

**COMMITTEE OF THE WHOLE WORKSESSION AGENDA**

June 18, 2015

\* Immediately following Finance Committee \*  
Mona Lisa Drexler Assembly Chambers  
Fairbanks North Star Borough Administrative Center  
809 Pioneer Road  
Fairbanks, Alaska

**1. MEMORANDA/REPORTS/PRESENTATIONS**

- a. Interior Alaska Natural Gas Utility (IGU) update by representatives.

**2. ADVANCED ORDINANCES AND RESOLUTIONS**

- a. ORDINANCE NO. 2015-29. An Ordinance Amending FNSBC 8.21.025.B To Permit Filing Of Property Sale Written Disclosures With The Air Quality Division After The Recording Of The Sale And Amending FNSBC 8.21.040 Concerning Use Of Appliances That Were Borough Listed At The Time Of Installation During A Stage 2 & 3 Air Alert. (Sponsor: Assemblymembers Dodge and Davies) **(Page 3)**
- b. ORDINANCE NO. 2015-30. An Ordinance Amending FNSBC 25.10.070 To Limit Casual Use Of Borough Property If The Use Conflicts With Federal, State Or Other Applicable Law. (Sponsor: Assemblymember Roberts) **(Page 8)**
- c. ORDINANCE NO. 2015-34. An Ordinance Amending Various Portions Of Section 2.24, Personnel System Of The Fairbanks North Star Borough Code Of Ordinances Including Amending The Employee Indemnification Section. (Sponsor: Mayor Hopkins) **(Page 17)**
- d. ORDINANCE NO. 2015-35. An Ordinance Amending FNSBC 2.12.315 Regarding The Informational Inserts For Initiatives And Referendums. (Sponsors: Assemblymembers Kassel, Davies, and Dodge) **(Page 30)**

**ADVANCED ORDINANCES AND RESOLUTIONS - continued**

- e. ORDINANCE NO. 2015-36. An Ordinance Requiring Assembly Notification of Non-Routine Litigation.  
(Sponsors: Assemblymembers Lawrence and Roberts) **(Page 34)**

**3. BRIEFINGS FROM THE BOROUGH MAYOR**

**4. ASSEMBLY BUSINESS/COMMENTS**

**5. ADJOURNMENT**

1 By: Kathryn Dodge  
2 John Davies  
3 Introduced: April 23, 2015  
4

5 FAIRBANKS NORTH STAR BOROUGH

6  
7 ORDINANCE NO. 2015 – 29  
8

9 AN ORDINANCE AMENDING FNSBC 8.21.025.B TO PERMIT FILING OF PROPERTY  
10 SALE WRITTEN DISCLOSURES WITH THE AIR QUALITY DIVISION AFTER THE  
11 RECORDING OF THE SALE AND AMENDING FNSBC 8.21.040 CONCERNING USE  
12 OF APPLIANCES THAT WERE BOROUGH LISTED AT THE TIME OF INSTALLATION  
13 DURING A STAGE 2 & 3 AIR ALERT  
14

15 WHEREAS, As part of the recently adopted PM<sub>2.5</sub> Air Quality Control  
16 Program, borough code requires certain property sellers to provide written disclosures  
17 to the buyer and to the borough's Air Quality Division, prior to closing; and  
18

19 WHEREAS, Although disclosure prior to closing serves to fully inform the  
20 buyer prior to purchase, disclosure to the borough can wait until after closing; and  
21

22 WHEREAS, Because property transactions sometimes fail to close for a  
23 variety of reasons, waiting until after closing to provide a copy of the disclosures to the  
24 borough will potentially avoid an unnecessary step and ensure that the Borough  
25 receives accurate information.  
26

27 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
28 North Star Borough:  
29

30 Section 1. Classification. This ordinance is of a general and permanent  
31 nature and shall be codified.  
32

33 Section 2. Section 8.21.025.B, **Prohibited acts**, is amended as follows:  
34

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be *added* is underlined  
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

35 B. All persons owning and selling their property within the Air Quality Control Zone  
36 with an unlisted solid fuel burning appliance that will not be removed before sale must, if  
37 the solid fuel burning appliance was not listed by the Borough as qualifying at the time  
38 of installation, provide a written disclosure to the buyer [AND TO THE DIVISION] prior  
39 to closing, and a copy to the Division no later than 10 days after the recording of the  
40 sale.

41  
42 Section 3. FNSBC 8.21.040, **Forecasting exceedances and**  
43 **restrictions in the air quality control zone during an alert**, is amended as follows:  
44

45 A. During the winter months of October through March, the borough shall issue a  
46 daily *PM<sub>2.5</sub>* forecast by 4:30 p.m. When the *PM<sub>2.5</sub>* concentration reaches the onset level  
47 for an *episode* and is expected to remain at that level for 12 hours or more, an *alert* or  
48 *advisory* will be declared. An *alert* or *advisory* may apply to the *air quality control zone*  
49 as a whole, or to one or more sub-areas designated by the *division*. Once an *alert* or  
50 *advisory* is declared, *PM<sub>2.5</sub>* control measures set forth in this section shall be  
51 implemented and continued until the *alert* or *advisory* is cancelled. There are three  
52 levels of *episodes*: Stage 1, 2 and 3. The obligations imposed in this subsection do not  
53 require, absent specific funding for that purpose, any actions to be taken outside of the  
54 borough's normal business days and hours of operation.

55 B. The *division* will notify local media to ensure the declared *alert* or *advisory* is  
56 broadcast. The *division* shall also use social media and methods of direct  
57 communication such as text messages as feasible. Information within the notification  
58 will contain the *PM<sub>2.5</sub>* forecast, stage level for areas, and actions required to reduce  
59 sources of *PM<sub>2.5</sub>*. The obligations imposed in this subsection do not require, absent  
60 specific funding for that purpose, any actions to be taken outside of the borough's  
61 normal business days and hours of operation.

62 C. Stage 1: Voluntary Restrictions in the *Air Quality Control Zone* During an  
63 *Advisory*.

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Text to be deleted is [BRACKETED AND CAPITALIZED]

64 1. A Stage 1 air *advisory* is implemented when concentrations exceed or are  
65 forecasted to exceed 25  $\mu\text{g}/\text{m}^3$ .

66 2. Residents shall be requested to voluntarily stop operation of solid fuel,  
67 pellet, and waste oil burning *appliances*, as well as *masonry heaters* and all outdoor  
68 burning that includes recreational fires such as bonfires, campfires and the use of fire  
69 pits, nonpermitted incinerators and burn barrels in the *air quality control zone*.

70 D. Stage 2: Required Restrictions in the *Air Quality Control Zone* During an *Alert*.

71 1. A Stage 2 air *alert* is implemented when concentrations exceed or are  
72 forecasted to exceed 35  $\mu\text{g}/\text{m}^3$ .

73 2. Burning is permitted in all borough listed *appliances*, which for purposes of  
74 this sub-section includes *appliances* that were borough listed at the time of installation.

75 No fuel source may be added to the combustions chamber or firebox of any nonlisted  
76 *solid fuel burning appliance* or waste oil burning *appliance*. Residents should rely  
77 instead on their home's alternate, cleaner source of heat (such as a gas or fuel oil fired  
78 furnace or boiler or electric baseboard heaters) until the Stage 2 air *alert* is cancelled.

79 3. If a building owner or other person with a property or managerial interest  
80 in the building has an approved "no other adequate source of heat" designation, the  
81 building owner is exempted from complying with the Stage 2 air *alert* restrictions for that  
82 building.

83 4. Outdoor burning is prohibited including nonpermitted incinerators and burn  
84 barrels. This does not include recreational fires such as bonfires, campfires or  
85 ceremonial fires and the use of fire pits.

86 5. These restrictions shall not apply during a power failure.

87 E. Stage 3: Required Restrictions in the *Air Quality Control Zone* During an *Alert*.

88 1. A Stage 3 air *alert* is implemented when concentrations exceed or are  
89 forecasted to exceed 55  $\mu\text{g}/\text{m}^3$ .

90 2. No fuel source may be added to the combustions chamber or firebox of  
91 any *solid fuel burning appliances*, *masonry heaters*, *pellet fuel burning appliances*, *cook*  
92 *stoves*, *fireplaces*, or waste oil burning *appliances*. No waste oil may be added to a  
93 waste oil burning *appliance*. Residents should rely instead on their home's alternate,

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Text to be *deleted* is [BRACKETED AND CAPITALIZED]

94 cleaner source of heat (such as a furnace, boiler or electric baseboard heaters) until the  
95 Stage 3 air *alert* is cancelled.

96 3. If a building owner or other person with a property or managerial interest  
97 in the building has an approved "no other adequate source of heat" designation the  
98 building owner is exempted from complying with the Stage 3 air *alert* restrictions for that  
99 building.

100 4. Outdoor burning is prohibited including nonpermitted incinerators and burn  
101 barrels. This does not include recreational fires such as bonfires, campfires or  
102 ceremonial fires and the use of fire pits.

103 5. These restrictions shall not apply during a power failure or to listed  
104 appliances, which for purposes of this sub-section includes appliances that were  
105 borough listed at the time of installation, masonry heaters or pellet fuel burning  
106 appliances when the temperature is below -15 as recorded at the Fairbanks  
107 International Airport.

108  
109 Section 4. This ordinance is effective at 5:00 p.m. on the first Borough  
110 business day following its adoption except that Section 2 shall apply retroactively with  
111 an effective date of May 1st, 2015.

112  
113 PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

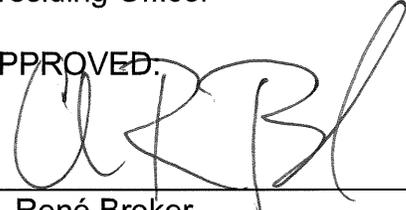
114  
115  
116

117 \_\_\_\_\_  
118 Karl Kassel  
119 Presiding Officer

120 ATTEST:

121  
122  
123

124 \_\_\_\_\_  
125 Nanci Ashford-Bingham, MMC  
Municipal Borough Clerk

APPROVED:  
  
\_\_\_\_\_  
A. René Broker  
Borough Attorney

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**Fairbanks North Star Borough**  
**Fiscal Impact Statement (FIS) (FNSBC 2.09.035 C.)**

Check	Date
Version 1	
Version 2	
Version 3	
Version 4	

**Originator's Name:** Assemblymember Dodge **Department:** Assembly

**To Be Introduced/Sponsored By:** Assemblymembers Dodge and Davies

**Abbreviated Ordinance Title:** Amending FNSBC 8.21.025B Filing of Property Sale Written Disclosures

**Department(s)/Division(s) Affected:** Transportation/Air Quality

**Proposed Introduction Date:** \_\_\_\_\_ **Ordinance No.:** 2015-29

**Does this ordinance authorize:**

- 1) a new or expansion of services which entails additional costs beyond that approved in the current adopted budget? Yes \_\_\_ No  \*
- 2) a project that is capital in nature and increases operational costs of the Borough in the current or any future fiscal year? Yes \_\_\_ No  \*

Required Information/Estimates	FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE				
	Remainder of Current FY	1st Full FY of Operations	2nd Full FY of Operations	3rd Full FY of Operations	4th Full FY of Operations
	FY 20 /	FY 20 /	FY 20 /	FY 20 /	FY 20 /
1. Timeline inclusive of all phases					
2. Number and type of new positions which may be required					
3. Cost of operations and maintenance					
4. Future costs to complete capital assets					
5. Estimated revenue impact					
6. Estimated non-Borough funds that may be received:					
a. to fund the ordinance					
b. to fund future phases					
c. to fund future operations and maintenance costs					
7. Anticipated annual tax subsidy					

Is backup attached? Yes \_\_\_ No

**Contact Person's Name, for FIS questions:** Adena Benn **Extension:** 1406

**Director(s) Signature(s):** *Adena Benn* **Date:** 4-16-2015

**Mayor's Office or Assembly Member Signature:** *April Tuckey, Kathryn Dodge* **Date:** 4-16-2015

**Chief Financial Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

By: Lance Roberts  
Referred: April 23, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015-30

AN ORDINANCE AMENDING FNSBC 25.10.070 TO LIMIT CASUAL USE OF BOROUGH PROPERTY IF THE USE CONFLICTS WITH FEDERAL STATE OR OTHER APPLICABLE LAW

WHEREAS, Borough code currently allows casual use of vacant, undeveloped borough land without a license or permit; and

WHEREAS, The borough occasionally licenses "nonexclusive" activities on vacant, undeveloped land including extraction licenses (sand, gravel or timber) and mining licenses; and

WHEREAS, Federal, state or other law applicable to licensed users may require the user to impose access restrictions or other limitations on public use of the property during certain regulated activity.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Section 25.10.070, **Casual use of borough land**, is hereby amended as follows:

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Text to be *deleted* is [BRACKETED AND CAPITALIZED]

33 F. This section does not authorize casual use of borough land if the use conflicts  
34 with federal, state or other applicable law imposing, or authorizing a legal user to  
35 impose, access restrictions or other limitations on public use.

36  
37 Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m. of the  
38 first Borough business day following its adoption.

39  
40 PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

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ATTEST:

\_\_\_\_\_  
Nanci Ashford-Bingham, MMC  
Borough Municipal Clerk

\_\_\_\_\_  
Karl Kassel  
Presiding Officer

APPROVED:

  
\_\_\_\_\_  
A. René Broker  
Borough Attorney

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
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**Fairbanks North Star Borough**  
**Fiscal Impact Statement (FIS) (FNSBC 2.09.035 C.)**

Check	Date
Version 1	
Version 2	
Version 3	
Version 4	

**Originator's Name:** Assemblymember Roberts      **Department:** Assembly

**To Be Introduced/Sponsored By:** Assemblymember Roberts

**Abbreviated Ordinance Title:** Amending FNSBC 25.10.070 To Limit Casual Use of Borough Property

**Department(s)/Division(s) Affected:** Community Planning

**Proposed Introduction Date:** \_\_\_\_\_ **Ordinance No.:** 2015-30

**Does this ordinance authorize:**

- 1) a new or expansion of services which entails additional costs beyond that approved in the current adopted budget?    Yes \_\_\_ No  \*
- 2) a project that is capital in nature and increases operational costs of the Borough in the current or any future fiscal year? Yes \_\_\_ No  \*

Required Information/Estimates	FISCAL IMPACT PRO FORMA SUMMARY - BEST ESTIMATE				
	Remainder of Current FY	1st Full FY of Operations	2nd Full FY of Operations	3rd Full FY of Operations	4th Full FY of Operations
	FY 20 /	FY 20 /	FY 20 /	FY 20 /	FY 20 /
1. Timeline inclusive of all phases					
2. Number and type of new positions which may be required					
3. Cost of operations and maintenance					
4. Future costs to complete capital assets					
5. Estimated revenue impact					
6. Estimated non-Borough funds that may be received:					
a. to fund the ordinance					
b. to fund future phases					
c. to fund future operations and maintenance costs					
7. Anticipated annual tax subsidy					

Is backup attached?    Yes \_\_\_ No

**Contact Person's Name, for FIS questions:** Adena Benn      **Extension:** 1406

**Director(s) Signature(s):**       **Date:** 4-15-15

**Mayor's Office or Assembly Member Signature:** \_\_\_\_\_      **Date:** 4/15/15

**Chief Financial Officer Signature:** \_\_\_\_\_      **Date:** \_\_\_\_\_



# FAIRBANKS NORTH STAR BOROUGH

Division of Land Management

809 Pioneer Road ☆ P.O. Box 71267 ☆ Fairbanks, Alaska 99707-1267

(907) 459-1241 ☆ FAX (907) 459-1122

## MEMORANDUM

**TO:** Fairbanks North Star Borough Assembly

**THROUGH:** Luke T. Hopkins, Mayor *JTH*  
Pat Carlson, Director, Assessing *PC*

**FROM:** Sandra Wagner, Manager *SW*  
Division of Land Management

**DATE:** June 1, 2015

**SUBJECT:** LMAC SUPPORT FOR ORDINANCE 2015-30 AN ORDINANCE AMENDING FNSBC 25.10.070 TO LIMIT THE CASUAL USE OF BOROUGH PROPERTY

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On Wednesday, May 20<sup>th</sup>, 2015, from 12:00 PM to 2:00 PM in the Chizmar Conference room of the Borough Administrative Building, a public meeting of the Land Management Advisory Commission (LMAC) was held.

On the agenda for this meeting was Ordinance 2015-30, An Ordinance Amending FNSBC 25.10.070 to Limit Casual Use of Borough Property If the Use Conflicts with Federal, State or Other Applicable Law, was introduced for discussion.

Please be advised that the LMAC gave a favorable recommendation of the Ordinance as presented to the Borough Assembly. Draft minutes of the meeting are attached.

Thank You.



**DISCUSSION:**

January Minutes were not approved at the last meeting in April as they had not been forwarded to LMAC members prior to the meeting.

**MOTIONS APPROVED.**

**D. CITIZEN COMMENTS**

None

**E. OLD BUSINESS**

**Status of Research on Potential Sale Properties 2015**

Kristin passed out a Parcel List of Potential Land Sales for 2015 and presented a slide show of the various proposed Lots and Tracts. The time frame for the 2015 sale would be in the fall. The short list of potential properties includes Lost Birch (S side of Richardson Hwy), Silver Lake 1<sup>st</sup> Addition-Tract A, Salchaket Heights Subdivision-Tract A, Moonlight Acres Subdivision-Tracts A, B, C, D, & J, McCloud Subdivision-Tract C, Haylee Subdivision (concept plan)-Lots 1-8, and Tanana 440 Tracts A & B. Additionally (not listed on the parcel list provided) are Salcha Grimme Tract A and a Borough owned property on Harding Drive.

The potential value of the Lost Birch smaller government lots as wetland credits rather than sale for development was briefly discussed. Sandra explained Land Management is working with the Salcha-Delta Soil and Water Conservation District (SDSWCD) on a potential cooperative agreement whereby Borough lands qualifying as wetlands would be taken as credits in the SDSWCD mitigation bank. Contractors with GIS/ Environmental/ ROW field expertise have been approached for quotes on delivery of an inventory and ranking of Borough owned lands with potential for wetland mitigation banking. These properties will then be appraised for value as credits for inclusion in the bank. The cooperative agreement will establish procedures for management and sale of the credits.

The discussion evolved to Moonlight Acres Subdivision, specifically Tracts C and D. Zoning concerns were discussed at length. The benefits of rezoning prior to sale versus selling as currently zoned (GU1) were debated. Some LMAC members indicated their belief that property should be rezoned before sale in the interest of guaranteeing a cohesive neighborhood structure and avoiding potential future conflicts between those purchasing lots. Others expressed their belief that a potential developer interested in purchasing a large tract of Borough land would prefer to have the benefit of the freedom to rezone; giving the developer the flexibility would be more attractive from a sale perspective.

Silver Lake 1<sup>st</sup> addition was discussed. No platting action is required to put this property for sale.

McCloud subdivision Tract C was highlighted as a property where the neighborhood has demonstrated interest in a potential sale.

Haylee Subdivision was discussed. There is a conceptual design on file which contemplates 8 lots for sale. The monetary value of work already done on this potential project was discussed. It was clarified that revisions to FNSB code limit subdivision actions by land management, requiring Assembly approval upfront, only where road construction is required under Title 17.

A Borough owned property on Harding Drive was introduced as a potential sale in 2015. Its highest and best use is believed to be agricultural.

The following motions were introduced with regards to the proposed land sales for 2015:

**MOTION:** Lance Roberts moved that LMAC support Silver Lake 1<sup>st</sup> Addition, Salchaket Heights Tract A, and McCloud Subdivision Tract C for sale in 2015. Seconded by Charlotte Davis.

**MOTION APPROVED.**

**MOTION:** Lance Roberts moved LMAC support sale of the five (5) Moonlight Acre Tracts, without rezoning in 2015. Seconded by Kathryn Pyne.

**AMENDMENT:** Charlotte Davis proposed an amendment to the motion to read “sale of the five (5) Moonlight Acre Tracts with rezone of Tract C to RE, and Tract D to General Commercial. Seconded by Kathryn Pyne.

**DISCUSSION:** There was in depth discussion of the pros and cons of rezoning prior to sale. The affect on timelines for the proposed sale, should platting board or planning commission actions be required, were also discussed. It was noted that any restrictions to development would make it even more difficult to sell any land in the current market.

**AMENDMENT TO THE AMENDMENT:** Lance Roberts moved to amend the amendment to the motion by removing Tract C from the offering in 2015 while allowing for rezone of Tract D. The motion now reads “LMAC supports sale in 2015 of Moonlight Acres Tract A, B, J without rezoning, and Tract D should rezone to General Commercial be achieved in time for the fall sale.  
Seconded by Tom Roberts.

**MOTION APPROVED.**

**MOTION:** Lance Roberts moved LMAC support the sale of the Harding Drive property in 2015.  
Seconded by Kathryn Pyne.

**MOTION APPROVED.**

**MOTION:** Lance Roberts motioned LMAC re-evaluate Haylee Subdivision for possible sale in 2015 when brought forward again with updated cost estimates for survey work required.  
Seconded by Charlotte Davis

**MOTION APPROVED.**

**Aurora/LUMPS records interface project update**

Item forwarded to the July 15, 2015 meeting.

**F. NEW BUSINESS**

**Memo Ordinance 2015-30. An Ordinance Amending FNSBC 25.10.0070 to limit the casual use of Borough property if the use conflicts with Federal, State, or other applicable law.**

Land Roberts discussed a conflict in FNSB code which says all Borough land is open to casual use, yet hazardous activities, namely mining which is regulated by MSHA, may require restrictions on access by the public. The Ordinance proposed does not attempt to address the other mining issues under consideration by LMAC which will be dealt with separately.

**MOTION:** Lance Roberts moved LMAC recommend Ordinance 2015-30 to the Borough Assembly.  
Seconded by Kathryn Pyne.

**MOTION APPROVED.**

**G. NEXT MEETING DATE**

The next Land Management Advisory Commission meeting will be held July 15, 2015.

**H. ADJOURNMENT**

**2:00 PM**

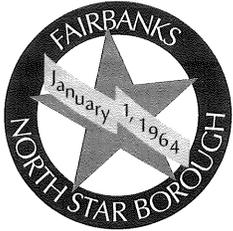
\_\_\_\_\_  
Tom Roberts, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Terry Elmer, Recorder

\_\_\_\_\_  
Date

**DRAFT**



# Fairbanks North Star Borough

809 Pioneer Road

PO Box 71267

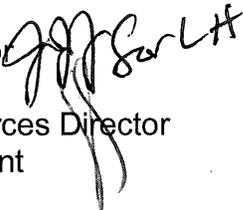
Fairbanks, Alaska 99707-1267

907/459-1000

www.co.fairbanks.ak.us

## MEMORANDUM

TO: Fairbanks North Star Borough Assembly

THROUGH: Luke Hopkins, Borough Mayor 

FROM: Sallie Stuvek, Human Resources Director  
Human Resources Department

DATE: June 11, 2015

SUBJECT: Ordinance 2015- 34

### AN ORDINANCE AMENDING VARIOUS PORTIONS OF SECTION 2.24, PERSONNEL SYSTEM OF THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES

The Human Resources Department has finalized the collective bargaining activities with the FNSBEA (APEA), ASEA and the Laborers Local 942. Throughout the negotiation process, many changes were made to the union contracts that will assist the Borough with administration of the personnel system.

To simplify and standardize the personnel processes between the union and non-represented employees, we are requesting several modifications to the Personnel Ordinance. Wherever possible, we have provided consistency between the bargaining units, as well as between union and non-union employees.

I appreciate your consideration of this request, and urge the adoption of the recommended changes to the Personnel Ordinance as reflected in this Ordinance.

By: Luke T. Hopkins, Mayor  
Introduced: June 11, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 34

AN ORDINANCE AMENDING VARIOUS PORTIONS OF SECTION 2.24, PERSONNEL SYSTEM OF THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES INCLUDING AMENDING THE EMPLOYEE INDEMNIFICATION SECTION

WHEREAS, The Fairbanks North Star Borough (Borough) reached three-year agreements (July 1, 2015, through June 30, 2018) with the Fairbanks North Star Borough Employees Association Local #6125/Alaska Public Employees Association/AFT (FNSBEA/APEA/AFT/AFL-CIO), the Alaska State District Council of Laborers (Laborers Local 942) and the Alaska State Employees Association American Federation of State, County and Municipal Employees Local 52 (AFL-CIO); and

WHEREAS, Numerous changes were made to these collective bargaining agreements for clarification purposes and for administrative processing simplicity; and

WHEREAS, The Human Resources Department is striving for uniformity and consistency where possible between the collective bargaining agreements and the Personnel Ordinance; and

WHEREAS, Other changes are necessary to reflect current terminology and practices.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED AND CAPITALIZED]

32 Section 1. Classification. This ordinance is of a general and permanent  
33 nature and shall be codified.

34

35 Section 2. Section 2.24.021C is hereby amended as follows:

36 C. Employees covered under this chapter are subject to the rules of this chapter.  
37 [THE MAYOR HAS THE AUTHORITY TO MIRROR TERMS AND CONDITIONS OF  
38 EMPLOYMENT AFTER OTHER EMPLOYEE GROUPS AND TO ESTABLISH  
39 ADMINISTRATIVE PRACTICES, PROVIDED NOTICE HAS BEEN GIVEN TO THE  
40 EMPLOYEE; AND APPROPRIATE NOTICE GIVEN TO THE PRESIDING OFFICER  
41 AS APPLICABLE UNDER FNSBC 2.24.031.] Terms in this chapter govern all  
42 employees not represented by a collective bargaining unit and no previous  
43 administrative practices or other guarantees create any implied or other rights. For  
44 terms not addressed in this chapter, the monetary terms of the APEA negotiated  
45 agreement shall be applied to confidential non-exempt employees and the monetary  
46 terms of the ASEA negotiated agreement shall be applied to confidential exempt  
47 employees.

48

49 Section 3. Section 2.24.071 is hereby amended as follows:

50 Department directors shall determine the number of weekly and daily hours of work to  
51 be scheduled within the designated workweek applicable to their respective  
52 departments, in accordance with budget authorization. The borough workweek is  
53 deemed to begin at 12:01 a.m. on Monday and conclude at 12:00 a.m. (midnight) on  
54 Sunday.

55

56 Section 4. Section 2.24.081 is hereby amended as follows:

57 The human resources director shall provide for the maintenance of a records system  
58 which shall consist of three types of matter:

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be *added* is underlined

Text to be *deleted* is [BRACKETED AND CAPITALIZED]

59 A. Personnel Record. The personnel record is a file of those documents which  
60 reflect an individual employee's complete status as an employee from date of hire to  
61 termination.

62 1. The personnel record includes, but is not limited to, the individual  
63 employee's employment application, performance appraisals, progress reports,  
64 disciplinary actions (except oral counselings), and personnel actions.

65 2. Personnel records are confidential and are not open to public inspection  
66 except as provided in this section.

67 a. The following information is available for public inspection, subject  
68 to reasonable regulations on the time and manner of inspection, as determined by the  
69 human resources director:

- 70 i. The names and position titles of all borough employees;
- 71 ii. The position held by the borough employee;
- 72 iii. Prior positions held by [A] the borough employee;
- 73 iv. Whether [A] the borough employee is nonexempt,  
74 exempt/professional or management;
- 75 v. The dates of employment (hire and separation dates);
- 76 vi. The compensation authorized for the borough employee.

77 b. Any other personnel records are subject to disclosure only upon  
78 written consent of the applicant or employee, by court order, or as otherwise required by  
79 law.

80 3. A borough employee has the right to examine the employee's own  
81 personnel files and may authorize others to examine those files. Supervisors may  
82 inspect personnel records of employees and potential employees.

83 4. A copy of all material placed in the employee's personnel record shall be  
84 furnished to the employee.

85 5. [REVIEW OF PERSONNEL RECORDS.] Any review of personnel records  
86 shall be conducted in the presence of the staff of the department of human resources,

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87 and no document shall be removed without the authorization of the human resources  
88 director, or designee.

89

90 Section 5. Section 2.24.131 is hereby amended as follows:

91 The borough mayor may determine that certain positions, because of the unique  
92 elements of the job, may be required to undergo a detailed background investigation  
93 and establish parameters of past conduct that candidates for employment in these jobs  
94 must satisfy in order to be employed or retain employment with the borough. Those  
95 positions subject to background investigations shall be specified in the position  
96 description.

97

98 Section 6. Section 2.24.151A is hereby amended as follows:

99 A. All borough [ENTITIES] departments shall maintain uniform records of  
100 employees' hours of work, to include absences, in accordance with procedures  
101 approved by the borough mayor.

102

103 Section 7. Section 2.24.151C is hereby amended as follows:

104 C. Any unauthorized absence of an employee from duty shall be deemed to be  
105 absence without pay if allowable by law, and may be deemed just cause for disciplinary  
106 action, notwithstanding the fact that the employee may have available accrued leave at  
107 the time.

108

109 Section 8. Section 2.24.261 is hereby amended as follows:

110 A. The borough mayor shall cause to be developed and implemented a formal  
111 system by which each borough employee's job performance is evaluated in accordance  
112 with the following schedule:

113 1. Probationary employees will be evaluated after completing three months  
114 of service; and again immediately prior to completion of the six-month probationary  
115 period.

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116 2. After completion of probation, all regular employees will be evaluated [ON  
117 A SCHEDULE AS ESTABLISHED BY THE MAYOR] annually.

118 a. Employees will advance to the next higher step on the salary  
119 schedule on July 1<sup>st</sup> of each year, subject to satisfactory performance as noted in a  
120 written performance evaluation, due on or before June 1<sup>st</sup> of each year. If the employee  
121 received “does not meet expectations” performance rating in any category, they shall  
122 not be eligible for a step increase. Specific examples are required in the performance  
123 evaluation if any category denotes “does not meet expectations.” Employees should  
124 not learn of deficiencies for the first time in an evaluation. If a supervisor fails to timely  
125 complete the required performance evaluation, the employee shall be eligible for the  
126 merit step.

127  
128 Section 9. Section 2.24.271 is hereby amended as follows:  
129 Public employees of the borough have, as an integral part of their individual jobs, the  
130 obligation to perform their jobs in a manner that will reflect favorably upon the  
131 organization.

132 A. All employees shall be neat and clean in appearance, and dress in a manner that  
133 projects a favorable professional image. The borough mayor or his designee may  
134 promulgate formal directions relative to public projections.

135 B. All borough employees shall deport themselves in a manner appropriate to public  
136 servants; dealing with the general public and colleagues in a courteous, efficient and  
137 helpful manner.

138 C. Any borough employee who is arrested and convicted of a crime [INVOLVING  
139 MORAL TURPITUDE] is subject to summary dismissal if, in the opinion of the  
140 administration, such conviction would impinge upon, or affect the performance of, the  
141 employee’s job-related functions.

142  
143 Section 10. Section 2.24.301 is hereby amended as follows:

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144 A. Employees of the borough are expected to follow the generally accepted rules of  
145 conduct, whether posted or not. Examples of general categories of offenses which  
146 require disciplinary action are: absenteeism, carelessness and negligence,  
147 insubordination, failure to follow instructions; unauthorized use of borough equipment,  
148 [OR EXCESSIVE PERSONAL TELEPHONE CALLS], horseplay while on duty, failure to  
149 observe dress code, inappropriate conduct/discourtesy, moonlighting, poor attitude,  
150 preventable vehicle accident, safety violations, and substandard performance. This is  
151 not an all inclusive listing of the rules of the workplace.

152 B. Fighting, dishonesty (to include falsification of official records), confidentiality  
153 breaches, assault, [INTOXICATION OR] use, possession or being under the influence  
154 of alcoholic beverages, controlled substances or prohibited narcotics while on duty,  
155 [POSSESSION OR USE OF CONTROLLED SUBSTANCES OR PROHIBITED  
156 NARCOTICS,] willful destruction of borough property, theft, sleeping on the job,  
157 harassment, gross insubordination, and gross negligence are among those offenses  
158 that, depending upon the circumstances, warrant immediate dismissal for cause. This  
159 is not an all inclusive list.

160

161 Section 11. Section 2.24.311C is hereby amended as follows:

162 C. All forms of disciplinary action, excluding verbal admonishments, must be in  
163 writing, state the full circumstances surrounding the incident (e.g., incident, date, time[,  
164 LOCATION, WITNESSES,] and the precise discipline administered), and contain a  
165 notation requesting the employee's comments. A copy of the action shall be given to  
166 the employee, and a copy placed in the employee's personnel file, after the individual  
167 has acknowledged receipt by signature. Disciplinary actions shall be removed from the  
168 personnel file after two (2) years (or a lesser time if mutually agreed to by the parties) of  
169 issuance if there have been no further incidents. Files for terminated employees shall  
170 be preserved at the date of termination and any disciplinary action in the employee's file  
171 at the time of termination will be preserved.

172

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173 Section 12. FNSBC 2.24.341, **Indemnification**, is repealed and replaced with  
174 the following:

175 A. Except as otherwise precluded by law, all obligations by the borough to  
176 indemnify, hold harmless or defend an employee in an individual capacity are subject to  
177 the conditions and limitations set forth in this section. If an indemnified employee or  
178 former employee does not comply with this section, the Borough may elect not to  
179 defend, not to indemnify or not to defend or indemnify.

180 B. The borough shall defend, indemnify and hold harmless an employee or former  
181 employee against a claim filed in a civil or administrative action and resulting from any  
182 conduct, act or omission of such employee within the scope of borough employment.

183 C. No obligation to indemnify, hold harmless or defend shall apply to the contest of  
184 a traffic citation or any claim against an employee:

185 1. Based on the gross negligence, willful, malicious, dishonest, fraudulent or  
186 criminal conduct of the employee;

187 2. Based on conduct that was not undertaken in the reasonable belief that  
188 the act or omission was in the best interest of the borough;

189 3. Brought by or on behalf of the borough;

190 4. For any fine resulting from a traffic citation; or

191 5. For punitive or exemplary damages.

192 D. No obligation to indemnify, hold harmless or defend shall apply to any claim  
193 against an employee arising as the result of the employee's decision to intervene in any  
194 action or an employee filing a claim against the borough.

195 E. The borough's obligations imposed in this section shall be available only after  
196 application of any other available insurance. No obligation to indemnify, hold harmless  
197 or defend by the borough shall apply to the extent that the employee is indemnified or  
198 defended pursuant to an agreement between the borough and a third party or under a  
199 policy of insurance provided by or on behalf of the borough;

200 F. The borough may purchase insurance to cover its obligations to defend,  
201 indemnify, and hold harmless. Nothing in this section or in any other indemnity/defense

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202 agreement shall limit the coverage of any policy of insurance or agreement between the  
203 borough and a third party that would otherwise provide for the indemnification or  
204 defense of an employee. Nothing in this section or any other indemnity/defense  
205 agreement shall be construed as waiving the defense of governmental immunity  
206 otherwise available to the borough or its employees.

207 G. Whether or not the borough is obligated to indemnify, hold harmless or defend  
208 shall be determined by the Risk Manager. The Risk Manager may assume the defense  
209 under a reservation of rights. The Borough's decision to indemnify, hold harmless, or  
210 defend a claim does not require the Borough to continue to indemnify, hold harmless or  
211 defend the claim, nor does it require that the Borough indemnify or hold harmless an  
212 employee against any resulting judgment, fine or amount paid in settlement. No  
213 assumption by the borough of the indemnification or defense of a claim shall be  
214 construed as a waiver by the borough of any right, condition or limitation of this section  
215 nor shall it preclude the borough from taking any disciplinary or other employment  
216 action against the employee.

217 H. The borough shall have no duty to defend, indemnify or hold harmless if the  
218 employee fails to reasonably cooperate in the defense and settlement of a claim.  
219 Reasonable cooperation includes, without limitation the following:

220 1. Promptly giving the Risk Manager written notice of any incident potentially  
221 giving rise to a claim against the employee that includes all information concerning the  
222 incident known to the employee.

223 2. Promptly delivering to the Risk Manager any claim, demand, notice,  
224 summons or other process received by the employee and relating to the claim.

225 3. Cooperating with the borough attorney or attorney retained by the borough  
226 in defending the claim including without limitation attending interviews, depositions,  
227 hearings and trials, responding to discovery requests and assisting in securing and  
228 giving evidence and obtaining the attendance of witnesses.

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229 4. Assisting the borough in recovering any award for subrogation,  
230 contribution or indemnity against any third person that may arise from the claim from  
231 which the borough indemnifies or defends the employee.

232 5. The employee shall not, except at their own cost, voluntarily make any  
233 payment, assume any liability or obligation or incur any expense other than for the first  
234 aid to others at the time of an accident.

235 6. Provide and/or authorize the borough to obtain records and information  
236 reasonably relevant to a proper defense of the claim.

237 I. The borough shall have the sole right to control the defense and settlement of the  
238 claim. The borough may, in its sole discretion, and without the consent or participation  
239 of the employee, compromise or settle the claim on any terms that impose no legal or  
240 financial obligation upon the employee. Defense of the claim shall be provided by the  
241 borough attorney or other attorney designated by the borough in its sole discretion  
242 provided that where a conflict of interest between the borough and the employee would  
243 cause the representation by designated counsel to violate applicable rules of  
244 professional conduct, the employee may select other counsel subject to the Risk  
245 Manager's reasonable approval.

246 J. After notice by the borough to an employee of the borough's assumption of the  
247 obligation to indemnify, defend or hold harmless an employee with respect to a claim,  
248 the borough shall not be liable to an employee for any legal or other expenses  
249 subsequently incurred by the employee with respect to the claim. If, however, the  
250 employee selects counsel as permitted by this section the borough shall pay the  
251 reasonable fees and costs of such counsel for defense of the employee.

252 K. To the extent the Borough makes payments for defense or indemnity of the  
253 employee, the employee must transfer to the Borough the employee's rights of recovery  
254 against others related to the claim or loss including the right to recover attorney fees  
255 and other costs incurred in the defense of the claim.

256

257 Section 13. Section 2.24.391B(2) is hereby amended as follows:

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258           2.     Nonovertime-eligible (FLSA exempt) employees shall accrue comp time  
259 on an hour-for-hour basis (1:1), with a maximum balance at any time of [150] 200 hours.  
260 Accrued compensatory time shall be treated, and is subject to, the same procedures as  
261 personal leave; except that any accrued but not used compensatory time will be  
262 forfeited at termination.

263  
264           Section 14. Section 2.24.401D is hereby amended as follows:  
265 D.     With the exception of appointed, executive/administrative/professional and  
266 casual employees, those employees who are scheduled to work on a recognized  
267 holiday shall be compensated in accordance with FNSBC 2.24.391; provided, however,  
268 the employee works or is otherwise in a full pay status both the day preceding and the  
269 day after the recognized holiday.

270  
271           Section 15. Section 2.24.401G is hereby amended as follows:  
272 G.     Appointed and managerial/professional employees are not entitled to holiday  
273 premium time should they be required to work on a holiday, but may qualify for  
274 compensatory time.

275  
276           Section 16. Section 2.24.411E is hereby amended as follows:  
277 E.     Upon written request an employee may, [TWO] three times per calendar year,  
278 receive 100 percent of the cash value of his accrued personal leave up to a maximum of  
279 250 hours per calendar year; provided, that a minimum of hours equal to one regularly  
280 scheduled pay period is maintained in the employee's personal leave balance.  
281 Exceptions due to unusual or unforeseen circumstances may be made by the borough  
282 mayor. Unused accrued leave shall be compensated at the current base hourly rate at  
283 the time of resignation, layoff, or dismissal of an employee; however, payment of  
284 unused accrued leave shall not exceed [520] 480 hours. Cash-ins due to the [520] 480  
285 maximum accrual rule do not count towards the [TWO] three per year limit.

286

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287 Section 17. Section 2.24.411F is hereby amended as follows:  
288 F. Leave may be donated to other FNSB regular employees only for catastrophic  
289 events, unforeseen emergencies/circumstances or illnesses. The chief of staff may  
290 authorize exception requests. Donating personal leave for payment of services or  
291 purchases or in lieu of cash transactions is expressly prohibited. [THE CHIEF OF  
292 STAFF MAY AUTHORIZE EXCEPTION REQUESTS.]

293  
294 Section 18. Section 2.24.431 is hereby amended as follows:  
295 The borough is a participant in the [S]State of Alaska Public Employees Retirement  
296 System and all regular, full-time, part-time, seasonal, extraboards, and term employees  
297 are required to enroll in the system at the time of eligibility. Casual employees and  
298 Interior Gas Utility (IGU) employees are not eligible for PERS.

299  
300 Section 19. Section 2.24.461 is hereby amended as follows:  
301 The borough mayor will provide for recognition of the faithful, effective service rendered  
302 by employees. Special recognition shall be given to those employees who have  
303 completed [FIVE] 5, 10, 15 and 20, etc., years of service.

304  
305 Section 20. Section 2.24.462G hereby amended as follows:  
306 G. The assembly is committed to the following monetary policies and goals with  
307 respect to the terms of labor agreements:  
308 1. Reward employees in good standing with a positive performance rating,  
309 with merit pay increases in lieu of increases based on longevity.  
310 2. Maintain fair and reasonable employee premium contributions and  
311 deductibles in medical insurance comparable to other public and private sector  
312 employers.  
313 3. Maintain fiscal stability by controlling escalating costs and provide for  
314 future reopeners if funding sources are negatively impacted or costs significantly  
315 increase.

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- 316 4. [LIMIT] Maintain leave and holidays [TO] at reasonable levels.  
317 5. Seek consistency between bargaining units, as well as between union and  
318 non-union employees.  
319 6. Eliminate and avoid contract provisions for complex pay premiums, work  
320 rules that reduce productivity or other terms that impede accountability.

321  
322 Section 21. Section 2.24.472 is hereby amended as follows:  
323 "Part-time employee" means a person who is employed regularly for a scheduled  
324 workweek of a minimum of 15 hours [UP TO] but not to exceed 30 hours.

325  
326 "Regular employee" means an employee who has been retained in his appointed  
327 position after the completion of his probationary period. Regular positions do not have a  
328 specified terminal date, are included as part of the annual operating budget, and are  
329 considered to be a part of the regular staffing complement. Regular employees may be  
330 designated as full-time or part-time.

331  
332 Section 22. Effective date. Except for Section 8 which shall be effective  
333 starting July 1, 2016, this ordinance is effective at 5:00 p.m. on the first Borough  
334 business day following its adoption.

335  
336 PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

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346

ATTEST:

\_\_\_\_\_  
Nanci Ashford-Bingham, MMC  
Borough Municipal Clerk

\_\_\_\_\_  
Karl Kassel  
Presiding Officer

APPROVED:

  
\_\_\_\_\_  
A. René Broker  
Borough Attorney

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1 By: Karl Kassel  
2 John Davies  
3 Kathryn Dodge  
4 Introduced: June 11, 2015  
5  
6

7 FAIRBANKS NORTH STAR BOROUGH

8  
9 ORDINANCE NO. 2015- 35  
10

11 AN ORDINANCE AMENDING FNSBC 2.12.315 REGARDING THE INFORMATIONAL  
12 INSERTS FOR INITIATIVES AND REFERENDUMS  
13

14 WHEREAS, Prior to the FNSB municipal election of October 2014 the  
15 Assembly adopted an ordinance providing for informational inserts in voter informational  
16 brochures to provide additional information regarding initiatives and referendums; and  
17

18 WHEREAS, Provisions in that ordinance that were intended to provide  
19 balance between the pro and con information inadvertently resulted in confusion in the  
20 process of selecting authors for the pro and con positions and in less information being  
21 available than intended.  
22

23 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
24 North Star Borough:  
25

26 Section 1. This ordinance is of a general and permanent nature and shall  
27 be codified.  
28

29 Section 2. FNSBC 2.12.315, Informational insert for initiatives and  
30 referendums, is hereby amended as follows:

31 A. Fifteen *days* prior to each regular or *special election* the *borough clerk* shall  
32 publish an insert in the Fairbanks Daily News-Miner containing information approved by  
33 the assembly of a strictly factual nature pertaining to each initiative or referendum on

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34 the ballot, except as provided below in this section. Sample ballots may also be  
35 included in the insert. All information published will be displayed on the public borough  
36 website.

37 B. Statements advocating *voter* approval or rejection of initiatives or referendums  
38 may be included in the informational insert in accordance with this subsection.

39 1. The clerk may include statements advocating *voter* approval and rejection  
40 of initiatives or referendums in the *election* insert. The clerk shall [MAY] offer authorship  
41 of the statement advocating *voter* approval of an initiative or referendum in the following  
42 order: to the sponsors, to an APOC registered [PUBLICLY RECOGNIZED] individual or  
43 organization with the identified purpose of supporting the initiative or referendum, an  
44 individual or organization with a publicly stated interest in supporting the initiative or  
45 referendum. The clerk shall [MAY] offer authorship of the statement advocating *voter*  
46 rejection of an initiative or referendum first to an APOC registered individual or  
47 organization with the identified purpose of opposing the initiative or referendum, then to  
48 an [PUBLICLY RECOGNIZED] individual or organization with a publicly stated interest  
49 in opposing the initiative or referendum. To the extent more than one individual or  
50 organization meets the criteria for authorship, preference should be given in the  
51 following order: first an APOC registered local organization, then an APOC registered  
52 local individual, then an Alaskan organization, then an Alaskan individual. If no one  
53 meeting the criteria is willing to submit a statement the clerk shall take other reasonable  
54 steps to identify a person or organization willing to submit a statement.

55 2. The clerk will establish a deadline for the submission of a statement under  
56 this section. A statement advocating *voter* approval and rejection must be received by  
57 the clerk by the established deadline date.

58 3. A statement submitted under this section may not exceed 500 words.  
59 Articles such as “a,” “an,” and “the” will be counted as a word.

60 4. A statement submitted under this section must include a signer bloc  
61 located at the bottom of the statement. The signer bloc must include no more than  
62 three signers. Any signers more than the allotted three will be considered

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63 endorsements and included in the text of the statement and counted against the 500-  
64 word limit. Signers must include the signers' full names and organizations, if any.

65 5. Signers shall sign a form prepared by the clerk indicating that the signers  
66 participated in the drafting of the statement.

67 6. The clerk will not release statements until all statements regarding the  
68 question have been received in final form and have gone to the printer.

69 7. The clerk may appoint a coordinator for the drafting of statements under  
70 this section.

71 8. Statements [ADVOCATING BOTH APPROVAL AND REJECTION] must  
72 be accepted by the clerk in order to be published. [IF ONLY ONE STATEMENT IS  
73 ACCEPTED, IT WILL NOT BE PUBLISHED.]

74 9. The clerk will add a disclaimer to each initiative or referendum noting the  
75 text of the ballot *proposition* is presented as submitted by the petition sponsors. The  
76 clerk will add a disclaimer to each statement noting the information is the opinion of the  
77 author(s) and has been reproduced as submitted, without any changes to grammar,  
78 spelling or punctuation.

79 The presentation order for each initiative or referendum shall be:

- 80 a. Text of the ballot *proposition* or sample ballot;
- 81 b. *Proposition* summary approved by the assembly of a strictly factual  
82 nature;
- 83 c. A statement advocating *voter* approval; and
- 84 d. A statement advocating *voter* rejection.

85  
86 Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m.  
87 of the first Borough business day following its adoption.

88  
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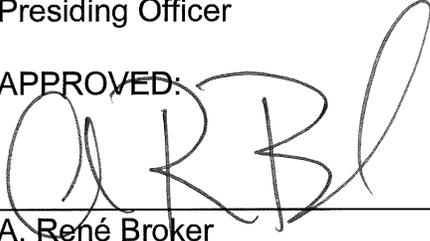
PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Nanci Ashford-Bingham, MMC  
Borough Municipal Clerk

\_\_\_\_\_  
Karl Kassel  
Presiding Officer

APPROVED:

  
\_\_\_\_\_  
A. René Brojer  
Borough Attorney

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By: Van Lawrence  
Lance Roberts  
Introduced: June 11, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 36

AN ORDINANCE REQUIRING ASSEMBLY NOTIFICATION OF NON-ROUTINE LITIGATION

WHEREAS, the borough attorney is the legal advisor of the mayor, assembly, school board and other officers of the borough; and

WHEREAS, borough code currently requires assembly approval prior to the borough attorney filing an appeal of any civil action, but does not require assembly approval for the filing of the underlying action; and

WHEREAS, non-routine litigation can consume significant borough resources including staff time sometimes at the expense of other borough priorities; and

WHEREAS, the assembly should be notified of non-routine litigation in a reasonable amount of time after filing.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Chapter 2.04 is hereby amended to add a new section as follows:

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2.04.100 Notification of Non-Routine Litigation.

The borough mayor shall notify the assembly within ten days of filing any non-routine civil or administrative action. For purposes of this section "non-routine" does not include minor offenses, collections, subrogation claims, estate claims, bankruptcy claims, foreclosure, small-claims, cross-claims, counterclaims, emergency injunctions/temporary restraining orders or any other civil action that the borough attorney does not reasonably consider likely, at the time of filing, to require significant borough resources including staff time.

Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m. of the first Borough business day following its adoption.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
Karl Kassel  
Presiding Officer

ATTEST:

APPROVED:



\_\_\_\_\_  
Nanci Ashford-Bingham, MMC  
Borough Municipal Clerk

\_\_\_\_\_  
A. René Broker  
Borough Attorney

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