



**Northwest Arctic Borough Assembly  
Special Meeting Minutes**  
Tuesday, November 22, 2016 – 1:00 P.M.  
Assembly Chambers – Kotzebue, AK

**DRAFT  
CALL TO ORDER**

President Carl Weisner called the meeting to order at 1:01 P.M.

**INVOCATION**

Elder Representative Winona Hawley provided the invocation.

**SAFETY MOMENT**

Member Armstrong encouraged safety while out and to let someone know where you are going.

Member Sampson reported that people been seeing foxes in town and to be careful.

**ROLL CALL**

Assembly Members present at the time of roll call:

Miles Cleveland	Elmer Armstrong Jr.	Lucy Nelson	Dood Carr
Hannah Loon	Walter Sampson	Carl Weisner	Austin Swan
Larry Westlake	Nathan Hadley Jr.	Tanya Ballot (telephonic)	

Introduction of Staff and Guests

Clement Richards Sr.	Nellie Ballot	Eva Harvey	Stella Atoruk
Patrick Savok	Noah Naylor	Eugene Smith	Angie Sturm
Helena Hildreth	Brad Reich	Erika Nelson	John Baker
Andy Baker	Reggie Joule	Katherine Keith	Ralph King
Kathy Christy	Millie Stalker	Eunice Hadley	Marie Nelson-Gregg
Todd Ramoth	Lawrence Jones	Joanne Harris	Angie Washington
Margaret Hansen	Ann Marie O'Brien	Sandy Shroyer-Beaver	
Matt Mead (telephonic)	Mark Melchert (telephonic)		

**A quorum was present to conduct business.**

## **APPROVAL OF AGENDA**

Mayor Richards recommended to move Resolution 16-59 along with Remote Solutions presentation to Item F1. Legal Counsel Mr. Mead requested that the Assembly consider the Northwest Arctic Borough School District letter under Executive Session. Member Carr requested to review the letter in Executive Session.

**Member Sampson motioned, Member Hadley seconded to approve the agenda as amended. The motion passed unanimously.**

**A recess was taken at 1:12 pm  
The meeting reconvened at 1:38pm**

## **RESOLUTIONS**

1. **Resolution 16-59** approval of transfer of federally funded container gardening system equipment from Northwest Arctic Borough to Kotzebue IRA.

Mr. Brad Reich reported through the CIAP program any amount over \$5,000 requires approval of the Northwest Arctic Borough Assembly. This is the gardening connex that will be turned over to the IRA and Nukaitchuat School.

Mr. Reich commented that the estimated market value is \$150,000.

Ms. Nelson asked if this is located on Maniilaq property. Ms. Nelson asked why doesn't Maniilaq mention that the connex is currently on their location. Mr. Reich reported that the connex will be the responsibility of the IRA and not Maniilaq. Mr. Matt Mead recommended that we reference it in the agreement with the IRA.

**Member Swan motioned, Member Sampson seconded to approve Resolution 16-59. A roll call was conducted and the motion passed unanimously.**

2. **Resolution 16-57** Approval of a phased Construction Manager/General Contractor (CM/GC) Contract with Remote Solutions, LLC for pre-construction, design and construction activities for the Kivalina McQueen School.

Mr. John Baker and Ms. Katherine Keith, Remote Solutions, provided a presentation and Mr. Baker commented that this presentation is not new as it was provided also to the Joint Construction and Maintenance Committee.

Member Carr commented that she understood that the school and road was separate and not together. Ms. Keith reported that it is an evacuation and school access site road. She

reported that the design will be completed in the spring of next year. Part of the funding will require a match on behalf of the Northwest Arctic Borough of twelve million and would like to use the federal funding for the road as match for the Kasayulie case.

Member Sampson commented on the road and the facility to be on the other end that can be there for the protection of community residents.

Ms. Millie Hawley commented that her and the council members are currently listening in on the meeting and she believes that they need more time and discussion on it with both councils.

Member Nelson asked if Ms. Keith can clarify the term general contractor in the resolution. Ms. Keith reported that resolution on the table is to get the process started and that is what Department of Education and Early Development (DEED) requires. The important thing is the road construction funding and if we don't have an agreement in place, the road construction money will go away.

Member Carr commented about the protocol about calling of meetings on a school district and assembly committee level because this is the first she has heard of this.

Mayor Richards commented that we have been very diligent about working with the school district, assembly and Remote Solutions. He reported that he was given a directive and is following it and he is one hundred twenty percent behind it.

Member Loon commented that we take so many things such as water and sewer for granted and Kivalina residents should be choosing their destiny and their lives. She added that it hurts her that our two entities should be working together instead of against.

President Weisner welcomed Superintendent Dr. Ann Marie O'Brien and others from the Northwest Arctic Borough School District.

Ms. Margaret Hansen, School Board Treasurer and JCMC Co-chair commented that we are very dedicated to this project for the residents of the Kivalina. Ms. Hansen reminded everyone that when meetings are called both secretaries' should be informing all parties and members of the Joint Construction and Maintenance Committee of any future meetings.

Dr. O'Brien, Northwest Arctic Borough School District Superintendent, thanked everyone and the opportunity to be heard. She commented that there is an impression that the school district is holding something up and are not cooperating. Remote Solutions do not have the authority to call a committee meeting on any day or especially the day before and Dr. O'Brien added that she did not want the assembly or anyone else not to get the impression that the school district refused to meet. Dr. O'Brien provided some examples of confusion with communication to the school district committee and/or members. She encouraged the assembly members to review the letter carefully from the Northwest Arctic Borough School District legal counsel and that it is no threat.

Member Sampson commented that the meeting was not called by Remote Solutions but from the direction by the assembly to administration. Dr. O'Brien reported that the school district did not receive anything from the borough describing the authority Remote Solution has.

President Weisner added that the Joint construction committee meeting need to have members from both entities and all should be present.

Dr. O'Brien also added that NANA is part of the Joint Construction and Maintenance Committee and expressed the importance that all players are at the table during meeting times.

Ms. Sandy Shroyer-Beaver reported the school board committee members just received the material today for the meeting and she and the other members of the school board expected to go into a Joint Construction & Maintenance Committee and realized it was a Special Meeting of the Assembly instead. She expressed the lack of communication to proper members of this and other upcoming meetings and that this area needs improvement.

Mr. Mark Melchert, Northwest Arctic Borough School District Legal Counsel, explained the letter concerning the procurement process for this project and the concern is that the assembly is aware of this process.

## **EXECUTIVE SESSION**

**Member Carr motioned, Member Loon seconded to enter into Executive Session for the purposes of seeking legal advice in regards to the letter from the Northwest Arctic Borough School District Attorney related to Resolution 16-57. A motion was conducted and the motion passed unanimously.**

**The assembly entered into Executive Session at 3:25 pm.  
The assembly reconvened from Executive Session at 4:22 pm.**

**Member Sampson motioned, Member Cleveland seconded to approve Resolution 16-57 and the motion FAILED to carry six votes, with Member Hadley, Member Loon, Member Carr, Member Nelson and Member Weisner voting NO.**

Mayor Richards asked if it's a tie vote does the Mayor have an active role in voting. Legal Counsel reported any assembly action takes six yes votes to pass and if not, the measure fails.

**1. Resolution 16-58** approval of a phased Construction Manager/General Contractor (CM/GC) Contract with Remote Solutions, LLC for pre-construction, design and construction activities for the Kivalina McQueen School.

**Member Sampson motioned, Member Armstrong seconded to approve Resolution 16-58 and the motion FAILED to carry six votes, with Member Hadley, Member Loon, Member Carr, Member Nelson and Member Weisner voting NO.**

President Weisner reiterated that the assembly appreciates administrations' efforts and encourages administration to redirect the cooperative route using the school district and the joint construction and maintenance committee's as working partners to be used for any meetings.

#### **MAYOR'S COMMENTS**

Mayor Richards reported that he will be calling a Special meeting December 6 or 7 to continue discussing this issue.

#### **ADJOURNMENT**

With no other business to discuss, the meeting adjourned at 4:40 P.M.