

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-23(b)

**An Ordinance Amending the Recreation, Parks and Community Centers
Title to Add a New Chapter on Aquatics Facilities.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Adoption of New Chapter. Title 67 Recreation, Parks and Community Centers, is amended by adding a new chapter to read as follows:

Chapter 67.10

Aquatics Facilities

67.10.010 Board of directors.

(a) The Aquatics Board shall consist of seven voting members appointed by the Assembly to serve without compensation for staggered three-year terms, ~~plus the Parks and Recreation Director~~ and one liaison from the Juneau School District. ~~Neither The liaison nor the Parks and Recreation Director~~ shall not have the power to vote or be counted in determining whether a quorum of the board is present. Members of the board of shall serve at the pleasure of the Assembly. Terms shall commence on July 1. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has six months or less remaining to the unexpired term,

1 the Assembly, at its discretion, may choose to appoint the member to the remainder of the
2 current term as well as to the full term immediately following the expiration date of the
3 unexpired term. No board member who has served for three consecutive terms or nine years
4 shall again be eligible for appointment until one full year has intervened, provided, however,
5 that this restriction shall not apply if there are no other qualified applicants at the time
6 reappointment is considered by the Assembly.
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8 (b) No board member, or member of a board member's immediate family or household, may
9 be employed by an aquatics facility owned by the City and Borough. To the extent possible,
10 appointments to the Aquatics Board shall include persons having skills relevant to matters
11 concerning the aquatics facilities. No more than two members of the Aquatics Board shall be a
12 member or employee of any local swim organization, or the immediate family member of any
13 member or employee of any local swim organization.
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16 **67.10.020 General powers.**

17 (a) Subject to state laws and City and Borough ordinances, the Aquatics Board shall
18 generally exercise all powers necessary and incidental to the operation and maintenance of the
19 municipally-owned aquatics facilities according to the best interests of the public and in a
20 sound business manner. The Aquatics Board:

- 21 (1) Shall be responsible for the operation, maintenance, development and marketing of
22 the municipally owned and operated aquatics facilities, except as otherwise
23 provided by the Assembly by resolution.
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1 (2) Shall prescribe the terms under which persons and groups may use the aquatic
2 facilities under the board's management and establish and enforce standards of
3 operation.

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5 (3) May adopt regulations pursuant to CBJ 01.60 necessary for the administration of
6 the aquatics facilities under the board's management.

7 (b) The aquatics facilities shall conform to the City and Borough Personnel Management
8 Code, the City and Borough Personnel Rules, Personnel Classification Plan, and the City and
9 Borough Manager's Administrative Policies. The aquatics facilities shall utilize the services of
10 the Human Resources and Risk Management Department when hiring or terminating any
11 employee, when responding to grievances, in labor agreement negotiation, and in substantial
12 disciplinary matters.

13 (c) All legal services for the Aquatics Board and aquatics facilities shall be provided by or
14 under the supervision of the Municipal Attorney.
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17 **67.10.030 Organization.**

18 The Aquatics Board shall elect annually from its members a chair and vice-chair and such
19 other officers as it deems necessary. The board may establish an executive committee with
20 authority to act on behalf of the board and may appoint such other committees as it deems
21 necessary.
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23 **67.10.040 Vacancies.**

24 (a) A vacancy in the Aquatics Board shall exist under the following conditions:
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- 1 (1) If a person appointed to membership fails to qualify and take office within 30 days
2 of appointment;
3
4 (2) If a member departs from the City and Borough with the intent to remain away for
5 a period of 90 or more days;
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7 (3) If a member submits his or her resignation to the board or Assembly;
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9 (4) If a member is unable to attend regular board meetings for a period of more than 90
10 days;
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12 (5) If a member misses more than 40 percent of the regular board meetings in a 12-
13 month period; or
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15 (6) If a member is removed by the Assembly, in its sole discretion, for the convenience
16 of the City and Borough.

17 (b) For the purposes of counting attendance, a member participating telephonically in
18 accordance with the Assembly Rules of Procedure shall be counted as present.

19 (c) The chair of the Aquatics Board shall notify the clerk's office of any vacancy on the
20 board. Upon notification, the Assembly shall appoint a new member for the unexpired term.

21 **67.10.050 Meetings.**

22 The Aquatics Board shall meet at least once each month at an accessible location and time to
23 be designated by the board.

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1 **67.10.060 Membership in associations.**

2 The Aquatics Board may maintain membership in any local, state or national group or
3 association organized and operated for the promotion of swimming or for the safety of pools or
4 the advancement of the efficiency of pool system administration.
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7 **67.10.070 Manager designated ~~appointment~~.**

8 The chief executive officer of the aquatics facilities shall be the Parks and Recreation
9 Department Director ~~Aquatic Facilities Director~~, appointed by the Aquatics Board only upon
10 the affirmative vote of a majority of the entire board. For purposes of Chapter 44.05, the
11 ~~Aquatic Facilities Director~~ shall have the status of a department head. Personnel actions
12 regarding the ~~Aquatic Facilities Director~~, including hiring, evaluation, discipline, and
13 termination, shall be after consultation with the City and Borough Manager.
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16 **67.10.080 ~~Aquatic Facilities Director~~; duties and responsibilities.**

17 The ~~Aquatic Facilities~~ director is responsible for the overall supervision of the municipally-
18 owned aquatics facilities under the Aquatics Board's management. The ~~Aquatic Facilities~~
19 director's authority and duties shall include the following:

- 20 (1) To be responsible for carrying out all applicable laws, ordinances and regulations.
21 (2) To be responsible for carrying out policies established by the Aquatics Board not in
22 conflict with policies established or adopted by the Assembly or Manager.
23 (3) To prepare an annual budget as required by City and Borough ordinance.
24 (4) ~~To attend all meetings of the Aquatics Board and its standing committees except as~~
25 ~~otherwise directed by the board.~~

1 ~~(5) To perform other duties as assigned by the board or as otherwise may be in the best~~
2 ~~interest of the aquatic facilities.~~

3 ~~(6) To perform any other duty that may be necessary in the best interest of the~~
4 ~~aquatics facilities.~~

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7 **67.10.090 Schedule of fees and charges.**

8 (a) A schedule of fees and charges for use of the aquatic facilities shall be approved by the
9 Aquatics Board annually or more often as the need may arise. All such board approvals shall be
10 forwarded immediately to the City and Borough municipal clerk who shall transmit them to
11 the Assembly.

12 (b) All charges approved by the Aquatics Board shall become effective upon board approval
13 unless the board of directors sets a later effective date. The Assembly, by motion or resolution,
14 may change any fee or charge approved by the Aquatics Board.
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17 **67.10.100 Preparation and submission of budget.**

18 The Aquatic Facilities director shall prepare the budget in accordance with approved City and
19 Borough procedure and shall submit it to the Aquatics Board for approval. The operating
20 portion of the budget submitted by the Aquatics Board shall, to the extent practical given
21 safety concerns and maximizing operating hours of the pools, minimize its general fund
22 subsidy. The Aquatics Board shall make its recommendations and submit the budget to the
23 City and Borough Manager for transmittal to the Assembly in the same manner as general
24 government departments.
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1 **67.10.110 Other fiscal matters.**

2 All other fiscal matters including custody of and expenditure of funds, accounting and collection
3 shall be governed by general City and Borough ordinance.
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6 **Section 3. Termination Date.** This chapter shall be automatically repealed on
7 May 28, 2018.
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9 **Section 4. Effective Date.** This ordinance shall be effective 30 days after its
10 adoption.
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12 Adopted this _____ day of _____, 2015.
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14 _____
Merrill Sanford, Mayor

15 Attest:
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18 Laurie J. Sica, Municipal Clerk
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