



CITY MANAGER REPORT

Reporting Period: November 1, 2018 to January 30, 2019

Prepared By: Phillip A. Zavadil, City Manager

Date: January 30, 2019

ADMINISTRATION

Outreach and Communications Plan

Website

Agnew::Beck has completed the update to the City’s website. The new site is live and located at the same URL www.stpaulak.com. There is still some content to work on such as the page for Ports & Harbors, Planning and Zoning, and Utilities, which we expect to complete in February.

City Code Online

Code Publishing informed us that they have had some delays and that the City’s online code will not be ready until mid-February. Once completed the City’s Code of Ordinances will be online and the council, staff and public will be able to access them through the City’s website.

Human Resources Division

Training

Leadership Training

James Bird Guess with the International Success Academy will be conducting a Leadership training on February 25-28, 2019 in the Rec Hall. This training will be for City management staff, City Council members and has been opened up to other entities to attend. There will be a series of four tracks over four days. The first day will be Leadership Situations Challenge. The second day will be The Art of Professionalism. The third day will be Motivation and Morale Bootcamp. The last day will be TEAM Building Blocks. All City Council members are encouraged to attend.

ICS Training

Emergency Management Services International will be conducting an Incident Command Systems (ICS) training in April 2019. Specifically, the instructor will be providing an instructor led ICS 100, 200 and 300 training. ICS 100 and 200 are required for all first responders and spill response personnel. ICS 300 is required for all command personnel involved in emergency situations. This training will be available to other entities as well.



Target Solutions

We are in the process of setting up Target Solutions. Target Solutions is provided for free by our insurance provider Alaska Public Entity Insurance and gives the City access to online trainings and training management. So of the online courses are Construction Safety, Bloodborne Pathogens, Project Management and much more.

NIXLE

On December 6, 2018 I conducted a training on NIXLE with the Public Safety dispatchers and police officers. We reviewed how to log into the system and create different messages using the scripts that Chief and I developed. Each dispatcher was able to practice creating a message.

AUTOsist

On January 4, 2019 I conducted a training with Public Works staff on AUTOsist our new software for tracking and scheduling repairs to heavy equipment and vehicles. We reviewed assigning vehicles, documenting services, how to use reminders to schedule preventive maintenance. We are in the process of creating custom equipment and vehicle inspection forms in the system.

Personnel Policy Training/Orientation

On January 11, 2019 Monique and I provide new City employees with a training/orientation on the City's personnel policies.

Performance Expectations with Public Works Staff

On November 16, 2019, I met with the Public Works staff to discuss and review performance expectations that were developed by all staff in September 2016 at an all staff meeting.

PayNW HR Module

Monique and I are working with PayNW to complete training profiles and employee performance evaluation process in the PayNW system. Specific training profiles will be assigned to various positions and send out a reminder that the training is scheduled to be completed by the employee. Employee performance evaluations using the new system should begin in mid-March this year.

Workers' Compensation and Insurance Claim Summary

In 2017/2018 and 2018/2019 the City had zero claim counts for workers' compensation (see attached summary). In 2017/2018 and 2018/2019 the City zero automobile insurance claims (see attached summary). In order to continue to keep insurance claims at a minimum I will be working on updating the City's safety policies and procedures and we will continue to promote job safety with all employees.

Air Transportation

Numerous changes and issues arose in December and January regarding our scheduled passenger service. Below is a bullet point list of the events that occurred

- In December we were informed by a number of different sources that we may lose scheduled

passenger service because Danny Seybert was not going to lease the one Saab 340, that flies out to St. Paul, to Penair or Ravn. The St. Paul Leadership quickly organized to respond to this news.

- On December 17, 2018, we sent a letter to Dave Pflieger with Ravn regarding flight service (*see attached*)
- On December 18, 2018, we met with USDOT to make them aware of the situation regarding the possibility of no scheduled air service. Below is a summary of this meeting:
 - Below is a summary of the meeting today with St. Paul Island Leadership and the US Department of Transportation (USDOT).
 - A USDOT representative opened the meeting and had everyone introduce themselves. Marissa presented the issued to the group and Phil followed up with some additional details. Phil presented some facts on the impact.
 - USDOT made the commitment to undertake the following actions TODAY: USDOT Deputy Assistant Secretary Bedell and staff will call Dave Pflieger with Ravn directly to remind Ravn of their legal obligations to provide air service at least 4 days a week continuously, without interruptions. Ravn must fulfill this obligation whatever way they have to (i.e., chartering Ace or Security, etc.). DAS Bedell will also call Federal Aviation Administration (FAA) regarding the Dash-8 certification and encourage the FAA to expedite the process and do whatever they can to get the Dash-8 certified ASAP.
 - DOT also stated that Ravn has a legal obligation to refund any tickets that have already been purchased if they cannot fulfill the travel.
 - We emphasized that a disruption to snow crab processing operations at the Trident Plant would be devastating to the local economy and have major ramifications for the largest commercial crab fishery in Alaska. It was further pointed out that such an event resulting from a man-made situation would be ‘headline news.’
 - Concerning the availability of flights via Dutch Harbor as a back-up option, we noted the impracticability and uncertainty, given the weather and conditions at Dutch Harbor’s airport, of that option.
 - USDOT assured us they will have answers for us as soon as possible, hopefully tonight or tomorrow morning (D.C. time). USDOT agrees the situation is unacceptable and will do whatever they can to ensure there is no interruption in service.
- On December 19, 2018, Mayor Merculief received a response from Ravn regarding our letter dated December 17th (*see attached*)
- On December 20, 2018, Mateo and I met with Lisa Ross to discuss possible legal action on the no plane issue.
- On December 20, 2018, we sent a letter to FAA supporting Ravn’s Petition for Exemption (*see attached*).
- On December 21, 2018, Marissa forwarded our letter to FAA and Ravn to USDOT and congressional staff.
- The Penair flights canceled December 19, 20, 21, and 23 due to icy ramp conditions. I made numerous calls and sent numerous emails to Penair and State DOT/PF as to why the flights canceled and offered the City’s assistance to remedy the situation.
- On December 26, 2018, I sent an email to Derek Shanks with Ravn to ask some questions regarding the next steps now that the sale of Penair is finalized. Below are the questions:
 - Where will the Ravn station be? You planning to work on a lease with TDX to use the same facilities that Penair was and PAS is now?
 - Will Ravn use the same contractor APUN to operate the station? Our Team’s recommendation

and what came out of the EAS process last year is that the community does not want APUN anymore. Too many issues (e.g. poor customer service, questionable labor practices, management not present on island, etc.).

- What is the schedule likely to look like? Will you stick to 3 flights a week and add more sections as passenger load requires?
- Cargo. Penair has the bypass mail contract. Does this transfer to PAS? Will this transfer to Ravn? Currently, bypass mail goes to Penair and then transfers to ACE. There are many issues with this setup. We would like to discuss options when you are ready to address our cargo needs.
- On January 7, 2019, Derek responded to my email:
 - We will be using the same facilities as PenAir, and will be using APUN to operate the station.
 - Mail, yes we will be taking mail.
 - The schedule will be, depending final confirmation of exact days, x3 per week.
 - Cargo needs; if there are specific needs a written note on that would be very helpful on what your specific requirements are so that we can see how we can try and fulfill those.
- Ravn is still scheduled to conduct a full ditching demonstration with the Dash-8 with FAA on January 22, 2019. However, do the government shutdown this may be delayed. I have been informed by the FAA Regional Administrator that all the personnel with the FAA Flight Standards are affected by the furlough and that they cannot complete, initiate or address any certifications during the furlough.
- On January 14, 2019, we were informed that Danny Seybert has filed a motion in State court to reposes the Saab 340. We are currently monitoring this situation and going to prepare a letter to the court.

Awards/Grants/Donations

American Seafoods

The City applied for an American Seafoods award to purchase a Stryker Power Stretcher for EMS. We received \$5,000 dollars to go towards the purchase and have requested funding from CBSFA to cover the remaining costs of this stretcher.

Rasmuson Foundation

The Rasmuson Foundation grant that the City received in 2017 ended on December 31, 2018. The siding, lighting, toilets and windows have been purchased. Due to the extensive rot damage under a major of the windows completion of this project has been delayed. We will report to Rasmuson our findings and let them know we will start on the project again in spring and complete by the end of summer.

Central Bering Sea Fishermen's Association

The City requested funding from CBSFA for a Stryker Power Stretcher, LED lighting for Engine 2, new SCBAs, and to cover part of Mateo's time working on halibut issues.

State of Alaska Hazard Mitigation Grant Program (HMGP)

I have been in contact with the State Homeland Security Program regarding grant funding for the new community emergency siren system. There are a couple grant announcements out now. I will be working on submitting a proposal for the new siren system.

US Department of Transportation Small Community Air Service Development Program Grant

The City will apply for the SCASDP grant once the new funding announcement is released. This grant program is designed to help small communities like ours address air service and airfare issues.

Information Technology (IT)

Managed IT Services

LMJ Consulting performed an onsite assessment of our IT infrastructure on October 28 – November 1, 2018. LMJ started as our managed IT service provide on December 1, 2018, a month early due to no response from Northstar Networking. The LMJ Information Technology Assessment which is attached in the Reading File highlighted several critical issues including the City’s Firewall; Switches; Desktops and Laptops; Servers; and End Point Security. The assessment also highlighted numerous high priority issues. The IT projects for 2019 will include: Migration to Office 365, which is underway now; upgrading the City servers and about 15 computers; upgrading the firewall, wireless devices, and switches; and addressing UPS batteries and back up units.

Software

Dude Solutions Asset Essentials

Ed and I have been researching different computerized maintenance management systems (CMMS) over this past year or so. We are currently using Hatch’s JobCal in the Power Plant. In 2017 we attempted to extend the use of JobCal to facilities maintenance, water/sewer and bulk fuel; however, the system was not user friendly and difficult to setup with little support from the vendor. After researching various other CMMS and receiving demos of a couple software programs; we selected Dude Solutions Asset Essentials (AE) over Fluke’s eMaints. The deciding factor was that AE does not charge a per user fee where Fluke does. AE has specific modules for Electric Utility, Sanitation, Streets and Signs, Treatment Plants and Water Distribution and Sewer.

We are in the process of gathering information on Locations, Suppliers, Assets, and Preventive Maintenance items/processes to enter into spreadsheets provided by Dude for the setup of our database. We will also be customizing a module for maintenance that is performed in the Bulk Fuel Utility. Dude also stated they will be able to import all the data in JobCal on the Power Plant into AE. AE is an online cloud-based software that has an app for mobile devices. We will be entering preventive maintained scheduled and performed, and repairs performed on all City facilities, utility systems into AE. A Dude Solutions contractor will be onsite in the beginning of March to finalize the setup of our database and perform on training with the users of the system.

Use of AE will allow the City to more efficiently track, schedule, and document maintenance and repairs performed on all City facilities and utility systems. The software will also generate various reports for Director and Managers to improve decision making on replacement costs, maintenance frequencies, and scheduling and use of resources. A CMMS is critical for Public Works to improve documentation and reporting. This type of system is similar to the use of an accounting database for Finance and the use of a records management system (RMS) for Public Safety.

Once the system is fully functional and we have data entered we will prepare a demonstration for Council on the system.

Passageways OnBoard

Last year Monique and I began researching online board/council meeting software due to the fact that in January/February the City will be moving from Gmail to Office 365 and will lose the Google Drive functions. We had a demonstration of three different software applications and settled on Passageways OnBoard, mainly due the ease of use of the system. On December 6, 2018, Monique and I participated in a KickOff call with the Passageway onboarding team. We reviewed how to manage users, create announcements, and develop agendas. We implemented OnBoard for the January 24th meeting of the Council. We plan to purchase iPads for Council members that need them to use for Council meetings and checking your City email. The iPad will be loaded with the OnBoard app for easy access to agendas, minutes, and documents like budgets, audits, and plans.

USACOE Cost Share

The Water Resources Development Act passed the Senate and the President signed the bill. The USACOE drafted implementation guidance for WRDA (*see attached*). The guidance is released for public comments, which are due February 15, 2019

City Code of Ordinances

It is Administrations goal to revise a few City ordinances this year. Specifically, we are targeting the Harbor, Investment, and Water/sewer ordnances for revision. Additionally, we would like to implement a Guide Permit ordinance.

Harbor Ordinance

Becky with Ashburn & Mason, and I reviewed the current Harbor ordinance last year. Becky is currently working on the revision that we discussed. Some of the revision will include updates to process, rules, and a section on restricted access to the breakwater. I expect to have this ordinance ready for first ready either at the March or April meeting.

Guide Permit Ordinance

The City has an opportunity to increase revenue by collecting a permit fee, or essentially an excise tax on the guided duck hunting activity that occurs each winter on the island. In researching how to develop an ordinance to tax these hunts; we decided to contact the State Division of Community and Regional Affairs for examples of ordinances taxing or permitted guided hunts. DCRA provided us with some example ordinances, forms and legal cases supporting such and ordinance and fee. I then drafted an ordinance using the example to fit the situation here in St. Paul (*see attached draft ordinance for preliminary review*). Based on the projected guided duck hunt numbers for next year the City could collect approximately \$20,000 per year based on a \$5.00 fee per visitor day.

Investment Ordinance

Based on the auditor's notes in the City's 2016 audit, we tasked Altman Rogers with reviewing, researching and revising the City's Investment ordinance. We are still in the process of working with Altman Rogers on changes to this ordinance.

Water and Sewer Ordinances

We have plans to review and revise the water and sewer ordinances this year. The timeframe for review by Council will most likely be in fall this year.

FINANCE

2017 Audit

BDO has nearly wrapped up the City's 2017 audit. Stephanie and I have reviewed the draft audit. The BDO representatives informed me that the final audit should be printed on Monday, January 21, 2019. Since we are not engaging BDO to perform our 2018 audit I do not expect them to provide a presentation to City Council. Stephanie and I will present the audit to the Council at the March meeting.

Request for Proposals for Professional Auditing Services

On November 14, 2018 we issued a Request for Proposals for Professional Auditing Services. We sent the RFP to Porter & Allison, Newhouse & Vogler, Kredick and Bassler, Stevens Group, and Aldrich Advisors. On December 12th we received a proposal from Newhouse and Vogler and from Aldrich Advisors. On December 17th, Stephanie, Monique and I met to review the proposals.

We determined the Aldrich Advisors had more experience with municipal audits. In addition, one of BDO's former employees that managed the City's audit went to work for Aldrich Advisors. The team selected Aldrich Advisors to perform our 2018 Audit. On January 15, 2019, Stephanie and I teleconferenced with Lia Patton from Aldrich Advisors to discuss the audit timeline and some logistical details. Aldrich Advisors will send out 3 auditors the first week of April for the 2018 audit.

Certificate of Deposits (CDs)

In December, Stephanie and I talked with our Northrim Bank representatives regarding a note in the City's 2016 regarding custodial credit risk for deposits we make. We gain some clarification regarding this matter. We also discussed the large general fund balance that we carry and the possibility of Northrim determining a deposit balance that would allow for an offset for analysis fees charged by the bank and moving some excess funds into an interest-bearing account. Northrim informed us that keeping a balance of about \$1,500,000 in the deposit accounts would give us earnings allowance that would offset bank activity.

Stephanie and I discussed moving excess funds that are only earning 0.83% to some jump up CDs. We invested \$500,000 into a 23 month Jump Up CD that earns 2.75% APY and \$500,000 into a 11 month Jump Up CD that earns 1.75% APY.

Past Due Account Policies

Stephanie, Nadia and I met regarding updating the City policies and Administrative Orders regarding past due accounts, specifically AMPY and boat accounts. Additionally, we discussed updating policies on when to send past due accounts to collections. I will be working on updating the policies and Admin Orders and will send to Altman Rogers for review prior to implementation.



December 17, 2018

Mr. David Pflieger
President & CEO
Ravn Alaska
4700 Old International Airport Road
Anchorage, Alaska 99502

Re: Saint Paul Island Aviation Services

Dear Mr. Pflieger:

The City of Saint Paul (CSP), the Aleut Community of Saint Paul Island (local Tribe), the Central Bering Sea Fishermen’s Association (local Community Development Quota Group), and the TDX Corporation on behalf of the community of St. Paul Island are extremely concerned regarding the potential that our community will be without regular scheduled air passenger service beginning as early as December 20, 2018 and will not regain service until approximately February 3, 2018 or later.

We find that being in the situation with no air service for over a month unacceptable and contradictory to public statements made by the Penair Trustee McHale¹, which includes the following discussion:

“After the sale is complete, McHale said PenAir’s new owner will be free to add or delete routes as they see fit, but any bidder who wants to be truly competitive will to have submit a plan for continued air service in the region.”

We also believe this action is contrary to the statement by Ravn Alaska in the joint press statement with PenAir issued on October 5, 2018², indicating that “Ravn Air Group...will ensure continuity of operations and service to all PenAir routes.”

“As the owner of Ravn Air Group, J.F. Lehman & Co.’s acquisition of PenAir will protect a substantial majority of company jobs, ensure continuity of operations and service to all PenAir routes, and create stability and better travel opportunities throughout the state.”

This news comes at a time of year that many high school and college students are traveling back home to St. Paul Island to visit with their families for the holidays, and Trident Seafoods St. Paul Plant are bringing in approximately 240 fish processing workers to process snow crab. Additionally, many island residents will be traveling for medical appointments that have already been scheduled.

¹ <https://www.alaskapublic.org/2018/08/27/penair-trustee-promises-no-flight-interruptions-during-sale-of-airline/>

² <http://www.penair.com/Travel%20Advisory/Press%20Release%20Ravn%20Air%20Group%20PenAir%20Announcement%2010518%20Final.pdf>



Furthermore, lack of air service would seriously disrupt the business operations and financial well-being of the Bering Sea commercial snow crab fishery and its various participants. The Trident Seafoods St. Paul Plant is scheduled to transport to St. Paul approximately 240 fish processing workers to process snow crab for the upcoming season that starts in January 2019. If the Trident Plant is unable to operate, it would disrupt snow crab deliveries by the crab fishing fleet. Under existing law, this is the only plant that is available to the crab fleet in the Bering Sea's northern region. Finally, the community of St. Paul Island derives most of its revenues from fisheries taxes and sales of services to the Trident Plant and the crab fleet, potentially leaving the community financially insolvent.

No passenger air service for this period of time will have an enormous impact on our community both socially, economically, and financially and we find this, as we stated before, UNACCEPTABLE.

We recognize that there many factors that have contributed to our present dilemma facing us that may be out of the control of Ravn, PenAir, and for sure our community; however, we must find an acceptable resolution to continue to provide scheduled passenger air service to St. Paul Island during this period of time.

We are encouraged and excited to build a strong and mutually beneficial partnership between our community and Ravn as we move forward with providing safe and reliable air service to St. Paul Island, although we need to work together now more than ever to make sure we do not experience a break in service of six weeks or longer. We encourage Raven to work with Danny Seybert to reach an agreement to continue to use the Saab 340B to provide service until Ravn can service St. Paul Island with the Dash-8. We stand ready to help mediate any negotiations between Ravn and Mr. Seybert or we can offer to find an impartial third party to mediate these negotiations.

Once again, we look forward to a strong and mutually beneficial partnership between Ravn Alaska and the community of Saint Paul Island. If there are any questions, please Phillip Zavadil, City Manager for the City of Saint Paul at 907-546-3113 or pazavadil@stpaulak.com.

Sincerely,



Jacob Mercurief
Mayor

Signatures of community partners in this matter:



Amos Philemonoff, President
Aleut Community of Saint Paul Island



Ron Philemonoff, CEO
TDX Corporation



Phillip Lestenkof, President
Central Bering Sea Fishermen's Association

Cc. Governor Dunleavy
Senator Hoffman
Representative Edgmon
John MacKinnon



December 19, 2018

Mayor Jacob Mercurief
PO Box 901
St. Paul Island, Alaska 99660

RE: Saint Paul Island Aviation Services

Dear Mayor Mercurief:

Thank you for your letter dated December 17, 2018.

As you know, we do not currently own or yet control the assets of Peninsula Airways Inc. (old "PenAir"), so we need to defer to the Bankruptcy Court-appointed Trustee regarding your questions about PenAir's current service.

However as you noted, it has been and continues to be Ravn's strong desire to serve St. Paul and its community. That is why Ravn bid on possible Essential Air Service in May and began working with the FAA in July of this year to serve your community. It is also why our company spent a considerable amount of money purchasing special life rafts and other FAA-required overwater equipment to get our Dash 8 aircraft certified for extended overwater operations.

Unfortunately, our concerted efforts to start new service to St. Paul ran into unexpected and extended delays with FAA certification requirements in September, but these issues are being resolved, and we currently expect our airline will be able to begin operations to St. Paul no later than mid-February of 2019.

With respect to PenAir and its only overwater-certified aircraft, a Saab 340 that is owned by Mr. Danny Seybert, we spoke with St. Paul officials in October after the PenAir auction, and again last week to inform them about service to your airport and our discussions over the last two months with Mr. Seybert to lease his Saab 340 aircraft to Peninsula Aviation Services Inc. ("PASI" or "new" PenAir) post-bankruptcy – as we originally planned and previously announced. Regrettably, we were informed last week after Mr. Seybert left the employment of PenAir and tried to repossess his Saab 340 aircraft, that he no longer intended to lease his aircraft to "new" PenAir – once the new airline comes into existence following the closing on the sale of "old" PenAir's assets. We also learned last week that he intended to repossess his aircraft after the sale closed, and we were told on Monday of this week that Mr. Seybert had caused a key Saab 340 maintenance vendor to cease providing the records, parts, and other support needed for PenAir's Saab 340s.

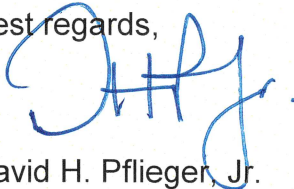
Given those facts, and the possibility of not having any Part 121 FAA-approved overwater-certified aircraft at “new” PenAir post-bankruptcy, we have asked the DOT if the FAA would consider granting Ravn a temporary exemption from certain overwater requirements while we await formal certification in February of our Ravn Dash 8 aircraft. Such an exemption would allow Ravn to begin operations immediately, and we intend to make a formal request to the FAA on this issue this week.

In addition to these efforts to ensure continued Part 121 service to St. Paul, we have also asked the Bankruptcy Trustee if he can take other action with Mr. Seybert to keep his overwater Saab 340 flying pre and post-closing. I would ask that you please contact Mr. McHale directly for an update on that subject.

In closing, would like to express our apologies for not being able to do more to resolve these pressing problems with “old” PenAir, but we simply do not have the power or ability to manage or direct that company at this time, and we cannot interfere with the court-supervised bankruptcy proceeding.

In the meantime, we will immediately let you know if the actions we are already taking to ensure continued service to St. Paul post-bankruptcy are successful.

Best regards,



David H. Pflieger, Jr.
President & CEO

cc: Governor Dunleavy
Senator Hoffman
Representative Bryce Edgmon
John MacKinnon
Amos Philemonoff, President Aleut Community of Saint Paul Island
Phillip Lestenkof, President Central Bering Sea Fishermen’s Association
Ron Philemonoff, CEO TDX Corporation



December 20, 2018

Federal Aviation Administration
U.S. Department of Transportation
Docket Operations
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Ravn Alaska's Petition for Exemption; 14 C.F.R. §121.291(d)

To Whom It May Concern:

On behalf of the community of St. Paul Island (municipal government), the City of Saint Paul, the Aleut Community of St. Paul Island (federally recognized tribe), Central Bering Sea Fishermen's Association (Community Development Quota Group), and Tanadgusix Corporation (ANCSA village corporation) submit this letter in support of Ravn Alaska's Petition for Exemption, filed December 20, 2018.

As Ravn's Petition accurately characterized, the community of St. Paul Island is facing a possible interruption in passenger air service through the month of January, 2019 due to numerous factors beyond the community's control. In support of this Petition for Exemption, please see the attached letter from the community entities dated 12/17/18 discussing the unusual and extreme circumstances of the situation.

Regardless of what led to the current potential status of air service, it is the community of St. Paul Island and the businesses that are based there that bear the burden of the immense consequences of an interruption in passenger air service. As such, the community is in support of any safe and reliable option Ravn is able to secure to ensure there is no interruption in scheduled passenger air service.

Ravn's Petition sufficiently addresses the community's main concern with an exemption – safety. The Petition outlines the safety measures Ravn has undertaken and will undertake to safely and efficiently operate its Dash 8 in extended overwater operations. So long as Ravn is able to meet these safety standards and complete the full Federal Aviation Administration certification process within the 90-day exemption period, the community is in full support of Ravn's request for an exemption from 14 C.F.R. §121.291(d).



Sincerely,



Jacob Merculief
Mayor

Signatures of community partners in this matter:



Amos Philemonoff, President
Aleut Community of Saint Paul Island



Ron Philemonoff, CEO
TDX Corporation



Phillip Lestenkof, President
Central Bering Sea Fishermen's Association

Cc. Senator Lisa Murkowski
Senator Dan Sullivan
Congressman Don Young
Governor Dunleavy
Senator Hoffman
Representative Edgmon
John MacKinnon
Deke Abbott, Senior VP, Ravn Alaska
Dean Fasnacht, Western Alaska Operations Manager, Trident Seafoods Corporation

America's Water Infrastructure Act of 2018
Title I, Water Resources Development Act of 2018
U.S. Army Civil Works
Press Release

Beginning today, Friday, 14 December, the Assistant Secretary of the Army for Civil Works (ASA-CW) is seeking public input on the development of implementation guidance for various provisions contained in the Water Resources Development Act of 2018 (WRDA 2018), which was signed into law on October 23, 2018, as Title I of the America's Water Infrastructure Act of 2018. Additionally, ASA-CW is seeking public input on the development or revision of guidance on two provisions of the Water Resources, Reform and Development Act of 2014 and on three provisions of the Water Resources Development Act of 2016.

The ASA-CW is seeking public input on the provisions listed below where implementation guidance is needed to aid in the execution of the provision. The WRDA 2018 provisions not included in this listing do not require implementation guidance in order to be implemented.

Water Resources Development Acts provide the Secretary of the Army with authorizations to address the Nation's critical water resources infrastructure needs. However, these authorizations do not provide funding to implement these provisions.

The ASA-CW encourages interested stakeholders to share input and recommendations for implementing the specified provisions, as well as any factors seen as critical for consideration during the development of implementation guidance for those provisions.

Although the ASA-CW has identified that implementation guidance is not required to implement the WRDA 2018 provisions not listed, interested stakeholders are welcome to provide comments and recommendations on all provisions.

All comments will be reviewed and considered during the development of the implementation guidance.

The list of provisions that the ASA-CW is inviting stakeholders to comment on is listed below and can also be found at <http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/>.

Interested stakeholders may submit comments for a 60-day period that closes at midnight Tuesday, February 12, 2019. Comments may be submitted by the following means:

- Email to: WRDA2018@usace.army.mil.
- Mail to: Ada Benavides
Senior Policy Advisor
Planning and Policy Division
Room 3F86
441 G Street, NW
Washington, DC 20314-1000

America's Water Infrastructure Act of 2018
Title I, Water Resources Development Act of 2018
U.S. Army Civil Works
Press Release

- Telephone: Oral comments may be left on 202-761-0415.

For questions related to any of the specified provisions or for a listing of the specific provisions described above, please contact Ms. Ada Benavides, at 202-761-0415 or ada.benavides@usace.army.mil.

WRDA 18 Section Numbers for Implementation Guidance or Revised Implementation Guidance:

Section 1104 Dissemination of Information

Section 1108 Aquatic Invasive Species Research

Section 1111 Dredge Pilot Program

Section 1112 Hurricane and Storm Damage Protection Program

Section 1115 Property Acquisition

Section 1116 Dredged Material Management Plans

Section 1120 Transparency and Accountability in Cost-Sharing for Water Resources Development Projects

Section 1121 Upper Missouri Mainstem Reservoir Water Withdrawal Intake Easement Review

Section 1122 Limitation on Contract Execution

Section 1126 Purpose and Need

Section 1128 Mississippi River and Tributaries Project

Section 1133 Columbia River

Section 1134 Missouri River Reservoir Sediment Management

Section 1136 Credit or Reimbursement

Section 1138 Surplus Water Contracts and Water Storage Agreements

Section 1143 Acknowledgement of Credit

Section 1147 Clarification for Integral Determination

Section 1148 Beneficial use of Dredged Sediment

America's Water Infrastructure Act of 2018
Title I, Water Resources Development Act of 2018
U.S. Army Civil Works
Press Release

Section 1149 Inclusion of Alternative Measure for Aquatic Ecosystem Restoration

Section 1152 Study of Water Resources Development Projects by Non-Federal Interests

Section 1153 Construction of Water Resources Development Projects by Non-Federal Interests

Section 1157 Corps of Engineers Continuing Authorities Program

Section 1158 Hurricane and Storm Damage Reduction

Section 1159 Regional Coalitions and Higher Education

Section 1160 Emergency Response to Natural Disasters

Section 1161 Extended Community Assistance by the Corps of Engineers

Section 1164 Local Government Water Management Plans

Section 1166 Advanced Funds for Water Resources Development Studies and Projects

Section 1167 Costs in Excess of Federal Participation Limit

Section 1168 Disposition of Projects

Section 1170 Watercraft Inspection Stations

Section 1174 Middle Rio Grande Peak Flow Restoration

Section 1176 Preconstruction Engineering Design Demonstration Program

Section 1202 Additional Studies

Section 1225 Upper Mississippi River Protection

Section 1330 Project Deauthorization and Study Extensions

Section 1402(a) Special Rules – St. Paul, Alaska

WRDA 16 Section Numbers for Implementation Guidance or Revised Implementation Guidance:

Section 1139 Dam Safety Repair Projects

Section 1162 Fish and Wildlife Mitigation (revised)

Section 1163 Wetlands Mitigation (revised)

America's Water Infrastructure Act of 2018
Title I, Water Resources Development Act of 2018
U.S. Army Civil Works
Press Release

WRRDA 14 Section Numbers for Implementation Guidance or Revised Implementation Guidance:

Section 1001 Vertical Integration and Acceleration of Studies (revised)

Section 1043(b) Non-Federal Implementation Pilot Program

TITLE 5
BUSINESS LICENSED AND REGULATIONS
CHAPTER 5.15
ANNUAL PERMIT FEE FOR PROFESSIONAL GUIDES

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5.15.010 Permit Required.

(a) Professional guides must procure a permit from the City of Saint Paul and pay the fees provided for in Section 5.15.020 of this chapter for each year they conduct business within the City. The permit shall be valid for a period of one year commencing on January 1st and expiring on December 31st of the year for which the permit is procured. A permit is required:

- (1) Hunting guides registered in guide use areas and/or game management units within City boundaries.
- (2) Guiding businesses registered with any National Park or Preserve within City boundaries.

05.15.20 Procedure for Obtaining Permit

(a) In order to obtain a permit as required by this chapter, the professional guide must accurately and completely fill out an application form, available through the City, and submit within 30 days of guiding activity in the City. The application shall be accompanied by a check payable to the City and submit within 30 days of guiding activity in the City. The application shall be accompanied by a check payable to the City for sixty-five dollars (\$65.00) annual Application Processing Fee. The application fee is non- refundable.

- (1) The City Manager may require that the applicant submit documentation supporting the tax filing including, but not limited to: copies of all activity reports provided to the US Fish and Wildlife Service, or other Federal land management agencies, copies of fish and game harvest reports submitted to the Alaska Department of Fish and Game, copies of any occupational or business

licenses required by the Alaska Department of Fish and Game, Department of Commerce, or other State or Federal Agency, and copies of any leases or land use permits obtained from the Department of Natural Resources or other State or Federal Agency or affected private landowner in cases where the City Manager has reason to believe that the professional guide has not complied with the requirements of this Chapter.

(b) The following permit fees are established:

- (1) Professional Guides who provide guiding services: \$5.00 per visitor day.
- (2) A professional guide who fails to obtain a permit and submit the proper fees by December 31st of a year in which he/she conducted business in the City is prohibited from conducting business in the City in any succeeding years until he has come into compliance with the requirements of this Chapter. The City reserves the right to exercise any and all of the remedies contained in Sections 5.15.020 (B), 5.15.030, 5.15.070 and any other applicable sections of this Chapter and State law in order to enforce the provisions herein.

5.15.030 Estimated Fees / Forced Filing

- (a) If the City is unable to ascertain the amount of fees due from a professional guide for any given year because the guide has failed to apply for a permit, file the required application form, provide required supplemental information, filed a false, inaccurate or incomplete application, failed to keep accurate books and records as required, or has falsified records, the City may make an estimate of the amount of permit fees due based upon any evidence in its possession.
- (b) The City shall mail by certified mail or deliver to the guide written notice of the amount of the estimate. This amount shall be presumed to correctly state the amount of permit fees due unless the guide files an accurate return with supporting documentation and transmits the amount due to the City not later than thirty (30) days after the date on which the City mails or delivers the notice. A notice is sufficient under this section if it is either actually delivered to the guide, or if it is mailed by certified mail return receipt requested, at the guide's most current address as contained in the City's permit records. If the guide has not filed a correct return satisfactory to the City Manager along with the taxes due, within thirty (30) days of the date of mailing of the forced filing, the amount of any deficiency remaining unpaid on the forced filing is presumed correct and is delinquent from the date originally due; provided, if upon a subsequent audit or inspection of the records of the guide, it is determined that a greater amount was due, the guide shall be liable for payment of such additional amount. A forced filing may be made if the City is unable to ascertain the tax due to be remitted by a guide by reason of the failure of the guide to keep accurate records or to allow inspections of the guide's records, or of the guide's falsification of records.

5.15.040 Confidentiality.

- (a) Except as provided below, all permit applications and supporting documentation filed with the City for the purpose of complying with the requirements of this ordinance and all associated data obtained from professional guides are confidential and shall be kept from inspection of all persons except officers, agents, and employees of the City. Provided however, that such applications and data obtained therefrom may be discussed by the City Council in public session if the guide affected consents or makes a request for such discussion in writing.

- (b) Information in the possession of the City which was obtained by the City from a professional guide in the administration or enforcement of the provisions of this chapter which discloses the particulars of the business or affairs of the owner that is not otherwise public information is not a matter of public record. The information shall be kept confidential except when its production is required in an official City, State, or Federal investigation, law enforcement action, or court proceeding. These restrictions do not prohibit the publication of tax lists showing the names of taxpayers or delinquent taxes. Information otherwise protected by this chapter may be furnished on a reciprocal basis to other agencies of the State or Federal government concerned with the enforcement of tax laws or land use regulations.
- (c) In the course of a criminal or civil action to enforce any provision of this ordinance, the City may allege, prove, publish, and produce for any purpose any documents and/or information previously filed with the City. The City may deliver to a professional guide or his/her authorized representative a copy of any return filed by him or on his behalf. The City may also publish statistics concerning the information contained in returns if the publication is done in such a manner that the information contained in a particular return cannot be identified.

5.15.050 Record Keeping Required.

- (a) Every professional guide shall keep and preserve for a period of three years all records of business activities within City of Saint Paul. Professional guides shall permit the City or its agent to examine, inspect, and copy said records, books, and accounts at any reasonable time. If the City initiates an enforcement proceeding against the professional guide under this Chapter, the professional guide must keep and preserve all records, even if that may exceed three (3) years, until said enforcement proceeding(s) are completed.
- (b) For the purpose of ascertaining the correctness of any return, or determining the amount of permit fees due, the City Manager or his/her agents may hold audits, investigations, and hearings concerning any matters covered by this ordinance, and may examine any relevant books, papers, records, accounts, or memoranda of any such professional guide, and may require the attendance of any person through the issuance of a subpoena which shall be enforced under the Alaska Rules of Civil Procedure in the same manner as subpoenas issued by an officer or agency of the State.

5.15.060 Appeals.

- (a) If a professional guide believes that he is exempt or otherwise not subject to the fees and requirements imposed by this chapter or believes that a penalty, interest, or other charge is not owing, but has been informed by the City that he is subject to the provisions of this ordinance or such penalty, interest, or charge is owing, the guide may protest the charge by paying the amount owed to the City on or before the due date and filing with the City at the time of payment a statement of protest setting out all relevant facts and clearly explaining why the guide is exempt or not subject to the provisions of this chapter. The payment and statement must be received not later than the 30th day following the date upon which a forced filing or other notice of violation or delinquency was mailed or delivered. Failure to file a statement of protest and to pay the amount claimed by the City as owing within the time permitted within this subsection or other section of this chapter constitutes a waiver of the right to protest administratively.
- (b) The City Clerk shall issue a written ruling on each collector protest within thirty (30)

days of receipt of the protest or on such later date as may be required to insure full consideration of the issues raised in the protest. The guide has the burden of proof. The City Manager may permit or require the guide to provide additional information relevant to the protest. The City Manager may seek the advice of the City attorney on any protest. The ruling on the protest must set forth the specific reasons for the grant or denial of the protest. The ruling will be sent to the guide at the address given on the protest documents.

- (c) If a protest is granted, the City Finance Department shall refund to the guide the penalty, interest, or charge levied or the fee collected and paid to the City that was exempt or otherwise not subject to the provisions of this chapter.
- (d) In the event a protest is denied, the guide may, within thirty (30) days of the date of denial, appeal the denial to the City Manager. The City Manager shall receive such additional information whether written or oral as the guide may desire to present. The City Manager may also receive such additional testimony and material as the tax administrator may present. The City Manager shall render a decision in writing and give notice of the decision to the guide within a reasonable amount of time. The decision of the City Manager is final and is subject to judicial review by an appeal to the superior court under applicable appellate court rules.
- (e) Failure to file an appeal or protest as authorized under this section within the time permitted constitutes a waiver of the appeal or protest and any other rights of the guide to challenge the fees, penalties, interest, or other charge directly or collaterally.

5.15.070 Civil Penalties and Enforcement

- (a) To enforce payment of the required fees and any penalties, interest, and administrative costs of collection, the City may institute a civil action against the violator in the appropriate court for the State of Alaska and seek an injunction prohibiting the violator from operating without a permit until all required fees and other charges have been paid. The City reserves the right to exercise any and all additional lawful remedies available to it against violators of this chapter, including, but not limited to, the imposition of tax lien against the property and other assets of the guide or corporate officers of the company responsible for payment of the fees.
- (b) The City may also, in addition to any penalties or other fees, levy a charge to cover its administrative costs associated with collection actions including, but not limited to, actual and reasonable lawyer's fees.
 - (1) A person who fails to file a return as required under this chapter or who fails to remit all the taxes due the City by that person shall pay a penalty of five percent (5%) of the fees due with a minimum penalty of five hundred dollars (\$500.00) if no return is filed. The penalty is imposed for each month or part of a month during which the delinquency of failure to file exists up to a maximum total penalty for a single calendar quarter shall not exceed three thousand dollars (\$3,000.00). The filing of an incomplete return shall be treated as the filing of no return.
 - (2) Interest at the rate of twelve (12%) per annum shall be paid on all amounts due the City that are not received by the City as required under this chapter except interest does not accrue on penalties.
 - (3) A person who fails to apply for a certificate of registration as required by this chapter shall pay a penalty of five hundred dollars (\$500.00). Such penalty must be paid before the license is issued or, if the original license was issued before

the determination that a penalty was due or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due. A person who fails to apply for a certificate of registration, who engages in taxable transactions after being informed in writing that a certificate of registration is required, shall pay a penalty of one thousand dollars (\$1,000.00) before the license is issued or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due.

- (4) A failure of or refusal of a person required to collect a fees under this chapter to produce records or allow inspection at such reasonable times as requested or demanded by the City Manager shall pay to the City a penalty equal to three times any deficiency found or estimated to have occurred by the City Clerk; provided, the minimum penalty payment is three thousand dollars (\$3,000.00).
- (5) A person required to maintain records under the provisions of this chapter shall immediately notify the City of any fire, theft or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty is a defense to a civil penalty levied this section, but does not excuse the person from the liability for payment to the City of taxes required to be collected. Accidental or unexplained loss of funds or records does not excuse a person from the performance of any of the requirements under this chapter.
- (6) The City shall apply payments received on a delinquency first to the payment of penalties, then to the payment of administrative costs of collection, then to the payment of interest, and then to the payment of delinquent taxes.

05.15.080 City 's Duty to Issue Permit.

- (a) Upon receipt of an accurate and complete permit application and payment of the required fees, the City Clerk or Finance Manager shall issue the applicant a permit listing the type of permit, the person's name and address, and the dates for which the permit is issued.

05.15.090 Permit Not Transferable.

- (a) A permit issued pursuant to this chapter may not be assigned or otherwise transferred to any other person, business, or corporation.

05.15.100 No Exclusive Right or Privilege.

- (a) A permit issued pursuant to this chapter confers no exclusive right or privilege upon the permittee.

05.15.110 Compliance With Other Laws Required.

- (a) Procuring a permit pursuant to this chapter does not relieve the permittee from complying with any other applicable laws or regulations.

05.15.120 Disposition of Permit Fees Collected.

- (a) All permit fees collected by the City pursuant to this chapter shall be deposited in the general fund and appropriated by the City Council.

05.15.130 Severability.

- (a) If a court of competent jurisdiction determines that any provision of this ordinance or any application thereof to any person or circumstance is invalid, the remainder of this ordinance and its application to other persons or circumstances shall not be affected thereby.

05.15.140 Definitions.

(a) For the purposes of this Chapter, the following definitions apply:

"Person" means natural persons and includes partnerships, corporations, associations, and other business or non-profit organizations.

"Professional Guide" means a person who contracts to guide, lead, direct, or accompany others on hunting, fishing, sightseeing, rafting, camping, hiking or other recreational trips within the City.

"Visitor-day" means one calendar day (24 hrs.), or portion thereof, for each person who visits the City and participates in guided activities as described herein including guides and any other individuals associated with such visits for any part of one day (24 hrs. from midnight to midnight). For example, one guide, one assistant guide, and four clients visiting the City on September 1st at 8AM, spending 3 nights, and leaving on September 4th, equals 24 visitor days. (6 people x 4 days = 24 visitor-days).

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