

City of Saxman City Council Regular Meeting April 17, 2024 5:30 PM

AGENDA

Call to Order

Prayer

Roll Call/Quorum

Public Comments

Consideration of the Agenda

Consent Agenda: Matters listed under the consent agenda are routine and will be enacted by one motion and one vote. There will be no separate discussion on these items. If the Mayor or council member requests discussion, that item will be removed from the consent calendar and will be considered under "Unfinished Business".

1. Approval of March 6, 2024 Building and Ordinance Committee Meeting Minutes

Background: Meeting minutes presented for Council approval.

Unfinished Business

2. March 6, 2024 Building and Ordinance Committee Meeting Minutes

<u>Background:</u> Meeting minutes presented for Council approval. Council considered this at the previous Regular Council meeting on March 20, 2024. It was postponed for further discussion.

New Business

3. Resolution # 04.2024.04 - Supporting AKDOT & Public Facilities Planning and Design Efforts to Relocate the M/V Lituya Ferry Landing to the City of Saxman

Background: Resolution shows the City of Saxman's support for the 2024 PIDP project.

4. Resolution # 04.2024.05 - Supporting KGB Submitting a 2024 Port Infrastructure Development Grant for the Saxman Seaport Alaska Marine Highway System Ferry Dock and Terminal

<u>Background:</u> Resolution shows the City of Saxman's support for the 2024 PIDP grant application.

5. Resolution # 04.2024.06 - Confirming the KGB Mayor's Declaration of Disaster for the Loss of the South Tongass Fire Station and Emergency Apparatus

<u>Background:</u> Resolution shows the City of Saxman's support for the Declaration of Disaster from the fire at STVFD on April 9, 2024.

6. Approve KGB's Procurement Code

<u>Background:</u> Council will review and discuss approving KGB's Procurement Code (Chapter 11.20 Competitive Bidding Purchasing Procedures and Contracts) to follow throughout the AHFC affordable housing grant project.

7. AHFC Grant Agreement

<u>Background:</u> Council will review and discuss moving forward with finalizing and submitting AHFC Grant Agreement for affordable housing project.

8. Contract for Affordable Housing Project Management/Administration Services

<u>Background:</u> Council will discuss approving a contract for project management/administration services for the affordable housing project, subject to approval of grant agreement.

9. STVFD Utilizing SCC Downstairs Lobby/Kitchen

<u>Background:</u> The Mayor will discuss with Council regarding the STVFD utilizing SCC downstairs lobby/kitchen on Thursdays for meetings due to the loss of their station in the fire on April 9, 2024.

Staff Reports

10. Mayor's Report to Council

Background: The Mayor will verbally report.

<u>11.</u> City Administrator's Report to Council

Background: City Administrator Report presented for Council review and discussion.

12. Water Operator's Report to Council

Background: Water Operator Report presented for Council review and discussion.

Next Meeting Dates

13. Set Late-April & May 2024 Council Meetings

<u>Background:</u> Discuss and approve late-April and May 2024 calendar for Council meetings.

Council/Mayor Comments

Adjournment



City of Saxman Building and Ordinance Committee Meeting March 06, 2024 4:00 PM

MINUTES

Call to Order

Mayor Seludo called the meeting to order at 4:16pm.

Roll Call

PRESENT Mayor Frank Seludo Council Member Woody Watson Council Member Gabe Blair—called in via phone. Council Member Denny Blair Council Member Rick Makua—arrived at 4:38pm.

NOT PRESENT Vice Mayor Billy Joe Thomas Council Member Norman Natkong Sr.

ALSO PRESENT Marissa Medford, City Administrator Joe Williams, OVS President

Public Comment

There were no public comments at this time.

Consideration of the Agenda

Motion made by Council Member Woody Watson to approve the agenda. Motion seconded by Council Member Denny Blair.

All in favor.

None oppose.

Motion passes.

New Business

1. OVS Refrigerators/Freezers

<u>Background:</u> Discussion and update on OVS utilizing City of Saxman property to install walk-in refrigerators and freezers. The Mayor will verbally report more information on this for the Council to review and consider.

<u>Discussion:</u> OVS President Joe Williams stated the Tribe has money in the bank right now to purchase a large enough refrigerator and freezer to contribute to the City of

Saxman. Needs to know the square footage of the area where we would potentially want to install. Went to take a look at the kitchen to get a better idea of placement. Need to come up with a size and whether or not it is going to go inside or outside.

Mayor Seludo and Administrator Medford will go to WebstaurantStore and look at options and present to City Council.

A recommendation was made by Council Member Woody Watson to move forward with allowing OVS to purchase a walk-in refrigerator and freezer.

2. OVS Use of Kitchen

<u>Background:</u> Discussion and update on OVS using SCC Kitchen to process fish. The Mayor will verbally report more information on this for the Council to review and consider.

<u>Discussion:</u> OVS President Joe Williams and the Tribe will be purchasing Salmon from E.C. Phillips & Son and they need to be able to process it and vacuum pack it to distribute to the community of Saxman. They would like to distribute as soon as possible. The Tribe will also be purchasing pressure cookers and vacuum sealers. Would ideally like to start training people on the vacuum sealers in the next few weeks. The Tribe also talked with E.C. Phillips about purchasing aluminum tables to put into the SCC kitchen for processing the Salmon.

Mayor Seludo wants to put together a use agreement.

3. OVS Rent

<u>Background:</u> Discussion and update on OVS rent. The Mayor will verbally report more information on this for the Council to review and consider.

<u>Discussion</u>: OVS President Joe Williams states the Tribe needs to cure the rent so they can close out their books for 2023. He is of the opinion that they have been in the building and they should be paying rent. There are some members of their council that feel that it should be forgiven and he feels like that is a big ask.

Council Member Gabe Blair asks if the Tribe is struggling or why do they need the forgiveness.

President Joe Williams says they are not struggling and that it would just be easier for the bookkeeping.

Mayor Seludo mentioned that the Tribe wants to move forward with a rental agreement/contract and wants this done before their next meeting on March 19th. Charlie White recommends not changing much as there weren't any objections from their council and it's already been approved. Charlie will be sending the old agreement/contract to Administrator Medford for review.

A recommendation was made by Mayor Seludo to forgive OVS 2022 rent, but to move forward with charging OVS 2023 through current.

Council Comments

There were no council comments at this time.

Adjournment

There was a motion made to adjourn the meeting.

Motion made by Council Member Woody Watson. Motion seconded by Council Member Denny Blair.

All in favor.

None oppose.

Motion passes.

Meeting adjourned at 4:55pm.

Frank H. Seludo, Mayor

Marissa Medford, City Administrator

RESOLUTION # 04.2024.04

A **RESOLUTION** of the Council of the City of Saxman, Alaska supporting Alaska Department of Transportation & Public Facilities planning and design efforts to relocate the M/V Lituya ferry landing, currently located in the City of Ketchikan, to the City of Saxman.

WHEREAS, the Alaska Marine Highway route between Revilla Island and Annette Island is a critical transportation link; and,

WHEREAS, the M/V Lituya services the route between terminals at AMHS Berth Three and Annette Bay; and,

WHEREAS, relocating the terminal on the Revilla side of the route to a location in the community of Saxman would reduce the run time of the route; and,

WHEREAS, the Saxman Seaport may be a suitable location for a relocated Lituya terminal; and,

WHEREAS, reducing the run time of the route better serves both the community of Saxman and the Metlakatla Indian Community; and,

WHEREAS, reducing the run time of the route creates travel and commuting opportunities not otherwise available to area residents; and,

WHEREAS, Need ID Number 33972 of the 2020-2023 Alaska Statewide Transportation Improvement Plan calls for the investigation/design of a new ferry terminal for the M/V Lituya in the Saxman area, and includes funds to undertake the work; and,

WHEREAS, improved transportation infrastructure is a priority of the City of Saxman.

THEREFORE, BE IT RESOLVED that the City of Saxman supports efforts by the State of Alaska to begin investigation/design work to relocate the Lituya terminal to the City of Saxman and encourages the State to begin the work immediately.

BE IT FURTHER RESOLVED that the City of Saxman supports the utilization of city owned and controlled property within the Port of Saxman for the relocation of the Lituya terminal. The City of Saxman, City Council, calls on the Alaska Department of Transportation & Public Facilities to engage with the Mayor, Council and residents of City of Saxman at the start of the project.

Effective Date: This Resolution is effective upon adoption.

PASSED and APPROVED by the Saxman City Council this 17th day of April 2024.

Frank H. Seludo Mayor

ATTEST:

Marissa Medford City Administrator

RESOLUTION # 04.2024.05

A **RESOLUTION** of the Council of the City of Saxman, Alaska supporting the Ketchikan Gateway Borough submitting a 2024 Port Infrastructure Development Program Grant and requesting the full funding amount for the Saxman Seaport Alaska Marine Highway System Ferry Dock and Terminal.

WHEREAS, the Port Infrastructure Development Program (PIDP) is a discretionary grant program administered by the United States Department of Transportation Maritime Administration (MARAD); and

WHEREAS, the funds for the PIDP are awarded on a competitive basis to projects that improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port; and

WHEREAS, the purpose of the Saxman Seaport Ferry Dock and Terminal Project is to construct a new Alaska Marine Highway System (AMHS) ferry terminal in Saxman; and

WHEREAS, the proposed AMHS facility provide additional ferry passenger and freight service between Metlakatla and the City of Saxman and the Borough, facilitate greater economic activity between the communities, and provide greater workforce availability for area communities; and

WHEREAS, if awarded, the proposed AMHS facility would represent a significant economic development boost to the City of Saxman and the Borough and improve transportation options and resources for the City of Saxman and Borough residents; and

WHEREAS, the proposed project builds upon private sector retail investment adjacent to the prospective project location; and

WHEREAS, the proposed project is located within the City of Saxman, which is a designated rural area, and is therefore eligible for greater than an 80% cost share.

THEREFORE, BE IT RESOLVED that the City of Saxman supports the Ketchikan Gateway Borough submitting a PIDP grant application and requesting the full funding amount to the U.S. Department of Transportation Maritime Administration for the Saxman Seaport Alaska Marine Highway System Ferry Dock and Terminal. Effective Date: This Resolution is effective upon adoption.

PASSED and APPROVED by the Saxman City Council this 17th day of April 2024.

Frank H. Seludo Mayor

ATTEST:

Marissa Medford City Administrator

RESOLUTION # 04.2024.06

A **RESOLUTION** of the Council of the City of Saxman, Alaska confirming the Ketchikan Gateway Borough Mayor's Declaration of a Disaster Emergency due to loss by fire of the South Tongass Fire Station and Emergency Apparatus.

WHEREAS, in the early morning hours of April 9, 2024, the building housing the South Tongass Volunteer Fire Department (STVFD) suffered a devasting fire which rendered the building wholly unusable; and

WHEREAS, the fire additionally consumed the department's rolling stock including two medical services units, and one firetruck, and rendered unusable all of the department's fire service equipment, medical equipment, and medical supplies necessary to protect the health and safety of the community; and

WHEREAS, the loss to fire of the building, equipment, and supplies necessary to maintain operation of the STVFD represents a disaster as defined by AS 26.23.900(2), as it is an occurrence of loss or severe damage to property, and poses a resultant threat to public health and safety due to disruption and displacement of critical department operations; and

WHEREAS, AS 26.23.140(c) provides "A representative of an interjurisdictional disaster planning and service area may not declare a local disaster emergency unless expressly authorized by the principal executive officer of each political subdivision in the emergency area"; and

WHEREAS, the City of Saxman, the Ketchikan Gateway Borough, and the City of Ketchikan are all signatories to and participants in the Greater Ketchikan Area Multi-Jurisdictional Emergency Operations Plan; and

WHEREAS, in response to this emergency and in accordance with statute, the City of Saxman Mayor Frank Seludo, along with the Ketchikan Gateway Borough Mayor Rodney Dial and the City of Ketchikan Mayor David Kiffer, jointly issued a Declaration of Disaster Emergency on Friday, April 12, 2024; and

WHEREAS, this resolution further consents to the jointly issued Greater Ketchikan Area Declaration of Disaster Emergency requesting the Governor of the State of Alaska to also issue a state declaration of disaster emergency due to the loss of property and threats posed by the April 9, 2024 STVFD fire.

THEREFORE, BE IT RESOLVED that the City of Saxman confirms the Ketchikan Gateway Borough Mayor's declaration of a local disaster emergency due to the loss of property and the public health and safety threats posed by the April 9, 2024 building fire at South Tongass Volunteer Fire Department. **BE IT FURTHER RESOLVED** that the City of Saxman requests the Governor of the State of Alaska to issue a state declaration of disaster emergency due to the loss of property and public health and safety threats posed by the April 9, 2024 building fire at South Tongass Volunteer Fire Department.

A copy of this resolution shall be filed with the Alaska Division of Homeland Security and Emergency Management, and a copy forwarded to the Governor's Office.

Effective Date: This Resolution is effective upon adoption.

PASSED and APPROVED by the Saxman City Council this 17th day of April 2024.

Frank H. Seludo Mayor

ATTEST:

Marissa Medford City Administrator

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Chapter 11.20

COMPETITIVE BIDDING PURCHASING PROCEDURES AND CONTRACTS

Sections:

- 11.20.010 Competitive bidding procedures.
- 11.20.020 Bids Notice inviting.
- 11.20.030 Pre-bid conference.
- 11.20.040 Bids Security.
- 11.20.050 Bids Readvertisement.
- **11.20.060 Bids Waiver of irregularities.**
- 11.20.070 Award of contract to lowest responsible bidder.
- 11.20.080 Local bidder preference award.
- 11.20.090 Performance and payment bonds.
- 11.20.100 Requests for proposals.
- **11.20.110 Procedures for award.**
- 11.20.120 Contract changes Change orders Procedures.
- 11.20.130 Contract changes Emergency change order.
- 11.20.140 Emergency contracts or purchases.
- 11.20.150 Award of contracts or purchases without competitive bids.
- 11.20.160 Appeals.

Prior Legislation - Ord. No. 600, §2; Ord. No. 650, §§3, 4; Ord. No. 710, §1; and Ord. No. 790, §1.

11.20.010 Competitive bidding procedures.

(a) Except for professional services as provided in Chapter 11.30 KGBC, emergency procurements as referred to in KGBC 11.20.140, or as otherwise provided in the KGB Code or by law:

(1) All supplies, materials, equipment, construction and contractual services estimated by the manager, after including 10 percent for contingencies, to be in excess of \$50,000 shall be purchased by formal, competitive sealed bid; and

(2) All purchases and contracts shall be awarded by the assembly, except where the amount of the purchase or contract does not exceed the amount provided in subsection (a)(1) of this section.

(b) Notwithstanding any other provisions herein, whenever, because of the nature of the supplies, materials, equipment, construction or contractual services required, or the availability or circumstances thereof, the manager finds and determines it is in the best interest of the borough to not solicit sealed, competitive bids, the

manager may issue requests for proposals in accordance with KGBC <u>11.20.100</u>, and to negotiate a scope of work, specifications, price or other terms or conditions, with persons or firms who respond thereto. The award, if any is made, shall be made by the assembly unless the assembly authorizes the manager to make the award, and shall be based upon the response deemed to be in the best interest of the borough.

(c) Portions of work or purchases may be allocated by the assembly and separate purchases made or contracts awarded as deemed to be in the best interest of the borough. [Ord. No. 1855, §4, 5-7-18; Ord. No. 1253, §3, 3-3-03; Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.010.]

11.20.020 Bids – Notice inviting.

(a) *In General.* Unless otherwise determined by the assembly, or the manager determines in writing that due to an emergency a shorter time is necessary, notice inviting formal, competitive sealed bids shall be published at least 14 calendar days preceding the last day set for the receipt of bids. If posted on the Internet, the post shall remain until the date and time for acceptance of bids has passed. The notice required herein shall include: a general description of the supplies, materials, equipment, construction or contractual services involved; a statement where bid forms, specifications, and other contract documents may be obtained; the closing time and place for submission of bids; the date, time and place for opening of bids; and the amount of bid security, if required. Nothing herein shall preclude advertisement in areas in addition to the Ketchikan Gateway Borough.

(b) In addition to the general requirements of subsection (a) of this section, bids for construction shall require the following:

(1) A contractor is required to provide documentation to show proof that it is in compliance with licensing, apprenticeship standards and wage rates required by State and federal laws;

(2) A contractor must provide the verification of licensing and/or certificates required by law for all craftspersons employed on projects for federal, State or local government prior to that person beginning work on a construction project. The borough may, at its option, disqualify any contractor failing to meet the requirements of this section from future borough contracts for a period of two years; and

(3) *Safety and Compliance with Codes.* In the interests of protecting the safety of citizens in our community, the borough will utilize qualified and competent inspectors to inspect each project. Persons with a license or certification from the state in a particular contracting specialty are presumed to be competent to inspect that aspect of the work. Examples include but are not limited to the following: <u>8</u> AAC <u>90.130</u> through <u>90.140</u> regarding plumbing; <u>8</u> AAC <u>90.160</u> through <u>90.165</u> relating to electricians or such comparable provisions as the State of Alaska may adopt in the future. Otherwise, inspectors without license or specialty must have their qualifications to inspect established to the satisfaction of the manager or designee. [Ord. No. 1827, §11, 4-3-17; Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.020.]

The manager or designee may provide for a pre-bid conference to be held at least seven days before the last day for submitting bids. At the pre-bid conference or at other times deemed appropriate by the manager or designee, the terms of an invitation for bids may be modified or interpreted only by written addenda issued by the manager or designee. Addenda to bids shall be sent to each recipient of the original bid documents. Only a bid acknowledging receipt of all addenda may be considered responsive, unless the addendum, in the opinion of the manager or designee, would have no material effect on the terms of the bid. If an addendum is issued less than five working days before the last day on which bids are to be accepted, the time for accepting bids shall be extended to at least five working days after the date on which the addendum was sent. Each prospective bidder must have a representative at the pre-bid conference who is authorized to speak for the bidder. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.025.]

11.20.040 Bids – Security.

(a) Except as provided in subsection (b) of this section, all bids shall be accompanied by either certified check or a cashier's check drawn in favor of and payable to the Ketchikan Gateway Borough on some bank or other financial institution acceptable to the borough manager in an amount not less than five percent of the amount of the bid, or a surety bond in such amount satisfactory in form to the municipal attorney and furnished by a corporate surety authorized to do business in the state of Alaska, guaranteeing that if awarded the contract the bidder will enter into the required form of contract and file the required bonds, insurance policies, and other required documents within the time required by the bid and contract documents. A bidder awarded a contract shall forfeit the bond or cash deposit upon failure to enter into the contract within the time and in the manner required.

(b) Notwithstanding the requirements set forth in subsection (a) of this section, the manager may in writing waive, reduce or modify such bid security requirements in situations where the manager deems the interest of the borough and the public to be adequately protected without observing the requirements of subsection (a) of this section or, in the case of purchase of equipment, it is deemed not practical to enforce such requirements. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.030.]

11.20.050 Bids - Readvertisement.

If the lowest responsible bid exceeds the amount budgeted, the manager may:

- (a) Make additional funds available and proceed with the purchase or award the contract;
- (b) Reject all bids;

(c) Readvertise the purchase or contract with or without a change in the scope of work or other terms, conditions or specifications;

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(d) Upon a finding that the efficient operation of the municipal government requires that the contract be awarded without delay, the manager may negotiate with the lowest responsive and responsible bidder or up to the three lowest bidders, and may award or recommend to the assembly for award, the reduced contract to the best negotiated proposal; or

(e) Take such other action as deemed to be in the best interest of the borough. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.040.]

11.20.060 Bids - Waiver of irregularities.

The manager, on bids of \$50,000 or less, and the assembly as to any contract or purchase, shall have the authority to waive any informality or irregularity, except that the timeliness of filing and signature requirements shall not be waived. [Ord. No. 1855, §5, 5-7-18; Ord. No. 1253, §4, 3-3-03; Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.050.]

11.20.070 Award of contract to lowest responsible bidder.

(a) *Lowest Responsible Bidder.* Contracts and purchases shall be awarded to the lowest responsible bidder, as determined by the borough. In determining the lowest responsible bidder, in addition to price, the following may be considered:

(1) The ability, capacity and skill of the bidder to perform the contract or terms of the purchase.

(2) Whether the bidder can perform the contract or terms of the purchase within the time specified, and without delay.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The bidder's past performance. If the bidder has failed in any material way to perform its obligations under any contract with any federal, State or local governmental entity within the borough, the bidder may be deemed to be a non-responsible bidder.

(5) The previous and existing compliance by the bidder with laws and ordinances relating to this or other contracts or purchases.

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or purchase.

- (7) The number and scope of conditions attached to the bid.
- (8) The quality, terms and conditions of any warranties.
- (9) Local bidder's preference, as set forth in KGBC <u>11.20.080</u>, if any, applicable to the contract or purchase.

(10) Such other matters that are of assistance in determining whether award is in the best interest of the borough.

(b) *Award to Other Than Low Bidder.* When the award is made to other than the lowest bidder, a full and complete written statement of the reasons therefor shall be mailed or delivered to the unsuccessful low bidder and filed with the other papers relating to the contract or purchase.

(c) *Notice to All Firms Submitting a Bid.* Written notice of the bid results shall be given to all persons or firms submitting a bid in response to a particular invitation to bid. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.060.]

11.20.080 Local bidder preference award.

(a) A contract or purchase shall be awarded to a local bidder where the bid by such local bidder is, in all material respects, comparable to the lowest responsible nonlocal bid if the amount bid by such local bidder does not exceed the lowest nonlocal bid by more than the following percentages, unless such an award is contrary to State or federal law or regulation, or unless the assembly, at its discretion, determines prior to giving notice soliciting bids that the provisions of this section shall not apply to the contract or purchases:

Nonlocal bid is:	Local bid is not more than:
\$0 - \$5,000,000	5 percent higher than nonlocal bid
Over \$5,000,000	2.5 percent higher than nonlocal bid

(b) "Local bidder," for purposes of this section, means a person or firm who:

(1) Holds a current Alaska business license to provide such goods or services, and such other Alaska regulatory licenses as are required to provide such goods or services;

(2) Submits a bid for goods or services under the name appearing on the person's or firm's current Alaska business license;

(3) Has maintained a place of business within the boundaries of the Ketchikan Gateway Borough for a period of six months immediately preceding the date of the bid; and

(4) Is not delinquent in the payment of any taxes, charges, or assessments owing to the city of Ketchikan or the Ketchikan Gateway Borough on account of that business.

(c) The manager may require such documentation or verification by the person or firm claiming to be a local bidder as is deemed necessary to establish the requirements of subsection (b) of this section. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.070.]

11.20.090 Performance and payment bonds.

The manager may require performance and payment bonds in such circumstances and in such amounts as deemed appropriate or as are otherwise required by law. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.080.]

11.20.100 **Requests for proposals.**

(a) If the manager determines that use of competitive sealed bidding is not practicable, the borough may procure supplies, professional services, general services or construction by competitive sealed proposals under this section. Any proposal for construction shall be subject to KGBC 11.20.020(b).

(b) The manager shall solicit competitive sealed proposals by issuing a request for proposals. The request for proposals shall state, or incorporate by reference, all specifications and contractual terms and conditions to which a proposal must respond, and shall state the factors to be considered in evaluating proposals and the relative importance of those factors. Public notice of a request for proposals shall be given in accordance with the time applicable to bids in KGBC 11.20.020. One or more pre-proposal conferences may be held in accordance with the same procedures for pre-bid conferences in KGBC 11.20.030.

(c) Sealed proposals shall be designated as such on an outer envelope and shall be submitted by mail or in person at the place and no later than the time specified in the request for proposals. Proposals not submitted at the place or within the time so specified shall not be opened or considered.

(d) Proposals shall be received at the time and place designated in the request for proposals, and shall be opened so as to avoid disclosing their contents to competing proponents during the process of negotiation. Notwithstanding Chapter 2.120 KGBC, proposals, tabulations and evaluations thereof shall be open to public inspection only after the issuance of a notice of intent to award the contract. The manager shall issue a notice of intent to award to all responding proposers at least seven days prior to assembly approval.

(e) In the manner provided in the request for proposals, the manager may negotiate with those responsible proponents whose proposals are determined by the manager to be reasonably responsive to the request for proposals. Negotiations shall be used to clarify and assure full understanding of the requirements of the request for proposals. The manager may permit proponents to revise their proposals after submission and prior to award to obtain best and final offers. Proponents deemed eligible for negotiations shall be treated equally regarding any opportunity to discuss and revise proposals. In conducting negotiations or requesting revisions, neither the manager nor any other borough officer or employee shall disclose any information derived from proposals of competing proponents.

If fair and reasonable compensation, contract requirements and contract documents can be agreed upon (f) with the most gualified proponent, the contract shall be awarded to that firm.

If fair and reasonable compensation, contract requirements and contract documents cannot be agreed upon (g) with the most qualified proponent, the manager shall advise the proposer of the termination of negotiations. If the proposals were submitted by one or more other proponents determined to be qualified, negotiations may be

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conducted with such other proposers in the order of their respective rankings. The contract may be awarded to the proponent then determined to be most advantageous to the borough.

(h) Awards shall be made by written notice to the proponent whose final proposal is determined to be most advantageous to the borough. No criteria other than those set forth in the request for proposals may be used in proposal evaluation. If the manager determines that it is in the best interest of the borough to do so, the borough may reject all proposals.

(i) When the service is routine and repetitious, costs of the anticipated service shall be considered during evaluation of proposals. This subsection shall not apply to a qualifications-based selection process. [Ord. No. 1855, §6, 5-7-18; Ord. No. 1483, §1, 5-5-08; Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.090.]

11.20.110 Procedures for award.

(a) *Award by the Manager.* Contracts which do not require assembly action shall be awarded by written notice issued by the manager or designee to the lowest responsive and responsible bidder. If the manager determines that it is in the best interest of the borough to do so, the manager may reject all bids.

(b) *Award by the Assembly.* Contracts which require assembly action shall be placed on the agenda with a notice of intent to award and an agenda item for the assembly to approve the award. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.100.]

11.20.120 Contract changes – Change orders – Procedures.

(a) All contract changes shall be by written change order on a form as required by the manager and approved by the municipal attorney.

(b) Subject to the availability of funds, changes in contracts, including price, may be made as follows:

(1) All changes which do not substantially modify the project and do not result in any net increase in the contract amount may be made by the manager without prior approval of the assembly. Other contract changes may be made as provided in subsections (b)(2) and (b)(3) of this section in addition to emergency change orders authorized under KGBC 11.20.130.

(2) Changes in contracts awarded by the assembly may be made by the manager, provided the change does not substantially modify the project and the total net amount of increase in the contract as a result of all change orders does not exceed 15 percent of the original contract amount.

(3) Changes in contracts awarded by the manager may be made by the manager provided the total amount of the contract, including all change orders, does not exceed \$57,500.

(4) When a proposed contract change will exceed the limits set forth above, or will substantially modify the project, the proposed change order, together with the manager's recommendations, shall, except an emergency change order under KGBC <u>11.20.130</u>, first be forwarded to the assembly which shall determine whether the proposed change order shall be approved. [Ord. No. 1855, §7, 5-7-18; Ord. No. 1253, §5, 3-3-03; Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.110.]

11.20.130 Contract changes – Emergency change order.

Whenever a contract change is required immediately due to an emergency affecting life or property requiring immediate action, the manager shall have the authority to immediately order such change by written change order provided funds are available. The emergency nature and need for such change order shall be determined by the manager. If the change order is subject to the limitations of the manager's authority set forth in KGBC <u>11.20.120(b)(3)</u>, a full report shall be made to the assembly not later than the next regular meeting following the issuance of the change order. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.120.]

11.20.140 Emergency contracts or purchases.

Whenever, because of an emergency affecting life or property requiring immediate action, it is deemed necessary and in the public interest by the manager to enter into any contract or purchase without following the procedures otherwise required, the manager may enter into such emergency contract or make such purchase without complying with competitive bidding or other procedures or requirements, if the estimated amount involved does not place undue financial hardship on the borough. The manager shall make written findings setting out those conditions which are determined to constitute an emergency. [Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.130.]

11.20.150 Award of contracts or purchases without competitive bids.

Unless otherwise required by the assembly, contracts and purchases may be made without competitive bidding for the following:

(a) For professional or specialized services such as, but not limited to, services rendered by accountants, architects, appraisers, engineers, land surveyors, financial consultants, attorneys, planning consultants, economists, computer programmers and system analysts, insurance consultants and risk analysts, and other specialized consultants, which services shall be purchased as provided in Chapter <u>11.30</u> KGBC, Professional Services Contracts.

(b) For purchase of insurance and banking services.

(c) For contractual services purchased from a public utility at a rate determined by law, regulation or ordinance.

Item 6.

(d) For supplies, materials, equipment, construction, or contractual services which can be furnished only by a single provider or dealer or which have a uniform price wherever bought.

(e) When calling for and obtaining bids on a competitive basis is unavailable, impractical or impossible, including, but not limited to, when rates are set by statute or ordinance, or when like items, equipment or vessels are traded in, or when used items, equipment or vessels are being purchased.

(f) For work and services on public works or projects performed by employees of the borough.

(g) When it is advantageous to the borough to enter into a contract or purchase with a bidder for the same supplies, materials, equipment, construction or contractual services, such bidder is providing another local government, the State of Alaska, or the United States when such supplies, materials, equipment, construction or contractual services are being provided to the other governmental unit on the basis of formal competitive sealed bids submitted, and when the borough contract is on substantially the same terms as those bid; or to a contract with or through such other governmental unit so that the benefit of the responsible bid accrues to the borough.

(h) Supplies, materials, equipment, construction or contractual services which must be purchased from a specific source in order to prevent incompatibility with previously purchased supplies, materials, equipment, construction or contractual services. For purposes of this subsection, the term "incompatibility" is defined as the inability to (1) interconnect, combine, interchange or join; or (2) that which causes or necessitates maintenance expertise or training where such acquisition would result in substantial duplication. Any purchase which is to be excluded from competitive bidding by the authority of this subsection which exceeds \$50,000 must be first approved by the assembly.

(i) When competitive procedures have been followed but only one bid is received or no bids are received. In such a case, the manager may proceed to negotiate with the single bidder as to price, scope of work or other terms or conditions or, if no bids were received, to have the supplies, materials, equipment, construction or contractual services purchased or performed without further competitive bidding or quotation.

(j) For high technology procurements including, but not limited to, computer systems, provided such purchases are made in accordance with Chapter <u>11.30</u> KGBC, Professional Services Contracts.

(k) Legal services shall be procured in accordance with this section. No negotiations or contracts for the services of legal counsel may be pursued or awarded without the prior approval in writing of the borough attorney. The borough attorney shall review the responses received by the manager and shall be assisted by the manager in the selection process. [Ord. No. 1855, §8, 5-7-18; Ord. No. 1551, §1, 2-16-10; Ord. No. 1253, §6, 3-3-03; Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.140.]

11.20.160 Appeals.

(a) *Bids.* Within five days (Saturdays, Sundays and borough holidays excluded) of issuance of a notice of award or a notice of intent to award, an unsuccessful bidder may appeal a bid award to the assembly by delivering a written protest to the borough clerk.

(b) *Requests for Proposals.* Within five days (Saturdays, Sundays and borough holidays excluded) of issuance of a notice of award or a notice of intent to award, an unsuccessful proposer may appeal a proposal award to the assembly by delivering a written protest to the borough clerk on a form provided by the clerk.

(c) *Protests.* A protest under subsection (a) or (b) of this section must include the following:

(1) Filing fee in the amount of \$200.

(2) State which provision of the KGB Code is alleged to have been violated or misapplied by the proposed award.

(3) The protest must state the basis for the protest, explaining how the conduct described establishes that an error has occurred.

(4) The protest must also include copies of any documents or other information which the protesting party believes shows that an error has been made.

(d) *Clerk Review of the Protest.* If the clerk determines that the protest filed timely in accordance with subsection (a) or (b) of this section, or of KGBC <u>11.15.050</u>, is incomplete or lacking in sufficient detail, the clerk shall notify the appellant in writing specifying the deficiencies. The appellant shall have an additional five days from the date such notice is sent to correct such deficiencies by filing a supplement to the protest correcting such deficiencies or adding additional information. Any protest filed after the time provided above shall not be considered.

(e) *Effect of Protest.* If a timely protest is filed, the award will be suspended until the assembly has met and issued a decision. Any award which is timely protested must be confirmed by approval or rejection of the award by the assembly after the appeal is decided. [Ord. No. 1855, §9, 5-7-18; Ord. No. 1338, §1, 2-22-05; Ord. No. 1214, §3, 5-6-02. Code 1974 §41.30.150.]

The Ketchikan Gateway Borough Code is current through Ordinance 2030, passed February 26, 2024.

Disclaimer: The borough clerk's office has the official version of the Ketchikan Gateway Borough Code. Users should contact the borough clerk's office for ordinances passed subsequent to the ordinance cited above.

Borough Website: www.kgbak.us

Hosted by Code Publishing Company, A General Code Company.

GRANT AGREEMENT State of Alaska

Alaska Housing Finance Corporation					
Program: Last Frontier Housing Initiative (LFH)	Grant Agreement Nur LFH-24-SAX-1	nber:	Project : LFH City of Saxman sub- grant; Saxman, Alaska		
Funding Sources: See detail in grant budget		Activity: Last Frontier Housing Initiative			
GRANTEE DATA		AHFC DEPARTMENT DATA			
<u>Address:</u> City of Saxman 2841 S Tongass Hwy Ketchikan, AK 99901		<u>Address:</u> Alaska Housing Finance Corporation Planning and Program Development Department P.O. Box 101020 Anchorage, Alaska 99510-1020			
Contact Name: Marissa		Program Manager: [AHFC Contact]			
Email Address: cityadmin@kpunet.net Phone: (907) 225-4166		Grants Administrator: [AHFC Contact] Program Administration:			
Federal ID Number: DUNS Number:		Planning Department Alaska Housing Finance Corporation			

The Alaska Housing Finance Corporation (AHFC) and the **City of Saxman** (hereinafter referred to as the "Grantee") agree as set forth herein.

Section I. AHFC shall provide grant funds to the Grantee in an amount not to exceed Four million, five hundred thousand dollars and zero cents (\$4,500,000.00) for the acceptable performance of the activities under the terms set forth in this Agreement. The amount of the payment is based upon project expenses incurred which are authorized under the Approved Budget by Line Item.

Section II. The Grantee shall perform all of the work and comply with all of the terms required by this Agreement.

Section III. The effective date of this Agreement is the date upon which it is executed by the AHFC Director of Administrative Services. The period of performance of this Agreement shall be from **January**

1, 2024 through December 31, 2025.

Section IV. This Agreement consist of this page, the attached Signatory/Notary page, Approved Budget by Line Item, Statement of Special Terms and Conditions and the following attachments:

ATTACHMENTS: All items as indicated on Attachment E and found in the online submission system. Any fully executed Amendments to this Agreement.

ALASKA HOUSING FINANCE CORPORATION

Daniel Delfino, Director Planning and Program Development Date

IN WITNESS WHEREOF, the parties have executed this Grant Agreement on the dates set out below. This Grant Agreement takes effect on the date of its execution by AHFC.

GRANTEE ACKNOWLEDGEMENT

_____ date: Frank Seludo Mayor, City of Saxman

GRANTOR (AHFC) ACKNOWLEDGEMENT

date:

Gregory Rochon Director, Administrative Services Alaska Housing Finance Corporation P.O. Box 101020 Anchorage, AK 99510-1020

Cost Category	LFH/ ERA2 Funding	Other Funding	Total Project Cost
Acquisition	\$0	\$0	\$0
Construction	\$4,500,000.00	\$675,000.00	\$0
General Requirements	\$0	\$0	\$0
Contractor Profit / Overhead	\$0	\$0	\$0
Soft Costs	\$0	\$0	\$0
Developer Overhead/Fees	\$0	\$0	\$0
Total Costs	\$4,500,000.00	\$675,000.00	\$5,175,000.00

APPROVED BUDGET BY LINE ITEM

Budget Funding Sources:

US DOT Emergency Rental Assistance 2 (ERA2); 5/10/2021 ERA2 - 0072

Request for Budget Revisions:

Any changes to the above Budget must be requested using the Budget Revision Request (BRR) form listed in Attachment E. An executed formal grant agreement will be required if there is an approved change by the Corporation in the scope of work (i.e., activities), the beginning or ending date of the period of performance is adjusted, or a new funding award will increase the grant agreement/amendment.

Audit Requirement:

Figures reflected in the Total Project Cost column of the Budget, above, may include Federal and State Funds appropriated by the State Legislature or granted directly to the agency or in-kind funds provided by the Grantee. If Grantee expended \$750,000 or more of Federal, or \$750,000 or more of State Financial Assistance in a fiscal year, Grantee shall be required to comply with the Federal and State Single Audit Act. Refer to Attachment B Article 5.c. Audit Report Requirement.

Federal and State award funds may be disbursed at different rates within the award budget. Awardees must contact AHFC at the end of their fiscal year to verify the exact split of Federal and State funds disbursed. The Awardee will need this information to comply with the Federal and State Single Audit Act.

STATEMENT OF SPECIAL TERMS AND CONDITIONS

The following scope applies to projects developed using ERA2 funding ("Federal Rent Relief Program") in accordance with the requirements of Section 501(a) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020), and Section 3201(a) of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021), and any regulations, guidance or other program rules issued or hereinafter issued thereunder.

- 1. Grantee must newly construct no fewer than eight (8) rental housing units. Any units beyond the eight (8) rental units funded with ERA-2 funds will not require income or rent restrictions.
- 2. These units may be constructed by the Grantee or through an entity (or entities) procured by the Grantee.
- 3. The units may be owned and / or operated by the Grantee or through an entity (or entities) procured by the Grantee.
- 4. ERA2 assisted units are to be rented to very low-income households. (those with income at or below 50% of the area median income adjusted for household size).
- 5. Rent and income restrictions will be secured by a land use restriction agreement (LURA) for no less than twenty (20) years.
- 6. All ERA2 funds must be expended no later than September 30, 2025.
- 7. A project funded, in whole or in part, with ERA2 funds must conform to and meet the program regulations and other requirements of at least one of the types of assistance listed below. The program(s) under which the ERA2 funded project will comply must be selected before any site work begins.
 - a. Low-Income Housing Tax Credit (Treasury);
 - b. HOME Investment Partnerships Program (U.S. Department of Housing and Urban Development (HUD));
 - c. HOME-ARP Program (HUD);
 - d. Housing Trust Fund Program (HUD);
 - e. Public Housing Capital Fund (HUD);
 - f. Indian Housing Block Grant Program (HUD);
 - g. Section 202 Supportive Housing for the Elderly (HUD);
 - h. Section 811 Supportive Housing for Persons with Disabilities (HUD);
 - i. Farm Labor Housing Direct Loans and Grants (U.S. Department of Agriculture (USDA));
 - j. Multifamily Preservation and Revitalization Program (USDA).

The Grantee has elected to follow the program rules for the Low-Income Housing Tax Credit program.

- 8. The ERA2 subsidy limit is \$646,875 per unit.
- 9. Grantee may sub-grant this award to a development team.

10. Project Timeline (estimated):

4/12/2024:	Saxman Execute Grant Agreement
5/6/2024:	Approval of MOU by Borough Assembly
5/15/2024:	Approval of MOU by Saxman City Council
5/16/2024:	Issue RFP
6/14/2024:	Close RFP
6/24/2024:	Saxman to call special meeting to approve the contract for Contractor
7/1/2024:	Issue Notice to Proceed with contract
7/31/2025:	Final completion deadline
9/30/2025:	100% of grant funds expended
12/31/2025:	Grant closeout

ATTACHMENT E

FORMS, REPORTS, REGULATIONS AND EXHIBITS

AHFC	Please return this document to AHFC with the signed/initialed Award Agreement,
Sent via Ariba	Budget, and Exhibits (if any).
	Checklists
	Download and retain for use.
ARIBA	Pre-Disbursement-Pre-Execution Checklist: Pre-Disbursement Checklist (GOALVer.1)
ARIBA	Project Close-Out Checklists Form #: Close-Checklist(LFHI Ver.5)
	Deed Restrictions
ARIBA	Declaration of Conditions, Covenants, and Restrictions Form #: LFHI
ARIBA	Deed of Trust, and Deed of Trust Note Form #: LFHI
	Project Reporting
ARIBA	Project Reporting Workbook Form #: LFHI Project Reporting Workbook
	Exhibits
<u>ARIBA</u>	Exhibit 1 Property Standards and Federal Laws Form #: E1PropStndrds-Laws(GOLVer1)
<u>N/A</u>	Exhibit 2 HOME Post-Development Provisions Form #: E2PstDevProv(GOLVer1)
ARIBA	Exhibit 3 Affirmative Marketing Plan Form #: E3AffMrktPln(GOLVer1)
<u>ARIBA</u>	Exhibit 5 Tenant and Participant Protections Form #: E5Protects(GOLVer1)
	Financial Forms
ARIBA	<u>AHFC Cost Allocation Plan</u> Form #: CostAllocPln(Ver3)
ARIBA	Authorized Signatories Form _Form #: SignAuth(S-PVer.2)
ARIBA	Budget Request Revision Form _Form #: BudgRevisReq(Ver.1)
<u>ARIBA</u>	Funds Disbursement Request
<u>ARIBA</u>	Quarterly Financial Report
	General Regulations
ARIBA	15 AAC 154.010 - 15 AAC 154.090 Grant Programs (Rev. 6/18/08)
ARIBA	Article 7. Grant Management: 15 AAC 154.700 - 15 AAC 154.835 (Rev. 6/18/08)
<u>ARIBA</u>	Chapter 36.25 Contractors' Bonds (Rev. 1/11/11)
ARIBA	Chapter 45. Grant Administration: Audit Requirements: 2AAC 45.010 (Rev. 1/11/11)
	Grant Attachments
ARIBA	A. <u>Standard Provisions</u> Form #: Attachment A Awards – Planning 01-2022
ARIBA	B. <u>Reporting and General Provisions</u> Form #: Attachment B Reporting
ARIBA	C. <u>Financial Provisions</u> Form #: Attachment C Financial Provisions (rev 01-2022)
	GOAL Program Forms and Reference Materials
ARIBA	Purchasing Checklist Form #: PurchCheck(GOALVer.1)
ARIBA	Summary of Building Inspections Requirements Form #: BldgInsp(GOALVer.1)
ARIBA	Project Cost Certification Requirements Form #: CostCert(GOALVer.1)
ARIBA	Sample Management Plan Guidelines Form #: MgmtPlan(GOALVer.1)

ATTACHMENT E

CERTIFICATION OF UNDERSTRANDING AND COMPLIANCE

The Grantee certifies that the person signing and submitting this Certification of Understanding and Compliance for Attachment E has the full and unencumbered authority to bind the Grantee, has read each and every provision of the Attachment, has a complete understanding of all requirements of the Attachment and the provisions of any Agreement that may be formed as a result of the Attachment.

_ date:

Frank Seludo Mayor, City of Saxman



Marissa Medford

City Administrator Report

March/April 2024

City of Saxman Council:

Currently working with Peter Amylon from the Ketchikan Gateway Borough and Kaitlyn Jared from S.E. Conference for the 2024 Port Infrastructure Development Program (PIDP) Grant. The grant application is due May 10, 2024. The Ketchikan Gateway Borough is assisting the City of Saxman by providing administrative support for this grant.

Also currently working with Cynna Gubatayao, Peter Amylon, and Amy Briggs from the Ketchikan Gateway Borough and Andy Petroni and Daniel Delfino from Alaska Housing Finance Corporation (AHFC) on the Affordable Housing Construction Grant. Once we receive approval from Council, we can move forward with AHFC's grant agreement. A Memorandum of Understanding (MOU) between the City of Saxman and Ketchikan Gateway Borough will also be completed to clearly define roles and responsibilities between the two entities for grant admission. The Ketchikan Gateway Bourough is assisting the City of Saxman by providing administrative support for this grant, too.

The Ketchikan Gateway Borough and has been instrumental in ensuring these grants will be executed effectively and I sincerely appreciate their support and guidance.

Officially closed on the 2707 Bear Clan lot. The City of Saxman owns more land.

Several Accounting team meetings to discuss:

- Teuscher Walpole's scope of work—will continue to evolve as we clearly define roles and responsibilities and train staff.
- Ongoing Elgee Rehfeld FY23 audit.
- Budget mod for the rest of FY24.
- Budget for FY25.

Discovered there hasn't been a lease agreement completed between the City of Saxman and the Organized Village of Saxman (OVS) since the last one expired on January 17, 2021. Working on updating the lease agreement and then will send to Charlie White, OVS Tribal Administrator and Joe Williams, OVS President for review and approval.

Completed the Independent Tour Agreements for 2024. Decided to implement the head count slips and daily sheets for 2024 for documentation/accounting purposes. Melissa and Diane have created 2024 park permits and have been accepting tour agreements and payments for the 2024 tour season.

Had an initial meeting with FileHold as it does not seem that the system is currently being utilized. Need to schedule a follow-up meeting now that we have the two new scanners



installed. Once I am familiarized with FileHold, I will have a team meeting to ensure we are properly utilizing the system and implement a feasible strategy for the project.

Consumer Confidence Report and CCR Certification Form for 2023 were completed and distributed to customers to maintain compliance.

Met with Steve Rydeen, Fire Chief and Mio Rhein, Fire Captain to discuss the new STVFD contract for Fire and EMS services. Saxman is not part of the service area, which is why we have contract services.

Met with Skyleen Bottani from First Bank to discuss possible community re-investment projects we could partner on (painting elders' homes, pressure washing homes, community clean-ups throughout the year, lunch and learn for home buyers/financing).

Met with Erin Traudt from Ketchikan Wellness Coalition to discuss substance abuse prevention in youth and what we could do within the community to prolong it for as long as possible. Talked about possibly doing a drug take back in Saxman (they currently do four throughout the year within the City of Ketchikan), doing a Town Hall event (bringing speakers, presenting data, etc.). There will also be a 3-day prevention training scheduled for July 31-August 2 at Ted Ferry Civic Center with tribal trainers from Oklahoma and conducting the training through an Indigenous lens. She will send more information when she receives it.

M. Meford

Marissa Med**fo**rd City Administrator April 17, 2024

Saxman Water Report for March 2024

March has been a tough month for the Water Treatment plant. We have been experiencing problems with the SCD machine and polymer pump which regulates the coagulant process and helps form bigger clumps in the filter making it more efficient. With the SCD machine having issues we are in turn using more chlorine to make up for the difference. With all the Rain and hail during the month there has been a lot more organics in the water although there was hail, we have had a mild winter and with the warmer temperatures the organics flourish, so we have adjusted to account for the changing conditions of the water. Joe Hess (ANTHC) says it is not abnormal to have to clean the filters more often during the times we have a lot of rain. These problems do not affect the quality of our water they do, however, take more treatment to achieve the quality we desire.

We also believe it might be time to replace the media in the filters. We have 3 types of media in our filters sand, medium pebbles, and anthracite charcoal. All of which we have replacement for onsite stored in our Connex. So, it would be just a matter of removing the old media and replacing it with new ones.

We also started our training class Water Distribution level one on Zoom meetings, and we will be taking our exams on April 16, and training for level 2 water treatment class starts 04/15/24 so we will be busy with classes till May 10.

The water plant is doing good through all the challenges we experience we are still able to provide good quality water which is our number one goal.

Water Operator, Robert Sero

04/11/24

Roht Levo