

Proposed by:	Civic Affairs Committee
Attorney Review:	05/30/2024
First Reading:	06/06/2024
Second Reading:	06/20/2024
Vote:	<input type="checkbox"/> Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 24-04

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC CHAPTER 19 TO UPDATE AND MODERNIZE HISTORIC DISTRICT COMMISSION FOR REMOTE PARTICIPATION.

WHEREAS, the failure of the Historic District Commission to approve or disapprove plans within forty-five (45) days from the date of application constitutes the commission’s approval of the plans; and

WHEREAS, the Historic District Commission teleconferencing procedures are restrictive and require modernization.

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 19 to modernize the remote participation procedures for the Historic District Commission.

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 19.10.45 and SMC Chapter 19.10.60 is hereby amended as follows:

19.10.045 Commission teleconferencing **Remote Participation.**

A. ~~The use of teleconferencing.~~ **Remote participation** by historic district commission members at meetings is for the convenience of government officials and the public. ~~Teleconference~~ **Remote participation** by the historic district commission members is authorized by AS 44.62.310(a) and 44.62.312. While physical presence of the historic district commission members is the preferred method of participation at meetings, the historic district commission members are allowed to participate **remotely** at historic district commission meetings in the following manner:

1. A member of the historic district commission may participate ~~by telephone~~ **remotely** in a commission meeting. If the chair chooses to participate **remotely** ~~by telephone~~, the vice chair **or pro tempore** shall preside.

2. Each member of the historic district commission may attend a maximum of four (4), ~~two (2) consecutive,~~ commission meetings **remotely** ~~by teleconference~~ during the twelve (12) month period commencing January 1 of each year.

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3. No more than three (3) ~~two (2)~~ members of the historic district commission may participate remotely ~~by telephone~~ at any one meeting.

4. A minimum of forty-eight (48) hours' written notice shall be given to the clerk regarding ~~telephonic~~ remote participation in a particular meeting.

5. A member of the historic district commission attending a meeting remotely ~~by telephone~~ shall count toward a quorum if at least two (2) members are physically present for the meeting.

6. A member of the historic district commission participating remotely ~~by telephone~~ shall be counted as present for purposes of discussion, voting and attendance.

7. 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.~~

8. A member participating ~~by telephone~~ remotely shall make every effort to participate in the entire meeting. ~~From time to time during the meeting the presiding officer shall confirm the connection.~~

9. The clerk shall provide the 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 allow the member to continue participation upon re-establishing or restoring the connection.

10. 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 remote ~~teleconference~~ participation. Any member of the historic district commission who participates remotely ~~by telephone~~ shall not be charged for any ~~telephone~~ costs associated with the teleconference telecommunication for the meeting.

19.10.060 Applicant teleconferencing.

A. ~~The use of teleconferencing by a~~ Applicants may participate remotely ~~at historic district commission meetings is for the convenience of government officials and the public.~~

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~~Teleconference participation is authorized by AS 44.62.310(a) and 44.62.312. While the applicant's physical presence is the preferred method of participation at meetings, the historic district commission recognizes that during the winter months, October through March, may be difficult for applicants who do not reside in Skagway during that time frame. Applicants are allowed to participate remotely at historic district commission meetings in the following manner:~~

1. ~~Applicants may teleconference during the months of October through March;~~ **A minimum of forty-eight (48) hours' written notice shall be given to the clerk regarding remote participation in a particular meeting**

2. ~~Only two (2) applicants per meeting may teleconference in to a historic district commission meeting;~~

3. ~~The first applicant requesting a teleconference will be scheduled for the first meeting following their request as long as all required materials are received by the meeting deadline; and~~

4. ~~The applicant's full application(s) with numbered pictures and pages shall be submitted by the meeting deadline.~~

B. Cost of teleconference participation. An applicant who participates remotely ~~by telephone~~ shall bear the 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)