

Proposed by:	Civic Affairs Committee
Attorney Review:	05/30/2024
First Reading:	06/06/2024
Second Reading:	_____
Vote: <input type="checkbox"/> Aye	<input type="checkbox"/> Nay <input type="checkbox"/> Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 24-05

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC CHAPTER 3 TO UPDATE AND MODERNIZE ASSEMBLY RULES FOR REMOTE PARTICIPATION.

WHEREAS, the Skagway Municipal Code does not accommodate use of modern technology for remote communication for meeting participation;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. Section 3 of this ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend SMC Chapter 3 to modernize the remote participation procedure for the Assembly.

Section 3. Amendment. The Skagway Municipal Code is hereby amended; ~~(strike through)~~ indicates text to be deleted from and **(bold underscore)** indicates text added to the current code. SMC Chapter 3.01.070 is hereby amended as follows:

3.01.070 **Remote participation.**

A. The use of ~~teleconferencing~~ **remote participation** at assembly meetings is for the purpose of serving the public and the convenience of government officials and, in addition, to allow, whenever necessary, the convening of emergency assembly meetings despite the lack of a physically present quorum. ~~Teleconference~~ **Remote** participation by the mayor and assembly members is authorized by AS 44.62.310(a) and 44.62.312. While physical presence of the mayor and assembly members is the preferred method of participation at assembly meetings, the mayor and assembly members are allowed to participate at assembly meetings in the following manner:

1. The mayor or a member of the assembly may participate ~~remotely by telephone~~ in an assembly meeting. If the mayor chooses to participate ~~remotely by telephone~~, the vice mayor **or pro tempore** shall preside.

~~2. The mayor or a member of the assembly may not participate in an executive session by using the municipal teleconference line, but may participate by use of a private telephone or private mobile phone.~~

~~3~~ **2.** The mayor and each member of the assembly may attend four (4), two (2) consecutive, regular assembly meetings ~~remotely by teleconference~~ during the twelve (12) month period

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commencing January 1st of each year. If the mayor or assembly member has participated remotely telephonically in four (4) regular meetings, and requests to participate remotely telephonically in one (1) or more additional regular meetings, a majority of ~~the quorum of~~ the assembly present may, by roll call vote at the beginning of a regular meeting, grant further ~~telephone~~ remote participation for use only during that regular meeting to the mayor or to any assembly member who has exhausted their remote participation. ~~teleconferencing~~. The mayor or assembly member requesting the additional ~~telephonic~~ remote participation does not count toward a quorum and may not vote on whether the assembly will allow the ~~telephonic~~ remote participation. Requests for additional ~~telephonic~~ remote participation by the mayor or an assembly member beyond the permitted four (4) shall be prioritized in the order that they are received by the borough clerk in writing.

~~4~~ 3. The mayor and each member of the assembly may attend special assembly meetings and assembly of the whole committee meetings remotely ~~by teleconference~~ with no limit as to number.

~~5~~ 4. If a regular assembly meeting is rescheduled from its designated date under Section 3.01.060(B), ~~teleconferencing~~ remote participation regulations for such rescheduled regular meetings shall be subject to the ~~teleconference~~ regulations under subsection (A)(4) of this section for special assembly meetings. With this exception, rescheduled regular meetings shall be subject to all other municipal code and rules of procedure requirements.

~~6~~ 5. Any ~~teleconference call~~ remote participation that results from a travel weather delay will not be counted against the four (4) total allowed in a calendar year.

~~7~~ 6. Participating in a meeting remotely ~~by teleconference~~ while out of town on municipal business does not count toward the four (4) regular meetings permitted in subsection (A)(3) of this section.

~~8~~ 7. No more than three (3) members of the assembly and the mayor may participate remotely ~~by telephone~~ at any one (1) regular, special or assembly of the whole committee meeting, including participation of the mayor or assembly member requesting additional ~~telephonic~~ remote participation beyond the four (4) permitted in subsection (A)(3) of this section.

~~9~~ 8. A minimum of forty-eight (48) hours' written notice shall be given to the clerk regarding remote ~~telephonic~~ participation in a particular meeting, except in the case of an emergency assembly meeting.

~~10~~ 9. All members of the assembly may participate remotely ~~telephonically~~ in emergency assembly meetings, and need not be physically present to establish a quorum of four (4).

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~~11~~ **10.** The mayor or a member of the assembly participating remotely ~~by telephone~~ shall be counted as present for purposes of discussion, voting and attendance.

~~12~~ **11.** The meeting packet ~~is~~ shall be loaded on the municipal website and a member participating remotely ~~by telephone~~ shall review all materials provided. ~~The member shall provide the telephone number and any available facsimile, email, or other document transmission service to the clerk and, to the extent reasonably practicable, the clerk shall provide backup materials to members participating by telephone.~~

~~13~~ **12.** The mayor or members participating remotely ~~by telephone~~ shall make every effort to participate in the entire meeting, including any executive session scheduled. ~~From time to time during the meeting the borough clerk shall confirm the connection. Any~~ The clerk shall ask every remote participant in person participating in an executive session via private telephone or mobile phone shall to verbally confirm state that there is no one else present and that the connection ~~phone line or mobile device~~ is secure and cannot be accessed by any other person during the executive session.

~~14~~ **13.** The clerk shall provide the mayor or member participating remotely , with remote access to the meeting ~~by telephone with the municipality's conferencing number~~. At the meeting, the clerk shall establish the telephone remote connection when the call to order is imminent. If the ~~telephone remote~~ connection cannot be made or is made then lost, and a quorum can be established and maintained, the meeting shall commence or continue as scheduled and the clerk shall attempt to establish or restore the connection and the member may continue participation upon re-establishing or restoring the connection.

~~15~~ **14.** Meeting times shall be expressed in Alaska time regardless of the time at the location of any member participating remotely ~~by telephone~~.

B. Cost of ~~Teleconference~~ remote ~~Participation~~. The mayor or any member of the assembly who participates remotely ~~by telephone~~ shall not be charged for any ~~telephone~~ costs associated with telecommunication for the meeting. ~~the teleconference participation~~.

Section 4. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this ___ day of _____, 2024.

Sam Bass, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk

(SEAL)