NORTHWEST ARCTIC BOROUGH
ORDINANCE 17-07

AN ORDINANCE OF THE NORTHWEST ARCTIC BOROUGH ASSEMBLY AMENDING THE BOROUGH CODE TO ESTABLISH A VILLAGE IMPROVEMENT COMMISSION, AND FOR RELATED PURPOSES.

WHEREAS: on April 25, 2017, the Borough entered into a Memorandum of Commitment (MOC) agreement with Teck Alaska as part of the approval and execution of a Payment in Lieu of Taxes Agreement; and

WHEREAS: under the MOC, the Borough agreed to establish a Village Improvement Fund (VIF) targeted at critical infrastructure and programs for the 11 villages within the Borough; and

WHEREAS: the Borough also agreed to establish a representative advisory body of Borough villages;

WHEREAS: the advisory body will be responsible for identifying village service and capital improvement needs, proposing village programs, and generally advising the Borough regarding the VIF sustainability; and

WHEREAS: this advisory body will provide recommendations while the Borough retains ultimate control and authority over the VIF; and

WHEREAS: under the MOC, the Borough also agreed to establish a consultation and review protocol and an appropriate committee as may be required to involve the villages in the activities of the VIF; and

WHEREAS: to meet these terms of the MOC, the Borough wishes to establish the Village Improvement Commission (VIC) as an advisory body to the Borough; and

WHEREAS: the Borough Assembly desires to establish a framework for the VIC to implement duties identified under the MOC and as outlined under this Ordinance.

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

Section 1: Chapter 11.08 of the Borough Code is adopted as follows
Chapter 11.08

VILLAGE IMPROVEMENT COMMISSION

Sections:
11.08.010 Established.
11.08.020 Responsibilities.
11.08.030 Organization.
11.08.040 Chair – Authority.
11.08.050 Committees.
11.08.060 Meetings.
11.08.070 Reporting.

11.08.010 Established.
The borough village improvement commission is established in order to identify village service and capital improvement needs, plan and implement capital improvement and public service programs, and oversee investment of the village improvement fund (VIF). Beginning in 2016, the VIF will be funded by the borough’s 10-year 2016 Memorandum of Commitment agreement with Teck Alaska, or as otherwise directed by the borough. The VIF will be maintained as a separate account from the borough’s general fund and will be dedicated for use as outlined in this chapter.

11.08.020 Responsibilities.
The village improvement commission will be responsible for advising the borough administration with respect to the following:

A. Identifying village capital improvement and public service needs.

B. Planning and implementing village capital improvement projects, village operation assistance, and public service programs.

C. Working with village residents, borough communities, and village utilities to identify projects and programs for recommended funding.

D. Presenting an annual project and service funding request to the borough administration.

E. Following an initial allocation for long-term investment of no less than 70% of the VIF revenue received from Teck Alaska by the date of adoption of this chapter, on an annual basis, in coordination with the borough administration, allocating at least 30% of VIF revenue for long-term investment to ensure sufficient funds for long-term operation of village services, programs, and capital projects.
11.08.030 Organization.
The commission will be organized as follows:

A. Membership. Membership will include:
   1. One member from each of the following borough communities: Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Selawik, and Shungnak.
   2. The borough will retain an ex officio seat on the commission that will be nominated by the borough mayor and confirmed by the assembly.
   3. The borough will solicit nominations to the commission from the community at large, including the village and city councils from each respective village. Subject to assembly confirmation, the mayor will appoint the members of the commission from among those nominated deemed suitable to serve on the commission. Members will serve staggered three-year terms, which may be renewed.
   4. If a member anticipates missing a meeting, the member may appoint a substitute for no more than one meeting.

B. A vacancy will be declared by the borough under the following conditions:
   1. If a member changes permanent residence to outside the borough.
   2. If a member’s resignation is submitted to and accepted by the commission.
   3. If a member misses three consecutive meetings unless excused by the commission.
   4. If the mayor, in concurrence with the assembly, determines that it is in the borough’s best interest to remove the member.

B. Meetings. Regular meetings of the commission shall be held a minimum of four times a year in person or by teleconference. Such meetings shall be scheduled by the chair and are subject to the Open Meetings Act.

C. Stipend. Other than ex officio members, upon request each member of the commission shall receive compensation at the rate of $250.00 for each meeting day of the commission attended. Compensation does not include per diem, which may be paid separately at the rate establish by code for assembly members’ attendance at regular assembly meetings.
11.08.040 Chair – Authority.
The commission will elect a chair and vice-chair each calendar year. The chair will preside at all meetings of the commission. The chair 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.

11.08.050 Committees.
Committees of the commission may be established by the chair, subject to the committee and its membership being approved by the commission. All committee meetings are subject to compliance with the Open Meetings Act.

11.08.060 Meetings.
A. Regular meetings of the commission will be held at least four times, in each quarter of the year. Date, time and place of each meeting will be at the call of the chair.

B. Special meetings of the commission may be called by the commission, by the chair or by the vice-chair, or by written request of any three members.

C. Each commissioner will be entitled to one vote on all matters brought to the commission. All voting will be recorded.

D. A quorum for the transaction of business will consist of six or more members of the commission.

E. All meetings of the commission will be open to the public with a reasonable opportunity to be heard. Reasonable notice of each meeting will be provided.

F. Meeting minutes will be prepared to provide a complete record of actions by the commission. Minutes shall be validated by the signatures of the chair.

11.08.070 Reporting.
The commission will be responsible for providing the borough by March 30 of each calendar year a report detailing:

A. VIF expenditures in each village for the prior fiscal year, including administrative costs.

B. VIF expenditures planned or committed for the current fiscal year.

C. Future projects, expenditures, and programs for the next three fiscal years that includes a schedule of priority.

D. A general description for each program, service, project, or purchase that is included under the reporting requirements of this Section.
Section 2: This is a code ordinance to be effective immediately.

PASSED AND ADOPTED THIS 13th DAY OF June 2017.

Carl Weisner, Assembly President

APPROVED THIS 3rd DAY OF June 2017.

Clement Richards, Sr., Mayor

ATTESTED THIS TO THIS 13th DAY OF June 2017.

Stella Atoruk, Borough Clerk

First Reading: May 31, 2017
Second Reading: June 13, 2017