

LEG. FINANCE - BILLS 1979 - 1980 1036

C SHB 9 lam cont. 1056

Funding Information:

General Fund:	\$ 2,911,200	2,053,400
Other Funds:	483,000	340,600
	\$ 3,394,200	<u>2,394,000</u>

Introduced: 1/29/79
 Referred: State Affairs
 and Finance

BY THE RULES COMMITTEE BY
 REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 81

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
 7 Office of the Governor, Division of Budget and Manage-
 8 ment; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of ^{2,394,000} ~~\$3,394,200~~ is appropriated to the Office of the
 11 Governor, Division of Budget and Management, for payment of additional
 12 communication costs as a result of the RCA interim intrastate rate increase.

13 This sum is appropriated from the following funds:

14	2,053,334	General Fund	\$2,911,200	.8577	.705390
15	1,197	Second Injury Fund	1,600	.0005	.7481
16	256,637	Federal Fund	363,900	.1072	.7052
17	1,100	Sick and Disabled Fisherman's Fund	1,500	.0004	.7333
18	2,633	Public Employees Retirement Fund	3,800	.0011	.6929
19	2,633	Teacher's Retirement Fund	3,800	.0011	.6929
20	13,646	International Airport Revolving Fund	19,200	.0057	.7107
21	5,985	Highway Working Capital Fund	8,600	.0025	.6959
22	2,633	Veterans Revolving Loan Fund	3,600	.0011	.7314
23	54,344	Fish and Game Fund	77,000	<u>.0227</u>	.7058
				100%	

24 * Sec. 2. The unexpended and unobligated portion of the appropriation
 25 made in sec. 1 of this Act lapses June 30, 1979.

26 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
 27 10.070(c).

2394,142



CITY OF MC GRATH

P.O. BOX 57 MC GRATH, ALASKA 99627
PHONE (907) 524-3825

March 22, 1979

Senator John Sackett
Pouch V
Juneau, Alaska 99811

Dear Senator Sackett,

This letter is in response to a telephone conversation I had earlier in the day with Sue Lowell concerning police protection for the City of McGrath. As I indicated in the information we sent to Juneau last Friday, the City would like to pay a full time police officer \$18,000 plus fringe. We had planned on three sources of money for the police officer position: state revenue sharing which for FY 79 would have been \$4,584 plus the cost of living adjustment; general fund money in the amount of \$6,000; and finally, approximately \$8,000 from the Div. of Aviation to provide armed pre-flight, passenger screening. (The last source of revenue "dried up" last week when FAA continued to grant a waiver to the McGrath airport for armed, pre-flight, passenger screening.)

Besides the loss of state revenue sharing funds for police protection, the City will lose approximately \$3,000 during this fiscal year from liquor license revenue sharing. (A review of FY 78 has revealed that the City received \$2,800 from this source.)

On the behalf of the City, I would like to express our thanks and gratitude for your continuing interest and assistance in this matter.

Sincerely,

Robert S. Juettner
City Administrator

18,000	Salary
3,126	Basic Benefits
1,049	F.I.C.A.
1,696	Health Insurance
<hr/>	
23,931	
<hr/>	
24,000	

I'm supposed to put a general fund somewhere?



Official Business

Alaska State Legislature

Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

March 23, 1979

Avrum M. Gross, Esquire
Attorney General
State of Alaska
Alaska Department of Law
Pouch K
Juneau, Alaska 99811.

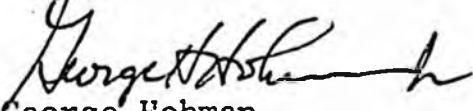
Dear Mr. Gross,

The Senate Finance Committee requests that the Department of Law provide the committee with the following information on or before Tuesday, March 27, 1979.

Costs incurred by the Department of Law, court-appointed attorneys and the Public Defender relative to the following cases:

Rodger Y. Ford
George Atkinson
Wells (materials site controversy)
Alaska Marketing and Management cases.

Sincerely,


George Hohman
Vice-Chairman
Senate Finance Committee

AF:kh

✓ Sec. 2 . The sum of \$15,000 is appropriated from the general fund to the Department of Health and Social Services, Public Health Administration, to be paid as a grant to the Fairbanks Breast Cancer Center.

(lapse date - June 30, 1979)

✓ Sec. 3 . The sum of \$26,100 is appropriated from the General fund to the Department of Health & Social Services, Division of Corrections, to fund back pay to six employees due to an arbitration award.

(lapse date - June 30, 1979)

✓ Sec. 4 . The sum of \$24,000 is appropriated from the General Fund to the Department of Community and Regional Affairs to be paid as a grant to the City of McGrath to provide funding for a full time police officer.

(lapse date - June 30, 1979)

Sec. 5 . The sum of \$8,600 is appropriated from the general fund to the Ombudsman's Office for payment of additional communication costs as a result of the RCA interim rate increase.

(lapse date - June 30, 1979)

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

September 21, 19

MEMORANDUM

TO: J. H. Hogan, Director
Legislative Finance Division

FROM: *R.F.S.* Robert F. Schroeder
Fiscal Analyst

SUBJECT: Anchorage Jail Annex Employee Terminations

Anch Annex
8-19-10 new pvs approved
S.C. of #
1
1 Prisoner counselor

The chronology of events pertaining to the Anchorage Jail Annex sickout and subsequent employee firings seem to be as follows:

Friday August 18: Jailers at the Sixth Avenue Annex publicly warned the administration that overcrowding and lack of guards could result in a prisoner riot.

The administration responded by announcing that the 5 new guards assigned by the Legislature to the Annex would not be used for prisoner transportation.

Wednesday, August 23: Date alleged by Commissioner Beirne to be when guards met to plan sickout.

Thursday, August 24: Eleven guards and two Clerks regularly scheduled to work at the Annex called in sick.

During the evening State Troopers visited jail guards who called in sick and told them to appear for work on Friday, August 25, in full uniform and with doctors' excuses for their Thursday absences.

Friday, August 25: Sickout participants given five day work suspensions:

Guards from Annex met with State Correction officials.

A.P.E.A. filed a complaint with the Federal Occupational Safety & Health Administration charging that the long hours worked by the jailers made their jobs unsafe.

Friday September 1: Two guards and one clerk were fired when they reported for work on day shift. One guard reinstated with pay for the suspension period. Six guards were fired when they reported for the night shift. No mention is made of the eleventh employee.

Thursday, September 7 (or thereabouts): A.P.E.A. initiated grievance proceedings against the dismissal of the jail employees.

The events I have listed here are taken from Anchorage newspapers. I have not had first-hand contact with any jail personnel. After receiving your request for the chronology, I went to Commissioner Beirne's office and told her what you requested. She said she would consult with the Division of Personnel and the Attorney General's office about what information could be released without jeopardizing the grievance procedure. It is my understanding that whatever the Department could say on the subject would be delivered to me Thursday afternoon, September 21. At 4:00 p.m. I have not yet received the Department's response.

RFS:pw

STATE
of ALASKA


MEMORANDUM

TO: J. H. Hogan, Director
Legislative Finance Division

DATE: September 21, 1978

FILE NO:

TELEPHONE NO:

FROM: 
Helen D. Beirne
Commissioner
Department of Health & Social ServicesSUBJECT: Sixth Avenue Correctional
Facility, Anchorage

Pursuant to the verbal request of your staff member, Robert Schroeder, I am providing this chronology of events to the Legislative Budget and Audit Committee.

- August 14 - The Division of Corrections requests, and is granted, permission to temporary-hire Correctional Officers while officers from various correctional centers attend the Prisoner Transportation Training Courses.
- August 16 - Correctional Officers from the Jail Annex went to APEA Office to file a grievance regarding the loss of jail staff to the new transportation section.
- August 18 - Correctional Officers met with Representative Russ Meekins at the Anchorage Westward Hotel.
- August 18 - Mike Harper, Governor's Administrative Assistant, announced that the AST would continue their present responsibility of providing transportation for prisoners.
- August 19 - Mr. Moses issued a memo to "All Staff", cautioning them regarding "individual comments to the media and other persons outside of the Division of Corrections."
- August 20 - Mr. Moses left the state to attend a Corrections Convention.
- August 21 - Undated, unaddressed and unsigned letter calling for a meeting to discuss a course of action to be taken. The meeting to be held at Nick Moreno's house on August 23, at 1930 hours.
- August 23 - Alleged meeting held at Nick Moreno's house.
- August 24 - Alleged "Sick-out" started with the graveyard shift.

- August 24 - CO II Ernest Griffiths writes a memo subject: "Meeting of Correctional Officers--subject--Sick-out." This memo identifies the officers in attendance and the action determined by vote.
- August 24 - Correctional Officers from other facilities, are assigned to the Jail Annex to handle the emergency. Temporary-hires are used to fill in the subsequent vacancies at these other facilities.
- August 24 - Tom Zaruba takes charge of the Annex and starts investigation.
- August 25 - Letters of Suspension and Investigation sent by William H. Huston, Director of Corrections.
- August 29 - Commissioner Beirne initiates a review of the Jail Annex through her Office of Internal Review. Department of Administration, Division of Personnel/Labor Relations joins in this review.
- August 30 - Legislature Audit initiates an independent review of the Jail Annex.
- September 1 - Termination letters issued by William H. Huston.
- September 1 - Three new Correctional Officer positions are filled (PCN's 4589, 4591, and 4593).
- September 6 - Three additional Correctional Officer positions are filled (PCN's 4590, 4592, and 4594).
- September 8 - One additional Correctional Officer position is filled (PCN 4595). ^{Two} ~~Four~~ additional positions are slated for filling October 1, 1978.
- September 19 - Grievances initiated by terminated Correctional Officers moves to Step Four.

Original sponsor: Rules/Governor

Funding Information

General Funds	\$177,800
Other Funds	-0-
	<u>\$177,800</u>

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SCS FOR CS FOR HOUSE BILL NO. 91 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Departments of Law, Health & Social Services, Community
8 & Regional Affairs, Office of the Ombudsman; and pro-
9 viding for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$104,100 is appropriated from the general fund to
12 the Department of Law, legal services, for the fiscal year ending June 30,
13 1979, to be allocated as follows:

14	Expenses incurred due to contested	
15	1978 primary election	\$61,000
16	Court costs and attorney fees in	
17	Angaiak v. Beirne	24,000
18	Right-of-way settlement for access route	
19	to Juneau International Airport	14,100
20	Right-of-way settlement for Knik River	
21	Road	5,000

22 * Sec. 2. The sum of \$15,000 is appropriated from the general fund to
23 the Department of Health and Social Services, Public Health Administration,
24 to be paid as a grant to the Fairbanks Breast Cancer Center.

25 * Sec. 3. The sum of \$26,100 is appropriated from the general fund to
26 the Department of Health and Social Services, Division of Corrections, to
27 fund back pay to six employees due to an arbitration award.

28 * Sec. 4. The sum of \$24,000 is appropriated from the general fund to
29

1 the Department of Community and Regional Affairs to be paid as a grant to
2 the City of McGrath to provide funding for a full time police officer.

3 * Sec. 5. The sum of \$8,600 is appropriated from the general fund to the
4 Ombudsman's Office for payment of additional communication costs as a result
5 of the RCA interim rate increase.

6 * Sec. 6. The unexpended and unobligated portion of the appropriation
7 made in sections 1 - 5 of this Act lapse June 30, 1979.

8 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
9 070(c).

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Original sponsor: Rules/Governor

Offered: 3/15/79

Referred: Rules

Funding Information

General Funds ~~\$104,100~~ 177,800

Other Funds -0-
~~\$104,100~~ 177,800

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

SCS per CS FOR HOUSE BILL NO. 91

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a supplemental appropriation to the Department of Law, ^{Health & Social Services, Community} ~~and providing for an effective~~ Regional Affairs, Office of the Ombudsman; ~~date.~~" ^{and providing for an effective date.}

7

8

9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10

* Section 1. The sum of \$104,100 is appropriated from the general fund to the Department of Law, legal services, for the fiscal year ending June 30, 1979, to be allocated as follows:

11

12

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Expenses incurred due to contested

14

1978 primary election \$61,000

15

Court costs and attorney fees in

16

Angaiak v. Beirne . 24,000

17

Right-of-way settlement for access route

18

to Juneau International Airport 14,100

19

Right-of-way settlement for Knik River

20

Road 5,000

21

* ~~Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-~~

22

~~070(e).~~

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*Insert
Sections
2 through
7.*

4/4/79

John:

These people want
\$15,000 supplemental -
FY '79.

Do you want me to
put it in Dr. Gross'
supplemental on Monday?

A

Yes

*Called them -
- requesting additional (15.0) to cover thru
FY 79 fee*

THE BREAST CANCER DETECTION CENTER OF ALASKA

520 Fourth Avenue • Fairbanks, Alaska 99701
Telephone (907) 456-2945

March 9, 1979

Rep. Sally Smith
Alaska State House of Representatives
Juneau, Alaska

*SF
Pg 59
Pub Health Admin*

Dear Rep. Smith:

The Breast Cancer Detection Center of Fairbanks, Alaska, Inc., greatly appreciates the support you and the State of Alaska has given us in previous years. We hope you will again see fit to continue your support.

We have been open to serve the women of the Fairbanks area as well as the entire Interior of Alaska for almost 3 years. (Note: Many men also use the facility, as 1% of all breast cancer is found in men.) At present we do all the mammograms for the Alaska Native Health Service and receive numerous referrals for teaching, examinations and mammograms. About 90% of the local physicians refer their patients to the Breast Cancer Detection Center. The ANS Hospital in Tanana is referring patients as well as physicians and physicians assistants from as far south as Glenallen and as far north as Barrow.

We have office hours 4 days a week but are able to provide services virtually 24 hours a day, 7 days a week. We have a physician on call for emergencies at all times. We see an average of 25 women per week and the number is growing rapidly. Examination reminder cards are sent on a regular basis with better than 50% response. Our biopsy rate and number of actual mastectomies is high, this being primarily due to the number of referrals with problems and women waiting to come only when a problem arises. We continue to speak at schools and local clubs to try to educate women in the importance of routine breast examination and not waiting until there is a problem. Early detection is the answer to a total recovery. Our pamphlets are distributed by the Village Health Aids, the Fairbanks Health Center and the local clinics.

We feel we are providing a much needed service not only to Fairbanks, but the entire Alaskan Interior.

We have received great community support with donations and pledges from Alaska National Bank of the North, Rasmussen Foundation, North Pole Refinery, Soroptomists, Tri-Club, Emblem Club, Alpha Delta Kappa, Pebekeh Lodge, the State of Alaska and many local citizens.

We thank you for your support, both past and present. If you have any questions or would like any further information regarding the Center, please feel free to contact me.

Sincerely,

Nancy B. Markowski
Nancy Markowski, President of the Board

cc. Senator John Sackett

*Due Core Nancy & see if
they need any money
this yr. \$15,000
additional
for FY 79*

04-06-08-01-00 (06-31-1-09-01-00)

STATE OF ALASKA -- COMPONENT BUDGET ANALYSIS

08:51

1/29/79

CATEGORY: HEALTH
AGENCY: DEPARTMENT OF HEALTH & SOCIAL SERVICES

PROGRAM: PUBLIC HEALTH ADMINISTRATION
SUB-PROGRAM: ADMINISTRATION

*** GOVERNOR ANALYSIS ***

OBJECT GROUP	VARIATION		DESCRIPTION: GOVERNOR VERSUS FY79 ATH
01 PERS. SERV.	16.0	3.8%	FY 80 SALARY ADJ 12.2, LESS PERSONAL SERVICES UNDERFUNDING (1.4), RESTORE 10 PERSONAL SERVICES VETO 4.2.
02 TRAVEL	0.8	5.4%	INFLATION.
03 CONTRACTUAL	187.7	441.6%	INFLATION.
04 COMMODITIES	0.4	6.8%	INFLATION.
07 GRANTS, CLMS	-15.0	-100.0%	TRANSFER (66.0) TO DATA SERVICES BRU, DELETE ONE-TIME CONTRACT FOR IMPLEMENTATION OF THE PATIENT CARE INFORMATION SYSTEM (PCIS) IN SOUTHEAST AK, ADD BACK 175.0 FOR IMPLEMENTATION OF PCIS STATEWIDE IN FY 80.
08 MISC.	-118.8	-100.0%	
** TOTAL	71.1	11.5%	

*** PROGRAM DESCRIPTION & PRIOR YEAR INFORMATION ***

FY 79 INTENT: THE ALLOCATION FOR ADMINISTRATION INCLUDES A GRANT OF \$15,000 TO THE FAIRBANKS BREAST CANCER CENTER.
RESPONSE: A GRANT OF \$15,000 WAS GIVEN TO THE FAIRBANKS BREAST CANCER CENTER.

*FY80
House put in some \$
but not in Gov's budget*

CATEGORY: HEALTH
 AGENCY: DEPARTMENT OF HEALTH & SOCIAL SERVICES

PROGRAM: PUBLIC HEALTH ADMINISTRATION
 SUB-PROGRAM: ADMINISTRATION

* * * * F.C.C. ANALYSIS * * * *

OBJECT GROUP	VARIATION		DESCRIPTION: F.C.C. VERSUS GOVERNOR
03 CONTRACTUAL	-68.8	-61.8%	
07 GRANTS, CLMS	15.0	100.0%	
08 MISC.	210.1	100.0%	FULL FUNDING FOR PATIENT CARE INFORMATION SYSTEM.
** TOTAL	156.3	28.0%	

NO NEW POSITIONS AUTHORIZED.

LEGISLATIVE INTENT:
 THE ALLOCATION FOR ADMINISTRATION INCLUDES A GRANT OF \$15,000 TO THE FAIRBANKS BREAST CANCER CENTER.

FY79

* * * * SENATE ANALYSIS * * * *

OBJECT GROUP	VARIATION		DESCRIPTION: SENATE VERSUS GOVERNOR
01 PERS. SERV.	-93.0	-21.9%	NORTHERN REGIONAL HEALTH OFFICER AND CLERK TYPIST II IN FAIRBANKS, PCN'S 1342 AND 1273 DELETED.
07 GRANTS, CLMS	15.0	100.0%	
** TOTAL	-78.0	-14.0%	

NO NEW POSITIONS AUTHORIZED.

LEGISLATIVE INTENT:
 15.0 IS TO BE GRANTED TO FAIRBANKS BREAST CANCER CENTER.

* * * * HOUSE ANALYSIS * * * *

OBJECT GROUP	VARIATION		DESCRIPTION: HOUSE VERSUS GOVERNOR
03 CONTRACTUAL	-68.8	-61.8%	
08 MISC.	210.1	100.0%	
** TOTAL	141.3	25.3%	

NO NEW POSITIONS AUTHORIZED.

LEGISLATIVE INTENT:
 THE DEPARTMENT SHALL CONSIDER REVISING THE BUDGET PRESENTATION TO CLARIFY WHO PROVIDES, ADMINISTERS, FUNDS, AND RECEIVES THE VARIOUS PUBLIC HEALTH SERVICES. 210.1 GEN FUND FOR PATIENT CARE INFORMATION SYSTEM LAPSES IF SYSTEM NOT IMPLEMENTED. THE 210.1 IS A ONE-TIME EXPENDITURE FOR SYSTEM DEVELOPMENT.

24891

January 27, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811


Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making a supplemental appropriation to the Department of Law, Legal Services.

This appropriation will cover the following:

- (1) \$61,000 for the extraordinary expenses incurred by the department due to the contested 1978 primary election;
- (2) \$24,000 to cover a stipulation entered into with Alaska Legal Services Corporation to pay court costs and attorney fees arising from the Angaiak v. Beirne case in which Alaska Legal Services represented the prevailing party;
- (3) \$14,100 for a right-of-way settlement for an access route to the Juneau International Airport to repurchase property sold without proper title; and
- (4) \$5,000 to cover a right-of-way settlement for the Knik River Road due to the state unknowingly taking possession of nine acres of private land during road construction.

Sincerely,



Jay S. Hammond
Governor

STATE
of ALASKA

MEMORANDUM ①

24891

TO: [Ron Lind, Director
Division of Budget and
Management
Office of the Governor

DATE: August 23, 1978

FILE NO:

TELEPHONE NO:

FROM: Avrum M. Gross
Attorney General
By: *Richard I. Pegues*
Richard I. Pegues
Administrative OfficerSUBJECT: FY 79 Supplemental
Request--Legal Services

In accordance with your memorandum of July 27, 1978, this is to advise that the Department of Law has entered into a stipulation with Alaska Legal Services to pay court costs and attorney fees in the amount of \$24,000. The stipulation arises from our defense of Angaiak v. Beirne, C.A. No. 78-8726 H. Legal Services, as the prevailing party in this action, is entitled to costs and fees and they had originally sought \$37,000 for this purpose.

The Legal Services BRU has a FY 79 authorization of \$15,000 to pay for incidental judgments, including costs and fees. This authorization is intended to pay for several smaller judgments which usually average between a few hundred and a few thousand dollars. In order to avoid exhausting the limited judgment authorization available in FY 79, and thereby certainly causing the displeasure of many individuals having smaller claims throughout the year, we request that the entire Legal Services stipulation be paid by a supplemental appropriation. Alaska Legal Services has agreed to such an arrangement as noted in the stipulation which is attached for your review.

RIP:chp

Attachment

RECEIVED
AUG 24 1978
BUDGET & MANAGEMENT

MEMORANDUM

TO: Dick Pegues
Administrative Officer

DATE: August 23, 1978

FILE NO:

TELEPHONE NO:

FROM: Rich Burnham *RWB*
Assistant Attorney General

SUBJECT: \$24,000.00 appropria-
tion for costs and
attorneys' fees

The purpose of this memo is to explain the attached stipulation in which the Department of Law agreed to pay to Alaska Legal Services the total sum of \$24,000.00 to cover costs, attorneys' fees, and the costs of distribution of notice to the class in the case of Angaiak v. Beirne, No. 76-8726 H.

The Angaiak case was a case brought by Legal Services on behalf of people in bush areas. The issue in the case was whether the Department of Health & Social Services had complied with the federal Food Stamp Program requirement that a state provide reasonable and convenient access to the program and inform people of the availability of the program. The court ruled that the Department of Health & Social Services had failed to completely comply with these requirements. The court then scheduled a trial to be held in various bush areas to determine the relief to be accorded plaintiffs. Prior to holding the bush hearings, however, we were able to enter into an agreement of settlement with Alaska Legal Services which disposed of the case.

After approval of the settlement agreement by the court, Legal Services submitted a bill for costs and attorneys' fees in the amount of approximately \$37,000.00. (Legal Services was entitled to costs and attorneys' fees because they were the prevailing party.)

Rather than pursuing through the courts our efforts to whittle down the costs and attorneys' fees bill, we entered into a stipulation with Legal Services that we would pay a total of \$24,000.00. This figure is to cover costs and attorneys' fees as well as the cost of notifying the class, as provided for in the settlement agreement. Notice to the class is expected to cost approximately \$2,000.00, so essentially we agreed to pay Legal Services \$22,000.00 in costs and attorneys' fees as opposed to the approximately \$37,000.00 which they sought.

Dick Pegues
August 23, 1978
Page Two

You will note that the attached stipulation provides that we will pay the \$24,000.00 out of a supplemental appropriation which we agreed to submit to the Legislature next session. We also agreed to exercise our best efforts to see that the supplemental is passed.

RMB/bl

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3 MIKE ANGAIK, et al.,
4 Plaintiffs,
5
6 v.
7 HELEN BEIRNE, et al.,
8 Defendants.

No. 76-8726 H

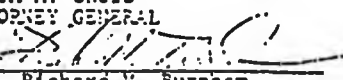
9 STIPULATION FOR COSTS AND ATTORNEYS' FEES

10 The parties, by and through their attorneys of
11 record, hereby stipulate and agree that in complete satis-
12 faction of any and all claims for costs and attorneys' fees
13 in this litigation, defendants will pay to plaintiffs'
14 counsel the total sum of \$24,000.00, said sum including
15 \$3,598.49 taxed against defendants as costs by the chief
16 deputy clerk on August 10, 1978, all claims for attorneys'
17 fees and all costs relating to the distribution of notice as
18 provided for in paragraph 32 of the Agreement of Settlement,
19 dated by the parties on May 12, 1978.

20 The parties further stipulate and agree that the
21 total of \$24,000.00 shall be paid from a supplemental appro-
22 priation to be submitted to the Legislature by the Department
23 of Law at the outset of the 1979 Legislative Session.
24 Counsel for defendants represents that the Department of Law
25 will exercise its best efforts to secure passage of the
26 above-referenced supplemental appropriation.

27 DATED at Juneau, Alaska, this 11th day of November,
28 1978.

29 AVRIE M. GROSS
30 ATTORNEY GENERAL

31 By: 
32 Richard W. Burnham
Assistant Attorney General

Attorneys for Defendants

1
2 DATED at Anchorage, Alaska, this 12 day of
3 August, 1978.

4 ALASKA LEGAL SERVICES CORP.

5 By: Richard Brown
6 Richard Brown

7 Attorneys for Plaintiffs

8
9
10 ORDER

11 IT IS SO ORDERED.

12 DATED: _____

13
14
15 _____
16 Superior Court Judge

STATE
OF ALASKA

MEMORANDUM

RECEIVED

NOV 7 1978

TO: Ron Lind, Director
Division of Budget & Management
Office of the Governor

DATE: November 6, 1978

FILE NO:

TELEPHONE NO:

FROM: Avrum M. Gross
Attorney General
By: *Richard I. Pegues*
Richard I. Pegues
Administrative OfficerSUBJECT: Supplemental Appropriation
Request - FY 79

The Department of Transportation & Public Facilities has requested that we seek a supplemental appropriation to buy back property which was sold by the State without proper title. This will permit the State to exchange titles with the City and Borough of Juneau and provide necessary state right-of-way for a part of the Juneau International Airport access route.

The original sale was made in 1973 and the purchaser has agreed to sell back the property at its original 1973 purchase price.

DOT/PF has advised us that the proceeds of the 1973 sales transaction were deposited in the State's general fund and that neither general funds nor capital improvement funds are available at this time with which to repurchase the property.

All of the parties are agreeable to the repurchase and transfer of title and have further agreed to wait until the legislature has considered a supplemental appropriation request for this purpose.

A supplemental appropriation will avoid the expense of litigation and allow the conveyance of the property at pre-inflationary 1973 prices. In view of the obvious savings to the State, we urge the BRC's approval of this request and its submittal to the legislature.

RIP:chw

MEMORANDUM

TO: [Wil Condon
Deputy Attorney General
Department of Law

DATE: November 3, 1978

FILE NO:

TELEPHONE NO:

FROM: William F. Cummings *W.F.C.*
Legal Assistant
Department of Law
Transportation Section

SUBJECT: Airport Spur Road, Dis-
posal of Excess Right of
Way to Marshall and Vivian
Erwin, J-66-600-78

Please consult the attached correspondence between the Department of Law and the Department of Transportation and Public Facilities in regard to the sale of excess land captioned above.

In 1973 the Department of Highways conveyed a tract of land adjacent to the Juneau International Airport to Marshall and Vivian Erwin. As I outlined in my August 1, 1978, memorandum to the Department of Transportation and Public Facilities, the State probably did not have title to the tract. The City is now asserting its claim to title against the State and Mrs. Erwin. To avoid litigation, a settlement was negotiated by which the land would be conveyed back to the State for the payment of \$14,100, the 1973 purchase price without interest. The State and the City and Borough of Juneau would then exchange deeds which would result in the State having only the rights of way necessary to provide access to the Juneau International Airport.

I recommended acceptance of the proposed settlement and requested that the Department of Transportation and Public Facilities provide the \$14,100 out of its operating funds. DOT/PF concurred in my analysis, but was not able provide the funding because the purchase price in 1973 was credited to the general fund. Hence a legislative appropriation will be necessary to make the payment.

By its memorandum of October 25, 1978, DOT/PF requested that the Department of Law seek a special appropriation from the Legislature to provide the \$14,100 to resolve the dispute. I would appreciate it if you would advise me of the appropriate procedures that are to be followed in requesting a special appropriation of this kind.

Attached you will find a settlement agreement signed by counsel for the respective parties, which settles the dispute contingent on legislative funding.

WFC:sll

Attachments

ALASKA

MEMORANDUM

AUG 22 1978

DATE	August 21	1978
FILE NO.		
Commissioner		
Deputy Commissioner		
Asst. Dir.:		
Administration		
Aircraft		
Construction		
Design		
Engineering		
Finance		
General Services		
Highways		
Maintenance		
Records & Comm.		
Safety		
Traffic		
Transportation		
Training		
Public Affairs		
Property & Equip.		
Personnel		
Psychol.		

TO: [Donald Harris
 Commissioner
 Department of Transportation
 and Public Facilities

TELEPHONE NO:

FROM: William F. Cummings
 Legal Intern
 Department of Law
 Transportation Section



SUBJECT: Juneau Airport Spur Road,
 Disposal of Excess Right
 of Way to Marshall and
 Vivian Erwin, J-66-600-78

In June 1973 the Department of Highways conveyed by Commissioner's Quitclaim Deed a tract of land in Juneau to Marshall and Vivian Erwin for \$14,100. The tract is adjacent to the Glacier Valley Supermarket. It was considered excess land to needs of the right of way for the Juneau Airport Spur Road. A copy of that deed and plat is attached. As it turns out the State very likely did not have title to the tract.

In 1953 the City of Juneau was quitclaimed the Juneau Airport by the federal government. The deed included the land conveyed to the Erwins by the State in 1973 and was subject to the rights of way necessary to provide access to the airport. The State acquired its interest in the right of way for the airport spur under a quitclaim deed in 1959 from the federal government which conveyed various roads, highways and other public lands to the State.

On the strength of their deed from the State, Mrs. Erwin and her late husband made certain improvements. The City and Borough of Juneau is now asserting its claim to title against Mrs. Erwin and the State.

The City and Borough's motivation is two fold. Firstly, it desires to protect its property interest in the tract itself. Second, each time that it applies for federal funds for airport improvement, it must certify to the Federal Aviation Administration that the airport site is free from encumbrances of others, which is impossible with the conveyance from the State to the Erwins on the public record.

Mrs. Erwin is now caught in the middle between the State and the City and Borough. If she desires to retain the land, she must either pay the City and Borough for the land or join in a lawsuit to prove the validity of the State's title. She has taken the alternative position of offering to convey the parcel back to the State for \$14,100 without interest from 1973.

Donald Harris
Commissioner

August 21, 1978

-2-

The result of Mrs. Erwin's conveyance back to the State would be a return to the status of 1973. That is, there would be an access road to the Juneau Airport and neither the City and Borough nor the State would be able to accurately describe their respective interests in the road and the adjacent land. To resolve this confusion as a part of the settlement with Mrs. Erwin, the City and Borough of the State would combine their engineering and title data and adjust their respective interests reflecting the right of way requirements of the access road. In this way there can be no disputes of this type in the future.

If the State elects not to follow this course of action, it will be required to defend a very complex suit. It is very questionable whether or not the State could prevail. The litigation would be exceedingly expensive in terms of expert witnesses which would be employed on both sides, legal fees and court time. In the event that the City and Borough were to prevail, the State would be liable for plaintiff's expenses as well as its own.

I recommend that the Department of Transportation and Public Facilities accept Mrs. Erwin's offer and provide the \$14,100 out of its operational funds to stop this potential lawsuit. It is not in the public interest to pursue a course of action that will most certainly result in litigation, when so very little is at stake.

WFC:sll

Attachments

MEMORANDUM



TO: Avrum M. Gross
Attorney General
Department of Law
Juneau

DATE: October 25, 1978

FILE NO: 000H

TELEPHONE NO: 364-2121 Ext.

FROM: Don Harris
Commissioner
Department of Transportation
and Public Facilities
Juneau

SUBJECT: Juneau Airport Spur Road
Disposal of Excess Right of
Way to Marshall and Vivian
Erwin, J-66-600-78

Reference is made to the attached memorandum from Mr. William Cummings of your office. Based on Mr. Cummings analysis of our position, we concur in his recommendation to accept Mrs. Erwins offer to reconvey the property.

The \$14,100 received from the Erwins in 1973 was credited to the general fund. Therefore, it is requested that your office seek a special appropriation from the Legislature to resolve the dispute.

cc: Director, Right of Way, Lands, Leasing &
Equipment Fleet.

HNW/pr

Attachment: as stated

SETTLEMENT AGREEMENT

The parties to this agreement are:

- 1: State of Alaska
- 2: City and Borough of Juneau, Alaska
- 3: Vivian Erwin, Linda Burling, and Marsha Bennett, the successors in interest to Marshall F. Erwin and Vivian Erwin to that tract of land conveyed by Commissioner's Quitclaim Deed on June 21, 1973, of which a copy is attached and incorporated into this agreement.

By and through their respective counsel, it is agreed between the parties that:

1. The land conveyed by the State to Marshall F. Erwin and Vivian Erwin will be conveyed back to the State of Alaska by their successors in interest free of any encumbrances created after June 21, 1973.
2. The State of Alaska shall pay within 45 days of the receipt of the deed referenced in paragraph 1 above, \$14,100 to the successors in interest of Marshall F. Erwin and Vivian Erwin. \$14,100 is the price paid for the land in 1973. No interest from that date will be paid by the State of Alaska nor is any expected by successors in interest of Marshall F. Erwin and Vivian Erwin.
3. Upon conveyance of the interest of the successors in interest of Marshall F. Erwin and Vivian Erwin the State of Alaska shall disclaim ^{by quitclaim deed} any interest it has in the Juneau International Airport as defined by the plat prepared by Malcolm Menzes in January 1978 for the City and Borough of Juneau, except for the rights-of-way necessary to provide access

L.C.
SS.

/////

PHONE 483220

1 along Shell Simmons Road. The City and Borough of
2 Juneau agrees to convey to the State of Alaska the
3 rights-of-way necessary for access along Shell
4 Simmons Road.

- 5 4. The State of Alaska is not obligated to pay \$14,100
6 to the successors in interest of Marshall F. Erwin
7 and Vivian Erwin until a supplemental appropriation
8 has been made by the Alaska Legislature. The
9 State of Alaska agrees to submit a request for a
10 special appropriation to the legislature for
11 consideration during the session commencing in
12 January 1979.
- 13 5. Any conveyance from the City and Borough of Juneau
14 to the State of Alaska must be approved by the
15 Assembly of the City and Borough of Juneau.

16
17 DATED this 2nd day of November, 1978.

18
19 By: Donna Page
20 Donna Page For the
21 City and Borough of Juneau

22 DATED this 2nd day of November 1978.

23 By: N. C. Banfield
24 N. C. Banfield
25 For the successors in
26 interest of Marshall F.
27 Erwin and Vivian Erwin.

28 DATED this 21st day of November, 1978.

29 AVRUM M. GROSS
30 ATTORNEY GENERAL
31 By: William S. Hummer
32 Assistant Attorney General
For the State of Alaska

COMMISSIONER
QUITCLAIM DEED

THE GOVERNOR, State of Alaska, Department of Highways, for and in consideration of Fourteen Thousand Five Hundred and no/100 (\$14,500.00) conveys and quitclaims to RAMSDELL F. ELLIOT and VIVIAN U. ELLIOT, his wife, as tenants by the entirety with full rights of survivorship, GRANTEES, all interest which it has, if any, in the following described real estate situated in the State of Alaska, to wit:

That portion of the dedicated Airport Access Road Right of Way lying adjacent to and parallel with the westerly boundary of Tract 1, more commonly known as the Glacier Village Shopping Center, within a fractional subdivision of U.S. Survey No. 381, within the City and Borough of Juneau, First Judicial District, State of Alaska, more particularly described as follows:

beginning at the Southwest Corner of said Tract 1, a brass capped iron post buried 10 inches deep; thence West a distance of 60.00 feet to the westerly line of said Airport Access Road right of way; thence north along said westerly right of way line a distance of 125.54 feet; thence N. 6° 10' 30" E. a distance of 407.13 feet; thence S. 76° 45' 45" E. a distance of 10.00 feet to the northwest corner of said Tract 1; thence South along the westerly boundary of said Tract 1 a distance of 507.67 feet to the point of beginning.

The hereinabove described tract of land contains 0.517 of an acre, more or less, as shown on the plat attached hereto and reads a part hereof.

Subject to all easements and rights of way granted for any purpose whatsoever by the Grantors or their predecessors in interest to any other party or person, which appear of record in the office of the Recorder for the Juneau Recording District of Alaska.

Dated this 21st day of June, 1973.

State of Alaska, Department of Highways

B. A. Campbell
B. A. Campbell
Commissioner of Highways.

ACKNOWLEDGEMENT OF COMMISSIONER

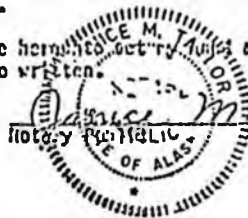
STATE OF ALASKA)
First Judicial District)

BE IT REMEMBERED THAT on this 21st day of June, 1973, before me, the undersigned, a notary public of the State of Alaska, personally appeared B. A. Campbell, Commissioner of Highways, known to me to be the identical person who executed the foregoing instrument and he acknowledged to me that he executed the same for and on behalf of the State of Alaska, Department of Highways, with full authority so to do, and for the uses and purposes therein expressed.

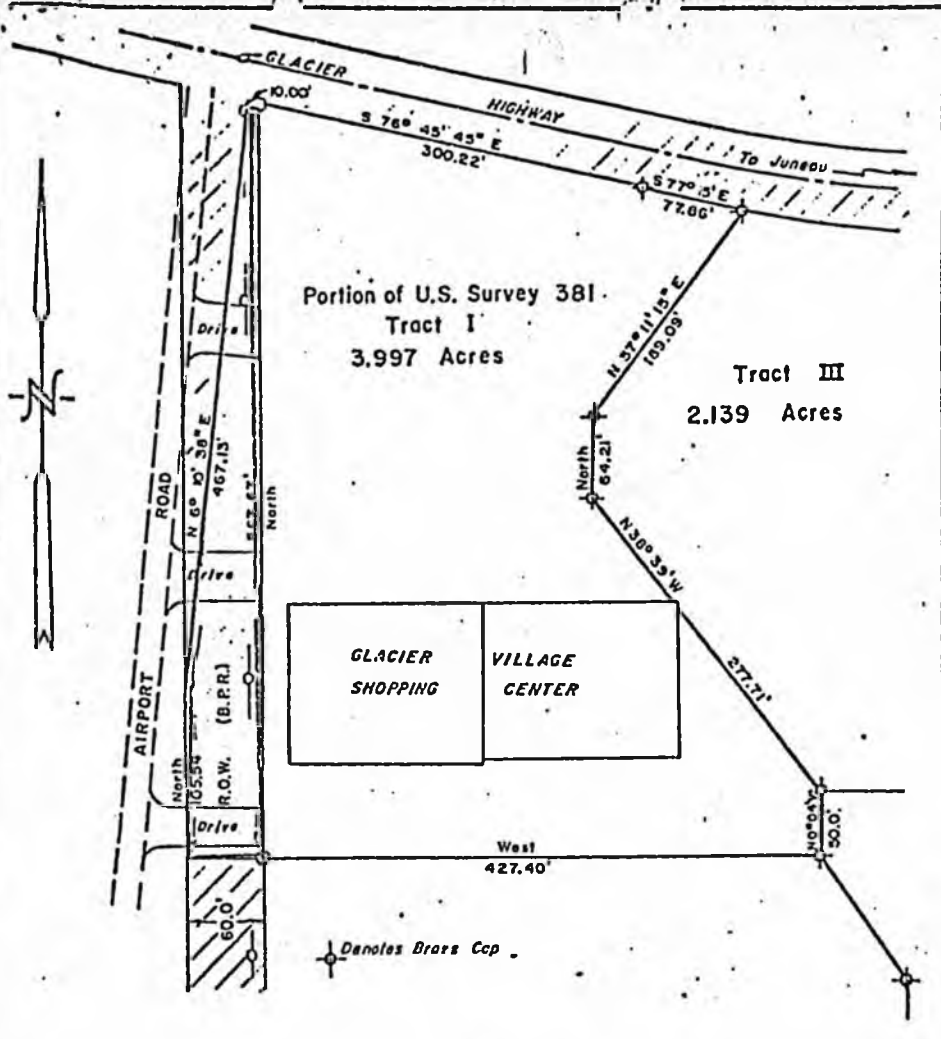
In WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year above written.

My Commission Expires

May 29, 1976



James M. Taylor



		STATE OF ALASKA DEPARTMENT OF HIGHWAYS	
		PLAT SHOWING RIGHT OF WAY REQUIRED	
SIGNATURE	DATE	DISTRICT Southeastern	AREA 0.517 Acres
ATTACHED TO O.C.D.	DATED 6/21/72	SCALE 1" = 100'	PROJECT F.A.P. 958
PAGE 2	OF 2	DWN. G.E.P. DATE 3/73	RLO-958-002-3

official seal this day and year above written.

By Commission Expires

July 22, 1976
Commission Expires



James M. Taylor

STATE
of ALASKA

MEMORANDUM

RECEIVED

JAN 08 1979

Budget And Management

TO: Ron Lind, Director
Division of Budget & Management
Office of the Governor

DATE: January 8, 1979

FILE NO:

TELEPHONE NO:

HB 91

FROM: Avrum M. Gross
Attorney General
By: *Richard I. Pegues*
Richard I. Pegues
Administrative Officer

SUBJECT: FY 79-Supplemental

This is to summarize the Department of Law's Supplemental Appropriation requests for FY 79. Supplemental funds are being requested for the following reasons and purposes:

- 1. Extraordinary expenses caused by the contested 1978 State Primary Election - \$61.0
- 2. DOT/PF Knik River Road settlement - 5.0
- 3. DOT/PF Juneau Airport access - 14.1
- 4. Alaska Legal Services judgment in Angaiak v. Beirne - 24.0

TOTAL REQUEST \$104.1

RIP:chw

All one

RECEIVED

JAN 08 1979

TO: Ron Lind, Director
Division of Budget & Management
Office of the Governor

DATE: January 8, 1979 Budget And Management

FILE NO:

TELEPHONE NO:

FROM: Avrum M. Gross
Attorney General

SUBJECT: Supplemental Appropriation
Request - Elections Case

By: *Richard I. Pegues*
Richard I. Pegues
Administrative Officer

The Department of Law experienced several extraordinary out-of-pocket expenses defending the state when the August primary election was contested. In order to defend against the election contest suits, it was necessary for the department to: conduct the first ever audit of a statewide election; investigate and respond to more than 100 plaintiff affidavits alleging malconduct; prepare an exhaustive evidentiary affidavit outlining the actual administration of the election, down to the precinct level; arrange for and provide a statistical model of the election; and research and write a comprehensive legal brief on Alaskan and United States election law which addressed the disputed election. This work required a mammoth effort on the part of the department, and it was successfully completed within very severe time limits. During various stages of this undertaking, as many as twenty attorneys were engaged in the case. Work proceeded on an around-the-clock basis and, as a result, the primary election was upheld and the general election was conducted on schedule.

Extraordinary expenses which were necessary for the conduct of the election litigation, and for which the department seeks a supplemental appropriation, were as follows.

1. Staff travel was required primarily between Anchorage and Juneau during the audit phase of the litigation and several trips were made throughout the state for on-site investigations of plaintiff allegations. Travel was also made to New York and Washington, D.C. to arrange for a statistical election model and expert witnesses in elections administration. All travel authorizations necessitated by the elections cases were identified and totaled \$17,531.96.

2. Contractual Services. The state employed the outside professional services of Michael Finkelstein, together with Professors Robbins and Levine, who are nationally recognized experts in the field of elections statistical analysis, to construct an elections model of the August primary election. The state also retained the services of Richard Smolka of American University, Washington, D.C., who is likewise a recognized expert in elections administration. Lastly, the professional services of Jan Beck, a Seattle handwriting and documents examiner expert, were used to verify the integrity of the actual documents used in the primary election. The costs for these expert services were: Finkelstein - \$30,000; Smolka - \$697.50; Beck - \$3030.67.

Other contractual services costs were for printing and duplicating, \$1974.20, deposition services; \$2786.37, and long distance toll charges which totaled \$5,000 above the normal costs for the combined period of September and October.

Total contractual costs, above those anticipated and budgeted for in FY 79, were \$43,488.74. Although several hundred overtime hours of attorney time was worked, attorneys are salaried members of the partially exempt service and their overtime was at no additional expense to the state. Overtime, in the total amount of \$2924.15, was paid to several legal secretaries, some of whom put in sixteen plus hour days without complaint. The department does not seek supplemental monies for this unbudgeted overtime, but will instead cover these costs through vacancy savings. Similarly, there were several miscellaneous expenses which should more appropriately be absorbed in the department's FY 79 budget authorization and are therefore not reported here.

The extraordinary expenses that are listed here are over and above those included in our FY 79 budget. They are of such magnitude that, unless supplemental funds are provided, a very serious decrease in the available level of legal services will occur. Considering the department's activities, the regular authorization in general fund travel is modest. Travel funds from this source are limited to litigation activities and field administrative trips by top administrators. Travel to provide other agencies with legal

①
Ron Lind, Director
Budget & Management

()
January 8, 1979

- 3 -

advice at meetings and seminars is already being paid by the requesting agencies. Our shortfall here, after the elections case, is equal to slightly more than two months of our planned attorney litigation and administrative travel.

The professional services contracts, telephone and duplicating greatly exceed our budgeted amounts and will severely impact future litigation services. We are already committed to a contract for outside counsel due to a conflict of representation and must find enough resources to adequately fund outside legal counsel assistance in the state's suit against President Carter's use of the Antiquities Act. Although the D(2) Steering Council has agreed to help us in this regard, the \$50,000 they may have available may prove to be wholly inadequate. With the amount of funding which has already been expended in the elections contest, it will be nearly impossible to acquire any additional outside counsel services, whatever their need. If a statewide supplemental is not forthcoming to fund the RCA rate increase for FY 79, our existing commitments will slightly exceed our current authorization by the time all of the bills become due and payable. The unexpected use of our contractual funds for the elections case so early in the fiscal year will mean that funds needed for additional professional services and expert witnesses will not be available. The funds currently authorized are based upon our historical need for outside counsel and, given the present number of complex disputes in which the state is engaged, particularly in the areas of lands and oil and gas revenues, the need for specialized legal services will not be declining. Approval of this supplemental request will insure that legal services requiring outside assistance will not be curtailed.

The Department of Law therefore requests the BRC's approval of a supplemental appropriation and its transmittal to the legislature to increase our general fund travel authorization by \$17,500 and to increase our contractual services authorization by \$43,500.

RIP:as

	FY 77 ACTUAL	FY 78 FINAL AUTH.	FY 78 ACTUAL	FY 79 GOV. BUDGET	FY 79 INITIAL AUTH.	FY 79 CURRENT AUTH.	EXPENDITURES + ENCUMBRANCES 7/1/-11/30	OTHER OBLIGATIONS 7/1/-11/30	PROJECTED EXPENDI- TURES + ENCUMBRANCES 12/1-6/30	FY 79 201 And M (DEFICIT) OR EXCESS	FY 79 201 CONTINUAT
PERSONAL SERVICES	2773.6	3273.2	3201.0	3500.5	3243.6	3556.0	1344.8		2211.2		3451.6
TRAVEL	112.1	109.5	120.6	172.1	137.7	162.2	82.6		97.1	(17.5)	146.0
CONTRACTUAL SERVICES	987.1	598.6	503.4	603.3	524.7	552.5	317.6	74.5	203.9	(43.5)	629.8
COMMODITIES	44.3	40.4	45.8	44.3	42.3	42.6	16.9		25.7		44.8
EQUIPMENT	7.5	6.5	5.7	24.1	22.0	30.3	10.5	12.4	7.4		7.0
LANDS, BLDG. ...	8.6	8.6	9.9	9.6	9.6	9.6	9.6				9.6
GRANTS, CLAIMS, ...	294.6	15.0	17.0	15.0	15.0	15.0	11.3	43.1	3.7	(43.1)	15.0
MISCELLANEOUS											
TOTAL	4227.8	4051.8	3903.4	4368.9	3994.9	4368.1	1793.3	130.0	2549.0	(104.1)	4.8
FEDERAL RECEIPTS				263.0							
REQUIRED GF MATCHING											
OTHER GENERAL FUND	3105.9	2506.3	2475.9	2678.5	2647.5	2785.8	1169.8	85.6	1634.5	(104.1)	2912.5
INTER-AGENCY RECEIPTS	1121.9	1545.5	1427.5	1427.4	1347.4	1582.4	623.5	44.4	914.5		1391.3

AGENCY: LAW BRU: Legal Services COMPONENT: Legal Services REVISED: _____

STATE
of ALASKA

MEMORANDUM (4)

R.L.
DEC 7 1979
OFFICE OF THE ATTORNEY GENERAL

TO: Ron Lind, Director
Division of Budget & Management
Office of the Governor

DATE: December 7, 1979

FILE NO:

TELEPHONE NO:

FROM: Avrum M. Gross
Attorney General

By: *Richard I. Pegues*
Richard I. Pegues
Administrative Officer

SUBJECT: Supplemental Appropriation Request-
FY 79

NB91

The Department of Transportation and Public Facilities has requested that we seek a supplemental appropriation of \$5,000 to satisfy a stipulation which settles a long-time inverse condemnation dispute. This dispute arose when the State unknowingly took possession of nine acres of privately owned land during construction of the Knik River Road due to a change in the homestead survey lines.

A copy of the stipulation, as well as copies of memoranda which detail the benefits of the stipulation agreement, are attached for your review.

The Department of Transportation advises that the initial project was one funded from the General Fund and that the original appropriation has long since lapsed. They have therefore asked that Legal Services request a supplemental appropriation to satisfy the settlement.

RIP:chw

Attachments

STATE
of ALASKA

RECEIVED

Department of Law
Juneau, Alaska

NOV 24 1978

MEMORANDUM

*Peterson*AM PM
7:9,10,11,12,1,2,3,4,5,6

TO: Arthur H. Peterson DATE: November 20, 1978
 Legislation & Regulations Section
 Juneau AGO FILE NO.

FROM: *RAK* Ross A. Kopperud, AAG TELEPHONE NO.
 Transportation Section SUBJECT: Laux v. State
 Anchorage AGO Civil Action 74-7374G
 Parcel 33
 Project No. X-12740
 "Knik River Road"

Bill Mellow's secretary, PJ, indicated that I should send you the settlement documents in the above referenced case in order to get an appropriation from the legislature to satisfy this settlement. In terms of dollars this is a very good settlement for the State. The Department of Transportation personnel in Juneau indicated that there are no funds available to pay this inverse condemnation settlement. With this in mind, would you take whatever action is necessary in order to get the \$5,000 principal sum to satisfy this settlement with 8% interest from November 1, 1978 until it is paid on the \$5,000 sum. I have enclosed the Stipulation of Settlement, and attachments, amendment one to Stipulation of Settlement, the memorandum from Jack Bodine to Ross A. Kopperud dated October 30th, 1978 indicating the status of the settlement of this inverse condemnation within the Department of Transportation and the supporting documentation in the form of a memorandum from Ross A. Kopperud to Jack Bodine regarding the reason why the case was settled. If you should need additional information in order to get an appropriation from the legislature to satisfy this settlement, please contact me at your earliest convenience.

Thank you.

RAK/smk

encl.: as stated

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3 EDWARD F. LAUX,)

4 Plaintiff,)

5 vs.)

6 STATE OF ALASKA,)

7 Defendant.)

8 No. 74-7374G

9 STIPULATION FOR SETTLEMENT

10 IT IS STIPULATED AND AGREED BY AND BETWEEN THE
11 PARTIES HERETO AS FOLLOWS:

12 1. On or about March 28, 1972, the State of Alaska
13 involuntarily condemned a parcel of land owned by the named plain-
14 tiff. Said parcel is fully described in Schedule "A" attached
15 and forms a part of the State of Alaska, Department of Transpor-
16 tation and Public Facilities, right-of-way in Project
17 No. X-12740 "Knik River Road".

18 2. Upon the execution of this stipulation, and in
19 consideration thereof, the defendant will deposit into the
20 registry of this Court, the sum of five thousand dollars
21 (\$5,000.00) payable to the Clerk of the Court for the benefit
22 of the plaintiff.

23 3. In consideration of the payment of the five
24 thousand dollars, the plaintiff Edward F. Laux agrees to
25 execute a warranty deed to the State of Alaska, Department of
26 Transportation and Public Facilities for the nine-acre parcel
27 described in Schedule "A".

28 4. The plaintiff accepts the warrant issued in the
29 amount of five thousand dollars as full, complete, and just
30 compensation for the condemnation and any and all damages arising
31 out of, or resulting therefrom, and does hereby waive any and
32 all claims for interest, attorney fees, and any other costs
33 whatsoever now, or in the future.

34 5. The plaintiffs release the defendant, its

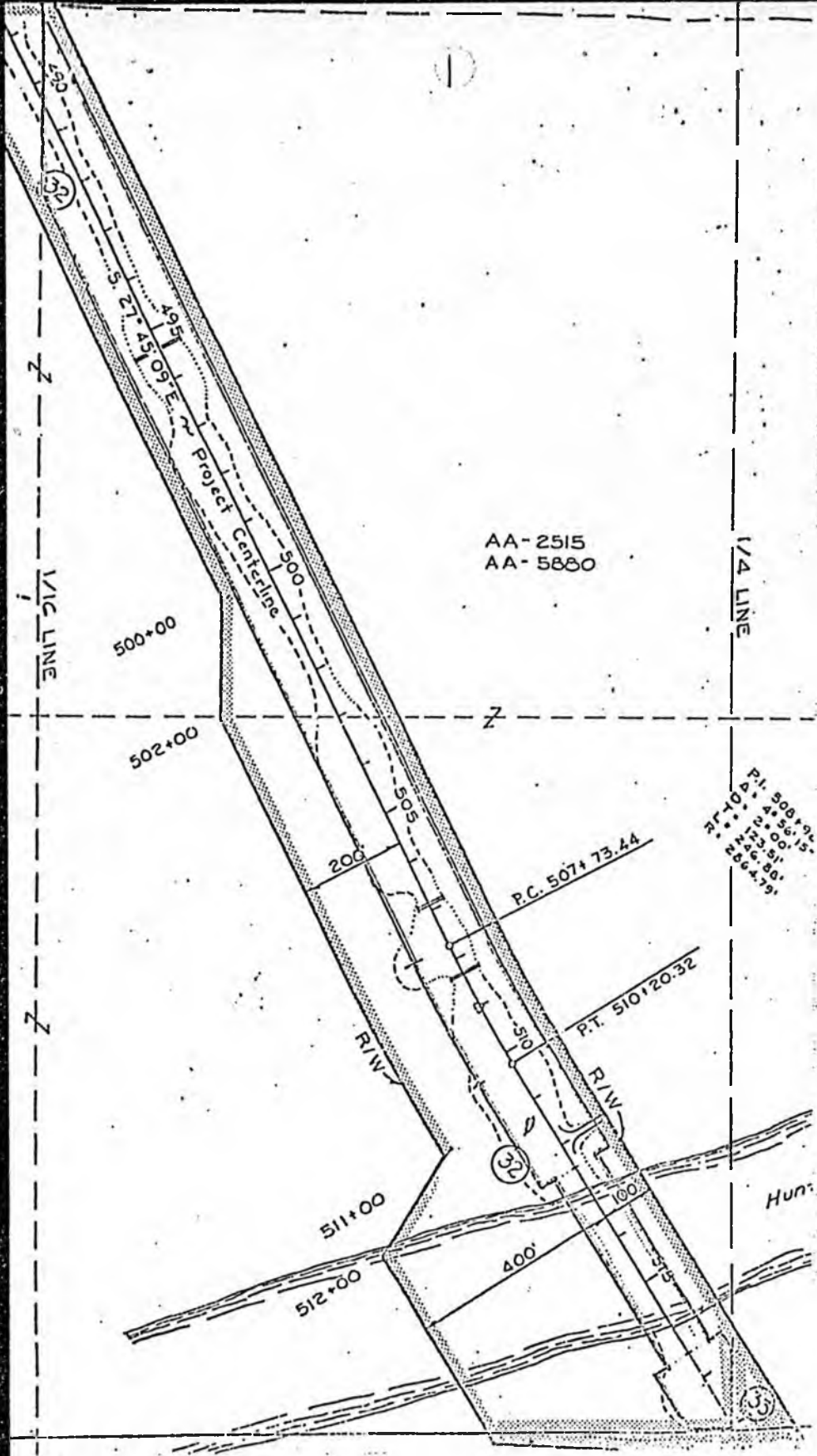
TRACT DESCRIPTION

A strip of land within the E 1/2 SW 1/4 of Section 30, Township 16 North, Range 4 East, Seward Meridian, Anchorage Recording District, Third Judicial District, State of Alaska, said strip being 150 feet wide, 75 feet on each side of centerline except from Station 512+50 to 516+50 where the strip is 100 feet wide, 50 feet on each side of the following described surveyed centerline of State Project No. X-12740.

Beginning at the 1/4 corner common to Section 25 T.16 N., R.3 E., and Section 30, T.16 N., R.4 E., thence N.00°59'32"W. along the section line a distance of 1063.65 feet; thence S.75°01'17"E. a distance of 490.22 feet; thence S.27°45'09"E. a distance of 1257.27 feet to the true point of beginning, said point is the intersection of State Highway Project X-12740 and the West boundary of said E 1/2 SW 1/4, Section 30, T.16 N., R.4 E., bearing S.01°08'59"E. from the C-W 1/16 corner a distance of 197.72 feet; thence S.27°45'09"E. along the centerline of Project X-12740, a distance of 1727.60 feet to the point of curvature; thence along a curve to the left (radius equals 2864.79 feet) through an arc of 4°56'15" a distance of 246.83 feet to the point of tangent; thence S.32°41'24"E. a distance of 229.68 feet to said Station 512+50; thence S.32°41'24"E. a distance of 400.00 feet to said Station 516+50; thence S.32°41'24"E. a distance of 168.87 feet to the ending point of this strip description. Said point being the intersection of the centerline of Project X-12740 and the South boundary of the E 1/2 SW 1/4, Section 30, T.16 N., R.4 E. said point bearing S.88°47'39"W. from the 1/4 corner common to Sections 30 and 31, T.16 N., R.4 E., a distance of 8.74 feet.

Containing 8.970 acres, more or less.

SCHEDULE "A"



AA-2515
AA-5880

PI. 508+94.5
456+15.5
223+51.0
216+86.0
256+79.0
401+LR

P.C. 507+73.44

P.T. 510+20.32

Hun:

WARRANTY DEED

THE GRANTOR _____

for and in consideration of _____

_____ DOLLARS

in hand paid, conveys and warrants to the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, the following described real estate, located in the State of Alaska, to wit:

A strip of land within the E 1/2 SW 1/4 of Section 30, Township 16 North, Range 4 East, Seward Meridian, Anchorage Recording District, Third Judicial District, State of Alaska, said strip being 150 feet wide, 75 feet on each side of centerline except from Station 512+50 to 516+50 where the strip is 100 feet wide, 50 feet on each side, of the following described surveyed centerline of State Project No. X-12740.

Beginning at the 1/4 corner common to Section 25 T.16 N., R.3 E., and Section 30, T.16 N., R.4 E., thence N.00°59'32"W. along the section line a distance of 1063.65 feet; thence S.75°01'17"E. a distance of 490.22 feet; thence S.27°45'09"E. a distance of 1257.27 feet to the true point of beginning, said point is the intersection of State Highway Project X-12740 and the West boundary

E 1/2 SW 1/4, Section 30, T.16 N., R.4 E., bearing S.01°08'59"E. from .. 1/16 corner a distance of 197.72 feet; thence S.27°45'09"E. along the centerline of Project X-12740, a distance of 1727.60 feet to the point of curvature; thence along a curve to the left (radius equals 2864.79 feet) through an arc of 4°56'15" a distance of 246.88 feet to the point of tangent; thence S.32°41'24"E. a distance of 229.68 feet to said Station 512+50; thence S.32°41'24"E. a distance of 400.00 feet to said Station 516+50; thence S.32°41'24"E. a distance of 168.87 feet to the ending point of this strip description. Said point being the intersection of the centerline of Project X-12740 and the South boundary of the E 1/2 SW 1/4, Section 30, T.16 N., R.4 E., said point bearing S.88°47'39"W. from the 1/4 corner common to Sections 30 and 31, T.16 N., R.4 E., a distance of 8.74 feet.

Containing 8.970 acres, more or less.

Dated this _____ day of _____, 19____

ACKNOWLEDGEMENT OF GRANTOR

STATE OF ALASKA

ON THIS _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the said State, personally appeared _____

He Grantor, known to me to be the identical person who executed the foregoing instrument and he acknowledged to me that he signed the same as _____ free and voluntary act and deed, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

My Commission Expires:

Notary Public

Project No. X-12740

Parcel No. 33

Jack T. Dodine
Chief, Right-of-Way
Land Acquisition &
Leasing
DOT/PP

October 9, 1978

Ross A. Kopperud
Assistant Attorney General

Laux v. State
C.A. 747374G
Project No. X-12740
Parcel 33
Knik River Road

Please find attached a Stipulation of Settlement for Edward Laux's inverse condemnation claim against the State of Alaska. As you may recall, the State originally thought that it had acquired only 0.650 of an acre. If we had maintained a right-of-way claim consistent with our right-of-way plans, then we would have taken 20.0 acres, plus or minus, of Laux's property. The change in the amount of property taken was initially caused by a change in the homestead survey lines which resulted in a greater portion of the highway going through Laux's property.

By stipulation of settlement, the State agreed to take a right-of-way of a lesser width, 75 feet each side of the centerline, except for the Hunter Creek area where we took 50 feet each side of centerline. This equals a total take area of 9 acres more or less. The total amount of the settlement is \$5,000.00 which includes interest, costs, attorneys fees, as well as compensation and damages for the taking. The settlement is very close to the amount I originally offered.

I had initially offered \$4,450.00 based on \$300.00 an acre for nine acres (\$2,700.00), plus .06 percent per annum interest for seven years under AS 09.55.440 of approximately \$1,100.00 plus Civil Rule 82 attorney's fees without trial at \$650.00.

The \$300.00 an acre figure is based on the settlements the State negotiated with the neighboring property owners. Those settlements ran from \$150.00 to \$180.00 an acre. Other parcels along the road settled for as much as \$600.00 an acre such as the Simpson and Binger parcels.

I believe the settlement is quite favorable to the State for the following reasons:

1. The State did not have an appraisal of the property. I doubt that the State could have gotten a competent fee appraiser for under \$5,000.00.

Memo to Jack T. Dodine
October 9, 1978
Page 2

2. There is an uncertainty as to the date of valuation. There is an argument, to the effect, that the date of trial is the date of valuation, hence we may have been subject to a later and presumably higher valued comparable sales for the subject. I would guess that property in the area sells for \$1,500.00 to \$3,000.00 an acre at present.
3. The road bisects the property and leaves a very steep cut bank along the south side of the road. I believe this may have exposed the State to a sizable claim for severance damages to both remainders due to the effects of the road.
4. Laux also made a claim for materials which were used from the cut area. This is a weak claim, but it may have had some merit if it were expanded to the Hunder's Creek stream bed which he owns as this is not a navigable stream.

If this settlement meets with your approval, please have finance issue a warrant payable to the Clerk of Court, Third Judicial District, for the benefit of Edward F. Laux, in the amount of \$5,000.00.

If you should have any questions please call me.

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3 EDWARD F. LAUX,

4 Plaintiff,

5 vs.

6 STATE OF ALASKA,

7 Defendant.


8 Civil Action No. 74-7374 G

9
10 AMENDMENT ONE TO LAUX
11 STIPULATION OF SETTLEMENT

12 It is further stipulated and agreed that the
13 settlement amount of \$5,000.00 will bear interest at the
14 rate of eight (8) percent per annum from November 1, 1978
15 until it is paid.

16 DATED at Anchorage, Alaska, this 14th day of
17 November, 1978.

18 AVRUM H. GROSS
19 ATTORNEY GENERAL

20 
21 John W. Hendrickson
22 Attorney for Plaintiff
23 Edward F. Laux

24 By: Rosa A. Kopperud
25 Ross A. Kopperud
26 Assistant Attorney General

27 ORDER

28 IT IS SO ORDERED.

29 DATED: _____

30 _____
31 SUPERIOR COURT JUDGE
32
33
34

COMMITTEE REPORT

SENATE

3/17/79

FURTHER: None

Date: April 9, 1979

Mr. President:

The Committee on FINANCE has had CSHB 91 am
supplemental appropriation to the Department of Law

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CS HR 91 am same title
 new title
- and recommends Individual Act.
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

James No Rec
Ken ... No Rec
Sherrill ...
Gene Hackney NO REC
Paul Kay NO REC
Holman " "



CHAIRMAN

Original sponsor: Rules/Governor

Funding Information

General Funds \$177,800
Other Funds -0-
\$177,800

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 91

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making appropriations to the Departments of
7 Law, Health and Social Services, Community and Regional
8 Affairs, and the office of the ombudsman; and providing
9 for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$104,100 is appropriated from the general fund to
12 the Department of Law, legal services, for the fiscal year ending June 30,
13 1979, to be allocated as follows:

14	Expenses incurred due to contested	
15	1978 primary election	\$61,000
16	Court costs and attorney fees in	
17	Angalak v. Beirne	24,000
18	Right-of-way settlement for access route	
19	to Juneau International Airport	14,100
20	Right-of-way settlement for Knik River	
21	Road	5,000

22 * Sec. 2. The sum of \$15,000 is appropriated from the general fund to the
23 Department of Health and Social Services, public health administration, to be
24 paid as a grant to the Fairbanks Breast Cancer Center.

25 * Sec. 3. The sum of \$26,100 is appropriated from the general fund to the
26 Department of Health and Social Services, division of corrections, to pay
27 expenses of back payments to six employees resulting from an arbitration
28 award.

29 * Sec. 4. The sum of \$24,000 is appropriated from the general fund to the

1 Department of Community and Regional Affairs to be paid as a grant to the
2 City of McGrath for a full-time police officer.

3 * Sec. 5. The sum of \$8,600 is appropriated from the general fund to the
4 office of the ombudsman for payment of additional communication costs for the
5 fiscal year ending June 30, 1979.

6 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
7 070(c).

Original sponsor: Rules/Governor

Offered: 3/15/79

Referred: Rules

Funding Information

General Funds \$104,100

Other Funds -0-

\$104,100

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 91

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a supplemental appropriation to the

7

Department of Law; and providing for an effective

8

date."

9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10

* Section 1. The sum of \$104,100 is appropriated from the general fund to

11

the Department of Law, legal services, for the fiscal year ending June 30,

12

1979, to be allocated as follows:

13

Expenses incurred due to contested

14

1978 primary election

\$61,000

15

Court costs and attorney fees in

16

Angaiak v. Beirne

24,000

17

Right-of-way settlement for access route

18

to Juneau International Airport

14,100

19

Right-of-way settlement for Knik River

20

Road

5,000

21

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

22

070(c).

23

24

25

26

27

28

29

Funding Information:
General Funds: \$104,100
Other Funds: -0-
\$104,100

Introduced: 1/29/79
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 91

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Law; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$104,100 is appropriated from the general fund
11 to the Department of Law, Legal Services, to be allocated as follows:

12	Expenses incurred due to contested	
13	1978 primary election	\$ 61,000
14	Court costs and attorney fees in	
15	Angaiak v. Beirne	24,000
16	Right-of-way settlement for access	
17	route to Juneau International	
18	Airport	14,100
19	Right-of-way settlement for Knik	
20	River Road	5,000

21 * Sec. 2. The unexpended and unobligated portion of the appropriation
22 made in sec. 1 of this Act lapses June 30, 1978.

23 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

25
26
27
28
29

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

File HB91
JAY S. HAMMOND, GOVERNOR

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

March 28, 1979

Hon. George Hohman, Vice-Chairman
Senate Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Hohman:

In response to your letter of March 23, 1979, I am pleased to provide the following information concerning case costs:

<u>Case</u>	<u>Agency</u>	<u>Amount</u>
Rodger Y. Ford	Law	\$20,000.00
George Atkinson (A & G)	Law	\$22,981.58 ✓
Wells (Inverse Condemnation)	Law	\$ 1,734.10
Alaska Marketing & Management	Law	\$63,722.00
Alaska Marketing & Management	Public Safety	\$125,182.46
	Court System	\$124,000.00
	Publ. Defenders	<u>\$27,984.58</u>
Subtotal - A M & M =		\$340,889.04

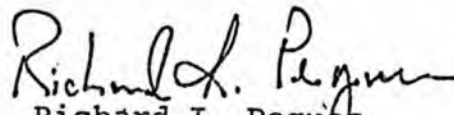
During the Committee's discussion on CSHB91 concern was voiced about the costs and attorney's fees settlement in the Angaiak case. We believe that the settlement which was reached was equitable and met the criteria established by Court Rules. Inasmuch as we have stipulated to the court that we will seek settlement in the agreed upon amount, we

March 28, 1979
Senator Hohman
Page 2

believe that an appropriation should be made rather than re-opening this litigation. The latter course would expose the state to the potential of a larger costs and fees judgment and we would be arguing from the position of one who had failed to honor a prior agreement.

Very truly yours,

AVRUM M. GROSS
ATTORNEY GENERAL

By: 
Richard I. Pegues
Administrative Officer

RIP/jb

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

Kathy
Please in master
file. Is in
house now.

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

September 21, 1978

MEMORANDUM

TO: J. H. Hogan, Director
Legislative Finance Division

FROM: *RFS*
Robert F. Schroeder
Fiscal Analyst

SUBJECT: Anchorage Jail Annex Employee Terminations

The chronology of events pertaining to the Anchorage Jail Annex sickout and subsequent employee firings seem to be as follows:

Friday August 18: Jailers at the Sixth Avenue Annex publicly warned the administration that overcrowding and lack of guards could result in a prisoner riot.

The administration responded by announcing that the 5 new guards assigned by the Legislature to the Annex would not be used for prisoner transportation.

Wednesday, August 23: Date alleged by Commissioner Beirne to be when guards met to plan sickout.

Thursday, August 24: Eleven guards and two Clerks regularly scheduled to work at the Annex called in sick.

During the evening State Troopers visited jail guards who called in sick and told them to appear for work on Friday, August 25, in full uniform and with doctors' excuses for their Thursday absences.

Friday, August 25: Sickout participants given five day work suspensions.

Guards from Annex met with State Correction officials.

A.P.E.A. filed a complaint with the Federal Occupational Safety & Health Administration charging that the long hours worked by the jailers made their jobs unsafe.

Friday September 1: Two guards and one clerk were fired when they reported for work on day shift. One guard reinstated with pay for the suspension period. Six guards were fired when they reported for the night shift. No mention is made of the eleventh employee.

Thursday, September 7 (or thereabouts): A.P.E.A. initiated grievance proceedings against the dismissal of the jail employees.

The events I have listed here are taken from Anchorage newspapers. I have not had first-hand contact with any jail personnel. After receiving your request for the chronology, I went to Commissioner Beirne's office and told her what you requested. She said she would consult with the Division of Personnel and the Attorney General's office about what information could be released without jeopardizing the grievance procedure. It is my understanding that whatever the Department could say on the subject would be delivered to me Thursday afternoon, September 21. At 4:00 p.m. I have not yet received the Department's response.

RFS:pw

STATE
of ALASKA

MEMORANDUM

TO: J. H. Hogan, Director
Legislative Finance Division

DATE: September 21, 1978

FILE NO:

TELEPHONE NO:

FROM: *Helen D. Beirne*
Helen D. Beirne
Commissioner
Department of Health & Social ServicesSUBJECT: Sixth Avenue Correctional
Facility, Anchorage

Pursuant to the verbal request of your staff member, Robert Schroeder, I am providing this chronology of events to the Legislative Budget and Audit Committee.

- August 14 - The Division of Corrections requests, and is granted, permission to temporary-hire Correctional Officers while officers from various correctional centers attend the Prisoner Transportation Training Courses.
- August 16 - Correctional Officers from the Jail Annex went to APEA Office to file a grievance regarding the loss of jail staff to the new transportation section.
- August 18 - Correctional Officers met with Representative Russ Meekins at the Anchorage Westward Hotel.
- August 18 - Mike Harper, Governor's Administrative Assistant, announced that the AST would continue their present responsibility of providing transportation for prisoners.
- August 19 - Mr. Moses issued a memo to "All Staff", cautioning them regarding "individual comments to the media and other persons outside of the Division of Corrections."
- August 20 - Mr. Moses left the state to attend a Corrections Convention.
- August 21 - Undated, unaddressed and unsigned letter calling for a meeting to discuss a course of action to be taken. The meeting to be held at Nick Moreno's house on August 23, at 1930 hours.
- August 23 - Alleged meeting held at Nick Moreno's house.
- August 24 - Alleged "Sick-out" started with the graveyard shift.

- August 24 - CO II Ernest Griffiths writes a memo subject: "Meeting of Correctional Officers--subject--Sick-out." This memo identifies the officers in attendance and the action determined by vote.
- August 24 - Correctional Officers from other facilities, are assigned to the Jail Annex to handle the emergency. Temporary-hires are used to fill in the subsequent vacancies at these other facilities.
- August 24 - Tom Zaruba takes charge of the Annex and starts investigation.
- August 25 - Letters of Suspension and Investigation sent by William H. Huston, Director of Corrections.
- August 29 - Commissioner Beirne initiates a review of the Jail Annex through her Office of Internal Review. Department of Administration, Division of Personnel/Labor Relations joins in this review.
- August 30 - Legislature Audit initiates an independent review of the Jail Annex.
- September 1 - Termination letters issued by William H. Huston.
- September 1 - Three new Correctional Officer positions are filled (PCN's 4589, 4591, and 4593).
- September 6 - Three additional Correctional Officer positions are filled (PCN's 4590, 4592, and 4594).
- September 8 - One additional Correctional Officer position is filled (PCN 4595). ^{Two} Four additional positions are slated for filling October 1, 1978.
- September 19 - Grievances initiated by terminated Correctional Officers moves to Step Four

STATE OF ALASKA

OFFICE OF THE GOVERNOR

BUDGET & MANAGEMENT

JAY S. HAMMOND, GOVERNOR

POUCH AM — JUNEAU 99811
PHONE 465-2213

April 2, 1979

The Honorable John Sackett
Chairman, Senate Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Division of Corrections
Request for \$26,100 to
Fund Back Pay to Six
Employees Because of
Arbitration Award

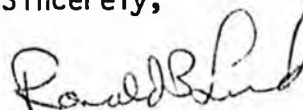
Dear Senator Sackett:

Attached please find back up sent to the Division of Budget and Management from the Division of Corrections requesting \$26,100 to fund back pay to six employees due to an arbitration award. It is my understanding that during Senate Finance Committee hearings you agreed that the Division of Corrections would have an opportunity to address this need even though it was not included in your consideration of SB 143.

In light of your comments, I am forwarding this request to you along with my recommendation that it be funded in an appropriate manner.

The recommendation and the backup material has also been forwarded to the House Finance Committee.

Sincerely,


Ronald B. Lind
Director

Attachment
cc: Russ Meekins

STATE OF ALASKA

OFFICE OF THE GOVERNOR

BUDGET & MANAGEMENT

JAY S. HAMMOND, GOVERNOR

POUCH AM — JUNEAU 99811
PHONE 465-2213

April 2, 1979

The Honorable Russ Meekins
Chairman, House Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Division of Corrections
Request for \$26,100 to Fund
an Arbitration Award for Back
Pay to Six Employees of the
Anchorage Annex Correctional
Center

Dear Representative Meekins:

During your committee's consideration of the Division of Corrections supplemental bill, SB 143, please amend the bill by adding \$26,100 general funds to fund an arbitration award granting back pay to six employees. These employees were disciplined by the Department of Health and Social Services for participating in a sickout at the Anchorage Annex Correctional Center last fall.

The arbitration award was made subsequent to introduction of SB 143 by the Governor to the Legislature.

Attached please find backup material sent to the Division of Budget and Management from the Division of Corrections requesting the \$26,100 arbitration award funding. The backup material along with my recommendation for funding has also been forwarded to the Senate Finance Committee.

Another item regarding SB 143 which I would like to bring to your attention is the deletion of Section 1 by the Senate Finance Committee. That section included an appropriation request of \$253,300 for prior year unpaid bills. The intent statement by the Senate Finance Committee indicated that these unpaid bills should be paid immediately out of existing fiscal year 1979 funds.

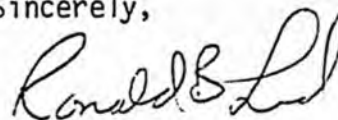
April 2, 1979

It is not legally possible to pay a prior year bill from current year funds unless the amount of funds lapsed in the relevant prior year appropriation is at least equal to the amount of the bill (reference A.S. 37.25.010).

Although total general funds lapsed by the Division of Corrections exceeds the amount requested, sufficient funds were not lapsed in the appropriations relevant to the unpaid bills to allow payment of the bills under A.S. 37.25.010. Therefore, restoration of Section 1 of SB 143 is respectfully requested.

The amount of the appropriation in Section 1 can be revised downward from the original \$253,300 to \$235,000 due to subsequent efforts to use all available prior year funds in reducing these outstanding obligations.

Sincerely,



Ronald B. Lind
Director

Attachment

cc: John Sackett ✓

MEMORANDUM

RECEIVED
MAR 20 1979
Budget And Management

TO: Ronald B. Lind, Director
Division of Budget and Management FILE NO:
Office of the Governor

DATE: March 16, 1979

TELEPHONE NO:

Catherine M. Lloyd
FROM: Helen D. Beirne, Commissioner
Department of Health and
Social Services

SUBJECT: Health and Social Services -
Division of Corrections
Supplemental Request #2
Arbitration Award \$26,146

Information was just received which will significantly impact the FY 79 Division of Corrections Supplemental. As per Cathy Lloyd's conversation with you on March 15, 1979, we informed the Finance Committee of this in our testimony on the supplemental (S.B. 143) on March 15, 1979. Please submit a formal letter to the Legislature requesting the following addition of \$26,146 to our supplemental. The reason for the inclusion of this amount to as follows:

An award of \$26,146 including benefits was made by the arbitrator concerning the nine people dismissed for the Anchorage Annex Correctional Center for engaging in a sickout. The back pay award states they "...are entitled to be compensated for such losses of earnings which they suffered from the termination less the loss of pay which they might have avoided with reasonable diligence by obtaining other employment." Details of the individual pay forms dated March 13, 1979 and the explanatory letter from the Department of Administration are attached.

Attachment

STATE
of ALASKA

MEMORANDUM

RECEIVED
MAR 15 1979

Budget And Management

TO: Ron Lind, Director
Division of Budget and Management
Office of the Governor

DATE: MAR 15 1979

FILE NO:

TELEPHONE NO:

Catherine M. Hoops
FROM: Helen D. Beirne
Commissioner
Department of Health & Social Services

SUBJECT: Addition to Division of Corrections
FY 79 request for Supplemental
Appropriation RE: SB 143

An arbitration award was recently made to six of nine grievants concerning the "sick out" at the Anchorage Annex Correctional Center. The details concerning the \$26,146 in back wages plus benefits are attached. We request this amount be added to the SB 143.

Tom O'Donnell
Personnel Officer
Department of Health & Social Services

February 22, 1979

S. Withers

Sandra Withers
Labor Relations Analyst
Division of Personnel & Labor Relations
Department of Administration

Arbitration Award

We have received a copy of the decision and award of the arbitrator concerning the nine people dismissed from the Sixth Avenue Annex for engaging in a sickout.

Initial arguments in this case dealt with who of the nine grievants were entitled to be heard at arbitration. The arbitrator agreed that Wilbert Johnson, a temporary employee, and Dennis Corley and James Oeser, both probationary employees, could not appeal their dismissals at arbitration.

The arbitrator found that there was a sickout (a one-day strike) in violation of the Agreement. He further concludes that the discipline assessed was excessive and that a one-month suspension is the maximum discipline proper to impose upon the grievants.

Specifically, he awards to Glen Bowers full reinstatement since Mr. Bowers was on approved sick leave. William Byrd, Kevin McGee, Nancy Zipperman, Leon Jenkins and Rick Dray each receive a one-month suspension.

With the exception of Bowers, all five grievants are to be returned to pay status effective September 25, 1979, with LHOP from August 25 on.

The back pay award states they " . . . are entitled to be compensated for such losses of earnings which they suffered from the termination less the loss of pay which they might have avoided with reasonable diligence by obtaining other employment."

I imagine one of the first things that must be done is to contact APEA and obtain information on the availability of these six persons to resume working. If any do not wish to return to work, I believe they should be paid through February 16, 1979, the date of the award.

February 22, 1979

It will probably be necessary for you to obtain a lay off list in order to return one Clerk Typist and five Correctional Officers to duty. The request for such a list will be handled as expeditiously as our Division can manage. We do not believe it is necessary for all grievants to be returned to the Annex.

The details concerning interim earnings or the lack of diligence in obtaining other employment can be coordinated with APEA in the interim. The arbitrator has retained jurisdiction over the back pay award in the event there are any disputes needing resolution.

I imagine the grievants can be given the choice of "buying back" the annual leave paid off or having the amount deducted as compensation earned during the period.

Tom, if you or Phyllis have any other questions, please feel free to contact me.

SN/mlh

cc: Phyllis Schmidt

TOTAL BACK PAY	\$20,833.81
add: BENEFITS 25%	5,312.62
	<u>\$26,146.43</u>

54216013121

Zipperian, Nancy J.

PK type M

Total Gross	Regular Hours	Gross Amount	Overtime Hours	Gross Amount	FICA Gross or Term. Gross
3185.81		2514.56			671.25

Purpose: (circle one) 1 Termination, 2 Other Pay due, 3 Retro, 4 Penalty or Wait time, 5 Standby, 6 Special

Misc Deductions: (circle one) 3 No miscellaneous deductions, 4 Use payroll record miscellaneous deductions, 5 Use the below listed miscellaneous deductions

Fund Distribution: (circle one) 6 Use payroll record distribution codes, 7 Use the below listed distribution codes

Fiscal Year: (circle one) 8 Current fiscal year, 9 Prior fiscal year

Employer charges: (circle one) 1 Use payroll record employer charges, 2 Use the below listed employer charges

Deferred Compensation or Tax Shelter: (circle one) 3 No deferral deduction, 4 Use payroll record deferral deduction

Miscellaneous Deductions:

1		2		3		4		5		6	
CD	AMT	CD	AMT	CD	AMT	CD	AMT	CD	AMT	CD	AMT

Distribution Codes:

1			2			3		
DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

4			5			6		
DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

Employer Charges:

+	TRF	+	PERS	+	Group H.Y.	+	HT

WORK AREA:

Rein 9-1-78 Term. 2-16-7

Due 4939.59
 55 interim wages <1662.00>
 10 weeks pay <472.50>
 annual leave <290.53>
 2514.56

AL 86.214 hrs = 11.495 days =
 11 + 1160 = .600 X 1074.00 = 644.40
 .495 day = .495 X .050 = .025 X 1074 = 2.68

Prepared by REY

Checked by _____

Date 3-13-79

570,961,2695

McGee, Kevin D.

M

Total Gross	Regular Gross		Overtime Gross		FICA Gross or Term. Gross	
	Hours	Amount	Hours	Amount		
4436.38		4436.38				

Purpose:

(circle one) ② other Paydue, 1 Termination, 3 Retro, 4 Penalty or Wait time, 5 Standby, 6 Special

Misc Deductions:

(circle one)

- 3 No miscellaneous deductions
- 4 Use payroll record miscellaneous deductions
- 5 Use the below listed miscellaneous deductions

Fund Distribution:

(circle one)

- 6 Use payroll record distribution codes
- 7 Use the below listed distribution codes

Fiscal Year:

(circle one)

- 8 Current fiscal year
- 9 Prior fiscal year

Employer charges:

(circle one)

- 1 Use payroll record employer charges
- 2 Use the below listed employer charges

Deferred Compensation or Tax Shelter:

(circle one)

- 3 No deferral deduction
- 4 Use payroll record deferral deduction

Miscellaneous Deductions:

1		2		3		4		5		6	
CD	AMT	CD	AMT	CD	AMT	CD	AMT	CD	AMT	CD	AMT

Distribution Codes:

1			2			3			4			5			6		
DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

Employer Charges:

+	TRC	+	PERS	+	Group H.I.	+	UT

WORK AREA:

Due 7140.66

infirm wage <1500.00>
5640.66

OS7 hrs am. lv. <514.28>

week notice <690.00>

Total due 4436.38

Prepared by

LEM

Checked by

Date

3-13-79

389-54-049.8

DPAY Rick D.

P/R Type
M

Total Gross	Regular Gross		Overtime Gross		FICA Gross or Term. Gross	
	Hours	Amount	Hours	Amount		
2953:38		2953:38				

Purpose:

(circle one) 2 Other Pay due, 1 Termination, 3 Retro, 4 Penalty or Wait time, 5 Standby, 6 Special

Misc Deductions:

(circle one)

- 3 No miscellaneous deductions
- 4 Use payroll record miscellaneous deductions
- 5 Use the below listed miscellaneous deductions

Fund Distribution:

(circle one)

- 6 Use payroll record distribution codes
- 7 Use the below listed distribution codes

Fiscal Year:

(circle one)

- 8 Current fiscal year
- 9 Prior fiscal year

Employer charges:

(circle one)

- 1 Use payroll record employer charges
- 2 Use the below listed employer charges

Deferred Compensation or Tax Shelter:

(circle one)

- 3 No deferral deduction
- 4 Use payroll record deferral deduction

Miscellaneous Deductions:

1		2		3		4		5		6	
CD	AMT	CD	AMT	CD	AMT	CD	AMT	CD	AMT	CD	AMT

Distribution Codes:

1			2			3			4			5			6		
DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

Employer Charges:

±	TRB	±	PERS	±	Group II, T.	±	III

WORK AREA:

Due 7408.32

SS interim wages <2400.00>

SS ann. leave rein. <1364.94>

SS weeks notice <690.00>

2953:38

Prepared by KEJ

Checked by _____

Date 3-13-79

225,421,858

Jenkins, Leon

141

Total Gross	Regular Hours	Gross Amount	Overtime Hours	Gross Amount	FICA Gross or Term. Gross
195:57		3495:57			

Purpose:

(circle one) ② Other Pay due, 3 Retro, 4 Penalty or Wait time, 5 Standby, 6 Special

Misc Deductions:

(circle one)

- 1 Termination
- 3 No miscellaneous deductions
- 4 Use payroll record miscellaneous deductions
- 5 Use the below listed miscellaneous deductions

Fund Distribution:

(circle one)

- 6 Use payroll record distribution codes
- 7 Use the below listed distribution codes

Fiscal Year:

(circle one)

- 8 Current fiscal year
- 9 Prior fiscal year

Employer charges:

(circle one)

- 1 Use payroll record employer charges
- 2 Use the below listed employer charges

Deferred Compensation or Tax Shelter:

(circle one)

- 3 No deferral deduction
- 4 Use payroll record deferral deduction

Miscellaneous Deductions:

1		2		3		4		5		6	
CD +	AMT	CD +	AMT	CD +	AMT	CD +	AMT	CD +	AMT	CD +	AMT

Distribution Codes:

1			2			3			4			5			6		
DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

Employer Charges:

±	TRS	±	PERS	±	Group H.T.	±	UT

WORK AREA:

Due 7408.32
 ss interim wages <2100.00>
 ss ann. leave <1122.75>
 60 weeks notice <690.00>
 3495.57

Prepared by

RDJ

Checked by

Date

3-13-79

SSN 12613412510

Name (Last, first & MI) Byrd, William

P/R Type M

Total Gross	Regular Gross Hours	Regular Gross Amount	Overtime Gross Hours	Overtime Gross Amount	FICA Gross or Term. Gross
2012.22		2012.22			

Purpose: (circle one) **2** Other Pay due, 1 Termination, 3 Retro, 4 Penalty or Wait time, 5 Standby, 6 Special

Misc Deductions: (circle one) 3 No miscellaneous deductions, 4 Use payroll record miscellaneous deductions, 5 Use the below listed miscellaneous deductions

Fund Distribution: (circle one) 6 Use payroll record distribution codes, 7 Use the below listed distribution codes

Fiscal Year: (circle one) 8 Current fiscal year, 9 Prior fiscal year

Employer charges: (circle one) 1 Use payroll record employer charges, 2 Use the below listed employer charges

Deferred Compensation or Tax Shelter: (circle one) 3 No deferral deduction, 4 Use payroll record deferral deduction

Miscellaneous Deductions:

1		2		3		4		5		6	
CD +	AMT	CD +	AMT	CD +	AMT	CD +	AMT	CD +	AMT	CD +	AMT

Distribution Codes:

DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

Employer Charges:

+	TRS	+	PERS	+	Group H.I.	+	UI

WORK AREA:

Due 7408.32
 655 interim wages <2400.00>
 655 ann. leave <2280.60>
 60 weeks notice <715.50>

2012.22

Prepared by 1089

Checked by _____

Date 3-13-79

302 144 124131

Bowers, Glen L.

P/R Type

M

Total Gross	Regular Gross Hours	Regular Gross Amount	Overtime Gross Hours	Overtime Gross Amount	FICA Gross or Term. Gross
4750.45		4750.45			

Purpose:

(circle one) ② Other Pay due, 1. Termination, 3 Retro, 4 Penalty or Wait time, 5 Standby, 6 Special

Misc Deductions:

(circle one)

- 3 No miscellaneous deductions
- 4 Use payroll record miscellaneous deductions
- 5 Use the below listed miscellaneous deductions

Fund Distribution:

(circle one)

- 6 Use payroll record distribution codes
- 7 Use the below listed distribution codes

Fiscal Year:

(circle one)

- 8 Current fiscal year
- 9 Prior fiscal year

Employer charges:

(circle one)

- 1 Use payroll record employer charges
- 2 Use the below listed employer charges

Deferred Compensation or Tax Shelter:

(circle one)

- 3 No deferral deduction
- 4 Use payroll record deferral deduction

Miscellaneous Deductions:

1		2		3		4		5		6	
CD +	ANT	CD +	ANT	CD +	ANT	CD +	ANT	CD +	ANT	CD +	ANT

Distribution Codes:

1			2			3		
DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

4			5			6		
DIST CD	%	PROJECT	DIST CD	%	PROJECT	DIST CD	%	PROJECT

Employer Charges:

%	TRS	%	PERS	%	Group H.I.	%	UI

WORK AREA:

Due 8683.24
 66 interim wages <1695.76>
 66 am. leave <1521.53>
 66 weeks pay <715.50>
 4750.45

Prepared by

KDJ

Checked by

Date

3-13-79



JUNEAU, ALASKA

4/19/79

*Alaska State Legislature
They haven't named
the members of the House*

Sackett

MESSAGE TO THE SENATE

DATE April 16, 1979

MR. PRESIDENT:

The House has failed to concur in the Senate amendment to CSHB 91am (supplemental appropriation to the Department of Law; effective date), thus failing to adopt:

SCS CSHB 91 (making appropriations to the Depts. of Law, Health and Social Services, Community and Regional Affairs and office of the ombudsman: effective date)

and respectfully requests the Senate to recede from its amendment.

*A - Wilson on
free conf. from
S.R. House.
cc: Callotta } with
Lillem } bill*

*see Russ
free conf.*

David Peterson
Chief Clerk of the House

Original sponsor: Rules/Governor

Offered: 4/9/79

Referred: Rules

Funding Information

General Funds \$177,800

Other Funds -0-

\$177,800

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

SENATE CS FOR CS FOR HOUSE BILL NO. 91

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making appropriations to the Departments of

7

Law, Health and Social Services, Community and Regional

8

Affairs, and the office of the ombudsman; and providing

9

for an effective date."

10

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11

* Section 1. The sum of \$104,100 is appropriated from the general fund to

12

the Department of Law, legal services, for the fiscal year ending June 30,

13

1979, to be allocated as follows:

14

Expenses incurred due to contested

15

1978 primary election

\$61,000

16

Court costs and attorney fees in

17

Angaiak v. Beirne

24,000

18

Right-of-way settlement for access route

19

to Juneau International Airport

14,100

20

Right-of way settlement for Knik River

21

Road

5,000

22

* Sec. 2. The sum of \$15,000 is appropriated from the general fund to the

23

Department of Health and Social Services, public health administration, to be

24

paid as a grant to the Fairbanks Breast Cancer Center.

25

* Sec. 3. The sum of \$26,100 is appropriated from the general fund to the

26

Department of Health and Social Services, division of corrections, to pay

27

expenses of back payments to six employees resulting from an arbitration

28

award.

29

* Sec. 4. The sum of \$24,000 is appropriated from the general fund to the

1 Department of Community and Regional Affairs to be paid as a grant to the
2 City of McGrath for a full-time police officer.

3 * Sec. 5. The sum of \$8,600 is appropriated from the general fund to the
4 office of the ombudsman for payment of additional communication costs for the
5 fiscal year ending June 30, 1979.

6 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
7 070(c).

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Original sponsor: Rules/Governor
Funding Information
General Funds \$104,100
Other Funds -0-
\$104,100

Offered: 3/15/79
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 91 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Law; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$104,100 is appropriated from the general fund to
11 the Department of Law, legal services, for the fiscal year ending June 30,
12 1979, to be allocated as follows:

13 Expenses incurred due to contested	
14 1978 primary election	\$61,000
15 Court costs and attorney fees in	
16 Angaiak v. Beirne	24,000
17 Right-of-way settlement for access route	
18 to Juneau International Airport	14,100
19 Right-of-way settlement for Knik River	
20 Road	5,000

21 * Sec. 2. The unexpended and unobligated portion of the appropriation
22 made in sec. 1 of this Act lapses June 30, 1979.

23 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
24 070(c).

TO: John

March 22, 1979

FROM: Sue

9 - hold for f.c. on this issue.

Information regarding McGrath Revenue Sharing Re: Trooper Position
(From Bob Juettner, City Administrator 3/22/79:

- 1.) Money - for trooper position ^{funding} received from revenue sharing would have been \$4,584.00
- 2.) The City had already budgeted \$6,000 from their budget for Trooper position to combine with the \$4,584.00 from revenue sharing and also city had anticipated using the FAA security officer position funded at \$8,000 - but, FAA has waived placing an officer at airport for McGrath. So the approximately funding from the 3 sources would have been as follows:

Revenue sharing	\$4,584.00
City Budget	\$6,000.00
FAA officer	\$8,000.00
	<hr/>
TOTAL	<u>\$18,584.00</u>

- 3.) Loss of Liquor revenue as a result of no trooper for city is approximated at \$2,500.

So, the total funding would have been \$20,000, considering all the above.

Juettner will type a letter with all of this information and get it in the mail today.

CITY OF McGRATH

BOX 57
McGRATH, ALASKA 99627
(907) 524-3825

<u>18,000.00</u>	SALARY PER YEAR
1107.00	FICA 6.15%
774.00	UNEMPLOYMENT INSURANCE 4.5%
<u>1044.00</u>	WORKMAN'S COMPENSATION 5.8%
2925.00	TOTAL FRINGE
<u>20,925.00</u>	TOTAL YEARLY COST FOR POLICEMAN

McGrath - Revenue Board

McGrath Native Village Council
P. O. Box 134
McGrath, Alaska 99627

To Mayor of McGrath;
During our last meeting of the Native Village Council, we had agreed to give to the City of McGrath \$100.00 per month for the purpose of obtaining some form of police protection in McGrath.

Do you think that this amount would help towards hiring someone? It would also be good to check with local businesses for contributions.

Please let me know what the possibilities are.

Thank you
Leon L. Kiana

Leon L. Kiana

Chief, McGrath Native Village Council

CITY OF McGRATH

BOX 57
McGRATH, ALASKA 99627
(907) 524-3825

3/16/79

Dear Sue,

Here is the information you requested. Let me add a couple of explanatory notes. First, get in touch with Vern Herllund. He has been active in helping us. He was leaning on the State Trooper to move the Constable position to McGrath. At his bidding, I contacted Col. Anderson. Anderson told me, via telephone, that if we had a successful applicant, the constable position would be moved. Hence, the notice for the area constable position. Second, we have been in contact with ⁽²⁶⁶⁻¹⁴⁴²⁾ Vern Smith, Dir. of Aviation, Dir. of Security. It looked as if FAA would rescind their waiver. This would mean ^a cash payment to the City to supply armed security screening. This has fallen through.

I am enclosing a couple of letters for Bob which may clarify the Cranberry Ridge project.

Sincerely,
Bob Pettus

CITY OF McGRATH

BOX 57
McGRATH, ALASKA 99627
(907) 524-3825

February 27, 1979

Patrick Aloia
Area Court Administrator
Fourth Judicial District
Alaska Court System
604 Barnette Street
Fairbanks, Alaska 99701

Dear Mr. Aloia,

At Christopher Cooke's suggestion, we are writing you concerning the lack of a magistrate for McGrath. As you are aware, and as Justice Cooke has pointed out, servicing McGrath from Bethel is illogical in that there are no regular transportation links between the two communities. There are two solutions for this problem. A magistrate could be appointed in McGrath to serve the upper Kuskokwim Valley, or the upper Kuskokwim Valley could be placed under the administration of another district which is linked to our area by established transportation patterns.

Needless to say, we would like a magistrate appointed in McGrath. However, our main concern is the betterment of Court services to our region. To meet this end, we will assist you in any way possible. If there are any actions we can take as a municipality in this regards, please inform us of the actions we should take, and to whom those actions should be addressed.

Sincerely,

Robert S. Juettner
City Administrator

SUB-GRANT PROPOSAL

GENERAL INFORMATION

1. SUB-GRANTEE NAME AND ADDRESS: City of McGrath
Box 57
McGrath, Alaska 99627

2. CONTACT PERSON: Robert Juttner PHONE: 524-3025
TITLE: City Administrator

3. TYPE OF AGENCY:
- | | |
|---|--|
| <input type="checkbox"/> Public or Private Non-Profit | <input type="checkbox"/> Organized Labor |
| <input type="checkbox"/> Private for Profit | <input checked="" type="checkbox"/> Government |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Education |

4. AGENCY INFORMATION
- (A) Number of Paid Staff: 1
- (B) Current Operating Budget: \$ 50,337.00
- (C) Principal Source(s) of Operating Revenue:
- | | |
|--------------------------------------|--|
| 1. <u>State Revenue Sharing</u> | 4. <u>Federal Anti-Recession Funds</u> |
| 2. <u>State Business Tax Refunds</u> | 5. <u>Vehicle Licenses</u> |
| 3. <u>Federal Revenue Sharing</u> | 6. _____ |
- (D) Previously Administered CETA Sub-Grant: Title VI PSE Title III Spedy
EXPLAIN: _____

PROGRAM DESCRIPTION

1. FUND SOURCE: TITLE I Title III Youth (Specify: SPEDY, YETP, YCCIP)
 TITLE II Title VI
2. PROPOSED START DATE: April 1, 1979 END: September 30, 1979

JOB DESCRIPTION

10. (a)

POSITION TITLE: Policeman I

LOCATION: City of McGrath

SUPERVISOR: Robert Juettner

PSE ONLY: Will this position pay more than the CETA maximum of \$10,000? YES NO

Rate Per Year? \$

EDUCATION OR EXPERIENCE REQUIRED:

21 year of age (minimum)

good health and physical condition

high school graduate

possess the ability to be impartial in the enforcement of laws

JOB DUTIES

Perform foot or motorized patrol within the City to enforce local ordinances.

Conduct routine investigations and prepare accurate reports.

Provide assistance to members of the community during times of natural or man made disasters.

CITY OF McGRATH

BOX 57

McGRATH, ALASKA 99627

(907) 524-3825

CITY CONSTABLE

THE CITY OF McGRATH IS ACCEPTING APPLICATIONS FOR THE VILLAGE CONSTABLE POSITION. THIS IS A PART TIME POSITION BUT MAY BECOME A PERMANENT FULL TIME POSITION IF ADDITIONAL FUNDING BECOMES AVAILAELE.

JOB DESCRIPTION

The City Constable will perform regular rounds within the city and be on 24 hour call. The City Constable will be responsible for enforcing local ordinances, conducting routine investigations, preparing accurate reports, cooperating with other law enforcement agencies and providing assistance during times of disaster.

STARTING PAY IS \$500 PER MONTH PLUS FRINGE BENEFITS. INTERESTED PERSON SHOULD APPLY AT THE CITY OFFICE.

2/21/79

CITY OF McGRATH

BOX 57

McGRATH, ALASKA 99627

(907) 524-3825

CITY COUNCIL MEETING FEBRUARY 20, 1979

The regularly scheduled meeting of the McGrath City Council was called to order at 7:08 PM at the McGrath Community Hall by Mayor Harrington.

Roll Call: Present were Daniel Smith, Ann Egrass, Rose Winkelman, Dick Forsgren, Mike Harrington and Jim Pierson, and Bob Magnuson Absent. A quorum was established.

Minutes from Jan. 16, regular meeting, Feb. 8, special meeting were read with the Financill Report for Feb. 20, and the corrected Financial Report from Jan. 16. Motion was made by Dick Foresgren to accept these with the exception that we divide the cost of fire equipment with public safety. Seconded by Jim Pierson. Motion Passed.

Ordinance 78-5 Limiting the Use of Crawler Type, Heavy Equipment on City Streets. Mayor Harrington read the Ordinance for the final time. Jim Pierson made a motion to accept this Ordinance effective Feb. 20, 1979. Rose Winkleman Seconded. Motion Passed.

Employee Benifits Policy: It was determined that the policy in use was not official. Changes were tabled until more information is gathered and a new policy is developed.

Ploice Protection: A report on the FAA waiver for Boarding Security Personnel will be available on Mar. 29. John Sackett hae intervened on behalf of the city in it's appeal for St. Revenue Sharing Funds. If sucessful, we would be ellidgible to receive \$4,584.. more this year. 19,000.00 (aprox. 88% of our entitlement) will be sent. \$2,300.00 received from St. Business Tax Refunds may have to be returned because we have no Police Protection. A motion was made by Dick Forsgren that we advertize for a part-time police officer. Seconded by Daniel Smith. Motion Passed.

Insurance: No information was available as of yet. Tabled, until our Lawyer has information available, as requested.

City Grants: The HUD 701 grant requires \$2,500.00 in cash contribution It was suggested that the money could be earned from investing the \$50,000. in the subdivision savings account. No mode of investment was agreed upon. a Motion was made by Dick Forsgren to take the necessary money out of General Fund. Seconded by Jim Pierson. Motion Passed.

Mark Newell from PHS made a presentation of their plans for a water system. Plans include a presurized water tank, and a large capacity holding tank for sewage. Holding tank may be located in the bathroom, the utility room, or under the house. It should be noted that a holding tank under the house will cost more to maintain. The added cost may revert to the homeowner. PHS will sign individual memorandums of agreement with the individual homeowner.

UNOFFICIAL MINUTES
Regular Session
DISTRICT SCHOOL BOARD MEETING
District #11

February 13-14, 1979

at

Ingalik Corporation Building
Anvik, Alaska

James F. Zuelow, Superintendent

been in the program in the past still could not swim. More discussion followed. Ray Collins commented that in McGrath, a majority of the students were not available because of the dates the Campfire Water Safety program was held conflicted with other programs in the community.

After some discussion, Elizabeth Johnson moved and Henry Deacon seconded a motion that add-on JOM funds be used for a summer water safety program. ACTION

Discussion followed. Ernest Holmberg commented that some communities might want to reconsider the water safety program and might want to allocate their funds to Mini TV stations.

Discussion followed. Ernest Holmberg moved to table the motion until the next meeting. Henry Deacon seconded the motion. ACTION

The vote was:

- Ernest Holmberg - yes
- Henry Deacon - yes
- Elizabeth Johnson - yes
- Adolph Hamilton - yes
- Raymond Collins - no
- Ken Chase - no
- Jeff Stokes - absent

The motion carried.

TROOPER AND MAGISTRATE POSITION

Ernest Holmberg moved to draft a resolution supporting the retention of the trooper position in Aniak and recommending the establishment of a constable and magistrate position in McGrath. Adolph Hamilton seconded the motion. ACTION

The vote was:

- Ernest Holmberg - yes
- Adolph Hamilton - yes
- Elizabeth Johnson - yes
- Henry Deacon - yes
- Ken Chase - yes
- Raymond Collins - yes
- Jeff Stokes - absent

The motion carried.