

**CITY OF WASILLA
ORDINANCE SERIAL NO. 00-02(AM)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING CHAPTER 2.64, CONDITIONS OF BOARD AND COMMISSIONS, AMENDING CHAPTER 8.01, PLANNING COMMISSION, AND AMENDING CHAPTER 8.10 PARKS AND RECREATION COMMISSION, AND REPEALING CHAPTER 8.05 UTILITY BOARDS.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA:

Section 1. Classification. Section 10 of this ordinance is non-code. Sections 1 through 9 and 11 of this ordinance are of a general and permanent nature and shall become part of the Wasilla Municipal Code.

Section 2. Amendment of chapter. Chapter 2.64, Conditions of Board and Commission, Appointments and Operation, is hereby amended to read as follows:

2.64.010 **APPLICABILITY OF [BOARD AND COMMISSION MEMBERS SUBJECT TO THIS] CHAPTER.**

(A) Each board, commission or committee created by the council shall be governed by this chapter unless [UNLESS] otherwise provided by ordinance. For the purposes of this chapter, the terms “board,” “commission,” and “committee” have identical meanings. A BOARD OR COMMISSION OF THE MUNICIPALITY IS GOVERNED BY EACH OF THE PROVISIONS SET FORTH IN THIS CHAPTER.]

(B) Committees formed for a special purpose of limited duration pursuant to ordinance or resolution shall not be subject to the provisions of this chapter relating to term of service or termination. Terms of appointment shall expire upon completion of the special purpose, but shall not exceed one year.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

[2.64.020 POWERS AND DUTIES.

A. THE COUNCIL BY ORDINANCE MAY PROVIDE FOR ADVISORY, REGULATORY, APPELLATE OR QUASI-JUDICIAL BOARDS OR COMMISSIONS. THE ORDINANCE SHALL PRESCRIBE THE DUTIES AND QUALIFICATIONS OF MEMBERS.

B. THE COUNCIL BY ORDINANCE MAY CREATE OR DESIGNATE ITSELF TO BE A BOARD OF REVIEW, ADJUSTMENTS, OR EQUALIZATION PROVIDED THE POWERS AND FUNCTIONS OF SUCH BOARD OF REVIEW, ADJUSTMENTS, OR EQUALIZATION HAVE BEEN LAWFULLY ASSUMED, DELEGATED OR OTHERWISE TRANSFERRED TO COUNCIL UNDER APPLICABLE ALASKA STATUTES. THE ORDINANCE SHALL PRESCRIBE THE RULES OF PROCEDURE, INCLUDING QUORUM AND VOTING REQUIREMENTS.]

2.64.025 CREATION.

A commission shall be created by ordinance or resolution. Unless established by ordinance, a commission shall have advisory functions only, and shall not otherwise act, individually or collectively, as a city agent.

2.64.030 APPOINTMENTS, REMOVAL AND VACANCY.

(A) Commission members shall be appointed by the mayor and confirmed by the council. Commission members may be removed by the mayor at any time, with or without cause, with concurrence of a majority of the council. [THE MAYOR APPOINTS THE MEMBERS OF BOARDS AND COMMISSIONS, UNLESS OTHERWISE SPECIFICALLY PROVIDED BY ORDINANCE. APPOINTMENTS ARE SUBJECT TO CONFIRMATION BY THE COUNCIL. ALL APPOINTMENTS TO MUNICIPAL BOARDS AND COMMISSIONS SHALL BE DEEMED TO BE CONFIRMED BY OPERATION OF LAW IF NO ACTION HAS BEEN TAKEN BY THE COUNCIL IN REGARD TO THE APPOINTMENT WITHIN 30 DAYS FOLLOWING SUBMISSION OF THE PROPOSED APPOINTMENT TO THE COUNCIL FOR CONFIRMATION.]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

(B) A vacancy occurs on the commission when:

(1) A commission member is removed pursuant to subsection (A) of this section;

(2) A confirmed appointee fails to qualify and assume the duties of the office within 30 calendar days of confirmation;

(3) A commission member departs the city intending to remain outside the city for 90 consecutive calendar days or more or an indefinite amount of time;

(4) A commission member submits a written resignation accepted by the mayor;

(5) A commission member, due to incapacity or absence from the city, cannot attend commission meetings for 90 consecutive calendar days or more; and

(6) The commission member is absent from three consecutive regular commission meetings without the commission excusing the absence for good cause.

(C) In the event that a vacancy is created on a commission, the mayor shall promptly act to fill the vacancy for the remainder of the term.

2.64.035 QUALIFICATIONS.

(A) In addition to any other qualifications, which may be required, each commission member shall be a resident of the city while serving on a commission, unless otherwise established by ordinance.

(B) A task force established by the council for a period not to exceed 180 calendar days may include non-resident members.

2.64.040 TERMS.

(A) The term of each **commission** member shall be [OF A BOARD OR COMMISSION IS] three years beginning on January 1 and ending on December 31, unless a different term is established by ordinance. Terms [THE TERMS OF INITIAL APPOINTMENTS TO A BOARD OR COMMISSION] shall be staggered by the appointment of initial members so that as nearly as possible a pro rata number of members **are** [SHALL BE] appointed for each year.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

[DURING THE REGULAR TERM OF OFFICE ESTABLISHED FOR THE MEMBERS OF THE BOARD OR COMMISSION.]

(B) A commission member serves during the term for which appointed, and after the term, until a successor has been appointed and taken the seat to which appointed. A person shall not continue to serve on the commission under this subsection beyond the 30th calendar day following the day upon which the term ended. [A MEMBER SHALL SERVE UNTIL THE EXPIRATION OF HIS TERM. THE REGULAR TERM OF A MEMBER OF A BOARD OR COMMISSION SHALL, UNLESS OTHERWISE SPECIFIED BY ORDINANCE, COMMENCE ON THE DAY OF CONFIRMATION, OR 30 DAYS FOLLOWING APPOINTMENT IF COUNCIL FAILS TO ACT AND SHALL EXPIRE ON THE ANNIVERSARY DATE OF CONFIRMATION.]

2.64.050 COMPENSATION.

(A) A commission member shall be eligible for compensation, provided that the commission is established by codified ordinance, which sets forth the amount of compensation a member, is entitled to receive.

(B) For the purposes of compensation, meetings are construed as official when advertised, and shall include regularly scheduled and special or emergency meetings and work sessions.

(C) Compensation shall not be paid for a member's attendance at external meetings, training, or informal activities which are not official and advertised sessions of the commission. [VOTING MEMBERS OF ADVISORY BOARDS OR COMMISSIONS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES UNLESS SPECIFICALLY DIRECTED BY COUNCIL.]

[2.64.060 VACANCY-UN-EXCUSED ABSENCES.

A MEMBER INTENDING TO BE ABSENT AT A REGULAR MEETING SHALL REQUEST TO BE EXCUSED IN ADVANCE OF THE MEETING FROM WHICH HE WILL BE ABSENT. THE OFFICE OF A MEMBER OF A BOARD OR COMMISSION SHALL BECOME VACANT IN THE SAME MANNER AS AN ELECTED OFFICE BECOMES VACANT AS PROVIDED IN CHAPTER 2.04.050

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OF THE MUNICIPAL CODE. A VACANCY SHALL OCCUR ON THE FAILURE OF A MEMBER:

A. TO ATTEND THREE CONSECUTIVE REGULAR OR SPECIAL MEETINGS WITHOUT EXCUSE; OR

B. TO ATTEND A MAJORITY OF REGULAR AND SPECIAL MEETINGS DURING ANY CALENDAR YEAR WITHOUT EXCUSE.]

2.64.070 OFFICERS.

(A) Each [A BOARD OR] commission shall **have a chairperson and a vice-chairperson. Officers shall be elected by a majority of the commission members for a term of one year. Election of officers shall be the first order of business at any time that an officer's seat is not filled.** [APPOINT ONE OF ITS MEMBERS CHAIRMAN FOR A TERM TO BE FIXED BY THE BOARD OR COMMISSION. THE BOARD OR COMMISSION SHALL ALSO APPOINT A VICE-CHAIRMAN TO ACT IN THE ABSENCE OF THE CHAIRMAN, OR IN THE INABILITY OF THE CHAIRMAN TO ACT.]

(B) **The duties of the chairperson shall be to preside at all commission meetings, to call meetings and to perform other duties as required.**

(C) **The duties of the vice-chairperson shall be to perform the duties of the chairperson in the chairperson's absence.**

2.64.080 QUORUM.

(A) **All meetings shall be conducted in accordance with the current edition of Roberts Rules of Order Newly Revised.**

(B) A majority of the **authorized commission** [THE] members [OF A BOARD OR COMMISSION] shall be a quorum for the transaction of business. [IN THE ABSENCE OF A QUORUM FOR THE TRANSACTION OF BUSINESS, ANY NUMBER LESS THAN A QUORUM MAY RECESS A MEETING TO A LATER TIME OR DATE. VACANT OR UNFILLED POSITIONS ON A MUNICIPAL BOARD OR COMMISSION SHALL NOT BE COUNTED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A QUORUM EXISTS.]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

2.64.090 MEETINGS.

(A) Commission meetings [A BOARD OR COMMISSION] shall **be held regularly at a designated time and place, or as otherwise provided by resolution or ordinance.** [HOLD REGULAR MONTHLY MEETINGS AT SUCH TIME AND PLACE AS MAY FROM TIME TO TIME BE DESIGNATED BY THE BOARD OR COMMISSION, BUT MEETINGS NEED NOT BE HELD IF NO BUSINESS IS PENDING. THE CHAIRMAN OF A BOARD OR COMMISSION, OR THE MUNICIPAL EMPLOYEE WHO IS DESIGNATED EX OFFICIO MEMBER OF THE BOARD OR COMMISSION PURSUANT TO SECTION 2.64.140 MAY CALL A SPECIAL MEETING OF THE BOARD OR COMMISSION. MEETINGS OF ALL BOARDS AND COMMISSIONS SHALL BE OPEN TO THE PUBLIC, EXCEPT FOR A CLOSED OR EXECUTIVE SESSION FROM WHICH THE PUBLIC MAY BE EXCLUDED.]

(B) [2.64.100 EXECUTIVE SESSION.] A [BOARD OR] commission may at any time go into **an** [A CLOSED OR] executive session from which the general public may be excluded. **Executive sessions shall be approved by a majority of the commission members in a vote taken at a public meeting** [BY A VOTE OF A MAJORITY OF THE MEMBERS TAKEN AT A PUBLIC MEETING, AT WHICH SESSION ONLY] **Only** those subjects shall be **discussed** [CONSIDERED] as are mentioned in the motion for [THE] executive session. **No vote or action shall be taken while in executive session. As a matter of public policy, executive sessions are discouraged.** [, AND NO MATTER SHALL BE VOTED UPON IN THE SESSION.]

(C) Only the [THE] following subjects may be discussed **while** in [AN] executive session:

(1)[A.] Matters[,] the immediate **public** knowledge of which would **clearly have an adverse effect upon** [ADVERSELY AFFECT] the finances of the **city** [GOVERNMENT UNIT];

(2)[B.] Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; or

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

(3) [C.]Matters which by law[, MUNICIPAL CHARTER,] or ordinance are required to be confidential.

2.64.110 CONFLICT OF INTEREST.

No member of a [BOARD OR] commission shall vote on any question upon which he has a substantial direct or indirect financial interest. No member shall represent any person before the [BOARD OR] commission of which he is a member.

[2.64.120 PROCEDURE.

A BOARD OR COMMISSION SHALL ESTABLISH ITS OWN RULES AND ORDER OF BUSINESS. AN APPEAL OR QUASI-JUDICIAL BOARD OR COMMISSION SHALL ESTABLISH REASONABLE RULES AND REGULATIONS GOVERNING PROCEEDINGS BEFORE THE BOARD OR COMMISSION. IN ALL MATTERS OF PROCEDURE NOT COVERED BY RULES ADOPTED BY THE BOARD OR COMMISSION, ROBERT'S RULES OF ORDER, AS REVISED, SHALL BE APPLICABLE AND SHALL GOVERN.]

2.64.130 [REPORTS AND] MINUTES.

The [BOARD OR] commission shall keep minutes of the [BOARD OR] commission proceedings[, AND SUCH MINUTES SHALL RECORD THE VOTE OF EACH MEMBER UPON EVERY QUESTION FORMALLY PRESENTED TO THE BOARD OR COMMISSION FOR ITS CONSIDERATION. THE MINUTES SHALL BE FILED IN THE OFFICE OF THE CLERK AND SHALL BE A PUBLIC RECORD, OPEN TO INSPECTION BY ANY PERSON].

[2.64.140 EX OFFICIO MEMBERS AND STAFF.

THE MAYOR SHALL BE AN EX OFFICIO MEMBER OF ANY BOARD OR COMMISSION. THE MAYOR MAY APPOINT AN EMPLOYEE OF THE MUNICIPALITY WHO SHALL BE AN EX OFFICIO MEMBER OF A BOARD OR COMMISSION FOR THE PURPOSE OF ACTING AS SECRETARY TO THE BOARD OR COMMISSION OR TO FURNISH THE BOARD OR COMMISSION WITH TECHNICAL ADVICE AND INFORMATION IF NOT SO PROVIDED IN THE SPECIFIC PROVISIONS PERTAINING TO THE BOARD OR COMMISSION. AN EX OFFICIO MEMBER IS NOT ENTITLED TO VOTE ON ANY QUESTION TO BE

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

DETERMINED BY THE BOARD OR COMMISSION NOR IS AN EX OFFICIO MEMBER A MEMBER FOR THE PURPOSE OF ESTABLISHING A QUORUM OF ANY BOARD OR COMMISSION. AN EX OFFICIO MEMBER IS NOT ENTITLED TO ANY COMPENSATION FOR HIS EX OFFICIO DUTIES OR SERVICES ON ANY BOARD OR COMMISSION. UNLESS OTHERWISE PROVIDED IN THE SECTION ESTABLISHING THE BOARD OR COMMISSION, THE MAYOR MAY PROVIDE OR DESIGNATE ANY REQUIRED STAFF FOR THE BOARD OR COMMISSION.]

[2.64.150 SUSPENSION AND ACTIVATION OF BOARDS AND COMMISSIONS.

A. IN THE EVENT THAT THE NEED FOR THE OPERATION OF A BOARD OR COMMISSION CEASES TO EXIST BECAUSE OF LACK OF BUSINESS OR OTHER CIRCUMSTANCES, THE MAYOR MAY SUSPEND OPERATION OF THE BOARD OR COMMISSION AND DISCHARGE ITS MEMBERS. ACTION TO SUSPEND SHALL BE BY WRITTEN ORDER OF THE MAYOR AND BE SUBJECT TO CONFIRMATION BY THE COUNCIL. THE SUSPENSION SHALL BE DEEMED TO BE CONFIRMED BY OPERATION OF LAW IF NO ACTION HAS BEEN TAKEN BY THE COUNCIL IN REGARD TO THE SUSPENSION WITHIN 60 DAYS OF THE MAYOR'S ORDER.

B. BOARDS AND COMMISSIONS MAY BE ACTIVATED BY WRITTEN ORDER OF THE MAYOR OR BY RESOLUTION OF THE CITY COUNCIL. MEMBERS OF THE BOARD OR COMMISSION MUST BE NEWLY APPOINTED UPON ACTIVATION.]

Section 3. Amendment of chapter. Chapter 8.01, Planning Commission, is hereby amended to read as follows:

8.01.010 ESTABLISHMENT, DUTIES AND COMPENSATION. [PLANNING COMMISSION ESTABLISHED.]

(A) The planning commission consisting of seven members is established. [THERE IS HEREBY ESTABLISHED THE PLANNING COMMISSION FOR THE CITY OF WASILLA, WHICH HAS THE POWERS AND DUTIES AND PERFORMS THE FUNCTIONS SET OUT IN THIS CHAPTER.]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

(B) The commission shall:

(1) Periodically review the land development code and make recommendations to the council for amendments.

(2) Undertake a general review of the comprehensive plan at least once every two years and make recommendations to the council for amendments.

(3) Annually, review one or more elements of the comprehensive plan, and make recommendations for amendment to the council.

(4) Review and make determinations on state construction projects in accordance with AS 35.30.010 and may impose conditions or modifications on these projects. If the commission determines the project should be disapproved or that modification should be made to which the state disagrees, the commission shall immediately notify the council and recommend disapproval by council resolution pursuant to AS 35.30.010(c).

(5) Make recommendations to the council on all proposed rezoning, indicating compliance with the applicable provisions of the land development code and the comprehensive plan.

(6) Hear and decide all permit applications that require a public hearing, including but not limited to, applications for variances, rezones, and other procedures that may be required by the land development code.

(7) Hear and decide appeals of permit decisions made by the city planner.

(8) Investigate and prepare on an annual basis, recommendations on a capital improvement program.

(9) Investigate and prepare reports on the availability of public lands for city purposes.

(10) At the request of the mayor or council, investigate and prepare reports on the location and establishment of public facilities.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

(C) The compensation of each commission member shall be \$25 per meeting.

[8.01.020 MEMBERSHIP - TERM OF OFFICE.

(A) THE COMMISSION CONSISTS OF SEVEN CITIZENS WHO ARE RESIDENTS OF THE CITY AND WHO SHALL SERVE WITHOUT PAY BUT MAY BE PAID AN HONORARIUM. MEMBERS ARE APPOINTED BY THE MAYOR AND CONFIRMED BY THE COUNCIL.

(B) MEMBERS ARE APPOINTED FOR A TERM OF THREE YEARS. TERMS END ON DECEMBER 31ST OF THE YEAR, PROVIDED THAT A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND TAKES OFFICE. APPOINTMENTS TO FILL VACANCIES ARE FOR THE UNEXPIRED TERM ONLY.

(C) OFFICERS OF THE COMMISSION ARE THE CHAIR AND VICE-CHAIR AND ARE ELECTED BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION, IN THE ABSENCE OF THE CHAIR THE VICE-CHAIR WILL ASSUME THE DUTIES OF THE CHAIR. OFFICERS ARE ELECTED AT THE FIRST REGULAR MEETING OF THE COMMISSION FOLLOWING THE MEETING AT WHICH ONE OR MORE NEWLY APPOINTED OR RE-APPOINTED COMMISSIONERS TAKE THEIR SEAT. THE COMMISSION MAY POSTPONE SUCH ELECTION FROM TIME TO TIME, BUT MUST ELECT OFFICERS NOT LATER THAN ITS LAST REGULAR MEETING IN FEBRUARY.]

8.01.025 OFFICERS.

(A) The commission shall have a chairperson and vice-chairperson.

(B) Officers shall be elected at the first regular meeting of the commission following the meeting at which one or more newly appointed or re-appointed commissioner is seated. The commission shall elect its officers not later than the last regular meeting in February.

[8.01.030 VACANCIES.

(A) A VACANCY MUST BE DECLARED AND FILLED AS ABOVE PROVIDED, UNDER THE FOLLOWING CONDITIONS:

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

(1) IF A PERSON NOMINATED AND CONFIRMED TO MEMBERSHIP FAILS TO QUALIFY AND TAKE HIS OFFICE WITHIN THIRTY (30) DAYS;

(2) IF A MEMBER DEPARTS FROM THE CITY WITH THE INTENT TO REMAIN AWAY FOR A PERIOD OF NINETY (90) OR MORE DAYS;

(3) IF A MEMBER'S RESIGNATION IS SUBMITTED AND ACCEPTED BY THE MAYOR;

(4) IF A MEMBER IS PHYSICALLY UNABLE TO ATTEND COMMISSION MEETINGS FOR A PERIOD OF MORE THAN NINETY (90) DAYS;

(5) IF A MEMBER MISSES MORE THAN THREE CONSECUTIVE REGULAR MEETINGS IN A TWELVE (12) MONTH PERIOD UNLESS THE MEMBER MAKES WRITTEN APPLICATION TO THE COUNCIL WITHIN FIFTEEN (15) DAYS OF NOTICE OF MISSING THE THIRD MEETING AND SHOWS JUST REASON FOR RETENTION.

(B) THE PLANNING CLERK SHALL KEEP ATTENDANCE RECORDS AND NOTIFY THE CHAIRMAN WHEN VACANCIES OCCUR.]

8.01.040 SEAL.

The seal of the commission consists of two concentric circles within which appear the words "City of Wasilla Planning Commission," "Seal" and "State of Alaska." It **shall** [MUST] be retained in the custody of the **city planner** [DIRECTOR].

8.01.050 MEETINGS.

(A) Regular meetings are held on the second and fourth Tuesday of each month. Special meetings may be called by the **chairperson** or [ANY] three members of the commission. Only those matters stated in the public notice **shall** [MAY] be acted upon at a special meeting.

[(B) PUBLIC NOTICE OF A SPECIAL MEETING MUST BE GIVEN FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING AND MUST BE SUPPLIED TO THE LOCAL MEDIA AND POSTED ON THE MUNICIPAL BULLETIN BOARD. AT LEAST FORTY-EIGHT (48) HOURS BEFORE A SPECIAL MEETING, ORAL OR WRITTEN NOTICE MUST BE PROVIDED TO

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EACH COMMISSION MEMBER OR WRITTEN NOTICE OF THE MEETING MUST BE LEFT AT THE USUAL PLACE OF RESIDENCE OF THE COMMISSION MEMBER.

(C) PUBLIC NOTICE AND THE NOTICE TO EACH COMMISSIONER MUST SET OUT THE SUBJECT OF THE SPECIAL MEETING.]

[8.01.060 COMMITTEES.

(A) THE CHAIR OF THE COMMISSION SHALL APPOINT MEMBERS TO SUCH COMMITTEES AS MAY BE ESTABLISHED BY THE COMMISSION. COMMITTEE CHAIRS ARE APPOINTED BY THE COMMISSION CHAIR. THE COMMISSION CHAIR MAY NOT SERVE AS A COMMITTEE CHAIR BUT IS AN EX OFFICIO VOTING MEMBER OF ALL COMMITTEES AND WILL COORDINATE THEIR ACTIVITIES. COMMITTEE CHAIR WILL HAVE FULL RESPONSIBILITY FOR CONDUCTING THE AFFAIRS OF THEIR COMMITTEES AND REPORTING SAME TO THE COMMISSION. IN ADDITION, THE CHAIR OR ALTERNATE DESIGNATED BY THE CHAIR ACTS AS SPOKESPERSON FOR THE COMMITTEE AT ALL PUBLIC HEARINGS AND MEETINGS. COMMITTEES ARE ADVISORY ONLY.

(B) A SUBDIVISION REVIEW COMMITTEE MAY BE APPOINTED BY THE COMMISSION CHAIR WITH APPROVAL OF THE FULL COMMISSION. IT WILL BE THE DUTY OF THIS COMMITTEE TO REVIEW AND COMMENT TO THE COMMISSION UPON ALL MAJOR SUBDIVISION DEVELOPMENT.]

[8.01.070 RULES OF PROCEEDINGS.

(A) MEETINGS SHALL BE CONDUCTED PURSUANT TO ROBERT'S RULES OF ORDER AS MAY BE AMENDED BY COMMISSION RESOLUTION AND SET FORTH IN THE COMMISSION'S PROCEDURAL GUIDELINES.

(B) THE COMMISSION MAY ADOPT A SET OF PROCEDURAL GUIDELINES BY RESOLUTION, CONSISTENT WITH THE INTENT OF THIS CHAPTER, AND TO CLARIFY THE APPLICABLE PROCEDURAL REQUIREMENTS SET FORTH IN THE ALASKA STATUTES AND THE WASILLA MUNICIPAL CODE. THE PROCEDURAL GUIDELINES ADOPTED BY THE PLANNING COMMISSION ARE SUBJECT TO REVIEW AND APPROVAL BY

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

THE WASILLA CITY COUNCIL AS THEY MAY, FROM TIME-TO-TIME, BE AMENDED. THE PROCEDURAL GUIDELINES MAY PROVIDE FOR THE ESTABLISHMENT OF COMMITTEES, RULES OF PROCEDURE, MEETING TIMES AND PLACES, THE ADDITION OF AGENCIES TO THE LIST OF REFERRAL AND REVIEW AGENCIES, AND ANY OTHER MATTER REASONABLY NECESSARY OR DESIRABLE FOR THE FULL AND COMPLETE CONDUCT OF THE COMMISSION'S DUTIES, PURSUANT TO THIS CHAPTER AND ANY OTHER PROVISION OF CITY, BOROUGH OR STATE LAW.]

8.01.080 [OFFICE AND] STAFF.

(A) The city planner and the city planner's staff shall assist the planning commission. [MAY BE PROVIDED OFFICE SPACE SUITABLE FOR ITS NEEDS AND ADEQUATE TO FILE ITS JOURNALS, RESOLUTIONS, RECORDS, PERMITS, REFERENCE MATERIALS, CORRESPONDENCE AND MAPS, PLATS, AND CHARTS, ALL OF WHICH SHALL CONSTITUTE PUBLIC RECORDS.]

(B) The planning clerk shall act as the secretary to the commission and shall keep minutes of all meetings, which shall be a public record. [THERE IS A PLANNING CLERK OF THE COMMISSION. THE PLANNING CLERK IS APPOINTED BY THE MAYOR OR THE MAYOR'S DESIGNEE AND IS COMPENSATED BY THE CITY.]

(C) THERE IS A CITY PLANNER TO PROVIDE STAFF SUPPORT TO THE COMMISSION AND TO ADMINISTER WMC CHAPTER 16.43 (WASILLA DEVELOPMENT CODE). IN ADDITION TO THOSE DUTIES THE CITY PLANNER WILL ALSO PROVIDE PLANNING INFORMATION TO THE PUBLIC, INVESTIGATE REQUESTS THAT MAY COME BEFORE THE COMMISSION AND ACCOMPLISH OTHER PLANNING DUTIES AS MAY BE SET FORTH IN THE JOB DESCRIPTION FOR THIS POSITION.]

(D) IN ADDITION TO OTHER DUTIES UNDER THIS CHAPTER AND AS MAY BE ASSIGNED BY THE COMMISSION, THE PLANNING CLERK SHALL FURNISH SECRETARIAL ASSISTANCE AT EACH REGULAR OR SPECIAL MEETING. THE PLANNING STAFF WILL ALSO ASSIST IN PREPARING THE

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JOURNALS AND RESOLUTIONS OF THE COMMISSION AND SHALL PREPARE COMMISSION CORRESPONDENCE UNDER THE DIRECTION OF THE COMMISSION CHAIR.]

8.01.090 DECISIONS.

(A) [RESOLUTION REQUIRED.] All permit actions of the commission must be in the form of a resolution setting forth:

- (1) The date of significant meetings or hearings relating to the request;
- (2) The decision;
- (3) The basic facts and the reasoning leading to the decision; and
- (4) Conditions on the permit[, AND MUST BE SIGNED BY THE PLANNING CLERK AND COMMISSION CHAIR].

(B) The decision must be signed by the chairperson and the city planner or planning clerk.

(C[B]) Permit Required. All permit actions by the planning commission shall be summarized in a permit by the planning staff. The [BASIS OF THE DECISION AND FINDINGS-OF-FACT AND] conditions of approval on a permit shall be mailed to each applicant[, ALONG WITH AN EXPLANATION OF THE APPEAL PROCEDURE AS IT MAY BE APPLICABLE IN EACH CASE]. A copy of every permit issued will be retained in the permanent records of the [WASILLA] planning office.

[8.01.100 DUTIES OF THE COMMISSION.

(A) THE COMMISSION HAS THE FOLLOWING DUTIES:

(1) UNDERTAKE A GENERAL REVIEW OF THE COMPREHENSIVE PLAN AT LEAST ONCE EVERY TWO YEARS AND RECOMMEND TO THE COUNCIL AMENDMENTS TO THE PLAN THAT IT DETERMINES TO BE APPROPRIATE.

(2) ON AN ANNUAL BASIS, THE COMMISSION WILL UNDERTAKE A SPECIAL PROJECT TO REVIEW OR UPDATE ONE OR MORE ELEMENTS OF THE WASILLA COMPREHENSIVE PLAN. THE ELEMENTS OF THE COMPREHENSIVE PLAN, SUCH AS PARKS AND RECREATION OR

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

TRANSPORTATION FOR EXAMPLE, MAY BE EXPANDED SO THAT EACH ELEMENT IS A COMPREHENSIVE LOOK AT THE SUBJECT. AS EACH ELEMENT IS ADOPTED BY THE CITY COUNCIL, IT WILL BECOME PART AND PARCEL OF THE OVERALL WASILLA COMPREHENSIVE PLAN.

(3) REVIEW AND MAKE DETERMINATIONS ON STATE CONSTRUCTION PROJECTS IN ACCORDANCE WITH AS 35.30.010 AND MAY IMPOSE CONDITIONS OR MODIFICATIONS ON SUCH PROJECTS BASED ON THE REQUIREMENTS AND POLICIES OF WMC CHAPTER 16.43 (WASILLA DEVELOPMENT CODE), AND OTHER SUCH PLANS OR PROGRAMS OF THE CITY AS MAY BE APPLICABLE. IF THE COMMISSION DETERMINES THE PROJECT SHOULD BE DISAPPROVED OR THAT MODIFICATIONS SHOULD BE MADE TO WHICH THE STATE DISAGREES, THE COMMISSION SHALL IMMEDIATELY NOTIFY THE COUNCIL AND RECOMMEND DISAPPROVAL BY COUNCIL RESOLUTION PURSUANT TO AS 35.30.010(C).

(4) MAKE RECOMMENDATIONS TO THE WASILLA CITY COUNCIL ON ALL PROPOSED REZONING, INDICATING COMPLIANCE WITH THE APPLICABLE PROVISIONS OF WMC CHAPTER 16.43 (WASILLA DEVELOPMENT CODE), AND THE COMPREHENSIVE PLAN. THE COMMISSION WILL PERIODICALLY REVIEW THE WASILLA DEVELOPMENT CODE AND RECOMMEND TO THE CITY COUNCIL CHANGES IT DETERMINES ARE DESIRABLE.

(5) HEAR AND DECIDE ALL PERMIT APPLICATIONS THAT REQUIRE A PUBLIC HEARING, INCLUDING BUT NOT LIMITED TO, APPLICATIONS FOR VARIANCES, REZONES, AND OTHER PROCEDURES THAT MAY BE REQUIRED BY THE AMENDMENT OF THE WASILLA DEVELOPMENT CODE. THE COMMISSION MAY ALSO HEAR APPEALS OF PERMIT DECISIONS MADE BY THE CITY PLANNER.

(6) INVESTIGATE AND PREPARE ON AN ANNUAL BASIS, THE COMMISSION'S RECOMMENDATIONS ON A CAPITAL IMPROVEMENTS PROGRAM. SAID RECOMMENDATIONS WILL BE ADOPTED BY COMMISSION RESOLUTION, AFTER A PUBLIC HEARING HAS BEEN HELD,

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

AND TRANSMITTED TO THE CITY COUNCIL FOR ITS CONSIDERATION. THE ANNUAL CAPITAL IMPROVEMENTS PROGRAM SHALL BE A PUBLIC RECORD.

(7) INVESTIGATE AND PREPARE REPORTS ON THE AVAILABILITY OF PUBLIC LANDS FOR CITY PURPOSES. SPECIAL ATTENTION SHALL BE GIVEN TO ACQUISITION OF LAND FOR PUBLIC RECREATION.

(8) AT THE REQUEST OF THE MAYOR OR COUNCIL, INVESTIGATE AND PREPARE REPORTS ON THE LOCATION AND ESTABLISHMENT OF PUBLIC FACILITIES.

(9) PERFORM SUCH OTHER DUTIES AS MAY BE REQUESTED BY THE COUNCIL.]

Section 4. Repeal of chapter. Chapter 8.05, Utility Boards, is hereby repealed in its entirety:

[8.05.010 EXERCISE OF POWER.

THE CITY OF WASILLA MAY EXERCISE THIS RESPONSIBILITY ONLY AS PRESCRIBED BY ALASKA STATUTES 29.20.310.]

Section 5. Amendment of chapter. Chapter 8.10, Parks and Recreation Commission, is hereby amended as follows:

8.10.010 ESTABLISHMENT, PURPOSE, [AND] DUTIES, AND COMPENSATION.

(A) The parks and recreation commission is established **consisting of seven members, at least five of which are residents of the city.**

(B) The purpose of the commission is to advise the council and mayor on matters pertaining to civic amenities, parks and recreation facilities, public facilities and programs including beautification, parks, playgrounds, cemeteries, commemorations, memorials, athletic fields, team sports and trails pursuant to the delegation or contracting of Matanuska-Susitna Borough area wide parks and recreation powers to the city.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

(C) The commission shall:

(1) Coordinate with, and obtain approval of the planning commission of site locations and general development plans for parks and recreation facilities.

(2) Recommend to the council, proposals for the general and specific development of parks and recreation facilities and programs.

(3) Recommend to the council such rules, procedures and regulations for adoption by ordinance necessary for the safety, general welfare, and financial necessity pertaining to the use of and the activities within city parks and recreation facilities.

(4) Assist the city in enrolling and assisting volunteer groups and individuals to operate, maintain, or improve city parks and recreation facilities and programs.

(D) The compensation of each commission member shall be \$25 per month, provided that the member attends at least one meeting or one work session that month.

[8.10.020 APPOINTMENT, REMOVAL AND VACANCY.]

(A) COMMISSION MEMBERS SHALL BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE COUNCIL. A MEMBER MAY BE REMOVED BY THE MAYOR BEFORE THE EXPIRATION OF THE MEMBERS' TERM IN ACCORDANCE WITH THIS SECTION.

(B) A VACANCY OCCURS ON THE COMMISSION WHEN:

(1) A CONFIRMED APPOINTEE FAILS TO QUALIFY AND ASSUME THE DUTIES OF THE OFFICE WITHIN 30 CALENDAR DAYS OF CONFIRMATION.

(2) A BOARD MEMBER, DUE TO INCAPACITY OR ABSENCE FROM THE CITY, CANNOT ATTEND COMMISSION MEETINGS FOR 90 CALENDAR DAYS OR MORE.

(3) A COMMISSION MEMBER SUBMITS A RESIGNATION ACCEPTED BY THE MAYOR.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

(4) THE COMMISSION MEMBER IS ABSENT FROM THREE CONSECUTIVE REGULAR COMMISSION MEETINGS WITHOUT THE COMMISSION EXCUSING THE ABSENCE FOR GOOD CAUSE.]

[8.10.030 MEMBERSHIP.

(A) THE COMMISSION SHALL CONSIST OF SEVEN MEMBERS, AT LEAST FIVE OF WHICH ARE RESIDENTS OF THE CITY. EACH COMMISSION MEMBER SHALL BE A REGISTERED VOTER WHILE SERVING ON THE COMMISSION.

(B) A SUB-COMMITTEE ESTABLISHED BY THE COUNCIL MAY BE APPOINTED THAT MAY INCLUDE NON-CITY RESIDENTS.

(C) THE TERM OF A COMMISSION MEMBER IS THREE YEARS. [APPOINTMENTS MADE TO A POSITION VACANCY SHALL FILL THE VACANCY FOR THE REMAINDER OF THE TERM.

(D) THE COMPENSATION OF EACH COMMISSION MEMBER SHALL BE \$25 PER MONTH, PROVIDED THAT THE MEMBER ATTENDS AT LEAST ONE MEETING OR ONE WORK SESSION THAT MONTH.]

8.10.040 OFFICERS.

(A) The commission shall have a chairperson, vice-chairperson, and secretary. [OFFICERS SHALL BE ELECTED BY A MAJORITY OF THE COMMISSION MEMBERS FOR A TERM OF ONE YEAR. ELECTION OF OFFICERS SHALL BE THE FIRST ORDER OF BUSINESS AT ANY TIME THAT AN OFFICER'S SEAT IS NOT FILLED.]

(B) [THE DUTIES OF THE CHAIRPERSON SHALL BE TO PRESIDE AT ALL COMMISSION MEETINGS, TO CALL MEETINGS AND TO PERFORM OTHER DUTIES AS REQUIRED.]

(C) [THE DUTIES OF THE VICE-CHAIRPERSON SHALL BE TO PERFORM DUTIES OF THE CHAIRPERSON IN THE CHAIRPERSON'S ABSENCE.]

(D) The duties of the secretary shall be to prepare the minutes of the meeting. The secretary shall also be responsible for recording members present and absent at each meeting.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

8.10.050 MEETINGS.

(A) [COMMISSION MEETINGS SHALL BE HELD REGULARLY AT A DESIGNATED TIME AND PLACE.] Special meetings may be called by the chairperson or at the request of two commission members. **Only those matters stated in the public notice may be acted upon at a special meeting.**

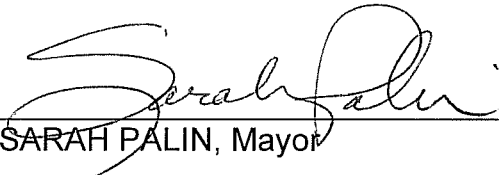
(B) [MEETINGS SHALL BE CONDUCTED UNDER *ROBERT'S RULES OF ORDER NEWLY REVISED*, OR SUCH MODIFIED RULES AS ADOPTED BY THE COMMISSION.]

(C) [A MAJORITY OF BOARD MEMBERS SHALL BE A QUORUM FOR THE TRANSACTION OF BUSINESS.]


Section 6. Parks and recreation commission terms. The terms of the parks and recreation commissioners in office on the effective date of this ordinance shall remain unchanged. The terms of parks and recreation commissioners appointed and confirmed after the effective date of this ordinance shall be lengthened to expire on December 31 of the year during which the term would have expired if the beginning and ending dates of the terms had not been changed by this ordinance.

Section 7. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on January 10, 2000.


SARAH PALIN, Mayor

ATTEST:


KRISTIE L. VANGORDER, CMC/AE
City Clerk

[SEAL]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

SUBJECT: AMENDMENT TO WMC 2.64, 8.01 AND 9.10 AND REPEAL OF 8.05 RELATED TO BOARDS AND COMMISSIONS

REQUESTED BY: Council Member Bennett

PREPARED BY: K. VanGorder, City Clerk

DATE: January 5, 2000

FOR AGENDA OF: December 13, 1999

SUMMARY:

Council Member Bennett requested a code revision in regard to commission members being removed without cause. This amendment is included in WMC 2.64.030(A). As you know, since we are in the process of recodifying the code, I felt it would be proper to work on the entire board and commissions code and general provisions for boards and commissions.

After discussions with our attorney, we felt that several areas of the existing code could be repealed and replaced with simpler verbiage. The proposed ordinance clarifies several chapters of the code and eliminates duplication from the general provisions. This may also reduce the cost of the re-codification project.

A sectional analysis is listed below identifying the changes in the proposed ordinance.

Section 2. General Provisions.

2.64.010 – Simplify language and allows for committees to be formed.

2.64.020 – Provided by Title 29.

2.64.025 – Establishes how a commission shall be created.

2.64.030(A) – Adds provision on removal of commission member.

2.64.030(B) and (C) – New language related to vacancies.

2.64.035 – Requires commission members to be a resident of the city unless otherwise provided and allows for task force.

2.64.040 – Clarifies language. Allows for terms to be on a calendar year.

2.64.050 – Allows for compensation of commission members.

2.64.070 – Clarifies language for officers of the commission.

Presented with: Ord 00-02
Date: 1/10/00 Verified by: JW.

2.64.080 – Allows for a commission to use *Roberts Rules of Order Newly Revised* to conduct their meetings. Also relates to quorum requirement.

2.64.090 – Requires monthly meetings of commissions, allows for executive sessions.

2.64.110 – Grammatical change.

2.64.120 – This section is no longer needed.

2.64.130 – Clarification of section.

2.64.140 – This section is no longer needed.

2.64.150 – The mayor and council may amend the code to eliminate a board at any time. Language no longer needed.

Section 3. Planning Commission.

8.01.010 – Provides for the planning commission and establishes the duties of the commission (duties taken from existing 8.01.100). Relates to members, terms and compensation. Code currently states the planning commission may be paid an honorarium. Amendment allows for planning commission to be paid \$25 per meeting.

8.01.025 – Allows for officers and when to elect new officers.

9.01.030 – This section repealed, addressed in new 2.64.030(B).

8.01.040 – Grammatical.

8.01.050 – Section (A) grammatical. Section (B) no special requirement needs to be addressed in this section.

8.01.060 – No longer needed. The council may appoint committees to assist the planning commission at their request at any time.

8.01.070 – Addressed in new 2.64.080. Commission may adopt a resolution at any time on general procedures of the commission.

8.01.080 – Designates the city planner to assist the planning commission and planning clerk to act as the secretary to the commission. Repeals verbiage no longer needed.

8.01.090 – Clarifies language.

8.01.100 – Recodified as 8.01.010(B).

Section 4. Utility Boards.

8.05.010 – Section repealed. The council may appoint utility boards as stated in Title 29.

Sections 5. Parks and Recreation Commission.

8.01.010 – Clarifies the number of parks and recreation commissioners. Places 8.10.030(D) relating to compensation in this section.

8.10.020 – Repealed, addressed in 2.64.030.

8.10.030 – Repealed, addressed in to 8.10.010.

8.10.040 - Items repealed that are now addressed in 2.2.64.070.

8.10.050 – Clarifies the date the commission hold their meeting, repeals items addressed in 2.64.090.


Section 6. Parks and recreation commission terms.

Addresses how the current and upcoming terms will be handled since all commission terms will expire on a calendar year basis. Currently the parks and recreation commission terms are from May 1 to April 30.

FISCAL IMPACT: No Yes, amount requested: \$ Fund:

COUNCIL MEMBER RECOMMENDED ACTION:

Introduce and set for public hearing.

Administration Initial: 

Attachments: none

CLERKS OFFICE

DATE: December 10, 1999
TO: Kristie VanGorder, City Clerk
FROM: Wasilla Parks & Recreation Commission
RE: Ordinance 00-02

DEC 22 1999
RECEIVED

The Commission has received a copy of Ordinance 00-02 and would like you to convey the following message to the Council.

The Wasilla Parks & Recreation Commission does not support 2.64.035 Qualifications, stating that "each commission member shall be a resident of the city while serving on a commission"

Furthermore, the Wasilla Parks & Recreation Commission does not support 8.10.050 Meetings.

The Commission recommends that the current Ordinance remain unchanged on these two points. Thank you for your consideration.