



# Northwest Arctic Borough

---

## SERVING THE COMMUNITIES OF:

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

## Northwest Arctic Borough Special Meeting Minutes Monday, November 6, 2015 – 9:00 A.M. Northwest Arctic Borough – Kotzebue, AK

### CALL TO ORDER

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

### INVOCATION/MOMENT OF SILENCE

Miles Cleveland provided the invocation.

### ROLL CALL

#### Members Present:

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

#### Excused:

Winona Hawley

#### Introduction of Staff and Guests:

Reggie Joule	Rosny Rizk	Matt Mead	Fred Smith
Jack McCrary	Mildred Stalker	Clara Jones	Molly Richards
Patrick Savok	Jonathan King	Alice Davis	Wendie Schaeffer
Stephen Schaeffer	Adeline Kameroff	Christine Hess	Clement Richards Sr.
Eugene Smith	Hannah Loon	Annabelle Alvite	Clement Richards Jr.
Annette Richards	Kathleen Richards	Lillian Richards	Brianne Richards
Sarah Crumbley	Stella Atoruk		

### APPROVAL OF AGENDA

Agenda presented for November 6, 2015 meeting.

**Member Schaeffer motioned to approve as presented, seconded by Member Sampson. Passed unanimously by roll call vote.**

Member Sampson think there is additions that need to be placed on the agenda item, we've got one individual that was elected and has not been sworn in.

Member Westlake were going to do that under the selection of the assembly office, just before that we will swear her in.

1. **Resolution 15-44** *a resolution of the Northwest Arctic Borough Assembly certifying the November 3, 2015 Mayoral Run-off Election Results.*

Canvas Chair Molly Richards read election results, Clement Richards 726, Wendie Schaeffer 463, total percentage of voting was 28% for the Borough, if you want them by village we have them by village according to your paperwork there, the total registered voters was 4,323, total ballots cast was 1,130, question ballots 75, absentee 27, absentee by personal representative 0, grand total counted ballots cast 1,232, percentage of voters 28%. Question ballots not counted 32

Borough Clerk swears in Hannah Loon for Northwest Arctic Borough Assembly and Clement Richards Sr. as Northwest Arctic Borough Mayor.

Member Westlake congratulates Hannah and Clement.

Member Westlake opened nominations for President of the Assembly.

Member Sampson nominates Lucy Nelson.

Member Swan nominates Carl Weisner, seconded by Member Ramoth.

**Member Schaeffer moved to close nominations for Assembly President. Passed unanimously by roll call vote.**

Carl 6, Lucy 5 for President of Assembly

Member Weisner opened nominations for Vice President of the Assembly.

Member Sampson nominates Lucy Nelson, seconded by Member Loon.

Member Miles Cleveland nominates Walter Sampson.

**Member Cleveland moved to close nominations for Assembly Vice President, seconded by Member Swan. Passed unanimously by roll call vote.**

Walter 4, Lucy 7 for Vice President. Mayor Richards thanked Larry and Miles for their service as President and Vice President, also congratulated Carl as President and Lucy as Vice President.

### **ASSEMBLY ORIENTATION**

Member Sampson raised concern regards to code of ethics, if our Ordinances and Code is in place individuals who have possible and potential record as a back ground where does that fall

in through the process of going through election process? What about the issues regards to state violated issues a misdemeanor or something? I think we ought to look at the Ordinances and strengthen the Ordinances in regards to the issues on those things, the problem with that is you could be a violator with a misdemeanor but yet get into a public position and that don't quite look good from the outside looking into the governance of this very body. We need to strengthen the Ordinance to reflect even misdemeanors as far as that go. Request clarity to the State law requirements.

Member Weisner in the past we had situations where the Assembly is at a retreat for example and after the meeting they leave in a car pool and there is four of them in the car or during a dinner, would you let us know about those kind of situations because they tend to arise? Just to be clear for the Roberts Rules of Orders when the clerk introduces a Resolution or Ordinance for the record the process from the Assembly is they make a motion to approve or enact and there is a second and that's where the discussion occurs when the Mayor gets through going into some level of detail regarding the item is that right? This is the current list of Committees and Liaisons if any of you on the Assembly feel strongly that there ought to be an addition or some other form of change of the Committee or Liaison list that's open for discussion, if you feel strongly that you are interested in serving on one of them let me know and we will try to get that arranged.

Member Sampson under title 29 vs what we have as a home rule Borough, under title 29 that covers the planning and zoning powers by the state. So the state law supersedes our Ordinances or our Charter that we have in place? Under 1.08.10 where the Cities within the Borough construct and maintain roads, if under the home rule Borough we have that authority to overrule city government who has the liability then for those roads that are constructed by the City Governments? Even though the School District is on its own with its own rules and however because the way the State laws are written were required by the State law to use 10% for educational purposes in the event the School District has their own dealings with someone else where additional dollars do we have that authority as Borough to say no you can't or use that against the School District to deduct from their 10%?

Member Sampson thanks for clarifying the issue in regards to the additional funding that the school gets elsewhere, now the issue in regards to additional what the School District give back to the Borough, the usage fee can you clarify that as well?

Member Westlake would like you to touch on the formula of the Borough payment to the debt reimbursement, I know we have to make a full payment every month and how much we get back on it.

Member Nelson would like to make it clear and that the new members understand the difference between the annual local contribution to education and also the usage fee, we want to make sure that those type of contributions we make are mandatory because as we go forward and from a financial perspective we need to be real mindful of where were contributing our money to because of the current local fiscal issues we have with the PILT agreement, with Revenue sources I just want to make sure that they understand why those are in place.

Member Sampson in regards to the usage fee is it paper track or is it real cash that comes? Because we only have one tax base and that's Red Dog and were all owners of that source where does that put us?

Member Weisner with that said would you agree that this section is somewhat more lenient than the State Legislatures code of ethics? From what ive read the state legislatures says something along the lines of the appearance of impropriety is the language that was use opposed to substantial financial interest, am I off base on that?

Member Westlake I would like to speak on support this partnership, it was long before 2000 that we stat meeting with the North Slope Borough and I think that's a very good partnership, we need to work together on issues that are affecting our climate change and that was one of the main topics that we had at our mini-summit last month, I think it strengthen both Boroughs and it's a very good partnership to continue. Thank you.

Member Loon spoke in Inupiaq. Stressed that Economic Development is a real good idea where we in our partnership with North Slope Borough and Northwest Arctic Borough and gathering our thoughts together because our food is changing, right now it should be frozen and it's not and we need to encourage our young people whom are not really adults are not thinking like responsible adults between ages of 18-22 we all know it were raising grand children to live a healthy style and be joyful everyday bringing your kids to school every day and making sure they're in school and that our way of life its changed so I think it would be a real good renewing of the mind and renewing what we learned, us older ones that are more than 60 years old to get together we need to kind of wake up see what status were in and what should we look forward to now in the future for our kids. Taikuu.

Member Nelson I would like to have a little clarification on this partnership we had a meeting with Arctic Economic Partnership up in Barrow last month but just so the new members understand is that the same as the Arctic Economic Development or is it two separate things?

Member Weisner 15 minute break at 10:25.

Rosny Rizk gave an overview of the finance orientation.

Member Sampson thank you, in regards to grants do you have any knowledge of any grants that were unused or sent back to the state or to the feds?

Member Loon do you have any grants that were designated for solid waste management or food preservation that's in your department or if its being used for villages to start making their own foods and do solid waste management or EPA?

Member Weisner there would be arraignments made with the budget that would change that factor I would say?

## **EXECUTIVE SESSION**

Member Nelson I think there was another item that we wanted to talk about, it was personnel I think?

Member Sampson that was the discussion that I wanted to put on the agenda item right at the start of the session, would like to have the discussion with legal and go one step further and have a session amongst ourselves as an assembly then with legal.

Member Westlake legal, do we amend the motion on the agenda?

**Member Sampson motion to go into executive session for PILT negotiations as well as personnel, seconded by Member Miles Cleveland. Passed unanimously by roll call vote.**

**Out of executive session at 1:28 P.M.**

Member Nelson resolutions 45, 46, 47 & 48 they include financial information and the normal process is that they need to be presented to the BAF committee or the assembly members and we didn't get this information till today, I think unless its really necessary you need these approved can it wait?

Mayor Richards its really critical for the reconstruction on my team, I would really appreciate that you guys move forward on these items, it is critical. Request to move forward with Resolution 15-48 and hold off on the others.

Matt Mead Resolution 15-46 is a time sensitive Resolution and its an ongoing contract that the Borough has with Bering Straits Development Company for installation of Solar arrays, they are on schedule to wrap up their project by November 30 and we would like to keep that project on track, that will wrap out the contract and its entirety will be done and it is not a monetary adjustment of the contract its just adjusting the completion date for that project so if the assembly would consider that today it would keep the project going.

Member Sampson do we plan to meet in November regular meeting?

**Member Ramoth moved to table Resolution 15-45 & 47, seconded by Member Loon. Passed unanimously by roll call vote.**

2. **Resolution 15-46** *a resolution of the Northwest Arctic Borough Assembly authorizing a contract amendment with Bering Straits.*

**Member Sampson motioned to approve Resolution 15-46 as presented, seconded by Member Westlake. Passed unanimously by rollcall vote.**

3. **Resolution 15-48** *a resolution of the Northwest Arctic Borough Assembly adding authorized signatories for Borough checks.*

**Member Westlake motioned to approve Resolution 15-48 as presented, seconded by Member Ramoth. Passed unanimously by rollcall vote.**

Member Nelson with adding these new signatories' what's your plan for the current administration? I understand that you have to ask for resignation I think that's how it works from some of the senior management team are you planning to keep them on board or what's you plan?

Member Weisner my question is similar to yours member Nelson, regarding those that are active signers are we adding to that list or some other arrangement?

Member Nelson for the record when your adding you need to continue to list all of the signatories, the existing and the adding cause its for banking purposes that how it normally works.

Member Weisner additionally during the break Jade Hill the Controller requested an update from the assembly as to which of the two from the assembly would be signatories if administrative staff were unavailable and that's been the practice in the past and if there's no objection I believe it will be the Vice President and President.

Member Nelson what we're asking is that you revise Resolution 15-48 to include all signatories before we sign it because this one just has three.

Member Weisner Member Nelson do you think we need that prior to passage or not passage of this?

Member Ramoth question for legal, on Resolution 15-48 on where as wishes to add would that language mean wishes to add from the existing signatory's?

Member Sampson with the names usually comes the title, would the title make any difference at all? So if the existing signatories are still in place, would it be worthwhile looking at using those signatory's and come out with a detailed plan in regards to what you plan to do in the future to address some of member Nelson's issues?

Member Weisner what I would say to that member Sampson is that a lot of these questions would be cleared up if it had gone through a BAF committee meeting and or at least brought before the current BAF chairperson and maybe with our legal staff so were finding ourselves in kind of a wild scenario and I'm open to what the majority of you decide what you would like to do.

Member Loon I'm new here as you all are aware and I think it will save us a lot of time if you fullus go back to BAF and go through that process. Than you.

Mayor Richards I would like to point out to the assembly this is a run-off, had I been elected at the very first go around I would have gone through the proper procedure and present it before BAF and Finance and I would have had the time but unfortunately this is a run-off election and its unusual and it is what it is today, unfortunately that's the way it came out so we are in special session so it's not a regular meeting I did not have the opportunity to enter a regular meeting to present it correctly. Also asked who will be going to AML so staff can prepare travel.

## **ADJOURNMENT**

**Member Ramoth move to adjourn at 1:44 P.M.**