

Mayor

James Kallander

Council Members

Keith van den Broek
James Kacsh
David Allison
Bret Bradford
EJ Cheshier
David Reggiani
Robert Beedle

City Manager

Mark Lynch

City Clerk

Susan Bourgeois

Deputy Clerk

Robyn Kincaid

Stu. Co. Rep.

Shyla Krukoff

**CITY COUNCIL PUBLIC HEARING
SEPTEMBER 21, 2011 @ 7:15 PM
LIBRARY MEETING ROOM**

AGENDA

A. CALL TO ORDER

B. ROLL CALL

Mayor James Kallander, Council members Keith van den Broek, James Kacsh, David Allison, Bret Bradford, EJ Cheshier, David Reggiani, and Robert Beedle

C. PUBLIC HEARING

1. Ordinance 1086..... (page 1)

An ordinance of the City of Cordova, Alaska, amending Cordova Municipal Code section 5.36.035(c) to create a one-time filing requirement for qualified senior citizens, disabled veterans and their widows and widowers – 2nd reading

2. Ordinance 1087..... (page 5)

An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code section 5.12.100 to authorize additional methods for procuring construction, supply and/or design services on City of Cordova projects– 2nd reading

D. ADJOURNMENT

**If you have a disability that makes it difficult to attend city-sponsored functions,
You may contact 424-6200 for assistance.**

All City Council agendas and packets available online at www.cityofcordova.net

A MEMO FROM SUSAN BOURGEOIS, CITY CLERK

DATE: September 15, 2011
TO: Mayor and City Council
SUBJECT: Ordinance 1086

When State Assessor Steve Vasant came to Cordova in April, he confirmed a belief that this Council and previous Council's had long been hoping was accurate. He said that state statute had recently been changed which would allow for senior citizens and disabled veterans to file an application with the City Clerk only **ONE** time in order to receive a property tax exemption. Cordova has long been requiring annual filing of such paperwork and along with that comes a measure of stress for both the Clerk's office to administer the application process but more importantly stress upon the senior citizens themselves and their families. This ordinance puts our Code in line with adopted state statute and should make for a more user-friendly application process for Cordova's deserving seniors. Please note well that the Clerk's office will still monitor the seniors and disabled veterans annually, and will expect that those receiving the exemption will comply with 5.36.035 C (2) which says they will notify us if there is a change in status which makes them no longer eligible for the exemption.

I have attached all of CMC 5.36.035 because the proposed ordinance references other sections of that section of Code (specifically, 5.36.035 (B)).

Recommended Motion: Move to approve the consent calendar

Required Action: Majority roll call vote on the consent calendar

**CITY OF CORDOVA, ALASKA
ORDINANCE 1086**

**AN ORDINANCE OF THE CITY OF CORDOVA, ALASKA, AMENDING CORDOVA
MUNICIPAL CODE SECTION 5.36.035(C) TO CREATE A ONE TIME FILING
REQUIREMENT FOR QUALIFIED SENIOR CITIZENS, DISABLED VETERANS AND
THEIR WIDOWS AND WIDOWERS**

BE IT ORDAINED by the City Council of the City of Cordova, Alaska, that:

Section 1. Cordova Municipal Code 5.36.035(C) is amended to read as follows:

C. An exemption may not be granted under subsection (A) of this section, except upon written application for the exemption on a form approved by the state assessor. ~~for use by local assessors. An applicant who qualifies for the exemption under this section need not file an application for successive tax years if there is no change in ownership, in residency or permanent place of abode, or other factor affecting qualification for the exemption. A separate application~~ Applications must be filed no later than January 15 of the first year for which the exemption is sought. ~~each assessment year.~~ The city council, for good cause shown, may authorize the assessor to accept as timely filed an application filed after January 15 and before May 1 of the assessment year for which the exemption is sought. An application received after May 1 will be accepted as an application for the following assessment year. If the application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. The assessor shall require proof in the form the assessor considers necessary of the right to and amount of an exemption claimed under subsection (B) of this section and shall require a disabled veteran claiming an exemption under subsection (B) of this section to provide evidence of the disability rating. The assessor may require proof under this subsection at any time:

- ~~1. The property shall not qualify for an exemption if there is property tax, penalty or interest owing at the time of application;~~
- ~~2.~~ 1. If property is occupied by a person other than the eligible applicant and his/her spouse and minor children, an exemption applies only to the portion of the property permanently occupied by the eligible applicant and his/her spouse and minor children as a permanent place of abode;
- ~~3.~~ 2. It shall be the responsibility of every person who obtains an exemption under this section to notify the assessor of any change in ownership, residency, permanent place of abode or status of disability. A disabled veteran who has less than a permanent disability must submit an official disability percentage letter each year prior to January 15 showing a fifty percent or greater disability.

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published in a newspaper of general circulation within ten (10) days of its passage.

1st reading: September 7, 2011

2nd reading and public hearing: September 21, 2011

PASSED AND APPROVED THIS 21st DAY OF SEPTEMBER, 2011

James Kallander, Mayor

ATTEST:

Susan Bourgeois, City Clerk



City of Cordova
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CITY OF CORDOVA

Office of City Manager

August 31, 2011

Memo to City Council
Re: Change in City Procurement Code

As a result of extensive discussions by the Cordova Center project staff with the City's Legal Counsel, and the Consultant hired to assist with the Cordova Center project, it has become apparent that the Cordova Municipal Code has not been kept up to date concerning modern procurement practices and methods. Our Legal Counsel has prepared the attached Ordinance to amend City Code to accommodate modern innovative procurement practices. As you can see, to utilize this process will require a proposal from the City Manager with reasons why the process is being recommended, approval from City Council, and review by the City's Legal Counsel to ensure that the process being used is legal. The Ordinance will still allow existing methods to be used if they are deemed best for a particular project. Approval of this Ordinance is an important step to ensure the City's future management of procurements and construction projects.

Thank you,

Mark Lynch
City Manager

5.36.035 - Statutory property exemptions.

- A. The real property owned and occupied as the primary residence and permanent place of abode by a: (1) resident sixty-five years of age or older; (2) disabled veteran; or (3) resident at least sixty years old who is the widow or widower of a person who qualified for an exemption under subsection (A)(1) or (2) of this section, is exempt from taxation on the first one hundred fifty thousand dollars of the assessed value of the real property. Only one exemption may be granted for the same property and, if two or more persons are eligible for an exemption for the same property, the parties shall decide between or among themselves who is to receive the benefit of the exemption. Real property may not be exempted under this subsection if the assessor determines, after notice and hearing to the parties, that the property was conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor may be appealed under AS 44.62.560—44.62.570.
- B. To be eligible for an exemption under subsection (A) of this section for a year, the individual applying for an exemption must also meet requirements under one of the following:
1. The individual shall be eligible for a permanent fund dividend under AS 43.23.005 for that same year or for the immediately preceding year; or
 2. If the individual has not applied or does not apply for one or both of the permanent fund dividends, the individual would have been eligible for one of the permanent fund dividends identified in subsection (B)(1) of this section had the individual applied.
- C. An exemption may not be granted under subsection (A) of this section, except upon written application for the exemption on a form approved by the state assessor for use by local assessors. A separate application must be filed no later than January 15 of each assessment year for which the exemption is sought. The city council, for good cause shown, may authorize the assessor to accept as timely filed an application filed after January 15 and before May 1 of the assessment year for which the exemption is sought. An application received after May 1 will be accepted as an application for the following assessment year. If the application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. The assessor shall require proof in the form the assessor considers necessary of the right to and amount of an exemption claimed under subsection (B) of this section and shall require a disabled veteran claiming an exemption under subsection (B) of this section to provide evidence of the disability rating. The assessor may require proof under this subsection at any time:
1. The property shall not qualify for an exemption if there is property tax, penalty or interest owing at the time of application;
 2. If property is occupied by a person other than the eligible applicant and his/her spouse and minor children, an exemption applies only to the portion of the property permanently occupied by the eligible applicant and his/her spouse and minor children as a permanent place of abode;
 3. It shall be the responsibility of every person who obtains an exemption under this section to notify the assessor of any change in ownership, residency, permanent place of abode or status of disability. A disabled veteran who has less than a permanent disability must submit an official disability percentage letter each year prior to January 15 showing a fifty percent or greater disability.
- D. In this section:
1. "Disabled veteran" means a disabled person:
 - a. Separated from the military service of the United States under a condition that is not dishonorable, who is a resident of the state, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as fifty percent or more by the branch of service in which that person served or by the veterans' administration; or
 - b. Who served in the Alaska territorial guard, is a resident of the state, whose disability was incurred or aggravated in the line of duty while serving in the Alaska territorial guard, and whose disability has been rated as fifty percent or more;
 2. "Own and occupy" means:
 - a. Possession of an interest in real property, which interest is recorded in the office of the district recorder, or if unrecorded, is attested by a contract, bill of sale, deed of trust, or other proof in a form satisfactory to the assessor; and
 - b. Living on that property as one's primary residence;
 3. "Permanent place of abode" means a dwelling in which the person resides at least one hundred eighty-five days in the year prior to the exemption year and when absent, the dwelling is not leased or rented to another. This includes, but is not limited to, a mobile home or condominium and includes lots or outbuildings, or an appropriate portion thereof, which is necessary to convenient use of the dwelling unit;
 4. "Resident" means an applicant who has a fixed habitation in the state of Alaska for at least one hundred eighty-five days per calendar year, and, when absent, intends to return to the state of Alaska;
 5. "Senior citizen" means one who is sixty-five years of age or older before January 1 of the exemption year.
- E. When any real property exempt from taxation is leased, loaned or otherwise made available to or used by a private person, such person's interest shall be taxable. Taxes shall be assessed to such person and collected in the same manner as taxes assessed to owners of real property, except that taxes assessed shall be a lien only on the interest of such person in the property. When due, taxes so assessed shall constitute a debt due from such person to the city, and shall be recoverable by an action against such person. This remedy is available as an alternative to or as addition to the remedy of foreclosure of the interest of the person in the property.
- F. Temporary exemption from taxation of certain increases in assessed value of improvements.
1. There is an exemption from taxation for the increase of assessed value that is directly attributable to landscaping, or

new exterior maintenance or repair of an existing structure, and if the landscaping, exterior maintenance or repair, when completed, enhances the exterior appearance or aesthetic quality of the land or structure. An exemption may not be allowed under this subsection for the construction of an improvement to a structure if the principal purpose of the improvement is to increase the amount of space for occupancy or nonresidential use in the structure or for landscaping as a consequence of construction activities. An exemption under this subsection continues for three years commencing with the year in which the exemption is approved by the assessor.

2. An application for exemption under this subsection shall be filed with the assessor no later than March 1 of the year immediately following the year in which the landscaping, or exterior maintenance or repair of an existing structure, that is the subject of the application in whole or in part, may be appealed to the board of equalization, as provided in Section 5.36.130 of this chapter.
3. An exemption granted under this subsection expires at the end of three years and cannot be renewed. The granting of an exemption under this subsection does not affect changes in the assessed value of property that are attributable to causes other than the landscaping or exterior maintenance or repair of an existing structure that is the basis for the exemption. A reappraisal will be required prior to granting of a subsequent exemption.

(Ord. No. 1053, § 2, 9-2-2009)

CITY OF CORDOVA, ALASKA
ORDINANCE 1087

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
AMENDING CORDOVA MUNICIPAL CODE SECTION 5.12.100 TO AUTHORIZE
ADDITIONAL METHODS FOR PROCURING CONSTRUCTION, SUPPLY AND/OR
DESIGN SERVICES ON CITY OF CORDOVA PROJECTS**

WHEREAS, Cordova Municipal Code Chapter 5.12 generally requires the City of Cordova ("City") to award general-contractor construction management contracts, inter-governmental contracts, technical services agreements, real estate services agreements and other agreements in which the lowest responsive bidder does not necessarily correspond with the most efficient and capable bidder; and

WHEREAS, this lowest bidder requirement deprives the City of the necessary flexibility to devise the most beneficial and efficient agreement for construction, supplies and/or services; and

WHEREAS, it is in the City's best interest to expand the available procurement options so long as these options are still subject to City Council approval via ordinance and public discussion;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cordova, that:

Section 1. Cordova Municipal Code Chapter 5.12 is amended to add Section 5.12.135 to read as follows:

5.12.135 Innovative Procurement Process

A. If the City Manager determines in writing that competitive sealed bidding or proposals are not in the best interests of the City, the City may procure supplies, services or construction by innovative procurement procedures under this Section.

B. Conditions for Use of Innovative Procurement.

- (1) A request to use an innovative procurement procedure shall be submitted to the Council in writing by the City Manager. The written request must include an explanation of the proposed innovative procurement procedure, how this procedure will achieve the best value, or why it is advantageous to the City due to new City needs, unique City needs, changed industry practice or new technologies.
- (2) Following approval under (1) of this section, the City Manager shall submit a detailed procurement plan to the City Attorney for review and approval before issuing public notice as required under Section 5.12.110(B). The plan shall, at a minimum, address the method of solicitation, scope, method of award, protest procedures, and proposed contract provisions. If the plan is submitted for a construction contract, the plan may address the use of a bonus in lieu of preferences.

C. Procurement Methods. Innovative Procurement Process would include, but not be limited to, such procurement methods as "design/build" and "General Contractor/Construction Manager" ("GC/GM").

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published in a newspaper of general circulation in the City, within ten (10) days after its passage.

1st reading: September 7, 2011

2nd reading and public hearing: September 21, 2011

PASSED AND APPROVED THIS 21st DAY OF SEPTEMBER, 2011.

James Kallander, Mayor

ATTEST:

Susan Bourgeois, City Clerk