

**NORTHWEST ARCTIC BOROUGH ASSEMBLY  
ORDINANCE 13-06**

**AN ORDINANCE OF THE NORTHWEST ARCTIC BOROUGH  
ASSEMBLY REVISING TITLE 10 OF THE BOROUGH CODE, AND  
FOR RELATED PURPOSES**

**WHEREAS:** the Borough administration has endeavored to streamline the Borough Code, focusing on eliminating redundancies; and

**WHEREAS:** the Assembly has determined that it is in the Borough's best interest to revise Title 10 of the Borough Code to better serve the Borough and its residents.

**NOW THEREFORE BE IT ENACTED:** by the Northwest Arctic Borough Assembly as follows:

**Section 1:** Title 10 of the Borough Code is amended as follows with additions indicated by underlining in bold and deletions by ~~strikethrough~~ in bold:

**Chapter 10.04**

**DEPARTMENT OF PUBLIC SERVICES**

**Sections:**

- 10.04.010 Established.**
- 10.04.020 Supervision.**
- 10.04.030 Duties of the department.**

**10.04.010 Established.**

There is established a public services department. (Ord. 02-04 § 1, 2002)

**10.04.020 Supervision.**

The public services department shall be supervised by the public services director. (Ord. 02-04 § 1, 2002)

**10.04.030 Duties of the department.**

The public services department shall administer all borough activities relative to borough administered capital projects, public works, and public safety. These duties may include functions in the fields of firefighting, law enforcement, transportation, disaster response and coordination, or other public safety functions consistent with such powers as the borough may from time to time adopt. The department will also serve as staff support to the public safety commission and the Northwest Arctic Local Emergency Planning Committee. (Ord 13-06, 2013; Ord. 02-04 § 1, 2002)

**Chapter 10.06**  
**PUBLIC SAFETY COMMISSION**

**Sections:**

**10.06.005 Established.**

**10.06.010 Functions.**

**10.06.020 Organization.**

~~10.06.030 Chair Authority.~~

~~10.06.040 Committees.~~

~~10.06.050 Meetings.~~

**10.06.005 Established.**

The borough public safety commission, hereafter called the “NABPSC,” is established in order to improve all aspects of public safety and law enforcement for the people of the borough by identifying public safety needs, identifying resources available, and to establish and implement strategies and comprehensive plans to meet those needs. (Ord. 06-03 § 2, 2006; Ord. 03-04 § 1, 2003; Ord. 02-04 § 2, 2002)

**10.06.010 Functions.**

The NABPSC shall perform the following functions:

- A. Review and make recommendations on all aspects of public safety and law enforcement that come before the assembly and the mayor’s administration;
- B. Identify and promote services designed to encourage public safety and law enforcement in local communities and enforcement agencies within the borough;
- C. Collect and distribute information relevant to the identified borough public safety and law enforcement issues;
- D. Coordinate between government of all levels, agencies, and the borough residents in implementing public safety and law enforcement activities, including enforcement of the borough code;
- E. Recommend, review and monitor strategies, policies and standards for the development and maintenance of safe trails, roads and other routes of transportation;
- F. Adopt reasonable rules and procedures for the conduct of its meetings;
- G. The NABPSC shall present to the assembly and mayor a five-year comprehensive plan to address public safety and law enforcement issues identified by borough residents as well as an annual report outlining a yearly strategy to implement the plan, including requests for funding of NABPSC activities. (Ord. 06-03 § 3, 2006; Ord. 03-04 § 1, 2003; Ord. 02-04 § 2, 2002)

### **10.06.020 Organization.**

The NABPSC shall be organized as follows:

#### **Membership.**

A. The NABPSC will be composed of one member from each community in the borough. The mayor will solicit letters of interest from community residents, select the most qualified candidates using criteria set forth in subsection (B) of this section, and present the candidate(s) to the assembly for confirmation.

B. When appointing NABPSC members, the mayor and assembly shall consider the following: the ability and character of members to represent the borough as a whole, the necessary expertise to identify public safety needs, identify resources available, and to establish and implement a strategy and comprehensive plan to meet those needs. Candidates with past felony convictions will not be considered unless they have been pardoned or otherwise had their convictions expunged from the official criminal record. A commissioner charged with or convicted of a felony while a member of the NABPSC shall be ineligible to continue to sit on the NABPSC. (Ord. 13-06, 2013, Ord. 06-03 § 4, 2006; Ord. 03-07 § 2, 2003; Ord. 03-04 § 1, 2003; Ord. 02-04 § 2, 2002)

~~C. Members shall be appointed for a term of three years. Members first appointed shall draw lots of one-, two-, and three-year terms. Appointments to fill vacancies are for the unexpired term.~~

~~D. A record of commissioner attendance shall be maintained for each meeting. Commissioners are required to participate in at least three of the four regularly scheduled meetings in a calendar year.~~

~~E. Seat vacancies shall occur when a commissioner relocates to a residence outside of the community he or she represents, submits a letter of resignation to the mayor, is removed by the NABPSC chair for violation of the attendance policy, or otherwise becomes ineligible for appointment to or to sit on the NABPSC. A commissioner who becomes ineligible shall be offered the opportunity to resign and may thereafter be removed by direction of the mayor.~~

~~F. Each member of the NABPSC shall receive compensation at the rate of \$100.00 for each meeting day of the commission attended. Compensation shall be paid at the rate of \$50.00 per day of attendance at a convention, conference or similar gathering. Compensation does not include per diem which may be paid separately.~~

~~G. At its first meeting and annually thereafter, the NABPSC shall elect a chair to conduct its affairs, and a vice chair to serve if the chair is absent or otherwise unable to participate in NABPSC business.~~

~~H. The mayor and assembly president may participate in NABPSC meetings as ex-officio, nonvoting members. Maniilaq Association Emergency Medical Services, Maniilaq Manpower Village Public Safety Officer Program, Alaska State Troopers, Division of Family and Youth Services, Maniilaq Social Services, NANA Search and Rescue, Regional Elders Council, and similar organizations may be requested to serve as resource organizations. (Ord. 06-03 § 4, 2006; Ord. 03-07 § 2, 2003; Ord. 03-04 § 1, 2003; Ord. 02-04 § 2, 2002)~~

~~10.06.030 Chair—Authority.~~

~~The chair shall preside at all meetings of the NABPSC. The chair has the authority to create, appoint, and discharge committees subject to the approval of the NABPSC, call meetings, and retains the right and the responsibility to partake in the deliberations and voting on all matters. In the absence of the chair, the vice chair has these authorities. (Ord. 03-04 § 1, 2003; Ord. 02-04 § 2, 2002)~~

~~10.06.040 Committees.~~

~~Committees of the NABPSC may be established by the chair, subject to the committee and its membership being approved by the NABPSC. All committee meetings are subject to compliance with the Open Meetings Act. (Ord. 03-04 § 1, 2003; Ord. 02-04 § 2, 2002)~~

~~10.06.050 Meetings.~~

~~A. Regular meetings of the NABPSC shall be held at least once during each quarter of the year. Such meetings shall be scheduled by the chair and are subject to the Open Meetings Act.~~

~~B. Special meetings of the NABPSC may be called by the chair or by the vice chair in the chair's absence, or by written request of any three members.~~

~~C. Each commissioner shall be entitled to one vote on all matters brought to the NABPSC. All voting shall be recorded.~~

~~D. A quorum for the transaction of business shall consist of at least six of the members of the NABPSC.~~

~~E. All meetings of the NABPSC shall be open to the public and reasonable notice of such meetings shall be provided.~~

~~F. Meeting minutes shall be prepared by the borough clerk to provide a complete record of actions by the NABPSC. Minutes shall be validated by the signature of the chair. (Ord. 03-04 § 1, 2003; Ord. 02-04 § 2, 2002)~~

## Chapter 10.10

## **OFFICE OF EMERGENCY MANAGEMENT (OEM)**

### **Sections:**

- 10.10.010 Established.**
- 10.10.020 Supervision.**
- 10.10.030 OEM duties.**
- 10.10.040 Definitions.**
- 10.10.050 National incident management system.**
- 10.10.060 Responsibility of mayor concerning disasters.**
- 10.10.070 Financing.**
- 10.10.080 Compensation.**
- 10.10.090 Governmental or private liability.**
- 10.10.100 Disaster prevention.**
- 10.10.110 Limitations.**
- 10.10.120 Administration.**
- 10.10.130 Northwest Arctic local emergency planning committee.**
- 10.10.140 Suspension of conflicting orders, rules, ordinances and regulations.**
- 10.10.150 Limitation of liability.**

### **10.10.010 Established.**

There is established an office of emergency management (OEM) within the borough public services department. (Ord. 10-16, 2011)

### **10.10.020 Supervision.**

The OEM shall be supervised by the public services director. Unless otherwise designated in writing by the mayor, the public services director shall also serve as the borough's emergency coordinator as required under AS 26.23.060(d) and 26.23.075(a)(3). (Ord. 10-16, 2011)

### **10.10.030 OEM duties.**

The OEM shall administer all borough activities relative to emergency management. These specifically include emergency preparedness and planning, mitigation, and response and recovery activities in cooperation with the Northwest Arctic local emergency planning committee (NALEPC) as provided in state and federal law. (Ord. 10-16, 2011)

### **10.10.040 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Attack” means a direct or indirect assault against the borough, its government, its environs or of the nation by forces of a hostile nation or the agents thereof, including assault by bombing, sabotage, or radiological, chemical, or biological warfare.

“Civil defense,” in its broad meaning, is to carry out the basic governmental functions of maintaining public peace, health and safety during a civil emergency. This shall include plans and preparation for protection, relief, recovery, and rehabilitation from the effects of an attack on the borough by the force of an enemy nation or the agents thereof, and it shall include such activities in connection with a civil emergency as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

“Civil defense forces” means the employees, equipment and facilities of all borough and village departments, boards, institutions, and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

“Civil defense volunteer” means any person duly registered, identified, and appointed by the coordinator of the disaster assistance agency and assigned to participate in the civil defense activity.

“Civil disorder” means a public disturbance involving:

A. An act or acts of violence by one or more persons, part of an assemblage of four or more persons, which act or acts constitute a clear and present danger of, or result in damage or injury to, the property of any other person or to the person of any other individual; or

B. A threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of four or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in damage or injury to the property of any other person or to the person of any other individual.

“Civil emergency” means:

A. A civil disorder.

B. A disaster or manmade calamity.

“Curfew” means a prohibition against any person walking, running, loitering, standing or operating a vehicle upon any public property, alley, sidewalk, thoroughfare, vehicle parking area or vacant premises within the borough, except as required for persons officially designated to duty with reference to the civil emergency.

“Director” means the mayor or his/her designee alternate duly appointed in accordance with law.

“Disaster” includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, earthquake, epidemic or other impending or actual calamity endangering or threatening to endanger health, life, and property of constituted government.

“Intoxicating liquor” means whiskey, brandy, rum, gin, wine, ale, port, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended or used for human consumption and containing more than one percent alcohol by volume.

“Regulation” includes plans, programs and other emergency procedures deemed essential to civil defense.

“Volunteer” means contributing a service, equipment or facilities to the defense organization

without remuneration. (Ord. 10-16, 2011)

**10.10.050 National incident management system.**

The Northwest Arctic Borough hereby adopts the national incident management system (NIMS) as its system for preparing for and responding to disaster incidents. NIMS includes the use of the incident command system (ICS) for responding to and managing disasters. (Ord. 10-16, 2011)

**10.10.060 Responsibility of mayor concerning disasters.**

- A. The mayor is responsible for meeting the dangers presented by disasters to the borough and its people.
- B. The mayor may issue orders, proclamations and regulations to carry out the purpose of this chapter, and amend or rescind them. These orders, proclamations and regulations have the force of law.
- C. An order, proclamation or regulation issued under this chapter shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless prevented by extenuating circumstances, a copy will be filed with the borough clerk and any city clerks within the borough.
- D. A condition of disaster emergency shall be declared by proclamation of the mayor if the mayor finds that a disaster has occurred or that such an occurrence is imminent or threatened. If the assembly is not in session when a proclamation is issued, concurrently with the issuance of the proclamation, a special session of the assembly will be requested to ratify the actions taken under this chapter. The emergency proclaimed in accordance with the provisions of this section shall terminate after seven days from the issuance of a proclamation, or upon issuance of a proclamation or resolution of the assembly declaring that an emergency no longer exists, whichever occurs first, except that such emergency may be extended for additional periods of time as deemed necessary by resolution of the assembly under AS 26.23.140. All proclamations issued under this provision shall indicate the nature of the disaster, the area or areas threatened or affected, and the conditions which have brought it about or which make possible the termination of the disaster emergency. A copy of all proclamations issued under this provision shall, if possible, be sent to the Alaska ~~Department~~ Division of Military and Veterans Affairs and the Department of Homeland Security and Emergency Management.
- E. A proclamation of a disaster emergency activates the disaster response and recovery plans of the borough, local and inter-jurisdictional disaster emergency plans, and constitutes authority for the deployment and use of any civil defense forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials and facilities assembled, stockpiled or arranged to be made available under this chapter or any other provision of law relating to disaster emergency response.
- F. During the effective period of a disaster emergency, the mayor is the director of all civil defense and other unorganized forces available for emergency duty. The mayor may delegate or assign direction authority by appropriate orders or regulations.

G. In addition to any other powers conferred upon the mayor by law, the mayor may, under this chapter:

1. Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of borough business, or the orders or regulations of any borough department, if compliance with the provisions of the statute, order or regulation would prevent or substantially impede or delay action necessary to cope with the disaster emergency;
2. Use all the resources of the borough government and of each political subdivision of the borough as reasonably necessary to cope with the disaster emergency;
3. Transfer personnel or alter the functions of borough departments and offices or units of them for the purpose of performing or facilitating the performance of disaster emergency services;
4. Subject to any applicable requirements for compensation under NABC ~~2.32.090~~ 10.10.080, commandeer or utilize any private property, except for all news media, other than as specifically provided for in this chapter, if the mayor considers them necessary to cope with the disaster emergency;
5. Direct and compel the relocation of all or part of the population from any stricken or threatened area in the borough, if the mayor considers relocation necessary for the preservation of life or for other disaster mitigation purposes;
6. Prescribe routes, modes of transportation, and destinations in connection with necessary relocation;
7. Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in it;
8. Make provisions for the availability and use of temporary emergency housing;
9. Allocate, ration, or redistribute food, water, fuel, clothing and other items the mayor deems necessary.
10. Obtain vital supplies, equipment and other property found lacking and needed for the protection of the health, life and property of the people, and bind the borough for the fair value thereof.

H. The mayor shall order civil defense forces to the aid of other communities when required in accordance with state statutes and may request the state or a political subdivision of the state to send aid to the Northwest Arctic Borough in case of disaster when conditions in the borough are beyond the control of local civil defense forces. (Ord 13-06, 2013, Ord. 10-16, 2011)

**10.10.070 Financing.**

A. It is the intent of the assembly and the administration, and declared to be the policy of the borough, that funds to meet disaster emergencies will always be available.

B. Whenever and to the extent that money is needed to cope with disaster, the first recourse shall be to funds regularly appropriated to local agencies. If money available from these sources is insufficient, the mayor may, notwithstanding any limitation imposed by ~~local ordinance~~ **this Code**, transfer or spend money appropriated for other purposes or, in situations involving natural or manmade disasters, borrow from the state or federal government or other public or private sources for a term not to exceed one year.

C. Nothing in this section limits the mayor's authority to apply for, receive, administer and spend grants, gifts or payments from any source, to aid in disaster prevention, preparedness, response, or recovery. (Ord 13-06, 2013, Ord. 10-16, 2011)

**10.10.080 Compensation.**

A. No personal services may be compensated by the borough or any political subdivision or agency of it, except in accordance with Alaska law or local ordinance.

B. Compensation for property shall be made only if the property was commandeered or otherwise used in coping with a disaster emergency, and its use or destruction was ordered by the mayor or by a member of the disaster emergency forces of this borough who is authorized by the disaster assistance agency to issue such an order.

C. Any person claiming compensation for the use, damage, loss, or destruction of property occasioned by action taken under this chapter shall file a claim for that compensation with the disaster assistance agency in the form and manner required by that office.

D. Unless the amount of compensation resulting from property damaged, lost or destroyed is agreed to in writing between the claimant and the disaster assistance agency, the amount of compensation shall be calculated in the same manner as compensation due for taking of property under the condemnation laws of the state.

E. The borough shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of the borough or the representatives of the deceased members of those forces in the event those members sustain injuries or are killed while rendering aid under this chapter, provided those members are not already covered by a comparable form of insurance or health benefits plan. (Ord. 10-16, 2011)

**10.10.090 Governmental or private liability.**

A. This chapter is an exercise by the borough of its governmental functions for the protection of the public peace, health and safety, and neither the borough, nor agents and representatives of the borough, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this chapter, shall be liable for any damage sustained to persons or property as the result of the activity.

B. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the borough the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an

actual, impending or practice civil emergency or enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person. (Ord. 10-16, 2011)

**10.10.100 Disaster prevention.**

A. In addition to the disaster prevention measures, as included in the borough and local disaster plans, the mayor shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of disasters. At the mayor's direction, borough departments, including but not limited to those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, and land use planning, shall make studies of disaster prevention-related matters. The mayor, from time to time, shall make recommendations to the assembly and other appropriate public and private entities that may facilitate measures for the prevention or reduction of the harmful consequences of disasters.

B. Appropriate departments, in conjunction with the office of emergency management, shall keep land uses and location of other structures and facilities under continuing study, and identify areas that are particularly susceptible to severe land shifting, subsidence, flooding or other catastrophic occurrence. The studies under this section shall concentrate on means of reducing or avoiding the dangers caused by this occurrence or the consequences of it.

C. If the office of emergency management believes, on the basis of the studies or other competent evidence and after consultation with the appropriate local planning agencies, that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land use regulations, or building requirements are essential in order to further the purpose of this section, it shall specify the essential changes to the mayor. (Ord. 10-16, 2011)

**10.10.110 Limitations.**

Nothing in this chapter shall:

A. Interfere with or allow interference with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing damage to public health or safety;

B. Interfere with or allow interference with dissemination of news or comment on public affairs, but any communications facility or organization (including, but not limited to, radio, television, wire services and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency, in a manner which encroaches as little as possible on the normal functions of the news media;

C. Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the Armed Forces of the United States or of any personnel of them when on active duty, but local disaster emergency plans shall place reliance upon the civil defense forces available for performance of functions related to disaster emergencies; or

D. Limit, modify or abridge the authority of the mayor to proclaim martial law, or exercise any other powers vested in the mayor's office by law independent of, or in conjunction with, any provision of this chapter. (Ord. 10-16, 2011)

**10.10.120 Administration.**

This chapter shall be administered by the office of emergency management, which is responsible to and which may receive delegations of authority from the mayor. (Ord. 10-16, 2011)

**10.10.130 Northwest Arctic local emergency planning committee.**

The Northwest Arctic Local Emergency Planning Committee (NALEPC) is established by the State of Alaska Emergency Response Commission under A.S. 26.23. The borough shall support the NALEPC as directed by the mayor and authorized by the assembly. Subject to assembly appropriation, NALEPC members shall receive compensation at the rate of \$100.00 for each meeting day of the committee attended. Compensation shall be paid at the rate of \$50.00 per attendance at a convention, conference or similar gathering. Compensation does not include per diem, which may be paid separately. (Ord 13-06, 2013, Ord. 10-16, 2011).

~~A.— In conjunction with AS 46.13.010 that established the State Emergency Response Commission in Alaska, and through a memorandum of agreement with the Northwest Arctic Borough, for the purpose of complying with Public Law 99-499, the Superfund Amendment and Reauthorization Act of 1986 (SARA); the Federal Register, April 22, 2007, Environmental Protection Agency; 40 CFR Parts 300 and 355, as amended, as well as the State Emergency Response Commission (SERC) Policy Nos. 90-02 and 91-1, the mayor may appoint members to the Northwest Arctic local emergency planning committee (NALEPC).~~

~~B.— The NALEPC shall:~~

- ~~1.— Identify potential hazards within the Northwest Arctic Borough;~~
- ~~2.— Analyze present capabilities for response to identified hazards;~~
- ~~3.— Develop mutual cooperation between industry and government in preparing for responses to all potential hazards—both manmade and natural;~~
- ~~4.— Coordinate the development, review, revision, and implementation of portions of the local emergency operations plan (EOP) concerning hazardous material identification, hazardous incident response, and response to natural hazards;~~
- ~~5.— Conduct an ongoing review program to establish additional requirements to ensure safe and adequate response to all hazards.~~

~~C.— Membership. Membership on the NALEPC shall be by recommendation to the borough mayor and in accordance with AS 26.23.073, and shall be subject to the approval of the SERC. A member whose initial term has expired, but has reapplied for~~

~~the same seat, does not need SERC approval once he or she has received mayoral approval.~~

~~D.— Attendance at Meetings. All members of the committee are expected to attend at least 50 percent of the meetings held in any calendar year, unless excused. A committee member will be excused from a meeting for a good cause and upon submission of the NALEPC excusal form, which must be received by the NALEPC chairperson or NALEPC coordinator. No more than three excused absences may be approved by the chairperson within one calendar year. Members unable to attend a scheduled meeting should notify their respective alternate and forward all meeting materials to him/her in a timely manner prior to the meeting.~~

~~E.— Expulsion. If at any time, according to the attendance record included in the meeting minutes of the committee, a member has been found not to fulfill the attendance requirements, that member may be subject to expulsion by a majority vote of the committee in attendance.~~

~~F.— Alternate Representatives. At all times, members of the committee shall strive to have alternate members for each seat. These alternates shall be recommended for membership by the borough mayor and approved by the SERC for their initial term and should be from the same vocational discipline as the regular member. Alternates are encouraged to attend all meetings.~~

~~G.— Filling Vacancies and Seating Additional New Members. Should vacancies occur on the committee, they shall be filled in accordance with procedures as outlined in the SERC policy. members voluntarily vacating seats for any reason Must notify the NALEPC chairperson in writing. Seats must be filled within 90 days of the vacancy. The borough mayor shall recommend persons to fill vacancies following proper advertisement of said vacancy, and shall forward the name(s) to the SERC for approval. If the person vacating the seat reapplies for that same seat, and the borough mayor so desires him or her to continue for another term, then only mayoral approval is necessary. If the NALEPC fails to properly advertise and/or fill the vacancy, the SERC may request an explanation and may make an appointment to the NALEPC if no replacement is recommended. If the NALEPC has followed the advertisement procedure and has not found qualified applicants, the SERC does not have authority to make appointments for that category.~~

~~H.— A new seat is created by amendment of the bylaws. The members shall be seated by the procedure in subsection (G) of this section.~~

~~I.— Number of Members. The committee shall consist of 28 members, filling the following seats:~~

<del>Category A:</del>	<del>Two seats</del>	<del>Borough mayor or designee</del>
<del>Category B:</del>	<del>Six seats</del>	<del>Fire, law enforcement, airport/DOT, hospital, EMS, public health, and</del>

		<b>local environmental</b>
<b>Category C:</b>	<b>One seat</b>	<b>Media, radio</b>
<b>Category D:</b>	<b>Eleven seats</b>	<b>Community group from each LEPD Community</b>
<b>Category E:</b>	<b>Three seats</b>	<b>Facility owner/operators</b>
<b>Category F:</b>	<b>One seat</b>	<b>Representative of the regional emergency coordination/planning organization</b>
<b>Category G:</b>	<b>One seat</b>	<b>Transporter of E/HS</b>
<b>Category H:</b>	<b>One seat</b>	<b>Public and not described above</b>
<b>Category I:</b>	<b>One seat</b>	<b>Civil defense</b>
<b>Category J:</b>	<b>One seat</b>	<b>Northwest Arctic Borough school district</b>

**J. — Conduct of Members.** ~~At all times while representing the NALEPC, conducting NALEPC business, or traveling for NALEPC activities, members shall conduct themselves with the decorum and ethical standards generally accepted as appropriate for government officials. Members failing to conduct themselves in this fashion may be subject to expulsion from the committee by a majority vote of the committee in attendance.~~

**K. — Officers.** ~~The officers of the committee shall be a chairperson, vice chairperson, secretary, information coordinator, and community emergency coordinator. Officers shall be elected on an annual basis at the first meeting of the fiscal year (beginning July 1st).~~

~~1. — Chairperson.~~ ~~The chairperson of the NALEPC shall be elected by the members of the committee. The chairperson shall preside at all meetings of the committee, be responsible for preserving order and decorum, and submit information and recommendations as considered proper concerning the business, affairs, and policies of the committee. The chairperson shall ensure, or delegate the vice chairperson to ensure, any information gathered by the committee is stored at the offices of the NAB. The chairperson or designee will attend each quarterly NALEPC association/SERC meeting and represent the interests of the NALEPC.~~

~~2. — Vice Chairperson.~~ ~~The vice chairperson shall be elected by the members of the committee. The vice chairperson shall perform the duties of the chairperson in the absence or incapacity of the chairperson. In the event the chairperson should resign or otherwise become unable to perform his/her duties, the vice chairperson shall perform such duties until a new chairperson is duly elected. The vice chairperson~~

~~shall exercise such additional authority on behalf of the committee as is delegated by the chairperson.~~

~~3.—Secretary. Per a memorandum of agreement (MOA) between the NALEPC and the NAB, the duties of the secretary will be performed by the NAB deputy clerk or designee. These duties shall consist of recording, transposing, and publishing of meeting minutes, as well as other duties as may be requested by the chairperson. In the absence of such memorandum, the committee shall elect a secretary of its membership.~~

~~L.—Meeting Requirements. The full NALEPC membership shall endeavor to meet quarterly in advance of the quarterly SERC meetings and NALEPC association meetings, or no less than semi-annually. The date, time and place of the meetings shall be determined by the chairperson, and the membership shall be notified in writing at least 15 working days prior to the meeting date. All NALEPC meetings shall be conducted using a formal agenda, which will include:~~

- ~~1.—Call to order, roll call.~~
- ~~2.—Invocation or moment of silence.~~
- ~~3.—Approval of agenda.~~
- ~~4.—Approval of minutes of previous meeting.~~
- ~~5.—Correspondence or communications.~~
- ~~6.—Comments from the public (30-minute time limit, total, all speakers).~~
- ~~7.—Reports: including coordinator's report, subcommittee reports, reports on the right-to-know inquiries, budget status report.~~
- ~~8.—Unfinished business.~~
- ~~9.—New business.~~
- ~~10.—Committee members' comments.~~
- ~~11.—Adjournment.~~

~~M.—Quorum. No official meeting shall take place unless a quorum is established. A quorum shall consist of 33 percent of the currently seated membership, who attend in person or by teleconference.~~

~~N.—Manner of Voting. Voting on all questions coming before the committee shall be by voice vote, unless roll call vote is requested by a committee member regarding a particular matter. When a roll call vote is requested, the yea and nay votes shall be~~

~~recorded in the meeting minutes. The chairperson shall vote on all motions. Unless otherwise stated in these bylaws, motions shall be approved when a majority of members present at a meeting vote in the affirmative (“yea” or “aye” or “yes”).~~

~~O.— Voting Members. Each “seat” shall have one vote. Alternate members shall vote only in the absence of the regular member. Any voting member may make or second a motion.~~

~~P.— Manner of Conducting Meetings. All committee meetings shall be conducted with order and decorum. Unless otherwise provided for in this code or the NALEPC bylaws, NALEPC meetings will be conducted in accordance with Robert’s Rules of Order.~~

~~Q.— Participation by Members of the Public. Members of the public are encouraged to attend all regular, special and annual meetings of the committee. An opportunity will be provided at each meeting for members of the public to address the committee on matters relating to local emergency preparedness. A member of the public who desires to address the committee is encouraged to notify the chairperson in writing of intent to appear before the committee. Members of the public who appear at the meeting without written notice and wishing to address the committee may do so, but only after all others who have provided written notice have spoken. The chairperson shall have discretion to limit public comment to not less than five minutes per speaker or a total period of 30 minutes to be allocated equally among all speakers. A majority of the committee may, by motion, extend the time for public comment beyond the limitations set forth herein. Members of the public are encouraged to provide written opinions and information to the committee.~~

~~R.— Compensation for NALEPC Members. In alignment with NAB Ordinance No. 03-07, NALEPC members shall receive compensation at the rate of \$100.00 for each meeting day of the committee attended. Compensation shall be paid at the rate of \$50.00 per attendance at a convention, conference or similar gathering. Compensation does not include per diem, which may be paid separately. (Ord. 10-16, 2011)~~

#### **10.10.140 Suspension of conflicting orders, rules, ordinances and regulations.**

At all times when the orders, rules, and regulations made and promulgated pursuant to this chapter are in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (Ord. 10-16, 2011)

#### **10.10.150 Limitation of liability.**

A. No action may be maintained against any employee or member of the Northwest Arctic Borough OEM or the Northwest Arctic local emergency planning committee engaged in emergency preparedness and planning, mitigation, or response and recovery activities if the claim is an action for tort or breach of contractual duty and is based upon the act or omission of that employee or member in the execution of a function for which the OEM is established.

B. The term “office of emergency management” or “OEM” in this section includes Northwest Arctic Borough employees as well as any member of the Northwest Arctic local emergency planning committee engaged in emergency preparedness and planning, mitigation, or response and recovery activities. (Ord. 10-16, 2011)

**Chapter 10.12**  
**OFFICE OF SEARCH AND RESCUE**

**Sections:**

- 10.12.010 Established.**
- 10.12.020 Search and rescue coordinator.**
- 10.12.030 Duties and powers of the coordinator.**
- 10.12.040 Functions of the office of search and rescue.**
- 10.12.050 Volunteer search and rescue organizations.**
- 10.12.060 Limitation of liability.**

**10.12.010 Established.**

There is established an office of search and rescue (OSR) in the public services department.  
(Ord. 10-17, 2011)

**10.12.020 Search and rescue coordinator.**

A. The OSR shall be supervised by the search and rescue coordinator.

B. The public services director shall have hiring authority for the search and rescue coordinator and the coordinator is answerable to the public services director or the mayor.  
(Ord. 10-17, 2011)

**10.12.030 Duties and powers of the coordinator.**

The search and rescue coordinators shall:

- A. Act in furtherance of the OSR's mission of providing search and rescue services for the Northwest Arctic Borough;
- B. Perform and exercise all powers incident to the duties of this office as prescribed by state and federal law, this code of ordinances, and such other duties not in conflict therewith as may be assigned by the mayor;
- C. Have authority over and direct the activities and functions of the OSR, including but not limited to maintaining current roster of SAR volunteers, maintaining current inventory of borough owned or purchased SAR equipment, and serving as a purchasing agent for SAR volunteer organizations;
- D. Prescribe policy and procedure, with the approval of the mayor, as may be necessary for the effective and efficient operation of the OSR;
- E. Facilitate training opportunities to all village-based volunteer search and rescue organizations;
- F. Keep an updated inventory of all search and rescue equipment and seek funding to update equipment needed to facilitate search and rescue activities;
- G. Coordinate a systematic approach to annual mandatory trail staking in accordance with the minimum trail staking standards within the borough and, subject to appropriations,

budget trail maintenance;

H. Seek funds to renovate all shelter cabins on the borough's winter trail system. Coordinate with village search and rescue organizations for renovations;

I. Develop a close working relationship with the Alaska State Troopers, United States Department of Homeland Security and Emergency Management, and the United States Coast Guard to improve the search and rescue capabilities of the borough;

J. Update and write new policies and procedures to improve the response time for all search and rescue call-outs. Develop a memorandum of agreement with village fuel retailers to ensure search and rescue organizations have access to fuel at a moment's notice;

K. Coordinate all regional searches within the Incident Command System (ICS) structure;

L. Maintain an updated directory of regional and community-based volunteer search and rescue presidents.

**M. Host a semi-annual meeting of the NANA Region Search and Rescue President's group. (Ord. 13-06, 2013, Ord. 10-17, 2011)**

**10.12.040 Functions of the office of search and rescue.**

A. The OSR shall endeavor to provide search and rescue services for communities of the Northwest Arctic Borough.

B. The OSR shall provide assistance to the office of emergency management in disaster assistance as provided in Chapter 10.10 NABC. (Ord. 10-17, 2011)

**10.12.050 Volunteer search and rescue organizations.**

A. Volunteer search and rescue personnel may be organized on a regional basis or in any established community of the borough and may adopt their own bylaws and elect officers who shall direct and manage the activities of the organization. Any community-based organization shall be sponsored and approved by the appropriate city and/or tribal government.

B. The volunteer organization and its officers shall operate in conjunction with the OSR and be based on the traditions of cooperation and mutual aid. They shall not limit or otherwise interfere with the duties and powers of the search and rescue coordinator and the management of the OSR.

C. Subject to appropriations and in such amounts as the search and rescue coordinator shall determine, payments may be made to volunteer search and rescue organizations for the purposes of reimbursing costs of search and rescue operations and other appropriate functions. (Ord. 10-17, 2011)

**10.12.060 Limitation of liability.**

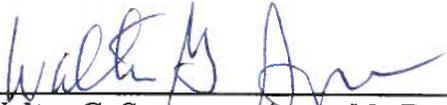
A. No action may be maintained against any employee or member of the Northwest Arctic Borough OSR or any volunteer search and rescue association or personnel if the claim is an

action for tort or breach of contractual duty and is based upon the act or omission of that employee, member, association or volunteer in the execution of a function for which the OSR is established.

B. The term "office of search and rescue" or "OSR" in this section includes Northwest Arctic Borough employees as well as any community search and rescue association or volunteer engaged in search and rescue services, planning, training or other operations or duties. (Ord. 10-17, 2011)

**Section 2:** This Code Ordinance shall become effective immediately upon approval.

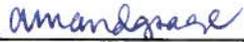
**PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF APRIL, 2013.**

  
\_\_\_\_\_  
**Walter G. Sampson, Assembly President**

**PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF APRIL, 2013.**

*For*   
\_\_\_\_\_  
**Reggie Joule, Mayor** *Acting Mayor  
Kenny Gallahorn*

**SIGNED AND ATTESTED THIS 24<sup>th</sup> DAY OF APRIL, 2013.**

  
\_\_\_\_\_  
**Amanda Sage, Borough Clerk**

**ATTEST:**

**First Reading: March 26, 2013.  
Second Reading: April 24, 2013.**

