

**NORTH SLOPE BOROUGH
ORDINANCE SERIAL NO. 2024-07**

**AN ORDINANCE AMENDING SECTIONS 2.04.030 -
2.04.040 OF THE NORTH SLOPE BOROUGH
MUNICIPAL CODE TO ADMINISTRATIVELY EDIT
THE ASSEMBLY RULES OF PROCEDURE AND
ORDER OF BUSINESS**

WHEREAS, pursuant to the North Slope Borough Charter, Section 3.090, the Assembly determines its rules and order of business by ordinance; and

WHEREAS, this provision in the charter is codified under North Slope Borough Municipal Code (NSBMC) Section 2.04.030, which states that the Assembly shall determine its own rules of procedure and order of business; and

WHEREAS, in 1972, the Assembly rules required that regular meetings of the Assembly shall be held on the first Tuesday of each month at 7:30 p.m., at a place designated by the Assembly, first under Resolution 03-1972 (as amended in 1988), and subsequently under Ordinance 93-19; and

WHEREAS, on March 5, 2013, the Assembly amended its rules to change the time of its regular meetings and provided that when the Assembly intends to hold its regular meeting in the village, the Assembly by motion may designate an earlier time to facilitate the conduct of its meetings; and

WHEREAS, on December 1, 2015, the Assembly amended its rules to permit a different meeting time for regular meetings held in villages other than Barrow; and

WHEREAS, on July 11, 2017, the Assembly amended its rules to permit a different meeting time for regular meetings, and change the order of business at regular meetings; and

WHEREAS, the Assembly introduced NSMBC § 2.04.031-2.04.039; 2.04.041 in February 2024, and it the Ordinances were enacted on or about March 5, 2024; and

WHEREAS, there are similar laws enacted, and to avoid having duplicative laws in the NSB Ordinances, this language would clear up any and all similar laws; and

WHEREAS, NSMBC § 2.04.040 & § 2.04.080 have already been re-written into other sections, this section is now duplicative, and any similar language that has not been included has been included in the ordinances.

NOW, THEREFORE, BE IT ENACTED:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Borough Code.

SECTION 2. 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 and circumstances shall not be affected thereby.

SECTION 3. Effectiveness. This ordinance shall become effective immediately upon adoption.

SECTION 4. Amendment of Sections in Title 2. NSBMC Title 2 is hereby amended with new language indicated by underling and bolding, and deleted language by brackets and strike through [brackets] as annexed in Exhibit A hereto.

INTRODUCED: _____

ADOPTED: _____

Crawford A. Patkotak, President

Date: _____

ATTEST:

Sheila Burke, Borough Clerk

Date: _____

Josiah A. Patkotak, Mayor

Date: _____

EXHIBIT A

§ 2.04.030 - RULES AND RECORD OF PROCEDURE.

The Assembly shall determine its own rules of procedure and order of business and provide for keeping a journal of its proceedings. The rules of procedure and order of business are codified in Sections § 2.04.031 - § 2.04.041 of this Chapter.

§ 2.04.031 - RULES OF PROCEDURE - ORGANIZATION

- (A)** ~~[(a)]~~ After the election of one or more Assembly members has been canvassed and certified pursuant to NSBMC § 1.28.380 and 480, the Assembly shall meet and organize.
- (B)** ~~[(b)]~~ At such meeting, the Borough Clerk shall call the roll of all Assembly members duly elected and certified.
- (C)** ~~[(c)]~~ The Borough Clerk or other person empowered to administer oaths shall immediately administer the oath of office to the newly elected and certified Assembly members and shall then proceed immediately to the election of the presiding officer of the Assembly (President).
- (D)** ~~[(d)]~~ The Borough Clerk shall administer the election of the President.
- (E)** ~~[(e)]~~ Upon election of the President, the President of the Assembly shall then proceed to the election of the Vice President.
- (F)** ~~[(f)]~~ If the Borough Mayor shall have been newly elected, the President of the Assembly shall then administer the oath of office to the Mayor.
- (G)** ~~[(g)]~~ Election of the President and Vice President of the Assembly shall be in the following manner:
 - (1) Nominations shall be heard from as many Assembly members who desires to make them.
 - (2) At the close of nominations, a secret ballot shall be taken.
 - (3) A majority vote of all Assembly members shall be required for nomination of President and Vice President of the Assembly.
 - (4) If no majority is cast for any Assembly member, the Assembly member with the fewest ballots shall be dropped from the list of nominations and another secret ballot shall be cast. Until there is a majority vote cast for one Assembly member, this procedure shall be followed.
 - (5) The term of office for the President and Vice President of the Assembly shall be for one (1) year.

§ 2.04.032 - RULES OF PROCEDURE - PRESIDENT OF THE ASSEMBLY AND VICE PRESIDENT OF THE ASSEMBLY

- (A)** ~~[(a)]~~ The President of the Assembly shall be the presiding officer of the Assembly.
- (B)** ~~[(b)]~~ The Vice President of the Assembly shall be the presiding officer of the Assembly in the case of absence or inability of the President.
- (C)** ~~[(c)]~~ The presiding officer shall be addressed as Mister or Madam President.
- (D)** ~~[(d)]~~ The presiding officer shall be a member of the Assembly with all the powers and duties of that office.

§ 2.04.033 - RULES OF PROCEDURE – **REGULAR AND SPECIAL MEETING OF THE ASSEMBLY AND AGENDA**

- (A)** ~~[(a)]~~ Regular meetings of the Assembly shall be held on the first Tuesday of each month at 1:30 p.m., at a place designated by the Assembly.
 - (1) Where the Assembly intends to hold its regular meeting at a village other than Barrow, and travel and associated logistical concerns require that the Assembly designate an earlier time to facilitate the conduct of its meetings in other locations, the Assembly shall waive the applicability of this section on record by motion.
- (B)** ~~[(b)]~~ Special meetings of the Assembly may be called by:
 - (1) the Borough Mayor;
 - (2) the President of the Assembly;
 - (3) the Vice President of the Assembly, when acting in the capacity of the President of the Assembly;
 - (4) by petition of not less than 25% of the members of the Assembly;
 - (5) by agreement of a majority of the Assembly reached at any regular or special meeting of the Assembly.
- (C)** ~~[(c)]~~ Except when a special meeting is called by agreement of a majority of the Assembly at a regular or special meeting, at least 24 hours written or oral notice shall be given designating the time, place and purpose of such meeting. Such notice shall be served personally for each member of the Assembly by the Borough Clerk or by someone designated by the Clerk.
- (D)** ~~[(d)]~~ The Assembly may conduct a legal special meeting with fewer than 24 hours' notice if all Assembly members are present or if there is a quorum present and absent members have waived the required notice. Waiver of notice may be made before or after the special meeting is held, and shall be recorded in the Assembly journal.

- (E)** ~~[(e)]~~ All regular and special meetings of the Assembly shall be public meetings. Persons who wish to speak before the Assembly under the agenda heading “Appearance Requests” on subjects other than those scheduled for public hearing must file appearance requests with the Borough Clerk no later than 4:00 p.m. on the Thursday preceding the meeting for which the requests are filed, specifying the topic on which they intend to speak. All others may be heard under “Audience Participation”. **The Clerk shall post rules regarding conduct of Audience participation and those rules shall be binding on the participants.**
- (F)** ~~[(f)]~~ No business shall be transacted at any special meeting of the Assembly except pertaining to the specific purpose stated in the notice of the meeting.
- (G)** ~~[(g)]~~ A majority of the members of the Assembly shall constitute a quorum for the transaction of business **at a regular, emergency or special assembly meeting. This does not extend to Committee meetings, which is governed by § 2.04.041.**
- (H)** ~~[(h)]~~ The normal order of business at a regular meeting of the Assembly shall be as follows, subject to change by the President of the Assembly:
- (1) Call to Order
 - (2) Roll Call
 - (3) Invocation
 - (4) Approval of Agenda and Consent Agenda (All items listed with an asterisk (*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion at this time. There will be no separate discussions of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)
 - (5) Approval and/or Correction of Minutes
 - (6) Communications
 - (7) Community/Assembly Comments and Audience Participation
 - (8) Introduction and/or Approval of Resolutions and/or Ordinances
 - (9) Public Hearing
 - (10) Old Business
 - (11) New Business
 - (12) Appearance Request
 - (13) Adjournment
- (I)** **Any agenda item requiring action, but not expected to generate debate, may be assigned to a Consent Agenda to be approved in one action by unanimous consent. Any item must be removed from the Consent Agenda and considered separately upon the request of a single Assembly member.**

- (J)** ~~[(j)]~~ A meeting of the Assembly shall be adjourned at or before 12:00 midnight of the day in which it convened, unless an extension is approved by quorum.
- (K)** ~~[(k)]~~ The Assembly may recess for the purpose of discussing in a closed or executive session only matters of the following type, provided that the general matter for consideration is expressed in the motion calling for such session and that no final action thereon shall be taken by the Assembly in such session:
- (1) Matters, the immediate knowledge of which would adversely affect the finances of the Borough.
 - (2) Subjects that tend to defame or prejudice the character and reputation of any person.
 - (3) Matters which by law or ordinances are required to be confidential.
- (L)** ~~[(l)]~~ Listing of ordinances on the Assembly meeting agenda shall include whether the consideration is for introduction or public hearing.
- (M)** ~~[(m)]~~ The agenda for the regular Assembly meetings shall be public information and shall be available to the general public not less than 24 hours prior to any regular Assembly meeting.
- (N)** ~~[(n)]~~ The agenda for the regular Assembly meetings shall be distributed to each Assembly member and the Borough Mayor not less than five (5) days prior to any regular Assembly meeting.

§ 2.04.034 - RULES OF PROCEDURE - ASSEMBLY VOTING **& QUORUM**

- (A)** **A majority of the membership authorized by law constitutes a quorum at a regular or special assembly meeting. In the absence of a quorum, any number less than a quorum may recess or adjourn the meeting to a later date.**
- (B)** ~~[(a)]~~ No member of the Assembly may vote on any question:
- (1) in which that member has **a** substantial direct or indirect financial interest.
 - (2) as may be prohibited by any adopted code of ethics.
- (C)** ~~[(b)]~~ Except as provided in paragraph **(b)** ~~[(a)]~~ above, all members of the Assembly shall vote on each question before determination is made unless the Assembly, **for special reasons, permits a member to abstain.** ~~[excused therefrom by a quorum of the Assembly.]~~

- (D)** ~~[(e)]~~ All votes of the Assembly on ordinances or resolutions **or substantive motion by stating “yes” or “no” via** ~~[shall be by]~~ roll call or by electronic device; all votes shall be recorded in the journal. Votes on other matters before the Assembly shall be by roll call or by electronic devices, except that if there are no objections to an action, the vote shall be announced and recorded as unanimous.
- (E)** ~~[(d)]~~ On completion of the roll call, the President of the Assembly **or Borough Clerk** shall announce the number of affirmative votes, the number of negative votes and whether the proposition has carried or has failed.
- (F)** ~~[(e)]~~ Actions of the Assembly **at a regular or special meeting** are adopted by a majority of the votes authorized on the question.
- (G)** ~~[(f)]~~ Every ordinance or resolution shall be introduced in writing and read before any vote thereon is taken, except **as outlined in (I) of section § 2.04.033.** ~~[that complete reading may be waived by unanimous consent of the Assembly present if sufficient copies are available for the public. In such case the ordinance or resolution shall be summarized.]~~ Final action may be taken at the same meeting at which a resolution is introduced.
- (H)** ~~[(g)]~~ Every ordinance or resolution which is adopted by the Assembly and approved by the Mayor and which affects the residents of the North Slope may be summarized in Inupiaq following its passage.

§ 2.04.035 - RULES OF PROCEDURE - REQUIREMENT OF ATTENDANCE AT ASSEMBLY MEETINGS

- (A)** ~~[(a)]~~ Each member of the Assembly is required to attend every regular and special meeting of the Borough Assembly, either in person or telephonically.
- (B)** ~~[(b)]~~ An Assembly member may be excused from a meeting by the Assembly President in case of illness, specifically defined emergency or by prearranged excuse only.
- (1)** An Assembly member may seek a pre-arranged excusal by submitting a letter or electronic communication to the presiding officer or Borough Clerk at least 24 hours prior to the date of the regular or special meeting.
- (2)** During Roll Call the President will announce a members excusal or absence for the record which shall be recorded by the Borough Clerk.
- (C)** ~~[(c)]~~ If an Assemblyman fails to attend a regular or special meeting he/she

shall forfeit pay for that meeting.

(D) Appearance at Assembly meetings by teleconference or telephone or other electronic means is authorized as set out below:

- (1) Upon the presiding officer's approval, an Assembly member may appear at a special or regular meeting by teleconference or telephone.**
- (2) The public may appear by teleconference from Anaktuvuk Pass, Atkasuk, Deadhorse, Kaktovik, Nuiqsut, Point Hope, Point Lay, Wainwright, Fairbanks and Anchorage during village concerns.**
- (3) Mayoral appointments may appear by teleconference or telephone with the Mayor's approval.**
- (4) The assembly may suspend the limits on teleconference and telephonic appearances set out herein by a $\frac{3}{4}$ vote of the members present at the meeting.**

§ 2.04.036 - RULES OF PROCEDURE - CONDUCT OF DEBATE AND DISCUSSION

- (A)** ~~[(a)]~~ The Borough Mayor or any Assembly member, when desiring to speak at an Assembly meeting, shall respectfully address the chair as “Mr. President” or “Madam President”, and shall refrain from speaking until recognized.
- (B)** ~~[(b)]~~ When two or more members request recognition at the same time, the President shall determine which one shall speak first.
- (C)** ~~[(c)]~~ The President shall be charged with the responsibility of maintaining order and decorum at all times. The President shall make such rulings as he/she deems necessary concerning point of orders or concerning spectators. The President shall instruct the members of the public to be as brief as possible and, if possible, if speaking as an individual, to contain their comments to three minutes, and if representing a group, to attempt to contain their comments to five minutes.
- (D)** ~~[(d)]~~ Any Assembly member may challenge a ruling of the chair, and if duly seconded, the chair’s ruling shall not stand unless affirmed by a majority vote of the Assembly.
- (E)** ~~[(e)]~~ Every member, while speaking, shall confine all statements to the subject under debate, shall refrain from discussing personalities, and shall not refer to any other member except in a respectful manner.
- (F)** ~~[(f)]~~ Debate on any question before the Assembly may be initiated by any member, but the moving parties shall be given first opportunity to do so.

Total debate on any question before the Assembly shall not be permitted to exceed one hour unless such time is extended by the President of the Assembly.

- (G)** [~~(g)~~] No action taken by the Assembly may be considered final until the adjournment of the meeting at which the action is taken.

§ 2.04.037 - RULES OF PROCEDURE - TYPES OF MOTION

- (A)** [~~(a)~~] A motion to reconsider a vote may be made only by a member who voted on the prevailing side, but such motion may be seconded by any member. The motion must be made and seconded at the meeting at which the action to be reconsidered was taken, or by notification of the Borough Clerk within 24 hours of the adjournment of that meeting by both the mover and the seconder.
- (B)** [~~(b)~~] Any member of the Assembly may call up a motion to reconsider, which has been duly made and seconded at any time, except that a motion to reconsider and enter on the minutes may be called up only at the next meeting of the Assembly.
- (C)** [~~(c)~~] Upon the making of a motion to reconsider, all action which depends upon the result of the vote proposed to be reconsidered shall be suspended pending reconsideration.
- (D)** [~~(d)~~] A motion to rescind requires the approval of two-thirds of the entire Assembly unless previous notice of the motion has been given, in which event only majority approval of the Assembly is required.
- (E)** [~~(e)~~] There is no time limit on making a motion to rescind, but neither the motion nor the notice of intent operates to suspend action as in a motion to reconsider. Actions, which cannot be reconsidered, are those defined as such in Robert's Rule of Order, Newly Revised edition.
- (F)** [~~(f)~~] In all matters not covered by these rules, Robert's Rule of Order, Newly Revised, shall govern.

§ 2.04.038 - RULES OF PROCEDURE - EMPLOYEES OF THE ASSEMBLY

- (A)** [~~(a)~~] The principal employee of the Assembly shall be the Borough Clerk, who shall be appointed by a majority vote of the Assembly.
- (B)** [~~(b)~~] The Borough Clerk shall perform such duties as required by law and as prescribed by the Assembly.
- (C)** [~~(c)~~] Other employees of the Assembly shall be covered by the Borough's personnel rules and regulations and shall be responsible to the Borough Mayor.

§ 2.04.039 - RULES OF PROCEDURE - VETO BY THE BOROUGH MAYOR

- (A)** ~~[(a)]~~ The Borough Mayor shall have the power to veto any ordinance or resolution of the Borough Assembly.
- (B)** ~~[(b)]~~ The veto of the Borough Mayor shall be timely and effective provided.
- (1) The Borough Mayor shall exercise veto authority no later than five (5) days following final action by the Assembly.
- (2) The Borough Mayor shall have rendered written notice and give his/her reasons of a veto to all Assembly members no later than five (5) days following the final action by the Assembly. Such notice, if mailed, shall bear a postmark no than five (5) days following the final action by the Borough Assembly on the ordinance or resolution in question.
- (C)** ~~[(b)]~~ The Assembly may overcome the veto of the Borough Mayor upon a vote of at least two-thirds of the Assembly, provided such vote shall have been accomplished no later than thirty (30) days after the date of notice of veto by the Borough Mayor, or at the second following regular meeting.
- (D)** ~~[(e)]~~ Any ordinance or resolution not signed or vetoed within the five (5) day limit above shall be effective without the signature of the Borough Mayor.

§ 2.04.040 - VOTING; QUORUM.

- (A)** ~~[(a)] A majority of the membership authorized by law constitutes a quorum. In the absence of a quorum, any number less than a quorum may recess or adjourn the meeting to a later date. Actions of the Assembly are adopted by a majority of the votes authorized on the question. All Assembly members present shall vote unless the Assembly for special reasons permits a member to abstain, except that no Assemblyman may vote on a question in which he has a substantial direct or indirect financial interest.~~
- (B)** ~~[(b)] The final vote on each ordinance, resolution or substantive motion is a recorded "yes" or "no," except that if the vote is unanimous it is necessary only to state so.~~

§ 2.04.040[41] - RULES OF PROCEDURE - COMMITTEES

- (A)** ~~[(a)]~~ During reorganization, the Assembly Members shall vote on their Committee memberships. Upon commencement of the first Committee meeting members shall nominate their own president, vice-president.
- (B)** ~~[(b)]~~ A committee, special committee, or task force, and the number of members, shall be established by the President, or by a Majority of

Assembly members by Resolution. The function of a Committee, special committee or task force is advisory only, unless specifically provided by ordinance. If there are over 6 Assembly members on a specific Committee, any action taken by the Committee shall not be considered an official government action, only an advisory action.

(C) ~~[(c)]~~ Appointment to Vacant Seat

- (1) When a new Assembly Member is elected by the Assembly to fill a vacancy, under Sec. 3.070 of the NSB Charter, that newly appointed Member shall take the Committee positions of the vacant Assembly Seat they have filled. This shall not trigger a reorganization of the Assembly, or a reorganization of the Committees.
- (2) Any Assembly Member, upon appointment of a filled vacant Assembly seat, may relinquish their Committee appointments and offer to change Committee seats to the newly appointed Assembly Member.

(D) ~~[(d)]~~ The Assembly President may be elected to serve on any Committee, just like any other Assembly Member. The Assembly President may sit in on any Committee meeting, whether they are on the Committee or not.

(E) ~~[(e)]~~ If the Assembly President wishes to attend any Committee Meeting in which they are not a member, they shall be able to do so as a non-voting member. When the Assembly President decides to attend he/she may participate in the discussion, but may not vote.

(F) ~~[(f)]~~ Any Assembly Member may attend Committee meetings in which they are not members, and observe, but may not participate nor vote.

~~§ 2.04.080 MEETINGS.~~

~~(A) The Assembly shall regularly meet on the first Tuesday of each month.~~

~~(B) The times and places of such meetings shall be prescribed by the Assembly. All meetings shall be public meetings.~~

- ~~(1) Persons who wish to speak before the Assembly under "Appearance Requests" on subjects other than those scheduled for public hearing must file appearance requests with the Borough Clerk no later than 4:00 p.m. on the Thursday preceding the meeting for which the request is filed. The appearance request shall specify the topic on which the individual wishes to speak. All others may speak under "Village Concerns" or during the public hearing portion of the meeting.~~

- ~~(2) — Public comment shall be limited to three minutes per person. The presiding officer may extend the time period allowed for comment.~~
- ~~(C) — Special meetings may be held on the call of the Borough Mayor, the presiding officer of the Assembly or not less than one third of the members of the Assembly upon not less than 24 hours' written or oral notice communicated to each member and the Mayor. In an emergency, a special meeting shall be a legal meeting if all members are present or there is a quorum and all absent members have received the required written notice and waived the required written notice period. A written waiver may be either before or after the time of the meeting. The waiver shall be attached to and made a part of the journal for that meeting.~~
- ~~(D) — The conduct of the meetings of the Assembly shall be governed by the presiding officer, according to Robert's Rules of Order, and such additional rules as the Assembly may adopt.~~
- ~~(E) — Any agenda item requiring action, but not expected to generate debate, may be assigned to a Consent Agenda to be approved in one action by unanimous consent. Any item must be removed from the Consent Agenda and considered separately upon the request of a single Assembly member. Each Assembly member shall receive a copy of this agenda not less than five days prior to any regular Assembly meeting.~~
- ~~(F) —~~
- ~~(1) — The order of business at regular meetings of the Assembly shall be as follows:~~
- ~~a. — Call to Order;~~
 - ~~b. — Roll Call;~~
 - ~~c. — Invocation;~~
 - ~~d. — Approval of Agenda and Consent Agenda (All items listed with an asterisk (*) are considered to be routine and non-controversial by the Assembly and will be approved by one motion at this time. There will be no separate discussion of these items unless an Assembly member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.);~~
 - ~~e. — Approval and/or Correction Minutes;~~
 - ~~f. — Communications;~~
 - ~~g. — Introduction and/or approval of Resolutions and Ordinances;~~
 - ~~h. — Village Concerns/Audience Participation (North Slope Villages must attend the Village Concerns from the Teleconference Center in their community. Three minutes per person.);~~

- ~~i.~~ Public Hearings (Three minutes person.);
- ~~j.~~ Old Business;
- ~~k.~~ New Business;
- ~~l.~~ Appearance Requests; (Three minutes per person.)
- ~~m.~~ Adjournment.

~~(2) The President may schedule special orders of business and specific agenda items at stated times.~~

~~(G) The Clerk of the Assembly shall cause to be kept a journal of all proceedings which shall constitute a public record.~~

~~(H) The final vote on each ordinance and resolution shall be by roll call and the ayes and nays shall be recorded in the journal. No action of the assembly is valid or binding unless adopted by a majority vote of all the votes to which the Assembly is entitled on the question.~~

~~(I) Appearance at Assembly meetings by teleconference or telephone is authorized as set out below:~~

~~(1) Upon the presiding officer's approval, an Assembly member may appear at a special or regular meeting by teleconference or telephone.~~

~~(2) The public may appear by teleconference from Anaktuvuk Pass, Atkasuk, Deadhorse, Kaktovik, Nuiqsut, Point Hope, Point Lay, Wainwright, Fairbanks and Anchorage during village concerns.~~

~~(3) Mayoral appointments may appear by teleconference or telephone with the Mayor's approval.~~

~~(4) The assembly may suspend the limits on teleconference and telephonic appearances set out herein by a $\frac{3}{4}$ vote of the members present at the meeting.~~