

Proposed by:	Assembly Member Burnham	
Attorney Review:	09/01/2015	
First Reading:	09/03/2015	
Second Reading:	09/17/2015	
Vote:	6 Aye	0 Nay
		0 Absent

## MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 15-23

### AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 16 PUBLIC LANDS BY AMENDING SECTION 16.02.025, REFERRAL TO VOTERS.

**WHEREAS**, amending Section 16.02.025 to refer all ordinances authorizing leases between the Municipality and any lessee valued at \$5 million or more, to voters for ratification will increase the opportunity for public involvement, and allow an additional process to provide community direction for the Municipality's management of municipally owned public lands; and

**WHEREAS**, the voter ratification language in SMC 16.02.025 could be amended to evade the requirement that voters ratify the ordinances authorizing these leases; and

**WHEREAS**, any attempt to remove the right of citizens to vote should first be approved by those voters via election;

### 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 Skagway Municipal Code by amending section 16.02.025, Referral to voters, to provide that voters will ratify all ordinances authorizing municipal leases in excess of \$5,000,000, and to provide that any amendments to the citizens' right to vote on these ordinances be approved by the voters.

**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. Skagway Municipal Code Title 16 Public Lands amended as follows:

#### Chapter 16.02 LEASE OF LANDS

Sections:  
16.02.010 Definitions.  
16.02.020 Lands available for leasing.  
16.02.025 Referral to voters.  
16.02.030 Applications, fees, terms, payment.  
16.02.040 Appraisal.  
16.02.050 Rights prior to leasing.

**MUNICIPALITY OF SKAGWAY, ALASKA  
ORDINANCE NO. 15-23**

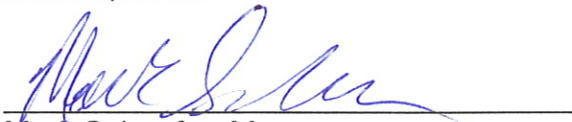
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- 16.02.060 Public use.
  - 16.02.070 Review.
  - 16.02.080 Term of leases.
  - 16.02.090 Public notice.
  - 16.02.100 Appeal.
  - 16.02.110 Completion of bid requirements.
  - 16.02.120 Issuance of lease.
  - 16.02.130 Negotiated leases
  - 16.02.140 Responsibility to properly locate on leased premises.
  - 16.02.150 Approval of other authorities.
  - 16.02.160 Terms and conditions of leases.
- 16.02.025 Referral to voters.
- A. Where required by subsection B, the qualified voters of the municipality shall ratify the lease of real property or an interest therein by voting to approve or not approve the ordinance providing for the terms and conditions of the subject disposal. Ratification shall be by a majority of the qualified voters voting at a general or special election at which the question of ratification of the ordinance is submitted. In addition to federal government notice requirements, thirty (30) days' notice shall be given of the election, and during that period the borough assembly shall have published in the municipality a notice stating the time of the election and the place of voting, describing the property to be sold, leased or disposed of, giving a brief statement of the terms and conditions of the proposed sale, and stating the time and date of passage of the ordinance. Notice shall also be given by posting a copy of the ordinance in at least three (3) public places in the municipality at least thirty (30) days before the election. ~~Subsection B shall not apply to leases between the municipality and any subdivision of the State of Alaska or between the municipality and any agency or corporation of the State of Alaska authorized to enter leases and enter contracts.~~
  - B. Ratification of the ordinance by the voters shall be required when the value of the lease payments over the entire term of the lease exceed five-million dollars (\$5,000,000.00). This value shall be estimated by multiplying the number of years in the entire lease term times the average annual rent for the first five (5) years, notwithstanding the possible future adjustment of the annual rent for subsequent five (5) year segments of the lease term pursuant to provisions of this chapter. A renewal option exercisable at the discretion of the lessee shall be counted in determining the term of the lease for purposes of this subsection. ~~Subsection B shall not apply to leases between the municipality and any subdivision of the State of Alaska or between the municipality and any agency or corporation of the State of Alaska authorized to enter leases and enter contracts.~~
  - C. The whole of section or any subsection within 16.02.025, Referral to voters, may not be repealed or amended without ratification of the ordinance by qualified voters of the municipality.**


**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 September, 2015.

  
Mark Schaefer, Mayor

ATTEST:

  
Emily A. Deach, Borough Clerk

(SEAL)

