

Proposed by:	Mayor Selmer
First Reading:	01/03/2013
Second Reading:	01/17/2013
Vote: 6 Aye	0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA  
ORDINANCE NO. 13-02**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 19 BY AMENDING CHAPTER 19.10, HISTORIC DISTRICT COMMISSION AND ADMINISTRATIVE PROVISIONS, TO AMEND THE ROLE OF THE NATIONAL PARK SERVICE LIAISON TO THE HISTORIC DISTRICT COMMISSION AND REDUCE HISTORIC DISTRICT COMMISSION MEMBERSHIP FROM SEVEN (7) TO FIVE (5).**

**WHEREAS**, a memorandum of understanding (MOU) has been authorized between the National Park Service (NPS) and the Municipality of Skagway to allow for a NPS employee to serve as liaison to the Historic District Commission; and

**WHEREAS**, it is necessary to update code language to mirror the terms of the MOU; and

**WHEREAS**, reducing the membership of the Historic District Commission to five (5) will improve facilitation of meetings by helping to ensure a quorum is present;

**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 19 Planning and Zoning by amending Chapter 19.10, Historic District Commission and Administrative Provisions, to amend the role of the National Park Service liaison to the Historic District Commission, and to reduce the Historic District Commission’s membership from seven (7) to five (5).

**Section 3. 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. Chapter 19.10, Historic District Commission and Administrative Provisions, is hereby amended as follows:

- 19.10.010 Establishment and Purpose.
  - A. There is established a historic district commission for the municipality which shall consist of ~~seven~~ **five (75)** members: one (1) **liaison** member from the National Park Service and at least two (2) of whom are historic district business or property owners, the remainder of the membership shall be at large community members.
    - 1. In order to avoid the possibility of an appearance of lack of impartiality, or the apparent use of public office for private gain, the following principles will apply to the National Park Service (NPS) liaison member:**
      - a. The NPS liaison shall not participate in any management activities for the municipality, including voting on organizational administration matters or on organizational policy decisions; or making decisions regarding municipal**

**MUNICIPALITY OF SKAGWAY, ALASKA**

**ORDINANCE NO. 13-02**

Page 2 of 3

**contracts or finances.**

- B. The purpose of this chapter is to:
1. Safeguard the heritage of the municipality by preserving a district in the municipality which reflects elements of its cultural, social, economic, political and architectural history;
  2. Stabilize and improve property value;
  3. Foster civic beauty;
  4. Strengthen the local economy; and
  5. Promote the use of the skagway historic district for the education, pleasure and welfare of the citizens and visitors of the municipality.

19.10.020 Term of office.

- A. Members shall be appointed for a term of three (3) years; however, a commission member serves until a successor takes office. The term of office begins in October.
- B. The terms shall be staggered so that ~~three~~ **two** (**32**) members shall be appointed every third year, and ~~two~~ **one** (**21**) members shall be appointed in each of the other two (2) years of every such three (3) year period.
- C. Appointments to fill vacancies shall be for the unexpired term only.

19.10.035 Quorum.

~~Four~~ **Three** (**43**) members constitute a quorum. Actions of the commission are adopted by ~~four~~ **three** (**43**) 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.

19.10.045 Commission teleconferencing.

- A. The use of teleconferencing by historic district commission members at meetings is for the convenience of government officials and the public. Teleconference participation by the historic district commission members is authorized by AS 44.62.310(a) and 44.62.312. While physical presence of the historic district commission members is the preferred method of participation at meetings, the historic district commission members are allowed to participate at historic district commission meetings in the following manner:
1. A member of the historic district commission may participate by telephone in a commission meeting. If the chair chooses to participate by telephone, the vice chair shall preside.
  2. Each member of the historic district commission may attend a maximum of four (4), two (2) consecutive, commission meetings by teleconference during the twelve (12) month period commencing January 1 of each year.
  3. No more than two (2) members of the historic district commission may participate by telephone at any one meeting.
  4. A minimum of forty-eight (48) hours' notice shall be given to the clerk regarding telephonic participation in a particular meeting.
  5. A member of the historic district commission attending a meeting by telephone shall count toward a quorum if at least ~~three~~ **two** (**32**) members are physically present for the meeting.
  6. A member of the historic district commission participating by telephone shall be counted as present for purposes of discussion, voting and attendance.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 13-02

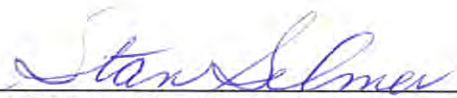
Page 3 of 3


7. 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.
  8. A member participating by telephone shall make every effort to participate in the entire meeting. From time to time during the meeting the presiding officer shall confirm the connection.
  9. The clerk shall provide the 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.
  10. 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. Any member of the historic district commission who participates by telephone shall not be charged for any telephone costs associated with the teleconference participation.

**Section 4. 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 5. 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 17<sup>th</sup> day of January, 2013.

  
Stan Selmer, Mayor

ATTEST:  
  
Emily A. Deach, Borough Clerk

(SEAL)

