

**ALEUTIANS EAST BOROUGH
ORDINANCE SERIAL NO. 23-05**

AN ORDINANCE AMENDING TITLE 1, CHAPTER 1.20, SECTIONS 1.20.030(B)(3) and
1.20.100; TITLE 2, SECTIONS 2.08.010(B), 2.12.030(A) AND (B), 2.20.040 AND 2.20.050 OF
THE ALEUTIANS EAST BOROUGH
CODE OF ORDINANCES

WHEREAS, the legislative power of the Aleutians East Borough (the “Borough” or “AEB”) is vested in the Borough Assembly under Alaska State Statute Section 29.20.050; and

WHEREAS, the Borough has adopted a Borough Municipal Code of Ordinances (sometimes referred to herein as the “Code” or the “Borough Code”) which includes procedures for the distribution of written materials to the Borough Clerk, Assembly members, the Mayor and publication of notice of meetings; and

WHEREAS, the Borough desires to amend the Code to be internally consistent, to correct grammatical and typographical errors, and to comply with Alaska law and the Borough’s procedures; and

WHEREAS, Code Section 1.04 provides that the Code may be amended by act of the Assembly; and

WHEREAS, deletions from the current Code are ~~struck out~~ and additions are indicated in **bold red type**.

NOW THEREFORE, BE IT ENACTED:

Section 1. Notice and Distribution of Materials for Proposed Ordinances. Section 1.20.030(B)(3) of the Borough Municipal Code is hereby amended to read as follows: “At least five **(5)** days before the public hearing **the Borough Clerk shall publish** ~~be published~~ a summary of the ordinance ~~shall be published~~ together with a notice of the time and place for the **public hearing, an agenda and any other written materials.**”

Section 2. Codes of Regulations. Section 1.20.100 of the Borough Municipal Code is amended to read as follows: “1.20.100 ~~Codes~~ **Code** of Regulations-**Ordinances.** The assembly may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the ordinance nor its amendments need to be distributed to the public or read in full at the hearings. For a period of fifteen days before adoption at least five hearings. For a period of fifteen days before adoption at least five copies of the code must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The assembly shall provide for the adopted code to be sold to the public. **Adopted ordinances shall be published on the Borough’s website. Paper copies are available upon request and the Borough reserves the right to charge a reasonable copying charge in accordance with A.S. 40.25.110.**”

Section 3. Regular Assembly Meetings. The fourth sentence of Section 2.08.010(B) of the Borough Municipal Code is hereby amended to read as follows: “The notice shall be in accordance with the publication requirements of ~~Sec. 1.12.010~~ **Section 2.20.040** at least twenty-four **(24)** hours prior to the scheduled meeting.”

Section 4. Agenda for Regular and Special Meetings. The first two sentences of Section 2.12.030(A) of the Borough Municipal Code are hereby amended to read as follows: “Regular and Special Meetings. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Assembly shall, at least seventy-two **(72)** hours prior to each Assembly meeting, be delivered to the Borough ~~clerk~~ **Clerk** whereupon the Mayor shall arrange a list of such matters according to the order of business. At least forty-eight **(48)** hours in advance of the Assembly meeting, the Borough ~~Clerk~~ **Clerk** shall furnish each member of the Assembly, the Mayor, **and the Borough Administrator** a copy of the same in packet form.

A Special Meeting may be called on a shorter time frame in accordance with the provisions of AEB Code 2.08.020(A). In that instance, materials for the Special Meeting must be delivered to the Borough Clerk as soon as reasonably practicable, with distribution by the Clerk to the Assembly, the Mayor and the Borough Administrator. Public notice of the meeting will be provided at the same time. 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.”

Section 5. Agenda for Work Sessions. Section 2.12.030(B) of the Borough Municipal Code is hereby amended to read as follows: “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.~~ **and delivered to the Borough Clerk, along with any written materials to be**

considered in the work session at least seventy-two (72) hours prior to such 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 such work session. **The Borough Clerk shall distribute such agenda and any written materials to the Assembly, Mayor and the Borough Administrator at least forty-eight (48) hours prior to such work session.** Reasonable public notice for work sessions of the Assembly shall be required.”

Section 6. Publication. Section 2.20.040 of the Borough Municipal Code is hereby amended to read as follows: “For the purpose of giving notice of **all** meetings, **including work sessions, and except as provided in Section 1.20.030 (Ordinances) and Section 2.12.030(A) (Special 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. 1.123.010~~ not less than twenty-four **(24)** hours before the time of the meeting.”

Section 7. Emergency Meetings. Section 2.20.050 of the Borough Municipal Code is hereby amended by adding a second sentence to read as follows: “**Any written material to be considered in an emergency meeting shall be delivered to the Borough Clerk as soon as reasonably practicable, with distribution by the Borough Clerk to Assembly members, the Mayor, and the Borough Administrator.**”

Section 8. Classification. This ordinance is of a general and permanent nature and shall become part of the Borough Code.

Section 9. 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 10: Effectiveness. This ordinance shall become effective upon adoption.


Section 11: Adoption of Sections. The Code Sections referenced in this Ordinance 23-____ are hereby amended as set forth herein in this Ordinance and are hereby adopted as part of the Code of Ordinances of the Aleutians East Borough.

BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH on this 18th day of May, 2023.

Date Introduced and Approved: _____

INTRODUCED: May 3, 2023

ADOPTED: May 18, 2023



Alvin D. Osterback, Mayor

Date: 5/19/2023

ATTEST:



Beverly Rosete, Borough Clerk

Date: 5/19/2023