

By: Theresa Hillhouse, Municipal Attorney

I understand that at last night's Planning Comm'n meeting, an issue arose as to whether the proposed ordinance would result in governmental entities circumventing the Planning Commission process concerning approval of any revised or proposed plat. The answer is simple – The only thing this proposed ordinance 2010-05 does is to exempt government entities (federal, state and municipal) as allowed by State law (AS 34.55.042) from being subject to a misdemeanor charge for negotiating any contracts **prior to and contingent on** approval of a subdivision plat or replat. It does not amend any other provision in the SGC, nor exempt government entities from any other subdivision plat requirements.

I had no idea this concern existed, especially based on the memo from Gary White, provided in the Assembly packet regarding this proposed ordinance that directly addressed this issue (page 3 – see below), and based on the purpose statement of the ordinance (see below). I assumed the Planning Comm'n received that memo, and that the purpose section would have addressed this concern. I apologize if this point was not clear from these documents and the Assembly discussion at its last meeting, and I am sorry I was not there to answer your questions. I stayed home that night to try and shake a flu/cold bug acquired while out-of-town last week, not aware this would be a concern.

If any legal issues should ever arise at the Planning Comm'n meeting, please do not hesitate to call me on my cell phone (738-1810). If you have any other question regarding the proposed ordinance or other Planning Comm'n issues, please let me know (direct phone line at work 747-1879).

Gary White's April 19, 2010 memo at page 3 under request section (emphasis added):

Request

The SCIP Director requests that the Assembly be brought into the process earlier involving sales of property at the SCIP.

- 1. The SCIP Board approves a recommendation for a property sale in concept, discussing terms of the sale (approximate square footage, employee credits, proposed purchase amount, etc.)*
- 2. The Assembly reviews the recommendation of the SCIP Board's terms of the sale. The Assembly then has the ability to approve the terms or adjust the terms. (This allows opportunity for potential buyer to accept or decline adjusted terms of Assembly action.)*
- 3. The subject property is surveyed and brought before Planning and Zoning Commission for their approval.***
- 4. Final Purchase Agreement is brought before Assembly for their approval and ultimate transfer of defined real property to buyer.*

Ord 2010-05 Purpose Section

*. . . By adopting this clarifying amendment already sanctioned under Alaska law into the applicable municipal law at SGC 21.52.130, government officials will be able to discuss negotiate and execute sales of real property and related buildings and improvements **prior to or contingent on any required subdivision being approved.** . . .*