



# THE CITY OF WHITTIER

*Gateway to Western Prince William Sound*

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY, AUGUST 18, 2020  
AT 7:00 PM  
COUNCIL CHAMBERS  
3<sup>rd</sup> fl. PUBLIC SAFETY BUILDING**

**AGENDA**

Page #

**1. CALL TO ORDER**

**2. OPENING CEREMONY**

**3. ROLL CALL**

- A. Council Members Present
- B. Administration Present

**4. APPROVAL OF MINUTES**

- A. July 21, 2020 Regular Meeting

**5. APPROVAL OF REGULAR MEETING AGENDA**

**6. MAYOR'S REPORT**

- A. Mayor Report – Dave Dickason
- B. Vice Mayor Report – Peter Denmark

**7. MANAGER'S REPORT**

- A. City Manager and Director Reports

**8. COMMISSION/COMMITTEE REPORTS**

- A. Planning Commission
- B. Port & Harbor Commission
- C. Parks & Recreation Committee
- D. Whittier Community School
- E. Prince William Sound Aquaculture Corp.
- F. Regional Citizen's Advisory Council

**9. CITIZEN'S COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**

**10. APPROVAL OF THE CONSENT AGENDA**

**11. PUBLIC HEARINGS (NON-ORDINANCE)**

**12. PRESENTATIONS**

**13. ORDINANCE**

25 (Emergency Ordinance)

**A. Emergency Ordinance 2020-04 – An Emergency Ordinance Ratifying the City Manager’s Revisions to the Emergency COVID-19 Rules in Emergency Order 2020-05 and Restating the City’s Declaration of Emergency Arising From COVID-19**

**Introduction (1<sup>st</sup> Reading)**

28 **A. Ordinance #02-2020 – An Ordinance of the City Council of Whittier, Alaska Repealing Whittier Municipal Code 9.32.080 and WMC 17.16.221(C)(1) and (C)(3) to Remove City Laws Governing Conduct Governed By The State Of Alaska Board Of Fisheries and Amending WMC 17.16.221 to Clarify And Update Language Regarding Prohibited Uses in the Marine Park District**

32 **B. Ordinance #03-2020 – An Ordinance Of The City Council Of Whittier, Alaska Amending Whittier Municipal Code Sections 2.06.430, 2.08.260, 2.64.400, 3.08.370, 3.09.020, 3.12.090, 8.16.060, 8.28.110, 10.25.040, 10.40.020, 13.08.410, 16.40.010, And 17.16.223 Changing All Misdemeanors Under The Whittier Municipal Code To Minor Offenses**

**14. RESOLUTIONS**

40 **A. Resolution #22-2020 – A Resolution of the City Council of the City of Whittier, Alaska, appointing City Election Officials for the October 6, 2020 Regular City Elections**

**15. EXECUTIVE SESSION**

**16. UNFINISHED BUSINESS**

**17. NEW BUSINESS**

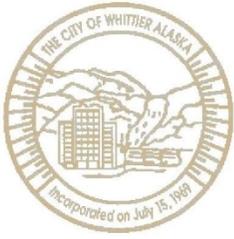
41 **A. CARES Act**  
**B. City Council Seat G Appointment**  
**1. David Schofield**  
**2. Cathy McCord**  
**3. Daniel Blair**

**18. COUNCIL DISCUSSION**

**19. CITIZEN’S DISCUSSION**

**20. COUNCIL AND ADMINISTRATION’S RESPONSE TO CITIZEN’S COMMENTS**

**21. ADJOURNMENT**



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**WHITTIER CITY COUNCIL  
REGULAR MEETING  
TUESDAY JULY 21, 2020  
7:00 PM  
COUNCIL CHAMBERS  
PUBLIC SAFETY BUILDING**

## MINUTES

### 1. CALL TO ORDER

Mayor Dave Dickason called the meeting to order at 7:03 p.m.

### 2. OPENING CEREMONY

Mayor Dave Dickason led the Pledge of Allegiance.

### 3. ROLL CALL

**A. Council members present and establishing a quorum:** David Pinquoch, Victor Shen, Debra Hicks, Tom Wagner, Peter Denmark, and Dave Dickason.

**MOTION:** Debra Hicks made a motion to excuse Monty Irvin from tonight's meeting

**SECOND:** Victor Shen

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

#### **B. Administration Present:**

Jim Hunt, City Manager

Naelene Matsumiya, City Clerk

Kris Erchinger, Finance Director

Dyanna Pratt, Executive Administrator

Andre Achee, Police Chief

Scott Korbe, Public Works Director

Dave Borg, Harbormaster

**Others Present:** Kelly Bender, Mike Bender, Gwendolyn Granger, Lee Woo, Charlene Arneson, and Arnie Arneson

**4. APPROVAL OF MINUTES**

June 02, 2020 Emergency Special Meeting Minutes  
June 08, 2020, Emergency Special Meeting  
June 16, 2020, Regular Meeting Minutes  
July 07, 2020, Special Meeting Minutes

**MOTION:** Tom Wagner made a motion to approve the minutes as they are.

**SECOND:** Victor Shen

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**5. APPROVAL OF THE REGULAR MEETING AGENDA**

**MOTION:** Debra Hicks made a motion to approve the July 21, 2020 Regular Meeting Agenda as is.

**SECOND:** Tom Wagner

**DISCUSSION:** None

**VOTE:** Motion passed unanimously.

**6. MAYOR'S REPORT**

**A. Mayor Report**

Dave Dickason reflected on his report commented that Commission and Committee meetings are tentative. Followed up on the following items: Budget review, Barry Arm tsunami threat

**B. Vice Mayor Report**

Nothing new to report

**7. MANAGER'S REPORT**

**A. City Manager and Director Reports- Jim Hunt**

Jim and directors reported on the following:

NOAA and DNR meeting regarding Barry Arm

Buoy update

Travelift down

Resurfacing of Smitty's Cove launch ramp

Bike ramp

Insurance company

Lowering of financial software price

**8. COMMISSION/COMMITTEE REPORTS**

**A. Planning Commission**

Nothing new to report

**B. Port & Harbor Commission**

Nothing new to report

**C. Parks & Recreation Committee**

Victor reported that committee has not been meeting since COVID. Hopes to meet soon to discuss projects.

**D. Whittier Community School**

Nothing new to report

**E. Prince William Sound Aquaculture Corp.**

Nothing new to report

**F. Regional Citizen’s Advisory Council**

Nothing new to report

**9. CITIZENS COMMENTS ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**

**10. APPROVAL OF CONSENT CALENDAR**

**11. PUBLIC HEARINGS (NON-ORDINANCE)**

None

**12. PRESENTATIONS**

**A. Presentation of Plaque Honoring Suzanne Eusden for 25 Years of Service at the Whittier Post Office**

Due to the pandemic, Suzanne was not in attendance, the City Clerk presented the plaque and thanked Suzanne on behalf of the City.

**B. Audit Presentation – Joe Bergene with Altman Rogers & Co.**

Joe Bergene gave a presentation on the findings for the 2019 audit. He stated that the 3 findings in 2018 were resolved. No glaring issues for 2019 audit. Thanked Kris and administration for their effort in the audit as it was the first one they conducted off site due to COVID-19.

**13. ORDINANCES**

None

**14. RESOLUTIONS**

None

**15. EXECUTIVE SESSION**

A. Well Maximization and Relocation – Matters that, if immediately disclosed, would tend to adversely affect the finances of the City; WMC 2.08.040 (I)

**MOTION:** Debra hicks made a motion to enter into executive session at 7:20 pm

**SECOND:** Victor Shen

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

COUNCIL ENETERED INTO EXECUTIVE SESSION AT 7:20 PM

**MOTION:** Victor Shen made a motion to exit executive session and resume the regular meeting at 8:03 pm

**SECOND:** Debra Hicks

**DISCUSSION:** None

**VOTE:** Motion passed unanimously

**16. UNFINISHED BUSINESS**

**17. NEW BUSINESS**

**18. COUNCIL DISCUSSION**

Council Discussed the following:

- Ramp at Smitty's Cove
- Inadequate notice for meetings
- Moving to virtual meetings
- COVID-19
- School reopening

**19. CITIZEN'S DISCUSSION**

- Kelly Bender: Notice for CARES Act
- Mike Bender: Buoy scheduled to deploy. AED on Lazy Otter boat.
- Lee Woo: Restrooms in Triangle not working due to power outage.

**20. COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS**

Council and Administration responded to the concerns.

**21. ADJOURNMENT**

Council adjourned the meeting at 8:26pm

**ATTEST:**

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**Naelene Matsumiya**  
City Clerk

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**Dave Dickason**  
Mayor

**Date:** August 18th, 2020  
**To:** Whittier City Council and Administration  
**From:** Dave Dickason  
**Subject:** Mayor's Report – July/August 2020

**Meetings Attended:**

- Meeting with CRW/Bettisworth North Regarding New Park Pavilion Concept Design: August 5<sup>th</sup>
- CARES ACT Work Session: August 6<sup>th</sup>
- Alaska Conference of Mayors: August 10<sup>th</sup> - 13<sup>th</sup>

**Upcoming Schedule:**

- P&Z Meeting: Wednesday, September 2nd - 6:00 PM (Tentative) Need updated zoning map
- Port & Harbor Meeting: Thursday, September 3rd - 6:00 PM (Tentative)
- Parks & Rec Meeting: Tuesday, September 15th - 6:00 PM
- Next Regular Meeting: Tuesday, September 15th - 7:00 PM

**Recently Accomplished Goals:**

- Response to COVID-19; Determination of CARES ACT Funds

**Follow-up:**

- CARES ACT Fund Status
- Budget Review Schedule
- Barry Arm Tsunami Warning Sensors & Weather Buoy
- Well House Upgrade Project Status
- City Beautification Plan: Harbor boardwalk, Derelict boats, Boneyard
- Determine Future Status of Remaining City-owned Condominiums
- Future Land-use Development Plan (Begin in October?)

**Open Goals:**

Short Term:

- Policies and Procedures / Code Update
- Lease Standardization & Enforcement: Some enforcement currently taking place.

Mid Term:

- DOD Tank-Farm Land Transfer of 58 Acres: Need to coordinate with breakwater construction project.
- Community Park Construction Funding
- Determine Funding for Final Harbor Construction Phase

Long Term:

- Shotgun Cove Road Extension: Next construction phase in 2021.
- Head of Bay Development (After Future Land Use Plan)
- Buckner Building: Environmental Remediation.



# Whittier City Park Pavilion Option B



# Whittier City Park Pavilion Materials Cool Natural



## CITY MANAGERS and ADMINISTRATION REPORTS

### Regular August 2020 Meeting

COVID Management Response continues

Have had four interviews with the media including ADN, CNN, and National Geographic regarding the COVID tests and city status

Attended Eastern Peninsula Highway Safety Area Board Meeting

Attended World Trade Center meeting

Continued work on refining and/or writing employment policies and creating applicable missing forms

Reviewed Shotgun Cove Road documents

Attended DeLong Dock RFP meeting

Reviewed and suggested WMC changes for the Harbor plus determined all 'misdemeanor' language changes to 'minor offense.'

Addressed personnel issues/questions

Attended port and harbor commission meeting and passed harbor handbook changes and code revisions

Participated in six COVID-related Emergency Manager meetings with State managers and Dr. Zink

Worked with local businesses when positive tests occurred

Attended a Shotgun Cove project meeting

Participated in two Alaska Municipal League meetings regarding AMHS and AML Legislative Resolutions

Wrote a letter to the Governor and DNR Commissioner requesting the Stampede/Into the Wild bus be moved to Whittier. Effort continues

Met with local business owners

Continuous communication with our federal lobbyists particularly focused on the landslide concern

Continuous communication with our state lobbyist

Continuous communication with Paul Mueller, CEO Eastern Aleutian Tribe Clinic

Held a De Long Dock Grant RFP questions and answers meeting

We were notified buoy Station 46081 (LLNR 25647) has been deployed by the Coast Guard. A great Thank You to Senator Lisa Murkowski for her assistance on this issue and on the Landslide -Tsunami threat! Many thanks are also expressed to our valuable D.C. lobbyists for walking this through.

## HARBOR ADMINISTRATION

2<sup>nd</sup> half Preferential & Annual moorage fees 99% has been collected. (I noted 100% during the 8/7/2020 Ports and Harbor Commission meeting in error)

Rose is monitoring 16/68 after hours until 7/8pm as needed to improve customer service

Rose new work schedule is 8-5 Mon-Wed and 10-7 Thur/Friday until Labor Day holiday

Rose has been promoted from her current Harbor Finance position to an Administrative III position which includes a supervisory role over the admin staff and an assistant to the Harbormaster. This is more in line with what she has been doing.

Kylo Medez has been promoted to full time Harbor Officer position effective 7/27/2020. He will be on a six month probationary training plan period with weekly review by the Harbormaster.

Sealed bid auction for the Arctic Moon, Marlee and Scandia will be @ 2pm 8/27/2020. Owners of vessels still have until 4pm 8/26/2020 to pay in full and remove vessels from COW property.

Met with USCG Sector Anchorage Command Center Staff (Active Duty) to discuss harbor operations and capabilities.

Harbor staff enrolled in COVID-19 testing on a weekly basis.

Addressing Preferential/Annual Transient/Monthly Transient fees

Notified USCG/ADEC of the M/V Shearwater on the beach in Shotgun Cove 8/7/2020

Notified the National Response Center for a large sheen in the water in the vicinity of the Passenger Dock 8/10/2020, coordinated information/pictures and on-scene status to ADEC and USCG. We will be looking at past due accounts and our collection process in the coming weeks

## HARBOR OPERATIONS

Staff responded to and assisted with 3 vessels taking on water (one at 3:30am)

New tires ordered for Travel lift with an ETR first week of September

Awaiting bid to resurface launch ramp and Smith's Cove

The Westside public restroom has been completely re-plumbed by staff to eliminate leaks and faulty hot water heater

The Emergency Generator provided power during outage flawlessly for 6+ hours during recent blackout

We continue to make repairs/improvements to various systems throughout the harbor infrastructure



FOR IMMEDIATE RELEASE

July 31, 2020

## Senate Passes Bipartisan Bill to Protect Communities from Landslides

**Washington, DC** – The U.S. Senate yesterday unanimously approved bipartisan legislation led by Sens. Maria Cantwell, D-Wash., Lisa Murkowski, R-Alaska, Cory Gardner, R-Colo., Ron Wyden, D-Ore., Dianne Feinstein, D-Calif., and Dan Sullivan, R-Alaska, to help communities prepare for and respond to landslides and other natural hazards.

S. 529, [the National Landslide Preparedness Act](#), will help protect communities and property, save lives, and improve emergency preparedness and planning by targeting key gaps in current science and mapping that are critical to understanding landslide hazards and risks.

“In 2014, we saw how devastating landslides can be, when the Oso landslide tragically killed 43 people and caused millions of dollars in damage,” **Cantwell said**. “This bill will help keep communities and infrastructure safe by improving preparedness for landslides and other natural hazards.” ..... “Alaskans are currently monitoring what could be one of the largest landslide threats in state history—an unstable slope that sits above a retreating glacier in Barry Arm, which could trigger a tsunami in Prince William Sound,” **Murkowski said**. “This legislation will equip scientists with the necessary tools to help communities prepare for and respond to hazard events—whether the threat is from a landslide, earthquake, volcanic eruption, tsunami, or avalanche. Improving data collection and early warning systems will help with coordination during natural disasters, when every second counts.” .....

“Alaska’s unique and rugged geography puts some of our communities in the crosshairs of a potential landslide, tsunami or avalanche—a concern that is only exacerbated by the state’s seismicity,” **Sullivan said**. “We can’t wait until after a catastrophic event to invest in the research, mapping and warning systems needed to understand these threats and protect communities and lives. I appreciate members of the Senate, under Senator Murkowski’s leadership, working together to equip the U.S. Geological Survey with this new program and funding to help us mitigate the risks and respond effectively in a moment’s notice the next time disaster strikes.” S. 529 establishes a National Landslide Hazards Reduction Program at the U.S. Geological Survey (USGS) to better identify and understand landslide risks, protect communities, save lives and property, and help improve emergency preparedness. In addition, the bill codifies USGS’ 3D Elevation Program, which is needed to update and coordinate the collection of elevation data across the country using enhanced, high-resolution surveys. Enhanced elevation data helps communities plan for and respond to natural hazards and provides critical data to inform decision making for public safety, national security, infrastructure, transportation, agriculture, and natural resource management.

S. 529 now moves to the U.S. House of Representatives for that chamber’s consideration.



## FINANCE MONTHLY REPORT

### July Finance Monthly Report – with June Preliminary Financials

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The City Council received a presentation from Altman Rogers on the year-end results of the 2019 audit, as well as a brief review of the 2019 financial statements. The audit was a clean audit with no audit findings.

The City has submitted a modification request to amend the Assistance to Firefighter's Grant, as we were able to purchase only 7 of the self-contained breathing apparatus due to a price increase. We had originally requested to purchase 8 SCBAs with the grant funds. Due to reduced staffing at the granting agency, we expect a delay in receiving a response to our request and in the event the granting agency has an objection, the City will pay for one of the apparatus from the public safety budget.

Given the loss of cruise ships, the City has not hired seasonal public safety officers and we reduced the hours of police coverage at the tunnel, in order to save money. This will also result in a reduction of funding for the tunnel contract. Staff is working to estimate the impacts of the lost revenues on the City's budget, and postponing purchases where necessary, to minimize to the extent possible, the adverse financial impact of the pandemic.

We continue to conduct follow-up meetings with the insurance company and FEMA regarding necessary repairs resulting from the November 2019 earthquake. The insurance company will be sending additional adjusters to estimate earthquake-related damages. Before the State can make a final determination of the costs they will cover, they require our insurance carrier to determine the portion of repairs that will be eligible for insurance coverage. We expect the insurance adjusters to visit Whittier again by the end of August to complete their assessment.

The City received an insurance reimbursement of slightly more than \$20,000 to reimburse the harbor for costs associated with the January 1 electrical transformer fire. The City had to pay the initial \$10,000 insurance deductible, with the remaining costs covered by insurance.

Staff has been working to develop the Grant Applications for CARES Act Relief Funds based on Council's recent work session. We expect to have those grant applications available in draft form the week of August 16.

# City of Whittier

## Interim Update

July 26, 2020

## Administration

### **Governor's Office:** **Governor's Press Releases** ~

#### ***Governor Dunleavy Thanks Trump Administration for Rolling Back Job-Killing Regulations*** July 16, 2020

*Today, Alaska Governor Mike Dunleavy delivered remarks alongside President Trump and Vice President Pence in support of the federal government's rollback of job-killing regulations. The White House press conference coincided with the Trump administration's recently announced modernization of the infrastructure project review process.*

*"Over the past 40 years, these regulations have strangled the American dream for so many Alaskans," said **Governor Mike Dunleavy**. "These long-awaited reforms are a ray of hope for those who have suffered the impacts of federal overreach in my home state. Lifting the regulatory burden will spur responsible natural resource development in Alaska, creating jobs and economic opportunity while still protecting the environment."*

*The final rule issued by the Trump administration reforms the National Environmental Policy Act (NEPA) by expanding public involvement and setting reasonable time limits on environmental reviews. The president also highlighted his collaboration with our nation's governors to cut regulatory costs, eliminate outdated rules, and better align federal and state policies.*

<https://gov.alaska.gov/newsroom/2020/07/16/governor-dunleavy-thanks-trump-administration-for-rolling-back-job-killing-regulations/>

**Agencies Announcements~  
Press Releases/Reports:**

**Notice of Public Meeting - Workers' Compensation Board and Medical Services Review Committee**

**NOTICE OF PUBLIC MEETING**

The Alaska Workers' Compensation Board and Medical Services Review Committee will conduct a special joint meeting of the full board and MSRC, Friday, August 28, 2020. This meeting is open to the public, and will begin at 9:00am.

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=198820>

**Alaska Marine Highway Reshaping Work Group Meeting**

The Alaska Marine Highway Reshaping Work Group meeting is scheduled for Thursday July 23, 2020, 1:30pm - 4:00pm.

The public is invited to join by calling toll free 1-855-925-2801, meeting code 8352, online at <https://publicinput.com/alaskadotpf>.

This meeting will not include a public comment period, but there will be opportunities for public participation in the future.

**WHAT:** Alaska Marine Highway Reshaping Work Group Meeting

**WHEN:** Thursday, July 23, 2020, from 1:30 – 4:00 p.m.

**WHERE:** Call: 1-855-925-2801, meeting code 8352

Online: <https://publicinput.com/alaskadotpf>

Interested in future announcements from the Alaska Marine Highway Reshaping Work Group? Sign up [here](#) for notices.

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=198894>

**DOL &WD - July 20, 2020**

[Federal stimulus payments expiring this month](#)

**DOL&WD - July 17, 2020**

[Pandemic causes 10.8 percent job loss in June](#)

## **Alaska Permanent Fund**

*Status as of May 31, 2020*

- **TOTAL FUND VALUE**

*AS OF MAY 31, 2020*

**\$63,742,800,000**

*Principal \$46.1 Billion | ERA \$17.6 Billion*

### **FINANCIAL STATEMENTS**

*PRINCIPAL*

*\$46.1 B*

*Contributions: \$41.9 B | Unrealized Gains: \$4.2 B*

### **PERFORMANCE REPORTS**

## **Legislature**

### **Announcements:**

#### **Majority press releases & announcements:**

#### **House Majority**

#### **Workers tell lawmakers best practices for COVID-19 not being followed at high-risk facilities**

*HSS, State Affairs committees hear testimony on health risks at prison and jails, API*

*ANCHORAGE – The House Health and Social Services and State Affairs committees **today heard testimony** from workers and employee representatives from some of the Alaskan facilities that are at the highest risk of a COVID-19 outbreak.*

*Officials representing hotel workers and employees at the Department of Corrections, McLaughlin Youth Center, and Alaska Psychiatric Institute testified to the administration's failure to provide clear guidance and answer basic questions about worker safety during the*

pandemic, as well as a troubling shortage of personal protective equipment and hand sanitizer.

<http://akhouse.org/2020/07/15/workers-tell-lawmakers-best-practices-for-covid-19-not-being-followed-at-high-risk-facilities/>

### *Alaska education leaders, state officials detail preparations for new school year*

ANCHORAGE – The House Education Committee [today heard testimony](#) from Alaska education leaders and state officials on the challenges ahead for schools preparing to safely teach 130,000 students amid a global pandemic.

*“These are unprecedented times, and Alaska’s families, children, teachers, school districts, and Department of Education are all navigating uncharted waters,” said **Rep. Harriet Drummond** (D-Anchorage), co-chair of the Education Committee. “It’s reassuring that everyone understands first and foremost, our priority is the health and well-being of our children and teachers. We cannot expect our kids to learn if they do not feel safe.”*

*“I’m pleased to hear our superintendents and school board members have flexible plans in place to promote learning in this complicated time,” added **Rep. Andi Story** (D-Juneau), co-chair of the Education Committee. “Practicing social distancing, wearing a mask, and staying home if you’re sick will allow more in-person learning.”*

<http://akhouse.org/2020/07/23/school-officials-describe-challenges-to-a-safe-reopening-this-fall/>

Legislative Finance Division:  
**Fiscal Summary FY20/FY21**  
July 17, 2020

**Highlights: Using DOR Spring Forecast**

- Revenues – UGF & POMV only

FY20 UGF revenues            \$4,560.5

FY21 UGF revenues            \$4,244.3

- Appropriations – UGF & PF-POMV only

FY20                                \$5,830.8

FY21                                \$5,159.6

⇒ FY20 deficit                    (\$1,286.1)

⇒ FY21 deficit – projected      (\$ 945.7)

**CBR Balance (year end)**

⇒ FY20                                \$1,448.1\*

⇒ FY21                                \$ 586.9\*

*\*Note: These balances do not reflect a general fund “borrowing” from the CBR for cash-flow needs of roughly \$500 million.*

**PF - ERA**

⇒ FY20                                \$12.6 billion

⇒ FY21                                \$13.7 billion

<http://legfin.akleg.gov/FisSum/FY21-Budget.pdf>

## Major News Articles / Political Items of Interest

### Fishing

#### **The futurist**

If you are an Alaska commercial fisherman or someone who simply cares about the fate of the state's small, rural communities still dependent on commercial fishing as their economic reason to [...]

#### **Some salmon return, but 'not nearly enough'**

Fishermen are hurting.

#### **Emerging mariculture industry takes setback from market losses**

For the past few years, mariculture has been the hot topic of innovation in fisheries in Alaska.... [Read More](#)

#### **A shift in who's involved in Alaska seafood industry outbreaks means virus may be harder to contain**

Nearly 100 workers at OBI Seafoods on Resurrection Bay tested positive for COVID-19 this week and another 40 in a Juneau plant. Some of them live in town.

#### **Heated oversight**

Scientists searching for evidence of climate change in Alaska's Cook Inlet say they've found the fingerprints of global warming in the falling numbers of prized Chinook salmon, but admit they chose to [...]

### Health

#### **Protecting Alaska's workers must be a priority**

A global pandemic is an exceptional time, and one that requires thoughtful, courageous leadership. After more than six months, we understand the devastating effects of COVID-19. Once thought a danger limited to older and immune-compromised individuals, we now understand that COVID-19 can compromise the health of even young adults with no pre-existing conditions. Further, data reveals that communities of color are disproportionately affected by COVID-19.

<https://www.adn.com/opinions/2020/07/11/protecting-alaskas-workers-must-be-a-priority/>

### **Alaska needs a better COVID-19 strategy. Now.**

Despite our collective fatigue with COVID-19, the pandemic continues to spread rapidly across our country, escalate in cases around our state, and disrupt our daily lives. Because we cannot know when an infection of the novel virus will result in serious illness that requires hospitalization or could lead to death, managing Alaska's response to the pandemic by relying on inpatient beds and access to ventilators at our hospitals — as the state relaxes statewide health mandates — is not a recipe for success.

<https://www.adn.com/opinions/2020/07/17/alaska-needs-a-better-covid-19-strategy-now/>

### **A look at COVID-19 hospitalizations in Alaska**

Some of Alaska's health leaders are warning that hospitals could get overwhelmed if the number of coronavirus infections keeps climbing

### **Alaska needs a mask mandate now**

Wearing a mask in public spaces is the best tool we have to protect ourselves — and each other — from contracting COVID-19.

<https://www.adn.com/opinions/2020/07/23/alaska-needs-a-mask-mandate-now/>

## Business/Economy

### **Trump cites nation's economic woes as he moves to slash 50-year-old environmental protections**

ATLANTA — President Donald Trump announced Wednesday that he was rolling back a foundational Nixon-era environmental law that he says stifles infrastructure projects, but that is credited with ensuring decades of scrutiny of major projects and giving local communities a say.

<https://www.adn.com/nation-world/2020/07/15/trump-cites-economic-problems-as-he-moves-to-pare-back-50-year-old-environmental-protections/>

### **[Alaska trailed most other states in the rate of federal COVID-19 loans received, analysis shows](#)**

Alaska businesses did receive larger Paycheck Protection Program loans than the average, according to a new analysis. Top industries receiving the loan include health care and construction

### **[Dunleavy praises NEPA rollback at White House](#)**

'Ended this regulatory assault.'

### **State seeks ways to speed CARES grant process**

The Dunleavy administration's attempt to expand eligibility for a \$290 million small business aid program initially prevailed in court but those overseeing the grants are struggling to pinpoint why dispersing the funds has gone so slowly.

<https://www.alaskajournal.com/2020-07-15/state-seeks-ways-speed-cares-grant-process>

### **[Jobless rates dip in June](#)**

Juneau, Alaska (KINY) - There was a slight indicator of an economic recovery in Alaska as jobless rates fell slightly from 12.7 percent in May to 12.4 percent in June, according to the Alaska Department of Labor and Workforce Development.

### **[State reports 37,700 fewer jobs in June than prior year](#)**

Reduced tourism is part of the reason why.

### **Seattle cruise line sells 4 ships; cruise ban extended**

A Seattle-based cruise line has sold four ships in its fleet as the coronavirus pandemic has halted operations and subsequently slowed businesses that rely on incoming traffic from the industry. Holland America Line made the announcement after the U.S. Centers for Disease Control and Prevention on Thursday extended a ban on cruises in U.S. waters until the end of September to limit the spread of COVID-19, KING-TV reported.

<https://www.juneauempire.com/news/seattle-cruise-line-sells-4-ships-cruise-ban-extended/>

### **Alaska restaurant industry group calls on governor to impose new mandates to head off a second shutdown**

Alaska's main service industry trade group is [calling on Gov. Mike Dunleavy to impose more mandates](#) on restaurants and bars to reduce the spread of COVID-19 — and potentially avoid another shutdown for the industry.

<https://www.adn.com/alaska-news/2020/07/20/alaska-restaurant-industry-group-calls-on-governor-to-impose-new-mandates-to-head-off-a-second-shutdown/>

### **'At this point, no gathering is safe': From funerals to barbecues, Alaskans contract COVID-19 through community settings**

Hours after an emergency order from Mayor Ethan Berkowitz went into effect on Friday — returning Alaska's largest city to a modified version of its previous reopening restrictions — Berkowitz joined education and health officials to speak about community spread, the municipality's new contact-tracing platform and the Anchorage School District's plans for fall.

<https://www.ktva.com/story/42409581/anchorage-mayor-education-and-health-officials-give-covid19-response-update>

## State Budget

### **Protecting the Permanent Fund**

At a time when the fiscal future of many states looks uncertain, Alaska made the smart choice to protect the state's future income for our children and grandchildren. On June 30, \$4.9 billion was transferred from the Permanent Fund's Earning Reserve Account to its principal account. Once deposited in the principal account, the funds cannot be spent without a vote of the people. But they will produce earnings, a percentage of which will provide for dividends and essential state services.

<https://www.adn.com/opinions/2020/07/16/protecting-the-permanent-fund/>

### **Marine highway advisory group seeks to right-size Alaska's ferry fleet**

A consensus is emerging among the [group tasked with reforming the Alaska Marine Highway System](#): The \$24 million subsidy proposed Gov. Mike Dunleavy is insufficient, regardless of whether the ferries are a public or private entity. The nine-member task force appointed by the governor in February is facing a deadline later this fall.

<https://www.ktoo.org/2020/07/19/marine-highway-advisory-group-seeks-to-right-size-alaskas-ferry-fleet/>

### **Most of Alaska's \$1.5 billion federal pandemic aid package remains unspent**

Two months after a committee of the Alaska Legislature [approved the key elements](#) of Gov. Mike Dunleavy's plan to spend coronavirus aid, much of the federal government's \$1.5 billion assistance package remains unspent.

<https://www.adn.com/alaska-news/2020/07/22/most-of-alaskas-15-billion-federal-pandemic-aid-package-remains-unspent/>

**[As Alaska deficit nears \\$1.3 billion, state savings accounts are expected to run dry next year](#)**

Legislators and the governor will face difficult decisions in 2021.

Politics/Policy Calls

**[Darling of the Democrats, Knopp wins support of secretive Outside super PAC](#)**

A Democrat-heavy political action committee from the East Coast that is working on over 1,100 legislative races around the country has identified a few races in Alaska to dig into. The Future Now Fund has the stated intent of preserving a Democrat-controlled House leadership in Alaska, but it's very difficult

**[Galvin raises nearly three times as much as Young during second quarter: State of the race](#)**

Good news for Galvin, who's got a slight edge according to the publicly available polling.

**[Democrat Edgar Blatchford runs for U.S. Senate](#)**

Edgar Blatchford is running for Senator Dan Sullivan's seat in the U.S. Senate.

**Lawsuit: Alaska absentee application mailings discriminatory**

A lawsuit says state elections officials are discriminating by mailing unprompted absentee ballot applications to older Alaskans but not to all qualified voters. The lawsuit, filed Friday, seeks to have applications sent ahead of the primary and general elections to all registered Alaska voters, regardless of age.

<https://www.ktuu.com/2020/07/17/lawsuit-alaska-absentee-application-mailings-discriminatory/>

**[Liz Snyder leads pack of progressives outraising Republicans in key legislative races: State of the Race](#)**

Snyder, who came within 200 votes of unseating Republican Rep. Lance Pruitt in 2018, has raised more than any other legislative candidate this year.

### **United Fishermen of Alaska dismiss Gross, endorse Sullivan**

The announcement comes as a bit of a body blow to the campaign of his opponent, Al Gross, who presents himself as a commercial fisherman from Petersburg. This is an endorsement that should have come easily for someone with an Alaska gill net permit. Many in the fishing industry are independent voters, and Gross also presents himself as an independent, although he is running on the Democrats' ticket and with the Democrats' resources and endorsement.

<https://mustreadalaska.com/united-fishermen-of-alaska-dismiss-gross-endorse-sullivan/>

### Special Interest

#### **Seward City Council approves resolution to demolish Jesse Lee Home**

In a council meeting Monday, the City of Seward Council members voted to approve a resolution to demolish the Jesse Lee Home. The home, which has not been in use since it was damaged during the 1964 earthquake, is best known as the home of the Alaska State Flag, which was designed at the home by Benny Benson.

<https://www.ktuu.com/2020/07/14/seward-city-council-approves-resolution-to-demolish-jesse-lee-home/>

#### **Alaska spent millions. So why is this historic building still a wreck?**

The Jesse Lee Home is a nearly century-old former children's home and the birthplace of the Alaska state flag. The nonprofit Friends of the Jesse Lee Home had millions in grants and more than a decade to fix it up, but they now say time is running out.

<https://www.alaskapublic.org/2018/05/15/alaska-spent-millions-so-why-is-this-historic-building-still-a-wreck/>

#### **House committee hears about challenges of school reopenings**

Anchorage, Alaska (KINY) - The House Education Committee heard testimony Thursday from Alaska education leaders and state officials on the challenges ahead for schools.

Sponsored by: Hunt  
Public Hearing Date:  
Enactment Date:

**CITY OF WHITTIER, ALASKA  
EMERGENCY ORDINANCE 2020-04**

**AN EMERGENCY ORDINANCE RATIFYING THE CITY MANAGER'S REVISIONS TO THE EMERGENCY COVID-19 RULES IN EMERGENCY ORDER 2020-05 AND RESTATING THE CITY'S DECLARATION OF EMERGENCY ARISING FROM COVID-19**

**WHEREAS**, the United States Center for Disease Control and Prevention (CDC) has identified COVID-19 as a significant public risk; and

**WHEREAS**, on March 11, 2020, Governor Dunleavy issued a declaration of public health disaster emergency in response to the anticipated outbreak of COVID-19 within Alaska's communities and The World Health Organization designated the COVID-19 outbreak a pandemic; and

**WHEREAS**, on March 23, 2020, the Whittier City Manager, in accordance with WMC 2.64.110, declared a state of emergency and the Whittier City Council ratified the declaration shortly thereafter; and

**WHEREAS**, the State of Alaska has issued numerous health mandates restricting public interactions, travel, and public access since the City's declaration of emergency in an effort to preserve public health and safety; and

**WHEREAS**, the emergency state posed by COVID-19 continues and the City is experiencing the transmission of COVID-19 amongst its residents; and

**WHEREAS**, the City Manager, in his role as Whittier Office of Emergency Management Director, has determined, after consulting with the City's medical advisor, that temporary additional restrictions on public gatherings and limited facial covering requirements are necessary to slow the transmission of COVID-19 within Whittier; and

**WHEREAS**, the City Manager has also determined that the increased risk of COVID-19 transmission within the Whittier Community also necessitates additional requirements regarding reporting COVID-19 exposure to ensure that Whittier's residents and visitors and the City has the data necessary to take protective measures against the virus; and

**WHEREAS**, Council finds that the revisions to the Emergency COVID-19 Rules promulgated by the City Manager are narrowly tailored to preserve public health and safety while

balancing those needs with the individual freedoms and rights of the City’s residents and visitors;  
and

**WHEREAS**, Council continues to recognize the public health emergency created by the COVID-19 outbreak and the imminent harm it poses to the City and all members of the Whittier community; and

**WHEREAS**, the City Manager has authority to implement temporary rules and procedures regarding City government organization and operations during an emergency under WMC 2.64.140,

**NOW, THEREFORE, THE CITY OF WHITTIER CITY COUNCIL ORDAINS:**

**Section 1.** The Whittier City Council hereby ratifies the revised emergency COVID-19 rules adopted by the City Manager via Emergency Order 2020-05 and attached to this Ordinance as Exhibit A.

**Section 3.** This ordinance is an emergency ordinance, is not permanent in nature, and shall not be codified. This ordinance constitutes an emergency because the adoption of the provisions within it are necessary to prevent imminent harm to the public’s welfare and safety arising from COVID-19.

**Section 4.** This ordinance shall take effect on the day it is enacted and shall expire sixty (60) days after its passage in accordance with WMC 2.08.310.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA** this \_\_\_\_ day of August, 2020.

**THE CITY OF WHITTIER, ALASKA**

---

Dave Dickason, Mayor

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

*(An Emergency Order requires approval of all present members or 3/4 of total membership, whichever is less – WMC 2.08.310)*

**ATTEST:**

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Naelene Matsumiya  
City Clerk

(City Seal)

**CITY OF WHITTIER, ALASKA  
ORDINANCE #02-2020**

**AN ORDINANCE OF THE CITY COUNCIL OF WHITTIER, ALASKA REPEALING  
WHITTIER MUNICIPAL CODE 9.32.080 AND WMC 17.16.221(C)(1) AND (C)(3) TO  
REMOVE CITY LAWS GOVERNING CONDUCT GOVERNED BY THE STATE OF  
ALASKA BOARD OF FISHERIES AND AMENDING WMC 17.16.221 TO CLARIFY  
AND UPDATE LANGUAGE REGARDING PROHIBITED USES IN THE MARINE  
PARK DISTRICT**

**WHEREAS**, the Whittier Municipal Code (“WMC”) imposes regulations on spear fishing and other fishing and harvesting activities in the City’s Marine Park District; and

**WHEREAS**, under AS 16.05.251 the State of Alaska Board of Fisheries (“BOF”) has the authority to regulate fisheries, including, without limitation, establishing the means and methods for the taking of fish and the Alaska Department of Fish & Game oversees enforcement of Alaska’s fishing regulations; and

**WHEREAS**, it is in the City’s best interest to avoid regulating areas more appropriately governed by the BOF and Alaska Fish & Game; and

**WHEREAS**, it is in the City’s best interest to update the language and prohibitions in WMC 17.16.221 to reflect current practice and procedures in the Marine Park District,

**THE WHITTIER CITY COUNCIL ORDAINS:**

**Section 1.** Whittier Municipal Code Section 17.16.221 entitled Marine Park Use Regulations is amended to read as follows:

17.16.221 Marine Park Use Regulations

The following use regulations shall apply to the marine park district:

- A. Boating and Submersible Vehicles. It is unlawful for any vessel to operate at a speed that causes any wake.
- B. Scuba Diving and/or Free Diving. It is unlawful for any person to scuba dive and/or free dive without a dive flag. No dive flag may be placed within 100 feet of any public boat launching facility or dock.
- C. Prohibited Acts. The following acts are unlawful and are prohibited within the boundary of any marine park:

~~1. Use of spears or spear guns of every kind and description for the taking of fish, bivalves, mollusks, crustaceans, or other marine plant and/or animal life; provided, however, nothing herein shall be construed to prevent the wearing by scuba divers or skin divers of knives properly sheathed which are customarily used by divers.~~

2. Scuba diving or possession of scuba diving apparel and equipment, unless in possession of written proof of being certified by a nationally recognized scuba diving association such as PADI, NAUI or SSI.

3. Scuba diving without wearing a buoyancy compensator.

~~4. While having in his or her possession scuba or free diving equipment the additional possession of any device designed for the taking of fish, bivalves, mollusks, crustaceans or other marine plant or animal life including, but not limited to, fishing lines, poles or hooks, spears or spear guns of every kind and description, nets for taking or collecting already taken marine life, gaffs, stringers designed for attaching fish, or any other similar hunting and/or fishing device of every kind and description; provided, however, nothing herein shall be construed to prevent the following:~~

~~a. The wearing by scuba or free divers of knives properly sheathed which are customarily used by scuba or free divers; and~~

~~b. The possession of fishing tackle designed for fishing from above the surface of the water.~~

45. To injure, destroy or otherwise contribute to the physical degradation of the habitat of any fish, bird, mollusk, crustacean, marine or intertidal algae or plant, or any other marine or intertidal organism **in violation of federal or state law.**

56. Conduct any commercial recreational activity without first obtaining a commercial operator's permit from the City and paying the fee therefor.

67. Anchoring, mooring, fastening, tying, or otherwise securing any vessel, by any method, **unless approved by the Harbormaster and permitted by law.**

78. Erecting or installing any structure, whether floating or not, **including but not limited to such as a dock, pier, or boathouse, etc. unless permitted by law and approved by the Harbormaster.**

**Section 2.** Section 9.32.080 entitled "Violation of State fish and game laws – Action" is repealed.

**Section 3.** Classification. This Ordinance is a permanent code ordinance.

**Section 4.** Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other

persons or circumstances shall not be affected thereby.

**Section 5. Effective Date.** This ordinance shall become effective upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Whittier City Council on this \_\_\_ day of \_\_\_\_\_, 2020.

Introduced by: \_\_\_\_\_

1st reading: \_\_\_\_\_, 2020

2nd reading and public hearing: \_\_\_\_\_, 2020

\_\_\_\_\_  
David Dickason  
MAYOR

ATTEST:

\_\_\_\_\_  
Naelene Matsumiya  
CITY CLERK

Ayes:  
Nays:  
Absent:  
Abstain:



August 14, 2019  
Jim Hunt  
Whittier City Manager  
P.O. Box 608  
Whittier, AK 99693

Greetings,

A member of the public recently contacted the Alaska Department of Fish and Game (ADF&G) Sport Fish Management Biologist responsible for Prince William Sound, regarding spear fishing. It was brought to our attention the existence of an ordinance in the City of Whittier Code, restricting the take of fish with spears within Marine Parks. The code, **17.16.221(C)(1)**, prohibits the *"use of spears or spear guns of every kind and description for the taking of fish, bivalves, mollusks, crustaceans, or other marine plant and/or animal life..."* within Marine Parks. Marine Parks are not defined in Whittier's municipal code; however, it is our understanding that in this context, Marine Parks is a City of Whittier zoning district and specifically refers to Smitty's Cove, a popular diving area within Passage Canal, approximately one mile east of the Whittier Harbor.

However, the responsibility and authority for regulating fisheries falls to the State of Alaska Board of Fisheries (BOF). Pursuant to **AS 16.05.251**, the BOF adopts regulations for establishing open and closed seasons and areas for taking fish; setting quotas, bag limits, harvest levels and limitations for taking fish; and establishing the methods and means for the taking of fish. Furthermore, per **5 AAC 75.028**, explicitly addresses spear fishing in marine waters, stating *"(s)ubject to applicable seasons and bag and possession limits, a person who is completely submerged may use a spear or speargun in salt water to take fish if the spear or speargun is not tipped with an explosive charge."*

ADF&G asserts that the public has the right to spear fish in the public waters of Prince William Sound, to include the waters of Passage Canal within the Whittier city limits. We request that the City of Whittier remove from their municipal code, the sections within ordinance **17.16.221**, specifically, **(C)(1)** and **(C)(4)**, which attempt to regulate fisheries. If the City of Whittier has concerns about fishery regulations, we recommend submitting a proposal for consideration by the BOF. Additionally, ADF&G requests to be notified when the above-mentioned ordinance is corrected.

Thank you for your attention to this matter and please feel free to contact me with any questions.

Respectfully,

*David Rutz*

David Rutz  
Director  
Division of Sport Fish  
Alaska Department of Fish and Game  
(907)267-2150  
David.rutz@alaska.gov

**CITY OF WHITTIER, ALASKA  
ORDINANCE #03-2020**

**AN ORDINANCE OF THE CITY COUNCIL OF WHITTIER, ALASKA AMENDING  
WHITTIER MUNICIPAL CODE SECTIONS 2.06.430, 2.08.260, 2.64.400, 3.08.370,  
3.09.020, 3.12.090, 8.16.060, 8.28.110, 10.25.040, 10.40.020, 13.08.410, 16.40.010, AND  
17.16.223 CHANGING ALL MISDEMEANORS UNDER THE WHITTIER MUNICIPAL  
CODE TO MINOR OFFENSES**

**WHEREAS**, given the City of Whittier’s limited resources and its reliance upon State of Alaska law when exercising its police powers, it is in the City’s best interest to treat violations of the Whittier Municipal Code as minor offenses, rather than misdemeanors,

**THE WHITTIER CITY COUNCIL ORDAINS:**

**Section 1.** Whittier Municipal Code Section 2.06.430 entitled Violation – Penalty is amended to read as follows:

2.06.430 Violation – Penalty

A. ~~**Any person who violates**~~ Violation of any provision of WMC 2.06.380 is **guilty of an infraction**, ~~a misdemeanor~~ and punishable by a fine not to exceed \$500.00.

B. Any person elected to any City office convicted of a corrupt practice or election offense as provided herein shall be punished, in addition to any other punishment, by being deprived of the office or position and the vacancy shall be filled as any other vacancy.

**Section 2.** Whittier Municipal Code Section 2.08.260 entitled Rules – Decorum by the public is amended to read as follows:

2.08.260 Rules – Decorum by the public

A. Any person addressing the Council making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council, shall be forthwith, by the presiding officer, barred from further audience at the meeting before the Council, unless permission to continue is granted by a majority vote of the Council.

B. Any person in the audience who uses loud, boisterous or profane language at a Council meeting, or language tending to bring the Council or any Council member into contempt, or any person who persistently interrupts the proceedings of the Council or refuses to keep quiet or take a seat when ordered to do so by the presiding officer, ~~is shall be deemed~~ guilty of **an infraction**, ~~a misdemeanor~~ **punishable by a fine not to exceed \$1,000**. Upon instruction from the presiding officer, it shall be the duty of any police officer present to eject any such person from the Council Chambers, ~~or place such person under arrest, or both.~~

**Section 3.** Whittier Municipal Code Section 2.64.400 entitled Violation – Penalty is amended to read as follows:

2.64.400 Violation – Penalty

It shall be **an infraction**~~a misdemeanor~~, punishable by a fine not to exceed ~~the sum of~~ \$500.00, for any person during a proclaimed disaster emergency to ~~willfully~~:

A. Obstruct, hinder or delay any accredited member of the disaster and civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the City Office of Emergency Management or the Alaska Division of Emergency Services.

**Section 4.** Whittier Municipal Code Section 3.08.370 entitled Failure to file returns or remit taxes – Civil penalties – Publication – Injunction is amended to read as follows:

3.08.370 Failure to file returns or remit taxes – Civil penalties – Publication – Injunction

A. Failure to file two or more returns in any one tax year after notice from the City to the seller's address last shown on its business license application, ~~when intentional~~, constitutes **an infraction**, ~~a misdemeanor and is punishable by imprisonment for up to 30 days, and a fine not to exceed \$500.00, plus costs of prosecution, in addition to any civil penalty assessed.~~

B. A seller who fails to file a return within the time required by this chapter, or who fails to remit all taxes required to be collected by him, or later found to be due, is subject to a penalty of five percent per month of the amount of taxes found or estimated to be due until paid, to a maximum of 25 percent. The filing of an incomplete return, or the failure to remit all taxes due, is the equivalent of filing no return. All taxes due but not paid within the time required by this chapter shall accrue interest at the rate of 15 percent per annum.

C. Any seller who fails to file a return required under this chapter within 15 days of written notification by regular mail, regardless of whether any taxes were due for the reporting period for which the return was required, shall be subject to a penalty of \$100.00 for each return not filed, in addition to any penalty for late filing.

D. Sellers who have not filed returns for two consecutive reporting periods during a tax year who have not notified the sales tax administrator that they have temporarily or permanently ceased to do business in the City shall be assumed to have ceased conducting business and shall be removed from the roll of active businesses. A business removed from the active businesses roll may not thereafter conduct business within the City until reinstated to the roll. Reinstatement of a business removed from the active businesses roll pursuant to this section may occur only upon payment of a reinstatement fee of \$75.00.

E. If the sales tax administrator has reason to believe that a seller who has been removed from the roll of active businesses pursuant to this section or as a result of written notice by the business to the sales tax administrator is in fact continuing to conduct business, the sales tax administrator may cause a proceeding to be filed in the Superior Court requesting the issuance of an injunction prohibiting that business from continuing to conduct business.

F. As soon as practicable after the expiration of 15 days following the end of each calendar month during the tax year, the sales tax administrator shall publish in customary circulation in the appropriate area of the City, a list of every seller who:

1. Was conducting business in the City and was required to file a return during that month, but who has not filed the required return, unless **the** seller has paid any balance due for that period in full;
2. Did not pay all balances due; or
3. Is delinquent in the payment of amounts owed entered under the provisions of this chapter.

**Section 5.** Whittier Municipal Code Section 3.09.020 entitled Payment by consumer and collection by distributor is amended to read as follows:

3.09.020 Payment by consumer and collection by distributor

A. The fuel distributor shall be responsible for collecting the tax from the consumer. If the distributor has reasonable cause to believe that fuel sold is ultimately destined to be dispensed subject to this excise tax, the distributor shall require the customer to pay the tax at the time of the sale or cause the customer to sign a statement that the fuel is either: (1) not going to be dispensed into a watercraft within the City or (2) will be dispensed into watercraft from the floating fuel dock located in the Whittier Small Boat Harbor. Except as otherwise provided in this chapter the fuel distributor shall be jointly and severally liable with the consumer to the City for all taxes the distributor is required to collect, whether or not collected by the distributor.

B. It shall be **an infraction, punishable by a fine not to exceed \$500.00,** a misdemeanor to falsely sign or cause to sign, such a statement or to do so with false intent. ~~The maximum fine shall be \$500.00.~~

C. All excise taxes collected or which should have been collected pursuant to this chapter are City moneys for which the fuel distributor is liable and at all times accountable to the City. All such City moneys shall be held by the fuel distributor in trust for the City in an account that is separate from other moneys of the fuel distributor.

**Section 6.** Whittier Municipal Code Section 3.12.090 entitled Personal property tax return is amended to read as follows:

3.12.090 Personal property tax return

A. Every person shall submit to the Assessor a personal property return of any property owned by him or in which he has an interest, and the property held or controlled by him in a representative capacity, in the manner prescribed by this chapter, which return shall be based on property values existing as of the first day of January of the year in which the return is made. The person making the return in every case shall state an address to which all notices required to be given to him under this chapter may be mailed or delivered. The return shall show the nature, quantity, description, amount, and value of all personal property, as well as the place where the property is situated, ~~and the.~~ The return shall be in such form and include such additional information as the Council or Assessor may prescribe; and shall be signed and verified under oath by the person liable or his or its authorized agent or representative.

B. The return shall be filed before February 15th of each year. The Assessor may, by notice in writing to the person by whom a return has been made, require from him a further return and a receipt of the notice; that person shall comply fully with its requirements within 30 days. If no return is filed as required by this section, or if the return is filed late, the taxpayer shall pay a penalty of five percent of any personal property tax for any filing with the Assessor after February 1st but before June 1st of each year, and, after June 1st, the penalty shall be 10 percent of any personal property tax levied, plus interest at the rate of eight percent a year from the date the taxes would ordinarily come due.

C. All statements on personal property tax returns made by any person required under this chapter to file such return shall be confidential, and said return may not be inspected by any person except officers authorized to administer the tax laws of the United States, or the State of Alaska, or this City, or a law enforcement officer, or in response to a proper subpoena from a court. Any employee who violates this restriction by communicating any information obtained under these provisions, except such information as required by law to be shown on the assessment rolls, or who allows any person not legally entitled thereto to inspect or have access to any return made under these provisions is guilty of an infraction, ~~a misdemeanor~~ punishable under this chapter, and shall be immediately discharged from his office of employment.

**Section 7.** Whittier Municipal Code Section 8.16.060 entitled Abatement officer is amended to read as follows:

8.16.060 Abatement officer

A. It is the function of the abatement officer to enforce this chapter. The abatement officer has authority to determine that a nuisance exists. The abatement officer shall investigate any written complaint received by the City and may investigate other matters involving violation of this chapter. The abatement officer may issue orders to abate as provided in this chapter.

B. The abatement officer shall file a civil action only after approval by City Council.

C. A citation for an infraction for violating this chapter may be issued by the abatement officer or any police officer. ~~The abatement officer may not charge a person with a misdemeanor or felony charge.~~

**Section 8.** Whittier Municipal Code Section 8.28.110 entitled Violation – Penalty is amended to read as follows:

8.28.110 Violation – Penalty

A person who violates WMC 8.28.060 ~~is shall be deemed~~ guilty of **an infraction**, a ~~misdemeanor and upon conviction, shall be punishable by a fine~~ **not to exceed** ~~of not more than \$100.00, or imprisonment for not more than 10 days, or both fine and imprisonment at the discretion of the City magistrate.~~

**Section 9.** Whittier Municipal Code Section 10.25.040 entitled Overnight parking of trailers and campers is amended to read as follows:

10.25.040 Overnight parking of trailers and campers

A. No motorhome, camper or camping trailer may be parked overnight from 12:00 midnight to 6:00 a.m. along any public street for the purpose of camping; ~~neither may a~~ **No** utility trailer or boat trailer ~~may be allowed to~~ be parked, either connected or disconnected from a vehicle, on a public street or on public property situated within the City, except in authorized areas designated by the City as a permissible overnight parking area or at the City camper park.

B. Violation of any provision of this section is **an infraction**, a ~~misdemeanor and~~ punishable by a fine not to exceed \$300.00 ~~together with a formal complaint.~~

**Section 10.** Whittier Municipal Code Section 10.40.020 entitled Violation – Penalty is amended to read as follows:

10.40.020 Violation – Penalty

Violation of any provision of this chapter is **an infraction**, ~~a misdemeanor and~~ punishable by a fine not to exceed \$300.00 ~~together with a formal complaint.~~

**Section 11.** Whittier Municipal Code Section 13.08.410 entitled Violation – Penalty is amended to read as follows:

13.08.410 Violation – Penalty

Any person who shall continue any violation beyond the time limit provided for in WMC 13.08.390 ~~is~~ shall be guilty of **an infraction**, ~~a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding~~ **punishable by a fine not to exceed** \$300.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**Section 12.** Whittier Municipal Code Section 16.40.010 entitled Violation – Penalty is amended to read as follows:

16.40.010 Violation – Penalty

A. The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a final plat of the subdivision has been prepared, approved and recorded is guilty of **an infraction**, ~~a misdemeanor and, upon conviction,~~ is punishable by a fine **not to exceed** ~~of not more than~~ \$500.00 for each lot or parcel transferred, sold, or included in a contract to be sold. The Planning Commission may enjoin a transfer, sale, or contract to sell and may recover the penalty by appropriate legal action.

B. No person shall record a plat or seek to have a plat recorded unless it bears the approval of the Planning Commission. Any person who knowingly violates this requirement is **guilty of an infraction**, punishable, ~~upon conviction,~~ by a fine **not to exceed** ~~of not more than~~ \$500.00.

**Section 13.** Whittier Municipal Code Section 17.16.223 entitled Penalty is amended to read as follows:

17.16.223 Penalty

Any person violating any provision of this chapter shall be guilty of **an infraction**, a ~~misdemeanor and shall be subject only to~~ **punishable by** a fine not to exceed \$1,000.

**Section 14.** Classification. This Ordinance is a permanent code ordinance.

**Section 15.** Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 16.** Effective date. This ordinance shall be effective upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Whittier City Council on this \_\_\_ day of \_\_\_\_\_, 2020.

Introduced by: \_\_\_\_\_

1st reading: \_\_\_\_\_, 2020

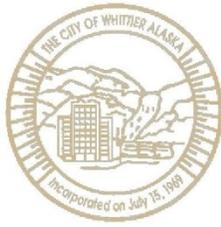
2nd reading and public hearing: \_\_\_\_\_, 2020

\_\_\_\_\_  
David Dickason  
MAYOR

ATTEST:

\_\_\_\_\_  
Naelene Matsumiya  
CITY CLERK

Ayes:  
Nays:  
Absent:  
Abstain:



# THE CITY OF WHITTIER

*Gateway to Western Prince William Sound*

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

Date: August 12, 2020

To: City of Whittier Mayor and City Council

Thru: Jim Hunt, City Manager

From: Naelene Matsumiya, City Clerk

**RE: Confirmation of Election Officials**

For the upcoming City Election of October 6, 2020, the following persons are willing to serve as City Election Officials:

- Precinct Polling Place
  - Charlene Arneson
  - Terry Bender
  - Alexandra Matsumiya
  - Roselle Medez
  - Gyazmin Gilmore
  
- Absentee Voting Officials
  - Naelene Matsumiya, Acting City Clerk
  - Dyanna Pratt, Executive Assistant

Please confirm the election officials stated above as required by WMC 2.06.120.

Thank you.

**CITY OF WHITTIER, ALASKA  
RESOLUTION #22-2020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA, APPOINTING THE CITY ELECTION OFFICIALS FOR THE OCTOBER 6, 2020 REGULAR CITY ELECTION.**

**WHEREAS**, the City of Whittier will hold its regular City election on October 6, 2020; and

**WHEREAS**, Whittier Municipal Code 2.06.110 and 120 requires the City Council to appoint election officials prior to each election.

**NOW, THEREFORE, BE IT RESOLVED BY THE WHITTIER CITY COUNCIL, that:**

**The City Council of the City of Whittier, Alaska hereby appoints the following persons to serve as election officials for the October 6, 2020 regular city election:**

- **Charlene Arneson**
- **Dyanna Pratt**
- **Terry Bender**
- **Alexandra Matsumiya**
- **Roselle Medez**
- **Gyazmin Gilmore**

**PASSED AND APPROVED** by a duly constituted quorum of the Whittier City Council on this 17th day of August 2020

**Introduced by:** Naelene Matsumiya, City Clerk

**Introduction date:** August 18, 2020

**ATTEST:**

\_\_\_\_\_  
**Naelene Matsumiya**  
City Clerk

\_\_\_\_\_  
**Dave Dickason**  
Mayor

Ayes:  
Nays:  
Absent:  
Abstain:



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## City of Whittier

### City Council Declaration of Interest

Name: David Schofield Date: 10 Aug 2020

Address: P.O. Box [redacted] Whittier AK 99693

Phone: [redacted] Seat You Are Interested in Filling: G

Do you own a business in Whittier? no

If yes, what is the name of your business?

N/A

Are you a resident of Whittier? yes

If no, where is your primary residence? \_\_\_\_\_

Summarize why you would like to hold a seat on the City Council:

I would like to participate in and give back to the community  
I live in...

Signature





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## City of Whittier

### City Council Declaration of Interest

Name: Cathy McCord Date: 08/06/2020

Address: 100 Kenai St [redacted] Whittier AK 99693

Phone: [redacted] Seat You Are Interested in Filling: B

Do you own a business in Whittier? No

If yes, what is the name of your business?  
\_\_\_\_\_

Are you a resident of Whittier? Yes

If no, where is your primary residence? \_\_\_\_\_

**Summarize why you would like to hold a seat on the City Council:**

As a fairly new resident, February 2018, I believe I can bring a new and fresh perspective to the position. I have a fine attention to detail and think this would be a big asset. I would be diligent in my attendance and participation.

**Signature**

C McCord 08/06/2020



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## City of Whittier

### City Council Declaration of Interest

Name: Dan Blair Date: 8-8-20

Address: [REDACTED]

Phone: [REDACTED] Seat You Are Interested in Filling: G

Do you own a business in Whittier? Yes

If yes, what is the name of your business?  
Emerald Cove Software as Service

Are you a resident of Whittier? Y

If no, where is your primary residence? \_\_\_\_\_

Summarize why you would like to hold a seat on the City Council:

I would like to use my experience as a council member in the prior 9 years to help the community of Whittier navigate the challenging circumstances Whittier is now encountering.

Signature

Dan Blair