

## Chapter 3.68

### THOMAS BAY POWER COMMISSION

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#### **3.68.010      Established.**

There is created by the ordinance codified in this chapter, substantially identical to an ordinance introduced by the council of the city of Wrangell, Alaska, a Thomas Bay Power Commission, which shall consist of seven members. (Ord. 899 § 3 (part), 2006)

#### **3.68.020      Appointment of members.**

Three of the members shall be appointed by the council of the city of Petersburg, three of the members shall be appointed by the council of the city of Wrangell, and one member shall be appointed by the six members heretofore designated. One of the appointments from each of the municipalities shall be the superintendents of the Wrangell and Petersburg Electric Utilities. (Ord. 899 § 3 (part), 2006)

#### **3.68.030      Officers.**

A president, vice-president, secretary and treasurer of the Thomas Bay Power Commission shall be selected from and by the members. (Ord. 899 § 3 (part), 2006)

#### **3.68.040      Terms of members.**

The term of a member of the Thomas Bay Power Commission shall be for a period of three years; provided, however, that the terms of the first members shall be as follows: one member from each city for a term of two years, one member from each city for a term of three years, and one member selected by the other members for a term of one year. (Ord. 899 § 3 (part), 2006)

#### **3.68.050      Removal of members.**

A member may be removed for cause upon a majority vote of the members present at a regularly scheduled meeting. (Ord. 899 § 3 (part), 2006)

**3.68.060 Vacancies.**

Petersburg vacancies on the Thomas Bay Power Commission, by death, resignation, removal or other cause, shall be filled pursuant to Section 3.04.060(A) of this code. (Ord. 899 § 3 (part), 2006)

**3.68.070 Compensation.**

Members of the Thomas Bay Power Commission shall serve without compensation, except that travel and miscellaneous out-of-pocket expenses previously authorized or subsequently ratified shall be reimbursed. (Ord. 899 § 3 (part), 2006)

**3.68.080 Meetings—Calling.**

A. Regular. There shall be meetings held monthly at a place and time to be determined by the commission. All meetings shall be open to the public. Notice shall be given at least five days prior to such meeting date.

B. Special. The president, in his discretion, is authorized to call special meetings, or a majority of the members may require a special meeting to be called.

C. Notice. Notice of the special meetings must be given twenty-four hours in advance by posting in three public places in each city. Notice of the time and place of regular meetings shall be posted in the same manner as special meetings. (Ord. 899 § 3 (part), 2006)

**3.68.090 Meetings—Minutes.**

Permanent records, or minutes, shall record the vote of every member of the Thomas Bay Power Commission on each question. Every decision or finding shall be promptly filed in the offices of the commission and shall be open to inspection by any person. (Ord. 899 § 3 (part), 2006)

**3.68.100 Meetings—Procedural rules.**

The Thomas Bay Power Commission shall establish rules of procedure and in the absence of any such rules, meetings shall be conducted pursuant to "Robert's Rules of Order," current edition. (Ord. 899 § 3 (part), 2006)

**3.68.110 Meetings—Quorum.**

A majority of the Thomas Bay Power Commission shall constitute a quorum for the transaction of business, and a minimum majority of four affirmative votes shall be necessary to carry any question, including removal of a member from office for cause. (Ord. 899 § 3 (part), 2006)

**3.68.120 Powers and duties.**

The Thomas Bay Power Commission shall have the following powers and duties:

A. Generally, to have full and complete supervision, management and control of the study, design, construction, maintenance, operation and improvement of the hydroelectric project known as the "Lake Tyee Hydroelectric Project," together with any other hydroelectric project proposed by the commission within the area of Petersburg/Wrangell or such area which can reasonably and feasibly serve the hydroelectric power needs of the Petersburg and Wrangell communities;

B. To employ consulting engineers, auditors, environmental specialists, financial specialists, attorneys or other special, professional or skilled services;

C. To employ a general manager, in the discretion of the commission, who shall serve at the pleasure of the commission, at a salary to be fixed by the commission;

D. To act in its own name or in the name of the city in any revenue bond ordinance for the purpose of financing all or part of the construction, acquisition, or improvement of the Lake Tyee Hydroelectric Project, or such other hydroelectric project or transmission facility as is feasible to be operated by the commission from the revenues derived from the consumers of electric power;

E. To review and fix from time to time all of the rates and charges for use of services and facilities furnished, the policies for the generation, distribution, transmission and consumption of electric power and, when deemed necessary and proper, to prepare new or adjusted rates, charges and policies such as are fair and nondiscriminatory and sufficient to meet the obligations of the commission. (Ord. 899 § 3 (part), 2006)

### **3.68.130 Preparation of project budget.**

A. The Thomas Bay Power Commission shall prepare and file with the city council copies of all budget estimates, including any budget amendment which may subsequently be proposed to be made upon final adoption by the commission, and shall upon request of the council furnish such further details as may be necessary to a reasonable understanding of any such budget estimate or proposed budget amendment.

B. The commission shall adopt the annual budget estimate no later than April 1st in each year and shall immediately forward the estimate to the city manager for inclusion in the annual budget estimate of the city.

C. The annual budget for operation of the authority shall, if necessary, make provision for payments to become due on account of interest and principal for any bonds, issued by the city to pay the costs of economically sound hydroelectric generation, transmission and distribution improvements. (Ord. 899 § 3 (part), 2006)

### **3.68.140 Financial accounting by commission.**

A. The Thomas Bay Power Commission shall file with the city council copies of all audits and all monthly financial and operating reports and such other reports as may come up from time to time and be requested by the city, the state of Alaska, the federal government or such other agencies or institutions that may fund the commission.

B. The commission shall account for all of the commission's accounts arising out of operations in the manner and form known as the Uniform System of Accounts prescribed by the Federal Energy Regulatory Commission, together with the accounting for all disbursements or expenditures. The commission shall select a depository bank at which the accounts of the Thomas Bay Power Authority shall be maintained, and by resolution designate signatures authorized for disbursements. (Ord. 899 § 3 (part), 2006)

### **3.68.150 Operation and maintenance of Lake Tyee hydroelectric project.**

On approval by resolution of the city council, the commission may enter into an agreement as an agent of the city to maintain and operate the Lake Tyee hydroelectric project owned by the state of Alaska. Under such agreement, the commission shall have the following powers and duties:

A. Prepare and approve an annual budget for the operation and maintenance of the project and any such other costs that the commission will have. The budget shall be submitted to the city council for approval in sufficient time to allow council action prior to submittal to the state and the project management committee, as established pursuant to Section 7 of that certain Long-Term Power Sales Agreement Four Dam Pool — Initial Project of the Alaska Power Authority effective October 28, 1985.

B. There shall be no costs incurred above the budget approved in subsection A of this section without prior approval of the city council and, when appropriate, the project management committee. If, in the opinion of the general manager, an emergency exists that threatens or endangers life or property, costs in excess of the approved budget may be obligated only insofar as is necessary to halt the emergency that exists, provided he notified the city within six hours of commencement of the emergency.

C. To employ consulting engineers, environmental specialists, attorneys or other special, professional or skilled services, the costs of which have prior budget approval.

D. To employ a general manager who shall have the active management of the project, subject to the supervision and control of the commission; and to delegate to such manager authority to hire and discharge such subordinate employees as it may deem advisable.

E. To determine all salaries, wages and benefits to be paid to each classification of labor employed.

F. To submit an operating and financial report to the council for each quarter calendar year, which report will be submitted not later than thirty days after the close of each quarter calendar year.

G. To adopt procedures governing purchases of materials, supplies, equipment, improvements and contractual services, including procedures for competitive bidding. Such procedures shall set forth the employee authorized to contract for such purchases and establish an amount which shall require the prior approval of the commission. A copy of the procedures shall be filed with the city. Purchases of supplies, materials, equipment, improvements, or contractual services whose cost does not exceed five thousand dollars, excluding freight or shipping costs, may be made without competitive bidding. "Contractual services" means services performed for the project by persons not in the employment of the commission, and may include the use of equipment or the furnishing of commodities in connection with the services under express or implied contract. Contractual services include travel; telephone, telegraph, utilities; rents; printing and binding; improvements, repairs, alterations, and maintenance of buildings, equipment, and other physical facilities of the project; and other services performed for the commission by persons not in the employment of the commission. Contractual services of a professional nature such as legal, engineering, architectural, and placement of insurance coverage are exempt from competitive bidding. The commission may exempt the following purchases from competitive bidding:

1. Supplies, materials, equipment or contractual services which must be purchased from a specific source in order to prevent incompatibility with previously purchased supplies, materials, equipment, or contractual services. For purposes of this subsection the term "incompatibility" is defined as the inability to (a) interconnect, combine, interchange, or join, or (b) that which causes or necessitates maintenance expertise or training where such acquisition would result in substantial duplication. The commission must approve by motion or resolution any purchase where cost exceeds five thousand dollars which is to be excluded from competitive bidding by the authority of this subsection;

2. Supplies, materials, equipment, contractual services, or improvements which the commission declares to be required on an emergency basis or which the commission declares is impractical or impossible;

3. When competitive bidding has been followed, but no bids or quotations are received or the bids or quotations are rejected. In such a case, after commission approval, the general manager may proceed to have the services performed or the supplies purchased without further competitive bidding or quotation.

H. To provide for an independent annual audit of the accounts of the commission in accordance with accepted standards and procedures determined by the project management committee.

I. To follow such procedures as required by the project management committee as they exercise their duties under that certain Long-Term Power Sales Agreement Four Dam Pool - Initial Project of the Alaska Power Authority effective October 28, 1986. (Ord. 899 § 3 (part), 2006)