

Mayor

Clay Koplin

Council Members

Tom Bailer

Cathy Sherman

Jeff Guard

Melina Meyer

Anne Schaefer

David Allison

David Glasen

City Manager

Helen Howarth

City Clerk

Susan Bourgeois

Deputy Clerk

Tina Hammer

Student Council

summer vacation

**Regular City Council Meeting
June 2, 2021 @ 7:00 pm
Cordova Center Comm Rooms
Agenda**



*First Copper River Fish Seattle-bound
early morning of May 18, 2021*

A. Call to order

B. Invocation and pledge of allegiance

I pledge allegiance to the Flag of the United States of America, and to the republic for which it stands, one Nation under God, indivisible with liberty and justice for all.

C. Roll call

Mayor Clay Koplin, Council members Tom Bailer, Cathy Sherman, Jeff Guard, Melina Meyer, Anne Schaefer, David Allison, and David Glasen

D. Approval of Regular Agenda..... (voice vote)

E. Disclosures of Conflicts of Interest and Ex Parte Communications

- conflicts as defined in Cordova Municipal Code 3.10.010 should be declared, then Mayor rules on whether member should be recused, Council can appeal the Mayor's ruling
- ex parte should be declared here, the content of the ex parte should be explained when the item comes before Council, ex parte does not recuse a member, it is required that ex parte is declared and explained

F. Communications by and Petitions from Visitors

1. Guest Speakers
 - a. Incident Management Team, COVID-19 Update
2. Audience comments regarding agenda items..... **(3 minutes per speaker)**
3. Chairpersons and Representatives of Boards and Commissions **(CCMCA BoD, School Board Rep)**
4. Student Council Representative Report

G. Approval of Consent Calendar

5. Council action to waive the right to protest the renewal of 'Club'..... **(page 1)**
liquor license #747 for the Loyal Order of Moose Lodge 1266
6. Council action to waive the right to protest the renewal of 'Restaurant/Eating Place'..... **(page 4)**
liquor license #5508 for Harborside Pizza
7. Minutes of the May 5, 2021 Regular Council Meeting..... **(page 7)**
8. Minutes of the May 19, 2021 Council Public Hearing..... **(page 10)**

H. Approval of Minutes – in consent calendar

I. Consideration of Bids – none

J. Reports of Officers

9. Mayor's Report
10. City Manager's Report
11. City Clerk's Report..... **(page 11)**

K. Correspondence..... (see primer for description page 13)

12. 05-24-21 Email from D. Rosenthal re Lot 11 land disposal..... **(page 14)**
- 12a. 05-28-21 Email from CRWP regarding CRH culvert construction projects..... **(page 15)**

L. Ordinances and Resolutions

13. Ordinance 1198..... (voice vote)(page 16)

An ordinance of the Council of the City of Cordova, Alaska, repealing chapter 5.42 “Alaska remote seller sales tax code” and amending CMC 5.40.010 to clarify when sales tax is levied on remote and local sales, repealing and reenacting CMC 5.40.011 to adopt by reference the Alaska remote seller sales tax uniform code (“uniform code”) and amending CMC 5.40.020 to revise and add definitions to ensure consistency with that code, amending CMC 5.40.130 to revise late filing and payment penalties and interest to mirror those imposed in the uniform code, adding CMC 5.40.135 to permit repayment plans for delinquent taxes in the same manner as the uniform code, repealing and reenacting CMC 5.40.110 to mirror the audit process and liability for failure to submit returns adopted in the uniform code and adopting an audit protest appeal process for sellers

14. Resolution 06-21-27..... (voice vote)(page 44)

A resolution of the Council of the City of Cordova, Alaska, setting the property tax mill levy for the 2021 tax year at 11.06 mills for all properties in Cordova

15. Resolution 06-21-28..... (voice vote)(page 48)

A resolution of the Council of the City of Cordova, Alaska, approving the license for a mobile restaurant for ‘Witch Kitchen’

16. Resolution 06-21-29..... (voice vote)(page 55)

A resolution of the Council of the City of Cordova, Alaska, approving the license for a mobile restaurant for ‘Picnic Basket’

M. Unfinished Business - none

N. New & Miscellaneous Business

17. Discussion of COVID-19 Emergency Response

18. Council discussion of Cordova School District request for funding for FY22..... (page 60)

19. Pending Agenda, CIP List, Calendar, Elected & Appointed Officials lists..... (page 65)

O. Audience Participation

P. Council Comments

Q. Executive Session

City Council is permitted to enter an executive session if an explicit motion is made to do so calling out the subject to be discussed and if that subject falls into one of the 4 categories noted below. Therefore, even if specific agenda items are not listed under the Executive Session header on the agenda, any item on the agenda may trigger discussion on that item that is appropriate for or legally requires an executive session. In the event executive session is appropriate or required, Council may make a motion to enter executive session right during debate on that agenda item or could move to do so later in the meeting.

R. Adjournment

Executive Sessions per Cordova Municipal Code 3.14.030

- **subjects which may be considered are:** (1) matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government; (2) subjects that tend to prejudice the reputation and character of any person; provided that the person may request a public discussion; (3) matters which by law, municipal charter or code are required to be confidential; (4) matters involving consideration of governmental records that by law are not subject to public disclosure.
- **subjects may not be considered in the executive session except those mentioned in the motion calling for the executive session, unless they are auxiliary to the main question**
- **action may not be taken in an executive session except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations**

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AGENDA ITEM 5

City Council Meeting Date: 06/02/2021 CITY COUNCIL COMMUNICATION FORM

FROM: Susan Bourgeois, City Clerk
DATE: 05/26/2021
ITEM: Council option to protest renewal of Liquor License #747
NEXT STEP: Motion to waive protest via approval of consent calendar

☐ ORDINANCE
☒ MOTION

☐ RESOLUTION
☐ INFORMATION

I. REQUEST OR ISSUE: A Cordova club, Loyal Order of Moose Lodge 1266, has applied for a Liquor License Renewal (Club) with the State through the AMCO (Alcohol and Marijuana Control Office).

II. RECOMMENDED ACTION / NEXT STEP: Council action to waive right to protest the renewal.

III. FISCAL IMPACTS: none, staff sees no reason to protest see background

IV. BACKGROUND INFORMATION: Finance Management Assistant Barb Webber and City Clerk Susan Bourgeois have determined this business to be current in all financial obligations to the City. Police Chief Nate Taylor has no public safety concerns about this business.

V. LEGAL ISSUES: The local governing body's right to protest is defined in AS 04.11.480, attached.

VI. SUMMARY AND ALTERNATIVES: Council approval of the consent calendar would constitute approval of this motion:

Council motion to waive it's right to protest the renewal of liquor license #747, Moose Lodge 1266, Club.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

May 14, 2021

LGB: City of Cordova

Via Email: cityclerk@cityofcordova.net

Re: Notice of Liquor License Renewal Application

License Number	DBA	Type	City	Borough	Community Council
5508	Harborside Pizza	Restaurant/Eating Place- Public Convenience	Cordova	Unorganized Borough	NONE
747	Loyal Order of the Moose #1264	Club	Cordova	Unorganized Borough	NONE

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov

reasons for the objection. The board shall consider the objections and testimony received at a hearing conducted under AS 04.11.510(b)(2) when it considers the application. An objection and the record of a hearing conducted under AS 04.11.510(b)(2) shall be retained as part of the board's permanent record of its review of the application.

Sec. 04.11.480. Protest.

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) If the permanent residents residing outside of but within two miles of an incorporated city or an established village wish to protest the issuance, renewal, or transfer of a license within the city or village, they shall file with the board a petition meeting the requirements of AS 04.11.510(b)(3) requesting a public hearing within 30 days of the posting of notice required under AS 04.11.310, or by December 31 of the year application is made for renewal of a license. The board shall consider testimony received at a hearing conducted under AS 04.11.510(b)(3) when it considers the application, and the record of a hearing conducted under AS 04.11.510(b)(3) shall be retained as part of the board's permanent record of its review of the application.

(c) A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board.

(d) In addition to the right to protest under (a) of this section, a local governing body may notify the board that the local governing body has determined that a licensee has violated a provision of this title or a condition imposed on the licensee by the board. Unless the board finds that the local governing body's determination is arbitrary, capricious, or unreasonable, the board shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as described under AS 04.11.510(c).



AGENDA ITEM 6

City Council Meeting Date: 06/02/2021 CITY COUNCIL COMMUNICATION FORM

FROM: Susan Bourgeois, City Clerk
DATE: 05/26/2021
ITEM: Council option to protest renewal of Liquor License #5508
NEXT STEP: Motion to waive protest via approval of consent calendar

☐ ORDINANCE
☒ MOTION

☐ RESOLUTION
☐ INFORMATION

I. REQUEST OR ISSUE: A Cordova business, Harborside Pizza, has applied for a Liquor License Renewal (Restaurant/Eating Place) with the State through the AMCO (Alcohol and Marijuana Control Office).

II. RECOMMENDED ACTION / NEXT STEP: Council action to waive right to protest the renewal.

III. FISCAL IMPACTS: none, staff sees no reason to protest see background

IV. BACKGROUND INFORMATION: Finance Management Assistant Barb Webber and City Clerk Susan Bourgeois have determined this business to be current in all financial obligations to the City. Police Chief Nate Taylor has no public safety concerns about this business.

V. LEGAL ISSUES: The local governing body's right to protest is defined in AS 04.11.480, attached.

VI. SUMMARY AND ALTERNATIVES: Council approval of the consent calendar would constitute approval of this motion:

Council motion to waive it's right to protest the renewal of liquor license #5508, Harborside Pizza, Restaurant/Eating Place.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

May 14, 2021

LGB: City of Cordova

Via Email: cityclerk@cityofcordova.net

Re: Notice of Liquor License Renewal Application

License Number	DBA	Type	City	Borough	Community Council
5508	Harborside Pizza	Restaurant/Eating Place- Public Convenience	Cordova	Unorganized Borough	NONE
747	Loyal Order of the Moose #1264	Club	Cordova	Unorganized Borough	NONE

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov

reasons for the objection. The board shall consider the objections and testimony received at a hearing conducted under AS 04.11.510(b)(2) when it considers the application. An objection and the record of a hearing conducted under AS 04.11.510(b)(2) shall be retained as part of the board's permanent record of its review of the application.

Sec. 04.11.480. Protest.

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) If the permanent residents residing outside of but within two miles of an incorporated city or an established village wish to protest the issuance, renewal, or transfer of a license within the city or village, they shall file with the board a petition meeting the requirements of AS 04.11.510(b)(3) requesting a public hearing within 30 days of the posting of notice required under AS 04.11.310, or by December 31 of the year application is made for renewal of a license. The board shall consider testimony received at a hearing conducted under AS 04.11.510(b)(3) when it considers the application, and the record of a hearing conducted under AS 04.11.510(b)(3) shall be retained as part of the board's permanent record of its review of the application.

(c) A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board.

(d) In addition to the right to protest under (a) of this section, a local governing body may notify the board that the local governing body has determined that a licensee has violated a provision of this title or a condition imposed on the licensee by the board. Unless the board finds that the local governing body's determination is arbitrary, capricious, or unreasonable, the board shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as described under AS 04.11.510(c).

Regular City Council Meeting
May 5, 2021 @ 7:00 pm
Cordova Center Community Rooms A & B
Minutes

A. Call to order - *Mayor Clay Koplin* called the Council regular meeting to order at 7:00 pm on May 5, 2021, in the Cordova Center Community Rooms.

B. Invocation and pledge of allegiance - *Mayor Koplin* led the audience in the Pledge of Allegiance.

C. Roll call - Present for roll call were *Mayor Clay Koplin* and Council members *Cathy Sherman, Melina Meyer, David Allison*, and *David Glasen*. Council members *Tom Bailer, Jeff Guard* and *Anne Schaefer* were present via teleconference. Also present were City Manager *Helen Howarth* and City Clerk *Susan Bourgeois*.

D. Approval of Regular Agenda - *M/Allison S/Sherman* to approve the agenda.
Mayor Koplin announced that guest speakers a. Sheridan Alpine will not be at tonight's meeting will schedule for a later meeting. Hearing no objection, *Mayor Koplin* declared the agenda approved.

E. Disclosures of Conflicts of Interest and ex parte communications - none

F. Communications by and Petitions from Visitors

1. Guest speaker

a. ~~Sheridan Alpine Association, *Heath Kocan & Dave Reggiani*~~

b. Incident Management Team, COVID-19 Update - there was no report.

2. Audience comments regarding agenda items

3. Chairpersons and Representatives of Boards and Commissions

CCMC report - *Eric Price*, CCMC CFO reported: 1) good news, month of March showed a narrow profit margin, \$4,500;

2) they continue to have forecasted needs - long term, the underground storage tank needs to be dealt with.

School Board report - there was no report

4. Student Council representative - no report

G. Approval of Consent Calendar - none

H. Approval of Minutes - none

I. Consideration of Bids - none

J. Reports of Officers

5. Mayor's Report - *Mayor Koplin* reported: 1) *Sherman, Meyer* and he met with City Attorney *Holly Wells* after the executive session of the last meeting to craft a path for discussions to be had between CCMC, NVE and the City Manager and City staff regarding the disposition of CCMC facility and land - some of that made the agenda tonight - primary driver is that we are functioning legally and transparently. Ultimately, during pending agenda we will schedule a time for a joint Council and CCMCA Board work session next week, in advance of second reading of Ordinance 1197.

6. Manager's Report - City Manager *Helen Howarth* reported: 1) staff has been extremely busy pursuing grant funding, specifically on the Harbor - looks like State Tier 1 grant is heading toward approval, which is \$10M of a \$40M project. We are actively pursuing other sources, EDA, what was the BUILD grant, and other federal sources so we can do the harbor right. 2) staffing changes, we have had a really strong response, excellent candidates for Planning and Parks and Rec positions and finance is restructured, there will be budget amendments forthcoming to fill the positions that had been vacant at budget. 3) financial report will be in next packet; we'll know more by then about the guidance on spending ARPA funds - we've also been led to believe that PILT funding would be significantly higher this year and distribution of those funds would be by June 30; 4) we just received an \$18,000 grant from Rasmuson for upgrades to playgrounds. She introduced *Nate Taylor* and *Greg Russell* who is working as a consultant with the Cordova police department.

a. Chief *Nate Taylor* introducing Chief *Greg Russell*, Russell Consulting. *Russell* said it has been great to shadow the Chief this week, meet the department and give a fresh perspective on some of the work that is going on down there. He is very encouraged and will continue to work in this capacity.

b. *Chad Adams*, Aurora Wealth Management/UBS gave an update on where we are, what we've been doing and how we are performing.

7. City Clerk's Report - *Bourgeois* had nothing to report.

K. Correspondence - none

L. Ordinances and Resolutions

8. Ordinance 1196 An ordinance of the Council of the City of Cordova, Alaska, amending the 2021 City budget and authorizing the transfer of \$100,000 from the General Reserve Fund (Permanent Fund) to the Governmental Capital Projects Fund #401 to upgrade and provide security to the City's impound lot - 2nd reading

M/Sherman S/Bailer to adopt Ordinance 1196 an ordinance of the Council of the City of Cordova, Alaska, amending the 2021 City budget and authorizing the transfer of \$100,000 from the General Reserve Fund (Permanent Fund) to the Governmental Capital Projects Fund #401 to upgrade and provide security to the City's impound lot

Sherman said she would prefer to look at this again after we knew how first quarter financials look.

M/Bailer S/Guard to refer to staff until we get more information; a first quarter financial update.

Bailer agrees with **Sherman** and he'd like to wait to get the information. **Guard** agreed with what was said before him.

Vote on the motion to refer: 7 yeas, 0 nays. Schaefer-yes; Sherman-yes; Glasen-yes; Bailer-yes; Guard-yes; Meyer-yes and Allison-yes. Motion was approved.

9. Ordinance 1197 An ordinance of the City Council of the City of Cordova, Alaska, repealing and reenacting CMC Title 15 "Hospital Services" to clarify the authority for the sale, transfer, exchange or disposal of the Cordova Community Medical Center or a City-owned interest or facility in its inventory, providing the disposal notice and process requirements for such a transaction, and updating and reformatting Title 15, its definitions, and its organization for uniformity- 1st reading

M/Meyer S/Sherman to adopt Ordinance 1197 an ordinance of the Council of the City of Cordova, Alaska, repealing and reenacting CMC Title 15 "Hospital Services" to clarify the authority for the sale, transfer, exchange or disposal of the Cordova Community Medical Center or a City-owned interest or facility in its inventory, providing the disposal notice and process requirements for such a transaction, and updating and reformatting Title 15, its definitions, and its organization for uniformity- 1st reading

Meyer said this is a needed change to our code to allow any kind of a transfer of hospital assets. She said she is really looking forward to a joint meeting with the CCMCA Board before this ordinance is up for second reading so they can weigh in and understand the changes. She anticipates having slight language adjustments, she will work those out before the second reading. **Sherman** said we've been discussing joint medical services for years and this brings our code to a place where that will be easier to move ahead with. **Guard, Schaefer** said they were in favor. **Allison** stressed that this is just a first step, just because we are making this an option, doesn't mean we are giving anything away yet or partnering yet, first step of many in an open and transparent process. **Glasen** agreed and said he is in support. **Bailer** said he supports and echoed **Allison's** comments.

Vote on the motion: 7 yeas, 0 nays. Motion was approved.

10. Resolution 05-21-20 A resolution of the Council of the City of Cordova, Alaska, approving the sale of the eastern portion of lot3, block 17 Original Townsite to Craig and Angela Kuntz for \$1,750.00

M/Bailer S/Allison to approve Resolution 05-21-20 a resolution of the Council of the City of Cordova, Alaska, approving the sale of the eastern portion of lot3, block 17 Original Townsite to Craig and Angela Kuntz for \$1,750.

Bailer said he supports, and Planning staff did a great job. **Allison** said same.

Vote on the motion: 7 yeas, 0 nays. Motion was approved.

11. Resolution 05-21-21 A resolution of the Council of the City of Cordova, Alaska, supporting the coordinated provision of medical care by the Native Village of Eyak and the Cordova Community Medical Clinic

M/Allison S/Sherman to approve Resolution 05-21-21 a resolution of the Council of the City of Cordova, Alaska, supporting the coordinated provision of medical care by the Native Village of Eyak and the Cordova Community Medical Clinic.

Allison said this will formalize our willingness and ability to work together. Covid brought that to light; we worked well together on testing and vaccinations and this will keep that going. We can't compete, in a town this size we need to work together as much as we can. **Sherman** said she agrees with all of that and this will also assist NVE as they search for potential funding/grants.

Vote on the motion: 7 yeas, 0 nays. Motion was approved.

M. Unfinished Business - none

N. New & Miscellaneous Business

12. Discussion of COVID-19 Emergency Response - **Howarth** said the medical team seems very comfortable with our vaccination rate they're seeing little if no community spread. The state has removed its emergency order so we will see if we align with them as we have been. **Meyer** said her concern is the funding; if we remove the order altogether do we lose

access to funding? **Howarth** said our ability to pivot will be maintained, we will certainly keep in place whatever we need to ensure the resources can still come to us. She'll bring something to the June 2 meeting.

13. Pending Agenda, Calendar, CIP List and Elected & Appointed Officials lists

Joint CCMC and City Council meeting was set for the following week – the Clerk would coordinate with CCMC staff and Board for specific date and time. **Bailer** asked if the Manager could update us next time on where we are with the addressing.

O. Audience Participation

Greg Russell, a visitor to the community, thanked Council, the City Manager for the efforts that have made it possible for me to safely be a visitor in Cordova. Unpopular and difficult steps had to be taken, he appreciates that they did so.

P. Council Comments

Sherman thanked the Streets crew for the street sweeping that is going on. She thanked the Clerk for the Correspondence Primer.

Glaser he also liked that correspondence primer, helpful for people to understand.

Bailer thanked the manager for getting the Chief (**Russell**) to come in to help our Chief be successful, whatever training we can get for our staff is always a good move.

Q. Executive Session

14. Council discussion of City Clerk's evaluation, in executive session because it is a subject that may prejudice the reputation or character of a person; the person may request a public discussion

M/Allison S/Sherman to enter an executive session for discussion of City Clerk's evaluation, in executive session because it is a subject that may prejudice the reputation or character of a person; the person may request a public discussion but **Bourgeois** has not.

Vote on motion: 7 yeas, 0 nays. Motion was approved.

Council took a brief recess to clear the room at 7:58 pm.

Council entered the executive session at 8:02 pm and came back into open session at 8:36 pm.

Mayor Koplin stated that no action was taken in the executive session.

R. Adjournment

M/Glaser S/Allison to adjourn the meeting.

Hearing no objection **Mayor Koplin** adjourned the meeting at 8:36 pm.

Approved: June 2, 2021

Attest: _____
Susan Bourgeois, CMC, City Clerk

City Council Public Hearing
May 19, 2021 @ 6:45 pm
Cordova Center Community Rooms A & B
Minutes

A. Call to order

Vice Mayor Cathy Sherman called the Council public hearing to order at 6:48 pm on May 19, 2021, in the Cordova Center Community Rooms.

B. Roll call

Present for roll call were Council members **Cathy Sherman**, **Anne Schaefer**, **David Allison**, and **David Glasen**. Council member **Jeff Guard** was present via teleconference. **Mayor Clay Koplin** and Council members **Melina Meyer** and **Tom Bailer** were absent. Also present were City Manager **Helen Howarth** and City Clerk **Susan Bourgeois**. and

C. Public hearing

1. Ordinance 1197 An ordinance of the City Council of the City of Cordova, Alaska, repealing and reenacting CMC Title 15 "Hospital Services" to clarify the authority for the sale, transfer, exchange or disposal of the Cordova Community Medical Center or a City-owned interest or facility in its inventory, providing the disposal notice and process requirements for such a transaction, and updating and reformatting Title 15, its definitions, and its organization for uniformity

Vice Mayor Sherman opened the hearing up for public testimony on the ordinance. There was no public testimony. The public hearing was recessed at 6:51 and then brought back into session at 6:59 pm. There was still no public testimony.

Mayor Koplin and Council member **Melina Meyer** arrived late to the Public Hearing.

D. Adjournment

Hearing no objection **Mayor Koplin** adjourned the public hearing at 6:59 pm.

Approved: June 2, 2021

Attest: _____
Susan Bourgeois, CMC, City Clerk



Susan Bourgeois, CMC
City of Cordova
Office of the City Clerk
Cordova, AK 99574
601 First Street * PO Box 1210

Phone: 907.424.6248
Fax: 907.424.6000
Cell: 907.253.6248
E-mail: cityclerk@cityofcordova.net

CITY CLERK'S REPORT TO COUNCIL

June 2, 2021 Regular Council Meeting

Date of Report: May-June 2021

Property Assessments/Taxation:

Deputy Clerk has been finishing up the property tax roll for 2021; it was certified at the May 19 meeting and a resolution setting the 2021 mill rate is before you tonight.

RFP for Contract Assessor is on the Pending Agenda. Timing is right after BOE (April) and before fall assessment work begins to look at that. I have informally requested proposals, will evaluate those, and should have a recommendation to Council in July. Most important is the need to switch to an electronic means of keeping assessment records which would add to accuracy of data and lend itself to more equitable assessments. There will be an initial startup cost to that, as well as maintenance costs for the tech portion of such a program.



Research into letter from citizen:



Correspondence in tonight's packet has a letter from a citizen about Lot 11, Block 5 Odiak Park Subdivision. The Acting City Planner, Deputy Clerk and I have conducted some research into his question about a zoning change in that area. Going back as far as 2000, these are the creations of a new zone or the re-zoning of lots that I see have occurred.

- 2000 – adopted chapter 18.35 Avalanche District (ordinance 853)
- 2005 – adopted chapter 18.21 RR3 District (ordinance 974)
- 2006 – rezoning 3 ASLS's to RR3 zoning (ordinance 983)
- 2009 – rezoning 4 lots in OT from MDR to PLI (Mt. Eccles expansion)
- 2010 – zone a portion of ATS 1004 as Waterfront Industrial

There was a Land Management Committee in 2006-2007. Eventually from that committee's work and the work of Planning Commission and Planners, annual review of City Land was instituted. Looking back at Land Disposal Maps from 2011 forward, Lot 11, Block 5 Odiak Park was listed as unavailable because it was a snow dump. There is a note in the property record card that says that the previous owner of an adjacent parcel asked to buy Lot 11, Block 5. There is a hand-written note that says the Manager at the time contacted that adjacent landowner to say the Lands Committee was looking at that parcel and the committee so far suggests keeping it for "open spaces" but that he should keep in touch for the final outcome of all City properties.

That lot has **not** been rezoned; it is medium density residential. It was used as a City snow dump for very many years. In 2021 Planning Commission changed its status to available (was no longer needed as a snow dump and there is a housing shortage in town, per the Comprehensive Plan).

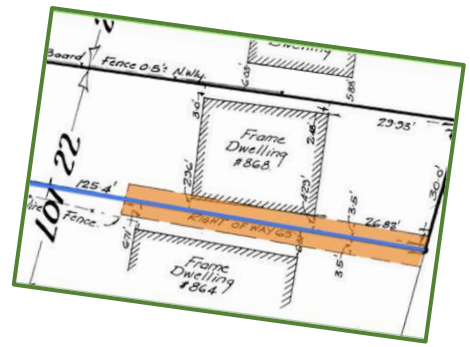
Acting Planner, City Manager & I have been brainstorming new procedures for City land sales/proposals.

- Signs on residential properties when they are out for proposals (QR Code on sign links to City website where the proposal is posted).
- Perhaps, when a *residential* property is newly listed on land disposal maps as 'available' - contact neighboring property owners.
- Brainstorming to continue as a new Planner arrives and gets acquainted with our Code/procedures for land disposal.

Other research conducted/work performed:

Researched an easement over City land. Conferred with Acting Planner, City Manager and Harbormaster to determine lawfulness of parking a vehicle long- term on said easement.

Worked on cemetery records, assisted a citizen with purchase of a plot.



Council packet preparation:

Worked with Finance Staff and assisted 2 different citizens/business owners with mobile restaurant provisions in Code and both are resolutions before Council tonight.



Worked with Manager and Superintendent to get the School District budget request before Council tonight for discussion. Statute gives the Council 30 days to consider the request – a resolution with the local funding amount will be forthcoming.

Worked with Finance staff and City Attorney to get the Ordinance on remote sales tax before Council tonight. Research conducted into the ARSSTC (Alaska Remote Seller Sales Tax Commission) & Uniform Code.



Miscellaneous:

City Clerk will be out of the office for medical appointments in Anchorage June 9 – June 13, returning to work June 14.

WooHoo – the ferry service is great!

Council Packet Correspondence Primer: **Communicating with Your Elected Cordova Officials**

This primer provides an overview of City of Cordova policies regarding the submission of correspondence to the City Clerk's office for distribution to City Council. These policies are general in nature and do not preempt the application of relevant laws to correspondence distribution. To the extent you have questions regarding the distribution of specific correspondence, please contact the City Clerk's office.

What gets published in Council packets as Correspondence?

- Letters, emails, cards, or other written or electronic mail addressed to City Council, any individual member of City Council or the Mayor, regardless of whether or not the sender has requested inclusion of the correspondence in a City Council packet.
- Letters, emails, cards, or other written or electronic mail written by the Mayor, individual City Council members in their capacity as elected officials, or the Council as a body
- Letters, emails, cards, or other written or electronic mail by agencies/entities that are pertinent to Council and the citizens of Cordova (e.g. population determination, full value determination, open comment periods for projects/leases in and around Cordova, etc.)
- Only correspondence received by the Clerk's Office on or before noon on the Wednesday before a regular Council meeting is eligible for inclusion in the packet for that meeting. Correspondence eligible for inclusion received after that date and time will be included in the next regularly scheduled Council meeting packet. (*See CMC 3.12.035*).

What does not get published in Council packets as Correspondence?

- Letters, emails, cards, or other written or electronic mail that are disparaging to individuals or entities
- Letters, emails, cards, or other written or electronic mail that have been sent anonymously
- Letters, emails, cards, or other written or electronic mail that contain confidential information or information that would warrant a constitutional violation of privacy or could potentially violate an individual's or an entity's constitutional rights.

More information about items not subject to publication:

- Correspondence that is not subject to publication in a Council packet will, however, be forwarded to the Mayor and City Council members with notification that the communication will not be included in the Council packet and the reasons for the exclusion.
- The City will attempt to contact the writer of the correspondence to inform them that the City has determined not to publish what they have sent. Notifications will be sent to the return address on the communication if one has been provided. (the best way to ensure the City is able to reach the writer is if the correspondence has been emailed through the City Clerk cityclerk@cityofcordova.net)
- A person who submits a communication that is not subject to publication in a Council packet, may still attend a meeting and read the communication during audience comments (if it is about an agenda item) or during audience participation, if it is not about an agenda item. Oral comments during a Council meeting will not be monitored or limited for content unless the comments made incite or promote violence against a person or entity. The City is not responsible or liable for the comments, thoughts, and/or opinions expressed by individuals during the public comment period at a Council meeting.

Suggestions concerning correspondence:

- Correspondence intended for all Council members should be emailed to the City Clerk at cityclerk@cityofcordova.net, hand-delivered or sent via U.S. mail to the Clerk's office. Correspondence should be clearly addressed to "Cordova City Council." Unless clearly stated otherwise, the City Clerk will presume that all correspondence addressed to City Council is intended for inclusion in the packet.

Susan Bourgeois

From: David Rosenthal <rosenthal@ctcak.net>
Sent: Monday, May 24, 2021 2:09 PM
To: Susan Bourgeois
Subject: Lot 11 land disposal

Dear City Clerk,

Please pass on these thoughts to the Council members ,Planning committee members, and the Mayor, City Manager, and Planner,

I am David Rosenthal, and I have lived next to the property that is being disposed of by the city for thirty years and have inquired about buying the property three or four times over the last thirty years. I was told by the planners during the nineties and the early two thousands, that the lot was zoned Green Zone and would never be developed. (No, I do not have documentation). Apparently I have never talked to the current planner, probably because I finally took the planners at their word. I was a bit upset that the first thing I heard about the change in the zoning for that lot was when a friend watching the council meeting called to say the council was selling the lot. I want to make it clear that I believe that everyone was acting in good faith, and apologize for speaking a bit harshly about this issue. I do however want to see the council send this proposal back to the planning committee and make sure everyone in this neighborhood is aware and has a chance to give the committee more information on the history of this property.

I think I have a right to know why the property went from Green Zone to Snow dump to now available for sale. I certainly hope that the decision to eliminate it as snow dump was not based on it not being used

much because for thirty years I have allowed the plows to use a twenty by one hundred foot swarth of my yard to push snow out to the wetland. I even purposely left this clear from my landscaping for the convenience of my neighbors and the plows.

In the mist of a pandemic when no one is focused on land issues, is not the time to make major changes to a neighborhood especially if very little notice is given. So if the city is going to make major decisions, then do it the right way with proper notification and proper input by us who live in this neighborhood. It is not enough to say sealed bids are the answer.

I hope this will be discussed at the next council meeting.

Thank you,

David Rosenthal

Friday, May 28, 2021

Hi all-

Since sending this email I heard concerns regarding closures and followed up with our contractor regarding these concerns. The plan is for all three sites to have a diversion road instead of a road closure, so we do not anticipate closing the highway at any point. You should allow extra time for delays, but should always be able to get through the site.

Thanks,

Kate

Kate Morse | Program Director

Copper River Watershed Project

phone (907)424-3334 | cell (907)253-4735

office P.O. Box 1560, Cordova, AK 99574

web www.copperriver.org

facebook www.facebook.com/copperriver

On May 27, 2021, at 3:02 PM, Kate Morse <kate@copperriver.org> wrote:

Dear Community Members and Partners,

You are on our notification list for road closures related to culvert replacements on the Copper River Highway. Please let me know if there are any updates to the contacts from your organization you wish to have receive these updates.

This year we will be replacing three culverts on the 18-mile system, from just west of the 18-mile/1-eyed pond recreation sites to Muskeg Meander. Construction activities will kick off next week (you might have already noticed materials being staged nearby) and is scheduled to run through Aug. 15th. We will send out notifications regarding road closures a minimum of three days before they are anticipated. Two of our sites will involve diversion roads and hopefully won't result in many full-closures FYI, but you can anticipate delays through the construction site.

Thanks for your patience, and don't hesitate to contact me with any questions or concerns via email or on my cell (907)253-4735.

Best

Kate

Kate Morse | Program Director

Copper River Watershed Project

phone (907)424-3334 | cell (907)253-4735

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MEMORANDUM

**TO: CORDOVA CITY COUNCIL
CITY MANAGER HELEN HOWARTH
CITY CLERK SUSAN BORGEOIS**

**FROM: HOLLY C. WELLS
MICHAEL SCHWARZ**

**RE: ORDINANCE 1198: REVISING THE CORDOVA MUNICIPAL CODE IN
RESPONSE TO AMENDMENTS TO THE ALASKA UNIFORM REMOTE
SELLERS SALES TAX CODE**

CLIENT: CITY OF CORDOVA

FILE NO.: 401,777.261

DATE: MAY 26, 2021

Introduction

Ordinance 1198, in large part, amends the Cordova Municipal Code to make the City's sales tax provisions as applied to remote and local sellers easier to understand and consistent with the Alaska Uniform Remote Sellers Sales Tax Code ("Uniform Code"). The Ordinance is also necessary to meet City Council's obligation to adopt Uniform Code amendments within 120 days of their adoption by the Alaska Remote Sellers Tax Commission (the "Commission"). This memorandum provides a summary of the reasons for the proposed changes and identifies the specific substantive changes contained within the Ordinance.

Relevant Background

In 2020, Cordova City Council adopted Ordinance 1183, incorporating the Uniform Code into the Cordova Municipal Code. Similarly, City Council authorized the City to join the "Commission" via Resolution No.12-19-59. The City, as a condition of membership, is obligated to adopt amendments to the Uniform Code adopted by the Commission Board.

On February 24, 2021 the Commission Board adopted amendments to the Uniform Code, triggering the City's obligation to adopt those amendments by ordinance by June 24, 2021. The revisions to the Uniform Code added several provisions and definitions designed to protect remote sellers from inadvertent discrimination and ensure that local

and remote sellers within a jurisdiction were treated similarly, to the extent required under law. Information regarding the amendments and the reasons for these amendments are included alongside this memorandum in the City Council meeting packet.

The updates to the Uniform Code proposed by the Commission Board addressed any potential for the Uniform Code to inadvertently result in discriminatory taxation, justifying the incorporation of the Uniform Code into the City Code simply by reference. Although the Uniform Code amendments required changes to the City Code, the incorporation of the Uniform Code by reference will ensure amendments to the Uniform Code in the future are automatically incorporated into City Code, greatly reducing the use of legal and administrative resources to address such amendments. While City Council may still want to review and weigh in on certain changes to the Uniform Code, it can do so when it determines such a review serves the best interest of the City and the public.

In order to incorporate the Uniform Code by reference, revisions to the City Code's current definitions in Chapter 5.40 were needed. Similarly, the Ordinance proposes changes that streamline the audit and penalty provisions applicable to both remote and local sellers. Specifically, the Ordinance proposes the following substantial changes:

1. It incorporates the Uniform Tax Code into the Code merely by reference instead of spelling out all of the Uniform Tax Code's provisions directly into the Code, permitting the repeal of Chapter 5.42 in its entirety.
2. It amends definitions of "casual, occasional or isolated sales or services," "sale," "sales price," "seller," and "services" to ensure that local and remote sellers are taxed on the same goods and services in the same way unless otherwise permitted by law.
3. It adds definitions of "delivered electronically," "food stamps," "goods for resale," "local sale," "marketplace facilitator," "physical presence," "points of delivery," "receive or receipt," "remote sales," "remote seller," and "Uniform Code" that mirror the same definitions in the Uniform Tax Code and adds a subsection clarifying that the definitions adopted in the Uniform Code applied to all remote sales under CMC 5.40.010.
4. It amends the penalties charged local sellers to mirror those previously imposed upon remote sellers by the Uniform Code, which results in the same late filing penalty of \$25 per month but with the adoption of a \$100 cap on penalties imposed for late filing on a return. (See proposed CMC 5.40.130)
5. It reduces late payment penalties imposed the first month of delinquency from 10% to 5% of taxes owed, which equals the penalty imposed both under the Uniform Code and City Code. Currently, the City imposes a late payment penalty of 10% for the first month of late payment and then 5% for all subsequent months.
6. It permits the City Manager to waive a penalty for late filing or payment when the seller files a written application for waiver of such penalties but only when the application includes payment in full of all taxes, interest, and penalties otherwise owed by the seller

and the application is received within 45 days of the date of delinquency. (See proposed CMC 5.40.130(F)).

7. It authorizes the City to enter repayment plans with sellers who meet certain eligibility requirements and enter into a repayment plan agreement with the City. (See proposed CMC 5.40.135).

8. It adopts the audit procedures imposed under the Uniform Code, which clearly identify the City's right to conduct an audit but also imposes notice requirements upon the City when estimating taxes owed. It also specifically identifies the process for protesting estimated taxes by the City and the reasons that may form the basis for granting an appeal of an assessment by the City. (See proposed changes to CMC 5.40.110)

The above summary addresses the most substantial changes to Chapter 5.40 and the reasons and impacts underlying these changes. However, the Ordinance also proposes changes to the organization and formatting of Chapter 5.40 as necessary to ensure that updates and revisions to the City Code continue to promote consistency and clarity throughout the Code and avoid unnecessary revisions to the Code for ministerial changes.

Conclusions

The Ordinance proposes changes to incorporate the Uniform Code and ensure the City's tax regime lawfully applies to all sellers. Outside of this limited goal, however, the Ordinance does not attempt to revise or update Chapter 5.40, which has not been revisited in over 20 years. As a result, Council may want to review Chapter 5.40 in the future to ensure that the City's sales tax regime is clear, efficient, and reflects Council's funding goals.

**CITY OF CORDOVA, ALASKA
ORDINANCE 1198**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA, REPEALING CHAPTER 5.42 “ALASKA REMOTE SELLER SALES TAX CODE” AND AMENDING CMC 5.40.010 TO CLARIFY WHEN SALES TAX IS LEVIED ON REMOTE AND LOCAL SALES, REPEALING AND REENACTING CMC 5.40.011 TO ADOPT BY REFERENCE THE ALASKA UNIFORM REMOTE SELLER SALES TAX CODE (“UNIFORM CODE”) AND AMENDING CMC 5.40.020 TO REVISE AND ADD DEFINITIONS TO ENSURE CONSISTENCY WITH THAT CODE, AMENDING CMC 5.40.130 TO REVISE LATE FILING AND PAYMENT PENALTIES AND INTEREST TO MIRROR THOSE IMPOSED IN THE UNIFORM CODE, ADDING CMC 5.40.135 TO PERMIT REPAYMENT PLANS FOR DELINQUENT TAXES IN THE SAME MANNER AS THE UNIFORM CODE, REPEALING AND REENACTING CMC 5.40.110 TO MIRROR THE AUDIT PROCESS AND LIABILITY FOR FAILURE TO SUBMIT RETURNS ADOPTED IN THE UNIFORM CODE AND ADOPTING AN AUDIT PROTEST APPEAL PROCESS FOR SELLERS

WHEREAS, pursuant to Resolution 12-19-59 of the City Council of the City of Cordova, Alaska, (the “City”) the City agreed to join the Alaska Remote Seller Sales Tax Commission (the “Commission”), a multi-governmental agency formed for purpose of collecting and remitting City sales tax from remote sellers; and

WHEREAS, the terms of the Agreement require adoption of certain uniform provisions, known as the Alaska Uniform Remote Seller Sales Tax Code (the “Uniform Code”) for collection and remittance of municipal sales tax applicable to sales made by remote sellers, which was adopted by the City by Ordinance Number 1183; and

WHEREAS, the Agreement further requires member jurisdictions who have adopted the Uniform Code to adopt updates made to the Uniform Code within 120 days of their adoption by the Commission; and

WHEREAS, on February 24, 2021, the Commission updated the Uniform Code to incorporate changes to the Uniform Code that eliminated the risk of discrimination between local and remote sellers; and

WHEREAS, these revisions to the Uniform Code permit the City to incorporate the Uniform Code into the City Code easily and lawfully by reference; and

WHEREAS, the incorporation of the Uniform Code by reference provides clarity and promotes a user-friendly Code for both remote and local sellers; and

WHEREAS, the Uniform Code adopts several tax procedures and processes that should and may be applied uniformly to local sellers and it is in the City’s best interest to incorporate these processes and procedures into the Cordova Municipal Code.

NOW, THEREFORE, it is ordained as follows:

Section 1. Cordova Municipal Code Chapter 5.42 is repealed.

Section 2. Cordova Municipal Code Section 5.40.010 is amended to read as follows:

5.40.010 – **Levied Sales tax-levy and application.**

A. A tax equal to six percent of the sales price shall be levied on all local sales within the City equal to or more than 20 Cents.

B. A tax equal to six percent of the sales price shall be levied on all remote sales within the City subject to the Alaska Uniform Remote Sellers Sales Tax Code as adopted and incorporated into this Code via CMC 5.40.011. ~~There is levied on all sales equal to or more than 20 twenty cents, services provided and rents collected within the city, except sales, services and rents that are exempt from taxation under this chapter, a tax equal to six percent of the sale price, charge for services or rents collected.~~

Section 3. Cordova Municipal Code Section 5.40.011 is repealed and reenacted as follows:

5.40.011 – Alaska Uniform Remote Seller Sales Tax Code-adopted.

The City adopts by reference the Alaska Uniform Remote Seller Sales Tax Code of the Alaska Remote Seller Sales Tax Commission, as that code currently exists, and as it may hereafter be amended. The Alaska Uniform Remote Seller Sales Tax Code may be referred to as the “Uniform Code” throughout this Title.

Section 4. Cordova Municipal Code Section 5.40.020 is amended to read as follows:

5.40.020 - Definitions.

A. For purposes of this chapter, the following definitions shall apply:

"Alcoholic beverage" shall have the meaning given in CMC 6.12.010.

"Business" means and includes all activities or acts, personal, professional or corporate, engaged in or caused to be engaged in, including but not limited to receipts from advertising services, construction, process or manufacturing and the sale of any goods or services upon which sales tax is required to be paid under CMC 5.40.010. The giving or supplying of services as an employee and the furnishing of property, services, substances or things, by persons who do not hold themselves out as regularly engaging in such transactions, does not constitute business within the meaning of this Chapter.

"Buyer" means a person to whom a sale of property or product is made or to whom a service is furnished.

"Casual, occasional or isolated sales or services" means a sale made or service provided by a person who is not engaged in a business. Sales or services meeting the Threshold Criteria for taxation under the Uniform Code does not fall within the definition of “casual, occasional or isolated sales or services.”

"Cigarette" means a roll for smoking of any size or shape, made wholly or partly of tobacco, whether the tobacco is flavored, adulterated, or mixed with another ingredient, if the wrapper or cover of the roll is made of paper or a material other than tobacco.

"Delivered Electronically" means delivered to the purchaser by means other than tangible storage media.

"Food Stamps" means obligations of the United States government issued or transferred by means of food coupons or food stamps to enable the purchase of food for the eligible household.

"Goods" means "property" as defined in this Section.

"Goods for resale" means:

- A. The sale of goods by a manufacturer, wholesaler or distributor to a retailer or vendor for the purpose of resale by that retailer or vendor.
- B. Sales of personal property as raw material to a person engaged in manufacturing components for sale where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of, a product manufactured for sale by the manufacturer.
- C. Sale of personal property as construction material to a licensed building contractor where the property sold becomes part of the permanent structure.

"Local Sale" or "local sales" means a sale or sales by a seller with a physical presence in a taxing jurisdiction where the point of delivery is a location within the same taxing jurisdiction.

"Marijuana" shall have the meaning given in CMC 8.40.020.

"Marijuana concentrate" shall have the meaning given in CMC 8.40.020.

"Marijuana products" shall have the meaning given in CMC 8.40.020.

"Marketplace facilitator" means a person that contracts with remote sellers to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the remote seller's property, product or services through a physical or electronic marketplace operated by the person, and engages:

- A. Directly or indirectly, through one or more affiliated persons in any of the following:
 1. Transmitting or otherwise communicating the offer or acceptance between the buyer and remote seller;
 2. Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and remote sellers together;
 3. Providing a virtual currency that buyers are allowed or required to use to purchase products from the remote seller; or
 4. Software development or research and development activities related to any of the activities described in Subsection B of this definition, if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

B. In any of the following activities with respect to the seller's products:

- 1. Payment processing services;**
- 2. Fulfillment or storage services;**
- 3. Listing products for sale;**
- 4. Setting prices;**
- 5. Branding sales as those of the marketplace facilitator;**
- 6. Order taking;**
- 7. Advertising or promotion; or**
- 8. Providing customer service or accepting or assisting with returns or exchanges.**

"Physical presence in Cordova" means a seller who establishes any one or more of the following within the boundaries of Cordova:

- A. Has any office, distribution or sales house, warehouse, storefront or any other place of business within the boundaries of Cordova;**
- B. Solicits business or receiving orders through any employee, agent, salesman, or other representative within the boundaries of Cordova or engages in activities in Cordova that are significantly associated with the seller's ability to establish or maintain a market for products in Cordova;**
- C. Provides services or holds inventory within the boundaries of Cordova; and/or**
- D. Rents or leases property located within the boundaries of Cordova.**

A seller that establishes a physical presence within Cordova in any calendar year will be deemed to have a physical presence within the local taxing jurisdiction for the following calendar year.

"Point of delivery" means the location at which property or product is delivered or service rendered. For products transferred electronically, or other sales where the delivery of the purchase address is unknown, the point of delivery shall be the billing address of the buyer.

"Property" and "Product" means both tangible and intangible property. "Tangible" property is an item that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. "Intangible" property is anything that is not physical in nature (i.e.: intellectual property, brand recognition, goodwill, trade, copyright and patents).

"Public accommodation services" means providing, for consideration, members of the public with temporary or transient sleeping accommodations and related services for a period of less than 30 consecutive days in any facility, including hotels, motels, lodges, tourist homes, houses or courts, lodging houses, resorts, campgrounds, inns, rooming houses, boarding houses, bunkhouses, bed and breakfasts, trailer houses or motels, apartment hotels, and any other facility in which rooms, beds or sleeping facilities or space are furnished for consideration.

"Receive or receipt" means

- A. Taking possession of property:**
- B. Making first use of services:**
- C. Taking possession or making first use of digital goods, whichever comes first.**

The terms "receive", and "receipt" do not include temporary possession by a shipping company on behalf of the purchaser.

"Remote Sales" means sales of goods or services by a remote seller or marketplace facilitator.

"Remote seller" means a seller or marketplace facilitator making sales of goods or services for delivery within the State of Alaska but without having a physical presence in Cordova.

A. "Sale" means any transfer of property for consideration for any purpose other than for resale.

~~the transfer of or contract to transfer rights in property from a seller to a buyer or consumer for a consideration and includes the sale of goods, renting of property, and sale of services which either commence or terminate within the city, or which are in any part rendered, supplied or provided within the city, including the following by means of example:~~

- ~~1. Local transportation for hire of persons by common carriers, including motor transportation, taxicab companies, and all other means of transportation for hire;~~
- ~~2. Printing or printed matter of all types, kind and character, and other service of printing;~~
- ~~3. The service of renting personal or real property;~~
- ~~4. Foods, confections and all liquors, beverages and drinks sold and dispensed by retail stores, restaurants or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;~~
- ~~5. Advertising of all kinds, type and character originating in the city;~~
- ~~6. Gross proceeds derived from the operation of pinball machines, jukeboxes, merchandise vending machines or amusement devices of any kind;~~
- ~~7. The sale of tickets or admissions to places of amusement, to athletic entertainment, recreational events or dues or fees for privilege of having access to or the use of amusement, entertainment, athletic or recreational facilities;~~
- ~~8. The retail sale of all gas and petroleum products;~~
- ~~9. The provision of electrical, telephone, water, garbage or sewer utility services including installation and connection charges and fees;~~
- ~~10. Commissions or fees by brokers or agents in such transactions as real estate sales;~~
- ~~11. Services and rentals performed partially within the city;~~
- ~~12. Sales, services or rentals provided by a peddler, itinerant merchant or street vendor; or~~
- ~~13. Sales or services made by a seller at a special annual public event.~~

B. "Sale price" means the total consideration in money, credit, rights or other property or value expressed in terms of money, paid or delivered by a buyer to a seller, all without deduction on account of costs of labor, interest, discount, delivery, taxes or other seller's expense paid or accrued. The sales price includes any federal or state excise tax. Sales price does not include the "trade-in" value of a used vehicle intended for resale taken in trade as a credit or part payment on the sale of a new or used article.

“Sales price” or “Purchase Price” means the total amount of consideration, including cash, credit, property, products, and services, for which property, products, or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

- A. The seller’s cost of the property or product sold;**
- B. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;**
- C. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;**
- D. Delivery charges;**
- E. Installation charges; and**
- F. Credit for any trade-in, as determined by state law.**

~~C. “Seller” means a person making sales of property, products or services or a marketplace facilitator facilitating sales on behalf of a seller, every person, firm or corporation selling to buyer or consumer as agent, broker or principal and every person, firm or corporation performing compensated services, exclusive~~ **excluding of services rendered by an employee for his or her employer as a salaried employee or wage earner, but including services for remuneration for which an Alaska Business License and/or Ceity business license is required.**

“Services” means all services of every manner and description, which are performed or furnished for compensation, and delivered in-person, electronically or otherwise within the boundaries of Cordova, including but not limited to:

- A. Professional services;**
- B. Services in which a sale of property or product may be involved, including property or products made to order;**
- C. Utilities and utility services not constituting a sale of property or products, including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable or satellite television, and Internet services;**
- D. The sale of transportation services;**
- E. Services rendered for compensation by any person who furnishes any such services in the course of his or her trade, business, or occupation;**
- F. Advertising, maintenance, recreation, amusement, and craftsman services**

~~that are performed or furnished for consideration, whether in connection with the sales of goods or not, but does not include the services rendered by an employee to an employer.~~

~~E. “Business” means and includes all activities or acts, personal, professional or corporate, engaged in or caused to be engaged in, including but not limited to receipts from advertising services, construction, process or manufacturing and the sale of any goods or services upon which sales tax is required to be~~

paid under Section 5.40.010. The giving or supplying of services as an employee and the furnishing of property, services, substances or things, by a person who does not hold himself out as regularly engaging in such transactions, does not constitute business within the meaning of this chapter.

F. "Buyer" means the person who, in the ordinary meaning of the term, takes title to, takes possession of, or rents property, or receives services for a consideration.

G. "Casual, occasional or isolated sales or services" means a sale made or service provided by a person who is not engaged in a business.

H. "Special annual public events" means those events which are annually scheduled and open to the public, such as the Shorebird Festival and the Bidarki Christmas Bazaar.

I. "Public accommodation services" means providing, for consideration, members of the public with temporary or transient sleeping accommodations and related services for a period of less than thirty consecutive days in any facility, including hotels, motels, lodges, tourist homes, houses or courts, lodging houses, resorts, campgrounds, inns, rooming houses, boarding houses, bunkhouses, bed and breakfasts, trailer houses or motels, apartment hotels, and any other facility in which rooms, beds or sleeping facilities or space are furnished for consideration.

J. "Marijuana" shall have the meaning given in Section 8.40.020.

K. "Marijuana concentrate" shall have the meaning given in Section 8.40.020.

L. "Marijuana products" shall have the meaning given in Section 8.40.020.

M. "Cigarette" means a roll for smoking of any size or shape, made wholly or partly of tobacco, whether the tobacco is flavored, adulterated, or mixed with another ingredient, if the wrapper or cover of the roll is made of paper or a material other than tobacco.

N. "Tobacco product" means

1. A. A cigar;
2. B. A cheroot;
3. C. A stogie;
4. D. A perique;
5. E. Snuff and snuff flour;
6. F. Smoking tobacco, including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or cigarette;
7. G. Chewing tobacco, including cavendish, twist, plug, scrap, and tobacco suitable for chewing; or
8. H. An article or product made of tobacco or a tobacco substitute, but not including a cigarette as defined in Section CMC 5.40.020.M.

O. "Alcoholic beverage" shall have the meaning given in Section 6.12.010.A.

"Uniform Code" means the Alaska Uniform Remote Sellers Sales Tax Code as adopted and amended by The Alaska Remote Seller Sales Tax Commission.

B. Except as otherwise required to comply with federal or state law, the definitions adopted in Section 270 of the Uniform Code apply to all remote sales under CMC 5.40.010(B).

Section 5. CMC 5.40.130 entitled "Penalty for violations" is amended to read as follows:

5.40.130 - Penalty for violations.

A. **Late filing penalty.** A seller who has made sales in the Ceity, and who thereafter fails to file a sales tax return, as required by this Cehapter, shall incur a civil penalty of ~~twenty-five~~ **25** ~~D~~ollars **for each**

month, or fraction thereof, that the return is late. Fees under this Subsection shall not exceed \$100 per return. ~~for the first sales tax return not timely filed, and fifty dollars for each next sales tax return not timely filed within a one year period thereafter.~~

B. **Late payment penalty.** A Seller who has collected taxes and who thereafter fails to transmit the collected taxes, as required by this chapter, shall incur a civil penalty of ~~ten percent of the taxes for the first month of delinquency, or any fraction thereof, and~~ **five percent of the taxes for each month of delinquency** thereafter, or any fraction thereof, from the time between the date the taxes should have been transmitted and the date they were transmitted, but not to exceed a total of ~~20~~**twenty** percent of the amount of the taxes due to be transmitted.

C. **Interest on delinquent taxes.** In addition to the amount of civil penalty as provided for violation of each ~~Subsection in this Chapter applicable herein,~~ interest shall accrue at the rate of ~~15~~**fifteen** percent per year on the unpaid tax from the date of delinquency until paid for sellers, and from the date of sale for buyers.

D. Fees, penalties and interest shall be assessed and collected in the same manner as the tax is assessed and collected, and applied first to fees, penalties, and interest, second to past due sales tax.

E. The filing of an incomplete return, or the failure to remit all tax, shall be treated as the filing of no return.

F. A penalty assessed under this section for the delinquent remittance of sales tax or failure to file a sales tax return may be waived by the City Manager upon written application of the taxpayer accompanied by a payment of all delinquent sales tax, interest and penalty otherwise owed to the City, within 45 calendar days after the date of delinquency.

~~G.~~**D.** A buyer who purchased items as exempted purchases and who thereafter is found to have used the exemption card fraudulently shall incur a civil penalty of ~~100~~**one hundred** percent of the taxes not paid in addition to payment of the unpaid taxes. Further, the exemption card shall be permanently revoked.

Section 6. CMC Chapter 5.40 is amended to add CMC 5.40.135 entitled "Repayment plans" to read as follows:

5.40.135 Repayment plans.

- A. **The City may agree to enter into a repayment plan with a delinquent seller. No repayment plan shall be valid unless agreed to by both parties in writing.**
- B. **A seller shall not be eligible to enter into a repayment plan with the City if the seller has defaulted on a repayment plan in the previous two (2) calendar years.**
- C. **The repayment plan shall include a secured promissory note that substantially complies with the following terms:**
 1. **The seller agrees to pay a minimum of ten percent down payment on the tax, interest and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.**

2. The seller agrees to pay the balance of the tax, penalty, and interest owed in monthly installments over a period not to exceed two years.
 3. Interest at a rate of 15 percent per year shall accrue on the principal sum due. Interest shall not apply to penalties owed or to interest accrued at the time the repayment plan is executed or accruing during the term of the repayment plan.
 4. If the seller is a corporation or a limited liability entity, the seller agrees to provide a personal guarantee of the obligations under the repayment plan.
 5. The seller agrees to pay all future tax bills in accordance with the provisions of this Chapter.
 6. The seller agrees to provide a security interest in the form of a sales tax lien for the entire unpaid balance of the promissory note to be recorded by the City at the time the repayment plan is signed. The seller shall be responsible for the cost of recording the tax lien.
- D. If a seller fails to pay two or more payments in accordance with the terms of the repayment plan agreement, the seller shall be in default and the entire amount owed at the time of default shall become immediately due. The City will send the seller a notice of default. The City may immediately foreclose on the sales tax lien or take any other remedy available under the law.

Section 7. CMC 5.40.110 entitled “Estimated tax” is repealed and reenacted to read as follows:

5.40.110 - Estimated tax.

~~In the event the city manager or his designee is unable to ascertain the tax due from a seller by reason of the failure of the seller to keep accurate books, allow inspection, or file a return, or by reason of the seller filing a false or inaccurate return, the city manager or his designee may make an estimate of the tax due based on any evidence in his or her possession. Notice of the estimate of taxes due shall be furnished to the seller and shall become final for the purpose of determining liability of the seller to the city thirty days thereafter, unless the seller earlier files an accurate return.~~

- A. In the event the City is unable to ascertain taxes due under this Chapter due to the failure of the seller to keep accurate books, allow inspection or file a return, the City may make an estimate of the tax due based on any evidence in its possession.
- B. Sales taxes may also be estimated, based on any information available, whenever the City has reasonable cause to believe that any information on a sales tax return is not accurate.
- C. A seller’s tax liability under this Chapter may be determined and assessed for a period of three years after the date the return was filed or due to be filed with the City. No civil action for the collection of such tax may be commenced after the expiration of the three-year period except an action for taxes, penalties and interest due from those filing periods that are the subject of a written demand or assessment made within the three-year period, unless the seller waives the protection of this section.
- D. The City shall notify the seller, in writing, that the City has estimated the amount of sales

tax that is due from the seller. The City shall serve the notice on the seller by delivering the notice to the seller's place of business, or by mailing the notice by certified mail, return receipt requested, to the seller's last known mailing address. A seller who refuses the certified mail will be considered to have accepted the certified mail for purposes of service.

- E. The City's estimate of the amount of sales tax that is due from a seller shall become a final determination of the amount that is due unless the seller, within 30 calendar days after service of notice of the estimated tax:
1. Files a complete and accurate sales tax return for the delinquent periods supported by satisfactory records and accompanied by a full remittance of all taxes, interest, penalties, costs, and other charges due; or
 2. Files a written notice with the City appealing the estimated tax amount.
- F. Arguments or reasons for failure to timely file a return and remit taxes collected shall not be considered a valid basis or grounds for granting an appeal. The basis and grounds for granting an appeal of an assessment issued by the City are:
1. The identity of the seller is in error;
 2. The amount of the debt is erroneous due to a clerical error (and the nature and extent of the error is specified in the request for appeal); or
 3. The seller disputes the denial of exemption(s) for certain sales.
- G. The amount of sales tax finally determined to be due under this Section shall bear interest and penalty from the date that the sales tax originally was due, plus an additional civil penalty of 50 Dollars for each calendar month or partial month for which the amount of sales tax that is due has been determined.

Section 8. 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, within ten (10) days after its passage.

1st reading: June 2, 2021

2nd reading and public hearing: _____

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Clay R. Koplin, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk



To: ARSSTC Members

From: Clinton Singletary, Statewide Municipal Sales Tax Director

Re: Uniform Code Updates – March 2021

Over the months of December & January, Commission staff met weekly with representatives from member jurisdictions to discuss and work through numerous code updates that Commission staff have been accumulating over the last year. Many of these needed updates are more clerical in nature, but several are more substantive and will have a clear impact on the Commission and/or member jurisdictions.

Following is a breakdown of the more substantive updates that were agreed upon by the Code Update Working Group, including a brief justification / background of why the update is being recommended.

At its February 24, 2021 meeting, the ARSSTC Board of Directors formally approved the proposed updates to the Uniform Code.

Code Section	Description	Justification / Background
Section 040(A)	Threshold calculation updated to include current year, not just previous calendar year.	Not as limiting a timeframe since there are now two time windows to be examined in determining threshold.
Section 050	Was the old Section 230; renamed section to more accurate description; included language for local sale.	No change to the original intent of this section. Section title better describes goal of section and inclusion of “local sale” better describes the type of transaction. “Local Sale” was also added as a new definition.
Section 080 A & B	Remove registration requirement for marketplace sellers who only sell on marketplaces.	Tax would already be collected by the marketplace, the seller would have nothing to report. Versions of this can be found in other states. Added affidavit requirement.
Section 080 (H)	Member jurisdiction business license clarification	Add language explaining that registration as remote seller satisfies jurisdiction business license requirements, but only if seller does not have physical presence in jurisdiction. Common question from sellers.
Section 090 (B)	Allow for annual filing frequency, dependent on member jurisdiction code allowances.	Will be modifying filing frequency change policy to only grant annual if no taxable sales.
Section 110 (A)	Clarifies rounding language	Specifies that only gross sales and exempt sales should be rounded.
Section 120 (C)	Interest on refund requests	Specifies that the Commission will not pay interest on refund requests.



Section 170 (A)	Late Filing fee language	Update late filing fee to max out at 4 months, same as penalty in C.
Section 170 (F)	Penalty Waivers	The code specifies the timeframe in which a waiver can be requested and limits the waiver to one a year. Waiver policy will be developed to fine-tune the number of waivers allowed and the circumstances that will qualify for a waiver.
Section 180	Remote Reseller Certificate	Codifies the existence of the remote reseller certificate
Section 240	Penalty cleanup / clarification	Paragraph A was added to defer to member jurisdiction penalties if the member penalty is different. Removed old paragraph E on late filing fees since that is a duplicate of Section 170.
Section 260	Savings Clause	Provides discrimination protection.
Section 270 – Definitions		
	Local sale	Used in Section 050
	Marketplace	Used in conjunction with definition of marketplace seller, for purposes of Section 080
	Marketplace Seller	For purposes of Section 080
	Point of Delivery	Added paragraph C specific to POD for services
	Remote Seller	Cleaned up definition to focus on a seller making sales into jurisdiction where the seller does not have physical presence. Applies to both in-state & out of state sellers.
	Services	Updated definition to specify any service provided which is delivered into a member jurisdiction.

Other Changes throughout the Uniform Code

- Throughout the code the use of the term jurisdiction was updated to focus on either taxing jurisdiction or member jurisdiction. These definitions were updated such that taxing jurisdiction is just a jurisdiction in Alaska with a sales tax. Member jurisdiction is a taxing jurisdiction that has adopted the Uniform Code.
- Sections 100(C), 130(C), 150(E), and 200 were all standardized for a 3-year timeframe, instead of the varying years.

ADDENDUM A

REMOTE SELLER SALES TAX CODE & COMMON DEFINITIONS

- WHEREAS,** the inability to effectively collect sales tax on sales of property, products or services transferred or delivered into Alaska is seriously eroding the sales tax base of communities, causing revenue losses and imminent harm to residents through the loss of critical funding for local public services and infrastructure; and
- WHEREAS,** the harm from the loss of revenue is especially serious in Alaska because the State has no income tax, and sales tax revenues are one of the primary sources of funding for services provided by local governments; and
- WHEREAS,** the failure to collect sales tax on remote sales creates market distortions by creating an unfair tax advantage for businesses that limit their physical presence in the taxing jurisdictions but still sell goods and services to consumers, which becomes easier and more prevalent as technology advances; and
- WHEREAS,** the failure to tax remote sales results in the creation of incentives for businesses to avoid a physical presence in the state and its respective communities, resulting in fewer jobs and increasing the share of taxes to those consumers who buy from competitors with a physical presence in the state and its cities; and
- WHEREAS,** the structural advantages for remote sellers, including the absence of point-of-sale tax collection, along with the general growth of online retail, make clear that erosion of the sales tax base is and has been occurring; and
- WHEREAS,** remote sellers who make a substantial number of deliveries into or have large gross revenues from Alaska benefit extensively from the Alaska market, affecting the economy as well as burdening local infrastructure and services; and
- WHEREAS,** delivery of goods and services into local municipalities rely on and burden local transportation systems, emergency and police services, waste disposal, utilities and other infrastructure and services; and,
- WHEREAS,** given modern computing and software options, it is neither unusually difficult nor burdensome for remote sellers to collect and remit sales taxes associated with sales into Alaska taxing jurisdictions; and
- WHEREAS,** due to a recent decision by the United States Supreme Court and the lack of a state sales tax it is appropriate for the municipalities to collectively amend their sales tax codes to account for remote sellers who do not have a physical presence either in the State of Alaska or in a specific taxing jurisdiction, but do have a taxable connection with the State of Alaska or taxing jurisdiction; and
- WHEREAS,** this ordinance is not retroactive in its application; and
- WHEREAS,** this ordinance provides a safe harbor to those who transact limited sales in Alaska; and
- WHEREAS,** amending local sales tax codes reflects the 2018 Supreme Court “*Wayfair*” decision to allow for the application of the taxing jurisdiction’s sales tax code requirements to sellers without a physical presence in the State of Alaska or taxing jurisdiction; and
- WHEREAS,** the intent is to levy municipal sales tax to the maximum limit of federal and state constitutional doctrines; and
- WHEREAS,** the [insert name of municipality] has entered into a cooperative agreement with other local governments called the Alaska Remote Seller Sales Tax Agreement (“the Agreement”); and
- WHEREAS,** the terms of the Agreement require adoption of certain uniform provisions for collection and remittance of municipal sales tax applicable to sales made by remote sellers similar to the Streamlined Sales and Use Tax Agreement.

NOW, THEREFORE, it is enacted as follows:

Chapter __ of the [fill in name] Code of Ordinances is hereby amended by adopting a new Chapter __ to read as follows:
Sales Made by Remote Sellers: The Alaska Remote Sellers Sales Tax Code is an ordinance prepared by the Alaska Remote Seller Sales Tax Commission and hereby adopted by reference.

ALASKA REMOTE SELLER SALES TAX CODE

SECTION 010 – Interpretation

- A. In order to prevent evasion of the sales taxes and to aid in its administration, it is presumed that all sales and services by a person or entity engaging in business are subject to the sales tax.
- B. The application of the tax to be collected under this Code shall be broadly construed and shall favor inclusion rather than exclusion.
- C. Exemptions from the tax to be collected under this Code shall be narrowly construed against the claimant and allowed only when such exemption clearly falls within an exemption defined in the member jurisdiction’s Code.

- D. The scope of this Code shall apply to remote sellers or marketplace facilitators, delivering products or services into Member municipalities adopting this Code, within the state of Alaska.

SECTION 020 – Title to Collected Sales Tax

Upon collection by the remote seller or marketplace facilitator, title to collected sales tax vests in the Commission for remittance to the member jurisdiction. The remote seller or marketplace facilitator remits collected sales tax to the Commission on behalf of the member jurisdiction, from whom that power is delegated, in trust for the member jurisdiction and is accountable to the Commission and member jurisdiction.

SECTION 030 – Collection – Rate

- A. To the fullest extent permitted by law, the sales tax levied and assessed by the member jurisdiction shall be collected on all remote sales where delivery is made within the member jurisdiction, within the state of Alaska.
- B. The applicable tax shall be added to the sales price as provided in the member jurisdiction’s sales tax code, based on Point of Delivery.
- C. The tax rate added to the sale price shall be the tax rate for the member jurisdiction(s) where the property or product is sold, or service that was rendered is received, and based on the date the property or product was sold or the date the service rendered was received.
- D. An Address and Tax Rate Database will be made available to remote sellers and marketplace facilitators, indicating the appropriate tax rate to be applied.
- E. The tax assessed shall be consistent with relevant jurisdictional tax caps, single unit sales, and exemptions.
- F. When a sale is made on an installment basis, the applicable sales tax shall be collected at each payment, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered, based on the member jurisdictions’ Code(s).
- G. When a sales transaction involves placement of a single order with multiple deliveries made at different points in time that are separately invoiced, the applicable sales tax shall be collected on each separately invoiced delivery, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered.

SECTION 040 – Obligation to Collect Tax - Threshold Criteria

- A. Any remote seller or marketplace facilitator must collect and remit sales tax in compliance with all applicable procedures and requirements of law, provided the remote seller or marketplace facilitator has met one of the following Threshold Criteria (“Threshold Criteria”) in the current or previous calendar year:
 - 1. The remote seller’s statewide gross sales, including the seller’s marketplace facilitator’s statewide gross sales, from the sale(s) of property, products or services delivered in the state meets or exceeds one hundred thousand dollars (\$100,000); or
 - 2. The remote seller, including the seller’s marketplace facilitator, sold property, products, or services delivered in the state in two hundred (200) or more separate transactions.
- B. For purposes of determining whether the Threshold Criteria are met, remote sellers or marketplace facilitators shall include all gross sales, from all sales of goods, property, products, or services rendered within the state of Alaska.

SECTION 050 – Reporting and remittance requirements for local and remote sales

- A. Sellers with a physical presence in a member jurisdiction conducting only local sales shall report and remit to, and comply with standards of, including audit authority, the member jurisdiction.
- B. Sellers with a physical presence in a member jurisdiction that also have remote or internet-based sales where the Point of Delivery is in a different Member Jurisdiction shall (i) report and remit the remote or internet sales to the Commission; and ii) report and remit the local sales to the Member Jurisdiction.
- C. Sellers with a physical presence in a Member Jurisdiction that also have remote or internet-based sales where the Point of Delivery is in the same Member Jurisdiction shall report and remit those remote sales to the Member Jurisdiction.
- D. Sellers and marketplace facilitators that do not have a physical presence in a Member Jurisdiction must report and remit to the Commission all remote sales where the Point of Delivery is in a Member Jurisdiction.
- E. A marketplace facilitator is considered the remote seller for each sale facilitated through its marketplace and shall collect, report, and remit sales tax to the Commission. A marketplace facilitator is not considered to be the remote seller for each sale or rental of lodging facilitated through its marketplace, wherein the seller is considered to have a physical presence in the member jurisdiction.

SECTION 060. – No Retroactive Application

The obligations to collect and remit sales tax required by this chapter are applicable at the effective date of the member jurisdiction's ordinance adopting the Alaska Remote Seller Sales Tax Code.

SECTION 070 – Payment and Collection

Pursuant to this Code, taxes imposed shall be due and paid by the buyer to the remote seller or marketplace facilitator at the time of the sale of property or product or date service is rendered, or with respect to credit transactions, at the time of collection. It shall be the duty of each remote seller or marketplace facilitator to collect the taxes from the buyer and to hold those taxes in trust for the taxing authority of the member jurisdiction. Failure by the remote seller or marketplace facilitator to collect the tax shall not affect the remote seller's, or marketplace facilitator's, responsibility for payment to the Commission.

SECTION 080 – Remote Seller and Marketplace Facilitator Registration Requirement

- A. If a remote seller's gross statewide sales meets or exceeds the Threshold Criteria from Section 040, the remote seller shall register with the Commission. If the remote seller is a marketplace seller and only makes sales in Alaska through a marketplace, the marketplace seller is not required to register with the Commission. The marketplace seller must submit an affidavit attesting to these facts on a form provided by the Commission.
- B. If a marketplace facilitator's gross statewide sales meets or exceeds the Threshold Criteria from Section 040, the marketplace facilitator shall register with the Commission.
- C. A remote seller or marketplace facilitator meeting the Threshold Criteria shall apply for a certificate of sales tax registration within thirty (30) calendar days of the effective date of this Code or within thirty (30) calendar days of meeting the Threshold Criteria whichever occurs second. Registration shall be to the Commission on forms prescribed by the Commission.
- D. An extension may be applied for and granted based on criteria established by the Commission, based on evidence produced to describe time necessary to update software or other technical needs, not to exceed ninety (90) days.
- E. Upon receipt of a properly executed application, the Commission shall confirm registration, stating the legal name of the remote seller or marketplace facilitator, the primary address, and the primary sales tax contact name and corresponding title. The failure of the Commission to confirm registration does not relieve the remote seller or marketplace facilitator of its duty to collect and remit sales tax.
- F. Each business entity shall have a sales tax registration under the advertised name.
- G. The sales tax certificate is non-assignable and non-transferable.
- H. The sales tax certificate satisfies a member jurisdiction's requirement to obtain a municipal business license, provided the seller does not have a physical presence in that member jurisdiction.

SECTION 090 – Tax Filing Schedule

- A. All remote sellers or marketplace facilitators subject to this Code shall file a return on a form or in a format prescribed by the Commission and shall pay the tax due.
- B. Filing of sales tax returns are due monthly; quarterly or less frequent filing is optional upon application and approval by the Commission, consistent with the code of the member jurisdiction.
- C. A remote seller or marketplace facilitator who has filed a sales tax return will be presumed to be making sales in successive periods unless the remote seller or marketplace facilitator files a return showing a termination or sale of the business in accordance with this Code.
- D. The completed and executed return, together with the remittance in full for the tax due, shall be transmitted to and must be received by the Commission on or before midnight Alaska Standard Time on the due date. Monthly returns are due the last day of the immediate subsequent month. Quarterly returns are due as follows:

Quarter 1 (January – March)	April 30
Quarter 2 (April – June)	July 31
Quarter 3 (July – September)	October 31
Quarter 4 (October – December)	January 31
- E. If the last day of the month following the end of the filing period falls on a Saturday, Sunday, federal holiday or Alaska state holiday, the due date will be extended until the next business day immediately following.
- F. Any remote seller or marketplace facilitator holding a remote seller registration shall file a sales tax return even though no tax may be due. This return shall show why no tax is due. If the remote seller or marketplace facilitator intends to continue doing business a return shall be filed reflecting no sales and a confirmation of the intent to continue doing business and shall continue to do so each filing period until the entity ceases doing business or sells the business. If the remote seller or marketplace facilitator intends to cease doing business, a

final return shall be filed along with a statement of business closure.

- G. The remote seller or marketplace facilitator shall prepare the return and remit sales tax to the Commission on the same basis, cash or accrual, which the remote seller or marketplace facilitator uses in preparing its federal income tax return. The remote seller or marketplace facilitator shall sign the return, and transmit the return, with the amount of sales tax and any applicable penalty, interest or fees that it shows to be due, to the Commission.
- H. Remote sellers and marketplace facilitators failing to comply with the provisions of this Code shall, if required by the Commission and if quarterly filing has been chosen, file and transmit collected sales taxes more frequently until such time as they have demonstrated to the Commission that they are or will be able to comply with the provisions of this Code. Six (6) consecutive on-time sales tax filings, with full remittance of the sales taxes collected, shall establish the presumption of compliance and return to quarterly filing.
- I. The preparer of the sales tax return shall keep and maintain all documentation supporting any and all claims of exempted sales and purchases. Documentation for exempted sales should include the number of the exemption authorization card presented by the buyer at the time of the purchase; the date of the purchase; the name of the person making the purchase; the organization making the purchase; the total amount of the purchase; and the amount of sales tax exempted. This documentation shall be made available to the Commission upon request. Failure to provide such documentation may invalidate that portion of the claim of exemption for which no documentation is provided.

SECTION 100 – Estimated Tax

- A. In the event the Commission is unable to ascertain the tax due from a remote seller or marketplace facilitator by reason of the failure of the remote seller or marketplace facilitator to keep accurate books, allow inspection, or file a return, or by reason of the remote seller or marketplace facilitator filing a false or inaccurate return, the Commission may make an estimate of the tax due based on any evidence in their possession.
- B. Sales taxes may also be estimated, based on any information available, whenever the Commission has reasonable cause to believe that any information on a sales tax return is not accurate.
- C. A remote seller's or marketplace facilitator's tax liability under this Code may be determined and assessed for a period of three (3) years after the date the return was filed or due to be filed with the Commission. No civil action for the collection of such tax may be commenced after the expiration of the three (3) year period except an action for taxes, penalties and interest due from those filing periods that are the subject of a written demand or assessment made within the three (3) year period, unless the remote seller or marketplace facilitator waives the protection of this section.
- D. The Commission shall notify the remote seller or marketplace facilitator, in writing, that the Commission has estimated the amount of sales tax that is due from the remote seller or marketplace facilitator. The Commission shall serve the notice on the remote seller or marketplace facilitator by delivering the notice to the remote seller's or marketplace facilitator's place of business, or by mailing the notice by certified mail, return receipt requested, to the remote seller's or marketplace facilitator's last known mailing address. A remote seller or marketplace facilitator who refuses the certified mail will be considered to have accepted the certified mail for purposes of service.
- E. The Commission's estimate of the amount of sales tax that is due from a remote seller or marketplace facilitator shall become a final determination of the amount that is due unless the remote seller or marketplace facilitator, within thirty (30) calendar days after service of notice of the estimated tax:
 - 1. Files a complete and accurate sales tax return for the delinquent periods supported by satisfactory records and accompanied by a full remittance of all taxes, interest, penalties, costs and other charges due; or
 - 2. Files a written notice with the Commission appealing the estimated tax amount in accordance with the appeal procedures, under the provisions of section .160 of this chapter.
 - 3. Arguments or reasons for failure to timely file a return and remit taxes collected shall not be considered a valid basis or grounds for granting an appeal. The basis and grounds for granting an appeal of an assessment are:
 - a. The identity of the remote seller or marketplace facilitator is in error;
 - b. The amount of the debt is erroneous due to a clerical error (and the nature and extent of the error is specified in the request for appeal); or
 - c. The remote seller or marketplace facilitator disputes the denial of exemption(s) for certain sales.
- F. The amount of sales tax finally determined to be due under this section shall bear interest and penalty from the date that the sales tax originally was due, plus an additional civil penalty of fifty dollars (\$50) for each calendar month or partial month for which the amount of sales tax that is due has been determined.

SECTION 110 – Returns – Filing Contents

- A. Every remote seller or marketplace facilitator required by this chapter to collect sales tax shall file with the Commission upon forms furnished by the Commission a return setting forth the following information:
 - 1. Gross sales rounded to the nearest dollar;
 - 2. The nontaxable portions separately stating the amount of sales revenue attributable to each class of exemption, rounded to the nearest dollar;
 - 3. Computation of taxes to be remitted;
 - 4. Calculated discount (if applicable) based on member jurisdiction's code; and
 - 5. Such other information as may be required by the Commission.
- B. Each tax return remitted by a remote seller or marketplace facilitator shall be signed (digital or otherwise) by a responsible individual who shall attest to the completeness and accuracy of the information on the tax return.
- C. The Commission reserves the right to reject a filed return for failure to comply with the requirements of this Code for up to three (3) months from the date of filing. The Commission shall give written notice to a remote seller or marketplace facilitator that a return has been rejected, including the reason for the rejection.

SECTION 120 – Refunds

- A. Upon request from a buyer or remote seller or marketplace facilitator, the Commission shall provide a determination of correct tax rate and amount applicable to the transaction. In the case of an overpayment of taxes, the remote seller or marketplace facilitator shall process the refund and amend any returns accordingly.
- B. If the claimant is a remote seller or marketplace facilitator, and the tax refund is owed to any buyer, the remote seller or marketplace facilitator submits, and the Commission approves, a refund plan to all affected buyers.
- C. Interest will not be paid on tax refund requests filed with the Commission.
- D. The Member Jurisdictions may allow a buyer to request a refund directly from the Member Jurisdiction.

SECTION 130 – Amended Returns

- A. A remote seller or marketplace facilitator may file an amended sales tax return, with supporting documentation, and the Commission may accept the amended return, but only in the following circumstances:
 - i. The amended return is filed within one (1) year of the original due date for the return; and
 - ii. The remote seller or marketplace facilitator provides a written justification for requesting approval of the amended return; and
 - iii. The remote seller or marketplace facilitator agrees to submit to an audit upon request of the Commission.
- B. The Commission shall notify the remote seller or marketplace facilitator in writing (by email or otherwise) whether the Commission accepts or rejects an amended return, including the reasons for any rejection.
- C. The Commission may adjust a return for a remote seller or marketplace facilitator if, after investigation, the Commission determines the figure included in the original returns are incorrect; and the Commission adjusts the return within three (3) years of the original due date for the return.
- D. A remote seller or marketplace facilitator may file a supplemental sales tax return, with supporting documentation, and the Commission may accept the supplemental return, but only in the following circumstances:
 - i. The remote seller or marketplace facilitator provides a written justification for requesting approval of the supplemental return; and
 - ii. The remote seller or marketplace facilitator agrees to submit to an audit upon request of the Commission.

SECTION 140 – Extension of Time to File Tax Return

Upon written application of a remote seller or marketplace facilitator, stating the reasons therefor, the Commission may extend the time to file a sales tax return but only if the Commission finds each of the following:

- 1. For reasons beyond the remote seller's or marketplace facilitator's control, the remote seller or marketplace facilitator has been unable to maintain in a current condition the books and records that contain the information required to complete the return;
- 2. Such extension is a dire necessity for bookkeeping reasons and would avert undue hardship upon the remote seller or marketplace facilitator;
- 3. The remote seller or marketplace facilitator has a plan to cure the problem that caused the remote seller or marketplace facilitator to apply for an extension and the remote seller or marketplace facilitator agrees to proceed with diligence to cure the problem;
- 4. At the time of the application, the remote seller or marketplace facilitator is not delinquent in filing any other sales tax return, in remitting sales tax to the Commission or otherwise in violation of this chapter;
- 5. No such extension shall be made retroactively to cover existing delinquencies.

SECTION 150 – Audits

- A. Any remote seller or marketplace facilitator who has registered with the Commission, who is required to collect and remit sales tax, or who is required to submit a sales tax return is subject to a discretionary sales tax audit at any time. The purpose of such an audit is to examine the business records of the remote seller or marketplace facilitator in order to determine whether appropriate amounts of sales tax revenue have been collected by the remote seller or marketplace facilitator and remitted to the Commission.
- B. The Commission is not bound to accept a sales tax return as correct. The Commission may make an independent investigation of all retail sales or transactions conducted within the State or member jurisdiction.
- C. The records that a remote seller or marketplace facilitator is required to maintain under this chapter shall be subject to inspection and copying by authorized employees or agents of the Commission for the purpose of auditing any return filed under this chapter, or to determine the remote seller's or marketplace facilitator's liability for sales tax where no return has been filed.
- D. In addition to the information required on returns, the Commission may request, and the remote seller or marketplace facilitator must furnish, any reasonable information deemed necessary for a correct computation of the tax.
- E. The Commission may adjust a return for a remote seller or marketplace facilitator if, after investigation or audit, the Commission determines that the figures included in the original return are incorrect, and that additional sales taxes are due; and the Commission adjusts the return within three (3) years of the original due date for the return.
- F. For the purpose of ascertaining the correctness of a return or the amount of taxes owed when a return has not been filed, the Commission may conduct investigations, hearings and audits and may examine any relevant books, papers, statements, memoranda, records, accounts or other writings of any remote seller or marketplace facilitator at any reasonable hour on the premises of the remote seller or marketplace facilitator and may require the attendance of any officer or employee of the remote seller or marketplace facilitator. Upon written demand by the Commission, the remote seller or marketplace facilitator shall present for examination, in the office of the Commission, such books, papers, statements, memoranda, records, accounts and other written material as may be set out in the demand unless the Commission and the person upon whom the demand is made agree to presentation of such materials at a different place.
- G. The Commission may issue subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda. If any remote seller or marketplace facilitator refuses to obey any such subpoena, the Commissioner may refer the matter to the Commission's attorney for an application to the superior court for an order requiring the remote seller or marketplace facilitator to comply therewith.
- H. Any remote seller, marketplace facilitator, or person engaged in business who is unable or unwilling to submit their records to the Commission shall be required to pay the Commission for all necessary expenses incurred for the examination and inspection of their records maintained outside the Commission.
- I. After the completion of a sales tax audit, the results of the audit will be sent to the business owner's address of record.
- J. In the event the Commission, upon completion of an audit, discovers more than five hundred dollars (\$500) in additional sales tax due from a remote seller or marketplace facilitator resulting from a remote seller's or marketplace facilitator's failure to accurately report sales and taxes due thereupon, the remote seller or marketplace facilitator shall bear responsibility for the full cost of the audit. The audit fee assessment will be in addition to interest and penalties applicable to amounts deemed to be delinquent by the Commission at the time of the conclusion of the audit.

SECTION 160 – Audit or Estimated Tax protest

- A. If the remote seller or marketplace facilitator wishes to dispute the amount of the estimate, or the results of an examination or audit, the remote seller or marketplace facilitator must file a written protest with the Commission, within thirty (30) calendar days of the date of the notice of estimated tax or results of an audit or examination. The protest must set forth:
 - 1. The remote seller's or marketplace facilitator's justification for reducing or increasing the estimated tax amount, including any missing sales tax returns for the periods estimated; or
 - 2. The remote seller's or marketplace facilitator's reasons for challenging the examination or audit results.
- B. In processing the protest, the Commission may hold an informal meeting or hearing with the remote seller or marketplace facilitator, either on its own or upon request of the remote seller or marketplace facilitator and may also require that the remote seller or marketplace facilitator submit to an audit, if one was not previously conducted or a more formal audit, if an estimation audit was previously performed.
- C. The Commission shall make a final written determination on the remote seller's or marketplace facilitator's protest and mail a copy of the determination to the remote seller or marketplace facilitator.

- D. If a written protest is not filed within thirty (30) days of the date of the notice of estimated tax or the result of a review, audit or examination, then the estimated tax, review, audit or examination result shall be final, due and payable to the Commission.

SECTION 170 – Penalties and Interest for Late Filing

- A. A late filing fee of twenty-five dollars (\$25) per month, or fraction thereof, shall be added to all late-filed sales tax reports, until a total of one-hundred dollars (\$100) has been reached. An incomplete return shall be treated as the filing of no return.
- B. Delinquent sales tax bear interest at the rate of fifteen percent (15%) per annum until paid.
- C. In addition, delinquent sales tax shall be subject to an additional penalty of 5% per month, or fraction thereof, until a total of 20% of delinquent tax has been reached. The penalty does not bear interest.
- D. Fees, penalties and interest shall be assessed and collected in the same manner as the tax is assessed and collected, and applied first to fees, penalties and interest, second to past due sales tax.
- E. The filing of an incomplete return, or the failure to remit all tax, shall be treated as the filing of no return.
- F. A penalty assessed under this section for the delinquent remittance of sales tax or failure to file a sales tax return may be waived by the Commission, upon written application of the remote seller or marketplace facilitator accompanied by a payment of all delinquent sales tax, interest and penalty otherwise owed by the remote seller or marketplace facilitator, within forty-five (45) calendar days after the date of delinquency. A remote seller or marketplace facilitator may not be granted more than one (1) waiver of penalty under this subsection in any one calendar year, in accordance with the Commission's penalty waiver policy. The Commission shall report such waivers of penalty to the member jurisdiction, in writing.

SECTION 180 – Remote Reseller Certificate of Exemption

- A. A remote seller with no physical presence in a member jurisdiction purchasing goods or services for the express purpose of resale to buyer(s) located in that member jurisdiction shall apply for a resale certificate through the Commission.
- B. The Remote Reseller Certificate of Exemption will expire at the end of the calendar year it is issued.

SECTION 190 – Repayment Plans

- A. The Commission may agree to enter into a repayment plan with a delinquent remote seller or marketplace facilitator. No repayment plan shall be valid unless agreed to by both parties in writing.
- B. A remote seller or marketplace facilitator shall not be eligible to enter into a repayment plan with the Commission if the remote seller or marketplace facilitator has defaulted on a repayment plan in the previous two (2) calendar years.
- C. The repayment plan shall include a secured promissory note that substantially complies with the following terms:
- i. The remote seller or marketplace facilitator agrees to pay a minimum of ten percent (10%) down payment on the tax, interest and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.
 - ii. The remote seller or marketplace facilitator agrees to pay the balance of the tax, penalty and interest owed in monthly installments over a period not to exceed two (2) years.
 - iii. Interest at a rate of fifteen percent (15%) per annum shall accrue on the principal sum due. Interest shall not apply to penalties owed or to interest accrued at the time the repayment plan is executed or accruing during the term of the repayment plan.
 - iv. If the remote seller or marketplace facilitator is a corporation or a limited liability entity, the remote seller or marketplace facilitator agrees to provide a personal guarantee of the obligations under the repayment plan.
 - v. The remote seller or marketplace facilitator agrees to pay all future tax bills in accordance with the provisions of this chapter.
 - vi. The remote seller or marketplace facilitator agrees to provide a security interest in the form of a sales tax lien for the entire unpaid balance of the promissory note to be recorded by the Commission at the time the repayment plan is signed. The remote seller or marketplace facilitator shall be responsible for the cost of recording the tax lien.
- D. If a remote seller or marketplace facilitator fails to pay two (2) or more payments in accordance with the terms of the repayment plan agreement, the remote seller or marketplace facilitator shall be in default and the entire amount owed at the time of default shall become immediately due. The Commission will send the remote seller or marketplace facilitator a notice of default. The Commission may immediately foreclose on the sales tax lien

or take any other remedy available under the law.

SECTION 200 – Remote Seller or Marketplace Facilitator Record Retention

Remote sellers or marketplace facilitators shall keep and preserve suitable records of all sales made and such other books or accounts as may be necessary to determine the amount of tax which the remote seller or marketplace facilitator is obliged to collect. Remote sellers or marketplace facilitators shall preserve suitable records of sales for a period of three (3) years from the date of the return reporting such sales, and shall preserve for a period of three (3) years all documentation supporting exempted sales of goods or services and all such other books, invoices and records as may be necessary to accurately determine the amount of taxes which the remote seller or marketplace facilitator was obliged to collect under this chapter.

SECTION 210 – Cessation or Transfer of Business

- A. A remote seller or marketplace facilitator who sells, leases, conveys, forfeits, assigns, gifts or otherwise transfers (collectively, a “transfer”) the majority of their business interest, including to a creditor or secured party, shall make a final sales tax return within thirty (30) days after the date of such conveyance.
- B. At least ten (10) business days before any such transfer is completed, the remote seller or marketplace facilitator shall send to the Commission, by approved communication (email confirmation, certified first-class mail, postage prepaid) a notice that the remote seller’s or marketplace facilitator’s interest is to be conveyed and shall include the name, address and telephone number of the person or entity to whom the interest is to be conveyed.
- C. Upon notice of transfer and disclosure of buyer, the Commission shall be authorized to disclose the status of the remote seller’s or marketplace facilitator’s sales tax account to the named buyer or assignee.
- D. Upon receipt of notice of a transfer, the Commission shall send the transferee a copy of this Code with this section highlighted.
- E. Neither the Commission’s failure to give the notice nor the transferee’s failure to receive the notice shall relieve the transferee of any obligations under this section.
- F. Following receipt of the notice, the Commission shall have sixty (60) days in which to perform a final sales tax audit and assess sales tax liability against the remote seller or marketplace facilitator. If the notice is not mailed at least ten (10) business days before the transfer is completed, the Commission shall have twelve (12) months from the date of the completion of the transfer or the Commission’s knowledge of the completion of the transfer within which to begin a final sales tax audit and assess sales tax liability against the remote seller or marketplace facilitator. The Commission may also initiate an estimated assessment if the requirements for such an assessment exist.
- G. A person acquiring any interest of a remote seller or marketplace facilitator in a business required to collect the tax under this chapter assumes the liability of the remote seller or marketplace facilitator for all taxes due the Commission, whether current or delinquent, whether known to the Commission or discovered later, and for all interest, penalties, costs and charges on such taxes.
- H. Before the effective date of the transfer, the transferee of a business shall obtain from the Commission an estimate of the delinquent sales tax, penalty and interest, if any, owed by the remote seller or marketplace facilitator as of the date of the transfer, and shall withhold that amount from the consideration payable for the transfer, until the remote seller or marketplace facilitator has produced a receipt from the Commission showing that all tax obligations imposed by this chapter have been paid. A transferee that fails to withhold the amount required under this subsection shall be liable to the Commission and member jurisdiction for the lesser of the amount of delinquent sales tax, penalty and interest due from the remote seller or marketplace facilitator as of the date of transfer, and the amount that the transferee was required to withhold.
- I. In this section, the term “transfer” includes the following:
 1. A change in voting control, or in more than fifty percent (50%) of the ownership interest in a remote seller or marketplace facilitator that is a corporation, limited liability company or partnership; or
 2. A sale of all or substantially all the assets used in the business of the remote seller or marketplace facilitator; or
 3. The initiation of a lease, management agreement or other arrangement under which another person becomes entitled to the remote seller’s or marketplace facilitator’s gross receipts from sales, rentals or services.
- J. Subsection H of this section shall not apply to any person who acquires their ownership interest in the ongoing business as a result of the foreclosure of a lien that has priority over the Commission’s sales tax lien.
- K. Upon termination, dissolution or abandonment of a business entity, any officer having control or supervision of sales tax funds collected, or who is charged with responsibility for the filing of returns or the payment of sales tax funds collected, shall be personally liable for any unpaid taxes, interest, administrative costs and penalties on those taxes if such person willfully fails to pay or cause to be paid any taxes due from the corporation. In

addition, regardless of willfulness, each director, member, or general partner of the entity shall be jointly and severally liable for unpaid amounts. The person shall be liable only for taxes collected which became due during the period he or she had the control, supervision, responsibility or duty to act for the corporation. This section does not relieve the entity of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

- L. A remote seller or marketplace facilitator who terminates the business without the benefit of a purchaser, successor or assign shall make a final tax return and settlement of tax obligations within thirty (30) days after such termination. If a final return and settlement are not received within thirty (30) days of the termination, the remote seller or marketplace facilitator shall pay a penalty of one hundred dollars (\$100), plus an additional penalty of twenty-five dollars (\$25) for each additional thirty- (30-) day period, or part of such a period, during which the final return and settlement have not been made, for a maximum of six (6) additional periods.

SECTION 220 – Use of Information on Tax Returns

- A. Except as otherwise provided in this chapter, all returns, reports and information required to be filed with the Commission under this Code, and all information contained therein, shall be kept confidential and shall be subject to inspection only by:
 - 1. Employees and agents of the Commission and member jurisdiction whose job responsibilities are directly related to such returns, reports and information;
 - 2. The person supplying such returns, reports and information; and
 - 3. Persons authorized in writing by the person supplying such returns, reports and information.
- B. The Commission will release information described in subsection A of this section pursuant to subpoena, order of a court or administrative agency of competent jurisdiction, and where otherwise required by law to do so.
- C. Notwithstanding subsection A of this section, the following information is available for public inspection:
 - A. The name and address of sellers and marketplace facilitators;
 - B. Whether a business is registered to collect taxes under this chapter;
 - C. The name and address of businesses that are sixty (60) days or more delinquent in filing returns or in remitting sales tax, or both filing returns and remitting sales tax; and, if so delinquent, the amount of estimated sales tax due, and the number of returns not filed.
- D. The Commission may provide the public statistical information related to sales tax collections, provided that no information identifiable to a particular remote seller or marketplace facilitator is disclosed.
- E. Nothing contained in this section shall be construed to prohibit the delivery to a person, or their duly authorized representative, of a copy of any return or report filed by them, nor to prohibit the publication of statistics so classified as to prevent the identification of particular buyers, remote sellers, or marketplace facilitators, nor to prohibit the furnishing of information on a reciprocal basis to other agencies or political subdivisions of the state or the United States concerned with the enforcement of tax laws.
- F. Nothing contained in this section shall be construed to prohibit the disclosure through enforcement action proceedings or by public inspection or publication of the name, estimated balance due, and current status of payments, and filings of any remote seller or marketplace facilitator or agent of any remote seller or marketplace facilitator required to collect sales taxes or file returns under this chapter, who fails to file any return and/or remit in full all sales taxes due within thirty (30) days after the required date for that business. Entry into any agreement whether pursuant to the provisions of this chapter or otherwise shall not act as any prohibition to disclosure of the records of that remote seller or marketplace facilitator as otherwise provided in this chapter.
- G. A prospective lessee or purchaser of any business or business interest may inquire as to the obligation or tax status of any business upon presenting to the Commission a release of tax information request signed by the authorized agent of the business.
- H. Except as otherwise provided herein, all returns referred to in this chapter, and all data taken therefrom, shall be kept secure from public inspection, and from all private inspection.

SECTION 230 – Violations

- A. A remote seller or marketplace facilitator that fails to file a sales tax return or remit sales tax when due, in addition to any other liability imposed by this Code, shall pay to the Commission all costs incurred by the Commission to determine the amount of the remote seller's or marketplace facilitator's liability or to collect the sales tax, including, without limitation, reviewing and auditing the remote seller's or marketplace facilitator's business records, collection agency fees, and actual reasonable attorney's fees.
- B. A person who causes or permits a corporation of which the person is an officer or director, a limited liability company of which the person is a member or manager, or a partnership of which the person is a partner, to fail to collect sales tax or to remit sales tax to the Commission as required by this Code shall be liable to the Commission

for the amount that should have been collected or remitted, plus any applicable interest and penalty.

- C. Notwithstanding any other provision of law, and whether or not the Commission initiates an audit or other tax collection procedure, the Commission may bring a declaratory judgment action against a remote seller or marketplace facilitator believed to meet the criteria to establish that the obligation to remit sales tax is applicable and valid under local, state and federal law. The action shall be brought in the judicial district of the member jurisdiction.
- D. The Commission may cause a sales tax lien to be filed and recorded against all real and personal property of a remote seller or marketplace facilitator where the remote seller or marketplace facilitator has:
 - 1. Failed to file sales tax returns for two (2) consecutive filing periods as required by the Code; or
 - 2. Failed within sixty (60) days of the end of the filing period from which taxes were due to either (a) remit all amounts due or (b) to enter into a secured payment agreement as provided in this Code.
 - 3. Prior to filing a sales tax lien, the Commission shall cause a written notice of intent to file to be mailed to the last known address of the delinquent remote seller or marketplace facilitator.
- E. In addition to other remedies discussed in this Code, the Commission may bring a civil action to:
 - 1. Enjoin a violation of this Code. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall enjoin the violation.
 - 2. Collect delinquent sales tax, penalty, interest and costs of collection, either before or after estimating the amount of sales tax due.
 - 3. Foreclose a recorded sales tax lien as provided by law.
- F. All remedies hereunder are cumulative and are in addition to those existing at law or equity.

SECTION 240 – Penalties for Violations

- A. In the event that a penalty provided below is different from the same penalty in a member jurisdiction's sales tax code, the penalty prescribed in the member jurisdiction's sales tax code will apply.
- B. A buyer, remote seller, or marketplace facilitator who knowingly or negligently submits false information in a document filed with the Commission pursuant to this Code is subject to a penalty of five hundred dollars (\$500).
- C. A remote seller or marketplace facilitator who knowingly or negligently falsifies or conceals information related to its business activities with the Commission or member jurisdiction is subject to a penalty of five hundred dollars (\$500).
- D. A person who knowingly or negligently provides false information when applying for a certificate of exemption is subject to a penalty of five hundred dollars (\$500).
- E. A remote seller or marketplace facilitator who fails or refuses to produce requested records or to allow inspection of their books and records shall pay to the Commission a penalty equal to three (3) times any deficiency found or estimated by the Commission with a minimum penalty of five hundred dollars (\$500).
- F. A remote seller or marketplace facilitator who falsifies or misrepresents any record filed with the Commission is guilty of an infraction and subject to a penalty of five hundred dollars (\$500) per record.
- G. Misuse of an exemption card is a violation and subject to a penalty of fifty dollars (\$50) per incident of misuse;
- H. Nothing in this chapter shall be construed as preventing the Commission from filing and maintaining an action at law to recover any taxes, penalties, interest and/or fees due from a remote seller or marketplace facilitator. The Commission may also recover attorney's fees in any action against a delinquent remote seller or marketplace facilitator.

SECTION 250 – Remittance of Tax; Remote Seller Held Harmless

- A. Any remote seller or marketplace facilitator that collects and remits sales tax to the Commission as provided by law may use an electronic database of state addresses that is certified by the Commission pursuant to subsection (C) of this section to determine the member jurisdictions to which tax is owed.
- B. Any remote seller or marketplace facilitator that uses the data contained in an electronic database certified by the Commission pursuant to subsection (C) of this section to determine the jurisdictions to which tax is owed shall be held harmless for any tax, charge, or fee liability to any member jurisdiction that otherwise would be due solely as a result of an error or omission in the database.
- C. Any electronic database provider may apply to the Commission to be certified for use by remote sellers or marketplace facilitators pursuant to this section. Such certification shall be valid for three years. In order to be certified, an electronic database provider shall have a database that satisfies the following criteria:
 - 1. The database shall designate each address in the state, including, to the extent practicable, any multiple postal address applicable to one location and the taxing jurisdictions that have the authority to impose a tax on purchases made by purchasers at each address in the state.
 - 2. The information contained in the electronic database shall be updated as necessary and maintained in an

accurate condition. In order to keep the database accurate, the database provider shall provide a convenient method for member jurisdictions that may be affected by the use of the database to inform the provider of apparent errors in the database. The provider shall have a process in place to promptly correct any errors brought to the provider's attention.

SECTION 260 – Savings Clause

- A. If any provision of Chapter __, the Remote Seller Sales Tax Code, and Chapter __, Sales Tax Code is determined by the Commission or an adjudicatory body of competent jurisdiction to discriminate against a remote seller in favor of a local seller with a physical presence in the taxing jurisdiction, the discriminatory provision shall continue in effect only to the extent such provision does not discriminate against a remote seller, and the comparable code provision applicable to a local seller will apply to a remote seller, and the remainder of Chapter __ and Chapter __ shall continue in full force and effect.

SECTION 270 – Definitions

Adoption of definitions does not compel an individual municipality to exempt certain defined items. Each municipality should specifically adopt definitions necessary for consistency to implement both brick-and-mortar sales tax code and provisions related to remote sellers or marketplace facilitators. For definitions that have no applicability to brick-and-mortar sales tax code, municipality may choose either to include definitions in the definitional section of general sales tax ordinance or adopt the common definitions by reference.

“Buyer” or “purchaser” means a person to whom a sale of property or product is made or to whom a service is furnished.

“Commission” means the Alaska Remote Seller Sales Tax Commission established by Agreement between local government taxing jurisdictions within Alaska, and delegated tax collection authority.

“Delivered electronically” means delivered to the purchaser by means other than tangible storage media.

“Delivery Charges” means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing.

“Entity-based exemption” means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

“Goods for resale” means:

A. the sale of goods by a manufacturer, wholesaler or distributor to a retail vendor; sales to a wholesale or retail dealer who deals in the property sold, for the purpose of resale by the dealer.

B. Sales of personal property as raw material to a person engaged in manufacturing components for sale, where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of, a product manufactured for sale by the manufacturer.

C. Sale of personal property as construction material to a licensed building contractor where the property sold becomes part of the permanent structure.

“Lease” or “rental” means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

“Local Sale” means a sale by a seller with a physical presence in a taxing jurisdiction, where the point of delivery is a location within the same taxing jurisdiction.

“Marketplace” means a physical or electronic place, platform or forum, including a store, booth, internet website, catalog or dedicated sales software application, where products or services are offered for sale.

“Marketplace facilitator” means a person that contracts with remote sellers to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the remote seller’s property, product or services through a physical or electronic marketplace operated by the person, and engages:

(a) Directly or indirectly, through one or more affiliated persons in any of the following:

(i) Transmitting or otherwise communicating the offer or acceptance between the buyer and remote seller;

(ii) Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and remote sellers together;

(iii) Providing a virtual currency that buyers are allowed or required to use to purchase products from the remote seller; or

(iv) Software development or research and development activities related to any of the activities described in (b) of this subsection, if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

(b) In any of the following activities with respect to the seller's products:

- (i) Payment processing services;
- (ii) Fulfillment or storage services;
- (iii) Listing products for sale;
- (iv) Setting prices;
- (v) Branding sales as those of the marketplace facilitator;
- (vi) Order taking;
- (vii) Advertising or promotion; or
- (viii) Providing customer service or accepting or assisting with returns or exchanges.

"Marketplace seller" means a person that makes retail sales through any physical or electronic marketplace that is operated by a marketplace facilitator.

"Member Jurisdiction" means a taxing jurisdiction that is a signatory of the Alaska Remote Seller Sales Tax Agreement, thereby members of the Commission, and who have adopted the Alaska Remote Seller Uniform Sales Tax Code.

"Monthly" means occurring once per calendar month.

"Nonprofit organization" means a business that has been granted tax-exempt status by the Internal Revenue Service.

"Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

"Physical presence" for purposes of section .050 means a seller who establishes any one or more of the following within a member jurisdiction:

1. Has any office, distribution or sales house, warehouse, storefront, or any other place of business within the boundaries of the member jurisdiction;
2. Solicits business or receiving orders through any employee, agent, salesman, or other representative within the boundaries of the member jurisdiction;
3. Provides services or holds inventory within the boundaries of the member jurisdiction;
4. Rents or Leases property located within the boundaries of the member jurisdiction.

A seller that establishes a physical presence within the local member jurisdiction in any calendar year will be deemed to have a physical presence within the member jurisdiction for the following calendar year.

"Point of delivery" means the location at which property or a product is delivered or service is rendered.

- A. When the product is not received or paid for by the purchaser at a business location of a remote seller in a Member Jurisdiction, the sale is considered delivered to the location where receipt by the purchaser (or the purchaser's recipient, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery as supplied by the purchaser (or recipient) and as known to the seller.
- B. When the product is received or paid for by a purchaser who is physically present at a business location of a Remote Seller in a Member Jurisdiction the sale is considered to have been made in the Member Jurisdiction where the purchaser is present even if delivery of the product takes place in another Member Jurisdiction. Such sales are reported and tax remitted directly to the Member Jurisdiction not to the Commission.
- C. When the service is not received by the purchaser at a business location of a remote seller, the service is considered delivered to the location where the purchaser receives the service.
- D. For products or services transferred electronically, or other sales where the remote seller or marketplace facilitator lacks a delivery address for the purchaser, the remote seller or marketplace facilitator shall consider the point of delivery of the sale to be the billing address of the buyer.

"Product-based exemptions" means an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product.

"Professional services" means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations that require a professional license under Alaska Statute.

"Property" and **"product"** and **"good"** means both tangible property, an item that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses; and intangible property, anything that is not physical in nature (i.e.; intellectual property, brand recognition, goodwill, trade, copyright and patents).

"Quarter" means trimonthly periods of a calendar year; January-March, April-June, July-September, and October-December.

"Receive" or **"receipt"** for purposes of section .030 and the definition of "Point of Delivery" means

- A. Taking possession of property or product;
- B. Making first use of services; or
- C. Taking possession or making first use of digital goods, whichever comes first.

The terms “receive” and “receipt” do not include temporary possession by a shipping company on behalf of the purchaser.

“Remote sales” means sales of goods or services by a remote seller or marketplace facilitator.

“Remote seller” means a seller or marketplace facilitator making sales of goods or services for delivery within the State of Alaska without having a physical presence in the member jurisdiction in which delivery is being made.

“Resale of services” means sales of intermediate services to a business where the charge for which will be passed directly by that business to a specific buyer.

“Sale” or “retail sale” means any transfer of property or product or any provision of service(s) for consideration for any purpose other than for resale.

“Sales price” or “purchase price” means the total amount of consideration, including cash, credit, property, products, and services, for which property, products, or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

- A. The seller’s cost of the property or product sold;
- B. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- C. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
- D. Delivery charges;
- E. Installation charges; and
- F. Credit for any trade-in, as determined by state law.

“Seller” means a person making sales of property, products, or services, or a marketplace facilitator facilitating sales on behalf of a seller.

“Services” means all services of every manner and description, which are performed or furnished for compensation, and delivered electronically or otherwise into a member jurisdiction including but not limited to:

- A. Professional services;
- B. Services in which a sale of property or product may be involved, including property or products made to order;
- C. Utilities and utility services not constituting a sale of property or products, including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable or satellite television, and Internet services;
- D. The sale of transportation services;
- E. Services rendered for compensation by any person who furnishes any such services in the course of his trade, business, or occupation, including all services rendered for commission;
- F. Advertising, maintenance, recreation, amusement, and craftsman services.

“Tax cap” means a maximum taxable transaction.

“Taxing jurisdiction” means a local government in Alaska that has a sales tax.

“Transferred electronically” means obtained by the purchaser by means other than tangible storage media.

SECTION 280 – Supplemental Definitions

For purposes of this Chapter, the Commission may promulgate Supplemental Definitions that are incorporated into this Remote Seller Sales Tax Code, provided they are not in conflict with or contrary to definitions set forth in the general sales tax ordinance of the member jurisdiction. Supplemental Definitions are available at www.arsstc.org. Provisions of the Supplemental Definitions that are amended, deleted, or added prior to or after the effective date of the latest amendment to this chapter shall be applicable for purposes of this chapter on the effective date provided for such amendments, deletions, or additions, including retroactive provisions.

A Memo from Susan Bourgeois, CMC, City Clerk

DATE: May 25, 2021

TO: Mayor and City Council, public

SUBJECT: Resolution 06-21-27

Alaska Statute 29.45.240 and Cordova Municipal Code 5.36.240 require that City Council set the 2021 Mill Rate by June 15, 2021. On May 19, 2021, Council certified the 2021 tax roll setting Cordova's total taxable value for 2021 at \$238,809,005. One mill is equal to about \$238.8k in property tax revenue (exactly \$238,809).

Cordova Municipal Code 1.18.010 states that resolutions creating or establishing rates require public hearings which is why there is one scheduled for June 2, 2021 previous to the regular meeting where Resolution 06-21-27 will be considered by the City Council.

The resolution contains a mill rate of 11.06 which would achieve revenue of \$2,641,228 – the closest you can get, going out only 2 decimal places, to \$2,640,957, which was the property tax revenue in the approved 2021 budget.

Information attached to this memo: AS 29.45.240, CMC 5.36.240 and CMC 1.18.010. Also, a spreadsheet showing revenue using 11.06 for the mill rate, revenue using 11.08 (the 2020 mill rate) and scenarios for 0.5, 1.0 and 1.5 mill increases (from 11.06), and the increases for taxpayers (using a/v's of 200k, 250k, 300k and 400k) if the mill rate went to 12.06 (up 1 mill from what is in the resolution).

The total taxable value in 2021 is \$292,560 higher than in 2020. There are 1,222 Cordova property tax accounts; 1,105 of those saw no change in a/v from 2020 to 2021. The remaining 117 accounts changed as follows: 61 were lower in 2021 and 56 were higher. The causes for decreases in a/v in 2021 were: appeals, torn down buildings, adjusted possessory interest values on leases, new senior citizen/disabled veteran exemptions and replats. The causes for increases in a/v in 2021 were: new construction or increased percentage complete of previously begun construction, building permits for other improvements, removal of exemptions, replats and other re-checks of previous years' appeals.

RECOMMENDED MOTION: Move to approve Resolution 06-21-27.

ALTERNATIVES: Council could amend the resolution by changing the mill rate to something other than 11.06.

REQUIRED ACTION: Majority roll call vote to approve the resolution as written or to approve the resolution as amended.

**CITY OF CORDOVA, ALASKA
RESOLUTION 06-21-27**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
SETTING THE PROPERTY TAX MILL LEVY FOR THE 2021 TAX YEAR AT 11.06
MILLS FOR ALL PROPERTIES IN CORDOVA**

WHEREAS, Alaska Statute, Section 29.45.240 and Cordova Municipal Code 5.36.240 require that the mill levy be established by resolution annually prior to June 15 of the tax year; and

WHEREAS, in accordance with Cordova Municipal Code Section 1.18.010 A, this rate setting resolution requires a public hearing before passage; and

WHEREAS, on December 16, 2020, Council approved Resolution 12-20-42 adopting the 2021 City budget which included property tax revenue of **\$2,640,957**; and

WHEREAS, on May 19, 2021, Council approved certification of the 2021 property tax roll which set Cordova's total taxable value at **\$238,809,005**.

NOW, THEREFORE BE IT RESOLVED THAT the Council of the City of Cordova, Alaska, hereby sets the mill rate for 2021 real property at **11.06** mills for all properties in the City of Cordova; and

BE IT FURTHER RESOLVED THAT a mill rate of 11.06 on all taxable value in the City of Cordova would realize property tax revenue in 2021 of \$2,641,228.

PASSED AND APPROVED THIS 2nd DAY OF JUNE 2021

Clay R. Koplin, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

Alaska Statute:

Sec. 29.45.240. Establishment of levy and determination of rate.

(a) The power granted to a municipality to assess, levy, and collect a property tax shall be exercised by means of an ordinance. The rate of levy, the date of equalization, and the date when taxes become delinquent shall be fixed by resolution.

(b) A municipality shall annually determine the rate of levy **before June 15**. By July 1 the tax collector shall mail tax statements setting out the levy, dates when taxes are payable and delinquent, and penalties and interest.

Cordova Municipal Code:

5.36.240 - Amount set by resolution.

The council shall thereupon by resolution **annually before June 15th** fix a rate of tax levy and designate the number of mills upon each dollar of value of assessed taxable real property that shall be levied.

(Ord. 777 (part), 1996: prior code § 13.126, as amended during 1979 codification).

1.18.010 - Resolutions.

A. Resolutions are acts of council which are not required to be enacted by an ordinance, such as authorizing a municipal official to undertake certain acts and acts not being of a permanent nature. **Resolutions creating or establishing rates shall require adequate public notice with one public hearing before passage.** Resolutions are formal acts of council required in accordance with charter, code, state and/or federal law.

B. All resolutions are a permanent record of the city and shall bear the following:

1. The heading "City of Cordova, Alaska";
2. Serial number as "Resolution _____":
 - a. Annually the serial number first number(s) shall denote the month; the second number(s) shall denote the year; and the third number(s) shall denote consecutive numbers indicating the total number of resolutions passed during a calendar year;
3. Resolving clause "PASSED AND APPROVED THIS _____ DAY OF _____, _____ (YEAR)" with designated lines for the mayor and clerk's signatures;
4. Passage of a resolution may be by a majority vote of a quorum present unless specifically required by charter or code to require a majority vote of all the members of the city council.

(Ord. 723, 1994).

2021 City of Cordova Mill Rate Scenarios

mill rate that gets closest to budgeted revenue: 11.06 mills

<u>2021 total taxable value</u>		<u>prop tax revenue in 2021 City budget</u>
\$238,809,005		\$2,640,957
<u>mill rate of:</u>	<u>multiplied by total taxable</u>	<u>would equal revenue of:</u>
11.06	\$238,809,005	\$2,641,228

if council opts to set the 2021 mill rate at the same value it was at in 2020

<u>mill rate of:</u>	<u>multiplied by total taxable</u>	<u>would equal revenue of:</u>
11.08	\$238,809,005	\$2,646,004

if it is anticipated that more p'tax revenue is required in 2021 due to unforeseen expenses
or if other budgeted revenues are forecasted to come in lower:

		<u>mill rate</u>	<u>property tax rev</u>	<u>raised by:</u>	<u>add'l revenue</u>
1)	\$238,809,005	11.56	\$2,760,632	1/2 mill	\$119,405
2)	\$238,809,005	12.06	\$2,880,037	1 mill	\$238,809
3)	\$238,809,005	12.56	\$2,999,441	1.5 mills	\$358,214

on a total taxable value of \$238,809,005 each one mill increase equals:

\$238,809

using scenario 2 above, an increase of one mill over 11.06

<u>home's a/v</u>	<u>2020 taxes @ 11.08 mills</u>	<u>2021 taxes @ 12.06 mills</u>	<u>increase for taxpayer</u>	<u>monthly increase</u>
\$200,000	\$2,216	\$2,412	\$196	\$16
\$250,000	\$2,770	\$3,015	\$245	\$20
\$300,000	\$3,324	\$3,618	\$294	\$25
\$400,000	\$4,432	\$4,824	\$392	\$33



AGENDA ITEM 15
City Council Meeting Date: 06/02/2021
CITY COUNCIL COMMUNICATION FORM

FROM: Susan Bourgeois, City Clerk
DATE: 05/26/2021
ITEM: Resolution 06-21-28 approving a mobile restaurant
NEXT STEP: Majority voice vote

☐ ORDINANCE
☐ MOTION

☒ RESOLUTION
☐ INFORMATION

- I. REQUEST OR ISSUE:** Resolution approving a mobile restaurant per CMC chapter 6.16 (attached).
- II. RECOMMENDED ACTION / NEXT STEP:** Council motion to approve Resolution 06-21-28.
- III. FISCAL IMPACTS:** This would allow the startup of a new business in Cordova that would contribute to sales tax revenue as well as enhance the food choices for citizens of and visitors to Cordova. A land use permit (if City land is being requested) would also bring income to the City.
- IV. BACKGROUND INFORMATION:** Prospective business owner and requester of the mobile restaurant license, Brooke Stewart, has written a letter explaining her business plan and will be at the meeting to answer questions and possibly have updates as to her requested location.
- V. SUMMARY AND ALTERNATIVES:** Council can approve the resolution or ask questions to further understand the business owner's plan and possibly ask for modifications.

**CITY OF CORDOVA, ALASKA
RESOLUTION 06-21-28**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
APPROVING THE LICENSE FOR A MOBILE RESTAURANT FOR 'WITCH KITCHEN'**

WHEREAS, CMC 6.16.010 defines a mobile restaurant as any restaurant or other stand, vehicle or cart or other movable structure or other means, by which food is sold to the public upon public streets, sidewalks, alleys or other public rights-of-way, or upon private property not in a structure affixed to the land; and

WHEREAS, applicants for mobile restaurant licenses shall be denied a license unless the applicant demonstrates to the council that public convenience and necessity will thereby be enhanced without causing undue risk or harm to the public health or safety; and

WHEREAS, operators of a mobile restaurant in Cordova must abide by Cordova Municipal Code Chapter 6.16.050 which reads as follows:

- A. A mobile restaurant may not be stopped or positioned in a manner or location that will congest or impede the flow of traffic or otherwise interfere with the use of the streets or access-ways by the public.
- B. A mobile restaurant selling foods that are dispensed or wrapped in disposable containers or packages shall be equipped with a sufficient number of accessible receptacles for disposal of litter produced by sales, and the operator shall police all resulting litter from each area of operation.
- C. A mobile restaurant may not be operated from any location on a public street, alley or right-of-way for a period of time in excess of two hours, unless the operator acquires written permission from the city manager to operate for a longer designated period of time to provide service to the public.
- D. A mobile restaurant may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location.
- E. The overall dimensions of a mobile restaurant shall not exceed a length of twenty-five feet, a width of up to but not exceeding eight feet, nor a height of eleven feet, and the mobile restaurant must be licensed and registered with the state. The gross weight of the mobile restaurant shall not exceed ten thousand pounds.

WHEREAS, has made application to the Clerk to operate a mobile restaurant; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Cordova, Alaska, does hereby approve the application of Brooke Stewart, dba Witch Kitchen for a license to operate a mobile restaurant in Cordova.

PASSED AND APPROVED THIS 2nd DAY OF JUNE 2021

Clay R. Koplin, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

WITCH KITCHEN - CORDOVA - BASIC CONCEPT

Witch Kitchen is a concept derived from women who have worked in the lands serving their communities. The food trailer we offer to Cordova is a tool to uplift and serve the community year 'round.

I envision providing a gourmet soup kitchen, with an ever changing menu open Friday, Saturday & Sundays to start. Each week you'll find a soup and salad served with a flat bread. Along with the menu, I'll be selling my sauces & specialty items such as pickled foods, meat rubs, Bloody Mary mixes, frozen take home soups, pastas, etc. I'd like to incorporate other local vendors who make specialty items, especially women vendors.

Specials will be posted each week on the website, members will get special discounts, along with families in need.

MENU EXAMPLES

SOUP OF THE WEEK:

CREAMY CORN COD BISQUE

GRILLED CHEESE OF THE WEEK:

SOURDOUGH, MOZZARELLA, MUSHROOM, PESTO

SALAD OF THE WEEK:

KALE, WALNUT, PURPLE ONION, OLIVE OIL, BALSAMIC REDUCTION

SNOW CONE OF THE WEEK:

STRAWBERRY CREAM

COOKIE OF THE WEEK:

CHOCOLATE CHIP

ANOTHER EXAMPLE MENU:

SOUP OF THE WEEK:

TOMATO DUMPLING

BREAD OF THE WEEK:

FOCACCIA DRIZZLED WITH OLIVE OIL & SEASALT

SALAD OF THE WEEK:

ARUGULA

COOKIE OF THE WEEK:

LEMON SUGAR

SNOWCONE OF THE WEEK:

ESPRESSO MOCHA

ANOTHER EXAMPLE -

SOUP OF THE WEEK:

RAMEN

SIDE OF THE WEEK:

GYOZAS

COOKIE OF THE WEEK:

SUGAR

SNOWCONE OF THE WEEK:

MATCHA

DRINKS:

COCA-COLA IN THE BOTTLE
LEMON PELLEGRINO
ITALIAN SODAS
FRESH COFFEE
AMERICANOS
LATTES
HOT TEA

Here are a few inspiration designs for Witch Kitchen:



Here are a few of my sauces.
You can see them all on the site along with reviews.

Witchmtn.com



Chapter 6.16 - FOOD HANDLING ESTABLISHMENTS

Sections:

6.16.010 - Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

- A. "Food" means any matter, including milk, intoxicating liquors, and other liquids, commonly consumed by persons.
- B. "Food handler" means and includes any person employed or working in any food handling establishment.
- C. "Food handling establishment" means any restaurant, itinerant restaurant, mobile restaurant, bar, market, store, confectionery, bottling works, bakery or dairy as defined in this section.
- D. "Itinerant restaurant" includes any restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.
- E. "Mobile restaurant" includes any restaurant or other stand, vehicle, cart or other movable structure or other means, by which food is sold to the public upon public streets, sidewalks, alleys or other public ways or rights-of-way, or upon private property not in a structure affixed to the land.

(Prior code § 6.301, as amended during 1979 codification).

6.16.020 - License—Mobile restaurants to show necessity.

Applicants for mobile restaurant licenses shall be denied a license unless the applicant demonstrates to the council that public convenience and necessity will thereby be enhanced without causing undue risk or harm to the public health or safety. The council may restrict the license to areas within the city in which the applicant presents sufficient evidence of convenience and necessity. Upon request for appearance, the council shall schedule a prompt hearing and permit the applicant reasonable time to present evidence.

(Prior code § 6.304, as amended during 1979 codification).

6.16.030 - License—Showing of other required licenses.

A food handling establishment shall have and show to the satisfaction of the city clerk that such establishment has the applicable state, borough and city licenses required for the use and occupancy of the premises or to operate the business involved before the city clerk may issue the annual license.

(Prior code § 6.306, as amended during 1979 codification).

6.16.040 - License—Revocation.

A food handling license once issued is subject to suspension or revocation if the licensee fails to maintain all state, borough and city licenses and to meet all state, borough and city health requirements, and comply with all city and state laws, ordinances and regulations.

(Prior code § 6.308, as amended during 1979 codification).

6.16.050 - Operation of mobile restaurant.

A. A mobile restaurant may not be stopped or positioned in a manner or location that will congest or impede the flow of traffic or otherwise interfere with the use of the streets or access-ways by the public.

B. A mobile restaurant selling foods that are dispensed or wrapped in disposable containers or packages shall be equipped with a sufficient number of accessible receptacles for disposal of litter produced by sales, and the operator shall police all resulting litter from each area of operation.

C. A mobile restaurant may not be operated from any location on a public street, alley or right-of-way for a period of time in excess of two hours, unless the operator acquires written permission from the city manager to operate for a longer designated period of time to provide service to the public.

D. A mobile restaurant may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location.

E. The overall dimensions of a mobile restaurant shall not exceed a length of twenty-five feet, a width of up to but not exceeding eight feet, nor a height of eleven feet, and the mobile restaurant must be licensed and registered with the state. The gross weight of the mobile restaurant shall not exceed ten thousand pounds.

(Prior code § 6.305, as amended during 1979 codification).



AGENDA ITEM 16
City Council Meeting Date: 06/02/2021
CITY COUNCIL COMMUNICATION FORM

FROM: Susan Bourgeois, City Clerk
DATE: 05/26/2021
ITEM: Resolution 06-21-29 approving a mobile restaurant
NEXT STEP: Majority voice vote

_____ ORDINANCE
_____ MOTION

___X___ RESOLUTION
_____ INFORMATION

- I. **REQUEST OR ISSUE:** Resolution approving a mobile restaurant per CMC chapter 6.16 (attached).
- II. **RECOMMENDED ACTION / NEXT STEP:** Council motion to approve Resolution 06-21-29.
- III. **FISCAL IMPACTS:** This would allow the startup of a new business in Cordova that would contribute to sales tax revenue as well as enhance the food choices for citizens of and visitors to Cordova. A land use permit (if City land is being requested) would also bring income to the City.
- IV. **BACKGROUND INFORMATION:** Prospective business owner and requester of the mobile restaurant license, Joy Landaluce, has submitted photos of the mobile restaurant and will be at the meeting to answer questions and possibly have updates as to her requested location.
- V. **SUMMARY AND ALTERNATIVES:** Council can approve the resolution or ask questions to further understand the business owner's plan and possibly ask for modifications.

**CITY OF CORDOVA, ALASKA
RESOLUTION 06-21-29**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
APPROVING THE LICENSE FOR A MOBILE RESTAURANT FOR 'THE PICNIC BASKET'**

WHEREAS, CMC 6.16.010 defines a mobile restaurant as any restaurant or other stand, vehicle or cart or other movable structure or other means, by which food is sold to the public upon public streets, sidewalks, alleys or other public rights-of-way, or upon private property not in a structure affixed to the land; and

WHEREAS, applicants for mobile restaurant licenses shall be denied a license unless the applicant demonstrates to the council that public convenience and necessity will thereby be enhanced without causing undue risk or harm to the public health or safety; and

WHEREAS, operators of a mobile restaurant in Cordova must abide by Cordova Municipal Code Chapter 6.16.050 which reads as follows:

- A. A mobile restaurant may not be stopped or positioned in a manner or location that will congest or impede the flow of traffic or otherwise interfere with the use of the streets or access-ways by the public.
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- E. The overall dimensions of a mobile restaurant shall not exceed a length of twenty-five feet, a width of up to but not exceeding eight feet, nor a height of eleven feet, and the mobile restaurant must be licensed and registered with the state. The gross weight of the mobile restaurant shall not exceed ten thousand pounds.

WHEREAS, has made application to the Clerk to operate a mobile restaurant; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Cordova, Alaska, does hereby approve the application of Joy Landaluce, dba The Picnic Basket for a license to operate a mobile restaurant in Cordova.

PASSED AND APPROVED THIS 2nd DAY OF JUNE 2021

Clay R. Koplin, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

Picnic Basket/Fork Spoon is an established business in need of a new home. Business has been recognized by the Chamber for its community improvement. Thank you for your consideration.



This was the picture used to win the Chamber of Commerce beautification award.

Chapter 6.16 - FOOD HANDLING ESTABLISHMENTS

Sections:

6.16.010 - Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

- A. "Food" means any matter, including milk, intoxicating liquors, and other liquids, commonly consumed by persons.
- B. "Food handler" means and includes any person employed or working in any food handling establishment.
- C. "Food handling establishment" means any restaurant, itinerant restaurant, mobile restaurant, bar, market, store, confectionery, bottling works, bakery or dairy as defined in this section.
- D. "Itinerant restaurant" includes any restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.
- E. "Mobile restaurant" includes any restaurant or other stand, vehicle, cart or other movable structure or other means, by which food is sold to the public upon public streets, sidewalks, alleys or other public ways or rights-of-way, or upon private property not in a structure affixed to the land.

(Prior code § 6.301, as amended during 1979 codification).

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(Prior code § 6.304, as amended during 1979 codification).

6.16.030 - License—Showing of other required licenses.

A food handling establishment shall have and show to the satisfaction of the city clerk that such establishment has the applicable state, borough and city licenses required for the use and occupancy of the premises or to operate the business involved before the city clerk may issue the annual license.

(Prior code § 6.306, as amended during 1979 codification).

6.16.040 - License—Revocation.

A food handling license once issued is subject to suspension or revocation if the licensee fails to maintain all state, borough and city licenses and to meet all state, borough and city health requirements, and comply with all city and state laws, ordinances and regulations.

(Prior code § 6.308, as amended during 1979 codification).

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(Prior code § 6.305, as amended during 1979 codification).

Susan Bourgeois

From: Alex Russin <arussin@cordovasd.org>
Sent: Tuesday, May 25, 2021 2:06 PM
To: Helen Howarth; Susan Bourgeois
Subject: Re: School Budget
Attachments: FY22 City of Cordova Budget Request.pdf

Hello,

Please see the attached with the District's request of \$1.9M cash contribution and an estimated \$139K of in-kind. Page 1 shows the budget/request. Page 2 shows the basic need calculation, along with the minimum and maximum local contribution calculations.

As part of the \$1.9M, we would earmark \$150K specifically to support a pre-k program and to help fund Priority 2 and 3 classroom resources.

I'll be on-hand at the June 2 meeting to answer any questions.

Thank you.

Alex

Cordova School District

Fiscal Year Beginning July 1, 2021
General Fund Budget by Function

RESOURCES	
Estimated Beginning Fund Balance	630,000
Revenues	
City Contribution	
- Direct Support Request*	1,900,000
- In-Kind Support Estimate	139,000
Other Local Revenue	11,000
eRate	128,000
State Sources	4,324,985
Federal Sources - Direct	40,000
Total Revenues	6,542,985
TOTAL RESOURCES	7,172,985
REQUIREMENTS	
Expenditure	
100 - Instruction	3,086,136
- Partial Preschool Program and Priority 2 and 3 Items*	150,000
200 - Special Education Instruction	610,213
220 - Special Education Support Services - Students	28,592
320 - Guidance Services	137,461
350 - Support Services - Instruction	24,000
360 - Instructional-Related Technology	424,455
400 - School Administration	304,513
450 - School Administration Support Services	232,283
510 - District Administration	274,104
550 - District Administration Support Services	412,675
600 - Operations and Maintenance of Plant	975,600
700 - Student Activities	112,949
Total Expenditures	6,772,981
Transfers Out	
550 - Transfer to Student Activities	200,000
Total Transfers Out	200,000
TOTAL REQUIREMENTS	6,972,981
Ending Fund Balance	
Excluded from 10% Limitation (Inventory, Prepaids, Impact Aid)	100,000
Unassigned Fund Balance (Available for Operations)	100,004
Ending Fund Balance	200,004

* The FY22 Budget requests \$1,900,000 in direct appropriation, \$150,000 of which will assist Cordova School District with funding its operations, including part of a preschool program as well as Priority 2 and 3 classroom resources.

The total amount requested (\$2,039,000) is within the limits set by the State for Maximum Allowable Local Contribution.

Cordova School District

Fiscal Year Beginning July 1, 2021

Basic Need Calculation

Base		ADM	
High School		124.40	
Elementary		163.90	
Total		288.30	
<i>SpEd Intensive</i>		8.00	
School Size Adjustment	Notes	ADM	
High School	75-149 Students	185.59	
Elementary	150-249 Students	233.11	
Total		418.70	
Other Factor Adjustments		Factor	ADM
+ Hold Harmless	FY22 Year 2 of 3	33.171	451.87
x District Cost Factor		1.234	557.61
x Special Needs Factor		1.200	669.13
x Vocational/Technical Factor		1.015	679.17
+ Correspondence 90%		13.000	690.87
+ Intensive Services Factor		104.000	794.87
Total Adjusted ADM			794.87
Base Student Allocation			5,930
Funding			
Base Need Total			4,713,579
- Required Local Effort			955,580
- Deductible Impact Aid	** Estimate from FY21 **		16,745
+ Quality Schools	** Estimate from FY21 **		13,007
Projected State Entitlement			3,754,261

Local Effort Calculation

2020 Full Value Determination		\$360,596,087
Prior Year Basic Need	** Estimate from FY21 **	4,820,675
Projected Basic Need		4,713,579
Full Value x 0.00265		955,580
45% Prior Year Basic Need	Whichever value is lesser.	2,169,304
Minimum Required Local Contribution		955,580
Full Value x 0.00200		721,192
23% of Projected Basic Need + Quality Schools	Whichever value is greater.	1,087,115
Additional Allowable Local Contribution		1,087,115
Maximum Allowable Local Contribution	Minimum + Additional Allowable	2,042,694

Estimate updated 04/12/2021

Sec. 14.14.060. Relationship between borough school district and borough; finances and buildings.

(a) The borough assembly may by ordinance require that all school money be deposited in a centralized treasury with all other borough money. The borough administrator shall have the custody of, invest, and manage all money in the centralized treasury. However, the borough assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibility of a centralized treasury.

(b) When the borough school board by resolution consents, the borough assembly may by ordinance provide a centralized accounting system for school and all other borough operations. The system shall be operated in accordance with accepted principles of governmental accounting. However, the assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibilities of the accounting system.

(c) Except as otherwise provided by municipal ordinance, the borough school board shall submit the school budget for the following school year to the borough assembly by May 1 for approval of the total amount. Within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes and shall furnish the school board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. Except as otherwise provided by municipal ordinance, by June 30, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.

(d) The borough assembly shall determine the location of school buildings with due consideration to the recommendations of the borough school board.

(e) The borough school board is responsible for the design criteria of school buildings. To the maximum extent consistent with education needs, a design of a school building shall provide for multiple use of the building for community purposes. Subject to the approval of the assembly, the school board shall select the appropriate professional personnel to develop the designs. The school board shall submit preliminary and subsequent designs for a school building to the assembly for approval or disapproval; if the design is disapproved, a revised design shall be prepared and presented to the assembly. A design or revised design approved by the assembly shall be submitted by the board to the department in accordance with AS 14.07.020(a)(11).

(f) The borough school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. The borough assembly through the borough administrator, shall provide for all major rehabilitation, all construction and major repair of school buildings. The recommendations of the school board shall be considered in carrying out the provisions of this section.

(g) State law relating to teacher salaries and tenure, to financial support, to supervision by the department and other general laws relating to schools, governs the exercise of the functions by the borough. The school board shall appoint, compensate, and otherwise control all school employees and administration officers in accordance with this title.

(h) School boards within the borough may determine their own policy separate from the borough for the purchase of supplies and equipment.

(i) Notwithstanding (e) and (f) of this section, a borough assembly and a borough school board may divide the duties imposed under (e) and (f) of this section by agreement between the borough assembly and borough school board.

Sec. 14.14.065. Relationship between city school district and city.
The relationships between the school board of a city school district and the city council and executive or administrator are governed in the same manner as provided in AS 14.14.060 for the school board of a borough school district and the borough assembly and executive or administrator.

Sec. 14.17.410. Public school funding.

(a) A district is eligible for public school funding in an amount equal to the sum calculated under (b) and (c) of this section.

(b) Public school funding consists of state aid, a required local contribution, and eligible federal impact aid determined as follows:

(1) state aid equals basic need minus a required local contribution and 90 percent of eligible federal impact aid for that fiscal year; basic need equals the sum obtained under (D) of this paragraph, multiplied by the base student allocation set out in AS 14.17.470; district adjusted ADM is calculated as follows:

(A) the ADM of each school in the district is calculated by applying the school size factor to the student count as set out in AS 14.17.450;

(B) the number obtained under (A) of this paragraph is multiplied by the district cost factor described in AS 14.17.460;

(C) the ADMs of each school in a district, as adjusted

Pending Agenda (PA) Primer

What is Pending Agenda?

A list of topics that Council wants to explore in the future (these are Pending, for an Agenda).

These topics might be worthy of an agenda item at a regular/ special meeting (if there is a specific action being requested).

These topics might be worthy of a work session when Council can discuss at more length and come to a consensus about direction to staff to bring an action back.

How do you get something ON Pending Agenda?

During PA, a Council member can suggest a topic to add to PA. At that time, a second Council member, the Mayor or the City Manager can act as the second who agrees to add the item to the Pending Agenda List.

How do you get something OFF Pending Agenda?

During PA, a Council member can mention a topic that is on the list of topics and name a **specific date** to hear the item, either as an action item on a regular/ special meeting or as a discussion item for a work session. If this occurs, a second member is still required, and the member(s) should clearly articulate the action intended or the specific topic for discussion and set a specific date.

Quarterly, we will go through all the items listed on PA and purge the ones that no longer seem practical or that have been handled already.

What is NOT appropriate for Pending Agenda?

Sometimes items are considered for PA but are more appropriately tasks for the Clerk or Manager. These items might warrant Council action in the future, and if so, will be brought back when that is necessary. A consensus of the entire body is required to task the Manager or Clerk with something specific.

The PA part of the meeting sometimes becomes a more detailed discussion of an item being proposed. Council should refrain from the extraneous discussion of a topic at this time and instead clearly state the item, get agreement of a second, and it will be added to the list. Obviously, sometimes a short discussion is required in order to articulate the detail of what is being added.



City Council of the City of Cordova, Alaska

Pending Agenda June 2, 2021 Regular Council Meeting

A.	Future agenda items - topics put on PA with no specific date for inclusion on an agenda	initially put on or revisited
----	---	-------------------------------

- | | | |
|----|--|-----------|
| 1) | Concept of Council members being elected undesignated instead of seats A-G - Aug/Sept 21 | 3/17/2021 |
| 2) | Plan/schedule for departmental site visits/work sessions – summer 2021. | 3/17/2021 |
| 3) | Ordinance change (Title 4) before a new CBA gets negotiated - so Council has a role in approval process | 2/17/2021 |
| 4) | Public Safety Resources - discussion | 1/20/2021 |
| 5) | City addressing - Manager to report back with a recommendation after January 2021 | 11/4/2020 |
| 6) | RFP for City Assessor - to discuss at 2021 budget prep | 9/16/2020 |
| 7) | City land management (disposal etal) including disposition of proceeds into City funds | 2/19/2020 |
| 8) | City Manager authority re: purchases/contracts and whether budgeted/unbudgeted - new finance director | 2/19/2020 |

B.	Resolutions, Ordinances, other items that have been referred to staff	date referred
----	---	---------------

- | | | |
|----|---|------------|
| 1) | Ord 1196 amending bdgt, \$100K from PF for Impound Lot, referred at 2nd read until there is a 1Q financial update | 5/5/2021 |
| 2) | Res 03-21-13 support for snow avalanche and landslide hazards assessment | 3/17/2021 |
| 3) | Res 12-20-45 requesting the State adopts and enforces quarantine and isolation procedures | 12/16/2020 |
| 4) | Disposal of ASLS 79-258 - motion to put out for proposals was referred to staff after an e.s. | 9/16/2020 |
| 5) | Res 05-20-18 re CCMC sale committee | 5/6/2020 |
| 6) | Res 10-19-42 approving contract for federal lobbyist | 10/2/2019 |
| 7) | Res 12-18-36 re E-911, will be back when a plan has been made | 12/19/2018 |

C.	Upcoming Meetings, agenda items and/or events: with specific dates
----	--

- | | |
|----|---|
| 1) | Capital Priorities List Resolution (05-20-17) is in each packet - if 2 council members want to revisit the resolution they should mention that at Pending Agenda and it can be included in the next packet for action |
| 2) | Staff quarterly reports will be in the following packets: |
| | <div style="display: flex; justify-content: space-around;"> 7/21/2021 10/20/2021 1/19/2022 4/20/2022 </div> |
| 3) | Joint City Council and School Board Meetings - twice per year, April & October |
| | <div style="display: flex; justify-content: space-around;"> 6pm @ CHS before Sch Bd mtg 10/13/2021 6pm @ CC before Council mtg 4/20/2022 </div> |
| 4) | Clerk's evaluation - each year in Feb or Mar (before Council changeover after election) - next Feb 2022 |
| 5) | Manager's evaluation - each year in Jan - next one January 2022 |

D.	Council adds items to Pending Agenda in this way:
----	---

- | item for action | tasking which staff: Mgr/Clrk? | proposed date |
|-----------------|--------------------------------|---------------|
| 1) ... | | |
| 2) ... | | |
| 3) ... | | |

Mayor Koplin or the City Manager can either agree to such an item and that will automatically place it on an agenda, or a second Council member can concur with the sponsoring Council member.



City Council of the City of Cordova, Alaska

Pending Agenda June 2, 2021 Regular Council Meeting

E. Membership of existing advisory committees of Council formed by resolution:

- 1) Fisheries Advisory Committee:**
- | | | |
|--|---|--|
| re-auth res 01-20-04 approved Jan 15, 2020 | 1-John Williams (fisheries educ/Mar Adv Prgm) | 2-Jeremy Botz (ADF&G) |
| auth res 04-03-45 approved Apr 16, 2003 | 3-vacant (processor rep) | 4-Jim Holley (marine transportation/AML) |
| | 5-Chelsea Haisman (fish union/CDFU) | 6-Tommy Sheridan (aquaculture) |
- 2) Cordova Trails Committee:**
- | | | |
|----------------------------------|--------------------|-----------------|
| re-auth res 11-18-29 app 11/7/18 | 1-Elizabeth Senear | 2-Toni Godes |
| auth res 11-09-65 app 12/2/09 | 3-Dave Zastrow | 4-Ryan Schuetze |
| | 5-Wendy Ranney | 6-Michelle Hahn |
- 3) Fisheries Development Committee:**
- | | | | |
|-----------------------------------|-------------------|-----------------|------------------|
| authorizing resolution 12-16-43 | 1-Warren Chappell | 2-Andy Craig | 3-Bobby Linville |
| reauthotrization via Res 11-19-51 | 4-Gus Linville | 5-vacant | 6-Bob Smith |
| approved 11/20/2019 | 7- Ron Blake | 8- John Whissel | |

F. City of Cordova appointed reps to various non-City Boards/Councils/Committees:

- 1) Prince William Sound Regional Citizens Advisory Council**
- | | | |
|----------------------|-------------------------|------------------------------|
| Robert Beedle | re-appointed March 2020 | 2 year term until March 2022 |
| | re-appointed June 2018 | |
| | re-appointed March 2016 | |
| | re-appointed March 2014 | |
| | appointed April 2013 | |
- 2) Prince William Sound Aquaculture Corporation Board of Directors**
- | | | |
|-------------------|--|-----------------------------|
| Tom Bailer | re-appointed October 2018 | 3 year term until Sept 2021 |
| | appointed February 2017-filled a vacancy | |
- 3) Southeast Conference AMHS Reform Project Steering Committee**
- | | | |
|----------------------|----------------------|-----------------------------|
| Mike Anderson | appointed April 2016 | until completion of project |
| Sylvia Lange | alternate | |

**CITY OF CORDOVA, ALASKA
RESOLUTION 05-20-17**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
DESIGNATING CAPITAL IMPROVEMENT PROJECTS**

WHEREAS, the Cordova City Council has identified several Capital Improvement projects that will benefit the citizens of Cordova, and in several cases the entirety of Prince William Sound; and

WHEREAS, the Council of the City of Cordova has identified the following Capital Improvement projects as being critical to the future well being and economy of Cordova and the surrounding area:

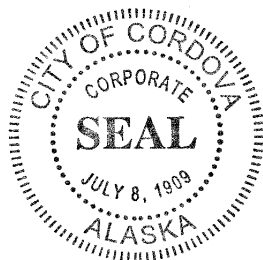
1. Port and Harbor Renovations
 - a. South Harbor replacement (G, H & J floats priority)
 - b. Harbor basin expansion
 - c. General upgrades (north harbor sidewalks, waste oil building, harbor crane)
2. Upgrade Community Water Supply
3. Large Vessel Maintenance Facility
 - a. Shipyard building
 - b. Shipyard expansion and improvements
4. Public Safety Building
5. Road Improvements / ADA Sidewalk Improvements
 - a. Second Street
 - b. 6th & 7th Streets sidewalk/drainage project
 - c. Ferry terminal sidewalk
 - d. General street and sidewalk improvements


and;

WHEREAS, some or all of these projects will be submitted to State or Federal legislators and/or agencies as Capital Improvement projects for the City of Cordova, Alaska.


NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Cordova, Alaska, hereby designates and prioritizes the above listed projects as Capital Improvement projects.

PASSED AND APPROVED THIS 6th DAY OF MAY 2020







Clay R. Koplin, Mayor

ATTEST:


Susan Bourgeois, CMC, City Clerk

June 2021

CALENDAR MONTH **JUNE**
CALENDAR YEAR **2021**
1ST DAY OF WEEK **SUNDAY**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1	2	3	4	5
			6:45 Public Hearing 7:00 Council reg mtg CCAB			
			Cordova Cleanup Week			
6	7	8	9	10	11	12
		6:30 P&Z CCAB	6:00 Harbor Cms CCM 7:00 Sch Bd HSL			
13	14	15	16	17	18	19
			6:45 Public Hearing 7:00 Council reg mtg CCAB 5:30 CTC Board Meeting			
20	21	22	23	24	25	26
			6:00 CEC Board Meeting	6:00 CCMCAB HCR		
27	28	29	30	1	2	3
		6:00 P&R CCM				
4	5					

Notes

Legend:
CCAB-Community Rms A&B
HSL-High School Library






CCA-Community Rm A
CCB-Community Rm B
CCM-Mayor's Conf Rm
CCER-Education Room

LN-Library Fireplace Nook
CRG-Copper River Gallery
HCR-CCMC Conference Room

Cncl - 1st & 3rd Wed
P&Z - 2nd Tues
SchBd, Hrb Cms - 2nd Wed
CTC - 3rd Wed
P&R - last Tues
CEC - 4th Wed
CCMCA Bd - last Thurs

July 2021

CALENDAR MONTH **JULY**
CALENDAR YEAR **2021**
1ST DAY OF WEEK **SUNDAY**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1	2	3
4	5  Independence Day	6	7	8	9	10
11	12 July 4th Holiday City Hall Offices Closed	13  6:30 P&Z CCAB	14 7:00 Council reg mtg CCAB 6:00 Harbor Cms CCM 7:00 Sch Bd HSL	15 	16	17 
18	19	20 	21 5:30 CTC Board Meeting 7:00 Council reg mtg CCAB	22	23	24
25	26	27	28 6:00 CEC Board Meeting	29	30	31
1	2	3 6:00 P&R CCM	4 6:00 CCMCAB HCR	5	6	7

Notes

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CCAB-Community Rms A&B
HSL-High School Library

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CCMCA Bd - last Thurs

City of Cordova, Alaska Elected Officials & Appointed Members of City Boards and Commissions

Mayor and City Council - Elected

seat/length of term	email	Date Elected	Term Expires
Mayor:	Clay Koplin	Mar 1, 2016 Mar 5, 2019	March-22
3 years	Mayor@cityofcordova.net		
Council members:			
Seat A:	Tom Bailer	March 5, 2019	March-22
3 years	CouncilSeatA@cityofcordova.net		
Seat B:	Cathy Sherman	March 3, 2020	March-23
3 years	CouncilSeatB@cityofcordova.net		
Seat C:	Jeff Guard	Mar 5, 2017 Mar 3, 2020	March-23
3 years	CouncilSeatC@cityofcordova.net		
Seat D:	Melina Meyer, Vice Mayor	March 2, 2021 March 6, 2018	March-24
3 years	CouncilSeatD@cityofcordova.net		
Seat E:	Anne Schaefer	March 2, 2021 March 6, 2018 December 6, 2017	March-24
3 years	CouncilSeatE@cityofcordova.net		
Seat F:	David Allison	March 5, 2019 March 1, 2016	March-22
3 years	CouncilSeatF@cityofcordova.net		
Seat G:	David Glasen	March 5, 2019	March-22
3 years	CouncilSeatG@cityofcordova.net		

elected by cncl

Cordova School District School Board - Elected

length of term		Date Elected	Term Expires
3 years	Barb Jewell, President	Mar 5, 2013, Mar 1, 2016, Mar 5, 2019	March-22
	bjewell@cordovasd.org		
3 years	Henk Kruithof	March 2, 2021	March-24
	hkruithof@cordovasd.org		
3 years	Tammy Altermott	Mar 5, 2013, Mar 1, 2016, Mar 5, 2019	March-22
	taltermott@cordovasd.org		
3 years	Peter Hoepfner	Mar 7, 2006, Mar 3, 2009, Mar 6, 2012, Mar 3, 2015, Mar 6, 2018, Mar 2, 2021	March-24
	phoepfner@cordovasd.org		
3 years	Sheryl Glasen	Mar 4, 2014, Mar 7, 2017, Mar 3, 2020	March-23
	saglasen@cordovasd.org		

seat up for re-election in 2022 **vacant**

board/commission chair

seat up for re-appt in Nov 21

City of Cordova, Alaska Elected Officials & Appointed Members of City Boards and Commissions

CCMC Authority - Board of Directors - Elected

length of term		Date Elected	Term Expires
3 years	Linnea Ronnegard, Chair CCMCBoardSeatC@cdvcmc.com	Mar 6, 2018, Mar 2, 2021	March-24
3 years	Greg Meyer CCMCBoardSeatA@cdvcmc.com	Jul 19, 2018, Mar 5, 2019	March-22
3 years	Janice Warga CCMCBoardSeatB@cdvcmc.com	elected by bd Mar 21	March-22
3 years	Liz Senear CCMCBoardSeatD@cdvcmc.com	March 2, 2021	March-24
3 years	Kelsey Appleton Hayden CCMCBoardSeatE@cdvcmc.com	March 3, 2020	March-23

Library Board - Appointed

length of term		Date Appointed	Term Expires
3 years	Mary Anne Bishop, Chair	Nov '06, '10, '13, '16 & '19	November-22
3 years	Wendy Ranney	Apr '13, Nov '15, Nov '18	November-21
3 years	Sherman Powell	June '18, Feb '20	November-22
3 years	Arisa Pearson	December-20	November-23
3 years	Krysta Williams	Feb '18, Dec '20	November-23

Planning Commission - Appointed

length of term		Date Appointed	Term Expires
3 years	Nancy Bird, Chair	Nov '16, '19	November-22
3 years	Mark Hall, Vice Chair	Nov '19	November-22
3 years	Sarah Trumblee	Dec '20	November-23
3 years	John Baenen	Dec '12, Dec '15, Nov '18	November-21
3 years	Tom McGann	Feb '21	November-23
3 years	Chris Bolin	Sep '17, Nov '18	November-21
3 years	Trae Lohse	Nov '18, Dec '20	November-23

seat up for re-appt in Nov 21

seat up for re-election in 2022

vacant

board/commission chair

City of Cordova, Alaska Elected Officials & Appointed Members of City Boards and Commissions

Harbor Commission - Appointed

length of term		Date Appointed	Term Expires
3 years	Mike Babic	Nov '17, Dec '20	November-23
3 years	Andy Craig	Nov '16, '19	November-22
3 years	Max Wiese	Mar '11, Jan '14, Nov '17, Dec '20	November-23
3 years	Ken Jones	Feb '13, Nov '16, Nov '19	November-22
3 years	Jacob Betts, Chair	Nov '15, '18	November-21

Parks and Recreation Commission - Appointed

length of term		Date Appointed	Term Expires
3 years	Wendy Ranney, Chair	Aug '14, Nov '15, Nov '18	November-21
3 years	Henk Kruithof	Nov '19	November-22
3 years	Ryan Schuetze	Aug '18	November-21
3 years	Kirsti Jurica	Nov '18	November-21
3 years	Marvin VanDenBroek	Feb '14, Nov '16, Nov '19	November-22
3 years	Karen Hallquist	Nov '13, '16, '19	November-22
3 years	Dave Zastrow	Sept '14, Feb '15, Nov '17, Dec '20	November-23

Historic Preservation Commission - Appointed

length of term		Date Appointed	Term Expires
3 years	Cathy Sherman, Chair	Aug '16, Nov '19	November-22
3 years	Heather Hall	Aug '16, Feb '20	November-22
3 years	Sylvia Lange	Nov '19	November-22
3 years	John Wachtel	Aug '16, Nov '18	November-21
3 years	Wendy Ranney	Nov '18	November-21
3 years	Nancy Bird	Nov '17, Nov '18	November-21
3 years	Jim Casement	Nov '17, Dec '20	November-23

seat up for re-election in 2022

board/commission chair

seat up for re-appt in Nov 21

vacant