

Proposed by:	Mayor Selmer
Attorney Review:	12/08/2012
First Reading:	12/06/2012
Second Reading:	01/03/2013
Vote: 5 Aye	0 Nay 1 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 12-27**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTER 3.01 MAYOR, ASSEMBLY AND CENTRAL ADMINISTRATION BY AMENDING SECTION 3.01.070 TELECONFERENCING.

WHEREAS, the Municipality desires to allow Assembly members to contribute to the establishment of a quorum via teleconference for the purpose of convening and conducting emergency Assembly meetings despite the lack of a physically present quorum; and

WHEREAS, the Municipality desires to allow up to two (2) Assembly members to participate in an executive session by telephone;

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 Chapter 3.01, Mayor, Assembly and Central Administration, by amending section 3.01.070 Teleconferencing for the purpose of allowing teleconferencing Assembly members to contribute toward the establishment of a quorum.

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

- 3.01.070 Teleconferencing.
- A. The use of teleconferencing at assembly meetings is for the **purpose of serving the public and the convenience of government officials and in addition, to allow whenever necessary, the convening of emergency assembly meetings despite the lack of a physically present quorum** ~~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.

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- ~~2.~~ The mayor or a ~~and up to two (2)~~ member(s) of the assembly may not participate in an executive session by telephone.
- ~~32.~~ 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 commencing January 1 of each year.
- ~~43.~~ No more than two members of the assembly and the mayor may participate by telephone at any one meeting.
- ~~54.~~ A minimum of 48 hours' notice shall be given to the clerk regarding telephonic participation in a particular meeting, except in the case of an emergency assembly meeting.
- ~~65.~~ Four members of the assembly must ~~may~~ be physically present physically or telephonically Three members of the assembly must be physically present, and one member may be present telephonically, to establish a quorum of four (4) for the emergency assembly meetings.
- ~~76.~~ The mayor or a member of the assembly participating by telephone shall be counted as present for purposes of discussion, voting and attendance.
- ~~87.~~ 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.
- ~~98.~~ The mayor or members participating by telephone shall make every effort to participate in the entire meeting, ~~excluding~~ including any executive session scheduled as long as only two (2) members of the Assembly are attending the executive session by telephone. From time to time during the meeting the presiding officer borough clerk shall confirm the connection.
- ~~109.~~ 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.
- ~~101.~~ 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.

C. Determination of emergency conditions. A determination of emergency under this section may be made by the mayor or the manager if any of the following conditions are present:

1. fire, flood, epidemic, riot, environmental accident, or a similarly compelling reason;
2. events for which immediate action is necessary to protect public health, welfare, or safety, or to protect public or private property.

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.

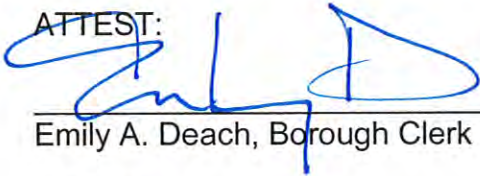
Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 3rd day of January, 2013.



Stan Selmer, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

