

**NORTHWEST ARCTIC BOROUGH ASSEMBLY
ORDINANCE 13-05**

**AN ORDINANCE OF THE NORTHWEST ARCTIC BOROUGH ASSEMBLY
ADDING CHAPTER 2.80 TO 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 2 of the Borough Code to address the form and function of boards, commissions, and committees.

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

Section 1: Title 2 of the Borough Code shall be amended to add the following Chapter:

Chapter 2.80 – BOARDS, COMMISSIONS, AND COMMITTEES

Sections:

2.80.010	Applicability of chapter.
2.80.020	Powers and duties.
2.80.030	Appointments.
2.80.040	Qualifications of members.
2.80.050	Terms.
2.80.060	Compensation of members.
2.80.070	Attendance requirements; vacancies.
2.80.080	Officers.
2.80.090	Quorum.
2.80.100	Meetings.
2.80.110	Public Meetings.
2.80.120	Conflict of interest.
2.80.130	Procedural rules and order of business.
2.80.140	Reports, minutes, and public hearing records.
2.80.150	Ex officio members and staff.
2.80.160	Assembly notification.

2.80.010 **Applicability of chapter.** Unless otherwise provided in this Code, a borough-established board, commission, or committee is governed by the provisions set forth in this chapter. The provisions of this Chapter do not automatically apply to appointed boards,

commissions, committees, or other bodies established by charter unless specifically provided for in this Code. (Ord. 13-05, 2013)

2.80.020 Powers and duties.

A. The assembly by ordinance may provide for advisory, regulatory, appellate or quasi-judicial boards, commissions, or committees. The ordinance shall prescribe the purpose or charge, number of seats, duties and qualifications of members, and additional matters the assembly deems appropriate.

B. The assembly by ordinance may create or designate itself to be a board of review, adjustment, or equalization. The ordinance shall prescribe the rules of procedure, including quorum and voting requirements. (Ord. 13-05, 2013)

2.80.030 Appointments. A member of a board, commission, or committee established under this Chapter shall be nominated by the mayor and confirmed by the assembly. Reappointments to a board, commission, or committee must be accompanied by a record of meeting attendance during the previous term of appointment. (Ord. 13-05, 2013)

2.80.040 Qualifications of members. In addition to any other qualifications required by this Code, a board, commission, or committee member shall:

A. Be a qualified voter of the borough;

B. Maintain residence in the borough while in office; and

C. Possess expertise or experience related to the board, commission, or committee's purpose. (Ord. 13-05, 2013)

2.80.050 Terms. Except as otherwise specified in this Code, the regular term of each member of a board, commission, or committee is three years commencing on July 1 of the year in which appointed, and ending three years thereafter on June 30. In order to avoid a vacancy until a new appointment can be made and confirmed, an appointed member's term may be extended until a new appointment is confirmed. The terms of initial or subsequent appointments to a board, commission, or committee shall be staggered so that, as nearly as possible, a proportional number of its members shall be appointed each year of the established regular term of office. (Ord. 13-05, 2013)

2.80.060 Compensation of members. Compensation for attendance at a board, commission, or committee meeting shall be at the rate of \$100.00 for each meeting day. Compensation shall be paid at the rate of \$50.00 per day for attendance at a convention, conference, or similar gathering. Compensation does not include per diem, which may be paid separately. (Ord. 13-05, 2013)

2.80.070 Attendance requirements; vacancies.

A. The office of a member of a board, commission, or committee member shall become vacant in the same manner that the office of an elected official becomes vacant as provided in § 2.05 of the borough charter.

B. A member intending to be absent from a regular meeting shall request excusal from the chair prior to the meeting.

C. A board, commission, or committee chair or the chair's designated staff shall keep attendance records of all meetings, and immediately report the failure of any member to meet the attendance requirements of this section to the mayor or the mayor's designee. The mayor or the mayor's designee shall notify the member of his delinquency and may remove the member from office within 15 days of receiving notification of the member's non-attendance.

D. The assembly shall be promptly notified of the removal of any member appointed under this Chapter. Vacancies created pursuant to the provisions of this section shall be filled by appointment to the unexpired term of the vacated seat.

E. Members of boards, commissions, and committees having duly appointed alternates shall not be subject to removal for failing to meet the attendance requirements of this section.

F. Boards, commissions, and committees may allow attendance and full participation by members using telephonic or video conferencing equipment or facilities. (Ord. 13-05, 2013)

2.80.080 Officers. A board or commission shall annually elect a chair and a vice-chair. The vice-chair shall act in the absence of the chair or in the inability of the chair to act. (Ord. 13-05, 2013)

2.80.090 Quorum. A majority of the authorized, seated members of a board, commission, or committee shall be a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may recess a meeting to a later time or date. (Ord. 13-05, 2013)

2.80.100 Meetings.

A. A board, commission, or committee shall hold regular quarterly meetings at such time and place as may from time to time be designated by the body, but meetings need not be held if no business is pending. The chair or a majority of the board, commission, or committee may call a special meeting.

B. Adequate public notice of meetings of boards, commissions, and committees shall be a provided in accordance with NABC § 2.32.030. For this Chapter, such notice shall be provided no less than seven days prior to the meeting date, except for a special meeting which requires 24-hour advance notice. (Ord. 13-05, 2013)

2.80.110 Public Meetings. All borough boards, commissions, and committees are public bodies, and subject to the Alaska Open Meeting Act codified at A.S. 44.62.310 and Chapter 2.32 of this Code. All meetings shall be public unless an exception to the public meeting requirement is met under NABC § 2.32.020 and confirmed by an affirmative vote of the members present at the meeting. (Ord. 13-05, 2013)

2.80.120 Conflict of interest. No member of a board, commission, or committee may vote on a question in which they have a substantial financial interest. The body shall rule on a

request for abstention due to a conflict of interest. No member shall represent any person before the board, commission, or committee of which he is a member. (Ord. 13-05, 2013)

2.80.130 Procedural rules and order of business. A board, commission, or committee shall establish its own procedural rules and order of business, except as otherwise provided by law. An appeal or quasi-judicial body shall establish reasonable rules and regulations governing its proceedings. In all matters of procedure not covered by rules adopted by the body, Robert's Rules of Order, as revised, shall be applicable and shall govern. (Ord. 13-05, 2013)

2.80.140 Reports, minutes, and public hearing records. A board, commission, or committee shall keep minutes of its proceedings, and such minutes shall record the vote of each member physically present upon every question formally presented to the body for its consideration. The minutes shall be maintained in the custody of the borough and shall be a public record, open to public inspection. (Ord. 13-05, 2013)

2.80.150 Ex officio members and staff. The mayor may appoint an employee of the borough who shall be an ex officio member of a board, commission, or committee for the purpose of acting as secretary or to provide the body with technical advice and information. An ex officio member is not entitled to vote on any question to be determined by the body, nor is an ex officio member a member for the purpose of establishing a quorum. An ex officio member is not entitled to any compensation for his ex officio duties or services. (Ord. 13-05, 2013)

2.80.160 Assembly notification. All boards, commissions, and committees established under this Chapter and their membership shall be listed in an informational memoranda submitted to the assembly annually by the mayor at the first meeting during the month of July. (Ord. 13-05, 2013)

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

PASSED AND ADOPTED THIS 24th DAY OF APRIL, 2013.



Walter G. Sampson, Assembly President

PASSED AND APPROVED THIS 24TH DAY OF APRIL, 2013.



For Reggie Joule, Mayor Acting mayor
Kenny Gallahorn

SIGNED AND ATTESTED THIS 24TH DAY OF __APRIL, 2013.



Amanda Sage, Borough Clerk

ATTEST:

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

