

1<sup>st</sup> Reading: November 27, 2017  
2<sup>nd</sup> Reading: December 11, 2017

Presented By:  
City Manager

Action Taken:  
Yes 4  
No 1  
Abstain 0

**CITY OF NOME, ALASKA**

**ORDINANCE NO. 17-11-02 (AMENDED)**

**AN ORDINANCE AMENDING CHAPTER 12.10 (PORT COMMISSION) OF THE NOME  
CODE OF ORDINANCES**

**WHEREAS**, the City of Nome (City) recognizes that there is a need for a Port Commission to help manage and operate the Nome Port; and,

**WHEREAS**, the Nome City Council (Council), by Resolution R-89-1-5, decided that the Commission's membership would be appointed by the Mayor and confirmed by the Council; and,

**WHEREAS**, in doing so, the Council explicitly chose to delegate its responsibility to serve as the de facto Commission; and,

**WHEREAS**, in recent years, sitting Commissioners have run for and won elected office; and,

**WHEREAS**, the City now wishes to clarify the intent of Resolution R-89-1-5 by codifying that a Commissioner automatically forfeits his or her seat upon being qualified and taking the office of Mayor or Council Member; and,

**WHEREAS**, also in recent years, public interest has waned and it has proven difficult to solicit new applications for vacant Commission seats; and,

**WHEREAS**, the City believes that there are qualified and interested Port users who live outside of City limits; and,

**WHEREAS**, the City wishes to provide for the representation of all local Port users who can fulfill the other composition requirements;

**NOW, THEREFORE, BE IT ORDAINED**, that the Nome Common Council formally amends Chapter 12.10 to read as follows:

**Section 1. Amendment of Section 12.10.040.** Section 12.10.040 of the Code of Ordinances of Nome, Alaska is hereby amended to read as follows [deleted text is ~~overstruck~~; added text is underlined]:

**12.10.040 Nome port commission composition and qualifications.**

(a) If the council chooses the alternative membership composition and qualifications pursuant to Section 12.10.020, then the Nome port commission shall consist of seven members appointed by the mayor and confirmed by the city council. Each commissioner shall be appointed for a period of three years and until a successor is appointed and has qualified.

~~(b) Any Nome city voter is eligible to be appointed as a port commissioner. No person shall be ineligible solely because he or she holds an elected, appointed or employee position with the city. A commission member who ceases to be eligible to be a city voter immediately forfeits his or her office as a commissioner.~~

(b) Any person eighteen years of age or older whose permanent residence is on the Nome road system is eligible to be appointed as a port commissioner.

(c) Each member of the Nome port commission serves at the pleasure of the mayor unless the port commission is the mayor-council composition described in Section 12.10.020. In addition, the remaining commission shall declare a vacancy on the commission when an appointed commissioner:

- (1) Fails to qualify or take office within thirty days after appointment;
- (2) Is physically absent from the city Nome road system for ninety consecutive days unless excused by the ~~board or~~ commission;
- (3) Resigns in writing and the resignation is accepted by the city council;
- (4) Is physically or mentally unable to perform the duties of office as determined by the ~~board, commission or city council~~;
- (5) Is convicted of a felony or of an offense involving a violation of the oath of office;
- (6) Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the city council concur in expelling the person appointed;
- (7) Is convicted of a violation of AS 15.13;
- (8) Misses two consecutive regular meetings and is not excused by the ~~board or~~ commission; ~~or~~
- (9) No longer physically resides ~~in on~~ the ~~municipality~~ Nome road system and the city council by two-thirds vote declares the seat vacant, ~~provided however that this subsection does not apply to a member of the board or commission who forfeits office under subsection (a) of this section; or~~
- (10) Is otherwise qualified but currently serves in the capacity of mayor or council member.

(d) Vacancies shall be filled by a majority of the city council. Such appointments shall continue for the unexpired term and until a successor is appointed and has qualified. (Ord. O-11-07-02 § 1, 2011; Ord. O-93-6-6 § 1 (part), 1994)

(e) For the purpose of this section, "Nome road system" shall mean all roads, whether public or private, that are accessible via the Nome-Council Highway, the Kougarok Road, or the Nome-Teller Highway.

**Section 2. Amendment of Section 12.10.060.** Subsection 12.10.060(b) of the Code of Ordinances of Nome, Alaska is hereby amended to read as follows [deleted text is ~~overstruck~~; added text is underlined]:

**12.10.060 Meetings of the commission.**

(b) The ~~board~~ commission shall choose a chairperson, vice chairperson, and secretary each year at the first meeting following the qualification of the one or more commissioners appointed that year by the city council.

**Section 3. Effective Date.** This ordinance is effective upon passage.

**Section 4. Classification.** This is a Code ordinance.

**APPROVED and SIGNED** this 11<sup>th</sup> day of December, 2017.



**RICHARD BENEVILLE,**  
**Mayor**

**ATTEST:**



**BRYANT HAMMOND,**  
**Clerk**