

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, July 10, 2018

Kodiak Public Library Multi-Purpose Room

7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. Review Nonprofit Grant ApplicationsIncluded Separately
3. Discuss the Purpose of Work Sessions1
4. Discuss Roberts Rules of Order/Decorum2
5. Discuss Conflict of Interest.....11
6. Review Ordinance Amending Chapters 18.12 and 18.20 of the Kodiak City Code to Allow for Negotiated Leases of Real Property if Approved by Ordinance12
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8. Discuss City Representation on Borough Lands Committee.....24
9. Elected Officials Training/Travel Requests
10. July 12, 2018, Agenda Packet Review

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MEMORANDUM

To: Mayor Branson and Councilmembers

Date: July 10, 2018

From: Debra Marlar, City Clerk *Del*

Subject: Purpose of Work Sessions

Historically, City work sessions have been held to discuss the regular meeting packet prior to the regular meeting to facilitate Council discussion and questions to staff before voting on items at the regular meeting. This practice helps to ensure the regular meeting goes smoothly and delays postponement of agenda items due to last minute questions from the Council that may require research. The Council is urged to read their packets before the work session and come prepared with any questions about items of business that are on the regular meeting agenda.

Work sessions are also held so that citizens, contractors, etc. have an avenue to discuss requests, suggestions, or upcoming projects. These items may be put on the work session agenda by the Manager, Mayor, or two Councilmembers. Anyone may also request that the Clerk add an item to the "To Be Scheduled" portion of the work session agenda. The Council would then consider if the requested item will be scheduled for discussion at an upcoming work session.

Oftentimes, a proposed contractor and/or staff will present the Council with details of a project to gauge the Council's interest in moving forward with the preliminary work needed before bringing items to the Council for a vote. This practice helps to ensure staff does not waste time preparing for projects that the Council may not support.

The Council has also reviewed nonprofit grant requests at work sessions and voiced a consensus of how to allocate the funding. This practice provides staff with time to prepare a resolution that reflects the Council's funding preferences.

The City Code does not specify the purpose of work sessions. The above historical examples have aided the City to conduct business in an orderly manner for many years.



MEMORANDUM

To: Mayor Branson and Councilmembers

Date: July 10, 2018

From: Debra Marlar, City Clerk *DM*

Subject: Parliamentary Procedure/
Decorum

KCC 2.04.070 Rules of order stipulate that “the most recent edition of Robert’s Rules of Order Newly Revised shall govern all matters of parliamentary procedure unless otherwise specifically provided for in this chapter.”

Unless higher laws exist, such as ordinances defining parliamentary procedure (KCC Chapter 2.04) or resolutions stipulating the process regarding parliamentary procedure (Resolution No. 2012–05), Robert’s Rules of Order shall be followed, including the rule of members not speaking more than twice on the same motion.

Decorum is expected in any parliamentary process. Simply stated, decorum means the practice of using good manners during a meeting.

According to Robert’s Rules of Order Newly Revised §43, examples of decorum include:

- Confining remarks to the merits of the pending motion. Remarks must be germane to the pending motion.
- Refraining from attaching another’s motives. Members must avoid personalities and under no circumstances attack or question the motives of another member.
- Addressing all remarks through the chair (Mayor). Members must not address one another directly.
- Refraining from speaking adversely on a prior action not pending. A member cannot reflect adversely on any prior act of the Council that is not then pending. (Don’t bring up past issues that are not relevant to the current motion.)
- Refraining from speaking against one’s own motion. A maker of a motion cannot speak against his/her own motion but may vote against it.
- Refraining from disturbing the Council. (Loudly shuffling papers, whispering to one another, etc.)

See attachments for more detail.

Chapter 2.04
CITY COUNCIL

Sections

- 2.04.010 Meetings
- 2.04.020 Quorum, rules, yeas, nays—voting
- 2.04.030 Ordinances—enacting clause
- 2.04.040 Ordinances—passage, when in effect
- 2.04.050 Ordinances—emergency
- 2.04.060 Adoption by reference
- 2.04.070 Rules of order
- 2.04.080 Suspension of rules
- 2.04.090 Order of motions
- 2.04.100 Executive sessions
- 2.04.110 Order of business
- 2.04.120 Agenda
- 2.04.130 Motion—amending amendments
- 2.04.140 Motion to reconsider
- 2.04.150 Motion to rescind
- 2.04.160 Teleconference participation in meetings

For statutory provisions requiring that meetings of all municipal bodies be public, see AS 29.20.020; for ordinance veto by mayor, see AS 29.20.270(e); for charter provisions regarding city council meetings and procedures, see City Charter Sections II-7—II-15.

2.04.010 Meetings

The council shall hold its regular meetings at 7:30 p.m. on the second and fourth Thursdays of each month. If the regular meeting day falls on a holiday or holiday eve, then the council may advance, retard, or cancel the meeting as necessary. When the lack of a quorum of the council necessary for holding a meeting occurs, or when there is little or no business to be considered at a scheduled regular meeting, the council may cancel such meeting and hear its business at the next regular meeting. Special meetings may be called by the mayor or by the city manager, upon the request of two or more members of the council, for the consideration of any specific business named in the request or call, and no other business can be transacted at such special meeting. [Ord. 990 §6, 1994; election October 4, 1994; ratified October 13, 1994. CCK §2.2.1]

2.04.020 Quorum, rules, yeas, nays—voting

A majority of all the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council shall determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and entered in the journal; provided, that the council by rule or ordinance may require the vote on any or all questions to be by yeas and nays. A vote of at least a majority of all the councilmembers shall be required for the adoption of every motion. The mayor shall vote in case of a tie. All members in attendance shall vote on all questions unless disqualified from voting by KCC 2.10.060(d). The uncounted vote of a member who is disqualified from voting shall not be counted as a ye or nay vote, and if there are not at least four councilmembers in attendance who are qualified to vote, the matter shall be postponed until the next regular or special meeting at which four councilmembers qualified to vote on the matter are in attendance. [Ord. 573 §1, 1980. CCK §2.2.2]

2.04.030 Ordinances—enacting clause

The enacting clause of all ordinances passed by the council shall be, “Be it ordained by the Council of the City of Kodiak, Alaska”; and of all ordinances proposed by the voters under their power of initiative, “Be it ordained by the people of the City of Kodiak, Alaska.” [CCK §2.2.3]

2.04.040 Ordinances—passage, when in effect

(a) A proposed ordinance shall be read by title or in full and a vote of a majority of all councilmembers shall be required for advancing to second reading. Before a vote on final passage, a proposed ordinance shall be read by title or in full, and a vote of a majority of all the councilmembers shall be required for its final passage.

(b) The mayor shall have the power to veto ordinances and resolutions passed by the council; provided, that such power is exercised at the meeting of the council at which the ordinance or resolution is finally passed. The mayor shall advise the council in writing no later than the beginning of the next regular meeting of the reasons for vetoing an ordinance or resolution. The council may finally pass an ordinance or resolution over the veto of the mayor at such meeting, whether or not the mayor submits reasons for the veto. An affirmative vote of five members of the council shall be required to pass an ordinance which has been vetoed by the mayor, and the vote shall be by yeas and nays and entered in the journal.

(c) No ordinance except an emergency ordinance may be finally passed on the same day that it is introduced. Within 10 days after its final passage without a veto or final passage over the veto of the mayor, as the case may be, every ordinance shall be published in full or by number and title with a brief summary. Emergency ordinances and ordinances making, repealing, transferring, or otherwise changing appropriations, shall go into effect immediately upon such final passage unless they specify a later time. All other ordinances shall go into effect one month after such final passage and publication, unless they specify a later date. [Ord. 1060 §1, 1998. CCK §2.2.4]

2.04.050 Ordinances—emergency

An emergency ordinance is an ordinance which, in the judgment of the council, is necessary for the immediate preservation of the public peace, health, or safety, and which should become effective before an ordinary ordinance would become effective. Every such ordinance shall contain as a part of its title the words, “and declaring an emergency,” and in a separate section, herein called the emergency section, shall declare the emergency. An affirmative vote of at least five members of the council shall be required for the final passage of an emergency ordinance. [CCK §2.2.5]

2.04.060 Adoption by reference

The council, by ordinance, may adopt by reference codes, ordinances, standards, and regulations relating to matters which it has power to regulate otherwise. Such code, ordinance, standard, or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the city clerk. The city clerk shall keep copies of all such codes, ordinances, standards, and regulations in force for distribution or sale at their approximate cost. [CCK §2.2.6]

2.04.070 Rules of order

The most recent edition of Robert’s Rules of Order Newly Revised shall govern all matters of parliamentary procedure unless otherwise specifically provided for in this chapter. [Ord. 1139 §1, 2002; Ord. 481 §1, 1977. CCK §2.2.7]

2.04.080 Suspension of rules

No standing rule or order of the council shall be rescinded or suspended except by a vote of five members of the council in the affirmative; nor shall the order of business established by the council be changed except by a like vote. [Ord. 1139 §2, 2002. CCK §2.2.8]

2.04.090 Order of motions

Unless otherwise provided in Robert’s Rules of Order Newly Revised, when a motion is under debate, a motion may be made to:

- (a) Fix the time to which to adjourn;
- (b) Adjourn;
- (c) Recess;
- (d) Raise a question of privilege;

- (e) Call for the orders of the day;
- (f) Lay on the table;
- (g) Previous question;
- (h) Limit or extend limits of debate;
- (i) Postpone to a certain time (or postpone definitely);
- (j) Commit (or refer);
- (k) Amend;
- (l) Postpone indefinitely.

The above motions are listed in order of rank, with the motion at the top taking precedence over the others and each of the remaining motions taking precedence over those below it. A main motion is in order only when no other motion is pending. Unless other conditions affecting admissibility exist, when one of the listed motions is immediately pending, any other motion appearing above it on the list is in order, any appearing below it on the list is out of order. [Ord. 1139 §3, 2002. CCK §2.2.9]

2.04.100 Executive sessions

(a) The council may, after convening as a public meeting, upon a majority vote of the body, determine to meet in an executive session to discuss any matter set forth in subsection (b) or (c) of this section. The motion calling for the executive session shall state the subjects to be discussed and no other matters may be considered at the executive session.

(b) The following subjects may be discussed in an executive session:

- (1) Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit.
- (2) Subjects that would tend to prejudice the reputation and character of any person; provided, however, the person may request a public discussion.
- (3) Matters which by law, municipal charter, or ordinance are required to be kept confidential.

(c) At the request of the city attorney, the city manager, or any member of the council, the council may vote to meet in executive session to discuss legal matters or receive legal advice from an attorney, including but not limited to pending or anticipated litigation, recommendations regarding proposed legal matters the disclosure or public discussion of which will or may tend to adversely affect the legal positions of the city. All discussions with the attorney of legal matters considered pursuant to this section shall be confidential.

(d) No action may be taken at an executive session. [Ord. 505 §1, 1977]

2.04.110 Order of business

At all meetings of the council, the following regular order of business shall be observed:

- (a) Call to order.
- (b) Roll call.
- (c) Previous minutes.
- (d) Persons to be heard.
- (e) Unfinished business.

- (f) New business.
- (g) Staff reports.
 - (1) City manager.
 - (2) City clerk.
- (h) Mayor's comments.
- (i) Council comments.
- (j) Audience comments.
- (k) Adjournment. [Ord. 1202 §1, 2006; Ord. 579 §1, 1980]

2.04.120 Agenda

The agenda for each meeting of the city council shall be prepared by the city clerk after consultation with the city manager and the council. The agenda shall be distributed to each member of the council at least 48 hours prior to the meeting. [Ord. 1139 §4, 2002; Ord. 481 §4, 1977]

2.04.130 Motion—amending amendments

A motion may be made to amend an amendment, but a motion to amend an amendment to an amendment shall not be entertained. [Ord. 481 §4, 1977]

2.04.140 Motion to reconsider

(a) When a vote has been taken either passing or defeating any proposition, and it is desired to reconsider the action taken, a councilmember who voted on the prevailing side shall move during that meeting for reconsideration with the vote on the reconsideration to be made at the same meeting or at the next succeeding meeting. No action may be taken to implement the position of the prevailing side of a proposition while a motion for reconsideration is pending. If the motion for reconsideration is passed, the proposition is again placed before the council for any action on the motion that would have been appropriate prior to the passage or defeat of the proposition.

(b) The term “prevailing side” includes the negative side which has prevailed because the affirmative side failed to obtain the requisite number of votes required for passage of the proposition.

(c) No measure may be reconsidered more than once. [Ord. 664, 1983; Ord. 481 §4, 1977]

2.04.150 Motion to rescind

Any previous vote may be rescinded at any time by a vote of four members of the council, provided the subject matter has not passed out of the control of the council. [Ord. 481 §4, 1977]

2.04.160 Teleconference participation in meetings

(a) Teleconference participation by city officials in regular, special, or emergency meetings of the city council is not permitted.

(b) Teleconference participation by city officials at city council work sessions and committee/board meetings is permitted for the convenience of city officials who are unable to attend in person due to:

- (1) An illness or injury of the city official or family member.
- (2) The death of a family member.
- (3) An employment-related commitment.
- (4) A commitment for city business.
- (5) An out-of-town commitment that prevents the city official from attending in person.

(c) A city official participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes and shall make every effort to participate in the entire meeting.

(d) If the mayor participates telephonically in work sessions, the deputy mayor, if present, or another councilmember physically present and designated by consensus shall preside over and perform functions of the mayor at the meeting, if applicable.

(e) Prior to the meeting reasonable efforts will be made to ensure that the city official participating by teleconference is provided with the meeting agenda and other pertinent documents to be discussed and/or acted upon; access to the agenda and documents from the city's website will be considered sufficient access.

(f) Teleconference participation by the public for public comments and testimony at public hearings or scheduled guest speakers for a specific agenda item is permitted at regular and special meetings when teleconference equipment is available.

(g) Teleconference participation by guest speakers at work sessions is permitted when teleconference equipment is available.

(h) "Teleconference" means a method used for remote participation by a city official for a work session or committee meeting of the city council that must enable the remote city official, for the duration of the meeting, to clearly hear and to be clearly heard by the mayor, all council members, staff, and public giving testimony. It also means a method used for remote participation by members of the public, guest speakers, and appointed committee/board members as provided herein.

(i) Teleconference procedures for city officials.

(1) Notification of city officials to the city clerk prior to publication of the meeting agenda of his or her request to participate in the meeting by telephonic means is required. If notice is not provided prior to publication of the meeting agenda, telephonic participation shall not be allowed. Prior to the meeting the city clerk shall notify other city officials of those participating by teleconference.

(2) The mayor and up to the first three councilmembers who notify the city clerk prior to the meeting agenda being published may participate by teleconference as long as three elected officials are present at the work session. If three elected officials are not present at a city work session, the meeting shall be adjourned and rescheduled.

(3) The city clerk shall open a teleconference connection at least three minutes prior to the start of the meeting. After a telephonic connection is established and it is time for the meeting to commence, the mayor, or person presiding over the meeting, shall call the meeting to order.

(4) City officials may attend a maximum of four city council work sessions and additional specific committee meetings by teleconference during a 12-month period commencing January 1 each year.

(5) City officials shall not incur communication charges for their participation by teleconference.

(j) Teleconference procedures for members of the public.

(1) If teleconference equipment is available at the meeting location, members of the public shall call the published phone number to provide public comments and testimony at public hearings at regular and special meetings during the time the agenda item is being heard. The time allotted for public comments per speaker is published on the agenda and may be changed if authorized by the mayor. [Ord. 1361 §1, 2017]

**CITY OF KODIAK
RESOLUTION NUMBER 2012-05**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK RESCINDING RESOLUTION NUMBER 08-02 AND RE-ESTABLISHING STANDING AND SPECIAL RULES OF THE COUNCIL

WHEREAS, the City Council initially established its Standing and Special Rules with Resolution No. 02-01 and subsequently amended its Rules with Resolution Nos. 05-6; and 08-02; and

WHEREAS, the City Council reviewed its Special and Standing Rules at the January 28, 2012, planning meeting; and

WHEREAS, the City Council desires to amend Section 3, Work Session Agenda Discussion .

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that Resolution No. 08-02 is hereby rescinded.

BE IT FURTHER RESOLVED by the Council of the City of Kodiak, Alaska, that the following Rules are hereby adopted and shall remain in effect until rescinded or amended:

- Section 1: Items for Regular Meeting Agendas.** Regular meeting agenda items shall be established by the Mayor, any two Councilmembers, and/or the City Manager. The Clerk may also place routine items on the agenda.
- Section 2: Agenda Amendments.** Except in the event of an emergency, or to consider an extremely time-sensitive issue, motions to amend the agenda shall not be made. (Any amendment to an agenda that results in an official Council action for which sufficient public notice has not been given is a violation of the Alaska Open Meetings Act and is grounds for recall.)
- Section 3: Work Session Agenda Discussion Items.** Work session agendas are set at the weekly agenda setting meetings by the Mayor, Council Representative(s), Manager, and Clerk. Any two Councilmembers may also add an item to the work session agenda. At the request of a citizen, the Mayor, a Councilmember, the City Manager, or the City Clerk, an item may be listed on the work session agenda under "To Be Scheduled."
- Section 4: Time Limits for Public Comments.** Unless the Mayor announces a different time limit for public comments, the Clerk shall set a timer for three minutes for public comments during regular and special meetings and work sessions.

- Section 5: Presiding Officer in the Absence of the Mayor and Deputy Mayor.** The most recent Deputy Mayor shall preside at meetings when both the Mayor and Deputy Mayor are absent.
- Section 6: Cell Phones.** Cell phones must be turned off or muted during regular and special meetings. A member cannot leave the chambers to answer a cell phone unless a recess has been called.
- Section 7: Certificates of Appreciation, Proclamations, Letters of Support, etc.** The Mayor is authorized to proclaim events, issue certificates of appreciation, and sign letters of support for various nonprofit agencies, etc.
- Section 8: City of Kodiak Membership in Organizations.** As a matter of policy, the City of Kodiak shall decline membership in organizations whose mission does not promote or support municipal government. Unless otherwise directed by the Council, the City shall maintain membership with the following: Alaska Municipal League, Southwest Alaska Municipal Conference, and National League of Cities.
- Section 9: Public Hearings/Amendments to Motions.** The following process shall be followed with respect to public hearings:
- The agenda item shall be read by the Mayor.
 - A staff report shall be given.
 - A main motion shall be made and seconded.
 - The public hearing shall be opened.
 - The public hearing shall be closed after public comments are made.
 - Amendments to the main motion may be made, if desired.
 - The public hearing shall be reopened **ONLY** if an amendment alters the substantive content of the ordinance.
 - The roll call vote shall be taken on any amendment(s).
 - The roll call vote shall be taken on the main motion.
- Section 10: Restatement of Motion.** Once made and seconded, a motion is considered to be before the Council and does not need to be restated by the Mayor.
- Section 11: Right of Motion Maker to Modify or Withdraw Motion.** The maker of a motion may modify or withdraw the motion before debate/discussion has begun. After debate/discussion has begun, the motion “belongs” to the entire Council and can only be withdrawn by Council consent or amended through the usual process of amendment.
- Section 12: Voting Order.** Unless a conflict has been determined in accordance with KCC 2.10.060(d), a Councilmember shall vote when his or her name is called and may not pass.

Section 13: Change of Vote. The Clerk shall inquire if anyone desires to change a vote before the result is announced.

Section 14: Reintroduction of a Defeated Motion/Proposal. A defeated motion/proposal may not be reintroduced for one year. However, a motion may be reintroduced following an election or appointment of new Councilmembers.

Section 15: Postponed Motions. A motion may be postponed until a specific future meeting. The Councilmember who moves to postpone a motion shall state in the motion when it will be reintroduced.

Section 16: Vote on a Motion To Reconsider. When a motion has been made to reconsider an action of the Council, the vote on the motion to reconsider shall be taken at the next regular meeting, unless otherwise stated in the motion.



CITY OF KODIAK

Pat Braun

MAYOR

ATTEST:

Dulce Marie

CITY CLERK

Adopted: February 23, 2012

Chapter 2.10

FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

Sections

[2.10.010 Report of financial and business interests](#)

[2.10.020 Contents of statement](#)

[2.10.030 Modified requirements for professionals](#)

[2.10.040 Records, public](#)

[2.10.050 Refusal or failure to disclose](#)

[2.10.060 Conflicts of interest prohibited](#)

[2.10.065 Employment prohibited](#)

[2.10.070 Definitions](#)

For statutory provisions governing conflict of interest, see AS [29.20.010](#).

2.10.060 Conflicts of interest prohibited

(a) A municipal officer, appointed official, or employee may not solicit or receive money for advice or assistance given in the course of the officer's or employee's employment or relating to that employment.

(b) A municipal officer, appointed official, or employee may not represent a client before the city council for a fee, except employee members of the unions pursuant to labor agreements.

(c) A municipal officer, appointed official, or employee may not accept a gift, loan, gratuity, or other valuable consideration, or a promise of any of them, with the understanding or agreement, expressed or implied, that the officer will cast a vote or give an opinion, decision, or judgment in a particular manner, in a matter, question, cause, or proceeding which then is or may by law come or be brought before the municipal officer, appointed official, or employee, or with the understanding or agreement that the officer or employee will, in official capacity, act in a particular manner to produce or prevent a particular result.

(d) No member of the governing body may vote on any question in which the member has a direct or indirect substantial financial interest. Direct or indirect financial interest shall be disclosed to the presiding officer prior to the vote on the question, for a ruling on a request from the member with the financial interest to be excused from the vote. The decision of the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by the majority vote of the council. If there are not at least four councilmembers in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four councilmembers qualified to vote on the matter are in attendance.

(e) A municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest. [Ord. 792 §§1, 2, 1986; Ord. 576, 1980; Ord. 475 §1, 1976]

CITY OF KODIAK
ORDINANCE NUMBER XXXX

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK
AMENDING CHAPTERS 18.12 AND 18.20 OF THE KODIAK CITY CODE TO ALLOW
FOR NEGOTIATED LEASES OF REAL PROPERTY IF APPROVED BY ORDINANCE**

WHEREAS, the Kodiak City Code Sections 18.12.130 and 18.20.110 require certain leases of tidelands and uplands owned by the City of Kodiak to occur only after bids are solicited and an appraisal obtained; and

WHEREAS, the City of Kodiak operates port and harbor facilities which include both tidelands and uplands; and

WHEREAS, the City of Kodiak has historically negotiated agreements for the use of port and harbor facilities by carriers of cargo which include as a component of the agreement a lease of city-owned real property; and

WHEREAS, given the limited number of participants in the ocean-going cargo business and the fact a property lease is only one component of a use agreement for port and harbor facilities it is not practical or efficient to separate the lease agreement from other portions of an overall use agreement in order to seek competitive bids; and

WHEREAS, the City has on other occasions entered into sole source leases or other disposals of property which have been approved by ordinance without following the request for proposal requirements of Chapters 18.12 or 18.20 and;

WHEREAS, it is in the best interest of the City to recognize its past practice and specifically provide for the practice to be followed in the future through an amendment to the city code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: Kodiak City Code Section 18.12.130 is hereby amended to read as follows:

18.12.130 Leasing procedure

(a) Leases for a term of five years or less with computed annual minimum rental of \$5,000 or less may be negotiated or offered at public auction at the discretion of the council. Except for leases approved by ordinance as authorized by subsection 18.12.130(b), all leases having a term of more than five years or having a computed minimum rental of more than \$5,000 shall be offered at public auction. All public auctions of tide or submerged lands in the city shall be conducted by the city manager or an official designated by the city manager. At

the completion of the auction of each tract of land, the official conducting the auction shall indicate the apparent high bidder. In the event of a re-lease, the original lease holder may exercise the right to meet the bid of the apparent high bidder under the circumstances described in KCC 18.12.370. Failure to do so at this time shall void and cancel such right. The apparent high bidder, or the original lease holder bidding on a re-lease if the re-lease holder's right is exercised, shall thereupon deposit with the official conducting the auction the portion of the annual rental then due, together with the unpaid costs of survey, appraisal, and advertising. All payments must be made in cash, money order, certified check, or cashier's check or any combination thereof.

(b) Notwithstanding any provisions of this chapter relating to advertising, public notice, public auctions, competitive bids, and appraisals the council may, by ordinance approve a negotiated lease of city tidelands in connection with an agreement for use of port and harbor facilities or in furtherance of economic development. The ordinance approving any such lease shall comply with applicable requirements of Kodiak City Charter section V-17.

Section 2: Kodiak City Code Section 18.12.160 is hereby amended to read as follows:

18.12.160 Public notice

Public notice of lease or sale of land is required to be given under the provisions of Chapters 18.04 through 18.16 KCC; such notice shall be published in a newspaper of general circulation published in the city at least 30 days before the sale, lease, or other disposition, and posted within that time in at least three public places in the city. The notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rental or minimum sales price, limitations, if any, and time and place set for: 1) the consideration of the ordinance approving the lease, 2) the public auction, or 3) the bid opening.

Section 3: Kodiak City Code Section 18.20.110 is hereby amended to read as follows:

18.20.110 Leasing procedure

(a) Notwithstanding KCC 18.20.050 and 18.20.060, leases for a term of five years or less with computed annual minimum rental of \$5,000 or less may be negotiated, offered by sealed bid, or offered at public auction at the discretion of the council. Applicants seeking a lease to be negotiated under this section are required to make a deposit for appraisal and other costs. Except for leases approved by ordinance as authorized by subsection 18.20.110(b), all leases having a term of more than five years or having a computed annual minimum rental of more than \$5,000 shall be offered by sealed bid or at public auction. All sealed bid openings and public auctions of city lands shall be conducted by the city manager or an official designated by the city manager. At the completion of the bid opening or auction of each tract of land, the official conducting the auction shall indicate

the apparent high bidder. In the event of a re-lease, the original lease holder may exercise the right to meet the bid of the apparent high bidder under the circumstances described in KCC 18.20.350. Failure to do so at this time shall void and cancel such right. The apparent high bidder, or the original lease holder bidding on a re-lease if the re-lease holder's right is exercised, shall thereon deposit with the official conducting the bid opening or auction any portion of the annual rental then due, together with the unpaid costs of survey, appraisal, and advertising. All payments must be made in cash, money order, certified check, or a cashier's check, or any combination thereof.

(b) Notwithstanding KCC 18.20.050 and 18.20.060 and any provisions of this chapter relating to advertising, competitive bids, public notice, public auctions, or appraisals the council may, by ordinance approve a negotiated lease in connection with an agreement for use of port and harbor facilities or in furtherance of economic development.

The ordinance approving any such lease shall comply with applicable requirements of Kodiak City Charter section V-17.

Section 4: **Amendment of Section 18.20.140.** Section 18.20.140 of the Kodiak City Code is hereby amended to read as follows:

18.20.140 Public notice

Public notice of lease or sale of land is required to be given under the provisions of this chapter; such notice shall be published in a newspaper of general circulation in the city at least 30 days before the date of the sale, lease, or other disposition, and posted within that time in at least three public places in the city. The notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rental, or minimum sales price, limitations, if any, and time and place set for: 1) the consideration of the ordinance authoring the lease or sale, 2) the public auction, or 3) the bid opening.

Section 5: This ordinance shall be effective on the date that is one month after final passage and publication in accordance with Kodiak Charter Section 2–13.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date:

DRAFT

CHARLES DAVIDSON

From: Charles Davidson <ch.davidson@ymail.com>
Sent: Wednesday, June 13, 2018 2:00 PM
To: crat@ptialaska.net

March 15, 2018

Thank you for contacting me regarding the Ayakulik Island Land Exchange included in the Coast Guard Authorization Act of 2017. I appreciate the benefit of your thoughts.

In order to put the legislative language contained in Section 506 of the Coast Guard Authorization Act of 2017 into context, it is worth noting the history and recent efforts to date to get more productive use of the submerged property in Womens Bay. Womens Bay was withdrawn from public land for the use by the U.S. Navy in 1939 and transferred to U.S. Coast Guard in 1975. In 1980, with the passage of the Alaska National Interest Lands Conservation Act, the U.S. Fish and Wildlife Service gained management jurisdiction over Womens Bay, however, such jurisdiction is secondary to Coast Guard, as the agency for which the withdrawal was established.

On December 18, 2014, with the intention of facilitating potential economic development in Womens Bay, Congress passed Section 209 of S. 2444, the Howard Coble Coast Guard and Maritime Transportation Act of 2014. This legislation provided the U.S. Coast Guard authority to enter into a lease of the submerged lands in excess of the five year limitation that exists for non-submerged lands. However, implementation of this authority did not occur, as the provision did not contain adequate authorization for the Coast Guard to execute the land transaction while adequately protecting future mission requirements.

Developed in coordination with input from the U.S. Coast Guard and the U.S. Fish and Wildlife Service, Section 506 of the Coast Guard Authorization Act of 2017 proposes to enact a land exchange to enact the intent on congress to enable limited development in Womens Bay, while protecting future U.S. Coast Guard operations and adding valuable conservation land to the federal land holdings. The provision enables the

transfer the privately owned Ayakulik Island, containing an environmentally sensitive rookery, to the Secretary of Interior to benefit the mission of the US Fish and Wildlife Service in exchange for the submerged lands in Womens Bay. Ayakulik Island is currently home to the largest known nesting colony of the endangered red-faced cormorants in the Kodiak archipelago. Because of the number of important seabirds and marine mammals using the island, the island possesses conservation and habitat value. The land transaction could occur without congressional involvement, were it not for the need to provide the U.S. Coast Guard with the tools necessary to protect operations.

I look forward to enactment of this legislation that will turn a trafficked bay into an economic driver for Kodiak by allowing the development of the bay and the adjacent lands, and gives the FWS some property they value for conservation purposes.

A

Sincerely,

Dan Sullivan
United States Senator

Sent from my iPhone

Calendar No. 112

115TH CONGRESS
1ST SESSION

S. 1129

[Report No. 115-89]

A BILL

To authorize appropriations for the Coast Guard,
and for other purposes.

JUNE 5, 2017

Reported with an amendment

1 (1) *has a current license to practice medicine, os-*
 2 *teopathic medicine, dentistry, or another health pro-*
 3 *fession; and*

4 (2) *is performing authorized duties for the Coast*
 5 *Guard.*

6 **SEC. 506. LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.**

7 **(a) LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.—**

8 *If the owner of Ayakulik Island, Alaska, offers to exchange*
 9 *the Island for the Tract—*

10 (1) *within 10 days after receiving such offer, the*
 11 *Secretary shall provide notice of the offer to the Com-*
 12 *mandant;*

13 (2) *within 90 days after receiving the notice*
 14 *under paragraph (1), the Commandant shall develop*
 15 *and transmit to the Secretary proposed operational*
 16 *restrictions on commercial activity conducted on the*
 17 *Tract, including the right of the Commandant to—*

18 (A) *order the immediate termination, for a*
 19 *period of up to 72 hours, of any activity occur-*
 20 *ring on or from the Tract that violates or threat-*
 21 *ens to violate 1 or more of such restrictions; or*

22 (B) *commence a civil action for appropriate*
 23 *relief, including a permanent or temporary in-*
 24 *junction enjoining the activity that violates or*
 25 *threatens to violate such restrictions;*

1 *vey all right, title, and interest of the United States in and*
 2 *to the Tract to the owner of Ayakulik Island in exchange*
 3 *for all right, title, and interest of such owner in and to*
 4 *Ayakulik Island.*

5 (e) CERCLA.—

6 (1) *IN GENERAL.*—*This section and an exchange*
 7 *under this section shall not be construed to limit the*
 8 *application of or otherwise affect section 120(h) of the*
 9 *Comprehensive Environmental Response, Compensa-*
 10 *tion, and Liability Act of 1980 (42 U.S.C. 9620(h)).*

11 (2) *EXEMPTION.*—*Notwithstanding paragraph*
 12 *(1), the Coast Guard shall be exempt from liability*
 13 *under the Comprehensive Environmental Response,*
 14 *Compensation, and Liability Act of 1980 (42 U.S.C.*
 15 *9620(h)).*

16 (f) *DEFINITIONS.*—*In this section:*

17 (1) *COMMANDANT.*—*The term “Commandant”*
 18 *means the Secretary of the department in which the*
 19 *Coast Guard is operating, acting through the Com-*
 20 *mandant of the Coast Guard.*

21 (2) *SECRETARY.*—*The term “Secretary” means*
 22 *the Secretary of the Interior.*

23 (3) *TRACT.*—*The term “Tract” means the land*
 24 *(including submerged land) depicted as “PROPOSED*
 25 *PROPERTY EXCHANGE AREA” on the survey ti-*

1 **led “PROPOSED PROPERTY EXCHANGE PAR-**
 2 **CEL” and dated March 22, 2017.**

3 **SEC. 507. ABANDONED SEAFARERS FUND AMENDMENTS.**

4 *Section 11113 of title 46, United States Code, is*
 5 *amended—*

6 *(1) in subsection (a)(2), by striking “may be ap-*
 7 *propriated to the Secretary” in the matter before sub-*
 8 *paragraph (A) and inserting “shall be available to*
 9 *the Secretary without further appropriation, and*
 10 *shall remain available until expended,”; and*

11 *(2) in subsection (c)—*

12 *(A) in paragraph (1), by inserting “plus a*
 13 *surcharge of 25 percent of such total amount,”*
 14 *after “seafarer,” in the matter preceding sub-*
 15 *paragraph (A); and*

16 *(B) by striking paragraph (4).*

17 **SEC. 508. SMALL SHIPYARD CONTRACTS.**

18 *(a) IN GENERAL.—Chapter 17 of title 14, United*
 19 *States Code, is amended by inserting after section 667 the*
 20 *following:*

21 **“§ 667a. Construction of Coast Guard vessels and as-**
 22 **signment of vessel projects**

23 *“The assignment of Coast Guard vessel conversion, al-*
 24 *teration, and repair projects shall be based on economic and*
 25 *military considerations and may not be restricted by a re-*



Kodiak Island Borough, State of Alaska | GNIS: USGS Topographic Maps, Kodiak Island Borough | Kodiak Island



Kodiak Island Borough Code
Chapter 2.160
BOROUGH LANDS COMMITTEE

Sections:

- [2.160.010](#) Created – Membership.
- [2.160.020](#) Organization.
- [2.160.030](#) Term – Compensation.
- [2.160.040](#) Powers and duties.
- [2.160.050](#) Administrative assistance.

2.160.010 Created – Membership.

There is created a borough lands committee consisting of the following voting members: the mayor, two assembly members, one representative from the Alaska Native Claims Settlement Act (ANCSA) Corporations in the Kodiak region, one borough representative from the planning and zoning commission, one city representative from the planning and zoning commission, and one at large member from the public. Members are appointed in accordance with KIBC [2.100.030](#) and shall meet the qualifications of KIBC [2.100.040](#). There will be four nonvoting ex officio members: representative from the city of Kodiak council, the borough resource management officer, community development director and one representative from the United States Coast Guard appointed by the ISC commanding officer. [Ord. FY2016-02 §2, 2015].

2.160.020 Organization.

The mayor will serve as the chair and the committee shall designate a vice-chair at the first meeting of the calendar year and shall hold at least one quarterly meeting. [Ord. FY2016-02 §2, 2015].

2.160.030 Term – Compensation.

A. The mayor shall appoint two assembly members during the annual appointment of assembly member representatives to boards and committees. The commission shall make recommendations to the mayor for appointment of their members on an annual basis. The representative from ANCSA Corporations and the at large member from the public will serve for three-year terms.

B. Members of the committee shall serve without compensation. The mayor, assembly members, and commissioners will receive their existing compensation related to their duties as provided for in this title. [Ord. FY2016-02 §2, 2015].

2.160.040 Powers and duties.

The borough lands committee will:

A. Assist in identifying creative and workable solutions to ongoing and emerging issues in selection, acquisition, management, and disposal of borough real property and resources.

B. Provide input for potential land sale plans.

C. Provide input for utilization of borough land that achieves multiple land and housing options.

D. Collaborate and seek input with private land owners when considering whether borough land should be developed.

E. Provide for balanced consideration and representation of the viewpoints, problems and issues regarding borough real property and resources.

F. Provide a forum for discussing development of specific sites and projects. [Ord. FY2016-02 §2, 2015].

2.160.050 Administrative assistance.

The resource management officer shall:

- A. Refer to the committee, for its discussion, all nonemergency matters within the scope of its powers and duties prior to presenting those matters to the assembly.
- B. Transmit all recommendations and other communications from the committee to the assembly.

The clerk's office staff shall:

- A. Work with the resource management officer in furnishing the committee with copies of all requested documents and other information necessary or reasonably related to committee functions.
- B. Provide the committee with such supplies, meeting space, and secretarial assistance. [Ord. FY2016-02 §2, 2015].



KODIAK ISLAND BOROUGH

BOROUGH LANDS COMMITTEE

NAME	TERM	HOME PHONE	WORK PHONE	CELL PHONE	EMAIL
Dan Rohrer (Chair) Mayor	10/2019			539-5836	dan.rohrer@kibasembly.org
Matthew Van Daele Assembly Member	Yearly Appointment			942-5155	matthew.vandaele@kibasembly.org
Julie Kavanaugh Assembly member	Yearly Appointment			942-0058	julie.kavanaugh@kibasembly.org
Scott Arndt (P&ZC-B) PO Box 76 Kodiak, AK 99615	Yearly Appointment	481-3745	FAX 481-3333	414-791-3745	<u>Call instead of email</u>
Barry Altenhof (P&ZC-C) PO Box 1373 Kodiak. AK 99615	Yearly Appointment	486-6238		539-5828	baltenhof@gci.net
ANCSA Representative David Anderson PO Box 1952 Kodiak, AK 99615	2018	486-6745	486-3606		danderson.nok@gmail.com
At Large Seat Bob Brodie PO Box 296 Kodiak, AK 99615	2018	486-3079	486-2000	942-2000	brodie@eagle.ptialaska.net
EX-OFFICIO MEMBERS					
KIB Staff Representative Margaret Slife Resource Management Officer			486-9304		mslife@kodiakak.us
KIB Staff Representative Sara Mason Community Development Director			486-9360		smason@kodiakak.us
U.S.C.G. Representative LCDR Jeremy Hall (alternate) Assistant Facilities Engineer			487-5320 Ext. 2226	942-2407	Jeremy.m.hall@uscg.mil
City of Kodiak Representative City Council Member	Yearly Recommendation				

This board is governed by Kodiak Island Borough Code 2.160

STAFF:

BOROUGH CLERK'S OFFICE
Nova M. Javier, MMC, Borough Clerk 486-9310 clerks@kodiakak.us
710 Mill Bay Road, Room 234, Kodiak, AK 99615