FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2022 – 09

AN ORDINANCE AMENDING FNSBC 2.32.030, FNSBC 3.08.010 AND FNSBC 3.08.040 TO CHANGE DEPUTY BOROUGH CLERK TO DEPUTY BOROUGH CLERKS

WHEREAS, On December 9, 2021, the Assembly approved a restructure in the Department of the Assembly eliminating the Records Manager’s position and creating a second Deputy Clerk position to balance the daily duties and management responsibilities; and

WHEREAS, Fairbank North Star Borough code should be updated to reflect this change.

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. FNSBC 2.32.030, Scope of coverage, is hereby amended as follows:

A. Unless a section of this chapter specifically provides otherwise, this chapter applies to all borough employees, except as follows:
   1. Elected officials and casual employees;
   2. Members of citizen boards and commissions;
   3. All persons who are appointed to serve without compensation;
   4. The borough clerk and deputy borough [CLERK] clerks, who are appointed by and serve at the pleasure of the assembly, and whose terms, wages, hours, and conditions of employment are determined by the assembly;
   5. Employees represented by a certified or recognized collective bargaining agent to the extent that a specific provision of a collective bargaining agreement which covers the wages, hours, or working conditions of said employees cover a subject also covered by this chapter, in which case the provisions of the collective bargaining agreement shall apply;

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be added is underlined
Text to be deleted is [BRACKETED, CAPITALIZED]
6. Employees employed under the terms of a special grant to the extent that a specific provision of the grant covers a subject covered by this chapter, or by a collective bargaining agreement, in which case the provisions of the grant shall apply.

Section 3. FNSBC 3.08.010, Employees, is hereby amended as follows:
The employees of the assembly shall be the clerk, deputy [CLERK] clerks and others required by ordinance.

Section 4. FNSBC 3.08.040, Deputy borough clerk – Appointment – Duties, is hereby amended as follows:
3.08.040, Deputy borough [CLERK] clerks – Appointment – Duties.
There is established the position of deputy borough [CLERK] clerks in the totally exempt service. The borough assembly is authorized to appoint or remove the deputy borough [CLERK] clerks who shall have the duty to execute, attest and acknowledge all documents required by the borough clerk, and to affix the seal of the borough. In signing any documents, the deputy borough [CLERK] clerks shall affix the name of the borough clerk followed by the word “by” and the deputy borough clerk’s own signature and title.

Section 5. FNSBC 6.04.010, Definitions, shall be amended as follows:
“Clerk” means the Borough Clerk, the deputy [BOROUGH CLERK] borough clerks, and any designee of the Borough Clerk or deputy [BOROUGH CLERK] borough clerks. In the event a complaint is filed against the Borough Clerk or [THE] a deputy borough clerk then “Clerk,” as used in Chapter 6.20 FNSBC, Procedures, shall mean the Borough Attorney’s office.

“Public official” means any person serving on the Assembly, the Borough Clerk, or the deputy [BOROUGH CLERK] borough clerks and any individual serving in an acting capacity in either position.

Section 6. FNSBC 6.08.020, Scope of division, shall be amended as follows:
The division shall apply to the members of the Borough Assembly, the Borough Clerk, and the deputy [CLERK] borough clerks. The individuals covered by this division shall not also be subject to the separate code of ethics for Mayor and Borough employees.

Section 7. FNSBC 6.08.030, Purpose, shall be amended as follows:
The purpose of this division is to assist members of the Assembly, the Borough Clerk and the deputy [BOROUGH CLERK] borough clerks in carrying out their responsibilities under their oaths of office to support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the laws of the Fairbanks North Star Borough, to specify conduct that violates public expectations that they will honestly, faithfully, and impartially perform their duties as members of the Fairbanks North Star Borough

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Assembly, as Borough Clerk, and as deputy [BOROUGH CLERK] borough clerks, to the best of their ability.

Section 8. FNSBC 6.24.010(A), Penalties, shall be amended as follows:
A. The Borough Clerk or a deputy [BOROUGH CLERK] borough clerk who violates this division shall be disciplined by a majority vote of the Assembly. In determining an appropriate penalty, the Assembly may be guided by the provisions of the Borough personnel code. Depending on the violation, disciplinary action may include termination.

Section 9. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

ADOPTED THE 27TH DAY OF JANUARY 2022.

Mindy O’Neall
Presiding Officer

ATTEST:
April Trickey, MMC
Borough Clerk

Yeses: Wilson, Fletcher, Cooper, Kelly, Cash, Guttenberg, Lojewski, O’Neall
Noes: None
Other: Tomaszewski (Excused)