

Proposed by:	Civic Affairs Committee
Attorney Review:	03/03/2011
First Reading:	06/02/2011
Second Reading:	06/23/2011
Vote: 5 Aye	1 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 11-05

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 3 ADMINISTRATION AND PERSONNEL BY REPEALING OR AMENDING CHAPTERS 3.04 THROUGH 3.20.

WHEREAS, Amendments are required to address change in status from city to borough government; and

WHEREAS, the Civic Affairs Committee is conducting a review of the Municipal Code in conjunction with the code re-write to update the Municipal Code;

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.

Section 2. Purpose. To amend Title 3, Administration and Personnel by repealing or amending Chapters 3.04 through 3.20.

Section 3. Repeal. Chapter 3.04 Police Department, Chapter 3.05 Fire Department, Chapter 3.06 Public Works Department, and Chapter 3.08 Civil Defense and Disaster Organization are hereby repealed.

Chapter 3.04
POLICE DEPARTMENT

Sections:

~~3.04.010 — Organization.~~

~~3.04.020 — Powers and duties.~~

~~3.04.030 — Reports.~~

~~3.04.010 — Organization.~~

~~There is hereby established a police department, headed by the chief of police, acting under the direction of the city manager. The city manager shall appoint the police chief, subject to confirmation by the council. The police chief shall serve for an indefinite term with compensation to be determined from time to time by the council. The police chief shall be an officer of the city and shall have supervision and control of the administration of the police department. The police chief shall select personnel to serve as police officers and staff, subject to confirmation by the city manager.~~

~~3.04.020 — Powers and duties.~~

~~It shall be the duty of the police department to apprehend and arrest and bring to justice all violators of ordinances of the city; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state laws as provided by law, and turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of policemen. The police department shall have charge of and operate the city jail.~~

~~3.04.030 — Reports.~~

~~_____The city manager shall require the police chief to make a complete annual report concerning the department in general, including suggestions and recommendations for improvements, and statistics on criminal acts committed within the city. The police chief shall make such other and further reports to the city manager and council as the city manager may require.~~

**Chapter 3.05
FIRE DEPARTMENT**

Sections:

3.05.010 — Establishment.

3.05.020 — Organization.

3.05.030 — Duties of the fire chief.

3.05.040 — Department membership.

3.05.050 — Equipment.

3.05.060 — Contracting authority.

3.05.070 — Enforcement.

3.05.010 — Establishment.

~~_____A department, known as the "Skagway Volunteer Fire Department," the object of which is the prevention of fire and the protection from fire of life and property within the city limits, is created.~~

3.05.020 — Organization.

~~A. _____The department shall be supervised by the fire chief, working under the direction of the city manager. The fire chief shall be appointed by a selection committee consisting of the city manager, two members elected from the fire department volunteer roster, the chairman of the public safety committee and the Mayor, and confirmed by the council. The fire chief shall be a person who is technically qualified by training and experience to administer and command the fire department. The fire chief shall be removed only for just cause and after opportunity for a hearing before the city manager and the Volunteer Fire Department.~~

~~B. _____The fire chief shall, subject to confirmation by the city manager, appoint assistant chiefs and all other fire department officers. Such officers shall be accountable to the chief and subject to removal by him, subject to such personnel policies as the city manager may from time to time adopt and publish.~~

3.05.030 — Duties of the fire chief.

~~A. _____The chief shall formulate a set of rules and regulations to govern the department, and shall be responsible to the city manager for the personnel, morale and general efficiency of the department.~~

~~B. _____The chief shall determine the number and kind of companies of which the department is to be composed and shall determine the responses of such companies to alarms.~~

~~C. _____The chief shall at least once a month conduct suitable drills or instruction in the operation and the handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.~~

~~D. _____The chief shall assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.~~

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- ~~E. The chief or his designee is hereby empowered, to the maximum extent consistent with constitutional law, to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. Any person so served with a notice to abate any fire hazard shall comply therewith and promptly notify the chief. Except in cases where the fire chief or his designee has cause to believe a fire has just broken out in a building, building entries shall require either the consent of an occupant or valid search warrant based on probable cause to believe a building has become hazardous to human occupancy and an inspection of its condition is required.~~
- ~~F. The chief shall assure that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department.~~
- ~~G. The chief shall report monthly to the city manager the condition of the apparatus and equipment; the number of fires during the month, their location and cause and purpose of all other runs made, and the number of members responding to each fire and other runs, and any changes in membership.~~
- ~~H. The chief shall annually report to the city manager within one (1) month after the end of the calendar year, such report to include the information specified above, together with comparative data from previous years and recommendations for improving the effectiveness of the department.~~

3.05.040 Department membership.

- ~~A. The membership of the department shall consist of such able-bodied citizens of Skagway as may volunteer and be elected to membership by the Volunteer Fire Department.~~
- ~~B. The chief may suspend or discharge any member of the department at any time he may deem such action necessary for the good of the department. Suspensions and discharges shall be subject to the opportunity of such member for a hearing before the fire chief and the other members of the department upon written request of such member.~~

3.05.050 Equipment.

- ~~A. Suitable arrangements or equipment shall be provided for citizens to turn in fire alarms, and for notifying all members of the department so that they may promptly respond.~~
- ~~B. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. The chief shall from time to time recommend to the city manager any new apparatus or equipment needed, which, after city manager and council approval, shall be purchased in such manner as the council may designate.~~
- ~~C. All department equipment shall be safely and conveniently housed in such places as the city council may designate. Such places shall be heated during the winter season whenever feasible.~~
- ~~D. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. Violation of this provision shall be an infraction, punishable by a fine of one hundred dollars (\$100.00) or less. Department members who participate in, or aid or abet another person in carrying out a violation of this provision shall be subject to automatic dismissal.~~

- ~~E. No person shall enter any place where fire apparatus is housed, or handle any apparatus or equipment belonging to the department unless accompanied by, or having special permission of an officer or authorized member of the department. Violation of this provision shall be an infraction, punishable by a fine of one hundred dollars (\$100.00) or less.~~
- ~~F. No department apparatus or equipment shall be hired out or permitted to leave the city limits, except in response to a call for aid at a fire in a neighboring community, without the chief's consent. The officer in charge of the department at the time shall have power to assign equipment for response to calls for outside aid, in accordance with Section 3.05.060, and in other cases only when the absences of such equipment will not jeopardize protection in the city of Skagway.~~

~~**3.05.060 Contracting authority.**~~

~~The city manager is hereby authorized, on behalf of the city, to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide members of such communities or organizations with extra-territorial fire protection or to establish a mutual aid system.~~

~~**3.05.070 Enforcement.**~~

- ~~A. All regularly appointed members of the department are hereby given the necessary special police powers for the purpose of implementing this chapter.~~
- ~~B. It shall be the special duty of the chief of police and other police officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the fire department in the protection of life and property, in regulating traffic, maintaining order, and enforcing observance of all sections of this chapter.~~

Chapter 3.06

PUBLIC WORKS DEPARTMENT

Sections:

~~**3.06.010 Establishment.**~~

~~**3.06.020 Functions.**~~

~~**3.06.010 Establishment.**~~

~~There is established a public works department, which shall be administered by the city manager. The city manager may, subject to council confirmation, appoint a department director. The city manager shall adopt such other departmental structure, job classifications, and duties, and make such appointments of other departmental personnel as may be consistent with staffing levels approved by the council.~~

~~**3.06.020 Functions.**~~

~~The public works department shall manage the functional operation and perform all routine maintenance of the city water system, the city sewer system, the city street and road system, all other municipally owned utility systems, and all municipally owned capital improvements and property of whatever kind. The department shall, to the extent the city manager may from time to time direct, participate in, and/or manage the construction of new capital improvements.~~

Chapter 3.08

CIVIL DEFENSE AND DISASTER ORGANIZATION

Sections:

~~**3.08.010 Department established.**~~

~~**3.08.020 Purpose.**~~

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~~3.08.030 — Disaster emergency response plan.~~

~~3.08.035 — Violations and penalties.~~

~~3.08.040 — No governmental or private liability.~~

~~3.08.010 — Department established.~~

~~There is established a Department of Disaster Emergency Services. The city manager or his designate is the emergency preparedness and emergency services director and thereby the coordinator for all activity in connection with emergency services and other disaster operations.~~

~~3.08.020 — Purpose.~~

~~It is the desire of the City to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the city. To this end, the department of disaster emergency services shall be responsible for implementing the approved disaster emergency response plan, and shall be the liaison agency with the Alaska Division of Emergency Services.~~

~~3.08.030 — Disaster emergency response plan.~~

~~There shall be a disaster emergency response plan, which shall be adopted by ordinance and may be amended by resolution. The disaster emergency response plan shall be reviewed annually by the Department of Disaster Emergency Services with changes recommended to the Skagway City Council.~~

~~3.08.035 — Violations and penalties.~~

- ~~A. It shall be a misdemeanor, punishable by a fine not to exceed the sum of one thousand dollars or by imprisonment for a term not to exceed ninety days, or both, for any person during a proclaimed disaster emergency to willfully:~~
- ~~1. Obstruct, hinder, or delay any accredited member of the disaster and emergency services organization in the enforcement of any lawful rule or regulation issued, pursuant to this chapter, or in the enforcement of any duty imposed by virtue of this chapter;~~
 - ~~2. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such nature as to give, to be likely to give, assistance to the enemy, or to imperil the lives of property of inhabitants of the city, or to prevent, hinder, or delay the defense or protection thereof;~~
 - ~~3. To wear, carry or display, without authority any means of identification specified city emergency preparedness and emergency services office or the Alaska Division of Emergency Services.~~

~~3.08.040 — No governmental or private liability.~~

- ~~A. No disaster emergency department or authorized emergency response personnel while in proper performance of his/her required duties shall be held liable for any damage sustained to persons or property as a result of emergency response activity except and unless gross negligence or willful misconduct is proven.~~
- ~~B. No person owning or controlling real property, who allows the use of that property for disaster response activities shall be held liable for death or injury resulting from that use, except and unless gross negligence or willful misconduct is proven.~~

Section 4. Amendment. The Skagway Municipal Code is hereby amended (strike through) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code.

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Chapter 3.09 Recreation Board, Chapter 3.10 Museum Board, Chapter 3.12 Library Board, Chapter 3.14 Convention and Visitors Bureau, Chapter 3.15 Dyea Community Advisory Board, Chapter 3.16 Education, Chapter 3.17 Dahl Memorial Clinic Board of Directors, Chapter 3.18 Personnel Management Plan, and Chapter 3.20 Records Management, are hereby amended as follows.

Chapter 3.09
RECREATION BOARD

Sections:

- 3.09.010 Establishment.
- 3.09.020 Appointment.
- 3.09.030 Term of office.
- 3.09.040 Officers.
- 3.09.050 Vacancies.
- 3.09.060 Quorum.
- 3.09.070 Meetings.
- 3.09.080 Record of meetings.
- 3.09.090 Staff support.**

3.09.010 Establishment.

There is established a Recreation Board for the city ~~city~~ **municipality**, which shall serve in an advisory role to the city council ~~city council~~ **borough assembly** on matters of recreation policy, including the community ~~community~~ **Skagway** recreation center and grounds ~~and the operational policies of the Skagway recreation center~~, trails, ball fields, parks, and future recreation infrastructure development. ~~Additionally, particular focus shall be placed upon the operational policies of the community Skagway recreation center.~~ The recreation board shall consist of 5 members from the community.

3.09.020 Appointment.

Members of the recreation board shall be appointed by the mayor, subject to confirmation of ~~by the city council~~ **borough assembly**. The mayor shall consider, but is not limited to, candidates on a list of prospective members submitted to him by the recreation board. ~~Appointments to fill vacancies shall be for the unexpired term only. In addition, the mayor shall appoint one (1) council member to serve in an ex-officio role.~~ **A borough assembly member shall serve as the ex officio member of the board, may attend all meetings and have the privilege of the floor, but shall have no vote.**

3.09.030 Term of office.

- A. Members shall be appointed for a term of three (3) years ~~however, a board member serves until a successor takes office.~~ The term of office begins in October.**
- B. The terms shall be staggered so that members shall be appointed each year. Terms shall be first established by drawing, 2 for one (1) year terms, 2 for two (2) year terms and 1 for a (3) year term.**
- C. Appointments to fill vacancies shall be for the unexpired term only.**

3.09.040 Officers.

~~The recreation board shall elect from its membership a chairman, vice chairman, secretary and treasurer. The chairman shall be the presiding officer, and the secretary and treasurer shall perform the secretarial and financial functions respectively.~~

- A. The recreation board shall elect annually a chair, vice-chair and secretary at its first meeting following the mayor's appointment and the assembly's confirmation of board members.
- 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 recreation board 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.
- E. The secretary shall record the minutes of board meetings and shall keep attendance records and notify the mayor when vacancies occur.

3.09.050 Vacancies.

- A. A vacancy shall be declared and filled as above provided, when a member:
 - 1. Submits his resignation and the resignation is accepted by the mayor;
 - 2. Is physically or mentally unable to attend board meetings for a period of more than ninety (90) days unless excused by the board; or
 - 3. Is convicted of a felony; or
 - 4. Any board member may be removed with written notice by the mayor, subject to confirmation by a majority of the assembly, or by or a majority vote of the assembly at any time regardless of whether that person's term on the board has expired.
- ~~B. The secretary of the recreation board shall keep attendance records and notify the mayor when vacancies occur.~~

3.09.060 Quorum.

~~A majority of voting membership constitutes a quorum. Any act of the board requires an affirmative vote of a majority of those voting members present.~~ **Three (3) members constitute a quorum. Actions of the board are adopted by three (3) affirmative votes. The final vote on each action must be by a recorded roll call vote. Each member present shall vote on every question, unless required by law to abstain from voting on a question.**

3.09.070 Meetings.

The board shall meet monthly, at a regularly established time, determined by the board. Additional meetings may be called at the discretion of the chairman, or shall be called at the request of three (3) members.

3.09.080 Record of meetings.

Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the city **borough** clerk and retained as public records.

3.09.090 Staff Support. The **Skagway recreation center** director shall serve as staff support to the recreation board.

Chapter 3.10
MUSEUM BOARD

Sections:

- 3.10.010 Establishment.
- 3.10.020 Appointment.
- 3.10.030 Term of office.
- 3.10.040 Officials.
- 3.10.050 Vacancies.

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- 3.10.060 Quorum.
- 3.10.070 Meetings.
- 3.10.080 Record of meetings.
- 3.10.090 Staff support ~~Museum director and staff~~

3.10.010 Establishment.

There is established a museum board for the city municipality, to perform the functions of acquiring, displaying and registering museum collections and making recommendations to the city ~~council~~ borough assembly on museum policy. The museum board shall consist of ~~seven (7)~~ five (5) members.

3.10.020 Appointment.

Members shall be appointed by the mayor and confirmed by the council borough assembly. Appointments to fill vacancies shall be for the unexpired term only. ~~Six (6) members of the board shall be from the community and one (1) member shall be a council member. The council member appointed to the board shall not be eligible for appointment as museum curator or registrar.~~ The mayor shall consider, but is not limited to, candidates on a list of prospective members submitted to him by the museum board. Museum board members shall not be eligible for appointment as museum curator. A borough assembly member shall serve as the ex officio member of the board, may attend all meetings and have the privilege of the floor, but shall have no vote.

3.10.030 Term of office.

- A. Members shall be appointed for a term of three (3) years ~~however, a board member serves until a successor takes office.~~ The term of office begins in October.
- B. The terms shall be staggered so that members shall be appointed each year. Terms shall be first established by drawing, 2 for one (1) year terms, 2 for two (2) year terms and 3 for (3) year terms.
- C. Appointments to fill vacancies shall be for the unexpired term only.

3.10.040 Officials Officers.

~~The museum board shall recommend to the mayor two (2) of its members for designation as museum curator and registrar respectively. The curator shall serve as presiding officer of the museum board and the registrar shall serve as secretary of the museum board.~~

- A. The museum board shall elect annually a chair, vice-chair and secretary at its first meeting following the mayor's appointment and the assembly's confirmation of board members.
- 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 museum board 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.
- E. The secretary shall record the minutes of board meetings and shall keep attendance records and notify the mayor when vacancies occur.

3.10.050 Vacancies.

- A. A vacancy shall be declared and filled as above provided, when a member:
 - 1. Submits his resignation and the resignation is accepted by the mayor;

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2. Is physically or mentally unable to attend board meetings for a period of more than ninety (90) days, unless excused by the board; ~~or~~
3. Is convicted of a felony; ~~or~~
4. **Any board member may be removed with written notice by the mayor, subject to confirmation by the borough assembly or by a majority vote of the assembly, at any time regardless of whether that person's term on the board has expired.**

~~B. The registrar of the museum board shall keep attendance records and notify the mayor when a vacancy occurs.~~

3.10.060 Quorum.

~~A majority of voting membership constitutes a quorum. Any act of the board requires a majority affirmative vote of those voting members present.~~ **Three (3) members constitute a quorum. Actions of the board are adopted by three (3) affirmative votes. The final vote on each action must be by a recorded roll call vote. Each member present shall vote on every question, unless required by law to abstain from voting on a question.**

3.10.070 Meetings.

~~There shall be one (1) annual meeting per year, at a date and location to be determined by the board. Additional meetings shall be called by the curator at the request of three (3) board members or may be called by the curator on his own initiative.~~ **The board shall meet quarterly, at a regularly established time, determined by the board. Additional meetings may be called at the discretion of the chair, or shall be called at the request of three (3) members.**

3.10.080 Record of meetings.

Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the city borough clerk and retained as public records.

3.10.090 **Staff support** Museum director and staff.

~~There is hereby established the position of museum director. The museum director shall be appointed by the city manager, subject to confirmation by the city council. The museum director shall recommend persons to the city manager for the manager's appointment as museum staff. The city manager shall be responsible for the direction of operations of the museum and activities of the museum staff, such authority to be exercised through the museum director.~~ **The curator shall serve as staff support to the museum board.**

Chapter 3.12
LIBRARY BOARD

Sections:

- 3.12.010 Establishment.
- 3.12.020 Appointment.
- 3.12.030 Term of office.
- 3.12.040 Officers.
- 3.12.050 Vacancies.
- 3.12.060 Quorum.
- 3.12.070 Meetings.
- 3.12.080 Record of meetings.
- 3.12.090 **Staff support** Library staff.

- 3.12.010 Establishment.

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There is established a library board for the city ~~city~~ municipality, which shall serve in an advisory role to the ~~city council~~ borough assembly on matters of library policy. The library board shall consist of ~~seven (7)~~ five (5) members.

3.12.020 Appointment.

Members of the library board shall be appointed by the mayor, subject to confirmation of the ~~city council~~ borough assembly. The mayor shall consider, but is not limited to, candidates on a list of prospective members submitted to him by the library board. ~~Appointments to fill vacancies shall be for the unexpired term only.~~ A borough assembly member shall serve as the ex officio member of the board, may attend all meetings and have the privilege of the floor, but shall have no vote.

3.12.030 Term of office.

- A. Members shall be appointed for a term of three (3) years ~~however, a board member serves until a successor takes office.~~ The term of office begins in October.
- B. The terms shall be staggered so that members shall be appointed each year. Terms shall be first established by drawing, 2 for one (1) year terms, 2 for two (2) year terms and 1 for a three (3) year term.
- C. Appointments to fill vacancies shall be for the unexpired term only.

3.12.040 Officers.

~~The library board shall elect from its membership a chairman, vice chairman, secretary and treasurer. The chairman shall be the presiding officer, and the secretary and treasurer shall perform the secretarial and financial functions respectively.~~

- A. The library board shall elect annually a chair, vice-chair and secretary at its first meeting following the mayor's appointment and the assembly's confirmation of board members.
- 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 library board 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.
- E. The secretary shall record the minutes of board meetings and shall keep attendance records and notify the mayor when vacancies occur.

3.12.050 Vacancies.

- A. A vacancy shall be declared and filled as above provided, when a member:
 - 1. Submits his resignation and the resignation is accepted by the mayor;
 - 2. Is physically or mentally unable to attend board meetings for a period of more than ninety (90) days unless excused by the board; or
 - 3. Is convicted of a felony; or
 - 4. Any board member may be removed with written notice by the mayor, subject to confirmation by the borough assembly or by a or a majority vote of the assembly at any time regardless of whether that person's term on the board has expired.
- B. ~~The secretary of the library board shall keep attendance records and notify the mayor when vacancies occur.~~

3.12.060 Quorum.

~~_____ A majority of voting membership constitutes a quorum. Any act of the board requires an affirmative vote of a majority of those voting members present. **Three (3) members constitute a quorum. Actions of the board are adopted by three (3) affirmative votes. The final vote on each action must be by a recorded roll call vote. Each member present shall vote on every question, unless required by law to abstain from voting on a question.**~~

3.12.070 Meetings.

The board shall meet annually during the first week in January. Additional meetings may be called at the discretion of the chairman, or shall be called at the request of three (3) members.

3.12.080 Record of meetings.

Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the city **borough** clerk and retained as public records.

3.12.090 Staff support Library staff.

~~_____ There shall be a chief librarian, appointed by the city manager, with confirmation by the council. The library staff shall be composed of the chief librarian and such other assistant librarians and support personnel as allowed by staffing levels authorized by the city council. The city manager shall, after consideration of recommendations of the chief librarian, appoint other members of the library staff. The city manager shall be responsible for direction of the operation of the library and the activities of the library staff; this authority to be exercised through the chief librarian. Compensation and expenses of the staff of the library shall be paid as directed by the city council. **The Librarian shall serve as staff support to the library board.**~~

Chapter 3.14

CONVENTION AND VISITORS BUREAU

Sections:

- 3.14.010 Establishment.
- 3.14.020 Appointment.
- 3.14.030 Alternate members.
- 3.14.040 Term of office.
- 3.14.045 ~~Election of e~~Officers.
- 3.14.050 Vacancies.
- 3.14.060 Quorum.
- 3.14.070 Meetings.
- 3.14.080 Record of meetings.
- ~~3.14.090 _____ Function of the bureau.~~
- 3.14.090 Staff support**
- ~~3.14.100 _____ Tourism director and staff.~~

3.14.010 Establishment.

A. There is established the Skagway Convention and Visitors Bureau (CVB) and a governing board of directors which shall serve in an advisory role to the borough assembly. The CVB Board of Directors shall consist of five (5) members and two (2) alternate board members, and ~~alternates composed of nine (9) persons. The board serves in an advisory capacity to the city council.~~

B. Function of the bureau.

1. The board of directors shall develop and recommend to the borough assembly policies governing the planning and execution of programs dealing with all phases of convention and visitor promotion and service to visitors. All such policies and plans shall

be approved by the borough assembly prior to execution. Execution shall be the responsibility of the borough manager, acting through the tourism director. The bureau shall submit reports to the borough assembly at least annually, and such other reports as the borough assembly may require.

2. The borough manager will provide the board chair adequate notice of line item transfers in excess of five hundred dollars (\$500.00) so that the board may provide comment to the borough assembly.

3.14.020 Appointment.

~~_____The mayor shall appoint seven (7) board members and two (2) alternate board members. In addition, the mayor shall appoint one (1) council member to serve in an ex officio role. The mayor shall fill vacancies by appointment for the unexpired term only.~~ Members of the convention & visitors bureau board shall be appointed b the mayor, subject to confirmation by the borough assembly. The mayor shall consider, but is not limited to, candidates on a list of prospective members submitted to him by the CVB board. A borough assembly member shall serve as the ex officio member of the board, may attend all meetings and have the privilege of the floor, but shall have no vote.

3.14.030 Alternate members.

An alternate member shall abstain from voting unless replacing an absent board member. The chairman shall determine such absence and alternate replacement when establishing a quorum.

3.14.040 Term of office.

~~_____Board members and/or alternates are appointed for a term of three (3) years.~~

- A. Members shall be appointed for a term of three (3) years however, a board member serves until a successor takes office. The term of office begins in October.
- B. The terms shall be staggered so that members shall be appointed each year. Terms shall be first established by drawing, 2 for one (1) year terms, 2 for two (2) year terms and 3 for (3) year terms.
- C. Appointments to fill vacancies shall be for the unexpired term only.

3.14.045 Election of Officers.

~~_____The board shall elect a chairman and vice-chairman annually for a term of one (1) year.~~

- A. The CVB board shall elect annually a chair and vice-chair at its first meeting following the mayor's appointment and the assembly's confirmation of board members.
- B. The term of office for the chair and vice-chair shall be one (1) year; however, officers may serve more than one term.
- C. The chair shall preside over the CVB board 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.

3.14.050 Vacancies.

- A. A vacancy shall be declared and filled as provided above when the board member or alternate:
 1. Submits his resignation and the resignation is accepted by the mayor;
 2. Does not attend board meetings for a period of more than three (3) consecutive meetings unless excused by the board; or,

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- 3. Is convicted of a felony; or
- 4. Any board member may be removed with written notice by the mayor, subject to confirmation by the borough assembly or by a majority vote of the assembly, at any time regardless of whether that person's term on the board has expired.

B. The board shall keep attendance records and the board chair shall notify the mayor when vacancies occur.

3.14.060 Quorum.

~~_____ A majority of members entitled to vote constitutes a quorum. Any act of the board requires an affirmative vote of incumbent four (4) voting members.~~ **Three (3) members constitute a quorum. Actions of the board are adopted by three (3) affirmative votes. The final vote on each action must be by a recorded roll call vote. Each member present shall vote on every question, unless required by law to abstain from voting on a question.**

3.14.070 Meetings.

There shall be one (1) annual meeting on a date and at a location determined by the board. The board chairman may call additional meetings.

3.14.080 Record of meetings.

Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the city **borough** clerk and retained as public records.

3.14.090 ~~_____~~ Function of the bureau.

A. ~~_____ The bureau shall develop and recommend to the city council policies governing the planning and execution of programs dealing with all phases of convention and visitor promotion and service to visitors. All such policies and plans shall be approved by the city council prior to execution. Execution shall be the responsibility of the city manager, acting through the tourism director. The bureau shall submit reports to the council at least annually, and such other reports as the council may require.~~

B. ~~_____ The city manager will provide the board chairman adequate notice of line item transfers in excess of five hundred dollars (\$500.00) so that the board may provide comment to the city council.~~

3.14.090 Staff support.

The tourism director shall serve as staff support to the CVB board.

3.14.100 ~~_____~~ Tourism director and staff.

~~_____ Policies, programs and plans of operation adopted by the council shall be implemented by a tourism director and staff. The tourism director shall be appointed by the city manager, subject to council confirmation. The tourism staff shall be appointed by the city manager, subject to staffing levels authorized by the city council. The city manager shall have authority and responsibility for the activities of the tourism director and staff under the policy set by the city council, such authority over staff to be exercised through the tourism director.~~

Chapter 3.15

DYEA COMMUNITY ADVISORY BOARD

Sections:

3.15.010 Establishment.

3.15.020 Appointment.

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- 3.15.030 Term of office.
- 3.15.040 Officers.
- 3.15.050 Vacancies.
- 3.15.060 Quorum.
- 3.15.070 Meetings.
- 3.15.080 Record of meetings.

3.15.010 Establishment

There is established a Dyea Community Advisory Board to advise the ~~city council~~ **borough assembly** on issues and policies relating to public lands in the Dyea and West Creek Valleys including, but not limited to, land use, planning, land disposal, land and water conservation, utilities, recreational and commercial development. Additionally, the Dyea Community Advisory Board shall be responsible for the periodic review of SMC 16.08 – Dyea Flats Management Plan. The Dyea Community Advisory Board shall consist of five (5) members: three (3) Dyea property owners and two (2) at-large community members.

3.15.020 Appointment

Members of the Dyea Community Advisory Board shall be appointed by the mayor, subject to confirmation of the **borough assembly** ~~city council~~. The mayor shall consider, but is not limited to, candidates on a list of prospective members submitted to him by the DCAB. ~~Appointments to fill vacancies shall be for the un-expired term only. In addition, the mayor shall appoint one (1) council member to serve in an ex-officio role.~~ **A borough assembly member shall serve as the ex officio member of the board, may attend all meetings and have the privilege of the floor, but shall have no vote.**

3.15.030 Term of office.

- A. Members shall be appointed for a term of three (3) years however, a board member serves until a successor takes office. The term of office begins in October.**
- B. The terms shall be staggered so that members shall be appointed each year. Terms shall be first established by drawing, 2 for one (1) year terms, 2 for two (2) year terms and 1 for a (3) year term.**
- C. Appointments to fill vacancies shall be for the unexpired term only.**

3.15.040 Officers.

~~The Dyea Community Advisory Board shall elect from its membership a chairman, vice-chairman, secretary and treasurer. The chairman shall be the presiding officer, and the secretary and treasurer shall perform the secretarial and financial functions respectively.~~

- A. The board shall elect annually a chair, vice-chair and secretary at its first meeting following the mayor's appointment and the assembly's confirmation of board members.**
- 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 board 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.**
- E. The secretary shall record the minutes of board meetings and shall keep attendance records and notify the mayor when vacancies occur.**

3.15.050 Vacancies.

- A. A vacancy shall be declared and filled as above provided, when a member:

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1. Submits his resignation and the resignation is accepted by the mayor;
2. Is physically or mentally unable to attend board meetings for a period of more than ninety (90) days unless excused by the board; or
3. Is convicted of a felony; or
4. Any board member may be removed with written notice by the mayor, subject to confirmation by the borough assembly or by a majority vote of the assembly at any time regardless of whether that person's term on the board has expired.

~~B. The secretary of the Dyea Community Advisory Board shall keep attendance records and notify the mayor when vacancies occur.~~

3.15.060 Quorum.

~~A majority of voting membership constitutes a quorum. Any act of the board requires an affirmative vote of a majority of those voting members present.~~ **Three (3) members constitute a quorum. Actions of the board are adopted by three (3) affirmative votes. The final vote on each action must be by a recorded roll call vote. Each member present shall vote on every question, unless required by law to abstain from voting on a question.**

3.15.070 Meetings.

The board shall meet monthly, at a regularly established time, determined by the board. Additional meetings may be called at the discretion of the chairman, or shall be called at the request of three (3) members.

3.15.080 Record of meetings.

Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the ~~city~~ **borough** clerk and retained as public records.

Chapter 3.16
EDUCATION

Sections:

3.16.010 School district.

3.16.020 School board.

3.16.010 School district.

- A. Establishment. There is established in and for the Municipality of Skagway **Borough**, a school district, as provided by state law. All the land embraced within the exterior boundaries of the corporate limits of the borough shall be, and the same hereby is, established as the Skagway School District, and ~~said~~ **the** exterior boundary lines shall define the extent of the ~~said~~ Skagway School District.
- B. Name of School District. The school district shall be known as the "Skagway School District."
- C. Facilities and Buildings. There shall be public schools maintained in and for the Skagway School District in one (1) or more good substantial school buildings, as in the judgment of the borough assembly the public needs may require.

3.16.020 School board.

- A. Authority. The supervision and management ~~and control~~ of the Skagway School District and the Skagway public school system shall be in a school board.
- B. Board Membership and Term. The school board shall consist of five (5) members, each of whom shall serve for a three (3) year term. Board members shall be elected in accordance with the state and ~~city~~ **borough** election codes.

The school board shall select from its members a president, a treasurer, and a secretary to serve for such terms such as the board shall from time to time determine. If a vacancy occurs on the school board, the remaining members shall, within thirty (30) days fill the vacancy, and the person selected shall serve until the next regular election, when a successor shall be elected to serve the balance of the term.

- C. Qualifications. In order to serve as a school board member or qualify as a candidate ~~therefore~~, a person must be a qualified Skagway voter at the time of the election for membership. Before entering upon the duties of their respective offices, the school board members shall take an oath before some officer of the First Judicial District qualified to administer oaths, to support the Constitution of the United States, the laws of the state of Alaska, and the ordinances of the municipality, and to honestly and faithfully discharge the duties of a school board member to the best of the member's ability.
- D. Duties. The school board has all the duties set forth for local school boards in Alaska Statutes Title 14, Chapter 14. ~~In general, t~~The school board is charged with the duty of supervision, and management ~~and control~~ of the Skagway public school system, including the appointment, compensation and control of teachers, assistants and administrative officers of the school district.
1. The school board shall have all expressed, implied, and inherent powers under state law reasonably necessary to implement the duties with which it is charged. The board shall implement a policy of good faith and candid disclosure in executing those functions requiring the consideration and concurrence or approval of the assembly.
 2. The assembly shall determine the location of school buildings with due consideration of the recommendations of the school board.
 3. The school board is responsible for the design criteria for school buildings. The assembly, through the borough manager, is responsible for all aspects of construction of any new school facilities and all major renovations in excess of \$50,000. To the maximum extent consistent with education needs design of school buildings shall provide for multiple use of the buildings for community purposes.
 4. The school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes.
- E. Budget. The school board shall submit the school budget for the following school year to the assembly by February 15th or the first Monday following February 15 for the approval of the total amount. Within ninety (90) days after receipt of the budget, the assembly shall determine the total amount of money to be made available from local sources for school purposes and shall furnish the school board with a statement of the sum to be made available. If the assembly does not within ninety (90) days furnish the school board with the statement of the sum to be available, the amount requested in the budget is automatically approved. By June 30th, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.
- F. Treasury and Accounting System.
1. All school money shall be deposited in a centralized treasury with other municipal general funds, and the borough manager shall have the custody of, invest, and manage all money in the centralized treasury.
 2. ~~To t~~The school board is delegated the responsibilities of the accounting system related to the school funds deposited in the centralized treasury.

~~The school board is not authorized to expend for incidental and monthly current expenses for the maintenance of the public school system a sum greater than that fixed from time to time by resolution of the borough assembly for the period of time which it deems appropriate, but not exceeding three (3) months, and the school board treasurer is prohibited from paying on warrants a sum greater than the amount so established. A copy of the assembly resolution establishing expenditure limitations within the stated period shall be delivered by the borough clerk to the school board treasurer the day after passage of said resolution.~~

3. If at any time the school board deems it necessary or proper for the maintenance of the school system to expend a greater amount of money per quarter than that provided for under the preceding subsection, or deems it necessary to incur any indebtedness for building, altering or repairing school buildings or school property, or to furnish same with proper school furnishings, apparatus or appliances, or for any other extraordinary expenses of the school system, the members of the school board shall first submit a written statement containing the plans and specifications and a detailed description of the purposes for which said expenditures are desired to be made, to the borough assembly for its approval. If approved by the borough assembly, a copy of the said statement submitted by the school board, with the endorsement of the approval of the borough assembly ~~thereon~~, showing the amount of money approved for such expenditures, shall be filed with the treasurer of the school board, and the amount ~~thereof~~ shall be paid out on warrants signed by the school board treasurer for the stated purposes.
4. Every claim payable out of the school fund shall be itemized. It shall be filed with the school board and approved in writing, endorsed on the claim, by a majority of the members of the board, including the endorsement of the school board president. All claims so approved must be delivered to the school board treasurer, whereupon the treasurer shall draw a warrant on the school board, as custodian of the delegated school funds, for the payment ~~thereof~~. The warrant must be signed by the school board treasurer and countersigned by the school board president, and shall specify for what purpose it is drawn, with the date ~~thereof~~. The treasurer shall pay said the warrant from the school fund according to its tenor.

G. School Board Treasurer.

1. Before any person who is elected treasurer of the school board enters upon the duties of his office, in addition to the oath required of all new school board members, he shall give his bond to the Skagway School District, with sufficient sureties, in a sum to be fixed by the borough assembly, said sum to be not less than the amount that may come into the official custody of such person as treasurer but not to exceed fifty thousand dollars (\$50,000.00). Said The bond shall be conditioned that said person will honestly and faithfully disburse and account for all money that may come into his hands as treasurer. The bond and the sureties ~~thereon~~ must be first approved by the borough assembly and said the approval endorsed on the same before the treasurer shall enter upon the duties of his office.
2. On the first of each month, the school board treasurer shall make a full report in writing to the board ~~and the assembly~~, showing the amount and condition of the school treasurer's finances and all of his receipts and

disbursements for the preceding month. ~~Said report shall be filed with the borough clerk.~~

- H. School Board Secretary. The secretary of the school board shall assist the board treasurer by keeping all reports of the ~~said~~ school board and shall perform such other record keeping duties (including minutes of board meetings) as the board may require. The secretary shall file appropriate financial reports with the state of Alaska.

Chapter 3.17

DAHL MEMORIAL CLINIC BOARD OF DIRECTORS

Sections:

- 3.17.010 Board of Directors Name and Purpose
- 3.17.015 Authority and General Powers
- 3.17.020 Functions
- 3.17.025 Membership
- 3.17.030 Organization
- 3.17.035 Meetings
- 3.17.040 Conduct
- 3.17.045 Minutes
- 3.17.050 Committee Meetings
- 3.17.055 Administration

3.17.010 Board of Directors Name and Purpose

- A. NAME. The governing body of the Dahl Memorial Clinic shall be known as the Dahl Memorial Clinic Board of Directors.

- B. PURPOSE

1. To schedule hours of operation, approve annual budget, select, retain, evaluate, and recommend **to the Assembly** retention or dismissal of the clinic administrator, establish general policies for the clinic and select services designed to diagnose and treat clinic patients. Patient care shall be provided to sick, injured or disabled persons without regard to race, color, religion, national origin, age, sex, disabilities, pregnancy, parenthood, marital status, or change in marital status.
2. To improve the standards of health care in Skagway Alaska; to encourage education and training of clinic employees and staff appointees; and to strive to maintain the quality of patient care that is achievable commensurate with resources available.
3. To carry on such education activities related to rendering care to the sick and injured or to the promotion of health as may be reasonably feasible by the facilities, personnel, funds or other requirements that are, or can be made, available.
4. To manage, operate or participate insofar as clinic policy, circumstances and available funds may warrant, any activity designed and carried on to promote general health in Skagway Alaska.

- C. ADDRESS. The mailing address of the Board of Directors of the Dahl Memorial Clinic is P.O. Box 537, Skagway, AK 99840

3.17.015 Authority and General Powers

- A. AUTHORITY. The board of directors is constituted, authorized, and governed by the ordinances of the Municipality of Skagway. Within the general revenue resources available to the Dahl Memorial Clinic from the Municipality of Skagway and consistent with municipal personnel policies and consistent with municipal

fiscal policies, the Municipality of Skagway, Alaska delegates to the Dahl Memorial Clinic Board of Directors the authority to operate the Dahl Memorial Clinic. The borough assembly retains all powers and duties related to any construction of a new clinic or medical facility and any renovations or repairs of the clinic in excess of \$50,000. The borough assembly will consult with the board and clinic director in the planning of any major renovations or repairs and in the planning of any new clinic or medical facility, with all final approval and decisions to remain vested in the borough assembly.

- B. GENERAL POWERS. Subject to state laws and municipal ordinances, Skagway Municipal Code (SMC) 3.17.015 provides in part that the board of directors shall be responsible for the operation of the Dahl Memorial Clinic according to the best interests of the public's health, shall make and enforce all rules and regulations necessary for the administration of the Clinic under its management, shall prescribe the terms under which patients shall be admitted thereto and shall establish and enforce standards of operation. The board of directors has no authority to establish or alter the Municipality of Skagway human resources or fiscal policies which shall also be applicable to clinic staff and operations.

3.17.020 Functions

A. LEGISLATIVE

- 1. The board of directors shall establish policies and procedures for the administration and government of the clinic, which policies and procedures shall be submitted to the borough assembly for ratification. A manual of policies and procedures shall be maintained.
- 2. Policies and Procedures, with the exception of personnel and financial policies and procedures, may be adopted, amended, or repealed at any meeting of the board of directors, provided the proposed adoption, amendment or repeal shall have, in substantive form, been proposed at a previous meeting of the board. The board may suspend, adopt, amend, or repeal a policy or procedure without prior notice if the board determines there is an emergency threat to health or safety.
- 3. Policies and Procedures shall be adopted, amended, or repealed by the prevailing vote of at least five members of the board.
- 4. Policies and Procedures shall be reviewed annually by the board or its committees, designated for that purpose.
- 5. At the January meeting, the president of the board or his/her appointees shall ensure that all policies and procedures have been reviewed and/or revised as necessary.
- 6. By April 15th the last working day prior to March 1 of each year the board shall submit to the borough assembly its annual budget for consideration. Other budgets will be prepared as necessary to meet the requirements of significant funding agencies.

- B. EVALUATION. The board of directors shall annually evaluate its performance in the control and management of the clinic according to goals, policies and procedures duly adopted by the board.

3.17.025 Membership

A. NUMBER AND APPOINTMENTS.

- 1. The board of directors shall consist of nine (9) members and two (2) alternate members. The nine (9) members shall consist of at least one (1) member from the Skagway Traditional Council (STC), a federally

recognized tribal entity. All members shall reside within the Municipality of Skagway. The total board must consist of at least 51% consumers of the clinic. No more than ½ of the non-consumer portion of the board may derive more than 10% of their income from the health care industry. The board shall be appointed by the mayor and confirmed by the borough assembly. Board members shall serve at the pleasure of the assembly. Any board member may be removed by a majority vote of the assembly at any time regardless of whether that person's term on the board has expired. A borough assembly member shall serve as the ex officio member of the board, may attend all meetings and have the privilege of the floor, but shall have no vote.

2. The Skagway Traditional Council shall nominate the member to fill the STC board position. In the event that the Skagway Traditional Council is unable to forward a nomination to the mayor within 30 days of a vacancy the mayor may recommend for appointment another member of the community to fill the unexpired term of the open STC board position. Upon approval by a majority of the assembly, the mayor's recommended appointee shall be appointed to the STC board seat.
 3. An alternate member shall abstain from voting unless replacing an absent board member. The chair of the board of directors shall determine such absence and alternate replacement when establishing a quorum.
- B. **QUALIFICATIONS.** A voting member shall show willingness to give as much time as is reasonably requested or required. Board members must be willing to accept responsibility for governance, including availability to participate actively in board and committee activities; to provide input in areas of interest and expertise; and to utilize experience in organizational and community activities. The board recognizes that the borough assembly seeks to include a broad representation of the geographic area encompassed by the boundaries of the Municipality of Skagway. No board member may be an employee of the center or the spouse, live-in partner, child or sibling of an employee of the center by blood or marriage.
- C. **TERM.** The term of membership shall be three years and until a successor takes office, except that a member appointed to fill a vacancy shall serve for the unexpired term. Terms shall commence in October. The terms shall be staggered so that members shall be appointed each year.
- D. **VACANCY.** The office of a board member shall become vacant upon his or her death, resignation or removal from office.
1. A board member who has received notice of and failed to attend three consecutive regular meetings of the board or 50% of all meetings within the preceding 12 months (including committee meetings) shall be counseled by the President or the Executive Committee, who shall make a recommendation to the board concerning removal or retention, if deemed appropriate.
 2. A recommendation to the borough assembly for removal of a board member may be made upon the prevailing vote of at least five members of the board.
 3. A director may resign at any time by giving written notice to the mayor, with a copy to the president of the board. Such resignation shall take effect on the date of receipt or at any later time specified in it.
 4. Upon notification by the board that a vacancy exists on the board, the board shall make recommendations to the mayor for replacement. The mayor shall then appoint a new member for the un-expired term.

E. COMPENSATION

1. Board members and members of all committees shall receive no compensation for any services rendered in their capacities as board members or committee members. Board members may be reimbursed for expenses directly related to board service. Receipts for expenses claimed must be submitted to the health center administrator for approval. The administrator is not authorized to approve any reimbursement without receipts for expenses directly related to board service.
2. Before any reimbursement for expenses is made, receipts of such expenses must be submitted to the Administrator.
3. The board of directors may maintain membership in any local, state or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of clinic administration and, in connection therewith, the clinic may pay dues and fees for such membership.

F. TRAINING. New board members shall learn the operations of the clinic and the board, and become conversant with the history and traditions of the clinic and the community.

1. Each new board member will be given, not later than their first regular meeting as a board member and for their use and possession for the duration of their term, a copy of SMC Chapter 3.17 and the clinic policies and procedures, and any other documents related to the operation of the health center.
2. The board shall strongly encourage and bear the costs of the attendance of each new board member at orientation meetings or training sessions.

3.17.030 Organization

A. ORGANIZATION MEETING The board shall elect annually from its members a president, vice president, secretary and such other officers, as it deems necessary.

B. OFFICERS

1. The officers of the board shall be a president, a vice president, and a secretary.
2. Officers shall be elected by the board at a regular meeting in November, and each shall hold office for a one year term and until successors shall have been elected. Officers shall serve at the pleasure of the board.
3. Any officer may resign their office at any time by giving written notice to the board. Such resignation shall take effect on the date of receipt or at any later time specified in it.
4. The president shall preside at all meetings of the board, and shall be a member of all committees. The president shall be the chairperson of the executive committee.
5. The vice-president shall act as president in the absence of the president, and when so acting, shall have the power and authority of the president. The vice president shall succeed to the office of president for the unexpired term if that office becomes vacant.
6. The secretary shall provide for the keeping of minutes of all meetings of the board and board committees, shall give or cause to be given all notices in accordance with SMC Chapter 3.17 or as required by law, and shall act as custodian of all records and reports.

7. Upon a vacancy in the office of vice president, or secretary, the board shall appoint at its next regular meeting to fill such vacancy for the unexpired term.

C. COMMITTEES

1. The board shall establish an executive committee, a financial committee, and a planning committee. The board shall assign such duties and responsibilities to the committees or appoint such other committees, as it deems necessary.
2. The president shall appoint the chair and members of all committees.
3. With the exception of the executive committee, committees of the board shall, when specifically charged to do so by the board, conduct studies, make recommendations to the board, and act in an advisory capacity, but shall not take action on behalf of the board, except that the Finance Committee may approve expenditures.
4. Unless otherwise determined by the board, committees shall consist of no less than two board members and shall serve until the committee is discharged.
5. The planning committee shall serve as the maintenance and building committee.
6. A committee shall be convened by the chair, who shall report for the committee. The committee chair shall appoint a secretary for each committee. The secretary will keep minutes during the meeting.
7. The board may assign the functions of any management and/or board committee, except the executive committee, to combined or new committees or to the board acting as a committee of the whole.

D. COMMITTEE FUNCTIONS

1. Executive Committee
The executive committee shall consist of the president, vice president, and secretary. The president shall be chair of the executive committee and in his or her absence the vice president shall be chair. The executive committee shall be empowered to transact all regular business of the clinic during the interim between meetings of the board, provided that any action it may take shall not conflict with the policies of the board. Any action taken by the executive committee shall be reported at the next regular meeting of the board and may be rescinded by board action at the meeting.
2. Finance Committee
The finance committee shall consist of a chair and three members appointed by the president. The duties and responsibilities of the finance committee are to review and make recommendations to the board concerning all matters affecting the financial condition of the clinic, including but not limited to, the annual budget and capital budget matters referred to the committee by the president.
 - a. The finance committee will prepare the annual budget not later than March 31st. The budget will include a three-year capital plan.
 - b. The finance committee will submit to the board for approval the annual budget before it is submitted to the borough assembly.
 - c. The year-end audited financial reports by an outside auditing firm shall be reviewed by the finance committee and the committee shall report conclusions to the board at the next board meeting.
3. Planning Committee

The planning committee shall consist of a chair and three members appointed by the president. The planning committee shall provide information to the board on changes and trends in the health care field that may influence the growth and development of the clinic. It may also assist in the preparation and modification of long-range and short-range plans to assure that the total clinic program is attuned to meeting the health care needs of the community served by the clinic. The plan should coordinate the clinic services with those of other health care facilities and related community resources.

a. The board shall provide for institutional planning by including the administration, and the medical staff, other department/services, and appropriate advisors in the planning process through participation on the planning committee.

4. Other Standing Committee

The board may constitute additional standing committees not herein identified to assist it in conducting its day to day business. Members shall be appointed by the president.

5. Special Committees

Special committees may be appointed by the president for special tasks. Upon completion of the task for which appointed, such special committees shall be discharged.

3.17.035 Meetings

- A. BOARD CALENDAR. The board shall conduct its business by reference to a calendar, which specifies the month or date that decisions, resolutions, deliberations, notices, and reports must be made or instituted by the board or should be received by the board. The calendar shall be adopted annually at the January meeting of the board, but may be amended at any time thereafter.
- B. PARLIAMENTARY AUTHORITY. Meetings shall be conducted under Robert's Rules of Order, and such modified or amended rules as may be adopted by the board.
- C. QUORUM. Five members of the board shall constitute a quorum, and no business shall be conducted in the absence of a quorum.
- D. PRESIDING OFFICER. The president shall preside at all meetings of the board. In the absence, disability, or disqualification of the president, the vice-president shall preside. In the absence, disability, or disqualification of the president and vice president, the secretary shall preside. In the absence, disability, removal, or disqualification of the president, vice president, and secretary, the person with the longest period of current consecutive service on the board shall preside.
- E. CALL
 - 1. Regular meetings shall be held at least once a month.
 - 2. Special meetings not regularly scheduled may be called by the president or shall be called at the request of three (3) members.
 - 3. All meetings of the board and committees of the board shall be open to the public, except as otherwise provided by SMC Chapter 3.17. This section does not apply to meetings of the board or a committee of the board when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.
- F. NOTICE
 - 1. The president shall notify, in writing and no later than two days in advance of the meeting, each board member of the time, date, location, and, to the extent it is known, the agenda of any regular meeting. Notice

of the time, date, location and purpose of a special board meeting shall be given to board members no later than twenty-four hours in advance of the meeting.

2. Reasonable public notice shall be given for all meetings. Notice of all board meetings and committee meetings shall be posted at the Post Office, borough administrative offices, Library and Clinic bulletin boards at least 24 hours prior to such meetings. In calling a special meeting this notice shall state the business for the transaction of which the special meeting has been called and no business other than that stated in the notice shall be transacted at such special meeting.

G. AGENDA

1. At the direction of the board president, the administrator shall prepare an agenda of items of business and Board member requested matters to come before the board at each board meeting.
2. Any Board member who desires certain matters be placed on the agenda shall bring such matters to the attention of the administrator prior to the meeting and the administrator shall place such items on the agenda. Individuals and groups desiring to make presentations to the board may contact the administrator to be placed on the agenda.
3. The agenda shall be delivered to each board member not later than two days before regular meetings, and shall be delivered no later than twenty-four hours before special meetings.
4. The agenda shall include such reports and supplementary materials as are appropriate and available. Copies of the agenda and other materials shall be prepared for the public and the press and shall be available in the administrator's office. The agenda shall be posted at the Post Office, borough administrative offices, Library and Clinic bulletin boards at least twenty-four hours before the meeting.
5. Any member of the public may request the placement of an item on the board agenda. The board agenda shall include a designated time for the public to discuss an item not included on the prepared agenda.
6. An agenda for a special meeting may be prepared without a packet of information at the discretion of the administrator with the concurrence of the board president.
7. The order of business shall include the following:
 - Call to Order
 - Roll Call
 - Approval of Agenda
 - Approval of Minutes of Previous Meeting(s)
 - Announcements/Reports
 - Public Participation
 - Unfinished Business
 - New Business
 - Executive Session (if needed)
 - Board Comments & Questions
 - Schedule Next Meeting
 - Adjournment

H. VOTING

1. The prevailing vote of at least five members of the board shall be required for official action.
2. Any board member who could potentially benefit personally or financially from any decision or action that comes before the board shall be

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considered to have a conflict of interest and shall declare the conflict of interest. A board member with a declared conflict of interest on an issue shall be excused from voting by the president and must abstain from the vote. President excuses him/her self. If the board president does not direct the board member to abstain from voting, the board may override that decision by a vote of five members to direct the board member to abstain from voting.

3. A vote may be taken by voice, show of hands or roll call. Proxy voting or board polling shall not be permitted.

I. EXECUTIVE SESSIONS

1. If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions set forth below shall be determined by a majority vote of the board. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. The following excepted subjects may be discussed in an executive session:

- a. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the clinic;
- b. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- c. matters which by law, municipal charter, or ordinance are required to be confidential.
- d. Union negotiations and directions to an attorney.

2. Any executive session where the subject to be discussed tends to prejudice the reputation and character of any person shall require advance notification of the person and the opportunity for the person to request a public discussion.

J. HEARING OF PUBLIC. Members of the public present at the meeting of the board shall be offered a reasonable opportunity to be heard in accordance with board policy.

K. TIME LIMIT. All board and board committee meetings shall be limited to three hours, unless extended by a majority vote of the members attending a board or board committee meeting.

L. ADJOURNMENT. The board may at any time recess or adjourn a meeting to a time and place certain. Upon resuming, the board shall commence business at the point in the agenda where the motion to recess or adjourn was adopted.

3.17.040 Code of conduct.

The Board adopts as its Code of Ethics the American Hospital Association (AHA) Code of Ethical Conduct for Health Care Organizations, which was adopted by the AHA in 1992. A copy of the code is available from the Clinic's administrator.

3.17.045 Official minutes

- A. The board shall keep minutes of all of its board meetings and board committee meetings and a record of all proceedings of the board.
- B. All minutes shall be filed in the office of the administrator in a minutes book as the permanent record of the acts of the board.

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- C. The minutes shall show the time and place, the members present, the members absent, the subjects considered, the actions taken, the vote taken, and any other information required by law.
 - D. Copies of all written reports received at a board or committee meeting shall be attached to the minutes for that meeting.
- 3.17.050 Committee meetings
- A. Committee meetings may be called at any time by the committee chair or when a meeting is requested by a majority of the committee.
 - B. The Finance and Planning Committees have four members and two must be present for a quorum to conduct business. For any other committees a majority of the total membership shall constitute a quorum of that committee.
 - C. Reasonable public notice shall be given of all committee meetings and the meeting shall be open to the public.
 - D. Minutes of all committee meetings shall be maintained and transmitted to all board members.
 - E. No issues affecting the discharge of medical staff responsibilities shall be deliberated by the board unless there is representation of the medical staff present.
- 3.17.055 Administration
- A. **APPOINTMENT.** The clinic administrator shall be appointed by the board consistent with the borough personnel policy.
 - B. **VACANCY.** Whenever a vacancy occurs, a search committee consisting of 2 board members, the borough manager and the borough assembly representative shall be established for the purpose of finding and recommending a qualified administrator to the board.
 - C. **QUALIFICATIONS**
 - 1. The board shall select and appoint an administrator who has appropriate education, experience and managerial qualifications.
 - 2. It is desirable, but not mandatory, that the applicant have a graduate degree in hospital or health care administration. The applicant must have demonstrated ability to successfully manage and work with others.
 - D. **SUPERVISION AND AUTHORITY**
 - 1. The clinic board hires the clinic administrator; **subject to the power of the assembly specified in section 3.17.010(B)(1) above;** however the clinic board has no authority to establish or alter municipal personnel or fiscal policies which shall also be applicable to clinic staff and operations. It shall be the responsibility of the clinic board to work with and seek the counsel of the Municipality of Skagway to insure that the clinic budget and hiring practices adhere to and are consistent with the fiscal and personnel policies of the Municipality of Skagway.
 - 2. The administrator is responsible for the overall supervision ~~of the affairs~~ **and management** of the clinic. The duties and responsibilities of the administrator shall be as set forth in SMC Section 3.17.055. The administrator in conjunction with the board president, will ensure that all policies and procedures are reviewed and/or revised at least annually.
 - 3. The administrator shall have the authority necessary to effect the duties and responsibilities as outlined in SMC Section 3.17.055.
 - E. **MEETINGS**

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1. The administrator shall attend all meetings of the board and standing committees, except as the board may direct otherwise. The administrator may attend all meetings of any other committees.
 2. The administrator shall, unless otherwise expressly provided, be a non-voting ex-officio member of all board committees and shall act as the duly authorized representative of the board in all matters in which the board has not formally designated some other person or group to act.
- F. **BOARD OF DIRECTORS.** The administrator shall have the following duties and responsibilities with respect to the board:
1. Conduct and coordinate for the board a comprehensive orientation program for new members and a continuing education program for all members based, at least in part, on identified needs.
 2. Prepare the agenda for board meeting in conjunction with the president and the secretary of the board.
 3. Serve as the liaison between the board and the medical staff.
 4. Report to the board and the staff on the overall activities and mechanisms for monitoring and evaluating the quality of patient care, for identifying and resolving problems, and for identifying opportunities to improve patient care. Reports should also include federal, state and local developments that affect the operation of the clinic.
 5. Forward reports to the board reflecting assurance that one level of care is being provided.
 6. Carry out the policies established by the board.
 7. Perform such other duties as the board may direct.
- G. **CLINIC PROFESSIONAL STAFF.** The administrator shall work with the professional staffs of the clinic and with those concerned with the rendering of professional services to the end that the best possible care may be rendered to all patients.
- H. **STAFF**
1. The administrator shall publish criteria utilized to select, employ, control and discharge all clinic employees subject to the provisions of Municipality of Skagway Personnel Policy, and any personnel rules adopted by the clinic.
 2. The administrator shall organize the functions of the clinic, delegate duties and establish formal means of accountability on the part of subordinates.
- I. **MANAGEMENT**
1. The administrator shall be responsible, except as otherwise provided by the board, for employing, controlling, developing and maintaining policies and practices for the clinic.
 2. The administrator shall establish and implement a written plan of internal control and a management reporting system for the clinic.
- J. **BUSINESS AFFAIRS**
1. The administrator shall supervise the business affairs of the clinic to assure that funds are expended to the best possible advantage.
 2. The administrator shall direct the preparation of the annual operating and capital budgets for approval by the board and monitor and present monthly operating reports to the board.
 3. The administrator may authorize expenditures not to exceed \$5,000 without board approval.

4. The administrator shall be responsible for recommending adequate insurance coverage, directing effective safety and risk management programs, and maintenance of all physical properties.
 5. **The administrator has no authority to enter any agreements or contracts without prior review by the borough attorney and approval by the borough manager.**
- K. OTHER DUTIES. The administrator shall perform such other duties and responsibilities as may be necessary for the best interests of the Clinic.
- L. DELEGATION OF AUTHORITY. The administrator shall designate, in writing, other individuals by name or position who are, in order of succession, authorized to act for the administrator during any period of the administrator's absence from the clinic.
- M. ANNUAL EVALUATION. The board may review the performance of the administrator, annually or more frequently, using procedures consistent with the Municipality of Skagway's personnel policies and the administrator's duties and obligations and forward the evaluation to the borough manager.
1. Minutes of the board meeting shall document the evaluation of the administrator.
- N. CRITERIA. Consideration of Subsections A - M of this code relating to the duties and responsibilities of the administrator shall be given in the evaluation of the administrator.

Chapter 3.18

PERSONNEL MANAGEMENT PLAN

Sections:

- 3.18.010 Scope and purpose.
3.18.020 Discrimination prohibited.
3.18.030 Administration.
3.18.040 Personnel rules.
3.18.050 Exempt employees.

3.18.010 Scope and purpose.

- A. This chapter applies to all departments of the city **municipal** government. This chapter does not apply to the Skagway School District.
- B. It is the purpose of this chapter and the personnel rules adopted pursuant to Section 3.18.040 to set forth the principles and practices that are to be followed by the city **municipality** in the administration of its personnel system and are intended to establish a ~~modern, workable,~~ fair and uniform system of personnel administration based on the merit principle of employment. "Merit principle of employment" means:
1. Recruiting, selecting and promoting employees on the basis of their knowledge, skill, ability and willingness to perform the work, including open consideration of qualified applicants for initial appointment;
 2. Retention of employees with permanent or probationary status on the basis of job performance and behavior, including reasonable efforts of temporary duration for correction of inadequate performance or unacceptable behavior, and separation for cause;
 3. Equal treatment of employees and applicants with regard only to knowledge, skill, ability and willingness to perform the work;
 4. Rates of pay based on the work assigned and performed; and,
 5. Selection and retention of employees secure from political influences.

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3.18.020 Discrimination prohibited.

It is the policy of the City Municipality of Skagway not to discriminate in recruitment, employment, compensation, promotion and all other conditions of employment on the basis of race, color or national origin, religion or creed, sex, age, physical or mental handicaps, marital status, changes in marital status, pregnancy or parenthood. The ~~city~~ municipality shall not discriminate against disabled applicants or employees in employment actions, provided that the person, with or without reasonable accommodation, can perform the essential functions of the job. It is also the policy of the ~~city~~ municipality not to discriminate on the basis of a person's political opinions or affiliation. No employee shall aid, abet, compel, coerce or conspire to discharge or cause another employee to resign because of illegal discriminatory factors.

3.18.030 Administration.

As established in Section 3.01.06095, the ~~city~~ borough manager shall have overall authority and responsibility for personnel management for all ~~city~~ municipal departments. In reference to Section 3.01.06095(C)(7), the manager shall serve as personnel officer, unless the ~~council~~ assembly authorizes the manager to appoint a personnel officer.

3.18.040 Personnel rules.

- A. The ~~council~~ assembly shall by resolution adopt such personnel rules as may be necessary to carry out the purposes of this chapter and implement this personnel management plan.
- B. The personnel rules shall provide for:
 - 1. Preparation, maintenance and administration of a position classification plan;
 - 2. Preparation, maintenance and administration of a compensation plan;
 - 3. Use of employee recruitment, examination and selection methods that will fairly test the knowledge, skill, ability and willingness of the person examined to discharge the duties of the position or class for which employment is sought;
 - 4. Methods and types of appointments to ~~city~~ municipal service and appropriate probationary periods;
 - 5. Hours of work and ~~city~~ municipal holidays;
 - 6. Procedures for conducting performance evaluations;
 - 7. The development of employee training programs;
 - 8. A leave policy;
 - 9. Procedures for resignation and voluntary demotion;
 - 10. Procedures for review of disputed personnel actions and resolution of employee grievances and appeals;
 - 11. Policies and procedures for reduction in work force;
 - 12. Policies and procedures governing prohibited or restricted activities, including but not limited to political activities, employment discrimination, harassment, nepotism, drug and alcohol use and outside employment;
 - 13. Procedures for compensation and reimbursements of employees; and
 - 14. Other matters as may be necessary to carry out and enforce this chapter.

3.18.050 Exempt employees.

The personnel management plan applies to all employees of the municipal government of the ~~city~~ borough except for exempt employees. Exempt employees are employees whose positions are filled by a person who serves at the pleasure of the ~~city council~~ borough assembly and whose term of employment is determined by the ~~city council~~ borough assembly. Exempt positions are the ~~city~~ borough manager, ~~city~~ borough clerk, city treasurer, chief of police, clinic administrator and ~~city~~ borough attorney. An exempt employee is

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covered by the provisions of the personnel management plan except as the employee's employment contract provides otherwise. Provisions relating to grievance, discipline and evaluation procedures apply except that an exempt employee may be terminated without cause at any time unless a term in writing of the employee's contract of employment specifically provides otherwise.

Chapter 3.20
RECORDS MANAGEMENT

Section:

- 3.20.010 Definitions.
- 3.20.020 Records management program.
- 3.20.030 Records management officer.
- 3.20.040 Current records management.
- 3.20.050 Records center and archive.
- 3.20.060 Records retention schedule.
- 3.20.070 Disposal of records and other materials.
- 3.20.080 Copies of records.
- 3.20.090 Custody and ownership of records.
- 3.20.100 Regulations.

3.20.010 Definitions.

A. As used in Chapter 3.20:

1. "Record" means any method of storing information, including but not limited to spoken words, handwriting, typewriting, printing, photostating, photographing, **electronic** and any other form of communication or reproduction, upon any medium, including but not limited to paper, magnetic or paper tape, photographic film or prints, magnetic or punched cards, discs, drums and phonograph records, developed or received under law or in connection with the transaction of business and preserved or appropriate for preservation as evidence of the organization, function, policies, decisions, procedures, operations or activities of the city **municipality** or because of their informational value. "Records" do not include:
 - a. Library and museum material developed or acquired and preserved solely for reference, historical or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications and processed documents;
 - b. Records disposable upon the occurrence of an event;
 - c. Reference files;
 - d. Transitory files.
2. "Records disposable on occurrence of an event" means records, which become of no further use to the city **municipality** upon the occurrence of a certain event, such as completion of a job, audit, project, contract or the like.
3. "Reference files" means copies of notes, feeder notes and similar working papers accumulated in preparation of a communication, study or other writing or record.
4. "Transitory files" means transmittal letters, suspense copies when a reply has been received, routine requests for information and publications.

3.20.020 Records management program.

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There shall be a records management program in the City Borough Clerk's Office. The records management program shall provide for the orderly and efficient management, retention, preservation and disposal of records in accordance with this chapter.

3.20.030 Records management officer.

The City borough Clerk shall be the records management officer. The records management officer shall administer the records management program and perform the duties set forth in this chapter.

3.20.040 Current records management.

- A. The records management officer shall develop a records manual which will identify proper records procedures for all municipal departments. Each department shall manage its records in accordance with the records manual.
- B. In accordance with the records manual the records management officer shall:
 - 1. Establish standards for record maintenance and security within departments;
 - 2. Make continuing surveys of paperwork operations and implement improvements in current records management practices, including the use of space, equipment and supplies;
 - 3. Initiate programs for improving the management of correspondence, forms, reports and directives as integral parts of the records management program;
 - 4. Institute and maintain a training and information program in all phases of the management of current records for all departments;
 - 5. Establish standards for preparing records retention schedules;
 - 6. Recommend and obtain from departments records retention schedules conforming to this chapter and administer schedules approved under this chapter;
 - 7. Obtain from departments' reports and other information necessary for the administration of the records management program.

3.20.050 Records center and archive.

- A. The records management officer shall establish and operate a records center for the purposes of accepting, servicing, storing and protecting records which must be preserved for varying periods of time but which are not needed for the transaction of current business.
- B. The records management officer shall establish and operate an archive for the preservation, arrangement, repair, duplication, reproduction, description and retrieval of records to be retained permanently by the city municipality.
- C. In operating the records center and archive, the records management officer shall:
 - 1. Prepare inventories, indices, catalogs and other finding aids or guides to facilitate the use of the records center and archive;
 - 2. Accept documents that have been deemed appropriate for preservation by the city municipality as evidence of its organization, functions, policies, decisions, procedures and transactions;
 - 3. Establish and maintain a master retention schedule for all records.

3.20.060 Records retention schedule.

- A. Each department shall prepare, in accordance with the municipality's records management manual, a schedule stating for each type of record produced by the department:

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1. The duration for which the department will retain the record for the transaction of current business;
 2. The duration after which the record will have no further legal, administrative, fiscal or historical value, and may be destroyed.
- B. Each department shall update its records retention schedule at reasonable intervals.
- C. The records management officer shall compile the submissions under "A" of this section into a master retention schedule, which shall be submitted to the manager for review.
- D. All records shall be transferred to the records center in accordance with the master retention schedule adopted under this section.

3.20.070 Disposal of records and other materials.

- ~~A. Until such time as the Council approves a master retention schedule, no records may be destroyed without Council approval.~~
- BA.** Upon Council **assembly** approval of a master retention schedule, departments shall dispose of records in accordance with that schedule.
- ~~**CB.**~~ A department may dispose of reference files, transitory files and records disposable upon the occurrence of an event at the department's discretion when they no longer are required for the transaction of city **municipal** business.
- ~~**DC.**~~ Records of a confidential nature shall be disposed of by shredding or incineration. All other records shall be disposed of in an appropriate manner.

3.20.080 Copies of records.

Records not otherwise required by law to be preserved in original form, and records that are worn or damaged, may be copied by photostatic, photographic, microphotographic, microfilm or other mechanical process which produces a clear, accurate and permanent copy. When such a copy is retained in accordance with this chapter, the original may be destroyed or preserved for its historical value. The copy shall be considered as the original record for all purposes.

3.20.090 Custody and ownership of records.

- A. All records are the property of the city **municipality** unless otherwise provided for by law.
- B. At the end of his/her term of office or employment, a municipal official or employee shall deliver all of the records in his/her possession to his/her supervisor or successor.
- C. The records management officer may initiate actions to recover records unlawfully removed from municipal possession.

3.20.100 Regulations.

The records management officer may promulgate regulations to implement, interpret or make specific the provisions of this chapter.

Section 5. Severability. If any provision of this ordinance or any application thereof 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 thereby.

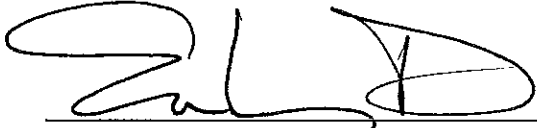
Section 6. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 23rd day of June, 2011.



Thomas D. Cochran, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

