

Mayor Edna B. DeVries
Deputy Mayor Linda Combs
Council Member Julie Berberich
Council Member Richard W. Best
Council Member Steve Carrington
Council Member Sabrena Combs
Council Member Jill Valerius

City Attorney Michael Gatti
City Clerk Norma I. Alley, MMC
City Manager John Moosey

City of Palmer, Alaska
City Council Meeting
September 8, 2020, at 7:00 PM
City Council Chambers
231 W. Evergreen Avenue, Palmer
www.palmerak.org

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. Introduction and Setting a Public Hearing for September 22, 2020, for **Ordinance No. 20-009:** Amending the Palmer Municipal Code Chapter 4.15.050 Employment Pertaining to Employee Probationary Period Page 3
 - b. Introduction and Setting a Public Hearing for September 22, 2020, for **Ordinance No. 20-010:** Adopting Temporary Employee Administrative Leave Policy for COVID-19 Page 7
 - c. Introduction and Setting a Public Hearing for September 22, 2020, for **Ordinance No. 20-011:** Enacting Palmer Municipal Code Section 4.30.190 Types of Leave Pertaining to Employee Teleworking Page 11
 - d. **Action Memorandum No. 20-057:** Authorizing the City Manager to Execute a Construction Contract for the Blast Pad Paving Project with Alaska Sealcoating, Inc. in the Amount of \$126,006.14, Under the Existing FAA Grant No. 03-02-0211-021-2017..... Page 17
 - e. **Action Memorandum No. 20-058:** Authorizing the City Manager to Negotiate and Execute a Contract with CRW Engineer Group LLC, Not to Exceed \$53,856.00 for Engineering Services for Mechanical, Electrical and Structural Engineer Drawings with Specifications for the Installation of a Roof Mounted Positive Pressure HVAC System at the Palmer City Hall Page 47
2. Approval of Minutes of Previous Meetings
 - a. August 11, 2020, Regular Meeting Page 63

E. COMMUNICATION AND APPEARANCE REQUESTS

1. Presentation from Agnew::Beck Regarding Annexation Study Page 67

F. REPORTS

1. City Manager's Report
2. City Clerk's Report
3. Mayor's Report Page 101
4. City Attorney's Report

G. AUDIENCE PARTICIPATION

H. PUBLIC HEARING

1. **Resolution No. 20-022:** Adopting a COVID-19 CARES Act Funds Policy Page 103

I. NEW BUSINESS

1. **Action Memorandum No. 20-042:** Authorizing the City Manager to Accept a Site Improvement Plan and Equipment Donation from the Palmer Little League at the Harley Busbey Memorial Field Page 109
2. **Information Memorandum No. 20-008:** Committee of the Whole for General Discussion Regarding Code of Ethics for City Council (Note: action may be taken following the Committee of the Whole) Page 117

J. RECORD OF ITEMS PLACED ON THE TABLE

K. AUDIENCE PARTICIPATION

L. COUNCIL COMMENTS

M. ADJOURNMENT

Tentative Future Palmer City Council Meetings

Meeting Date	Meeting Type	Time	Notes
Sep 22	Regular	7 pm	
Oct 12	Special	6pm	Election Certification
Oct 13	Regular	7 pm	
Oct 27	Special	6 pm	Budget Introduction
Oct 27	Regular	7 pm	Budget
Nov 3	Special	6 pm	Budget
Nov 10	Special	6 pm	Budget
Nov 10	Regular	7 pm	
Nov 24	Special	6 pm	Budget
Nov 24	Regular	7 pm	Budget Adoption
Dec 8	Regular	7 pm	
Dec 22	Regular	7 pm	
Jan 12 '21	Regular	7 pm	

**City of Palmer
Ordinance No. 20-009**

Subject: Amending the Palmer Municipal Code Chapter 4.15.050 Employment Pertaining to Employee Probationary Period

Agenda of: September 8, 2020

Council Action: **Adopted** **Amended:** _____
 Defeated

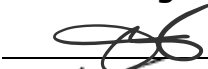

Originator Information:

Originator: John Moosey, City Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk	<u>Norma L. Alley</u>	_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ 0.00

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Attachment(s):

- Ordinance No. 20-009

Summary Statement/Background:

The Covid-19 pandemic has created a challenge to properly protect staff and the public. The current personnel time off code language is a strong disincentive to effectively provide a safe working environment. Repealing this language will promote safe and effective staff health decisions.

Administration's Recommendation:

Adopt Ordinance No. 20-009

LEGISLATIVE HISTORY

Introduced by: City Manager Moosey

Date: September 9, 2020

Public Hearing:

Action:

Vote:

Yes:

No:

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CITY OF PALMER, ALASKA

Ordinance No. 20-009

An Ordinance of the Palmer City Council Amending the Palmer Municipal Code Chapter 4.15.050 Employment Pertaining to Employee Probationary Period

WHEREAS, the COVID-19 pandemic is creating challenges in protecting city staff and the public; and

WHEREAS, Specific personnel operation code requirements must be adjusted to operate in this new environment.

NOW, THEREFORE THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code is hereby amended to read as follows (new language is underlined and deleted language is ~~stricken~~):

Chapter 4.15.50

A. All new regular full-time and regular part-time employees are subject to the probationary requirements of this section.

B. At any time during the probationary period, the department director or city manager may summarily discharge the probationary employee from the position, with or without cause and without right of hearing or appeal; provided, however, such discharge will be made in conjunction with prior attorney consultation.

C. Written notice of such dismissal shall be given to the probationary employee before the action becomes effective.

D. All new, promoted, and demoted employees shall serve a probationary period.

1. Full-time employees shall serve a probationary period of six months or 1,040 hours worked, exclusive of overtime.

a. When an employee in a probationary status is transferred to another level, the probationary period for the new level shall start on the date of the transfer.

b. After an employee has successfully completed six months and 1,040 hours of work, exclusive of overtime, in the new level the employee may be advanced a maximum of two steps to the next higher pay step in the salary range of the class. That date becomes the employee's merit anniversary date.

c. The probationary period may be extended at the discretion of the department director and approval of the personnel officer.

2. Part-time employees shall serve a probationary period of six months and ~~1,040~~ 520 hours worked, exclusive of overtime.

a. After an employee has successfully completed six months and ~~1,040~~ 520 hours of work, exclusive of overtime, the employee may be advanced a maximum of two steps to the next higher pay step in the salary range of class. That date becomes the employee's merit anniversary date.

b. The probationary period may be extended at the discretion of the department director and approval of the personnel officer.

3. Uncertified police officer probationary period shall begin at day of hire and continue for six months after the successful completion of police academy and field training program.

E. A probationary employee is not entitled to PMC 4.50.060 before discharge, and a probationary employee is not entitled to severance pay upon discharge.

F. During the probationary period, a probationary employee accrues leave time, and shall be eligible for holiday benefits.

~~1. The employee may not use personal leave until they have successfully completed their probationary period including any extensions.~~

2. The leave accrual will not be paid for an employee who leaves employment with the city of Palmer for any reason prior to successfully completing the probationary period including any extensions.

Section 4. Effective Date. Ordinance No. 20-009 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this _____ day of _____, 2020.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Ordinance No. 20-010**

Subject: Amending Palmer Municipal Code Chapter 4.30 Types of Leave Pertaining to Administrative Leave Policy for COVID-19

Agenda of: September 8, 2020

Council Action: **Adopted** **Amended:** _____
 Defeated




Originator Information:

Originator: John Moosey, City Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ 0.00

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted

Director of Finance Signature: 

Attachment(s):

- Ordinance No. 20-010

Summary Statement/Background:

During the COVID-19 Pandemic, the city of Palmer has and is facing an unprecedented risk in providing services at the same time of ensuring safety for both the public and staff. This virus currently has no expiration date and we must plan and protect our employees and the city. An alteration to employee leave benefit must be made to allow our service providers confidence in providing services without having to choose between health safety and financial protection.

Administration's Recommendation:

Adopt Ordinance No. 20-010

LEGISLATIVE HISTORY

Introduced by: City Manager Moosey

Date: September 8, 2020

Public Hearing:

Action:

Vote:

Yes:

No:

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CITY OF PALMER, ALASKA

Ordinance No. 20-010

An Ordinance of the Palmer City Council Adopting Temporary Employee Administrative Leave for COVID-19

WHEREAS, the recent COVID-19 pandemic has impacted the city of Palmer’s service operation; and

WHEREAS, the city of Palmer service success relies on the health and safety of staff; and

WHEREAS, risk associated with the virus puts staff health at great levels of harm to the person and to services provided; and

WHEREAS, Changes in the work environment must be made to preserve health and service delivery.

THEREFORE, THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be temporary in nature and is a non-code ordinance; therefore, shall not be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. The city of Palmer City Council adopts the following temporary employee administrative leave policy pertaining to COVID-19:

Paid administrative leave is available until December 31, 2020, for certain Covid-19 related reasons to assist employees in a time of need if the employee has previously been approved for and exhausted eligible leave available under the Families First Coronavirus Response Act (FFCRA or ACT).

A. Eligibility. To be eligible, an employee must be identified as a close contact according to Centers for Disease Control (CDC) or a medical professional and thus advised to be tested for Covid-19. If the employee has previously used and exhausted all applicable leave available under FFCRA, then the city Manager may, at his discretion, approve a maximum of seven (7) days of administrative leave to allow for the employee to obtain testing for Covid-19 and remain out of work until the test results have been received. If, after the seven (7) days has expired, if the

employee has not received his/her test results or been cleared to return to work, the employee shall be required to either utilize available paid time off (PTO) or be placed on leave without pay (LWOP) until such time as the employee has either received a negative test result or been cleared by a medical professional to return to work. Employees may be required to provide proof of their status as a close contact, a negative test, and/or a release to work from a medical professional upon request.

B. Exceptions. Employees whose positions permit telework may be placed on a telework agreement, upon approval from the department director, in lieu of administrative leave. The department director retains the right to determine whether telework or the paid administrative leave described in this policy shall be assigned.

Section 4. Effective Date. Ordinance No. 20-010 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this ____ day of _____, 2020.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Ordinance No. 20-011**

Subject: Enacting Palmer Municipal Code Section 4.30.190 Types of Leave Pertaining to Employee Teleworking

Agenda of: September 8, 2020

Council Action: **Adopted** **Amended:** _____
 Defeated




Originator Information:

Originator: John Moosey, City Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ 0.00

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted

Director of Finance Signature: 

Attachment(s):

- Ordinance No. 20-011

Summary Statement/Background:

To encourage distance work during the COVID-19 pandemic, the city of Palmer is authorizing certain employees to complete their duties in an alternate workspace. This Agreement is intended to ensure that both the city and employees have a clear, shared understanding of expectations during a period of flexible work scheduling. The Agreement is not a contract of employment and does not provide any additional contractual rights to continued employment. It does not alter or supersede the terms of the existing employment relationship.

Administration's Recommendation:

Adopt Ordinance No. 20-011

LEGISLATIVE HISTORY

Introduced by: City Manager Moosey

Date: September 8, 2020

Public Hearing:

Action:

Vote:

Yes:

No:

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CITY OF PALMER, ALASKA

Ordinance No. 20-011

An Ordinance of the Palmer City Council Enacting Palmer Municipal Code Section 4.30.190 Types of Leave Pertaining to Employee Teleworking

WHEREAS, the recent COVID-19 pandemic has impacted the city of Palmer’s service operation; and

WHEREAS, the city of Palmer service success relies on the health and safety of staff; and

WHEREAS, risk associated with the virus puts staff health at great levels of harm to the person and to services provided; and

WHEREAS, changes in the work environment must be made to preserve health and service delivery.

THEREFORE, THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code is hereby amended to read as follows (new language is underlined and deleted language is stricken):

Chapter 4.30.190

A. Compensation and Work Hours. The employee’s compensation, benefits, work status and work responsibilities will not change due to participation in the teleworking program. The amount of time the employee is expected to work per day or pay period will not change as a result of participation in the teleworking program.

1. The employee’s alternate worksite work hours will conform to a schedule agreed upon by the department supervisor and employee. If such a schedule has not been agreed upon, the employee’s work hours will be the same as before the employee began teleworking.

2. Telework participants are required to report all work hours. Overtime must be approved in advance. Participants are required to complete a timesheet no less than bi-weekly to all hours worked.

B. Eligibility. Employees will be selected based on the suitability of their jobs, an evaluation of the likelihood of their being successful teleworkers, an evaluation of their ability to complete the essential duties of their position remotely, and an evaluation of their supervisor's ability to manage remote workers. Each department director will make its own selections. Discontinuation of a telework arrangement is not, in and of itself, an adverse action and telework arrangements may be terminated at the department director's discretion.

C. Equipment/Tools. The city may provide specific tools/equipment for the employee to perform his/her current duties. This may include computer hardware, computer software, phone lines, email, voicemail, connectivity to host applications, and other applicable equipment as deemed necessary.

1. The use of equipment, software, data supplies and furniture, when provided by the city, for use at the remote work location is limited to authorized persons and for purposes relating to city business. The city will provide for repairs to city equipment. When the employee uses his/her own equipment, the employee is responsible for maintenance and repair of equipment. All city provided equipment must be returned upon request and/or termination of employee's employment.

D. Workspace. The employee shall designate a workspace within the remote work location for placement and installation of equipment to be used while teleworking. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment. The city must approve the site chosen as the employee's remote workspace.

1. Any work materials/supplies/equipment taken home should be kept in the designated work area at home and not be made accessible to others.

E. Office Supplies. Office supplies will be provided by the city as needed. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's department director.

F. Liability. The city assumes no liability for injuries occurring in the employee's alternate workspace. The city is not liable for loss, destruction, or injury that may occur in or to the employee's alternate workspace. This includes the employee, family members, visitors, or others that may become injured within or around the employee's home.

G. Dependent Care. Unless specifically approved, teleworking is not a substitute for dependent care.

H. Communication. Employees must be available by phone and email during work hours. All in-person work interactions will be conducted in a public meeting space suitable for such meetings or a client or city site. Participants must be available for staff meetings and other meetings deemed necessary by management during work hours.

I. Compliance and Termination. The telework agreement will commence on a date agreed upon by the department supervisor and employee and will be re-evaluated annually as a part of the employee's performance appraisal, if the employee has a substantial change in duties, changes

his/her position, or if there is a change in department directors. The department director may rescind this telework agreement at any time for any reason, at their discretion. Employee shall comply with all Federal and State employment laws and all applicable Palmer Municipal Codes.

Section 4. Effective Date. Ordinance No. 20-011 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this _____ day of _____, 2020.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Action Memorandum No. 20-057**

Subject: Authorizing the City Manager to Execute a Construction Contract for the Blast Pad Paving Project with Alaska Sealcoating, Inc. in the Amount of \$126,006.14, Under the Existing FAA Grant No. 03-02-0211-021-2017

Agenda of: September 8, 2020

Council Action: **Approved** **Amended:** _____
 Defeated




Originator Information:

Originator: Frank J. Kelly, Airport Superintendent

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ **126,006.14**

This legislation (√):

<input type="checkbox"/>	Creates revenue in the amount of:	\$ _____
<input checked="" type="checkbox"/>	Creates expenditure in the amount of:	\$ <u>126,006.14</u>
<input type="checkbox"/>	Creates a saving in the amount of:	\$ _____
<input type="checkbox"/>	Has no fiscal impact	

Funds are (√):

<input checked="" type="checkbox"/>	Budgeted	Line item(s): <u>30-00-00-3379 FAA Grant 021-2017 30-30-10-6225 \$3,817</u>
<input type="checkbox"/>	Not budgeted	<u>And 30-30-10-6234 Avigation Easement Match not needed \$5,933</u>

Director of Finance Signature: 

Attachment(s):

- Notice of Intent to Award
- Airport Paving Bid No. 20-01 Summary Tabulations
- CIP Data Sheet Blast Pad Paving
- RW 16/34 Runway Safety Area Damage Picture
- Grant Assurances

Summary Statement/Background:

Since the original rehabilitation work was completed to RW 16/34 in late 2017, which included upgrades and expansion to the "Runway Safety Areas" (the cleared and level area beyond the actual runway in case an aircraft lands short or has a problem during takeoff), the RSA has begun to unravel due to jet and prop blasts from the larger aircraft with more powerful engines and heavy payloads. This occurred shortly after the original work was completed and the fix to the original problem has not held up either. The issue will continue to get worse and creates asphalt debris that can be dangerous to aircraft. Therefore, the FAA has approved additional work under the existing grant No. 3-02-0211-021-2017 to now provide for a paved area of 100' X 200' at each end of the runway to permanently prevent this problem from happening again. The City Council approved Resolution No. 17-020 on June 13, 2017, which approved the FAA grant with grant assurances reviewed at that time.

This AM approves the Construction Contract to Alaska Sealcoating, Inc. who was the lowest qualified bidder. Funding for this contract will come from the grant that has an approximate remaining balance of \$125K in FAA funds available. The funds if not spent, would otherwise be returned to the FAA as unused upon closing the grant. The City has \$426.00 in original matching funds from this grant that are not committed and available with the balance of \$5,933.00 coming from a CIP match for the Avigation Easement study, that was ultimately not required due to the Cares Act funding of all 2020 grants at 100%.

The grant should be closed by June 2021, so this work needs to be completed this fall, after the fire fighting season has ended.

Administration's Recommendation:

To approve Action Memorandum No. 20-057



Warren (Bud) Woods Palmer Municipal Airport

August 27, 2020

Frank J. Kelly
Airport Superintendent

TO: Alaska Sealcoating, Inc.
NorthStar Excavation & Asphalt, Inc
Prosser-Dagg Construction Co. LLC
Pruh's Construction Company

Phone: (907) 761-1334
Fax: (907) 745-0930
Email: fkelly@palmerak.org

Mall: 231 W. Evergreen Ave.
Palmer, Alaska 99645-6952
Location: 901 East Airport Road
www.cityofpalmer.org

RE: **Notice of Intent to Award**
Airport Paving Bid. No. 20-01
Blast Pad Paving Project

Transmitted VIA Email

This is the City of Palmer's Notice of Intent to Award the Request for Bid No. 20-01 for the 2020 Blast Pad Paving Project to Alaska Sealcoating, Inc., at the Palmer City Council meeting scheduled for **7:00 P.M., September 8, 2020**, in the Council Chambers at Palmer City Hall, 231 W. Evergreen Avenue, in Palmer.

Four (4) Bids were received and upon review of all bid proposals by HDL Engineering Consultants and the City of Palmer, the City Administration will recommend that the contract be awarded to Alaska Sealcoating, Inc., whose selection was based upon the lowest responsible and qualified bid proposal. The order of qualified bid proposals are attached to this Notice of Intent to Award.

In accordance with Palmer Municipal Code 3.21.290 B., a protest based upon alleged improprieties in an intended award of a contract must be filed with the Palmer City Manager (with a copy previously served upon the intended awardee) within two business days after the issuance of this notice of intent to award – in this case, by **5 p.m., August 31, 2020**. Failure to meet this timeline shall constitute a waiver of the protesting party's rights and a bar on any further action regarding this matter.

Thank you for your interest in doing business with the City of Palmer.

Respectfully,

Frank J. Kelly
Airport Superintendent

Enclosures: Overall Summary of Bid Proposals for AP Bid No. 20-01
2020 Blast Pad Paving Project

**CITY OF PALMER
BLAST PAD PAVING
BID SUMMARY**

SUMMARY

Schedule	Engineers Estimate	Pruhs Construction Company	Northstar Excavation & Asphalt, Inc.	Alaska Sealcoating, Inc.	Prosser-Dagg Construction Co, LLC	0	0
Calculated Schedule A Total	\$106,560.00	\$185,600.00	\$114,737.50	\$100,806.30	\$143,200.00	\$0.00	\$0.00
As Submitted Schedule A Total	\$0.00	\$185,000.00	\$114,917.50	\$100,800.00	\$143,200.00	\$0.00	\$0.00
Difference Schedule A	\$0.00	\$600.00	-\$180.00	\$6.30	\$0.00	\$0.00	\$0.00
Calculated Schedule B Total	\$12,820.00	\$13,800.00	\$16,620.00	\$25,099.84	\$7,040.00	\$0.00	\$0.00
As Submitted Schedule B Total	\$0.00	\$13,800.00	\$16,620.00	\$25,100.00	\$7,040.00	\$0.00	\$0.00
Difference Schedule B	\$0.00	\$0.00	\$0.00	-\$0.16	\$0.00	\$0.00	\$0.00
Calculated Total Base Bid	\$119,480.00	\$199,400.00	\$131,367.50	\$126,006.14	\$160,240.00	\$0.00	\$0.00
As Submitted Total Base Bid	\$0.00	\$198,800.00	\$131,537.50	\$126,000.00	\$150,240.00	\$0.00	\$0.00
Difference Total Base Bid	\$0.00	\$600.00	-\$180.00	\$6.14	\$0.00	\$0.00	\$0.00
Acknowledged Addendum 1	-	yes	yes	yes	yes		
Acknowledged Addendum 2	-	yes	yes	yes	yes		
Bid Proposal signed	-	yes	yes	yes	yes		
10% Bid Bond	-	yes	yes	yes	yes		
Bidder Qualification Form	-	yes	yes	yes	yes		
Interested Bidders List Collection Form	-	yes	yes	yes	yes		
Buy American Certification	-	yes	yes	yes	yes		
Debarment and Suspension Certification	-	yes	yes	yes	yes		
Prohibition of Segregated Facilities Certification	-	yes	yes	yes	yes		
Trade Restrictions Certification	-	yes	yes	yes	yes		
Tax Delinquency and Felony Conviction	-	yes	yes	yes	yes		

CIP DATASHEET

Airport Name: Warren "Bud" Woods Palmer Municipal Airport **Grant Year:** 2020
LOCID: PAQ **Date Submitted:** 5/27/2020

CIP Work Code			Project Description	Cost in Dollars (\$)
Purpose	Component	Type		
ST	OT	IM	PAQ Runway 16/34 blast pads	156,000.00
			Total Cost:	156,000.00
			Sponsor Share:	9,750.00
			Federal Share:	146,250.00

Project Description and Justification:

The RSA grade beyond the Runway 16 and Runway 34 thresholds is stabilized with recycled asphalt pavement (RAP). These surfaces are raveling due to propeller wash. The loose RAP is a source for FOD, the loss of a bound surface also exposes the RSA grade to erosion. This project will add 200' blast pads to both runway ends to bind the surface.

Submitted by:

Contact Name: **Brad Hanson** Title: **Interim City Manager**
 Telephone: **907-761-1317** Email: **bahanson@palmaerak.org**



ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 –Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1,2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹

- s. 49 CFR Part 28 –Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 –Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 –Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental

and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at

Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
- 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the

sponsor's programs and activities.

- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was

notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated April 18, 2019, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure

nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



FAA Airports

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 4/18/2019

View the most current versions of these ACs and any associated changes at:
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/

NUMBER	TITLE
70/7460-1L Change 2	Obstruction Marking and Lighting
150/5000-9A	Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1- 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28F	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30D Change 1	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications

NUMBER	TITLE
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVS)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E Changes 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26 Changes 1-2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards

NUMBER	TITLE
150/5320-5D	Airport Drainage Design
150/5320-6F	Airport Pavement Design and Evaluation
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43H	Specification for Obstruction Lighting Equipment

NUMBER	TITLE
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction
150/5370-10H	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design

NUMBER	TITLE
150/5395-1A	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 3/22/2019

NUMBER	TITLE
150/5100-14E Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airport Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

**City of Palmer
Action Memorandum No. 20-058**

Subject: Authorizing the City Manager to Negotiate and Execute a Contract with CRW Engineer Group LLC, Not to Exceed \$53,856.00 for Engineering Services for Mechanical, Electrical and Structural Engineer Drawings with Specifications for the Installation of a Roof Mounted Positive Pressure HVAC System at the Palmer City Hall

Agenda of: September 8, 2020

Council Action: **Approved** **Amended:** _____
 Defeated


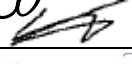

Originator Information:

Originator: Chris Nall, Director of Public Works

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
√	Finance		08/28/2020
_____	Fire	_____	_____
_____	Police	_____	_____
√	Public Works		08/27/2020

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ **53,856.00**

This legislation (√):

<input type="checkbox"/>	Creates revenue in the amount of:	\$ _____
√	Creates expenditure in the amount of:	\$ 53,856.00
<input type="checkbox"/>	Creates a saving in the amount of:	\$ _____
<input type="checkbox"/>	Has no fiscal impact	

Funds are (√):

√	Budgeted	Line item(s): <u>CARES Act Funds 56-01-10-6510</u>
<input type="checkbox"/>	Not budgeted	_____

Director of Finance Signature: 

Attachment(s):

- CRW Engineering Bid Proposal
- City Hall HVAC Bid Tab

Summary Statement/Background:

Given the current situation with COVID-19, City of Palmer, City Hall is in need of a positive pressure HVAC system. A positive pressure system will ensure the efficient turn over and throughput of clean/fresh air into City Hall and reduce the possibility of the COVID virus being stagnant in the building and its transmission. CRW will provide 95% drawings for mechanical, electrical and structural requirements, a project cost estimate, as well as bidding assistance, proposed equipment review and recommendation and inspection/final inspection with close out services under this proposed contract.

Administration's Recommendation:

To approve Action Memorandum No. 20-058 authorizing the City Manager to negotiate and execute a contract with CRW Engineering Group.

PROPOSAL FORM

TO: CITY OF PALMER
CITY HALL
231 WEST EVERGREEN AVENUE
PALMER, ALASKA 99645

SUBJECT: Request For Proposals No. RFB-PW-20-04

PROJECT TITLE: Engineering Services for Positive Pressure HVAC System Palmer City Hall

Pursuant to and in compliance with subject Request For Proposals, and other Special Provisions and Contract Documents relating thereto, the undersigned hereby proposes to furnish all materials, labor, and Technical Supervision as specified for the above referenced project in strict accordance with the Contract documents at the price established on this Proposal Form.

The Contractor agrees, if awarded the Contract, to commence and complete the Work within the time specified in the Contract documents.

The Contractor acknowledges receipt of the following Addenda:

Addendum # 1 Date August 18, 2020 Addendum # Date

Addendum # 2 Date August 20, 2020 Addendum # Date

~~Enclosed is Bid Bond in the amount of \$ (Percentage of Bid) % (NOT REQUIRED)~~

Contractors Please Note: Before preparing this Lump Sum Proposal, carefully read "Instructions to Contractors", "Special Provisions", and the following:

- 1) Insert a lump sum dollar amount below.
- 2) Include a Schedule showing start and final completion dates.
- 3) Include a one page Statement of Qualifications containing no more than 700 words.
- 4) Conditioned or qualified proposals will be considered non-responsive.
- 5) The contract award will be made on the basis of the following point schedule:

Lowest Responsible Bid =	90 Points
Schedule (Earliest Completion Date) =	05 Points
<u>Contractor's Qualifications =</u>	<u>05 Points</u>
Total Points =	100 Points

PROPOSAL FORM

The Contractor agrees, if awarded the Contract, to commence and complete the Work within the time specified in the Contract documents.

Bid Schedule				
ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL BID Enter Bid In Numbers
1	1	Determine appropriate HVAC system for the Palmer City Hall	Lump Sum	\$ 670.00
2	1	Add Alt for mini A/C split system		\$ 4,690.00
3	1	Provide complete set of mechanical engineer drawings and specs.		\$ 9,213.00
4	1	Provide complete set of electrical drawings (to include control drawings) and specs.		\$4,881.00
5	1	Provide complete set of structural drawings and specs.		\$ 2,781.00
6	1	Provide complete set of 95% drawings for city staff review.		\$ 22,085.00
7	1	Provide cost estimate for project		\$ 2,750.00
8	1	Provide bidding assistance/documents w/ 100% stamped drawings and specs.		\$ 1,282.00
9	1	Provide Public Works with a recommendation letter based on received bids.		\$ 350.00
10	1	Provide product review of equipment and schedule of approved mechanical contractor.		\$1,488.00
11	1	Provide payment request review assistance.		\$ 320.00

12	1	Provide inspection and final inspection services	\$ 2,133.00
13	1	Provide Close Out documents and operational and maintenance manuals for HVAC Project	\$ 1,213.00
14		Total Lump Sum Bid	\$ 53,856.00

Total Lump Sum Bid In Words \$ Fifty Three Thousand Eight Hundred Fifty Six Dollars.

Type of Business Organization

The Contractor, by checking the applicable box, represents that it operates as:

- a corporation
 a joint venture
 an individual
 a partnership
 a nonprofit organization
 a limited liability company (LLC)

If a partnership or joint venture, identify all parties on a separate page.

Contractor Name CRW Engineering Group, LLC

Address of Contractor 808 S. Bailey Street, Suite 104, Palmer, AK 99645

Employer's Tax Identification Federal Number: 92-0178017

Signature 

Printed Name Jon H. Herman, Telephone Number (907) 707-1352
PE



PROJECT TITLE: Engineering Services for Positive Pressure HVAC System Palmer City Hall
Request For Proposals No. RFB-PW-20-04

Proposed Initial Schedule

Task	Timeline
Notice to Proceed	Sept 3, 2020
Project Kick-off Meeting	Sept 8, 2020
Data Collection <ul style="list-style-type: none"> • Site Investigation • Coordination with maintenance staff • Review of as-built drawings 	Sept 9, 2020 – Sept. 14, 2020 (5 days)
95% Design Development <ul style="list-style-type: none"> • Predesign meeting with City of Palmer project manager to verify design direction. • Weekly progress updates with City of Palmer • Development of drawings, specifications and cost estimate 	Sept 14-Oct 8, 2020 (24 days)
Design Review <ul style="list-style-type: none"> • Design review by the City of Palmer • Response to design comments • Design review meeting 	October 9 – 23, 2020 (14 Days*)
IFC Design <ul style="list-style-type: none"> • Updating drawings, specs and cost estimate after design review 	October 24- Nov 2, 2020 (10 Days)
Total Time to Completion from Notice to Proceed	60 Days
<p>*The schedule is based on allowing 14 days for the 95% review process. If the City of Palmer can do a quicker review, the schedule can be shortened accordingly.</p>	

Statement of Qualifications Form

TO: CITY OF PALMER
231 WEST EVERGREEN AVENUE
PALMER, ALASKA 99645

SUBJECT: Request for Proposals No. RFB-PW-20-04

PROJECT TITLE: Engineering Services for Positive Pressure HVAC System Palmer City Hall
Pursuant to and in compliance with subject Request For Proposals, and other Special Provisions and Contract Documents relating thereto, the undersigned hereby submits the following Statement of Qualifications describing how and why we are qualified to successfully perform the type of work described. Please limit statement to a maximum of 700 words.

FIRM EXPERIENCE

CRW Engineering Group (CRW) has provided engineering and design services in over 190 Alaskan communities since 1981. As a multi-disciplined firm of 79 people, we provide mechanical, electrical, structural, civil, and environmental engineering, surveying and construction administration services. CRW has offices located in Palmer at 808 S. Bailey Street and in Anchorage at 3940 Arctic Blvd. CRW will perform mechanical, electrical, and structural engineering services and team with 907 Architecture and Estimations Inc. for architectural and cost estimation. Our team's broad HVAC renovation and upgrade experience includes office and historical buildings. We have worked on multiple projects that required us to develop unique design solutions within existing facilities and coordinate with facilities and operations staff.

PROJECT EXPERIENCE

MSB Dorothy Swanda Jones (DSJ) Building – Phase 2: As prime consultant CRW provided mechanical, electrical, structural, and civil engineering design, architectural, cost estimation, and construction administration services for the remodel of the historical DSJ Building, which included upgrading 75% of the HVAC system, fire code upgrades, a back-up generator, electrical, and digital controls. The project required extensive coordination to minimize impacts to the facility staff and maintain daily operations throughout construction.

Matanuska Valley Federal Credit Union Renovations and Cooling Upgrades Projects: CRW provided mechanical and electrical design and construction administration services for multiple projects at the Credit Union in Palmer. Work included design for HVAC system upgrades, new boilers, and upgrading to DDC controls for the entire 3 story building. Electrical included lighting replacement, data and power, and support of mechanical work. Projects also included mechanical and electrical design services to replace an existing split unit with a single packaged cooling unit on the roof with verification of cooling loads and integration of building controls

ASD Rogers Park Elementary School Roof Replacement and HVAC Upgrades: CRW was the prime consultant for this project to upgrade ventilation systems to current codes, improve indoor air quality, and occupant comfort. The design included installing air handling units on the roof, and replacing existing boilers. Controls were upgraded from pneumatic controls to DDC. This \$6.5 million, 61,575 sf project went from NTP to Construction Documents in four months.

KEY PERSONNEL

Tracy McKeon, PE (Project Manager and Mechanical Engineer) Tracy has over 23 years of experience in design and construction management. Her six years working for a mechanical contractor has given her the hands-on knowledge of systems that allows her to create reliable and efficient designs for Alaskan environments. Tracy has maintained her LEED AP certification since 2008 and is a Qualified Commissioning Provider. Tracy has extensive experience with HVAC upgrades and renovations including ASD Rogers Park Elementary HVAC Upgrades, MSB DSJ Building Upgrades, and Matanuska Valley Federal Credit Union Renovations and Cooling Upgrades.

Bill Starn, PE, (Electrical Engineer) will provide electrical engineering support. Bill's electrical design experience includes 32 years in industrial and commercial consulting engineering. His experience includes power distribution and generation, lighting, control and instrument systems, telecommunications, fire and gas systems, code compliance and condition surveys, and construction administration. Similar experience includes Palmer Junior-Middle School Roof Upgrades and MEA Palmer Campus Security Upgrades.

Nicholas Choromanski, PE, (Structural Engineer) will provide structural engineering support. He is a licensed structural and civil engineer, with over 13 years of structural design experience in the MSB and Alaska. Nick is experienced with design of additions and alterations to facilities. He is well-versed in structural support services including mechanical seismic restraint, structural assessments, and seismic evaluations. Experience in the MSB includes UAA Mat-Su Science Lab Addition and Jalmar Kerttula Building Mechanical Unit Upgrades.

Matthew Wilson, AIA, (Architect) will provide all architectural design, and construction inspection services required. Matt is a licensed architect with over 17 years of experience working in the City of Palmer and throughout Alaska. He has extensive design experience completing projects and providing code compliance and construction inspections for both public and private clients. Project Experience includes MSB Central Transfer Station Addition and Dr. K's Pediatric Dental Tenant Improvement.

Jay Lavoie, (Estimator) Jay has 36 years of cost estimating experience in Alaska on over 3,500 projects. Similar experience includes: McLaughlin Youth Center AHU Upgrades; Rogers Park ES Roof and HVAC Upgrades; and DSJ Building Phase 2.

City of Palmer
Engineering Services for Positive Pressure HVAC System Palmer City Hall
Statement of Qualifications Form - Page 1 of 1

PROPOSAL CHECKLIST

I. GENERAL

Contractors are advised that, notwithstanding any instructions or implications elsewhere in this Request for Proposals, only the documents shown and detailed on this sheet need be submitted with and made part of their proposal. Other documents may be required to be submitted after proposal submission time, but prior to award. Contractors are hereby advised that failure to submit the documents shown and detailed on this sheet shall be justification for rendering the proposal nonresponsive. Evaluation of proposals for responsiveness shall be accomplished in accordance with Palmer Municipal Code.

II. REQUIRED DOCUMENTS TO BE INCLUDED WITH PROPOSAL

NOTE: The following items are required to be completely filled out and submitted with the proposal.

- Proposal Form (3 pages) must be completed and manually signed.
Erasures or other changes made to the Bid Proposal Form must be initialed by the person signing the bid.
- Addenda acknowledgement shall be marked in the space provided on the Bid Proposal Form.
- ~~Bid bond, certified check, cashier's check, money order or cash shall be submitted with the bid in the amounts indicated.~~
- Schedule showing start and final completion dates.
- Contractor Qualification Form

PALMER ALASKA
 BID TABULATIONS

	Bidder	Bidder	Bidder	Bidder
City Hall HVAC	CRW	PDC	NWLLC	—
BID PROPOSAL	Bid Amount	Bid Amount	Bid Amount	Bid Amount
	\$53,850			
Total of Base Bid and all 6 tasks	\$0.00	\$0.00	\$0.00	0
Acknowledged Addenda 1-4 (Yes or No)	yes			
Signed Proposal (Yes or No)	yes			
Bid Guaranty (Yes or No)				
Bidder Qualification Form (Yes or No)	yes			

Checklist
Schedule

Attachment C Standard Provisions

Article 1. Definition

“Department” refers to the Department of Commerce, Community, and Economic Development with the State of Alaska.

Article 2. Indemnification

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licenses, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney’s fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee’s agents or employees.

Article 3. Legal Authority

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute this Grant Agreement by signing the Grant Agreement document. The Grantee’s relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

Article 4. Waivers

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department’s failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

Article 5. Access to Records

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

Article 6. Reports

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

Article 7. Retention of Records

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

Article 8. Assignability

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

Article 9. Financial Management and Accounting

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

Article 10. Program Income

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

Article 11. Amendments and Modifications

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

Article 12. Recordkeeping

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to grant performance and efforts to comply with the provisions of the Grant Agreement.

Article 13. Obligations Regarding Third-Party Relationships

No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all the provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

Article 14. Conflict of Interest

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the Grant is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the Grant during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

Article 15. Political Activity

No portion of the funds provided hereinunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

Article 16. Notices

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

Article 17. Prohibition Against Payment of Bonus or Commission

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

Article 18. Termination by Mutual Agreement

This Grant Agreement may be terminated, in whole or in part, prior to the completion of the Grant period when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

Article 19. Termination for Cause

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

- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

Article 20. Withdrawal of Funds

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 19 of this Attachment.

Article 21. Recovery of Funds

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the Grant funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

Article 22. Disputes

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This “Disputes” clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

Article 23. Jurisdiction

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

Article 24. Ownership of Project/Capital Facilities

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the operation of the Grant and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the operation of the Grant.

Article 25. Site Control

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

Article 26. Insurance

The Grantee is responsible for obtaining any necessary liability insurance and maintain in force at all times during the performance of this Grant Agreement the insurance policies identified below. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under Alaska Statute AS 21. The Grantee shall require any contractor hired with Grant funds be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

- A. Workers’ Compensation Insurance for all employees engaged in work under this Grant Agreement, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements.
- B. Commercial General Liability Insurance covering all business premises and operations used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where applicable.
- C. Comprehensive Automobile Liability Insurance covering all vehicles used by the Grantee in the performance of this Grant Agreement with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000.00 property damage.
- D. Professional Liability Insurance covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this Grant Agreement which result in financial loss to the State. Limits required are per the following schedule:

Contract Amount	Minimum Required Limits
Under \$100,000	\$100,000 per occurrence/annual aggregate

Article 27. Subcontracts for Engineering Services

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska.

Article 28. Governing law

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that any permits required under this Grant Agreement by the Federal, State, or Local governments have been obtained.

Article 29. Budget Flexibility

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. .

Article 30. Equal Employment Opportunity (EEO)

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on Grant funded projects, that it is an equal opportunity employer (EEO) and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

Article 31. Public Purposes

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

Article 32. Operation and Maintenance

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

Article 33. Assurance

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

Article 34. Current Prevailing Rates of Wage

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project which is the subject of this Grant Agreement, the Grantee shall pay the

current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

Article 35. Severability

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

Article 36. Performance

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any rights under this Grant Agreement.

Article 37. Sovereign Immunity

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

Article 38. Audit Requirements

The Grantee must comply, if applicable, with the audit requirements of the Alaska Administrative Code set forth in **2AAC45.010. AUDIT REQUIREMENTS**. An entity that expends a cumulative or total, equal to the state single audit threshold during the fiscal year is required to have a state single audit. A copy of the most current **2AAC45.010** adopted regulations is available at the Alaska Department of Administration's State Single Audit website: <http://doa.alaska.gov/dof/ssa/index.html>.

Current audit compliance supplements and guides specific to programs under AS 37.05.315 Grants to Municipalities, AS 37.05.316 Grants to Named Recipients, and AS 37.05.317 Grants to Unincorporated Communities can be found at http://doa.alaska.gov/dof/ssa/audit_guide.html.

Grantee must also comply, if applicable, with the audit requirements established by the U.S. Office of Management and Budget 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. These federal audit requirements can be found at: https://www.ecfr.gov/cgi-bin/text-idx?SID=c6b2f053952359ba94470ad3a7c1a975&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

Article 39. Close-Out

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received or contract work is performed.
- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

Article 40. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on August 11, 2020, at 7:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor DeVries called the meeting to order at 7:00 p.m.

B. ROLL CALL

Due to COVID-19 Mayor DeVries was present in the Council Chambers while the Council Members participated in the meeting by teleconference.

Comprising a quorum of the Council, the following were present:

Edna DeVries, Mayor

Julie Berberich (participated by teleconference)

Richard W. Best (participated by teleconference)

Steve Carrington (participated by teleconference)

Linda Combs, Deputy Mayor (participated by teleconference)

Sabrina Combs (participated by teleconference)

Jill Valerius (participated by teleconference)

Staff in attendance were the following:

John Moosey, City Manager

Norma I. Alley, MMC, City Clerk

Michael Gatti, City Attorney (participated by teleconference)

Kara Johnson, Deputy City Clerk

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda

~~a. Introduction and Setting a Public Hearing to a Special Meeting on Wednesday, August 12, 2020, for **Ordinance No. 20-008**: Repealing Palmer Municipal Code Chapter 5.32 Marijuana Businesses, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein~~

b. **Resolution No. 20-021**: Appointing Election Officials for the City of Palmer Regular Election on Tuesday, October 6, 2020

c. **Action Memorandum No. 20-055**: Authorizing the City Manager to Purchase One International Sand Truck Chassis in the Amount of \$102,657.12 Under the Governmental and Proprietary Procurements Section of Palmer Municipal Code 3.21.230 by Attaching the Purchase to the Sourcewell Vehicle and Chassis Contract#081716-NAVS Awarded to Navistar Inc. for New International Trucks

2. Approval of Minutes

a. July 14, 2020, Regular Meeting

Main Motion: To Approve the Agenda, Consent Agenda, and Minutes

Moved by:	Valerius
Seconded by:	Berberich

Primary Amendment #1: To Move D. 1. a. on the Agenda to New Business H. 1.

Moved by:	Best
Seconded by:	Carrington
Vote:	Unanimous
Action:	Motion Carried

Vote on Motion: To Approve the Agenda, Consent Agenda, and Minutes, as Amended

Vote:	Unanimous
Action:	Motion Carried

E. REPORTS

1. City Manager’s Report
 - a. Cares Act Grant Program and Conflict of Interest

City Manager Moosey reported on the following:

- Cares Act funding;
- Cares Act grants and potential conflict of interest;
- Audit review of Cares Act rulings;
- Title 4 updates;
- Request for Proposal updates;
- Traffic study and speeding in town;
- Annual staff training requirements; and
- COVID-19 impacts for staff.

Council deliberation commenced on the potential conflict of interest for Cares Act grants.

2. City Clerk’s Report

City Clerk Alley reported on the following:

- Absentee By Mail Ballot requests;
- Location move of Precinct 11-075 to the Mat-Su Borough Gym;
- Available means of voting;
- Important Election dates; and
- Initiative Petition update.

3. Mayor’s Report

Mayor DeVries highlighted her written report.

4. City Attorney’s Report

None.

F. AUDIENCE PARTICIPATION

Ms. Janelle Gagnon spoke in regard to Ordinance No. 20-007.

Mr. Eugene Carl Haberman testified on the public process and rights for the public to address policies and procedures.

City Clerk Alley read written testimony into the record (see official meeting packet for written testimony).

G. PUBLIC HEARING

- 1. **Resolution No. 20-019:** Issuance of Utility Revenue Bonds in the Principal Amount Not to Exceed \$8,000,000.00 to Finance Wastewater Utility Improvements, as Required by Federal Consent Decree, and to Submit the Question of the Issuance of such Bonds to the Qualified Voters of the City at the October 6, 2020 City Election (2nd Public Hearing) (Pending Motion)

City Manager Moosey presented the staff report.

Mayor DeVries opened the public hearing on Resolution No. 20-019. Hearing no objections from the Council, Mayor Devries closed the public hearing.

Vote on Motion: To Approve Resolution No. 20-019

Vote:	Unanimous
Action:	Motion Carried

- 2. **Resolution No. 20-005-A:** Amending the 2020 City of Palmer Budget for the Fiscal Year Ending December 31, 2020

Mayor DeVries opened the public hearing on Resolution No. 20-005-A.

Mr. Eugene Carl Haberman testified on the public process and rights for the public to address policies and procedures.

Hearing no objections from Council, Mayor Devries closed the public hearing.

Main Motion: To Approve Resolution No. 20-005-A

Moved by:	L. Combs
Seconded by:	Berberich
Vote:	Unanimous
Action:	Motion Carried

H. NEW BUSINESS

- 1. Introduction and Setting a Public Hearing to a Special Meeting on Wednesday, August 12, 2020, for **Ordinance No. 20-008:** Repealing Palmer Municipal Code Chapter 5.32 Marijuana Businesses, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Pursuant to AS 17.38.110 Local Control, but Not Restricting Industrial Hemp as Defined Herein

Main Motion: Ordinance No 20-008 To Support Cancelling the Public Hearing and Send Petition Measure to the October 2020 Ballot

Moved by:	Best
Seconded by:	L. Combs
Vote:	4 Yes/3 No (Berberich, S. Combs, Valerius)
Action:	Motion Carried

Council Member Carrington left the meeting at 8:43 p.m. and returned at 8:45 p.m.

I. RECORD OF ITEMS PLACED ON THE TABLE

City Clerk Alley reported written testimony were Items Placed on the Table.

J. AUDIENCE PARTICIPATION

Mr. Eugene Carl Haberman testified on the public process and rights for the public to address policies and procedures.

Mr. Mike Chemeleski spoke on Ordinance No. 20-007.

K. COUNCIL MEMBER COMMENTS

No direction was given to staff for legislation to be placed on a future agenda.

L. ADJOURNMENT

With no further business before the City Council, the meeting adjourned at 9:03 p.m.

Approved this ____ day of _____, 2020.

Norma I. Alley, MMC, City Clerk

Edna B. DeVries, Mayor



Community + Economic Analysis for Preparation of an Annexation Petition

Presentation to Palmer City Council
August 25, 2020

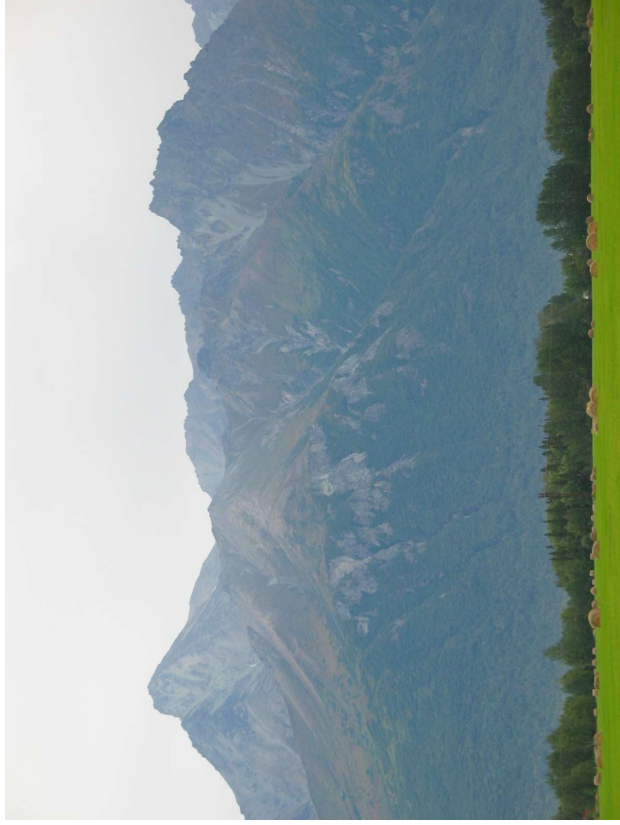
Agnew::Beck Consulting, Halcyon Consulting
and the Alaska Map Co.



Project Overview

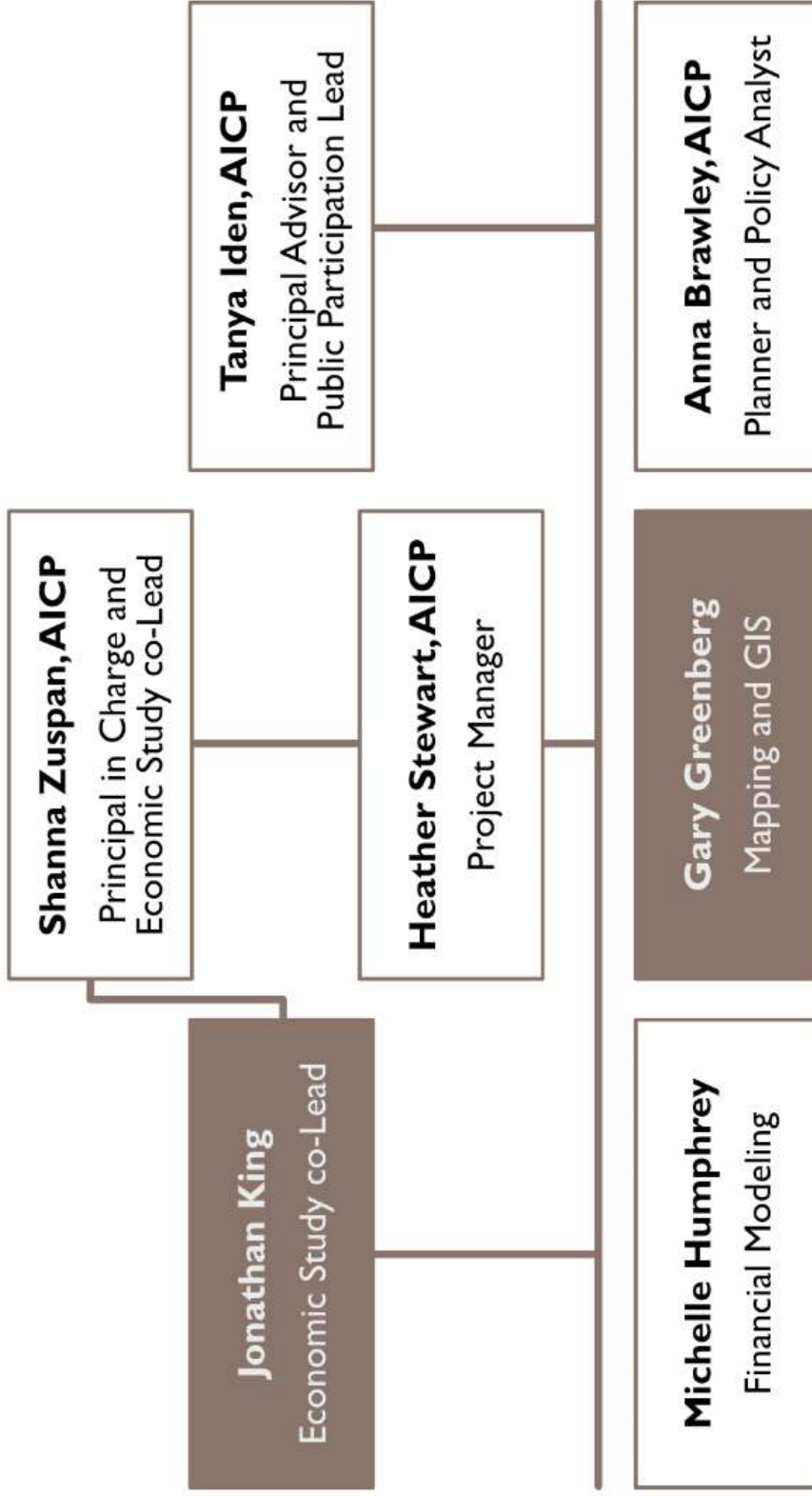
Community and Economic Analysis for Preparation of an Annexation Petition

- About the Project
 - Purpose
 - Annexation in Palmer
 - Annexation Process in Alaska
- Methodology
 - Study Areas
 - Economic Analysis
 - Community Analysis





Project Team





About the Project

- Purpose
- Annexation in Palmer
- Annexation Process in Alaska



Project Purpose

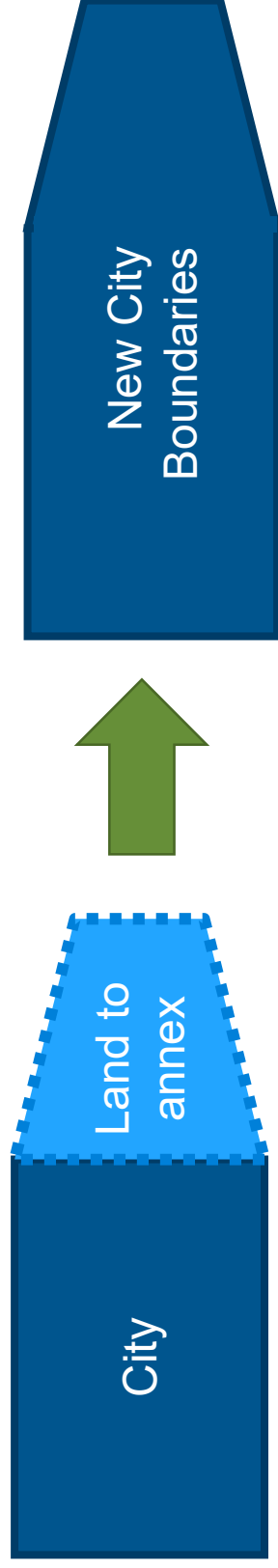
The purpose of the Community and Economic Analysis is to lay the foundation for a successful annexation of territory into the City of Palmer.

- Annexation would affect the City’s governance, finances and service provision.
- If done right, annexation can improve these municipal roles and functions.
- This study is intended to:
 - Identify land areas outside current City limits would most likely contribute to a successful annexation;
 - Identify regulatory, financial, or service provision issues that should be addressed **before** making an annexation petition; and
 - Inform the City and potential future citizens within the Greater Palmer community about the annexation process and how it could affect them.

What is Annexation?

Annexation is a legal process: a city officially expands its boundaries to include more territory. This means:

1. The city expands in size, with a larger boundary.
2. Newly-added residents and properties receive, or are eligible for, city services.
3. The city’s taxing authority, land use rules, and other local laws apply to this area.
4. Residents in this area become eligible city voters and can directly participate in city government.



Adapted from the Local Boundary Commission manual

Why Do Cities Annex Land?

Changing or expanding its jurisdiction can benefit a city, as well as the residents it serves:

1. Support or encourage future growth.

- Room for new subdivisions and housing
- More commercial opportunities
- Infrastructure (water, sewer, roads) for new development
- Protecting land uses



2. Provide services more efficiently, cost effectively, and/or to more residents.



3. Maximize local control:

- Increase where services can be provided and where local tools like land use regulations can be applied.
- Give residents who currently live outside city limits a direct say in local issues that impact them.



Palmer's Goals for Annexation

Any proposed annexation must meet the City of Palmer's goals for annexation:



1. To promote orderly, high quality development and the cost-effective extension of services, where and when warranted.

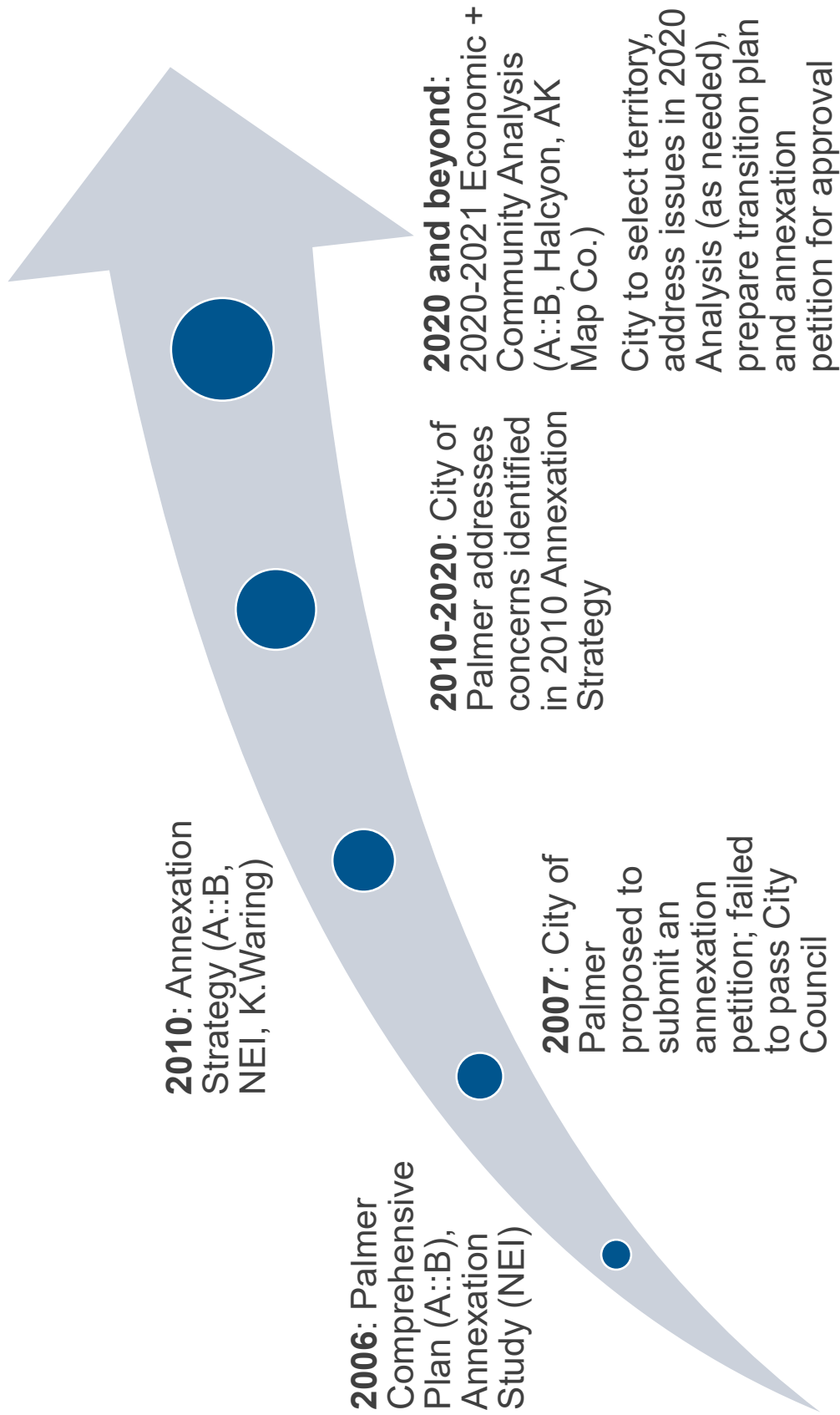


2. To sustain a desirable quality of life in and around Palmer.



3. To ensure a sustainable tax base along with long-term economic viability, fiscal health and natural environment in Palmer.

Annexation in Palmer

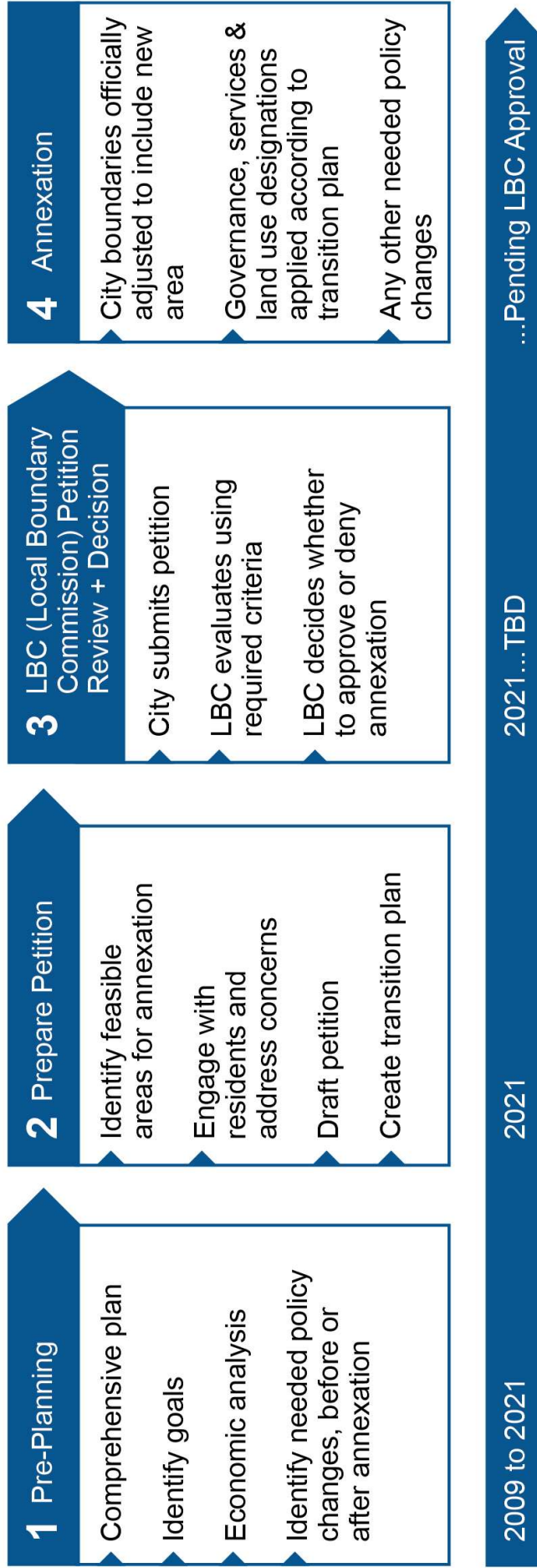


Annexation in Alaska (process)

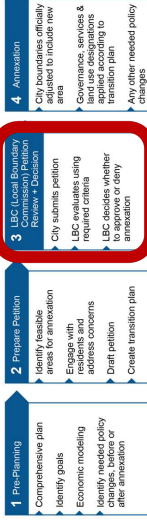
- Annexation by a local government requires a petition.
- All petitions to change local boundaries are reviewed by the Local Boundary Commission (LBC), which approves or rejects the petition.
- After LBC approval, the petition can be formally approved through Legislative review, or by a local vote of current city residents and residents in the area(s) proposed for annexation.
- A petition can be filed by any of the following (Because it is a very local process, petitions from cities or residents are most common):
 1. By the City, endorsed by the City Council and leadership (this process outlined in the next slides);
 2. Signed by at least 10 percent of registered voters in the city; or
 3. Signed by at least 10 percent of registered voters in the territory proposed for annexation.
 4. The Legislature or Commissioner of the Alaska Department of Commerce (DCCED) could also submit a petition (this is rare).
 5. The Local Boundary Commission can also designate a person to submit a petition (this is rare).

4 Phases for Annexation Process

We are here! 



LBC Process for City Petitions



1. Petition Filed

- City submits petition
- LBC staff deems complete
- Petition accepted for filing

2. Public Comment

- Public notice of petition filed
- Comment period for public to submit comments or legal briefs
- City (petitioner) may file reply briefs

3. LBC Staff Analysis

- Local public meeting
- Staff publishes preliminary report and recommendations
- Public comment period on staff report
- Staff publishes final report for LBC consideration

4. LBC Hearing and Decision

- Public hearing by LBC
- Decision choices:
 - Approve
 - Amend, or conditionally approve
 - Reject
- LBC issues written decision
- If requested, LBC may reconsider decision

5. Implementation

- If approved: Legislature reviews
- Legislature may override LBC only by concurrent resolution (majority of both houses)
- LBC decision also subject to judicial appeal

Local Boundary Commission Criteria

The Local Boundary Commission (LBC) is required in regulation to evaluate all petitions for the following criteria (long version in Attachment 2):

Is there a reasonable need for annexation?	Are essential services already provided by another jurisdiction?	Are the areas compatible in character with the established City?	Does the City have the resources to efficiently serve the new area?
Is the population in the new area large enough to justify annexation?	Are the boundaries appropriate to expand City services?	Is annexation in the best interest of the State, overall?	Will this proposal receive Legislative approval?

A successful petition will:



- address the criteria above,
- make a good case that annexation is feasible, and
- in the best interests of existing and potential new residents.

Follows Local Priorities

A successful annexation petition will also be compatible with local plans, e.g.,

- Palmer Comprehensive Plan (2006)
- Matanuska-Susitna Borough Core Area Comprehensive Plan (2007)





Methodology

- Guiding Principles for Annexation
- Study Areas
- Economic Analysis
- Community Analysis

Guiding Principles for Annexation

- A set of overarching guiding principles for annexation can help guide the study and later annexation process.
- Attachment 1: Recommended Guiding Principles for Annexation
 - Based on established City of Palmer goals for annexation,
 - Local Boundary Commission annexation criteria (Attachment 2), and
 - recommendations from the 2010 Palmer Annexation Strategy (excerpt in Attachment 3)



FINAL DRAFT

Prepared for
The City of Palmer

by Agnew + Beck Consulting
with Kevin Waring Associates and Northern Economics, Inc.

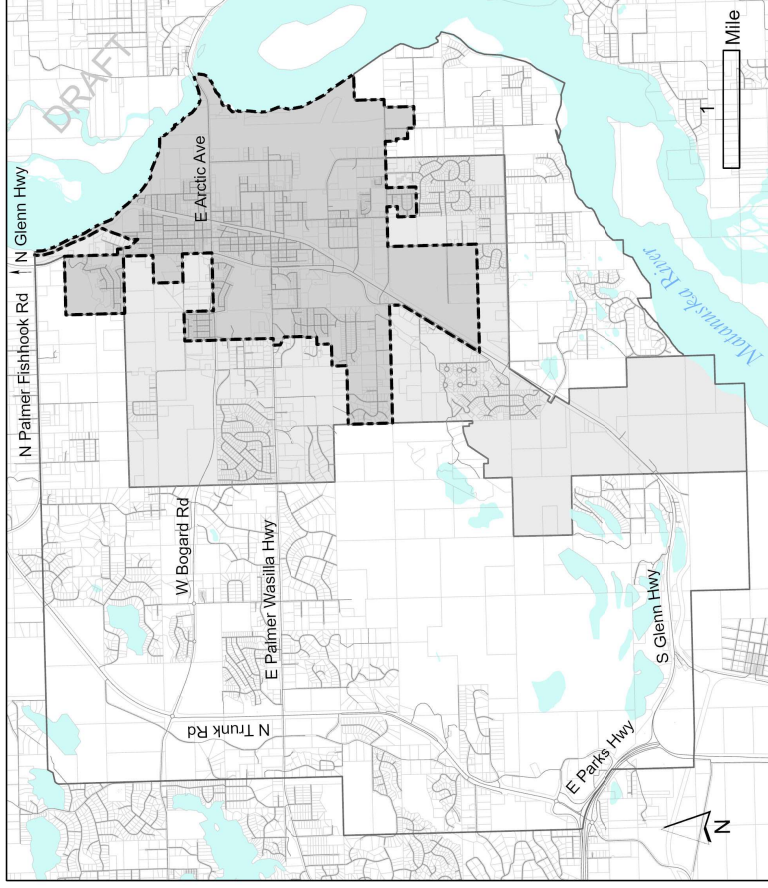
May 2010

Study Areas


The economic analysis requires a set of geographic boundaries to generate financial estimates.

Study areas are chosen to fit with Local Boundary Commission criteria for annexation.

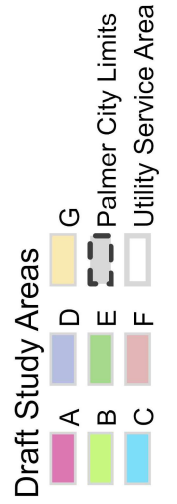
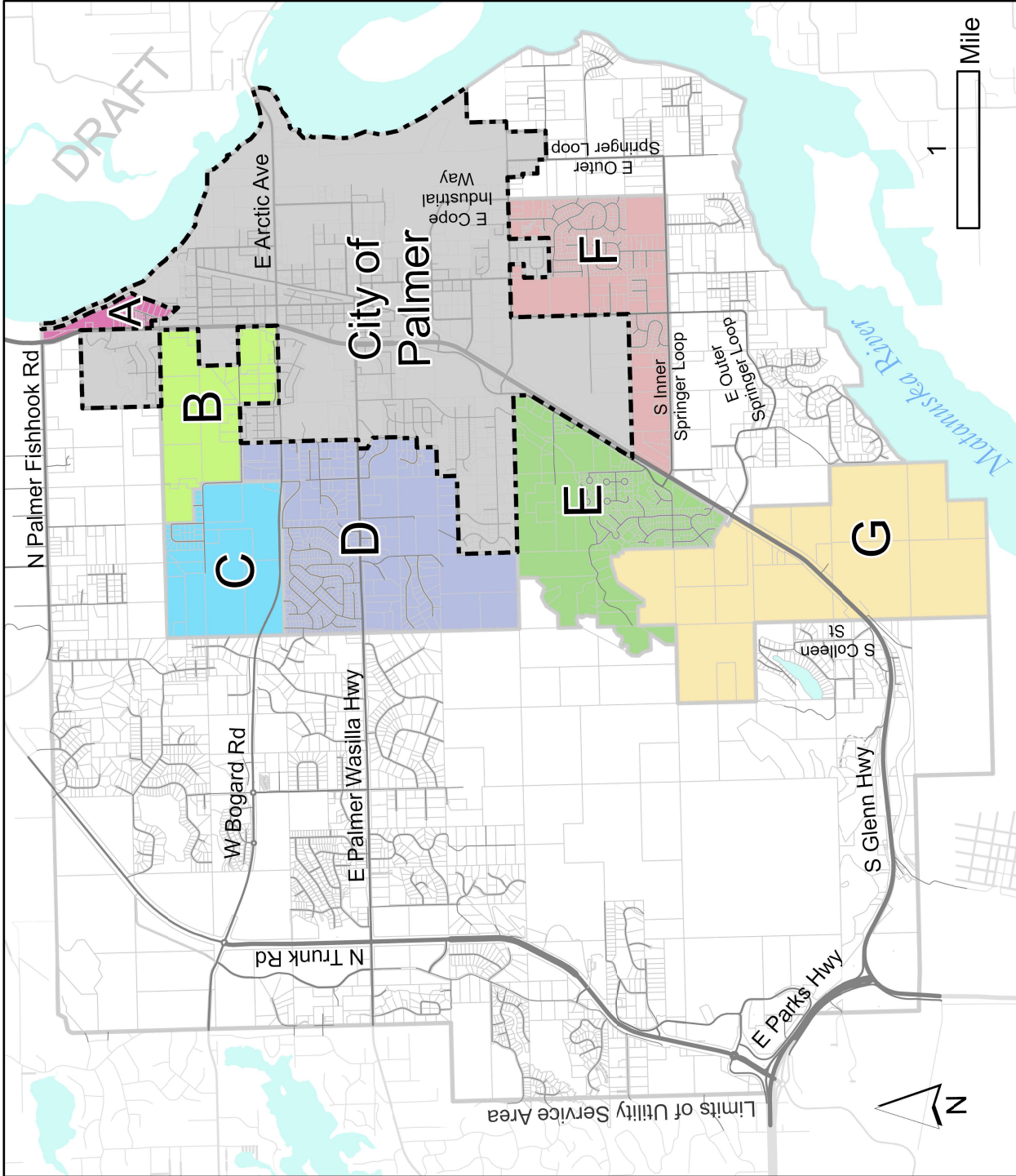
The economic and community analysis will identify where annexation is most likely to lead to successful outcomes for the greater Palmer community.



City of Palmer
2020 Annexation Study
Source Data: Matanuska Sushina Borough GIS
Date: 8/12/2020 10:55 AM



--- Palmer City Limits
■ Focus Area



City of Palmer
2020 Annexation Study
 Date: 8/30/2020 10:16 PM
 Source Data: Matanuska Susitna Borough GIS

Economic Analysis

1 Select potential annexation areas for analysis



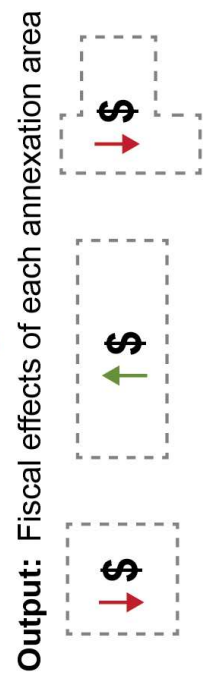
City of Palmer Budget

Revenues that will change:

- Taxes (real, personal, motor vehicle, sales)
- Permits and Licenses (business, building plans and permits, other permits)
- Fees and Services (some)
- Fines and Forfeitures

Costs that will change:

- Administrative
- Police (some labor categories)
- Fire (some labor categories)
- Public Works (road costs)



Community Analysis

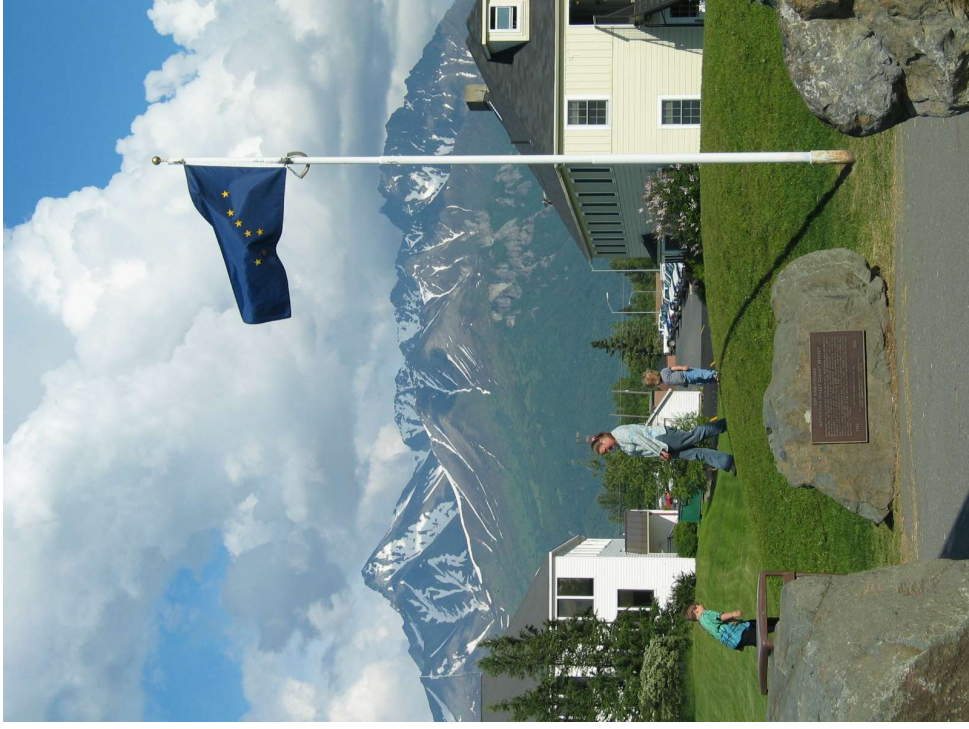
- Provide accurate information about what this change will mean for the City, existing and potential new citizens.
- Community-informed potential benefits and challenges of annexation generally and in study areas.
- As possible, identify community concerns that can be addressed before an annexation petition is brought to the Local Boundary Commission.

Approach:

- Focused community discussion tailored to different groups, e.g., the business community, potential residents, agriculture community, landowners in a specific neighborhood.
- COVID-safe community engagement practices.
- Focus on constructive dialogue to identify and address concerns upfront.
- Analyze issues:
 - How big is the issue?
 - Are there ways to address it before an annexation petition?
 - How can this input inform any future annexation petition(s)?

Thank you. Questions?

Heather Stewart, AICP
Consultant Team Project Manager
Agnew::Beck Consulting
hstewart@agnnewbeck.com
907-277-5523



Attachment 1: Recommended Guiding Principles for Annexation

The following is a draft set of guiding principles for the City to use in developing an annexation petition, based on previous annexation lessons learned and current city goals.

1. **Annexation Goals:** Proposed annexations meet the City of Palmer's broad goals for annexation:
 - To promote orderly, high quality development and the cost-effective extension of services where and when warranted.
 - To sustain a desirable quality of life in and around Palmer.
 - To ensure a sustainable tax base along with long-term economic viability, fiscal health and natural environment in Palmer.
2. **Local Boundary Commission:** Proposed annexations satisfy the Local Boundary Commission's criteria for annexation. In summary, LBC is concerned that:
 - There is a need for the territory to be annexed (e.g., to protect the health and safety of residents, to allow the city to plan and control growth that would otherwise adversely impact the city).
 - The city has the human and financial resources to efficiently and cost-effectively provide essential city services to the annexed territory.
 - The annexing city and the territory are compatible in character, have a sufficiently large and stable combined population to support the extension of city government, and include all areas necessary to provide the full development of essential city services at an efficient and cost-effective level.
 - The proposed annexation is in the balanced best interests of the state, the territory proposed for annexation, the annexing city, and the borough in which the annexation is proposed.
3. **Long-range Planning and Analysis:** Proposed legislative annexations are based on long-range planning (e.g., the Palmer Comprehensive Plan, the Matanuska-Susitna Borough Comprehensive Development Plan, the Matanuska-Susitna Borough Core Area Comprehensive Plan, Matanuska-Susitna Borough Long Range Transportation Plan) as well as analysis demonstrating the fiscal, economic and community feasibility of the annexation. The analysis should be driven by City decision makers and include public engagement to solicit concerns and issues, share information and develop ideas about possible ways to resolve annexation issues before an annexation petition is developed.
4. **Transition Planning:** To the extent possible, the City is prepared for the annexation well before a petition is submitted to the Local Boundary Commission so that landowners in newly annexed territory have a clear understanding of what to expect upon annexation. For example, the City should have appropriate zoning that can be applied to the newly annexed territories. City service departments should have clear guidance as to which services will be provided in the new territory, to what level and when. If City policy and/or regulations will impact legitimate residential or business activity in the newly annexed territory, a review and process for addressing these impacts should be carried out before an annexation petition is submitted.

5. **Public Process:** A public process will be conducted in good faith with existing and potential future residents, utilizing a variety of outreach methods and meeting opportunities:
 - **Before drafting an annexation petition:** Conduct general public outreach regarding annexation issues to proactively identify and address any legitimate land use and development policy issues that would be created by an annexation, including advance informational meetings and consultations with residents, landowners, and stakeholders in the preliminary territory. Use public outreach to inform residents about the annexation process generally, and the City's general goals, policies and process to ensure annexations happen with transparency and good faith for the benefit of area residents.
 - **During draft annexation petition review:** Review draft annexation petition(s), analysis supporting the annexation, and transition plan(s) with the public to identify and address any legitimate concerns of city residents and residents of the territory to be annexed. Present final draft annexation petition for formal hearing and final action by the City Council.
6. **Decision to Annex:** City Council decisions to annex territory come from good planning and economic analysis, and the desire to maintain the character and quality of life of the Palmer community.

Attachment 2: Local Boundary Commission (LBC) Annexation Criteria

The Local Boundary Commission (LBC) is the State entity responsible for approving annexations. The LBC has defined a process for developing, submitting and considering any petition of annexation territories. The LBC process does not dictate how to select study areas for annexation, but their overall annexation criteria is a helpful starting place to choose areas to analyze for economic and fiscal impacts.

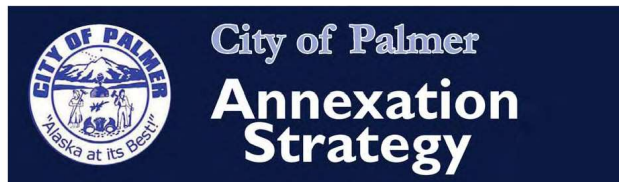
Local Boundary Commission Standards for City Annexation (3 AAC 110.090-3 AAC 110.130)

Item	Standard	Specifics that may be considered
Need	Need for the territory to be annexed	<ul style="list-style-type: none"> Existing or anticipated residential and commercial growth outside the city anticipated over 10 years. Existing or anticipated health, safety and general welfare problems Existing or anticipated economic development Adequacy of existing services in the territory Extraterritorial powers of municipalities
Essential city services by another jurisdiction	Territory may not be annexed to a city if essential city services can be provided more efficiently and more effectively by another existing city or by an organized borough.	<ul style="list-style-type: none"> Maximum local self-government with minimum local government units. Prefers annexation over new service areas Essential city services include public safety, planning, platting
Character	Whether the territory is compatible in character with the annexing city	<ul style="list-style-type: none"> Land use, subdivision platting and ownership pattern Salability of land for private uses. Population density / recent population changes Suitability of land for community purposes Transportation and facility patterns Natural geographic features/environmental factors
Resources	If the economy within the proposed expanded boundaries of the city has the human and financial resources to provide essential municipal services efficiently	<ul style="list-style-type: none"> Expenses and revenues from added territory Economic base and property values Industrial, commercial and resource development
Population	Whether the population of the proposed expanded city is sufficiently large and stable	<ul style="list-style-type: none"> Total population Duration of residency / age distribution Historical population patterns / seasonal change

Item	Standard	Specifics that may be considered
Appropriate boundaries	Whether the boundaries are appropriate to provide essential municipal services efficiently and cost effectively. Must include all land and water necessary to do that.	<ul style="list-style-type: none"> • Land use and ownership patterns / Population density • Transportation patterns • Geographic features / Should be contiguous • Not large unpopulated areas • 10 years' worth of predictable growth
State	Whether the annexation is in the best interests of the state	<ul style="list-style-type: none"> • Promotes maximum self-government (extends services to an organized borough where local government needs cannot be met) • Promotes minimum number of government units • Relieves the state from providing local services
Legislative Review	Additional criteria if the annexation is approved tacitly by the legislature (as opposed to a vote of the city and territory registered voters)	<p>Must meet one</p> <ul style="list-style-type: none"> • Territory wholly or substantially surrounded by the city • Health and safety of territory residents in danger and city needed • City services should be extended into the territory and it's impossible to do that without annexing the territory • Territory residents are receiving benefits of city services but not paying for them • Annexation allows the city to plan and control growth that would otherwise adversely impact the city • Annexation will promote maximum local self-government and minimal government units. • Annexation enhances how the existing city meets the standards for incorporation of cities. • LBC decides that the Constitution of the state is best served through a legislative review process

Attachment 3: 2010 Palmer Annexation Strategy Excerpt

The following pages contain an excerpt from the 2010 City of Palmer Annexation Strategy prepared by Agnew : : Beck Consulting, Kevin Waring Associates and Northern Economics, Inc. for the City of Palmer.



FINAL DRAFT

Prepared for
The City of Palmer

by Agnew : : Beck Consulting
with Kevin Waring Associates and Northern Economics, Inc.

May 2010

RECOMMENDED ANNEXATION STRATEGY

An Annexation Strategy for the City of Palmer

First and foremost, all proposed annexations should comply with all Local Boundary Commission (LBC) standards and procedures for approval. LBC approval is just one part of a successful annexation. The annexation petition and process must also fairly address local issues and concerns about annexation, and the City must be prepared and committed to implement the annexation to the general satisfaction of existing and new residents.

The following recommendations represent the consultant's advice to the City of Palmer for a successful and effective approach to annexation.

Prior to any future annexation proposals:

The City of Palmer should:

1. Articulate clear goals for City of Palmer annexations in general. Consultants recommend that the City use the following three goals:
 - a. Plan for orderly growth in nearby areas so essential public services can be provided efficiently and cost-effectively where and when warranted. Make plans for needed infrastructure prior to development, to avoid the high costs and inconvenience of retrofitted infrastructure.
 - b. Sustain a desirable quality of life in and around Palmer.
 - c. Protect the City's long-term economic viability and fiscal health.
2. Proactively address legitimate issues created by annexation, prior to annexation. Only by solving these issues first can the City build trust and credibility. A number of these issues are identified in this report, with preliminary recommendations for how the City can address and resolve them. Examples include revised zoning for agricultural lands, creation of a rural residential zone, and revised standards for services in low density residential areas.
3. Establish an explicit approach to deciding when and where to annex territory:
 - a. Though future annexation petitions will be brought on a case-by-case basis as deemed appropriate, the City should define a long-term conceptual boundary for territorial growth. Over time, the cities of Palmer, Wasilla, and surrounding areas will continue to grow. As land is developed and more people locate their homes and businesses in these areas, the two cities will be asked to provide higher levels of service. In order to provide increased city services, Palmer and Wasilla will annex developed territory, growing closer together. Given these trends, the

consultants recommend designating the existing Palmer Water and Sewer Service Area boundary as this long-term conceptual outer boundary for the expansion of City limits.

Identifying the Water and Sewer Service Area as the long-term conceptual boundary for the City of Palmer does not, by itself, mean that the City will actively pursue annexation of this area. Rather, it is meant to a reasonable guide for landowners and the City in preparing for growth and the possibility of future annexations. It may be decades before Palmer's growth warrants annexing to the limits of this long-term conceptual boundary.

- b. Phase annexations within the long-term conceptual boundary, following the criteria below:
 - i. Scale individual annexations to the City's infrastructure, operational and fiscal capability to deliver services.
 - ii. Coordinate the City's annexation planning with other public and semi-public entities that also have major local governance or service responsibilities such as the Matanuska-Susitna Borough and its service areas, the University of Alaska, Matanuska-Susitna College, and public utilities, and with applicable Matanuska-Susitna Borough plans (e.g., its Comprehensive Development Plan, Core Area Plan, Long-Range Transportation Plan, and Parks, Recreation and Open Space Plan).
 - iii. Annex vacant territory with imminent development potential sooner rather than later. A major benefit of annexation is that it provides a chance to coordinate and guide infrastructure development. After development occurs, this and other benefits of annexation are often forfeited, and annexation often becomes unwelcome and politically problematic. Specific priorities include:
 - Existing or potential commercial corridors and nodes near the City whose development might erode the City's sales tax base.
 - Undeveloped and/or under-developed tracts with near-term potential for residential or other land uses, in order to ensure that development meets city standards for roads, drainage, utilities, etc.
 - Undeveloped and/or under-developed tracts whose future use and development will have major influence on the quality of life in and around Palmer (mainly the two major road corridors: the Glenn Highway corridor and the Palmer-Wasilla Highway corridor).

- Nearby vacant tracts whose development potential has been or may be substantially enhanced by public infrastructure investments.
 - Tracts that enhance the City’s long-term ability to function as a trade, service, governmental, and job center for Greater Palmer.
 - Built-up areas as requested by residents, or as essential to maintain cost-effective city services, or as required by LBC boundary standards.
- c. Include Planning and Zoning Commission review in the process of deciding when and where to annex territory. A resolution supporting annexation in itself and specific areas would be an asset to the City Council in their decision-making process.

When the City is ready to proceed with future annexation proposal(s):

4. Identifying Priorities for Annexation: If and when the City is ready to move forward with an annexation proposal in the near-term, and considering the criteria presented above, it is the judgment of the consultants that the priority for annexation should be the area bounded by the Palmer-Wasilla Highway corridor on the north, the old Trunk Road on the west and the Glenn Highway corridor on the south and east. Identifying a particular area helps all parties focus attention where benefits of annexation are greatest and limits unnecessary expenditure of planning resources and political energy.
5. Public Process: LBC (Local Boundary Commission) regulations set minimum requirements for local public consultation before an annexation petition is submitted for review. Experience indicates that the City would be wise to greatly expand its local public process for drafting and review of annexation petitions. Based on conversations with Palmer-area residents and business owners, consultants recommend the following measures:
 - Conduct general public outreach regarding annexation issues; work to solve legitimate concerns prior to proceeding with annexation (this report is a part of implementing this recommendation)
 - Define a preliminary territory of interest for consideration for annexation.
 - Hold advance informational meetings and consultations with residents, landowners, and stakeholders in the preliminary territory to learn of local issues and concerns before drafting an annexation petition.
 - Prepare a preliminary draft annexation petition for internal review that:
 - Addresses issues raised by residents and stakeholders about the potential impacts of annexation on taxes, services, and land use and rural lifestyles;

- Analyzes the impact of a prospective annexation on city operations and finances;
 - Evaluates the costs and resource requirements to extend city facilities and services to prospective annexations;
 - Includes a detailed transition plan for the extension of city services in the post-annexation period, and for intended land use policy.
- Initiate appropriate revisions to existing city policies and codes; ensure that critical revisions are in place for timely post-annexation implementation.
 - Present the draft petition for public review with residents/stakeholders.
 - Present the (revised) draft annexation petition for formal hearing and final action by the city council.

Specific Steps to Address Identified Issues

In the course of the many meetings and consultations that have occurred to date, additional specific ideas surfaced that merit the City's consideration, some of which the City has already begun to implement. These are listed below.

- 1) Clarify the process for zoning newly annexed territory. This could be done through a three-step process:
 - a. As part of the City's process to develop an annexation proposal, prepare a preliminary land use plan map with generalized land use classifications (e.g., residential, commercial, industrial, and park/conservation, agriculture) for the territory proposed for annexation. These preliminary classifications may be based on the city development goals and the Core Area Comprehensive Plan Land Use Plan Map. Accompany this map with an explanation of the intent of these designations, allowing for refinements in boundaries, uses and intensity of use upon annexation approval by the LBC.
 - b. Identify areas where current or likely future uses are not a good fit with existing zoning codes. For these areas, develop general intentions for new or revised zoning districts. New categories expected to be needed include: a low density/rural residential zone, a revised agriculture zone, and changes to better accommodate home-based business.
 - c. After annexation approval, work with landowners to amend the City's land use plan, based on the generalized land use classifications in the preliminary land use plan. Discontinue use of the (T) Transitional Use District now in city code.
- 2) Complete the process to revise PMC Title 17.56 (Agricultural District). In particular, consider:
 - a. Revising setbacks for fences on farms to allow fencing to the lot line.
 - b. Allowing vehicle storage for a limited number of vehicles as a permitted use, with additional vehicle storage allowed only as a conditional use.

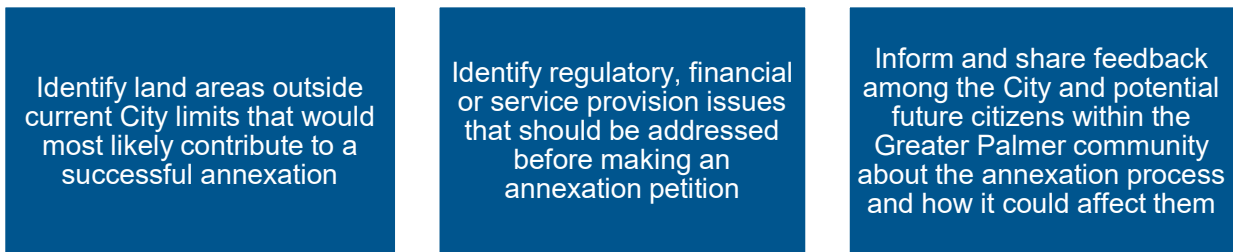
- c. Including the conservation of Class I and II soils as an explicit purpose of the Agricultural Zoning District.
 - d. Including an Agricultural Use Notice.
 - e. Including a statement that one purpose of the Agricultural Zoning District is to implement the Palmer Comprehensive Plan, which endorses the goal of protecting agricultural lands and promoting agriculture as a component of the local economy.
- 3) Revise PMC Title 6 to allow, within the Agricultural District:
- a. Smaller setbacks for livestock to correspond with fencing requirements or as otherwise deemed acceptable, and
 - b. Noise and odor from livestock that is associated with normal farm operations.
- 4) Explore the possibility of designating parts of the city, in very low-density areas, where refuse hauling service may not be required, as long as other trash-related ordinances are followed (e.g., no burning, compliance with zoning rules).
- 5) Explore the desirability of agreements to contract with existing services areas to continue to deliver services for a transitional period.
- 6) Public process:
- a. Have multiple meetings at different times of day to accommodate business people, families, and people who cannot make City Council meetings. In particular, the City should seek to meet with farmers in winter months when they have the time to attend meetings, prepare responsive briefs/comments, etc.
 - b. Hold informal meetings focused on annexation (at City Council meetings, people don't get their questions answered). Give people an opportunity to ask questions about how annexation will impact them.
 - c. Prepare an information sheet and have a public workshop attended by city staff who can answer questions about these topics: What is annexation? How will it impact landowners? What is different upon annexation (rules, business license, new rules about business)?
 - d. Provide a draft plan for providing services upon annexation that it can share with the public early on in the outreach process preceding an annexation petition.
 - e. Make sure the City releases correct information, ahead of the rumors.
 - f. Be sure information on annexation issues reaches people with concerns about this topic. Good ways to get out information include:
 - post at the library
 - banners/signs on roads (as long as it's legal)
 - present to groups that meet regularly: Kiwanis, Rotary, Elks, Senior Center, Chamber of Commerce, farmers, etc.
 - give at least four weeks notice of meetings/etc
 - newspaper notices are often not effective, but putting an extra flyer in the newspaper is.

- Flyer in the mailbox
 - Try to include a notice in the DNR newsletter on crop reports that goes out to farmers
 - Email: For persons who have business licenses with the City or Borough, email out to them. Probably have email addresses in order to get the business license; if not, include that as part of the application.
- 7) As part of communications about annexation proposals,
- a. Include a cost-revenue analysis
 - b. Include information about the planning process that precedes annexation proposals. Refer to the 2006 Palmer Comprehensive Plan and regional plans such as the Core Area Plan, the Matanuska Susitna Borough’s Long Range Transportation Plan (LRTP), and Parks, Recreation and Open Space Plan.
 - c. Present a clear rationale to the public for proposing the annexation of particular lands. Guide any future annexation plans consistent with the three goals below:
 - Fiscal Health: Revenues – annexation can help sustain the City’s fiscal health by securing tax revenues development within the Greater Palmer area, in particular possible from commercial development along the Palmer Wasilla and Glenn Highways.
 - Fiscal Health: Costs – annexation provides residents, land owners and the City the opportunity to guide development to ensure public services and facilities can be provided effectively, efficiently and at low cost
 - Keep Palmer “Palmer” – annexation provides the opportunity to guide development
 - d. Be clear and consistent in communicating how zoning of annexed properties will be handled. To the extent possible, work with landowners prior to annexation to clarify acceptable zoning designations. If necessary, revise the zoning code.
- 8) Take steps to enforce real estate disclosures and educate homeowners about living next door to farms. Consider other ways of addressing this issue, including:
- a. Passing a resolution not to enact nuisance ordinances that would restrict normal farming practices.
 - b. Requiring resource management easements for new residential development adjacent to an agricultural zone.
 - c. Passing a local right-to-farm ordinance
- 9) Adopt a preferential policy to route public infrastructure improvements around rather than across farmland, where feasible.
- 10) Support agricultural reforms, as needed, in State policy regarding fertilizer application, manure management, water management, etc.

Community and Economic Analysis for Preparation of an Annexation Petition

The City of Palmer, Alaska is conducting a study to better understand the potential impacts of annexing new territory into City boundaries. Annexation would affect the City's governance, finances and service provision. If done right, annexation can improve these municipal functions.

Before making a petition to annex land, it is important to know where and how annexation could benefit the city, its citizens and potential new citizens, as well as where and how annexation would likely not be worthwhile. This Community and Economic Analysis is intended to:



Schedule



Stay in the Loop

<https://PalmerAnnexStudy.org>



comments@palmerannexstudy.org

The consultant team engaged by the City of Palmer to complete this study includes Agnew::Beck Consulting, Halcyon Consulting and the Alaska Map Company. All three firms include staff who worked on the 2006 Palmer Annexation Study (led by Northern Economics, Inc.) and/or 2010 Palmer Annexation Strategy (led by Agnew::Beck Consulting).

Mayor's Memo
Council Meeting report for council Meeting
on September 8, 2020

Events

Basic Needs – zoom meeting – September 10

Mayor/Manager meeting – September 17

Transportation Fair – October 15

Second phase of Glenn Highway project will be 2021/22

Agenda setting – September 9

We want and value your input and participation.

Edna DeVries Mayor v/t 907-355-9933

edevries@palmerak.org

**City of Palmer
Resolution No. 20-022**

Subject: Adopting a COVID-19 CARES Act Funds Policy

Agenda of: September 8, 2020

Council Action: **Approved** **Amended:** _____
 Defeated



Originator Information:

Originator: John Moosey, City Manager

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk	_____	_____

Certification of Funds:


Total amount of funds listed in this legislation: \$ **7,566,546.24**

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Attachment(s):

- Resolution No. 20-017
- COVID-19 CARES act Funds Policy

Summary Statement/Background:

On May 26, 2020, Palmer City Council approval (Resolution No 20-015) accepting the City's share of Coronavirus Relief Funds in the amount of \$7,566,546.24. It was followed with the approval Resolution No. 20-017 which appropriated expenditures of the CARES Act Funds. This resolution is to provide a policy for the City on the intended use of the CARES Act funds. This is a requirement of the Uniform Guidance of the Office of Management and Budget. This policy will be the guideline for the City auditors to perform the single audit on the CARES Act Funds.

Administration's Recommendation:

Approve Resolution No. 20-022

LEGISLATIVE HISTORY

Introduced by: City Manager Moosey

Date: September 8, 2020

Action:

Vote:

Yes:

No:

--	--

CITY OF PALMER, ALASKA

Resolution No. 20-022

A Resolution of the Palmer City Council Adopting a COVID-19 CARES Act Funds Policy

WHEREAS, the city of Palmer Alaska was deeply affected by the COVID-19 pandemic; and

WHEREAS, on May 26, 2020, Palmer City Council approved Resolution No. 20-015 accepting the city’s share of Coronavirus Relief Funds in the amount of \$7,566,546.24 from the Federal Treasury through the State of Alaska; and

WHEREAS, on July 14, 2020, the Palmer City Council approved Resolution No. 20-017 appropriating expenditures of the CARES Act Funds; and

WHEREAS, the United States Department of Treasury has issued guidelines to the eligible use of the COVID-19 CARES Act Funds and has been consistent in providing additional guidance; and

WHEREAS, the City of Palmer’s external auditor has advised that a Policy adopted by the City Council as to the nature and use of these funds is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council hereby adopts the COVID-19 CARES FUNDS POLICY and approved for implementation for the City’s share of Coronavirus Relief Funds and by this reference incorporated.

Approved by the Palmer City Council this ____ day of _____, 2020.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

COVID-19 CARES FUNDS POLICY

BACKGROUND

On May 26, 2020, Palmer City Council approval (Resolution No 20-015) accepting the City's share of Coronavirus Relief Funds in the amount of \$7,566,546.24. It was followed with the approval Resolution No. 20-017. This appropriated expenditures of the CARES Act Funds.

Federal Treasury guidelines stipulate that all CARES Act expenditures must be "necessary." The Department of Treasury understands this term broadly to mean the expenditure is reasonably necessary for its intended use in the reasonable judgement of the government officials responsible for spending Fund payments.

Funds must be expended by December 30, 2020 and unspent funds must be returned. Advanced funding of operational costs for projects are not permitted.

POLICY

The programs eligible for CARES funding consist of the following:

- 1) Small Business CARES Grants
- 2) Non-profit CARES Grants
- 3) Non-profit CARES Competitive Grants
- 4) City Utility Abatement
- 5) City Mitigation Expenditures
- 6) City Resiliency and Recovery

The Small Business CARES Grants and the Non-profit CARES Grants shall be designed to be non-competitive qualified awarded. Each business and organization that falls within a broad set of criteria shall be eligible for funding. The basis for the expenditures is found in the supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020.

"A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance."

The Non-profit CARES Competitive Grants shall be limited in scope to larger City-centric services that provides a unique set of deliverables to the Greater Palmer community. The basis for the expenditures is found in supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020.

City utility abatement shall be awarded to all residents and businesses that use the City of Palmer utility services. The basis for this expenditure is found in the supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020.

"Recipients may use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency. For example, if determined to be a necessary expenditure, a

government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.”

City Mitigation Expenditures are activities by the City of Palmer Government organization during the COVID-19 public health crisis. The expenditures shall include payroll for the City’s police, fire and emergency response. It shall also include short term supplies and gear needed to clean and protect workers and citizens, which shall also include short term contracts to provide protective services. All expenditures for safe and efficient public meetings and elections are to be included. As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department. Expenditures of providing paid sick, family and medical leave to public employees to enable compliance with COVID-19 public health precautions. The basis for the expenditures is found in the supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020.

“The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency.”

City Resiliency and Recovery are expenditures that will allow the City of Palmer to prevent future staff and citizen risk of the COVID-19 virus. The expenses related to providing services in a safer environment including electronic equipment, software and related services are acceptable. Building improvements to minimize virus spread such as air quality improvement, floor covering replacements or safety response communication equipment is permissible. First responder clothing gear new and replacement is also acceptable. The basis for the expenditures is found in supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020.

“Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.”

**City of Palmer
Action Memorandum No. 20-042**

Subject: Authorizing the City Manager to Accept a Site Improvement Plan and Equipment Donation from the Palmer Little League at the Harley Busbey Memorial Field


Agenda of: September 8, 2020

Council Action: **Approved** **Amended:** _____
 Defeated

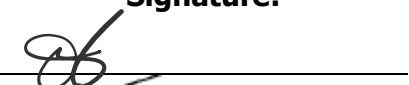


Originator Information:

Originator: Chris Nall, Public Works Director

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
✓	Public Works		08/18/2020

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____

This legislation (✓):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (✓):

- Budgeted Line item(s): _____
- Not budgeted

Director of Finance Signature: 

Attachment(s):

- Parks and Recreation Donation Application
- Site Improvement Plan

Summary Statement/Background:

On August 17 2020, the CoP Public Works Office was contacted by David Sutton from the Palmer Little League, with a request to conduct several park/field improvements at the Harley Busbey Field.

The Palmer Little League has partially maintained the Harley Busbey Field for some time. They have had an improvement plan in place since 2017 and have been working on funding and final coordination for the project since that time.

The Little Leagues plan is to remove and replace the old fencing and back stop around the field, demolish, remove and replace the players boxes (dugouts) and regrade and level the infield surface.

This project proposed by the Palmer Little League falls in line with the City's general Parks Improvement Plans and the upgrades come at no financial cost to the City.

Administration's Recommendation:

To approve Action Memorandum No. 20-042 authorizing the City Manager to accept the site improvement plan and equipment donation from the Palmer Little League.

Site Improvement Plan

Harley Busbey Memorial Softball Field

A Palmer Little League Field Improvement Project



Prepared by David Sutton

Engineered by Mike Alley

June 27, 2017

HISTORY

A Palmer Little League softball field located in downtown Palmer, East of the train depot on East Dahlia Avenue is named for an outstanding Palmer Resident Harley Busbey who coached little league teams in the Palmer area during the late 1960's into the early 70's and was the original creator and organizer of Palmer Softball. Mr. Busbey had a knack for organizing local churches in the area coaxing their congregational teams out to play softball on a dirt patch in the hay field where the Palmer Public Library is located now. Mr. Busbey became so successful at organizing the fun, exciting softball games that some churches began to bring in "ringers" for the games and eventually the games got quite competitive. Tragically, Mr. Busbey a local resident from the Butte community was killed in an airplane accident during a hunting trip. He is mourned by a loving wife and four children all who played or helped organize many Palmer Little League events during the 1970s. Unfortunately, Mr. Busbey never had the chance to see the softball programs grow in Palmer and become organized for young ladies as young as 7 years to 15 years of age through Palmer Little League softball programs or the establishment of Palmer High School's Varsity and Junior Varsity Fast pitch programs, adult competitive leagues and coed leagues. Without question, the Harley Busbey family demonstrated volunteerism, dedication and commitment to baseball/softball development in our community, development of Palmer Little League and provided an honorable opportunity to name the Harley Busbey Memorial Softball Field after a truly dedicated Alaskan.

NEED FOR FIELD IMPROVEMENT

The Busbey field located at 350 E. Dahlia Avenue has slowly over the years become unusable for competitive softball games as the infield base paths, home plate and pitcher's mound became over grown with sod and weeds leaving the active field surface riddled with holes, uneven bases and no identifiable foul line references. The FOUL line markers are broken or missing. The team players boxes "Dugouts" have decayed to a point where they are unsafe for occupation with concrete foundation blocks crumbling, cracked, uneven floor surfaces and a 3 foot drop upon entry, hence, the name "dug out". Every spring thaw these dug outs fill with snow melt water and hold standing water 12-14 inches deep, requiring a vacuum truck to remove the standing water. Fencing has become an issue with some fence posts forced upwards above ground level from heaving, a back stop that is not the proper distance for competitive softball and has no top fencing for foul balls. The fencing along both foul lines are only 4 foot high and not up to current standard 6 foot height for crowd protection. Other fencing obstacles exist inside the players area that was originally used to protect dug out entry and exit from batted balls. Now pose a risk as players may collide with the stand alone barriers when playing a live ball. Current fencing also limits access to batting cages, player egress and ingress. Upgrades in fencing are needed for field preparation tools and equipment. The score keepers shack located behind the back stop is an old construction portable building that has deteriorated to the point that the door frames don't seal shut allowing the weather to get inside and compromise materials stored there.

DEMOLITION SITE PLAN (Attachment A)

- 1) Remove both "dug out" buildings from the site and dispose.
- 2) Concrete walls, floor shall be rubbelized in place ensuring that the concrete is 1 foot below the existing grade. Back fill resulting low area with select gravel and compact.
- 3) All existing fencing and foul poles to be removed from site for disposal.
- 4) Remove score keeper shack from site for disposal.

NEW CONSTRUCTION SITE PLAN (Attachment B)

- 1) Construct two 10FT X 30FT team player boxes (dug outs). Excavate and provide 1 FT of gravel. Install a 6" thickened edge slab. Construct player boxes with 2" X 4" at 16" O.C. walls. Roof will be 6" joints at 24" O.C. with ½" plywood and sheet metal roofing. Dug outs will be exterior of new fence line and aligned with new fence line.
- 2) Realign a portion of the fence line so it continues in a straight line from the existing outfield fence to the back stop. Construct a new back stop. Provide three gates on each side of field for a total of six. On each side two would access the dug outs and one would access the field.
- 3) Construct 16FT X 16FT score keeper shed. Excavate and provide 1FT of gravel. Install a 6" thickened edged slab. Construct shed with 2" X 4" at 16" O.C. walls. Roof will be 6" joints at 24" O.C. with 1/2 plywood and sheet metal roofing.
- 4) Re-establish the playing field; remove the existing infield sod, install new infield soil mixture, incorporating soil additives such as "turface playball".

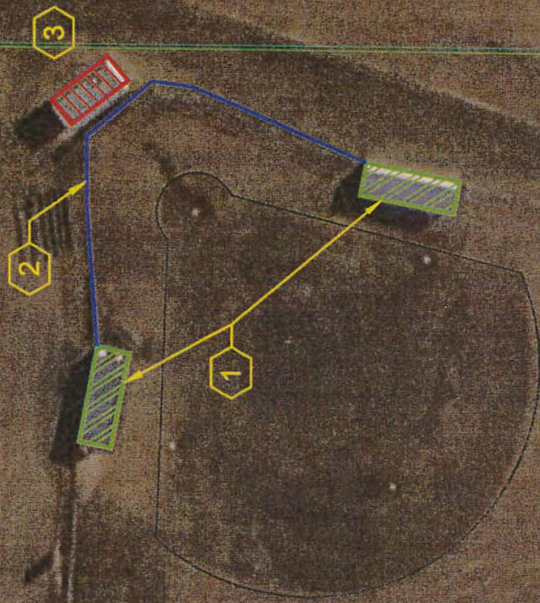
QUESTIONS/CONTACT INFORMATION

David Sutton
dksutton06@gmail.com
(907) 355-2074

Michael Alley
coachalley2424@yahoo.com
(907) 952-1979

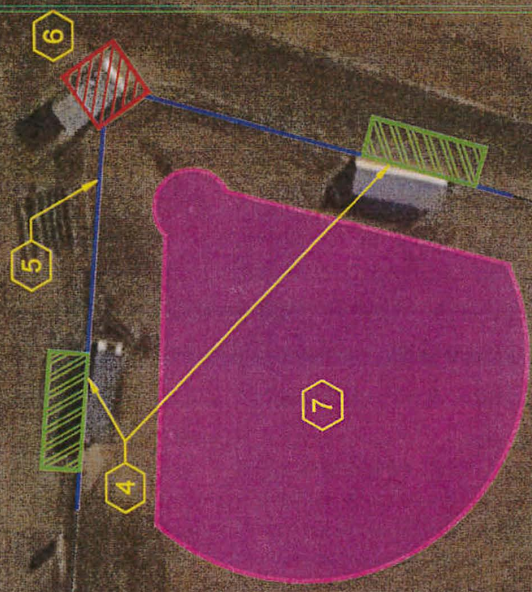
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- DEMOLITION NOTES:
1. REMOVE TWO DUGOUTS; WOODEN PORTION OF DUGOUTS SHALL BE DISPOSED OF AT THE LOCAL LANDFILL. THE CONCRETE WALLS, FLOOR SHALL BE RUBBLIZED IN PLACE ENSURING THAT THE CONCRETE IS 1 FT BELOW THE EXISTING GRADE. FILL RESULTING LOW AREA WITH SELECT A GRAVEL AND COMPACT.
 2. EXISTING FENCING SHALL BE REMOVED. THE HEIGHT OF THE FENCING VARIES FROM APPROXIMATELY 6 FT TO 14 FT.
 3. REMOVE SCOREKEEPER SHED; DISPOSE OF IT AT THE LOCAL LANDFILL.



8

- NEW WORK NOTES:**
- CONSTRUCT TWO 10FT X 30 FT DUGOUTS; EXCAVATE AND PROVIDE 1FT OF GRAVEL, INSTALL A 6" THICKENED EDGE SLAB; CONSTRUCT DUGOUT WITH 2" X 4" AT 16" O.C. WALLS; ROOF WILL BE 6" JOINTS AT 24" O.C. WITH 1/2 PLYWOOD AND SHEET METAL ROOFING; DUGOUTS WILL BE EXTERIOR OF NEW FENCELINE AND ALIGNED WITH IT.
 - REALIGN A PORTION OF THE FENCELINE SO IT CONTIGUES IN A STRAIGHT LINE FROM THE EXISTING FENCING; PROVIDE A NEW BACKSTOP; PROVIDE THREE GATES ON EACH SIDE OF THE FIELD FOR A TOTAL OF SIX; ON EACH SIDE TWO WOULD ACCESS THE DUGOUTS AND ONE WOULD ACCESS THE FIELD.
 - CONSTRUCT 16FT X 16FT SCOREKEEPER SHED; EXCAVATE AND PROVIDE 1FT OF GRAVEL, INSTALL A 6" THICKENED EDGE SLAB; CONSTRUCT DUGOUT WITH 2" X 4" AT 16" O.C. WALLS; ROOF WILL BE 6" JOINTS AT 24" O.C. WITH 1/2 PLYWOOD AND SHEET METAL ROOFING.
 - RE-ESTABLISH THE PLAYING FIELD; REMOVE THE EXISTING SOB; INSTALL NEW FIELD MIX SOIL, INCORPORATING A PLAYING FIELD SOIL ADDITIVE SUCH AS "TURFACE PLAYBALL."





**City of Palmer Public Works Dept.
1316A S. Bonanza St., Palmer, AK 99645**

Phone: 907-745-3400 • Fax: 907-745-3203

www.palmerak.org

Parks & Recreation Donation Application

The purpose of this policy is to establish guidelines, standards and procedures for the installation and care of donated park improvements, either as a result of a cash or physical property donation. These donations may include, but are not limited to, park benches, picnic tables, bicycle racks, trees, monuments, banners, interpretive signs, public art, and other types of park and trails accessories. This policy does not apply to buildings or land. The City desires to encourage donations while at the same time manage aesthetic impacts and mitigate on-going maintenance costs.

Primary Contact Information:

Name: Palmer Little League POC: David K. Sutton

Mailing Address: Palmer Little League P.O. Box 3878 Palmer, AK. 99645

Phone Number: (907) 355-2074 - David Sutton

Email: dk Sutton 06@gmail.com

Alternate Contact Name: David Combs (President)

Phone Number: (907) 841-6638

Email: palmerlittleleague53@gmail.com

We would like to donate:

- Monetary - \$ _____
- Park Bench
- Picnic Table
- Bicycle Rack
- Tree(s) - Minimum tree size: Coniferous trees shall have a minimum height of six feet (6'); and deciduous trees shall have a minimum caliper (diameter or thickness) of two inches (2")

Other: _____

Describe: New Fencing, New backstop, New Players Boxes, New Infield Surface.

Preferred Location: 350 E. Dahlia, Harley Busbey Memorial Softball Field.

Please submit for approval to:

Palmer Public Works 1316 S. Bonanza Street Palmer, AK 99645

Email:

**City of Palmer
Information Memorandum No. 20-008**

Subject: Committee of the Whole for General Discussion Regarding Code of Ethics for City Council

Agenda of: June 9, 2020 - Postponed
 June 23, 2020 - Postponed
 July 14, 2020
 September 22, 2020




Originator Information:

Originator: Mayor Edna DeVries

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

	Signature:	Remarks:
City Manager		_____
City Attorney		_____
City Clerk		_____

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Attachment(s):

- Code of Ethics Language

Summary Statement/Background:

At the May 26, 2020, Council Meeting, Mayor Edna DeVries requested a Committee of the Whole to discuss possible code of ethics legislation.

****DRAFT****
City of Palmer
Code of Ethics and Conduct
for
Elected Officials

DRAFT

Purpose

The Palmer City Council (Council) adopts this Code of Ethics and Conduct for Elected Officials for the promotion of public confidence and trust in the City of Palmer (City) government.

A. **ETHICS**

The Council supports accountable City government as follows:

- Compliance with laws and policies affecting City government activities;
- Be independent, impartial and fair in Council judgment and actions;
- Act in the public's interest;
- Avoid personal benefit; and
- Promote respect and civility during official City proceedings.

In accord with the foregoing principles the Council adopts the following principles:

1. **Act in the Public Interest.** The Council will act in the public's interests when exercising City official action.
2. **Compliance with Law.** The Council will comply with applicable law when engaged in official business.
3. **Conduct of Members.** The Council should avoid the appearance of impropriety.
4. **Respect for Process.** Councilmembers shall perform their duties in accordance with council processes and rules of order. Members should conduct deliberations with civility and refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
5. **Conduct at Public Meetings.** Councilmembers should be familiar with City services, activities and matters presented for Council action and be prepared for Council meetings. Councilmembers should listen courteously and attentively to public testimony; and
6. **Decision making.** Councilmembers shall consider their decisions on the merits, substance, and public testimony of the matter at hand.
7. **Quasi-judicial decision making.** When making quasi-judicial decisions Councilmembers should base their decisions on the evidence presented at the hearing.

For quasi-judicial matters pending before the Council, councilmembers shall refrain from receiving ex parte communications. Councilmembers shall publicly disclose ex parte communications.

8. **Conflict of Interest.** To assure independence and impartiality, council members shall use best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Councilmembers shall not use their official positions to influence government

decisions in which they have (a) a substantial financial interest that equals ____% of ___?___, unless the (1) financial interest in the matter is insubstantial, or of a type that is possessed generally by the public or a large class of persons to which the municipal officer belongs; or (2) action or influence would have insubstantial or conjectural effect on the matter. Any effort to benefit a substantial financial interest through official action is a violation of the public trust. The Council finds that, so long as it does not interfere with the full and faithful discharge of an official's public duties and responsibilities, this code does not prevent an official from following other independent pursuits. The Council further recognizes that (1) in a representative democracy, the representatives are drawn from society, and therefore cannot and should not be without personal and financial interests in the decisions and policies of City government; (2) people who serve as municipal officials retain their rights to interests of a personal or financial nature; and (3) standards of ethical conduct for Councilmembers need to distinguish between those minor and insubstantial conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

A member who has a potential conflict of interest regarding a particular decision shall disclose that interest in accord with the process contained in City code and AS 29.20.010.

9. **Gifts and Favors.** Councilmembers shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. **Confidential Information.** Councilmembers must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. **Use of Public Resources.** Councilmembers shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Councilmembers shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Palmer, nor will they allow the inference that they do. Councilmembers and Board, Committee and

Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.

14. **Policy Role of Members.** Councilmembers shall respect and adhere to the council-manager structure of Palmer City government as outlined in the Palmer City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Work Place Environment.** Councilmembers shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Palmer.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

- (a) *Honor the role of the -mayor in maintaining order*
It is the responsibility of the mayor to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action and may be rigorously but respectfully debated.

- (c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member he or she should call to the mayor for a point of order.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. **Council Conduct with the Public in Public Meetings**

The mayor and councilmembers should make the public feel welcomed by exercising respect and civility.

- (a) *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
- (b) *Ask for clarification, but avoid debate and argument with the public*
Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Council Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- (a) *Treat all staff as professionals*
Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- (b) *Do not disrupt City staff from their jobs*
Elected officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff.
- (c) *Never publicly criticize an individual employee*
Elected and appointed officials should avoid expressing concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager.
- (d) *Do not get involved in administrative functions*

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

- (e) *Do not solicit political support from staff*
Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

4. **Council Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the leadership and should be treated with appreciation and respect.

- a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*
Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.
- b) *Limit contact with Board, Committee and Commission members to questions of clarification*
It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.
- c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*
The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties.
- d) *Be respectful of diverse opinions*
A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of

concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

- e) *Keep political support away from public forums*
Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. **IMPLEMENTATION**

- (a) *Acknowledgement of Code of Ethics and Conduct*
Councilmembers shall sign an acknowledgement that they have read and understand the Code of Ethics and Conduct for Elected Officials.
- (b) *Ethics Training for Local Officials*
The Council may receive periodic ethics training.
- (c) *Behavior and Conduct*
The Palmer Code of Ethics and Conduct expresses standards of ethical conduct expected for the Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have confidence in the integrity of government. The Council may intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full Council.

When deemed warranted, the Mayor or majority of Council may call for an investigation into alleged ethical violations. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates city code or state or federal law.

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for the Council. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for mayor and City Council, and newly elected officials. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct for Elected Officials. In addition, the Code of Ethics and Conduct for Elected Officials shall be periodically reviewed by the mayor and city council, and updated it as necessary.

Example:

I affirm that I have read and understand the City of Palmer Code of Ethics and Conduct for Elected Officials.

Signature

Date

DRAFT

CITY CHARTER AND CODE EXCERPTS

Alaska Statutes

Section 29.20.010. Conflict of interest.

Sec. 29.20.010. Conflict of interest. (a) Each municipality shall adopt a conflict of interest ordinance that provides that (1) a member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter; (2) the presiding officer shall rule on a request by a member of the governing body to be excused from a vote; (3) the decision of the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by the majority vote of the governing body; and (4) a municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest. (b) If a municipality fails to adopt a conflict of interest ordinance by June 30, 1986, the provisions of this section are automatically applicable to and binding upon that municipality. (c) This section applies to home rule and general law municipalities.

Palmer Municipal Code

Title 2 – Administration:

Section 2.04.047 Prohibition regarding employment.

A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment for which a salary is paid by the city until one year has elapsed following the term for which that person was elected or appointed. An exception may be made with the approval of five or more members of the council. (Ord. 648 § 3, 2005)

Section 2.04.061 Vacancies.

A council seat shall become vacant upon the occurrence of any of the following:

- A. Expiration of the term of office;
- B. Death of the incumbent;
- C. Resignation approved by council;
- D. A removal from office in the manner provided by law;
- E. Ceasing to possess the qualifications of eligibility required by the city of Palmer Charter for election or appointment to office;
- F. Final conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;
- G. Judicial determination that the incumbent is of unsound mind;
- H. A decision of a competent tribunal declaring the election of the incumbent void;
- I. Failure to take an oath of office within 10 days of appointment or election to office or within such other time, not exceeding 20 days, as the council may fix;
- J. Unless excused by the council, is physically absent from the city for 90 consecutive calendar days;

- K. Is convicted of a felony or a misdemeanor described in AS 15.56;
- L. Is convicted of a violation of AS 15.13;
- M. If a member misses three consecutive regular meetings, unless excused by the council; or
- N. No longer physically resides in the city. (Ord. 07-022 § 4, 2007; Ord. 648 § 3, 2005)

Section 2.05.035 Prohibition regarding employment.

A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment for which a salary is paid by the city until one year has elapsed following the term for which that person was elected or appointed. An exception may be made with the approval of five or more members of the council. (Ord. 10-006 § 3, 2010; Ord. 648 § 4, 2005)

Section 2.05.070 Vacancy.

The office of mayor shall become vacant upon the occurrence of any of the following:

- A. Expiration of the term of office;
- B. Death of the incumbent;
- C. Resignation approved by council;
- D. A removal from office in the manner provided by law;
- E. Ceasing to possess at any time the qualifications of eligibility required for elective office;
- F. Final conviction of a felony involving moral turpitude or an office involving a violation of an oath of office;
- G. Judicial determination that the incumbent is of unsound mind;
- H. A decision of a competent tribunal declaring the election of the incumbent void;
- I. Failure to take an oath of office within 10 days of appointment or election to office or within such other time, not exceeding 20 days, as the council may fix;
- J. Unless excused by the council, is physically absent from the city for 90 consecutive calendar days;
- K. Is convicted of a felony or a misdemeanor described in AS 15.56;
- L. Is convicted of a violation of AS 15.13; or
- M. No longer physically resides in the city. (Ord. 10-006 § 3, 2010; Ord. 648 § 4, 2005)

Section 2.06.010 Parliamentary authority.

A. The presiding officer shall be charged with the responsibility of maintaining order and decorum at all times. The presiding officer shall make rulings as deemed necessary concerning points of order or concerning spectators. The presiding officer shall instruct members of the public to be as brief as possible and, when speaking as an individual, to contain remarks to three minutes, and if representing a group, to contain remarks to five minutes.

B. A motion to appeal the challenge the ruling of the presiding officer may be made by any council member, subject to a second. The motion to appeal is not debatable. The presiding officer's ruling stands unless disapproved by a majority vote of the council. (Ord. 648 § 5, 2005)

Section 2.06.020 Speaking procedure.

- A. Any council member, wishing to speak, shall address the presiding officer, and shall refrain from speaking until recognized.
- B. When two or more members request recognition simultaneously, the presiding officer shall determine which one shall speak first.
- C. Every member while speaking shall confine him or herself to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the council except in a respectful manner.
- D. Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to submit a parliamentary inquiry or make a point of order.
- E. No member shall speak more than twice or for more than 10 minutes continuously to any one question, except that one or more additional periods of 10 minutes may be granted by unanimous consent. The reading of papers desired by any member shall be read by the member or by the city clerk, within the member's time limitation. (Ord. 648 § 5, 2005)

Section 2.06.030 Parliamentary inquiry of chair.

Any council member may make a parliamentary inquiry of the presiding officer at any time during the meeting. (Ord. 648 § 5, 2005)

Section 2.06.040 Point of order.

Any member may request a point of order without a second. The presiding officer may speak to points of order in preference to other members and shall decide all such questions, subject to appeal to the council. No further business shall be conducted until resolution of the point of order. (Ord. 648 § 5, 2005)

Section 2.05.120 Rules-Amendment-Observance requires-Transgression.

- A. A proposed amendment to, or repeal of, any rule shall be submitted in writing, be laid on the table at the meeting to which it is submitted, and shall become the first item of unfinished business at the next regular meeting.
- B. In all matters of parliamentary procedure not covered by these rules, Robert's Rules of Order shall be applicable and govern.
- C. The city council rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by a vote of four members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it to consideration.
- D. If any member, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall, or any member can, call the member to order; in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain; and the council, if appealed to, shall decide the question without debate. If the decision is in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the council to proceed in order. (Ord. 648 § 5, 2005)

Section 2.06.130 Conflict of interest and voting.

- A. A member of the council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
1. The presiding officer shall rule on the request to be excused from the vote;
 2. The decision of the presiding officer on the request may be overridden by a majority vote;
- B. Declaration to be excused must be made before the vote, and shall be decided without debate;
- C. A municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest;
- D. The presiding officer shall declare all votes; but if any member doubts a vote, the presiding officer, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to so indicate, and shall declare the result;
- E. The vote upon all matters considered by the council shall be taken by yes or no votes which shall be entered upon the record, except that when the vote is unanimous, it shall be necessary only to so state. (Ord. 648 § 5, 2005)

Section 2.07.007 Council-initiated legislation requests.

At a regular meeting, two council members may direct the city attorney, the manager or the clerk to prepare legislation, as described in PMC 2.07.005, for action at a subsequent meeting; provided, however, the majority of the council may vote to override the direction. The direction and motion to override may occur even though neither is on the agenda. (Ord. 07-020 § 4, 2007; Ord. 06-008 § 3, 2006)

Section 2.20.140 Cause for removal.

- A. A commission seat shall become vacant upon the occurrence of any of the following:
1. Expiration of the term of office;
 2. Death of the commission member;
 3. Resignation approved by the council;
 4. Ceasing to possess the required eligibility qualifications to be a commission member;
 5. Conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;
 6. Judicial determination that the commission member is of unsound mind;
 7. Failure to take an oath of office within 30 days of appointment to office;
 8. No longer physically resides in the city; or
 9. Other just cause for removal, as determined by a majority vote of the city council.
- B. In addition, a commission member may be removed by the council if, during any 12-month period while in office:
1. The commission member is absent from three meetings without excuse; or
 2. The commission member is absent from six meetings.
 3. Absence from a meeting for good and sufficient cause shall be provided to the chair and commission's technical advisor prior to the meeting. The commission will determine if the good or sufficient absence is considered excused or unexcused by means of consent of the commission. The absence will be presumed unexcused if notification of the absence is not received prior to the meeting. (Ord. 19-019 § 3, 2019; Ord. 14-014 § 3, 2014; Ord. 05-013 § 3, 2005; Ord. 605 § 3, 2003. Formerly 2.20.321)

Section 2.20.150 Conflict of interest.

A. A commission member shall declare a substantial financial interest the member has in an official action prior to discussion and vote on the matter.

B. The chair shall rule on the request to be excused from discussion and vote.

C. The decision of the chair on the request may be overridden by a majority vote of the commission and shall be decided without debate. (Ord. 19-019 § 3, 2019; Ord. 14-014 § 3, 2014; Ord. 05-013 § 3, 2005; Ord. 605 § 3, 2003. Formerly 2.20.331)

Title 3 – Revenue and Finance

Section 3.21.350 Conflict of interest.

A. All purchases and contracts shall be for the public benefit of the city.

B. Any city official, officer or employee who has financial interest, direct or indirect, or by reason of ownership, in any land, materials, supplies, goods, or services, or regarding a contractor supplying the city, shall make known that interest. He or she shall not vote on the awarding of any contract in which he or she has such a financial interest. He or she shall file with the city clerk a statement, under oath, setting forth the nature of such business dealings, and his or her interest therein, not less than 10 days before the date when action may be taken by the council or by any officer or agency of the city upon the matter involved. Such statement shall be sufficient for continuing transactions of a similar or like nature for six months from the date of its filing. Any city official, officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section is guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city renders the contract voidable by the city council.

C. There shall be no hidden charges, remuneration, kickback, or any other financial consideration not specifically stated in the lease, contract, or in the notice and instructions to bidders. Violation of this section shall render the contract voidable by the city council.

D. If the person who willfully violates this section is an officer or employee of the city, he or she shall immediately forfeit the office or position he or she holds upon proof of the violation. (Ord. 644 § 4, 2004)

Palmer City Charter

Section 2.9 Vacancies in office.

(a) A city office shall become vacant upon the occurrence of any of the following:

- (1) the expiration of the term of office;
- (2) the death of the incumbent;
- (3) a resignation when approved by the Council;
- (4) a removal from office in the manner provided by law;
- (5) ceasing to possess at any time the qualifications or eligibility required by this charter for election or appointment to office;

- (6) final conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;
 - (7) a judicial determination that the incumbent is of unsound mind;
 - (8) a decision of a competent tribunal declaring the election or appointment of the incumbent void;
 - (9) failure to take the oath or make the affirmation, or file the bond required for the office within ten days from the date of election or appointment or within such other time, not exceeding twenty days thereafter, as the Council may fix;
 - (10) any other event which, by law, creates a vacancy;
- (b) The Council shall provide in the code for creating vacancies in elective offices because of failure to perform the duties of the office. Such provision shall be self-executing.

Section 2.12 Recall.

An elective officer may be recalled. The vacancy thereby created shall be filled in the manner prescribed by law.

Section 3.6 Meetings of the council.

- (a) All meetings of the Council shall be public meetings and the public shall have a reasonable opportunity to be heard.
- (b) Reasonable public notice shall be given for all meetings of the Council. The notice shall include the date, time, and place of the meeting and if the meeting is by teleconference, the location of the teleconferencing facilities that will be used.
- (c) Four members of the Council shall be a quorum for the transaction of business. In the absence of a quorum, any member less than a quorum may adjourn a meeting to a later date.
- (d) The vote of at least four members shall be required for official action by the Council, unless a larger majority is required by law. The vote upon all matters considered by the Council shall be taken by "Yes" or "No" vote which shall be entered upon record, except that, where the vote is unanimous, it shall be necessary only so to state.
- (e) The Council shall determine its own rules and order of business and shall keep minutes of all its proceedings. The minutes of each Council meeting shall be signed by the Clerk and countersigned by the Mayor.
- (f) No Council member may vote on any question upon which he or she has a substantial direct or indirect financial interest. Otherwise, each Council member shall vote on each question before the Council for determination, unless excused by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any Council meeting, the question shall be determined before the main question shall be voted on. Council members affected may not vote on such determination.
- (g) The Council may, after its agenda is otherwise completed, recess for the purpose of discussing, in an executive session, any question permitted by law which is expressed in the motion calling for the executive session. The public may be excluded from the session. Final action on any matter discussed in executive session shall occur in open session. (Amended October 2, 2007 election)



Section 3.8 Restrictions of powers of the council.

(a) The Council and its members shall not direct the appointment or removal of any administration officer or employee of the city and shall deal with the administrative service of the city through the City Manager only.

(b) There shall be no standing committees of the Council.

Section 12.4 Business dealings with city.

The Council shall provide in the code the procedure whereby an officer or employer of the city, who intends to have business dealings with the city whereby he or she may derive income or benefits other than those provided as remuneration for his or her official duties or the duties of his or her employment with the City, shall file with the City Clerk a statement, under oath, setting forth the nature of such business dealings and his or her interest therein, not less than ten days before the date when action may be taken by the Council or by any officer or agency of the City upon the matter involved. Such statement shall be sufficient for continuing transactions of a similar or like nature for six months from the date of its filing. (Amended October 5, 2004 election)

 MUNICIPALITY OF ANCHORAGE O P E R A T I N G P O L I C Y / P R O C E D U R E	P&P No. 16-5	Page 1 of 4
	Effective Date: March 9, 2020	
Subject: Social Media Accounts	Supercedes No. New	Dated:
	Approved by: 	

1. PURPOSE

Establish the policy and procedure for the creation and management of official Municipality of Anchorage and department social media accounts.

2. POLICY

Department use of social media technology shall conform to the policies, protocols and procedures contained, or referenced, herein.

3. ORGANIZATIONS AFFECTED

All Municipal agencies, including utilities and enterprises.

4. DEFINITIONS

- a. Social media refers to the various activities that integrate technology, social interaction, and content creation. Social media uses many technologies and forms, including social-networking, blogs, wikis, photo-sharing, video-sharing, podcast, social bookmarking, mash-ups, widgets, virtual worlds, microblogs, Really Simple Syndication (RSS) and more. Not all forms of social media may be appropriate for use by municipal departments.
- b. Social Media Coordinator refers to the staff member who administers the social media for each department. This may be a department Public Information Officer (PIO).

5. RESPONSIBILITIES

- a. Department Directors, or designees, shall:
 - i) Have authority to determine and establish social media activity at the department level; and
 - ii) If utilizing social media, designate a Social Media Coordinator responsible for overseeing the department's social media activity, policy compliance, and security protection.
- b. Social Media Coordinators and other authorized users shall:
 - i) Use social media on behalf of the department and be responsible for appropriateness of content;
 - ii) Perform their duties only within the scope defined by their respective department and comply with all municipal policies, practices, user agreements and guidelines;
 - iii) Adhere to the Social Media User Responsibility Guidelines; and
 - iv) Review site activity regularly for exploitation or misuse.

6. PROCEDURE

- a) *Department use of social media.* Departments who choose to utilize social media shall establish a well thought out social media workplan that considers the department's mission and goals, audience, etc.
- b) *Authorized use.* Department Heads, or designees, are responsible for designating appropriate levels of use.
 - i) Only Social Media Coordinators (or designee), and Department Head (or designee) shall be considered authorized users and have permission to post and respond on Municipal accounts.
 - ii) Authorized users shall review the Municipality's social media policies and procedures and are required to acknowledge their understanding and acceptance of their scope of responsibility via signing an acknowledgement form and forwarding to Human Relations in their employee file.
- c) *User Behavior.* The same standards, principles and guidelines that apply to Municipal employees in the performance of their assigned duties apply to employee social media technology use.
 - i) Social media use shall comply with all applicable federal, state, and municipal laws, regulations and policies.
 - (1) This includes adherence to but may not be limited to established laws and policies regarding copyright, records retention, Municipal Public Records Act, First Amendment, Americans with Disabilities Act (ADA), Health Insurance Portability and Accountability Act (HIPAA), privacy laws, and employment related laws, including, but not limited to, Municipality of Anchorage Operating Policy Procedure 16-3, MOA Computer System Access and Use, P&P 28-1 Information Resource Management, P&P 40-16 Policy Against Harassment, P&P 40-28 Workplace Violence, P&P 40-30 Municipal Ethics Policy, P&P 40-36, Policy Against Workplace Bullying, P&P 52-1 Records Management Policy, and P&P 52-8 Public Access to Records and Publications.
 - (2) Authorized users participating in social networking discussions related to Municipality of Anchorage business matters in off-time shall indicate that their viewpoints are personal and do not necessarily reflect the Municipality's opinion.
 - (3) Department directors and Human Relations will work in concert on any alleged violations. Violations of this policy may result in discipline up to and including termination.
 - (4) Departments who choose to utilize social media shall: designate a Social Media Coordinator responsible for overseeing the department's social media activity, policy compliance, and security protection.

- d) *Authenticity Establishment.* Department social media accounts shall be created and maintained with identifiable characteristics of an official site that distinguishes them from non-professional or personal uses.
- i) Department social media accounts shall display an official Municipality of Anchorage email address or phone number, make reference to being the “official account,” and provide a link to the department website wherever at all possible and appropriate.
 - ii) The name “Municipality of Anchorage” or the official municipal or department logo must be displayed wherever at all possible and appropriate.
- e) *Site Content.* Departments are responsible for establishing and maintaining content posted to their social media sites including content posted by external users.
- i) All content posted on department social media sites is considered public records subject to disclosure under Anchorage Municipal Code chapter 3.90. Public records requests related to a MOA social media site shall be handled by the department managing the site.
 - ii) All department sites shall provide a link to the Social Media User Responsibility Guidelines (below) and, if needed, consult with the Legal Department to develop a department specific disclaimer.
- f) *Social Media User Responsibility Guidelines.*
- i) Content may be subject to removal if it contains:
 - a) Profane language or content;
 - b) Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, gender identity or sexual orientation;
 - c) Sexual harassment or sexually explicit content;
 - d) Solicitations of commerce or advertisements including promotions or endorsements;
 - e) Conduct or encouragement of illegal activity;
 - f) Information that may compromise the safety or security of the public or public systems, as well as public employees;
 - g) Content intended to defame any person, group or organization;
 - h) Content that violates a legal ownership interest of any other party, such as trademark or copyright infringement;
 - i) Libelous, vicious or malicious statements concerning any employee, the Municipality or its operations;
 - j) Violent or threatening content; or
 - k) Disclosure of confidential, sensitive or proprietary information;
 - ii) Unacceptable content and repeat individual violators may be removed and/blocked upon consultation with the department director. Before removing/blocking, a private message will be sent to the responsible user noting repeated violation of the Social Media User Responsibility Guidelines and the reason for removal/blocking. See subsection 6.g.iii concerning content management and deletion.
 - iii) Content may not be removed for simply stating an unpopular viewpoint.
 - iv) All comments and posts may be subject to public records laws.
 - v) The appearance of public links does not constitute official endorsement by the Municipality of Anchorage.

- g) *Records Management.* Social media use shall be documented and maintained in an easily accessible format that tracks account information.
- i) Departments are responsible for the creation, administration, archiving, and deactivation of social media accounts. Accounts are to only be established with a muni.org email address.
 - ii) All content is to be fully accessible to any person requesting records from the social media site.
 - iii) Content deemed inappropriate per the Social Media User Responsibility Guidelines shall be promptly documented (screenshot/printout), and then saved prior to removal.
- h) *Security.*
- i) Account usernames and passwords shall be kept secure but kept accessible by two or more employees at all times.
 - ii) Departments shall report perceived or known account violations to the Municipality's Information Technology Department.
 - iii) Any devices used to administer Municipality of Anchorage social media sites shall have up-to-date software to protect against malicious attacks, including but not limited to, viruses, worms, trojans, and ransomware.
8. ANNUAL REVIEW DATE/LEAD REVIEW AGENCY
- The Mayor's Office shall review this document annually for any needed revisions.



4.08(A) SOCIAL MEDIA

Purpose

The City of Portland recognizes the value of Social Media in connecting with our constituents. The City finds Social Media to be a valuable tool in furthering the City's mission and goals of outreach, public dialogue, open government and sustainability. The following Policy and Guidelines (App. 1) are created to guide City employees using Social Media in performing authorized work for the City. The Policy and Guidelines do not apply to an employee's personal use of Social Media. Personal use of City resources is governed by Human Resources Administrative Rules (HRAR) 4.08 and 4.09.

Procedures and Procurement

A Bureau may enter into an agreement with a Social Media provider to create a forum for interactions with the public. The Bureau must follow procurement rules in entering into a Social Media account. The Director of each Bureau must in writing authorize opening of a Social Media account with a value less than \$5,000. ([City Code 5.33.055](#))

Record Retention Requirements for Social Media Content

Each Bureau must maintain and preserve records in compliance with the Oregon Public Records laws, ORS 192.410. et seq. Under public records law, the City is required to maintain records for the period provided in the retention schedule for that type of record. Bureaus have records retention schedules for their records. Those engaged in Social Media activities must be familiar with their Bureau's record retention schedules and preserve records in accordance with those schedules. ([Retention Schedules](#)). The public records law applies whether the Site is hosted by the City or a third party. While some public records are not required to be kept longer than needed for current purposes, many records must be preserved. Bureaus shall treat those records that must be preserved as follows:

- A. Any posted original content that constitutes a City record and that is not preserved and retained elsewhere in compliance with the appropriate City retention schedule must be captured by the Bureau and retained according to the appropriate schedule and media preservation requirements.
 - B. Any posted content that is a copy of a City record that exists in another location does not need to be separately preserved, provided that the original content is being retained in compliance with the appropriate City retention schedule and media preservation requirements. (Bureaus should consider whether the fact that a document is posted and the dates of posting may need to be preserved.)
 - C. Any posted content that is required to be retained only as long as needed or superseded may be deleted when not longer needed. (See Bureau records retention schedules)
-

All records created or received by City Bureaus and Offices, except for those excluded by law, are available for inspection and copying by the public and must be accessible for the period established by the applicable City record retention schedule. Those Bureaus utilizing Social Media activities must be familiar with their Bureau's record retention schedules and preserve records in accordance with those schedules.

A public record is defined by Oregon Revised Statutes (ORS) 192.005(5) as, ..."a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."

Bureaus must assume that content posted or received using any Social Media technology is a public record and manage it accordingly.

1. Managing Social Media Content that is Officially Maintained Elsewhere

Under the ORS definition, a public record does *not* include: "Extra copies of a document, preserved only for convenience of reference" (ORS 192.005(5)(d)).

A Bureau can greatly simplify its retention responsibilities if it uses its Social Media applications exclusively as a mechanism for providing its constituents with links or references to content that is maintained as an official City record elsewhere. Using this approach, the links or references posted on a blog, Facebook or Twitter account would be considered convenience copies which need to be retained only "as needed" or "until superseded." For example, a bureau "tweet" providing a link to its annual report would not need to be retained as a separate record.

2. Managing "Original" Social Media Content

It is possible that Bureaus will publish content via Social Media that does not exist elsewhere among City records. Also, Bureaus that allow public interaction via Social Media will receive content from outside resources that will fit the definition of a public record. Greater care must be applied to maintain this content in accordance with retention requirements.

Almost all of this "original" content will fall into one of the categories below and should be managed as such.

- Speeches/Statements/News Releases/Program Activity Records

For retention purposes, a City official's blog posting (for example) is the equivalent of a public speech. An on-the-spot written or photographed account of a bureau event, or summary of its activities, pushed out via any Social Media should be considered a "report." If any of these statements or reports contains policy or historically significant content, they must be retained permanently. (Contact the Archives & Records Management Division of the Auditor's Office for assistance on the long-term preservation of electronically stored information and for more information

about identifying historical content.) Otherwise, they have a two-year retention from the time they are “published.”

- Correspondence

Incoming messages from the public that arrive via a bureau’s Social Media account should be treated as correspondence. If a message is completely unrelated to the bureau’s mission, activities or functions it can be removed and discarded immediately if the bureau so chooses. Correspondence that relates to a bureau’s mission, activities or functions must be captured and retained per the retention category that most closely corresponds to the content of the message. For example, a complaint about a pothole would be considered an “information Request or Complaint” which has a retention period of “2 years after last action” ([Schedule 1000-13](#)). Bureau retention schedules are found here:

<http://www.portlandonline.com/auditor/index.cfm?c=51813>

For correspondence that originates on a Bureau’s Social Media site and that merits a response to an individual (as opposed to a public posting), the Bureau would be advised to take that correspondence “offline” and, if possible, communicate directly with the individual and maintain that correspondence using established bureau procedures for correspondence management. Note: much of the correspondence between elected officials or bureau directors and the public is considered “policy and historical” and warrants permanent retention ([Schedule 1000-01](#)).

- Content Associated with a Specific Function or Activity

If a Bureau uses Social Media as a public entry point to solicit specific information (e.g. conducting a poll) or launch a process (e.g. placing an order), the information received should then be retained along with other records associated with that function or activity using the appropriate retention schedule.

3. Managing Social Media Content - Technology

Although the concept of which Social Media content should be captured and preserved can be fairly simply described, the technology and process for doing so are not easily implemented. The methodology and responsibilities for capturing and preserving appropriate content must be a documented component of the Bureau’s Social Media plan. Methods range from capturing screen shots, to converting web pages into PDF documents, to acquiring software specifically designed to capture Social Media content.

The City does not currently endorse a single, preferred method of capturing and preserving Social Media content. Before activating a Social Media account, Bureaus should consult with the Bureau of Technology Services and the Auditor’s Office Archives & Records Management Division to create a plan for managing any content that constitutes an official City record.

(Bureaus)

the account and responsible to ensure compliance with the City's Code, Charter and policies.

2. Bureaus shall notify users and visitors to Social Media Sites via hyperlink to the City's official website that the purpose of the Site is to facilitate communication between City Bureaus and the public.
3. Where possible, all Social Media sites will display the City of Portland Seal for consistency and authenticity. The City has ownership of the City seal, which can only be used by the City for City business. Bureaus that choose to display their own Bureau logo instead of the City seal shall register their trademark (logo) with the State of Oregon. Contact the City Attorney's Office for assistance.
4. Bureaus shall not discriminate against public speech based on content or viewpoint. However, Bureaus shall remove the following prohibited content when possible*:
 - a. Comments not topically related to the particular article being commented upon;
 - b. Comments in support of or opposition to political campaigns or ballot measures;
 - c. Profane language or content;
 - d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law;
 - e. Inappropriate sexual content or links to inappropriate sexual content;
 - f. Solicitations of commerce;
 - g. Conduct or encouragement of illegal activity;
 - h. Private and confidential information;
 - i. Information that may tend to compromise the safety or security of the public or public systems; or
 - j. Content that violates a legal ownership interest of any other party.

Bureaus shall display these guidelines to users or make them available by hyperlink. *CAUTION: Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available.*

**If it's not technically feasible to remove the content, Bureaus shall monitor and shall take appropriate action.*

5. Bureaus shall use a City email address to join the Social Media account opened by the Bureau. Examples of a City email address is Jon.Doe@portlandoregon.gov or waterbureauPIO@portlandoregon.gov.* Using the City's email address will ensure:

-
- a. personal and professional communications are separated;
 - b. the City can back up public conversations because of City's ownership and control of the City's email address;
 - c. the City can access the Site when the employee is out on vacation or otherwise away from the office or leaves employment with the City; and
 - d. the City can determine that the Site is legitimately the City's (and not a rogue site generated from a private email address).

** Use of a non-City email address will require consent of the Bureau Director. Directors will need to ensure that information contained on social media accounts which use non-City/personal email addresses will still maintain compliance with City legal requirements for record retention, archiving, public records requests, discovery and litigation holds.*

6. Bureaus shall identify those employees authorized to use Social Media ("Authorized Users") and shall train them in appropriate and effective use of Social Media in order to attain the Bureau's objectives. Only those employees who are authorized and trained shall engage in Social Media activities on the City's behalf.
7. Content posted to City Social Media Sites should also be available on the City's official website.

Using Social Media (City Employees)

Users shall comply with the City's administrative rules, including but not limited to, [HRAR 4.08 Information Technologies](#); [HRAR 4.09 Use of City Resources](#); [HRAR-4.06 Political Activity](#); [HRAR 2.02 Prohibition Against Workplace Harassment, Discrimination and Retaliation](#); and [HRARs 11.01, 11.02 and 11.03](#) (Ethical Conduct).

1. Users shall not divulge confidential information.
2. Users shall not post information that would invade the privacy of others.
3. Users shall not post information or opinions related to legal matters, litigation, or parties involved in legal and litigation matters. For the purpose of this provision, "matter" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties.

Terms of Use & Disclaimers

1. Bureaus and employees must comply with all Terms of Use of the Social Media Host.
2. Each Bureau shall adopt and post Terms of Use for its Site reflecting the Bureau's mission and objectives as well as the rules for conversing on the Bureau's Site including, but not limited to, the content prohibited in Section III.4 of this Policy.*

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3. Bureaus must provide a hyperlink to the City of Portland – Social Media Terms of Use, Prohibited Content and Disclaimer located at _____ indicating that it reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law.*
 4. Bureaus must provide a hyperlink to the City of Portland – Social Media Terms of Use, Prohibited Content and Disclaimer located at _____ that contains a disclaimer indicating that the City does not endorse nor sponsor any advertising posted by the Social Media host on the Bureau’s Site, that the Social Media is a private Site and the privacy terms of that Site apply, that the City does not guarantee reliability and accuracy of any third-party links, and that the Bureau reserves the right to remove any conversation which is prohibited by the Terms of Use.*
 5. Each user shall retain a copy of Terms of Use of the Social Media hosts and be alert to any modification to those policies.

** If hyperlinking is not feasible, Bureaus must get Director approval*

City of Portland - Social Media Terms of Use, Prohibited Content and Disclaimer

This site is created by [Bureau], a Bureau of the City of Portland [insert Bureau Site]

[Bureau’s] mission is to...[insert mission statement.]

This Site is intended to serve as a mechanism for communication between the public and [Bureau] on the [list of Bureau approved topics i.e. water, conservation, sustainability].

The City reserves the right to remove comments or postings that violate any applicable laws or the City of Portland - Social Media Terms of Use, Prohibited Content and Disclaimer located at [insert hyperlink]. Postings on this site are Public Records of the City of Portland and may be subject to disclosure under the Oregon Public Records Law.

The City does not endorse nor sponsor any advertising posted by the Social Media host on the Bureau’s Site, that the Social Media is a private Site and the privacy terms of that Site apply. The City does not guarantee reliability and accuracy of any third-party links, and the Bureau reserves the right to remove any conversation which is prohibited by the City of Portland - Social Media Terms of Use, Prohibited Content and Disclaimer.

For the purpose of the City of Portland Social Media Policy, the following terms are defined as provided below:

1. “Advertising” is any announcement that endorses or sponsors a product, service, viewpoint, or content.

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2. “Authorized User” is a City employee who has been given written permission by their Bureau director to set up, monitor and update the Bureau’s Social Media.
 3. “Blog” means a City of Portland website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
 4. “Bureau” means a department, bureau, office, commission, board, public corporation or other organizational unit created by the Council of the City of Portland or the City Charter.
 5. “Blog article” means an original posting of content to a City blog site by a City of Portland blog author.
 6. “Blog commenter” means a City official or member of the public who submits a comment for posting in response to the content of a particular City blog article.
 7. “Blog comment” means a response to a City blog article submitted by a blog commenter.
 8. “City blog author” means an authorized City of Portland official that creates and is responsible for posted blog articles.
 9. “City blog moderator” means an authorized City of Portland official who reviews, authorizes and allows content submitted by City of Portland blog authors and public commenters to be posted to a City of Portland blog site.
 10. “Confidential information” includes, but is not limited to, anything that is exempted from public disclosure under [ORS § 192.501](#), [192.502](#), [ORS 646.461](#) or otherwise applicable Oregon or federal law.
 11. “Public record” includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. ([ORS § 192.005](#))
 12. “Site” means a social media account maintained by a City’s Bureau.
 13. “Social Media” means interactive tools that allow integrating technology and social interaction for content sharing, often in a collaborative manner. Interactive tools come in many forms including, but not limited to, RSS, blogs, wikis, photo-sharing, video-sharing, podcasts, social networking, virtual worlds and micro-blogs.

Guidance for HR Administrative Rule 4.08 (A) Social Media

November 2011

These guidelines should be used in conjunction with the City's Social Media Policy.

I. Objectives for Use of Social Media

1. Extend the reach of existing City messages online by building relationships with relevant audiences.
2. Provide an informal "human" voice of the City to promote engagement with the community.
3. Demonstrate the City's commitment to community outreach and engagement.
4. Provide a method for the community to interact with the City.
5. Provide a way to update and educate the community.
6. Monitor issues affecting the City.
7. Disseminate timely information.
8. Promote City-sponsored events.
9. Highlight outstanding individuals and organizations that contribute to Portland and the region.

II. Using Social Media

Bureaus should consider the following factors when defining their objectives in using Social Media and drafting their Terms of Use:

1. Why is your Bureau using social media?
2. How would your Bureau like people to interact with you through social media?
3. What demographics would your Bureau like to reach?
4. Is there something your Bureau would like your constituents to do?
 - a. Fill out a form?
 - b. Read a certain article or report?
 - c. Subscribe to updates?
 - d. Provide feedback?
 - e. Share information with their friends?

III. Posting Photos and Video

Be thoughtful when posting pictures and video of people. There is no expectation of privacy at a public event, but be aware that there could be restrictions around whose photo you post depending on the circumstance and venue. Things to consider:

1. Could someone have a reasonable expectation of privacy when the photo was taken?
2. Does the person know you are photographing them to post on the internet?
3. Is this image going to be used in flyers or other City promotional material?
4. Does your Bureau want to make it a policy to get signed release/waiver documents?
5. Does your Bureau want to create a policy of not posting photos of minors without parental consent? While not legally required, it may be a good idea.

6. Photos and video of law enforcement officers should not be posted without written permission.
7. Keep copyright in mind. The City owns copyright in images it produces or contracts with others to produce on the City's behalf. When using images from third parties, Bureaus should receive permission for City use.

IV. Following, Liking, Re-tweeting, Friending, etc.

1. Government may not engage in viewpoint discrimination. All persons who wish to Friend, Follow, Re-tweet, etc. must be allowed to do so.
2. Be careful in choosing who to Friend, Follow, what to Like, Re-tweet, etc. The City should not give the appearance of preference or endorsement to any particular vendors, products, or services. Each Bureau should have written criteria for these activities to avoid arbitrary decisions.

V. City Approved Social Media Tools

1. The Bureau of Technology Services will chair a committee, which will review and approve all new Social Media tools proposed for City use.
2. For each social media tool approved for use by the City operational and use guidelines will be developed and adopted.
3. The City approves the following social media tools:
 - a. Twitter
 - b. Facebook
 - c. Blogs
 - d. YouTube and Vimeo
 - e. Flickr

A. Twitter

Twitter is a micro-blogging tool that allows account holders to tweet up to 140 characters of information to followers. By creating and maintaining Twitter accounts, City Bureaus communicate information directly to their Twitter followers ("tweets"), alerting them to news and directing them to the City's website for more information. These standards are to be used in conjunction with the City Social Media Policy.

• Tweeting Guidelines

1. Each Bureau should have only one Twitter account, unless otherwise approved by the Bureau Director or designee. Account information, including usernames and passwords, should be kept on file with the Bureau.
2. The Bureau's Twitter bio should state that all tweets are subject to Oregon public disclosure laws. Additionally, where appropriate, explain that Twitter is not monitored for emergency response purposes. For all emergencies call 9-1-1.
3. Twitter usernames should begin with "Portland" or "PDX" (for example: PortlandBPS, PortlandPolice). In cases where the username is too many characters, begin with "PDX" (for example: PDXFire, PDXDevelopment).
4. Tweets should conform to the policies and procedures of the Bureau posting the information and be relevant, timely and informative.
5. Tweets should summarize information that is also available in other places.

6. Care should be taken to ensure that tweets are posted correctly the first time as Twitter does not allow for content editing or deletions after the initial posting.
7. Authorized Users for each Bureau need to be responsive to those who communicate via Twitter's @reply or direct message functions. Communications should be timely and consistent with existing protocols.

B. Facebook

The City's Facebook standard is designed for City Bureaus seeking to direct the public to the City website and to inform more people about City activities. These standards are to be used in conjunction with the City's Social Media Policy.

- **Establishing Facebook Page**

The Bureau Director or designee determines if the Bureau has a business need for a Facebook account, and should, in writing, designate one or more persons to be responsible for setting up, monitoring and responding to questions on Facebook.

- **Guidelines for using Facebook**

1. Type of Pages

- i. Each Bureau interested in using Facebook should create a Government Organization Page (rather than a Personal Account or Group). Facebook Pages offer distinct advantages including greater visibility, customization and measurability.
- ii. For type description, choose Government Organization.

2. Terms of Use and Disclaimers

Bureaus should include a mission statement and hyperlink to the City of Portland - Social Media Terms of Use, Prohibited Content and Disclaimer in accordance to the City's Social Media Policy.

3. Page naming

- i. Page name should be descriptive of the Bureau (for example, "Portland Water Bureau," Portland Police Bureau").
- ii. Bureaus should carefully choose the Page name, considering abbreviations, slang iterations, etc.
- iii. The Bureau Director or designee should approve the Page name.

4. Page administrators

- i. A successful Page requires "babysitting." The designated person(s) from the Bureau is/are responsible for monitoring the Facebook page. Posts should be approved by the designated person(s) from the Bureau or communications personnel.
- ii. The Bureau's designated Page administrator is responsible for making sure content is not stale.
- iii. Bureaus should designate one or more back-up Page administrators who can also update the Page. This can be helpful in emergencies.

5. Applications

- i. There are thousands of potential Facebook applications. Common applications can allow users to stream video and music, post photos, and view and subscribe to RSS feeds. While some applications may be useful to the page's mission, overuse of applications can cause clutter and security risks.

- ii. A Facebook application should not be used unless it serves a business purpose, adds to the user experience, comes from a trusted source and is approved by the Bureau Director or designee.
- iii. An application may be removed at any time if there is reason to think it is causing a security breach or spreading viruses.

C. Blogging

City blog sites provide the ability to publish articles and information related to City government. City blogs can facilitate further discussion by providing community members the opportunity to submit comments on City topics. Submission of comments by community members constitutes participation in a limited public forum.

- **Blogging Guidelines**

1. All City blogs should receive prior approval from a Bureau Director or designee.
2. All City blogs should contain a hyperlink to the City of Portland - Social Media Terms of Use, Prohibited Content and Disclaimer.
3. The City reserves the right to restrict or remove any content that is deemed in violation of this blogging policy, Social Media Policy, City of Portland - Social Media Terms of Use, Prohibited Content and Disclaimer or any applicable law.
4. Each City blog should include an introductory statement that clearly specifies the purpose and topical scope of the blog (the forum).
5. City blog moderators should allow blog comments that are topically related to the particular blog article and within the purpose of the limited public forum, with the exception of the prohibited content listed in City of Portland - Social Media Terms of Use, Prohibited Content and Disclaimer.
6. All City blog moderators should be trained regarding the terms of this City of Portland's Blogging Policy, including their responsibilities to review content submitted for posting to ensure compliance with the Policy.
7. All blog sites should clearly indicate that they are maintained by the City of Portland and should have City's contact information prominently displayed.

- **Author and Commenter Identification**

1. All City blog authors and public commenters should be clearly identified. Anonymous posting should be discouraged.
2. Enrollment of public commenters should be accompanied by valid contact information including a name and email address.

- **Ownership and Moderation**

1. The content of each City blog is the sole responsibility of the Bureau producing and using the blog and should be moderated by a designated City blog moderator.
2. The City blog moderator should review and approve all articles prior to publishing.
3. As comments on blogs can be immediately published, they should be reviewed frequently for inappropriate content, such as obscenity.

D. YouTube and Vimeo

Video sharing sites provide City officials the ability to publish content-rich audio/visual information related to Portland City government that can convey significantly more information than that of

written text and still pictures alone. The City encourages the use of video content to further the goals of the City and the missions of its Bureaus, where appropriate.

- **Establishing a YouTube or Vimeo Channel**

The most appropriate way to leverage video sites such as YouTube and Vimeo is to establish a video channel designated for all video content posted by the Bureau. By creating a channel, Bureaus have greater flexibility to customize the look and feel of the site to include City and/or Bureau specific branding, inform the viewer of the Bureau's mission and intent of the channel and to reference the City's Social Media Terms of Use, Prohibited Content and Disclaimer.

The Bureau Director or designee determines if the Bureau has a business need for a YouTube or Vimeo channel. The Bureau Director should designate one or more persons to be responsible for posting videos and comments and monitoring public comments.

- **Video Posting Guidelines**

1. The Bureau's Authorized User should be responsible for approving video content prior to publication.
2. Closed captioning should be used wherever possible and in full compliance with ADA laws. YouTube is preferred to Vimeo because of its ability to provide closed captioning capabilities through automatic speech-recognition.
3. Each Bureau should have only one YouTube or Vimeo channel, unless otherwise approved by the Bureau Director or designee.
4. Bureau video channel names should begin with "Portland" (for example: Portland Police, Portland Bureau of Transportation, etc.)
5. The quality of posted video should be comparable to DVD quality or better wherever possible. Lower quality video can be considered as long as audio is clear and any written content embedded in the video remains legible.
6. Links on the City's website to videos hosted on YouTube or Vimeo should only be used when the same content is not available through the City's existing video distribution system.
7. If comments to videos are enabled, all comments should be moderated by an Authorized User trained and assigned by the Bureau in creating and maintaining the video channel.

E. Flickr

Bureau Flickr accounts provide a way of sharing photos with community members and other staff. Authorized Users upload and tag photos to be used on websites or with other social media tools. Community members browse or search for photos using key words and can add comments and annotations to any photo. Authorized Users can create photo sets and collections to manage content.

- **Flickr Guidelines**

1. Account Setup
 - i. The Bureau Director or designee approves any creation of a Flickr account.
 - ii. Each Bureau should only have one Flickr account.
2. Terms of Use and Disclaimers
 - i. Bureaus should include a hyperlink to the City of Portland - Social Media Terms of Use, Prohibited Content and Disclaimer in accordance to the City's Social Media Policy.
 - ii. Including the Bureau's mission statement is recommended.

3. Settings

- i. Be aware of privacy setting. It is recommended that settings allow visibility to everyone.
- ii. Use the settings that denote who has permission to use the photo and how it may be used.

VI. Recommended Social Media Etiquette

1. Stick to your area of expertise.
2. Post meaningful, respectful comments—no spam and no remarks that are off-topic or offensive.
3. Always pause and think before posting.
4. Reply to comments in a timely manner, when a response is appropriate.
5. Respect proprietary information and content and confidentiality.
6. When disagreeing with others' opinions, be appropriate and polite.
7. If you make a mistake, admit it. Be upfront and be quick with your correction. If you're posting to a blog, you may choose to modify an earlier post—just make it clear that you have done so.
8. Remember that what you publish will be public for a long time.

VII. Frequently Asked Questions

1. What are the security risks associated with social media (like Facebook and Twitter especially).

Like many other online media, social media tools face evolving security threats from malware (malicious software) such as viruses and spam. Users should always have up to date anti-virus and anti-spyware software installed to minimize these threats. Additionally, users should never reveal their social media passwords to outside persons or entities. Spammers have been able to extract passwords from social media users for the purpose of propagating spam messages.

2. When can I delete a comment on my Bureau's social media?


A Bureau may not discriminate based on content or viewpoint. If the content is in context to the conversation, then Bureaus may not remove it because it is unfavorable to the City or the Bureau's position. The Bureau may reject content that fails to meet the Site's Terms of Use or the City's Social Media Policy, Terms of Use, Prohibited Content and Disclaimer (See Attachment B). Examples would be comments that use foul language, are offensive, denigrating, discriminatory or completely out of context. If you are unsure, consult the City Attorney's office.

3. What is the record retention policy for social media?

There is no policy based on media type (such as email). Record retention policies are based on content. For example, a post which was about a one-time event may have a one-year retention policy, whereas a response to a request for comments on proposed City policy may have a much longer retention policy. Bureau records retention schedules will guide these determinations.

Social Media Policy

Download:

 [Social Media Policy \(www.shrm.org/ResourcesAndTools/tools-and-samples/policies/Documents/Social%20Media%20Policy.docx\)](http://www.shrm.org/ResourcesAndTools/tools-and-samples/policies/Documents/Social%20Media%20Policy.docx)

This sample policy was ruled lawful by the NLRB (http://www.nlr.gov/news/acting-general-counsel-releases-report-employer-social-media-policies) in a May 2012 Operations Management Memo.

At [Employer], we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all associates who work for [Employer], or one of its subsidiary companies in the United States ([Employer]).

Managers and supervisors should use the supplemental Social Media Management Guidelines for additional guidance in administering the policy.

Guidelines

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with [Employer], as well as any other form of electronic communication.

The same principles and guidelines found in [Employer] policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of [Employer] or [Employer's] legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the [Employer] Statement of Ethics Policy, the [Employer] Information Policy and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful

Always be fair and courteous to fellow associates, customers, members, suppliers or people who work on behalf of [Employer]. Also, keep in mind that you are more likely to resolved work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using

statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about [Employer], fellow associates, members, customers, suppliers, people working on behalf of [Employer] or competitors.

Post only appropriate and respectful content

- Maintain the confidentiality of [Employer] trade secrets and private or confidential information. Trades secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell stocks or securities. Such online conduct may also violate the Insider Trading Policy.
- Do not create a link from your blog, website or other social networking site to a [Employer] website without identifying yourself as a [Employer] associate.
- Express only your personal opinions. Never represent yourself as a spokesperson for [Employer]. If [Employer] is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of [Employer], fellow associates, members, customers, suppliers or people working on behalf of [Employer]. If you do publish a blog or post online related to the work you do or subjects associated with [Employer], make it clear that you are not speaking on behalf of [Employer]. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of [Employer]."

Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the Company Equipment Policy. Do not use [Employer] email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited

[Employer] prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media contacts

Associates should not speak to the media on [Employer's] behalf without contacting the Corporate Affairs Department. All media inquiries should be directed to them.

For more information

If you have questions or need further guidance, please contact your HR representative.

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2.12.040 Use of city electronic communication and information processing facilities.

A. This section governs elected city officials' use of computers and computer software, telephones, voice mail, fax machines, photocopiers, and other electronic communication and information processing facilities owned or leased by the city (collectively, "electronic facilities").

1. Elected city officials may use electronic facilities to conduct city business; provided, that reasonable occasional personal use of such items is not prohibited. The city at any time may restrict or prohibit personal use of electronic facilities.
2. Elected city officials shall not use electronic facilities to:
 - a. Communicate a message that might be construed as discrimination or harassment, or offensive to others based on race, color, marital or veteran status, sex, disability, age, religion, national origin, or other legally protected status;
 - b. Solicit for a private business enterprise or for other personal gain;
 - c. Conduct any illegal activity;
 - d. Promote religious or political beliefs;
 - e. Support or oppose any candidate for public office, or ballot proposition.
3. Specifically, and without limiting the generality of the preceding subsections, an elected city official may not use electronic facilities to:
 - a. Create or send abusive or inappropriate email;
 - b. Use the Internet to participate in chat rooms and similar activities not related to official duties; or
 - c. Print, display, download, send or forward any sexually explicit or otherwise inappropriate or abusive images, messages, cartoons, or jokes.
4. Regardless of any permission for reasonable occasional personal use of electronic facilities, no elected official has any privacy interest in their use. Email and Internet communications, and other

computer files, can be retrieved and traced to the sender even after they have been “deleted.” In addition, in response to public records requests or in connection with legal proceedings, the city may be required to produce email messages, Internet communications, and other communications or files sent from, received by, or stored on electronic facilities. The city may at any time review, audit, and download email messages, Internet communications, and other communications or files that elected officials send from, receive by, or store on electronic facilities.

5. Elected officials must exercise special care in handling privileged, proprietary, confidential, or copyrighted information and communications. Any dissemination of such materials must be limited to persons with a legal right to access them. Almost all software is copyrighted.

6. Due to the city’s limited network and storage capacity, elected officials shall not download any programs, or graphic, video or audio files, to electronic facilities unless it is necessary for city business purposes and authorized by the city clerk and the management information systems division.

7. All traffic to and from the Internet must travel through the city’s approved Internet gateway in order to assure maximum security, virus protection, monitoring, and system management capabilities. Elected officials may be provided a city email account.

8. Any executable files, programs or utilities downloaded or received (by email, disk or other media) from the Internet or other external source must be scanned for viruses and licensed prior to launching. All files shall be scanned with anti-virus prevention software provided by the city. If the elected city official requires assistance in scanning for viruses or licensing software, please contact the city clerk and the management information systems division. Elected city officials are prohibited from using the city’s systems for transmission of destructive programs such as viruses or self-replicating code.

9. The city may assign passwords to elected officials for access to electronic facilities. Passwords are the property of the city, and elected city officials have no right of privacy in a password, or in the information to which the password gives access. For example, assigning an elected official a password to log on to a computer does not mean that the elected official’s use of that computer is in any way private; the city retains the right, at all times, to access data on the computer.

10. An elected city official shall promptly notify the city clerk of any loss or damage to electronic facilities for which the elected official is responsible, and pay the cost of repair or replacement of the lost or damaged electronic facilities.

11. The management information systems division will notify the city clerk of any misuse of electronic facilities by an elected city official. Upon a first report the city clerk will give the elected city official oral notice of the misuse. Upon a second report, the city clerk will give the elected official written notice of the misuse, and provide a copy of the notice to all other elected city officials. Upon a third report, the city clerk will ask for an executive session with the city council and mayor to discuss the matter and take action as needed. (Ord. 07-57 § 2, 2007)

The Wasilla Municipal Code is current through Ordinance 20-28, passed July 13, 2020.

Disclaimer: The Office of the City Clerk has the official version of the Wasilla Municipal Code. Users should contact the clerk's office for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.cityofwasilla.com](http://www.cityofwasilla.com)

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5.125 - Social Media

Effective Date: 07/01/19

Social media refers to digital communication platforms that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, microblogging sites, photo and video sharing sites, wikis, blogs, and news sites. Some examples of social media include:

- Facebook

- Twitter

- Instagram

- YouTube

- Reddit

- Tumblr

These policies address the use of social media in general and not one particular form.

5.125-POL 1– Department Use of Social Media

The Department endorses the secure use of social media as described below to enhance community engagement, information distribution, and neighborhood safety.

1. The Chief of Police Approves Official Department Social Media Accounts

Exception: This approval requirement does not apply to the Director of the Office of Police Accountability (OPA) or the OPA staff acting under the authority of the OPA

Director. However, this exception does not relieve the Director of the obligation to obtain approval from the Mayor's communications director per City policy.

2. Public Affairs Will Oversee all Official Department Social Media Accounts

3. The Department Will Clearly Identify its Official Social Media Accounts

Where possible, Department social media accounts shall prominently display the following information and/or statements:

- Department contact information and a link to the Department website

- That pages are maintained by the Department

- The purpose and scope of the Department's presence on the websites

- That the opinions expressed by visitors to the pages do not reflect the opinions of the Department

- That posted comments will be monitored and that the Department reserves the right to remove comments at its discretion such as obscenities, off-topic comments, personal attacks, any comments that jeopardize an ongoing investigation or prosecution, or that otherwise impair the Department's ability to provide effective law enforcement services to the community.

- That any content posted or submitted for posting is subject to public disclosure

4. Employees May Use Non-Official Social Media Accounts for Investigations

Any employees using non-official social media accounts for investigative purposes will obtain written permission from the Chief of Police, regardless of duty assignment.

These employees will maintain a log of all social media postings to non-official accounts.

5. Social Media Content is Subject to Information Technology and Records Management Laws and Policies

The City of Seattle Department of Information Technology stores and retains content from official Department social media accounts in compliance with open records laws and policies.

5.125-POL 2 – Employee Personal Use of Social Media

This policy covers employee personal use of social media affecting the workplace and/or the Department's ability to perform its public mission.

The Department recognizes the role that social media plays in the personal lives of some Department employees. However, the personal use of social media can have bearing on employees in their official capacity as they are held to a high standard by the community.

Engaging in prohibited speech outlined in this policy may provide grounds for discipline and may be used to undermine or impeach an officer's testimony in legal proceedings.

1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public

Employees may express themselves as private citizens on social media sites as long as employees do not:

- Make, share, or comment in support of any posting that includes harassment, threats of violence, or similar conduct

- Make, share, or comment in support of any posting that ridicules, maligns, disparages, expresses bias, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals

- Make, share, or comment in support of any posting that suggests that Department personnel are engaged in behavior reasonably considered to be unlawful or reckless toward public safety

- Otherwise violate any law or SPD policy

Employees shall make reasonable efforts to remove content appearing on their social media account that violates this policy upon learning of the offensive content.

2. Employees May Not Post Privileged Information or Represent the Department

Employees shall not post or otherwise disseminate any confidential information they have access to as a result of their employment with the Department.

Employees may not make any statements, appearances, endorsements, or publish materials that could reasonably be considered to represent the views or positions of the Department.

Exception: This section does not apply to the personnel outlined in Manual section 1.110- Media Relations.

3. Employees May Not Use Their City Email Address to Register a Personal Account on Social Media

Employees shall refer to Manual section 12.110 regarding personal use of City-owned equipment and devices to access the internet and email.