



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
330 Harbor Drive  
Sitka, AK  
(907)747-1811

## Meeting Agenda City and Borough Assembly

*Mayor Cheryl Westover  
Deputy Mayor Pete Esquiro  
Vice-Deputy Mayor Thor Christianson,  
Phyllis Hackett, Mim McConnell, and Mike Reif*

*Municipal Administrator: Jim Dinley  
Municipal Attorney: Theresa Hillhouse  
Municipal Clerk: Colleen Ingman, MMC*

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Tuesday, July 10, 2012

6:00 PM

Assembly Chambers

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### REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. Appointment and Swearing in of Acting Assembly Member

A 1 [12-89](#) Appoint an interim Assemblymember to fill Terry Blake's term until the results of the election are certified on October 9, 2012

Attachments: [Acting Assembly Filings](#)

### CORRESPONDENCE/AGENDA CHANGES

#### Government-to-Government Update with Sitka Tribe of Alaska

VI. PERSONS TO BE HEARD

*Public participation on any item off the agenda. Not to exceed 3 minutes for any individual.*

VII. REPORTS

*Renewable Energy Feasibility Analysis - Alaska Engineering LLC Jim Rehfeldt*

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other



- H      [RES 12-17](#)      Formally submits a Municipal Harbor Facility Grant Application to the State of Alaska, Department of Transportation and Public Facilities (DOT&PF) in the amount of \$2,620,000 for the project entitled Sitka Transient Float

**Attachments:**    [RES 12-17](#)

- I      [12-96](#)      Approve rollover of funds from FY12 to FY13

**Attachments:**    [Rollover Funds](#)

- J      [RES 12-15](#)      Amending the United States Constitution to restore the people's power to limit corporate influence in elections and policy making

**Attachments:**    [RES 12-15](#)

XI.      **PERSONS TO BE HEARD:**

*Public participation on any item on or off the agenda. Not to exceed 3 minutes for any individual.*

XII.      **EXECUTIVE SESSION**

*Mike Litman & Jeff Farvour v. CBS Litigation*

XIII.      **ADJOURNMENT**

*Colleen Ingman, MMC  
Municipal Clerk  
Publish: July 6, 2012*



## Legislation Details

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**File #:** 12-89      **Version:** 1      **Name:**

**Type:** Appointment      **Status:** AGENDA READY

**File created:** 6/19/2012      **In control:** City and Borough Assembly

**On agenda:** 7/10/2012      **Final action:**

**Title:** Appoint an interim Assemblymember to fill Terry Blake's term until the results of the election are certified on October 9, 2012

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Acting Assembly Filings](#)

Date	Ver.	Action By	Action	Result
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## **APPOINT INTERIM (ACTING) ASSEMBLY MEMBER**

**I nominate Jack Ozment, Bill Paden, Michelle Putz, Matthew Hunter, Ryan Haug, and Sherry Aitken to fill Blake's assembly seat until a candidate is elected in October to fill the remaining balance of his term.**

*Note: Financial Disclosures are on file at the Municipal Clerk's Office*

## **Sitka Home Rule Charter Excerpt**

### **Section 2.10    Voting**

A vote by secret ballot shall be taken only to elect assembly officers and fill assembly vacancies.

**APPOINTMENT OF AN ASSEMBLYMEMBER TO  
TERRY BLAKE'S TERM EFFECTIVE UNTIL  
OCTOBER 2012.**

**I HAVE PREPARED A NUMBER OF COLORED BALLOTS; A DIFFERENT COLOR FOR EACH TIME YOU VOTE TO KEEP THE VOTES SEPARATED. YOU WILL ALSO HAVE A GRAY SECRECY SLEEVE TO SLIDE YOUR VOTED BALLOT INTO. IT OPENS AT THE END.**

**PLEASE MARK YOUR BALLOT WITH THE PENCILS I HAVE PROVIDED. THAT WAY YOU WON'T BE ABLE TO DECIFER ONE PERSONS VOTE FROM ANOTHER E.G. BLUE INK VS. BLACK. FOLD YOUR BALLOT ONE TIME IN HALF.**

**INTERIM ASSEMBLY MEMBER  
SECRET BALLOT  
JULY 10, 2012**

**INSTRUCTIONS**

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To vote for the candidate of your choice, mark the square to the right of the person's name.

**ONE to be appointed  
Vote for NO MORE than 1**

**JACK OZMENT**

**BILL PADEN**

**MICHELLE PUTZ**

**MATTHEW HUNTER**

**RYAN HAUG**

**SHERRY AITKEN**

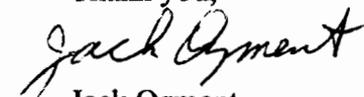
\_\_\_\_\_  
**Late Filer Name**

Sitka, AK  
May 18, 2012

To: The Assembly of the City and Borough of Sitka  
Re: Letter of Intent

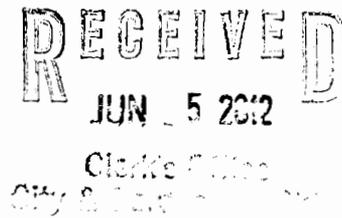
Please accept this as a Letter of Intent for your consideration for the appointment of Jack Ozment to the Assembly, until the next Municipal election, to fill the seat vacated by Mr. Blake.

Thank you,

  
Jack Ozment

**RECEIVED**  
MAY 21 2012

City & Borough of Sitka



June 1, 2012

Dear Assemblymembers,

Please let this letter serve as my desire to fulfill Assemblymember Terry Blake's assembly seat through the October 9, 2012 regular meeting. At which time a successful candidate will be sworn in to fulfill the remainder of Blake's term.

I was elected to the Sitka Assembly in October of 2002 and served a three-year term through October of 2005. First and foremost, I believe it is important to appoint someone who has previously served on the Assembly, especially for such a short duration. They are familiar with municipal processes, laws and issues and won't require the time it would take a new member to get up to speed, which realistically takes about one year.

I have been a resident of Sitka for 46 years and I will bring that knowledge to the table. When I ran for office I received 1913 votes, the highest number of votes cast for a candidate at that particular election, indicating strong support from our citizens.

While serving my attendance record was excellent. I did my home work, kept well informed on the issues and listened to a wide variety of Sitkans before casting my votes. I believe I served the municipality and citizenry well, was always open minded and even tempered. I treated people with respect and in return they respected me.

I'm enjoying my family and retirement and have no desire to seek another term. Yet I felt it was my duty to offer up my services as an experienced Assemblymember. Over the next few months the Sitka Assembly will be addressing several critical issues that will impact us all for years to come including our electrical and harbor rate structures. I believe as a Sitka resident for nearly half a century that I can best represent Sitkans and the municipality in reaching those critical decisions.

Respectfully Submitted,

  
Bill Paden

June 11, 2012

Michelle Putz  
131 Shelikof Way  
Sitka, AK 99835  
(907) 747-2708, [muperc@alaska.net](mailto:muperc@alaska.net)

RECEIVED  
JUN 11 2012  
Clerk's Office  
City & Borough of Sitka

Dear Mayor and Sitka Assembly:

Please consider me for the vacant City and Borough of Sitka Assembly seat. I qualify for the position, as I am a qualified voter of the municipality with nearly seven years of residency. Beyond being qualified, I would be a good choice for the seat because I have:

- A proven record of community and public service
- Exceptional knowledge of many of the issues facing the City, the schools, and the community,
- Good working relationships with City staff, Assembly, and government agencies, as well as Sitka citizens, groups, and businesses, and
- Experience working across political and social boundaries to get projects done.

I also believe that I would bring an important, fresh perspective to the assembly. I am part of a younger generation that is working to afford housing in Sitka. I understand and regularly seek ways to support local businesses. I understand better than many the need to bring and keep good jobs in Sitka. I have served on one of the City's commissions – I know what it feels like behind the scenes. I believe that my experience and my abilities, as well as my strengths in communications, strategic thinking, and activating, would greatly benefit the Sitka Assembly, and therefore, the community.

Thank you for your consideration. Please contact me if you would like further information or references.

Sincerely,



Michelle K. Putz

RECEIVED  
JUN 18 2012

Clerk's Office  
City & Borough of Sitka

June 18, 2012

Dear Mayor Westover and Assembly Members,

I am writing in hopes of being considered to fill the vacant seat on the City and Borough of Sitka Assembly. Sitka will continue to be my home for my entire life.

I was born at the Mt. Edgecumbe Public Health Service Hospital in 1982. I attended Sitka School District all 13 years, graduating in 2001. I am now six years into a career teaching math and science at Mt. Edgecumbe High School. I am an active and dedicated citizen in love with our community. I am familiar with the issues facing Sitka today.

My goal is the long-term success of Sitka. As part of planning for the future, Sitka must attract and keep more members of the younger generations. This will mean creation of new jobs and additional affordable housing. I will be accessible to the younger residents of our town, and I will keep an open mind to new solutions and points of view. I look forward to working with the rest of the Assembly to keep Sitka the special place it is for years to come.

Thank you for considering me for this seat.

Sincerely,



Matthew Hunter

Message Phone: 747-6851

E-mail: [mchunter1@gmail.com](mailto:mchunter1@gmail.com)

## Matthew C. Hunter

102 Remington Way

Sitka, AK 99835

907-747-6851

mchunter1@gmail.com

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### EMPLOYMENT

- 2006-Present **Mt. Edgcumbe High School (State of Alaska)** Sitka, AK  
**Mathematics & Physics Teacher, Grades 9-12**  
Designed hands-on, Alaska-Specific curricula for Physics, Geometry, and Algebra 2. Worked with 90% Alaska Native student demographic from over 100 villages throughout rural Alaska. Coordinated building of 60ft school wind turbine with US Coast Guard, City of Sitka Electric Dept., and many other partners. Club Advisor: Future Educators of Alaska.
- 2011-2012 **Sitka Sound Ocean Adventures** Sitka, AK  
(Summers) **Kayak Guide (Part Time)**  
Led groups of up to six clients on 2 to 4.5 hour kayak tours of Sitka Sound and the Fort Rousseau Causeway State Historic Park. Responsible for timeliness and safety.
- 2001-2004 **Harris Aircraft Services, Inc.** Sitka, AK  
(Summers) **Ramp Service Agent**

### EDUCATION

- 2005-2006 **University of Alaska Southeast** Sitka, AK  
**Master of Arts in Teaching, June 2006**
  - Twelve month, master's degree program including a nine-month in-school internship with master teachers and technology training
- 2001-2005 **St. Olaf College** Northfield, MN  
**Bachelor of Arts in Physics & Mathematics, May 2005**
  - Studied abroad in Greece, Cuba, and the Baltic States
  - Laboratory Assistant: Physics & Astronomy
- 1997-2001 **Sitka High School** Sitka, AK  
**Diploma, June 2001**

### VOLUNTEERISM & INTERESTS

- 2007-Present Sitka Mountain Rescue - Technical Rescue Team, Team Leader & Medic
- 2009-Present Sitka Fire Department EMS - Alaska EMT-2 & WMA WEMT Certified
- 2007-2011 Board Member: Sitka Maritime Heritage Society
- Local WWII History – Speaker, Researcher, & Webmaster: [www.sitkaww2.com](http://www.sitkaww2.com)
- Flying - Earned Private Pilot Certificate in August 2000
- Computer Programming – HTML, JavaScript, Microsoft Excel
- Outdoor Activities – Bicycle Commuting, Hiking, Mountaineering, Kayaking, Camping, etc.



Ryan J. Haug  
710 Monastery Street  
Sitka, AK 99835  
ryan.haug@sitkayouth.org

RECEIVED  
JUN 18 2012  
Clerk's Office  
City & Borough of Sitka

6/19/2012

City of Sitka Assembly  
100 Lincoln Street  
Sitka, AK 99835

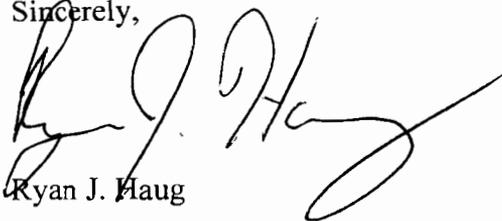
Dear Assembly Members:

I am writing to express my interest in the assembly seat vacated by Terry Blake. I have lived in Sitka since October 1996. During my time here in Sitka I have fallen in love with this community and the way I show my love for this community is service. When I was younger I volunteered at the Raptor Center and Search & Rescue while more recently serving as Chair for the Police and Fire Commission for two years of my three year appointment and as Treasurer of the Alaska Association of Homes for Children.

For the past ten years I have been working for Youth Advocates of Sitka with severely emotionally disturbed youth here in Sitka. Through my work with youth and their parents I have learned patience, caring and empathy, all great traits of a civil servant. Currently I hold the position of Programs Director. In this position I supervise 14 employees directly, am responsible for program budgeting, act as an advisor for all program coordinators and serve as acting Executive Director in her absence.

I hope you take my interest in this opportunity to serve Sitka seriously and I appreciate your time in doing so. If selected for this appointment I would be available immediately to begin my service.

Sincerely,

  
Ryan J. Haug



### Application for Appointment to Boards, Committees, and Commissions City and Borough of Sitka

Board/Commission/Committee: City Assembly-interim appointment

Name: Sherry Aitken Daytime Phone: 907-747-7290

Address: 415 Arrowhead Street Evening Phone: 907-738-3451

Email Address: smaitken@hotmail.com Fax Number: n/a

Length of Residence in Sitka: 41 years Registered to vote in Sitka?  Yes  No

Employer: Sitka Tribe of Alaska dba Tribal Tours

Organizations you belong to or participate in: I am currently participating in a SEDA generated multi-agency marketing group focusing on Sitka visitor industry.

Explain your main reason for applying: I think that this is a very crucial time for Sitka and the opportunity to work for the community even for a very limited time would be interesting and worthwhile. I feel that a broad range of voices on the Assembly is always very beneficial and that new participants to the process can bring fresh perspectives. Also I noted the procedural delay and thought that an additional choice amongst applicants would be a positive for the current assembly members.

What background, experience or credentials will you bring to the board, commission, or committee membership? While I have had the opportunity to travel widely Sitka has always been my home. I have been fortunate enough to have worked in Sitka in the service industry, commercial fishing (harvesting & processing), charter fishing, and the travel/visitor sector. Through my family I am also very familiar with construction and forestry in our area. Most recently I have been concentrating on career and parenthood but have many volunteer experiences as well. Please attach a letter of interest, outline, or resume which includes your education, work, and volunteer experience that will enhance your membership.

→ (To be considered, your application must be complete AND be accompanied by one of the above supporting documents.)

Date: 6/29/12 Signature: smaitken

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting. Applications received after the deadline will be considered but will not be included in the Assembly packets for review prior to appointment.

Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed?  Yes  No

Return to:  
Sara Peterson, Deputy Clerk  
100 Lincoln Street  
Fax: 907-747-7403  
Email: sara@cityofsitka.com

## SHERRY M. AITKEN

### QUALIFICATIONS

- 24 years of customer service experience, last 12 yrs. in the tourism industry in Sitka
- Highly organized with attention to detail
- Warm, engaging manner in high energy environments
- Excellent communication skills both written and verbal
- Supportive team member, committed and loyal

### WORK EXPERIENCE

- Tour Operations Manager-Sitka Tribe of AK d/b/a Tribal Tours-Sitka, AK 2011-2012
- Sales & Service Manager-Allen Marine Tours-Sitka, AK 2004-2010
- Lead Tour Rep/Supply Coordinator-Allen Marine Tours-Sitka, AK 2001-2003
- Reservation Sales Agent/Ramp Agent-Alaska Airlines-Tempe, AZ/Sitka, AK 1998-2000
- IFQ Coordinator/Acct. Assistant-Seafood Producers Coop.-Sitka, AK 1995-1998
- Slimmer/Grader/Scaler/Driver/Ice Shack-Seafood Producers Coop.-Sitka, AK 1985-1994  
(started as my summer job for college)

### EDUCATION

- Bachelor of Arts-Baylor University, Waco, TX—graduated top 10% Dec. 1989  
Double Major: Journalism/Foreign Service—100% self-financed



## Legislation Details

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File #: 12-97      Version: 1      Name:  
Type: Minutes      Status: AGENDA READY  
File created: 7/3/2012      In control: City and Borough Assembly  
On agenda: 7/10/2012      Final action:  
Title: Approve the minutes of the June 26, 2012 Assembly meeting.  
Sponsors:  
Indexes:  
Code sections:  
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
330 Harbor Drive  
Sitka, AK  
(907)747-1811

## Minutes - Draft City and Borough Assembly

*Mayor Cheryl Westover  
Deputy Mayor Pete Esquiro, Vice-Deputy Mayor Thor  
Christianson,  
Terry Blake, Phyllis Hackett, Mim McConnell, and Mike Reif*

*Municipal Administrator: Jim Dinley  
Municipal Attorney: Theresa Hillhouse  
Municipal Clerk: Colleen Ingman, MMC*

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Tuesday, June 26, 2012

6:00 PM

Assembly Chambers

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### Sitka Historical Museum Project - Update 5:00 - 5:50 PM

#### REGULAR MEETING

- I. CALL TO ORDER
- II. FLAG SALUTE
- III. ROLL CALL

**Present:** 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

#### IV. CORRESPONDENCE/AGENDA CHANGES

Ingman mentioned that they are going to start advertising for the non-profit grant funding. She included the documents under correspondence should you want to see any changes. Hackett would like to see the Emergency category decreased by 10% and the Human Services category increased by that 10%. The Assembly was later polled and no objections were received on making this change.

#### V. CEREMONIAL MATTERS

A proclamation was presented to Raven Radio recognizing their 30th Anniversary. Managers and founders were present to receive. Terry Blake was honored with a Service Award recognizing his time on the assembly. He commented: "It's been an honor and privilege to be here. Thank you, thank you, thank you. I appreciate you all very much."

**VI. PERSONS TO BE HEARD**

Mary Stephenson spoke as the Noteworthy Event Sign Project overseer on interpret signage and handed out associated materials.

**VII. REPORTS****a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other**

Mayor - She received a call from Deputy Commissioner Michael Neussi that the Klondike Road Relay has generated significant traffic going to Skagway and therefore they are going to cancel one Juneau to Sitka Round trip run for the M/V Fairweather on Sept 7th. Only four passengers had to be rebooked.

Administrator - Harbor System Master Plan will come forward in July. Library grant expansion award does not require a match. Read an update from the City's labor attorney on negotiations with the PSEA Union.

Liaisons - McConnell met with the Tourism Commission, they discussed the placement of directional signs in town.

Clerk - Reminded the public that the filing for Assembly and School Board will be commencing the first part of July. Additionally, it is the time to start thinking about what propositions you may want on the ballot. Those ordinances need to be introduced in July.

**VIII. CONSENT AGENDA**

- A 12-92** Approve the minutes of the June 12, 2012 and a clarifying amendment to the May 22, 2012 Assembly meetings.

**This item was APPROVED ON CONSENT AGENDA.**

- B 12-88** Re-appointments:  
A) Celeste Tydingco to a term on the Sitka Community Hospital Board  
B) Pauline Fredrickson to a term on the Sitka Community Hospital Board

**This item was APPROVED ON CONSENT AGENDA.**

- C 12-87** Authorize a temporary PT position to assist with the EMPG Grant - Sitka Fire Department

**This item was APPROVED ON THE CONSENT AGENDA.**

- D RES 12-12** Authorizing the application for a loan from the ADEC under the Alaska Drinking Water Fund for Baranof Street Water Main Replacement

Westover recused herself because she owns property on Baranof Street.

**A motion was made by McConnell that this Resolution be APPROVED. The motion PASSED by the following vote.**

**Yes:** 6 - McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

**Recused:** 1 - Westover

- E RES 12-13** Authorizing the application for a loan from the ADEC under the Alaska Drinking Water Fund for Hollywood Way Water Main Replacement

**This item was APPROVED ON CONSENT AGENDA.**

- F RES 12-14** Authorize the application for a loan from the ADEC under the Alaska Clean Water Fund for Hollywood Way and New Archangel Sewer Replacement

**This item was APPROVED ON THE CONSENT AGENDA.**

- G 12-91** Authorize a sole procurement for ABB69 kV Circuit Breakers Blue Lake Switchyard - \$75,998

Brewton explained the upgrade. These will replace outdated breakers. Last year they were quoted \$65,000 each.

**A motion was made by McConnell that this Item be APPROVED. The motion PASSED by the following vote.**

**Yes:** 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

- H 12-93** Award a Combiner/Multiplexeor System under the 2011 Homeland Security Grant low bidder Procomm Alaska - \$77,521

Chief explained this piece of equipment will allow us to consolidate the antennas on the radio tower. Christianson asked if it will work with the ALMR and Chief responded "Yes". Westover was curious if it was expandable and it was.

**A motion was made by Hackett that this Item be APPROVED. The motion PASSED by the following vote.**

**Yes:** 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

**IX. UNFINISHED BUSINESS:**

- I ORD 12-07S** Amending the Sales Tax Exemption at Sitka General Code Subsection 4.09.100N entitled "Over One Thousand Dollars in Sales and Rents of Tangible Personal Property and on Sales of Services," and "Over One Thousand Dollars in Rent or Lease of Real Property on a Monthly Basis."

Sitka Rose Gallery owner Eugene Solovyev ask for a review of sales tax income after a year to show what effect the higher tax may have had on sales.

Sweeney projects around an additional \$495,000 in revenue for FY2013 and \$700,000 for subsequent years. The current budget does not include this projection. Christianson cautioned planning on any of these funds. Reif's desire is to put any revenues generated in deferred maintenance. McConnell brought up it may be needed for budget deficiencies in FY 2014.

RECESS - A ten minute recess was taken and cake was served to honor Mr. Blake and thank him for his service.

**A motion was made by Reif that this Ordinance be PASSED ON SECOND READING. The motion PASSED by the following vote.**

**Yes:** 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

**J 12-83**

**Approve vacating a right-of-way at 4600 HPR and request an ordinance be prepared. - Conner and Valerie Nelson**

Reif relayed with regard to this ROW when he looks at various minutes etc. it isn't crystal clear it is the cities, however, the plats show it is the cities. Harmon said they rely on the plat drawings and did have it reviewed by both planning and legal. The plat takes precedence. In staffs view the ROW belongs to the city. The assembly can make a choice to vacate it. The value is primarily as a utility corridor and Public Works is concerned with retaining access to a potential quarry site.

McConnell brought up that if the city was to vacate then they would have to buy another ROW. If the city was willing to sell Hughes said the market value would be \$6 a sf. If you were to buy a ROW it would be 2-3 times that much.

Williams declared that the plat shows that it is ROW and it is accompanied by a signed dedication certificate - these are the facts. The property has to be of no potential use to the city to vacate it. Harmon rationalized, that if it could be moved somewhere else within the property or traded, that would not be ideal but might work. Mayor is inclined to not vacate it, but sell it if we can get another corridor up there.

Hackett argued the plat is the determining factor. The square footage of the ROW was not included when Nelson's purchased and she can't see any reason to vacate it when the city has potential use for it. Christianson believes the likelihood of using it as a road is slim. Public Works is working on another potential access. Reif plans to support the plat note and Public Works. Reif will entertain selling it for market price. The Nelsons were not the owners when the property was platted.

Nelson doesn't see where it was dedicated to the city. Today it is platted as an easement. He claims up to a year ago the city had a 40-foot easement that was released and signed off back to Nelson.

Hackett will not vote in favor of vacating it. Reif cannot vacate with no compensation to the city. McConnell is struggling with the motion that was made by the planning Commission and their three findings. Mayor would like follow up done on whether we can get access on the other side and into the potential of purchasing other property.

**A motion was made by Christianson that this Item be APPROVED. The motion failed by the following vote.**

**Yes:** 2 - McConnell, and Christianson

**No:** 5 - Westover, Blake, Esquiro, Reif, and Hackett

**K      ORD 12-18      Amending SGC at Section 4.12.020 Entitled "Property Subject to Tax" to increase the Biennial Motor Vehicle Registration Tax to be used for municipal roads**

Sweeney informed that it would raise \$914,700.00 a year and that amount takes into consideration exempt vehicles of \$100,000. The 8% handling fee is not figured in. Christianson clarified, this fee is tacked on top of what people are already paying. Mayor doesn't support, she thinks it is too much to ask our citizens. Suggests we look at going back to city stickers.

Reif pointed out, it doesn't go into effect until Jan. 2014 and that senior citizens do not pay this tax on their first vehicle. He doesn't know of a better idea to raise this kind of money for deferred maintenance. Blake sees this as a burden and he struggles with it. Hackett supports the \$200 over two years. If you think about how many miles you put on the road during that period of time. We will go back to gravel roads if we do not act proactive. Esquiro questioned the provision to pay annually. There is a slight increase if you choose this option. Christianson commented it is like creating an enterprise for our roads. Esquiro proposed that maybe we could take a look at stickers for bikes so that they could contribute in some fashion.

**A motion was made by Reif that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.**

**Yes:** 5 - McConnell, Christianson, Esquiro, Reif, and Hackett

**No:** 2 - Westover, and Blake

**X.      NEW BUSINESS:**

**New Business First Reading**

**L      ORD 12-20      Amending SGC Section 15.01.020 entitled "Electric Rates" by Increasing Rates for all Customer Classes to Fund Voter Approved Improvements for the Blue Lake Hydroelectric Expansion Project and Implementing a Structure for Residential Class Customers to Promote Energy Conservation, and also Amending SGC Section 15.01.030 entitled "Billing-Credit-Deposit-Fees" to Increase Emergency Electric Service Charges**

Christianson commented it appears to be a pretty good plan for people who are efficient; while also recognizing that the harbors were too high, Hackett agreed. Brewton mentioned that next year the city will need to make sure we are collecting sufficient revenue for Blue Lake Expansion. We have to cover it, it is very critical. Reif noted we have not raised electric rates since 1993 and if inflation was figured in our kilowatt usage would be .14 cents today. Hackett urged citizens to apply for state programs that can assist in making your homes more efficient and other weatherization resources. Blake brought up the difference in the increase between residential and commercial. Brewton answered that residential customers were not paying close to their fair share.

A motion was made by Hackett that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

- M**      **ORD 12-19**      Amending SGC Subsection 4.09.100Y entitled "Exemption for Retired Persons who have Reached the Age of Sixty-Five to Exclude Alcoholic Beverages, Cigarettes, and Other Tobacco Products as Exempt Sales, and making clerical edits

Reif sponsored, he doesn't think that any group in this community should be exempt. Hackett would really like to see educational information going out to seniors.

A motion was made by Hackett that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

#### Additional New Business Items

- N**      **12-90**      Approve having staff work with Sitka Convention and Visitor's Bureau to schedule numerous airing segments of Sitka on scheduling on "Today in America"

RECESS - A recess was taken from 9:00 - 9:10 PM.

Mayor explained that Terry Bradshaw does a five-minute segment (only if they pick us), then there will be 19 other airings. Dinley explained we buy air time and they'll write a script. Christianson wondered if Sitka Convention and Visitor's Bureau (SCVB) had been contacted. Mayor and others would like them brought in. Hackett sees the SCVB as the lead and it should come out of their funds.

A motion was made by Christianson that this Item be APPROVED . The motion PASSED by the following vote.

Yes: 4 - Westover, McConnell, Christianson, and Esquiro

No: 3 - Blake, Reif, and Hackett

- O**      **12-86**      Discussion/Decision on putting forth an advisory vote on pursuing a dock downtown

Mayor suggested a discussion first before bringing forward an ordinance for consideration. Mayor pointed out, that we are not talking about bringing ships much closer than they already are. We are in the middle of designing Centennial Hall etc. this could be incorporated into the conversations. Christianson is ambivalent, he does think you need to have a plan first so he is a little hesitate to either stir people up or get peoples hopes up depending on how you look at it. Reif agrees, there needs to be a conceptual design. He also thinks it should be private. Concerns members have heard over and over is Sitka does not want to be like Ketchikan, Skagway or Juneau. We have to have some assurances that we are not overrun. Blake pointed out that so far tonight we have increased electrical, vehicle and sales tax. How much more can we afford to tax; this is burdening our business owners. We need to come up with some answers. McConnell thinks it will still be a decisive issue and needs to be worth it to have it on the ballot.

Eugene Rose Gallery - As long as you have a dock that accommodates no more than two cruise ships that in itself will limit you from becoming a Skagway, Juneau, or Ketchikan. Tourists dislike the lightering system. He contends they will spend more money and it will be far more convenient.

Kim Elliot expressed concern as her house is right downtown and would be impacted. She added, if we do build one then build it yourself. Do not have it in private ownership.

Mike Lawson operates the Banana Boat. He brought up that cruise ships fuel costs are going up so they are going to be more reluctant to go out of their way to come to Sitka. He does believe tourists will spend more money with a dock and they'll spend more time in town. They don't want to travel to downtown by lightering or bus. Sitka's attitude needs to be more inviting.

Shirley Robards commented that it is only 4-5 months of the year. The cruise lines are going to bigger vessels and they don't have the ability to lighter. Holland American is retiring two ships and they are both ships that currently come to Sitka. I think people are realizing that times are changing.

Brian McNitt strongly agrees with Christianson if we are going to have a ballot measure we need to know what we are voting on.

Esquiro agrees, you want to include specifics on the ballot. Where would this dock be? Who's going to build it? Tell the people what kind of costs? When would it be done? He added, that some of the potential areas that were in our inventory for possibilities are no longer there.

Reeder projected that having a dock would double revenues on existing passengers. Current statistics provided from McDowell for per passenger spending are: Juneau \$200, Ketchikan \$185 and Sitka is \$70. Smaller ships are going away. Ships dock moorage runs \$20-\$30K a day. Sitka gets \$669 a day currently.

McConnell thinks peoples biggest concern is view sheds. There has to be a compromise if something like a dock is ever going to work in Sitka. Something like having ships limited to so many days a week.

Reif related to the concerns surrounding the stop light and more recently the roundabout where people put up opposition and now they are fine with them. It is crucial that we put forth a question that gives the basic parameters. Christianson described that if Sitkan's did decide to build a dock then we should try and see if we could get money from the state.

Esquiro, Christianson and Westover will work on drafting an ordinance.

- P 12-89** Appoint an interim Assemblymember to fill Terry Blake's term until the results of the election are certified on October 9, 2012

This item was deferred prior to the meeting to July 10, 2012.

**XI. PERSONS TO BE HEARD:**

None

**XII. EXECUTIVE SESSION - Mike Litman & Jeff Farvour v. CBS Litigation**

This item was deferred prior to the meeting to July 10, 2012.

**XIII. ADJOURNMENT**

Christianson moved to ADJOURN. The meeting ADJOURNED at 10:03 PM.

**ATTEST:**

\_\_\_\_\_  
Colleen Ingman, MMC  
Municipal Clerk



## Legislation Details

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File #: 12-95      Version: 1      Name:  
Type: Item      Status: AGENDA READY  
File created: 7/2/2012      In control: City and Borough Assembly  
On agenda: 7/10/2012      Final action:  
Title: Approve replacing a printer for Sitka Police Department  
Sponsors:  
Indexes:  
Code sections:  
Attachments: [Printer SPD](#)

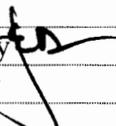
Date	Ver.	Action By	Action	Result
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**P O L I C E**

**DEPARTMENT**

**MEMO**

City and Borough of Sitka

<b>To:</b>	City Administrator Jim Dingley 
<b>From:</b>	Chief Sheldon Schmitt 
<b>Subject:</b>	Printer replacement
<b>Date:</b>	June 26, 2012

This memo is to request approval to replace a printer at the Police Department.

The main printer for the Dispatch and Records division in the Police Department broke down recently and needed servicing. Although we were able to get it to function on a limited basis, we have been told that it is coming to the end of its service life. Parts are difficult to get and in general the printer has degraded to the point it is better to replace it at this point. That particular printer was purchased for about \$10,523 in 2004.

We have done some research for a replacement printer in consultation with our service provider. We have found a suitable replacement printer that has a few less features than our last printer, but one that will work for our current needs. The price of the replacement printer is \$7,021. I have attached all the information concerning the replacement printer.

If approved there are two options for purchasing the replacement printer, to buy it outright or lease to own. We have done both options in the past. The purchase price listed above it or buy it outright. Leasing it will cost about \$8,353 over the life of the lease.

Cc; Finance Director Jay Sweeney

# AURORA

Business Supplies  
For all your home and office needs!

Quote

Date: 6/25/2012  
Customer ID: City of Sitka  
Quote Type: US COMM

To: City of Sitka  
Police Dept  
Dispatch

US COMM APPROVED

Salesperson	Job	Payment Options	Due Date
Kristy Crews	9240 Replace	Buy Out	

Qty	Item #	Description	Unit Price	Line Total
<b>Base Unit</b>				
1.00		SAVIN MP3352SP	\$ 5,690.00	\$ 5,690.00
Includes: Color/BW Scanning, BW Printing, 33 PPM Speed, 2 Standard Trays (500 sheet x 2) ARDF, Duplex, 1GB Ram, 120 GB HD, HDD Encryption, Data Overwrite (Not ISO 15408 Certified), 100 Sht Bypass, Ethernet, 2 USB Ports, and Surge Protector.				
<b>TOTAL BASE</b>			<b>\$</b>	<b>5,690.00</b>
<b>Tray Options (Pick One)</b>				
1.00	FAC52	Cabinet - No Additional Paper Trays	\$ 106.00	\$ 106.00
<b>Fax Option (Optional)</b>				
1.00	FO3352	Fax Option	\$ 673.00	\$ 673.00
<b>Freight and Installation</b>				
1.00		Freight	\$ 400.00	\$ 400.00
1.00		Installation 152/Hr	\$ 152.00	\$ 152.00
<b>Maintenance Contract</b>				
1.00		Yearly Maintenance Contract for 100K copy allowance	\$ 1,000.00	\$ 1,000.00
		Excess Copies billed at .01/copy - Includes Parts and Labor		
		Excludes supplies and toner.		
			Base Model	\$ 5,690.00
			Freight and Install	\$ 552.00
			Add'l Options	779.00
			<b>Total</b>	<b>\$ 7,021.00</b>

Thank you for your business!

# Savin®

## MP 2352/MP 2852/ MP 3352

Digital Imaging System

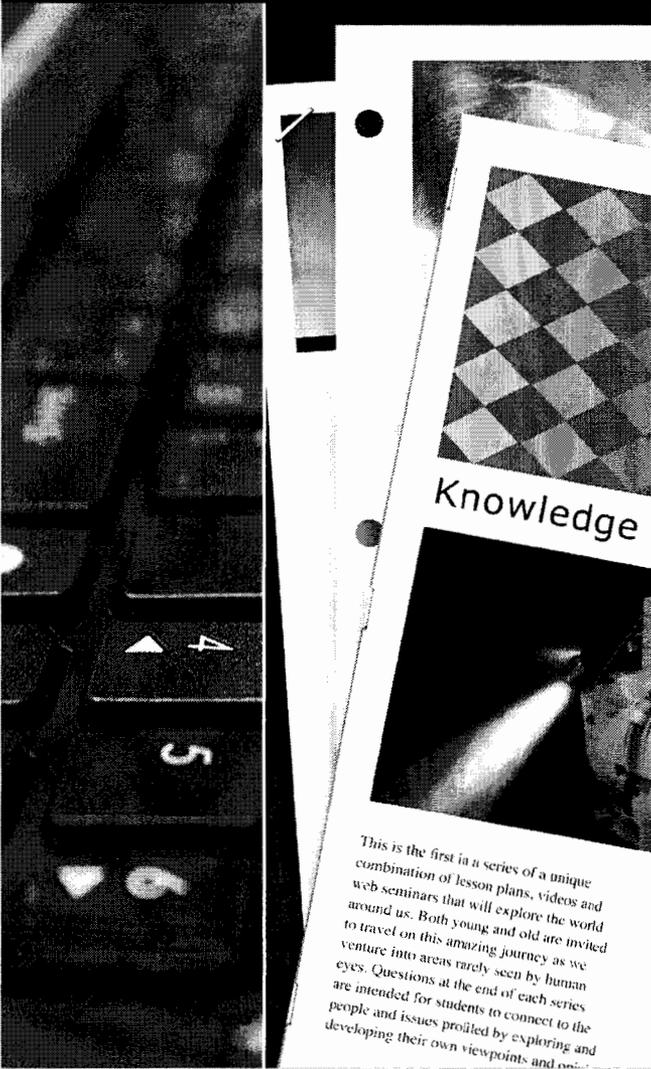
SECURE >

PRODUCE >

SHARE >

MANAGE >

ADVANCE >

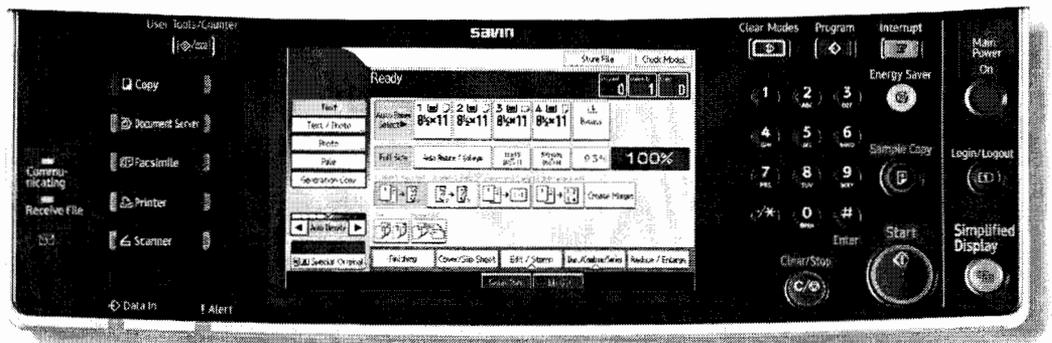


**A versatile, all-in-one system  
designed for your environment.**

# savin

## Customize document management for any workflow.

Expectations are high. You're facing more tasks, more challenges—and less time. So why not demand more from your multifunction system? The SAVIN® MP 2352/MP 2852/MP 3352 offers unmatched versatility and innovative security for superior productivity and efficiency. It provides copy, print, scan and fax capabilities in a compact design so you can produce a wide range of jobs with exceptional quality. Plus, it incorporates a host of sustainable, eco-friendly features that can enable fast-paced offices to save money while conserving energy. Use it as your workhorse device to streamline workflow from creation to finishing, or integrate it into a comprehensive Managed Document Services (MDS) strategy and improve productivity while reducing total cost of ownership.



Access workflow tools, program jobs or select distribution destinations with the easy-to-use full-color LCD Control Panel.

### Enhance Productivity

Accomplish every task with incredible speed and convenience. The Savin MP 2352/MP 2852/MP 3352 offers all-in-one performance for fast, cost-effective workflow.

- Deliver exceptional multifunction performance with built-in printing, copying, color scanning and faxing. The MP 2852/MP 3352 is available in two configurations—a standard scan/print version and a highly-configurable copier version, which can also be modified to print, scan or fax to suit your office environment. The MP 2352 is available in a standard scan/print configuration.
- Generate up to 33 black-and-white pages-per-minute and proceed to the next job quickly.

[www.savin.com](http://www.savin.com)

# MP 2352/MP 2852/MP 3352 Digital Imaging System

**SECURE > PRODUCE > SHARE > MANAGE > ADVANCE >**

- Execute workflows seamlessly with a wide range of document distribution tools and widgets that can be tailored for your office for maximum convenience.
- Reprint, refax or scan instantly with the built-in Document Server. It stores up to 3,000 frequently-used documents to expedite workflow.

## Share More Efficiently

With its wide range of scanning capabilities, this digital imaging system enables quick electronic document capture and convenient distribution options for incredible flexibility, productivity and value.

- Capture documents in monochrome or in vibrant color and reduce file sizes with high-compression PDF for faster transmission and printing without compromising image quality.

- Distribute documents instantly with Scan-to-Email or automate document sharing and archiving with Scan-to-Folder.
- Employ Scan-to-URL for network flexibility. Users can store the document on the Hard Disk Drive to reduce network traffic and view and download files via Web browser.
- Preview electronic documents as full-color thumbnails for accurate review that can enhance efficiency while minimizing wasted supplies.

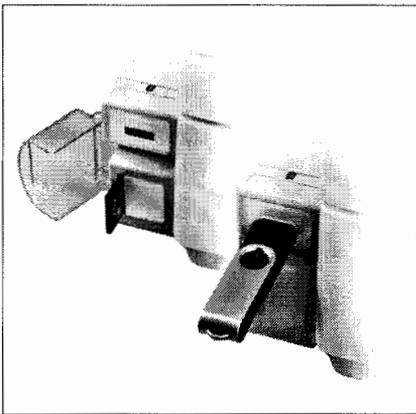
## Deliver High-Quality Results

The Savin MP 2352/MP 2852/MP 3352 offers powerful network printing to ensure fast-moving workflows and affordable output.

- Simplify print jobs with the icon-driven, preset PCL6 user interface driver and optional genuine Adobe® PostScript3® drivers.

- Enjoy seamless integration with Windows, Macintosh, Unix and AS/400 environments and a host of standard or optional interfaces to ensure that local network requirements are met.
- Modify queues for print jobs at any time with the Job Function List feature and meet even the most ambitious deadlines.
- Expedite jobs with PDF Direct Print. Users can print PDFs without opening Adobe Acrobat or taxing the network.
- Avoid print bottlenecks with Auto Job Promote. This feature holds a job when a resource is not available—such as a different paper size—and automatically prints the next job in the queue.

## Scan To/Print From USB



Load scanned documents to portable media using Scan-to-Media capabilities with the USB/SD card slot and print TIFF, PDF and JPG files virtually anywhere.

## Color Scanning



Color scanning combined with innovative Scan-To capabilities promotes cost-free document distribution and less taxing network traffic.

## Quota Setting

Print Volume Use Limitation

OK Cancel

Machine Action When Limit is Reached

Machine Action When Limit is Reached : Finish Job and Limit

Print Volume Use Limitation: Unit Count Setting

■ Copier

Black & White: A3/DLT : 50 (0-200)

Black & White: Others : 50 (0-200)

■ Printer

Black & White: A3/DLT : 100 (0-200)

Black & White: Others : 100 (0-200)

OK Cancel

Set output limits for individuals and groups with the Quota Setting feature to effectively control print costs.

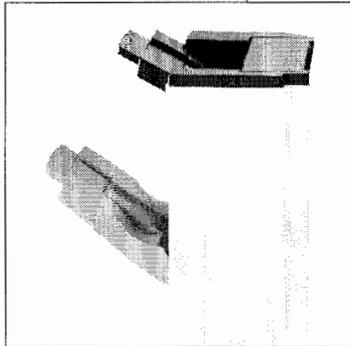
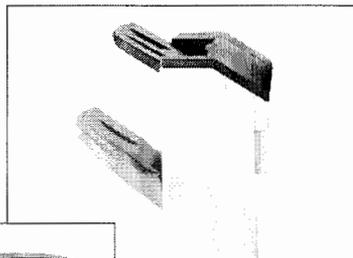
**50-Sheet Automatic Reversing Document Feeder (standard)**

Scan multi-page and mixed size originals quickly and easily.  
(Optional for the MP 2852/MP 3352 copier only configurations)

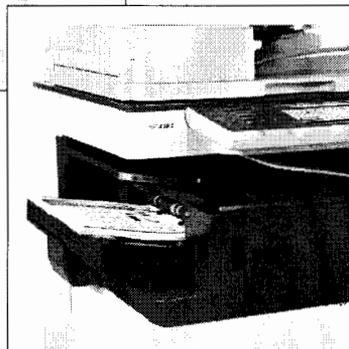
**500-Sheet External Finisher (optional)**

Realize greater cost savings and productivity by printing reports and presentations in-house.

**1,000-Sheet Booklet Finisher**



**1,000-Sheet Finisher**



**500-Sheet Internal Finisher**

**Finish In-House with Style**

Produce compelling, professionally finished documents and minimize outsourcing. Choose from a variety of optional finishers to design a complete end-to-end document production solution that meets your unique application demands.

**1 x 500 and 1 x 550-Sheet Paper Trays (standard)**

Front-facing, user-adjustable trays accommodate a wide range of paper stocks and sizes, including envelopes.

**1 x 550-Sheet Paper Tray\* (optional)**

Provides lower height making it easy for all users to access.

**2 x 550-Sheet Paper Tray\* (optional)**

Add more paper capacity for larger jobs and uninterrupted printing and copying.

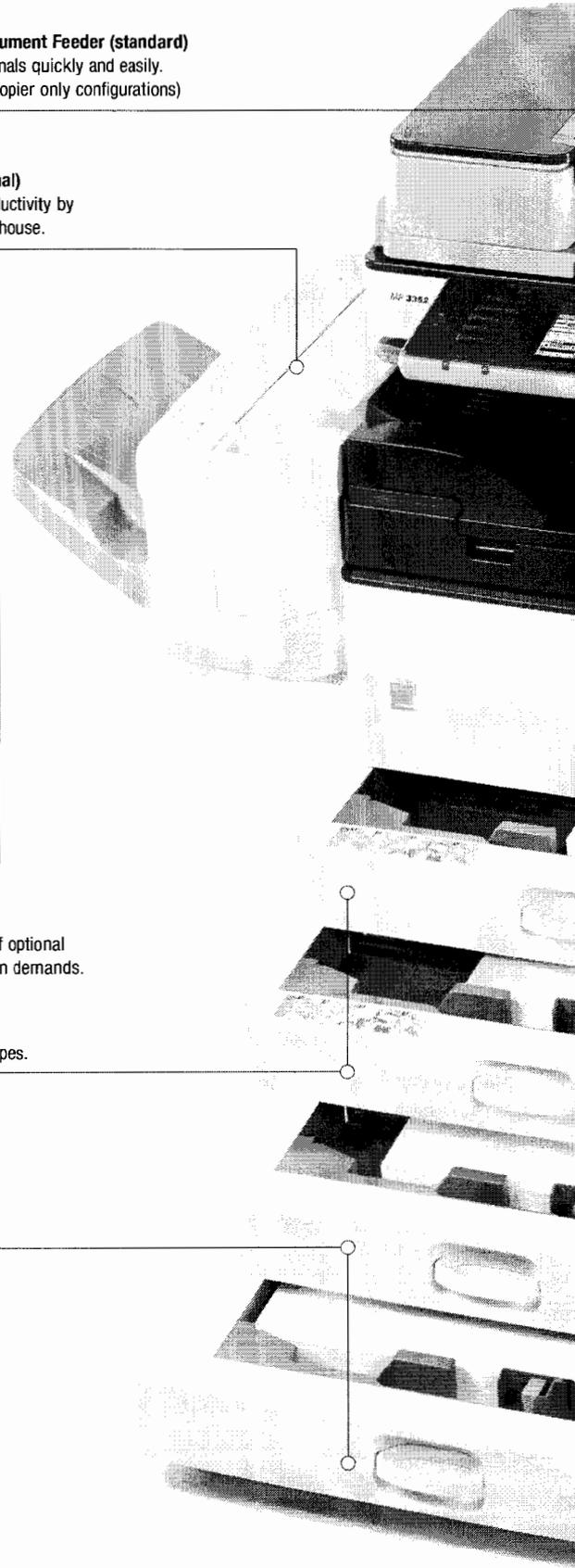
**2,000-Sheet Large Capacity Tray\* (optional)**

Increase total system volume up to 3,150 sheets and add versatility for less reloading. (Letter-size sheets only for LCT)

**Cabinet Stand\* (optional)**

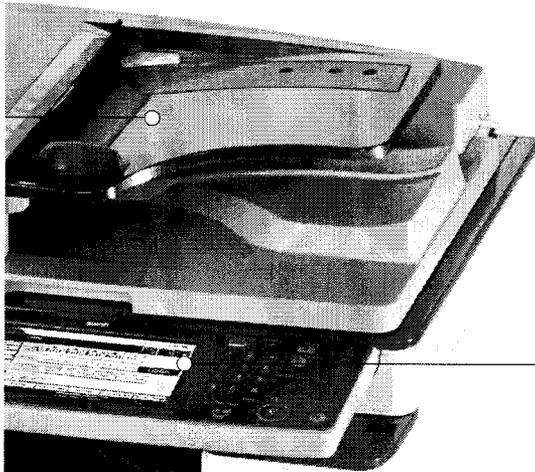
Add a convenient storage space for supplies when the standard paper supply meets your needs.

\*Cannot be combined with other optional paper sources.



# MP 2352/MP 2852/MP 3352 Digital Imaging System

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**Intuitive 8.5" Color Control Panel**

This easy-to-use control panel simplifies operations.

**One-Bin Tray (optional)**

Separate copy output from fax/print output.

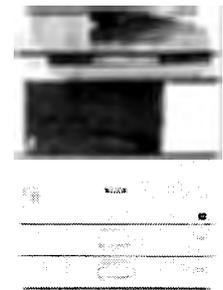
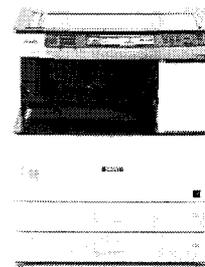
**Duplex Unit (standard)**

Support environmental initiatives, cut paper use in half and save on supply costs by printing double-sided documents.

**100-Sheet Bypass Tray (standard)**

Print envelopes, labels, transparencies and more on a variety of paper types and sizes.

**Choose the Configuration that Best Meets Your Office Requirements**



Configuration	Copier	Copy/Print/Scan
Speeds Available	28 ppm, 33 ppm	23 ppm, 28 ppm, 33 ppm
ARDF	Optional	Standard
Print/Scan Connectivity	Optional	Standard
Fax	Optional	Optional
Security	Standard DataOverWriteSecurity & HDD Encryption	Standard DataOverWriteSecurity & HDD Encryption
System Memory (Std./Max.)	512 MB/1 GB	1 GB/1 GB
Hard Disk Drive	Optional	Standard 120 GB
Personal Paperless Document Manager	Optional	Standard 1 License

## Management Made Easy

Engineered for maximum convenience, the Savin MP 2352/MP 2852/MP 3352 simplifies administrative tasks—including system management, device monitoring and troubleshooting.

- Access a wide range of system settings including supply levels and job details, assign e-mail notification to key team members, cancel jobs and reboot the system remotely with Web Image Monitor.
- Use Web SmartDeviceMonitor to configure, monitor and manage your entire fleet of connected Savin devices—right from your desktop.
- Promote proactive maintenance with automated alerts for low supplies and errors with Auto-Email Notification.
- Monitor systems with @Remote. The built-in web-enabled support application automates meter submissions, critical event notifications and remote firmware updates.

## Advanced Document Security

Help ensure document integrity at every stage of the creation and distribution process with comprehensive security that protects your most important information assets.

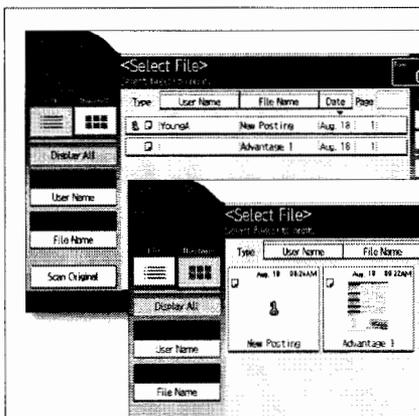
- Protect sensitive documents on the hard drive with the standard DataOverwriteSecurity System (DOSS). It automatically overwrites the hard drive to prevent retrieval of confidential information when enabled.
- Add a powerful layer of security with standard HDD Encryption and encode stored documents for maximum protection from hackers.
- Safeguard critical data during transmission with Encrypted PDF Transmission. Use it to scramble and encrypt transparent and vulnerable data, including user name and password.
- Ensure accurate user authentication with a variety of methods, including user codes, LDAP, Windows Authentication and card based authentication solutions.

## Fast Fax Transmission

Handle any workload—whether it's one page or hundreds—with innovative faxing features that simplify management and expedite delivery.

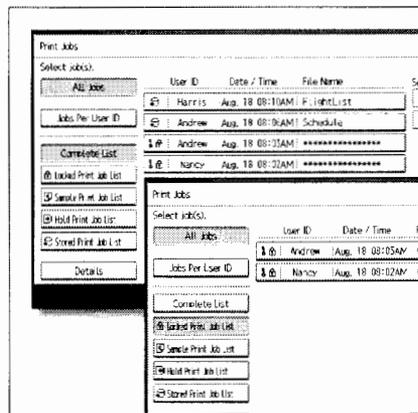
- Send and receive faxes electronically with Internet faxing, using either a PC or conventional fax numbers via IP to save on transmission costs and paper.
- Preview pages prior to transmission to decrease errors and detect blank pages.
- Route inbound faxes to an e-mail address or network folder to ensure timely, accurate delivery and distribution.

### Document Server



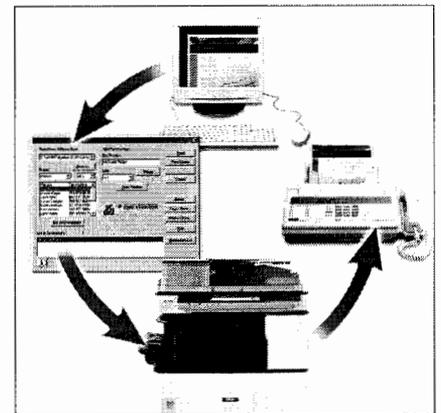
Store up to 3,000 frequently-used documents in the Document Server for instant reprinting, refaxing and scanning.

### Locked Printing



Minimize access to sensitive documents. Locked Print allows users to delay printing until they enter a password at the device.

### LAN FAX



Fax documents right from your desktop to maximize convenience and boost efficiency.

# MP 2352/MP 2852/MP 3352 Digital Imaging System

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## Enable Mobile Workers

Give mobile users an easy way to print documents while on the go without compromising security.

- Print documents, e-mails and Web content from anywhere with optional HotSpot Printing. Users can forward documents to the MFP via PDAs or other Internet-enabled devices without installing drivers or software.
- Accommodate visitors, such as employees visiting branch offices, with the Mail-to-Print feature. This allows users to send emails with attachments directly to the MFP to print PDF/JPG files automatically without installing print drivers.

## Customize Workflows

The Savin MP 2352/MP 2852/MP 3352 offers innovative tools that accommodate the unique demands of your environment and streamline business-critical activities.

- Customize MFP touch-screen menus directly from the PC quickly without IT support and create secure, searchable PDFs from text files, spreadsheets and scanned documents with Personal Paperless Document Manager (PPDM) software.
- Expedite data entry at the MFP and navigate embedded software programs—including GlobalScan NX, eCopy ShareScan, NSi AutoStore and other applications—with the optional USB keyboard\*.
- Connect to Cloud applications such as DocumentMall. Documents can be securely scanned to a folder in DocumentMall or downloaded for printing.
- Develop customized applications using Embedded Software Architecture, a Java-compatible Software Development Kit (SDK).

## Sustainable Efficiency

Conserve energy while boosting productivity. Savin has incorporated a variety of environmentally-friendly features that conserve time and money.

- Reduce paper consumption by printing double-sided documents—and reducing output by up to half—with standard automatic duplexing.
- Start printing and copying quickly. The Savin MP 2352/MP 2852/MP 3352 warms up in as few as 4.5 seconds and recovers from Sleep Mode as quickly as 4 seconds.
- Save energy with fast first-copy times. This digital imaging system can produce a first copy in as little as 14 seconds.

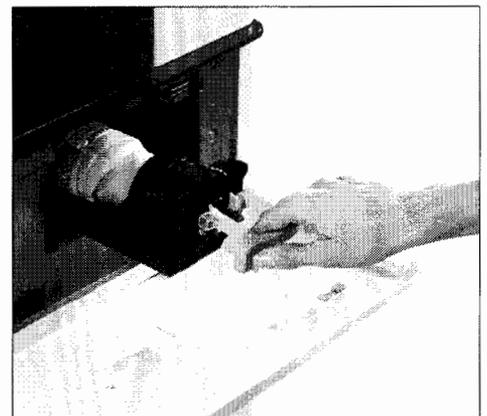
\*Native embedded scanning is not supported.

## HotSpot Printing



Print from mobile devices to HotSpot-enabled MFPs and printers for fast, convenient printing on the go.

## High-Yield Consumables



High-yield consumables help minimize operating costs and downtime. Genuine Savin supplies foster optimal performance and superior print quality.

## The Total Green Office Solution

Savin continues its long-standing commitment to developing office solutions with environmentally friendly and superior energy- and supply-saving features, without compromising productivity.



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### ENGINE/COPIER SPECIFICATIONS

Scanning Element	One-Dimensional Solid Scanning Through CCD
Printing Process	Single Laser Beam Scanning & Electrophotographic Printing
Toner	Dry, Dual Component
Copy Resolution	600 x 600 dpi
Quantity Indicator	Up to 999
First Copy Time	MP 2352: Less than 5.4 seconds MP 2852/MP 3352: Less than 4.5 seconds
Warm-Up Time	With Hard Disk Drive: Less than 20 seconds Without Hard Disk Drive: Less than 14 seconds
System Memory (std./max)	Copier Basic: 512 MB RAM/1 GB RAM + 120 GB HDD Print/Scan: 1 GB RAM + 120 GB HDD
Original Type	Book/Sheet/Object
Maximum Original Size	Up to 11" x 17"
Copy Size	5.5" x 8.5" to 11" x 17"
Copy Type	Plain Paper, Transparencies, Letterhead, Color Paper, Pre-Punched Paper, Envelopes, Cardstock, Recycled
Continuous Copying Speed	MP 2352: 23 copies/minute (LTR) MP 2852: 28 copies/minute (LTR) MP 3352: 33 copies/minute (LTR)
Power Source	120V/60Hz/12A
TEC Value	MP 2352: 1.870 Wh (Print/Scan) MP 2852: 2.210 Wh (Print/Scan) MP 3352: 2.511 Wh (Print/Scan)
Standard Paper Capacity	500 sheets x 1 tray, 550 sheets x 1 tray, and 100-Sheet Bypass Tray
Maximum Paper Capacity	3,150 sheets
Paper Size	5.5" x 8.5" to 11" x 17"
	A6 to A3, B6 to B4
Paper Weight	14 – 28 lb. Bond/52 – 105 g/m <sup>2</sup> (Duplex) 14 – 42 lb. Bond/52 – 157 g/m <sup>2</sup> (Tray 1, 2 and Bypass)
Standard Output Tray Capacity	500 sheets (Letter)
Maximum Output Capacity	250 sheets (Legal, Ledger)
Reduction Ratios	1,600 sheets (Bridge Unit + 1 Bin + 1,000-Sheet Finisher) 25%, 50%, 65%, 73%, 78%, 85%, 93%, 100%
Enlargement Ratios	121%, 129%, 155%, 200%, 400%
Zoom	25% to 400% in 1% increments
Standard Features	Auto Magnification, Auto Paper Select, Auto Tray Switch, Booklet/Magazine Copy*, Center/Border Erase, Chapters, Combine Mode, Cover Insertion, Directional Magnification, Document Server (3,000 File Capacity)*, Duplex, Electronic/Rotate Sorting, Full-Color VGA Touch Screen Control Panel, Negative/Positive, OHP Slip Sheet, 8 Job Presets*, 10 Job Programs, 500 User Codes, Sample Copy, Series Copy*, User Stamps*
Dimensions (WxDxH) Copier Basic:	23.1" x 25.7" x 27.9"
Print/Scan:	587 mm x 653 mm x 709 mm 23.1" x 25.7" x 32.6" 587 mm x 653 mm x 829 mm
Weight Copier Basic:	143 lbs., 65 kg
Scan/Print:	165 lbs., 75 kg

### PRINTER SPECIFICATIONS

<i>Standard on Print/Scan Configuration / Option on Copier Basic Configuration</i>	
Print Speed	MP 2352: 23 ppm (LTR) MP 2852: 28 ppm (LTR) MP 3352: 33 ppm (LTR)
CPU	RM7035C 533 MHz
Standard Interfaces	10Base-T/100BaseTX Ethernet, USB 2.0
Optional Interfaces	IEEE 802.11a/b/g Wireless LAN, Bluetooth, IEEE 1284 Parallel, Gigabit Ethernet
Memory Capacity	Shared with Copier
Network Protocol	TCP/IP, IPX/SPX
Network Operating Systems	Windows Vista/7/XP/Server 2003/Server 2008, Netware 6.5 or later, Unix; Sun Solaris, HP-UX, SCO OpenServer, Red Hat Linux, IBM AIX, Mac OS X 10.2 or later, SAP R/3, NDPS Gateway, IBM iSeries/ AS/400* using OS/400 Host Print Transform, Citrix Presentation Server 4.5/Citrix Xen App 5.0

### Utilities

Page Description Languages	Web SmartDeviceMonitor, Web Image Monitor
Print Resolution	PCL5e/6 (standard), Adobe PostScript 3, IPDS (optional)
Fonts for PCL5e/6	Up to 600 dpi 45 Scalable Fonts, 6 Bitmap Fonts, 13 International Fonts
Fonts for PS3	136 PostScript Fonts
Standard Features	Sample/Locked/Hold/Stored Print

### SCANNER SPECIFICATIONS

<i>Standard on Print/Scan Configuration / Option on Copier Basic Configuration</i>	
Scanning Speed	Embedded Scanning: 50/45 ipm (@ 200 dpi)
B&W/Color	600 dpi
Scanning Resolution	Up to 11" x 17"
Scan Area	10Base-T/100BaseTX Ethernet
Standard Interfaces	IEEE 802.11a/b/g Wireless LAN, Gigabit Ethernet
Optional Interfaces	TCP/IP, NCP, SMB, SMTP, POP 3, LDAP, FTP
Protocol	Shared with Copier
Memory Capacity	Single and Multi-Page TIFF/PDF, High Compression PDF, Single-Page JPEG
File Types	Embedded Scan-to-Email/HDD/Folder/URL and TWAIN, Color Scan
Standard Features	

### FAX SPECIFICATIONS (OPTION)

Circuit	PSTN, PBX
Compatibility	ITU-T G3
Resolution	200 x 200/100 dpi 400 x 400 dpi (optional)
Compression Method	MH, MR, MMR, JBIG
Scanning Speed	0.35 seconds (LEF)
Modem Speed	33.6 Kbps with Auto Fallback
Transmission Speed	G3: 3 seconds per page (MMR Compression) G3: 2 seconds per page (JBIG Compression)
SAF Memory	4 MB standard/28 MB maximum 320 pages/2,240 pages
Max Auto Dials	2,000
Group Dials	100 (max. 500 numbers per group)
Features	Dual Access, Duplex Reception, Image Rotation, 1 Hour Backup, LAN-Fax Capability*, Internet Faxing (T.37)*, IP Faxing (T.38)*, Fax Forwarding to E-Mail/HDD/Folder*
Optional Features	Simultaneous Operation of up to 3 lines (G3 x 3)

### SECURITY FEATURES

*Standard on Print/Scan Configuration / Option on Copier Basic Configuration*  
DOSS, HDD Encryption, S/MIME, IPsec Communication, Locked Print Password Encryption, Encrypt Address Book, SSL, User Authentication, Quota Setting/Account Limit, SNMP v3, SMTP over SSL and PDF encryption

### HARDWARE ACCESSORIES

<b>PB3120 Paper Feed Unit (Option)</b>	
Paper Size	7.25" x 10.5" to 11" x 17"/A5 to A3
Paper Weight	14 to 42 lb. Bond/52 to 157 g/m <sup>2</sup>
Paper Capacity	1 x 550 sheets
Dimensions (WxDxH)	22.9" x 24.8" x 4.8" 580 mm x 629 mm x 120 mm
<b>PB3130 Paper Feed Unit (Option)</b>	
Paper Size	7.25" x 10.5" to 11" x 17"/A5 to A3
Paper Weight	14 to 42 lb. Bond/52 to 157 g/m <sup>2</sup>
Paper Capacity	2 x 550 sheets
Dimensions (WxDxH)	22.9" x 24.8" x 10.3" 580 mm x 629 mm x 260 mm
<b>PB3140 Large Capacity Tray (Option)</b>	
Paper Size	8.5" x 11"/A4
Paper Weight	14 to 42 lb. Bond/52 to 157 g/m <sup>2</sup>
Paper Capacity	2,000 sheets x 1
Dimensions (WxDxH)	22.9" x 24.8" x 10.3" 580 mm x 629 mm x 260 mm
<b>One-Bin Tray BN3090 (Option)</b>	
Paper Size	5.5" x 8.5" to 11" x 17"/A5 to A3
Paper Weight	16 to 28 lb. Bond/60 to 105 g/m <sup>2</sup>
Paper Capacity	100 sheets
<b>500-Sheet Internal Finisher Type 3352</b>	
Paper Size	7.25" x 10.5" to 11" x 17"/A3, A4
Paper Weight	14 lb. Bond to 140 lb. Index/ 52 to 256 g/m <sup>2</sup>
Stack Capacity	500 Sheets (8.5" x 11" or smaller) 250 Sheets (8.5" x 14" or larger)

Staple Capacity	50 Sheets (8.5" x 11") 30 Sheets (8.5" x 14" or larger)
Staple Position	Top 1, Bottom 1, Left 2, Top 2
Dimensions (WxDxH)	19.5" x 18.8" x 6.4" 495 mm x 477 mm x 161 mm
Punch Kit PU3020 NA (Option)	2 or 3 hole punch
<b>SR3070 500-Sheet Finisher (Option)</b>	
Paper Size	7.25" x 10.5" to 11" x 17"/A3, A4
Paper Weight	14 to 42 lb. Bond/52 to 157 g/m <sup>2</sup>
Stack Capacity	500 sheets (8.5" x 11" or smaller) 250 sheets (8.5" x 14" or larger) 50 sheets (8.5" x 11")
Staple Capacity	30 sheets (8.5" x 14" or larger)
Staple Position	Top Slant, Bottom Slant, Left 2, Top 2
Dimensions (WxDxH)	15.6" x 21.7" x 10.9" 396 mm x 551 mm x 275 mm
<b>SR3090 1,000-Sheet Finisher (Option)</b>	
Paper Size (Upper Tray)	5.5" x 8.5" to 11" x 17"/A6 to A3
Paper Weight (Upper Tray)	14 lb. Bond to 140 lb. Cover/ 52 to 260 g/m <sup>2</sup>
Stack Capacity	Upper Tray: 250 sheets (8.5" x 11" or smaller) 50 sheets (8.5" x 14" or larger) Shift Tray: 1,000 sheets (8.5" x 11" or smaller) 500 sheets (8.5" x 14" or larger)
Staple Capacity	50 sheets (8.5" x 11") 30 sheets (8.5" x 14" or larger)
Staple Position	Top 1, Bottom 1, Left 2, Top 2
Dimensions (WxDxH)	10.7" x 20.5" x 31.2" 270 mm x 520 mm x 790 mm
<b>SR3100 Booklet Finisher (Option)</b>	
Paper Size (Upper Tray)	5.5" x 8.5" to 11" x 17"/A6 to A3
Paper Size (Shift Tray)	7.25" x 10.5" to 11" x 17"/A3, A4
Paper Weight	14 to 28 lb. Bond/52 to 105 g/m <sup>2</sup> (Upper Tray); 14 to 140 lb. Index/52 to 256 g/m <sup>2</sup> (Shift Tray)
Stack Capacity	Upper Tray: 100 sheets (8.5" x 11" or smaller) 50 sheets (8.5" x 14" or larger) Shift Tray: 1,000 sheets (8.5" x 11" or smaller) 500 sheets (8.5" x 14" or larger)
Staple Capacity	50 sheets (8.5" x 11") 30 sheets (8.5" x 14" or larger)
Staple Position	Top 1, Center, Left 2, Top 2
Saddle Stitch Capacity	1 Set (10 sheets)
Saddle Stitch Position	Center (2 positions)
Dimensions (WxDxH)	21.1" x 23.7" x 36.7" 535 mm x 600 mm x 930 mm
Punch Kit PU3000 NA (Option)	2 or 3 hole punch
<b>ARDF DF3060</b>	
<i>Standard on Print/Scan Configuration / Option on Copier Basic Configuration</i>	
Paper Size	5.5" x 8.5" to 11" x 17", A5 to A3
Simplex Paper Weight	11 to 34 lb. Bond/40 to 128 g/m <sup>2</sup>
Stack Capacity	50 sheets
Dimensions (WxDxH)	21.7" x 19.6" x 4.8" 550 mm x 496 mm x 120 mm
<b>ADDITIONAL ACCESSORIES</b>	
3L68-19 USB Keyboard, ADF Handle Type C, Bluetooth Interface Unit Type D, Bridge Unit BU3050, Card Reader Bracket Type 3352, Caster Table Type D, DataOverwriteSecurity Unit Type I <sup>2</sup> , External USB Keyboard, FAC 52 Cabinet, File Format Converter Type E, G3 Interface Unit Type 3352, Gigabit Ethernet Board Type A, Handset Type 3352, Hard Disk Drive Type 3352 <sup>1</sup> , IEEE 802.11 a/g Interface Unit Type J, IEEE 1284 Interface Board Type A, Internal Shift Tray SH3050, IPDS Unit Type 3352, Key Counter Bracket Type H, Optional Counter Interface Unit Type A, Platen Cover Type 3352 <sup>1</sup> , PostScript Unit Type 3352, Printer/Scanner Unit Type 3352 <sup>1</sup> , USB 2.0/SD Slot Type H, VM Card Type N <sup>1</sup> , VZ G106030 Keyboard Bracket	
Note: Some accessories require additional equipment or may be prerequisites for other options.	
<sup>1</sup> Copier Basic Configuration requires additional options.	
For maximum performance and yield, we recommend using genuine Savin parts and supplies.	
1 Copier Basic Configuration only. 2 ISO 15408 Certified.	

CITY OF SITKA

PURCHASE ORDER

Police Department  
 304 Lake Street  
 Sitka, AK 99835  
 907-747-3349  
 907-747-7122 FAX

TO:  
**Aurora Business Supplies**  
 327 Seward St  
 Sitka, AK 99835  
 907-747-4704

SHIP TO:  
**City of Sitka**  
 Police Department  
 304 Lake Street  
 Sitka, AK 99835  
 907-747-3349

P.O. NUMBER:

*Verbal Chief  
 Schmitt*

P.O. DATE	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
6/27/2006	Sheldon Schmitt			Lease 36 Month LTOP

QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	MP3352SP	SAVIN MP3352SP MFC BW	6469.00	6469.00
		Lease 360 Month LOPT \$1 Buy out		

SUBTOTAL	6469.00
SALES TAX	
SHIPPING AND HANDLING	552.00
OTHER	
<b>TOTAL</b>	<b>7021.00</b>

Send all correspondence to:  
 Sheldon Schmitt  
 Sitka Police Department  
 304 Lake Street  
 Sitka, AK 99838  
 907-747-3349

*Chris Schmitt*  
 \_\_\_\_\_  
 Authorized by Name 6/27/2006



## Legislation Details

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File #: 12-94      Version: 1      Name:

Type: Item      Status: AGENDA READY

File created: 7/2/2012      In control: City and Borough Assembly

On agenda: 7/10/2012      Final action:

Title: Authorize the Administrator to execute the Alaska Clean Water Action 2013 Grant Agreement - Sitka's match \$28,925 included in FY2013 Budget

Sponsors:

Indexes:

Code sections:

Attachments: [ACWA Grant 2013](#)

Date	Ver.	Action By	Action	Result
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## MEMORANDUM

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**To:** Mayor Westover and Assembly Members  
Jim Dinley, Municipal Administrator

**From:** Michael Harmon, Public Works Director *FM*  
Lance Henrie, Senior Engineer *LH*

**Reviewed:** Stephen Weatherman, Municipal Engineer *S*  
Jay Sweeney, Finance Director *J*  
Mellissa Cervera, Executive Assistant *Mc*

**Date:** July 2<sup>nd</sup>, 2012

**Subject:** **Storm Water Master Plan Grant**  
**Alaska Clean Water Action (ACWA) 2012 Grant**

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### Background

The City and Borough of Sitka (CBS) currently does not have a stormwater master plan, management, and mapping program. The existing storm water flow facilities are not organized or documented in any manner. In some cases there are no plans for the facilities and only the CBS road crews know their locations. The expected flow rate from upstream areas has not been evaluated based on engineering methods but by "Rule of Thumb" estimates or minimum pipe size. This has resulted in storm water flow problems and little information to guide developers or home owners.

To address this issue CBS Public Works applied for a Grant to the State of Alaska Department of Environmental Conservation (ADEC) in the 2012 grant cycle. The grant application included a two year program and CBS was selected to receive funding for the first year. Earlier this year CBS was selected to receive the second year funding as well.

### Analysis

The first year (FY12) project has just been completed and consisted of collecting data/information for mapping existing stormwater infrastructure, recording condition of existing facilities (pipes, catch basins, manholes, outlets, etc. noting areas for maintenance and/or repair and creating a GIS database. A grant amendment earlier this year allowed for the completion of a precipitation analysis and mapping of existing drainage basins (these tasks were originally part of the FY13 project).

The second year will use the data collected from the FY12 project to:

- 1) provide hydrologic modeling for the defined drainage basins and estimate stormwater runoff quantities based upon the various intensity rainfall events developed in FY12;
- 2) evaluate and analyze features of the existing stormwater drainage system, identifying components that are inadequate or undersized based on design storm criteria, and determine various maintenance, repair, and design alternatives to maximize the capabilities of the stormwater system at the lowest cost;
- 3) develop a final report that includes recommendations for future stormwater projects, opportunities to apply Best Management Practices (BMPs) and/or Low Impact Development (LID), and possible stormwater retention locations for each individual drainage basin defined in the FY12 project.

### **Fiscal Note**

The first year (FY12) grant agreement was executed in October 2011 for \$24,000 of grant funding with \$15,990 of budgeted CBS matching funds. Earlier this year, an additional \$10,000 of grant funding was made available for the FY12 project for additional project scope and a grant amendment was executed in March of this year increasing the FY 12 grant funding to \$34,000 and the CBS match to \$22,667 (increase as in-kind match).

The FY13 (second year) ADEC Alaska Clean Water Actions grant application was originally for \$53,388 with a forty percent CBS match of \$35,592 for a total second year project cost of \$88,980. The grant amendment executed in March reduced the FY13 grant funding to \$43,388 with a forty percent CBS match of \$28,925 for a revised second year project cost of \$72,313.

The ACWA grant agreement is for \$43,388 and the CBS match (\$28,925) for the grant is included in Contracted/Purchased Services in the 2013 Engineering Budget.

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### **Recommendation:**

Authorize the Administrator to execute the ACWA 2013 Grant Agreement.



# SFY 2013 ACWA GRANT AGREEMENT

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Division of Water

Project Title	<b>Stormwater Master Plan and Management Guidelines</b>	Grant Number	<b>ACWA 13-03</b>
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**This grant is between the State of Alaska.**

Department of Environmental Conservation (DEC)

and,

Organization	Grantee Project Manager
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City and Borough of Sitka	<b>hereafter the Grantee</b>	Stephen Weatherman
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Mailing Address	City	State	Zip	Phone	Fax
100 Lincoln Street	Sitka	AK	99835	(907) 747-4042	

DEC Collocation Code	DEC Encumbrance Number	Vendor Number
18861238		CIS84599

**Agreement:** The Grantee shall perform all the work required by this agreement. This agreement consists of this page and the following:

- |            |   |            |   |
|------------|---|------------|---|
| Appendix A | Work plan<br>Budget<br>Budget Narrative   | Appendix C | General Provisions                                |
| Appendix B | Project Management<br>Reporting Requirements<br>Reporting Forms<br>Payment Plan | Appendix D | Indemnity and Insurance                           |
|            |   | Amendments | - Any fully executed amendments to this agreement |

**Period of Performance:**

The work to be performed under this agreement begins **July 2, 2012** and shall be completed no later than **June 30, 2013**

**Compensation and Match Requirements:**

The Department shall pay the Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred which are authorized under this agreement. In no event shall the payment exceed **\$ 43,388**

In order to perform the full scope of services as described in the work plan, matching funds of **\$28,925** will be required.

**Federal Agency & Program/CFDA No/Federal Fund Amount.** EPA SEC. 319 /CFDA 66.605/\$43,388

GRANTEE		GRANTING AGENCY	
Certification: The signature of the Authorized Representative for the Grantee indicates acceptance of all the terms and conditions set out in this grant agreement, including all the requirements of state and federal law.		DEC Contacts Project Manager: Brock Tabor (907) 465-5023 Grants Administrator: Marcie Fader (907) 269-7576	
		<b>DEC DIVISION OF WATER</b>	
Signature of Authorized Representative	Date	Authorized Signature	Date
Printed Name of Authorized Representative <b>Jim Dinley</b>		Printed Name <b>Michelle Bonnet</b>	Title <b>Director</b>
Title <b>Administrator</b>	Employer ID No. <b>92-0041163</b>	<b>DEC DIVISION OF ADMINISTRATIVE SERVICES</b>	
		Authorized Signature	Date
		Printed Name <b>Chyenne Schmidt</b>	Title <b>Finance Officer</b>

This agreement takes effect upon Department signature but not before the period of performance start up date.

## APPENDIX A

### Scope of Services

The scope of services is fully described in the attached workplan, budget and budget narrative.

#### DEPARTMENT OF ENVIRONMENTAL CONSERVATION ALASKA CLEAN WATER ACTION (ACWA) GRANT SFY 2013 WORK PLAN

**PROJECT #:** ACWA-13-03

**PROJECT TITLE:** Stormwater Master Plan and Management Guidelines

**GRANT AMOUNT:** \$ 43,388

**MATCH AMOUNT:** \$ 28,925

**GRANT AGREEMENT PERFORMANCE PERIOD:** July 2, 2012 – June 30, 2013

**Description and Purpose:** The City and Borough of Sitka (CBS) currently does not have a stormwater master plan, management, and mapping program. This project will develop and implement a stormwater master plan, management, and mapping program that will map and inventory existing stormwater facilities, identify existing discharges, identify inadequate storm drains, identify management measures to reduce polluted stormwater runoff and determine various maintenance, repair, and design alternatives to maximize the capabilities of the stormwater system. It would also consist of defining and mapping existing drainage basins, development of a design storm event to use for the CBS area, and hydrologic modeling to estimate stormwater runoff quantities.

This is the second year of a two year proposal. The FY12 project focused on: 1) collecting data/information for mapping existing stormwater infrastructure and recording the condition of existing facilities (pipes, catch basins, manholes, outlets, etc); 2) noting areas for maintenance and/or repair; (3) defining and mapping existing drainage basins based upon the latest topography for the CBS area, (4) Identifying key environmental areas and data (i.e. Stormwater Best Management Practice (BMPs) locations, wetlands, stream buffers, soil types) that will help influence the planning process, and (5) performing a precipitation analysis and development of a reasonable design storm events for the CBS area.

The FY13 project will use the data collected from the previous year to: 1) provide hydrologic modeling for the basins defined in FY12 and estimate stormwater runoff quantities based upon various intensity rainfall events developed in FY12; 2) evaluate and analyze features of the existing stormwater drainage system, identify components that are inadequate or undersized based on the design storm event developed in task 2, and determine various maintenance, repair, and design alternatives to maximize the capabilities of the stormwater system at the lowest cost; and 3) develop a final report that includes recommendations for future stormwater projects, opportunities to apply BMPs and/or Low Impact Development (LID), and stormwater retention locations for each individual drainage basin defined in FY12.

#### **Reporting Requirements:**

- **Quarterly Reports:** The quarterly progress, financial, and MBE/WBE reports are due 10 days after the end of each quarter for the periods ending **September 30, 2012, December 31, 2012, and March 31, 2013**. The final financial and MBE/WBE reports are due 15 days after

the end of the grant completion date, **June 30, 2013**. All final reports and deliverables are due **July 31, 2013, and are considered late after that date**. All reports will be submitted in written and electronic formats requested by DEC.

- Monitoring Data Entry: In addition to a written project report, any water quality monitoring data collected by the project will be provided to the Department in accordance with the guidance and templates provided at: [http://dec.alaska.gov/water/wgsar/awq\\_data\\_info.htm](http://dec.alaska.gov/water/wgsar/awq_data_info.htm). The guidance and templates show the layout required for STORET compatible files and detail the valid values for various fields used in STORET (e.g. characteristics, analytic procedures, HUCs, etc). The data will be provided to the Department electronically via email, CD, diskette, or via a File Transfer Protocol (FTP) website. All data collected by Dec. 31, 2012 will be furnished to the Department by March 31, 2013, and all data collected by the project will be furnished to the Department by July 31, 2013.
- Project Photographs: At least 3 electronic photograph(s) of the project will be submitted in a format suitable for publishing. Additional project photos are appreciated. These photos will represent all of the following: the problem the project addresses, the project in progress, and the environmental benefit of the project. At least one of these photos must be submitted with the first quarterly report; the remainder will be submitted with the final report or sooner if available. Each photo will be at least 800 x 600 pixels in size and in JPEG format or other format acceptable to the department. Included will be background information on what the photo represents and when and where it was taken. If possible, the information will be in the photo's file name, such as "Fish\_Ck\_samplesite1\_iron\_floc\_10162012". Alternatively, it may be provided with a caption that states the date, location, and describes the subject: for example "MCV-023X.JPG. Taken 10-16-2012, Ditch along south side of Alaska Highway that empties into Fish Creek: Note channelization."
- Final Report Evaluating Project Accomplishments and Benefits:  
A final report will be produced that evaluates and describes the project accomplishments and their environmental benefit. These environmental benefits will be determined by:
  - Collection and development of background material needed for updating the current Geographic Information System (GIS) system and capacity for managing stormwater infrastructure.
  - CBS/DEC approved drainage basin/watershed map.
- Deliverables: (at least 1 electronic and 1 hard copies of each)  
In addition to submitting the information identified in the reporting requirements, the following products will be delivered to the Department. All written products will be submitted to the Department in both hard copy and electronic format.
  1. Stormwater Master Plan that references Sitka's stormwater infrastructure, environmental concerns, and information on opportunities to apply BMPs/LID, list of identified stormwater system deficiencies and recommendations, and design Storm and Hydrologic model that addresses various recurrence intervals. (Master Plan Report 6/30/13)

**Grantee Project Manager:**

Stephen Weatherman, P.E.  
Municipal Engineer  
City & Borough of Sitka  
100 Lincoln St  
Sitka, AK 99835  
Ph: (907) 747-4042; Fax (907) 747-3158  
Stephen@cityofsitka.com

**DEC Grantee Project Manager:**

Brock Tabor, Environ Program Spec III  
Dept of Environmental Conservation  
410 Willoughby Ave  
Juneau, AK 99801  
Ph: (907) 465-5023; Fax (907) 465-5274  
Brock.tabor@alaska.gov

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**Stormwater Master Plan and Management Guidelines  
13-03**

**PROJECT TASKS**

**OBJECTIVE 1:** Develop and implement a stormwater master plan, management, and mapping program that can be used for an evaluation of existing stormwater systems.

**TASK 1:** Using the data collected during the FY12 project including design storm and delineated drainage basin data, develop a hydrologic drainage model using the United States Army Corp of Engineers HEC-HMS program or approved equal to estimate peak flows for individual drainage basins. Evaluate and analyze features of the existing stormwater drainage system and identify components that are inadequate or undersized based on the design storm developed and determine various maintenance, repair, and design alternatives (including the uses of Low Impact Design (LID)) to maximize the capabilities of the stormwater system at the lowest cost. Develop a stormwater master plan report that includes recommendations for future stormwater projects for each individual drainage basin defined during the FY12 project.

**Start and end date:** July 2, 2012 – June 30, 2013

**Description:** Consulting firm will use design storm and compiled GIS based information from the FY12 project to develop a hydrologic model and evaluate the existing stormwater drainage system and identify components that are inadequate or undersized. Consulting firm will then prepare an improvement list of recommended repairs, maintenance procedures, and design alternatives (including LID) to maximize the capabilities of the stormwater system. The evaluation will also identify opportunities to reduce the total amount of stormwater generated by anthropogenic activities based on BMPs and LID methodology.

**Product:** Hydrologic model, list of stormwater system deficiencies, recommendations, and design alternatives to be included in the master plan.

**TASK 2:** Develop a master plan that includes compiled information from all tasks. Report will include a detailed description of all tasks completed as part of the project, recommendations for stormwater projects for each individual drainage basin identified by work completed in FY12, as well as, all hydrologic and hydraulic data, maps, charts, graphs, etc..

**Start and end date:** January 1, 2013 – June 30, 2013

**Description:** Consulting firm will use information obtained in previous tasks to produce a master plan that includes recommendations for stormwater management projects. Report

will include a detailed description of all tasks completed as part of this project as well as, all hydrologic and hydraulic data, maps, charts, graphs, etc.

**Product:** Master plan and recommendations including a presentation to City Assembly and the DEC.

**OBJECTIVE 2:** Reporting Requirements

**TASK 1:** Quarterly Reports

**Start and end date:** July 2, 2012 – June 30, 2013

**Description:** Quarterly progress, financial, and MBE/WBE reports are due 10 days after the end of each quarter for the periods ending September 30, 2012, December 31, 2012, and March 31, 2013. The final financial report and MBE/WBE reports are due 15 days after the end of the grant completion dated, June 30, 2013. All final reports and deliverables are due by July 31, 2013, and are considered late after that date.

**Product:**

First Quarter (Due by October 10, 2012)

- Progress reports (in the format provided by the DEC Project Manager)
- Quarterly financial report excel spreadsheets (plus any supplementary materials)
- MBE-WBE forms

Second Quarter (Due by January 10, 2013)

- Progress report (in the format provided by the DEC Project Manager)
- Quarterly Financial Report excel spreadsheets (plus any supplementary materials)
- MBE-WBE forms

Third Quarter (Due by April 10, 2013)

- Progress report (in the format provided by the DEC Project Manager)
- Draft of final report that details findings and all deliverables (Including Stormwater Master Plan) for the DEC review.
- Quarterly financial report excel spreadsheets (plus any supplementary materials)
- MBE-WBE forms

Fourth Quarter (Due July 15, 2013)

- Progress report (in the format provided by the DEC Project Manager)
- Quarterly financial report excel spreadsheets (plus any supplementary materials)
- MBE-WBE forms

**TASK 2:** Final Report

**Start and end date:** July 2, 2012 – July 31, 2013

**Description:** A final report and all required deliverables are due by July 31, 2013, and are considered late if received after that date. All reports will be submitted in written and electronic formats requested by the DEC. A final report will be produced that evaluates and describes the project accomplishments and their environmental benefit. These environmental benefits will be determined by the extent to which the grantee completed all tasks described in this workplan.

**Product:** A final report and recommendations that includes compiled information from all tasks completed as part of the projects, as well as, all hydrologic and hydraulic data, maps, charts, graphs, etc.

**LINE ITEM BUDGET**

<b>Cost Category</b>	<b>Grant Amount</b>	<b>Non-Federal Match</b>	<b>Total</b>
Salaries/ Benefits		5,597	<b>5,597</b>
Travel			
Equipment/Freight			
Materials/Supplies			
Contractual	43,388	23,328	<b>66,716</b>
Insurance			
Other			
Administration/ Indirect			
<b>Total:</b>	<b>\$43,388</b>	<b>\$28,925</b>	<b>\$72,313</b>

**BUDGET NARRATIVE**

**Grant Funds**

<b>Salaries/Benefits:</b>	
<b>Travel:</b>	
<b>Equipment/Freight:</b>	
<b>Materials/Supplies:</b>	
<b>Contractual:</b>	Estimated consultant costs for completing task 1 and 2.  <b>Total Grant Contractual: \$43,388</b>
<b>Insurance</b>	
<b>Other:</b>	
<b>Admin/Indirect:</b>	

**Non-Federal Match**

<b>Salaries/Benefits:</b>	City and Borough of Sitka, Project Manager – 24 hours x \$72.66 (salary and benefits) – Stephen Weatherman: oversees entire project and reporting = \$1,743.84 (Rounded to \$1,744)  CBS Senior Engineer – 32 hours x \$75.00 (salary and benefits)(Lance Henrie: reviews and project coordination) = \$2,400
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	<p>CBS Contract Coordinator – 24 hours x \$47.27 (salary and benefits)(Tamara O’neill: prepare and process contract documents) = \$1,134.48 (Rounded to \$1,135)</p> <p>CBS Public Works Director – 4 hours x \$79.47 (salary and benefits) (Michael Harmon: permits and reviews) = \$317.88 (Rounded to \$318)</p> <p><b>Total Match Salaries: \$5,597</b></p>
<b>Travel:</b>	
<b>Equipment/Freight:</b>	
<b>Materials/Supplies:</b>	
<b>Contractual:</b>	<p>Estimated consultant costs for completing task 1 and 2.</p> <p><b>Total Match Contractual: \$23,328</b></p>
<b>Insurance:</b>	
<b>Other:</b>	
<b>Admin/Indirect:</b>	

## APPENDIX B

### 1. Project management

Availability of funding from July 2, 2012 to June 30, 2013 is contingent upon approval of grant money from the Environmental Protection Agency and Legislative appropriation of funds. **No expenditures incurred after June 30, 2013 are authorized under this grant.**

This project will be managed by the **City and Borough of Sitka** with signatory authority for execution of the grant agreement, subsequent amendments and financial/progress reports granted to the **DEC Project Manager**. Delegation of signatory authority and changes in the authorized representative must be received in writing and approved by the Department.

The Grantee will acknowledge DEC funding for all reports, brochures, videos, maps, and outreach materials produced by grant funds with a statement such as the following: "Paid for (in part) by an Alaska Clean Water Actions (ACWA) grant from the Department of Environmental Conservation".

The Grantee must notify the DEC Project Manager regarding of any press releases or public announcements prior to publication or dissemination that describe or are otherwise related to the grant project. If DEC objects to any provision of a press release or public announcement under this section, it shall notify the Grantee within twenty four (24) hours of receiving the notification described herein, and shall work diligently and in good faith with the Grantee to develop mutually agreeable language prior to the planned publication or dissemination. The Grantee will not conduct a press release or public announcement or will strike language that refers to the grant project, if agreement cannot be reached.

The Grantee must notify the DEC Project Manager via email within the same day of any questions from the media and describe the responses if questions are in relation to the grant project, but are not part of a planned public event or other outreach described in the approved workplan. For some grant projects, the DEC Project Manger may also respond to the inquiries or may direct the Grantee to refer questions regarding the grant project to the Department.

The Grantee will notify DEC immediately of any significant organization changes during the term of the grant, including changes in key personnel or tax status, and any unforeseen problem or project delay that may cause a change to the work plan or budget. Any unreported or unapproved changes to the work plan or budget evident in reports may result in an amendment being required, costs disallowed, suspension or termination of the grant as described in Appendix C.

A Quality Assurance/Quality Control Plan (QAPP) must be submitted and approved by DEC for all projects prior to collecting environmental monitoring data.

### 2. Reporting requirements

The Grantee agrees to provide quarterly status reports to the Department for the period ending **September 30, 2012; December 31, 2012; March 31, 2013** and a final report for the period ending **June 30, 2013**. These reports must update the Department on project progress, grant funds and match expenditures, and compliance with MBE/WBE requirements during the reporting period.

The quarterly progress, financial and MBE/WBE reports are due **October 10, 2012; January 10, 2013; April 10, 2013; and July 15, 2013**. The quarterly progress, financial, and MBE/WBE reports are considered late *ten (10)* days after the end of the quarter for the periods ending September 10, 2012; December 31, 2012; and March 31, 2013. The final financial and MBE/WBE reports are due *fifteen (15)* days after the end of the grant completion date, **June 30, 2013**. All final reports and deliverables are due **July 31, 2013, and are considered late after that date**. No further payments will be made without submission and approval of required reports. Work completed after the ten-day period when required reports have not been submitted is at the Grantee's risk, and costs incurred may be disallowed. Repeated failure to submit reports in a timely manner could result in suspension or termination of the grant. Final progress, financial report and all deliverables are considered late 32 days after the end of the fiscal year unless otherwise specified in the work plan or with prior written approval. Requests for reimbursement received 32 days or more after the completion date of the grant will not be reimbursed. Financial and progress reports will be submitted using the forms and formats provided by DEC.

**Minority and Women's Business Enterprises (MBE/WBE)** – The Grantee agrees to comply with the requirements of Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements:

- (a) The Grantee accepts the following applicable Minority Business Enterprise (MBE)/Women's Business Enterprise (WBE) negotiated "fair share" goals/objectives:

Services: MBE 3.22%; WBE 2.54%

Supplies: MBE 2.06%; WBE 1.29%

Equipment: MBE 4.58%; WBE 2.04%

- (b) The Grantee must ensure to the fullest extent possible that at least the negotiated "Fair Share" percentage of Federal funds for prime contracts or subcontracts for supplies, equipment, construction, or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.
- (c) The Grantee agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.
- (d) The Grantee agrees to follow the six affirmative steps or positive efforts stated in 40 CFR 30.44(b), 40 CFR 31.36(e), or 40 CFR 35.6580, as appropriate, and retain records documenting compliance.
- (e) The Grantee agrees to report the compliance of the above requirements with the quarterly progress and financial reports on the forms provided by the Department.

### **Documentation and Record-Keeping**

The Grantee shall set up a file containing the following: grant application, grant agreement and amendments; all written correspondence; progress reports; documentation for products indicated in the work plan; financial reports with backup documentation such as billings, invoices or other records that validate expenditures or match; and any other documents pertinent to the performance of this grant agreement and completion of the project.

The State or authorized federal representative may inspect, in the manner and at any reasonable time it considers appropriate, the Grantee's facilities, records or activities under this grant agreement

## **Payment Plan**

### Reimbursement

Eligible expenses incurred under the grant agreement will generally be reimbursed on a quarterly basis but may be reimbursed as frequently as monthly. Reimbursement will be made upon receipt and approval of the progress, financial reports, and deliverables.

### Final Payment

The final **5%** of the grant or **\$2,169** will be paid upon completion of the project, submission of all reporting requirements and Department approval of these reports.

## **Matching Funds**

The Grantee certifies that the match of cash and/or in-kind services provided for the project are supported solely with non-federal funding used exclusively for this project and is not being used to match any other federal grant. Match funds may be cash or in-kind services including volunteer time and donated supplies and must be from non-federal sources. The source of the match must be fully documented. Match activities must meet the same eligibility requirements and must conform to the same laws and regulations as the federal funds in the grant.

**APPENDIX C**  
**GENERAL PROVISIONS**

**Article 1. Definitions**

“Department” refers to the Department of Environmental Conservation (DEC) within the State of Alaska.

“Authorized Signature” means the person who has the authority to sign this grant agreement and other legally binding forms related to the grant on behalf of the Grantee, Issuing Division and the Department.

“State of Alaska” fiscal year is defined as July 1<sup>st</sup> through June 30<sup>th</sup>.

In this grant and appendices, “DEC Project Manager” refers to the Environmental Specialist or other DEC staff assigned to manage the project and administer the grant. The DEC Project Manager is the primary contact between the Department and the Grantee.

**Article 2. Legal Authority**

The Grantee certifies by signing this grant agreement that it possesses legal authority to accept grant funds and to execute the project described in this grant agreement. The Grantee’s relationship to the Department and the State of Alaska shall be at all times as an independent Grantee.

**Article 3. Governing Law**

The Grantee must conform to all applicable federal, state, and local laws, ordinances, and regulations. It is the responsibility of the Grantee to ensure that all permits required for this project by federal, state or local governments have been obtained prior to any activity that requires permitting take place. All actions concerning this grant shall be brought in the Superior Court of the State of Alaska.

**Article 4. Severability and Waivers**

If any provision under this agreement or its application to any person or circumstances is held invalid by a court of rightful jurisdiction, this invalidity does not affect any other provisions of the grant agreement which can be given effect without the invalid provision. No condition or provision of this Grant Agreement can be waived unless approved by the Department in writing.

**Article 5. Site Control**

If the grant project involves occupancy, use, or modification of real property, the Grantee shall acquire the legal right to occupy, use, or modify the real property for the purposes of the grant and authority to access the project site to complete the proposed project.

## **Article 6. Sovereign Immunity**

If the Grantee is an entity that possesses sovereign immunity, it is a requirement of this grant agreement that the Grantee irrevocably waives its sovereign immunity with respect to State enforcement of this grant agreement. The waiver of sovereign immunity affected by a resolution of the entity's governing body is hereby incorporated into this grant agreement.

## **Article 7. Covenant Against Contingent Fee**

The Grantee warrants that no person or agency has been employed or retained to solicit or secure this grant upon an agreement or understanding for a commission, percentage, contingent fee, or brokerage except employees or agencies maintained by the Grantee for the purpose of securing business. For the breach or violation of this warranty, the State may terminate this grant without liability or in its discretion deduct from the grant price or consideration the full amount of the commission, percentage, brokerage, or contingent fee.

## **Article 8. Officials Not to Benefit**

The Grantee must comply with all applicable federal or State laws regulating ethical conduct of public officers and employees.

## **Article 9. Political Activity**

No portion of these funds may be used for lobbying and propaganda purposes as prohibited in USC Section 1913 or Section 607(a) of Public Law 96-74.

## **Article 10. Obligations regarding Third-Party Relationships**

The Grantee may not assign or delegate this grant, or any part of it, or any right to any of the money to be paid under it, except with the written consent of the Division's Authorized Representative. None of the work specified in this Grant Agreement shall be contracted by the Grantee unless stated in the grant agreement or with prior written approval from the Department. The Grantee shall remain fully obligated under the provisions of this grant agreement notwithstanding its designation of any third party or parties of the undertaking of all or part of the project described therein. The Grantee shall bind all contractors to every applicable provision.

## **Article 11. Local Share of Project**

The Grantee shall contribute a local share of this grant project of no less than 40% of the total project costs. The matching funds may be in the form of cash or in-kind contributions and must be certified as a non-federal source.

## **Article 12. No Additional Work or Materials**

No claim will be allowed for services not specifically provided for in this grant agreement which are performed or furnished by the Grantee.

## **Article 13. Changes**

Any changes that have been agreed to by both parties will be attached and made part of this grant agreement by use of an Amendment. Any such amendment must be dated and signed by both

parties before the change is considered approved and effective. The change is effective upon final signature by DEC Division of Administrative Services.

#### **Article 14. Budget Flexibility**

Notwithstanding the provisions in Article 13, "Changes", the Grantee may revise the project budget without a formal amendment to this agreement. Such revisions are limited to a maximum of 10% of the total grant amount or \$10,000, whichever is less, over the entire term of this agreement. Such budget revisions shall be limited to changes to existing budget line items. The creation of new budget line items may only be done through a formal amendment to the grant agreement. Budget revisions may not be used to increase the project administration expenses without prior written approval from the Department.

#### **Article 15. Federally Approved Indirect Rate**

Budgets that have been placed with an indirect rate not yet approved by the federal agency, for project administrative expenses, are subject to revision based on the rejection or approval of the final approved indirect rate. If the indirect rate proposal was rejected or adjusted by the federal agency the Grantee will be required to adjust project administration expenses already incurred to the appropriate amount as required under federal regulations.

#### **Article 16. Financial Management and Accounting**

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

#### **Article 17. Payment Plan**

The Grantee shall comply with the payment plan established in Appendix B of this grant agreement.

#### **Article 18. Reporting Requirements**

The Grantee shall submit all reports including but not limited to quarterly progress, financial, and MBE/WBE reports to the Department according to the schedule established in Appendix B of this grant agreement using the forms provided. Failure to submit progress reports or to make adequate progress may result in the Department withholding funds, suspending or terminating the grant.

#### **Article 19. Records Maintenance and Retention**

The Grantee shall keep a file for financial, progress and other records relating to the performance of the grant agreement. The file must be retained for a period of three years from the fully executed close out of the grant agreement or until final resolution of any audit findings claim or litigation related to the grant.

#### **Article 20. Inspection of Records**

The State or authorized federal representative may inspect, in the manner and at any reasonable time it considers appropriate, the Grantee's facilities, records or activities under this grant agreement.

## **Article 21. Interest Income**

Interest earned on federal or state funds shall be reported to the Department who will make a determination if those funds can be used for the grant or will need to be returned.

## **Article 22. Compliance Enforcement**

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth therein, the Department may take one or more of the following actions:

### **22.1. Right to Withhold Funds**

The Department may temporarily withhold payments under this grant agreement for any violations pending correction of any deficiency by the Grantee or the Department may take more severe enforcement action.

### **22.2. Suspension**

After written notice that the Grantee is out of compliance with the grant agreement, the Department will suspend the grant and withhold payment or prohibit the Grantee from incurring additional obligations of grant funds pending corrective action or a decision to terminate. Response must be received within 15 days of notification.

### **22.3 Termination for Cause**

The Department, by written notice, may terminate this grant, in whole or in part, when it is in the best interest of the State at any time before the final grant payment is made. The Department shall notify the Grantee in writing of its determination to terminate, the reason for such termination, the effective date and the reason and amount for recoveries that will be made.

## **Article 23. Termination Due to Lack of Funding**

In the event funding from the state, federal, match, or other sources is withdrawn, reduced, or limited in any way after the effective date of this agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding conditions.

If the Project is terminated, reduced, or re-negotiated for withdrawal or reduction of match funds, the Grantee shall be entitled to compensation of no more than 60% of total costs of the project, as approved by the Department for cost eligibility. The Grantee shall reimburse the Department for all unspent grant funds advanced to the Grantee for project expenses above the final total approved for project cost or above the renegotiated quarterly payment plan; whichever best applies to the current status of the project. The Grantee shall also reimburse the Department for expenses using grant funds during the course of the project that do not meet eligibility requirements. Eligibility requirements include but are not limited to the required 40% match for all grant funds spent by the Grantee. The Grantee must ensure that grant funds expended during the project do not exceed the 60% limit of total project cost.

## **Article 24. Closeout**

The Department will close out the grant agreement when it determines that all reporting requirements and required work has been completed. The Grantee must submit all financial

performance and other reports and deliverables required as a condition of the grant within 32 days of the expiration of this grant agreement unless otherwise stated in the work plan or with prior written approval. The Grantee shall return all unexpended grant monies to the State within 60 days of the expiration of the grant agreement.

#### **Article 25. Audit**

The Grantee must comply with the provisions of OMB Circular A-133 governing the audit of the State and local governments and nonprofit organizations federal assistance recipients.

#### **Article 26. Press Releases**

The Grantee must notify the Department of any press releases or public announcements prior to publication or dissemination that describe or are otherwise related to the project supported by the grant award. If DEC objects to any provision of a press release or public announcement under this section, it shall notify the Grantee within twenty four (24) hours of receiving the notification described herein, and shall work diligently and in good faith with the Grantee to develop mutually agreeable language prior to the planned publication or dissemination.

The Grantee must notify the Department within the same day of any media inquiries directed at the Grantee and describe any response or information provided to the media. For some grant projects, the Department may also issue press releases, may respond to media inquiries or may direct the Grantee to refer questions regarding the grant project to the Department.

#### **Article 27. Ownership of Documents and Products**

All designs, drawing, specifications, notes, artwork, computer programs, reports and other work developed with grant funds in the performance of this agreement are public domain and will be used by the State and/or public without notice or compensation to the Grantee. The Grantee agrees not to assert any rights and not to establish any claim under the design patent or copyright laws.

#### **Article 28. Ownership of Property**

Equipment purchased in part or wholly with federal funds shall be used by the Grantee in the project for which it was acquired as long as needed, whether or not the project or program continues to be supported by federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency. The Grantee shall be responsible for the operation and maintenance of equipment acquired with this grant. Property records must be maintained which will include a description, serial number, source and title, cost and percentage of federal participation in cost, location, use and condition, and sale price and date of disposal. A physical inventory of the property must be taken at least once every two years. Disposition of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation. If the Grantee is a non-profit corporation that dissolves, the assets from this grant project are to be distributed according to Alaska Statutory law, AS 10.20.290-10.20.452.

#### **Article 29. Equal Employment Opportunity**

The Grantee may not discriminate against any employee or qualified applicant for employment because of race, religion, color, national origin, or because of age, disability, sex, marital status,

changes in marital status, pregnancy or parenthood. The Grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting out the provisions of this paragraph. The Grantee shall include the provisions of this article in every grant or contract, and shall require the inclusion of these provisions in every contract entered into by any of its subcontractors.

The Grantee shall promptly comply with all State directives considered essential to insure compliance with all federal and State laws, regulations, and policies pertaining to the prevention of discriminatory employment practices. Failure to perform under this article constitutes a material breach of the grant and could result in termination of the grant agreement.

### **Article 30. Americans with Disabilities Act (ADA)**

Reasonable accommodations must be made to ensure or allow access by persons with disabilities to all services, programs or activities paid for with public funds. The Grantee is responsible for assuring compliance by their contractor's with ADA.

### **Article 31. Disputes**

Any disputes concerning a question of fact arising under this grant which is not disposed of by mutual agreement shall be decided in accordance with CONTRACT CONTROVERSIES, AS 36.30.620-632 of the State Procurement Code.

### **Article 32. Conflicting Provisions**

Unless specifically amended and approved by the Department of Law, the General Provisions of this grant supersede any provisions in other appendices.

### **Article 33. False Claim**

The Grantee is advised that providing false, fictitious or misleading information with respect to the receipt and disbursement of EPA grant funds may result in criminal, civil or administrative fines and/or penalties.

The Grantee must promptly refer to EPA's Inspector General any credible evidence that a false claim has been submitted under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving funds provided under this Agreement.

### **Article 34. Prohibition Statement**

The Grantee is advised that no employees may engage in severe forms of trafficking in persons during the period of time that this Agreement is in effect; procure a commercial sex act during the period of time this Agreement is in effect; or use forced labor in the performance of this Agreement.

## APPENDIX D

### INDEMNITY AND INSURANCE

#### Article 1. Indemnification

The Grantee shall indemnify, save harmless and defend the state, its officers, agents, and employees from all liability, including costs and expenses, for all actions or claims resulting from injuries or damages sustained by any person or property arising directly or indirectly as a result of any error, omission or negligent act of the Grantee, subcontractor or anyone directly or indirectly employed by them in the performance of this contract.

All actions or claims including costs and expenses resulting from injuries or damages sustained by any person or property arising directly or indirectly from the performance of this contract which are caused by the joint negligence of the state and the Grantee shall be apportioned on a comparative fault basis. Any such joint negligence on the part of the state must be a direct result of active involvement by the State.

#### Article 2. Insurance

Without limiting the Grantee's indemnification, it is agreed that the Grantee shall purchase and maintain in force at all times during the performance of services under this agreement the following policies of insurance; when applicable. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the Grantee's policy contains higher limits, the State shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Contracting Officer prior to beginning work and must provide for a 30-day prior notice of cancellation, non-renewal or material change. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach and grounds for termination of the Grantee's services.

**2.1 Worker's Compensation Insurance:** The Grantee shall provide and maintain, for all employees of the Grantee engaged in work under this contract, Workers' Compensation Insurance as required by AS 23.30.045. The Grantee shall be responsible to ensure all subcontractors provide Workers' Compensation Insurance for anyone who directly or indirectly provides services under this contract. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection of not less than \$100,000 per person, \$100,000 per occurrence. Where applicable, coverage for all federal acts (i.e., U. S. L&H and Jones Act) must also be included.

**2.2 Comprehensive (Commercial) General Liability Insurance:** with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where generally applicable and shall include premises-operations, independent contractor, products/completed operations, broad form property damage, blanket contractual and personal injury endorsements.

**2.3 Comprehensive Automobile Liability Insurance:** covering all owned, hired and non-owned vehicles with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000 property damage.

**2.4 Professional Liability Insurance:** covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this contract which results in a financial loss to the State. Limits required as per the following schedule:

Contract Amount	Minimum Required Limit
Under \$100,000	\$100,000 per occurrence/annual aggregate
\$100,000-\$499,999	\$250,000 per occurrence/annual aggregate



## Legislation Details

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File #: ORD 12-18    Version: 1    Name:

Type: Ordinance    Status: SECOND READING

File created: 6/6/2012    In control: City and Borough Assembly

On agenda: 7/10/2012    Final action:

Title: Amending SGC at Section 4.12.020 Entitled "Property Subject to Tax" to increase the Biennial Motor Vehicle Registration Tax to be used for municipal roads

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 12-18 Motor Vehicle](#)  
[ORD 12-18 Docs](#)

Date	Ver.	Action By	Action	Result
6/27/2012	1	City and Borough Assembly		

**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 2012-18**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA  
GENERAL CODE AT SECTION 4.12.020 ENTITLED “PROPERTY SUBJECT TO  
TAX” TO INCREASE THE BIENNIAL MOTOR VEHICLE REGISTRATION TAX TO  
BE USED FOR MUNICIPAL ROADS**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become part of the Sitka General Code (“SGC”).

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to amend SGC 4.12.020 entitled “Property subject to tax” to add an additional biennial motor vehicle registration tax assessment to the tax levied pursuant to AS 28.10.431, to be paid at the same time the current motor vehicle registration tax is due. The additional tax as well as the current tax assessed under AS 28.10.431 shall be used for municipal road maintenance, road replacement, new roads, road extensions, and road infrastructures (i.e., sidewalks, gutters, bike lanes, etc.).

Based on applicable state law at AS 28.10.431(j), the tax increase will not take effect until January 1, 2014.

4. **NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that SGC 4.12.020 entitled “Property subject to tax” is amended as follows (new language underlined; deleted language stricken):

**4.12.020 Property subject to tax.**

A. All property within the corporate limits of the city and borough, both real and personal, of every nature, not exempt under the laws of the United States or the state of Alaska is subject to taxation for school and municipal purposes, and taxes upon such property must be assessed, levied and collected as provided herein, except the following property shall not be subject to taxation:

1. Personal property consisting of household goods, jewelry, intangibles and personal effects, including motorcycles and snowmobiles not used in business and all motor vehicles subject to the motor vehicle registration tax.

B. Beginning January 1, 2014, any vehicle, including motor vehicles, electric vehicles and trailers, required to be registered with the Division of Motor Vehicles under

1 AS 28.10.421, shall also be assessed an additional biennial motor vehicle registration tax to  
2 that assessed under AS 28.10.431.

3  
4 1. The additional tax shall be paid at the same time that the motor vehicle  
5 registration tax is currently paid at the rate set out below:

6  
7 a. \$ 50.00 – Motorcycles required to be registered under AS 28.10.421(b)(5);

8 b. \$100.00 – Non-commercial trailers required to be registered under  
9 AS 28.10.421(b)(6);

10 c. \$200.00 – Non-commercial vehicles required to be registered under  
11 AS 28.10.421(b)(1) and (b)(2); and

12 d. \$400.00 – Commercial vehicles required to be registered under  
13 AS 28.10.421(b)(3), (b)(4), and (c)(1)-(4).

14  
15 2. If the motor vehicle registration tax is paid annually, the amount assessed under  
16 this subsection shall be half of the assessment set out above.

17  
18 3. All biennial motor vehicle registration taxes collected under this subsection as  
19 well as the current tax collected under AS 28.10.431 shall be used for municipal  
20 road maintenance, road replacement, new roads, road extensions, and road  
21 infrastructures (i.e., sidewalks, gutters, bike lanes, etc.).

22  
23 CB. All boats and vessels located within the boundaries of the city and borough on  
24 January 1st of any given year shall be subject to taxation under the same procedures and  
25 with the same assessment dates and due dates as personal property, except that valuation  
26 and taxation shall be on the basis of registered and certified length according to the  
27 schedule set forth below:

28  
29 \* \* \*

30  
31 **5. EFFECTIVE DATE.** This ordinance shall become effective as of January 1, 2014.

32  
33 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of  
34 Sitka, Alaska this 26 day of June, 2012.

35  
36  
37 \_\_\_\_\_  
Cheryl Westover, Mayor

38 **ATTEST:**

39 \_\_\_\_\_  
40 Colleen Ingman, MMC  
41 Municipal Clerk

ORD 12-18      Item   L    
**MOTOR VEHICLES**

Sharon Joseph

**From:** Theresa Hillhouse  
**Sent:** Wednesday, March 21, 2012 9:57 AM  
**To:** Sharon Joseph  
**Subject:** FW: Sitka DMV reg increase ordinance  
**Attachments:** AO2011-125-2011\_To Revise AO2010-81.pdf; 12.07.010\_eff 2012-01-01.pdf; MVRT-Bristol Bay Borough\_Ord 2009-11\_clarifies Ord 2007-07.pdf; Ordinance No 2009-06\_eff 01-01-2011.pdf; Ordinance No 2010-02\_eff 01-01-2011\_clarification.pdf

**From:** Oates, Stacy V (DOA) [<mailto:stacy.oates@alaska.gov>]  
**Sent:** Monday, March 19, 2012 6:21 PM  
**To:** Theresa Hillhouse  
**Subject:** RE: Sitka DMV reg increase ordinance

Theresa,

Attached are the following:

- Ordinances from a couple of municipalities. I included Unalaska, who charges an additional fee, but didn't clarify how it should be collected for commercial vehicles (just wanted to give you an example of why it helps for us to review the proposed ordinance first).
- A worksheet for calculating the effect of any change in MVRT. I've requested vehicle counts for you, which I'll forward as soon as they arrive.

Below is a chart with annual collections made for Sitka. You'll need to deduct the 8% collection fee to arrive at the amount remitted to Sitka.

FY12	FY11	FY10	FY09	FY08	FY07	FY06	FY05	FY04	FY03	
\$ 51,393	\$ 108,051	\$ 108,543	\$ 117,669	\$ 120,247	\$ 126,481	\$ 115,293	\$ 123,047	\$ 121,801	\$ 120,771	\$

Regards,  
Stacy

*Stacy Oates*  
DMV Administrative Officer  
1300 W Benson Blvd Ste 400, Anchorage, AK 99503-3392  
Ph: 907-269-3782 Fx: 907-333-8615 fax [Stacy.Oates@Alaska.gov](mailto:Stacy.Oates@Alaska.gov)

**From:** Theresa Hillhouse [<mailto:hillhouse@cityofsitka.com>]  
**Sent:** Friday, March 16, 2012 3:35 PM  
**To:** Oates, Stacy V (DOA)  
**Subject:** Sitka DMV reg increase ordinance

Thanks for all your help. Please send a copy of the MOA DMV registration increase ordinance and Sitka spreadsheet re vehicles.

Article 5. Fees and Charges.

Section

- 411. Registration fees levied
- 421. Registration fee rates
- 423. Emission control inspection program fees

Section

- 431. Biennial motor vehicle registration tax
- 441. Schedule of other fees and charges

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, § 71 et seq. 60 C.J.S., Motor Vehicles, § 245 et seq.

Sec. 28.10.411. Registration fees levied. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each biennial renewal of registration after that time.

- (b) [Repealed, 1983 Initiative Proposal No. 2, § 6.]
- (c) [Repealed, § 6 ch 70 SLA 1986.]
- (d) [Repealed, § 41 ch 37 SLA 1986.]
- (e) [Repealed, § 3 ch 89 SLA 1987.]

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered or a resident with a disability that limits or impairs the ability to walk and who provides proof of that disability as provided in 23 C.F.R. 1235.2 is entitled to an exemption from the registration fee required under this section for one vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department. (§ 7 ch 178 SLA 1978; am 1983 Initiative Proposal No. 2, § 6; am § 85 ch 6 SLA 1984; am § 41 ch 37 SLA 1986; am § 6 ch 60 SLA 1986; am § 6 ch 70 SLA 1986; am § 3 ch 89 SLA 1987; am § 58 ch 63 SLA 1993; am §§ 6, 7 ch 44 SLA 1996; am § 2 ch 128 SLA 1998; am § 4 ch 46 SLA 2007)

Effect of amendments. — The 2007 amendment, effective July 4, 2007, inserted "or a resident with a disability that limits or impairs the ability to walk and who provides proof of that disability as provided in 23 C.F.R. 1235.2" in the first sentence of subsection (f).

Editor's notes. — Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Sec. 28.10.420. Assignment. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law,

(1) the fees prescribed in this section shall be paid to the department at the times provided under AS 28.10.108 and 28.10.111; and

(2) an additional fee of \$10 shall be added to the registration fee set out in this section for registration not conducted by mail or not conducted at an emissions inspection station or contract office offering vehicle registration services; the department may waive this additional fee for a good cause based on criteria established in regulations adopted by the department.

(b) The biennial registration fees under this subsection are imposed within the following classifications for:

- (1) a passenger vehicle, low-speed vehicle, or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use .... \$100;
- (2) a pick-up truck or a van not exceeding 10,000 pounds unladen weight and not registered in the name of a company or business ..... \$100;
- (3) a taxicab ..... \$160;

- (4) a motor bus with commercial purposes in
- (5) a motorcycle or a
- (6) a trailer not used for hire or for other commercial purposes; trailer, box trailer, utility trailer, or trailer for rent .....

(c) The biennial registration fee shall be based upon the actual unladen weight of the vehicle or upon the actual weight of the vehicle as determined by the commissioner or the commissioner's designee. (1) a motor vehicle and a motor vehicle for hire, excepting taxicab, for hire or truck, wrecker, tow car,

- (1) up to and including 5,000 pounds
- (2) more than 5,000 pounds and not more than 12,000 pounds
- (3) more than 12,000 pounds and not more than 18,000 pounds
- (4) more than 18,000 pounds

(d) The special registration fee for a vehicle otherwise specified, for

- (1) a historic vehicle
  - (A) AS 28.10.181(b)(1) for the purpose of historical exemption under AS 28.10.181(b) .
  - (B) AS 28.10.181(b)(2) plus the fee required for a vehicle that is eligible for the fee defined in subsection (d) of this section shall be a historic plates;
- (C) AS 28.10.181(b)(3) for the purpose of historical exemption under AS 28.10.181(b) .

(2) special request plates

- (A) Alaska National
- (B) veterans or retired
- (C) recipients of the
- (D) owners of custom
- (E) Iditarod race fini
- (F) other special request plates

(3) a vehicle owned by or by a resident 65 years of age or older on January 1 of the year the vehicle is registered on a form prescribed by

- (4) a vehicle owned by a resident 65 years of age or older on January 1 of the year the vehicle is registered
- (5) a vehicle owned by a resident 65 years of age or older on January 1 of the year the vehicle is registered required for that vehicle
- (6) a vehicle owned by a resident 65 years of age or older on January 1 of the year the vehicle is registered 28.10.181 .....
- (7) a snowmobile or

(4) a vehicle owned by or by a resident 65 years of age or older on January 1 of the year the vehicle is registered on a form prescribed by

- (4) a vehicle owned by a resident 65 years of age or older on January 1 of the year the vehicle is registered
- (5) a vehicle owned by a resident 65 years of age or older on January 1 of the year the vehicle is registered required for that vehicle
- (6) a vehicle owned by a resident 65 years of age or older on January 1 of the year the vehicle is registered 28.10.181 .....
- (7) a snowmobile or

(5) a vehicle owned by a resident 65 years of age or older on January 1 of the year the vehicle is registered required for that vehicle

(6) a vehicle owned by a resident 65 years of age or older on January 1 of the year the vehicle is registered 28.10.181 .....

(7) a snowmobile or

the registration tax  
fees and charges

AS, § 245 et seq.

or during any part of  
registration fee shall be  
each biennial renewal

the vehicle is registered  
owner and who provides  
to an exemption from  
subject to registration  
is granted except upon  
the department. (§ 7 ch  
6 SLA 1984; am § 41  
n § 3 ch 89 SLA 1987;  
128 SLA 1998; am § 4

Section 87, ch. 63, SLA 1993  
if this bill is found to violate  
severed from the rest of the

provided by law,  
department at the times

set out in this section  
at an inspection station  
department may waive this  
provisions adopted by the

imposed within the

used or maintained for  
commercial use .... \$100;  
unladen weight and not  
..... \$100;  
..... \$160;

- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists ..... \$300;
- (5) a motorcycle or a motor-driven cycle ..... \$60;
- (6) a trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer, or a trailer rented or offered for rent ..... \$30.

(c) The biennial registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a low-speed vehicle and a motor vehicle pulling a trailer or semi-trailer, that is registered in the name of a company or business, or is used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial purposes, including a low-speed vehicle, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

- (1) up to and including 5,000 pounds ..... \$180;
- (2) more than 5,000 pounds to and including 12,000 pounds ..... \$268;
- (3) more than 12,000 pounds to and including 18,000 pounds ..... \$516;
- (4) more than 18,000 pounds ..... \$662.

(d) The special registration fees under this subsection are imposed biennially, unless otherwise specified, for

(1) a historic vehicle registered under

(A) AS 28.10.181(b)(1) and that is driven or moved on a highway for the primary purpose of historical exhibition or similar activity, one time only upon initial registration under AS 28.10.181(b) ..... \$10;

(B) AS 28.10.181(b)(2) ..... \$30  
plus the fee required for that vehicle under (b) of this section, unless the historic vehicle is eligible for the fee described under (C) of this paragraph; the fee required by this subparagraph shall be collected only on the first issuance and on the replacement of the historic plates;

(C) AS 28.10.181(b)(2) and that is driven or moved on a highway for the primary purpose of historical exhibition or similar activity, one time only upon initial registration under AS 28.10.181(b) ..... \$10;

(2) special request plates for

- (A) Alaska National Guard personnel ..... \$30;
- (B) veterans or retired veterans ..... \$30;
- (C) recipients of the Purple Heart ..... none;
- (D) owners of custom collector vehicles ..... \$50;
- (E) Iditarod race finishers ..... \$50;
- (F) other special request plates ..... \$30;

plus the fee required for that vehicle under (b) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates;

(3) a vehicle owned by a person with a disability and registered under AS 28.10.181(d), or by a resident 65 years of age or older who files a written application for an exemption on a form prescribed by the department ..... none;

(4) a vehicle owned by the state ..... none;

(5) a vehicle owned by an elected state official ..... the fee required for that vehicle under (b), (c), (h), or (i) of this section;

(6) a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181 ..... \$68;

(7) a snowmobile or off-highway vehicle ..... \$10;

- (8) an amateur mobile radio station vehicle,
  - (A) with a transceiver capable of less than 5-band operation ..... the fee required for that vehicle under (b) or (c) of this section;
  - (B) in recognition of service to the public a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands from 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage ..... none for a mobile amateur radio station vehicle included in (b)(1) or (2) of this section;
- (9) dealer registration plates
  - (A) the initial set of plates ..... \$88;
  - (B) each subsequent set of plates ..... \$50;
- (10) a vehicle owned by a municipality or charitable organization meeting the requirements of AS 28.10.181(e) ..... \$10;
- (11) a vehicle owned by a Pearl Harbor survivor, a former prisoner of war, a recipient of the Medal of Honor awarded by the President of the United States in the name of the United States Congress, or the spouse, parent, guardian, brother, sister, or dependent of a member of the United States armed forces killed in the line of duty ..... none;
- (12) special request university plates ..... \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates; the commissioner of administration shall separately account by university campus designation for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the accounts that is in excess of the cost of issuing special request university plates may be appropriated by the legislature for the support of programs at each campus;
- (13) special request dog mushing plates ..... \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature for the support of programs benefiting dog mushing;
- (14) special request Alaska children's trust plates ..... \$100 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected only on the first issuance and the replacement of special request plates; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature into the Alaska children's trust grant account established in AS 37.14.205;
- (15) special request plates commemorating the arts ..... \$150 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature for the support of programs benefiting the arts;
- (16) special request plates commemorating Alaska veterans ..... \$100

plus a fee of \$35 and the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$100 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the commemorative veterans' plates; the \$35 fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to the Alaska veterans' cemetery fund created under AS 37.05.600 and for the support of programs benefiting Alaska veterans;

(17) special request plates commemorating and supporting troops ..... \$40 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$40 fee required by this paragraph shall be collected on issuance and biennial renewal in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to the organization for which the specialty license plate was purchased for the benefit of Alaska troops and their families;

(18) special request plates

(A) for active firefighter and emergency medical service provider ..... \$30;

(B) for former firefighter and emergency medical service provider ..... \$50

plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by (A) and (B) of this paragraph shall be collected only on the first issuance of and the replacement of the plates;

(19) special request fraternal organization member plates ..... \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$50 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the plates.

(e) A vehicle registered under this section which, by the removal of seats, a camper unit, a canopy or other equipment, may be converted into a vehicle on which the registration fee is computed on a different basis or in a different amount may not be driven or moved with seats, camper unit, canopy or other equipment removed unless the other applicable registration fee is paid.

(f) In addition to the fees imposed under (b) and (d) of this section, the following special biennial registration fee is imposed upon renewal of registration for a passenger vehicle, motor home, pick-up truck, or a van with special request Winter Olympics commemorative plates ..... \$60.

(g) The fees collected by the department under this section shall be deposited in the general fund. The Department of Administration shall separately account for three percent of the fees collected under this section and deposited in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations for administration of AS 28.10.021(a) and AS 28.22 (Alaska Mandatory Automobile Insurance Act).

(h) The annual registration fees under this subsection for vehicles, including low-speed vehicles, used for commercial purposes are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, as follows:

- |  |        |
|--|--------|
| (1) up to and including 5,000 pounds .....                       | \$90;  |
| (2) more than 5,000 pounds to and including 12,000 pounds .....  | \$134; |
| (3) more than 12,000 pounds to and including 18,000 pounds ..... | \$258; |
| (4) more than 18,000 pounds .....                                | \$331. |

(i) A one-time registration fee of \$20 is imposed upon initial registration for a trailer or semi-trailer used for commercial purposes. (§ 7 ch 178 SLA 1978; am §§ 4, 5 ch 54 SLA 1979; am § 2 ch 151 SLA 1984; am § 41 ch 21 SLA 1985; am §§ 7 — 9 ch 60 SLA 1986; am § 1 ch 70 SLA 1986; am §§ 6 — 8 ch 24 SLA 1988; am § 2 ch 72 SLA 1989; am § 2 ch 91 SLA 1989; am §§ 17, 18 ch 108 SLA 1989; am §§ 5, 6 ch 115 SLA 1989; am §§ 6, 9 ch 20 SLA 1990; am § 13 ch 90 SLA 1991; am § 4 ch 8 SLA 1993; am §§ 59, 60, 79 ch 63 SLA 1993; § 2 ch 56 SLA 1995; am §§ 8 — 12 ch 44 SLA 1996; am § 3 ch 97 SLA 1996; am § 2 ch 5 SLA 1997; am § 3 ch 42 SLA 1997; am § 2 ch 36 SLA 1998; am § 18 ch 48 SLA 1998; am § 5 ch 88 SLA 1998; am §§ 1, 2, 3 ch 5 SLA 1999; am § 3 ch 44 SLA 2001; am §§ 2, 3 ch 11 SLA 2002; am § 2 ch 31 SLA 2002; am § 3 ch 56 SLA 2002; am §§ 1 — 4 ch 38 SLA 2003; am § 2 ch 68 SLA 2003; am § 13 ch 96 SLA 2005; am §§ 1 — 3 ch 95 SLA 2006; am §§ 5, 6 ch 14 SLA 2007; am § 5 ch 46 SLA 2007; am § 2 ch 2 SLA 2009; am § 2 ch 21 SLA 2009; am § 3 ch 115 SLA 2010; am § 2 ch 116 SLA 2010)

**Revisor's notes.** — Paragraph (d)(13) was enacted as (16); renumbered in 1996. Paragraph (d)(15) was enacted as paragraph (d)(14). Renumbered in 1998.

**Effect of amendments.** — The 2001 amendment, effective July 1, 2001, in paragraph (d)(2), added present subparagraph (E) and redesignated former subparagraph (E) as subparagraph (F).

The first 2002 amendment, effective July 1, 2002, in paragraph (d)(1) added "registered under" at the end of the introductory language, rewrote subparagraph (A), and added subparagraphs (B) and (C); and in paragraph (d)(2) substituted "collector vehicles" for "collection vehicles" in subparagraph (D), deleted former subparagraph (E), which specified the fee for owners of antique vehicles, and redesignated former subparagraph (F) as subparagraph (E).

The second 2002 amendment, effective January 1, 2003, updated a section reference in paragraph (d)(3).

The third 2002 amendment, effective September 17, 2002, substituted "person with a disability" for "disabled veteran or other handicapped person" in paragraph (d)(3) and made stylistic changes.

The first 2003 amendment, effective August 31, 2003, increased the fees in subsections (b), (c), (h), and (i).

The second 2003 amendment, effective September 9, 2003, added paragraph (d)(16).

The 2005 amendment, effective August 28, 2005, updated subsection references throughout subsection (d).

**Sec. 28.10.423. Emission control inspection program fees.** In addition to the biennial registration fee specified in AS 28.10.421, a \$2 fee is imposed upon every vehicle required to be inspected under an emission control program established under AS 46.14.400 or 46.14.510. This fee shall be collected at the same time and in the same manner as the registration fee. (§ 2 ch 56 SLA 1985; am § 4 ch 74 SLA 1993; am § 3 ch 56 SLA 1995; am § 13 ch 44 SLA 1996)

**Editor's notes.** — Section 20, ch. 44, SLA 1996 amends § 7, ch. 56, SLA 1995 to change the effective date for the 1995 amendment to AS 28.10.423 from July 1, 1996 to January 1, 1997.

*Sec. 28.10.430. Release by lienholder. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.431. Biennial motor vehicle registration tax.** (a) There is levied a motor vehicle registration tax within each municipality that elects, by passage of an appropriate ordinance, to come under this section. A municipality shall file a written notice of election with the department and may not rescind the notice for a subsequent

fiscal year. The election under 1978, levied a vote of the people for in this subbody has been municipal elect

(b) The biennial AS 28.10.411 a year in the first

Motor Vehicle  
 (1) motorcycle  
 (2) vehicles spe  
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 AS 28.10.421  
 (3) vehicles spe  
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 (4) vehicles spe  
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 (9) vehicles elig  
 for dealer  
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 28.10.421(d)(  
 (c) The regist  
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ation for a trailer  
 §§ 4, 5 ch 54 SLA  
 ch 60 SLA 1986;  
 SLA 1989; am § 2  
 A 1989; am §§ 6,  
 §§ 59, 60, 79 ch  
 3 ch 97 SLA 1996;  
 8; am § 18 ch 48  
 3 ch 44 SLA 2001;  
 2002; am §§ 1 —  
 m §§ 1 — 3 ch 95  
 2 ch 2 SLA 2009;  
 2010)

ive October 28, 2006,  
 paragraph (b)(1) and  
 age of subsection (c),  
 "ehicles" in paragraph  
 anges.  
 ffective May 29, 2007,  
 paragraph (d)(2), and  
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 mbers of the armed  
 in paragraph (d)(11).  
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ffective June 23, 2009,  
 bparagraph (E), and  
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t, effective August 23,  
 added "to the Alaska  
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There is levied a  
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 for a subsequent

fiscal year. The notice must be filed on or before January 1 of the year preceding the year election under this section is to become effective. If a municipality has, before October 15, 1978, levied a motor vehicle registration or ad valorem tax that has been repealed by a vote of the people at any regular or special municipal election, then the election provided for in this subsection is not effective until the ordinance passed by the local governing body has been approved by the people at the next regularly scheduled general or special municipal election.

(b) The biennial tax is levied upon motor vehicles subject to the registration fee under AS 28.10.411 and 28.10.421 and is based upon the age of vehicles as determined by model year in the first year of the biennial period, according to the following schedule:

	Tax According to Age of Vehicle Since Model Year:							
	1st	2nd	3rd	4th	5th	6th	7th	8th or over
Motor Vehicle								
(1) motorcycle	\$ 17	\$ 15	\$ 13	\$ 10	\$ 7	\$ 5	\$ 4	\$ 4
(2) vehicles specified in AS 28.10.421(b)(1)	121	99	77	55	39	28	19	16
(3) vehicles specified in AS 28.10.421(b)(3)	121	99	77	55	39	28	19	16
(4) vehicles specified in AS 28.10.421(c)(1)-(4)								
5,000 pounds or less	121	99	77	55	39	28	19	16
5,001-12,000 pounds	198	154	121	99	77	55	33	22
12,001-18,000 pounds	447	392	348	304	260	227	205	194
18,001 pounds or over	546	469	403	348	304	260	216	194
(5) vehicles specified in AS 28.10.421(b)(4)	198	154	121	99	77	55	33	22
(6) vehicles specified in AS 28.10.421(b)(6)	17	15	13	10	7	5	4	4
(7) vehicles specified in AS 28.10.421(d)(8)	121	99	77	55	39	28	19	16
(8) vehicles specified in AS 28.10.421(b)(2)	121	99	77	55	39	28	19	16
(9) vehicles eligible for dealer plates under AS 28.10.421(d)(9).	88							

(c) The registration tax shall be levied, collected, enforced and otherwise administered in the same manner as provided for the registration fees in this chapter. Only one

registration tax may be collected with respect to the same motor vehicle in the year for which the tax is paid.

(d) If a person has paid both the registration fee levied in AS 28.10.411 and 28.10.421 and the registration tax levied in this section, and the department determines that the payor is entitled to a refund in whole or in part of the registration tax, the department shall make the refund to which the person is entitled. A refund may not be made unless application for a refund is filed with the department by December 31 of the year following the year for which the refund is claimed.

(e) The department shall refund money collected under this section, less eight percent as collection costs, to a municipality for which the money was collected, as determined by (1) the address of residence of an individual required to pay the tax, or (2) the situs of the vehicle if the vehicle is not owned by an individual; the tax situs is the location at which the motor vehicle is usually, normally, or regularly kept or used during the registration period. For the first year in which the tax is levied within a municipality, the department may retain actual costs of collection of the tax within the municipality as determined by the department.

(f) Money received by an organized borough under this section shall be allocated by the borough by ordinance for city, area outside city, and service area purposes within the borough.

(g) Payment of the registration tax is in lieu of all local use taxes and ad valorem taxes on motor vehicles subject to the tax. A municipality which elects to come under the provisions of this section may not levy use or ad valorem taxes on motor vehicles subject to the registration tax during a fiscal year in which the election is in effect.

(h) A vehicle owned by a former prisoner of war exempted from registration fees under AS 28.10.421(d)(11) is subject to a motor vehicle registration tax under this section.

(i) *[Repealed, § 28 ch 90 SLA 1991.]*

(j) A municipality that imposes a motor vehicle registration tax as described under (a) of this section may also increase or decrease the scheduled amount of tax described under (b) or (l) of this section by passage of an appropriate ordinance. A municipality that chooses to change the tax imposed under (b) or (l) of this section shall file a written notice of the change with the department by January 1 of the year preceding the year in which the change in tax is to take effect. A municipality may not change the amount of the tax imposed under this section more than once every two years. The department may charge a municipality a one-time fee to cover the cost to the department of implementing a change under this subsection.

(k) A vehicle registration application and renewal application for vehicles subject to a municipal vehicle registration tax shall itemize the total amount due in a manner that separately shows the amount of vehicle registration tax imposed by the municipality.

(l) Notwithstanding (b) of this section, an annual tax is levied upon vehicles specified in AS 28.10.421(c) and subject to the registration fee under AS 28.10.411 and 28.10.421 if the owner elects to register the vehicle annually as allowed under AS 28.10.108(f). The tax is based on the age of the vehicle as determined by model year according to the following schedule:

	Tax According to Age of Vehicle							
	Since Model Year:							
	1st	2nd	3rd	4th	5th	6th	7th	8th or over
Motor Vehicle								
5,000 pounds or less	\$ 66	\$ 55	\$ 44	\$ 33	\$ 22	\$ 17	\$ 11	\$ 8

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	Tax According to Age of Vehicle Since Model Year:							
	1st	2nd	3rd	4th	5th	6th	7th	8th or over
<b>Motor Vehicle</b>								
5,001-12,000 pounds	110	88	66	55	44	33	22	11
12,001-18,000 pounds	240	207	185	163	141	119	107	97
18,001 pounds or over	295	251	218	185	161	141	119	97.

(§ 7 ch 178 SLA 1978; am § 3 ch 151 SLA 1984; am § 48 ch 138 SLA 1986; am § 28 ch 90 SLA 1991; am § 34 ch 30 SLA 1992; am § 61 ch 63 SLA 1993; am §§ 14, 15 ch 44 SLA 1996; am § 1 ch 76 SLA 1996; am §§ 3, 4 ch 5 SLA 1997; am § 29 ch 32 SLA 1997; am §§ 4 — 6 ch 5 SLA 1999)

**Revisor's notes.** — Subsections (j) and (k) were enacted as (i) and (j) respectively. Relettered upon enactment in 1996. In 2009, in (b)(1), "\$4" was substituted for "\$2" to correct a typographical error in ch. 32, SLA 1997.

**Editor's notes.** — Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

**Opinions of attorney general.** — Since a borough's election to request the department to collect the motor vehicle registration tax on its behalf and to remit those taxes to it was first in time, it should take precedence over the later request by a city within the borough. February 19, 1986, Op. Atty Gen.

*Sec. 28.10.440. Dismantled vehicle. [Repealed, § 7 ch 178 SLA 1978.]*

**Sec. 28.10.441. Schedule of other fees and charges.** The following fees and charges are imposed by the department for the stated services that it provides:

- (1) title fee, including transfer of title ..... \$15;
- (2) lien filing fee ..... \$15;
- (3) replacement of any registration plate set, including special request plates .... \$5;
- (4) duplicate of original certificate of title ..... \$15;
- (5) duplicate of certificate of registration ..... \$2;
- (6) temporary preregistration permit issued under AS 28.10.031 ..... none;
- (7) special transport permit issued under AS 28.10.151 ..... \$5;
- (8) special permit for vehicle used for transport of a person with a disability issued under AS 28.10.495 ..... none.

(§ 7 ch 178 SLA 1978; am § 28 ch 85 SLA 1988; am § 4 ch 56 SLA 2002; am § 5 ch 38 SLA 2003)

**Effect of amendments.** — The 2002 amendment, effective September 17, 2002, substituted "a person with a disability" for "disabled or handicapped person" in paragraph (8).

The 2003 amendment, effective June 3, 2003, increased the fees in paragraphs (1), (2), and (4) and made a stylistic change.

**Article 6. Registration and Title Violations.**

- Section**
- 451. Unlawful to violate provisions requiring registration and title
  - 461. Driving vehicle without evidence of registration
  - 471. Driving vehicle when registration suspended or revoked or permit expired

- Section**
- 481. Improper use of evidence of registration or certificate of title
  - 491. Felonies relating to title, registration, identification number, and removal and representation of vehicles



Alaska Department of Administration

## Division of Motor Vehicles

## 2011 Currently Registered Vehicles

	PSNGR	MTRCYCLE	COMM. TRAILER	TRAILER	COMM. TRUCK	PICKUP	BUS	SNOW MOBILE	ALL VEHICLES
OTHER OUTSIDE	16,710	1,627	1,092	1,965	913	5,708	79	211	28,305
OTHER AK	9,211	500	193	3,066	1,008	7,657	263	3,160	25,058
WASHINGTON	958	82	123	182	207	429	2	28	2,011
MUNI OF ANCHORAGE	192,733	11,819	2,934	34,996	14,050	64,723	858	15,894	338,007
FAIRBANKS N/STAR BOR	67,004	5,352	1,490	20,507	8,136	35,236	465	11,546	149,736
CITY & BOR OF JUNEAU	22,510	1,265	444	3,634	2,260	8,112	344	458	39,027
KETCHIKAN GATEWAY BOR	8,241	596	130	2,014	960	4,266	153	170	16,530
CITY & BOR OF SITKA	4,776	304	74	1,276	564	2,685	58	80	9,817
NOME	925	42	29	68	391	1,232	14	78	2,779
HAINES	1,786	201	54	701	263	1,267	57	134	4,463
YAKUTAT	347	14	18	24	86	307	1	4	801
BETHEL	1,751	67	15	465	351	1,472	19	482	4,622
TOK	1,097	98	48	599	127	1,081	21	276	3,347
GLENNALLEN	1,127	68	30	612	162	989	36	335	3,359
DELTA JUNCTION	3,392	229	95	1,858	333	2,646	32	548	9,133
VALDEZ	2,621	233	59	1,144	450	1,867	27	619	7,020
CORDOVA	1,402	116	165	499	194	1,455	6	95	3,932
NORTH SLOPE BOR	873	32	45	86	911	636	19	340	2,942
UNALASKA	1,166	93	130	109	744	825	5	15	3,087
MATSU BOROUGH	64,764	4,238	1,409	21,220	3,524	36,201	342	10,642	142,340
CRAIG	799	49	19	257	150	698	8	24	2,004
KODIAK ISLAND BOR	7,245	466	143	1,618	745	4,586	45	195	15,043
BRISTOL BAY BOR	864	48	56	201	351	1,106	14	34	2,674
SKAGWAY	860	112	27	236	173	568	144	26	2,146
NENANA	644	31	8	257	71	390	8	92	1,501
PETERSBURG	1,708	144	94	801	212	1,455	10	163	4,587
DILLINGHAM	1,135	50	7	149	175	1,033	16	149	2,714
KOTZEBUE	333	14	6	36	101	291	0	254	1,035
KENAI PENINSULA BOROUGH	41,390	2,985	1,222	17,565	4,118	27,678	238	5,629	100,825
WRANGELL	1,214	105	10	228	108	1,065	5	133	2,868
METLAKATLA	419	11	0	26	15	248	8	1	728
FINAL TOTAL	460,005	30,991	10,169	116,399	41,853	217,912	3,297	51,815	932,441



## Legislation Details

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File #: ORD 12-19    Version: 1    Name:

Type: Ordinance    Status: SECOND READING

File created: 6/19/2012    In control: City and Borough Assembly

On agenda: 7/10/2012    Final action:

Title: Amending SGC Subsection 4.09.100Y entitled "Exemption for Retired Persons who have Reached the Age of Sixty-Five to Exclude Alcoholic Beverages, Cigarettes, and Other Tobacco Products as Exempt Sales, and making clerical edits

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 12-19](#)

Date	Ver.	Action By	Action	Result
6/26/2012	1	City and Borough Assembly		

Sponsors: Mike Reif and  
Mim McConnell

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2012-19

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING  
SITKA GENERAL CODE SUBSECTION 4.09.100Y ENTITLED "EXEMPTION  
FOR RETIRED PERSONS WHO HAVE REACHED THE AGE OF SIXTY-FIVE"  
TO EXCLUDE ALCOHOLIC BEVERAGES, CIGARETTES, AND OTHER  
TOBACCO PRODUCTS AS EXEMPT SALES,  
AND MAKING CLERICAL EDITS

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** This ordinance amends SGC 4.09.100Y entitled "Exemption for Retired Persons Who Have Reached the Age of Sixty-Five" by excluding sales of alcoholic beverages, cigarettes and other tobacco products as exempt, and making such sales subject to sales taxes. This ordinance also defines "alcoholic beverages," "cigarettes" and "other tobacco products" in SGC 4.09.100Y. It additionally makes clerical edits to SGC 4.09.100Y.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 4.09.100Y entitled "Exemption for Retired Persons Who Have Reached the Age of Sixty-Five" is amended as follows (new language underlined; deleted language stricken):

**Chapter 4.09**  
**SALES TAX**

\* \* \*

**4.09.100 Exemptions.** The following sales are exempt from taxation:

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\* \* \*

Y. Exemption for Retired Persons Who Have Reached the Age of Sixty-Five.

1. Any retired person, sixty-five years of age or older, who is a resident of the state of Alaska, may apply for and be issued by the finance director a senior citizen sales tax exemption card which entitles the cardholder and the cardholder's spouse to be exempt from sales tax for the purchase of goods, services or rentals which are solely for the personal use or consumption of the cardholder or the cardholder's spouse. This exemption does not apply for purchases for the cardholder or the cardholder's spouse business venture(s), including but not limited to commercial fishing, or for purchase of alcoholic beverages, cigarettes, or other tobacco products.

2. Definitions.

"Alcoholic beverage" includes beer, wine, and all other spirituous, vinous, malt and other fermented or distilled liquid intended for human consumption and contains one-half of one percent or more of alcohol by volume, for which a license or permit for its sale or barter is required by Alaska Statute Title 04, entitled "Alcoholic Beverages."

"Cigarette" shall have the same meaning as defined in SGC 4.26.190.

"Other tobacco products" shall have the same meaning as defined in SGC 4.26.190.

~~b. As used in this section, "Rresident of the state of Alaska" means a person who is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.~~

~~a. To be considered "Rretired" under this section, requires both the applicant and spouse must be substantially out of the labor force or, if still working nearly full time, the pay received must be at a reduced rate from what the person earned previously.~~

\* \* \*

1 5. **EFFECTIVE DATE.** This ordinance shall become effective on October 1, 2012,  
2 if passed by the Assembly of the City and Borough of Sitka.

3  
4 PASSED, APPROVED, AND ADOPTED by the Assembly of the City and  
5 Borough of Sitka, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2012.

6  
7  
8  
9 \_\_\_\_\_  
Cheryl Westover, Mayor

10 **ATTEST:**

11  
12 \_\_\_\_\_  
13 Colleen Ingman, MMC  
14 Municipal Clerk



## Legislation Details

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File #: ORD 12-20    Version: 1    Name:  
Type: Ordinance    Status: SECOND READING  
File created: 6/19/2012    In control: City and Borough Assembly  
On agenda: 7/10/2012    Final action:  
Title: Amending SGC Section 15.01.020 entitled "Electric Rates" by Increasing Rates for all Customer Classes to Fund Voter Approved Improvements for the Blue Lake Hydroelectric Expansion Project and Implementing a Structure for Residential Class Customers to Promote Energy Conservation, and also Amending SGC Section 15.01.030 entitled "Billing-Credit-Deposit-Fees" to Increase Emergency Electric Service Charges

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 12-20](#)  
[Memo\\_Electric Ratesv 2](#)

Date	Ver.	Action By	Action	Result
6/26/2012	1	City and Borough Assembly		

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2012-20

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING  
SITKA GENERAL CODE SECTION 15.01.020 ENTITLED "ELECTRICAL  
RATES" BY INCREASING RATES FOR ALL CUSTOMER CLASSES TO FUND  
VOTER APPROVED IMPROVEMENTS FOR THE BLUE LAKE  
HYDROELECTRIC EXPANSION PROJECT AND IMPLEMENTING A  
STRUCTURE FOR RESIDENTIAL CLASS CUSTOMERS TO PROMOTE  
ENERGY CONSERVATION, AND ALSO AMENDING SITKA GENERAL CODE  
SECTION 15.01.030 ENTITLED "BILLING – CREDIT – DEPOSIT – FEES" TO  
INCREASE EMERGENCY ELECTRIC SERVICE CHARGES

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** This ordinance will increase the electrical rates for all consumer classes at SGC 15.01.020 based on the cost of service and provide sufficient revenues to meet all fiscal requirements to complete approved electrical utility capital projects, including the Blue Lake Hydroelectric Expansion Project. The ability to acquire reasonable cost financing for these projects requires electric rate increases to meet revenue bond covenants and financial margins. Further, the continued high cost of heating oil has resulted in residential customers significantly increasing electrical consumption. This unprecedented load growth has contributed to the full utilization of limited hydroelectric generation and the requirement to operate expensive diesel generation to meet system demand. The new rate structure is added to SGC 15.01.020 and is designed to encourage energy conservation by charging more for increased consumption.

This ordinance also increases the emergency electric service charges found at SGC 15.01030.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 15.01.020 is amended as follows (new language underlined; deleted language stricken):

**Chapter 15.01  
 ELECTRIC UTILITY POLICIES**

\* \* \*

**15.01.020 Electrical rates.**

\* \* \*

**B. Residential Services.**

\* \* \*

**2. Energy Charges.**

First 1,000 kWh	\$0.0800 per kWh
1,001 to 2,000 kWh	\$0.0850 per kWh
2,001 to 3,000 kWh	\$0.1200 per kWh
Over 3,001 kWh	\$0.1600 per kWh
Customer Charge is \$15 per Month – Minimum Bill Charge is \$35.00 per month	

First 200 kWh	\$0.1417 per kWh
201 kWh to 1,000 kWh	\$0.0801 per kWh
Over 1,000 kWh	\$0.0918 per kWh
Minimum Charge is \$21.25 per month.	

**C. General Service – (Commercial, Industrial and Government.)**

\* \* \*

**2. Energy Charges.**

First 500 kWh	\$0.1417 per kWh
501 kWh to 10,000 kWh	\$0.0900 <del>\$0.0903</del> per kWh
10,001 kWh to 100,000 kWh	\$0.0900 <del>\$0.0850</del> per kWh
Over 100,001 kWh	\$0.0900 <del>\$0.0750</del> per kWh
Customer Charge is \$39.00 - Minimum Bill charge is \$50.00 <del>\$21.25</del> per month	

**3. Demand Charges.**

First 25 kW	No Charge
Over 25 kW	\$4.50 <del>\$3.90</del> per kW

D. Boat Service.

\* \* \*

2. Energy Charges.

First 150 kWh	<del>\$0.1090</del> <u>\$0.1417</u> per kWh
All additional kWh	<del>\$0.1090</del> <u>\$0.0953</u> per kWh
<u>Customer Charge is \$6.75 - Minimum Bill Charge is \$21.25 per month</u>	

E. Street and Security Light Service.

\* \* \*

2. Rate per Month. This fee is in addition to the actual installation charges required for installing the desired fixture.

Monthly unmetered street or security light energy rate is calculated as follows:

(0.482 kWh per lamp watt) times (the wattage of the lamp) = kWh per month.	
Example: 0.482 kWh x 100 Watt lamp = 48 kWh per month.	
Monthly energy rate is: kWh per month times <del>\$0.1552</del> <u>\$0.1417</u> per kWh	
kWh per month x <del>\$0.1552</del> <u>\$0.1417</u> /kWh = <del>\$7.45</del> <u>\$6.80</u> per month energy rate	
Typical lamp energy rates:	
70 Watt	<u>\$5.23</u> per month
100 Watt	<del>\$7.45</del> <u>\$6.80</u> per month
150 Watt	<del>\$11.17</del> <u>\$10.20</u> per month
175 Watt	<del>\$13.04</del> <u>\$11.91</u> per month
250 Watt	<del>\$18.63</del> <u>\$17.01</u> per month
400 Watt	<del>\$29.95</del> <u>\$27.35</u> per month
1,000 Watt	<del>\$74.81</del> <u>\$68.32</u> per month

\* \* \*

F. Interruptible Service – Large Customer.

\* \* \*

3. Rate per Month. Basic customer charge for each month or portion of a month: one hundred dollars.

Energy Charge. The energy charge for all kilowatt-hours shall be 0.0317 times the city and borough's price per gallon for number 2 heating oil, assuming an overall oil heating system efficiency of seventy percent and the use of the price paid by the city and borough of Sitka for number 2 heating oil for all of the city and borough-owned buildings. The rate will vary monthly with the price paid by the city and borough of Sitka for number 2 heating oil for all city-owned buildings. The maximum energy charge for all kilowatt hours under this rate shall be nine ~~eight~~ cents per kilowatt hour.

\* \* \*





## Memorandum

June 19, 2012

To: Jim Dinley, Municipal Administrator  
 From: Christopher Brewton, Utility Director  
 Subject: **Electric Rate Increase - Summary**

This memorandum is to provide supplemental information relative to the proposed electric rate schedules submitted for Assembly approval. The following will address the overall objectives of the proposed rates and provide examples that will show impacts of the new rate schedules.

### What does an electric rate accomplish?

Properly designed electric rates should:

- Produce adequate revenue to cover fixed & operational costs, debt service, and fund replacement & renewal of utility plant,
- Be simple to understand, & acceptable to customers, regulators and elected officials,
- Be easy to administer within constraints of billing system,
- Produce fair cost apportionment within customer classes,
- Be flexible & comply with regulatory requirements,
- Provide rate & revenue stability,
- Be nondiscriminatory and provide proper price signals.

### How are electric rates developed?

The proposed rates were developed by a two-step process. The first step was to complete a Cost of Service Study (COSS). The purpose of a COSS is to determine the actual utility cost to serve each class of customer. Table 1 below is the existing COSS summary. Then utilizing the COSS, rates are designed to allocate costs to each customer class with the intent that each class pays their fair share for energy without under or overcharging the other classes.

For example, it is typically less expensive for a utility to serve a large industrial customer than residential. Why? The industrial customer consumes large amounts of energy relative to a residential customer and is usually physically located at one place. Residential on the other hand consume modest amounts of energy and are geographically widely spaced. So it takes more poles, distribution wires, and transformers to serve a class of customer that uses less energy.

<b>Customer Class</b>	<b>Cost of Service</b>	<b>Projected Revenues</b>	<b>% Change</b>
Residential Service	\$ 5,713,429	\$ 4,711,025	21%
Boat Service	416,204	442,392	-6%
Lighting	131,987	115,198	15%
GS Commercial	3,144,752	2,985,086	5%
GS Government	2,395,603	2,188,863	9%
GS Sawmill Creek	610,465	513,795	19%
GS Interruptible	222,041	185,097	20%
<b>Total</b>	<b>12,634,480</b>	<b>11,141,455</b>	<b>13.4%</b>

Table One – Cost of Service Summary – Without Rate Adjustments

Thereby using cost of service principals, rates are designed that equitably charges all customer classes. Of particular importance however, is the need for the utility to collect adequate revenue to maintain financial stability and meet all bond and debt covenants. The following tables will show the impacts of the new proposed rates, by customer class.

<b>Residential Service</b>							
Consumption (kWh)	Rate			Effective Rate (kWh)		Avg # of Billed Accounts	
	Old	New	Difference	Old	New	Summer	Winter
150	\$21.25	\$35.00	\$13.75	\$0.1417	\$0.2333	-	-
250	\$32.35	\$35.00	\$2.65	\$0.1294	\$0.1400	1077	638
500	\$52.37	\$55.00	\$2.63	\$0.1047	\$0.1100	1221	731
924(S)	\$86.33	\$88.92	\$2.59	\$0.0934	\$0.0962	-	-
1000	\$92.42	\$95.00	\$2.58	\$0.0924	\$0.0950	640	721
1362(W)	\$125.65	\$125.77	\$0.12	\$0.0923	\$0.0923	-	-
1500	\$138.32	\$137.50	-\$0.82	\$0.0922	\$0.0917	456	524
2000	\$184.22	\$180.00	-\$4.22	\$0.0921	\$0.0900	185	361
2500	\$230.12	\$240.00	\$9.88	\$0.0920	\$0.0960	88	226
3000	\$276.02	\$300.00	\$23.98	\$0.0920	\$0.1000	35	141
4000	\$339.48	\$460.00	\$120.52	\$0.0849	\$0.1150	10	48
5000	\$459.62	\$620.00	\$160.38	\$0.0919	\$0.1240	6	22
7000	\$643.22	\$940.00	\$296.78	\$0.0919	\$0.1343	1	7
9000	\$826.82	\$1,260.00	\$433.18	\$0.0919	\$0.1400	1	6

**Table Two – Residential Rate Comparison**

<b>Boat Service</b>							
Consumption (kWh)	Rate			Effective Rate (kWh)		Avg # Billed Accounts	
	Old	New	Difference	Old	New	Summer	Winter
150	\$21.25	\$23.10	\$1.85	\$0.1417	\$0.1540	588	375
500	\$54.61	\$61.25	\$6.64	\$0.1092	\$0.1225	54	200
1000	\$102.26	\$115.75	\$13.49	\$0.1023	\$0.1158	9	70
1500	\$149.91	\$170.25	\$20.34	\$0.0999	\$0.1135	6	14
2000	\$197.56	\$224.75	\$27.19	\$0.0988	\$0.1124	2	1
2500	\$245.21	\$279.25	\$34.04	\$0.0981	\$0.1117	0	5
3000	\$292.86	\$333.75	\$40.89	\$0.0976	\$0.1113	0	4

**Table Three – Boat Service Rate Comparison**

General Service (Energy Charges Only)							
Consumption (kWh)	Rate			Effective Rate		Avg # of Billed Accounts	
	Old	New	Difference	Old	New	Summer	Winter
500	\$70.85	\$109.85	\$39.00	\$0.1417	\$0.2197	382	311
1000	\$116.00	\$154.85	\$38.85	\$0.1160	\$0.1549	126	165
2000	\$206.30	\$244.85	\$38.55	\$0.1032	\$0.1224	61	93
3000	\$296.60	\$334.85	\$38.25	\$0.0989	\$0.1116	27	49
4000	\$386.90	\$424.85	\$37.95	\$0.0967	\$0.1062	21	41
5000	\$477.20	\$514.85	\$37.65	\$0.0954	\$0.1030	52	85
10000	\$928.70	\$964.85	\$36.15	\$0.0929	\$0.0965	31	44
25000	\$2,203.70	\$2,314.85	\$111.15	\$0.0881	\$0.0926	13	16
50000	\$4,328.70	\$4,564.85	\$236.15	\$0.0866	\$0.0913	5	15
100000	\$8,578.70	\$9,064.85	\$486.15	\$0.0858	\$0.0906	6	7
200000	\$16,078.70	\$18,064.85	\$1,986.15	\$0.0804	\$0.0903	3	0

Table Four – General Service Rate Comparison (Energy Charges Only)

Customer Class	Current Revenues	Proposed Revenue	Dollar Change	Percent Adjustment	Cost of Service	COS	After Adjustment
Residential Service	4,711,025	5,549,039	838,014	17.8%	5,713,429	21%	3%
GS Commercial	5,687,743	6,157,518	469,774	8.3%	6,150,820	8%	0%
GS Interruptible	185,097	210,860	25,763	13.9%	222,041	20%	5%
Boat Service	442,392	470,366	27,974	6.3%	416,204	-6%	-12%
Lighting	115,198	126,141	10,944	9.5%	131,987	15%	5%
<b>Total</b>	<b>\$ 11,141,455</b>	<b>\$ 12,513,924</b>	<b>\$ 1,372,469</b>	<b>12.3%</b>	<b>\$ 12,634,480</b>	<b>13%</b>	<b>1%</b>

Table Five – Cost of Service Summary – With Rate Adjustments



## Memorandum

June 19, 2012

To: Jim Dinley, Municipal Administrator  
 From: Christopher Brewton, Utility Director  
 Subject: **Electric Rate Increase - Summary**

This memorandum is to provide supplemental information relative to the proposed electric rate schedules submitted for Assembly approval. The following will address the overall objectives of the proposed rates and provide examples that will show impacts of the new rate schedules.

### What does an electric rate accomplish?

Properly designed electric rates should:

- Produce adequate revenue to cover fixed & operational costs, debt service, and fund replacement & renewal of utility plant,
- Be simple to understand, & acceptable to customers, regulators and elected officials,
- Be easy to administer within constraints of billing system,
- Produce fair cost apportionment within customer classes,
- Be flexible & comply with regulatory requirements,
- Provide rate & revenue stability,
- Be nondiscriminatory and provide proper price signals.

### How are electric rates developed?

The proposed rates were developed by a two-step process. The first step was to complete a Cost of Service Study (COSS). The purpose of a COSS is to determine the actual utility cost to serve each class of customer. Table 1 below is the existing COSS summary. Then utilizing the COSS, rates are designed to allocate costs to each customer class with the intent that each class pays their fair share for energy without under or overcharging the other classes.

For example, it is typically less expensive for a utility to serve a large industrial customer than residential. Why? The industrial customer consumes large amounts of energy relative to a residential customer and is usually physically located at one place. Residential on the other hand consume modest amounts of energy and are geographically widely spaced. So it takes more poles, distribution wires, and transformers to serve a class of customer that uses less energy.

Customer Class	Cost of Service	Projected Revenues	% Change
Residential Service	\$ 5,713,429	\$ 4,711,025	21%
Boat Service	416,204	442,392	-6%
Lighting	131,987	115,198	15%
GS Commercial	3,144,752	2,985,086	5%
GS Government	2,395,603	2,188,863	9%
GS Sawmill Creek	610,465	513,795	19%
GS Interruptible	222,041	185,097	20%
<b>Total</b>	<b>12,634,480</b>	<b>11,141,455</b>	<b>13.4%</b>

Table One – Cost of Service Summary – Without Rate Adjustments

Thereby using cost of service principals, rates are designed that equitably charges all customer classes. Of particular importance however, is the need for the utility to collect adequate revenue to maintain financial stability and meet all bond and debt covenants. The following tables will show the impacts of the new proposed rates, by customer class.

<b>Residential Service</b>							
Consumption (kWh)	Rate			Effective Rate (kWh)		Avg # of Billed Accounts	
	Old	New	Difference	Old	New	Summer	Winter
150	\$21.25	\$35.00	\$13.75	\$0.1417	\$0.2333	-	-
250	\$32.35	\$35.00	\$2.65	\$0.1294	\$0.1400	1077	638
500	\$52.37	\$55.00	\$2.63	\$0.1047	\$0.1100	1221	731
924(S)	\$86.33	\$88.92	\$2.59	\$0.0934	\$0.0962	-	-
1000	\$92.42	\$95.00	\$2.58	\$0.0924	\$0.0950	640	721
1362(W)	\$125.65	\$125.77	\$0.12	\$0.0923	\$0.0923	-	-
1500	\$138.32	\$137.50	-\$0.82	\$0.0922	\$0.0917	456	524
2000	\$184.22	\$180.00	-\$4.22	\$0.0921	\$0.0900	185	361
2500	\$230.12	\$240.00	\$9.88	\$0.0920	\$0.0960	88	226
3000	\$276.02	\$300.00	\$23.98	\$0.0920	\$0.1000	35	141
4000	\$339.48	\$460.00	\$120.52	\$0.0849	\$0.1150	10	48
5000	\$459.62	\$620.00	\$160.38	\$0.0919	\$0.1240	6	22
7000	\$643.22	\$940.00	\$296.78	\$0.0919	\$0.1343	1	7
9000	\$826.82	\$1,260.00	\$433.18	\$0.0919	\$0.1400	1	6

**Table Two – Residential Rate Comparison**

<b>Boat Service</b>							
Consumption (kWh)	Rate			Effective Rate (kWh)		Avg # Billed Accounts	
	Old	New	Difference	Old	New	Summer	Winter
150	\$21.25	\$23.10	\$1.85	\$0.1417	\$0.1540	588	375
500	\$54.61	\$61.25	\$6.64	\$0.1092	\$0.1225	54	200
1000	\$102.26	\$115.75	\$13.49	\$0.1023	\$0.1158	9	70
1500	\$149.91	\$170.25	\$20.34	\$0.0999	\$0.1135	6	14
2000	\$197.56	\$224.75	\$27.19	\$0.0988	\$0.1124	2	1
2500	\$245.21	\$279.25	\$34.04	\$0.0981	\$0.1117	0	5
3000	\$292.86	\$333.75	\$40.89	\$0.0976	\$0.1113	0	4

**Table Three – Boat Service Rate Comparison**

General Service (Energy Charges Only)							
Consumption (kWh)	Rate			Effective Rate		Avg # of Billed Accounts	
	Old	New	Difference	Old	New	Summer	Winter
500	\$70.85	\$109.85	\$39.00	\$0.1417	\$0.2197	382	311
1000	\$116.00	\$154.85	\$38.85	\$0.1160	\$0.1549	126	165
2000	\$206.30	\$244.85	\$38.55	\$0.1032	\$0.1224	61	93
3000	\$296.60	\$334.85	\$38.25	\$0.0989	\$0.1116	27	49
4000	\$386.90	\$424.85	\$37.95	\$0.0967	\$0.1062	21	41
5000	\$477.20	\$514.85	\$37.65	\$0.0954	\$0.1030	52	85
10000	\$928.70	\$964.85	\$36.15	\$0.0929	\$0.0965	31	44
25000	\$2,203.70	\$2,314.85	\$111.15	\$0.0881	\$0.0926	13	16
50000	\$4,328.70	\$4,564.85	\$236.15	\$0.0866	\$0.0913	5	15
100000	\$8,578.70	\$9,064.85	\$486.15	\$0.0858	\$0.0906	6	7
200000	\$16,078.70	\$18,064.85	\$1,986.15	\$0.0804	\$0.0903	3	0

**Table Four – General Service Rate Comparison (Energy Charges Only)**

Customer Class	Current Revenues	Proposed Revenue	Dollar Change	Percent Adjustment	Cost of Service	COS	After Adjustment
Residential Service	4,711,025	5,549,039	838,014	17.8%	5,713,429	21%	3%
GS Commercial	5,687,743	6,157,518	469,774	8.3%	6,150,820	8%	0%
GS Interruptible	185,097	210,860	25,763	13.9%	222,041	20%	5%
Boat Service	442,392	470,366	27,974	6.3%	416,204	-6%	-12%
Lighting	115,198	126,141	10,944	9.5%	131,987	15%	5%
<b>Total</b>	<b>\$ 11,141,455</b>	<b>\$ 12,513,924</b>	<b>\$ 1,372,469</b>	<b>12.3%</b>	<b>\$ 12,634,480</b>	<b>13%</b>	<b>1%</b>

**Table Five – Cost of Service Summary – With Rate Adjustments**



## Legislation Details

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File #: RES 12-17    Version: 1    Name:

Type: Resolution    Status: AGENDA READY

File created: 7/3/2012    In control: City and Borough Assembly

On agenda: 7/10/2012    Final action:

Title: Formally submits a Municipal Harbor Facility Grant Application to the State of Alaska, Department of Transportation and Public Facilities (DOT&PF) in the amount of \$2,620,000 for the project entitled Sitka Transient Float

Sponsors:

Indexes:

Code sections:

Attachments: [RES 12-17](#)

Date	Ver.	Action By	Action	Result
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**RESOLUTION NO. 2012-17**

**A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA, APPROVING SUBMITTAL AND EXECUTION OF A MUNICIPAL HARBOR FACILITY GRANT APPLICATION TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT&PF) IN THE AMOUNT OF \$2,620,000 FOR THE PROJECT ENTITLED SITKA TRANSIENT FLOAT**

**WHEREAS**, the State of Alaska, Department of Transportation and Public Facilities administers the Municipal Harbor Facility Grant program; and

**WHEREAS**, the City and Borough of Sitka owns and maintains the Sitka Transient Float and the Sitka Transient Float is eligible for a Municipal Harbor Facility Grant which, if awarded will pay 50 percent of the cost of this project; and

**WHEREAS**, the City and Borough of Sitka will provide the required 50% in local matching funds for reconstruction of the Sitka Transient Float per the Municipal Harbor Facility Grant program; and

**WHEREAS**, the City and Borough of Sitka is capable of completing the Sitka Transient Float within eighteen (18) months after award of a Municipal Harbor Facility Grant; and

**WHEREAS**, the Sitka Transient Float is critical to the City and Borough of Sitka to provide greatly needed transient vessel moorage year-round.

**NOW, THEREFORE, BE IT RESOLVED** by the Assembly of the City and Borough of Sitka that the City and Borough of Sitka supports the project entitled Sitka Transient Float and agrees, subject to available Alaska Legislative funding and selection by DOT&PF, to enter into a grant agreement with the State of Alaska, Department of Transportation and Public Facilities for a Municipal Harbor Facility Grant.

**AND BE IT FURTHER RESOLVED** by the Assembly of the City and Borough of Sitka that the Municipal Administrator is authorized to apply for the grant and to execute the grant if received.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska on this 10th day of July, 2012.

\_\_\_\_\_  
Cheryl Westover, Mayor

Attested by \_\_\_\_\_  
Colleen Ingman, MMC  
Municipal Clerk

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## MEMORANDUM

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**To:** Mayor Westover and Assembly Members  
Jim Dinley, Municipal Administrator

**From:** Stephen Weatherman, P.E., Acting Public Works Director *S*  
Jay Sweeney, Finance Director *J*  
Dan Tadic, P.E., Senior Engineer *DMT*

**Cc:** Stan Eliason, Harbormaster

**Date:** July 3, 2012

**Subject:** ADOT-PF Municipal Harbor Facility Grant Application for Sitka Transient Float

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### **Background**

The Sitka Transient Float (formerly known as Thomsen Harbor Floating Breakwater) was originally designed and constructed by the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) in 1973. The float system has undergone many repair projects in the past nearly 40 years.

Substantial repair projects occurred in 1983, 1989, and again in 2011 in which repairs were made to structural components including float connection hardware, transverse thru-rods, tensioning hardware and/or concrete decking.

The float was reoriented in 1996, after construction of the rubble mound breakwater in 1994, in order to open the site which now holds Eliason Harbor. Prior to this point two breakwater segments ran perpendicular to each other and provided shelter for Thomsen Harbor. The float segments were reoriented to their current location which runs northwest along Sitka Channel. In 1998 the float was decked over with timber framing. The float no longer serves as a breakwater, however currently provides valuable transient moorage space in the harbor system.

Sitka Transient Float was evaluated as a part of the Harbor System Master Plan in late 2011 and was included in the Capital Improvement Project (CIP) Plan. The consultants noted that the facility was aged and had already experienced failures of critical components. It was deemed to have a remaining safe and useable life of only 5 years and is the next eligible item. A replacement cost estimate completed in 2012 by PND Engineers, Inc. estimated the replacement cost of Sitka Transient Float to be approximately \$5,240,000 (2014 dollars). This replacement cost estimate assumes this facility will continue to operate as transient moorage rather than a floating wave attenuator.

### **Analysis**

The Alaska Legislature established the State of Alaska Municipal Harbor Facility 50/50 Grant Program in 2006 to provide financial assistance to municipal owned harbor facilities. The grant program is funded on an annual basis at the discretion of the legislature. Applications for the grant program are competitively scored based on 9 weighted criteria. CBS submitted an application for ANB Harbor in 2011, after several failed previous grant requests for that facility.

ANB Harbor scored in 6<sup>th</sup> place and figured to fall short of funding once again until the Governor decided to fully fund the program for the first time in its existence.

Sitka Transient Float is the next eligible project for the CBS Harbor Department under the Harbor System Master Plan CIP. Securing grant funding for this project would allow the City and Borough to replace this aging facility before it fails completely for half the cost of a new facility. A resolution of support from the Assembly is required for the application, providing the City and Borough the best possible chance of securing funding for this project.

### **Fiscal Note**

Replacement of the Sitka Transient Float is a scheduled improvement contained within the Sitka Harbor Master Plan. Replacement of the Transient Float was planned to be accomplished within the next five years, but is being accelerated due to the rapidly deteriorating condition of the present float.

Funding of the 50% local match to the grant, if approved, would be provided for by either undesignated working capital of the Harbor Fund, or if such working capital is insufficient or earmarked for other projects, by the proceeds of loans or bonding. The Harbor Master Plan anticipates such bonding in 2013, 2015 and 2017.

In order to finance the required match through either working capital or debt, implementation of the proposed multi-year moorage rate increase is necessary; otherwise, subsidization by the General Fund may become necessary.

### **Recommendation**

**Authorize the Administrator to submit an ADOT&PF Municipal Harbor Facility Grant Application for the replacement of the Sitka Transient Float and execute this grant if received.**

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## Legislation Details

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File #: 12-96      Version: 1      Name:  
Type: Item      Status: AGENDA READY  
File created: 7/3/2012      In control: City and Borough Assembly  
On agenda: 7/10/2012      Final action:  
Title: Approve rollover of funds from FY12 to FY13  
Sponsors:  
Indexes:  
Code sections:  
Attachments: [Rollover Funds](#)

Date	Ver.	Action By	Action	Result
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Memorandum

July 3, 2012

To: Jim Dinley, Municipal Administrator

From : Janet Schwartz, Budget Treasury Officer

Thru: Jay Sweeney, Finance Director 

Subject: Rollover of funds

The following funds have been requested to rollover from FY12 to FY13. Per our Charter these appropriations will lapse, but the unspent appropriations wished to be rollover in FY13. Here is the list of funds:

School Support – Repairs & Maintenance - \$80,147

Hospital Support – Other Expense - \$81,551

Library Fixed Assets – Copier - \$6,511

Edgecumbe Drive STIP Match & DOT Design - \$20,000

Cross Trail STIP Match & DOT/STW - \$5,000

Jarvis D4 Air Quality Permit Project #90595 – \$38,369

Seaplane Base Planning Study Project #80242 – \$141,154

MSC Bulkhead Wall Study Project #80241 - \$31,522



## Legislation Details

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File #: RES 12-15    Version: 1    Name:  
Type: Resolution    Status: AGENDA READY  
File created: 6/19/2012    In control: City and Borough Assembly  
On agenda: 7/10/2012    Final action:  
Title: Amending the United States Constitution to restore the people's power to limit corporate influence in elections and policy making  
Sponsors:  
Indexes:  
Code sections:  
Attachments: [RES 12-15](#)

Date	Ver.	Action By	Action	Result
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RESOLUTION 2012-15

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA TO SUPPORT AMENDING THE UNITED STATES CONSTITUTION TO RESTORE THE PEOPLE’S POWER TO LIMIT CORPORATE INFLUENCE IN ELECTIONS AND POLICYMAKING

WHEREAS, Due to the incorrect interpretation of the Constitution and the adverse impact on the rights of people in our democracy in the U.S. Supreme Court decision in Citizens United vs. Federal Election Commission (FEC), local, state, and federal elected officials must take action to restore the authority of the American people to restrict the undue influence of corporations on our elections and public policy; and

WHEREAS, the Supreme Court’s 5-4 decision in Citizens United v. FEC broke away from the legal precedents that acknowledged the power of citizens through their elected representatives to limit corporate influence in elections because the interests of corporations do not always correspond with the public interest and therefore, the political influence of corporations should be limited; and

WHEREAS, the Supreme Court’s radical rewrite of the First Amendment’s protections will permit even greater corporate influence over our political process by allowing unlimited spending from corporate profits to favor or oppose candidates; and

WHEREAS, the Supreme Court’s decision will allow the free speech rights of a corporation to dilute and outweigh the free speech rights of ordinary citizens, because of the vast financial resources corporations have for spending money to influence elections compared with regular people; and

WHEREAS, the Supreme Court’s elevation of corporate “rights” may have constitutional repercussions that go far beyond this one case and will undermine the ability of the people to regulate corporations in numerous policy areas affecting people’s health, wealth and opportunities; and

WHEREAS, THE American people, through their local, state, and federal governments must reclaim their rightful place as sovereigns in our democracy and protect the electoral process from corporate domination; and

WHEREAS, fair elections are fundamental to the health and well-being of our democracy; and

WHEREAS, the City and Borough of Sitka Assembly stands in agreement that corporations are not entitled to the same first amendment rights in our elections as people and further urge our state legislators to adopt and send to the United States Congress a resolution in support of amending the Constitution to restore the ability of the American people to limit corporate spending in our elections.

NOW, THEREFORE, BE IT RESOLVED BY THE ELECTIONED OFFICIAL OF THE CITY AND BOROUGH OF SITKA THAT:

The City and Borough of Sitka, strongly condemns the Supreme Court’s ruling in Citizens United vs. FEC and supports amending the U.S. Constitution to limit corporate influence and restore democracy in our elections for the benefit of the American people.

PASSED and APPROVED this 26 day of June, 2012.

ATTEST

Colleen Ingman, MMC  
Municipal Clerk

Cheryl Westover, Mayor

**Location:**

CAMPAIGNS - FINANCE; ELECTIONS;



March 2, 2010

2010-R-0124

**SUMMARY OF CITIZENS UNITED V. FEDERAL ELECTION COMMISSION**

By: Kristin Sullivan, Principal Analyst

Terrance Adams, Legislative Analyst II

You asked for (1) a summary of *Citizens United v. Federal Election Commission*, No. 08-205 (U.S. Jan. 21, 2010) and (2) its impact on state law, including Connecticut's.

This office is not authorized to provide legal opinions and this report should not be considered one.

**SUMMARY**

In a 5-4 decision, the U.S. Supreme Court ruled that corporations and unions have the same political speech rights as individuals under the First Amendment. It found no compelling government interest for prohibiting corporations and unions from using their general treasury funds to make election-related independent expenditures. Thus, it struck down a federal law banning this practice and also overruled two of its prior decisions. Additionally, in an 8-1 decision, the Court ruled that the disclaimer and disclosure requirements associated with electioneering communications are constitutional.

The Court's decision in *Citizens United* likely calls into question laws in 24 states, including Connecticut, prohibiting corporations from making independent expenditures from their general treasury. While the ruling's immediate effect is unclear, experts predict it is only a matter of time before these laws will be challenged in court or repealed by state legislatures. Experts also predict that, since the laws are vulnerable, they will be difficult for state election officials to

enforce. In Connecticut, CGS §§ 9-613(a) and 9-614(a) prohibit independent expenditures by businesses and unions, respectively.

The decision's impact on Connecticut's lobbyist and contractor contribution and solicitation bans and the Citizens' Election Program (CEP) is less clear. The U.S. Court of Appeals for the 2nd Circuit asked the parties in *Green Party of Connecticut, et al. v. Garfield, et al.*, 648 F. Supp. 2d 298 (D. Conn. 2009) to file supplemental briefs addressing these issues. The state contends there is little, if any, effect while the Green Party asserts the opposite.

## **FACTS AND PROCEDURAL HISTORY**

In January 2008, Citizens United, a nonprofit corporation, released a 90 minute documentary entitled *Hillary: The Movie* (hereinafter *Hillary*). The movie expressed opinions about whether then-senator Hillary Clinton, a candidate for the Democratic presidential nomination, was fit for the presidency. Citizens United distributed the movie in theaters and on DVD, but also wanted to make it available through video-on-demand. It produced advertisements promoting the film and wanted to show them on broadcast and cable television. To pay for the video-on-demand distribution and the advertisements, Citizens United planned to use its general treasury funds.

As amended by § 203 of the Bipartisan Campaign Reform Act of 2002 (BCRA), federal law prohibits corporations and unions from spending their general treasury funds on “electioneering communications” or for speech that expressly advocates the election or defeat of a candidate. An “electioneering communication” is any broadcast, cable, or satellite communication that (1) refers to a clearly identified candidate for federal office, (2) is made within 30 days of a primary election or 60 days of a general election, (2 U.S.C. § 441b), and (3) is publicly distributed (11 CFR § 100.29(a)(2)).

Citizens United, fearing that *Hillary* would be covered under § 441b, sought an injunction in December 2007 against the Federal Elections Commission (FEC) in federal district court, arguing that § 441b is unconstitutional as applied to *Hillary*. The district court denied this motion and granted summary judgment to the FEC.

Additionally, Citizens United argued that BCRA's disclaimer and disclosure requirements are unconstitutional as applied to *Hillary* and the advertisements promoting *Hillary*. Under BCRA § 311, televised electioneering communications funded by anyone other than a candidate for office must include a clear, readable disclaimer displayed on the screen for at least four seconds. The disclaimer must identify the person or organization responsible for the advertisement, that person or organization's address or website, and a statement that the advertisement “is not authorized by any candidate or candidate's committee” (§ 441d(a)(3)).

Further, under BCRA § 201, any person who spends more than \$10,000 on electioneering communications during a calendar year must file a disclosure statement with the FEC (§ 434(f)(1)). The statement must identify the person making the expenditure, the amount, the election to which the communication was

directed, and the names of certain contributors (§ 434(f)(2)). Again, the district court ruled against Citizens United and granted summary judgment to the FEC. Citizens United appealed to the U.S. Supreme Court.

## **ISSUES ON APPEAL**

The issues on appeal were whether, as applied to *Hillary*, (1) § 441b's prohibition on corporate independent election expenditures was constitutional and (2) BCRA's disclaimer, disclosure, and reporting requirements were constitutional.

After oral arguments in March 2009, the Court ordered a reargument for September that same year. It asked the parties whether it should overrule two prior campaign finance cases (1) *Austin v. Michigan Chamber of Commerce*, 494, U.S. 652 (1990), which held that political speech may be banned based on the speaker's corporate identity and (2) *McConnell v. Federal Election Comm'n*, 540 U.S. 93, 203–209 (2003), which upheld a facial challenge to limits on electioneering communications. Deciding that the issue of § 441b's application to *Hillary* could not be resolved on narrower ground, the Court began its analysis with the sustainability of *Austin*.

## **HOLDING AND ANALYSIS**

### ***Independent Expenditures by Corporations***

The Court overruled *Austin*, striking down § 441b's ban on corporate independent expenditures. It also struck down the part of *McConnell* that upheld BCRA § 203's extension of § 441b's restrictions on independent corporate expenditures. The Court held that the “government may not suppress political speech on the basis of the

speaker's corporate identity. No sufficient governmental interest justifies limits on the political speech of nonprofit or for-profit corporations.” An analysis of this holding follows.

***As Applied Challenge.*** First, the Court held that the case could not be resolved on an as applied basis without chilling political speech. Under an “as applied” challenge, the Court's review of the law's constitutionality is limited to the set of facts in the case before it. The Court therefore broadened the case from Citizens United's initial narrower arguments, focusing only on *Hillary*, to reconsider both the validity of its prior decisions in *Austin* and *McConnell* and the facial validity of § 441b.

In reaching this decision, the Court reasoned that among other things:

1. Citizen United's narrower arguments, including that *Hillary* is not an “electioneering communication,” are not sustainable under a fair reading of § 441b, and

2. it must therefore consider the statute's facial validity or risk prolonging its substantial chilling effect.

**Facial Challenge to § 441b.** In considering the facial challenge, the Court applied strict scrutiny; thus requiring the government to demonstrate that the statute served a compelling interest and was narrowly tailored to meet that interest. A “facial challenge” requires the Court to look at the law and determine if it is unconstitutional as written.

In noting the need for strict scrutiny, the Court stated that a ban on independent expenditures is a ban on speech. In its analysis, the Court found that prior to *Austin*, the First Amendment applied to corporations (*First Nat'l Bank of Boston v. Bellotti*, 435 U.S. 765) and the protection was extended to the context of free speech (*NAACP v. Button*, 371 U.S. 415).

In *Austin*, the Court held that antidistortion was a compelling government interest that justified a ban on independent election expenditures by corporations and unions. It ruled that large aggregations of wealth, accumulated with the help of the corporate form, may have corrosive or distorting effects, thus justifying a ban on corporate independent expenditures. The *Citizens United* Court reasoned that “differential treatment of media corporations and other corporations cannot be squared with the First Amendment and there is no support for the view that the Amendment's original meaning would permit suppressing media corporations' free speech.” *Austin*, it found, interferes with the “open marketplace” of ideas protected by the First Amendment. As a result of this reasoning, the Court was not persuaded by the government's arguments on (1) anticorruption and (2) shareholder protection.

**Anticorruption.** The Court addressed the government's anticorruption argument and ruled that independent expenditures “do not give rise to corruption or the appearance of corruption.” The Court reasoned:

1. Although *Buckley* identified a sufficiently important governmental interest in preventing corruption or the appearance of corruption, that interest was limited to *quid pro quo* corruption.
2. This interest justifies restrictions on direct contributions to candidates, but not on independent expenditures.
3. Influence over and access to elected officials does not mean that those officials are corrupt and the appearance of influence or access “will not cause the electorate to lose faith in our democracy.”
4. Twenty six states do not ban corporate independent expenditures, and the government did not argue that the absence of a ban in these states has led to increased corruption.

**Shareholder Protection.** Lastly, the Court rejected the government's argument that shareholders should be protected from being compelled to fund corporate speech. The Court reasoned:

1. Under a shareholder protection interest, if shareholders of a media corporation disagreed with its political views, the government would have the authority to restrict the media corporation's political speech.
2. If Congress had been interested in protecting shareholders, it would not have limited the ban on corporate independent expenditures to the 30 and 60 day windows preceding an election.
3. The ban is overinclusive because it includes corporations that only have a single shareholder.

### **Disclaimer and Disclosure Requirements**

The Court ruled that BCRA's disclaimer and disclosure requirements are constitutional as applied to both *Hillary* and advertisements for it. Citing *Buckley* and *McConnell*, the Court found that disclaimers and disclosure requirements may burden the ability to speak, but they impose no ceiling on campaign-related activities or prevent anyone from speaking. However, the Court acknowledged that these could be challenged if a plaintiff could show a reasonable probability that disclosing contributors' names would subject them to threats, harassment, or reprisal.

In rejecting Citizens United's as-applied challenge, the Court held that

1. the advertisements for *Hillary* are “electioneering communications;”
2. disclosure requirements do not need to be limited to “speech that is the functional equivalent of express advocacy;”
3. “the public has an interest in knowing who is speaking about a candidate shortly before an election;” and
4. Citizens United presented no evidence that its donors have faced any threats, harassment, or reprisals.

### **IMPACT OF CITIZENS UNITED**

The Supreme Court's decision in *Citizens United* likely calls into question laws in 24 states, including Connecticut. According to the Center for Competitive Politics, an organization tracking First Amendment issues, state responses thus far have varied. Some, like Ohio and Pennsylvania, are reviewing the case and have not yet decided how to proceed. At least one, Montana, has said its ban will remain until it is successfully challenged in court. Most have introduced bills that, among other things, repeal the independent expenditure ban; require stockholder approval prior to an independent expenditure; or establish corporate disclosure requirements for independent expenditures. Table 1 summarizes state responses to date.

**Table 1: State Responses to Citizens United**

Alaska	The chair of the Senate Judiciary Committee wants the committee to introduce a bill that would require disclosure of corporate spending on ads.
Arizona	SB 1444, introduced on February 16, 2010, would require corporations and labor unions that make independent expenditures in candidate campaigns to register and file disclosure reports.
Colorado	Governor Bill Ritter has asked the state's Supreme Court to evaluate the constitutionality of two provisions of the state's constitution that appear to be directly affected by Citizens United. Also, the state Republican Party has announced its intention to file suit against Colorado's law. It is possible that the suit could challenge a broader scope of the law than the two sections that are affected by Citizens United.
Iowa	The director of the Ethics and Campaign Disclosure Board has sent an e-mail to legislators telling them that Citizens United effectively overturns Iowa law. SF 2354, introduced on February 15, 2010, requires corporations to obtain permission from a majority of their shareholders prior to making an independent expenditure, requires corporations to report their independent expenditures to the Ethics and Campaign Finance Disclosure Board, prohibits coordination between candidates and corporations, and requires certain attributions on corporate-funded advertisements.
Maryland	HB 616, introduced on February 3, 2010, would require stockholder approval and public disclosure of corporate independent expenditures in excess of \$10,000. HB 690 and SB 691 would prohibit government contractors from making independent expenditures. HB 986 and SB 570 would require board of director and stockholder approval for corporate independent expenditures, and would prohibit the distribution of false material. HB 1029 and SB 543 would establish disclosure requirements for corporate independent expenditures. SB 601 would prohibit corporate contributions to candidates and corporate-funded independent expenditures.
Michigan	The secretary of state has posted a detailed description of how Citizens United affects the state, including an FAQ section.
Minnesota	SF 2353, introduced on February 4, 2010, would repeal the ban on independent expenditures by corporations.
Montana	The attorney general has said the state's ban on corporate expenditures will stay in place until it is challenged.
North Carolina	The executive director of the State Board of elections has said that the law appears to be unenforceable, but they are still working to understand the full meaning of the decision.

Oklahoma	The Ethics Commission is working on amendments to change and remove the relevant portions of state rules.
South Dakota	SB 165, introduced on February 1, 2010, would prohibit corporations from making political expenditures without shareholder approval.
Wisconsin	The Senate passed SB 43 just two days before the release of the Citizens United decision. This bill would ban corporate and union funding of electioneering bans and require greater disclosure. The bill's sponsors say they are hoping to salvage the disclosure portions of the bill. Also, the Government Accountability Board is considering rules that would require greater disclosure. SB 540, introduced February 17, 2010, repeals Wisconsin's ban on corporate independent expenditures. It also requires corporations to file documentation of a vote of shareholders taken within the past two years approving campaign expenditures before making such an expenditure.
Wyoming	HB 68, which would repeal the ban on independent expenditures by corporations, is pending in the Legislature.

Source: Center for Competitive Politics

### **Connecticut**

***Bans on Contributions by Business Entities and Unions.*** *Citizens United* conflicts with two Connecticut statutes: (1) CGS § 9-613, which prohibits business entities from making contributions or expenditures to, or for the benefit of, a candidate in a primary or general election, or to promote the success or defeat of a political party and (2) CGS § 9-614, which prohibits unions from making contributions or expenditures without first forming a PAC. These provisions may therefore be in jeopardy and possibly unenforceable if challenged. (The bans do not apply to contributions or expenditures to promote the success or defeat of an referendum question).

Current law does not establish disclosure or attribution requirements for corporations or unions since it prohibits independent expenditures. If the law changes to allow these expenditures, the state would likely also adjust its disclosure and attribution requirements, subjecting businesses and unions to the same reporting requirements as individuals and PACs.

***Green Party of Connecticut v. Garfield.*** The decision's impact is less clear with respect to Connecticut's (1) lobbyist and contractor contribution and solicitation bans and (2) the CEP. As a result of the decision, the U.S. Court of Appeals for the 2nd Circuit asked the parties in *Green Party of Connecticut v. Garfield* to file supplemental briefs addressing these issues. Connecticut contends that there is little, if any effect. The Green Party argues the opposite.

Concerning the contractor and lobbyist bans, the state argues in its brief that *Citizens United* concerns expenditures by corporations, not campaign contributions as *Green Party v. Garfield* does. The contractor and lobbyist bans do not involve any limits on independent expenditures; rather, they relate only to contributions. And, nothing in *Citizens United* weakens the ability to restrict direct contributions or solicitations for contributions by particular groups.

The state contends that *Citizens United* has little relevance to the CEP because it addresses nothing relating to public financing or alleged discrimination against minor parties. In fact, the state argues the decision supports the CEP's validity. According to the state's brief, the U.S. Court of Appeals for the 2nd Circuit held the CEP unconstitutional in part because its grants and matching funds were, "so generous that they amounted to a subsidy for participating candidates without imposing any countervailing disadvantage because the CEP expenditure limits were so high as to be illusory." Given the *Citizens United* decision, participating candidates may find themselves facing significant independent spending, which could constitute a countervailing disadvantage. To the extent that *Citizens United* causes unlimited independent spending, it creates a compelling state interest to provide increased matching grants, incentivizing participation and enabling participating candidates to respond to corporate expenditures.

In its brief, the Green Party argues that, "*Citizens United* reaffirms Buckley's central premise that campaign finance laws cannot be deployed in the service of leveling the playing field or promoting competition if it is achieved by restricting the political speech of some speakers in an effort to maintain or elevate the relative strength of other speakers." Specifically, it contends that the lobbyist and contractor contribution and solicitation bans single out particular speakers and it notes that the *Citizens* Court established that "in the context of political speech the government cannot impose restrictions on certain disfavored speakers." It argues that *Citizens* categorically rejects the statute's speaker-based judgment (i.e., the idea that lobbyists and contractors funnel large amounts of money into political campaigns to purchase influence.)

With respect the CEP, the Green Party argues that *Citizens United* reinforces the lower court's holding that the program's trigger provisions burden speech. It contends that the decision immediately effects the case and that the CEP's trigger provision forces non-participating candidates and non-candidates making independent expenditures (e.g., PACs) to choose whether to forgo additional expenditures on speech or see an opponent or disfavored candidate receive additional public funding (CGS § 9-714).

KS:ts