

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE SECTIONS 2.50.030, 2.56.011, 2.60.055, 2.98.040, 2.100.040, 2.104.040, 2.105.040, 7.04.080, 16.08.010, AND 18.30.040 TO REVISE THE PROCEDURE FOR FILLING BOARD, COMMITTEE, AND COMMISSION VACANCIES.**

**NOW, THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:**

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 2.50.030. Section 2.50.030 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE  
STRIKETHROUGH ITEMS ARE DELETIONS

**Chapter 2.50 PUBLIC SAFETY COMMISSION**

**2.50.030 Vacancies – Filling vacancies.**

A member's position on the commission shall be deemed vacated if the member fails to attend ~~two~~ **three** consecutive meetings without being excused by the commission. ~~In the event of a vacancy on the commission, either at the end of the commission member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement commission member(s) as set out in HBC 2.60.055. The mayor shall, after reviewing all applications, and considering the commission's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly. (Ord. 05-05-105)~~ **All appointments to the commission shall be made according to the provisions of HBC Section 2.60.055.**

Section 5. Amendment of Section 2.56.011. Section 2.56.011 of the Haines Borough Code is hereby amended to read as follows:

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**Chapter 2.56 TOURISM DEPARTMENT**

**2.56.011 Tourism advisory board.**

There shall be an advisory board known as the tourism advisory board, composed of seven members. ~~The members shall be appointed by the mayor and subject to assembly confirmation.~~ The board shall organize itself and function according to the provisions of **HBC** Chapter 2.60. **All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.**

Section 6. Amendment of Section 2.60.055. Section 2.60.055 of the Haines Borough Code is hereby amended to read as follows:

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## **Chapter 2.60 COMMITTEES, BOARDS AND COMMISSIONS**

### **2.60.055 Filling Vacancies**

In the event of a vacancy on a committee, board or commission, either at the end of the board member's regular term, or if the seat is vacated for some other reason, the borough clerk shall advertise for replacement board member(s) by posting in three public places a request for letters of interest to be submitted to the clerk's office. Such advertisement shall be placed for a minimum of two weeks, after which time ~~the applications shall be transmitted to the appropriate person or board for review and recommendation to the mayor~~ **the clerk shall transmit the applications to the appropriate board for inclusion on the agenda at the next public meeting of the board. The following procedure for appointment shall then be followed:**

**A. If the board is able to seat a quorum, opportunity for public comment regarding the applications for new board member(s) shall be provided. The board shall review all applications and prepare written recommendations for appointment(s) to the mayor. The written recommendation(s) shall include the reasoning behind the final decision(s). The mayor shall, after reviewing the application(s), and considering the board's recommendation(s), appoint all committee, board and commission member(s) subject to confirmation of the assembly.**

**B. If the board is unable to seat a quorum, the mayor shall, after reviewing all applications, make appointment(s) of new board member(s), subject to the confirmation of the assembly. The mayor shall include the reasoning behind the final decision(s). The mayor's appointment(s) shall be included on the agenda for the next regularly scheduled public meeting of the assembly. Opportunity for public comment shall be provided.**

Section 7. Amendment of Section 2.98.040. Section 2.98.040 of the Haines Borough Code is hereby amended to read as follows:

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## **Chapter 2.98 PUBLIC LIBRARY**

### **2.98.040 Board vacancies – Filling vacancies.**

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) will be will be selected using the procedure as set out in HBC 2.60.055. The library board of trustees shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly. Appointees filling out partial terms shall be appointed only for the balance of that unexpired term.~~

**All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.**

Section 8. Amendment of Section 2.100.040. Section 2.100.040 of the Haines Borough Code is hereby amended to read as follows:

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**Chapter 2.100 SHELDON MUSEUM AND CULTURAL CENTER**

**2.100.040 Board vacancies – Filling vacancies.**

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) as set out in HBC 2.60.055. The museum board of trustees shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly. Appointees filling out partial terms shall be appointed only for the balance of that unexpired term.~~

**All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.**

Section 9. Amendment of Section 2.104.040. Section 2.104.040 of the Haines Borough Code is hereby amended to read as follows:

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**Chapter 2.104 CHILKAT CENTER FOR THE PERFORMING ARTS**

**2.104.040 Board vacancies – Filling vacancies.**

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) will be will be selected using the procedure as set out in HBC 2.60.055. The board shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly.~~

**All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.**

Section 10. Amendment of Section 2.105.040. Section 2.105.040 of the Haines Borough Code is hereby amended to read as follows:

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## **Chapter 2.105 PARKS AND RECREATION DEPARTMENT**

### **2.105.040 Advisory committee vacancies – Filling vacancies.**

A member's position on the advisory committee shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the advisory committee.

~~In the event of a vacancy on the advisory committee, either at the end of the committee member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement committee member(s) as set out in HBC 2.60.055. The advisory committee shall review all applications for new committee member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the committee's recommendation(s), appoint a new member or member(s) subject to confirmation by the borough assembly. (Ord. 11-04-260 § 4; Ord. 04-09-084)~~

### **All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.**

Section 11. Amendment of Section 7.04.080. Section 7.04.080 of the Haines Borough Code is hereby amended to read as follows:

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## **Chapter 7.04 SERVICE AREAS GENERALLY**

### **7.04.080 Boards.**

A. The ordinance establishing a service area may provide for appointed or elected boards of persons from within the service area to make recommendations concerning services or other purposes, as permitted by statute. For appointed boards, **all appointments shall be made according to the provisions of HBC Section 2.60.055.** If the assembly determines that an appointed or elected board is not necessary, or if a board lacks the minimum membership required by the ordinance establishing that board, the assembly shall perform the functions of such board.

B. Service area board members may be removed in accordance with HBC 2.62.020.

Section 11. Amendment of Section 16.08.010. Section 16.08.010 of the Haines Borough Code is hereby amended to read as follows:

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## **Chapter 16.08 HARBOR MANAGEMENT**

### **16.08.010 Government of borough port and harbor facilities.**

A. The governance of borough port and harbor facilities and all additions and improvements thereto, whether or not contiguous to the present facilities, shall be under the exclusive jurisdiction of the Haines Borough, its assembly, and its administration.

B. There shall be a seven-member port and harbor advisory committee comprised of three commercial vessel owners, two noncommercial vessel owners, one tariff regulated company owner or representative, and a community member at large who has a business related to harbor activities. Such appointments shall serve staggered terms of two years, **and all appointments to the committee shall be made according to the provisions of HBC Section 2.60.055.** Members shall serve until their successors have been confirmed by the assembly. There shall be no pay for committee membership. The committee shall organize

itself and function according to the provisions of **HBC** Chapter 2.60. The assembly may appoint a liaison who shall serve in an ex officio capacity and shall assist the committee administratively.

C. The port and harbor advisory committee shall deliberate over matters concerning the construction, improvement, maintenance, use, operation, and regulation of borough port and harbor facilities, and make recommendations regarding these issues to the assembly, either directly or through the manager or harbormaster.

D. The port and harbor advisory committee shall otherwise conduct its meetings and activities in accordance with **HBC** Chapter 2.60.

Section 13. Amendment of Section 18.30.040. Section 18.30.040 of the Haines Borough Code is hereby amended to read as follows:

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**Title 18 LAND USE/DEVELOPMENT**  
**Chapter 18.30 ADMINISTRATIVE PROVISIONS**  
**18.30.040 Planning commission.**

The borough planning commission ("planning commission") consists of seven registered voters who have resided in the borough for 30 days or longer immediately prior to appointment. Planning commission members shall ~~be appointed by the mayor and shall be subject to confirmation by the assembly for~~ **serve** staggered terms of three years, **and all appointments to the committee shall be made according to the provisions of HBC Section 2.60.055.** Vacancies on the commission shall be determined by the mayor under the same regulations as HBC 2.10.240, guidelines for vacancies of the borough assembly, and shall be filled only for the unexpired portion of the term.

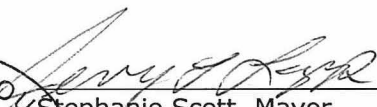
ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 11TH DAY OF FEBRUARY, 2014.

ATTEST:



Michelle Webb, Interim Borough Clerk



  
Stephanie Scott, Mayor

Date Introduced: 01/14/14  
Date of First Public Hearing: 01/28/14  
Date of Second Public Hearing: 02/11/14 - Adopted