

City of Kodiak Regular Council Meeting Agenda for November 10, 2016
Approximately 7:30 p.m. (following 6 p.m. Work Session), at 710 Mill Bay Road, Assembly Chambers (Room 232)

- I. Call to Order/Roll Call**
Invocation/Pledge of Allegiance

- II. Previous Minutes**
Approval of Minutes of the October 13, 2016, Regular Council Meeting1

- III. Persons to Be Heard**
 - a. Proclamation: Extra Mile Day12
 - b. Public Comments (limited to 3 minutes) (486-3231)

- IV. Unfinished Business**
 - a. Second Reading and Public Hearing, Ordinance No. 1360, Amending Kodiak City Code 3.12.020, Limitation on City Manager’s Authority; Kodiak City Code 3.12.030, Open Market Procedures; Kodiak City Code 3.12.040, Advertising for Bids; and Kodiak City Code 3.12.090, Purchase, Contract, or Sale Valid When—Prohibited When; to Increase the Limit on the City Manager’s Contracting Authority From \$15,000 to \$35,000 and to Increase the Limit on Use of Open Market Contracting Procedures to \$50,00016

- V. New Business**
 - a. Resolution No. 2016–40, Accepting an Edward Byrne Memorial Justice Assistance Grant From the U. S. Department of Justice22
 - b. Resolution No. 2016–41, Requesting the Alaska Legislature and Governor Walker to Not Impose Any More Cuts to the Alaska Department of Fish and Game (ADFG) Budget and Particularly to the Division of Commercial Fisheries Budget and Any Tax Revenue Generated From New or Increased State Taxes on the Commercial Seafood Industry Be Used to Fill the Funding Gap for ADFG and Pay for Continuing Effective Management of Alaska’s Commercial Fisheries44
 - c. Acceptance of Near Island Conceptual Land Use Plan50
 - d. Acceptance of Recommendations From the City Marijuana Advisory Special Committee.....55
 - e. Recommendation for Appointment to City Seat on the Planning and Zoning Commission63
 - f. Authorization of Award of Design and Construction of the Channel Transient Float, Project No. 852573

- VI. Staff Reports**
 - a. City Manager
 - b. City Clerk

- VII. Mayor’s Comments**

- VIII. Council Comments**

- IX. Audience Comments (limited to 3 minutes) (486-3231)**

X.	Executive Session	
	a. Discussion of Strategies for Potential Collective Bargaining Agreements.....	90
XI.	Adjournment	

<p style="font-size: 2em; margin: 0;">DRAFT</p>

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF KODIAK
HELD THURSDAY, OCTOBER 13, 2016
IN THE BOROUGH ASSEMBLY CHAMBERS**

I. MEETING CALLED TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Pat Branson called the meeting to order at 7:32 p.m. Councilmembers Laura B. Arboleda, Randall C. Bishop, Charles E. Davidson, Gabriel T. Saravia, Richard H. Walker, and John B. Whiddon were present and constituted a quorum. City Manager Aimée Kniazowski, City Clerk Debra L. Marlar, and Deputy Clerk Michelle Shuravloff-Nelson were also present.

Salvation Army Sergeant Major Dave Blacketer gave the invocation and the Pledge of Allegiance was recited.

II. PREVIOUS MINUTES

Councilmember Whiddon MOVED to approve the minutes of the September 22, 2016, regular meeting as presented.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

III. PERSONS TO BE HEARD

a. Proclamation: Filipino American National History Month

Councilmember Arboleda read the proclamation, which urges all citizens to celebrate the rich history and contributions of Filipino Americans in Kodiak.

Ada Llave, Representative and Mary Guiles-Hawver, President of Fil-Am Association accepted the proclamation. On behalf of the Filipino community, Ms. Llave thanked the Council for declaring Filipino American National History Month. Ms. Guiles-Hawver provided a reminder the Induction Ball is on October 22, 2016, from 5 p.m. until 9 p.m. at the Afognak building.

b. Public Comments

Chris Hatch said his son goes to Main Elementary and commented that Powell Avenue is extremely dark in the morning. He said there is speeding traffic, and drivers are making u-turns in the area. He said parents are patrolling the area but feels law enforcement needs to occur. He said it is dangerous, there is no lighting, and roads are going to get slippery. He urged the Council to help make the area near Main Elementary safer.

Ceilidh Prater said her son goes to Main Elementary and noticed the same concerns that Mr. Hatch shared. She commented that it is very dark and dangerous indicating there are speeders and she hopes the Council will look at the safety issues in the area.

David Blacketer commented on the crossing areas and stated some of the roads are state roads. He commented it is helpful if children are dressed in appropriate colors. He also commended Don Roberts for volunteering as a crossing guard.

John Glover, President of Kodiak Hockey League, said there are 140 registered skaters. He said they hosted Homer's hockey team and later won the state championship. He thanked the Council for their support.

Katie Baxter, Library Director said library card sign up is occurring; she gave the count and said the goal is to have 10,000 library card users. She said a focus has been on youth services to foster middle school and college and career readiness. She said the Kodiak Public Library was awarded a Future Ready grant from the Institute of Museum and Library Services that will support this initiative.

IV. UNFINISHED BUSINESS

- a. **Second Reading and Public Hearing, Ordinance No. 1359, Adopting Kodiak City Code 8.96.010, Discharge of Firearms and Other Dangerous Weapons Prohibited; Exceptions, and Amending Kodiak City Code 1.12.040, Disposition of Offenses—Fine Schedule, to Enact a Prohibition on Discharging Firearms in the City Subject to Certain Exceptions and a Penalty for Its Violation**

Mayor Branson read Ordinance No. 1359 by title. This ordinance is intended to restrict the discharge of firearms and other dangerous weapons within the City of Kodiak jurisdiction. Alaska Statute 29.35.145 (b) (2) authorizes a municipality to enact and enforce an ordinance restricting discharge of firearms.

Councilmember Arboleda MOVED to adopt Ordinance No. 1359.

Mayor Branson closed the regular meeting and opened the public hearing.

Joseph Mauer spoke against Ordinance No. 1359 saying it affects private property owners. He said he shoots his bow in his yard privately without incident, and he does not want to lose that right. He said some items are not considered dangerous weapons, and he commented that criminal charges can be imposed if people are negligent. He urged the ordinance be amended.

Sandy Pherson said she opposes Ordinance No. 1359. She further commented she has no business interest and noted her business does not sell paint ball guns.

There being no further public testimony, the Mayor closed the public hearing and reopened the regular meeting.

Councilmember Davidson MOVED to postpone the vote on Ordinance No. 1359 to a future regular or special meeting to be determined by the City Manager.

The roll call on the postponement was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

V. NEW BUSINESS

- a. First Reading, Ordinance No. 1360, Amending Kodiak City Code 3.12.020, Limitation on City Manager's Authority; Kodiak City Code 3.12.030, Open Market Procedures; Kodiak City Code 3.12.040, Advertising for Bids; and Kodiak City Code 3.12.090, Purchase, Contract, or Sale Valid When-Prohibited When; to Increase the Limit on the City Manager's Contracting Authority From \$15,000 to \$35,000 and to Increase the Limit on Use of Open Market Contracting Procedures to \$50,000**

Mayor Branson read Ordinance No. 1360 by title. The update to the Kodiak City Code section 3.12.040 was last amended in 2000. Cost of goods and services has increased in this period, and this ordinance is intended to catch up with inflation. Many of the invoices and small projects recently exceed the City Manager's current spending authority, and this increase would make for more efficiency in the procurement process.

Councilmember Arboleda MOVED to pass Ordinance No. 1360 in the first reading and advance to second reading and public hearing at the next special or regular meeting.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

- b. Resolution No. 2016–35, Accepting Funding From the State of Alaska Harbor Facilities Grant Program**

Mayor Branson read Resolution No. 2016–35 by title. Resolution No. 2016–35 acknowledges the City's acceptance of grant funds from the State of Alaska Harbor Facilities Grant Program. On July 5, 2016, the State of Alaska awarded grant funds to the City of Kodiak for the Channel Transient Float Replacement Project No. 8525, in the amount of \$1,365,792.

Councilmember Walker MOVED to adopt Resolution No. 2016–35.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

- c. Resolution No. 2016–36, Accepting a Code Blue Phase 16 Grant From the Southern Region EMS Council for Purchase of an Ambulance and Transferring \$20,010 From the FY2017 General Fund Balance to the General Capital Project Fund - Ambulance Replacement Project No. 4047**

Mayor Branson read Resolution No. 2016–36 by title. The City was awarded a Code Blue Phase 16 Grant with a 25 percent match this year to provide cost share funding for the purchase of an ambulance. This grant, along with 25 percent match, would cover the cost of replacing one of our aging ambulances, a total cost of \$195,000. This will be the second ambulance we have purchased utilizing the Code Blue Program. This year grant funding limitations have created a need to increase the City's originally requested 25 percent match by an additional \$20,010. This increases the City match, from the budgeted \$48,790 to \$68,800. Funds are available from the FY2017 General Fund Surplus to cover this increase.

Councilmember Davidson MOVED to adopt Resolution No. 2016–36.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

d. Resolution No. 2016–37, Authorizing the Kodiak Hockey League to Sell Concessions and Offer Skate Sharpening to the Community at Baranof Park

Mayor Branson read Resolution No. 2016–37 by title. The Kodiak Hockey League (KHL), a local non-profit organization, has requested permission to sell concessions during games at Baranof Park. KHL additionally requested permission to sharpen skates at Baranof Park.

Councilmember Walker MOVED to adopt Resolution No. 2016–37.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

e. Resolution No. 2016–38, Authorizing Payment for Two Additional Fiscal Year 2017 Nonprofit Organization Grants

Mayor Branson read Resolution No. 2016–38 by title. Each year the City Council authorizes grant payments to local nonprofit organizations. The types and levels of funding are based on the City Council’s nonprofit funding policy guidelines adopted by Resolution No. 2015–16. The policy resolution stipulates the total amount available for nonprofit grants in a given fiscal year, which equals the maximum of one percent of budgeted general fund revenues, exclusive of any fund balance appropriations. The total amount available in the FY2017 budget for nonprofit grants was \$184,500. In July, the City received twenty applications for FY2017 from nonprofit organizations that serve Kodiak for a total amount requested of \$177,201. On July 14, 2016, Council adopted Resolution No. 2016–23, which authorized payment of \$177,201 to nonprofit grants. The funded grant requests of \$177,201 left a balance of \$7,299 from the budgeted amount of \$184,500. In September, Council expressed support to award two additional FY2017 nonprofit grant awards in the amount of \$6,700; Kodiak Audubon Society and Kodiak Baptist Mission Food Bank.

Councilmember Davidson MOVED to adopt Resolution No. 2016–38.

Councilmember Whiddon MOVED to amend Resolution No. 2016–38 by striking \$5000 and inserting \$5,599 for the grant to the Kodiak Baptist Mission and striking \$599 and inserting 0 under nonprofit grants balance.

The roll call vote on the amendment was Councilmembers Arboleda, Bishop, Davidson, Saravia, and Walker in favor. Councilmember Whiddon opposed. The amendment passed.

The roll call vote on the main motion as amended was Councilmembers Arboleda, Bishop, Davidson, Saravia, and Walker in favor. Councilmember Whiddon opposed. The motion passed.

f. Resolution No. 2016–39, Appropriating \$30,550 From the Water Capital Improvement Unassigned Fund Balance to the UV Water Treatment Facility Project No. 03-14/7023 and Authorizing a Professional Services Contract for Updating the UV Reactors to the 2012 Validation Status and Completing New Programming of the Operating System

Mayor Branson read Resolution No. 2016–39 by title. The City is required to get approval to operate from Alaska Department of Environmental Conservation (ADEC) for any water system modifications or new facility. Compliance regulations also require approval from ADEC to construct the new Ultra Violet (UV) Water Treatment Plant and, upon completion, we need to apply for final approval for our Certificate to Operate the UV Water Treatment Plant. CH2MHILL submitted the City's request for approval to operate on August 10, 2012. Since that time we have received several extensions to our interim approval to operate the UV Water Treatment Plant. CH2MHILL has continued to respond and coordinate the approval to operate with ADEC. In mid-year 2015, the updated and adopted US Environment Protection Agency (EPA) UV Guidance Manual was approved and accepted by ADEC. Several options were proposed to ADEC and they would accept several of the options as meeting their need for final approval.

Councilmember Bishop MOVED to adopt Resolution No. 2016–39.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

g. Authorization of Up Fitting of Recently Purchased Police Department Vehicles

This action authorizes the Up fitting (or build) of three new Police Interceptor Utility SUV's for the Kodiak Police Department, which were recommended for replacement and purchased during FY2017. Up fitting includes accessory equipment needed to complete the patrol vehicle.

Councilmember Walker MOVED to authorize the City to sole-source purchase emergency equipment from Alaska Safety Inc. and authorize the company to complete the build of three (3) PI Utility SUV's, with funds coming from the FY2017 Kodiak Police Department Operational Budget, Police Canine Sub-Department, Machinery and Equipment Greater \$5000 line item in the amount of \$10,845; and funds coming from the FY2017 Kodiak Police Department Operational Budget, Uniformed Patrol Sub-Department, Machinery and Equipment Greater \$5000 line item in the amount of \$22,530 and authorize the City Manager to execute the documents on behalf of the City.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

h. Authorization of the First Amendment to Professional Services Contract With Windward Project Solutions LLC (WPS) for Design-Build Development for the Channel Transient Float (CTF) Replacement Project No. 8525

In December 2015, WPS was contracted to prepare the RFP for the CTF replacement project. The project is being solicited as a design-built project. On September 16, 2016, the RFP was advertised publicly. Moving forward, the RFP process involves communications with potential bidders, pre-proposal conference and preparation of addendums as needed. This authorization is

the first amendment to the professional services contract with Windward Project Solutions (WSP) to provide additional administrative services for the Channel Transient Float (CTF) Replacement Project, in an amount not-to-exceed \$8,500.

Councilmember Davidson MOVED to authorize first amendment to the Professional Services Contract with Windard Project Solutions in an amount not-to-exceed \$8,500 with funds from the Harbor Enterprise Fund, Capital Project No. 8525 and authorize the City Manager to execute the documents on behalf of the City.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

i. Amendment of the Previously Adopted Motion at the September 22, 2016, Regular Meeting to Cancel Certain October, November, and December Regular Meetings and Schedule Special Meetings

Some of the regularly scheduled Council meetings for October, November and December were cancelled at the September 22, 2016, regular meeting to reflect the holidays and elected official and staff travel schedules. After the September 22, 2016, regular meeting, the City Attorney notified the City Manager there were schedule changes to the refunding bond signing dates in Seattle, which include travel and attendance from the Mayor, City Manager, City Clerk, and Finance Director during the first week of November. This schedule alters the need to cancel the regular meeting of November 10 and hold a special meeting on November 3. This schedule change requires an amendment to the previously adopted motion to cancel regular and special meetings that were made at the September 22, 2016, regular meeting.

Clerk’s Note: The following motion was adopted at the September 22 regular meeting: move to cancel the October 27, November 10, November 24, and December 22, 2016, regular meetings and schedule a special meeting for November 3, 2016, and authorize the City Manager to schedule additional special meetings if needed.

Councilmember Whiddon MOVED to amend the previously adopted motion at the September 22, 2016, regular meeting by striking the November 3, 2016, special meeting and inserting the November 10, 2016, regular meeting.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

j. Certification of Election

The City of Kodiak held a regular election October 4, 2016, and voters cast ballots for the two three-year City Council positions and voted on Proposition No. 1 Providing for Collective Bargaining for the Employees of the City of Kodiak. The Canvass Board met October 12, 2016, to tally the votes of the admissible questioned and absentee ballots, together with votes counted on election night. The final results of the October 4, 2016, Municipal City election were:

City Council—Two Three-Year Terms
Charles Davidson629

John Whiddon557
Write-Ins46

Proposition No. 1

Yes413
No.....395

Of the 3,598 registered City voters, 856 cast eligible City ballots, for a 23.8% voter turnout, which is 6.6% higher than last year.

Councilmember Walker MOVED to certify the results of the October 4, 2016, regular election and declare Charles Davidson and John Whiddon elected to the City Council for three-year terms and that Proposition No. 1 passed.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

VI. STAFF REPORTS

a. City Manager

Manager Kniazowski said she will be focused on preparing for collective bargaining discussions. She said she will be out October 19 through October 21, 2016, for insurance and human resource training with the Deputy City Manager Tvenge.

b. City Clerk

City Clerk Marljar thanked the election workers and the Canvass Board for their work and service. She informed the public of the next scheduled Council joint work session and regular meeting. She said the Marijuana Advisory Committee will have a presentation from the Community Planner from the Fairbanks North Star Borough on October 17.

VII. MAYOR’S COMMENTS

Mayor Branson thanked the Clerk staff, election workers, and the Canvass Board for their service. She commended the Mill Bay Road repairs. She said they had a nice visit with Governor Walker and commented it is nice to have a Governor that is accessible. She said she would like to know more information on the crossing guard situation and to be further informed. She congratulated Library Director Baxter, Harbormaster White, and Fire Chief Mullican for receiving grant awards for the City. She stated she is pleased with the nonprofit award to the Food Bank.

VIII. COUNCIL COMMENTS

Councilmember Bishop congratulated Councilmembers Whiddon and Davidson on their reelection. He reminded citizens and businesses of the downtown trick or treat event at the end of the month and encouraged community involvement. He reported the Marijuana Advisory Committee will have recommendations to the Council soon and reminded everyone the opt-out period will end January 2017.

Councilmember Walker said he was pleased with Governor Walker’s visit to Kodiak. He said the school district is working on lighting the area around Main Elementary, and the walk way is also being worked on. He complimented the Kodiak Hockey League for their efforts, and he said he looks forward to working with Councilmembers Davidson and Whiddon.

Councilmember Saravia congratulated the Mayor for her award at the Chamber of Commerce annual dinner. He congratulated Councilmembers Whiddon and Davidson on their re-election. He thanked the Library Director for acquiring national recognition for the Kodiak Public Library. He said the he believes the Council is a group that is always problem solving in the best interest of the community.

Councilmember Arboleda congratulated the Mayor on her award and the Councilmembers for their re-election. She said she is a big advocate of children activities and strongly supports Resolution No. 2016–37.

Councilmember Davidson said he is a proud member of Kodiak and appreciates the support he received during elections. He congratulated the Library Director on the grant award. He said the debate was very interesting and commented that he looks forward to the Fil-Am Introduction Ball. He informed the public to drive safely.

Councilmember Whiddon said it is an honor and privilege to serve the community of Kodiak. He congratulated the Mayor for her local and international recognition recently. He commented on the debate. He said the KFWG met this week to discuss the overarching goals and objectives of Alternative 4. He said a letter will come before the Council soon regarding the EIS scoping comments. He commented that he is aware of a petition regarding the cross walks at Armstrong and Baranof, which will request consideration of a four way stop.

Mayor Branson congratulated Councilmembers Davidson and Whiddon for their re-election.

Councilmember Saravia said he participated in the Canvass and said the Clerk and volunteers did a great job.

Councilmember Whiddon said October is National Seafood Month.

Councilmember Davidson congratulated Councilmember Whiddon on his re-election.

IX. AUDIENCE COMMENTS

No audience comments.

X. OATH OF OFFICE

KCC 2.28.080 requires elected officials to take and subscribe to the Oath of Office.

Clerk Marljar administered the Oath of Office to the City’s re-elected officials.

XI. ADJOURNMENT

Councilmember Davidson MOVED to adjourn the meeting.

The roll call vote was Councilmembers Arboleda, Bishop, Davidson, Saravia, Walker, and Whiddon in favor. The motion passed.

The meeting adjourned at 9 p.m.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved:

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PERSONS TO BE HEARD

MEMORANDUM TO COUNCIL

Date: November 10, 2016

Agenda Item: III. a. Proclamation: Extra Mile Day

SUMMARY: The Extra Mile America Foundation requested this proclamation, which urges each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

ATTACHMENTS:

Attachment A: Proclamation: Declaring Extra Mile Day

PROCLAMATION

Declaring Extra Mile Day

WHEREAS, the City of Kodiak acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, the City of Kodiak encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, the City of Kodiak chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Kodiak acknowledges the mission of Extra Mile America to create 550+ Extra Mile cities in America and is proud to support “Extra Mile Day” on November 10, 2016.

NOW THEREFORE, I, Pat Branson, Mayor of the City of Kodiak, do hereby proclaim November 10, 2016, as:

Extra Mile Day

in Kodiak and urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Dated this 10th day of November 2016.

City of Kodiak

Pat Branson, Mayor

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UNFINISHED BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager

Thru: Mike Tvenge, Deputy City Manager *MT*

Date: November 10, 2016

Agenda Item: IV. a. Second Reading and Public Hearing, Ordinance No. 1360, Amending Kodiak City Code 3.12.020, Limitation on City Manager's Authority; Kodiak City Code 3.12.030, Open Market Procedures; Kodiak City Code 3.12.040, Advertising for Bids; and Kodiak City Code 3.12.090, Purchase, Contract, or Sale Valid When-Prohibited When; to Increase the Limit on the City Manager's Contracting Authority From \$15,000 to \$35,000 and to Increase the Limit on Use of Open Market Contracting Procedures to \$50,000

SUMMARY: The update to the Kodiak City Code section 3.12.040 was last amended in 2000. Cost of goods and services has increased in this period, and this ordinance is intended to catch up with inflation. Many of the invoices and small projects recently exceed the City Manager's current spending authority and this increase would make for more efficiency in the procurement process. Staff recommends Council adopt Ordinance No. 1360 after second reading and public hearing.

PREVIOUS COUNCIL ACTION:

- There have been suggestions at various Council work sessions to increase the Manager's spending authority.
- On September 20, 2016, during a work session, a draft ordinance was introduced and received overall support by Council.
- On October 13, 2016, Council passed Ordinance No. 1360 in the first reading and moved to second reading and public hearing.

DISCUSSION: The City Manager has a spending authority without prior Council approval only if the value of the property, service or contract does not exceed \$15,000. With the cost of goods and services climbing with inflation, this spending authority should reflect these changes. The intent of this ordinance is not to spend more but to keep the flow of City business conducted. There are two distinct but related topics: The dollar limit on the City Manager's authority to contract and the dollar limit that applies to the use of different procurement methods. In Section 1 of this ordinance there is an increase in the City Manager's authority from \$15,000 to \$35,000 and in Section 1 regarding procurement methods, the ordinance increases the limit in the City Manager's authority to do sole source procurements from \$15,000 to \$35,000; Section 2 increases the dollar limit on the use of open market procurement from \$25,000 to \$50,000; and Section 3 increases the dollar threshold for procurement by competitive sealed

bids from \$25,000 to \$50,000. The limits on the City Manager's contracting authority and on the use of different methods of procurement need not be the same. The City Manager will require City Council approval for purchases or services exceeding \$ 35,000.

ALTERNATIVES:

- 1) Council can adopt this ordinance, which is recommended.
- 2) Council may choose to keep the City Manager's spending authority at the current level, which only impedes the process to conduct business.

FINANCIAL IMPLICATIONS: This does not increase the cost of goods or services but is likely to save money in efficiencies of acquisition.

LEGAL: The law firm of Birch Horton Bittner and Cherot has worked with the Deputy City Manager in drafting of this ordinance.

STAFF RECOMMENDATION: Staff recommends Council adopt this ordinance after the second reading and public hearing.

CITY MANAGER'S COMMENTS: I support this increase in the Manager's spending authority as mentioned above. The motions of government can at times be impeded by the process and with this increase in authority, this process will ultimately improve.

ATTACHMENTS:

Attachment A: Ordinance No. 1360

PROPOSED MOTIONS
IN THE FOLLOWING SEQUENCE:

1. Move to adopt Ordinance No. 1360.
2. Move to amend Section 4 of Ordinance No. 1360 by striking \$50,000 and inserting \$35,000.

**CITY OF KODIAK
ORDINANCE NUMBER 1360**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING KODIAK CITY CODE 3.12.020, LIMITATION ON CITY MANAGER’S AUTHORITY; KODIAK CITY CODE 3.12.030, OPEN MARKET PROCEDURES; KODIAK CITY CODE 3.12.040, ADVERTISING FOR BIDS; AND KODIAK CITY CODE 3.12.090, PURCHASE, CONTRACT, OR SALE VALID WHEN—PROHIBITED WHEN; TO INCREASE THE LIMIT ON THE CITY MANAGER’S CONTRACTING AUTHORITY FROM \$15,000 TO \$35,000 AND TO INCREASE THE LIMIT ON USE OF OPEN MARKET CONTRACTING PROCEDURES TO \$50,000

WHEREAS, Kodiak City Code 3.12.020 provides that the City Manager may make an acquisition, sale, transfer, or contract without council approval, open market, or bidding procedures, only if the value of the property, service, or contract does not exceed \$15,000; and

WHEREAS, Kodiak City Code 3.12.030 and 3.12.040 provide that the City Manager may make purchases, sales or contracts having an estimated value in excess of \$15,000 but not more than \$25,000 on the open market without newspaper advertisement; and

WHEREAS, Kodiak City Code 3.12.090 requires City Council approval for purchases, sales, or contracts having an estimated value in excess of \$25,000; and

WHEREAS, the cost of goods and services has increased substantially since these dollar limits were enacted; and

WHEREAS, an increase in the dollar limit on the City Manager’s contracting authority in Kodiak City Code 3.12.020 to \$35,000 and on the City Manager’s authority to use open market procedures to \$50,000 would recognize the increase in the cost of goods and services since these dollar limits were established, and support the efficient operation of City government.

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

Section 1: Kodiak City Code 3.12.020, Limitation on City Manager’s authority, is hereby amended to read as follows:

3.12.020 Limitation on City Manager’s authority

The City Manager may make an acquisition, sale, transfer, or contract authorized by KCC 3.12.010 without Council approval, open market, or bidding procedures, if the value of the property, service, or contract does not exceed \$35,000 ~~\$15,000~~.

Section 2: Subsection (a) of Kodiak City Code 3.12.030, Open market procedures, is hereby amended to read as follows:

[Bold and underlined added. Deleted language stricken through.]

(a) Purchases, sales, or contracts authorized by KCC 3.12.010, having an estimated value in excess of ~~\$35,000~~ \$15,000 but not more than ~~\$50,000~~ \$25,000, shall be made on the open market without newspaper advertisement.

Section 3: Subsection (a) of Kodiak City Code 3.12.040, Advertising for bids, is hereby amended to read as follows:

(a) Purchases, sales, or contracts authorized by KCC 3.12.010 having an estimated value of more than ~~\$50,000~~ \$25,000 may be made only after a notice calling for bids is printed in a newspaper of general circulation published within the city. The notice shall be published at least once, not less than 30 days prior to the date of the bid opening. The notice shall contain a general description of the property, work, or service; state where the bid forms and specifications may be obtained; and specify the place for submission of bids and the time by which they must be received. Requirements for local publication need not be followed if the item or commodity cannot be purchased locally.

Section 4: Subsection (a) of Kodiak City Code 3.12.090, Purchase, contract, or sale valid when—prohibited when, is hereby amended to read as follows:

(a) A purchase, contract, or sale subject to the provisions of this chapter shall not be valid, enforceable, or binding upon the city unless the established requirements have been satisfied and the contract, purchase, or sale approved by the City Manager or, if of greater than ~~\$50,000~~ \$25,000 value, by the Council.

Section 2: This ordinance shall be effective one month following final passage and publication in accordance with Kodiak Charter Article II Section 13.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading: October 13, 2016

Second Reading:

Effective Date:

[Bold and underlined added. Deleted language stricken through.]

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NEW BUSINESS

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Council members

From: Aimée Kniaziowski, City Manager

Thru: Mike Tvenge, Deputy City Manager and Ronda Wallace, Chief of Police

Date: November 10, 2016 *MT*

Agenda Item: V. a. **Resolution No. 2016–40, Accepting an Edward Byrne Memorial Justice Assistance Grant From the U. S. Department of Justice**

SUMMARY: The City of Kodiak has been awarded an Edward Byrne Memorial Justice Assistance Grant (JAG), by the Office of Justice Programs to provide funding for approved equipment purchases. This grant will repay cost associated with the purchase of approved body camera equipment and redaction software for the Kodiak Police Department. Staff recommends Council accept this grant for \$13,359 by adopting Resolution No. 2016–40.

PREVIOUS COUNCIL ACTION:

- Council routinely accepts grants from federal and state agencies by resolution.

DISCUSSION: The City of Kodiak has been informed that a grant application submitted for FY2016 Byrne Memorial Justice Assistance Grant (JAG) Program has been approved. The grant, totaling \$13,359, will fund the purchase of Taser Axom body cameras and related redaction software from Taser International.

The law enforcement community embraces helpful advances in technology, which makes the job of policing easier and protects officers and citizens alike. A recent phenomenon has been the development of cameras that can be worn by police officers. During the short time that these devices have been around, they have proven to be effective, so long as the right equipment is selected and officers receive proper training. As is the case with any law enforcement tool, the uses of body cameras need to be used in accordance with a model department policy.

The Kodiak Police Department tried a Body Worn Camera (BWC) program in February 2015. This program ultimately became coined as a “trial run” because the equipment and support failed. The initial body cameras, now outdated, were selected based on cost, and the department used them in conjunction with an old digital evidence server onsite. The cameras themselves had several buttons, were clipped to an officer’s chest, with a touch of a button the audio could be muted, and no pre-record function. To complicate matters, the company who supplied the digital evidence server filed for bankruptcy. This program was disbanded after about a year. In addition, if confidential or propriety images were captured by the cameras, then we had no way to redact part of the footage.

The Kodiak Police Department did benefit from this initial program because we learned what did not work. The TASER products we have selected use BWCs that are unparalleled in function to what we tried before, and the “cloud storage” offered through Evidence.com will provide secure storage for as long as it is needed. The TASER Axon Flex cameras can be mounted on safety glasses or sunglasses and in essence, they see what the officer sees. The old cameras provided a lot of video pointed in the wrong direction or video of a person’s torso. The TASER BWC only has one button, which is used to start and stop recordings, and they have a pre-record feature. The TASER BWC is constantly recording while an officer is wearing it, so when the officer presses the record button it adds 30 seconds of pre-recorded video to the front of recording.

One repetitive theme from the research conducted into BWC’s pertained to storage. Purchasing the cameras is only part of the cost associated with having a BWC program. The onsite server we tried to use the first time ultimately failed. The old option also allowed the individual officer direct access to the recordings, so they could delete a recording if it was not needed. This new program through Evidence.com would not allow officers to delete any video. Every recording will be placed into a category in Evidence.com. In the event of a questionable interaction, administration will be able to review the footage.

The Kodiak Police Department has already experienced firsthand the rate at which technology becomes outdated. We would select a contract with TASER, which refreshes the cameras every 2 ½ years with newest devices.

ALTERNATIVES:

- 1) Adopt Resolution No. 2016–40, which is the recommendation of staff and it will offset the costs of equipment purchases.
- 2) Do not adopt Resolution No. 2016–40. This alternative is not recommended, because it will shift the burden of cost solely to the City.

FINANCIAL IMPLICATIONS: The grant amount of \$13,359 will be used for reimbursement of City costs to purchase the Taser Axom Body Cameras and related software.

STAFF RECOMMENDATION: Staff recommends Council adopt Resolution No. 2016–40 to accept the Byrne Memorial Justice Assistance Grant (JAG) awarded by the office of Justice Programs at the U.S. Department of Justice; GMS Award #2016-DJ-BX-1048. The City benefits from the financial support and demonstrates our commitment to transparency in working with our community.

CITY MANAGER’S COMMENTS: The body worn cameras have the ability to provide important information for review, but must function correctly to accurately replay the situation encountered.

The Taser Axom cameras are expected to outperform the previous “trial run” cameras and provide the features that were lacking on the previous model. This grant was requested and received by the Police Chief and Department; therefore I support the acceptance of the Edward Byrne Memorial Justice Assistance Grant.

ATTACHMENTS:

Attachment A: Resolution No. 2016–40

Attachment B: Byrne Memorial Justice Assistance Grant award notice
and supporting documents

PROPOSED MOTION:

Move to adopt Resolution No. 2016–40

**CITY OF KODIAK
RESOLUTION NUMBER 2016-40**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK ACCEPTING
AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FROM
THE U.S. DEPARTMENT OF JUSTICE**

WHEREAS, the Edward Byrne Memorial Justice Assistance Grant (JAG) program is the primary provider of federal criminal justice funding to state and local jurisdictions; and

WHEREAS, the City of Kodiak Police Department (KPD) was awarded \$13,359 through the JAG program; and

WHEREAS, KPD intends to use these funds for law enforcement equipment; and

WHEREAS, these funds do not require any local match.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that an FY2016 Edward Byrne Memorial Justice Assistance Grant in the amount of \$13,359 is hereby accepted.

BE IT FURTHER RESOLVED by the Council of the City of Kodiak that the City Manager is hereby authorized to execute and administer any and all documents required for the acceptance and management of this grant award.


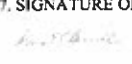
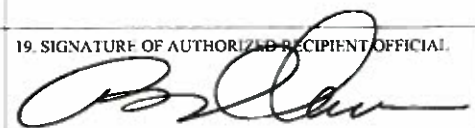
CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:

 U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance		Grant		PAGE 1 OF 13																
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Kodiak 710 Mill Bay Road Kodiak, AK 99615-6340		4. AWARD NUMBER: 2016-DJ-BX-1048																		
		5. PROJECT PERIOD: FROM 10/01/2015 TO 09/30/2017 BUDGET PERIOD: FROM 10/01/2015 TO 09/30/2017																		
		6. AWARD DATE 09/07/2016	7. ACTION Initial																	
7a. GRANTEE IRS VENDOR NO. 926000183	8. SUPPLEMENT NUMBER 00																			
2b. GRANTEE DUNS NO. 078191970	9. PREVIOUS AWARD AMOUNT		\$ 0																	
3. PROJECT TITLE FY 2016 Law Enforcement Equipment		10. AMOUNT OF THIS AWARD		\$ 13,359																
		11. TOTAL AWARD		\$ 13,359																
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																				
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY16(BJA - JAG) 42 USC 3750, et seq.																				
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program																				
15. METHOD OF PAYMENT GPRS																				
AGENCY APPROVAL		GRANTEE ACCEPTANCE																		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Ronda Wallace Police Chief																		
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 		19A. DATE 9/23/14																
AGENCY USE ONLY																				
20. ACCOUNTING CLASSIFICATION CODES <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>DJ</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>13359</td> </tr> </tbody> </table>				FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT	X	B	DJ	80	00	00		13359	21. RDJUGT1222
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT													
X	B	DJ	80	00	00		13359													

OJP FORM 4000-2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE

OJP FORM 4000-2 (REV. 4-88)



U.S. Department of Justice
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Bureau of Justice Assistance

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PROJECT NUMBER 2016-DJ-BX-1048

AWARD DATE 09/07/2016

SPECIAL CONDITIONS

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this 2016 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded in 2014 or earlier years), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2016 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide"), including any updated version that may be posted during the period of performance.

3. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <http://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.



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SPECIAL CONDITIONS

4. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

5. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

6. Requirements related to System for Award Management and Unique Entity Identifiers

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <http://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

7. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <http://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: Award Condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.



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SPECIAL CONDITIONS

8. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

9. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

10. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

11. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.

12. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.



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13. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

14. The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

15. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.cfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

17. Restrictions on "lobbying"

Federal funds may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government.

Should any question arise as to whether a particular use of Federal funds by a recipient (or subrecipient) would or might fall within the scope of this prohibition, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.



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SPECIAL CONDITIONS

18. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2016)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at <http://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

19. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act, or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig_hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.



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SPECIAL CONDITIONS

20. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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SPECIAL CONDITIONS

21. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal, notice to employees)

The recipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

22. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

23. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds, referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

24. Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

25. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

26. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.



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27. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
28. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
29. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
30. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
31. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
32. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
33. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.



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34. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

35. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the grant funds in the trust fund (including any interest earned) during the period of the grant and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.
36. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
37. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.



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38. The recipient agrees to submit a signed certification that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.
39. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the DOJ Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
40. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
41. Award recipients must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
42. Any law enforcement agency receiving direct or sub-awarded JAG funding must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
43. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.
44. Recipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>



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45. The recipient understands that, pursuant to recommendation 2.1 of Executive Order 13688, law enforcement agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient agrees to provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.
46. Recipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf
47. Recipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
48. Recipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>
49. Recipient understands and agrees that, notwithstanding 2 CFR § 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
- a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
 - b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
 - c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.
- Recipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.
50. Recipient understands that the initial period of availability of funds for this award is two years. Recipient further understands that any requests for additional time for performance of this award, up to two additional years, will be granted automatically, pursuant to 42 U.S.C. § 3751(f) and in accordance with current fiscal year solicitation. Requests for additional time beyond a four year grant period will be subject to the discretion of the Director of the Bureau of Justice Assistance.



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51. Recipient acknowledges that it may not expend or drawdown grant funds until it has submitted all delinquent reports for grants funded by OJP, including the 1) Federal Financial Report (SF 425); 2) annual performance reports; 3) quarterly performance metrics reports, or 4) final reports. Recipients are encouraged to contact their BJA grant manager with questions concerning these delinquent reports. All reports must be submitted electronically. Only after all of these delinquent reports have been submitted will OJP issue a Grant Adjustment Notice to remove this condition.
52. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Abstract portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
53. Recipient may not expend, or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Budget Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
54. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Program Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
55. The recipient may not expend or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued removing this special condition.
56. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance (BJA) has received documentation demonstrating that the state or local governing body review and public comment requirements have been met and a Grant Adjustment Notice (GAN) has been approved releasing this special condition.
57. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the signed Memorandum of Understanding (MOU) between the disparate jurisdictions and has issued a Grant Adjustment Notice (GAN) releasing this special condition.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File
From: Orbin Terry, NEPA Coordinator
Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Kodiak

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

Edward Byrne Memorial Justice Assistance Grant Award Number 2016-DJ-BX-1048

Special Condition 52: Abstract

Applicant Name: City of Kodiak (Alaska) Police Department.

Title of Project: Implementation of a TASER Body Worn Camera (BWC) program

Goals of the Project:

1. Purchase BWCs made by TASER: Purchase TASER Axon Flex BWCs to be used by all commissioned police officers and 2 corrections officers who are authorized to transport prisoners.
2. Utilize Evidence.com: Purchase individual licenses for officers and cloud storage from TASER's Evidence.com platform.
3. Training & Policy: Train officers in how to use BWCs, develop a model department policy for their use, and create a retention schedule for BWC footage.

Description of Strategies to be used:

The Kodiak Police Department will use the funds from this grant program to implement a Body Worn Camera program utilizing equipment, storage, and support offered through TASER. The training will include professional services offered by TASER AXON which includes a full day of on-site instruction.

Major Deliverables:

1. Equip officers with state-of-the-art Body Worn Cameras
2. Integrate BWCs with Evidence.com for seamless officer accountability
3. Increase department transparency and public trust

Coordination Plans:

The local community has expressed interest to the local governing body that the police department provides their officers with Body Worn Cameras. After researching available options, the police department has selected TASER BWCs. Upon receiving approval to proceed with the acquisition of the cameras, and following City of Kodiak purchasing guidelines, the department will purchase TASER BWCs, individual licenses for Evidence.com, and "cloud" storage for BWC footage.

Special Condition 53: Budget Narrative

The Kodiak Police Department proposes to use the funds allocated by this grant towards the implementation of a Body Worn Camera (BWC) program utilizing TASER products. This program requires the purchase of 20 TASER BWCs and peripheral systems, to include: docking stations, camera mounts, individual licenses for Evidence.com, "cloud" storage from Evidence.com, and training. The current cost to implement the program is \$16,260. The City of Kodiak will function as the Authorized Agent for this program, and all purchases will be commensurate with the purchasing policies of the City.

Edward Byrne Memorial Justice Assistance Grant Award Number 2016-DJ-BX-1048

Special Condition 54: Program Narrative

The law enforcement community embraces helpful advances in technology which make the job of policing easier and protect officers and citizens alike. A recent phenomenon has been the development of cameras that can be worn by police officers. During the short time that these devices have been around, they have proven to be effective, so long as the right equipment is selected and officers receive proper training. As is the case with any law enforcement tool, the use of body cameras need to be used in accordance with a model department policy.

The Kodiak Police Department tried a Body Worn Camera program in February 2015. This program ultimately became coined as a "trial run" because the equipment and support failed. The initial body cameras, now outdated, were selected based on cost, and the department used them in conjunction with an old digital evidence server onsite. The cameras themselves had several buttons, no pre-record function, were clipped to an officer's chest, and with a touch a button the audio could be muted. To complicate matters, the company who supplied the digital evidence server filed for bankruptcy. This program was disbanded after about a year. In addition, if confidential or propriety images were captured by the cameras, then we had no way to redact part of the footage.

The Kodiak Police Department did benefit from this initial program because we learned what didn't work. The TASER products we have selected use BWCs that are unparalleled in function to what we tried before, and the "cloud storage" offered through Evidence.com will provide secure storage for as long as it's needed. The TASER Axon Flex cameras can be mounted on safety glasses or sunglasses and in essence they see what the officer sees. The old cameras provided a lot of video pointed in the wrong direction or video of a person's torso. The TASER BWC only has one button which is used to start and stop recordings, and they have a pre-record feature. The TASER BWC is constantly recording while an officer is wearing it, so when the officer presses the record button it adds 30 seconds of pre-recorded video to the front of recording.

One repetitive theme from the research conducted into BWCs pertained to storage. Purchasing the cameras is only part of the cost associated with having a BWC program. The onsite server we tried to use the first time ultimately failed. The old option also allowed the individual officer direct access to the recordings, so they could delete a recording if it wasn't needed. This new program through Evidence.com would not allow officers to delete any video. Every recording will be placed into a category in Evidence.com. In the event of a questionable interaction, administration will be able to review the footage.

The Kodiak Police Department has already experienced firsthand the rate at which technology becomes outdated. We would select a contract with TASER which refreshes the cameras every 2 ½ years with newest devices.

Edward Byrne Memorial Justice Assistance Grant Award Number 2016-DJ-BX-1048

The citizens of Kodiak have made it clear that they want their police to start using body cameras again. Citizens have spoken in front of the governing body and signed petitions. The police department would also like to implement a sustainable Body Worn Camera program. There is benefit to both the department and community when the relationship with the police is positive. We look forward to accepting this grant.

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager

Thru: Mike Tvenge, Deputy City Manager 

Date: November 10, 2016

Agenda Item: V. b. **Resolution No. 2016–41, Requesting the Alaska Legislature and Governor Walker to Not Impose Any More Cuts to the Alaska Department of Fish and Game (ADFG) Budget and Particularly to the Division of Commercial Fisheries Budget and Any Tax Revenue Generated From New or Increased State Taxes on the Commercial Seafood Industry Be Used to Fill the Funding Gap for ADFG and Pay for Continuing Effective Management of Alaska’s Commercial Fisheries**

SUMMARY: At the October 19, 2016, joint work session, the Borough indicated it was submitting a resolution to the Alaska Municipal League (AML) Resolution Committee requesting the Governor not impose any more cuts to the Alaska Department of Fish and Game budget, especially the Division of Commercial Fisheries budget. The Borough will request the resolution be included in the AML business meeting for a vote of the membership. The resolution requires the support of representatives of five member municipalities. The Council voiced a consensus to support the resolution to AML and directed a similar City resolution be brought forward at this meeting. The Fisheries Work Group also endorsed the resolution at its October 12, 2016, meeting.

DISCUSSION: City Resolution No. 2016–41 mirrors Borough Resolution No. FY2017-19 and requests the Alaska Legislature and Governor Walker to not impose any more cuts to the ADFG budget, and particularly to the Division of Commercial Fisheries budget, and that any tax revenue generated from new or increased State taxes on the commercial seafood industry be used to fill the funding gap for ADFG and pay for continuing effective management of Alaska’s commercial fisheries.

ALTERNATIVES: Council may approve, amend, or fail the resolution.

CITY MANAGER’S COMMENTS: The importance of Alaska’s fisheries cannot be overstated therefore I agree this should be brought before the Alaska Municipal League Resolution Committee for consideration and hopefully moved as an AML policy priority.

ATTACHMENTS:

Attachment A: City Resolution No. 2016–41

Attachment B: Borough Resolution No. FY2017-19

PROPOSED MOTION:

Move to adopt Resolution No. 2016-41.

**CITY OF KODIAK
RESOLUTION NUMBER 2016-41**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK REQUESTING THE ALASKA LEGISLATURE AND GOVERNOR WALKER TO NOT IMPOSE ANY MORE CUTS TO THE ADFG BUDGET AND PARTICULARLY TO THE DIVISION OF COMMERCIAL FISHERIES BUDGET AND ANY TAX REVENUE GENERATED FROM NEW OR INCREASED STATE TAXES ON THE COMMERCIAL SEAFOOD INDUSTRY BE USED TO FILL THE FUNDING GAP FOR ADFG AND PAY FOR CONTINUING EFFECTIVE MANAGEMENT OF ALASKA'S COMMERCIAL FISHERIES

WHEREAS, subsistence, sport and commercial harvests of Alaska's fish and game resources are vital to the social, cultural, and economic health of the State of Alaska; and

WHEREAS, the Alaska seafood industry is the second largest contributor to Alaska economy; and

WHEREAS, the Alaska seafood industry directly provides over 60,000 direct jobs and thousands more indirectly, making it the largest private-sector employer in the state; and

WHEREAS, Alaska's commercial seafood industry pays over \$250M annually in taxes and fees which exceeds current State commercial fisheries management spending; and

WHEREAS, Alaska's seafood industry pays business and landing taxes that directly benefit over 65 communities and boroughs in Alaska and reduces community dependence on State funds; and

WHEREAS, the seafood industry relies on strong State commercial fishery research and management programs in order to provide that economic benefit; and

WHEREAS, the Commercial Fisheries Division budget has been reduced by more than 20% in the past 2 years, from \$50M to \$40M which includes offsets from Commercial Fisheries Entry Commission (CFEC) funding, and the unrestricted general fund has been reduced by 30%; and

WHEREAS, the Alaska Department of Fish and Game (ADFG) is preparing for additional budget cuts of 10-14% in FY18 which could result in another \$5.7M reduction to the Division of Commercial Fisheries; and

WHEREAS, when the Division of Commercial Fisheries budget is reduced, the seafood industry loses research and resource management programs that are necessary to allow for harvest opportunity; and

WHEREAS, impacts of these budget cuts are already apparent in the recently released Kodiak herring fishery 2017 harvest forecast and harvest limits where inadequate funding

precluded sampling necessary for scientific modeling used to set harvest limits, resulting in reliance on historical average catch and a 10% harvest reduction for an uncertainty buffer; and

WHEREAS, reduced harvest opportunities in any fishery result in fewer jobs, less income and decreased tax revenue for the State of Alaska and coastal communities; and

WHEREAS, Governor Walker's previous fiscal plan included raising taxes on the fishing industry, up to 33% in some areas, and the future fiscal plan is as yet unknown.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, strongly requests Governor Walker and the Alaska Legislature to not impose any more cuts to the ADFG budget and particularly to the Division of Commercial Fisheries budget.

BE IT FURTHER RESOLVED that any tax revenue generated from new or increased State taxes on the commercial seafood industry be used to fill the funding gap for ADFG and pay for continuing effective management of Alaska's commercial fisheries.

BE IT FURTHER RESOLVED that upon adoption, this Resolution shall be submitted to the Alaska Municipal League in support of Kodiak Island Borough Resolution No. FY2017-19.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Adopted:

Introduced by: KIB Assembly
Requested by: KIB Assembly Members Crow and Skinner
Drafted by: Assembly Member Skinner
Introduced on: 11/03/2016
Adopted on:

**KODIAK ISLAND BOROUGH
RESOLUTION NO. FY 2017-19**

A RESOLUTION OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REQUESTING THE ALASKA LEGISLATURE AND GOVERNOR WALKER TO NOT IMPOSE ANY MORE CUTS TO THE ADFG BUDGET AND PARTICULARLY TO THE DIVISION OF COMMERCIAL FISHERIES BUDGET AND ANY TAX REVENUE GENERATED FROM NEW OR INCREASED STATE TAXES ON THE COMMERCIAL SEAFOOD INDUSTRY BE USED TO FILL THE FUNDING GAP FOR ADFG AND PAY FOR CONTINUING EFFECTIVE MANAGEMENT OF ALASKA’S COMMERCIAL FISHERIES

WHEREAS, subsistence, sport and commercial harvests of Alaska’s fish and game resources are vital to the social, cultural, and economic health of the State of Alaska; and

WHEREAS, the Alaska seafood industry is the second largest contributor to Alaska economy; and

WHEREAS, the Alaska seafood industry directly provides over 60,000 direct jobs and thousands more indirectly, making it the largest private-sector employer in the state; and

WHEREAS, Alaska’s commercial seafood industry pays over \$250M annually in taxes and fees which exceeds current State commercial fisheries management spending; and

WHEREAS, Alaska’s seafood industry pays business and landing taxes that directly benefit over 65 communities and boroughs in Alaska and reduces community dependence on State funds; and

WHEREAS, the seafood industry relies on strong State commercial fishery research and management programs in order to provide that economic benefit; and

WHEREAS, the Commercial Fisheries Division budget has been reduced by more than 20% in the past 2 years, from \$50M to \$40M which includes offsets from CFEC funding, and the unrestricted general fund has been reduced by 30%; and

WHEREAS, the Alaska Department of Fish and Game (ADFG) is preparing for additional budget cuts of 10-14% in FY18 which could result in another \$5.7M reduction to the Division of Commercial Fisheries; and

WHEREAS, when the Division of Commercial Fisheries budget is reduced, the seafood industry loses research and resource management programs that are necessary to allow for harvest opportunity; and

40 **WHEREAS,** impacts of these budget cuts are already apparent in the recently released
41 Kodiak herring fishery 2017 harvest forecast and harvest limits where inadequate funding
42 precluded sampling necessary for scientific modeling used to set harvest limits, resulting in
43 reliance on historical average catch and a 10% harvest reduction for an uncertainty buffer;
44 and

45 **WHEREAS,** reduced harvest opportunities in any fishery result in fewer jobs, less income
46 and decreased tax revenue for the state of Alaska and coastal communities; and

47 **WHEREAS,** Governor Walker's previous fiscal plan included raising taxes on the fishing
48 industry, up to 33% in some areas, and the future fiscal plan is as yet unknown.

49 **NOW, THEREFORE, BE IT RESOLVED** that the Kodiak Island Borough Assembly strongly
50 requests the Alaska legislature and Governor Walker to not impose any more cuts to the
51 ADFG budget and particularly to the Division of Commercial Fisheries budget;

52 **BE IT FURTHER RESOLVED** that any tax revenue generated from new or increased State
53 taxes on the commercial seafood industry be used to fill the funding gap for ADFG and pay
54 for continuing effective management of Alaska's commercial fisheries.

55 **BE IT FURTHER RESOLVED** that upon adoption, this Resolution shall be submitted to the
56 membership of the Alaska Municipal League for consideration and adoption.

57 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
58 **THIS _____ DAY OF _____ 2016**

59
60 KODIAK ISLAND BOROUGH

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64 Dan Rohrer, Borough Mayor
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66 ATTEST:

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69 _____
70 Nova M. Javier, MMC, Borough Clerk

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniaziowski, City Manager
Thru: Mike Tvenge, Deputy City Manager and Glenn Melvin PE, City Engineer
Date: November 10, 2016 *MA*
Agenda Item: V. c. Acceptance of Near Island Conceptual Land Use Plan

SUMMARY: In September 2015, Council authorized a professional service contract with DOWL for an updated Near Island Land Use Plan. DOWL is the City's consultant most familiar with Near Island and has presented at Council work sessions, summarized public outreach efforts, and has updated the Near Island Conceptual Land Use Plan. Staff recommends Council accept the Near Island Conceptual Land Use Plan by motion.

PREVIOUS COUNCIL ACTION:

- 1974, Near Island Comprehensive Development Plan prepared for the City of Kodiak and the Kodiak Island Borough
- 1987, Near Island Development Plan report to the Kodiak City Council prepared by the Near Island Task Force and followed by the 1988 Kodiak Island Borough Ordinance No. 88-01-0 rezoning
- 1996, City of Kodiak Resolution No. 02-96 providing for the preservation, dedication, and eventual construction of a pedestrian trail around Near Island
- May 2015, Council requested approval of the project and its start date be delayed until after the busy fishing season to ensure maximum business and community participation in the process
- September 10, 2015, Council authorized a professional service contract to update the Near Island Land Use Plan
- August 9, 2016, DOWL presented a draft of the Near Island Development Plan to Council at a work session
- September 20, 2016, Council reviewed the Near Island Conceptual Land Use Plan during a work session and determined to review the plan when additional Councilmembers were present
- October 11, 2016, Council reviewed the Near Island Conceptual Land Use Plan during a work session and made recommendations

DISCUSSION: DOWL proposed to update the 1974 and 1987 Development plans to reflect re-zoning ordinances, trail development, land sales, and quarry expansion at St. Herman Harbor. The objective of the development plan update is to provide a tool that will allow the City of Kodiak to plan for future development on Near Island that encourages revenue generation while balancing the needs between

development and land conservation. DOWL will prepare a final documented plan that will allow the City of Kodiak to productively focus their efforts, make decisions, and anticipate the future. The final land use plan update will not only describe the options, but will be designed to position projects for future implementation. Prior to completion of the final plan in 2017 the Near Island Conceptual Land Use Plan will need to be accepted. (Attachment A).

ALTERNATIVES: Council may accept, amend, or not accept the Near Island Conceptual Land Use Plan.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council accept the Near Island Conceptual Land Use Plan by motion.

CITY MANAGER'S COMMENTS: This proposed Near Island Land Use Plan has been reviewed by both the community and Council during several presentations, all public and transparent. This proposed land use plan is the culmination of those public presentations and is now recommended for tentative approval by Council. Then we will have additional public comment and those comments have the opportunity to be included in the final plan. The next procedure is to request the Kodiak Island Borough (KIB) to adopt this plan into the Kodiak Island Comprehensive Land Use Plan.

The City would apply to the Planning and Zoning (P&Z) Commission for an amendment to the current 2008 Comprehensive Land Use plan. After review, the P&Z Commission would forward to the Borough Assembly with recommendation for approval. Once approved by the Borough Assembly the new Near Island Plan would replace the 2008 Plan and all planning and zoning would be subject to the newly adopted plan.

ATTACHMENTS:

- Attachment A: Letter from DOWL re: Near Island Development Plan Update
- Attachment B: Near Island Conceptual Land Use Plan


PROPOSED MOTION:

Move to accept the Near Island Conceptual Land Use Plan.



MEMORANDUM

TO: The City of Kodiak City Council

FROM: Michelle J. Ritter, AICP, Senior Planner 

DATE: November 3, 2016

SUBJECT: Near Island Development Plan Update Summary

DOWL presented an update on the Near Island Development Plan Update to the Kodiak City Council on October 4, 2016. The purpose of the presentation was to address questions and requested revisions from City Council regarding the proposed Land Use Plan Map for Near Island. The City Council requested that two revisions be made to the proposed Land Use Plan Map:

- Reduce the Institutional Land Use designation back to its existing footprint. A needs analysis or similar study demonstrating the need for use of this land should be completed prior to future development.
- Remove the proposed waterfront trail which passes by the quarry. After quarrying activities have been completed, a needs analysis or similar study demonstrating the need this trail should be completed prior to future development.

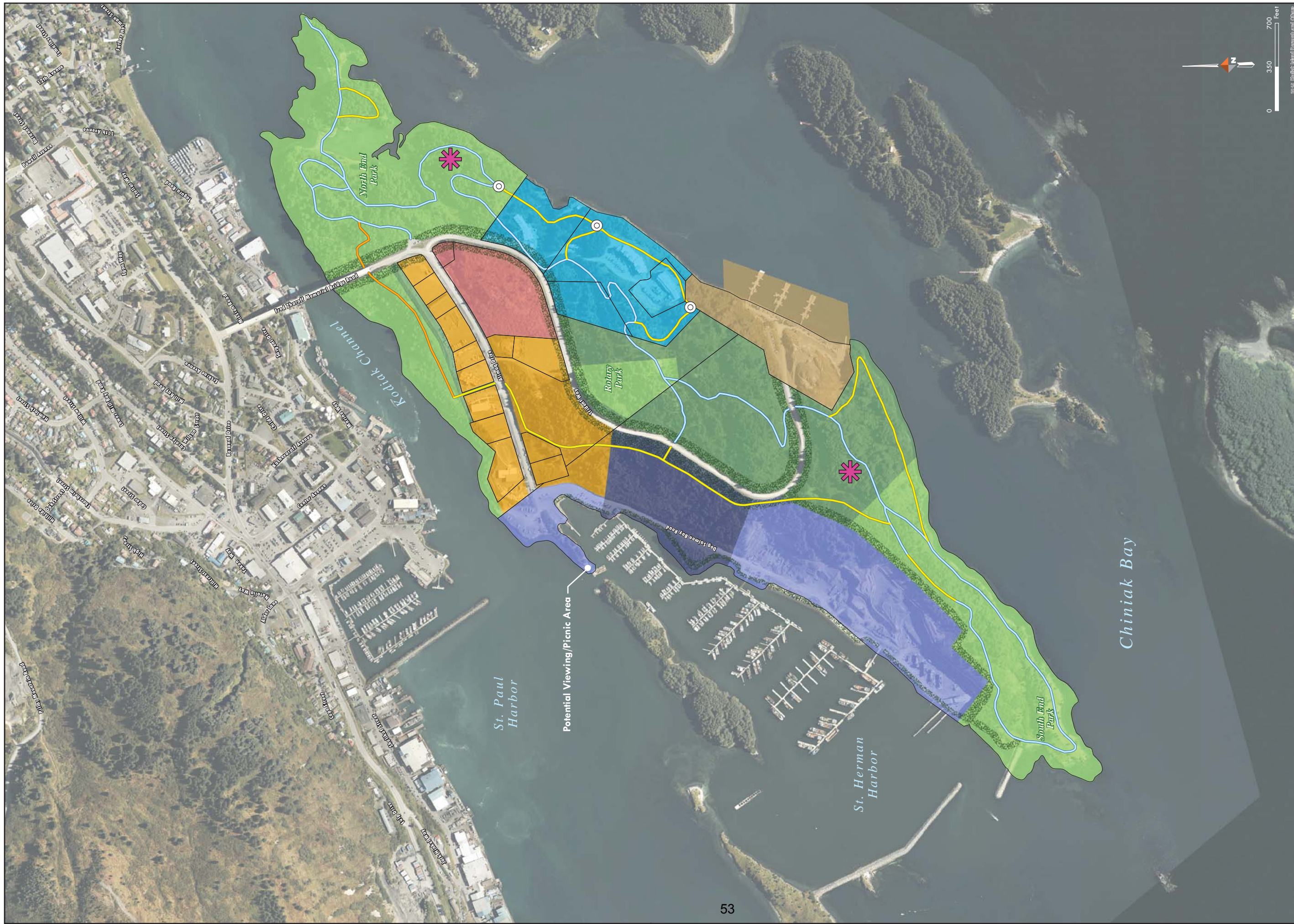
Attached is a revised Land Use Plan Map that reflects these changes. The Draft Near Island Development Plan narrative will also reflect the above.

Next Steps

Since the second Open House we have been collecting and reviewing feedback on the draft pedestrian improvement projects. The next steps are outlined below with approximate dates which can be modified as necessary.

1. City Council approve recommended proposed Land Use Plan Map to move forward as part of the Draft Near Island Development Plan Update (September 10, 2016)
2. Draft Near Island Development Plan Update (complete mid-December)
3. Update City Council & Post Draft Plan for Public Review (Beginning of January)
4. Incorporate Final Feedback (through January)
5. Final Near Island Development Plan approved and adopted by City Council (February)

After the plan has been approved and adopted by the City Council, the Planning & Zoning Commission will forward the Plan to the Borough Assembly with recommendation for approval. Once approved by the Borough Assembly the new Near Island Plan Update would replace the 2008 Plan and all planning and zoning would be subject to the newly adopted plan.




PROPOSED LAND USE PLAN	
NEAR ISLAND KODIAK, ALASKA	
NOVEMBER 2016	
<p>LEGEND</p> <ul style="list-style-type: none"> Future Reserve General Commercial General Commercial Tourism Related Institutional Open Space & Recreation Seaplane Base & Support Services Water Dependent Marine Industrial Water Related Marine Industrial Vegetated Buffer Special Study Area Existing Trail Trail (Under Construction) Proposed Trail, Trail Linkages Possible Coastal Trail Gate on Trail (Seasonal Closure) 	<p>DOWL</p>

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager
Debra Marlar, City Clerk

Thru: Mike Tvenge, Deputy City Manager 

Date: November 10, 2015

Agenda Item: V. d. Acceptance of Recommendations From the City Marijuana Advisory Special Committee

SUMMARY: On May 26, 2016, the Council adopted Ordinance No. 1350, Enacting KCC Chapter 5.52 Prohibiting Marijuana Establishments in the City. The ordinance became effective July 1, 2016, and expires January 1, 2017. The six-month opt out period was to provide time for the City's Marijuana Advisory Special Committee, which was established by Resolution No. 2016-16, to recommend guidelines for implementing taxation, regulation, production, sale, and use of marijuana within the Kodiak City limit. The committee has held nine meetings since June 2016 and is bringing forward recommendations for Council consideration. Once the Council has accepted the recommendations, staff will work with the City attorney to draft the necessary ordinances.

PREVIOUS COUNCIL ACTION:

- 2015-2016, received information at work sessions from Cynthia Franklin, Director of the Alaska Marijuana Control Office and City attorneys about State Ballot Measure 2 and other considerations regarding marijuana regulation in the City
- May 12, 2016, adopted Resolution No. 2016-16, Establishing a Marijuana Advisory Committee
- May 26, 2016, adopted Ordinance No. 1350, Enacting Kodiak City Code Chapter 5.52 Prohibiting Marijuana Establishments in the City (opt out expires January 1, 2017)

BACKGROUND: Alaska voters passed Ballot Measure 2, An Act to Tax and Regulate the Production, Use, and Sale of Marijuana, on November 4, 2014, which initiated the State and Statewide municipalities to begin to determine how to regulate marijuana on both State and municipal levels.

DISCUSSION: The City of Kodiak Marijuana Advisory Special Committee was authorized by Resolution No. 2016-16 to recommend guidelines for implementing taxation, regulation, production, sale, and use of marijuana within the Kodiak City limit. The committee has met nine times since June 2016 and has passed motions to recommend the following:

- 1) Establish a 500' regulation for retail stores within the City limits

- 2) Regulate retail stores within the City limits to industrial, light industrial, business, and business retail
- 3) Comply with State of Alaska laws for retail stores within the City limits
- 4) Adhere to State of Alaska laws for personal growth of marijuana
- 5) Establish a 500' regulation for cultivation facilities within the City limits
- 6) Regulate commercial growing within the City limits to industrial, light industrial, business, and business retail areas
- 7) Adopt attorney's recommended ordinance Designating City Council as the City's Local Regulatory Authority on Marijuana
- 8) Adopt attorney's recommended ordinance Prohibiting Extraction of Tetrahydrocannabinol ("The") or any Cannabinoid by Use of Materials or Methods Deemed Dangerous to Public Health and Safety, Unless Otherwise Permitted by Law
- 9) Approve limited cultivation licenses in rural residential lots 20,00 square feet or greater with issuance of a conditional use permit and in compliance with Kodiak Island Borough zoning requirements
- 10) Approve manufacturing facilities within the City of Kodiak
- 11) Approve manufacturing facilities in industry, light industry, and both business and business retail districts with a conditional use permit
- 12) Allow testing facilities in industrial, light industrial, business, and residential areas with a conditional use permit
- 13) Assess a local marijuana entity application fee, licensing fee, and sales tax

ALTERNATIVES:

- 1) Accept the committee's recommendations as presented and direct staff to prepare ordinances for approval at a future meeting.
- 2) Postpone or amend the committee's recommendations before directing staff to bring forth ordinances.
- 3) Do not accept the committee's recommendations. This is not recommended, because the Council has previously voiced it wants to establish its own regulations for marijuana within the City of Kodiak instead of relying on State regulations only.

FINANCIAL IMPLICATIONS: City revenues will be generated through application fees, licensing fees, and additional sales tax on marijuana products.

LEGAL: City attorneys have drafted ordinances, attended committee meetings by teleconference or in person, and provided advice to the committee.

STAFF RECOMMENDATION: Staff recommends Council accept the recommendations provided by the City Marijuana Advisory Special Committee and direct staff to draft ordinances to implement these recommendations.

CITY MANAGER’S COMMENTS: I support the work the marijuana committee has done and also support their recommendations. I believe we will have to see how much these new options will eventually affect the community, but I admire this group for the hours they put in and for the work that has gone into this list of recommendations. It was a large task and I hope the Council supports their work.

ATTACHMENTS:

Attachment A: Ordinance No. 1350

Attachment B: Resolution No. 2016–16

PROPOSED MOTION:

Move to accept the 13 recommendations from the City Marijuana Advisory Special Committee presented at this meeting and direct staff to draft ordinances to implement these recommendations.

**CITY OF KODIAK
ORDINANCE NUMBER 1350**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK ENACTING
KODIAK CITY CODE CHAPTER 5.52 PROHIBITING MARIJUANA ESTABLISH-
MENTS IN THE CITY**

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

Section 1: Kodiak City Code Chapter 5.52, Marijuana Establishments, is enacted to read as follows:

Chapter 5.52
MARIJUANA ESTABLISHMENTS

Sections:

- 5.52.010 Definitions.
- 5.52.020 Interpretation.
- 5.52.030 Marijuana establishments prohibited.
- 5.52.040 Violation—penalty.

5.52.010 Definitions.

In this chapter:

"marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"marijuana cultivation facility" means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers;

"marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

"marijuana product manufacturing facility" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

"marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

"marijuana testing facility" means an entity registered to analyze and certify the safety and potency of marijuana.

"retail marijuana store" means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

5.52.020 Interpretation.

All terms used in this chapter that are defined in AS 17.38 or the regulations promulgated thereunder shall be interpreted in accordance with such definitions.

5.52.030 Marijuana establishments prohibited.

The operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores in the city is prohibited.

5.52.040 Violation—penalty.

A violation of this chapter is an offense punishable by a fine not exceeding \$1,000, plus any surcharge required to be imposed by AS 12.55.039.

Section 2: This ordinance shall be effective one month following final passage and publication in accordance with Kodiak Charter Article II Section 13, and shall expire six months after its effective date.



CITY OF KODIAK

MAYOR

ATTEST:

DEPUTY CITY CLERK

First Reading: May 12, 2016

Second Reading: May 26, 2016

Effective Date: July 1, 2016

CITY OF KODIAK
RESOLUTION NUMBER 2016-16

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK ESTABLISHING A MARIJUANA ADVISORY SPECIAL COMMITTEE

WHEREAS, State Ballot Measure 2, An Act to Tax and Regulate the Production, Sale, and Use of Marijuana, was approved by voters statewide on November 4, 2014; and

WHEREAS, the Kodiak City Council desires to form a committee consisting of two Councilmembers, two City retail business owners, and two City resident at-large members to recommend guidelines for implementing taxation, regulation, production, sale, and use of marijuana within the Kodiak City limit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that a Marijuana Advisory Special Committee is hereby established.

BE IT FURTHER RESOLVED THAT:

- Section 1. Membership/Quorum. The Marijuana Advisory Special Committee shall consist of the following six members appointed by the City Council.
- a) Two members of the City Council of which one member shall be designated as Chair and one as Vice-chair
 - b) Two business owners within the City
 - c) Two City resident at-large members

The City Manager, Deputy Manager, and City Clerk as well as additional City staff designated by the City Manager shall serve as nonvoting consulting members of the Committee. The City Attorney shall serve as a nonvoting consulting member of the Committee when requested by the City Manager.

Four voting members shall constitute a quorum.

- Section 2. Terms of members.
- a. The Committee shall be in effect until it presents its final report to the City Council.
 - b. Any Committee member who shall have two successive unexcused absences shall be subject to removal by the Committee by a majority vote of the members present.
- Section 3. Powers/Duties. It shall be the duty of the Marijuana Advisory Special Committee to act in an advisory capacity to the City Manager and the City Council on the regulation of marijuana and operation of marijuana facili-

ties within the Kodiak City limit. Further duties shall include, but not be limited to:

- Review taxation/fees, regulation, production, sale, use, and other issues related to implementation of marijuana laws and operating procedures within the Kodiak City limit.
- Recommend the implementation of laws and policies governing marijuana in the City.
- Analyze the economic impact of marijuana regulation in the City.

The Committee shall not have direct power to affect policy determinations but shall make recommendations to the City Council and administration.

Section 4. Meetings/Duration. Marijuana Advisory Special Committee meetings shall be open to the public, and public notice shall be provided at least three days prior to each meeting. The Committee shall meet at the call of the Chair and shall meet as often as necessary to complete its task prior to the expiration of Ordinance 1350. Permanent records or minutes shall be kept of the vote of each member upon every question. Every decision of finding shall immediately be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every decision of finding shall be directed to the City Council at the earliest possible date.

Section 5. Administrative Support. The City Clerk's Office shall provide administrative support.



ATTEST:

Michelle (Shirley) Nelson

for CITY CLERK

CITY OF KODIAK

Pet Puan

MAYOR

Adopted: May 12, 2016

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MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimée Kniazowski, City Manager
Debra Marlar, City Clerk

Thru: Mike Tvenge, Deputy City Manager *MT*

Date: November 10, 2016

Agenda Item: **V. e. Recommendation for Appointment to City Seat on the Planning and Zoning Commission**

SUMMARY: Three of the seven seats on the Planning and Zoning Commission are designated as City seats. There is one vacant City seat on the Planning and Zoning Commission, and the Council needs to recommend an applicant for appointment.

PREVIOUS COUNCIL ACTION: The Council has interviewed applicants and recommended appointments to the Borough Mayor whenever there is an open City seat on the Planning and Zoning Commission. A City representative was recommended for appointment to a City seat for a term ending December 2016, by the City Council at their regular meeting on April 14, 2016, but he subsequently withdrew his application.

BACKGROUND: Alaska Statute 29.40.020 provides that each first and second class borough shall establish a planning commission consisting of five residents unless a greater number is required by ordinance. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. A member shall be appointed by the borough mayor for a term of three years subject to confirmation by the assembly, except that a member from a home rule or first class city shall be selected from a list of recommendations submitted by the council.

DISCUSSION: One City seat on the Planning and Zoning Commission that ends in December 2016 is open for appointment. The opening was advertised, and four applicants responded. One applicant withdrew and the three applicants for the vacant City seat include the following: Tracy Denise Craig, Chris Hatch, and Betty McTavish. Historically, the Council has submitted the names of one or more applicants for recommendation of appointment. If the Council has had a preference of who is appointed, this list contained only those name(s). Since this position ends December 2016, it makes sense to recommend that the appointment be through December 2019.

STAFF RECOMMENDATION: Staff recommends Council select one or more applicants to be included on its list of recommendation(s) to the Borough Mayor for appointment to the vacant City seat on the Planning and Zoning Commission.

CITY MANAGER’S COMMENTS: This seat has been vacant for quite some time. I support the process the Mayor and Council used and hope the Borough Mayor will agree to appoint the City’s recommended applicant.

ATTACHMENTS:

- Attachment A: Planning and Zoning Applications
- Attachment B: Planning and Zoning Commission List

PROPOSED MOTION:

Move to recommend _____ for appointment to the vacant City seat on the Planning and Zoning Commission for a term to end in December 2019.

Marlar, Debra

From: Laurie Pardoe [lpardoe@kodiakak.us]
Sent: Monday, October 17, 2016 10:14 AM
To: Marlar, Debra
Cc: Clerks
Subject: FW: Online Form Submittal: Board Application Form

Good morning, Deb.

Please see the application below for a City Seat on the Planning & Zoning Commission.

From: noreply@civicplus.com [<mailto:noreply@civicplus.com>]
Sent: Friday, October 14, 2016 1:45 PM
To: Clerks
Subject: Online Form Submittal: Board Application Form

Board Application Form

Please complete the online form below. Please be aware that the information given on your application is made available to the public. Staff will require the use of a mailing address, email address, and contact phone number to provide board and meeting information.

PERSONAL INFORMATION

Select the Board,
Commission, or Committee
applying for

Planning and Zoning Commission

Designated seat or group
representation (if applicable):

City of Kodiak

Full Name

Tracy Denise Craig

Residence Address

1616 Larch Street

Mailing Address

1616 Larch Street

Email Address (This address
will be used for
correspondence)

tracyc@kiha.org

Home Phone Number
(numeric only)

9079423507

Work Number (numeric
only)

9074868111

Cell or Fax Number (numeric

9079423507

only)

Employer/Occupation Housing Advisor Kodiak Island Housing Authority

RESIDENCY INFORMATION

Length of residency in Kodiak 24 years

Registered to vote in Kodiak? Yes

FOR SERVICE AREA BOARD APPLICANTS

Length of Residence in Service Area *Field not completed.*

ORGANIZATION MEMBERSHIP INFORMATION

Are you currently serving on other Boards, Commissions, or Committees? No

If yes, which *Field not completed.*

Organizations you belong to or participate in Kodiak Lions Club

Explain your main reason for applying I want my City to look nice. I am willing to donate my time to make sure this happens. :)

What background, experience, or expertise will you bring to the board/committee/commission membership? I have worked on the Coast Guard Base for 8 years as the Housing Inspector. I now work for Kodiak Island Housing Authority as the Housing Advisor. Me prior work experience has expose me to lots of different types of people and I have a good idea of what makes the majority happy with their surroundings. I am willing and able to learn all about code and I am willing to "tweak" the existing codes as necessary to change with the times.

Are you available for regular meetings? Yes

Pursuant to KIBC 2.100.070 (A.6) and 4.15.070 (A.7) Other than by expiration of the members term, the assembly shall declare a seat vacant when a member of the board misses three consecutively held rgular meetings and is not excused.

FOR CLERKS OFFICE STAFF ONLY

Registered Voter of the ^{City} Borough: Y x N _____
As of 9/13/16 JBS



Advisory Board Application Form

CHRIS HATCH

NAME

752-207-7391

HOME TELEPHONE

SAME AS

WORK TELEPHONE

FAX

TABORS DADDY@GMAIL.COM

EMAIL

912 STOLLER WAY

RESIDENCE (STREET) ADDRESS

SAME AS

MAILING ADDRESS

KODIAK, AK 99615

JULY 2016

LENGTH OF RESIDENCE IN KODIAK

JULY 2016

LENGTH OF RESIDENCE IN ALASKA

Are you a registered voter in Kodiak? YES NO

Do you own property in Kodiak? YES NO

On which boards are you interested in serving?
(Please list in order of preference)

Zoning and Planning

Please list your areas of expertise and education
that would benefit the boards for which you are
applying.

27 Year Military Officer

BA in Criminal Justice

Community Activities:

PTO MAIN ELEMENTARY
CWOA (CITY WARRANT OFFICER
ASSOC.) MEMBER

Professional Activities:

SIGNATURE

10-20-16

DATE

Return application to City Clerk, 710 Mill Bay Road, Room 220, Kodiak, AK 99615
Fax: 486-8633

Registered to vote in the
City as of 9/13/16 JS

ADVISORY BOARD DESCRIPTIONS

Building Code Board of Appeals — 3 Year Terms

Duties are as stated in the adopted building codes including the building, fire, mechanical, and plumbing codes. The Board hears and decides appeals from the actions of administrative officials relating to building regulations under Kodiak City Code Title 14. Recommends amendments to KCC 14 as deemed necessary.

Parks and Recreation Advisory Board — 3 Year Terms

Studies issues and makes recommendations to the Council on matters relating to parks and recreation. Meets at least four times per year. City resident position.

Public Safety Advisory Board — 3 Year Terms

Acts in an advisory capacity to the City Council on matters related to the Police Department (traffic, parking, animal control, etc.), Fire Department (fire and emergency medical services), and other public safety concerns. Meets not less than four times per year. City resident position.

Personnel Board — 2 Year Terms

Hears employee grievances and renders advisory opinions based on its findings. City resident position.

Port and Harbors Advisory Board — 3 Year Terms

Acts in an advisory capacity to the City Council on matters related to operation of the City port and harbor facilities, including the boat harbors, cargo docks, ferry dock, and airplane floats. The Board considers any specific proposal, problem, or project as directed by the City Council. Meets not less than four times per year.

Kodiak Island Borough Planning and Zoning Commission — 3 Year Terms

Serves as City representative on the Kodiak Island Borough Planning and Zoning Commission. This Commission meets at least twice a month on land use, planning, zoning, and platting issues. Appointed by the Borough Mayor.

HOW TO APPLY FOR A BOARD, COMMITTEE, OR COMMISSION

Fill out an application for each board/committee/commission you are applying for. You may submit your application by email to clerks@kodiakak.us, by fax to (907) 486-9391, or hand deliver it to the Borough Clerk's Office, 710 Mill Bay Road, Room 234, Kodiak, AK 99615. Applications are also available at www.kodiakak.us.

Qualifications to serve vary with the board, but the most important ones are having the time, interest, and willingness to serve. Time requirements can vary from three hours per month to 20 hours per week. Some boards meet seasonally, quarterly, or when needed. Please check with the Clerk's office if there is a specific board you are interested in to determine if your schedule is compatible with that of the board.

Note: in this document the term "board" shall include any board, committee, commission, or council of the Borough.

APPLICATION FOR APPOINTMENT TO BOARDS, COMMITTEES, AND COMMISSIONS

Board/Committee/Commission: Planning and Zoning
 Designated seat or group representation (if applicable): City of Kodiak

Please be aware that the information given on your application is made available to the public. Staff will require the use of a mailing address, email address, and contact phone number to provide board and meeting information.

Name: Betty Mae Tavish Daytime Phone: 907-512-7434
 Residence Address: 182 Alimag Dr., Kodiak Evening Phone: same
 Mailing Address: 182 Alimag Dr. #109, Kodiak Cell Phone: same
 Email Address: mactavish.betty@gmail.com Fax Number: —
 Length of Residence in Kodiak: _____ Registered to vote in Kodiak? Yes No
 Employer/Occupation: KIBSD - Substitute Teacher
 Organizations you belong to or participate in: None

Explain your main reason for applying: I want to see our community

prosper. To do this we need clear and concise Planning and Zoning Codes that are fair and equitable and reflect our community needs.
Served as a member of 2 non-profit Board of Directors, County Quality Assurance Comm: Hee, licensed Foster Care homes, Co-chair of an AK statewide advocacy group lobbied in Juneau and WA D.C. for cancer research funding. I research what I don't know. Not affiliated with any builder or developer on the Island.
 Are you available for regular meetings? YES Pursuant to KIBC 2.100.070 (A.6) Other than by expiration of the members term, the assembly shall declare a seat vacant when a member misses three consecutively held

Signature of Applicant: Betty Mae Tavish Date: 10/27/16

A resume or letter of interest may be attached, but is not required. This application will be kept on file for one year. Please be aware that there may be an application deadline. Application deadlines, if applicable, are available on the Borough website at www.kodiakak.us or in the Notice of Vacancy announcements advertised in the Kodiak Daily Mirror.

Registered voter of the Borough: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Applicant's Residence: Borough <input type="checkbox"/> City <input checked="" type="checkbox"/> Date of Appointment: _____		Appointment Letter: _____ Roster: _____ Oath of Office: _____ APOC POFD Statement: Attached <input type="checkbox"/> On File <input type="checkbox"/>		Date Received: (date stamp below)
City <u>05-07-914/11/16</u> - STAFF USE ONLY -				



KODIAK ISLAND BOROUGH

WHAT HAPPENS NEXT—CONSIDERATION OF APPLICANTS

1. You will be considered for the board for which you apply as vacancies occur, either through the expiration of a member's term or through a member's resignation. Incumbents wishing to be reappointed will need to submit an application; incumbents can contact the Clerk's office to get a copy of their most recent application and update that for submission. Incumbents are considered in the same manner and process as all other applicants, and are not automatically reappointed.
2. Vacancies occur throughout the year, and applications are accepted at any time.
3. Applications are held for one year for consideration. If, after that time, you are still interested in applying for a board, please submit a new application.
4. The Mayor and Assembly seek to have broad representation from throughout the community so when making appointments they consider many factors.
5. All applications received for a vacancy are provided to the Mayor and Assembly for consideration. If you are appointed, you will receive an appointment letter, pertinent code sections, and a board roster from the Clerk's office. Support staff to the board will provide board materials and meeting notification.

6. All appointees are required to be sworn into office through the Borough Clerk's Office, 710 Mill Bay Road, Room 101, Monday through Friday, 8 a.m. to 5 p.m.

7. If you are not selected for appointment, you will be notified and your application will be retained for one year.

Applications are always welcome, and you should not feel discouraged if you are not quickly appointed or notified. If you do hear of a vacancy in which you are interested, it is suggested that you call to remind the Clerk's Office that you have an application on file and would like to be considered for the vacancy.

Thank you for your interest!

ADDITIONAL INFORMATION

REGARDING BOARDS

- In addition to any other qualifications required by Kodiak Island Borough Code 2.100.040, a member 1.) shall be a qualified voter of the borough, and 2.) Shall remain a resident of the borough while in office.
- The term of each member of a board is three years. The regular term shall commence on January 1st of the year of appointment and shall expire on December 31st of the year the term expires.
- Planning and Zoning Commission members are required by the Alaska Public Offices Commission to submit financial disclosure statements.

APPLICATION FOR APPOINTMENT TO BOARDS, COMMITTEES, AND COMMISSIONS



OFFICE OF THE BOROUGH CLERK
 710 Mill Bay Road, Room 234
 Kodiak, AK 99615
 Phone: (907) 486-9310
 Fax: (907) 486-9391
clerks@kodiakak.us



KODIAK ISLAND BOROUGH

PLANNING AND ZONING COMMISSION

NAME	TERM	HOME PHONE	WORK PHONE	CELL PHONE	EMAIL
Scott Arndt (B) Chair PO Box 76 Kodiak, AK 99615	2018	481-3745	FAX 481-3333	414-791- 3745	<u>Call instead of email</u>
Jay Baldwin (B) Vice Chair 3343 Eider St Kodiak, AK 99615	2016			942-0386	<u>Jay.baldwin@kibplanning.org</u> <u>kodiakjay@yahoo.com</u>
Barry Altenhof (C) PO Box 1373 Kodiak, AK 99615	2018	486-6238		539-5828	<u>barry.altenhof@kibplanning.org</u> <u>baltenhof@gci.net</u>
Maria Painter (B) 3901 Woodland Dr. Kodiak, AK 99615	2018			942-2560	<u>maria.painter@kibplanning.org</u>
Alan Schmitt (C) 3295 Woody Way Loop Kodiak, AK 99615	2017	486-5314			<u>alan.schmitt@kibplanning.org</u>
Greg Spalinger (B) PO Box 2635 Kodiak, AK 99615	2017	486-8366	486-3725		<u>greg.spalinger@kibplanning.org</u>
VACANT (C)	2016				

B=Borough Seat
C=City Seat

This commission is governed by Kodiak Island Borough Code 2.105

STAFF:

CDD DIRECTOR, SARA MASON	486-9360	<u>smason@kodiakak.us</u>
ASSOCIATE PLANNER, JACK MAKER	486-9362	<u>jmaker@kodiakak.us</u>
ASSISTANT PLANNER, VACANT		
CODE ENFORCEMENT OFFICER, VACANT		
CDD SECRETARY, SHEILA SMITH	486-9363	<u>ssmith@kodiakak.us</u>

COMMUNITY DEVELOPMENT DEPARTMENT
710 MILL BAY ROAD
ROOM 205
KODIAK, AK 99615

Kodiak Island Borough Code

2.105.010 Created – Membership.

There is created pursuant to AS 29.40.020 a planning and zoning commission, which shall consist of seven members appointed by the mayor subject to confirmation by the assembly, except that a member from a home rule or first class city shall be selected from a list of recommendations submitted by the council. Commission membership shall be apportioned so that the number of members from home rule or first class cities within the borough reflects the proportion of borough population residing within those cities. Commission membership shall be reapportioned according to the fluctuation of population within the borough and its home rule and first class cities by resolution of the assembly at the expiration of the terms of commission members. Borough employees may be appointed to serve on the planning and zoning commission unless they are employed by the community development department. Nothing in this section prevents the mayor from appointing additional persons to serve in an advisory or ex officio capacity without regard to apportionment of borough population. [Ord. FY2012-04 §2, 2011; Ord. 85-26-O §2, 1985; Ord. 79-11-O, 1979; Ord. 77-36-O §1, 1977; Ord. 73-20-O §1, 1973; prior code Ch. 5 subch. 1 §1. Formerly §2.40.010].

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers

From: Aimee Kniaziowski, City Manager

Thru: Mike Tvenge, Deputy City Manager and Lon White, Harbormaster

Date: November 10, 2016

Agenda Item: V. f. **Authorization of Award of Design and Construction of the Channel Transient Float, Project No. 8525**

SUMMARY: This memo recommends authorization to award the design-build proposal for Channel Transient Float (CTF) replacement to Turnagain Marine Construction for the sum of \$2,198,000.

PREVIOUS COUNCIL ACTION:

- Council approved \$1.5 million in City funds for the CTF replacement project.
- December 22, 2015, City Manager authorized a professional service agreement with Windward Project Solutions Inc. for \$14,800, to prepare the Request for Proposal (RFP) documents that will be used to solicit the CTF project
- December 22, 2015, City Manager authorized a professional service agreement with Solstice Alaska Inc. to perform an initial regulatory consultation for the sum of \$14,630
- March 15, 2016, Council authorized Amendment No. 1 to Solstice Alaska Inc. contract in the amount of \$41,260
- September 22, 2016, Council authorized Amendment No. 2 to Solstice Alaska Inc. contract in the amount of \$17,220
- October 13, 2016, Council authorized Amendment No. 1 to Windward Projects Solutions professional service contract in the amount of \$8,500
- October 13, 2016, Council adopted Resolution No. 2016–35, accepting funding from the State of Alaska Municipal Harbor Matching Grant program in the sum of \$1,365,792

DISCUSSION: On September 16, 2016, the City publicly solicited a RFP for the design-build for the CTF replacement. Proposals were due October 27, 2016. Proposals were received from two contractors: Pacific Pile & Marine (PPM) and Turnagain Marine (TM). Both proposals were evaluated by staff using criteria spelled out in the RFP. The evaluation team members included: Deputy City Manager Tvenge, Public Works Director Kozak, City Engineer Melvin, Harbormaster White, and Deputy Harbormaster Magnuson.

As a design-build project, proposals were not ranked solely on price. Several components were factored to determine the “**best valued proposal**”, to include: the technical proposal, executive summary, project team qualifications, project approach, contract management, compliance with the RFP specifications,

and pricing including alternates. Based on the overall scoring of the proposals the evaluation team unanimously ranks Turnagain Marine Construction as the “**best valued proposal**” and recommends awarding the CTF design build project to Turnagain Marine Construction.

Base bid and alternate pricing:

Contractor	Pacific Pile & Marine	Turnagain Marine Construction
Base Bid	\$2,470,652	\$2,179,000
*Alternate #2	\$22,100	\$6,000
Subtotal Bid	\$2,492,752	\$2,185,000
*Option #4	NA	\$13,000
Total Bid	\$2,492,752	\$2,198,000

**Alternate #2: Contractors provided a price to upgrade electrical service beyond that stated in the base bid, adding 3 phase service on the outside of the float system.*

**Option #4: Turnagain Marine offered additional options as allowed in the RFP. Option #4 offers additional service upgrade to the electrical system, from 4 to 8 services on the outboard side of the float. This option adds \$13,000 to the total price (base bid and alternate #2) provided by Turnagain Marine and is recommended by staff.*

ALTERNATIVES:

- 1) Council could award the project to Turnagain Marine Construction as the best valued proposer. This is staff’s recommendation.
- 2) Council may choose to award the project to Pacific Pile & Marine. They were ranked second overall by the evaluation team. Pacific Pile & Marine’s proposal is approximately \$291,652 more than Turnagain Marine Construction’s base bid.
- 3) Council could delay or not award the project. The project schedule is very time sensitive and dependent on moving forward with design and procurement in time to construct the project in early 2017. Delaying award would impact the construction schedule, potentially cause conflicts with the permitting window, and have potential impact to costs. This is not recommended.

FINANCIAL IMPLICATIONS: City and State grant funding for the project is \$2,865,792. Allowing for project costs already incurred by the City, contingency funds, and inclusion of value added Option #4; the project can be completed within available funding. State grant funding requires the project be complete within a year from award. The current schedule will meet the State’s requirement. Total Turnagain Marine contract price with base bid, Alternates #2 and Option #4 is \$2,198,000.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends Council award the CTF design-build project for the Channel Transient Float to Turnagain Marine Construction, for the sum of \$2,198,000, with funds coming from the Channel Transient Float Replacement Project, Project: PN 17-07/8525.

CITY MANAGER'S COMMENTS: I support the recommendations of the evaluation team to award the design-build contract for the Channel Transient Float Replacement Project to Turnagain Marine Construction as the “best valued proposal”.

ATTACHMENT:

Attachment A: Supporting Bid Award Documentation

PROPOSED MOTION:

Move to authorize award of design and construction for the Channel Transient Float Replacement to Turnagain Marine Construction in an amount not-to-exceed \$2,198,000 with funds coming from Channel Transient Float Replacement Project, Project No. 17-07/8025 and authorize the City Manager to execute the documents on behalf of the City.

11/1/2016

**CITY OF KODIAK | PORTS & HARBORS
CHANNEL TRANSIENT FLOAT REPLACEMENT
DESIGN-BUILD, BEST VALUE DETERMINATION**

PROJECT NUMBER: 17-07/8525
ENGINEER'S ESTIMATE: \$2,300,000.00

The successful Proposal (Apparent Best Value) will be the one calculated to have the highest Total Score.

	Technical Score (Possible = 125)	Baseline Price Score (Possible = 75)	Alternative Options		Total Score (Possible = 220)	PROPOSER NAME
			Price Score (Possible = 20)	Price Score (Possible = 20)		
	115	66.15	17.33	198.48	Pacific Pile & Marine, LP	
	124	75	20	219	Turnagain Marine Construction Corp.	

**APPARENT BEST VALUE DESIGN BUILDER
APPARENT 2ND BEST VALUE DESIGN BUILDER**

**Turnagain Marine Construction Corp.
Pacific Pile & Marine, LP**

**CITY OF KODIAK
CHANNEL TRANSIENT FLOAT REPLACEMENT (PROJECT NO. 17-07/8525)
PROJECT BUDGET**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL AMOUNT	GRANT ELIGIBLE AMOUNT	CITY OF KODIAK AMOUNT
1	Design	1	LS	\$ 35,000	\$ 35,000		\$ 35,000
2	Mobilization & Construction Management	1	LS	\$ 450,000	\$ 450,000	\$ 225,000	\$ 225,000
3	Removal & Disposal of Existing Structures	1	LS	\$ 35,000	\$ 35,000	\$ 17,500	\$ 17,500
4	Piling	1	LS	\$ 325,000	\$ 325,000	\$ 162,500	\$ 162,500
5	Floating Structure	1	LS	\$ 825,000	\$ 825,000	\$ 412,500	\$ 412,500
6	Covered Gangway & Supports	1	LS	\$ 145,000	\$ 145,000	\$ 72,500	\$ 72,500
7	Electrical	1	LS	\$ 200,000	\$ 200,000	\$ 100,000	\$ 100,000
8	Safety Systems & Features	1	LS	\$ 100,000	\$ 100,000	\$ 50,000	\$ 50,000
9	Quality Management/ Inspection	1	LS	\$ 50,000	\$ 50,000	\$ 25,000	\$ 25,000
10	Marine Mammal Monitoring	1	LS	\$ 14,000	\$ 14,000	\$ 7,000	\$ 7,000
11	Electrical Upgrade A (Alternative Option #2)	1	LS	\$ 6,000	\$ 6,000	\$ 3,000	\$ 3,000
12	Electrical Upgrade B (Additive Option #4)	1	LS	\$ 13,000	\$ 13,000	\$ 6,500	\$ 6,500
Subtotal - Design/Build Contract					\$ 2,198,000	\$ 1,081,500	\$ 1,116,500
13	Contingency of Design-Build Contract	1	LS	\$ 200,000	\$ 200,000	\$ 100,000	\$ 100,000
14	City Additional Options Reserves	1	LS	\$ 150,000	\$ 150,000	\$ 75,000	\$ 75,000
15	Design-Build RFP Development/Administration	1	LS	\$ 25,000	\$ 25,000		\$ 25,000
16	Environmental Permitting	1	LS	\$ 100,000	\$ 100,000		\$ 100,000
17	Project Administration	1	LS	\$ 75,000	\$ 75,000		\$ 75,000
TOTALS					\$ 2,598,000	\$ 1,256,500	\$ 1,416,500

Total Available Funds \$ 2,865,792 \$ 1,365,792 \$ 1,500,000



Executive Summary

Turnagain Marine Construction Corporation (General Contractor Builder) is pleased to be submitting a proposal for the design and construction of the City of Kodiak Channel Transient Float (KCTF). Turnagain has engaged AJD Engineering (Engineer of Record), as well as Transpac Marinas of Anacortes, WA. Our team of highly qualified sub consultants, vendors, and subcontractors was selected based on their exceptional performance on prior endeavors. Our team members (sub-consultants) include:

AJD Engineering – Floating Dock Design
Puffin Electric, Inc. – Electrical Installation

Transpac Marinas, Inc. – Float Fabrication
RSA Engineering – Electrical Engineering

Turnagain Marine is uniquely qualified to construct the Channel Transient Float project. Our management team has installed some of the toughest marine foundations in the state of Alaska. This company was formed to specialize in the construction of heavy marine structures that require tested experience and custom equipment. Our initial equipment selection, hiring, and outfitting were tailored expressly for the type of structures being proposed herein.

Transpac Marinas has a history of creating industry-leading float systems that are designed for longevity and extreme durability under the harshest environmental conditions. Transpac takes pride in providing innovative designs specific to the site and the unique requirements of the client. Transpac is steadfast in its focus on providing the highest quality product, always concentrating on timeline and budget, and ultimately delivering a superior level of customer satisfaction. Transpac Marinas and AJD Engineering have teamed up to design, engineer, manufacture, and install hundreds of float systems in Alaska, including Kodiak.

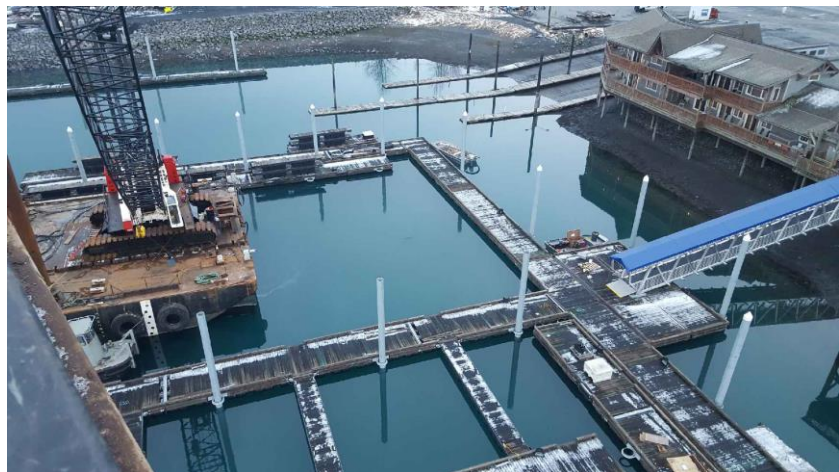
As a team committed to design-build project delivery, on this particular project it is especially exciting to bring this team together. The level of professionalism, expertise, and dedication to a project-first approach is second to none. Turnagain is dedicated to establishing ourselves as the preeminent Alaskan design-builder for marine structures. Transpac/AJD is committed to providing a durable, custom designed float system that exceeds the owner's expectations. As such, this project will have full participation of the executive team and will receive any and all resources needed to ensure a highly successful project delivery.

Turnagain has earned the reputation of being a dependable partner, a highly capable contractor, and a proven performer in the Alaskan marine industry. As an Alaska-Only contractor, our reputation is invaluable to our long term success. Given all that the City of Kodiak has at stake with this project, selecting Turnagain will ensure that City is forming a partnership with an entity equally committed to the overall and unqualified success of the project.

Turnagain is financially strong, has adequate financing to perform the work, and has never filed a legal claim or pursued arbitration. The team will be led by Jason Davis, the firm's President. Davis has over 16 years of Alaskan marine construction experience and will serve as the project manager. Turnagain's management team, equipment, and financial resources will be committed to the project until successful completion is attained. Dan Jankelson, President of Transpac Marinas, brings over 25 years of experience to the project, where he will serve as project manager of float fabrication. Allen Danskine, Engineer of Record, will generate all engineering calculations to ensure the project is on track and the final design meets or exceeds all requirements. Allen will oversee Transpac's internal QA/QC program and is responsible for final, on-site inspection.

Turnagain will commit the Swiftwater barge and associated commitment to the project. The Swiftwater is a custom-engineered, true Alaskan work barge, ideally suited for work in the rough Alaskan environment. Turnagain's equipment spread is well maintained and capable of performing all the tasks that could be encountered at the project site.

Turnagain has recently completed design-build work. The City of Seward BCS Dock Replacement within the small boat harbor was a \$5.5M design-build effort that was completed in time for Seward's busy summer season. Turnagain teamed up with AJD Engineering and Transpac Marinas to deliver the City of Seward 12,000 square feet of new timber



float. Turnagain was also recently contracted to conduct emergency repairs to the damaged Berth III cruise facility in Ketchikan following the collision of the cruise ship Celebrity Infinity. Turnagain prepared a fast response, provided a firm lump sum price, and completed the repairs a week ahead of schedule.

Turnagain's safety program has ensured safe operations for our workmen, staff, and team members. Turnagain has completed over a year of continuous operations without a recordable injury.

Construction will be conducted under the guidance of a strict quality management plan. Julian Koerner of Turnagain will oversee quality management. Quality management is of utmost importance for Turnagain. Julian will develop and implement a quality management plan that will be in effect for all phases of the project. Turnagain's management team will actively manage



the schedule to ensure workmanlike progress toward timely completion. Both the Turnagain management team and the quality representative will identify and present formal review opportunities to the Owner during design and construction ensuring the Owner has ample say in relevant project decisions.

Turnagain’s past experience with design-build projects has produced multiple lessons learned all of which have been incorporated into this project approach. Primarily, Turnagain will endeavor to have the intended option selected promptly, will provide ample customer input and coordination opportunities early in the pre-design phase, and will ensure all parties are fully behind the intended path forward before beginning detailed engineering. Upon acceptance of a plan and the completion of preliminary engineering, Turnagain will engage material suppliers and advance procurement activities as early in the project as possible. Turnagain intends to be shovel ready by the time permits are issued.

Finally, Turnagain Marine has made its very best effort to interpret and accommodate the needs, desires, and project goals outlined in the City & Borough of Kodiak Request for Proposals. After review of this proposal, Turnagain welcomes the opportunity to clarify any questions or concerns about the items presented and price any modifications or changes desired by the Client.

As the President of Turnagain Marine Construction Corporation I certify that this proposal is true and correct to the best of our abilities. This proposal is made in good faith with the full intent of delivering a mutually successful project.

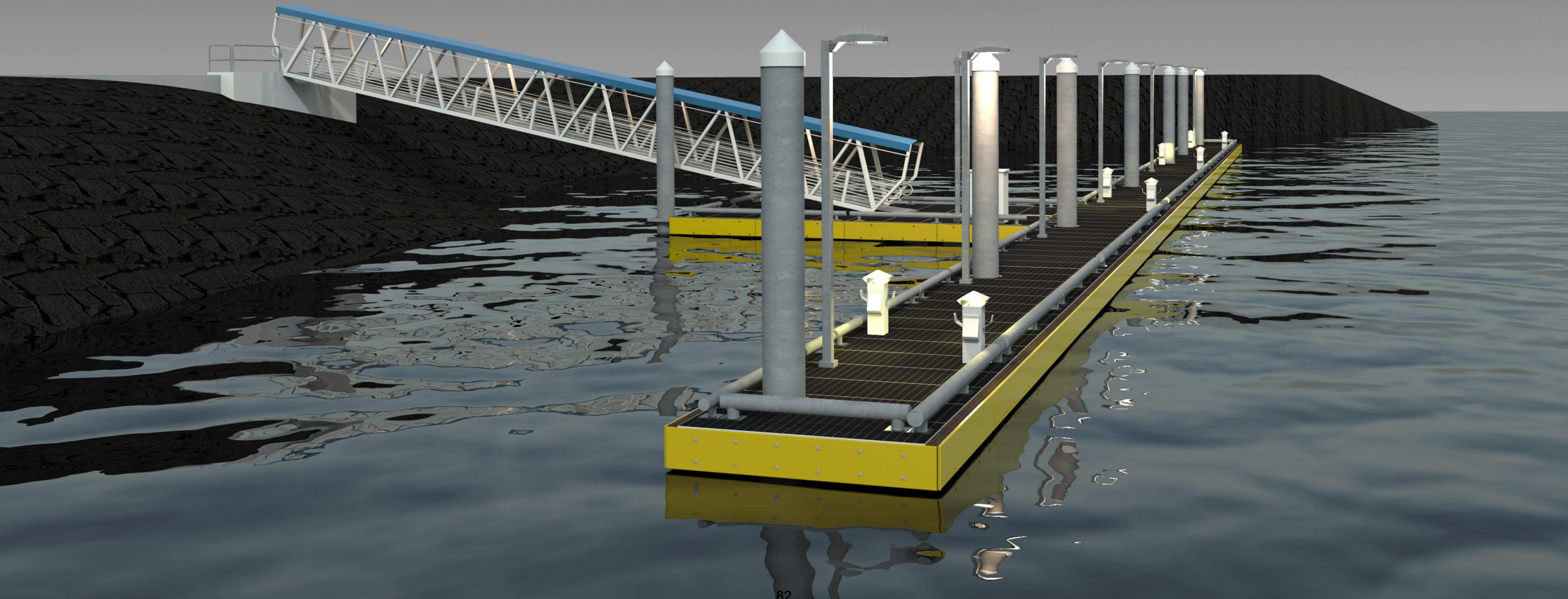
By Jason Davis
 Title President
 Date 10/21/2016

Attest Joan Hope
 Date 10/21/16

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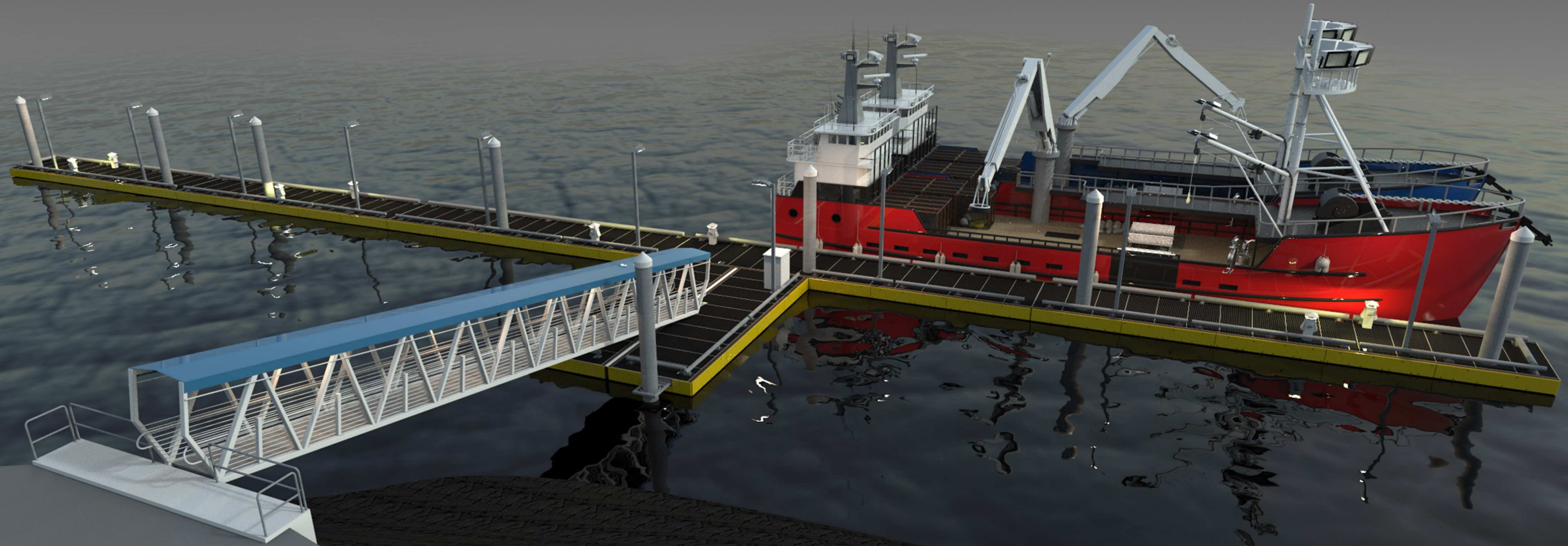


CITY OF KODIAK CHANNEL TRANSIENT FLOAT





CITY OF KODIAK CHANNEL TRANSIENT FLOAT



**CITY OF KODIAK
CHANNEL TRANSIENT FLOAT REPLACEMENT**

SCHEDULE OF VALUES

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	AMOUNT
1	Design	1	LS	35,000	35,000
2	Mobilization & Construction Management	1	LS	450,000	450,000
3	Removal & Disposal of Existing Structures	1	LS	35,000	35,000
4	Piling	1	LS	325,000	325,000
5	Floating Structure	1	LS	825,000	825,000
6	Covered Gangway & Supports	1	LS	145,000	145,000
7	Electrical	1	LS	200,000	200,000
8	Safety Systems & Features	1	LS	100,000	100,000
9	Quality Management	1	LS	50,000	50,000
10	Marine Mammal Monitoring	1	LS	14,000	14,000
TOTAL BASELINE PRICE					2,179,000



CITY OF KODIAK
CHANNEL TRANSIENT FLOAT REPLACEMENT

ALTERNATIVE OPTION - PRICE FORM
(Additive Options to Baseline Price)

ALTERNATIVE OPTION No. 1
Postponed NTP for In-Water Work

Deduct \$25,000 LUMP SUM

ALTERNATIVE OPTION No. 2
Electrical Upgrades

6,000 LUMP SUM



Pricing Proposal - Volume II
RFP Section 2.8 - Optional Items Pricing


Proposer Baseline Price \$2,179,000.00



Option O-4 Provide 8 upgraded electrical services \$19,000.00



Option O-4 replaces Additive Alternate 2

 Options not shown: do not provide justifiable value.



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EXECUTIVE SESSION

MEMORANDUM TO COUNCIL

To: Mayor Branson and City Councilmembers
From: Aimée Kniaziowski, City Manager
Thru: Mike Tvenge, Deputy City Manager *MT*
Date: November 10, 2016

Agenda Item: X. a. Discussion of Strategies for Potential Collective Bargaining Agreements

SUMMARY: It is necessary for the Council to convene into an executive session to discuss strategies for potential collective bargaining agreements. The Council will not take formal action during the executive session. If action is to be taken based on executive session discussions, the Council will do so when it reconvenes back into the regular meeting.

Staff recommends Council enter into executive session to discuss strategies for potential collective bargaining agreements.

PROPOSED MOTION:

Move to enter into executive session pursuant to AS 44.62.310(c)(1) to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the City, specifically the City's strategies for potential collective bargaining agreements.