

Proposed by:	Assembly
Attorney Review:	10/09/2009
First Reading:	10/15/2009
Second Reading:	11/05/2009
Vote:	4 Aye 0 Nay 2 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 09-21

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 3, CHAPTER 3.01, MAYOR, ASSEMBLY AND CENTRAL ADMINISTRATION TO ADDRESS TELECONFERENCING AND EXECUTIVE SESSIONS.

WHEREAS, the Assembly held a work session on September 29, 2009 to address teleconferencing for the Mayor and Assembly; and

WHEREAS, the Assembly wishes to take advantage of the advances of technology; and

WHEREAS, the Assembly felt guidelines should be established to guide the use of teleconferencing by the Mayor and Assembly for attendance at meetings; and

WHEREAS, the Assembly wishes to address executive sessions;

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 Chapter 3.01, Mayor, Assembly and Central Administration, to address Section 3.01.070 Teleconferencing. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold**) indicates text added to the current code as follows:

Section 3. Amendment. Chapter 3.01, Mayor, Assembly and Central Administration is hereby amended as follows:

3.01.070 Teleconferencing.
~~_____ Teleconferencing by assembly members for purposes of attendance and participation in regular and special assembly meetings is prohibited.~~

A. The use of teleconferencing at assembly meetings is for the convenience of government officials and the public. Teleconference participation by the mayor, assembly members is authorized by AS 44.62.310(a) and 44.62.312. While physical presence of the mayor, assembly members is the preferred method of participation at assembly meetings, the mayor, assembly members are allowed to participate at assembly meetings in the following manner:

1. The mayor or a member of the assembly may participate by telephone in an assembly meeting. If the mayor chooses to participate by telephone, the Vice Mayor shall preside.

2. The mayor or a member of the assembly may not participate in an executive session by telephone.

3. The mayor and each member of the assembly may attend a maximum of four, two consecutive, assembly meetings by teleconference during the 12 month period commencing January 1 of each year.

4. No more than two members of the assembly may participate by telephone at any one meeting.

5. A minimum of 48 hours notice shall be given to the clerk regarding telephonic participation in a particular meeting.

6. Four members of the assembly must be physically present to establish a quorum for the meeting.

7. The mayor or a member of the assembly participating by telephone shall be counted as present for purposes of discussion, voting and attendance.

8. The meeting packet is loaded on the municipal website and a member participating by telephone shall review all materials provided. The member shall provide the telephone number and any available facsimile, email, or other document transmission service to the clerk and to the extent reasonably practicable, the clerk shall provide backup materials to members participating by telephone.

9. The mayor or member participating by telephone shall make every effort to participate in the entire meeting excluding any executive session scheduled. From time to time during the meeting the presiding officer shall confirm the connection.

10. The clerk shall provide the mayor or member participating by telephone with the municipality's conferencing number. At the meeting, the clerk shall establish the telephone connection when the call to order is imminent. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the clerk shall attempt to establish or restore the connection.

11. Meeting times shall be expressed in Alaska time regardless of the time at the location of any member participating by telephone.

B. Cost of teleconference participation. The mayor or any member of the assembly who participates by telephone shall not be charged for any telephone costs associated with the teleconference participation.

Section 4. Addition. Chapter 3.01, Mayor, Assembly and Central Administration is hereby amended to add the following:

3.01.072 Executive Sessions.

A. Executive sessions are authorized by AS 44.62.310(b). If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed below shall be determined by a majority vote of the assembly. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to the attorney regarding the handling of a specific legal matter.

1. The following subjects may be considered in an executive session:

a. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;

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. matters involving consideration of government records that by law are not subject to public disclosure.

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B. No recordings shall be permitted for any executive session.


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 5th day of November, 2009.


Thomas D. Cochran, Mayor

ATTEST:


Marjorie D. Harris, Borough Clerk

(SEAL)

