

Small Town SOUL
Box 1665
Sitka, Alaska 99835
November 29, 2024

City of Sitka
City Clerk
100 Lincoln Street Suite 306
Sitka, AK 99835

Re: Initiative Petition

Thank you for your consideration of the initiative petition submitted by Larry Edwards and myself. The law firm Munson, Cacciola and Severin has provided significant input on this fourth version of our proposed ordinance to place reasonable limits on cruise tourism in Sitka. As the sponsors, we have done the majority of preparation of this initiative, while receiving assistance with legislative drafting conventions and advice to avoid unenforceable or confusing requirements. This version addresses prior alleged infirmities you identified previously. It does so not by simply making edits, but by creating a streamlined regulatory scheme, including an example Disembarkation from Large Cruise Ships Permit Application (which can easily be applied to small cruise ships), plus answers to expected frequently asked questions. This petition contains critical substantive differences including not counting crew who go ashore, not requiring Sitka Port Facility Permits, and not counting buses.

We are aware that citizens have a constitutional right to file and bring a citizen initiative to the vote of the people. We have carefully perused previous denials of our past petitions and with legal guidance, strongly believe we have cured all previous legal concerns

As you know, we have organized as Small Town SOUL, a nonprofit corporation. Our attorney's office has researched the constitutional issues raised by those opposed to cruise ship regulation, such as Mr. Hurst of International Maritime Group. As Attorney, Sam Severin mentioned in our last cover letter, municipal review of constitutional issues is sharply limited at the initiative application phase. Attorneys Sam Severin: sseverin@bcfaklaw.com and Rob Palmer: rpalmer@bcfaklaw.com will be glad to discuss and possibly share their research.

We do suggest a cooperative approach if you feel it is warranted. The Sitka General Code, §2.80.040 A, provides, "The assembly may direct the municipal attorney to assist in the wording of the petition." This does not mean write the initiative for us, but to simply let us know of any legal concerns so we may cure them or assuage your concerns, instead of outright denial, just to get this initiative off the ballot. As you know, in a statutory and constitutional system a citizen initiative is to be liberally construed in favor of the power of the people to initiate legislation, so such assistance makes sense. The code implements the legal mandate which could be interpreted as a requirement to "get to yes" when possible. You could work directly with our attorneys, whose contact information is provided below. Such cooperation is likely time and money better spent than on the alternatives, as we are determined to get this initiative to a vote of the citizens of Sitka. We request notification and copies of all communication received by the City of Sitka in relation to this Initiative Petition. Your help is much appreciated.

Sincerely,

Klaudia Leccese

MUNSON, CACCIOLA & SEVERIN, LLP

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