

Proposed by:	Port Governance Committee
Attorney Review:	08/16/2009
First Reading:	08/20/2009
Second Reading:	09/03/2009
Vote: 6 Aye	0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 09-15

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA ADDING CHAPTER 12.01, PORT COMMISSION

WHEREAS, Skagway enjoys regional and international significance as a port community, because of its unique location, existing marine terminals, harbor facilities, roads and highways, rail facilities, and airport facilities, and because of the potential to expand or otherwise improve these transportation systems, facilities and services; and

WHEREAS, Skagway's port facilities and services are of paramount importance for community and regional economic growth and development, because they are central to commerce — they facilitate the intermodal movement of people, goods and services; and

WHEREAS, the development of an efficient and effective transportation network serving Skagway, the Skagway area, and Canada's British Columbia and Yukon Territory Provinces is vital to the present and future economic well-being of all the residents of Skagway and the region; and

WHEREAS, the development of such a regional transportation network may require the municipality of Skagway to acquire, construct, and operate transportation and transportation-related systems, facilities and services as a municipal enterprise, or as a joint venture with others; and

WHEREAS, the September 2008 *Skagway Port Development Plan* identified various capital projects to improve Skagway's transportation infrastructure, which are necessary to support the resurgent Yukon territory mining industry; and

WHEREAS, the September 2008 *Skagway Port Development Plan* also identified a need to establish a port commission to provide the borough assembly and borough administration with timely advice and recommendations regarding the development and operation of the community's transportation infrastructure, thereby ensuring that Skagway continues to play a significant role in the regional economy; and

WHEREAS, the September 2008 *Skagway Port Development Plan* also recommended certain revisions to the Borough's port and harbor administrative structure to encourage and support effective and efficient port development and operations; and

WHEREAS, the Borough Assembly desires to begin implementing the September 2008 *Skagway Port Development Plan* recommendations regarding port administration and capital improvement projects as soon as practical.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

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Section 2. Purpose. To amend the Municipal Code by adding Chapter 12.01, Port Commission.

Section 3. Addition. Chapter 12.01, Skagway Port Commission is hereby added as follows:

Chapter 12.01
Skagway Port Commission

- 12.01.010 Establishment.
- 12.01.020 Membership
- 12.01.030 Qualifications.
- 12.01.040 Appointment.
- 12.01.050 Terms.
- 12.01.060 Vacancies.
- 12.01.070 Officers.
- 12.01.080 Meetings.
- 12.01.090 Subject to Alaska Public Records and Open Meetings Laws
- 12.01.100 Rules and Procedures.
- 12.01.110 Function and Duties.

12.01.010 Establishment

There is established a Skagway Port Commission (the Port Commission), which shall advise the assembly and the borough manager on matters relating to planning, maintaining, expanding, developing, financing, administering or operating local and regional transportation or transportation-related systems, facilities and services, including marine, road and highway, rail, air or other transportation systems, facilities and services.

12.01.020 Membership

The Port Commission shall be comprised of five (5) Commissioners.

12.01.030 Qualifications

A Commissioner shall be a registered voter of the municipality.

12.01.040 Appointment

A. Commissioners

1. The mayor shall appoint Commissioners from among persons who either apply or are recommended for the positions, subject to confirmation of the assembly.
2. Commissioners serve at the pleasure of the borough assembly and without compensation. The Mayor may recommend the removal of a commissioner, but the removal of a commissioner shall only occur by vote of the assembly in accordance with SMC 3.01.040(C).

B. Liaisons

1. Yukon Territory Liaison. The mayor shall appoint one (1) representative of the Yukon Territory, nominated by the Yukon Territory Government, to serve as a liaison between the Yukon Territory and the Commission. The Yukon Territory Liaison shall serve a three (3) year term. The Yukon Territory Liaison may serve more than one (1) term.
2. Assembly Liaison. The mayor shall appoint annually one (1) assembly member to serve as liaison between the assembly and the Commission. The Assembly Liaison may serve more than one (1) term.

3. Liaison representatives may attend all meetings of the Commission. Liaison representatives shall have the privilege of the floor, but shall not have the right to vote on matters before the Commission.

12.01.050 Terms

- A. Commissioners serve three (3) year terms; however, a Commissioner serves until a successor takes office. The term of office begins in October.
- B. The terms shall be staggered so that Commissioners are appointed each year. Terms shall be first established by randomly drawing two (2) for one (1) year terms, two (2) for two (2) year terms and one (1) for a three (3) year term.
- C. A Commissioner may serve no more than two (2) consecutive three (3) year terms. However, after not less than one (1) year following the end of a Commissioner's second consecutive term, that former Commissioner may be appointed to serve additional terms, subject to this two (2) consecutive term limit.
- D. A Commissioner appointed to fill a vacancy shall serve the unexpired portion of the term.

12.01.060 Vacancies

- A. A vacancy on the Port Commission shall be declared and filled as above provided when a Commissioner
 1. Resigns and the mayor accepts that resignation;
 2. No longer meets the qualifications for being a Commissioner;
 3. Is physically or mentally unable to attend Port Commission meetings for a period of more than ninety (90) days unless excused by vote of the Port Commission;
 4. Misses three (3) consecutive regular Commission meetings and is not excused by the Chair; or
 5. Is convicted of a felony.
 6. Upon removal of any commissioner by vote of the assembly in accordance with SMC 3.01.040(C).
- B. The secretary of the Port Commission shall keep attendance records and notify the mayor when vacancies occur.

12.01.070 Officers

- A. The Port Commission shall elect annually a chair, vice-chair and secretary at its first meeting following the mayor's appointment and the assembly's confirmation of Commissioners.
- B. The term of office for the chair, vice-chair and secretary shall be one (1) year; however, officers may serve more than one term.
- C. The chair shall preside over the Port Commission and shall have the right to vote.
- D. The vice-chair shall perform the duties of the chair in the absence or disability of the chair.

12.01.080 Meetings

- A. The Port Commission shall meet at least quarterly at a regularly established time and location determined by the Port Commission. The chair or at least three (3) Commissioners may call additional meetings.
- B. The Port Commission will provide at least five (5) days of public notice of all its meetings, except that it may call an emergency meeting upon not less than

- twenty four (24) hours prior oral or written notice to all Commissioners. Public notice shall go through the borough clerk's office.
- C. The Port Commission shall provide an opportunity for the public to be heard at all meetings.
 - D. A majority of all Commissioners constitutes a quorum. A Commissioner disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum any Commissioner may recess or adjourn the meeting to a later date.
 - E. Actions of the Port Commission are adopted by a majority of the total membership of the Port Commission. Each Commissioner shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each Commissioner on each motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded "unanimous".
 - F. The Port Commission shall maintain a journal of its official proceedings. The journal shall be filed with the borough clerk and shall be retained as a public record.

12.01.090 Subject to Alaska Public Records and Open Meetings Laws

The Port Commission is subject to AS 40.25.110—40.25.220 and AS 44.62.310—44.62.312, as amended.

12.01.100 Rules and Procedures

The Port Commission may adopt such rules and procedures as may be necessary to carry out its duties subject to approval thereof by the assembly. Roberts Rules of Order will govern unless other procedures are approved.

12.01.110 Function and Duties

- A. The Port Commission shall have the following functions and duties:
 - 1. Recommend to the borough manager and the assembly, as appropriate, policies, plans and actions to promote and support commercial and industrial development throughout the Skagway area by meeting local and regional needs for transportation systems, facilities and services.
 - 2. As often as the Commission deems necessary, but not less than annually during January, recommend to the borough manager and the assembly allocations of borough resources through the borough's annual budget process for studying, planning, developing, administering, financing and operating local and regional transportation systems, facilities and services.
 - 3. Solicit input from individuals, groups, agencies, businesses and industries on matters relating to local and regional transportation systems, facilities and services.
 - 4. Develop or review plans, studies, programs, policies, ordinances, state and federal legislation, regulations, grant applications, and other documents concerning development, financing, administration and operation of local and regional transportation systems, facilities and services; and advise the borough manager and the assembly, as appropriate.
 - 5. Prepare or review proposals to acquire, sell, exchange or develop interests in real or personal property that may relate to development and operation of local and regional transportation systems, facilities and

- services; and make recommendations regarding such proposals to the borough manager, planning commission, or the assembly, as appropriate.
6. Within sixty (60) days following the end of each fiscal year, submit a written report to the assembly outlining the Port Commission's activities and recommendations during the preceding fiscal year, and outlining the Port Commission's recommendations for future assembly and borough manager action.
 7. Perform such other functions and duties as the assembly may require.

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

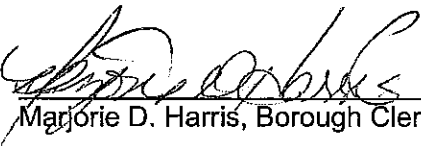
Section 5. Effective Date. This ordinance shall become effective upon adoption of the Borough Assembly.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 3rd day of September, 2009.



Thomas D. Cochran, Mayor

ATTEST:



Marjorie D. Harris, Borough Clerk

(SEAL)

