

Proposed by:	Assemblymember Burnham
Attorney Review:	01/27/2023
First Reading:	02/02/2023
Second Reading:	02/16/2023
Vote: 1 Aye	5 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 23-02

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 16 TO REQUIRE RATIFICATION BY PUBLIC VOTE BEFORE THE LEASE OR SALE OF THE DAHL MEMORIAL CLINIC BUILDING OR LAND OR BOTH AND BEFORE THE LEASE OR SALE OF THE DAHL MEMORIAL CLINIC BUSINESS OR ASSETS OR BOTH.

WHEREAS, a citizen initiative petition, with 149 valid signatures, was certified by the Clerk’s office on December 20, 2022 which, if adopted by the eligible voters of Skagway, would result in the need for the Assembly to amend the code to incorporate the following language or substantially similar language :

“The E.A. Rasmuson Community Health Center Building and the Dahl Memorial Clinic business shall not be leased or sold without a ratification by public vote.”; and

WHEREAS, Alaska State Statute Section 29.26.170. Initiative election, part B indicates:

“If the governing body adopts substantially the same measure, the petition is void, and the matter initiated may not be placed before the voters.”; and

WHEREAS, the code amendment outlined in this ordinance will adopt substantially the same measure as the petition, and if adopted this ordinance will void the petition;

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 16, Public Lands to require the sale or lease of the E.A. Rasmuson Community Health Center Building or land or both and to require the lease or sale of the Dahl Memorial Clinic business or assets or both to be ratified by public vote. If adopted, the code amendment will void the citizen initiative petition certified by the Clerk’s office on December 20, 2022.

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 Section 16.03 is hereby amended as follows:

16.03.20 Lands available for leasing.

A. All land and interests in land owned by the municipality, including the tide and submerged lands, may be leased as hereinafter provided for surface use only.

B. Tidelands may be leased, subject to the pertinent provisions of this chapter, for surface use only, but shall not be sold.

C. The E.A. Rasmuson Community Health Center building and the municipal land upon which the Building currently exists shall not be leased without ratification by public vote.

D. The Dahl Memorial Clinic business and assets shall not be leased without ratification by public vote.

~~E.~~ Before accepting applications to lease lands, the municipality shall have classified by ordinance the lands in question for leasing and for particular land uses; and a land use plan of the area shall have been prepared and publicly posted in the office of the borough clerk for a period of not less than ten (10) calendar days. The land use plan shall be approved by the borough assembly prior to posting. No lease shall be granted except for the particular use for which the tract is classified.

Section 4. Amendment. Skagway Municipal Code Section 16.04 is hereby amended as follows:

16.04.020 Commencement.

The disposal process will commence upon, and be further governed and controlled by, a non-code ordinance consistent with the procedures set forth herein, and such other terms or conditions as the borough assembly may determine, identifying the particular land to be disposed of and the particular disposal method to be used. Lands may not be sold or otherwise disposed of until the land has been zoned or classified. Tidelands shall not be sold. **The E.A. Rasmuson Community Health Center building and the municipal land upon which it currently exists shall not be sold without ratification by public vote. The Dahl Memorial Clinic business and assets shall not be sold without ratification by public vote.**

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 __ day of _____, 2023.

Andrew Cremata, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk

(SEAL)

FAILED on February 16, 2023.