

Introduced by: Borough Manager
Requested By: Lands Committee
Drafted by: Resource Management Officer
Introduced on: 05/04/2017
Public Hearing Date: 05/18/2017
Amended: 05/18/2017
Adopted on: 05/18/2017

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2017-29**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING SECTIONS OF KODIAK ISLAND BOROUGH CODE TITLE 18 BOROUGH REAL PROPERTY, CHAPTER 18.20 REAL PROPERTY DISPOSAL – IN GENERAL, TO ADDRESS CERTAIN METHODS AND MEANS OF BOROUGH LAND DISPOSAL PROCESS

WHEREAS, the Kodiak Island Borough Lands Committee has reviewed KIBC Title 18 with the intent to suggest alternative disposal methods and means to encourage and permit Public/Private Partnerships as one of the tools that can be used to determine the ultimate development vision for borough lands slated for disposal generally; and

WHEREAS, the Borough Lands Committee has discussed the potential language changes recommended below as amendments to the Kodiak Island Borough Code of Ordinances over the course of several meetings in September through December of 2016; and

WHEREAS, the Borough Lands Committee has concluded its review and editing of proposed changes to KIBC Title 18 and hereby recommends the following amendments to the Kodiak Island Borough Code of Ordinances; and

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances.

Section 2: That KIBC Chapter 18.20 is hereby amended by adding a new section 18.20.085 to read:

18.20.085 Sales or Lease by request for proposals (RFP)

A. **Upon direction of the assembly, following a public hearing, the manager may dispose of borough real property by competitive request for proposals. Said lands shall be limited to those which have been approved for disposal by the assembly under KIBC 18.20.020.**

B. **The manager, subject to review by the assembly, shall prepare a request for proposals which includes:**

1. The borough-owned real property to be disposed of.

- 46 2. Terms and conditions of the disposal.
- 47 3. Intended use and limitations on use of the property.
- 48 4. Minimum requirements for use and development.
- 49 5. The deadline for submitting responses or development plans.

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51 **Section 3:** That section 18.20.090 of the Kodiak Island Borough Code of Ordinances is hereby
52 amended to read as follows:

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54 **18.20.090 Development plans and responses to a request for proposals.**

55 A. To qualify to bid for a disposal requiring a development plan or in response to a request
56 for proposals, a prospective bidder must shall meet the requirements of KIBC
57 18.20.090, submit to the manager plans for the contemplated development conforming to
58 the specifications in the request for bids or proposals.

59 ~~The time for submitting development plans shall be stated in the request for bids or~~
60 ~~proposals for the disposal. To qualify to bid for a disposal requiring a development plan or~~
61 ~~in response to request for proposals, prospective bidders must meet the requirements of~~
62 ~~KIBC 18.20.090.~~

63 ~~Development plans not meeting minimum standards will be returned to the applicant for~~
64 ~~revision and resubmission within 10 days after return to the applicant. Applicants submitting~~
65 ~~development plans failing to meet minimum standards shall not be qualified to bid. Each~~
66 ~~applicant submitting a development plan shall be notified in writing of the decision to accept~~
67 ~~or reject the individual's development plan. A respondent shall submit a proposal that~~
68 ~~conforms to the specifications in the request for proposals.~~

69 B. ~~Minimum standards of a development plan are as follows: The proposal responses shall~~
70 ~~provide:~~

71 ~~— 1. A layout sketch to show reasonable use of the area being offered and nature of~~
72 ~~improvements to be constructed;~~

73 ~~— 2. The estimated value of the capital improvements to be placed on the land and the~~
74 ~~type of construction;~~

75 ~~— 3. A development schedule showing the time frame in which the improvements will be~~
76 ~~constructed;~~

77 ~~— 4. The proposed development shall conform to the zoning and building codes and all~~
78 ~~applicable federal, state and local laws; and~~

79 ~~— 5. Other requirements as may be stated in the request for bids or proposals for the~~
80 ~~disposal.~~

81 1. A layout sketch, drawings, photographs, or other graphics showing reasonable
82 use of the area being offered and the nature of improvements to be constructed;

83 2. The estimated cost and value of the capital improvements to be placed on the
84 land and type of construction;

85 3. A development schedule showing a time-frame during which the improvements
86 will be constructed;

87 4. How the proposed development shall conform to the zoning and building codes,
88 and all applicable federal, state and local laws;

89 5. How the proposal meets the goals of the request for proposals;

- 90 6. The short and long-term direct and indirect financial benefits the proposal
91 provides to the borough;
92 7. The short and long-term direct and indirect benefits, other than financial, that
93 the proposal provides to the borough;
94 8. The short and long-term financial or other obligations the proposal places on the
95 borough;
96 9. Creditable evidence, acceptable to the borough, that the person can meet the
97 obligations, other than financial, as contained in their proposal;
98 ~~10. The rents or resale prices to be charged by the proposer; and~~
99 10. Other requirements as may be stated in the request for proposals.

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101 ~~E. The manager may require proof of an applicant's financial capability to complete the~~
102 ~~proposed development.~~

103 C. Proposals that fail to meet the minimum standards as set forth above shall be
104 considered non-responsive.

105 ~~F. The development plan and schedule for development may be incorporated into the disposal~~
106 ~~contract for enforcement of its completion.~~

107 D. After a public hearing, proposals shall be evaluated based on short and long-term
108 benefit to the borough, how the proposal addresses the request for proposals, and
109 other factors as may be determined by the manager.

110 E. An apparent successful proposal shall be selected within 30 to 120 days of the
111 proposal submittal date.

112 F. A successful proposal may be selected and be awarded that is not based solely on
113 the highest immediate financial return to the borough, but on the proposal that
114 provides the most overall short and long-term benefit to the borough.

115 G. The manager may require proof of the proposer's financial capability to complete the
116 proposed development. The financial information submitted by the proposer shall be
117 considered as confidential and not be made available to the public or become part of
118 any public records.

119 H. Negotiations may commence with the apparent successful proposer to refine the
120 proposal and terms and conditions to meet the overall objectives of the borough.

121 I. Negotiations with a proposer shall continue until either an agreement or an impasse
122 is reached. If an impasse is reached, the borough may commence negotiations with
123 the applicant with the next highest rated proposal.

124 J. The apparent successful proposal must be approved by the borough assembly. A
125 best interest finding prepared by the manager must accompany the recommendation
126 to the borough assembly. In the best interest finding it must be stated how the
127 proposal meets the objectives of the request for proposal and how the proposal is in
128 the best interest of the borough.

129 K. The development plan and schedule for development may be incorporated into a
130 disposal or development contract for enforcement of its terms, conditions, and
131 completion.

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133 **Effective Date:** This ordinance takes effect upon adoption.

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**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS EIGHTEENTH DAY OF MAY, 2017.**

KODIAK ISLAND BOROUGH

ATTEST:



Daniel A. Rohrer, Mayor



Nova M. Javier, MMC, Clerk

UNANIMOUS VOTES:

Ayes: Smiley, Symmons, Townsend, Van Daele, Crow, LeDoux, Skinner