



# Municipality of Skagway

## MEMO

<b>TO:</b>	Mayor and Borough Assembly
<b>FROM:</b>	Brad Ryan, Borough Manager
<b>DATE:</b>	June 4, 2024
<b>SUBJECT:</b>	Potential Amendments to Ordinance No. 24-03 re: Clinic Code

The Borough Attorney has expressed concern that the effective date of Ordinance No. 24-03 does not allow time for HRSA's approval of the Clinic Board bylaws and co-applicant agreement, which were approved by the Assembly on May 16 and the Clinic Board on May 23. He indicated that because the current code constitutes the Clinic Board bylaws approved by HRSA in 2017, he does not believe the Assembly can repeal the proposed code sections until HRSA has approved the standalone bylaws.

The newly approved bylaws and co-applicant agreement have been submitted to HRSA for review and approval, and HRSA has 60 days to provide a response. If the Assembly wishes to postpone the effective date of the ordinance until HRSA approval, there are a couple of ways it can implement this.

Administration recommends at least the following amendments for second reading and adoption on June 6 (without an additional reading of Ordinance No. 24-03):

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BE IT THEREFORE FURTHER RESOLVED AS FOLLOWS:

- Ordinance 21-16 Amending SMC Chapter 3.17 Dahl Memorial Clinic Board of Directors is no longer necessary and is eliminated; and
- SMC Sections 3.17.030, 3.17.035, 3.17.040, 3.17.045, and 3.17.050 of SMC Chapter 3.17 Dahl Memorial Clinic Board of Directors ~~are hereby~~ **shall be** repealed **after written acceptance of the Clinic bylaws and co-applicant agreement by HRSA as approved by the Assembly and the Clinic Board**, and subsequent remaining Sections shall be renumbered accordingly.

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Section 5. Effective Date. This ordinance shall become effective ~~immediately upon adoption~~ **after HRSA accepts the Clinic bylaws and co-applicant agreement as noted in Section 3 above.**

The Borough Attorney has alternatively proposed a third reading of the ordinance as detailed in the following amendments to Ordinance No. 24-03:

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BE IT THEREFORE FURTHER RESOLVED AS FOLLOWS:

- Ordinance 21-16 Amending SMC Chapter 3.17 Dahl Memorial Clinic Board of Directors is no longer necessary and is eliminated; and
- SMC Sections 3.17.030, 3.17.035, 3.17.040, 3.17.045, and 3.17.050 of SMC Chapter 3.17 Dahl Memorial Clinic Board of Directors ~~are hereby~~ **shall be** repealed **after written acceptance of the Clinic bylaws and co-applicant agreement by HRSA as approved by the Assembly and the Clinic Board,** and subsequent remaining Sections shall be renumbered accordingly; **and**
- **The Assembly shall schedule a third reading of Ordinance No. 24-03 at the next regular Assembly meeting after receiving the written approval from HRSA to enact this Ordinance and amend the code.**

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Section 5. Effective Date. This ordinance shall become effective ~~immediately upon adoption~~ **after a third reading and adoption as noted in Section 3 above.**