

CITY OF DILLINGHAM, ALASKA**ORDINANCE NO. 2026-16****AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL REPEALING CHAPTER 2.70, HISTORIC PRESERVATION COMMISSION; CHAPTER 2.76, PARKS AND RECREATION COMMISSION; AND CHAPTER 2.84, SENIOR ADVISORY COMMISSION; PROVIDING FOR ADVISORY COMMITTEES TO BE ESTABLISHED BY RESOLUTION UNDER CHAPTER 2.90; AND AMENDING MEETING REQUIREMENTS FOR THE PLANNING COMMISSION AND SCHOOL FACILITY COMMITTEE**

WHEREAS, DMC 2.90.010 authorizes the City Council to establish advisory boards or committees by resolution and requires an authorizing resolution to state the body's name, purpose or charge, number of seats, and other appropriate matters; and

WHEREAS, placing advisory committee structure in resolutions allows the Council to adjust membership, duties, and meeting schedules as community needs and available participation change, while retaining Council oversight; and

WHEREAS, the Historic Preservation Commission, Parks and Recreation Commission, and Senior Advisory Commission are advisory bodies whose purposes may be continued through resolutions adopted under Chapter 2.90; and

WHEREAS, the Council also finds that the meeting requirements for the Planning Commission and School Facility Committee should allow schedules that reflect workload and operational needs.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF DILLINGHAM:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of DMC 2.68.080. DMC 2.68.080, Meetings, is amended to read as follows:

2.68.080 Meetings.

~~Regular meetings shall be held once each month. Special meetings may be called by the presiding officer or at the request of three members.~~ **The Commission shall meet as needed, but not less than four times per calendar year. The Chair or the Planning Director may call a special meeting at any time upon a minimum 72 hour notice.**

Section 3. Repeal of Chapter 2.70. DMC Chapter 2.70, Historic Preservation Commission, including Sections 2.70.010 through 2.70.080, is repealed in its entirety as shown below. The Council may establish a Historic Preservation Advisory Committee by resolution under DMC Chapter 2.90 if it chooses to do so. This committee may also be discontinued or the duties of the committee assigned to another advisory board or committee by resolution.

~~Chapter 2.70 HISTORIC PRESERVATION COMMISSION~~**~~2.70.010 Membership.~~**

~~The historic preservation commission shall consist of seven members having a demonstrated interest, competence or knowledge in historic preservation. To the extent available, three commission members shall be professionals, as defined by the National Park Service regulations, from the disciplines of history, architecture or architectural history and archaeology.~~

~~2.70.020 Appointment.~~

~~Members shall be appointed by the mayor and confirmed by the council. Appointments to fill vacancies shall be for the unexpired term only.~~

~~2.70.030 Term.~~

~~Members shall be appointed for a term of three years, except, of those first appointed, three shall be appointed for three years, two for two years, and two for one year.~~

~~2.70.040 Officers.~~

~~The commission shall designate a member as its presiding officer to conduct the business of the commission, a deputy presiding officer to serve in the absence of the presiding officer, and a clerk. The clerk shall prepare, or cause to be prepared, the journal of the commission's proceedings.~~

~~2.70.050 Vacancies.~~

~~A vacancy shall be declared, and filled as provided in Section 2.70.020 when a member:~~

- ~~1. Submits his or her resignation and the resignation is accepted by the mayor; or~~
- ~~2. Misses two or more consecutive meetings unless excused by the commission; or~~
- ~~3. Is physically or mentally unable to attend commission meetings for a period of more than one hundred eighty days; or~~
- ~~4. Is convicted of a felony.~~

~~2.70.060 Quorum.~~

~~Four persons shall constitute a quorum. Any act of the commission requires a quorum and the affirmative vote of a majority of persons present and voting, and in no event fewer than three affirmative votes. Every member who is present when a question is put, where he or she is not disqualified under the conflict of interest provisions of Section 2.03.020, shall vote. Persons who are present, but are excused from voting, shall be counted for purposes of a quorum.~~

~~2.70.070 Meetings.~~

~~The commission shall meet at least twice each year and conduct business in accordance with the open public meeting laws of Alaska. This includes public notification of meeting place, time and agenda items. Written minutes of each commission meeting will be prepared and made available for public inspection and filed with the city clerk.~~

~~2.70.080 Duties.~~

~~The duties of the historic preservation commission shall be as follows:~~

~~A. Survey and Inventory Community Historic Resources.~~

- ~~1. The commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Alaska Heritage Resources Survey and able to be readily integrated into statewide comprehensive historic preservation planning and other planning processes. Survey and inventory documents shall be maintained and released on a need-to-know basis to protect the site location from possible vandalism. The survey will be updated at least every ten years.~~
- ~~2. The commission shall prepare an historic preservation plan for the surveyed resources.~~
- ~~3. The commission shall prepare an ordinance measure to implement the preservation plan if necessary.~~

~~B. Review Proposed Nominations to the National Register of Historic Places. The commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for properties within the boundaries of the community. When the historic preservation commission considers a National Register nomination which is not represented on the commission, the commission will seek expertise in this area before rendering its decision.~~

~~C. Provide Advice and Information:~~

- ~~1. The commission shall act in an advisory role to other officials and departments of local government regarding the identification and protection of local historic and archaeological resources.~~
- ~~2. The commission shall work toward the continuing education of citizens regarding historic preservation and the community's history.~~

~~D. Enforcement of State Historic Preservation Laws. The commission shall support the enforcement of the Alaska Historic Preservation Act.~~

Section 4. Repeal of Chapter 2.76. DMC Chapter 2.76, Parks and Recreation Commission, including Sections 2.76.010 through 2.76.190, is repealed in its entirety. The Council may establish a Parks and Recreation Advisory Committee by resolution under DMC Chapter 2.90.

~~Chapter 2.76 PARKS AND RECREATION COMMISSION~~

~~§ 2.76.010 Purpose.~~

~~The purpose of the commission is to develop and conduct all aspects of the city parks and recreation program, and to advise the city council as to the city's proper role and participation in the development and conduct of recreation programs.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.020 Established—Membership.~~

~~There is hereby established a citizen's advisory board to be known as the "parks and recreation commission" which shall have the power and the authority to periodically examine the operation of the parks and recreation department. The commission shall consist of seven adult voting citizens of the city and two non-voting student members, one high school member and one middle school member. Members shall serve without compensation. The mayor and city manager shall be ex-officio members but may not vote.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.030 Appointment.~~

~~Members shall be appointed by the mayor and confirmed by the council (AS 29.20.320). Appointments to fill vacancies shall be for the unexpired term only.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.040 Term of office.~~

~~Commissioners serve at the pleasure of the city council. Members of the parks and recreation commission shall be appointed for a term of three years except, those first appointed. Members of the first commission appointed shall determine their respective terms of office by lot so that three shall be appointed for a term of three years, two for two years, and two for one year. The term of office for the high school member is one year with the option of a second term at the recommendation of the commission and reappointment by the mayor and council.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.050 Officer—Appointment.~~

~~Immediately after appointment, the members of the parks and recreation commission shall meet and organize by electing one of their members as chairperson and another as vice chairperson to serve for a term of one year and until the successor of each takes office. The commission shall also appoint a clerk who shall prepare the journal of the commission's proceedings.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.060 Officers—Duties.~~

~~A. Chairperson. The chairperson shall preside at all meetings of the commission. He/she shall appoint all committees and shall perform the duties necessary or incidental to its office.~~

~~B.~~

~~Vice chairperson. The vice chairperson is chairperson in the absence of the chairperson or in case of the inability of the chairperson to act.~~

~~C.~~

~~Clerk. The clerk shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the clerk shall take the vote by roll call, in alphabetical order, with the chairperson voting last. The clerk shall certify each official document and resolution of the commission. The clerk shall maintain records of operation and shall perform such other duties as the commission assigns. The clerk need not be a member of the commission.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

§ 2.76.070 Removal—Vacancy.

~~A member of the commission may be removed by a majority vote of the council or by the mayor with the approval of the council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.~~

~~A. A vacancy shall be declared when a member:~~

- ~~1. Fails to qualify and take his/her office within thirty days after his/her confirmation by the council;~~
- ~~2. Departs from the city with the intent to remain away for a period of ninety or more days or is physically absent from the area he/she was appointed to represent for a period of ninety or more days;~~
- ~~3. Submits his/her resignation and the resignation is accepted by the mayor;~~
- ~~4. Is physically or mentally unable to attend commission meetings for a period of more than ninety days;~~
- ~~5. Misses three or more consecutive regular meetings, unless excused by the commission; and~~
- ~~6. Is convicted of a felony or of an offense involving a violation of his/her oath of office.~~

~~B. The clerk of the parks and recreation commission shall keep attendance records and notify the mayor when vacancies occur.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

§ 2.76.080 Meetings.

~~A. All regular meetings of the parks and recreation commission shall be held on the fourth Wednesday of each month, beginning at seven thirty p.m.~~

~~B. The usual place of the parks and recreation commission meetings shall be at the offices of the city at the old Territorial School Building, provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the commission, the meeting may be moved.~~

~~C. All regular meetings of the commission shall be public, and the public shall have reasonable opportunity to be heard.~~

~~D. Special meetings may be called by the presiding officer or at the request of three members, including nonvoting members.~~

~~(Ord. 90-06 § 2, 1990)~~

§ 2.76.090 Quorum.

Four persons shall constitute a quorum. Any act of the commission requires a quorum and the affirmative vote of a majority of persons present and voting, and in no event fewer than three affirmative votes. Every member who is present when a question is put, where he/she is not disqualified under the provisions of Section 2.76.110, shall vote. Persons who are present, but are excused from voting, shall be counted for purposes of a quorum.

(Ord. 89-07 § 1 (part), 1989)

~~§ 2.76.110 Conflict of interest—Voting.~~

The commission shall follow the provisions of Section 2.03.020 regarding conflict of interest voting.

(Ord. 89-07 § 1 (part), 1989)

~~§ 2.76.120 Public meetings—Minutes.~~

The commission shall keep a record of all business, resolutions, transactions, findings, determinations, minutes and other matters coming before it. Such record shall be filed with the city clerk and retained as public records.

(Ord. 89-07 § 1 (part), 1989)

~~§ 2.76.130 Rules of proceedings.~~

Meetings shall be conducted under Robert's Rules of Order, and such modified or amended rules as may be adopted by the commission.

(Ord. 89-07 § 1 (part), 1989)

~~§ 2.76.140 Order of business.~~

A. The order of business at regular meeting shall be:

1. Call to order;
2. Roll call;
3. Recognition of guests;
4. Review/approval of minutes;
5. Approval of agenda;
6. Director's report;
7. Citizen's discussion;
8. Decision items;
9. Commission member announcements;
10. Review next meeting agenda/assign tasks;
11. Adjournment.

B. The order of business at special meetings shall be prescribed by the presiding officer.

(Ord. 89-07 § 1 (part), 1989; Ord. 90-06 § 3, 1990)

~~§ 2.76.150 Formal acts by resolution.~~

A. All formal acts of the commission shall be by resolution bearing the following:

1. The heading, "City of Dillingham Parks and Recreation Commission";
2. Space for the serial number to be assigned, "Resolution No. _____";
3. A short and concise title descriptive of its subject and purposes;
4. Short premises and whereas clauses descriptive of the reasons for the resolution, if necessary;

~~5. The resolving clause, "Be It Resolved:"; and "(Date)" and designated lines for the signatures of the commission presiding officer and the commission clerk.~~

~~B. All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of and instance of the commission, shall conform to that set forth above and shall be on white eight and one half by eleven inch paper with one and one half inch left margin suitable for permanent filing.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.160 Funds.~~

~~All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.170 Compensation.~~

~~Compensation and expenses of the parks and recreation commission and its staff are paid as directed by the city council.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.180 Powers.~~

~~A. The commission is advisory in character and may not be delegated administrative authority or responsibility beyond that which the city council may authorize.~~

~~B. The commission may assist and cooperate with any existing agency or group which has as its object the development or improvement of parks and recreational activities and programs.~~

~~C. The commission may plan for the orderly growth and development of parks and recreational facilities and make recommendations to the city council.~~

~~D. The commission may accept gifts and grants from any source to assist it in the performance of its function. These gifts and grants operate to augment any appropriation made for the support of the commission.~~

~~E. The commission shall have the responsibility of keeping generally aware of the park and recreation needs of the city. The commission shall not have direct power to effect policy determination, but shall be able to make recommendations to the city council. Said recommendations may evolve into policy decisions of the city council affecting matters relating to parks and recreation. The commission is not empowered to distribute their findings to any individual or group other than the parks and recreation director, city manager, and city council.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

~~§ 2.76.190 Duties and responsibilities.~~

~~The parks and recreation commission shall have the following duties and responsibilities:~~

~~A. To act in an advisory capacity to the parks and recreation director, city manager and city council in all matters pertaining to recreation activities and parks;~~

~~B. To encourage a sound program of park and playground acquisition, development, and maintenance;~~

~~C. To foster the close coordination of school and playground development to avoid the duplication of facilities;~~

~~D. To interpret community park and recreation programs to public officials and to the general citizenship in order to promote understanding and financial support from public and private sources;~~

~~E. To recommend to the council the establishment of general policies with respect to a park and recreation department;~~

- ~~F. To consider recommendations and requests originating from any source;~~
- ~~G. To assist the council in the acquisition, development, beautification, and maintenance of park and recreation facilities in the city as part of a sound Master Park and Recreational Plan in keeping with the community needs and future growth;~~
- ~~H. To aid the council in coordinating the parks and recreation services with the programs of other government agencies and voluntary organizations;~~
- ~~I. To advise, with the assistance of the city manager, in the preparation of the annual budget and a long range parks and recreation capital improvement program for submission to the council;~~
- ~~J. To advise the council on the problems of the development of recreation areas, facilities, programs, and improved recreation services.~~

~~(Ord. 89-07 § 1 (part), 1989)~~

Section 5. Repeal of Chapter 2.84. DMC Chapter 2.84, Senior Advisory Commission, including Sections 2.84.010 through 2.84.130, is repealed in its entirety. The Council may establish a Senior Advisory Committee by resolution under DMC Chapter 2.90.

~~Chapter 2.84 SENIOR ADVISORY COMMISSION COMMITTEE~~

~~§ 2.84.010 Purpose.~~

~~There is established the Dillingham senior advisory commission. The purpose of the commission is to advise the mayor, city council, city manager and senior center director as to the city's role and participation in the development and conduct of programs intended to help meet needs of the elderly in the area, enhancing and enriching their golden years. To the extent practical, advice and reports shall be in written form and shall represent the consensus of the advisory board.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.020 Powers.~~

- ~~A. The commission is advisory in character and may not be delegated administrative authority or responsibility beyond that which the city council may authorize.~~
- ~~B. The commission may assist and cooperate with any existing agency or group which has as its objective the development or improvement of activities and programs for the elderly.~~
- ~~C. The commission may accept gifts and grants from any source to assist in the performance of its function. The gifts and grants augment any appropriation made for the support of the commission.~~
- ~~D. The commission shall have the responsibility of keeping generally aware of the needs of the elderly in the area. The commission shall not have direct power to effect policy determination, but shall be able to make recommendations to the city council. The recommendations may evolve into policy decisions of the city council, affecting matters relating to the elderly.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.030 Duties.~~

~~The duties of the commission shall be as follows:~~

- ~~A. Advise the director of the senior center on matters dealing with the programs operated at the senior center;~~
- ~~B. Forward copies of written minutes of meetings to the city manager who, in turn, forwards the minutes to the city council;~~

~~C. Advise the mayor and city council regarding elderly issues and matters directly affecting the senior center;~~

~~D. Set the annual membership fee;~~

~~E. Recognize volunteers at the annual membership dinner and dance;~~

~~F. Ensure that the mayor and city council's purpose and vision statement are met through the activities and services of the senior center.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.040 Membership.~~

~~The commission shall consist of seven members having a demonstrated interest, competence or knowledge regarding problems of the elderly. BBNA, BBAHC, and HUD will be ex officio members but their vote will not count.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.050 Appointment.~~

~~The city manager will recommend prospective members to the mayor. Members shall be appointed by the mayor and confirmed by the council. Appointments to fill vacancies shall be for the unexpired term only.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.060 Term.~~

~~Members shall be appointed for a term of three years, except, of those first appointed, three shall be appointed for an initial term of three years, two for an initial term of two years, and two for an initial term of one year. Members shall serve without compensation. The mayor, city manager, and any person who has completed six years as a member of the commission shall be ex officio members, but may not vote.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.070 Officers.~~

~~The commission shall designate one of their members as chairperson and another as vice chairperson to serve for a term of one year and until the successor of each takes office. The commission shall also appoint a clerk or staff member who shall keep records of the commission's proceedings.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.080 Quorum.~~

~~Four persons shall constitute a quorum. Any act of the commission requires a quorum and the affirmative vote of a majority of persons present and voting, and in no event fewer than three affirmative votes. Every member who is present when a question is put, where he or she is not disqualified under the conflict of interest provisions of Section 2.04.030, shall vote. Persons who are present, but are excused from voting, shall be counted for purposes of a quorum. The chairperson may reschedule any meeting within one week of the regularly scheduled meeting if a quorum is not present.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.090 Removal—Vacancy.~~

~~A member of the commission may be removed by a majority vote of the council, or by the mayor with the approval of the council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.~~

~~A. A vacancy shall be declared when a member:~~

- ~~1. Fails to qualify and take office within thirty days after confirmation by the council; or~~
- ~~2. Departs from the city with the intent to remain away for a period of ninety or more days; or~~

- ~~3. Submits a written resignation that is accepted by the mayor; or~~
- ~~4. Is physically or mentally unable to attend commission meetings for a period of more than ninety days; or~~
- ~~5. Misses three or more consecutive regular meetings, unless excused by the commission; or~~
- ~~6. Is convicted of a felony.~~

~~B. The clerk of the commission shall keep attendance records and notify the mayor of each vacancy as soon as it occurs.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.100 Meetings.~~

~~A. All regular meetings of the commission shall be held on the first Wednesday of each month, except June and July, beginning at one p.m.~~

~~B. The usual place of the commission meetings shall be at the senior center, provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the commission, the meeting may be moved.~~

~~C. All regular meetings of the commission shall be conducted in accordance with the public meeting laws of Alaska; however, this does not automatically ensure participation by nonmembers of the commission.~~

~~D. Special meetings may be called by the presiding officer.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.110 Rules of proceedings.~~

~~Meetings shall be conducted under Robert's Rules of Order, and such modified or amended rules as may be adopted by the commission.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.120 Formal acts by resolution.~~

~~A. All formal acts of the commission shall be by resolution bearing the following:~~

- ~~1. The heading: "City of Dillingham Senior Advisory Commission";~~
- ~~2. Space for the serial number to be assigned: "Resolution No. _____";~~
- ~~3. A short and concise title descriptive of its subject and purposes;~~
- ~~4. Short premises and "Whereas" clauses descriptive of the reasons for the resolution, if necessary;~~
- ~~5. The resolving clause, "Be It Resolved: "; "Date"; and designated lines for the signatures of the commission presiding officer and the commission clerk.~~

~~B. All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of and instance of the commission, shall conform to that set forth above and shall be on white eight and one half by eleven inch paper, with one and one half inch left margin suitable for permanent filing.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

~~§ 2.84.130 Funds.~~

~~All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission.~~

~~(Ord. 99-05 § 1 (part), 1999)~~

Section 6. Amendment of DMC 2.72.070(C). DMC 2.72.070(C) is amended to read as follows:

~~C. The city clerk shall generate written minutes and shall assist in drafting reports from the committee to the school board and to the city council.~~

For a School Facility Committee meeting hosted at a City facility, the City Clerk shall prepare the written minutes. For a School Facility Committee meeting hosted at a school district facility, school board staff designated by the Superintendent shall prepare the written minutes. The staff member responsible for preparing the minutes shall also assist in drafting reports from the committee to the School Board and City Council. For a meeting hosted at a school district facility, the school district shall provide the City Clerk with a copy of the agenda packet and written minutes in advance of the meeting and any meeting recording promptly after the meeting.

Section 7. Amendment of DMC 2.72.070(D)(1). DMC 2.72.070(D)(1) is amended to read as follows:

1. Meet at least twice each fiscal year~~on a quarterly basis~~, and discuss: (a) any need for increases or decreases in school facility-related services; and (b) the funding necessary for school facility maintenance and repair;

Section 8. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on
_____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Abigail I. Flynn, City Clerk