**

"STATIC" GPS UNITS	\$300/DAY
RTK GPS UNITS	\$400/DAY
EXPENDABLE SURVEY MATERIALS AND EQUIPMENT	COST (INVOICE) + 15%

MONTHLY RATES CAN BE PROVIDED UPON SPECIAL REQUEST

**AERIAL PHOTOGRAPHY PRODUCTS**

CONTACT PRINTS	
SET-UP	\$400.00
1 – 10 PRINTS	\$25/EACH
11 – 25 PRINTS	\$22/EACH
AERIAL MOSAICS (ANALOG OR DIGITAL)	PRICE QUOTED UPON REQUEST
SCAN OF SINGLE PHOTO ON CD (INCLUDES FILM USEAGE FEE)	\$190
ADDITIONAL PHOTO (SAME FLIGHT LINE/DATE)	\$25

Rec'd  
4/3/13  
for MAY 6  
agenda



— TYEE LAKE HYDROELECTRIC PROJECT —

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

Mayor Mark Jensen and Assembly  
City and Borough of Petersburg  
Post Office Box 329  
Petersburg, Alaska 99833

April 1, 2013

RE: Thomas Bay Power Authority Budget

I am pleased to provide you with this budget as adopted by the Thomas Bay Power Authority Commission at their regular meeting March 27, 2013. The primary change from the prior year budget is reflected in the Non-Net Billable portion of TBPA's overall budget request. The Commission chose to include in the SEAPA funded budget all expenditures attributed to direct contract obligations. This has resulted in a budget request to the partner communities of Petersburg and Wrangell that is less than half the previous year request.

We are asking that you adopt a motion approving this budget in its entirety. The City and Borough of Petersburg would be obligated to fund fifty per cent (50%) of \$48,990, which is \$24,495.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul G. Southland", is written over the typed name.

Paul G. Southland  
General Manager

Encl: OM budget plan fy2014 DRAFT.shared nmb. tbpa approved 3.27.2013



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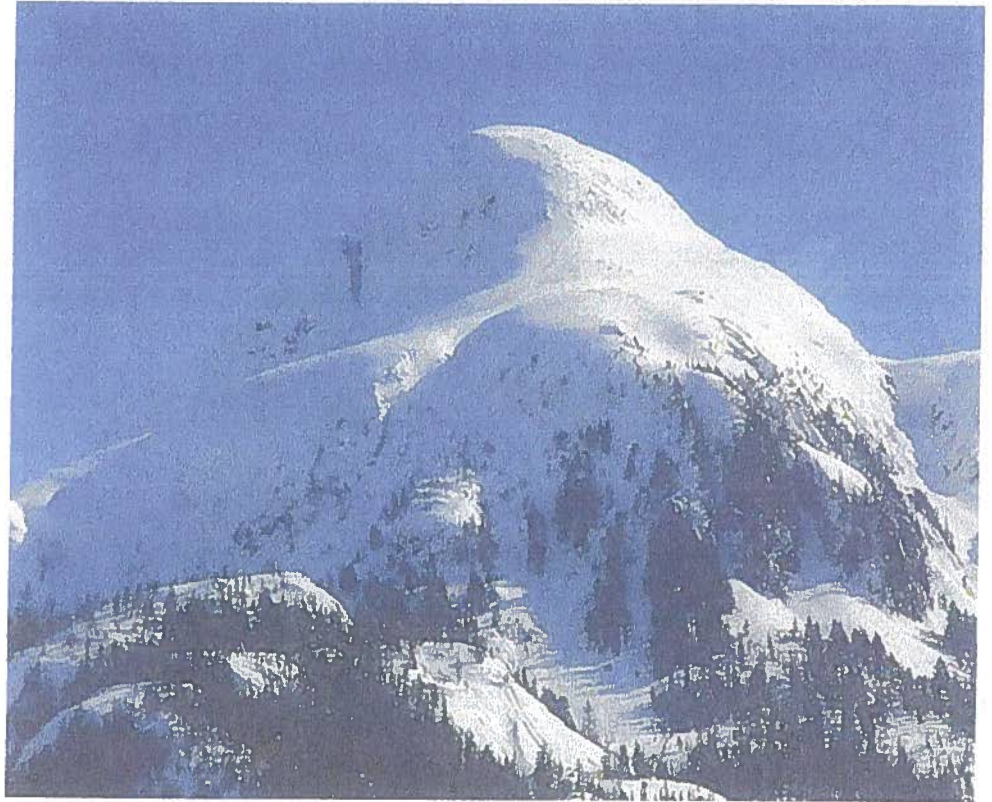
**FY14**

# Thomas Bay Power Authority

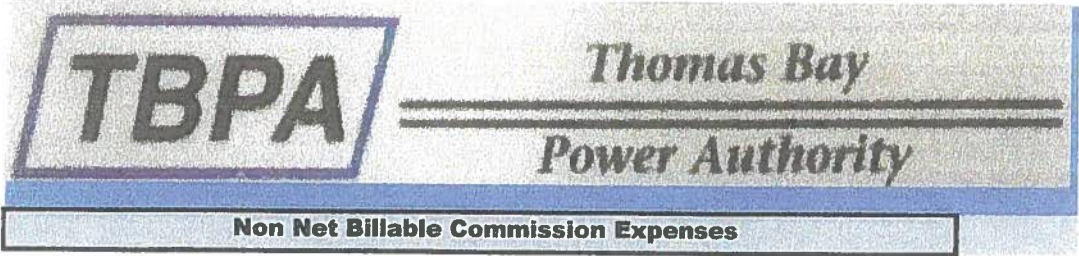
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**Commission  
approved  
3/27/2013**

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# NINB Apportioned Budget



**TBPA Commission approved 3/27/2013**

2013 Budget	2013 Estimate	TO DATE 2/31/2012	2014 BUDGET
\$110,000	\$117,398	\$ 64,523	\$ 48,990

#	Expense Item & Supporting Detailed Description	2013	2014
1.	5001 535.01 Wages and Salaries - Office Manager	\$ 51,400	\$ 16,590
2.	5005 535.02 Overtime	\$ 1,500	\$ -
4.	5201 535.01 Employer Tax	\$ 936	\$ 300
5.	5205 535.01 Retirement	\$ 13,200	\$ 4,000
6.	5207 535.01 SBS (State Benefit System)	\$ 3,840	\$ 1,200
7.	5210 535.01 Health-Life Insurance	\$ 8,668	\$ 4,700
8.	8360 535.08 Commission Expense	\$ 6,716	\$ 8,000
9.	8365 535.09 Accounting Expense (City of Wrangell)	\$ 12,100	\$ 3,600
10.	8370 535.13 Professional (Audit)	\$ 900	\$ 900
11.	8385 535.10 Education	\$ 1,400	\$ 1,000
12.	8386 535.11 Office	\$ 2,040	\$ 1,500
13.	8390 535.14 D&O Insurance	\$ 7,300	\$ 7,200
		<u>\$ 110,000</u>	<u>\$ 48,990</u>



THOMAS BAY POWER AUTHORITY  
TYEE LAKE HYDROELECTRIC PROJECT

FY2014 BUDGET NARRATIVE  
TBPA Commission approved 3/27/2013

		FY2014 BUDGET	FY2013 BUDGET	Expended thru 12/31/2012
Operation Supervision & Engineering	535	\$ 238,700	\$144,700	\$57,584
Hydraulic Expense	537	\$ -	\$1,000	\$0
Electric Expense	538	\$ 31,100	\$3,250	
Misc. Power Generation	539	\$ 275,610	\$242,100	\$133,645
Rents	540			\$ -
Maintenance Supervision & Engineering	541	\$ 1,200	\$250	\$0
Dams, Reservoirs & Waterways	543	\$ 8,000	\$8,000	\$5,348
Maintenance of Electric Plant	544	\$ 708,008	\$ 665,800	\$290,036
Plant Misc. Maint/USGS gauging	545	\$ 13,000	\$13,900	\$1,767
Trans. Operations Supervision & Eng	560	\$35,600	\$14,600	\$3,061
Transmission Load Dispatching	561	\$ 7,000	\$7,000	\$4,800
Substation Expense	562	\$ 121,150	\$30,650	\$10,742
Submarine Cable Expense	564	\$ 6,825	\$4,825	\$255
Overhead Line Maintenance	571	\$ 356,900	\$229,600	\$103,426
<b>TOTAL</b>		<b>\$ 1,803,093</b>	<b>\$ 1,365,675</b>	<b>\$ 610,664</b>
	NNB	\$ 48,990	\$ 110,000	\$ 64,523
Contracts Previously Removed		\$ 255,000		
Net (SEAPA)		\$ 1,548,093		



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 535 : Operations, Supervision & Engineering**

2013 Budget	2013 Estimate	EXPENDED TO DATE 12/31/2012	2014 BUDGET
\$144,700	\$115,004	\$ 57,584	\$ 238,700

FERC Code Description: Cost of labor and expenses incurred in the general supervision and direction of the operation of hydraulic power generating stations.

#	Expense Item & Supporting Detailed Description	2013	2014
1.	5001 535.01 Wages and Salaries - General Manager	\$ 95,000	\$ 147,000
	5010 535.01 GM Paid Benefits		\$ -
4.	5201 535.01 Employer Tax	\$ 2,000	\$ 9,200
5.	5205 535.01 Retirement	\$ 22,000	\$ 31,500
6.	5207 535.01 SBS (State Benefit System)	\$ 6,200	\$ 9,000
7.	5210 535.01 Health-Life Insurance	\$ 19,500	\$ 28,000
15.	8004 535.03 GM Travel Expense	\$ -	\$ 4,000
16.	8005 535.05 Travel- Tyee Site	\$ -	\$ 1,500
17.	8365 535.13 Accounting Expense City of Wrangell	\$ -	\$ 8,500
		\$ -	
		\$ 144,700	\$ 238,700



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 537 : Hydraulic Expenses**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2011	2014 BUDGET
\$1,000	\$1,000	\$0	\$ -

**FERC Code Description:** Expenses operating hydraulic works including reservoirs, dams and waterways, and activities directly related to hydroelectric development outside the generating station. **Labor:** Supervising hydraulic operation; patrolling & removing debris from reservoirs & waterways; operating intakes, spillways, sluiceways and outlet works; log jam work, navigation facilities & conservation of game, fish & forests. **Materials & Expense:** Materials, lubricants, packing & other supplies used to operate hydraulic equipment; transportation expense.

#	Expense Item & Supporting Detailed Description	Amount		
	2. 8024 537.02 Hydro Expense - Tyee dock facility maintenance	\$ 1,000	\$	-
		<u>\$ 1,000</u>	\$	-



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
**TBPA Commission approved 3/27/2013**

**FERC 538 : Electric Expense**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2012	2014 BUDGET
\$ 3,250	\$ 10,748		\$ 31,100

**FERC Code Description:** Expenses in operating generators, switchgear & other electric equipment, to the point where electricity leaves for conversion for transmission or distribution. **Labor:** Supervising electric production; operating prime movers, generators & auxiliary equipment, generator cooling system, lubrication and oil control systems, switchboards, switchgear, and electric control and protection equipment; testing and adjusting meters, gauges, relays, controls, and other equipment in the plant. **Materials:** Lubricants and control system oils, motor & generator brushes.

#	Expense Item & Supporting Detailed Description	Amount	2014
1.	8042 538.01 Travel - Consultant/Engineer travel to Tyee Site	\$ -	\$ 3,000
2.	8046 538.02 Training	\$ -	\$ 16,000
3.	8050 538.03 Turbine/Generator & Aux Equipment supplies	\$ 3,000	\$ 10,000
4.	8052 538.04 Freight-Postage	\$ 250	\$ 600
5.	8054 538.05 Thermal Scan	\$ -	\$ 1,500
		<u>\$ 3,250</u>	<u>\$ 31,100</u>



THOMAS BAY POWER AUTHORITY  
TYEE LAKE HYDROELECTRIC PROJECT

FY2014 BUDGET NARRATIVE

TBPA Commission approved 3/27/2013

**FERC 539 : Miscellaneous Power Generation**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2012	2014 BUDGET
\$ 242,100	\$143,000	\$133,645	\$ 275,610

FERC Code Description: Labor, materials & expenses incurred which are not specifically provided for or are not readily assignable to other hydraulic generation operation expense accounts. Labor: General clerical, patrolling plant & yard, building service; groundskeeping, misc. labor. Materials/Expenses: General operating supplies (tools, gaskets, report forms), first-aid supplies, employee service facility expense, building service supplies, communication service, office supplies, transportation, fuel, meals & travel, research & development.

#	Expense Item & Supporting Detailed Description	Amount	2014
1.	8062 539.01 Engineering Services	\$ 3,000	\$ 3,000
2.	8064 539.02 Safety Supplies and Safety Equipment Inspections	\$ 1,500	\$ 1,500
3.	8068 539.04 Contract Service - On site fire suppression inspections	\$ 4,000	\$ 4,000
4.	8070 539.05 Tyee Materials - Misc. Supplies	\$ 12,000	\$ 12,000
5.	8072 539.06 Tyee Fuel	\$ 15,000	\$ 18,000
6.	8074 539.07 Freight-Postage	\$ 3,500	\$ 3,500
7.	8076 539.08 Lab Fees - potable water testing	\$ 500	\$ 500
8.	8078 539.09 Insurance	\$ 75,000	\$ 100,000
9.	8080 539.10 Office Expenses	\$ 7,500	\$ 7,500
10.	8082 539.11 Communications Expense	\$ 8,000	\$ 14,050
11.	8084 539.14 Thermal Scan	\$ -	\$ -
12.	8085 539.12 Advertising - General advertising labor	\$ 1,200	\$ 1,200
13.	8088 539.16 Contract Flights - Crew changes Tyee	\$ 44,000	\$ 44,000
14.	8089 539.17 Rental	\$ 1,500	\$ 1,500
15.	8090 539.20 Lube Oil	\$ 4,000	\$ 4,000
16.	8091 539.32 Fuel delivery	\$ 9,000	\$ 9,000
17.	5001 539.21 O&M ROW Wages-PTO	\$ 33,400	\$ 33,400
18.	5005 539.22 O&M ROW OT	\$ 400	\$ 400
19.	5201 539.23 O&M ROW Employer Tax	\$ 2,400	\$ 2,400
20.	5201 539.24 O&M ROW Retirement	\$ 560	\$ 1,120
21.	5207 539.25 SBS (state benefit system)	\$ 900	\$ 1,800
22.	5210 539.26 O&M ROW Health-Life Insurance	\$ 4,400	\$ 4,400
23.	5220 539.27 Unemployment Expense	\$ 1,840	\$ 1,840
24.	TBPA Fuel Road Fleet	\$ 6,000	\$ 4,000
25.	TBPA Vehicle Maintenance	2500	2500
		\$ 242,100	\$ 275,610



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 541 : Maintenance Supervision & Engineering**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 11/30/2012	2014 BUDGET
\$ 250	\$935	\$0	\$ 1,200

**FERC Code Description:** This account shall include the cost of labor and expenses incurred in the general supervision and direction of the maintenance of hydraulic power generating stations. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account.

#	Expense Item & Supporting Detailed Description	Amount	2014
4.	8108 541.04 Dues - Memberships	\$ 250	\$ 1,200
		<u>\$ 250</u>	<u>\$ 1,200</u>





**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 543 : Dams, Reservoirs & Waterways**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/30/2012	2014 BUDGET
\$8,000	\$8,300	\$ 5,348	\$ 8,000

FERC Code Description: This account shall include the cost of labor, materials used, and expenses incurred in maintenance of plant includible in Reservoirs, Dams, and Waterways.

#	Expense Item & Supporting Detailed Description	Amount	2014
1.	8142 543.02 GH travel expense - Helicopter to gate house	\$ 6,000	\$ 6,000
7.	8156 543.09 GH Material & Supplies	\$ 2,000	\$ 2,000
<div style="border: 1px solid black; width: 300px; height: 50px; margin: 0 auto;"></div>			
		\$ 8,000	\$ 8,000



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 544 : Maintenance of Electric Plant**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2012	2014 BUDGET
\$ 665,800	\$573,534	\$290,036	\$ 708,008

FERC Code Description: Cost of labor, materials used, and expenses incurred in maintenance of miscellaneous hydraulic production plant

#	Expense Item & Supporting Detailed Description	Amount	2014
1.	5001 544.01 O&M wages- PTO	\$ 385,000	\$ 392,700
2.	5005 544.01 O&M Overtime	\$ 45,000	\$ 45,000
4.	5201 544.01 O&M Employer Tax	\$ 8,400	\$ 8,568
5.	5205 544.01 O&M Retirement	\$ 96,000	\$ 97,920
6.	5207 544.01 O&M SBS (state benefit system)	\$ 27,000	\$ 27,540
7.	5210 544.01 O&M Health-Life Insurance	\$ 94,000	\$ 95,880
8.	5215 544.01 O&M Unemployment Benefits	\$ 5,000	\$ 5,000
10.	8162 544.05 Freight-Postage	\$ 400	\$ 400
11.	8163 544.06 Vibration Study	\$ -	\$ 10,000
12.	8165 544.07 Calibration Meters-Relays	\$ -	\$ 20,000
14.	8168 544.09 Plant Material and Supplies	\$ 5,000	\$ 5,000
		\$ 665,800	\$ 708,008



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2013 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 545 : Plant Misc Maintenance**

2013 BUDGET	2014 Estimate	EXPENDED AS OF 11/30/2012	2014 BUDGET
\$ 13,900	\$3,096	\$1,767	\$ 13,000

FERC Code Description: This account shall include the cost of labor, materials used, and expenses incurred in maintenance of plant, Miscellaneous Power Plant Equipment,

#	Expense Item & Supporting Detailed Description	Amount	2014
5.	8182 545.01 Tyee Materials-Supplies	\$ 3,000	\$ 3,000
7.	8186 545.02 Tyee Vehicle maintenance	\$ 2,500	\$ 3,000
9.	8194 545.04 Heavy Equipment	\$ 6,000	\$ 5,000
11.	8198 545.06 Tyee Delivery Expense (other than contract air or fuel delivery)	\$ 2,400	\$ 2,000
		\$ 13,900	\$ 13,000



THOMAS BAY POWER AUTHORITY  
 TYEE LAKE HYDROELECTRIC PROJECT  
 FY2014 BUDGET NARRATIVE  
 TBPA Commission approved 3/27/2013

**FERC 560 : Transmission Operations Supervision & Engineering**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 11/30/2012	2014 BUDGET
\$ 14,600	\$8,000	\$ 3,061	\$ 35,600

FERC Code Description: Supervision and labor in the operation of the transmission system.

#	Expense Item & Supporting Detailed Description	Amount	2014
1.	8202 560.01 TBPA Wrangell warehouse materials-supplies	\$ 6,000	\$ 4,000
2.	8204 560.02 Freight-Postage	\$ 600	\$ 600
3.	3 Emergency Response Repair Kit		\$ 25,000
8.	8217 560.08 Utilities Wrangell Office (includes Electricity/W-S/Garbage)	\$ 8,000	\$ 6,000
		<u>\$ 14,600</u>	<u>\$ 35,600</u>



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 561 : Transmission Load Dispatching**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2012	2014 BUDGET
\$ 7,000	\$6,800	\$ 4,800	\$ 7,000

**FERC Code Description:** Load dispatch reliability, monitoring and operating transmission system, transmission service and scheduling, system control and dispatching services; reliability, planning and standards development; transmission service studies; and generation interconnection studies.

#	Expense Item & Supporting Detailed Description	Amount	2014
10.	8411 561.04 SCADA HSQ Contract	\$ 5,000	\$ 5,000
11.	8412 561.03 SCADA Expenses	\$ 2,000	\$ 2,000
		<u>\$ 7,000</u>	<u>\$ 7,000</u>



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 562 : Substation Expense**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 11/30/2012	2014 BUDGET
\$ 30,650	\$21,484	\$ 10,742	\$ 121,150

**FERC Code Description:** Cost of labor, materials used and expenses incurred in operating transmission substations and switching stations. If transmission station equipment is located in or adjacent to a generating station the expenses applicable to transmission station operations shall nevertheless be charged to this account.

#	Expense Item & Supporting Detailed Description	Amount	2014
2.	8220 562.13 Training	\$	\$ 3,000
3.	8222 562.02 Substation-Switchyard Materials and Supplies	\$ 8,000	\$ 8,000
4.	8224 562.03 Calibration Meters and Relays	\$	\$ 20,000
7.	8226 562.04 Travel - Petersburg Substation maintenance	\$ 7,000	\$ 7,000
11.	8232 562.12 Scheduled 5-Year Substation/Switchyard maintenance contract	\$	\$ 65,000
12.	8233 562.13 Lab Fees oil test	\$ 750	\$ 750
15.	8238 562.10 Freight-Postage	\$ 900	\$ 900
16.	8230 562.06 Utilities (electricity & telephone)	\$ 14,000	\$ 12,000
17.	???? 562.17 Thermal Scan	\$	\$ 4,500
		<u>\$ 30,650</u>	<u>\$ 121,150</u>



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
**TBPA Commission approved 3/27/2013**

**FERC 564 : Submarine Cable Expense**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/2012	2014 BUDGET
\$ 4,825	\$1,750	\$ 255	\$ 6,825

**FERC Code Description:** Operation of underground transmission lines. Labor: Supervising line operation; inspecting and testing lightning arresters, circuit breakers, switches, and grounds; load tests of circuits; routine line patrolling, routine voltage surveys to determine the condition or efficiency of transmission system; transferring loads, switching and reconnecting circuits and equipment for operating purposes, not for construction or maintenance purposes; electrolysis surveys; inspecting and adjusting line -testing equipment, such as voltmeters, ammeters, wattmeters, etc.

#	Expense Item & Supporting Detailed Description	fy13 APPROVED	FY14 DRAFT
3.	8258 564.07 Marine Materials-Supplies	\$ 700	\$ 700
4.	8264 564.02 Freight-Postage	\$ 125	\$ 125
6.	8268 564.04 Transportation - Helicopter/Boat transportation to terminals	\$ 4,000	\$ 6,000
		<u>\$ 4,825</u>	<u>\$ 6,825</u>



**THOMAS BAY POWER AUTHORITY**  
**TYEE LAKE HYDROELECTRIC PROJECT**  
**FY2014 BUDGET NARRATIVE**  
 TBPA Commission approved 3/27/2013

**FERC 571 : Overhead Line Maintenance**

2013 BUDGET	2013 Estimate	EXPENDED AS OF 12/31/12	2014 BUDGET
\$ 229,600	\$196,924	\$ 103,426	\$ 356,900

**FERC Code Description:** This account shall include the cost of labor, materials used and expenses incurred in maintenance of transmission plant, the cost of which includes Towers and Fixtures, Poles and Fixtures, Overhead Conductors and Devices, Roads and Trails.

#	Expense Item & Supporting Detailed Description	Amount	2014
2.	8306 571.03 T-Line Annual	\$	\$ 90,000
3.	8316 571.06 T-Line Maintenance	\$	\$ 25,000
5.	8310 571.05 ROW Line Clearing Materials & Supplies	\$ 15,500	\$ 17,150
6.	8317 571.09 ROW Line Clearing Transportation	\$ 20,000	\$ 29,000
7.	8312 571.06 Freight-Postage	\$ 500	\$ 250
10.	8316 571.10 ROW Line Clearing Fuel & Oil expenses (boat/chain saws)	\$ 18,000	\$ 21,500
11.	5001 571.01 O&M ROW Wages-PTO	\$ 133,600	\$ 133,600
12.	5005 571.01 O&M ROW OT	\$ 1,600	\$ 1,600
13.	5201 571.01 O&M ROW Employer Tax	\$ 9,600	\$ 5,000
14.	5201 571.01 O&M ROW Retirement	\$ 2,240	\$ 11,500
15.	5207 571.01 SBS (state benefit system)	\$ 3,600	\$ 3,300
16.	5210 571.01 O&M ROW Health-Life Insurance	\$ 17,600	\$ 13,000
17.	5220 571.01 Unemployment Expense	\$ 7,360	\$ 6,000
		<b>\$ 229,600</b>	<b>\$ 356,900</b>





May 1, 2013

## **Police and Jail Design & Site Evaluation**

### **Summary of Approach**

Chief Agner, Bruce Westre and I approached this challenge with an “understanding” that the only funds available for the project would be from the Fire Hall re-appropriation, and any grant money provided by this legislative session. To date, this means we have approximately \$4.1M to work with.

In addition, our assumption is that any project undertaken must meet current building standards for Police Stations and Jails, and meet any construction restrictions such as the requirement to pay Davis-Bacon wage rates, etc.

Last, we assumed that \$4.1M would not necessarily be sufficient to build a complete Police and Jail facility to the level the community needs. This meant that any project undertaken must provide for the following:

1. Building must be immediately usable for Jail, Dispatch and Police operations
2. Project must be able to be phased in over time, where the initial building may not be 100% complete, but we could phase additional work over a period of time to get the building from minimally usable, to what we need. An example of this would be, we could move in without a defined lobby area, but would need it eventually. We could move in without an office for the Chief, but would need it eventually. Etc.
3. Project must immediately provide certain requirements for the safety and operational efficiency of the department.
  - a. Back-up Generator
  - b. Heating System
  - c. Plumbing and Electricity
  - d. Jail Safety issues
  - e. Officer and Dispatch Security
  - f. Shower and Bathroom facility
  - g. Radio and E911 communication
  - h. Structural integrity of the building
  - i. Video and Audio capabilities in Jail area

Based upon these parameters, we investigated numerous options as outlined in the rest of this document. We have tried to avoid spending any money (other than time) on engineering, architectural or other consultants in an attempt to maximize the use of the money we do have available. Last, we have tried to fairly represent the different

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options, but it needs to be understood that we are not architects, engineers or building contractors. Wayne Jensen from Jensen, Yorba, and Lott has publically stated that it is not possible to build the Police and Jail building as represented in the earlier Design Team efforts for less than \$9M, total price. He has far more experience than us, and is well respected in this field. We believe he is correct in his evaluation.

This leaves us with purposely approaching the project, knowing that we will not meet all of the immediate needs of the Police Department and therefore the community. This is why the phased approach is so important. Whatever decision is made by the Assembly must include a commitment to continue to work on this project over a period of time to get it where it needs to be for Petersburg.

Last, at the end of this report, we have made a recommendation for moving forward. We understand this is not ideal, perfect or without flaws. Unfortunately our options are limited by the availability of funding and the high cost of construction for this area and this type of facility. We wish it was otherwise.

## **Options Investigated**

### **Use of Existing Jail Facility**

One option which was discussed is to use the existing jail facility and move the admin and dispatch folks into the adjacent fire hall building. This is somewhat related to a comment made by Wayne Jensen that the jail facility was in the "best shape" of the building. I asked Jim and Bruce to review this issue and provide any appropriate comments (listed below). I concur with their evaluation (I encourage anyone who has concerns about these issues to tour the jail facility...you will see and experience what they are referring to).

### **Comments regarding existing Jail Facility**

- The bars on the cells are such that a high potential for a hanging exist which has already happened in the past.
- The heater in the cell block is exceptionally loud and there is a concern that it does not meet the decibel (noise) level restriction for the facility.
- We have rats coming out of the toilet on occasion. This is generally an indicator that the sewer system is compromised in the building or under it.
- There are no floor drains for when a prisoner floods the toilets with their waste. Unfortunately this is a not uncommon action of prisoners. It makes for a very messy clean up without the ability to self-drain and allow for a "spray-down" approach to cleaning a cell.
- Sewer smells in the cell block area which is compounded by poor air circulation. This is a pretty obvious issue even when the cells are clean. It becomes a bigger issue when we have more than one prisoner in the population.

- The sewer does not work when the pump in the parking lot malfunctions. This has not been a frequent problem however it poses extra maintenance expense when we must call out city staff on Overtime to correct the problem
- Relocating the existing jail to another location we believe could be problematic. The bases of the cells are set in concrete.
- The whole facility is in poor shape and we think it's reasonable to conclude that the existing foundation problems are progressive. Our recollection of Wayne's statement, "the jail was in the best shape" was in relation to the whole facility being in poor shape and a liability however between the two areas, the jail was in the "better poor shape condition", then the rest of the P.D.

I have full faith in Bruce, Jim and the Police Department staff that these are legitimate issues with the existing jail. Based upon this input, utilizing the existing jail portion of the building for any long term solution is problematic. While we have not ruled out the possibility of reusing some portion of the other components of the Municipal Building, we are not pursuing the future use of any part of the existing Police and Jail portion due to the current and expected future condition of the building.

#### **Use of the old PMPL Pole Yard on 14<sup>th</sup> Street**

This option would be to use the old pole yard on 14<sup>th</sup> street as the location for building a new building. The positives are the Borough owns the lot, the negative, is the location. There are residential properties bordering the property, although the property in question is zoned for "municipal" use. The road access is a concern due to approximately 1400 feet of unimproved road surface through a residential neighborhood. Due to the heavy travel associated with a police facility, any plan to use this location would need to include the upgrade of the road to a hard surface. There is some concern regarding the "remote" nature and difficulty of access to this property.

#### **Comments regarding the PMPL Pole Yard**

- Lot size is sufficient for the needed facilities.
- There is evidence of the need for significant site preparation primarily due to muskeg. There is no knowledge of the depth of the muskeg at this location, or the amount of site preparation needed prior to building; however it is safe to say there would be site preparation costs.
- There is sufficient room in this location to also contain a future impound yard if necessary.
- Access to this property is from a residential road off of Sandy Beach Road. This poses some concern. 14<sup>th</sup> Street does not intersect Sandy Beach Road at 90 degrees. This does pose some concerns as it would become a high use intersection. There would also be a slightly higher risk of collisions in emergency events due to the intersection's configuration.
- Another concern is 14<sup>th</sup> Street is about the mid-point of the 25 mph zone on the north end of the community. It is about one mile each way from 14<sup>th</sup> Street. Response times would typically be longer from 14<sup>th</sup> Street because of the

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speed limit, and the location on the extreme north end of the island. During emergencies, running code would shorten these response times, but require driving at high speeds along approximately a mile of residential property which has a high level of foot and bike traffic as people walk the "loop".

- The utilities and road work needed for the 14<sup>th</sup> Street site will add cost to this prospective site as there is no sewer that serves the site and no water either.

Below are estimates for getting water and sewer to the site and for road paving.  
(Karl Hagerman)

#### Water

There is a 6" water main about 150 feet away from the existing PMPL pole yard. A tap or tee could be installed on this main and a service line run down the street to the site. I would recommend that a 6" pipe be installed to serve the potable water and fire sprinkler needs for a potential PD building. A rough estimate of this pipe and installation costs are \$110 per linear foot which equals a cost of \$16,500 to get water to the edge of the site. \$20,000 would be a conservative number to use on this.

#### Wastewater

The wastewater plant is close by but this actually makes it troublesome to serve the property with sewer. Normally we want a gravity service to be installed so we can avoid ongoing maintenance costs with a pump station. There is no option for a gravity sewer to the wastewater plant as all the sewage that is piped to the plant is under pressure. We would have to install a pump station at the PD site and connect the discharge to the force mains that feed the plant. We would need plenty of check valves on the line so that no back flow is possible...The pump station itself is estimated to cost about \$15,000 with vault, pumps and controls. The force main will need to be about 150 feet long and will likely cost about \$90 per linear foot to install (total cost for force main of \$13,500). This puts the wastewater estimate at \$28,500 for construction. \$30,000 would be conservative.

#### Road work/Paving

Paving the road would be mandatory due to a dramatic increase in traffic and a huge increase in road maintenance costs for this gravel road if we didn't pave. The costs that we've seen most recently put paving (with minor sub-grade work) at about \$4.75 per square foot. With a 1400 foot section of road to pave and anticipating a 24' width, we have 33,600 square feet of paving to accomplish. At the unit price I've given, this amounts to \$159,600 in road improvements. This does not include rebuilding the road but would recondition the top of the road and install geo-grid materials like we did on Odin Street and Second Street last summer. The road has some utilities in it from Sandy Beach Road to Koenigs lane so this part of the road should hold up pretty well over time. The rest of the road up to the site is "floating" on muskeg but it appears

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to be a thicker layer of rock than some of our other roads so I believe that it would be OK to do a surface treatment as described above and pave it for the long haul. The pavement estimated is 2" thick. If we wanted to be sure of longevity of pavement, we could thicken the asphalt by an inch and go with a 3" thickness but this would increase the costs of the paving by an estimated 20%. (potential cost of \$191,520). \$200,000 would be conservative for this effort.

### **Purchase of the PIA building and/or the KRSA building and adjacent lots**

Another option that has been presented is to purchase some combination of the PIA building and the KRSA building along with adjacent lots. We have pulled maps of this area and contacted PIA. In addition, we have walked the KRSA lot in reference to its proximity to a steep gully on a city owned greenbelt that borders the rear of the property.

### **Comments regarding the PIA, KRSA and Baptist Mid-Mission sites**

- Pursuant to conversations with PIA, their building is not for sale.
- The KRSA building has sold and is not available.

### **Purchase of Coastal Cold Storage Building**

A third option that has been brought to our attention is the possibility of purchasing Coastal Cold Storage building, the Elk's parking lot and/or adjacent parking lot. We are not sure if in fact the building is available for sale. The building is roughly 5,200 square feet on each floor, for a total of 10,400 SF.

### **Comments regarding the Coastal Cold Storage Building**

- After reviewing the most inexpensive method of handling the jail cell issue, we have determined that modular jail cell (ready built) is the most cost effective. This involves ordering pre-built units, having them shipped to Petersburg, and then installing them in either an existing or new building. A review of the Coastal Cold Storage site does not indicate an inexpensive method of installing such jail units into this building.
- There are serious concerns regarding whether or not the Coastal building could meet the building standards, or be retrofitted to meet the needed standards for public buildings.
- Downtown parking is a premium, and placing the Police and Jail facility in this location would be an additional detriment.
- There is significant noise and disruption related to the jail facility. Often inmates are wildly erratic and can be loud and destructive while in the jail facility. This would not be an ideal situation for the surrounding residents and business locations.

Based upon these issues, we will not be pursuing this option for our Police and Jail facility.

### **Purchase of the existing Court Building**

This option was to purchase the existing Court Building, do renovations to this building, and/or add an extension in a portion of the Municipal Parking lot. We have contacted the new owner of the building (Blue Glacier, LLC from Wasilla) to find out if the building is for sale. It is not currently for sale, but the owner would consider it at a price tag somewhere above \$1.2-1.3M. In addition, the top floor is leased to the State on consecutive 15 year leases and is not available even if the Borough purchased the building. The two lots the building sits on is 5,700 SF, with the building roughly 11,000 SF.

### **Comments regarding the Court Building**

- While an interesting concept, without full access to the entire building, the facility is not large enough without building an addition in the Municipal Parking Lot. This is problematic since there is an easement and private property that splits the parking lot from the Court building. We really need the Police and Jail facility to be connected.
- Based upon the value of building, the cost of renovation, and the cost of a required addition for the Jail portion, this option would be beyond our current available funds.
- Parking again is an issue with this location, especially when we recognized that a large portion of the Municipal lot would be lost to build the jail portion. This could be mitigated by tearing down the old Police Building and turning it into Parking, but this adds to the initial cost of the project. This is assuming that restoring parking would be an immediate priority and not one that could be phased in over time.
- The owner would be willing to discuss a lease of the downstairs portion of the building to the Borough which could then be converted to the Police Admin area.

### **Remodel of the new Fire Hall and/or an addition to the building**

This option is to do a full remodel of the new Fire Hall administrative area (6,860 SF), converting it into Police Office Space and offices for the two Fire Department employees; reduction in the number of equipment bays and an addition of parking space on the airport side of the building. This would involve removing all of the existing administration and volunteer areas. The jail would be added by converting two of the equipment bays into the Jail facility, or building the Jail/Dispatch on the site of the current Fire Hall parking lot, and using one of the bays for the Police Sally Port. The net result would be the new Fire Hall would be for equipment staging with little to no space allocated for volunteer activities other than in the remaining bays themselves and possibly the mezzanine area. This would also have the impact of either reducing the pieces of equipment in operation by Fire/EMS/Search & Rescue, or the staging of this equipment at a different location. There would be a net loss of parking spaces available for fire/EMS response until such time that a future parking lot could be built.

### **Comments regarding the new Fire Hall option**

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- Square footage; Bays 6,968 SF; Mezzanine 1,664 SF; Administration 6,860 SF; Parking 6,600 SF (parking lot on the west side of the building); Parking 1,250 SF (parking area on east side of fire truck driveway)
- While a possibility, there does not appear to be significant support at the Assembly level for this option. There is apparent interest in the community for pursuing this option.
- We have a major concern with how this would look to the Legislature if significant dollars were spent doing major renovations to a brand new building; however this could be explained as a result of incomplete funding for the Police/Jail facility.

The biggest drawback to this option is public opinion (volunteers and their supporters), how this looks to the State, and degradation of the building functionality. We do however believe this could be done, although there is no formal cost estimate. If we assume that the jail and dispatch area would need to be roughly 6,000 SF, we would be looking at around \$3.3M for that portion. This would leave us with only \$.8M to accomplish the interior renovations and parking lot construction which is not sufficient.

### **Remodel of the existing Municipal Building**

There are several variants of this idea.

- 1) Move the Police Station to the old Fire Hall, tear down the existing police station, and build a new building on the site incorporating the old fire hall space into the new facility.
- 2) Remodel the old library site, the old fire hall, and the existing administration and finance area to incorporate a police station, jail and municipal building functions.
- 3) Tear down the old fire hall, rebuild it as a police station and jail, then tear down the old police station and jail, and rebuild the needed features after fixing the foundation.

### **Comments regarding these options**

**Due to the complexity and breath of these options, we will address them as unique options, but also attempt to designate the “universal” issues related to the existing building structures.**

Universal issues related to the use of the existing building complex

- We have an architect’s evaluation that states the existing foundation of all but one section of the municipal building complex is structurally unsound, and the entire structure does not meet current codes for Public Safety Buildings. We know this is at least somewhat true based upon the failure of the existing police portion of the building, and separation in walls occurring in other portions of the

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complex. It is uncertain if the fill beneath the other portions of the complex will eventually fail, although we have anecdotal information which tells us it is likely including the documented separation occurring on walls adjacent to the Manager's office and exterior walls of the old fire hall.

- The Old Fire Hall floor was rebuilt about 10 years ago. There are multiple layers of heavy duty rebar in the thick slab. Cutting through the slab to install piping would be a major undertaking. Taking the PD sewer by gravity to the north end of the building isn't possible. The problem with modifying the existing piping is that it requires the old PD to be demolished before the new PD is built in the Fire Hall and leaves us without a jail in the interim. The sewer is the sticking point in any remodel of the PD end of the building. It would be difficult to modify the existing system under the foundation of the structure to serve a possible new cell block in the old Fire Hall. Raised flooring would most likely be needed.
- The floor of the Municipal Building is multiple levels which make it difficult to move between spaces, particularly for ADA. Any remodel or renovation would need to include putting all building sections at the same level.
- The existing heating system for this complex is inefficient and in poor condition. The cost to replace this system would be better if incorporated into any full scale remodel of the buildings. This would need to be a factor in the decision.
- The square footage of the buildings are as follows: Current Police Department and Jail 5,050; Old Library location, 2,820; Old Fire Station 5,200; Storage Area behind Kathy's Office 1,375; existing Municipal Building offices (first floor) 3,375.
- Due to the complexity of the utility connections, foundation and structural repairs necessary, and upgrades needed to the heating system, there is concern about the ability to "phase" any of these options which is necessary due to the lack of available full funding of the project. In addition, we are uncertain if the structural repairs to the building can be completed while the Admin/Finance staff is still in the building. The mock-up below outlines a possible approach, but does not include fixing the issue of the structural integrity. We are not sure how that would be accomplished and under this scenario it is likely we would run out of money before we would have created a suitable location for the Police Department and Jail, although this would need to be verified.

#### Mock-up of Phased approach

- Remodel old library location, and move finance and admin upstairs
- Fix the foundation under the existing components of the old fire hall walls, and the current municipal building portion.
- Remodel downstairs and old fire hall location; installing raised flooring to level the floor in all sections of the buildings.
- Replace existing heating system in Building Complex
- Construct new Dispatch and Jail portions in old Fire Hall.
- Move Jail, Dispatch and Police operations.
- Remove interior of the old police facility
- Remodel interior of the old police facility to act as parking area for police vehicles, and sally port.
- Convert existing Police Parking area into Police Impound lot.

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- This option does provide for a “downtown” presence for the Police Department and this is generally desirable.

### **Comments regarding Option 1)**

- The old fire hall space is 5,200 SF, and the storage area adds another 1,375 feet. The existing police department is in 5,050 SF. The estimate for the modular jail cells, shower and dispatch area that meets the standards that are required is approximately 6,000 SF.
- There is not sufficient room for the Police Officers in this option until such time the old building could be torn down and rebuilt.

### **Comments regarding Option 2)**

- The old fire hall space is 5,200 SF, and the storage area adds another 1,375 feet. The existing police department is in 5,050 SF. The estimate for the modular jail cells, shower and dispatch area that meets the standards that are required is approximately 6,000 SF. The current Library is 2,820 SF, and the Municipal offices portion is 3,375 SF.
- The Municipal offices under this scenario would move upstairs, reducing the square footage by approximately 555 SF. This is roughly equivalent of eliminating the Borough Manager and Clerk’s offices. This could be done by eliminating all hard wall offices and going to modular furniture (cubicles) for all employees. One clear concern would be the lack of conference room space. The Borough Manager, Borough Clerk’s and Finance Director’s offices all are used currently for meetings at times. With the reduced space available we would not have the room for enclosed offices and would need to use the existing PEDC office as a conference room (moving PEDC to the current library conference room to act as both an office and PEDC meeting room).

### **Comments regarding Option 3)**

- For this variant the key issue is time and money. Time to tear down and remove the old fire hall building, rebuild it, move the Jail, move the PD, and then tear down the existing PD/Jail and rebuild it. This is a very costly option due to the tear down of two existing buildings, and the rebuild of the new ones.
- This option would involve some form of temporary location for the Police Officers between the completion of a Jail facility (in the old fire hall) and the completion of the tear down and reconstruction of the current PD/Jail building.

Based upon the universal issues and the individual options, the only feasible choice in my opinion would be option 2, however there is concern regarding the cost. Before choosing this option, the Borough would need to hire an independent expert to both confirm/inspect the existing building condition (see earlier evaluation by Wayne Jensen), and provide estimates of cost to repair both the building and make any

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needed additions required by the Police & Jail facility. Next steps would be to identify and contract with someone to perform this work.

### **Purchase and remodel of the Reid Marine Warehouse**

This option would include the purchase of the Reid Marine Warehouse for a price of approximately \$685,000, followed by basic renovations of the building to make it usable for the Police and Jail facility, and meet any initial structural and operational requirements. We would be utilizing modular jail cells to meet the needs of the jail facility. It is anticipated the renovations would need to include at a minimum the following:

- Back-up Generator
- Utilities for the Jail cells
- Structural Integrity evaluation (pre-purchase)
- Building Security upgrades
- Heating System for the Building
- Radio system
- Bathroom Renovation
- Shower Room
- Insulation of Jail and work areas

### **Comments regarding the Reid Marine Warehouse**

- The warehouse is roughly 15,000 square feet and includes sufficient parking, although it is not hard surface parking.
- The Building and slab appear to be very sound, and in average to good condition, but this should be verified by a building professional.
- The warehouse in some areas is two stories, and has the opportunity to be made into a full two story building to maximize usable space.
- Plumbing is initially adequate, although there will need to be major upgrades to provide for the jail facility, a public restroom and shower facility for the inmates.
- Electric is unknown although the entire building is wired.
- There is no central heating unit for the building and this would be an immediate requirement prior to using the facility if this was the chosen option. We believe it would be possible to use exposed duct work and the large commercial grade heat pumps to provide for this need, but this would need to be discussed with an expert in this field.
- The location is roughly 2.5 miles on Mitkof Highway from the existing Police Building. While this does not significantly alter response time, the location does have an impact on our sizable walk-in traffic for DMV services. This is problematic and we would need to develop a plan for how to address this concern. In addition, there would be increased fuel costs associated with the drive to and from the facility and the downtown corridor.
- There are sufficient utilities in the area to serve the facility if it was converted to a Police and Jail building.

- There is sufficient land available to potentially include plans for the Police Impound yard if at some point the Borough has the funding.
- There is the possibility that the building could be designed in such a way that both Power & Light, and the Police & Jail facility could be located in the building.

Based upon this information, this option is a possibility. While we are not certain of the structural integrity, it appears to be in good shape and offer sufficient size to eventually meet all of the needs of the department. This option would need to be better defined by having a structural inspection and then if sufficient, a possible floor plan drawn up to confirm whether or not the facility was adequate for the uses determined by the Assembly.

### **Wait and See Option**

The last option we reviewed is the classic “do nothing at this time”. Basically this choice would be to do some work and then bank the money we have left, setting us up for making another request of the Legislature in future years. This option would involve attempting to gather funding in the amount of \$9-\$9.5 million (we have \$4.0M in hand) to account for inflation and then build the facility as outlined by the Architect and Design Team. This would work out to a need for approximately \$5-\$5.5M more in funding required.

The approach would be to formally approve the original design and location of the Police & Jail facility as outlined by Wayne Jensen and the Design Team. Once this was completed, we would attempt to phase development to get the site work complete and any driveways, parking lots, utilities, mitigation and permits complete.

While we do not believe this is an option the Borough can afford to pursue, it is an option. Due to the current condition of the Police building, and the anticipated future budget condition of the State of Alaska, there is some lack of faith that we could get a new facility built in a timely enough fashion. While nothing is impossible, we cannot feel confident that future funding for this project would be available under the current philosophy of the State.

### **Conclusion**

Based on our analysis, it appears the next step in the process would be to refine our understanding of the structural condition of the Municipal Building complex and the Reid Marine Warehouse, unless there is significant interest from the Assembly to pursue the remodel of the new Fire Hall or to pursuing the original recommendation of the Architect. It is our belief that the Reid Marine Warehouse is the most affordable option, however this is based on an assumption that this building will not need substantial reinforcement and that the cost of the remodel of the Municipal Building is beyond our available funds. It may be better for the community however

**Borough Administration**  
 PO Box 329, Petersburg, AK 99833 – Phone (907) 772-4519 Fax (907)772-3759  
[www.ci.petersburg.ak.us](http://www.ci.petersburg.ak.us)

to spend more money on such a remodel to preserve both the downtown presence and correct the structural problems in the Municipal Building complex.

**Recommendation for Next Steps:**

- Structural Integrity verification of the Reid Marine Warehouse (Public Safety - Essential Building Standards).
- Structural Integrity verification of the existing Municipal Building (Public Safety-Essential Building Standards, and Foundation evaluation).



## Memorandum

April 30, 2013

**To:** Steve Giesbrecht, City Manager

**From:** Chris Cotta, Assistant Public Works Director

**Re:** Pump Station 5 Replacement – Professional Services Contract Amendment

As you know, the Borough Assembly recently awarded the Pump Station 5 Replacement contract to Rock-N-Road Construction. Although the budget for this project is tight and there isn't a lot of money left for consultant services at this point, we believe certain parts of the project require oversight by the design engineer during construction. With this in mind, we asked PND to provide a quote for limited services during construction.

Initially, PND had given the Borough an estimate of \$50,000 for inspection and contract administration of the Pump Station 5 project. After some negotiation, this was reduced to \$29,947 (proposal attached) to fit the available budget of \$30,000. This reduction will mean that the Borough will be providing more oversight than is customary to make up for less involvement by PND. Engineering services will be provided as needed, and PND personnel will be onhand for critical milestone inspections, but daily inspection and contract admin will be handled by the Borough.

While full time inspection by PND would put less pressure on Borough personnel, in this case we needed to go with an alternate plan in order to stay within budget and still be able to construct this season. If you agree with engaging PND for limited services per their proposal and the strategy outlined above, please present this matter to the Borough Assembly for consideration at their regular meeting on May 6, 2013. Thank you.

**Attachments:** PND Limited Services During Construction Proposal (5 pages total)

**Cc:** Karl Hagerman, Public Works Director  
File



ENGINEERS, INC.

April 21, 2013

PND 092051.04

Mr. Chris Cotta  
Assistant Public Works Director  
Petersburg Borough  
P.O. Box 329  
Petersburg, Alaska 99833

Re: Waste Water Pump Station No. 5 – Limited Services during Construction

Dear Mr. Cotta:

PND Engineers, Inc. (PND) is pleased to provide this fee proposal for limited engineering services during construction. Due to budgetary constraints on this project we understand that PND, HAI & CDI are to provide a support role to assist the Borough with various administrative matters and to perform site visits at key points in the Work. As such we understand that PND will not be delegated the Authority of the Engineer as outlined under CPSS Article 5.1 and we will not be the primary inspector as outlined under Article 5.13. We understand that you will satisfy those roles for the Petersburg Borough under this project and PND and our subconsultants will provide technical support upon your request.

Support services are anticipated to include: submittal reviews, RFI & DCVR assistance, review of field design modifications, answer technical questions upon request, participate in progress meetings, submittal reviews, substitution reviews, periodic site visits by civil, electrical and mechanical engineers, electronic asbuilts based on data provided by the Borough, and other services upon request. The attached spreadsheet provides a breakdown of the engineering scope and fees anticipated for this phase of the project.

PND proposes to proceed on a Time and Expenses reimbursable basis for all engineering services provided during construction. Based on your direction, we have budgeted \$30,000 for this Work. All fees shall be invoiced using our Standard Billing Rates at time of service and third party reimbursable fees shall include a 10% administrative markup.

PND appreciates the opportunity to assist Petersburg Borough with this project. Feel free to call me at any time if you have questions regarding this proposal or if you would like to revise the proposed scope of services. Thank you for considering PND.

Sincerely,

PND Engineers, Inc. | Juneau Office

Dick Somerville, P.E.  
Vice President

Enclosure



**PND Engineers, Inc.**  
**Waste water Pump Station No. 5**  
**Engineering Services Fee Proposal - April 21, 2013**  
**Limited Contract Administration and Inspection Services during Construction**  
**PND Project No. 092051.04**

**Scope of Services**

Scope of Services	PND Senior Engineer VII		PND Senior Engineer III		PND Senior Engineer I		PND Tech V		PND Staff Engineer IV		PND Staff Engineer III		CAD Designer V		Line Item Costs	Task Subtotal Costs	
	Rate	Quantity	Rate	Quantity	Rate	Quantity	Rate	Quantity	Rate	Quantity	Rate	Quantity	Rate	Quantity			
<b>ANTICIPATED TASKS</b>																	
1. Contract administration - Contract and subcontract agreements, CA/CI file system, assist w/contract correspondence, pay applications, change orders, RFI's, DCYR's, answer technical questions.	\$175.00	6	\$130.00		\$110.00		\$105.00		\$95.00		\$90.00		\$95.00		\$90.00		
2. Attend Preconstruction Conference via Teleconference & Prepare Minutes																	
3. Civil Submittal Reviews		1														\$2,750	
4. Design assistance for scope changes, unanticipated site conditions & review proposed substitutions		2														\$380	
5. Two site visits and attend progress meetings with Borough & Contractor, prepare progress reports (2 each)		12														\$1,405	
6. Substantial Completion Inspection & Prepare Final Punch List		1														\$2,340	
7. Transfer contractor provided as-built data to electronic files		22														\$3,800	
<b>Total Estimated Manhours</b>																\$1,520	
<b>Estimated Third Party Expenses</b>																\$1,125	
Haight & Associates, Inc.																	
Carson & Dorn, Inc.																	
Lodging, Perdiem & Vehicle																	
Travel Allowance																	
Administrative Fee																	
10% admin markup on third party expenses																	
																\$16,627	
<b>Total Estimated J&amp;M Fee</b>																	\$29,947



CONSULTING  
ELECTRICAL  
ENGINEERS

## MEMORANDUM

To: Dick

Date: 18 April 2013

From: Ben

H&A Job#: 137-74

Regarding: Petersburg Waste Water Pump Station 5  
Construction Services

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I propose to assist you with the following basic services during the construction of the new pump station and installation of new SCADA for the Petersburg Waste Water Collection System:

- Review submittal documents including product information and shop drawings,
- Respond to Contractor questions in the form of RFI's or DCVR's,
- Provide one inspection of the Control Shelter at Boreal Controls prior to shipment from Juneau to Petersburg, and
- Provide one on-site inspection during the initial startup and testing,

I estimate the fee for this effort to be \$7,000, plus \$800 for expenses. We will be available to provide additional services for extra inspections on a time and expense basis.

526 Main Street  
Juneau, Alaska  
99801

Telephone  
(907) 586-9788

Fax  
(907) 586-5774





# Carson Dorn, Inc.

**Title: PND/Petersburg Pump Station No. 5 Upgrade CA**  
**April 19, 2013**

Task No.	Task Description			
		Dorn \$155/hr	Admin \$80/hr	Drafting Design \$80/hr
1	Preconstruction Conference	0	0	
2	Submittal Reviews and Responding to Contractor's requests for clarification	8	1	
3	Site Visit for Construction/Installation of Wet Well, Pumps and Controls	8	1	
4	Site Visit for Pump Start Up Testing	16	1	
<b>Contract Task Total</b>		<b>32</b>	<b>3</b>	<b>0</b>
<b>Subtotal</b>		<b>\$4,960</b>	<b>\$240</b>	<b>\$0</b>

**SUBTOTAL \$5,200**

**DIRECT COSTS**

Airfare (1 trips)	\$600
Room (1 nights)	\$300
Meals	\$100
Miscellaneous	\$100
<b>Subtotal</b>	<b>\$1,100</b>

**Direct Costs with 15% OH/P \$165**

**Total Estimated Costs \$5,365**



**PND ENGINEERS, INC.  
STANDARD RATE SCHEDULE  
EFFECTIVE MAY 2012**

		<i>Regular Rate</i>
<u>Professional:</u>	Senior Engineer VII	\$175.00
	Senior Engineer VI	\$165.00
	Senior Engineer V	\$150.00
	Senior Engineer IV	\$140.00
	Senior Engineer III	\$130.00
	Senior Engineer II	\$120.00
	Senior Engineer I	\$110.00
	Staff Engineer V	\$100.00
	Staff Engineer IV	\$95.00
	Staff Engineer III	\$90.00
	Staff Engineer II	\$85.00
	Staff Engineer I	\$80.00
	Senior Environmental Scientist	\$100.00
	Environmental Scientist	\$90.00
	GIS Specialist	\$90.00
<u>Surveyors:</u>	Senior Land Surveyor	\$105.00
	Land Surveyor I	\$95.00
<u>Technicians:</u>	Technician VI	\$125.00
	Technician V	\$105.00
	Technician IV	\$90.00
	Technician III	\$80.00
	Technician II	\$70.00
	Technician I	\$45.00
	CAD Designer V	\$95.00
	CAD Designer IV	\$85.00
	CAD Designer III	\$70.00



12480 Mendenhall Loop Road, Auke Bay, Alaska 99821  
 Phone 907-789-3350, Fax 907-789-3360

Project Name Petersburg N. Harbor  
 Project Number 118-28 Sht 1 of 3  
 Calculated by MGM Date 4/22/13  
 Checked by \_\_\_\_\_ Date \_\_\_\_\_

AMPAcity OF OPTION 1  
4 No. 4/0  $277 \cdot 0.8 = 221A$

PANEL 1H  $277/480V, 3\phi, 4W,$

W10, W119 (2)  $100A \cdot \sqrt{3} \cdot 480V = 166.3 KVA$

(FUTURE) (2)  $100A \cdot \sqrt{3} \cdot 480V = 166.3 KVA$

332 KVA (0.9X) = 300 KVA

300 KVA TRANSFORMER 50" H X 41" W X 32" D 1425 lbs

500 KVA TRANSFORMER 71" H X 48" W X 36" D 1919 lbs

TOTAL LOAD

PANEL 1S = 1514 (2)(50)(208)( $\sqrt{3}$ ) = 36 KVA

158, 159, 10+11 83.2 KVA

119 KVA

1N9 (HALF)  $100 \cdot 208 \cdot \sqrt{3} =$  36 KVA

12 REC 155 KVA

PANEL 1N 16 REC 324.6 KVA

PANEL 2 40 REC 389 KVA

PANEL M 76 339 KVA

1,207.6

PANEL 1H 2 REC 166.3

146 REC 1,373.9 KVA

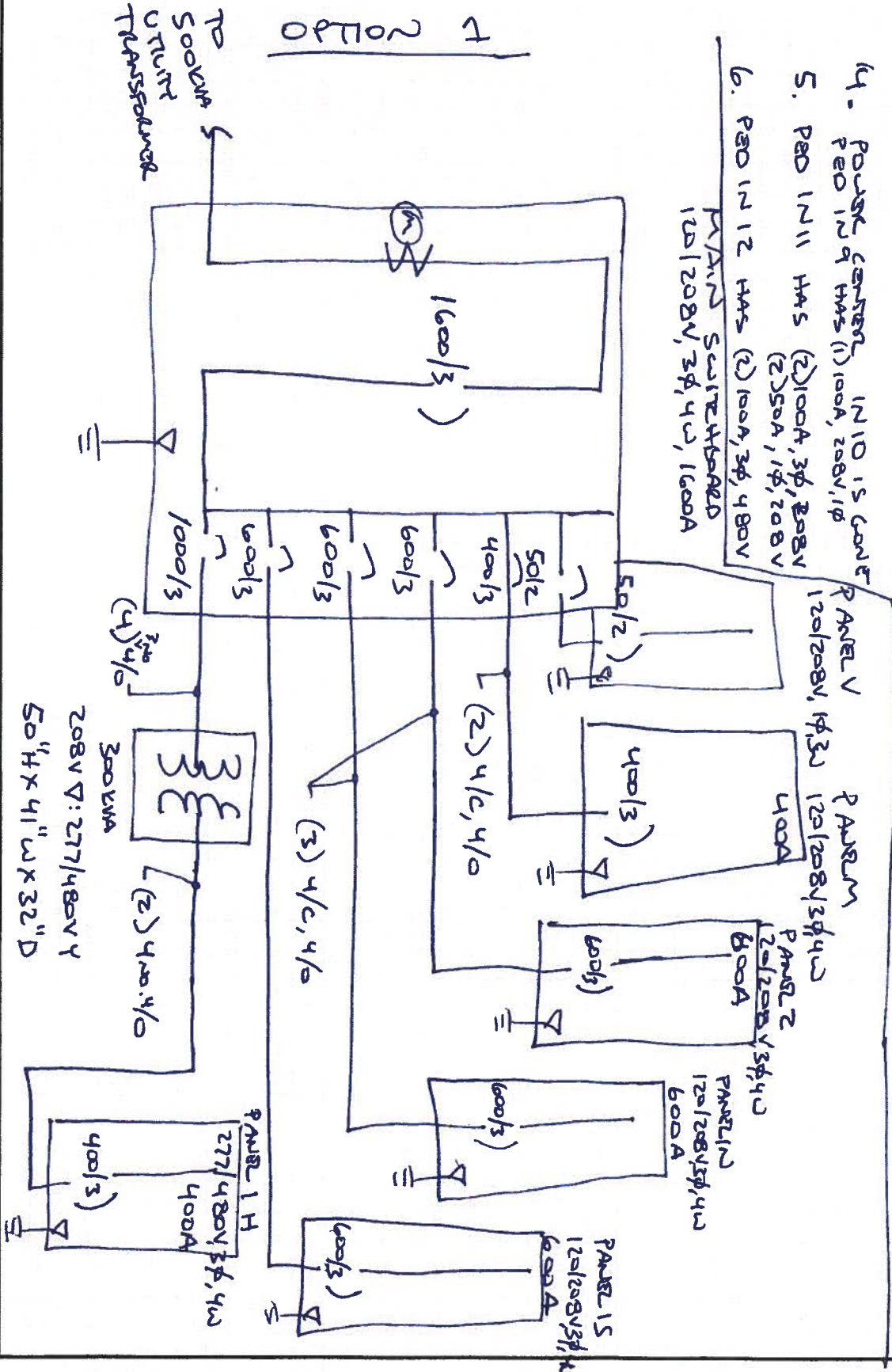
$1,374 \cdot (0.9)(0.3) = 371 KVA$

$1,029 A \Rightarrow 1,600A$

**NOTES:**

1. ALL CONTRACT REQUIREMENTS NOT SHOWN SHALL APPLY (GFI, 100% CB, 316LSS)
2. CHANGE STEEL PLATE TO FIT LARGER UTILITY TRANSFORMER (500KVA)
3. ADJUST EQUIP ON APP DOCK TO FIT IN NEW TRANSFORMER.
4. POWER CENTER IN 10 IS CONT. PED IN 9 HAS (1) 100A, 208V, 1P
5. PED IN 11 HAS (2) 100A, 3P, 208V (2) 50A, 1P, 208V
6. PED IN 12 HAS (2) 100A, 3P, 480V

**OPTION 1**



12/13

## Kathy O'Rear

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**From:** Kathy O'Rear  
**Sent:** Monday, April 08, 2013 3:20 PM  
**To:** Assembly  
**Cc:** Department Heads  
**Subject:** election info

The Borough is not scheduled to have a regular election until October, 2014. If the assembly plans to have an election prior to October, 2014 it will be considered a "special" election and is subject to Department of Justice preclearance. If the assembly believes an election should be held this coming October 1, 2013 (when we would normally have an election) to consider any matter, for example, any bonding issue, any ballot proposition concerned with changes in voting laws, procedures or practice; or any proposed ordinance that requires voter approval (such as change in tax exemptions, sales tax rate; opting out of the reporting requirements under AK 39.50 –public official financial disclosures. The action that will refer a question to the voters must be finalized no later than the July 15 assembly meeting. This gives time to the borough to submit a preclearance request to the DOJ well within the 60 days prior to an election requirement. Using the July 15 date means any ordinances for consideration must be prepared and entered into its first reading no later than June 17.

It would be prudent that this matter be an assembly discussion item at the May 6 assembly meeting to determine if there is a need to have an election this year and what will be on the ballot. Making the determination in May will give us time to prepare the necessary documents and conduct the legislative processes needed to make a timely DOJ submittal. If it is determined not to conduct a special election in October, but hold over until a later date, please keep in mind that we will have to give time consideration to acquire DOJ preclearance.

The October, 2014 election will not require DOJ preclearance unless there is a ballot question that directly, or potentially, affects voting and/or election process.

*Kathy O'Rear*, MMC  
Clerk

Petersburg Borough  
907-772-4519 ext 23



*PUBLIC RECORDS LAW DISCLOSURE: This e-mail and responses to this email are subject to provisions of the Alaska Statutes and may be made available to the public upon request.*

## Kathy O'Rear

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**From:** Kathy O'Rear  
**Sent:** Tuesday, April 30, 2013 8:20 AM  
**To:** 'Lam, July R (DOA)'; Debra Thompson  
**Cc:** smalltownvet@yahoo.com; Assembly; 'Tom Abbott'; Stephen Giesbrecht  
**Subject:** RE: APOC POFD Hospital Board

Thank you July. I will forward this on to our assembly and legal counsel so we are all on the same page at our next elections. It might be helpful if the state election divisions is also in the loop for any future incorporation elections that they conduct.

---

**From:** Lam, July R (DOA) [<mailto:july.lam@alaska.gov>]  
**Sent:** Monday, April 29, 2013 9:11 AM  
**To:** Kathy O'Rear; Debra Thompson  
**Cc:** [smalltownvet@yahoo.com](mailto:smalltownvet@yahoo.com)  
**Subject:** APOC POFD Hospital Board  
**Importance:** High

Dear Petersburg Borough Clerks:

Please be advised that your Hospital Board members do NOT have to file Public Official Financial Disclosure forms. I can understand why you thought they were required to file since they are elected municipal officials. In fact, I had to check with our Executive Director, and other APOC management, to make sure we were giving you correct information.

I have included our statute below for definitions of "municipal officer," which is what your municipal members fall under, and Hospital Board is not listed.

If you have Hospital Board members who have already filed a POFD, there is no harm done, and we will not be expecting them to make any corrections on already filed forms.

Important note: If you have public officials that hold more than one office, and one of the offices is required to file, they must still file for that office. For example, if a member serves on the assembly AND the hospital board, they ONLY need to report for the assembly, but they still need to report.

If there are any changes, we will inform you and will provide a reasonable amount of time for members to report, but for now they do not need to. Please contact me if you have any questions or concerns,

### July Lam

Associate Attorney I  
Alaska Public Offices Commission  
2221 E. Northern Lights Blvd., Rm. 128  
Anchorage, Alaska 99508-4149  
Phone: (907) 276-4176

### AS 39.50.200

(8) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality;

(9) "public official" means

- (A) a judicial officer;
- (B) the governor or the lieutenant governor;
- (C) a person hired or appointed in a department in the executive branch as
  - (i) the head or deputy head of the department;
  - (ii) the director or deputy director of a division;
  - (iii) a special assistant to the head of the department;
  - (iv) a person serving as the legislative liaison for the department;
- (D) an assistant to the governor or the lieutenant governor;
- (E) the chair or a member of a state commission or board;
- (F) state investment officers and the state comptroller in the Department of Revenue;
- (G) the chief procurement officer appointed under AS 36.30.010;
- (H) the executive director of the Alaska Workforce Investment Board;
- (I) each appointed or elected municipal officer; and
- (J) the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation;