

**ASSEMBLY MEETING MINUTES**  
**NOVEMBER 6, 2006**

I. Call to Order: The regular Assembly Meeting was called to order by Mayor Dan O'Hara at 7:34 p.m. The meeting was held in the Assembly Chambers of the Borough Building, Naknek, Alaska.

II. Roll Call: Present: Assembly Members Shelby Boothe, Eddie Clark, Russell Phelps, and Bill Hester. Carvel Zimin, Jr. arrived at 7:45 p.m.

Also Present: Mayor Dan O'Hara and Borough Manager Fred Pike.

III. Consent Agenda: SHELBY BOOTHE MOVED TO APPROVE THE CONSENT AGENDA. RUSSELL PHELPS SECONDED THE MOTION.

A. Non-Action Agenda

1. Mayor
2. Manager – Bill Hester asked about problems with the transfer of the water system to the borough. Fred explained the research he has been doing on the matter.
3. Police Department
4. Fire/EMS Coordinator
5. Lobbyist
6. Pool
7. Library
8. Public Works Department
9. Port Department
10. Planning and Zoning
11. Treasurer
12. Health Commission
13. Other Reports

B. Action Items

1. Minutes of October 2, 2006 / Special Meeting Minutes of October 9, 2006 – Eddie Clark noted that in the minutes of October 9, under Item 3. E., he did not second that motion. A correction to the minutes should show that Bill Hester seconded the motion.
2. Finance Report – Check Register October 2006 – Shelby Boothe noted that it looks like checks numbered 5319 and 5358 may be duplicate payments. Lotta will look into it.
3. Resolutions
  - a. Resolution 2006-16 Naming Depository Bank and Establishing Procedures for Withdrawal of Funds
  - b. Resolution 2006-17 Authorizing Purchase/Sale of Securities
  - c. Resolution 2006-19 Adopting Alternate Allocation methods for FY07 shared fisheries business tax

The MOTION to approve Consent Agenda items, with the exception of item 3.a, which was moved to item G. under Hearings, Ordinances, and Resolutions, PASSED UNANIMOUSLY.

- IV. Approval of Agenda - CARVEL ZIMIN, JR. MOVED TO APPROVE THE AGENDA with the following changes/additions: under Section VII; add item F. Resolution 2006-22 in recognition of Mel Coghill, Jr.'s service on the Assembly, and item G. Resolution 2006-16 Naming Depository Bank..., and under Section IX; add item G. Appointment of Planning & Zoning Commission Member, item H. Representation at Board of Fisheries Conference, item I. NNVC Request, and item J. Manager's Contract. SHELBY BOOTHE SECONDED, and the MOTION TO APPROVE THE AGENDA AS AMENDED PASSED UNANIMOUSLY.

V. Persons to be Heard

- Yvonne Kopy spoke in favor of the borough allowing civic duty leave for borough employees.

VI. Communications and Appearance Requests

- A. Camai Medical Center – Susan Cox, Clinic Administrator, gave a detailed account of plans to separate the Camai clinic from the

Borough. Ms. Cox reviewed work accomplished to date, as well as goals and timelines. She also addressed current issues with the building, including heat, windows, and water. Discussion followed, and the Assembly commended Ms. Cox for the work she has done, expressed their support, and encouraged her to continue in the direction she is going with the plan.

- B. John Walsh – Lobbyist Update – Mr. Walsh congratulated new members, commented on possible effects of the upcoming statewide elections, and gave an update on pending projects including the bridge to South Naknek, the Port Project, Phase II of the Lake Camp Road Project, and what is likely to happen with the King Salmon Tower. He recommended sending a small delegation to D.C. to meet with the Alaska Congressional Delegation before March 1, 2007 to bring them up to date on the needs of the Borough. He suggested a similar trip to Juneau.

Mayor O'Hara commented that he and assembly members will be in Juneau for the Municipal League Conference, and that will be a good time to meet with legislators before they get busy.

The Assembly will discuss a trip to Washington, D.C. at the December meeting.

- C. Paug-vik Thank you Letter
- D. Department of Transportation – Right of Way Relocation
- E. Alaska Department of Fish and Game – Naknek/Kvichak District
- F. DCCED-2006 Full Value Determination
- G. Letter to Senator Lyman Hoffman – Alaska Peninsula Highway Maintenance
- H. Letter to Abe Williams – Port of Bristol Bay & Right of Way
- I. Letter to Art Nelson – Board of Fisheries – Notice of 2006-14 Resolution passed

VII. Hearings, Ordinances, and Resolutions

- A. Resolution 2006-21, Former Mayor Mike Swain, Sr. Plaque Dedication for Services to Borough and Community – SHELBY BOOTHE MOVED TO ADOPT RESOLUTION 2006-21. CARVEL ZIMIN, JR. SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

- B. Resolution 2006-20 Bob Blush Former P & Z Commission Member Plaque Dedication for Services to the Borough – RUSSELL PHELPS MOVED, and CARVEL ZIMIN, JR. SECONDED TO ADOPT RESOLUTION 2006-20. THE MOTION PASSED UNANIMOUSLY.

Yvonne Kopy presented the plaque to Mr. Blush and thanked him for his contributions.

- C. Resolution 2006-15 Supporting Upgrades to the South Naknek Sewer System to Meet Current Requirements – SHELBY BOOTHE MOVED TO ADOPT RESOLUTION 2006-15. CARVEL ZIMIN, JR. SECONDED. Following a brief conversation, in which all assembly members voiced their desire to give attention to the needs of the South Naknek community, THE MOTION PASSED UNANIMOUSLY.
- D. Resolution 2006-18 2007 Capital Improvement Project List – CARVEL ZIMIN, JR. MOVED, AND RUSSEL PHELPS SECONDED TO ADOPT RESOLUTION 2006-18. Following discussion concerning a health facility, the MOTION PASSED UNANIMOUSLY.
- E. Ordinance 2006-11 Amending Borough Code 9.04.065 – Disposal Fees – Introduction and First Reading – SHELBY BOOTHE MOVED TO INTRODUCE ORDINANCE 2006-11 AND POST FOR PUBLIC COMMENT AT THE DECEMBER 4, 2006 MEETING. CARVEL ZIMIN, JR. SECONDED AND THE MOTION PASSED UNANIMOUSLY.
- F. Resolution 2006-22, A Resolution of the Bristol Bay Borough Assembly Acknowledging the Contributions of Mel Coghill, Jr., Former Assemblyman, to the Bristol Bay Borough and its Residents – CARVEL ZIMIN, JR. MOVED to ADOPT RESOLUTION 2006-22. RUSSELL PHELPS SECONDED, AND THE MOTION PASSED UNANIMOUSLY. A plaque will be ordered for Mr. Coghill.
- G. Resolution 2006-16 Naming Depository Bank and Establishing Procedures for Withdrawal of Funds – CARVEL ZIMIN, JR. MOVED TO ADOPT RESOLUTION 2006-16, REMOVING LOTTA HINES AND BETTY J. BONIN FROM THE LIST OF APPROVED SIGNERS, AND ADDING NATHAN SKINNER AND YVONNE KOPY; REQUIRING ONE SIGNATURE ON ALL PAYROLL

CHECKS, AND CHECKS WITH A SUM OF \$1000.00 OR LESS, AND TWO SIGNATURES ON CHECKS, OTHER THAN PAYROLL WITH A SUM EXCEEDING \$1,000, AS PER THE RECOMMENDATION OF THE BOROUGH'S AUDITOR. BILL HESTER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

VIII. Old Business

- A. Extending (WFL) Western Federal Land Agreement to December 31, 2007 to allow for the completion of the crushed material by BC Contractors, Inc. – EDDIE CLARK MOVED TO EXTEND THE WESTERN FEDERAL LAND AGREEMENT TO DECEMBER 31, 2007 TO ALLOW FOR THE COMPLETION OF THE CRUSHED MATERIAL BY BC CONTRACTORS, INC. RUSSELL PHELPS SECONDED AND THE MOTION PASSED UNANIMOUSLY.
- B. Bristol Bay Borough School District Sprinkler System – Woody Wilson – After a lengthy discussion, SHELBY BOOTHE MOVED TO APPROPRIATE UP TO \$637,000 FOR A SPRINKLER/FIRE ALARM SYSTEM FOR THE SCHOOL. CARVEL ZIMIN, JR. SECONDED. After further discussion, THE MOTION PASSED UNANIMOUSLY.
- C. OCS Resolution 2006-5, Mayor – Mayor O'Hara stated for the record that he was at one time employed by Shell Oil, but has resigned that position, so he does not have a conflict with this item of business. He further stated that there has been a request for the Assembly to reaffirm the previously adopted resolution. The Mayor would write a letter to that effect. CARVEL ZIMIN, JR. MOVED TO APPROVE RESOLUTION 2006-05. RUSSELL PHELPS SECONDED. Fred commented that there is a MSS Science Meeting in Anchorage on the 28<sup>th</sup> of November through December 1, and Yvonne Kopy will attend, and they will pay for two more people to attend. Eddie and Russell expressed interest in attending. Shelby pointed out that the acronym SAVEC is used on the front page of the resolution, and not on the second reference, and it should be the other way around. After further discussion, THE MOTION PASSED UNANIMOUSLY.

IX. New Business

- A. Lobbyist Contract – John Walsh – Mr. Walsh requested that the Assembly consider a two-year contract in the amount of \$32,500 per year. The two-year contract would provide continuity through the legislative process, since his contract is currently year-to-year based on the January through December calendar year. CARVEL ZIMIN, JR. MOVED TO ENTER INTO A TWO- YEAR CONTRACT FOR LOBBYING SERVICES WITH JOHN WALSH IN THE AMOUNT OF \$32,500 PER YEAR. SHELBY BOOTHE SECONDED. AFTER A BRIEF DISCUSSION, THE MOTION PASSED UNANIMOUSLY.
- B. Bristol Bay Borough School District – Student Activity Donation Request – After discussion, CARVEL ZIMIN MOVED TO TABLE ACTION ON THIS REQUEST UNTIL THE DECEMBER 4<sup>TH</sup> MEETING. MAYOR O’HARA NOTED THAT A MOTION TO TABLE DOES NOT NEED A SECOND.
- The Assembly indicated that they would like for Mr. Coghill to be present at the December meeting to speak to his request.
- C. Middle School Basketball Program – In response to a request for donations from Paula Pacheco, the Assembly indicated that Mel and Paula should get together on this and provide representation at the December 4 meeting.
- D. Sockeye Swim League Donation Request – After a brief discussion, SHELBY BOOTHE MOVED TO DONATE \$1,000.00 TO THE SOCKEYE SWIM LEAGUE. BILL HESTER SECONDED AND THE MOTION PASSED UNANIMOUSLY. It was noted that the assembly would like to have representation at the meetings from organizations requesting donations.
- E. Egegik Student Government Donation Request – BILL HESTER MOVED AND CARVEL ZIMIN, JR. SECONDED TO DENY THE REQUEST FROM THE EGEGIK STUDENT GOVERNMENT. THE MOTION PASSED UNANIMOUSLY. It was noted that a negative motion is not a valid motion. BILL HESTER RESCINDED HIS ORIGINAL MOTION AND MOVED TO APPROVE THE REQUEST FROM THE EGEGIK STUDENT GOVERNMENT. CARVEL ZIMIN, JR. SECONDED AND THE MOTION FAILED UNANIMOUSLY.

- F. Crowley – Past Due Invoices, Treasurer – Lotta Hines asked for direction from the Assembly as to how she should proceed with the collection of \$204,166.79 owed to the borough by Crowley Maritime. Some of these invoices go back to 1996. They have indicated that they cannot pay anything from prior to 2000, and will not pay finance charges. Lotta has sent copies of invoices twice, and they are asking for a third set of copies. Bill Hester asked for insight from Port Foreman, Joe Harris. Joe indicated that the Crowley ceased their freight operations to Western Alaska some years ago, but the Port has good relations with the current Crowley fuel hauling entity. After some discussion, the Assembly directed Mr. Pike to contact the borough's attorney to attempt to collect the balance owed as well as finance charges.
  
- G. Appointment of Planning and Zoning Commission Member – Mayor O'Hara reported that there are two people who have expressed interest in filling the position on the commission that was vacated by Bob Blush. They are Rosalie Johnson and Jay King. He noted that as a Borough employee, Rosalie is certainly knowledgeable about the workings of the Borough, but he feels that Mr. King, as a commercial fisherman, guide, and pilot would bring a different perspective to the commission, and is therefore, with the concurrence of the assembly, appointing Mr. King to the commission. The assembly concurred.
  
- H. Representation at Board of Fisheries Conference – Dillingham – Following discussion, the assembly agreed to send Mayor O'Hara and Eddie Clark to represent the borough's position, December 4-12. The borough's position is to maintain the status quo.
  
- I. Naknek Native Village Council Request –Steven Angasan – Mr. Angasan noted that Naknek Native Village Council is receiving funding in the amount of 1.6 million for roads. Mr. Angasan is requesting special consideration for two borough employees who serve on the NNVC to be given civic duty leave to attend training on how to spend these monies. CARVEL ZIMIN, JR. MOVED TO ALLOW SPECIAL CONSIDERATION FOR MEMBERS OF THE NAKNEK NATIVE VILLAGE COUNCIL WHO WORK FOR THE BOROUGH TO TAKE SPECIAL LEAVE TO ATTEND THESE CONFERENCES. RUSSELL PHELPS SECONDED. Discussion followed concerning developing a policy on civic duty leave to be included in personnel policy. THE MOTION PASSED UNANIMOUSLY.

- J. MANAGER'S CONTRACT – EDDIE CLARK STATED THAT HE WOULD LIKE TO MAKE A MOTION, HE BELIEVES THE BOROUGH NEEDS NEW LEADERSHIP, AND WOULD LIKE TO TERMINATE MR. FRED PIKE'S CONTRACT WITHOUT CAUSE, EFFECTIVE TODAY, IN ACCORDANCE WITH HIS CONTRACT. BILL HESTER SECONDED THE MOTION. Discussion followed, with Mr. Phelps and Mr. Zimin each voicing strong opposition to the action. CARVEL ZIMIN, JR. MOVED TO TABLE ACTION ON THE MOTION. Discussion on procedure ensued. SHELBY BOOTHE MOVED TO TAKE IT OFF THE TABLE. More discussion on procedure. Mayor O'Hara called a recess at 10:36 pm to seek legal advice on how the motion on the floor must be dealt with. The meeting reconvened at 10:54 pm. Mayor O'Hara reported that the attorney advised that a motion to table must be time specific and requires a second and a 2/3 vote to vote it up or down. MAYOR O'HARA CALLED FOR A ROLL CALL VOTE ON THE MOTION TO TABLE WITH THE FOLLOWING RESULTS: SHELBY BOOTHE – NAY, EDDIE CLARK – NAY, RUSSELL PHELPS – AYE, BILL HESTER – NAY, CARVEL ZIMIN, JR. – AYE. THE MOTION TO TABLE FAILED THREE TO TWO. Brief discussion followed on the original motion, and a ROLL CALL VOTE WAS HELD ON THE ORIGINAL MOTION WITH THE FOLLOWING RESULTS: SHELBY BOOTHE – AYE, EDDIE CLARK – AYE, RUSSELL PHELPS – NAY, BILL HESTER – AYE, CARVEL ZIMIN, JR. – NAY. THE MOTION PASSED THREE TO TWO.

At 10:56 p.m. BILL HESTER MOVED TO EXTEND THE MEETING TO NO LATER THAN 11:30 PM. RUSSELL PHELPS SECONDED. THE VOTE ON THE MOTION WAS FOUR TO ONE WITH CARVEL ZIMIN, JR. VOTING AGAINST THE MOTION. Discussion followed on whether a motion to extend requires a unanimous vote. Mr. Boothe noted that there was still three minutes left to conduct business prior to 11:00.

BILL HESTER MOVED TO PUT ASSEMBLYMAN BOOTHE IN AS INTERIM MANAGER AND DIRECT HIM TO PURSUE A NEW MANAGER OF NON-RESIDENT STATUS STARTING TOMORROW MORNING, AND TO HAVE HIS COMPENSATION AT \$38.00 AN HOUR. EDDIE CLARK SECONDED. Discussion followed on whether hiring Mr. Boothe as interim manager would be a conflict. Mr. Zimin asked if this had been previously discussed, and Mr. Hester responded that he had come up with the hourly rate on his own.

Mr. Pike informed the assembly that a motion to extend the meeting must be approved by unanimous vote. Mr. Zimin stated that he would like to reconsider his vote and vote in favor of the motion to extend. THE MOTION TO EXTEND THE MEETING TO 11:30 WAS RECONSIDERED, AND PASSED BY UNANIMOUS VOTE.

BILL HESTER RESTATED HIS MOTION AS FOLLOWS: MOTION TO PUT ASSEMBLYMAN BOOTHE IN AS INTERIM MANAGER AND DIRECT HIM TO PURSUE A NEW MANAGER STARTING TOMORROW MORNING WITH COMPENSATION OF \$38.00/HOUR. EDDIE CLARK SECONDED THE MOTION. Discussion followed on legality of Mr. Boothe participating in discussion of a matter which would afford him legal gain. Mr. Boothe noted that he does not want to be manager, and won't apply for the position, and, regarding Mr. Hester's motion, the advertisement for the manager position cannot legally be restricted to non-residents, but he is willing to serve for the six or eight weeks it will take to get someone on board. He also stated that he currently has a conflict waiver, and would like for the assembly to consider approving another waiver. Mr. Phelps asked Mayor O'Hara if he would be interested in taking over as interim manager. Mayor O'Hara stated that he would like to address the conflict issue. He feels that if a conflict has previously been declared by Mr. Boothe, it should still be in effect. After further discussion, Mr. Boothe declared a conflict and will not participate in further discussion. Eddie commented that Shelby is up to speed on financial issues. Mayor O'Hara stated that he would not be comfortable in the manager's position. Russell stated that there is a conflict and the whole thing looks awkward for an assemblyman to be the manager, as the assembly represents the community and needs to do the right thing. A ROLL-CALL VOTE ON THE MOTION PRODUCED THE FOLLOWING RESULTS: EDDIE CLARK – AYE, RUSSELL PHELPS – AYE, BILL HESTER – AYE, CARVEL ZIMIN, JR. – NAY. THE MOTION PASSED THREE TO ONE.

Mayor O'Hara cautioned the assembly that they've been through hard times before, but this community is run by the assembly, not the mayor.

X. Assembly Member Comments

- Carvel stated that he finds it disturbing that he's sitting on the assembly and not knowing anything about something like this, and

that the borough attorney has been contacted and this was all set up for you to take over as interim manager – doesn't sit well with him – bad precedence – a disservice to the borough.

- Bill commented that this was his first meeting, and it was a tough one.
- Russell – it would have been far better to wait the manager's contract out and then make a decision. He suggested that when the clinic separates from the borough, the current clinic facility would be a good location to move the borough library to. Would like to see the borough to continue to work closely with the village councils.

XI. Adjournment – CARVEL ZIMIN, JR. MOVED TO ADJOURN. BILL HESTER SECONDED, AND THE MEETING WAS ADJOURNED AT 11:30 P.M. BY UNANIMOUS CONSENT.

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Mayor

ATTEST:

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Borough Clerk