

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 891

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.40 OF THE WRANGELL MUNICIPAL CODE TO ESTABLISH THE THOMAS BAY POWER **ADVISORY** COMMITTEE, MAKING THE COMMITTEE ADVISORY TO THE WRANGELL AND PETERSBURG BOROUGH ASSEMBLIES, AND ACKNOWLEDGING THE CHANGE IN THE FORM OF GOVERNMENT OF EACH OF THE COMMUNITIES

WHEREAS, on May 30, 2008 the Election Division for the State of Alaska certified the election results of the May 6, 2008 incorporation election for the City and Borough of Wrangell, and

WHEREAS, on January 3, 2013 the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough, and

WHEREAS, the certified elections confirmed the incorporation of the City and Borough of Wrangell and the Petersburg Borough and dissolved the City of Petersburg, and

WHEREAS, the former City of Wrangell and former City of Petersburg had adopted ordinances substantially identical to provide for the establishment, membership, powers and duties of the Thomas Bay Power Commission (TBPC), and

WHEREAS, the duties of the Thomas Bay Power Commission have changed as a result of the formal transfer of the operation and maintenance of the Tyee Lake Hydroelectric Project to the Southeast Alaska Power Agency (SEAPA) pursuant to the Assignment and Assumption Agreement dated July 24, 2014 between SEAPA, the Petersburg Borough, City and Borough of Wrangell and the Thomas Bay Power Authority. The TBPC is no longer required or needed to supervise, manage or control the design, construction, maintenance or operations of the Tyee Lake Hydroelectric Project. However, it is the desire of the governing bodies of both the Wrangell and Petersburg boroughs to retain a committee (to be known as the Thomas Bay Power **Advisory** Committee) to serve in an advisory capacity to assist the communities in the investigation, review, evaluation, planning and development of future joint energy needs and projects when assigned by both assemblies; and

WHEREAS, the Assembly of the Petersburg Borough intends to introduce and adopt an ordinance, substantially identical to this ordinance, amending Chapter 3.68 of the Petersburg municipal code.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

Section 2. Action. The purpose of this ordinance is to amend Chapter 3.40 of the Wrangell Municipal Code to rename the Thomas Bay Power Commission to be the Thomas Bay Power Advisory Committee, and establish the purpose and duties of the Thomas Bay Power Advisory Committee.

Section 3. Amendment. Chapter 3.40 of the Wrangell Municipal Code is amended to read:

Chapter 3.40

THOMAS BAY POWER ADVISORY COMMITTEE

Sections:

3.40.010 Created-Membership-Officers.

3.40.020 Terms – Vacancies – Compensation.

3.40.030 Meetings.

3.40.040 Quorum – Recordkeeping.

3.40.050 Powers and duties.

3.40.010 Created – Membership – Officers.

A. There is created, substantially identical ordinances by the Borough Assemblies of Wrangell and Petersburg, Alaska, a Thomas Bay Power Advisory Committee, which shall consist of seven members.

B. Members to the committee will only be appointed, and the committee will only become active, when and if the assemblies for both boroughs believe there is need for the committee. It is understood that there will not be a “standing” Thomas Bay Power Advisory Committee. Three of the members shall be appointed by the Petersburg borough assembly, three of the members shall be appointed by the Wrangell borough assembly 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.

C. A chairman, vice chairman and a secretary of the committee shall be selected from and by the appointed members at the first convened meeting. The chairman shall preside at committee meetings, set meeting agendas and attest to approved minutes. The chairperson shall vote in the same manner and with the same restrictions as other committee members and shall be counted for quorum purposes. In the absence of the chairperson, the vice-chairperson shall assume the chairperson’s duties. The secretary shall give notice of commission meetings to each member and to the general public of both municipalities, assure minutes of the meeting are prepared and approved minutes are provided to the borough clerks.

3.40.020 Terms-Vacancies-Compensation.

A. There is no designated term length for committee members. Members are expected to serve until a final recommendation on any specific issue that has been referred to the committee has been provided to the governing borough assemblies, or until the borough assemblies jointly conclude that the committee is no longer needed for a particular matter. Once an issue is completed, either by providing a

final recommendation or concluded jointly by the assemblies, the committee will be dissolved. A new committee may be appointed for any future new matter. The new committee may include appointment of new members or reappointment of prior appointed members or a combination of prior and new members.

B. Vacancies on the committee, by death, resignation, removal or other cause, shall be filled by the appointment by the respective borough assembly or by the other committee members depending on the position that has been vacated.

C. Members shall serve without compensation, except that travel and miscellaneous out-of-pocket expenses shall be reimbursed by each borough to their respective committee members. ~~The expenses of the member that is appointed by the six other members will have expenses paid by the community of which the member resides.~~ The committee shall not be assigned any duties or authorities that require an independent budget for the committee.

3.40.030 Meetings.

A. The committee may establish rules of procedure and, in the absence of any such rules, meetings shall be conducted pursuant to the most recent edition of Robert's Rules of Order. Meetings shall be held at the call of the chairman, or a majority of the members, on an "as needed" basis and only on matters assigned jointly by both borough assemblies. All meetings shall be open to the public and the meeting agenda shall afford an opportunity for the public to address the committee. Notice of the time and place of meetings shall be posted as designated by each borough's policy.

B. ~~Funding for~~ The general meeting requirements of the committee such as public noticing, telephone, meeting space and any necessary clerical aid expenses, will be funded through the budget of the borough hosting a meeting. Meetings will be held alternately between each community to help even the costs.

3.40.040 Quorum-Recordkeeping.

A. A majority of the committee shall constitute a quorum for the transaction of business, and a minimum majority of four affirmative votes shall be necessary to carry any question.

B. Permanent minutes, shall record actions taken and recommendations made by the committee. All approved minutes shall be filed with both borough clerks' offices and be open to inspection by any person.

3.40.050 Powers and duties.

The committee shall have the following powers and duties:

Only when assigned jointly by the Wrangell and Petersburg assemblies: study and make recommendations to the borough assemblies and SEAPA on design, reconstruction, or improvement of the hydroelectric project known as the "Tyee Lake Hydroelectric Project"; study and make recommendations to the borough assemblies and SEAPA on acquisition, design, construction or improvement of any other hydroelectric project proposed 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; and also investigate and make recommendations herein on any other joint energy projects, electric or otherwise, that may be contemplated between or within the Wrangell and Petersburg communities to SEAPA, the borough assemblies of Petersburg and Wrangell, or to federal or state law makers or agencies.

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 IN FIRST READING: _____, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

(SEAL)