



# CITY OF UTQIAGVIK

*"Farthest North Incorporated City"*

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Introduced by:	Asisaun Toovak, Mayor
Date of Introduction:	April 27, 2023
Date of Public Hearing:	
Action:	
Vote:	

## ORDINANCE #2-2023

### AN ORDINANCE AMENDING CHAPTER 4.24.050(D) OF THE CITY CODE TO ALLOW THE SCHOLARSHIP COMMITTEE TO RECOMMEND RECIPIENTS TO THE CITY COUNCIL FOR APPROVAL WHEN A QUORUM IS NOT PRESENT

**WHEREAS** the City Council of Utqiagvik, Alaska (the "City") desires to amend the City of Utqiagvik Code of Ordinances ("Code") Section 4.24.050(D), to allow the scholarship committee the power to timely make scholarship recommendations to the City Council when a quorum of the scholarship committee is not present;

**WHEREAS** pursuant to City Code Section 4.24.040(C), three members of the scholarship committee, or an alternate member, are required to be present for quorum to be met;

**WHEREAS** the scholarship committee has had difficulty in consistently achieving the quorum necessary to authorize the mayor to issue one or more checks to the selected scholarship applicant(s) and the institution(s) of higher education under Section 4.24.050(D) of the Code;

**WHEREAS** the City desires to add new language to Section 4.24.050(D) of the Code that would give scholarship committee members, and any alternate in attendance, the authority to make recommendations for scholarship recipients to the City Council when a quorum is not achieved, so that the City Council may timely consider scholarship applications in view of those recommendations, at a regular or special City Council meeting; and

**WHEREAS** the proposed amendments to Section 4.24.050(D) of the Code would allow for the scholarship committee move scholarship applications forward for timely consideration and potential funding, while also preserving the transparency and process of awarding the City's scholarship funding for residents.

**BE IT ORDAINED** by the City Council of Utqiagvik, Alaska, that:

**SECTION 1. Classification.** This ordinance is permanent and general in nature and shall be placed in the Code.



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**SECTION 2. Amending of Section 4.24.050(D).** Section 4.24.050(D) (**Procedures - Awards**) is amended as follows (new language is bolded and underlined):

**Section 4.24.050 Procedures.**

- A. Awards. The affirmative vote of three scholarship committee members (**or of an alternate member, if one regular committee member is absent**), at a duly convened meeting shall be sufficient to authorize the mayor to issue a check to the **approved** scholarship applicant in the amount of the scholarship award payable to both the applicant and the institution of higher education.
- a. The mayor shall have the power to exercise a veto of any decision of the committee, in which case the committee has the right to appeal to the city council.
  - b. Any applicant who is aggrieved by a decision of the scholarship committee shall have the right to appeal that decision to the city council, if a written request for city council appeal is received by the mayor within thirty days of the date of the notification of the decision.
  - c. The city council has the right to overrule any decision of the scholarship committee or any veto entered by the mayor.
  - d. **If the scholarship committee is unable to achieve the quorum requirements set forth in Section 4.24.040(C), the members attending the committee meeting, including an alternate member if one regular committee member is absent, shall have the power to make recommendations regarding potential scholarship awards to the city council. The city council may consider applications and the scholarship committee's recommendations at a duly-noticed regular or special meeting, and may authorize the mayor to issue one or more checks, payable to both any scholarship recipient(s) and the respective institution(s) of higher education, subject to Section 4.24.050(D)(3) above.**



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**SECTION 3. Application.** Should any provision of this ordinance, or application thereof to any person or circumstances be declared invalid, void, or illegal, the application to other persons or circumstances shall not be affected thereby. Further, such declaration shall in no way affect, impair, or invalidate any other provision hereof, and such other provisions shall remain in full force and effect.

**SECTION 4. Severability.** Nothing in this ordinance shall be construed to authorize or condone actions which would violate any requirement of applicable state or federal law. This ordinance is intended to be interpreted consistently with, where possible, the Constitution of the United States, the Constitution of the State of Alaska, federal statutes and regulations, and Alaska statutes and regulations. Where it is not possible to construe a provision of this ordinance consistently with these state and federal provisions, the conflicting provision of this ordinance shall be void.

**SECTION 5. Effective Date.** This ordinance shall become effective upon passage by the City Council.

**ENACTED THIS 13TH DAY OF APRIL 27, 2023, by a vote of \_ in favor and \_ opposed.**

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**Asisaun Toovak, Mayor**

**ATTEST:**

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**Mary V. Patkotak, City Clerk**