



# CITY OF NORTH POLE *Alaska*

## REGULAR CITY COUNCIL MEETING Tuesday, September 6, 2011

**Committee of the Whole – 6:30 p.m.  
Regular City Council Meeting – 7:00 p.m.**

### **COUNCIL MEMBERS**

Bonnie Arnold	488-9246
Richard Holm	488-1776
Sharron Hunter	488-4282
Kevin McCarthy- <i>Dep. Mayor Pro Tem</i>	490-9039
Ronald Jones – <i>Alt. Dep Mayor Pro Tem</i>	488-3579
Thomas McGhee - <i>Mayor Pro Tem</i>	455-0010

### **MAYOR**

Doug Isaacson 488-8584

### **CITY CLERK**

Kathy Weber 488-8583

1. Call to Order/Roll Call
2. Pledge of Allegiance to the US Flag
3. Invocation
4. Approval of the Agenda
5. Approval of the Minutes
6. Communications from the Mayor
7. Council Member Questions of the Mayor
8. Communications from Department Heads, Borough Representative and the City Clerk
9. Ongoing Projects Report
10. Citizens Comments (Limited to Five (5) minutes per Citizen)

**11. Old Business**

- a. Ordinance 11-06, An Ordinance of the City of North Pole, Alaska Amending Title 4, Chapter 4.10.010, User Fees

**12. New Business**

- a. Recommendations for Engineering Firm for Water Treatment Plant Engineering Analysis and Design Project
- b. Resolution 11-23, A Resolution In Support Of Full Funding For The North Pole Branch Library Project And Fairbanks North Star Borough Ordinance No. 2011-20-1K: An Ordinance Amending The FY 2011-12 Budget By Appropriating \$6,220,000 From The Library Special Revenue Fund To The Capital Projects Fund For The North Pole Branch Library Replacement Project; et.al.
- C. Resolution 11-24, A Resolution Of The City Of North Pole Joining The National Moment Of Remembrance Of The 10<sup>th</sup> Anniversary Of September 11<sup>th</sup>

**13. Council Comments**

**14. Adjournment**

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**Committee of the Whole – 6:30 P.M.  
Regular City Council Meeting – 7:00 P.M.**

A regular meeting of the North Pole City Council was held on Monday, August 15, 2011 in the Council Chambers of City Hall, 125 Snowman Lane, North Pole, Alaska.

**CALL TO ORDER/ROLL CALL**

Mayor Doug Isaacson called the regular City Council meeting of Monday, August 15, 2011 to order at 7:00 p.m.

***There were present:***

**Ms. Arnold**

**Mr. McGhee**

**Ms. Hunter**

**Mr. Jones**

**Mr. Holm**

**Mr. McCarthy**

**Mayor Isaacson**

***Absent/Excused***

**Excused**

**PLEDGE OF ALLEGIANCE TO THE U.S. FLAG**

Led by Mayor Isaacson

**INVOCATION**

Invocation was given by Councilman McGhee

**APPROVAL OF AGENDA**

**Mr. McGhee moved to Approve the Agenda of August 1, 2011**

**Seconded by Mr. Jones**

**Discussion**

**None**

**Mr. Jones moved to Put Item a. under New Business on Consent Agenda**

**a. Request for 1<sup>st</sup> and 2<sup>nd</sup> Quarter Bed Tax from North Pole Community Chamber of Commerce.**

**Seconded by Ms. Hunter**

**Discussion**

**None**

**On the Amendment**

**PASSED**

**YES –6–Holm, Hunter, Jones, McGhee, McCarthy, Isaacson**

**NO – 0**

**Abstained- 0**

**On the main motion as amended**

**PASSED**

**YES –6–Holm, Hunter, Jones, McGhee, McCarthy, Isaacson**

**NO – 0**

**Abstained- 0**

### **APPROVAL OF MINUTES**

**Ms. Hunter *moved to* Approve the Minutes of August 1, 2011**

**Seconded *by* Mr. McGhee**

#### **Discussion**

None

**PASSED**

**YES –6–Holm, Hunter, Jones, McGhee, McCarthy, Isaacson**

**NO – 0**

**Abstained- 0**

### **COMMUNICATIONS FROM THE MAYOR**

**Communication Highlights from the Mayor for the period ending August 15, 2011  
ISSUES:**

- **ITADORI SISTER CITY VISIT:** Thank you to Karen and Buddy Lane for organizing a remarkable Sister City visit, to all the Home stay families, to those who volunteered extra duty, like James Hunter who escorted the adults for several days as tour guide, to Council members Jones and Hunter for attending the various functions, and to all those who participated and made our guests feel welcome! We are now gearing up for next year's visit to Japan in June 2012. For more information, please call Karen Lane at 459-3758.
- **AML Update:** The Conference of Mayors (ACoM) and the Alaska Municipal League (AML) Summer Session was well attended by 104 municipal leaders. Meeting in Sitka from August 10-12, we discussed many items of interest to local communities. State Attorney General John Burns spoke to the ACoM on a "Partnership Approach to Alaska's Economic Development," keying in on the responsible development of our natural resources being the key issue. He reiterated DNR's assessment that our known mineral deposits must be looked at from a global

perspective, which places Alaska amongst the top ten for multiple deposits, including rare earth elements. He emphasized the point that all citizens should read the State Constitution and the Statehood Act, especially those who question the State's approach to development; those documents make very clear the responsibility of the State.

Dennis McMillian, President of the Foraker Group ([www.forakergroup.org](http://www.forakergroup.org)) spoke about "Alaska's Non-Profit Economy." See the web site for complete reports, highlights are:

- Non-profits may be 501.c.3, 4, or 6
- There are approximately 7000 registered non-profits in Alaska, more than any other place nationally.
  - That means 1 non-profit for every 69 adults, or 1 for every 39 people likely to vote;
  - Non-profits are among the largest employers in Alaska, especially in the medical profession and tribal health services;
  - There are fewer people available to serve, expect large scale re-structuring;
  - In evaluating non-profits, invest in those that are sustainable: 1) that have a well-defined FOCUS, 2) a functioning BOARD; 3) have STAFF; and 4) have a SAVINGS ACCOUNT with reserves.
- Foraker Group provides training, research and reporting, finance, and other "back room" assistance, and advocacy to non-profits.

During the AML Session, Senator Stedman, Co-Chair of Senate Finance and Randy Ruaro, the Governor's Deputy Chief of Staff (Transportation, Law issues), addressed the attendees. Mr. Ruaro encouraged frequent communications between the communities and the Governor.

Sen. Stedman has been very helpful to AML's efforts in securing Revenue Sharing, and in a few other issues. However, he views the maximum benefit to the people in the form of the State having a large savings account, stating to those assembled in answer to my question about royalty oil discounts, "The refinery in North Pole is screwed...it's in the wrong location!" I have never heard of a dairy farmer telling his kids they must buy milk from him at greater than prevailing prices because it will be good for the family's bank account! The responsible father would give the kids milk from their own cows, which he then distributes at cost. Instead of trying to re-locate assets owned by private corporations, I believe Sen. Stedman should be looking to enhance the ability of these in-state companies to employ our people, reduce our costs, pass along the savings to the rural communities and thereby reducing PCE (power cost equalization payments) to the Bush, saving the State Treasury hundreds of millions of dollars per year! While we don't want to alienate a "friend" in the Senate, on behalf of our Interior Communities, I

would encourage the Senator to consider the ability to afford to live in a community, to work and play here, and the attractiveness to invest in our communities, as the gauges of maximum benefit to the people.

Additionally, there was discussion on APOC overreach in many communities and the Attorney General has encouraged dialogue.

John Davies, of the Cold Climate Housing Research Center, UAF, made an effective presentation demonstrating how money can be kept in a community that makes energy efficiency a priority. He showed how a decade of savings secured by energy efficiency improvements in only the residential home category would secure enough money to build a Susitna Dam (approximately \$11 billion).

Bill Walker, Alaska Gasline Port Authority attorney, made a convincing argument on how the “All Alaska Gas Line will benefit all Alaskans.” The main hindrance is the State’s retention of the AGIA constrictions in the ASAP line, stating the small volume line:

- Does not bring low cost energy to Alaska
- Adds nothing to the Trans Alaska Oil Pipeline (TAPS)
- Brings no income to the State to replace the TAPS decline
- Provides no real long-term benefit to Alaska
- Provides no funding source for revenue sharing
- Will squander the chances to build any future gas lines.

Mr. Walker is a proponent of announcing to the world that Alaska’s gas will go to Asian markets. He stated that although Valdez already possesses an unused export license, those who state otherwise should consider that “export licenses are being handed out like greeting cards in the lower 48!” I’ve asked Mr. Walker to make a presentation to the North Pole City Council in the very near future.

Sub Committees worked on the various policy positions that will be forwarded to the November meetings. Each of the four break-out groups were to look at the policy statements in terms of reducing them to more basic, easy to use formats, structuring the statements by those that are address Administration functions, Legislature, and Federal Government issues. It is my intention to bring several resolutions to the Council for discussion/approval prior to the October 14 policy statement inclusion deadline.

Also, while Councilman and AML Board Member Ron Jones was missed, both Council members Dick Holm and Sharron Hunter were very involved with the meetings and contributed

to the discussions. Dick sat in the Public Works (et.al.) subcommittee, Sharron in Natural Resources (et.al.), and I in Finance. Sharron has tentatively agreed to co-chair Natural Resources (et.al) pending approval by the City Council.

- 6th Annual Chena Hot Springs Renewable Energy Fair: I was privileged to be one of the keynote speakers at this event yesterday, sharing the platform with US Senator Lisa Murkowski, DOE Geothermal Program Director, Dr. JoAnn Milliken, Benigno Fitial, Dr. Brian Hirsch of the National Renewable Energy Laboratory, Governor of the Northern Mariana Islands (Siapan), and Akinori Ito and Makoto Takizawa of Blest Co—a company that has a domestic sized plastic to oil converter!

I encouraged those present, including 6 State Legislators, to look at the North Pole area as a traditional and renewable energy center in Alaska, being the home of 2 oil refineries, 180 megawatts of electrical generation, a new partnership between Flint Hills Refinery and GVEA to bring LNG to the Interior, Superior Pellets production—the largest of its type in the state, the new power plants going in at Bernie Karl’s 9 mile Richardson facility, including fuel bricks made out of recycled paper products, 1 megawatt of electric generation that will provide the energy for several gasification projects including plastics-to-gas and an initial 1 acre food production greenhouse.

While praising the Legislators and Governor for passing a statewide energy plan and for putting aside money for renewable and alternative energy projects, I encouraged them to set aside even more money for projects that help Alaskans create wealth. The Permanent Fund is not a wealth builder, it is an interest collector, and while it’s important to have a healthy savings account, the money lost in the markets (\$10 Billion in 2008, \$2 Billion last week) could have been preserved in the economy of the State by building energy projects like the Susitna Dam or a gas line to North Pole/Fairbanks. We don’t all have the genius to invent a better mouse trap, or the entrepreneurial skill to bring an idea to market, but we all are smart enough to recognize a good idea and encourage the investments needed to make the conversions necessary to permit us to afford to live, work, play, and invest in our own community.

For more information regarding local alternative and renewable energy projects, go to [www.chenapower.com](http://www.chenapower.com).

#### **FNSB ASSEMBLY MEETING:**

There will only be one FNSB Assembly meeting this month on August 25; the Agenda is not yet posted. For a list of meeting times and agendas, go to <http://co.fairbanks.ak.us/meetings/Assembly> .

**MEDIA:**

**Aug 6 & 13:** Mayor Isaacson was on KJNP (1170 AM, 100.3 FM) 8 – 9 a.m. “Over the Coffee Cup.”

**UPCOMING (*see above for other events, dates, and times*)**

- **Aug 16-18:** Mayor Isaacson will be participating in DOT’s STSP Team Meetings 2 in Anchorage
- **Aug 20:** NPHS Football Home Games begins at NPHS with a tribute to Coach Watson and his three decades of service to our area youth.
- **Aug 24, 10 a.m.,** FMATS Policy Committee meets at the DOT Conference Room on Peger Road (note, this is a date change from the normal time due to the AML meetings).
- **September 5: LABOR DAY**

- **City Hall Closed, Council will meet on September 6**

**Mayor’s Labor Day & Volunteer Appreciation Day Picnic, 11 a.m. to 3 p.m., at Terry Miller Memorial Park. COME ENJOY FREE FOOD AND ENTERTAINMENT!**

**COUNCIL MEMBER QUESTIONS OF THE MAYOR**

- None

**COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH REPRESENTATIVE AND THE CITY CLERK**

**Accountant**

- None

**Police Dept**

Topics for Council Meeting NPPD 8/15/2011

- 1) Sgt. Rathbun and I just returned from DDACTS training in Anchorage. Paid for by AHSO – Learned about new techniques being developed for crime analysis.
- 2) Sgt. Nelson is due to deploy next couple of weeks. Shift supervision will be shifted to me for day shift. Sgt. Bellant will be switched to accommodate Swing shift coverage.
- 3) New Officer is moving through training process. Explain the demands this places on Sgt’s due to new staffing and lack of experience.



- 4) Traffic Officer McBroom's last day is the 10<sup>th</sup>. We will be moving patrol officer to cover while down a position and possibly two in training.
- 5) We are sorry to see Mike Lewis retire he has always been there for our department and we hope he enjoys his new found freedom. He will be missed. Mike has always been there to help us when we needed him and was a vital resource that helped keep our department running well.
- 6) Presentation: Lieutenants position

Duties: Operations of the Department to include:

Scheduling: Patrol, training (firearms-handcuffs), FTO, presentations, tours, visits, vacations

Equipment: Issuing, fixing, organizing, procuring, replacing, monitoring, inventory, (includes guns-computers), Fleet maintenance

Employee: hiring, training, monitoring, disciplining, commending,

Public: relations with patrol, command, press, counter traffic, complaints, and compliments

IT: Information Technologies - laptops, RMS, CAD, phones, Cell, radios (almr, programming and encryption), server maintenance, In car cameras, Department security system

Policy: Revisions, enforcement, interpretation,

Liaison: IT, Chief/Employees, public/chief, city hall, council, schools, CACFECC Dispatch, AHSO, NHTSA, Ect...

Patrol Ofc. Cover patrol shifts on regular basis: include all regular duties of a patrol officer,

Grants: Administer two Grants 1 for AHSO and one for JAG

Supervise: 3 Sergeants, 1 Detective, 1 Drug Unit Officer, 7 patrol Officers, 1 Dispatch/Evidence Custodian

Manage: Citizen Complaints, Day to day department operations to include all felony level cases assigned to the Detective.

Personnel conflicts

Case load management

Hiring process from testing to final release (written-oral-PT-mental evals and health screening) I ensure the standards are met.

**Fire Dept**

- Chief Lane stated that hydro testing will be moved to September 18<sup>th</sup>.

**Director of City Services, Bill Butler**

- None

**FNSB Representative**

- **FNSB ASSEMBLY MEETING:**
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**City Clerk, Kathy Weber**

August 1, 2011

Council Report by Kathy Weber, City Clerk

Here are some of the things that are coming up in the city. If you have any questions on any items below, please feel free to contact me at 488-8583 or email at [Kathy@northpolealaska.com](mailto:Kathy@northpolealaska.com).

- Election filing closed on Friday, August 12, 2011 at 5:00 p.m. for City of North Pole - One candidate filed for 1 of 2 seats for city council. There are two seats open so the other seat will be a write-in and if there is no write-in then the council will appoint that seat.
- Council members should have received their registration packet for the AML conference from November 7 – 11. I highly encourage you to attend the Academy that is put on by the Alaska Association of Municipal Clerks on Sunday, November 6 from 9-5 pm at the Westmark. The topic is “Take this job and love it!” and is focused around customer service, self esteem, and team work. The cost is \$125 which includes a sack lunch.
- We will be entertaining approximately 102 students on Friday August 19<sup>th</sup> from NPMS who will be getting a history lesson on local government.

There are 138 days left until Christmas.

**ONGOING PROJECTS**

NPMS FFA – Glen Gregoroff, 519 W 5<sup>th</sup> Ave

Secretary of FFA-

- Spoke on community garden in North Pole. Grange is willing to donate property for the project and it is also out of Sulfolane area.

- Mr. Gregoroff gave an update on FFA and their accomplishments.

Itadori Sister City – Karen Lane

Ms. Lane reported on the Itadori visitors:

- 20 Itadori guests visited North Pole this year and it has been 23 years since the relationship was formed.
- Received email that Itadori visitors made it home safely
- There were 5 home stay families.
- North Pole is planning trip in late May or early June.
- The non-profit organization in Japan has funds available for two more years.
- Would be great if the City of North Pole would put \$1500 in their budget for the Itadori visitors every year as this has been a 23 year relationship.
- Many thanks go out to Jim Hunter, Ron Jones, and Ed & Rumi Robinson for all their help. The Lanes had out of pocket expenses for the Shooting Range, Goodbye Party, and the Adult Dinner.
- Itadori Sister City group will be at NPMS and NPHS to promote the trip in May.
- Council members are welcome to attend the trip to Japan and can fundraise for the trip.
- Ms. Lane will have a written report for the next meeting.

**CITIZENS COMMENTS – 5 Minutes**

- None

**OLD BUSINESS**

- None

**NEW BUSINESS**

**ORDINANCE 11-06, AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA  
AMENDING TITLE 4, CHAPTER 4.10.010, USER FEES**

Chief Lane introduced the ordinance. He gave the council a possible Financial Assistance Policy for Emergency Medical Service or Transport. He said currently they are billing for ambulance transport. From January 1<sup>st</sup> to July 1<sup>st</sup> there has been \$20,000 that has been billed. From October 1<sup>st</sup> to January 1<sup>st</sup> there is \$6,700 that is billable and this includes mileage. Nationally there is a 40 – 60% rate of payment. In Fairbanks it runs about 60%. That is only billing non residents. Last year they transported 126 patients in the city which would have had an income of approximately \$116,000.

**Public Comment**

None

**Mr. Jones *moved to* Introduce and Advance Ordinance 11-06, An Ordinance of the City Of North Pole, Alaska Amending Title 4, Chapter 4.10.010, User Fees**

**Seconded by Mr. McGhee**

**Discussion**

Mr. McGhee asked for clarification, that the council could vote against this and not advance it to the meeting of September 6, 2011.

Mayor Isaacson said that was correct.

**Mr. Jones *moved to* Amend Ordinance 11-06, An Ordinance of the City of North Pole, Alaska Amending Title 4, Chapter 4.10.010, User Fees by adding “Fire” to line 7 of the User Fee Schedule to read Fire/Ambulance Reports to Insurance Companies**

**Seconded by McGhee**

**Discussion**

None

***On the Amendment***

**PASSED**

**YES – 6- Hunter, Holm, Jones, McGhee, McCarthy, Isaacson**

**NO – 0-**

**Abstained – 0**

Mr. Holm asked for wording on a waiver of co-pays rather than discount. He Agreed with Chief Lane that fees should be paid and we should collect but waive co-pays that residents would have.

Mayor Isaacson said he would have that in the next packet.

Mr. McGhee said this issue came up last year and he reluctantly voted for it but feels residents are being double dipped. If it is easy enough to create user fees for Fire Dept, then the next step will be for the Police Dept to charge a user fee for their services. He felt this was wrong. He pointed out that the attorney’s opinion is not a court document and not necessarily supportable in the courts. As a tax payer it was agreed upon and given benefits to residents since 1953. Mr. McGhee said that if a poll was done that the council would be surprised of how many residents don’t have insurance even with full time jobs. Private industry doesn’t have full, complete coverage. It costs the city to go outside the city limits. If it’s a balanced budget item, then the city should look at a raise in the sales tax or mil levy. He will only agree to a 50% discount on the ambulance fee.

Mr. Jones agreed that Mr. McGhee brought up good points. His wife doesn’t have insurance through her job. There is a Financial Assistance policy that council should implement for those who need the help with ambulance. The budgets in the future are getting tighter all the time. He would entertain raising the mil rate or sales tax and would second his amendment.

Mr. McCarthy said he is retired military and his insurance is willing to pay 100% and the city giving a discount to him is not good. The city needs to collect that revenue. They need to consider the ambulance fee, and that there are high maintenance residents and some buildings that the ambulance is at more than others. He stated that there is no way to separate land owning taxpaying residents versus those that don't own land and are just living here. He'll support the 50% but council should go a year and visit it again. Too many times people predict doom and gloom and there is no problem.

Ms. Hunter would like to see adding another level to debt forgiveness. One other difficulty is that she is not sure what the poverty level is and then that would cover more people without insurance. She would like to see them go to a 300% poverty level.

Mayor Isaacson said that federal poverty lines can be found online. The guidelines are on the back of the Financial Assistant sheet that Chief Lane handed out.

Mr. Holm said he is opposed to the way this has been presented currently as far as the discount proposed. He stated that they had visited this at the beginning of the year and are now visiting it again in mid-stream and now council is looking at knocking out two categories entirely and discounting one. He is willing to compromise 50% on all three of categories at least at this time. He would like to see what council could do with waiver language. He is opposed to using the mileage fee for an ambulance for a saving account for the Fire Department. Everything goes to general fund.

Mayor Isaacson reminded council that when talking about how many residents have insurance, Chief Lane has already given a report that most users already have insurance have not been billed and that is why this came up before. This was one of the looks at the general fund budget and in any discussion on mil rate versus a fee, if you have a \$250,000 home; you are paying approximately \$750.00 which is \$250.00 per mil. It is true on what Mr. McCarthy was saying is that certain customers use the service more frequently than others. He stated that it was a good discussion and should sit on making any motion as this time. Mr. Holm has recommended that council define this by waiver rather than discount. Council should review and send it back. He understands that 50% is something several have discussed and has gained some steam. He recommended that before council vote we should look at both ways of looking at this subject.

Mr. McGhee said that in lieu of making an amendment, the policy before them for financial assistance is pretty low. He said that the residents right for what they are paying for is not based on their ability to pay but that a waiver should include that if he has insurance, bill insurance, and if not, as a taxpayer within the city limits, he shouldn't have to pay for it. He used himself as an example and what his benefits cover and don't cover. He would propose the waiver should include those that are not covered by insurance.

Ms. Hunter said that you can't discriminate against those that have insurance and those that do not.

Mayor Isaacson said that a lot of the solution may be in the waiver coverage. He would like to incorporate the waiver policy.

Mr. Jones called the question.

*On the main motion as amended*

**PASSED**

**YES – 5- Hunter, Holm, Jones, McCarthy, Isaacson**

**NO – 1 - McGhee**

**Abstained – 0**

### **COUNCIL COMMENTS**

**Mr. McGhee** – thanked everyone for the meeting, discussion, and viewpoints. He is grateful to council and grateful for all the services that North Pole has. City of Fairbanks doesn't even have the services we have. We are a proud city and our departments do an excellent job. He struggles with the user fees when he feels he already pays.

He had a great vacation but it was too short. His 40<sup>th</sup> year reunion was so much fun and good to see the class of 1964. He wished more would have come. The run to Sturgess was awesome and ended up with more tattoos that will be covered. The people that showed up were awesome and he glad to be home and get back to work.

**Mr. Holm** – attended the majority of last week's meetings in Sitka at AML. He stated that it is interesting to get together with Mayor's and other councils and it shows that we have a lot in common than differences. Sitka is a very beautiful community. The speakers were interesting and the one that he took greatest note of was Mr. Walker and the gas pipeline. He pointed out many things and why AGIA is not going to work. The administration has the ability to opt out of the contract and do it as quickly as possible. We've been led to believe that the gasline won't work is because a lack of market in lower 48. Mr. Walker pointed out that shale gas is popping up and being developed in North Dakota, Pennsylvania, etc. He informed council of Mr. Walker's opinion on natural gas and an Alaska pipeline.

**Mr. Jones** – thanked those that stayed for the meeting. It was good to see Lt Dutra back. Mr. Jones saw Chief Lindhag at the Grand Opening at the Chena River complex. He is hopeful that council can work out the short falls in the North Pole Police Department. He appreciated being able to work with council and the public on issues. He was sorry he missed Sitka but was working with Red Flag. Mr. Jones said he had a great time with Japanese visitors.

**Ms. Hunter** – thanked the Lanes for hosting the Japanese visitors. She thanked council for sending the three council members to AML in Sitka and that they are fortunate working with this council. They heard struggles of other councils in other communities and she said we are fortunate to have a good council. Two issues came up at AML and will come up in November – APOC, all communities are suffering and are going to put a resolution before voters and there is very little sympathy from legislators. Other issues are PERS/TERS termination studies. Ms. Hunter put her name forward for the Land Use Policy Statement Sub-committee.

**Mr. McCarthy** – one reason of the reasons he is not putting his name in hat is APOC. He stated that everyone should stand by when FNSB puts out tax assessments. The assessor had informed them that taxes are going up because he had installed new windows and doors. Mr. McCarthy said those were put in 2005 and assessors are going front, back and sideways by using surrounding selling prices to adjust all homes around it. He stated that when chatting with Tammy Wilson that they are going to change the structural date when house is built. He encouraged everyone to watch their tax bills and expect to pay higher taxes. Back in 2006 the federal government was giving tax breaks for energy efficient homes and the state is still doing it but the FNSB is penalizing people for those upgrades.

**Mayor Isaacson** – no comment

### **ADJOURNMENT**

**Mr. Holm** *moved to adjourn the meeting of August 15, 2011*

**Seconded by Mr. Jones**

**No Objection**

The regular meeting of August 15, 2011 adjourned at 8:53 p.m.

**These minutes passed and approved by a duly constituted quorum of the North Pole City Council on Tuesday, September 6, 2011.**

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**DOUGLAS W. ISAACSON**, Mayor

**ATTEST:**

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**KATHRYN M. WEBER**, MMC, City Clerk



**PRESIDENT AND CEO REPORT • JULY 2011 • [DHICKOK@EXPLOREFAIRBANKS.COM](mailto:DHICKOK@EXPLOREFAIRBANKS.COM)**

## SWISS TOUR OPERATORS ENJOY



*Fairbanks welcomes representatives of Swiss tour operators, Condor Airlines-Switzerland and a German travel journalist during a familiarization tour in July. Also pictured in the foreground is FCVB Executive and Tourism Coordinator Ashley Ritenour and, behind her to the right, FCVB Senior Sales Manager Greg Allison. The photo was taken by Elke Brosin, the FCVB sales representative based in Frankfurt, Germany.*

## REFLECTIONS ON LEADERS

As my year as Chair of the Alaska Travel Industry Association (ATIA) Board of Directors enters its tenth month, I've begun ruminating about the challenges that we faced this year. While the legislative results for ATIA's marketing program were mixed, the ATIA Board is staying united by our goal of securing long-term sustainable reinvestment of State dollars into the travel industry for the purpose of marketing of Alaska as a premier destination. Many of us stand resolute in the belief that the diversification of Alaska's travel markets is paramount: working to develop new markets is as critical as continuing to support and grow existing business. This is especially true in these trying economic times. While my leadership at ATIA often fell woefully short of the high standards you rightfully expect, others were exceptional in their leadership. Please allow me to give a shout out to a few of the many hard-working ATIA Board members who persist tirelessly on our behalf.

Towering above us is ATIA's Immediate Past Chair **Stan Stephens of Stan Stephens Glacier & Wildlife Cruises**. Steering with unfaltering passion and fairness, Stan has been pushing us to forge even better two-way communications with communities, other travel industry groups and legislators. Tom Brokaw argued in *The Greatest Generation* that the men and women who struggled through the Great Depression toiled not for fame and recognition, but because it was the right thing to do. That perfectly describes Stan Stephens.

**Kirk Hoessle of Alaska Wildland Adventures** has provided vision, integrity and a steady hand in guiding ATIA's Tourism Planning Committee. Kirk has coordinated ATIA's input into the Draft Denali Park Road Vehicle Management Plan and Environmental Impact Statement which is open for public comment until September 30<sup>th</sup>. Even more impressive is Kirk's nurturing of winter tourism development.



## VISITOR SERVICES STAFF ROCKS!



From January through July, FCVB Visitor Services staff greeted nearly 60,000 visitors at the Morris Thompson Cultural & Visitors Center in downtown Fairbanks. The FCVB also staffs the information center at Pioneer Park during the summer; maintains the brochure racks year round at the Fairbanks International Airport and the

Alaska Railroad Depot. Japanese-fluent Visitor Information Specialist Yuki Kawano and Tourism Sales Manager Ed Malen greet Japan Airline flights and German-speaking Visitor Information Specialist Susan McMahon greets Condor flights.



## REFLECTIONS ON KIRK HOESSLE (continued)

Although his business does not currently offer winter product, Kirk recognizes that Alaska is open for tourism year round. Although still in the early stages, our three largest population bases – Anchorage, Fairbanks and Juneau – as well as destinations and business from Homer to Valdez to the Arctic, from Alyeska to Chena Hot Springs Resort, have labored long and hard to grow winter niches. Many more Alaskans have shown interest in developing winter operations. Kirk's winter tourism panels have been the most popular break-out sessions at the ATIA Convention in recent years.

**Scott Reisland of Denali Grizzly Bear Resort** has is a relentless advocate for small business on the ATIA Board. Four generations of his pioneer family have labored in the tourism industry in Denali. Scott's Mom and Dad, sister and son are among those family members that can be seen on property. Whether weathered in while coming home from an ATIA meeting or maneuvering along the slippery pathways to legislative appointments, Scott remains more good-natured and cheerier even than any one that I have ever met. He never ceases to amaze and inspire us.

**Ann Campbell of Aurora Consulting** unselfishly lends her valuable expertise and insights developed over her long association with Alaska's travel industry. Ann is fearless in cutting to the heart of an ATIA Board discussion about what is best for Alaska's travel industry. She understands that the travel industry is bigger than her or me or you, any elected official, and our personal relationships. Her intent is to ensure that the industry – whether it's based in rural Alaska or a city – prospers and grows for many generations of Alaskans.

As a lobbyist advisor to the ATIA board, **Linda Anderson of Anderson Group LLC** has dug into the legislative trenches for 17 years on behalf of Alaska's travel industry. Her energy and political acumen have kept us on course (except when we made the mistake of not listening to her!). Sometimes elected officials – like many of us – get stuck in a parochial frame of reference and interests. Linda excels at reminding us all that a decision-maker needs to do what's best for the entire state as well as his or her constituency.

Thanks to these individuals for teaching me more about leadership. During the first week of October, I hope to further discuss these and your thoughts in person at ATIA's annual convention in Juneau. Special kudos to ATIA corporate business partner **GCI**. GCI once again teamed up with ATIA to provide scholarships enabling ten small businesses and organizations to attend this year's convention. Meanwhile, or if you won't be at the ATIA convention, please feel free to share your thoughts with me at [dhickok@explorefairbanks.com](mailto:dhickok@explorefairbanks.com) or 459-3770.



*Travel journalist Michelle Newman (on left) experiences 40 Below Fairbanks with FCVB Director of Communications Amy Geiger during a July press tour*

## FCVB HOSTS TRAVEL WRITERS THROUGHOUT THE MONTH OF JULY

Among the media coordinated and accompanied by the FCVB were: Jenna Schnuer, freelance writer, editor and contributing editor, *Entrepreneur* magazine and more; Michelle Newman, a travel writer for publications such as *Better Homes and Gardens* (SIP), *Women's Day* (SIP), *Belle Armoire*, *Expressions* who explored topics of Alaska Native culture, the arts, local festivities, Denali; German travel writer Armin Rohnen is Editor of the online magazine *FineArt Reisen* with the topics of Native culture, WEIO, outdoor adventures; Jim Niemic was writing a feature story for *Western Outdoor News*, the largest weekly outdoor publication; and British travel journalist John Holmes who writes for a variety of UK publications, including: *The Guardian*, *The Times* and *The Independent*.

## FCVB PREPARES FOR THE 2012 OWAA



*From the OWAA website*

FCVB Director of Meetings and Conventions Helen Refrew and FCVB Director of Communications Amy Geiger along with CHSR Director of Sales Denise Ferree attended the Outdoor Writers Association of America (OWAA) Conference in Snowbird, Utah in July. The Fairbanks team promoted attendance to the OWAA Conference to be held at Chena Hot Springs Resort in early September 2012. Local Convention Chair Chris Batin will present on the upcoming conference at the FCVB luncheon on October 12. More information to come...



# CITY OF NORTH POLE

*"Where the Spirit of Christmas Lives Year Round"*

125 Snowman Lane • North Pole, Alaska 99705-7708  
E-mail: [mayor@northpolealaska.com](mailto:mayor@northpolealaska.com) • Website: [www.northpolealaska.com](http://www.northpolealaska.com)

August 29, 2011

City Hall  
907-488-2281  
Fax: 907-488-3002

Mayor  
907-488-8584

City Clerk  
907-488-8583

Police  
Department  
907-488-6902

Fire  
Department  
907-488-2232

Utilities  
907-488-6111

Director of  
City Services  
907-488-8593

Finance  
907-488-8594

Wally Evans  
Operating Permits Anchorage Office Supervisor  
619 East Ship Creek, Ste. 249  
Anchorage AK 99501

Dear Mr. Evans:

The City of North Pole is a member, as I am personally, of the Golden Valley Electric Cooperative (GVEA), which is proposing to purchase and operate the Healy Clean Coal Plant (HCCP), and I would like to go on record 1) as fully supporting the state's permit action and 2) urging the EPA to honor this delegation of authority by accepting the permits.

My community is extremely concerned with the high cost of energy. The Council has passed resolutions to help improve the energy efficiency of the City, to exchange out the sodium street lights for LEDs, make improvements in the Utilities which have greatly reduced electrical consumption, and other actions, yet have watched with growing concern as the City's energy costs have doubled since 2008.

GVEA operates three 60 megawatt diesel electric generators (180 megawatt total output possible), and two refineries operate within the city limits, Flint Hills and Petro Star; but with the volatile price of oil, we have lost significant cost and production benefit from diesel powered generation. Our needed solution to reduce costs within the existing infrastructure is to get natural gas—still an unknown number of years away—and coal, which is attainable within 18 months of this permit issuance.

At today's oil prices HCCP should reduce GVEA member's electric bills by 20%. That is substantial when you consider the high cost of energy is killing our Interior communities. Alaska has invested over \$150 million, through legislative appropriations, investment by the Alaska Industrial Development and Export Authority (AIDEA), GVEA and private contributions in the project. The US Department of Energy invested a similar amount in order to promote commercialization of clean burning coal technologies.



# NORTH POLE MIDDLE SCHOOL

(907) 488-2271 300 E. 8th AVE. NORTH POLE, AK 99705

WITH INCREDIBLE STUDENTS, A GREAT STAFF, A SUPPORTIVE COMMUNITY AND STRONG PROGRAMS, NPMS IS MAKING A POSITIVE DIFFERENCE IN NORTH POLE.

August 24, 2011

Dear Mayor Issacson, Madam Master Municipal Clerk, and all other city government employees,

On behalf of the staff and students of the Royal Knights sixth grade team at North Pole Middle School, we would like to extend our warmest thank you for welcoming us into the city building and educating us about the significant role that the local government plays in our community.

We are greatly appreciative of the time that you have dedicated to our visit including the wonderful informational folders that we will incorporate into the school year's lessons. We also greatly appreciate the time that you volunteered even though you may have had pressing prior commitments.

The commitment and dedication that you have showed the public school system is the same commitment and dedication that demonstrates why all of you make wonderful leaders in the North Pole Community.

Thank you again from the staff and students of the Royal Knights!

Sincerely,

*Katherine Mullins*

*Michelle Heminger*

*Hillary Midgley*

*[Signature]*

The Royal Knights



# CITY OF NORTH POLE

*"Where the Spirit of Christmas Lives Year Round"*

125 Snowman Lane • North Pole, Alaska 99705-7708  
E-mail: [mayor@northpolealaska.com](mailto:mayor@northpolealaska.com) • Website: [www.northpolealaska.com](http://www.northpolealaska.com)

August 28, 2011

City Hall  
907-488-2281  
Fax: 907-488-3002

Mayor  
907-488-8584

City Clerk  
907-488-8583

Police  
Department  
907-488-6902

Fire  
Department  
907-488-2232

Utilities  
907-488-6111

Director of  
City Services  
907-488-8593

Finance  
907-488-8594

Jodie Hettrick  
Alaska Division of Fire and Life Safety  
1140 Airport Heights Dr.  
Anchorage, AK 99508

RE: Letter of Support for Nomination of Kyle Green for Fire and Life Safety Educator of the Year

Dear Ms. Hettrick:


It is my pleasure to enthusiastically endorse the nomination of NPFD Engineer Kyle Green for Fire and Life Safety Educator of the Year. I have watched Mr. Green actively participate in community activities, referenced in the Department's Letter of Nomination, and generate interest and excitement in his topics.

One of my first engagements with Mr. Green and the public was at a round-table discussion at North Pole Middle School where students, staff, parents and interested community members interacted and worked on possible solutions to the issues raised. Mr. Green was able to adapt his interactions to the "big picture", demonstrating his competence with his topic, his understanding of the community and the students, and ability to think on his feet—all the while maintaining a contagious, professional enthusiasm.

When Mr. Green, at the direction of his superiors, has pitched ideas to me, he has done so in an efficient, organized, and easy to follow manner. He quickly adapts to alternatives, and is himself teachable.

While we have many competent professionals in the department, Mr. Green distinguishes himself as a dedicated leader, with the highest degree of proficiency, raising the bar personally and professionally, reflecting credit upon the North Pole Fire Department and the City of North Pole.

Sincerely,

  
Douglas W. Isaacson  
Mayor

Cc: NPFD Chief Buddy Lane  
Kathy Weber, MMC, City Clerk  
North Pole City Council

# TAKE THIS JOB AND LOVE IT!

*How The Best Leaders Bring Out The Best in Themselves, Their Coworkers, And Their Customers*

**L**eadership is no longer about titles and positions. These days, with bigger challenges than ever before, everyone has to exert leadership. Everyone has to do more than get his/her job done. Everyone needs the skills that bring out the very best in themselves, their coworkers, and their customers. And this program will give you the skills to address all three levels with ease and effectiveness.

On Level 1, you'll learn how to build your self-confidence, boost your attitude, deflect the negativity around you, take smart risks, and achieve your goals. You'll learn the secrets of take-charge champions ... on and off the job.

On Level 2, you'll learn how the best leaders motivate others to give their full and willing cooperation. You'll learn how rapport is built, respect is shown, and recognition is given. These are skills you can use with your coworkers ... even if you're not the "official" leader of the group.

On Level 3, you'll learn how to move from customer service, to customer satisfaction, to customer enthusiasm. You'll learn how to get your customers to work with you instead of against you, and you will learn how to build and maintain an upbeat, positive work environment.

But please be warned. This is not a sit-back-and-listen type of lecture. This is a highly interactive program with a *strong emphasis on practical skills* that really work. So you'll actually use the skills *during* the program to ensure your use of the skills *after* the program ... on the job as well as at home.

## **PAYOFFS:**

- Build an undefeatable attitude that invariably leads to greater success
- Stop negative people and circumstances from bringing you down
- Fortify your self-esteem so it's a help and not a hindrance in any situation
- Fill your tool bag with skills that guarantee your peak performance ... all the time ... no matter what
- Avoid words and actions that inadvertently de-motivate others
- Generate enthusiasm in yourself and others ... that keeps on working ... even in the tough times
- Use tactics that get others "to give it their all" instead of "doing just enough to get by"
- Listen to what is said and left unsaid ... so you can truly understand the other person and what makes him tick
- Keep yourself pumped up and eager to serve, no matter what is going on or who you're serving
- Adopt the "customer comes first" attitude
- Make sure every customer transaction is a positive experience for the customer

## CLIENT ACCOLADES:

***“The participants rated your presentation as the highest of any at the conference. The impassioned presentation you made about creating balance in our lives made a tremendous impression. Congratulations on your resounding success. I knew you’d be a hit!”***

*– Al Mance*

*Executive Director, TN Education Association*

*“Thank you for the truly outstanding seminar. As you know, the New York membership can be a very tough audience. However, I am quite pleased to say that the **scores for your presentation were the highest of all our dozens and dozens of speakers over the last several years!** That is no small accomplishment!”*

*– Mark Antonucci*

*Chairman, Institute for Management Studies*

*“Almost every person has thanked me for arranging this session and wants to know when you’ll be coming back!!! Some of our **more senior field personnel told me they have never been to a seminar that was so interesting.**”*

*– H. Lin Riley, Jr.*

*Vice President, Phillips & Jordan*

***“You were by far the most powerful and enjoyable speaker we have ever asked to address our group.** For several days following your program, we still continued to talk about and share with others what we learned from the session. When I came back to the office, I heard folks who did not even attend your session talk about the powerful message that you shared. This, Alan, was a real compliment to you.”*

*– Lynn Chapman*

*Manager, Nationwide Insurance*



[Home Page](#)   [About Us](#)   [Services](#)   [Legislative](#)   [Affiliates](#)   [Annual Conference](#)

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## Strengthening Alaska Municipalities Through Advocacy & Education

Welcome to AML Online, the official website of the Alaska Municipal League. AML Online is designed to provide municipal, affiliate and associate members with up-to-date information about league programs, services, and news impacting Alaska's Municipalities. The Alaska Municipal League is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents.

### **Official Notice**

The AML Annual Business Meeting will convene at the Westmark Hotel in Fairbanks, AK at 9:30 a.m. on Friday November 11, 2011, as part of the 61st Annual Local Government Conference.

### **2011 Priorities**

### **2011 Resolutions**

### **2011 Alaska Municipal Official Directory**

### **Spring 2011 Touchstone**

### **2012 Draft Policy Statement**



AML President  
Hal Smalley  
Kenai Peninsula Borough  
Assembly

## What's New

### **Stepping It Up!**

The Alaska Municipal League is expecting over 400 attendees for its 61st Annual Local Government Conference; The largest annual gathering of municipal officials in Alaska. Attendees will include mayors, assembly/council members, managers/administrators, clerks, attorneys, finance officers, planners, assessors and other municipal employees from Alaska's 162 incorporated cities and boroughs. Workshops will cover topics such as Public Employees Retirement System (PERS), federal transportation issues, changes to Alaska Industrial Development and Export Authority's (AIDEA) statutes in relation to the types of projects they can finance, social media, APOC regulations, assembly/council responsibilities, etc. The Alaska Municipal League Annual Local Government Conference is one event municipal officials cannot afford to miss!

**61st Annual AML Local Government Conference & Newly Elected  
Officials Training  
November 7-11, 2011 Fairbanks, AK**

### **Register Online Now**

**Additional Conference information:**

### **Registration Packet**

### **Mail-in/Fax Registration Form**

### **Policy Statement and Resolution Submission Process**

### **AML Board of Directors Declaration of Candidacy Information**

### **AML Awards of Excellence**

## **Contact Us**

Alaska Municipal League  
217 Second Street, Suite 200  
Juneau, Alaska 99801

**Future AML  
Conference Dates**

Phone: (907) 586-1325  
Toll-Free: 877-636-1325 (AK only)  
Fax: (907) 463-5480  
E-Mail: [info@akml.org](mailto:info@akml.org)



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Domain Reseller



# ALASKA MUNICIPAL LEAGUE

## ANNUAL LOCAL GOVERNMENT CONFERENCE

NOVEMBER 7-11, 2011



*Stepping It Up*

# CONFERENCE

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Registration Packet

Westmark Hotel and Convention Center  
Fairbanks, Alaska

# Alaska Municipal League

## Stepping it Up!

Municipalities have greatly increased their political effectiveness over the last several years.

We successfully reinstated Revenue Sharing, providing a GROWING, consistent revenue stream for municipalities to provide basic services.

We negotiated with the State to keep municipal PERS rate to a flat 22%.

We have successfully fought back many attempts to place unfunded mandates on Alaska's municipalities.

Now is the time we need to be STEPPING IT UP to assure that the interests of municipalities and our residents are protected – to work for funding for transportation, energy and the greater good of our communities and our state.

We have the position, the ability, and the resources to inform and engage the public like no one else can.

We have the relationships and the perspectives that allow us to be in tune with what the people in our

communities need, so they can be the productive and contributing citizens they want to be.

We have the contacts to tap the power and the talents of the great people in our neighborhoods, our communities and our State.

Now is the time for all municipal officials to join together and plan how we can step up to these responsibilities.

The 2011 Alaska Municipal League Annual Local Government Conference will provide the place and the opportunity.

You can provide the energy, vision, and commitment to make this leadership possible.

Be part of this important and influential "STEP UP!"

Be part of the 2011 Alaska Municipal League Annual Local Government Conference!

## Municipal Policy

An important part of the Annual Local Government Conference is to discuss and approve the 2012 AML Policy Statement and Legislative Priorities, adopt Resolutions, and create consensus on key legislative issues. AML members are invited to comment and/or propose amendments to the Policy Statement, Legislative Priorities and Resolutions during the four "policy sections." The process is completed at the 61st Annual Business Meeting where the entire membership will review and adopt the 2012 documents.



## Training & Networking

AML provides the best training in the state on issues facing municipal leaders. The conference also offers networking opportunities between communities and municipal officials. Preconference events for AML Affiliate Associations begin Saturday, November 5, 2011.

The 61st Annual Conference begins Wednesday, November 9 at 9:30 a.m.

## Newly Elected Officials

Building a solid leadership foundation begins with AML's Newly Elected Officials (NEO) Seminar. It is one of Alaska's most highly regarded training programs for local leaders. Officials who would like a refresher course and those who are newly elected to office are invited to attend.

The NEO Seminar takes place on Monday & Tuesday, November 7 & 8, starting at 8:00 a.m. A separate registration fee is required. A \$50 discount is offered for NEO participants who also attend the Local Government Conference. Please come and join us!

# Hotel & Travel Information

## Hotel

### Westmark Fairbanks Hotel

813 Noble Street  
Fairbanks, Alaska 99701-4977  
Phone: (907) 456-7722

Toll Free: (800) 544-0970

**RATE\*\*:** Single/Dbl: \$75/night

*\*\*does not include 8% occupancy tax*

To receive the conference rates above you must  
**Mention AML** when registering.

Rates are guaranteed until October 20, 2011.

## Rental Cars

Several Rental Car companies in the Fairbanks area are offering AML discounted rates during the Annual Conference. Please visit [www.akml.org](http://www.akml.org) for a complete list of rates and carriers.



## Airlines

**Alaska Airlines:** A 7% discount is available on all regular Alaska Airlines fares to Fairbanks.

- Go online to [www.alaskaair.com](http://www.alaskaair.com) and use the e-certificate code **ECMF15** when searching for flights or
- Call the Alaska Airlines Group Reservation Desk: **1-800-445-4435** and use the code **MF15**. A \$15.00 ticketing fee will apply for bookings made by calling Group Reservation Desk.

**ERA Aviation:** A 15% discount is available for all flights on ERA related to Annual Conference travel. Call: **1-800-866-8394** and use the code **AML11** to receive this discount. Some restrictions apply.

## Pre-Conference Contacts & Conference Overview

### Affiliate Pre-Conference Events

**Saturday - Tuesday**  
**Nov. 5-8, 2011**

**Alaska Association of Municipal Clerks**  
Kathryn Weber, MMC  
City of North Pole  
125 Snowman Lane  
North Pole, AK 99705  
Phone: 907 488-8583  
[www.alaskaclerks.org](http://www.alaskaclerks.org)

**Sunday - Tuesday**  
**Nov. 6-8, 2011**

**American Planning Association - AK Chapter**  
Lauren Kruer  
Mat-Su Borough  
350 E. Dahlia Ave.  
Palmer, AK 99645  
Phone: 907 745-9855  
[lauren.kruer@matsugov.us](mailto:lauren.kruer@matsugov.us)

**Monday - Wednesday**  
**Nov. 7-9, 2011**

**Alaska Government Finance Officers Association**  
Elizabeth Hartley  
Mat-Su Borough  
350 E. Dahlia Ave.  
Palmer, AK 99645  
Phone: 907 745-9624  
[www.agfoa.com](http://www.agfoa.com)

**Monday & Tuesday**  
**Nov. 7&8, 2011**

**Alaska Municipal Attorneys Association**  
A. Rene' Broker  
Fairbanks North Star Bor.  
P.O. Box 71267  
Fairbanks, Alaska 99707  
Phone: 907 459-1318  
Fax: 907 459-1155  
[RBroker@fnbsb.us](mailto:RBroker@fnbsb.us)

**Alaska Association of Assessing Officers**  
Kelly Taylor  
Municipality of Anchorage  
632 W. 6th Ave., Ste 320  
Anchorage, AK 99501  
Phone: 907 343-6891  
[taylorlkp@muni.org](mailto:taylorlkp@muni.org)

**Alaska Municipal Management Association**  
Betty Svensson, AML  
217 2nd St, Ste. 200  
Juneau, AK 99801  
(907) 586-1325  
[betty@akml.org](mailto:betty@akml.org)

**Tuesday**  
**Nov. 8, 2011**

**Alaska Conference of Mayors**  
Betty Svensson, AML  
217 2nd St, Ste. 200  
Juneau, AK 99801  
(907) 586-1325  
[betty@akml.org](mailto:betty@akml.org)

### Alaska Municipal League Events

#### Pre-Conference

**Monday & Tuesday, Nov. 7&8, 2011**

#### Newly Elected Officials Training

- Roles and Responsibilities of Municipal Officials
- Budget and Governmental Accounting
- Open Meetings Act
- Quasi-Judicial Role and Ex Parte Contact
- Ethics and Conflicts of Interest
- Parliamentary Procedures and Conducting Effective Meetings and much more...

#### Conference

**Wednesday, Nov. 9, 2011**

- All Day - Registration & Exhibits
- Opening Session
- Opening Day Luncheon & Keynote
- Day One Workshops I, II
- Fairbanks North Star Borough Host Reception

**Thursday, Nov. 10, 2011**

- All Day - Registration & Exhibits
- Policy Section Meetings
- Day Two Workshops III, IV
- Day Two Luncheon
- Resolutions Committee
- ACoM Silent Auction & AML President's Reception
- 61st Annual Awards Banquet

**Friday, Nov. 11, 2011**

- Board of Directors Elections
- Annual Business Meeting
- 2012 AML Board of Directors Meeting



# 2011 CONFERENCE REGISTRATION

**Skip This**



Visit: [WWW.AKML.ORG](http://WWW.AKML.ORG)

To Register & Pay Online By Credit Card

## Conference Fees

*\$50.00 discount with joint Conference & NEO registration.*

### AML Member\*

Conference \_\_\_\_\_ \$325

Newly Elected  
Officials \_\_\_\_\_ \$225

Conference &  
NEO \_\_\_\_\_ \$500

### One Day Attendance:

Wednesday \_\_\_\_\_ \$175

Thursday \_\_\_\_\_ \$175

Friday \_\_\_\_\_ \$175

### AML Non-Member\*

Conference \_\_\_\_\_ \$400

Newly Elected  
Officials \_\_\_\_\_ \$300

Conference &  
NEO \_\_\_\_\_ \$650

### One Day Attendance:

Wednesday \_\_\_\_\_ \$225

Thursday \_\_\_\_\_ \$225

Friday \_\_\_\_\_ \$225

After 10/07/11 \_\_\_\_\_ \$50    After 10/07/11 \_\_\_\_\_ \$50

**TOTAL \$ \_\_\_\_\_ TOTAL \$ \_\_\_\_\_**

*\*Member Rates apply to employees and local officials of member municipalities, and to AML Affiliate and Associate organizations.*

## Cancellation Policy

Cancellations or changes must be made in writing on municipal/organization letterhead and received by mail or fax no later than Friday October 21, 2011. No refunds will be made for "no-shows" or cancellations after this date. "No-shows" will be billed for the full amount. AML can not be responsible for cancellations due to weather. If you have any questions, please contact Betty Svensson at (907) 586-1325 or [betty@akml.org](mailto:betty@akml.org).

## Credit Card Payment:

☐ Visa

☐ Mastercard

Card Number \_\_\_\_\_ Exp. CVC# \_\_\_\_\_

Name On Card \_\_\_\_\_

Billing Address \_\_\_\_\_

## Return Registration Form & Check/ Money Order To:

**MAIL: Alaska Municipal League  
217 2nd St., Ste. 200, Juneau, AK 99801**

## Delegate Information

*(Please Copy and Attach Additional Forms for Multiple Attendees)*

Delegate Name \_\_\_\_\_

Name to Appear on Badge \_\_\_\_\_

Municipality/Organization \_\_\_\_\_

Title \_\_\_\_\_

Preferred E-mail Address (contact reasons only) \_\_\_\_\_

## Billing Information

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone/Fax \_\_\_\_\_

E-mail Address (contact reasons only) \_\_\_\_\_

## DO YOU HAVE SPECIAL DIETARY NEEDS?

*If so, AML would like to help out! Please call us at  
(907) 586-1325 to discuss alternate menu options.*

Office of the Mayor  
City of North Pole

# Proclamation

**WHEREAS**, Coach Watson has been involved in football since 1958 when he started playing in high school in Arcadia Florida; and

**WHEREAS**, Coach Watson played collegiate football at Morris College in South Carolina. He has coached in Alaska since 1974 at Ben Eielson High School and North Pole High School; and

**WHEREAS**, this year will be the start of Coach Watson's 39<sup>th</sup> consecutive season in Alaska. He has been a part of 172 wins (more than any other coach in Alaska), 2 State championships, 2 Runner Up finishes, 7 semi-final games, 13 play-off appearances, and 15 Railbelt Conference championships; and

**WHEREAS**, Coach Watson is a retired teacher with over 25 years of experience teaching in the Fairbanks North Star Borough School District. He is involved in his church and in a number of community service programs; and

**WHEREAS**, Coach Watson has coached and taught over 3 generations of interior athletes and students and we would all be fortunate to learn from a man with his level of character and values; and

**WHEREAS**, the City of North Pole desires to recognize the outstanding citizens in the community.

**NOW, THEREFORE, I**, Mayor Douglas W. Isaacson, on behalf of the City of North Pole and the North Pole City Council, thank Coach Watson for his dedicated service which has been an inspiration to our entire community.

**IN WITNESS WHEREOF**, we have hereunto set our hands this 20<sup>th</sup> day of August, 2011.

  
Douglas W. Isaacson, Mayor

  
Kathryn M. Weber, MMC  
North Pole City Clerk





**Office of the Mayor  
Fairbanks North Star Borough  
Alaska**

**Proclamation**

**WHEREAS**, Alaska is blessed with an abundance of energy resources, yet Alaskans are faced with some of the nation's highest energy costs; and

**WHEREAS**, it is necessary that we find ways to reduce the burden of energy costs on Alaskan families and workplaces; and

**WHEREAS** energy efficiency and conservation measures are cost effective first steps to reduce energy consumption and cost for Alaskans; and

**WHEREAS**, during the 2010 legislative session, we set a goal of reducing energy consumption in Alaska by 15 percent over the next 10 years and achieving a 50 percent renewable energy goal over the next 15 years; and

**WHEREAS**, through the cooperative efforts of State government, the citizens of Alaska, and the Energy Efficiency and Conservation Working Group, we can make that goal a reality; and

**WHEREAS**, we applaud the Alaskans and Alaska workplaces that have already achieved 15 percent energy savings in their homes and buildings; and

**WHEREAS**, the State of Alaska is committed to assisting citizens, businesses, and public entities to achieve energy efficiency through a variety of grants, loans, services, and educational opportunities;

**NOW, THEREFORE**, I, Luke Hopkins, Mayor of the Fairbanks North Star Borough, and I, Jerry Cleworth, Mayor of the City of Fairbanks, and I, Douglas W. Isaacson, Mayor of the City of North Pole, Alaska, by the authority vested in us, do hereby proclaim October as

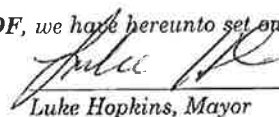
**Alaska Energy Awareness Month**

and encourage all Alaskans to take the following steps to improving energy efficiency and conservation efforts at home and at work:

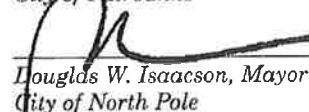
- Seal tight and ventilate right
- Get an energy audit
- Change your lights

Together we can build a better, brighter future for our great State.


**IN WITNESS WHEREOF**, we have hereunto set our hands this 23rd day of August 2011.

  
\_\_\_\_\_  
Luke Hopkins, Mayor  
Fairbanks North Star Borough

  
\_\_\_\_\_  
Jerry Cleworth, Mayor  
City of Fairbanks

  
\_\_\_\_\_  
Douglas W. Isaacson, Mayor  
City of North Pole

ATTEST:

  
\_\_\_\_\_  
Mond Lisa Drexler, MMC  
Municipal Borough Clerk

**Office of the Mayor  
Fairbanks North Star Borough  
Alaska**

**Proclamation**

**WHEREAS**, September 11<sup>th</sup> has been designated as a National Day of Service and Remembrance marking the anniversary of the terrorist attack that killed nearly 3,000 innocent and brave people from over 92 different countries at the World Trade Center in New York City, at the United States Pentagon and field of Shanksville, Pennsylvania; and

**WHEREAS**, many brave people heroically, tirelessly and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and

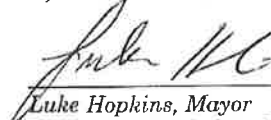
**WHEREAS**, people of all ages and walks of life, across America and around the world collectively witnessed this event; and

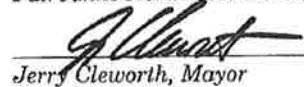
**WHEREAS**, the events of that day instantly transformed nearly everyone's lives, some through personal loss, and many others through an unfamiliar sense of individual vulnerability; and

**WHEREAS**, September 11, 2011 will be the 10<sup>th</sup> anniversary of the 9/11 attacks on America:

**NOW, THEREFORE**, I, Luke Hopkins, Mayor of the Fairbanks North Star Borough, and I, Jerry Cleworth, Mayor of the City of Fairbanks, and I, Douglas W. Isaacson, Mayor of the City of North Pole, Alaska, by the authority vested in us, call upon the citizens of our community to remember and participate in this observance of the National Day of Service and Remembrance through moments of silence, the flying of the flag of the United States at half-mast, as well as community service of remembrance and charitable activities in tribute and remembrance, as part of a solemn day of remembrance and tribute.

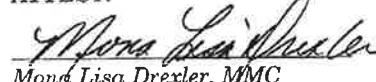
**IN WITNESS WHEREOF**, we have hereunto set our hands this 22nd day of August 2011.

  
\_\_\_\_\_  
Luke Hopkins, Mayor  
Fairbanks North Star Borough

  
\_\_\_\_\_  
Jerry Cleworth, Mayor  
City of Fairbanks

  
\_\_\_\_\_  
Douglas W. Isaacson, Mayor  
City of North Pole

ATTEST:

  
\_\_\_\_\_  
Mona Lisa Drexler, MMC  
Municipal Borough Clerk

**CITY OF NORTH POLE**

**ORDINANCE 11-06**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA  
AMENDING TITLE 4, CHAPTER 4.10.010, USER FEES**

**WHEREAS**, changes to the North Pole Municipal Code is a continually changing requirement;  
and

**WHEREAS**, the City of North Pole Municipal Code should be amended to conform to the  
requirements of the City and to provide clarification as needed.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. General Provisions of the North Pole Municipal Code of Ordinances are  
amended as follows:

**4.10.010 Establishment of User Fees.**

The mayor shall examine the services provided by the city and establish a user fee schedule with  
council concurrence. The council shall periodically review the user fee schedule and set user  
fees as appropriate.(Ord.03-10 §2, 2003)(Ord.05-17 §2,2005)

**4.10.020 User Fee Schedule**

Ambulance Fee	\$800.00
Ambulance Fee Discount for North Pole Residents	<del>-\$800.00</del> <b>-\$300.00</b>
Ambulance/Patient transport mileage (loaded miles)	\$11.00 per mile
<del>Ambulance/Patient transport mileage (loaded miles)</del> Discount for North Pole Residents	<del>-\$11.00 per mile</del>
Emergency Fire equipment response to motor vehicle accident	\$200.00
<del>Emergency Fire equipment discount for North Pole Residents</del>	<del>-\$200.00</del>
<del>Fire/Ambulance Run Reports to Insurance Companies</del>	\$ 25.00
Audio <del>Tape</del> <b>Recording</b> of Public Meetings <b>or any other CD/DVD</b> (fee collected when ordering, per tape)	\$ 10.00
Building Permit Fees	Based on building evaluation and 1997 Uniform Administrative Code
City Annual Business License	\$ 50.00
City Business/Sales Tax Mailing Labels (fee collected when ordering)	\$ 25.00
Copies of Public Records	\$1.00 1st pg; \$0.25 thereafter
City Newsletter Mailing Labels	\$ 25.00
Declaration of Candidacy Filing Fee	\$ 25.00
Faxes send/receive local calling area (per page)	\$ 1.00



**Kathy Weber**

**From:** Buddy Lane [blane@northpolefire.org]  
**To:** Doug Isaacson  
**Cc:** Kathy Weber  
**Subject:** Ambulance Billing  
**Attachments:**

**Sent:** Thu 9/1/2011 12:09 PM

Mayor,

I would like to ask the City Council to table action on the ambulance billing ordinance 11-06 until October 17th. In gathering information the council has asked for, I asked our billing company for assistance. Systems Design recently sent the following information. The information is findings from the Office of Inspector General in regards to billing or not billing residents, tax payers and taxes paid used as co-pays. I think tabling further action until the City Council members can read and have a chance to understand what these finding mean, would be the prudent thing to do. I would also like to request that Zane look these through these findings and give a clear brief on what the Inspector General is saying. ( in common folk language) I want to make sure that the action the council takes on this does not put the City at odds with any laws that might jeopardize our ability to receive payments from Medicare/Medicaid. Please let me know if there is further questions.

Chief Lane

Write off/apply levy funds for bona fide county residents

<http://oig.hhs.gov/fraud/docs/advisoryopinions/2008/AdvOpn08-23.pdf>

Write off/apply levy funds for both residents & non-residents

<http://oig.hhs.gov/fraud/docs/advisoryopinions/2005/ao0510.pdf>

Write off/apply levy funds to residents, bill non-residents for co-pays

<http://oig.hhs.gov/fraud/docs/advisoryopinions/2005/ao0509.pdf>

Main Opinions page:

<http://oig.hhs.gov/fraud/advisoryopinions/opinions.asp>



*[We redact certain identifying information and certain potentially privileged, confidential, or proprietary information associated with the individual or entity, unless otherwise approved by the requestor.]*

**Issued:** December 12, 2008

**Posted:** December 19, 2008

[Name and address redacted]

**Re: OIG Advisory Opinion No. 08-23**

Ladies and Gentlemen:

We are writing in response to your request for an advisory opinion regarding a proposal for a county, which provides emergency medical services (“EMS”) transportation through its fire department, to treat revenue received from taxes as payment of otherwise applicable cost-sharing amounts owed by bona fide county residents for EMS transportation to hospitals (the “Proposed Arrangement”). Specifically, you have inquired whether the Proposed Arrangement would constitute grounds for the imposition of sanctions under the civil monetary penalty provision prohibiting inducements to beneficiaries, section 1128A(a)(5) of the Social Security Act (the “Act”), or under the exclusion authority at section 1128(b)(7) of the Act, or the civil monetary penalty provision at section 1128A(a)(7) of the Act, as those sections relate to the commission of acts described in section 1128B(b) of the Act, the Federal anti-kickback statute.

You have certified that all of the information provided in your request, including all supplementary letters, is true and correct and constitutes a complete description of the relevant facts and agreements among the parties.

In issuing this opinion, we have relied solely on the facts and information presented to us. We have not undertaken an independent investigation of such information. This opinion is limited to the facts presented. If material facts have not been disclosed or have been misrepresented, this opinion is without force and effect.

Based on the facts certified in your request for an advisory opinion and supplemental submissions, we conclude that the Proposed Arrangement would not generate prohibited remuneration under the anti-kickback statute. Accordingly, the Office of Inspector General (“OIG”) would not impose administrative sanctions on [name redacted] under sections 1128(b)(7) or 1128A(a)(7) of the Act (as those sections relate to the commission of acts described in section 1128B(b) of the Act) in connection with the Proposed Arrangement. In addition, the OIG would not impose administrative sanctions on [name redacted] under section 1128A(a)(5) of the Act in connection with the Proposed Arrangement. This opinion is limited to the Proposed Arrangement and, therefore, we express no opinion about any ancillary agreements or arrangements disclosed or referenced in your request letter or supplemental submissions.

This opinion may not be relied on by any persons other than [name redacted], the requestor of this opinion, and is further qualified as set out in Part IV below and in 42 C.F.R. Part 1008.

## **I. FACTUAL BACKGROUND**

[Name redacted] (the “County”) is a legal subdivision of the State of [state redacted] that provides EMS transportation through its fire department.<sup>1</sup> Additional EMS transportation is provided by fire departments owned and operated by other local governments and outside volunteer organizations (the “Outside Service Providers”).<sup>2</sup>

Under the Proposed Arrangement, the County would not bill bona fide County residents who receive EMS transportation to hospitals for otherwise applicable cost-sharing amounts (e.g., co-payments and deductibles). The County would accept payment from bona fide County residents’ insurers, including Federal health care programs, as payment in full for the EMS transportation to hospitals (i.e., “insurance only billing”) and would treat revenues received from taxes as payment of the cost-sharing amounts.

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<sup>1</sup> On occasion, volunteer fire companies based inside the County provide EMS transportation. The County has certified that these internal volunteer fire companies do not, and will not, bill for the EMS transportation they provide.

<sup>2</sup> The Outside Service Providers are not obligated to follow County billing procedures and policies. They instead respond to emergency calls in the County under the terms of mutual aid agreements they have made with the County. We have not been asked to opine and express no opinion about these mutual aid agreements, or any other arrangements with the Outside Service Providers.

## II. LEGAL ANALYSIS

### A. Law

The anti-kickback statute makes it a criminal offense knowingly and willfully to offer, pay, solicit, or receive any remuneration to induce or reward referrals of items or services reimbursable by a Federal health care program. See section 1128B(b) of the Act. Where remuneration is paid purposefully to induce or reward referrals of items or services payable by a Federal health care program, the anti-kickback statute is violated. By its terms, the statute ascribes criminal liability to parties on both sides of an impermissible “kickback” transaction. For purposes of the anti-kickback statute, “remuneration” includes the transfer of anything of value, directly or indirectly, overtly or covertly, in cash or in kind.

The statute has been interpreted to cover any arrangement where one purpose of the remuneration was to obtain money for the referral of services or to induce further referrals. United States v. Kats, 871 F.2d 105 (9th Cir. 1989); United States v. Greber, 760 F.2d 68 (3d Cir.), cert. denied, 474 U.S. 988 (1985). Violation of the statute constitutes a felony punishable by a maximum fine of \$25,000, imprisonment up to five years, or both. Conviction will also lead to automatic exclusion from Federal health care programs, including Medicare and Medicaid. Where a party commits an act described in section 1128B(b) of the Act, the OIG may initiate administrative proceedings to impose civil monetary penalties on such party under section 1128A(a)(7) of the Act. The OIG may also initiate administrative proceedings to exclude such party from the Federal health care programs under section 1128(b)(7) of the Act.

Section 1128A(a)(5) of the Act provides for the imposition of civil monetary penalties against any person who gives something of value to a Medicare or state health care program, including Medicaid, beneficiary that the benefactor knows or should know is likely to influence the beneficiary’s selection of a particular provider, practitioner, or supplier of any item or service for which payment may be made, in whole or in part, by Medicare or a state health care program, including Medicaid. The OIG may also initiate administrative proceedings to exclude such party from the Federal health care programs. Section 1128A(i)(6) of the Act defines “remuneration” for purposes of section 1128A(a)(5) as including, inter alia, the waiver of cost-sharing obligations (or any part thereof).<sup>3</sup>

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<sup>3</sup> The statute contains an exception to the definition of remuneration, not applicable here, for certain waivers of cost-sharing obligations that are not advertised, that are not routine, and that are made on the basis of individual determinations of financial need or for which reasonable collection efforts have been made. Section 1128A(i)(6) of the Act.

## **B. Analysis**

The “insurance only” billing under the Proposed Arrangement may implicate the anti-kickback statute to the extent that it constitutes a limited waiver of Medicare or other Federal health care program cost-sharing amounts. Our concern about potentially abusive waivers of Medicare cost-sharing amounts under the anti-kickback statute is longstanding. For example, we have previously stated that providers that routinely waive Medicare cost-sharing amounts for reasons unrelated to individualized, good faith assessments of financial hardship may be held liable under the anti-kickback statute. See, e.g., Special Fraud Alert, 59 Fed. Reg. 65372, 65374 (Dec. 19, 1994). Such waivers may constitute prohibited remuneration to induce referrals under the anti-kickback statute, as well as a violation of the civil monetary penalty prohibition against inducements to beneficiaries, section 1128A(a)(5) of the Act.

However, there is a special rule for providers and suppliers that are owned and operated by a state or a political subdivision of a state, such as a municipality or fire department. The Centers for Medicare & Medicaid Services (“CMS”) Medicare Benefit Policy Manual (“BPM”) Chapter 16, section 50.3.1 provides that:

A [state or local government] facility which reduces or waives its charges for patients unable to pay, or charges patients only to the extent of their Medicare and other health insurance coverage, is not viewed as furnishing free services and may therefore receive program payment.

Pub. 100-02 BPM Chap. 16, section 50.3.1 at:

<http://www.cms.hhs.gov/manuals/Downloads/bp102c16.pdf> (formerly Medicare Carrier Manual section 2309.4 and Medicare Intermediary Manual section 3153.3A).

Notwithstanding the use of the term “facility,” CMS has confirmed that this provision would apply to a state or municipal ambulance company that is a Medicare Part B supplier. CMS has also confirmed that this provision would apply to waivers of cost-sharing amounts for residents who need EMS transportation.

Accordingly, since Medicare would not require the County to collect cost-sharing amounts from residents, we would not impose sanctions under the anti-kickback statute where the cost-sharing waiver is implemented by the County categorically for bona fide residents of the County.<sup>4</sup> Nothing in this advisory opinion would apply to waivers of cost-sharing amounts based on criteria other than residency, as defined by the County.

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<sup>4</sup> We note that for the same reasons we would not impose sanctions under section 1128A(a)(5) of the Act.

We note that this provision of the CMS manual applies only to situations in which the governmental unit is the ambulance supplier; it does not apply to contracts with outside ambulance suppliers. For example, where a municipality contracts with an outside ambulance supplier for the provision of services to residents of its service area, the municipality cannot require the ambulance supplier to waive out-of-pocket cost-sharing amounts unless the municipality pays the cost-sharing amounts owed or otherwise makes provisions for the payment of such cost-sharing amounts. See, e.g., OIG Advisory Opinion No. 01-12 (July 20, 2001). There is an important difference between a municipally-owned ambulance company voluntarily waiving cost-sharing amounts for its own residents and a municipality requiring a private company to bill “insurance only” as a condition of getting the municipality’s EMS transportation business, including Medicare business. Lump sum or periodic payments by the municipality, on behalf of residents or others, may be permitted if the payments are reasonably calculated to cover the expected uncollected cost-sharing amounts.

### **III. CONCLUSION**

Based on the facts certified in your request for an advisory opinion and supplemental submissions, we conclude that the Proposed Arrangement would not generate prohibited remuneration under the anti-kickback statute. Accordingly, the OIG would not impose administrative sanctions on [name redacted] under sections 1128(b)(7) or 1128A(a)(7) of the Act (as those sections relate to the commission of acts described in section 1128B(b) of the Act) in connection with the Proposed Arrangement. In addition, the OIG would not impose administrative sanctions on [name redacted] under section 1128A(a)(5) of the Act in connection with the Proposed Arrangement. This opinion is limited to the Proposed Arrangement and, therefore, we express no opinion about any ancillary agreements or arrangements disclosed or referenced in your request letter or supplemental submissions.

### **IV. LIMITATIONS**

The limitations applicable to this opinion include the following:

- This advisory opinion is issued only to [name redacted], the requestor of this opinion. This advisory opinion has no application to, and cannot be relied upon by, any other individual or entity.
- This advisory opinion may not be introduced into evidence in any matter involving an entity or individual that is not a requestor of this opinion.
- This advisory opinion is applicable only to the statutory provisions specifically noted above. No opinion is expressed or implied herein with

respect to the application of any other Federal, state, or local statute, rule, regulation, ordinance, or other law that may be applicable to the Proposed Arrangement, including, without limitation, the physician self-referral law, section 1877 of the Act.

- This advisory opinion will not bind or obligate any agency other than the U.S. Department of Health and Human Services.
- This advisory opinion is limited in scope to the specific arrangement described in this letter and has no applicability to other arrangements, even those which appear similar in nature or scope.
- No opinion is expressed herein regarding the liability of any party under the False Claims Act or other legal authorities for any improper billing, claims submission, cost reporting, or related conduct.

This opinion is also subject to any additional limitations set forth at 42 C.F.R. Part 1008.

The OIG will not proceed against [name redacted] with respect to any action that is part of the Proposed Arrangement taken in good faith reliance upon this advisory opinion, as long as all of the material facts have been fully, completely, and accurately presented, and the Proposed Arrangement in practice comports with the information provided. The OIG reserves the right to reconsider the questions and issues raised in this advisory opinion and, where the public interest requires, to rescind, modify, or terminate this opinion. In the event that this advisory opinion is modified or terminated, the OIG will not proceed against [name redacted] with respect to any action taken in good faith reliance upon this advisory opinion, where all of the relevant facts were fully, completely, and accurately presented and where such action was promptly discontinued upon notification of the modification or termination of this advisory opinion. An advisory opinion may be rescinded only if the relevant and material facts have not been fully, completely, and accurately disclosed to the OIG.

Sincerely,

/Lewis Morris/

Lewis Morris  
Chief Counsel to the Inspector General





*[We redact certain identifying information and certain potentially privileged, confidential, or proprietary information associated with the individual or entity, unless otherwise approved by the requestor.]*

**Issued:** June 9, 2005

**Posted:** June 16, 2005

[name and address redacted]

**Re: OIG Advisory Opinion No. 05-10**

Dear [name redacted]:

We are writing in response to your request for an advisory opinion regarding a proposal by a municipal corporation that provides emergency medical services ("EMS") through its fire department to treat revenue received from certain local taxes as payment of otherwise applicable cost-sharing amounts due from residents and nonresident taxpayers who receive EMS within the municipality (the "Proposed Arrangement"). Specifically, you have inquired whether the Proposed Arrangement would constitute grounds for the imposition of sanctions under the exclusion authority at section 1128(b)(7) of the Social Security Act (the "Act") or the civil monetary penalty provision at section 1128A(a)(7) of the Act, as those sections relate to the commission of acts described in section 1128B(b) of the Act, or under the civil monetary penalties provision for illegal remuneration to beneficiaries, section 1128A(a)(5) of the Act.

You have certified that all of the information provided in your request, including all supplementary letters, is true and correct and constitutes a complete description of the relevant facts and agreements among the parties.

In issuing this opinion, we have relied solely on the facts and information presented to us. We have not undertaken an independent investigation of such information. This opinion is limited to the facts presented. If material facts have not been disclosed or have been misrepresented, this opinion is without force and effect.

Based on the facts certified in your request for an advisory opinion and supplemental submissions, we conclude that the Proposed Arrangement would not generate prohibited remuneration under the anti-kickback statute. Accordingly, the Office of Inspector General (“OIG”) would not impose administrative sanctions on the [name redacted] under sections 1128(b)(7) or 1128A(a)(7) of the Act (as those sections relate to the commission of acts described in section 1128B(b) of the Act) in connection with the Proposed Arrangement. In addition, the OIG would not impose administrative sanctions on the [name redacted] under section 1128A(a)(5) of the Act in connection with the Proposed Arrangement. This opinion is limited to the Proposed Arrangement and, therefore, we express no opinion about any ancillary agreements or arrangements disclosed or referenced in your request letter or supplemental submissions.

This opinion may not be relied on by any persons other than the [name redacted], the requestor of this opinion, and is further qualified as set out in Part IV below and in 42 C.F.R. Part 1008.

## **I. FACTUAL BACKGROUND**

The [name redacted] (the “City”) is a municipal corporation that provides EMS through its fire department. The City is the exclusive provider of EMS within City boundaries and does not subcontract these services. The City provides emergency medical treatment and transport services 24 hours a day, seven days a week. The City does not provide routine transportation services.

Currently, the City funds EMS primarily through local tax revenues, including, for example, revenue from real estate, personal property, and hotel room taxes. The City is a major tourist destination and tourism is the City’s dominant industry and the primary reason for nonresidents’ presence in the City. Taxes paid by tourists generate a considerable share of the City’s budget and tourists use a significant portion of the City’s EMS services. The City proposes to begin billing residents and nonresidents (including tourists) who pay City taxes (“City Taxpayers”), or their insurers, including Federal health care programs, for the City’s EMS services only to the extent of their insurance coverage (i.e., no out-of-pocket costs). The City proposes to treat the revenues received from local taxes as payment of any otherwise applicable cost-sharing amounts due from residents and City Taxpayers for EMS services provided within City limits (i.e., “insurance only” billing).<sup>1</sup> For purposes of the

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<sup>1</sup>The City has disclosed that it may contract with an independent third party billing company to bill for EMS services on the City’s behalf. No opinion has been sought, and we express no opinion, regarding any such third party billing arrangement.

Proposed Arrangement, the City would effectively treat City Taxpayers the same as residents.

## **II. LEGAL ANALYSIS**

### **A. Law**

The anti-kickback statute makes it a criminal offense knowingly and willfully to offer, pay, solicit, or receive any remuneration to induce or reward referrals of items or services reimbursable by a Federal health care program. See section 1128B(b) of the Act. Where remuneration is paid purposefully to induce or reward referrals of items or services payable by a Federal health care program, the anti-kickback statute is violated. By its terms, the statute ascribes criminal liability to parties on both sides of an impermissible “kickback” transaction. For purposes of the anti-kickback statute, “remuneration” includes the transfer of anything of value, directly or indirectly, overtly or covertly, in cash or in kind.

The statute has been interpreted to cover any arrangement where one purpose of the remuneration was to obtain money for the referral of services or to induce further referrals. United States v. Kats, 871 F.2d 105 (9th Cir. 1989); United States v. Greber, 760 F.2d 68 (3d Cir.), cert. denied, 474 U.S. 988 (1985). Violation of the statute constitutes a felony punishable by a maximum fine of \$25,000, imprisonment up to five years, or both. Conviction will also lead to automatic exclusion from Federal health care programs, including Medicare and Medicaid. Where a party commits an act described in section 1128B(b) of the Act, the OIG may initiate administrative proceedings to impose civil monetary penalties on such party under section 1128A(a)(7) of the Act. The OIG may also initiate administrative proceedings to exclude such party from the Federal health care programs under section 1128(b)(7) of the Act.

### **B. Analysis**

The “insurance only” billing under the Proposed Arrangement may implicate the anti-kickback statute to the extent that it constitutes a limited waiver of Medicare or other Federal health care program cost-sharing amounts. Our concern about potentially abusive waivers of Medicare cost-sharing amounts under the anti-kickback statute is longstanding. For example, we have previously stated that providers who routinely waive Medicare cost-sharing amounts for reasons unrelated to individualized, good faith assessments of financial hardship may be held liable under the anti-kickback statute. See, e.g., Special Fraud Alert, 59 Fed. Reg. 65374 (Dec. 19, 1994). Such waivers may constitute prohibited remuneration to induce referrals under the anti-kickback statute, as well as a violation of the civil monetary penalty prohibition on inducements to beneficiaries, section 1128A(a)(5) of the Act.

However, there is a special rule for providers and suppliers that are owned and operated by a state or a political subdivision of a state, such as a municipality or fire department. The Centers for Medicare & Medicaid Services (“CMS”) Medicare Benefit Policy Manual (“BPM”) Chap. 16, section 50.3 provides that:

a [state or local government] facility which reduces or waives its charges for patients unable to pay, or charges patients only to the extent of their Medicare and other health insurance coverage, is not viewed as furnishing free services and may therefore receive program payment.

Pub. 100-2 BPM Chap. 16, section 50.3 at:

[http://www.cms.hhs.gov/manuals/102\\_policy/bp102index.asp](http://www.cms.hhs.gov/manuals/102_policy/bp102index.asp) (formerly Medicare Carrier Manual section 2309.4 and Medicare Intermediary Manual section 3153.3A).

Notwithstanding the use of the term “facility,” CMS has confirmed that this provision would apply to a state or municipal ambulance company that is a Medicare Part B supplier. CMS has also confirmed that this provision would apply to waivers of cost-sharing amounts for taxpaying nonresidents who need EMS within the City limits.

Accordingly, since Medicare would not require the City (a municipality) to collect cost-sharing amounts from residents, we would not impose sanctions under the anti-kickback statute where the cost-sharing waiver is implemented by the City categorically for *bona fide* residents of the City (including City Taxpayers receiving EMS services within City limits).<sup>2</sup> Nothing in this advisory opinion would apply to waivers of cost-sharing amounts based on criteria other than residency, as defined by the municipality.

We note that this provision of the CMS manual applies only to situations in which the governmental unit is the ambulance supplier; it does not apply to contracts with outside ambulance suppliers. For example, where a municipality contracts with an outside ambulance supplier for the provision of services to residents of its service area, the municipality cannot require the ambulance supplier to waive out-of-pocket cost-sharing amounts unless the municipality pays the cost-sharing amounts owed or otherwise makes provisions for the payment of such cost-sharing amounts. See, e.g., OIG Advisory Opinion No. 01-12 (July 20, 2001). There is an important difference between a municipally-owned ambulance company voluntarily waiving cost-sharing amounts for its own residents and a municipality requiring a private company to bill “insurance only” as a condition of getting the municipality’s EMS business, including Medicare business. Lump sum or periodic payments by the municipality, on behalf of residents or others, may be permitted if the payments are reasonably calculated to cover the expected uncollected cost-sharing amounts.

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<sup>2</sup>We note that for the same reasons we would not impose sanctions under section 1128A(a)(5) of the Act.

### **III. CONCLUSION**

Based on the facts certified in your request for an advisory opinion and supplemental submissions, we conclude that the Proposed Arrangement would not generate prohibited remuneration under the anti-kickback statute. Accordingly, the OIG would not impose administrative sanctions on the [name redacted] under sections 1128(b)(7) or 1128A(a)(7) of the Act (as those sections relate to the commission of acts described in section 1128B(b) of the Act) in connection with the Proposed Arrangement. In addition, the OIG would not impose administrative sanctions on the [name redacted] under section 1128A(a)(5) of the Act in connection with the Proposed Arrangement. This opinion is limited to the Proposed Arrangement and, therefore, we express no opinion about any ancillary agreements or arrangements disclosed or referenced in your request letter or supplemental submissions.

### **IV. LIMITATIONS**

The limitations applicable to this opinion include the following:

- This advisory opinion is issued only to the [name redacted], the requestor of this opinion. This advisory opinion has no application to, and cannot be relied upon by, any other individual or entity.
- This advisory opinion may not be introduced into evidence in any matter involving an entity or individual that is not a requestor of this opinion.
- This advisory opinion is applicable only to the statutory provisions specifically noted above. No opinion is expressed or implied herein with respect to the application of any other Federal, state, or local statute, rule, regulation, ordinance, or other law that may be applicable to the Proposed Arrangement, including, without limitation, the physician self-referral law, section 1877 of the Act.
- This advisory opinion will not bind or obligate any agency other than the U.S. Department of Health and Human Services.
- This advisory opinion is limited in scope to the specific arrangement described in this letter and has no applicability to other arrangements, even those which appear similar in nature or scope.

- No opinion is expressed herein regarding the liability of any party under the False Claims Act or other legal authorities for any improper billing, claims submission, cost reporting, or related conduct.

This opinion is also subject to any additional limitations set forth at 42 C.F.R. Part 1008.

The OIG will not proceed against the City with respect to any action that is part of the Proposed Arrangement taken in good faith reliance upon this advisory opinion, as long as all of the material facts have been fully, completely, and accurately presented, and the Proposed Arrangement in practice comports with the information provided. The OIG reserves the right to reconsider the questions and issues raised in this advisory opinion and, where the public interest requires, to rescind, modify, or terminate this opinion. In the event that this advisory opinion is modified or terminated, the OIG will not proceed against the City with respect to any action taken in good faith reliance upon this advisory opinion, where all of the relevant facts were fully, completely, and accurately presented and where such action was promptly discontinued upon notification of the modification or termination of this advisory opinion. An advisory opinion may be rescinded only if the relevant and material facts have not been fully, completely, and accurately disclosed to the OIG.

Sincerely,

/s/

Lewis Morris  
Chief Counsel to the Inspector General



*[We redact certain identifying information and certain potentially privileged, confidential, or proprietary information associated with the individual or entity, unless otherwise approved by the requestor.]*

**Issued:** June 6, 2005

**Posted:** June 13, 2005

[name and address redacted]

**Re: OIG Advisory Opinion No. 05-09**

Dear [name redacted]:

We are writing in response to your request for an advisory opinion regarding a proposal by a municipality, which provides emergency medical services ("EMS") through its fire department, to treat revenue received from local taxes as payment of otherwise applicable cost-sharing amounts due from residents of one of its service areas (the "Proposed Arrangement"). Specifically, you have inquired whether the Proposed Arrangement would constitute grounds for the imposition of sanctions under the exclusion authority at section 1128(b)(7) of the Social Security Act (the "Act") or the civil monetary penalty provision at section 1128A(a)(7) of the Act, as those sections relate to the commission of acts described in section 1128B(b) of the Act, or under the civil monetary penalties provision for illegal remuneration to beneficiaries, section 1128A(a)(5) of the Act.

You have certified that all of the information provided in your request, including all supplementary letters, is true and correct and constitutes a complete description of the relevant facts and agreements among the parties.

In issuing this opinion, we have relied solely on the facts and information presented to us. We have not undertaken an independent investigation of such information. This opinion is limited to the facts presented. If material facts have not been disclosed or have been misrepresented, this opinion is without force and effect.



Based on the facts certified in your request for an advisory opinion and supplemental submissions, we conclude that the Proposed Arrangement would not generate prohibited remuneration under the anti-kickback statute. Accordingly, the Office of Inspector General (“OIG”) would not impose administrative sanctions on the Municipality of [name redacted] under sections 1128(b)(7) or 1128A(a)(7) of the Act (as those sections relate to the commission of acts described in section 1128B(b) of the Act) in connection with the Proposed Arrangement. In addition, the OIG would not impose administrative sanctions on the Municipality of [name redacted] under section 1128A(a)(5) of the Act in connection with the Proposed Arrangement. This opinion is limited to the Proposed Arrangement and, therefore, we express no opinion about any ancillary agreements or arrangements disclosed or referenced in your request letter or supplemental submissions.

This opinion may not be relied on by any persons other than the Municipality of [name redacted], the requestor of this opinion, and is further qualified as set out in Part IV below and in 42 C.F.R. Part 1008.

## **I. FACTUAL BACKGROUND**

The Municipality of [name redacted] (the “Municipality”) is a home-rule municipal corporation and political subdivision of the State of [state redacted] that owns and operates the [name redacted] Fire Department (the “Fire Department”). The Fire Department is the exclusive supplier of EMS throughout the Municipality, including in the remote [name redacted] Fire Service Area (the “Fire Service Area”). Due to the distance between the Fire Service Area and the main portion of the Municipality, the Fire Department provides the ambulances, equipment, and facilities for EMS in the Fire Service Area, but contracts with a local volunteer fire department for volunteer, unpaid staff for the substations and facilities and to operate the EMS equipment.<sup>1</sup> Under the Proposed Arrangement, the Fire Department will remain the supplier of, and will bill patients and their insurers, including Federal health care programs for, those services.

Currently, the Municipality funds EMS throughout its entire service area through taxes and per-service transport fees established by municipal ordinance and billed to patients and their insurers, including Federal health care programs. At present, the Municipality bills all patients and their insurers the full fees for EMS services, including any applicable cost-sharing amounts. The Municipality proposes to amend its current ordinance to designate the

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<sup>1</sup>Accordingly, the Municipality’s costs of providing EMS are lower in the Fire Service Area than in the rest of the Municipality. No opinion has been sought, and we express no opinion, regarding the contractual arrangement between the Municipality, the Fire Department, and the volunteer fire department.

Fire Service Area as a separate service area and, thereafter, to treat revenue received from local Fire Service Area taxes as payment of otherwise applicable cost-sharing amounts due from Fire Service Area residents. Under the amended ordinance, the Fire Department will treat Fire Service Area residents' insurance, including Federal health care programs, as "payment in full" for EMS (i.e., "insurance only billing"). Residents of the rest of the Municipality, as well as nonresidents of the Municipality and the Fire Service Area, will continue to be billed for cost-sharing amounts.

## **II. LEGAL ANALYSIS**

### **A. Law**

The anti-kickback statute makes it a criminal offense knowingly and willfully to offer, pay, solicit, or receive any remuneration to induce or reward referrals of items or services reimbursable by a Federal health care program. See section 1128B(b) of the Act. Where remuneration is paid purposefully to induce or reward referrals of items or services payable by a Federal health care program, the anti-kickback statute is violated. By its terms, the statute ascribes criminal liability to parties on both sides of an impermissible "kickback" transaction. For purposes of the anti-kickback statute, "remuneration" includes the transfer of anything of value, directly or indirectly, overtly or covertly, in cash or in kind.

The statute has been interpreted to cover any arrangement where one purpose of the remuneration was to obtain money for the referral of services or to induce further referrals. United States v. Kats, 871 F.2d 105 (9th Cir. 1989); United States v. Greber, 760 F.2d 68 (3d Cir.), cert. denied, 474 U.S. 988 (1985). Violation of the statute constitutes a felony punishable by a maximum fine of \$25,000, imprisonment up to five years, or both. Conviction will also lead to automatic exclusion from Federal health care programs, including Medicare and Medicaid. Where a party commits an act described in section 1128B(b) of the Act, the OIG may initiate administrative proceedings to impose civil monetary penalties on such party under section 1128A(a)(7) of the Act. The OIG may also initiate administrative proceedings to exclude such party from the Federal health care programs under section 1128(b)(7) of the Act.

### **B. Analysis**

The "insurance only" billing under the Proposed Arrangement may implicate the anti-kickback statute to the extent that it constitutes a limited waiver of Medicare or other Federal health care program cost-sharing amounts. Our concern about potentially abusive waivers of Medicare cost-sharing amounts under the anti-kickback statute is longstanding. For example, we have previously stated that providers who routinely waive Medicare cost-sharing amounts for reasons unrelated to individualized, good faith assessments of financial hardship may be

held liable under the anti-kickback statute. See, e.g., Special Fraud Alert, 59 Fed. Reg. 65374 (Dec. 19, 1994). Such waivers may constitute prohibited remuneration to induce referrals under the anti-kickback statute, as well as a violation of the civil monetary penalty prohibition on inducements to beneficiaries, section 1128A(a)(5) of the Act.

However, there is a special rule for providers and suppliers that are owned and operated by a state or a political subdivision of a state, such as a municipality or fire department. The Centers for Medicare & Medicaid Services ("CMS") Medicare Benefit Policy Manual ("BPM") Chap. 16, section 50.3.1 provides that:

a [state or local government] facility which reduces or waives its charges for patients unable to pay, or charges patients only to the extent of their Medicare and other health insurance coverage, is not viewed as furnishing free services and may therefore receive program payment.

Pub. 100-2 BPM Chap. 16, section 50.3.1 at:

[http://www.cms.hhs.gov/manuals/102\\_policy/bp102index.asp](http://www.cms.hhs.gov/manuals/102_policy/bp102index.asp) (formerly Medicare Carrier Manual section 2309.4 and Medicare Intermediary Manual section 3153.3A).

Notwithstanding the use of the term "facility," CMS has confirmed that this provision would apply to a state or municipal ambulance company that is a Medicare Part B supplier and that waives cost-sharing amounts for residents in one designated service area.

Accordingly, since Medicare would not require the Municipality to collect cost-sharing amounts from Fire Service Area residents, we would not impose sanctions under the anti-kickback statute where the cost-sharing waiver is implemented by the Municipality categorically for *bona fide* residents of the Fire Service Area.<sup>2</sup> Nothing in this advisory opinion would apply to waivers of cost-sharing amounts based on criteria other than residency, as defined by the Municipality.

We note that this provision of the CMS manual applies only to situations in which the governmental unit is the ambulance supplier; it does not apply to contracts with outside ambulance suppliers. For example, where a municipality contracts with an outside ambulance supplier for the provision of services to residents of its service area, the municipality cannot require the ambulance supplier to waive out-of-pocket cost-sharing amounts unless the municipality pays the cost-sharing amounts owed or otherwise makes provisions for the payment of such cost-sharing amounts. See, e.g., OIG Advisory Opinion No. 01-12 (July 20, 2001). There is an important difference between a municipally-owned ambulance company voluntarily waiving cost-sharing amounts for its own residents and a

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<sup>2</sup>We note that for the same reasons we would not impose sanctions under section 1128A(a)(5) of the Act.

municipality requiring a private company to bill “insurance only” as a condition of getting the municipality’s EMS business, including Medicare business. Lump sum or periodic payments by the municipality, on behalf of residents or others, may be permitted if the payments are reasonably calculated to cover the expected uncollected cost-sharing amounts.

### **III. CONCLUSION**

Based on the facts certified in your request for an advisory opinion and supplemental submissions, we conclude that the Proposed Arrangement would not generate prohibited remuneration under the anti-kickback statute. Accordingly, the OIG would not impose administrative sanctions on the Municipality of [name redacted] under sections 1128(b)(7) or 1128A(a)(7) of the Act (as those sections relate to the commission of acts described in section 1128B(b) of the Act) in connection with the Proposed Arrangement. In addition, the OIG would not impose administrative sanctions on the Municipality of [name redacted] under section 1128A(a)(5) of the Act in connection with the Proposed Arrangement. This opinion is limited to the Proposed Arrangement and, therefore, we express no opinion about any ancillary agreements or arrangements disclosed or referenced in your request letter or supplemental submissions.

### **IV. LIMITATIONS**

The limitations applicable to this opinion include the following:

- This advisory opinion is issued only to the Municipality of [name redacted], the requestor of this opinion. This advisory opinion has no application to, and cannot be relied upon by, any other individual or entity.
- This advisory opinion may not be introduced into evidence in any matter involving an entity or individual that is not a requestor of this opinion.
- This advisory opinion is applicable only to the statutory provisions specifically noted above. No opinion is expressed or implied herein with respect to the application of any other Federal, state, or local statute, rule, regulation, ordinance, or other law that may be applicable to the Proposed Arrangement, including, without limitation, the physician self-referral law, section 1877 of the Act.
- This advisory opinion will not bind or obligate any agency other than the U.S. Department of Health and Human Services.

- This advisory opinion is limited in scope to the specific arrangement described in this letter and has no applicability to other arrangements, even those which appear similar in nature or scope.
- No opinion is expressed herein regarding the liability of any party under the False Claims Act or other legal authorities for any improper billing, claims submission, cost reporting, or related conduct.

This opinion is also subject to any additional limitations set forth at 42 C.F.R. Part 1008.

The OIG will not proceed against the Municipality with respect to any action that is part of the Proposed Arrangement taken in good faith reliance upon this advisory opinion, as long as all of the material facts have been fully, completely, and accurately presented, and the Proposed Arrangement in practice comports with the information provided. The OIG reserves the right to reconsider the questions and issues raised in this advisory opinion and, where the public interest requires, to rescind, modify, or terminate this opinion. In the event that this advisory opinion is modified or terminated, the OIG will not proceed against the Municipality with respect to any action taken in good faith reliance upon this advisory opinion, where all of the relevant facts were fully, completely, and accurately presented and where such action was promptly discontinued upon notification of the modification or termination of this advisory opinion. An advisory opinion may be rescinded only if the relevant and material facts have not been fully, completely, and accurately disclosed to the OIG.

Sincerely,

/s/

Lewis Morris  
Chief Counsel to the Inspector General

# City of North Pole Financial Assistance Policy for Emergency Medical Service or Transport

## Policy:

It is The City of North Pole's policy that ability to pay is never a condition of emergency medical service or transportation. All aspects of pre-hospital service will be provided to all patients without discrimination toward those with no or inadequate means to pay.

The most recent Federal Poverty Guidelines (updated annually in February) shall be used to evaluate eligibility for financial assistance. The City of North Pole, following guidelines described below, shall extend financial assistance to persons who qualify.

Financial Assistance applications are available upon request through the EMS billing company Systems Design who is responsible for obtaining approval signatures for write-offs from The City of North Pole at the time each application is processed. The billing company will report financial assistance account activity, and the amount of EMS financial aid to The City of North Pole on a regular basis.

## Definitions:

*"Financial Assistance"* is reducing or canceling a debt owed to The City of North Pole for EMS transportation.

*"Responsible Party"* is the individual who is responsible for the payment of any EMS transport user fees that are not covered by third-party sponsorship.

*"Third-Party Coverage"* and *"Third-Party Sponsorship"* means an obligation on the part of an insurance company or governmental program which contracts with medical-services providers and patients to pay for the care of covered patients and services.

## Responsibilities:

The billing company provides applications to patients upon request, collects completed applications and supporting documentation, and forwards applications to the Fire Department for review.

The Fire Department reviews documentation requesting financial assistance against established guidelines, and makes a determination of qualification. The Fire Chief reviews the application and makes a recommendation to the Mayor who signs the approval section of the application indicating any financial assistance or denial. The application is returned to the billing company after review. A copy of this request is kept on file for future reference.

The City of North Pole is kept informed of the financial assistance account activity on a monthly basis.

## Guidelines:

- 1) The following criteria will be used in making fair, equitable, and consistent decisions regarding eligibility for financial assistance.
- 2) Ability to pay is never a condition of emergency medical service or transportation.
- 3) Financial assistance is secondary to all other financial resources available to the patient including insurance, government programs, or other third-party sponsorship.
- 4) Full debt forgiveness will be provided to a responsible party with a gross family income at or below 100% of current published Federal Poverty Income Guidelines.
- 5) Financial assistance will be provided according to Federal Poverty Income guidelines and the sliding scale below.

Debt Forgiveness and Financial Assistance	
Income as a Percentage of Federal Poverty Level	Percentage Discount
100% or Below	100%
101 to 133%	75%
134 to 166%	50%
167 to 200%	75%
Greater than 200%	0%

- 6) Requests for financial assistance may be proposed by sources such as a physician, community or religious groups, social services, hospital personnel, the patient, guarantor, or family member. The City of North Pole will use an application process through their billing company to determine initial interest in and qualification for financial assistance. The City of North Pole's decision to provide financial assistance in no way affects the responsible party's financial obligations to physicians or other healthcare providers.
  - i) Applications for debt forgiveness are available through the billing company upon request.
  - ii) The City of North Pole shall base their decision of eligibility upon the data gathered via the billing company.



- iii) Documents demonstrating a grant of financial assistance from the receiving medical facility, for medical care on the date of transport, shall be sufficient evidence of qualification for financial assistance. Upon presentation of such documentation and an application, The City of North Pole will grant proportionally equivalent financial assistance.
  - iv) Any one of the following documents shall be considered sufficient evidence upon which to base the determination of financial-assistance eligibility (income information may be annualized as appropriate):
    - (a) A “W-2” withholding statement
    - (b) Pay Stubs
    - (c) An income tax return from the most recently filed calendar year
    - (d) Forms approving or denying eligibility form Medicaid and/or state-funded medical assistance
    - (e) Forms approving or denying unemployment compensation or written statements from employers or welfare agencies
  - v) All documentation is forwarded from the billing company to the Fire Department for review and City approval. The Fire Chief will review and make a recommendation to the Mayor who will sign all applications indicating approval and amount of financial assistance or denial. A copy of the documentation will be forwarded to the billing company. A copy will be kept by both the Fire Department and the billing company.
  - vi) A letter notifying the applicant of The City of North Pole’s financial-assistance decision will be sent by the billing company on behalf of the Fire Department to all applicants.
- 7) Financial assistance may be provided to a responsible party with gross family annual income greater than 200% of the federal poverty guidelines if circumstances such as extraordinary non-discretionary expenses, future earning capacity, and the ability to make payments over an extended period of time warrant consideration.
- 8) Reasonable payment arrangements, consistent with the responsible party’s ability to make payments, will be extended for amounts not eligible for debt forgiveness. Monthly payments, without interest, may be arranged.
- 8) The responsible party may appeal The City of North Pole’s financial-assistance decision to The City of North Pole City Council.

- 9) The City of North Pole realizes that certain persons may have no financial means to pay for their EMS transport, and also lack the social network/family necessary to help them complete any paperwork required to apply for financial assistance. With this limited population in mind, The City of North Pole may approve individual cases for financial assistance where no formal application process is completed. The billing company will notify the Fire Department when these situations occur, and an appropriate method to evaluate financial need will be developed on a case-by-case basis.

#### Attachments

2011 Federal Poverty Guidelines  
Financial Assistance Application Form

<b>The 2011 Poverty Guidelines for the State of Alaska</b>				
<b>Persons in family</b>	<b>100% Charity</b> 100-133% of Poverty	<b>50% Charity</b> 134-166% of Poverty	<b>25% Charity</b> 167-200% of Poverty	<b>0% Charity</b> >200% of poverty
1	\$13,600	\$18,224	\$22,712	\$27,200
2	\$18,380	\$24,629	\$30,695	\$36,760
3	\$23,160	\$31,034	\$38,677	\$46,320
4	\$27,940	\$37,440	\$54,642	\$55,880
5	\$32,720	\$43,845	\$54,642	\$65,440
6	\$37,500	\$50,250	62,625	\$75,000
7	\$42,280	\$56,655	\$70,607	\$84,560
8	\$47,060	\$63,060	\$78,590	\$94,120

For families with more than 8 persons, add \$4,780 for each additional person.

#### Individual Written Notice of Financial Assistance

It is the policy of The City of North Pole that no person will be denied needed emergency medical care because of an inability to pay for such services. The Fire Department will provide needed emergency services without charge or at a reduced charge and without discrimination to those persons with no or inadequate means to pay for needed care. To be eligible to receive needed ambulance services without charge or at a reduced charge, you or your family's annual income must be at or below certain levels established by national poverty guidelines for this area. If you think you may be eligible for Financial Assistance, please contact:

Systems Design  
800-238-9398  
FAX 360-697-1659  
[www.SystemsDesignEMS.com](http://www.SystemsDesignEMS.com)

You will be notified of any reduction in your bill once your application has been reviewed.

125 Snowman Lane  
North Pole, Alaska 99705  
(907) 488-8593  
(907) 488-3002 (fax)  
bill@northpolealaska.com

City of North Pole  
Director of City Services

# Memo

To: North Pole City Council  
From: William Butler, Director of City Services  
Date: August 31, 2011  
Subject: Recommendation of Engineering Firm for City of North Pole's Water Treatment Plant Engineering and Rehabilitation Design Project

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## Recommendation

The project funders, US Department of Agriculture and Alaska Department of Environment Conservation, must review the City Council's recommended engineering firm. The City Council's decision, proposals and supporting documentation will be sent to the funding agencies for review. As a professional services contract, cost must be negotiated with the selected contractor.

**Recommendation 1:** Recommend to the funding agencies that PDC Inc. Engineers is the City's preferred engineering firm for the project and USKH, Inc. is the preferred alternative firm.

**Recommendation 2:** Grant Director of City Services authority to negotiate a contract with the approved contractor. If an acceptable contract cannot be negotiated with the recommended contractor, authorize the Director of City Services to negotiate a contract with the alternate contractor. The proposed contract will be brought to the City Council for approval.

## Background

The City of North Pole received three proposals in response to its request for proposals (RFP) for its Water Treatment Plant Engineering Rehabilitation and Design Project. The firms that applied were USKH, PDC and VEI Consultants. Paul Trissel, North Pole Utility Supervisor and Bill Butler, Director of City Services reviewed the proposals in relation to the criteria provided to submitters in the RFP. A copy of the criteria is attached.

As reviewers, Paul and I reviewed the proposals independently and then met to discuss our assessments. All three proposals had strengths and weaknesses, but we were in agreement that

two proposals were the most competitive—PDC and USKH’s proposals while VEI’s proposal was less competitive. We were in agreement that the proposed team at VEI was not as strong as the teams at PDC and USKH. USKH and PDC’s proposed teams of engineers and associated staff appear to have more extensive histories of working together on projects similar to the North Pole project combined with experience working on USDA funded projects. It is the reviewers’ belief that a team of engineers with a history of working together on projects similar to North Pole’s project will be better able to respond quickly and effectively to the utility’s needs. Scoring slightly higher on several evaluation criteria had the cumulative effect of separating PDC and USKH’s proposals from VEI’s proposal. The lower overall scores for VEI lent support to the reviewers’ assessment that PDC and USKH have a better understanding of the utility’s needs and their proposed work would more directly address the utility’s needs. The following table summarizes our scores for the proposals.

Paul and I agreed that both proposals were strong, but PDC’s was slightly stronger related to the utility’s needs. PDC’s proposal showed a slightly greater degree of understanding of the City’s needs related to the water system. USKH has submitted stronger proposals for two prior RFPs, but PDC’s proposals have progressively improved and the reviewers agreed that this time PDC had the more competitive proposal. It is the reviewers’ opinion that PDC’s extensive understanding of the City’s water system gave them a slightly competitive edge for this particular project. An additional strength of the PDC proposal was the indication that their project team includes a consultant who has direct experience with wireless systems used by Golden Heart Utilities that provides communication between that utility’s dispersed facilities. It was our opinion that a consultant with direct experience in the Interior was considered critical in determining the feasibility of such a system in North Pole. The increased cost of landline connections and landlines’ unreliability is becoming an increasing cost and problem for the utility and an alternative means of communication is a priority.

As with prior engineering professional services RFPs, the utility requested a cost estimate to help assess how realistic the submitters’ understanding of the project was. The utility has experience with engineering projects and we have a concept of how much the engineering and design project should cost. A proposal with too low a budget would suggest an unrealistic understanding of the needed work and an overly high fee would suggest a padded budget. Requesting cost proposals was not to select the lowest cost firm. Paul and I found VEI’s low cost proposal to be too low and suggested a lack of understanding what the project would entail. USKH and PDC both had comparable cost estimates. PDC’s proposed fee is approximately 2.6% higher than USKH’s. (PDC: \$500,000; USKH: \$487,300)

The following are Paul's and my evaluation scores for the proposals.

	<b>VEI</b>		<b>PDC</b>		<b>USKH</b>	
<b>Criteria</b>	Trissel	Butler	Trissel	Butler	Trissel	Butler
Project Services (15)	12	11	14	14	14	13
Methods (15)	12	12	14	14	14	14
Project Management (5)	3	4	5	5	5	5
Project Staff (15)	12	13	15	14	14	14
Professional Experience (20)	18	17	19	19	19	19
Visitability/Affordability to Geographic Location (5)	4	3	5	5	4	4
Estimated Fee Schedule (20)	18	15	17	18	18	18
Quality of Proposal (5)	4	3	5	4	5	4
Total	83	78	94	93	93	91
	<b>VEI</b>	<b>PDC</b>	<b>USKH</b>			
<b>Average</b>	<b>80.5</b>	<b>93.5</b>	<b>92</b>			

**Water Treatment Plant Engineering and Design Project Proposal Assessment Criteria**

<b>1. Project Services .....</b>	<b>15</b>
The firm states, in a concise manner, its interpretation and understanding of the project. Proposal demonstrates the firm’s comprehension of the objectives and services of the proposed project. The firm identifies what aspects of the project it believes will prove to be the most challenging and how such challenges will be overcome by the firm.	
<b>2. Methods .....</b>	<b>15</b>
The proposal outlines the methods for accomplishing the proposed project. The proposal describes what, when, where, how and in what sequence the work will be done and identifies the amount and type of work to be performed by any Subcontractors. The proposal explains how each task will be carried out, what services will be required from the City and plans for coordinating work with the City.	
<b>3. Project Management .....</b>	<b>5</b>
The proposal describes the administrative and operational structures that will be used to perform the proposed work; for example, who has overall responsibility for the contract? What will the lines of authority be? Inclusion of a graphic depiction is preferred in the response to this criterion. The proposal discusses how the physical location of the firm’s offices with respect to the project site and the City’s offices affect the firm’s ability to provide services.	
<b>4. Project Staff.....</b>	<b>15</b>
The proposal names the key individuals who will perform the following functions, and other professional/technical functions deemed essential to the performance of the project. Project Manager: Single point of contact directly engaged in contract performance and compliance. Project Staff: The proposal describes the work to be performed by the individuals named in the proposal and details their specific qualifications and substantive experience directly related to the proposed project.	
<b>5. Professional Experience .....</b>	<b>20</b>
The proposal identifies the period of time the firm has been performing work similar to that requested in the RFP and the proposal needs to demonstrate that the firm has previous experience designing WWTP plants in regions where the climate is similar to that in the City of North Pole. The proposal shall identify the firm’s qualifications to perform value engineering per the USDA bulletin: <a href="http://www.usda.gov/rus/water/regs/valueengbulletin.pdf">http://www.usda.gov/rus/water/regs/valueengbulletin.pdf</a> . The proposal must include descriptions of a minimum of three (3) prior projects that the firm conducted that were similar to the work requested in this RFP. The discussions shall include a summary of the work performed; identifies any of the Project Staff to be assigned to the North Pole project who participated in a prior project; and when and where the work was done. For each contract discussed, the proposal must provide the name of the contracting entity and a reference (contact person and a telephone number). More than three reference projects may be listed. Any project references beyond the minimum three required shall be listed in an appendix. The level of experience will be a factor in assessing a firm’s professional experience.	

**8.6. Visitability/Affordability to Geographic Location.....5\***

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The proposal identifies offices and staff responsible for the project and their proximity to the project site and City offices. The proposal documents what measures will be taken to reduce the engineering firm's cost for visiting with city staff and required inspections. Proximity is a criterion related to familiarity and experience with local conditions that affect the conduct of the project.

**7. Estimated Fee Schedule .....20**

Proposal provides a reasonable fee estimate in relation to the proposed project activities. The fee estimate contains a breakdown of project activities that at a minimum address:

- Generation of a Preliminary Environmental Report that satisfies USDA-RUS Bulletin 1794-602, March 2008, Version 1.2.
- Generation of an Engineering Report satisfies USDA-RUS Bulletin 1780, 2003 edition.
- Generation of engineering and design documents to the 100% completion level.
- Generation of a recommended phased rehabilitation construction schedule.
- Generation of detailed cost estimates for the different components of the phased construction schedule.
- Other. List and describe any other services the firm proposes to provide.

**7.8. Quality of Proposal .....5\***

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Submitters do not respond to this criterion. Review Committee members will rate this criterion based upon their evaluation of the clarity, completeness and presentation of the proposal. Note: This criterion is NOT used to evaluate color, graphics or other visual techniques except as they may detract from legibility.



**CITY OF NORTH POLE  
RESOLUTION 11-23**

**A RESOLUTION IN SUPPORT OF FULL FUNDING FOR THE NORTH POLE  
BRANCH LIBRARY PROJECT AND FAIRBANKS NORTH STAR BOROUGH  
ORDINANCE NO. 2011-20-1K: AN ORDINANCE AMENDING THE FY 2011-12  
BUDGET BY APPROPRIATING \$6,220,000 FROM THE LIBRARY SPECIAL  
REVENUE FUND TO THE CAPITAL PROJECTS FUND FOR THE NORTH  
POLE BRANCH LIBRARY REPLACEMENT PROJECT; ET.AL.**

**WHEREAS**, the existing North Pole branch library was dedicated by Borough Mayor Carlson in 1974 and additions have been built in 1981 (adult fiction) and 1994 (children's room) so that the current total square footage is 4,420; however, the shelving is densely packed and too high for many patrons, seating is limited and inadequate with only one table, there are too few computer stations to meet demand, and no program space presently exists; and

**WHEREAS**, since the existing North Pole library site is too small to handle any additional building or parking expansion; a new library site was purchased in 2006; and

**WHEREAS**, in 2011, the Borough was sponsored by the Rasmuson Foundation to participate in the Foraker Group Pre-Development Program. The goals of the pre-development program are to meet a documented need that is consistent with the strategic community plans, establish realistic plans and budgets, and make sure that the proposed project is financially sustainable. State and national best practice standards are used for determining need and size requirements based on documented service populations, space requirements for materials, and current and projected facility use including programs; and

**WHEREAS**, the space planning for the new branch library is based on a service population that the 2010 Census estimates at 26,700 patrons with growth projections ranging from 16% to nearly 50 % over the next 25 years; and

**WHEREAS**, the North Pole Branch Library Replacement Project is eligible for 50% grant funding through the state's Library Construction and Major Expansion Matching Grant Program; and

**WHEREAS**, an informal community group, Supporters of the New North Pole Library, is planning fund-raising activities, and a formal capital funds campaign is being organized, whose combined efforts will reduce the amount of support needed from the Special Revenue Fund

**WHEREAS**, State Senate Bill 119 passed into law in 2008 provides library funding and the State grant applications that need to be submitted early January 2012 requires a local match; and

**WHEREAS**, the current cost estimate for the proposed 18,625 square foot North Pole Branch library is \$13,600,000 and the required local match will be met with a combination of the following funds: \$580,000 of funds already spent to date from the Borough, Foraker, the Library Foundation, and volunteer services and \$6,220,000 from the Library Special Revenue Fund; and

**WHEREAS**, to accelerate the project in order to take advantage of current economic conditions, funds from the Borough appropriation will be spent for design to include 35% design documents and other pre-construction expenses; and

**WHEREAS**, the Fairbanks North Star Borough Assembly will be considering approval of this action in its Finance Committee on September 15, 2011 and in full public hearing on September 22, 2011.

**NOW, THEREFORE, BE IT RESOLVED** that the North Pole City Council supports full funding of the New North Pole Branch Library Project and urges approval by the Fairbanks North Star Borough Assembly of FNSB Ordinance No. 2011-20-1K, that would appropriate \$6,220,000 from the Library Special Revenue Fund to the Capital Projects Fund for the North Pole Branch Library Replacement Project, et.al.

**BE IT FURTHER RESOLVED** that this Resolution be forwarded to the Fairbanks North Star Borough Mayor and Assembly.

**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council on this 6<sup>th</sup> day of September, 2011

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**Douglas W. Isaacson, Mayor**

**ATTEST:**

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**Kathryn M. Weber, MMC, City Clerk**



## Fairbanks North Star Borough

809 Pioneer Road PO Box 71267 Fairbanks, Alaska 99707-1267 (907)459-1300 FAX 459-1102

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TO: Fairbanks North Star Borough Assembly

FROM: Luke Hopkins, Mayor *LH*  
Nadine Winters, Assemblymember

DATE: August 25, 2011

SUBJECT: ORDINANCE NO. 2011-20-1K  
An ordinance amending the FY 2011-12 budget by appropriating \$8,713,437 from the Library Special Revenue Fund for the New North Pole Branch Library and to replace the roof at the Noel Wien Library and appropriating \$35,000 to the John Trigg Ester Library.

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Attached for your approval is a proposed budget ordinance appropriating \$8,713,437 from the Library Special Revenue Fund for the New North Pole Branch Library and to replace the roof at the Noel Wien Library and appropriating \$35,000 from the Non-departmental budget the Multi-year General Subfund for the purpose of awarding local funding to the John Trigg Ester Library.

As the greater North Pole area community has grown so has the demand for services at the North Pole Branch Library. Over ten years ago it was determined that more space was needed at the library. Recently, the borough participated in the Foraker Group Pre-Development Program to determine need and size requirements based on documented service populations, space requirements for materials, and current and projected facility use/programs. A presentation to the assembly in July detailed the proposed new North Pole Branch Library. This project is eligible for 50% grant funding through the Library Construction and Major Expansion Matching grant Program.

The Noel Wien Library roof leaks. In recent years, attempts to repair the roof have not prevented leaks from damaging collections and interior finishes.

By utilizing available funds in the Library Special Revenue Fund, these projects can be funded without the need to bond for financing.

Recently the State of Alaska awarded \$80,000 to the Community of Ester to design and construct the John Trigg Ester Library. This ordinance provides a match in local funds in the amount of \$35,000 from the Non-departmental budgetary guideline in the FY2011-12 Budget.

I request your consideration and urge your approval of this ordinance.

Attachment:

Ordinance 2011-20 -1K

By: Luke T. Hopkins, Mayor  
Nadine Winters  
Introduced: 08/25/2011

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2011-20- 1K

AN ORDINANCE AMENDING THE FY 2011-12 BUDGET BY APPROPRIATING \$6,220,000 FROM THE LIBRARY SPECIAL REVENUE FUND TO THE CAPITAL PROJECTS FUND FOR THE NORTH POLE BRANCH LIBRARY REPLACEMENT PROJECT; \$2,493,437 FROM THE LIBRARY SPECIAL REVENUE FUND TO THE CAPITAL PROJECTS FUND FOR NOEL WIEN LIBRARY ROOF REPLACEMENT AND OTHER LIBRARY CAPITAL IMPROVEMENT PROJECTS; AND REAPPROPRIATING \$35,000 FROM THE FY 2011-12 NON-DEPARTMENTAL BUDGET TO THE MULTI-YEAR GENERAL SUBFUND FOR THE PURPOSE OF AWARDED LOCAL FUNDING TO JOHN TRIGG ESTER LIBRARY

WHEREAS, in 1988, the Fairbanks North Star Borough (Borough) first received funds from the Bentley Family Trust and Helen M. Bentley Living Trust; and

WHEREAS, in 1990, Ordinance 90-019, established the Fairbanks North Star Borough Public Library Expendable Trust Fund (Library Special Revenue Fund); and

WHEREAS, in 1975 the North Pole Branch Library was built, with later additions in 1981 and 1994 increasing the total square footage to 4,420; and

WHEREAS, over 10 years ago more space at the North Pole Branch Library was needed to address material space shortage, inadequate public seating and program space;

WHEREAS, since the existing North Pole library site is too small to handle any additional building or parking expansion, a new library site was purchased in 2006; and

WHEREAS, in 2011, the Borough was sponsored by the Rasmuson Foundation to participate in the Foraker Group Pre-Development Program. The goals

38 of the pre-development program are to meet a documented need that is consistent with  
39 the strategic community plans, establish realistic plans and budgets, and make sure that  
40 the proposed project is financially sustainable. State and national best practice  
41 standards are used for determining need and size requirements based on documented  
42 service populations, space requirements for materials, and current and projected facility  
43 use including programs; and  
44

45 WHEREAS, the North Pole Branch Library Replacement Project is eligible  
46 for 50% grant funding through the state's Library Construction and Major Expansion  
47 Matching Grant Program, and  
48

49 WHEREAS, the current cost estimate for the proposed 18,625 square foot  
50 North Pole Branch library is \$13,600,000 and the required local match will be met with a  
51 combination of the following funds: \$580,000 of funds already spent to date from the  
52 Borough, Foraker, the Library Foundation, and volunteer services and \$6,220,000 from  
53 the Library Special Revenue Fund; and  
54

55 WHEREAS, to accelerate the project in order to take advantage of current  
56 economic conditions, funds from this appropriation will be spent for design to include  
57 35% design documents and other pre-construction expenses; and  
58

59 WHEREAS, the Noel Wien Library (NWL) was built in 1977 and expanded  
60 in 1997; and  
61

62 WHEREAS, the NWL roof has been patched and sealed numerous times  
63 over the years and attempts in recent years to repair the roof have not prevented leaks  
64 damaging collections and interior finishes; and  
65

66 WHEREAS, the entire NWL roof needs to be replaced and repeated  
67 requests for state funds to replace the roof have been unsuccessful; and  
68

69 WHEREAS, local funds are available in the Library Special Revenue Fund  
70 to replace the roof and possibly address other significant capital improvements; and  
71

72 WHEREAS, it is the intention that any additional funds received through  
73 grants or capital fund raising efforts (for either library project) will be used to supplant  
74 funds appropriated from the Library Special Revenue Fund, allowing any of the unused  
75 appropriation to lapse back to the fund for other capital library projects; and  
76

77 WHEREAS, the unincorporated community of Ester has secured \$80,000  
78 in state funds to design and construct the John Trigg Ester Library; and  
79

80 WHEREAS, under the budgetary guideline "Non-Departmental" in the FY  
81 2011-12 budget, funds were set aside as local match for grants; and  
82

83 WHEREAS, the Borough would like to designate John Trigg Ester Library  
84 as a recipient of local funds in an amount equal to \$35,000.  
85

86 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
87 North Star Borough:  
88

89 Section 1. Classification. This ordinance is not of a general and  
90 permanent nature and shall not be codified.  
91

92 Section 2. Library Special Revenue Fund Appropriation. Notwith-  
93 standing the provisions of Chapter 3.01.045(B) of the Fairbanks North Star Borough  
94 Code of Ordinances, the FY 2011-12 budget is hereby amended by appropriating  
95 \$8,713,437 to the Library Special Revenue Fund budgetary guideline entitled  
96 "Contribution to Capital Projects Fund" and by increasing Contribution from Fund  
97 Balance by a like amount.  
98



99                   Section 3.   Capital Projects Fund Appropriation.   The FY 2011-12  
100 budget is hereby amended by appropriating \$6,220,000 to the Capital Projects Fund  
101 budgetary guideline entitled "North Pole Branch Library Replacement Project" and by  
102 appropriating \$2,493,437 to the Capital Projects Fund budgetary guideline entitled "Noel  
103 Wien Library Roof Replacement and Other Capital Improvements" and by increasing  
104 Contribution from Library Special Revenue Fund by like amounts.

106                   Section 4.   General Fund Reappropriation.   Notwithstanding Title 16 of  
107 the Fairbanks North Star Borough Code of Ordinances, the FY 2011-12 budget is  
108 hereby amended by reappropriating \$35,000 from the budgetary guideline "Non-  
109 Departmental" (Grants, Match, Indirect, Awaiting Budget allocation) to the budgetary  
110 guideline entitled "Contribution to Multi-Year General Subfund" for the purpose of  
111 awarding funds to the John Trigg Ester Library.

113                   Section 5.   Contingency.   The \$35,000 appropriation to the Multi-Year  
114 General Subfund is contingent upon execution of a grant agreement between the  
115 Unincorporated Community of Ester and the State of Alaska (State Grant) to design and  
116 construct the John Trigg Ester Library; and upon the execution of a memorandum of  
117 agreement (Borough MOA) between the Unincorporated Community of Ester and the  
118 Borough that reflects the requirements of the State Grant.

120                   Section 6.   Multi-Year General Subfund Appropriation.   The FY 2011-12  
121 budget is hereby amended by appropriating \$35,000 to the Multi-Year General Subfund  
122 budgetary guideline entitled "John Trigg Ester Library" and by increasing Contribution  
123 from General Fund by a like amount.

125                   Section 7.   Lapsing Funds.   Upon completion or abandonment of the  
126 North Pole Branch Library Replacement or Noel Wien Library Roof Replacement and  
127 Other Capital Improvement Projects, any unexpended, unencumbered funds will lapse  
128 to the Library Special Revenue Fund, and upon completion or abandonment of the John  
129 Trigg Ester Library project, any unexpended, unencumbered funds will lapse to the

FY11-12 General Fund "Non-Departmental" Appropriation, Awaiting Budget allocation.  
After June 30, 2012, any lapse of the Trigg Ester Library Project will be to the fund  
balance of the General Fund.

Section 7. Effective date. This ordinance shall be effective at 5:00 p.m.  
on the first Borough business day following its adoption.

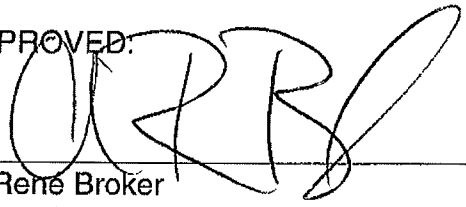
PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
Mona Lisa Drexler, MMC  
Borough Municipal Clerk

\_\_\_\_\_  
Joseph C. Blanchard, II  
Presiding Officer

APPROVED:

  
\_\_\_\_\_  
A. Rene Broker  
Borough Attorney

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED AND CAPITALIZED]

**FAIRBANKS NORTH STAR BOROUGH**  
**FISCAL NOTE**

**I. Request**

Ordinance No: 2011-20- 1K Date Introduced: August 25, 2011

Abbreviated Title: \$6,220,000 for the NP Branch Library Replacement, \$2,493,437 for NW Library Roof Replacement and other Capital Improvements, and \$35,000 for Trigg Ester Library

**II. Financial Detail**

Department/Division Affected: Public Works/Design & Construction & Mayor's

**EXPENDITURE**

	General Fund	Multi-Year General Subfund	Library Special Revenue Fund	Capital Projects Fund
	FY 11/12	FY 11/12	FY 11/12	FY 11/12
Commodities				
Contractual Services				
Capital Outlay				
Contribution to Multi-Year General Subfund	35,000			
Contribution to Capital Projects Fund			8,713,437	
Other - Awaiting Budget	(35,000)	35,000		8,713,437
<b>Total</b>	<b>0</b>	<b>35,000</b>	<b>8,713,437</b>	<b>8,713,437</b>

**SOURCE OF FUNDING**

General Fund				
Contribution from Library Special Revenue Fund				8,713,437
Contribution From Fund Balance			8,713,437	
Contribution From General Fund		35,000		
<b>Total</b>		<b>35,000</b>	<b>8,713,437</b>	<b>8,713,437</b>

Specify Funding Source: \$8,713,437 from Library Special Revenue Fund fund balance; \$35,000 from Ordinance No. 2011-20 Non-Departmental, Awaiting Budget

**III. Project Purpose:**

To replace the NP Branch Library, replace the NW Library roof and other capital improvements, and award local funding for the Trigg Ester Library

**IV. Analysis of Future Liabilities and Funding Sources:**

The Library has estimated that annual operating costs and maintenance for the new North Pole Branch will increase in the range of \$126,000 to \$243,000.

**V. Fund Certification: I certify that funding sources are available as detailed in II above.**

  
Michael E. Lamb  
Chief Financial Officer

8/8/11  
Date

FA	SA
BLA	GA
CA	SpA
C	TBM

**CITY OF NORTH POLE**

**RESOLUTION 11-24**

**A RESOLUTION OF THE CIT OF NORTH POLE JOINING THE  
NATIONAL MOMENT OF REMEMBRANCE OF THE 10<sup>TH</sup>  
ANNIVERSARY OF SEPTEMBER 11<sup>TH</sup>**

**WHEREAS**, the governing body of the City of North Pole expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

**WHEREAS**, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

**WHEREAS**, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

**WHEREAS**, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

**WHEREAS**, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

**WHEREAS**, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

**WHEREAS**, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

**WHEREAS**, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

**WHEREAS**, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

**WHEREAS**, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

**WHEREAS**, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

**WHEREAS**, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

**WHEREAS**, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

**WHEREAS**, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

**WHEREAS**, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

**WHEREAS**, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

**WHEREAS**, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

**WHEREAS**, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

**WHEREAS**, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of the City of North Pole;

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

**BE IT FURTHER RESOLVED** that on the 10th anniversary of this tragic day in United States history the governing body of the City of North Pole calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

**BE IT FURTHER RESOLVED** that the governing body of the City of North Pole encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

**PASSED AND APPROVED** by a duly constituted quorum of the North Pole City Council on this 6<sup>th</sup> day of September, 2011.

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Douglas W. Isaacson, Mayor

ATTEST:

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Kathryn M. Weber, MMC  
North Pole City Clerk

## United States Senate

WASHINGTON, DC 20510

August 31, 2011

Dear Mayors, City Managers, and City Council Members:

This year we mark the 10<sup>th</sup> anniversary of the terrorist attacks of September 11, 2001, a day that changed America forever. To commemorate this occasion and pay tribute to those we lost, the United States Senate, in an overwhelming demonstration of unity, unanimously passed a resolution establishing a national Moment of Remembrance at 1:00 p.m. Eastern Daylight Time on September 11, 2011. I write to request that you join us in making this Moment of Remembrance a symbol of solidarity throughout your city and across the country.

During the Moment of Remembrance, every person across the country is called upon to ***stop and remember*** those we lost in the September 11<sup>th</sup> attacks. The Moment of Remembrance will take place for one full minute at 1:00 p.m. Eastern Time (9:00 a.m. AKST) on September 11, 2011, and cities and towns, firehouses, churches and other institutions across the country are called upon to sound sirens and ring bells during that minute. These sirens and bells will be a signal for each person to stop and remember the people we lost and demonstrate the perseverance the American people have shown since that fateful day. Alaskans can honor their fellow citizens by participating in this event.

I hope you will participate by:

- Passing a resolution or issuing a proclamation recognizing the Moment of Remembrance;
- Working with and contacting firehouses, police, churches, and other institutions in your municipality to sound sirens and ring bells for one minute at 9:00 a.m.;
- Hosting an event to commemorate the 10<sup>th</sup> anniversary of the September 11<sup>th</sup> attacks that includes the Moment of Remembrance; and
- Notifying your constituents of the forthcoming Moment of Remembrance by noting it on your website and through local papers, social media and other outreach mechanisms.

I've attached a sample proclamation for you to use as a guideline. Please feel free to use any part of it for your own resolution. You can get more information on the Moment of Remembrance website at: [www.lautenberg.senate.gov/stopandremember](http://www.lautenberg.senate.gov/stopandremember). You can also contact my office at (202) 224-1899 for additional information. Thank you for your consideration.

Sincerely,

Mark Begich  
United States Senator