

TITLE 2  
ADMINISTRATION

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## TITLE 2

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#### 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)

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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.

In order to prevent dual office holding, no Borough department heads are eligible to run for or serve on the Borough Assembly or the School Board while employed by the Borough as a department head. Borough department heads include: The Borough Administrator, the Borough Clerk, the Borough Attorney, the Borough Maintenance Director, the Natural Resources Department Director and the Finance Director.

(Ord. 22-03 (Amended Ord. 14-04), 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.**

- A. If less than 45 days remain in a term, the vacant seat shall not be filled.
- B. If a seat is declared vacant and more than 45 days remain in the term, then the Clerk shall publish reasonable public notice of the vacancy and, for 14 days after the first publication thereof, receive applications from persons interested in being appointed to the vacant seat. The Assembly may review the applications and/or interview applicants in any reasonable manner. Not later than 45 days after the seat is declared vacant, the Assembly shall appoint from among the applicants a qualified person to fill the vacant seat.
- C. In appointing a person from among the applicants the Assembly by vote of a majority of its remaining members shall designate a person to fill the vacancy.
- D. Notwithstanding subsection (B) of this section, if the membership of the Assembly is reduced to fewer than five Assembly members, then the remaining Assembly members shall appoint as many qualified persons to the Assembly as is necessary to once again constitute a quorum. The Assembly shall utilize any procedure which is reasonable under the circumstances in making the appointments required by this subsection and shall make said appointments not later than seven days after the quorum was reduced to less than five Assembly members.
- E. Persons appointed to fill a vacancy shall serve until the next regular election, at which time a successor shall be elected to fulfill the remainder of the unexpired term of office.

(Ord. 24-02 (Amended Ord. 14-04), 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 1<sup>st</sup> 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 move or second items during an Assembly meeting. Advisory Members may cast advisory votes on all matters except those subject to executive session discussions. Advisory votes shall not affect the outcome of a vote, but shall be recorded in the minutes.

Ord 18-09 (amended Ord. 14-04), Sec. 2.04.060(E), part, 1987

- 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 advisory 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.
- K. The Assembly may appoint a student representative on the assembly as an advisory member. The mayor shall nominate one or more students for the assembly to consider for the appointment on a school calendar basis, with a term of one year beginning September 1. No student representative may serve more than a single one-year term; and no student will be compensated with meeting fees.  
The position shall be open to all Aleutians East Borough School District high school students, grades 9 through 12. Nominations shall be made by submission of letters of interest to their high school student council and principal. The student council shall nominate a student to be submitted to the mayor, with approval from their high school principal.  
The student representative may not move or second items during an Assembly Meeting. The student may cast advisory votes on all matters except those subject to executive session discussions. The Advisory votes shall not affect the outcome of a vote. Advisory votes shall be recorded in the minutes.  
(Ord 18-09, New Section 2.04.060(K) )
- L. In order to prevent dual office holding, no Borough department heads are eligible to serve as an appointed advisory member on the Assembly while employed by the Borough as a department head. Borough departments heads include: the Borough Administrator, the Borough Clerk, the Borough Attorney, the Borough Maintenance Director, the Natural Resources Department Director and the Finance Director.

(Ord. 22-03 (Amended Ord. 14-04), 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

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#### 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. 2.20.040, at least twenty-four (24) hours 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. 23-05 (Amended Ord. 14-04), 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)

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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 (72) 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 (48) hours in advance of the Assembly meeting, the Borough Clerk shall furnish each member of the Assembly and 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.

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- B. Work Sessions. Any matter to be considered by the Assembly in work sessions shall be listed in agenda form 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. 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.

(Ord. 23-03 (Amended Ord. 14-04), 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. In order to prevent dual office holding, no Borough department heads are eligible to run for or serve as Mayor while employed by the Borough as a department head. Borough department heads include: the Borough Administrator, the Borough Clerk, the Borough Attorney, the Borough Maintenance Director, the Natural Resources Department Director and the Finance Director.
- C. The Mayor shall:
  - 1. Appoint an Administrator who shall serve at his direction to oversee and supervise all departments of the Borough.
  - 2. Suspend or remove by written order Borough employees and administrative officers, except as otherwise provided.
  - 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 delegated to the Borough Administrator or the Assembly authorizes him to appoint a personnel officer other than the Borough Administrator; and
10. Execute other powers and duties specified in AS Title 29 or lawfully prescribed by the Assembly.

(Ord. 22-03 (Amended Ord. 18-02), 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 2.18 - Borough Administrator

Sections:

2.18.010	Appointment
2.18.020	Term of office
2.18.025	Powers and duties

#### **2.18.010 Appointment**

The Borough Administrator shall be appointed by the Mayor to serve at his direction to oversee and supervise all departments of the Borough.

#### **2.18.020 Term of Office**

Subject to the contract of employment, the Borough Administrator holds office at the pleasure of the Mayor.

#### **2.18.030 Powers and Duties**

The Borough Administrator, as the appointee of the Mayor, is responsible to carry out the duties and administrative functions of the Borough as delegated by the Mayor. Such duties may include, but are not limited to, those enumerated as duties of the Mayor in Chapter 2.16, Section .010 and such other duties as the Mayor may assign.

(Ord. 18-02, New Chapter, 2.18)

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 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 not less than twenty-four (24) hours before the time of the meeting.

(Ord. 23-05 (Amended Ord. 14-04), 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 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. Any action taken at an emergency meeting is valid only for sixty days.

(Ord. 23-05 (Amended Ord. 14-04), 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, Borough Administrator, and Finance Director 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. 19-08 (Amended Ord. 14-04), 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)

## Chapter 2.21 – Public Records

2.21.010	Purpose & Policy
2.21.020	Definitions
2.21.030	Borough Records Declared Public Property
2.21.040	Records Subject to Inspection and Copying
2.21.050	Records Exempted from Public Disclosure
2.21.060	Requests for Borough Records
2.21.070	Records Management
2.21.080	Duties of Borough Departments
2.21.090	Adoption of Regulations

### **2.21.010 Purpose.**

- A. The Management and Preservation of Public Records Act (AS 40.21) provides for the orderly management of current local public records, and the preservation of noncurrent public records of permanent value.
- B. This chapter is intended to provide the Aleutians East Borough with a comprehensive system for the creation, acquisition, use, preservation, security, maintenance, transmission, retention, dissemination and disposal of Borough information contained in any recorded medium.
- C. It is the Borough's policy to provide access to public records in a manner that promotes the right of the people to remain informed, and balances that right against the sometimes-competing interests of reasonable personal privacy as well as the need for confidentiality with respect to some limited areas of Borough affairs. In balancing these interests, this chapter shall be construed as requiring the disclosure of public records in the Borough's possession or control, except for those classes of records specifically exempted herein, or by other applicable law.

### **2.21.020 Definitions.**

For the purposes of this chapter the following words and phrases shall have the meanings set forth in this section:

- A. "Borough" means any department, division, office, board, commission, agency or other instrumentality of the Aleutians East Borough.
- B. "Confidential information" means information, the disclosure of which is restricted by any Borough, state or federal law, ordinance, regulation, rule or judicial decision.

- C. "Historic Value" means the value of a record for use at a later date in reconstructing a general history of the development and government of the borough.
- D. "Legal Value" means the value of a record for use as evidence in pending or threatened litigation or to document a legal relationship or event, including without limitation property and commercial transactions and legislative and judicial actions of the Aleutians East Borough.
- E. "Record" means all recorded information acquired or stored by the borough for future use or preservation, regardless of physical form or characteristic, which is developed or received in connection with the transaction of official business. The term "Record" does not include any proprietary software program.
- F. "Record Center" means a record depository managed by the Clerk's Office for the storage and disposition of noncurrent records.
- G. "Record Series" means any group of identical or related records which are normally used and filed as a unit and which permit evaluation as a unit for retention scheduling purposes, each record series shall be segregated according to series and the year of acquisition.
- H. "Requester" means a person who submits a request to the borough to inspect or obtain a copy of any borough record.
- I. "Retention Schedule" means the schedule developed by the clerk that prescribes retention periods and other policies governing the management of Borough records according to series, including the prompt and orderly disposition of records that no longer possess administrative, legal or historic value.
- J. "Vital Record" means records that are necessary to assure continuance of essential governmental operations to protect the legal and financial operations of the Borough in the event of disaster or catastrophic loss of Borough records.

**2.21.030 Borough records declared public property.**

- A. All borough records are property of the borough. Unless otherwise authorized or required by law, no person shall:
  - 1. Deface, alter or destroy any borough record;

2. Remove any borough record from the borough's possession; or,
  3. Otherwise disclose confidential information contained within any borough record.
- B. In addition to any other penalty prescribed by law, violation of subsection (A) by a borough employee may be cause for disciplinary action.

**2.21.040 Records subject to inspection and copying.**

- A. Except as otherwise provided by ordinance, or by any other provision of state or federal law, the borough shall make borough records open to reasonable inspection during regular business hours.
- B. Nothing in this chapter requires the borough to create, compile, summarize, outline, or in any other way create information from existing borough records in order to comply with a request to inspect borough records.
- C. The borough is not required to produce public records for inspection, or to copy records, in the exact medium they are stored; provided, that the substantive content of the information contained within the record is not altered. In the event that the substantive content of a record is altered, a written statement explaining the nature of the change and why such change was necessary shall be issued to the requester.

**2.21.050 Records exempted from inspection and public disclosure.**

This chapter shall not be construed as requiring the disclosure of:

- A. Any privileged communication between the Borough Attorney and the borough;
- B. Files related to pending or actual litigation involving the borough, or any document prepared by the Borough Attorney in the provision of legal services or legal advice to the borough;
- C. Borough personnel, payroll, or medical files, or other files that reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy, except for the following information:
  1. The names and position titles of borough officers and employees, including any prior positions held;

2. The dates of appointment and separation of a borough officer or employee;
  3. Salary levels and fringe benefits of borough officers and employees as may be required by law, including information in regard to the pay range and step grade of an employee or officers; and,
  4. The names of all applicants for borough employment as department heads, administrator, or deputy administrator;
- D. Bids or proposals submitted to the borough as part of a procurement process governed by Title 3 of this Code of Ordinances, unless the borough has issued a notice of intent to award;
  - E. Proprietary information which a manufacturer, consultant, contractor or supplier of goods and services reasonably requires to be kept privileged or confidential to protect the interests of persons providing the information or data;
  - F. Information obtained by and in the custody of insurance carriers insuring the borough, and their attorneys and agents, regarding possible and pending claims against the borough, and records maintained in the borough regarding such claims;
  - G. Records concerning the predecisional deliberative process in any quasi-judicial proceeding conducted by the borough;
  - H. Any record, nondisclosure of which is authorized by a valid Alaska or federal statute or regulation, or by privilege, exemption or principle recognized by the courts, or by a protective order authorized by law;
  - I. Confidential tax information;
  - J. Other documents with respect to which the borough's need for confidentiality outweighs the public's right to know.

**2.21.060 Requests to inspect and copy borough records.**

- A. All requests to inspect borough records shall be submitted in writing to the Borough Clerk, on a form provided by the Borough, along with any applicable fee. In the event that a requester is unable to submit a written request due to a physical or mental disability, the Borough Clerk shall

either assist the requester in preparing a written request, or treat the oral request as a written request.

- B. All requests for records shall be approved or denied by the Borough Clerk.
- C. The Borough Clerk shall refer all approved requests to the department head responsible for maintaining those records to which the request is applicable. The Borough Clerk or designee shall, consistent with the orderly conduct of borough business and the records and information management program, make a good faith and reasonable effort to locate records that are adequately identified in the request.
- D. The department head responsible for maintaining the record shall forward it to the Borough Clerk. Before any record may be made available for public inspection and copying, the Borough Clerk or the Clerk's designee shall review the record to confirm that it may be disclosed. Within 10 business days after receiving a request, the borough clerk shall either:
  - 1. Make the borough record available to the requester for inspection, or provide the requester with a copy of the record, as requested; or
  - 2. Notify the requester in writing that the borough record is not subject to inspection, including a citation to the provision of borough, state or federal law that authorizes or requires the borough to withhold the record, or the date upon which the record was destroyed in accordance with the borough's adopted records retention schedule.
- E. The Borough Clerk may extend the initial 10-business-day period established under subsection (D) of this section for a period not to exceed 10 additional business days by providing notice to the requester within the initial 10-business-day period. The notice must state the reason for the extension and the date by which the Borough Clerk expects to be able to furnish the requested record or to issue a determination that the record is not subject to disclosure.
- F. Any denial of a request for information or inspection of borough records shall be appealable to the Mayor, upon written notice submitted within seven days of the Borough Clerk's decision.
- G. The fee for copying borough records shall be established by the borough's fee schedule as recommended by the borough Clerk and approved by the Borough Assembly. The fees shall not exceed the maximum fees allowable under A.S. 40.25.110.

## **2.21.070 Management of Public Records.**

- A. The borough clerk or clerk's designee shall serve as the records manager and shall have the primary responsibility for the development, maintenance and operation of the Borough's records management system.
- B. Each department director shall designate a records coordinator. The records coordinator shall manage the department's records according to the adopted procedures, regulations, and retention schedule. Each department director shall provide the records manager the name and contact information of the records coordinator.
- C. The records manager shall develop and provide each department with a records classification and procedures manual listing a description of all record series maintained by the borough and a general schedule for the annual relocation of inactive records to the record center for storage or digital imaging for transfer to microfilm or another storage medium.
- D. The records manager shall cause records stored in computer memory device systems to be reviewed, stored and destroyed in the same manner and at the same time as if the records were maintained in written, printed or photographic form.
- E. The assembly shall adopt by resolution a records retention schedule and approve by resolution any changes to that retention schedule setting forth time schedules for retention of particular series of records.
- F. The records manager shall review and update the retention schedule biannually. Department records coordinators shall work with the records manager to review and update the department's record series and retention schedule biannually. Records coordinators shall fill out a retention schedule change form submit it to the department director for approval and submit it to the records manager for action.
- G. The records manager shall develop a schedule for the destruction or other disposal of obsolete records at the end of the retention period established for that type of record series. That schedule shall not apply to records of vital, historical, legal or financial value. Thirty days prior to destruction of an obsolete record, the records manager shall circulate to each department head for comment a detailed listing of all records to be destroyed and the date for destruction. The department director must

respond prior to the date for destruction to prevent disposal of any record in the detailed listing.

- H. The records manager shall maintain a permanent log of all destroyed records. The borough clerk shall report to the Assembly annually a detailed description of the obsolete records destroyed.
- I. The records manager shall have the authority to provide a microfilm and/or electronic document imaging of records as designated for efficient management of active and inactive records.
- J. The records manager may replace any original record which is lost, worn or damaged by a certified copy of that record, and the replacement shall be considered an original record for all purposes.

#### **2.21.080 Regulations.**

The borough assembly may adopt regulations to effectuate this chapter. The borough clerk's office shall submit regulations to the assembly for approval, by resolution, to carry out the proposed purposes as set forth in this chapter.

#### **2.21.090 Duties of Borough Departments.**

Each department shall establish and maintain a file system in the most organized and efficient manner possible and in compliance with any records management regulations approved by the assembly.

(Ordinance 18-06, New Chapter, 2.21)

## 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. The Borough Finance Director who shall be appointed by the Mayor, and shall serve at the Mayor's pleasure.
- B. The Finance Director shall be the custodian of all municipal funds. The Finance Director shall keep an itemized account of money received and disbursed, and shall pay money on vouchers drawn against appropriations.
- C. The Finance 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 such purpose;
  - 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. 19-08 (Amended 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)