

KETCHIKAN CHARTER COMMISSION

AGENDA STATEMENT

NO _____ H-3 _____

MEETING OF **September 10, 2004**

ITEM TITLE Amend Section 3.03, Ordinances – Emergency. (First Reading)
SUBMITTED BY Debby Otte

SUMMARY STATEMENT

At their August 28, 2004 meeting the Commission considered changes to the Draft Charter suggested by City Attorney Steve Schweppe in an August 20, 2004 memorandum. The items were the technical issues he had written about.

At the meeting of September 3, 2004, the Commission pulled the section on Emergency Ordinances for further review. It was felt that the suggested changes by Mr. Schweppe provided insufficient language for clarification of what emergency ordinances could and could not accomplish.

From Mr. Schweppe's August 20th memorandum: Section 3.03. Ordinances—Emergency. This section has been changed to provide that an emergency ordinance automatically expires in 60 days. This section seems impractical. Emergency ordinances may authorize contracts. A contract needs to be approved by an ordinance which does not expire automatically in 60 days. Furthermore, it may be worthwhile to consider expanding the definition of emergency. As you may recall, the City was asked to pass an emergency ordinance to authorize the refinancing of the Four Dam Pool. The emergency was not for the immediate preservation of public peace, health, or safety, but for the purpose allowing the Four Dam Pool to take advantage of a low interest rate in a rapidly rising interest rate environment. The City could not declare an emergency for this purpose. The Borough's present code is more flexible in that it allows the assembly to adopt emergency ordinances "to meet a public emergency." Since the Borough code does not limit emergency to "public peace, health, or safety," the Borough ordinance allows greater flexibility to meet other types of emergencies. **Mr. Schweppe's Recommended Motion** had been: "I move to amend Section 3.03, Ordinances-Emergency to read, 'An emergency ordinance is an ordinance which in the judgment of the assembly is necessary to meet a public emergency and which will become effective immediately without a second reading'."

Recommended Motion:

"I move to amend Section 3.03, Ordinances-Emergency to read, 'An emergency ordinance is an ordinance which in the judgment of the assembly is necessary to meet a public emergency and which will become effective immediately without a second reading. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency: and in a separate section, herein called the emergency section, shall declare the emergency. An affirmative vote of at least two-thirds (2/3) of the members of the Assembly shall be required for the final passage of an emergency ordinance."