



CITY & BOROUGH of YAKUTAT
P.O. Box 160
Yakutat, Alaska 99689
Phone (907) 784-3323
Fax (907) 784-3281

NOTICE

**City and Borough of Yakutat, Alaska
Borough Assembly Special Meeting
August 20, 2020 5:00 p.m. City Hall**

The Borough Assembly shall conduct a Special Meeting on
Thursday, August 20, 2020 at 5:00 p.m. at City Hall.

While the Meeting is open to the public, the public is strongly encouraged to participate using the teleconference number. Individuals who wish to provide written comments to the Borough Assembly under Agenda Item Audience Participation, please contact the Borough Clerk at

907-784-3323 ext. 104 or

Email: admin@yakutatak.us no later than Thursday, August 20th at 4:30 p.m.

Teleconference Number: 1-800-528-2793

Code: 3182367

This Meeting will be aired on the local radio station.

KYKT 91.9 FM



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AGENDA

**City and Borough of Yakutat, Alaska
Borough Assembly Special Meeting
August 20, 2020 5:00 p.m. City Hall**

1. CALL TO ORDER:
2. ROLL CALL:
3. ADOPTION OF AGENDA:
4. MINUTES OF PREVIOUS MEETING: NONE
5. MANAGER' S REPORT:
6. COMMUNICATIONS AND APPEARANCE REQUESTS: NONE
7. AUDIENCE PARTICIPATION:
 - 7.1 IN PERSON PARTICIPATION
 - 7.2 PARTICIPATION BY WRITTEN COMMENT
 - 7.3 TELEPHONIC PARTICIPATION
8. HEARINGS, ORDINANCES AND RESOLUTIONS:

INTRODUCTION: NONE

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE:

- 8.1 ORDINANCE 20-675: AN ORDINANCE AMENDING SECTION 2.45.025 OF THE CODE OF THE CITY AND BOROUGH OF YAKUTAT, ALASKA.
- 8.2 ORDINANCE 20-676: AN ORDINANCE APPROPRIATING CARES ACT FUNDING IN THE AMOUNT OF \$1,579,859.03, RECEIVED BY THE BOROUGH THROUGH THE STATE OF ALASKA, DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT CORONAVIRUS RELIEF FUND.

RESOLUTIONS:

- 8.3 RESOLUTION 20-340: A RESOLUTION APPROVING THE SMALL BUSINESS ECONOMIC RELIEF GRANT PROGRAM FOR BUSINESSES IMPACTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, UTILIZING FUNDS FROM THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT).

9. OLD BUSINESS: NONE

10. NEW BUSINESS:

11. AUDIENCE PARTICIPATION:
 - 11.1 IN PERSON PARTICIPATION
 - 11.2 TELEPHONIC PARTICIPATION

12. MAYOR'S REPORT, ASSEMBLY MEMBERS COMMENTS:

13. ADJOURNMENT:

Sponsored by: J. Erickson, Borough
Manager

Introduced: 08-06-2020

Public Hearing Date: 08-20-2020

Date of Approval: _____

**CITY AND BOROUGH OF YAKUTAT, ALASKA
ORDINANCE 20-675**

AN ORDINANCE AMENDING SECTION 2.45.025 OF THE CODE OF THE CITY AND BOROUGH OF YAKUTAT, ALASKA.

Whereas, under state regulation, an experienced police officer who otherwise meets the qualifications for advanced certification must be employed by a police department within the State of Alaska for a minimum of 12 consecutive months in order to gain such certification by the Alaska Police Standards Council (APSC); and

Whereas, Borough Code currently requires such advanced certification for the position of Police Chief, thus making it difficult for experienced law enforcement personnel from either out-of-state, or from within state but in a law enforcement position with the state or federal government, to immediately qualify for the Borough Police Chief position; and

Whereas, the Assembly determines it would be beneficial to amend the Borough Code to allow the position of Police Chief up to 13 months to obtain the required advanced certification, and to add physical and mental capability requirements in accordance with state regulation.

THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF YAKUTAT, ALASKA as follows:

Section 1. Codification. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Purpose. The purpose of this Ordinance is to provide a 13-month period for a police officer to obtain advanced certification in order to hold the position of Borough Police Chief, and to add physical and mental capability requirements in accordance with state regulations.

Section 3. Substantive Provisions:

1. **Amendment.** Section 2.45.025, *Qualifications of Police Chief*, of the Code of the City and Borough of Yakutat, Alaska, is hereby amended to read as follows (the new language is in bold and underlined, and the language proposed for deletion is in brackets and struck through):

2.45.025 Qualifications of Police Chief.

- A. Minimum Qualifications. The Police Chief shall:
1. Be 21 years of age or older;
 2. be a U.S. citizen, or possess a legal right to accept employment in the United States;
 3. be a high school graduate or equivalent;
 - 4. be certified, as required by state regulation, to be physically and mentally capable of performing the essential functions of the position; and**
 - 5[4]. be of sound moral character.**
- B. The Police Chief shall be technically qualified through training and experience, shall have the ability to command people, and shall possess the following minimum certifications:[:;]
1. Basic Life Support provider and Emergency First Aid, which meets or exceeds the State requirements; and,
 2. **Within thirteen (13) months of commencing employment with the Borough, an Advanced Certificate issued by** ~~[Meet or exceed the minimum standards set forth by]~~ the Alaska Police Standards Council (APSC) ~~[in order to be certified as a Borough Police Officer, holding an Advanced Police Officer certificate issued by APSC]~~, or the equivalent certification from another state or jurisdiction.

Section 4. Severability. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application of other persons or circumstances shall not be affected.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED THIS _____ DAY OF _____, 2020.

CITY AND BOROUGH OF YAKUTAT, ALASKA

CINDY BREMNER
MAYOR

ALFREDO MUNOZ JR.
BOROUGH CLERK

Yakcode/Ord283

Sponsored by: Jon Erickson, Borough Manager
Introduced: 08-06-2020
Public Hearing Date: 08-20-2020
Date of Approval:

**CITY AND BOROUGH OF YAKUTAT, ALASKA
ORDINANCE 20-676**

AN ORDINANCE APPROPRIATING CARES ACT FUNDING IN THE AMOUNT OF \$1,579,859.03, RECEIVED BY THE BOROUGH THROUGH THE STATE OF ALASKA, DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT CORONAVIRUS RELIEF FUND.

WHEREAS, the Yakutat Borough has been allocated the amount of \$1,579,859.03 from funds received by the State of Alaska under the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

WHEREAS, on June 25, 2020, the Borough Assembly authorized receipt of those funds under Resolution #20-333; and

WHEREAS, those funds will be distributed by the State in three payments, as follows:

- (1) \$840,456.53
- (2) \$369,701.25
- (3) \$369,701.25

WHEREAS, the first payment has already been received, and the second and third payments will be distributed to the Borough once the Borough expends 80% of the preceding payment; and

WHEREAS, these funds may be used to assist the Borough in addressing the substantial and on-going expenses of municipal operations that have been and will be incurred due to the COVID-19 outbreak, and to provide economic support in connection with this public health emergency, including the provision of grants to small businesses that have suffered negative impacts due to COVID-19.

THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF YAKUTAT, ALASKA as follows:

Section 1. Codification. This is a budget ordinance and shall not be codified.

Section 2. Purpose. The purpose of this Ordinance is to appropriate CARES Act funding received, in the amount of \$1,579,859.03.

Section 3. Substantive Provisions:

The CARES Act funding shall be transferred into and distributed from the Borough's CARES Act Special Revenue Fund. The Assembly hereby appropriates the municipal

CARES Act funding received, in the amount of \$1,579,859.03, at the time that the funds become available and are distributed to the Borough, to be used as follows:

A. \$400,000 is appropriated for economic relief grants, including the Small Business Economic Relief Grant Program per the policy outlined in Resolution #20-340.

B. \$240,000 is appropriated for an ambulance, shipping, and related technical consultant.

C. \$100,000 is appropriated for a storage building for ambulance.

D. \$200,000 is appropriated for Boat Harbor wash station/bathroom/shower.

E. \$40,000 is appropriated for Community Garden wash station/bathroom.

F. \$15,000 is appropriated for pressure washer trailer.

G. \$90,000 is appropriated for health clinic contribution.

H. \$30,000 is appropriated for Tech-Ops to improve telework capabilities for public safety employees.

I. \$155,976 is appropriated to repay the Borough for payroll expense, includes benefits, for public safety employees from March 1, 2020 thru June 30, 2020.

J. \$54,298 is appropriated to repay the Borough for payroll expense, includes benefits, for CBY employees doing COVID-19 mitigation and response work March 1, 2020 thru June 30, 2020.

K. \$64,885 is appropriated for payroll expense, includes benefits, for public safety employees projected for the period of July 1, 2020 thru November 30, 2020.

L. \$20,000 is appropriated for payroll expense, includes benefits, for CBY employees doing COVID-19 mitigation and response work projected for the period July 1, 2020 thru November 30, 2020.

M. \$21,000 is appropriated to repay the Borough for BDO major program procedures related to CARES act funding, planning procedures for audit, and for work related to CARES funding calculations, including the small business economic relief grant program.

N. \$29,000 is appropriated for BDO for CARES act/federal single audit.

O. \$15,279 is appropriated to repay the Borough for Heideman Law Offices for March 1, 2020 thru June 30, 2020, COVID-19 legal services.

P. \$19,721 is appropriated for Heideman Law Offices for COVID-19 legal services projected for the period July 1, 2020 thru November 30, 2020.

Q.. \$79,700 is appropriated to repay the Borough for purchase of waste burner for

CBY Landfill.

R. \$5,000 is appropriated for COVID-19 supplies.

S. If less than the appropriated amount is spent on any item specified above, the unspent amount can be reallocated to any another use set out in paragraphs A through R. Any remaining balance is to remain in the Special Fund for additional COVID-19 related expenses through additional appropriation by the Borough Assembly.

Section 4. Severability. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application of other persons or circumstances shall not be affected.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED THIS _____ DAY OF _____, 2020.

CITY AND BOROUGH OF YAKUTAT, ALASKA

CINDY BREMNER
MAYOR

ALFREDO MUNOZ, JR.
BOROUGH CLERK

YAKCODEIORD284b

**CITY AND BOROUGH OF YAKUTAT, ALASKA
RESOLUTION 20-340**

A RESOLUTION APPROVING THE SMALL BUSINESS ECONOMIC RELIEF GRANT PROGRAM FOR BUSINESSES IMPACTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, UTILIZING FUNDS FROM THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT).

WHEREAS, on June 25, 2020, the Borough adopted Resolution #20-333, authorizing the Borough Manager to accept \$1,579,859 in funds from the State of Alaska, Department of Commerce, Community, and Economic Development, for necessary expenditures due to the COVID-19 public health emergency; and

WHEREAS, these funds were made available to the Borough through the CARES Act to cover necessary expenses incurred due to the public health emergency during the period that begins March 1, 2020 and ends on December 30, 2020; and

WHEREAS, on August 13, 2020, the Borough Assembly adopted Ordinance 2020-676, appropriating the funds into the CARES Act Special Revenue Fund, including the sum of \$400,000 for economic relief grants; and

WHEREAS, the Borough Assembly wishes to now disburse \$200,000 of this funding to small businesses within the Borough that have been adversely impacted due to the public health emergency, to help otherwise viable businesses remain viable and to support the residents and economy of the Borough; and

WHEREAS, it is in the best interests of the Borough to provide immediate financial assistance to eligible businesses.

THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF YAKUTAT, ALASKA as follows:

1. The City and Borough of Yakutat approves the Small Business Economic Relief Grant Program, as outlined in Attachment A, incorporated herein by reference. The Borough Manager is authorized and directed to implement the Program.
2. The Manager is further authorized to make minor amendments to the guidelines set out in Attachment A as necessary to comply with applicable federal and state guidelines and carry out the lawful and efficient administration and intent of the Program..

PASSED AND APPROVED THIS _____ DAY OF _____, 2020.

Cindy Bremner, Mayor

ATTEST:

Alfredo Munoz, Jr.
Borough Clerk

Reso092a



CITY & BOROUGH of YAKUTAT

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"Attachment A"

Small Business Economic Relief Grant Program

The City and Borough of Yakutat expects to receive \$1,579,859 in CARES Act funding to address the impacts of the COVID-19 pandemic. The Assembly held a work session to receive public input on expenditures of those funds, and to discuss ideas concerning how to provide economic relief to the community. The Assembly now wishes to set out the details of a program to disburse \$200,000 in CARES Act funds to small businesses which have suffered adverse economic impacts due to this public health-emergency.

Grant Award Amounts:

- \$1000.00 for businesses with 2019 gross revenues from retail sales/services/rentals of up to \$5000.00
- \$1500.00 for businesses with 2019 gross revenues from retail sales/services/rentals over \$5000.00 and up to \$25,000.00
- \$2000.00 for businesses with 2019 gross revenues from retail sales/services/rentals over \$25,000.00 and up to \$50,000.00
- \$2500.00 for businesses with 2019 gross revenues from retail sales/services/rentals over \$50,000.00 and up to \$100,000.00
- \$3,000.00 for businesses with 2019 gross revenues from retail sales/services/rentals of over \$100,000 and up to \$500,000
- \$3500.00 for businesses with 2019 gross revenues from retail sales/services/rentals of over \$500,000

Final grant awards will be determined by the number of eligible applicants, and grant awards will be prorated (up or down), based on the number of eligible grant applications received.

The names of the grantees, and the amounts received by each grantee, will be public information.

Eligibility:

1. The business must have been in existence during 2019, and as of January 1, 2020, and plan to remain in operations through the end of 2021.
2. The business must be located and have a physical presence within the Borough.
3. The business must hold a valid state and borough business license for 2020.
4. The business must have 50 or less full- and part-time employees, including seasonal employees.
5. 50% or more of the ownership of the business must be held by residents of the Borough, or the business must have employed at least one (1) resident of the Borough during 2019.
6. The business must be current in its borough sales and transient accommodation tax return filings and payments, and all other borough accounts (including without limitation water/sewer utilities and property tax payments).
7. The business and its owners must have no outstanding lawsuits, judgments, tax liens or criminal proceedings against them, unless adequately explained to the satisfaction of the Borough.
8. The business must have suffered adverse economic impacts due to the COVID-19 pandemic and related state mandates. Adverse economic impact include loss of revenue or increase of expenditures attributed to the COVID-19 health emergency. Adverse economic impact from loss of revenue will be presumed to be demonstrated by a ten percent (10%) or more reduction in gross revenues from retail sales of goods, services or rentals from 2019 to 2020. Applicants will be required to self-certify that they have been adversely impacted by the COVID-19 public health emergency and resulting economic impacts.
9. The program is open to all qualifying businesses, regardless of whether they have applied for or obtained any federal or state COVID-19 related assistance. Businesses currently in bankruptcy proceedings, or considering bankruptcy, are excluded from this program.

The application process will be open for a minimum of two weeks. At the close of the application deadline, the Borough will review and make award decisions based upon the eligibility criteria. Payments under the program are expected to commence in mid-September.

Eligible expenses: Grant funds may be spent only on COVID-19 emergency-related expenses (including those already incurred), as set out below.

- Payroll costs and expenses;

- Any short term (less than 24 months) or credit card debt incurred by the applicant to support the applicant's business during the emergency, provided the debt was incurred after March 11, 2020;
- Rent or mortgage payments (unless otherwise waived by lessor/lender);
- Utility payments;
- Purchase of personal protective equipment required by the business;
- Business related services and equipment; and
- Expenses incurred to replenish inventory or other necessary re-opening expenses.

Funds must be fully spent by a grantee by November 30, 2020. The Borough may request that grantees submit written reports listing expenditures, on a form provided by the Borough. Unspent funds must be returned to the Borough by December 15, 2020.

The Borough reserves the right to amend any criteria or procedures in order to comply with state or federal guidelines.