



Northwest Arctic Borough

SERVING THE COMMUNITIES OF:

Ambler Buckland Candle Deering Kivalina Kiana
Kobuk Kotzebue Noatak Noorvik Selawik Shungnak

Northwest Arctic Borough Assembly Regular Meeting Minutes - *DRAFT*

Tuesday, January 26, 2016 – 9:00 A.M.

Northwest Arctic Borough Assembly Chambers – Kotzebue, AK

CALL TO ORDER

President Carl Weisner called the meeting to order at 9:00 A.M.

INVOCATION/MOMENT OF SILENCE

Member Cleveland provided invocation.

ROLL CALL

Members Present:

Elmer Armstrong Jr.	Walter Sampson	Hannah Loon	Austin Swan Sr.
Pete Schaeffer	Nathan Hadley Jr.	Miles Cleveland Sr.	Larry Westlake Sr.
Lucy Nelson	Carl Weisner	Clyde Ramoth	

Introduction of Staff and Guests

Clement Richards Sr.	Stella Atoruk	Martha Henry	Christine Hess
Eugene Smith	Patrick Savok	Kathleen Lansdale	Brad Reich
Rosny Rizk	Angie Strum	Noah Naylor	Matt Mead
Zach Stevenson	Ruth Moto	Susan Georgette	Liz Cravalho
Katherine Keith	Mildred Stalker	Colleen Swan	

Excused

Winona Hawley
(telephonic)

Quorum established to conduct business.

Vice President Nelson motion to excuse Winona Hawley, seconded by Member Ramoth; passed with ten yes and one no voting by roll call vote.

AGENDA ADOPTION

Agenda for January 26, 2016 presented for approval. Vice President Nelson mentioned during the BAF they have added Resolution 16-05 and 16-06.

Member Ramoth moved, seconded by Member Hadley to adopt the agenda as amended. Motion carried unanimously by roll call vote.

MINUTES OF PREVIOUS MEETING

Meeting Minutes presented for December 22, 2015.

Member Ramoth moved, seconded by Member Hadley to approve the meeting minutes. Motion carried unanimously.

COMMUNICATIONS & APPEARANCES

President Weisner provided a summary of Mark Moore, Planning Director for Native Village of Noatak presentation which took place during the work session.

BOARDS, COMMISSIONS & COMMITTEES

Madam Chair Nelson provided a summary of the Budget, Audit and Finance meeting of which was held the previous day. All resolutions and ordinances recommend do pass from the committee.

PUBLIC HEARINGS, INACTMENT OF ORDINANCES AND EMERGENCY ORDINANCES

1. **Ordinance 15-05am01** *an ordinance of the Northwest Arctic Borough Assembly providing for the establishment and adoption of the line item budget for the Fiscal Year 2016.*

Rosny Rizk provided summary of ordinance; Member Sampson request payment schedule from Teck. President Weisner appreciate the efforts of cuts for the administration have made. Member Westlake request summary of the debt reimbursement. President Weisner requested clarification of the debt. Vice President Nelson mentioned that any residents are able to attend the meetings; we have detailed discussions on the finances. Member Sampson provided a summary of this process; amendments to the budget. Investments haven't been well and the issue on increased monies for legal expenses. Based on discussions, Member Sampson is against this ordinance. Member Ramoth raised his concern to the school construction/maintenance; how is that prioritized? From the Assembly or School Board.

Member Ramoth motion to approve Ordinance 15-05am01, seconded by Member Hadley. Motion passed by majority with eight yes and three no.

2. **Ordinance 15-09** *an ordinance of the Northwest Arctic Borough Assembly approving a contract for copier/printing services with KONICA/MINOLTA, and for related purposes.*

Member Hadley moved to approve Ordinance 15-09, seconded by Member Westlake. Passed unanimously.

3. **Ordinance 15-10** *an ordinance of the Northwest Arctic Borough Assembly amending Chapter 2.12 of the Borough Code to include a Chief of Staff Position.*

Member Westlake moved to approve Ordinance 15-10, seconded by Member Ramoth. Passed unanimously.

ASSEMBLY REPORTS

Vice President Nelson summarized the Assembly 2016 Retreat; majority of member present, had visitors from NANA, Lobbyist in the house, and Presenters from State and felt it was good meeting. Also, discussed the CIAP process, strategic plan, investment portfolio and legislative priorities. Byron Mallot presented a powerful speech.

Member Swan echoes Member Nelson's comments; also had discussion on Kivalina and Noatak's issues during the Retreat. Thankful that rest of the Assembly is aware of the issues.

Member Loon also attended the Retreat in Anchorage; learning experience as a new member. She was able to understand about the lobbyist; also representatives visited that have been to Kivalina. She is thankful that the Assembly were able to ask to be treated the same as the other villages; not having to match for the school. Member Loon discussed the budget, good to be involved in discussions and at end of the day; we are okay. Thank you to Mayor and Staff for arrangements.

Member Ramoth mentioned good Retreat in Anchorage. He mentioned the strategic plan; working with Mayor and Staff, good discussions. Facilitator did a good job. He noticed that the Mayor and Staff had done a lot already; complement for continuous work in a short period. If could, have all the monies and priorities all our needs; definitely a lot of needs.

President Weisner added he had the opportunity with the Mayor to go Kivalina with Lieutenant Governor and Emergency Planning Team were there. Also, have invited the Representative that attended our Retreat to our Region.

MAYOR'S REPORT

Mayor Richards mentioned that some of the items have been reported during the Assembly reports. Brad has set up the first Emergency Response Plan for Kivalina. Enter into a cooperative agreement with USDA and Maniilaq for pass through for grant writing. Mayor Richards summarized written report. He mentioned good Retreat; challenges still there. Public Safety have been listed as a high priority.

TIME AND DATE OF NEXT MEETING

Budget, Audit and Finance – Monday, February 22, 2016 @ 1:30 P.M.

Work session – Monday, February 22, 2016 @ 3:30 P.M.

Regular Meeting – Tuesday, February 23, 2016 @ 9:00 A.M.

President Weisner motion to approve the dates of February 2016, seconded by Member Ramoth. Passed unanimously by roll call vote.

Break taken 9:42 A.M.

Reconvene at 9:52 A.M.

INTRODUCTION OF ORDINANCES

1. **Ordinance 16-01** *an ordinance of the Northwest Arctic Borough Assembly approving a contract amendment with Bering Straits, and for related purposes.*

Vice President Nelson request a summary of ordinances/resolutions for the listening audience. Kathleen summarized the ordinance; solar arrays are put up on water treatment plants in all the communities. This finishes up the CIAP Project to put on the Kivalina Water Plant.

Member Hadley motion to approve Ordinance 16-01; seconded by Member Ramoth. Motion passed unanimously.

RESOLUTIONS

1. **Resolution 16-01** *a resolution of the Northwest Arctic Borough Assembly to accept Annual State ARDOR Grant Funding of \$70,372.72 for the Northwest Arctic Borough ARDOR and Economic Development Commission Administration.*

Kathleen summarized the ARDOR grant; to conduct assessment on eco-tourism. She will be traveling to the villages to meet with business to help promote. Member Ramoth raised his concern on State funding; every village in our region is unique, definitely have opportunity.

Member Westlake motion to approve Resolution 16-01, seconded by Member Cleveland. Motion passed unanimously.

2. **Resolution 16-02** *a resolution of the Northwest Arctic Borough Assembly approving a professional services agreement with Baker Professional Services for Lobbying Services and for related purposes.*

Mayor Richards mentioned this is for lobbying services in Juneau and Washington D.C.

Member Hadley motion to approve 16-02, seconded by Member Loon. Motion passed by majority with nine yes and two no.

3. **Resolution 16-03** *a resolution of the Northwest Arctic Borough Assembly approving a professional services agreement with Legislative Consultants for Lobbying and Media Services, and for related purposes.*

Mayor Richards mentioned this is for the State Lobbyist as well as Media which has been happening so that the residents can hear our message also.

Member Loon motion to approve Resolution 16-03, seconded by Member Armstrong. Motion passed unanimously.

4. **Resolution 16-04** *a resolution of the Northwest Arctic Borough Assembly approving a professional services agreement with Remote Solutions for Grant-Related Services.*

Mayor Richards mentioned this is to help all the communities in the Borough.

Member Ramoth motion to approve Resolution 16-04, seconded by Member Loon. Motion passed by majority with one abstain.

5. **Resolution 16-05** *a resolution of the Northwest Arctic Borough recognizing the importance of the Subsistence Mapping Project and Atlas.*

Zach provided a summary of the mapping project; he expressed his gratitude for working on the project all these years. Member Ramoth thanked Zach for his services; we are centralized having our native foods. Learning place names and Inupiaq names have been good to see the product; verified if it will be distributed to all seven tribes. Also, would like to see this benefit the remaining villages like Upper Kobuk. Member Schaeffer expressed the importance of this document; in conjunction of what Native Village of Kotzebue have been doing. Not only protecting our way of life but providing education. He really appreciate the project and work Zach have put into it. Member Loon thank Zach; is there clause in the document for no copyright or electronic copied? Thankful finally completed; for those that don't know the roots it shows the seasonal cycle and who am I. It's good that our students will know these now; thank you. President Weisner appreciated all the effort over the years; very enlightening. Hope like Member Ramoth to include the other villages that haven't been eligible at this time because of the grant; totally granted under CIAP. Also, Happy Belated Birthday and wish you well; endeavors with Park Service to Zach in Anchorage. Mayor Richards congratulate Zach job well done and thank you; where ever your endeavors lead you.

Member Loon motion approve Resolution 16-05, seconded by Member Nelson. Motion passed unanimously.

6. **Resolution 16-06** *a resolution of the Northwest Arctic Borough Assembly approving the hiring of necessary legal and tax experts in an amount not exceed \$100,000.00 and for related purposes.*

Member Westlake verified which handout is the right one; Mayor Richards informed the Assembly that it's the one that states he will let the President and Vice President know before entering into contract with any professional services. This is to give the Mayor flexibility to respond to the legal complaint from Teck; as to oppose go through two readings.

Member Ramoth motion to approve Resolution 16-06, seconded by Member Armstrong. Motion passed by majority with nine yes and two no.

President Weisner request for legal Matt Mead to provide a general summary of the legal allegations from Teck. On January 15, 2016 Teck Alaska sued Northwest Arctic Borough; seeking a declaration of the Borough's severance tax was invalid and unconstitutional. Seeking in conjunction in Borough's enforcement of the tax, and seeking in conjunction ordering they require the Borough meet with Teck to renegotiate the terms of the 2011 PILT agreement which expired on December 31, 2015. Borough has until Feb. 29th to respond. President mentioned during his comments he will summarize the poster boards. Mr. Mead added that Borough believes that none of these claims have any merit.

AUDIENCE COMMENTS

Susan Georgette, Selawik National Wildlife Refuge Manager mentioned that Fish and Wildlife is having an open house; public hearing on a new State wide rule that is being proposed for all of Alaska wildlife refuges. Basically, prohibit predator control activities on refuges throughout Alaska. Purpose of this is Fish and Wildlife service's mission is to maintain natural diversity and biological integrity; see major activity as incompatible. If you want more information they have been working on this this; two o'clock today.

Colleen Swan of Kivalina called; she supports Borough. Hope all Assembly members; if you don't know much of Red Dog Mine and their profits. She have been dealing with this issue many years; don't be fooled. They have a lot of profits, even if they claim there are unsuccessful. How they handle the ore out of state or Canada. Thank Borough for considering all the issue, very important that Borough seek more funding. People are suffering, really suffering; she has been doing research on why. We are not providing services people deserve; that is why people are voted to be on Assembly. So that we can have services that people need; we don't have to suffer, our people don't have to suffer. You have the power, to make life better. Hope you get the services from the severance tax; our people needs them. Thank you.

ASSEMBLY COMMENTS

Member Ramoth, mentioned a good meeting, well Retreat with the key staff and Assembly. For the listening audience they have detailed discussion on any ordinance or resolution. When we talk about villages or needs he echoes Colleen Swan's comments, the basic infrastructure. Would like to comment on Public Services; what Brad Reich's staff how they visit the villages. When they went to Selawik he spend a few hours with them; very patient, slept on floors to see what the village needs are. Can't image what other villages needs are; when we talk about priority the needs are through he comprehensive plans.

Encourage Cities and IRA's to have their planning committee's in place; Mr. Naylor is available to help. He knows October is a long time already but getting the dollars and prioritizing our needs for legislature is really important. Thank you.

Member Armstrong mentioned good meeting; look forward to moving forward with the Assembly. We've tried to promote economic development in the communities within the Borough. Thank you.

Member Loon thank you, good meeting yesterday. During our work sessions which usually start around 1:30 and 3:00. We encourage tribal IRA's and Cities to come in or call to see what is on the agenda. It can be on items discussed are budget and village needs. Thank you to Brad and Dickie, for reaching all the villages. Going to each to evaluate to see what conditions they are in; evaluating. Finally someone visiting the villages. Thank you to staff, Stella and Angie; good meeting. Although I'm a new member it's always good to ask questions, sometimes she feels not schooled enough. To be engaging; have it in your heart to help the villages. Good to help the villages, she hears Colleen and thought of the Elders. Always wanted the best for Kivalina, she remembers once they didn't have a school. Good to hear from the staff of what is going on; they have a priority with the School too.

Member Swan thank the Assembly and Staff for all the efforts you put out to help the communities; appreciate what you are trying to do now. He don't want to become an endangered species of the Assembly if the people kick him out of the Assembly if he don't do anything.

Member Cleveland thank you; good meeting. Condolences to the Custer/Commack Family in Shungnak and Sours Family here in Kotzebue. When his grandfather accepted a 22 rifle, he made a change to his and my life. Now he would have to buy bullets for that gun; that he accepted. In today's world, we still live in that era. We are making changes for our children, we have the power to do that. We need to start exercising our power, and walk the talk; this is part of us, this is why we are here. Times have changed, we can't go back. We need to move forward, always.

Member Sampson thank you for a good meeting; this governance have been existence in 1986 with a hope to continue down the road to address the needs of the residents of this region. With hope that economic development would get better so could create opportunities for our children and grandchildren. Yes, with the discussion that we've been having with the courts, that is where issues are at now. In order to defend ourselves we need the dollars. Red Dog is the only tax base; if this lawsuit drag on, how long? The services we are trying to provide to residents of this region. What do we do? You have heard the needs, how do we address those issues down the road. In the event that they see in writing additional taxes to be paid, what do they do? Or we providing adequate services to our people in that way. We are elected officials, sometimes we need to stand up and say no we shouldn't. They got a right to know where we stand. The future of this governance, children and grandchildren. In an event that Teck succeed in a lawsuit; he is sure we'd have no choice but to look at taxation for everybody. Where business will be taxed, property taxes will be paid. Something we need to look at; if we can find a way to work. Hope to have a dialogue with Teck to address issues before us; questions to ask them what they can do to help us to address village needs in the region. Some of the

issues we need to think about; future is in our hands today, future of our children and grandchildren.

Member Hadley thank Mayor and Staff for coming to the villages; taking the village concerns. Spent a night in each village, thought that was good. Expressed his interest in having a meeting in one of the village each quarter. Looking forward to Regionals; he'd like to see it happen in one of the villages also. On the Teck lawsuit towards this Borough; at some point we need to shut the door. When Conoco and Shell come to this area they have donated monies to get projects done, he said in the twenty-five years he haven't seen it from Red Dog Mine. Thank you Colleen Swan for calling in; gives us direction of what to do. When he was liaison for the villages, they need help. Most of everything have been grant money; now we can work to improve.

Member Westlake provided a summary of the creation of our Borough; the top item was education. He was on the Assembly and made trips to Juneau; at that time they told us we are lucky if we get one school every ten years. Here our schools were forty-fifty years old. We came up with an idea with the Assembly with a hundred million dollar bond. Didn't think it would go to the people vote; he understood there were a lot of risks. Had an election and it passed; just half way paying that? Still have fifty million to pay for; very important issue concerns our children and grandchildren. Another issue is Kivalina; last year on construction meeting the school district has funding for the school there although it has a five year window. But also, the Borough has to put a match into that funding; he doesn't know if the Borough can afford that. These are important issues; facing all types of issues. They are paying three and four gallons of gas probably five hundred miles away from us; we don't ever see that. Important part is working together on these issues we are facing. Good meeting; thank you.

Member Schaeffer mentioned during the work session he provided a history lesson and spoke what had to be said.

Vice President Nelson thank the Assembly for all the comments; really appreciate your thinking and democracy towards our residents. We serve all residents of all colors, everyone has needs. We have a huge responsibility; would like to remind that we the people of the Borough are challenged to exercise the power of a home ruled government by the Constitution of State of Alaska in order to provide the will and value of the people. We are tasks with a huge responsibility, village has needs, and economic opportunities are not available in the community. Some shareholders are in fear of losing their jobs but if Borough had enforced the code from the beginning we would have had more opportunities back then we were very unified to provide services and jobs. They elected to take that route twenty-five years ago, we have done our homework to make sure the right decisions are made. Thank you Colleen Swan for calling in and supporting the Borough, we have to stand united. As BAF Chair, it's very important, have to make sure whatever the current bring we need to ride the tide. Very inspired by Governor Mallot telling us we have power, we have to use it. Would like to thank the constituents that came forward and spoke what is on your mind. Remind residents to get all the facts first, listen to the facts; it's important as we move forward. Thank you.

President Weisner expand on Member Loon and Member Westlake comments on Kivalina. Kivalina is last of the five schools in the Kasayulie Case to be built. The four other schools

have been built in areas in State of Alaska that don't have a home ruled Borough. Because of this in a home ruled Borough they require a fifteen-million dollar match which may never happen; working with the lobbyist to get that corrected so this Borough can be treated similar. The annual revenue not counting grants is approximately ten million dollars last year. As mentioned we have Noatak, Ambler, Shungnak and Kobuk paying more than ten dollars a gallon. Noatak is at risk of losing their tank farm. Noorvik needs a wind turbine farm to produce electricity. All our communities need Public Safety. President Weisner summarize the Teck negotiations; charts in the Assembly room. Teck has made 4.7 billion dollars and Borough had received 86 million in the past nine years. Borough would like Teck continue to be profitable but not at the expense of our people. This Borough is responsible for Public Safety, Education and Water and Sewer; unfortunate we have to in a law suit but if necessary then we are going to gear up and do that. Always been open to PILT; like the idea of cooperation but not going to get terms of agreement anymore. Thank you for listening to me on the subject.

MAYOR'S COMMENTS

Mayor Richards as we are on our way in court, this litigation we are concerned about providing services for our communities. Historically speaking the past twenty-five years; hundred million in bonds and half left to pay and approximately fourteen years left of the mine in operation. Don't see the PILT agreement meeting the needs of the people. Not only bonds but Public Services, two million a year to the school. Residents are coming on a daily basis for assistance, either burial or medical; trying to meet the needs of our community. Appreciate the Assembly support. Thank you for good meeting, thank you for passing all the resolutions and passing the budget. For those of you traveling, longer daylight hours; take extra gas and let someone know where you're going. Thank the Assembly for supporting the Administration; moving forward, good retreat. Good information. Have sit on both sides, have been the Assembly, Assembly President and now the Administration side. Very honored and humbled to be here; look forward to working with you guys the next few years.

ADJOURNMENT

Member Ramoth moved to adjourn; with no other business to conduct, the meeting adjourned at 11:05 A.M.