

AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION

WHEREAS, the legislative power of the Aleutians East Borough is vested with the Assembly pursuant to Alaska State Statute 29.20.050; and

WHEREAS The Aleutians East Borough Planning Commission recommends that the Assembly adopt the proposed changes to the Aleutians East Borough Code Title 2, Administration.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Aleutians East Borough Code.

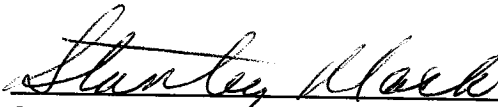
Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effectiveness. This ordinance shall become effective upon adoption.


Section 4: Adoption by Section. Aleutians East Borough Code, Title 2 Administration is hereby repealed and Aleutians East Borough Code, Title 2 Administration as annexed hereto as part of this ordinance is hereby adopted as Title 2 Administration of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED: Dec. 12, 2013

ADOPTED: Jan. 16, 2014


Stanley Mack, Mayor
Date: 1/16/14

ATTEST:


Tina Anderson, Clerk
Date: 1/16/14

TITLE 2
ADMINISTRATION

CHAPTERS:

<u>2.02</u>	<u>BOROUGH SCHOOL BOARD</u>
<u>2.04</u>	<u>BOROUGH ASSEMBLY</u>
<u>2.08</u>	<u>ASSEMBLY MEETINGS</u>
<u>2.12</u>	<u>ASSEMBLY PROCEDURES</u>
<u>2.16</u>	<u>MAYOR</u>
<u>2.20</u>	<u>BOROUGH OFFICES AND OFFICERS</u>
<u>2.28</u>	<u>BOROUGH CLERK</u>
<u>2.29</u>	<u>FINANCE DEPARTMENT</u>
<u>2.40</u>	<u>PUBLIC WORKS DEPARTMENT</u>
<u>2.60</u>	<u>NATURAL RESOURCES DEPARTMENT</u>

TITLE 2

ADMINISTRATION

Chapter 2.02 -- Borough School Board

Section:

2.02.010	School Board Composition and Apportionment.
2.02.020	School Board Elections.
2.02.030	Financial Disclosure

2.02.010 School Board Composition and Apportionment.

The School Board shall consist of seven members, elected to seats identified as seats A-G, who are elected at large by the qualified voters of the Borough.

(Ord 14-04 (Amended 07-09), Sec. 2.02.010, part, 1987)

2.02.020 School Board Elections.

The Borough Code Title 4 governing elections is applicable to all School Board elections.

(Ord. 14-04 (Amended Ord. 07-09), Sec. 2.02.020)

2.02.030 Financial Disclosure

- A. Aleutians East Borough School Board members shall submit a financial and business disclosure form in accordance with and as required by Chapter 1.28.
- B. Participation in all borough governmental activities without the required disclosure by School board members is prohibited.

(Ord. 14-04 (Amended Ord. 12-03), Sec. 2.02.030)

TITLE 2

ADMINISTRATION

Chapter 2.04 -- Borough Assembly

Sections:

2.04.010	Borough Assembly--Composition and Apportionment
2.04.020	Qualifications of Assembly and School Board Members.
2.04.030	Election of Assembly and School Board Members--Terms.
2.04.040	Compensation of Assembly Members.
2.04.048	Declaration of Vacancy.
2.04.050	Filling a Vacancy.
2.04.060	Advisory Members.
2.04.070	Financial Disclosure

2.04.010 Borough Assembly -- Composition and Apportionment.

The Assembly shall consist of seven members, elected to seats, identified as Seat A-G, elected at large by the qualified voters of the Borough.

(Ord. 14-04 (Amended Ord. 07-08), Sec. 2.04.010, part, 1987)

2.04.020 Qualifications of Assembly and School Board Members.

The Assembly and school board members shall be qualified electors of the Borough, and shall have been a resident within the Borough for a minimum of one (1) year prior to holding office. An Assembly or school board member who ceases to be eligible to be a Borough voter immediately forfeits his office.

(Ord. 14-04 (Amended Ord. 07-08), Sec. 2.04.020, part, 1987)

2.04.030 Election of Assembly Members -- Terms.

- A. An election is held annually on the first Tuesday of October, to choose Assembly and school board members for three year terms and until their successors are elected and have qualified. In the event that a new form of representation is adopted, upon certification of the results, the Assembly and school board members elected at such election shall determine by lot the length of the terms of office so that the terms of two (2) members shall be for one (1) year, the terms of two (2) members shall be for two (2) years,

and the term of three (3) members shall be for three (3) years, resulting in staggered terms of office for all members subsequently elected.

- B. The regular term of office begins on the first Monday following the certification of the election.
- C. The Assembly may provide by ordinance for different terms not to exceed three (3) years, except that the current term of incumbent Assembly members may not be altered.

Ord. 14-04 (Amended Ord. 07-08), Sec. 2.04.030, part, 1987)

2.04.040 Compensation of Assembly Members.

Each member of the Assembly shall receive a meeting fee of three hundred dollars for each meeting day of the Assembly attended, including Board of Equalization and Board of Adjustment meetings attended. The meeting fee shall be paid monthly and shall be subject to all taxes and withholdings, including deductions for the Public Employee's Retirement System (PERS), if applicable.

(Ord. 14-04 (Amended Ord. 02-12), Sec. 2.04.040, part, 1987)

2.04.048 Declaration of Vacancy.

- A. An Assembly seat becomes vacant for any reason set out in AS 29.20.170 upon a declaration of vacancy by the Assembly by resolution.
- B. Prior to the adoption of a resolution declaring a vacancy, the Assembly shall hold a hearing on the question of whether to declare the seat vacant and shall give two weeks' notice of the date, time, place and purpose of the hearing to the Assembly member holding the seat. If the reason for the proposed declaration of vacancy is the mental inability of the Assembly member to perform the duties of office, notice shall be given to the Assembly member and, if possible, to a person responsible either for the care or for the affairs of the Assembly member. The Assembly member may be represented at the hearing by an attorney and may present such evidence and sworn oral and written testimony as is relevant.
- C. If the declaration of vacancy is because the Assembly member no longer physically resides in the Borough, there is a rebuttable presumption the Assembly member no longer physically resides in the Borough if it is shown that the Assembly member has established a place of residence outside the Borough and has resided outside the Borough for 90 or more consecutive or nonconsecutive days during the immediately preceding 6 month period without first having obtained a determination by the Assembly that unusual circumstances exist that justify both the temporary establishment of such a residence and the physical presence of the person outside the Borough. In

determining whether an Assembly member has established a residence outside the Borough the Assembly may consider such things as:

1. Where the Assembly member or a member of the Assembly member's household owns residential property that the Assembly member occupies.
 2. Where and for what term the Assembly member leases or rents and resides at nontransient residential property.
 3. Whether and where an Assembly member who lives aboard a vessel rents transient or permanent moorage.
 4. The location and amount of time the Assembly member resides at residential property owned or rented by or made available for the Assembly member, including the location and time residing on a vessel.
 5. The address to which the Assembly member's mail, other than advertising, is sent directly by the sender.
 6. The physical location of motor vehicles and other goods owned by the Assembly member or that are owned by members of his or her household and regularly used by the Assembly member.
 7. The places the Assembly member participates in activities of social clubs or other groups.
 8. The places children of the household of the Assembly member attend school.
 9. Other relevant factors.
- D. Resignation tendered by an Assembly member is unconditional and irrevocable. Upon submittal, the resignation shall be transmitted to the Assembly for consideration and action and cannot be withdrawn any time prior to consideration and action by the Assembly.
(Ord. 14-04 (Amended Ord. 00-05), subsection 2.04.048(D))

The Assembly may find that an Assembly member no longer physically resides in the Borough whether or not the conditions for the rebuttable presumption are shown.

(Ord 14-04 (Amended Ord. 90-4), Sec. 2.04.048, part, 1987)

2.04.050 Filling a Vacancy.

If a vacancy occurs in the Assembly, the Assembly by vote of a majority of is remaining members shall designate a person to fill the vacancy within thirty days. (Ord. 14-04 (Amended Ord. 88-1), Sec. 2.04.050, part, 1987)

2.04.060 **Advisory Members.**

- A. There shall be advisory members appointed on the Assembly with the rights and responsibilities a set out in this section.
- B. There shall be one for each of the communities in the Borough, which are without an Assembly member residing in its respective community.
- C. The term of an advisory member is one year and begins on January 1st of each year. A person appointed holds office until a successor has been appointed and seated.
- D. Advisory members may attend all Assembly meetings, work sessions, committee of the whole meeting and subcommittee meetings; except, an advisory member may not attend executive sessions except upon adoption by the Assembly or committee of the motion to permit the advisory members to attend the executive session.
- E. Advisory members may participate in the discussion of any matter that comes before the Assembly or committee but may not make motions, vote or otherwise participate except to discuss matters before the body.
- F. Only a person appointed under this section may participate in Assembly meetings as an advisory member. An advisory member may not serve as a proxy or substitute for a regular member of the Assembly unless appointed or elected to fill an Assembly vacancy. Upon such election or appointment to a vacancy, the advisory seat held by that person becomes vacant.
- G. If an advisory member clearly expresses a position for or against a proposition, the minutes of the meeting shall reflect the position expressed.
- H. Advisory members will receive per diem, reimbursement and payments in lieu as may be provided for Assembly members.
- I. The presence or absence of an advisor member at an Assembly meeting, the existence of a vacancy in an advisory member seat, and an act or admission of an advisory member shall have no effect on any action of the Borough. An advisory member has no authority to act on behalf of the Borough and the meeting of advisory members does not constitute a

meeting of the Assembly or any other body of the Borough for any purpose.

- J. Advisory members shall be governed by the same rules as elected members concerning meeting attendance as provided for in Chapter 2.20 and other applicable ordinances.

(Ord. 14-04 (Amended Ord. 08-04), Sec. 2.04.060, part, 1987)

2.04.070 Financial Disclosure.

- A. Aleutians East Borough Assembly members shall submit a financial and business disclosure form in accordance with and as required by Chapter 1.28.
- B. Participation in all borough governmental activities without the required disclosure by Assembly members is prohibited.

(Ord. 14-04 (Amended Ord. 12-03), New Sec. 2.04.070)

TITLE 2

ADMINISTRATION

Chapter 2.08 - Assembly Meetings

Sections:

2.08.010	Regular Assembly Meetings.
2.08.020	Special Meetings.
2.08.030	Meetings - Location Change.
2.08.040	Rescheduling of Meetings – Authority of Mayor .
2.08.050	Executive Sessions.
2.08.060	Absences.

2.08.010 Regular Assembly Meetings.

- A. All regular meetings of the Assembly shall be held on the second Thursday of each month at 3:00 p.m.
- B. The regular place of Assembly meetings shall be at the Borough office at Sand Point, Alaska. In order to give the public a greater opportunity to attend and participate in meetings of the Borough Assembly, the Assembly may hold regular and special meetings in public locations throughout the Borough other than at the regular meeting place. When the Assembly determines to hold a meeting at a date, time or place other than the regular place, the Borough Clerk shall give notice of such meeting. The notice shall in accordance with the publication requirements of Sec. 1.12.010, at least three days prior to the scheduled meeting.
- C. All meetings of the Assembly, including work sessions and committee meetings, shall be public meetings. The public shall have reasonable opportunity to be heard at regular and special meetings of the Assembly.
- D. Audio/Video Conferencing: Attendance and participation of members of the Assembly at Assembly meetings may be by teleconference or video conference in public locations established within the Borough or in the Borough's Anchorage office. The public shall be given notice of teleconference or video conference locations and all materials that are to be considered at the meeting shall be made available at the locations if practicable.

- E. Telephonic participation by Assembly members is not authorized during Assembly meetings when an Assembly member is physically absent from the Aleutians East Borough or unable to attend at the Borough's Anchorage office or is physically incapacitated except when a quorum is necessary to conduct business or an emergency meetings is necessary.

(Ord. 14-04 (Amended Ord. 08-02), Sec. 2.08.010, part, 1987)

2.08.020 **Special meetings.**

- A. If a majority of the members of the Assembly are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the Assembly may be held at the call of the Mayor or at least three members of the Assembly. Notice of the special meeting must be given orally or in writing to each Assembly member or written notice may be left at the member's usual place of business or residence. A special meeting may be conducted with less than 24 hours' notice if all members of the Assembly are present or if absent members have waived in writing the required notice. Waiver of notice may be made before or after the special meeting is held. A waiver of notice must be made part of the journal for the meeting. The location of special meetings shall be the same as for regular meetings unless the Assembly, at a regular or special meeting, determines that a special meeting will be held at a different place.
- B. The notice of special meeting must specify the time, place and subject matter of the meeting. If two members at the meeting object, an item of business that was not on or related to an item mentioned in the notice may not be acted on by the Assembly, however, such items may be discussed and scheduled for Assembly action at a future meeting.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.020, part, 1987)

2.08.030 **Meetings - Location Change.**

Notwithstanding the provisions of Sec. 2.08.010 or 2.08.020, if after having been lawfully Assembly in a location properly designated, the Assembly determines that a condition exists which renders such location unsuitable; it may recess the meeting and reconvene at a different location suitable to the needs of the Assembly. Prior to the recess the Assembly shall make known to those assembled for the meeting the location at which the meeting will be reconvened. In addition, a notice of the change of location must be posted at the place originally scheduled for the meeting.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.030, part, 1987)

2.08.040**Rescheduling of Meetings - Authority of Mayor.**

If, prior to a regular or special meeting, the Mayor makes a written determination that:

- A. A quorum will not be present at the meeting;
- B. There will not be available information, documents or other materials or a person essential for the conduct of the meeting;
- C. A substantial number of members of the public who have attempted to get to the place of the meeting will be prevented from attending because of weather or transportation problems beyond their control; or,
- D. Other substantial and compelling reasons justify the postponement of the meeting;

The Mayor may postpone the meeting to a later time. Upon a postponement of a meeting under this section, the Mayor shall have posted in a conspicuous place at the main entrance of the building and on the door of the room in which the meeting was to have been held a notice of the postponement and the date and time to which the meeting is postponed. Similar notice shall be provided orally or in writing to each Assembly member. The Mayor shall also have a similar notice posted in a public place in each city and major community in the Borough, provided, failure to the notice required in this sentence posted in each city and major community does not affect the validity of postponed meeting. All matters acted upon by the Assembly at a postponed meeting shall be as valid as if such action had taken place at the originally scheduled meeting, but the date of such action shall be the date the action was actually taken.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.040, part, 1987)

2.08.050**Executive Session.**

- A. The following subjects may be discussed in an executive session:
 - 1. Matters that immediate knowledge of which would clearly have an adverse effect on the finances of the Borough or school district; or,
 - 2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.
- B. The following shall be discussed in executive session when the best interests of the Borough requires:

1. Discussions of potential, threatened or pending suits, claims or governmental proceedings in which the Borough has an interest.
 2. Discussions with legal counsel to the Borough.
 3. Discussions of negotiations or other matters in which the public discussion of the possible strategy and positions of the Borough would be detrimental to the effectiveness of the Borough in such matters.
- C. The adoption of a motion to go into executive session for a purpose under subsection B constitutes a determination by the Assembly that the best interests of the Borough require such discussion in executive session.
- D. If subjects excepted by law or this section are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss excepted subjects shall be determined by a majority vote of the Assembly. No subjects may be considered at an executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at an executive session.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.050, part, 1987)

2.08.060 Absences.

No member may absent himself from any meeting of the Assembly except for good and sufficient reason.

(Ord. 14-04 (Amended Ord. 89-3), Sec. 2.08.060, part, 1987)

TITLE 2

ADMINISTRATION

Chapter 2.12 -- Assembly Procedures

Sections:

2.12.010	Presiding Officer.
2.12.020	Meetings - Order of Business.
2.12.030	Agenda.
2.12.040	Minutes.
2.12.050	Assembly Rules.
2.12.060	Veto.
2.12.070	Duties of the Clerk at Assembly Meetings.

2.12.010 Presiding Officer.

- A. The Mayor shall be the Presiding Officer at meetings of the Assembly. He shall preserve order and decorum among the Assembly members, and is responsible for conduct of all meetings in compliance with the rules of the Assembly. He may at any time make such rules as he deems proper to preserve order among the spectators in the Borough Assembly chamber during sessions of the Assembly.

The Presiding Officer may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal to the Assembly by motion duly seconded as herein provided. He may at any time call any member to the chair during any meeting, such substitution to discontinue when he elects to resume the chair and in no event beyond adjournment of the meeting at which such substitution is made.

- B. In the temporary absence or disability of the Presiding Officer, any member of the Borough Assembly may call the Assembly to order at any duly called meeting to elect a president pro tempore from among its number and the president pro tempore shall exercise all the powers of chairman during such temporary absence or disability of the Presiding Officer and may also vote.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.010, part, 1987)

2.12.020 Meetings - Order of Business.

At every regular meeting of the Borough Assembly the order of business shall be as follows:

- A. Call to Order;
- B. Invocation;
- C. Roll Call;
- D. Minutes of Previous Meeting;
- E. Communications and Appearance Requests;
- F. Consent Agenda;
- G. Hearings, Ordinances and Resolutions;
- H. Old Business;
- I. New Business;
- J. Administrator/Manager Reports;
- K. Audience Participation;
- L. Assembly Comments; and,
- M. Adjournment.

(Ord. 14-04 (Amended Ord. 92-06), Sec. 2.12.020, part, 1987)

2.12.030 Agenda.

- A. Regular and Special Assembly Meetings. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Assembly shall, at least seventy-two hours prior to each Assembly meeting, be delivered to the Borough clerk, whereupon the Mayor shall arrange a list of such matters according to the order of business. At least forty-eight hours in advance of the Assembly meeting, the Borough clerk shall furnish each member of the Assembly and the Mayor a copy of the same in packet form. Distribution shall be by electronic mail to each Assembly member's email address of record as well as by posting on the Borough's website. If distribution by electronic means is not available, distribution shall be by delivery in person or mail to the Assembly member.
- B. Work Sessions. Any matter to be considered by the Assembly in work sessions shall be listed in agenda form by the clerk and be given to the Assembly at least three days prior to said work session. Any written material for said work session shall be furnished by the Borough Clerk to the Mayor, Assemblymen and Borough administrator three days in advance of the scheduled day for said work session. Reasonable public notice for work sessions of the Assembly shall be required.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.030, part, 1987)

- C. Consent Agenda. Matters requiring Assembly approval that are determined by the Mayor to be routine or noncontroversial may be placed under the

Consent Agenda for approval by the Assembly upon a single motion. An ordinance may not be placed under the Consent Agenda except for the purpose of introduction and setting of a public hearing date. An ordinance placed under the Consent Agenda shall include a notation indicating the proposed public hearing date. The presiding officer, at his own discretion or upon the request of any member of the Assembly, shall remove a Consent Agenda item and place it under the appropriate agenda item for action at the time such other agenda item comes up. Except for minor clarifications, Assembly members may not discuss, debate, or amend any matter while it is on the Consent Agenda. Discussion, debate and amendment on a Consent Agenda item may be had by requesting the item be removed and placed for action under the appropriate agenda item. All items remaining on the Consent Agenda are adopted by approval of a single motion to adopt the Consent Agenda.

(Ord. 14-04 (Amended Ord. 92-6), Sec. 2.12.030, part, 1987)

2.12.040 Minutes.

- A. Minutes of all regular and special meetings shall be taken. Minutes shall be in the form of a summary of discussion including a verbatim report of motions made and actions taken plus a report of each vote cast by Assembly members when a roll call vote is made. Summary notes shall be provided for each work session.

All minutes of regular and special meetings, and summary notes of work sessions, shall be kept in the journal of the proceedings of the Assembly. Paper copies of all minutes of the Assembly shall be distributed by the Borough Clerk to the public desiring same after payment of a reasonable charge. One copy of the minutes shall be given free of charge to any person appearing in person and requesting same with extra copies in person or by mail available at twenty-five cents per copy per page, and subscriptions available by mail at the rate of ten dollars per year. All minutes shall also be posted on the Borough's website and available to the public free of charge.

- B. Unless a reading of the minutes of an Assembly meeting, regular or special, is requested by a member of the Assembly, such minutes may be approved without a reading if the Borough Clerk has previously furnished each member with a synopsis thereof.
- C. The Borough Clerk may be directed by the Mayor, with the consent of the Assembly, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Assembly.

(Ord. 14-04 (Amended by Ord. 90-5), Sec. 2.12.040, part, 1987)

2.12.050 Assembly Rules.

- A. In all matters of parliamentary procedure not covered in these rules, Robert's Rules of Order shall be applicable and govern.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.050, part, 1987)

2.12.060 Veto.

The Mayor may veto any ordinance, resolution, motion, or other action of the Assembly and may, by veto, strike or reduce items in appropriation ordinances. He shall submit to the Assembly at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of two-thirds of the authorized membership of the Assembly within 21 days following exercise of the veto or at the next regular meeting whichever is later. The veto does not extend to appropriation items in school budget ordinances; actions of the governing body sitting as the board of equalization or the board of adjustment; or, adoption or repeal of a manager plan of government.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.060, part, 1987)

2.12.070 Duties of the Clerk at Assembly Meetings.

The Borough Clerk shall give notice of Borough Assembly meetings, shall attend all meetings of the Assembly and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the Borough Clerk, the Borough Assembly may appoint a clerk pro tempore, with all the powers, duties and obligations of the Borough Clerk, who shall be duly qualified.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.12.080, part, 1987)

TITLE 2

ADMINISTRATION

Chapter 2.16 - Mayor

Section:

2.16.010	Mayor as Executive.
2.16.020	Mayor's Additional Duties.
2.16.030	Election and Term of Mayor.
2.16.040	Filling a Vacancy.
2.16.050	Mayor Pro Tempore.
2.16.060	Successor to Office of Mayor and Mayor Pro Tempore.
2.16.070	Salary of Mayor.
2.16.080	Financial Disclosure

2.16.010 Mayor as Executive.

- A. The Mayor is the chief executive officer of the Borough. He shall act as ceremonial head of the Borough, and sign documents on the Borough's behalf upon Assembly authorization.
- B. The Mayor shall:
1. Appoint Borough employees and administrative officers, except as provided otherwise in Sec. 2.20.050 and AS 14.14.065; he may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department;
 2. Suspend or remove by written order Borough employees and administrative officers, except as provided otherwise in Sec. 2.20.050 and AS 14.14.065;
 3. Supervise enforcement of Borough law;
 4. Prepare the annual budget and capital improvement program for the Assembly;
 5. Execute the budget and capital program as adopted;
 6. Make monthly financial reports to the Assembly on Borough finances and operations;

7. Report to the Assembly at the end of each fiscal year on the finances and administrative activities of the Borough;
8. Prepare and make available for public distribution an annual report on Borough affairs;
9. Serve as Borough personnel officer unless the Assembly authorizes him to appoint a personnel officer; and,
10. Execute other powers and duties specified in AS Title 29 or lawfully prescribed by the Assembly.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.010, part, 1987)

2.16.020 Mayor's Additional Duties.

The Mayor shall in addition to the powers and duties conferred on his office by Sec. 2.16.010:

- A. Direct and supervise the business of the Borough to assure that all ordinances and resolutions are executed; and,
- B. Act as ex-officio chairman of the board of adjustment for matters of building and zoning regulations of the Borough.

(Ordinance 14-04 (Amended Ord. 88-1), Sec. 2.16.020, part, 1987)

2.16.030 Election and Term of Mayor.

- A. A voter of the Borough is eligible to hold the office of Mayor. A voter must be a resident of the Borough no less than one year prior to serving as Mayor.
- B. The Mayor is elected at large for a term of three years and until a successor is elected and has qualified.
- C. The Mayor's regular term begins on the first Monday following his election, which is held on the first Tuesday of October.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.030, part, 1987)

2.16.040 Filling a Vacancy.

A vacancy in the office of Mayor occurring within six months of a regular election shall be filled by the Assembly. The person designated shall serve until the next regular election and until a successor is elected and has qualified. If an

Assemblyman is chosen, he shall resign his Assembly seat. If a vacancy occurs more than six months before a regular election; the Assembly shall call a special election to the unexpired term.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.040, part, 1987)

2.16.050 Mayor Pro Tempore.

Should the office of the Mayor become vacant, or if the existing Mayor is disabled or unable to act, the Assembly may appoint a Mayor pro tempore, to serve until the Mayor resumes his official duties, or until a new Mayor is qualified.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.050, part, 1987)

2.16.060 Successor to Office of Mayor and Mayor Pro Tempore.

Should the office of Mayor and Mayor pro tempore become vacant or should both the Mayor and Mayor pro tempore be absent or unable to perform the duties of the office of Mayor, the order of interim succession shall be determined as follows:

- A. The Assembly member with the longest total period of tenure in office shall assume the office of Mayor pro tempore.
- B. Should more than one Assemblyman have the same total period of tenure in office, that Assemblyman who received the largest plurality at the last election at which such Assembly members were elected shall assume the office of Mayor pro tempore.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.16.060, part, 1987)

2.16.070 Salary of Mayor.

- A. The office of the Mayor of the Borough may be filled on a part-time basis. The salary of the Mayor serving on a part-time basis shall be \$50,000.00 per annum increased annually on July 1 of each year by an amount equal to the increase of the Consumer Price Index (Urban) for the Anchorage area from the preceding July 1. The base date of computing increases is July 1, 1993. The salary of the Mayor, shall not be diminished during the Mayor's term but may be increased beyond the cost of living index increase provided in this subsection by an amount approved by the Assembly in the budget for the next fiscal year. Any increase beyond the annual consumer price index adjustment shall become effective on July 1 of the budget year for which approved unless otherwise provided by the Assembly.

(Ord. 14-04 (Amended Ord. 01-01), Subsection 6.04.042 A, part, 1987)

- B. The Borough Assembly may, at any time during the term of office of a Mayor, raise the salary of the Mayor to an amount the Assembly determines to be commensurate with the duties and responsibilities of the office of Mayor.
- C. The office of the Mayor shall be appropriately staffed, subject to Assembly approval, in order to meet the requirement of full service to the public.

(Ord. 14-04, (Amended Ord. 94-02) Sec. 2.16.070, part, 1987)

2.16.080 Financial Disclosure.

- A. Aleutians East Borough Mayor shall submit a financial and business disclosure form in accordance with and as required by Chapter 1.28.
- B. Participation in all borough governmental activities without the required disclosure by the Mayor is prohibited.

(Ord. 14-04 (Amended Ord. 12-03), New Sec. 2.16.080)

TITLE 2

ADMINISTRATION

Chapter 2.20 - Borough Offices and Officers

Sections:

2.20.010	Meetings Public.
2.20.020	Private Meetings.
2.20.030	Public Notice of Meetings.
2.20.040	Publication.
2.20.050	Emergency Meeting.
2.20.060	Oath of Office.
2.20.070	Salaries of Elected Officers Not to be Varied.
2.20.080	Appointment of Officers.
2.20.090	Prohibitions.
2.20.100	Conflicts of Interest.
2.20.110	Vacancies.

2.20.010 Meetings Public.

Meetings of all municipal bodies shall be public as provided in AS 44.62.310. The Assembly, all Boards and Commissions and Mayor shall provide reasonable opportunity for the public to be heard at regular and special meetings.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.010, part, 1987)

2.20.020 Private Meetings.

- A. All meetings of the Assembly, Planning Commission, subcommittees of the Assembly, boards, administrative agencies and commissions created by this Code or by the Assembly, shall be open to the public; provided, however, that the following excepted subjects may be discussed in a private meeting by any of the above:
1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the Borough;
 2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; or,
 3. Matters which by law, municipal charter, or ordinance are required to be confidential.

- B. The following shall be discussed in a private meeting when the best interests of the Borough so require:
1. Topics that meet the standard of Sec. 2.08.050 of this Code;
 2. Negotiations with labor organizations representing Borough employees; or,
 3. Discussions of pending or threatened lawsuits in which the Borough has an interest.
- C. If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding a private meeting to discuss matters that come within the exceptions contained in subsections (A) and (B) of this section shall be determined by a vote of the body. No subjects may be considered at the private meeting except those mentioned in the motion calling for the private meeting unless auxiliary to the main questions. No action may be taken at the private meeting.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.020, part, 1987)

2.20.030 **Public Notice of Meeting.**

Reasonable public notice shall be given of all meetings of an administrative body, board, commission, committee, subcommittee, authority, agency or other organization including subordinate units of the above groups of the Borough including but not limited to Assembly, Planning Commission, school board, platting board, commissions or organizations advisory or otherwise of the Borough.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.030, part, 1987)

2.20.040 **Publication.**

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of the meeting is published in accordance with the publication requirements of Sec. 1.12.010 not less than twenty-four hours before the time of the meeting.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.040, part, 1987)

2.20.050 **Emergency Meeting.**

An emergency meeting of the Assembly may be held after such public notice as is reasonable under the circumstances without regard to the publication requirements in Sec. 2.20.040, upon the affirmative vote of all members present,

or the affirmative vote of three-quarters of those elected that a public emergency affecting life, health, welfare or property exists and that reasonable public notice of the meeting has been given. Any action taken at an emergency meeting is valid only for sixty days.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.050, part, 1987)

2.20.060 Oath of Office.

- A. All officers elected or appointed before entering upon the duties of office shall affirm in writing the following oath and affirmation:

"I do solemnly swear that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the Aleutians East Borough, State of Alaska, and that I will honestly, faithfully and impartially perform the duties of the office of. . . So help me God.

- B. The Oath is filed with the Borough Clerk.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.060, part, 1987)

2.20.070 Salaries of Elected Officials Not to be Varied.

The Assembly may fix by ordinance the salaries of elected officials before they are elected. Salaries may not be changed during a term of office. An elected officer may not receive any other compensation for service to the Borough. Per diem payments or reimbursements for expenses are not compensation under this section.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.070, part, 1987)

2.20.080 Appointment of Officers.

The Borough Clerk, Borough Attorney and Administrator are appointed by the Mayor. Officers serve at the pleasure of the appointing authority. Appointments by the Mayor are subject to confirmation by the Assembly.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.080, part, 1987)

2.20.090 Prohibitions.

No person may be appointed to or removed from Borough office or be favored or discriminated against with respect to a Borough position because of race color, sex, creed, national origin or, unless otherwise contrary to law, because of political opinions or affiliations.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.090, part, 1987)

2.20.100 Conflicts of Interest.

A member of the governing body shall declare a substantial financial interest that the member has in an official action and ask to be excused from a vote on the matter. The Presiding Officer shall rule on the request for abstention (excused). The decision of the Presiding Officer on the request may be overridden by the majority vote of the Assembly. An employee or official of the Borough, other than an Assembly member may not participate in an official action in which he has a substantial financial interest. AS 29.20.010

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.100, part, 1987)

2.20.110 Vacancies.

An elected Borough office is vacated under the following conditions and upon the declaration of vacancy by the Assembly. The Assembly shall declare an elective office vacant when the person elected:

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the Borough for a ninety-day period, unless excused by the Assembly;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office;
- E. Is removed from office;
- F. Misses three regular meetings annually unless excused; or
- G. Is convicted of a felony or of an offense involving a violation of his oath of office.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.20.110, part, 1987)

TITLE 2

ADMINISTRATION

Chapter 2.28 -- Borough Clerk

Sections:

2.28.010	Appointment--Term.
2.28.020	Borough Clerk.
2.28.030	Additional Duties of Clerk.
2.28.040	Acting Clerk.

2.28.010 Appointment.

The Borough clerk shall be appointed by the Mayor. He shall hold office at the pleasure of the Assembly.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.010, part, 1987)

2.28.020 Borough Clerk

A. The Borough Clerk shall:

1. Give notice of the time and place of meetings of the Assembly and all Boards and Commissions to the Assembly and to the public;
2. Attend meetings of the Assembly and of all Boards and Commissions and keep the journal;
3. Arrange publication of notices, ordinances, and resolutions for the Assembly, and all Boards and Commissions;
4. Maintain and make available for public inspection an indexed file including the municipal ordinances, resolutions, rules, regulations, and codes;
5. Attest deeds and other documents; and,
6. Perform other duties specified in this title or prescribed by the Mayor or by the Assembly and any Board or Commission of the Borough.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.020, part, 1987)

2.28.030 Additional Duties of the Clerk.

- A. The Borough Clerk shall record and certify all actions of the Assembly and Planning Commission.
- B. The Borough Clerk shall have the power to administer all oaths required by law.
- C. The Borough Clerk shall be custodian of the Borough seal and the official records of the Borough.
- D. The Borough Clerk shall give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.
- E. The Borough Clerk shall be the registrar of the Borough and shall be responsible for the calling and supervision of all Borough elections unless otherwise provided by law.

Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.030, part, 1987)

2.28.040 Acting Clerk.

In case of the temporary absence of the Borough Clerk, the Assembly may appoint an acting Borough Clerk, with all the powers and obligations of the Borough Clerk. The acting Borough Clerk shall be duly qualified.

The acting Borough Clerk shall in all cases sign all documents in the name of the Borough Clerk, subscribing his personal signature as acting Borough Clerk.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.040, part, 1987)

TITLE 2

ADMINISTRATION

Chapter 2.29 – Finance Department

Sections:

- 2.29.010 Finance Department.
- 2.29.020 Finance Department Director

2.29.010 Finance Department.

There shall be a Finance Department, the head of which shall be the Borough Treasurer. The Finance Director may create divisions in the Finance Department, which approval of the Mayor, the officers of which shall be appointed by the Mayor and under the direction of the Borough Treasurer. The number of employees shall be determined by, and each such employee shall be appointed by the Mayor except as he may delegate such power to the treasurer.

(Ord. 14-04 (Amended Ord. 88-1), Sec. 2.28.070, part, 1987)

2.29.020 Finance Department Director.

- A. There shall be a Borough Finance Department Director who shall be appointed by the Mayor.
- B. The Finance Department Director is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations.
- C. The Finance Department Director shall:
 - 1. Give bond to the municipality in a sum which the Assembly directs;
 - 2. Be responsible for all matter pertaining to the maintenance of all fund accounts of the Borough, and the maintenance and care of all property used for finance;
 - 3. Certify all appropriation encumbrances as to availability of appropriation balances and funds;

4. Prepare and submit to the Mayor such financial reports and other data as may be required;
5. Prescribe and control such procedures as are necessary to protect Borough funds and property; and,
6. Perform such other duties as the Mayor may require.

(Ord. 14-04, Section 2.29.020)

TITLE 2

ADMINISTRATION

Chapter 2.40 -- Public Works Department

Sections:

- 2.40.010 Department Established.
- 2.40.020 Functions.

2.40.010 Department Established.

There is established the Borough Public Works Department. The head of the public works department is the Maintenance Director who is appointed by, and serves at the pleasure of, the Mayor. The Maintenance Director shall supervise and be responsible for the work and functions of the Borough Public Works Department. Employees of the department shall be hired by the Mayor and supervised by the Director. The department shall be managed and supervised subject to the directions of the Mayor.

(Ord. 14-04 (Amended Ord. 97-5), Sec. 2.40.010)

2.40.020 Functions.

The Department shall be responsible for:

- A. The maintenance, repair and upkeep of buildings, harbor, marine and other public facilities for which the Borough is responsible;
- B. The maintenance of equipment assigned to the department;
- C. The inspection of all Borough owned schools, docks and other marine facilities and other public facilities owned by the Borough or for which it has contractually assumed maintenance and repair responsibilities;
- D. Regularly reporting to the Mayor the condition of all Borough owned buildings and other public facilities;
- E. Annually preparing a report on the status and condition of all schools and related facilities for the Assembly and School Board;

- F. Preparing a 6 year capital projects plan to accomplish the Borough needs for major and minor repair, rehabilitation and replacement of Borough owned buildings and other public facilities including school facilities;
- G. Providing such review of the design, plans, maps and specifications for public works projects as may be requested by the Mayor or Administrator;
- H. Coordinating with the Borough's engineer and contractors on public works projects as may be needed;
- I. Performing or supervising minor construction projects; and,
- J. Other functions assigned by the Mayor.

(Ord. 14-04 (Amended Ord. 97-5), Sec. 2.40.020)

TITLE 2

ADMINISTRATIVE

CHAPTER 2.60 -- NATURAL RESOURCES DEPARTMENT

Sections:

- 2.60.010 Natural Resources Department - Established
- 2.60.020 Natural Resources Department - Functions

2.60.010 Natural Resources Department - Established.

There is established the Borough Natural Resources Department. The head of the department shall be appointed by and serve at the pleasure of the Mayor and shall be known as the director of the department. Employees of the department shall be hired and terminated by or with the approval of the Mayor and shall work under the direction and supervision of the director.

(Ord. 14-04 (Amended Ord. 92-13), Sec. 2.60.010)

2.60.020 Natural Resources Department - Functions.

The department is responsible for:

- A. the identification of land and interests in land that are appropriate for selection by the Borough under any entitlement.
- B. The acquisition, management, and disposal of land and interests in land,
- C. The study, investigation, and monitoring of fish, wildlife and other natural resources within the Borough.
- D. The promotion of development, use, and renewal of natural resources within the Borough.
- E. The provision of assistance and guidance, to other responsible parties, on the protection, development, management, and renewal of natural resources within or affecting the Borough, and
- F. Maximizing benefits to the Borough and its residents from the presence, development, use and renewal of natural resources within and affecting the Borough.

(Ord. 14-04 (Amended Ord. 92-13), Sec. 2.60.020)