

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.01 General Provisions
- 1.02 City Information
- 1.03 Ordinances, Resolutions, Regulations
- 1.04 Public Records

CHAPTER 1.01

GENERAL PROVISIONS

Sections

1.01.010.	Code cite and designation.
1.01.020.	Definitions.
1.01.030.	Grammatical interpretation.
1.01.040.	Effect of repeal of ordinances.
1.01.050.	Severability of ordinances and part of code.
1.01.060.	General penalty.
1.01.070.	Laws of Alaska; violations.
1.01.080.	Amendments to code, effect of new ordinances.
1.01.090.	Distribution.
1.01.100.	Supplements or revisions to the code.
1.01.110.	Ordinances included in the code.
1.01.120.	Time ordinances take effect.
1.01.130.	Corrections.
1.01.140.	Fining authority.

1.01.010. Code cite and designation.

The ordinances in the following chapters and sections shall be called the "Code of Ordinances, City of Ekwok, Alaska".

1.01.020. Definition.

The following definitions apply to this code and all city ordinances unless the plain meaning requires otherwise:

CITY:	The City of Ekwok, Alaska, or the area within the territorial limits of the City of Ekwok, Alaska.
CLERK:	The City Clerk.
CODE:	The Code of Ordinances, City of Ekwok, Alaska, the Ekwok City Code.
COUNCIL:	The City Council of Ekwok.
PERSONS:	A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person.
PUBLISH:	To post a notice within the City in three locations open to the public, one of which shall be the city offices, for a period of not less than five days.
STATE:	The State of Alaska.
VOTER:	A United States citizen, who is qualified to vote in State elections, has been a resident of the City of Ekwok for 30 days immediately preceding the election, is

registered to vote in State elections, and is not disqualified under Article V of the constitution of the State of Alaska.

1.01.030. Grammatical interpretation.

The following grammatical rules shall apply in the Ekwok City Code and the ordinances of the city:

- A. Gender. Any gender includes the other genders.
- B. Singular and plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. All words and phrases shall be construed and understood according to the context and the commonly approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. "May" is permissive.
- F. "Must" and "Shall", each is mandatory.

1.01.040. Effect of repeal of ordinances.

Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract, or event already affected by them.

1.01.050. Severability of ordinances and parts of code.

Any ordinance enacted before or after the adoption of this code which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected by them."

1.01.060. General penalty.

Every act prohibited by ordinance of this city is unlawful. Unless other penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code, shall be punished by a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority. Council may, at its discretion, require community service at the equivalent rate of \$5 per hour. A "violation" is a

noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

- (A) To a trial by jury, or
- (B) To have a public defender or other counsel appointed at public expense to represent the person;

The penalty provided by this section shall unless any other penalty is expressly provided apply to the amendment of any section of this code, whether or not such penalty is reenacted in the amendment ordinance.

1.01.070. Laws of Alaska; violations.

No person shall violate any law of the State of Alaska, nor any rule or regulation adopted by any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the Code of Ordinances of the City of Ekwok, Alaska, except where the state has exclusive jurisdiction over the offense.

1.01.080. Amendments to code; effect of new ordinances.

All ordinances passed after the adoption of this code which amends, repeal, or in any way affect this code shall be numbered according to the numbering system of this code. Repealed chapters, sections and subsections or any part thereof shall be excluded from the code.

Amendments to this code shall be made by specific reference to the section number of this code in substantially the following language: "Chapter _____ Section _____ of the Code of Ordinances of the City of Ekwok, Alaska, is hereby amended to read as follows:"

If a new chapter or section is to be added to this code, substantially the following language shall be used: "The Code of Ordinances of the City of Ekwok, Alaska, is hereby amended by addition of the following chapter(s) or section(s):"

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by reference, as the case may be.

1.01.090. Distribution.

This code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this code may be charged to anyone requesting copies provided that copies of ordinances that provide for penalties shall be made

available for distribution to the public at no more than cost. Copies of this code shall be furnished to the courts and law enforcement personnel as needed upon their request.

1.01.100. Supplements or revisions to the code.

Amendments and supplements to this code shall be typed or printed and included within this code within sixty (60) days after adoption by the council.

The Ekwok City Code shall be supplemented at regular intervals or if the council deems supplementation of the code is unnecessary. The code shall be revised and printed every five years.

1.01.110. Ordinances included in the code.

The council shall cause each ordinance and resolution to be printed as promptly as possible following its adoption in the following manner:

- A. Ordinances enacted by the city council and permanent in nature shall be inserted in the Ekwok City Code when properly prepared and authenticated by the clerk.
- B. Emergency, bond, temporary and appropriation ordinances and resolutions shall be retained in the form enacted.
- C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses shall be omitted from the code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

1.01.120. Ordinances take effect.

An ordinance which has been approved by the council shall be effective 24 hours after passage, unless otherwise stated in the ordinance.

1.01.130. Corrections.

When in this code or any amendments or additions thereto there are any errors the correction of which does not change the meaning of any sections of this code, the council may authorize the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure. The following corrections are authorized:

- A. Manifest errors which are clerical, of typographical in nature, or errors in spelling, or errors by way of addition or omission;
- B. Changes in capitalization for the purpose of uniformity;
- C. Correction of manifest errors in references to laws;

- D. Correction to mistakes in grammar;
- E. Correction of citations or references to laws, statues and ordinances whose designations have changed because of renumbering or revision of the Alaska Statues, federal law, or this code.

1.01.140. Fining authority.

The fining authority for violation of the code is the City Council of Ekwok members and must be approved with a majority vote, if no 4-vote quorum is available. A public hearing will be set up if anyone is in violation.

CHAPTER 1.02

CITY INFORMATION

Sections

- 1.02.010. Name of city and form of government.
- 1.02.020. City limits and history.

1.02.010. Name of city and form of government.

The City of Ekwok shall continue as a municipal corporation and political subdivision of the State of Alaska under the name: "City of Ekwok, Alaska".

The government of the city shall be that commonly known and designated as the council-mayor form of government.

1.02.020. City limits and history.

The boundaries of the city are:

Beginning at the SE corner of the NE $\frac{1}{4}$ of unsurveyed T10S, R49W, Seward Meridian, Alaska; thence North to the NE corner of the SE $\frac{1}{4}$ of unsurveyed T9S, R49W; then West to the NW corner of the SE $\frac{1}{4}$ of unsurveyed T9S, R49W; then South to the SW corner of the NE $\frac{1}{4}$ of unsurveyed T10S, R49W; thence East to the point of beginning, containing eighteen square miles more or less.

The boundaries of the city as described above were the effective city limits as of incorporation of the City of Ekwok as a second class city on the 22th day of January, 1974.

CHAPTER 1.03

ORDINANCES, RESOLUTIONS, REGULATIONS

Sections

1.03.010.	Acts of the council.
1.03.020.	Acts required to be by ordinance.
1.03.030.	Ordinance procedure.
1.03.040.	Ordinance form and content.
1.03.050.	Amendments to code; effect of new ordinances; amendatory language.
1.03.060.	Supplements or revisions to the code.
1.03.070.	Emergency ordinances.
1.03.080.	Ordinances confined to single subject.
1.03.090.	Requirements for passage.
1.03.100.	Signature.
1.03.110.	Ordinance file.
1.03.120.	Repeal shall not revise any ordinance.
1.03.130.	Formal acts by resolution.
1.03.140.	Procedures for resolutions.
1.03.150.	Requirements for passage of resolutions.
1.03.160.	Rules and regulations.
1.03.170.	Codes of regulations

1.03.010. Acts of the council.

The council shall act only by ordinance, resolution or motion. Law of a general, uniform, and permanent nature shall be reduced to ordinance. When the council expresses opinions, principles, facts, or propositions, it shall be in the form of a resolution.

1.03.020. Acts required to be by ordinance.

In addition to other actions which the Alaska Statutes require to be by ordinance, the council shall use ordinances to:

- A. Establish, alter, or abolish city departments;
- B. Amend or repeal an existing ordinance;
- C. Fix the compensation of members of the council;
- D. Provide for the sale of city property;
- E. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- F. Provide for the levying of taxes;
- G. Make appropriations, including supplemental appropriations or transfer of appropriations:

- H. Grant, renew, or extend a franchise;
- I. Adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
- J. Approve the transfer of a power to a first or second class borough;
- K. Provide for the retention or sale of tax-foreclosed property;
- L. Regulates the rate charged by a public utility;
- M. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in state law.

1.03.030. Ordinance procedure.

A proposed ordinance is introduced in writing by the mayor or other council member, or by a committee of council members, at any lawful council meeting.

After the ordinance is introduced, the council shall vote on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, the draft ordinance shall be assigned a reference number by the mayor and the council shall publish a summary of the proposed ordinance and notice setting out the time and place for the public hearing on the proposed ordinance. The public hearing on the proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.

At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in fun. During the public hearing the council shall hear all interested persons wishing to be heard. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall type or print and make available copies of the adopted ordinance.

If a proposed ordinance is amended by the council after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly-introduced proposed ordinance.

1.03.040. Ordinance form and content.

All ordinances enacted by the council shall be in substantially the following form:

- A. The heading: "City of Ekwok, Alaska";
- B. The "Ordinance Number";
- C. The title, which summarizes the ordinance's provisions and includes any penalties imposed;

- D. The enacting clause which shall read: "BE IT ENACTED BY THE COUNCIL OF THE CITY OF EKWOK, ALASKA:"
- E. The provisions of the ordinance;
- F. The dates of introduction, first reading, and public hearing;
- G. The date of adoption;
- H. Space for the signature of the mayor; and
- I. Space for the clerk's signature attesting to the signature of the mayor

The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by council members.

1.03.050. Amendments to code; effect of new ordinances; amendatory language.

All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, shall be numbered according to the numbering system of this code and be printed for inclusion herein. In the case of chapters, sections and subsections or any part thereof repealed by subsequent ordinances, such repealed portions shall be excluded from the code by omission from reprinted pages affected thereby.

Amendments to any of the provisions of this code shall be made by specific reference to the section number of this Code in substantially the following language:

"Chapter _____, Section _____ of the Code of Ordinances of the City of Ekwok, Alaska is here by amended to read as follows:"

The new chapter or section shall then be set out in full with language to be deleted placed in brackets, and language to be added underlined. After passage of the amending ordinance, the new chapter or section will be written to reflect the changes, and inserted into the code in its proper place.

If a new chapter or section not heretofore existing in the code is to be added the following language shall be used:

"The Code of Ordinances of the City of Ekwok, Alaska is hereby amended by addition of a chapter or section, to be numbered, which chapter or section reads as follows:"

The new chapter or section shall then be set out in full as desired.

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

A file of all repealed, amended or failed ordinances will be kept, as well as a file of the repealing or amending ordinances.

1.03.060. Supplements or revisions to the code.

The Ekwok City Code shall be supplemented at regular intervals or if the council deems that supplementation of the code is unnecessary; the code shall be revised and printed every five years.

1.03.070. Emergency ordinances.

To meet public emergencies the council may adopt emergency ordinances effective on adoption. Each emergency ordinance shall contain a finding by the council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The council must type or print and make available copies of adopted emergency ordinances. An emergency ordinance may not be used to levy taxes; to grant, renew, or extend a franchise, or to regulate the rate charged by a public utility for its services. An emergency ordinance is effective for 60 days.

1.03.080. Ordinances confined to single subject.

Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title.

1.03.090. Requirements for passage.

Four affirmative votes are required for the passage of an ordinance. The final vote on an ordinance is a recorded roll call vote.

If the ordinance is submitted at a city election when state law requires, then after the election favoring the ordinance has been certified by the council, the ordinance may be adopted.

1.03.100. Signature.

Each ordinance shall be signed by the mayor upon its adoption and attested by the clerk.

1.03.110. Ordinance file.

The clerk shall keep separate permanent files for ordinances that are available for public inspection. These files shall contain all introduced, passed, failed and repealed ordinances.

1.03.120. Repeal shall not revive any ordinance.

The repeal of ordinances shall not repeal the enacting clause of such ordinance or revive any ordinance which has been repealed.

1.03.130. Formal acts by resolution.

Formal acts by the council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

- A. The heading "City of Ekwok, Alaska";
- B. Space for a number to be assigned "Resolution No.";
- C. A short and concise title descriptive of the resolution's subject and purpose;
- D. Short premises or WHEREAS clauses descriptive of the reasons for the resolution, if necessary;
- E. The resolving clause "BE IT RESOLVED:"
- F. The date of adoption;
- G. Space for the signature of the mayor;
- H. Space for the clerk's signature attesting to the signature of the mayor.

All resolutions adopted by the council whether at the request of a third party or on the motion of the council shall conform to the requirements set forth in this section. Resolutions shall not be included in the code, but shall be kept in a separate permanent file by the clerk and shall be available for public inspection.

The form appearing at the end of this chapter illustrates the form set out and is suggested for use by council members.

1.03.140. Procedures for resolutions.

Every resolution shall be introduced in writing and shall be read aloud before any vote for passage is taken.

On any vote to pass a resolution, all interested persons shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments.

After adoption, every resolution shall be posted in full on the city bulletin board and in such other places as the council may direct. Every resolution, unless it shall specify a later date, shall become effective upon adoption. If the resolution is submitted at a city election when state law requires, then after the election favoring the resolution has been certified by the council, the resolution may be adopted.

1.03.150. Requirements for passage of resolutions.

Four affirmative votes are required for the passage of a resolution. The final vote on each resolution is a recorded roll call vote.

1.03.160. Rules and regulations.

Any rule or regulation made by an administrative officer or board or commission shall be posted for ten (10) days in three public places following its approval by the council.

1.03.170. Codes of regulations.

The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption of an ordinance under this section at least five copies of the code of regulations shall be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

CITY OF EKWOK, ALASKA

ORDINANCE NO _____

AN ORDINANCE ...

BE IT ENACTED BY COUNCIL OF THE CITY OF EKWOK, ALASKA:

Sections:

- 1.
- 2.
- 3.

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

**PASSED and APPROVED by the EKWOK CITY COUNCIL this ____ day of _____,
20_____.**

Mayor:

ATTEST:

City Clerk:

CITY OF EKWOK, ALASKA

RESOLUTION NO _____

A RESOLUTION ...

WHEREAS,

WHEREAS,

AND WHEREAS,

BE IT RESOLVED:

**PASSED and APPROVED by the EKWOK CITY COUNCIL this _____ day of _____,
20_____.**

Mayor:

ATTEST:

City Clerk:

CHAPTER 1.04

PUBLIC RECORDS

Sections

- 1.04.010. Definitions.
- 1.04.020. Ownership and custody of records.
- 1.04.030. Duties of city clerk.
- 1.04.040. Public records; inspection and copying.
- 1.04.050. Confidential records.
- 1.04.060. Retention and disposal.

1.04.010. Definitions.

As used in this chapter, “record” means any document, record, paper, letter, file, book, account, photograph, microfilm, microfiche, map, drawing, chart, card, magnetic media or computer print-out, or other document of any material, regardless of physical form or characteristic, created or acquired under law or in connection with the transaction of official business and preserved or appropriate for preservation by the city, as evidence of organization, function, policies, decisions, procedures, operations, or other activities of the city or because of the information value in them. “Record” does not include extra copies of documents made or preserved solely for convenience of reference, or for public distribution.

1.04.020. Ownership and custody of records.

The clerk shall be responsible for the administration and maintenance of the public records.

All records shall be and remain city property. Records shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law. City records, or copies of city records which have been certified by the clerk, shall be prima facie evidence of their contents.

1.04.030. Duties of city clerk.

The clerk shall be responsible for the administration and maintenance of the public records. The clerk shall:

- A. Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees. Those which have been placed in storage or destroyed, and those which are confidential;

- B. Establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving and refiling records which are temporarily removed from the permanent files for use by the clerk, other city officials or employees, or members of the public;
- C. Develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the State of Alaska as provided by AS 40.21.090, and for the destruction of records pursuant to 1.04.060, while protecting the confidentiality of those records which are not open to public inspection pursuant to 1.04.050;
- D. Establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to 1.04.050, and
- E. Secures and maintains at least one copy of the Alaska Statutes and makes them available for public inspection.

1.04.040. Public records; inspection and copying.

- A. Except as provided in 1.04.050, city records are public records.
- B. Public records are open to inspection by the public during the clerk's regular office hours, subject to reasonable rules relating to time, place, and manner of inspection, to be established by the clerk. The clerk shall give on request and payment of costs a copy or certified copy of portions of the public record.

1.04.050. Confidential records.

- A. Except as otherwise provided by law, confidential records shall not be made available to the public or to any city officer, official or employee whose duties do not require access to the record in question.
- B. The following city records are confidential:
 1. Records of vital statistics and adoption proceedings, which shall be treated in the manner required by the Vital Statistics Act;
 2. Records pertaining to juveniles;
 3. Medical and related public health records;
 4. Personnel records, except as provided in code;
 5. Other records required by federal or state law or regulation or by ordinance to be kept confidential.

1.04.060. Retention and disposal.

- A. All city records shall be retained until the council, in writing, authorizes their disposal.
- B. The clerk shall propose and the council shall by resolution or ordinance approve a records retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative or historical value and may be destroyed by the clerk. The clerk may dispose of routine records pursuant to the retention schedule.
- C. The clerk shall periodically review the city records, including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative or historical value. When the clerk identifies such records, he or she may propose to the council that such records be destroyed. The clerk's proposal to the council shall include lists of these records sufficiently detailed to identify the records and to permit the council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the council finds that certain records so identified by the clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such authorization, the clerk may dispose of the specified records in the manner approved by the council.
- D. The clerk shall file a descriptive list of the records disposed of and record of the disposal itself. The clerk shall provide copies of these documents to the council.

TITLE 2

ADMINISTRATION

Chapters

- 2.01 City Council
- 2.02 Mayor
- 2.03 Council Meetings
- 2.04 Council Procedures
- 2.05 City Clerk
- 2.06 (Reserved)
- 2.07 City Attorney
- 2.08 City Treasurer
- 2.09 (Reserved)

CHAPTER 2.01

CITY COUNCIL

Sections

2.01.010.	City council; composition.
2.01.020.	Qualification of council members.
2.01.030.	Election of council members; terms.
2.01.040.	Oath of office.
2.01.050.	Compensation of council members.
2.01.060.	Conflicts of interest.
2.01.070.	Vacancies.
2.01.080.	Recall.
2.01.090.	Filling a vacancy.

2.01.010. City council; composition.

The council shall consist of seven members elected by the voters at-large.

2.01.020. Qualifications of council members.

Council members shall be qualified city voters. Candidates for council shall have resided in the city for three years preceding the date of election.

Council seats are designated and terms expire as follows:

Seat A -	3 year term
Seat B -	3 year term
Seat C -	2 year term
Seat D -	2 year term
Seat E -	1 year term
Seat F -	1 year term
Seat G -	1 year term

A council member who ceases to be a voter in the city immediately forfeits office.

2.01.030. Election of council members; terms.

An election shall be held annually on the first Tuesday in October to choose council members for staggered three-year terms and until successors are elected and have qualified, and to decide such other questions or propositions as may require a vote of the people and are placed upon the ballot. Council members' terms of office begin on the first Monday following certification of election.

2.01.040. Oath of office.

All officers whether elected or appointed before entering upon the duties of office shall affirm in writing the following oath or affirmation:

"I, _____, do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the City of Ekwok, Alaska, and that I will honestly, faithfully and impartially discharge my duties as _____ to the best of my ability."

The oath is filed with the clerk.

2.01.050. Compensation of council members.

Council members shall receive a two hundred twenty-five dollar (\$225.00) stipend per meeting. In order to receive a stipend, council members must be present from roll call to adjournment, unless prior arrangements have been made.

If the situation arises that a council member needs to be excused momentarily for a valid reason, permission to be excused must be requested of and approved by the chairman of the meeting.

Per Diem payments or reimbursement for expenses are not compensation under this section.

2.01.060. Conflicts of interest.

If a council member has a substantial financial interest in an official action, the council member shall declare that interest and ask to be excused from a vote on the matter.

2.01.070. Vacancies.

An elected city office is vacated under the following conditions. The council shall declare an elective office, other than the office of mayor, vacant when the person elected:

- A. Fails to qualify or take office within thirty (30) days after his election or appointment;
- B. Is physically absent from the city for ninety consecutive days unless excused by the council;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the council;
- E. Is convicted of a felony or an offense involving a violation of the oath of office;

- F. Is convicted of a felony or misdemeanor described in Election Offenses, Corrupt Practices, and Penalties in state law, and two-thirds of the members of the council concur in expelling the person elected;
- G. Is convicted of a violation of State Election Campaigns in state law;
- H. No longer physically reside in the city and the council by two-thirds vote declares the seat vacant; or
- I. If a member of the council misses three consecutive regular meetings and is not excused.

2.01.080. Recall.

- A. An official who is elected or appointed to an elective city office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- B. Grounds for recall are misconduct in office, incompetence or failure to perform prescribed duties.
- C. Procedures to be followed for a recall petition and election are those set out in Title 29.
- D. If a council member is recalled, the office is filled in accordance with this chapter. If all members of the council are recalled, the governor shall appoint three qualified persons to the council. The appointees shall appoint additional members to fill remaining vacancies. A person appointed to the council serves until a successor is elected and takes office.
- E. If an official other than a member of the council is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held no more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

2.01.090. Filling a vacancy

If a vacancy occurs in the council, the remaining members shall, within 30 days, appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled. Notwithstanding the less than 30 days remaining in a term provision, if the membership of the council is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven days, appoint a number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

CHAPTER 2.02

MAYOR

Sections

2.02.010.	Election term of mayor.
2.02.020.	Duties of mayor.
2.02.030.	Vice mayor; presiding officer pro tem.
2.02.040.	Compensation of mayor.
2.02.050.	Oath of office.
2.02.060.	Vacancy in the office of mayor.
2.02.070.	Mayor is ex-officio officer.

2.02.010. Election and term of mayor.

The mayor is elected by and from the council and serves until a successor is elected and has qualified. The council shall meet on the first Monday after certification of the regular election and elect a mayor who takes office immediately. The mayor serves a one-year term and may serve as mayor while a member of the council.

2.02.020. Duties of mayor.

The executive power in the city is vested in the mayor. The mayor acts as ceremonial head of the city and executes official documents on authorization of the council. The mayor presides at council meetings and as a council member shall vote on all matters. The mayor does not have the power of veto. The mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates in conformance with the city's personnel policies and procedures. As chief administrator the mayor shall:

- A. Appoint, suspend or remove city employees and administrative officials as provided in the city's personnel policies and procedures.
- B. Supervises the enforcement of city law and carries out the directives of the council.
- C. Prepares and submits an annual budget and capital improvement program for the council and execute the budget and capital improvement program adopted.
- D. Makes monthly reports and other reports on city finances and operations required by council.
- E. Exercise custody over all real and personal property of the city.
- F. Serves as personnel officer, unless the council authorizes the mayor to appoint a personnel officer.
- G. Performs such other duties, as required by law or ordinance or lawfully prescribed by the council.

2.02.030. Vice-mayor; presiding officer pro tem.

A vice mayor is elected by and from the council for a term of one year and until a successor is elected and has qualified. The vice mayor shall be elected and take office immediately at the council meeting held on the first Monday after certification of the regular election.

2.02.040. Compensation of mayor.

The mayor of the city shall receive a compensation of five hundred dollars (\$500.00) a month for the following duties:

1. Personnel officer and supervisor.
2. Supervise enforcement of city law.
3. Direct budget reports and capital improvements.
4. Exercise custody over real and personal properties of the city.
5. Perform other duties required by law.

2.02.050. Oath of office.

The mayor before entering the duties of office shall affirm in writing an oath of office as provided for council members in 2.01.040 of this code.

The oath is filed with the clerk.

2.02.060. Vacancy in the office of mayor.

- A. The Council shall, by two-thirds concurring vote, declare the office of mayor vacant only when the person elected:
 1. Fails to qualify or take office within 30 days after election or appointment;
 2. Unless excused by the council, is physically absent from the city for 90 consecutive days;
 3. Resigns and the resignation is accepted;
 4. Is physically or mentally unable to perform the duties of office;
 5. Is convicted of a felony or of an offence involving a violation of the oath of office;
 6. Is convicted of a felony or misdemeanor described in State Election Campaigns in state law;
 7. No longer physically resides in the city; or
 8. Misses three consecutive regular council meetings and is not excused.

B. A vacancy in the office of mayor shall be filled by and from the council. A mayor appointed under this subsection serves the balance of the term to which appointed, except the mayor may serve only while a member of the council.

C. Recall provisions of this code apply to the office of mayor.

2.02.070. Mayor is ex-officio officer.

The mayor is an ex-officio member of every committee or department organized or functioning under this code.

CHAPTER 2.03

COUNCIL MEETINGS

Sections

- 2.03.010. Meetings public.
- 2.03.020. Quorum.
- 2.03.030. Regular council meetings.
- 2.03.040. Special meetings, including emergency meetings.
- 2.03.050. Notice of meetings.
- 2.03.060. Executive session.

2.03.010. Meetings public.

Meetings of all city bodies shall be public. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

2.03.020. Quorum.

Four council members constitute a quorum. A member disqualified by law from voting a question may be considered present for purposes of constituting a quorum. In the absence of a quorum, any number of members may recess or adjourn the meeting to a later date.

2.03.030. Regular council meetings.

All regular meetings of the council shall be held on the second Tuesday of each month.

The usual place of council meetings shall be at the Ekwok City Hall. In the event of any condition which renders the meeting place unfit to conduct any regular meeting of the council, the meeting may be moved.

2.03.040. Special meetings, including emergency meetings.

Special meetings of the council are those meetings which are called by the presiding officer or one-third of the members of the council for a time different than that fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.

At least 24 hours oral or written notice must be given to a majority of council members and reasonable efforts made to notify all members. In an emergency a special meeting may be conducted with less than 24 hours' notice if all council members are present or if absent members

have waived the required notice. Waiver notice can be made before or after the meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

2.03.050. Notice of meetings.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of meeting is posted not less than seventy-two (72) hours before the time of the meeting in at least three public places. Notwithstanding the preceding as much notice as is practicable shall be given. In the case of a special meeting where 24 hours' or less notice is given to council members, public notice shall be posted at the same time as notice is given council members.

2.03.060. Executive session.

All meetings of the council are public meetings. However in cases where excepted subjects are to be discussed at a council meeting the council may consider holding an executive session. The meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are excepted subjects shall be determined by a majority vote of the council. This vote shall be a recorded roll call vote. If the vote to hold an executive session is affirmative, the public will be asked to leave the meeting hall until the executive session is concluded or the council shall withdraw to a private area of the hall to hold the executive session. The public shall be given notice of the excepted subject to be discussed, the amount of time the council expects to spend in executive session and the expected time of reconvening of the public meeting. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. Upon conclusion of the executive session, the public meeting will be reconvened. During the public meeting action may be taken on the excepted subjects discussed at the executive session. Excepted subjects that may be discussed at an executive session are:

- A. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- B. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and
- C. Matters of which by law, municipal charter, or ordinance are required to be confidential;
- D. Matters involving consideration of government records that by law are not subject to public disclosure.

CHAPTER 2.04

COUNCIL PROCEDURES

Sections

2.04.010.	Mayor; the presiding officer at council meetings.
2.04.020.	Meetings; order of business.
2.04.030.	Minutes.
2.04.040.	Council rules; speaking; rules of conduct.
2.04.050.	Motions; second required.
2.04.060.	Motions; disposition; withdrawal.
2.04.070.	Motions; reduction to writing.
2.04.080.	Motions; rescinding vote.
2.04.090.	Voting quorum.
2.04.100.	Duties of the clerk at council meetings.

2.04.010. Mayor; the presiding officer at council meetings.

The mayor shall preside at all meetings of the council, and shall preserve order among the council members. The mayor is responsible for conduct of all meetings according to the rules of the council. The mayor may at any time make such rules as he or she considers proper to preserve order among the attending public in the city council room during sessions of the council. The vice mayor shall preside in the absence of the mayor.

In the temporary absence or disability of the mayor and vice mayor, any member of the city council may call the council to order at any duly called meeting to elect a presiding officer pro tern from among its number. The presiding officer pro tern shall exercise all the powers of mayor and may also vote.

2.04.020. Meetings; order of business.

At every regular meeting of the City Council the order of business shall be as follows:

1. Call to order.
2. Roll call.
3. Approval of Agenda.
4. Minutes of previous meetings.
5. Reports.
6. Communications and appearance requests.
7. Hearings, ordinances and resolutions.
8. Bids.
9. Old business.

10. New business.
11. Public participation.
12. Council comments.
13. Adjournment.

2.04.030. Minutes.

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the journal of the proceedings of the council. The minutes are public records and are to be made available to anyone upon request. The cost of copying may be charged. Minutes shall be posted as soon as typewritten, at a public place.

2.04.040. Council rules; speaking; rules of conduct.

A council member about to speak shall respectfully address the mayor or the presiding officer, and shall not commence to speak until recognized by the mayor or presiding officer. When two or more members request to speak at the same time, the mayor or presiding officer shall determine which one is recognized.

Every council member while speaking shall confine himself or herself to the subject under debate, and shall not refer to any other member of the council except in a respectful manner.

2.04.050. Motions; second required.

All motions shall require a second, unless otherwise provided by special rule.

2.04.060. Motions; disposition; withdrawal.

After a motion is seconded and stated or read by the mayor or presiding officer, it shall be considered to be in the possession of the council and shall be disposed of by vote; however, the council member making the motion may withdraw it at any time before the vote, if the second agrees.

2.04.070. Motions; reduction to writing.

Any motion must be put in writing if the mayor or presiding officer requires or if any council member demands.

2.04.080. Motions; rescinding vote.

Any matter voted on and passed may be changed or rescinded by vote of the majority of the council.

2.04.090. Voting; quorum.

Four (4) council members constitute a quorum. Four (4) affirmative votes are required for passage of an ordinance, resolution, or motion.

All council members present shall vote on every question, unless required to abstain from final voting on a question by law. The final vote on each ordinance resolution or substantive motion shall be recorded "yes" or "no." If the vote is unanimous, it may be recorded as such. The mayor or presiding officer shall declare the result of all votes.

2.04.100. Duties of the clerk at council meetings.

The clerk shall give notice of city council meetings, shall attend all meetings of the council and keep the journal of its proceedings. The clerk shall authenticate by signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the clerk the council may appoint a temporary clerk, with all the powers, duties and obligations of the city clerk.

CHAPTER 2.05

CITY CLERK

Sections

2.05.010.	Appointment; term.
2.05.020.	City clerk duties.
2.05.030.	Duties of the clerk.
2.05.040.	Public Records; inspection and copying.
2.05.050.	Confidential records.
2.05.060.	Retention and disposal.
2.05.070.	City clerk pay.
2.05.080.	Acting clerk.

2.05.010. Appointment; term.

The city clerk shall be appointed by the council. He or she shall hold office at the pleasure of the council.

2.05.020. City clerk duties.

The city clerk shall:

- A. Gives notice of the time and place of council meetings to the council and to the public;
- B. Attends council meetings and keeps the journal;
- C. Arranges publication of notices, ordinances and resolutions;
- D. Maintains and makes available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes;
- E. Attest deeds and other documents; and
- F. Performs other duties specified in the Alaska Statutes or prescribed in this code or by the mayor or by the council.

The council may combine the office of clerk with that of the treasurer.

2.05.030. Duties of the clerk.

The Clerk shall be responsible for the administration and maintenance of the public records. The Clerk shall:

- A. Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;

- B. Establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and refiling records which are temporarily removed from the permanent files for use by the Clerk, other city officials or employees, or members of the public:
- C. Develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska Department of Community and Regional Affairs as provided by A.S. 40.21.090, and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records which are not open to public inspection pursuant to Section 5;
- D. Establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to 2.05.050, and
- E. Secure and maintain at least one copy of the Alaska Statutes and make them available for public inspection.

2.05.040. Public records; inspection and copying.

- A. Except as provided in 2.05.050, city records are public records.
- B. Public records are open to inspection by the public during the Clerk's regular office hours, subject to reasonable rules relating to time, place, and manner of inspection, to be established by the Clerk. The Clerk shall give on request and payment of costs or certified copy of portions of the public record.

2.05.050. Confidential records.

- A. Except as otherwise provided by law, confidential records shall not be made available to the public or to any city officer, official or employee whose duties do not require access to the record in question.
- B. The following city records are confidential:
 - 1. Records of vital statistics and adoption proceedings, which shall be treated in the manner required by state law;
 - 2. Records pertaining to juveniles;
 - 3. Medical and related public health records;
 - 4. Personnel records, except as provided in code.
 - 5. Other records required by federal or state law or regulation or by ordinance to be kept confidential

2.05.060. Retention and disposal.

- A. All city records shall be retained until the council, in writing, authorizes their disposal.
- B. The clerk shall propose and the council shall by resolution or ordinance approve records

retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative or historical value and may be destroyed by the clerk. The clerk may dispose of routine records pursuant to the retention schedule.

- C. The clerk shall periodically review the city records, including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative or historical value. When the clerk identifies such records, he or she may propose to the council that such records be destroyed. The clerk's proposal to the council shall include lists of these records sufficiently detailed to identify the records and permit the council to determine whether the records retain any legal, administrative, or historical value and shall also

2.05.070. City clerk pay.

The city clerk shall receive no less than twelve dollars (\$12.00) an hour.

2.05.080. Acting clerk.

The city administrator shall fill in for the clerk when he/she is not available, he/she shall have all the powers of the city clerk.

CHAPTER 2.06

(RESERVED)

CHAPTER 2.07

CITY ATTORNEY

Sections

- | | |
|-----------|-----------------------|
| 2.07.010. | Appointment; term. |
| 2.07.020. | City attorney duties. |
| 2.07.030. | City attorney pay. |

2.07.010. Appointment; term.

There may be a city attorney who serves at the pleasure of the city council. The city attorney shall be appointed by the mayor and confirmed by the council through resolution. He or she shall hold the office at the pleasure of the council.

2.07.020. City attorney duties.

The city attorney may:

1. Be charged with the performance of all legal services of the city, including those of legal advisor to the council, mayor, and to all departments and offices of the city;
2. Represent the city in all matters, civil and criminal, in which the city is interested;
3. Draft any ordinance when required by the council or mayor;
4. Attend meetings of the council; when requested by the council;
5. Report to the council promptly all suits brought against the city;
6. Call to the attention of the council and mayor all matters of law affecting the city;
7. Render all opinions in writing, as far as is practicable;
8. Maintain a record of all opinions rendered and turn such record over to his successor in office; and
9. Perform such other duties as the mayor or council may require.

2.07.030. City attorney pay.

The council shall determine the pay of the city attorney.

CHAPTER 2.08

CITY TREASURER

Sections

- 2.08.010. Appointment; term.
- 2.08.020. City treasurer duties.
- 2.08.030. City treasurer pay.

2.08.010. Appointment; term.

There may be a city treasurer who serves at the pleasure of the city council. The treasurer shall be appointed by the mayor and confirmed by the council through resolution. He or she shall hold the office at the pleasure of the council.

2.08.010. City treasurer duties.

The city treasurer shall:

1. Be the custodian of all city funds;
2. Keep an itemized account of money received and disbursed;
3. Give bond to the city in a sum which the council directs, unless said bond is data as the city council;
4. Assist the administrator in preparing the annual budget;
5. Assist the administrator in preparing and submitting such financial reports and other data as may be required; and
6. Ensure procedures are in place to protect city funds and property.

2.08.020. City treasurer pay.

The city treasurer shall receive no less than twelve dollars (\$12.00) an hour.

CHAPTER 2.09

(RESERVED)

TITLE 3

REVENUE AND FINANCE

Chapters:

- 3.01 (Reserved)
- 3.02 (Reserved)
- 3.03 Fiscal Procedure
- 3.04 Budget
- 3.05 Audit
- 3.06 (Reserved)
- 3.07 (Reserved)
- 3.08 (Reserved)

CHAPTER 3.01

(RESERVED)

CHAPTER 3.02

(RESERVED)

CHAPTER 3.03

FISCAL PROCEDURES

Sections

- 3.03.010. Fiscal year.
- 3.03.020. Ordinance required.
- 3.03.030. Treasurer.
- 3.03.040. Checking and savings accounts.
- 3.03.050. Responsibilities of officers.
- 3.03.060. Insufficient funds in bank account.

3.03.010. Fiscal year.

The fiscal year of the city shall begin on the first day of July every year and end on the last day of June in the following calendar year.

3.03.020. Ordinance required.

All monies spent or received by the city during a fiscal year shall be budgeted for by a non-code ordinance.

3.03.030. Treasurer.

The council may combine the office of city clerk with that of treasurer. The treasurer shall be responsible for collection, custody and disbursement of all city money.

3.03.040. Checking and savings account.

- A. All checks drawn on the treasury of the city shall be signed by two elected officials designated by resolution.
- B. City employees shall be authorized to withdraw funds from city accounts as signatories or otherwise.
- C. All checks prior to issuance shall be approved to be within budget allowances as prescribed by ordinance.
- D. Operating cash shall be kept in one financial institution to be designated by resolution.
- E. The clerk and treasurer shall make a monthly review of anticipated incomes, expenditures and budgets and report to the council any cash balances in excess of 60 days of budgeted city operation. Upon directive of the council such balances above 60 days' budgeted operating costs shall be placed in the following types of short term or long term, as appropriate, investments:

1. Savings accounts, certificates of deposit or interest bearing checking accounts at federally chartered savings institutions;
2. Bonds, notes or other obligations.

3.03.050. Responsibilities of officers.

The council, as the representatives of the people entrusted with the receipt and expenditure of public monies, are responsible for reviewing and overseeing city office procedures and ensuring that the public monies are properly received, expended and accounted for.

The mayor shall execute the budget as approved by the council and as chief administrative officer of the city and shall ensure that proper accounting procedures are followed. The city staff and clerk, under the immediate supervision of the mayor and under the direction of the council shall carry out all duties as directed, including day to day administrative supervision of projects and management and supervision of the city office and office staff. The treasurer under supervision of the clerk shall among other duties keep a complete set of records of the financial transactions of the city.

3.03.060. Insufficient funds in bank account.

No city checks may be written at any time when funds are insufficient. Willful violation of this provision and conviction thereof shall result in a fine of not more than three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 3.04

BUDGET

Sections

- 3.04.010. Preparation of budget.
- 3.04.020. Scope of budget.
- 3.04.030. Budget adopted as non-code ordinance.
- 3.04.040. Public bearing on budget.
- 3.04.050. Further consideration of budget.
- 3.04.060. Adoption of budget; vote required.
- 3.04.070. Effective date of budget; certification.
- 3.04.080. Budget public record.
- 3.04.090. Amendment of budget.

3.04.010. Preparation of budget.

The clerk and treasurer shall prepare the budget under direction of the mayor. Budget preparation should begin by April 1.

3.04.020. Scope of budget.

The budget shall be a complete financial plan for all the operations of the city showing beginning cash balances, anticipated revenues from whatever source and itemized proposed expenditures for all city departments. It shall include a comparative statement with the estimated expenditures and revenues of the preceding fiscal year. Proposed expenditures shall not exceed the total of anticipated revenues and beginning cash balances.

3.04.030. Budget adopted as non-code ordinance.

The budget shall be adopted as a non-code ordinance following procedures for ordinance adoption. After the introduction and first reading of the proposed budget ordinance the council shall determine the place and time of the public bearing on the budget and shall post such notice in three places in the city at least five (5) days prior to the hearing. The council shall include in the notice a summary of the budget and capital improvements program and a statement setting out the time and place for a public hearing.

3.04.040. Public hearing on budget.

At the time and place so advertised the council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard for or against the estimates of any item thereof.

3.04.050. Further consideration of budget.

After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget, except items on proposed expenditures fixed by law. The council may not vary the titles, descriptions, or conditions of administration specified in the budget.

3.04.060. Adoption of budget; vote required

The budget shall be adopted by a majority vote of the council, preferably by May 1, but no later than June 15.

3.04.070. Effective date of budget; certification.

Upon adoption of the budget ordinance, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be signed by the mayor and certified by the clerk and filed in the office of the clerk.

3.04.080. Budget public record.

The budget and all supporting schedules shall be open to public inspection. Copies of the budget shall be available for distribution at cost to all interested persons.

3.04.090. Amendment of budget.

The budget shall be amended following the procedures for amending ordinances at such times as circumstances and clarity require. The budget must be amended by ordinance whenever any line item is to be increased by more than one hundred dollars (\$100.00) or the overall budget is to be increased or decreased by more than 10%.

CHAPTER 3.05

AUDIT

Sections

- 3.05.010. Conformity to generally accepted accounting principles.
- 3.05.020. Compliance with audit requirements.
- 3.05.030. Appointment of auditor.

3.05.010. Conformity to generally accepted accounting principles.

City record keeping and accounting practices shall conform to generally accepted accounting principles. To help assure this conformity, the city administrator shall inform the council of training opportunities that may arise and office equipment and supplies required.

3.05.020. Compliance with audit requirements.

The city shall comply with the requirements of the federal and state "Single Audit Acts."

3.05.030. Appointment of auditor.

The council is authorized during regular city council meetings to appoint a certified public accountant for audit or handling of city financial affairs.

CHAPTER 3.06

(RESERVED)

CHAPTER 3.07

(RESERVED)

CHAPTER 3.08

(RESERVED)

TITLE 4

ACQUISITION AND DISPOSAL OF CITY PROPERTY

Chapters:

- 4.01 Real Property Acquisition, Management and Disposal
- 4.02 Eminent Domain, Adverse Possession
- 4.03 Reserved
- 4.04 Reserved
- 4.05 Disposition of City-owned Personal Property
- 4.06 Reserved
- 4.07 Reserved

CHAPTER 4.01

REAL PROPERTY ACQUISITION, MANAGEMENT AND DISPOSAL

Sections

4.01.010.	Rights and powers of city.
4.01.020.	Acquisition of land.
4.01.030.	Economic development sites.
4.01.040.	Temporary use of city lands.
4.01.050.	Casual use of city lands.
4.01.060.	Disposal of real property.
4.01.070.	Methods of disposal.
4.01.080.	Leases.
4.01.090.	Easements.
4.01.100.	Notice of disposal.
4.01.110.	Definitions.

4.01.010. Rights and powers of city.

The city shall have and may exercise all rights and powers in the acquisition, ownership, holding and disposal of real property in any manner not prohibited by law.

4.01.020. Acquisition of land.

- A. The city may acquire, own, and hold real property or any interest in real property inside or outside the city boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the city's power of eminent domain, or any other legal method. Unless otherwise directed by the city council, the mayor has authority to negotiate the terms of acquisitions, subject to council approval. All acquisitions shall be by resolution approved by a majority vote of the total membership of the city council. Real property shall be held in the name of "City of Ekwok".
- B. The council may approve and authorize by resolution the purchase of real property or interest real property by contract of sale, deed of trust, or lease.
- C. Prior to approval of the purchase of property under this section, the mayor shall furnish the city council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition. The validity of any acquisition or purchase of real property by the city is not affected by the failure to furnish the city council with such materials.

4.01.030. Economic development sites.

The city may acquire, own, and hold real property, either inside or outside the city boundaries, as sites available for new industries which will benefit the city.

4.01.040. Temporary use of city lands.

- A. The mayor has the authority to issue special land use permits for the exclusive temporary use of city lands. A special land use permit does not convey an interest in the land and may be revoked for cause with 30 days' notice. Unless otherwise agreed to in writing, the land will be restored to its original condition upon expiration or revocation of the permit. Easements will not be granted under a special land use permit. Public comment shall be sought before the issuing of a special land use permit in those situations where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed action shall be published and a period for public comment shall be provided. When significant adverse comment is received, a public hearing shall be held.
- B. A special land use permit shall not be granted for a term exceeding one year. Special land use permits are not transferable, nor renewable. Upon expiration, a special land use permit may be re-issued for a term not exceeding one year.
- C. If a fee is charged for the issuance of a special land use permit, the fee schedule shall be established by the city council.

4.01.050. Casual use of city land.

- A. No permit or lease is required, for casual uses of city land.
- B. Any use under this section is at the risk of the user. The city assumes no responsibility for such use.
- C. The city shall notify the public of the location of city lands that are not open to casual use.

4.01.060. Disposal of real property.

- A. The city may dispose of real property or an interest in real property which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between introduction and adoption of ordinances for disposals other than by sealed bid or public outcry or lottery shall be 15 days longer than required for other non-code ordinances. This ordinance shall include:
 - 1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such a finding is based;
 - 2. A legal description of the property;
 - 3. Type of interest in property to be disposed of as defined in 4.01.110;
 - 4. The purpose of the disposal
 - 5. The method of disposal as identified in 4.01.070;

6. The value of the property or the value of the interest in property as determined under this Section;
 7. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.
- B. The value of the property or interest in property shall be fair market values determined by an appraisal prepared by a qualified appraiser or assessor or the city council may determine the fair market value by any other means it deems appropriate.

4.01.070. Methods of disposal.

- A. All disposals shall be conducted in a fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.
- B. Competitive disposal. The city may conduct the following types of competitive disposal:
1. Sealed bid auction. The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under 4.01.060.
 2. Public outcry auction. The minimum bid for a public outcry auctions hall be the fair market value of the property or interest in property as determined under 4.01.060.
 3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the city council.
- C. Disposal for public services. The council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a non-profit corporation or association, or a Native Tribal council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this subsection, the non-code ordinance authorizing the disposal must include in addition to the requirements in 4.01.060:
1. A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based;
 2. A requirement that the conveyance of the property or property interest disposed include a condition that the title will revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal; and
 3. In the event that the entity receiving the property of interest in real property is a Native Tribal council, a requirement that the Native Tribal council wave any immunity from suit for the purpose of enforcing the reversion provision.

- D. Disposal for economic development. The city council may dispose of real property or interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property or interest in real property as determined under 4.01.060. If a disposal is made to further economic development the non-code ordinance authorizing the disposal must include in addition to the requirements in 4.01.060:
 - 1. A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry; and
 - 2. A requirement that the conveyance of the property or property interest disposed include a condition that title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal.
- E. Miscellaneous disposals. The city council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.
- F. Disposal to settle claims of equitable interest. Upon a finding by the city council that it is in the public interest, the city may convey real property or an interest in real property for than fair market value to a person who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance.
- G. Disposal for residential purpose. Upon a finding by the city council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public Interest, the city may convey real property or an interest in real property for less than fair market value to domiciled city resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made part of the non-code ordinance that accomplishes the conveyance. When real property or interest in real property is disposed of pursuant to this subsection, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of one (1) year after the disposal, title will revert to the city. In addition, disposal under this subsection shall include a requirement for the construction of a habitable dwelling within three (3) years after the disposal or title will revert to the city.

4.01.080. Leases.

The disposal of interest in real property by grant of easement shall follow the requirements of 4.01.070 and 4.01.080. The terms and conditions of easements shall be established by the council for each disposal.

4.01.090. Easements.

The disposal of interest in real property by grant of easement shall follow the requirements of 4.01.070 and 4.01.080. The terms and condition of easements shall be established by the council for each such disposal.

4.01.100. Notice of disposal.

A. A notice of the disposal shall be posted in three conspicuous public places within the city not less than 30(thirty) days before: be posted in

1. The date of the opening bid; or
2. The date of the lottery; or
3. The date of the auction; or
4. The date of disposal.

B. The notice shall include:

1. A legal description of the property and the type of interest to be disposed;
2. The method of disposal as identified in 4.01.070;
3. The assessed or estimated value property or interest in property;
4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

4.01.110. Definitions.

As used in this Chapter:

Abstract of Title:	A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.
Appraisal:	An estimation of value of property by a qualified appraiser.
Casual Use:	The temporary, safe, non-exclusive and non-surface-disturbing use of city land and includes but is not limited to such uses as: hiking, hunting, fishing, short-term camping, picnicking, skiing, snow machining or berry picking.
City Boundaries:	City limits, established when the city is incorporated, inside which all city ordinances are enforceable.
Competitive disposal:	A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.
Condition Subsequent:	An event that occurs after transfer of title which will act to restore title to the maker of the condition.

Contract of Sale:	A contract between a willing seller and a willing buyer to transfer title to property.
Deed of Trust:	An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.
Disposal:	The act of giving away or selling; the transfer of interest in property.
Disputed Claims:	Claim for property that is protested by another, or for property which is also claimed by another.
Domiciled Resident:	One who has resided in the city for at least the thirty days previous and maintains an address in the city, and intends to make the city his/her permanent residence.
Easement:	A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.
Economic Development:	To promote the growth of the economy; increase income of residents.
Eminent Domain:	The power of a municipality to convert private property to a public use.
Equitable Interest:	A claim (in property or other) which should be recognized in the interest of fairness or equity.
Evaluate:	To judge, the quality of.
Federal Entity:	The federal government or an agency thereof.
Hazardous Use:	A use involving danger; perilous; risky to human health and well-being.
Interest:	In property: A right, claim, title, or legal share in that property. Refers to the "bundle of rights", which are transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.
Inventory:	A list of property containing a description of each article of property.
Lease:	Leases are used to dispose of specific interests in real property without transferring ownership of that property; A contract for exclusive possession of lands or tenements for a determinate period
Legal Description:	That part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.
Litigation:	Contest in a court of justice for the purpose of establishing a right.

Lottery:	A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.
Municipality:	A unit of local government organized under the laws of the State of Alaska.
Non-code Ordinance:	An ordinance that is not part of the permanent city code.
Nonprofit Corporation:	An organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.
Obnoxious Use:	A use which people may find objectionable; disagreeable; offensive; displeasing.
Public Interest:	Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.
Public Outcry Auction:	Sale of property to the highest bidder, at a public auction, where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.
Public Service:	Activities and enterprises which specially serve the needs of the general public.
Referendum:	A method of submitting an important measure to the direct vote of the whole people.
Revert:	With respect to property, title to go back to and lodge in former owner.
Sealed Bid:	A written offer to purchase property, placed in an envelope, and opened along with all other bids (if any) at a public bid opening.
State:	The State of Alaska or an agency thereof.
Substantial Improvement:	A major change or addition to land or real property that makes it more valuable.
Temporary Uses:	An exclusive use of city land which has duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$5,000.00.
Valid Claim:	A legally enforceable claim by a third party.

CHAPTER 4.02

EMINENT DOMAIN, ADVERSE POSSESSION

Sections

- 4.02.010. Eminent domain.
- 4.02.020. Ordinance and vote required.
- 4.02.030. Adverse possession.

4.02.010. Eminent domain.

The city may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the city in accordance with this chapter.

4.02.020. Ordinance and vote required.

The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

4.02.030. Adverse possession.

The city may not be divested of title to real property by adverse possession.

CHAPTER 4.03

(RESERVED)

CHAPTER 4.04

(RESERVED)

CHAPTER 4.05

DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

Sections

- 4.05.010. Personal property disposition by value.
- 4.05.020. Sale of surplus or obsolete goods.
- 4.05.030. Surplus stock.
- 4.05.040. Declaration of obsolescence.

4.05.010. Personal property disposition by value.

Personal property, other than surplus stock, that is valued at less than one-thousand dollars (\$1,000.00) may be disposed of upon such notice and terms considered reasonable by the mayor with approval of the council. The mayor shall take into consideration the value of the article, the reasons for disposal and the general preference for competitive bid. The mayor shall report disposals to the council

Personal property valued at more than one-thousand dollars (1,000.00), but less than twenty-five thousand dollars (\$25,000.00), shall be disposed of by sealed bid or public outcry auction. An estimated value of the property shall be made. The items to be disposed of shall be reviewed by the council. After review, the council may, by resolution, direct the sale of the property under such terms and conditions as it requires. Notice shall be posted in at least three (3) public places in the city for at least 30 days prior to the disposal. The notice must contain a description of the property, its location, minimum acceptable bid, limitations if any, time and place set for the disposal. The procedure for disposal shall be in a manner provided by resolution of the council.

Personal property valued at more than twenty-five thousand dollars (\$25,000.00) shall be disposed of in the same manner just described, but shall be by ordinance rather than resolution. No disposition of personal property valued at twenty-five thousand dollars (\$25,000.00) and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted.

4.05.020. Sale of surplus or obsolete goods.

The mayor may, when directed by the council, sell the following without giving an opportunity for competitive bidding:

- A. Surplus or obsolete supplies, materials, or equipment whose total value does not exceed one-thousand dollars (\$1,000.00) in a single transaction; and
- B. Supplies, materials, or equipment when sold at a price at least as great as that paid by the city for the same.

4.05.030. Surplus stock.

All city departments shall submit to the mayor, at such times and in such forms as he or she shall prescribe, reports, showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped

The mayor shall have the authority to transfer surplus stock to other city departments and provide for proper fiscal transfer of such.

The mayor with approval of the council shall have the authority to sell all supplies or equipment which has become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

4.05.040. Declaration of obsolescence.

No surplus or obsolete supplies, materials, or equipment of a value of more than one-thousand dollars (\$1,000.00) may be sold until the council has declared them obsolete or surplus.

CHAPTER 4.06

(RESERVED)

CHAPTER 4.07

(RESERVED)

TITLE 5

CITY DEPARTMENTS

Chapters:

- 5.01 Public Safety Department
- 5.02 Ekwok Fire/EMS Department
- 5.03 (Reserved)
- 5.04 Bulk Fuel
- 5.05 (Reserved)
- 5.06 (Reserved)

CHAPTER 5.01

PUBLIC SAFETY DEPARTMENT

Sections

- 5.01.010. Creation.
- 5.01.020. Appointment of chief (VPSO).
- 5.01.030. Powers, duties and responsibilities of the department.
- 5.01.040. Chief (VPSO).
- 5.01.050. Rules and regulations.
- 5.01.060. Conduct of members.
- 5.01.070. Custody of public and stolen property.
- 5.01.080. Officers; regular and special.

5.01.010. Creation.

There shall be a public safety department for the City of Ekwok. The Village Public Safety Officer (VPSO) is the Chief of the Department.

5.01.020. Appointment of chief (VPSO).

The Chief (VPSO) is appointed by the council, with the approval of the Alaska State Troopers, and serves at the pleasure of the council. The Chief (VPSO) is administratively responsible to the mayor, or his or her appointed representative.

5.01.030. Powers, duties and responsibilities of the department.

The department shall have broad powers in the areas of law enforcement and emergency medical response.

Law enforcement: It is the duty of the department to enforce all city ordinances; to keep the peace; to serve all warrants, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating Federal and State law as may be provided by law, and turn these violators over to the proper authorities; and in all respects to perform all duties pertaining to the office of policeman.

Emergency medical response: The authority and duties contained in this section are only to be assumed by individuals who have successfully completed Emergency Trauma Training. It is the duty of department emergency trauma technicians to undertake immediate response in traumatic accident situations; where qualified stabilize the condition of the victim in preparation—for transportation; transport the victim to the nearest primary health care facility (i.e. local clinic); and resuscitate and administer first aid to persons injured in an emergency. The department shall in

emergency offer assistance to the local primary health care provider. The Chief (VPSO) and the primary health aide will cooperate in developing protocol for dealing with emergency medical situations.

5.01.040. Chief (VPSO).

The Chief (VPSO) is the commanding officer of the department. His or her duties shall include, but are not necessarily limited to, the following:

- A. Determines the organization of the department and provides for its staffing;
- B. Establishes and enforces rules and regulations for the conduct of department members;
- C. Directs the police and emergency rescue work of the city;
- D. Trains and drills the members of the department including emergency response drills, if necessary;
- E. Is responsible for the maintenance and care of all property used or in the custody of the department;
- F. Maintains and staffs the city jail or other holding facilities and is responsible for the prisoners;
- G. Prepares and maintains records of all arrests, fines, and responses to emergencies, and other information about the work and status of the department and makes periodic written reports to the council;
- H. Provides arrangements and equipment for reporting emergency situations and notifies all members of the department to assure prompt response to such incidents;
- I. Prepares and submits, upon request, a tentative budget for the department to the council;
- J. Communicates directly with and coordinates, where possible, department activities, with those other regulatory and enforcement agencies about matters related to department business; and
- K. Performs other duties as may be required by the council or the Alaska State Troopers.

5.01.050. Rules and regulations.

The Chief (VPSO) is responsible for prescribing the rules and regulations for the conduct of members of the department. The council shall approve any rules or regulations before they become effective. Once effective, the rules and regulations are binding on all department employees and officers. The rules and regulations adopted for the department may include, in addition to those concerning the conduct of the members, uniform and equipment to be worn or carried, protocol or procedures, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department.

5.01.060. Conduct of members

It shall be the duty of every member of the department to conduct him or herself in a professional manner and to refrain from conduct which brings discredit to any member of the department. Each member of the department shall obey the directions of the Chief (VPSO) for his or her designee. No member of the department shall use unnecessary force in carrying out his or her law enforcement duties.

5.01.070. Custody of public and stolen property

The Chief (VPSO) shall have custody of all property and equipment which comes into possession of the department. The Chief (VPSO) shall be responsible for an inventory (list) of all such property equipment and supplies and the proper maintenance of same.

Under the direction of the council, the Chief (VPSO) shall establish rules and regulations for the storage of department property. No person shall without proper authority take away any department property.

The above paragraph includes all lost, stolen, abandoned or otherwise unclaimed property which comes into possession of the department, except vehicles which are otherwise provided for by state law.

5.01.080. Officers; regular and special.

The number of regular and special department officers shall be determined by and each such officer shall be appointed by the council unless the power to appoint, suspend or remove is delegated to the Chief (VPSO).

Regular members of the department are salaried city employees and are subject to all benefits which may apply thereto.

Special members of the department may include special purpose or special response teams such as emergency medical response teams and special duty officers. Special duty officers are appointed by the council upon recommendation of the Chief (VPSO) when the Chief (VPSO) is unavailable to perform his duties.

Such special members shall, however, serve on an "incident only" basis and when called upon to respond to a situation. They shall function only under the direction of the Chief (VPSO) or his or her designee. They shall be compensated for services so rendered as provided for by the council. From time to time, as the council deems advisable, payments may be made to reimburse members for clothing damage incurred while fighting fires or service in other department capacities. For purposes of this section, temporary jail guards are considered special members of the department. Temporary jail guards are compensated by the state with the prior approval of an Alaska State Trooper and only when a prisoner is charged with violation of a state law.

CHAPTER 5.02

EKWOK FIRE/EMS DEPARTMENT

Sections

- 5.02.010. Fire/EMS department established.
- 5.02.020. Fire department; fire division; EMS division.
- 5.02.030. Volunteer Fire/EMS Association
- 5.02.040. Fire chief and deputy chiefs [officers].
- 5.02.050. Rules, regulations and by-laws.
- 5.02.060. Training, records and reports.
- 5.02.070. Equipment.

5.02.010. Fire/EMS department established.

There shall be a Fire/EMS Department in and for the City of Ekwok, Alaska to be known as the Ekwok Fire/EMS Department.

5.02.020. Fire department; fire division; EMS division.

It shall consist of one fire chief [who will be the VPSO], and two deputy chiefs. One deputy chief shall assist the Fire Chief (VPSO) in managing the facilities, apparatus, equipment, supplies, reports and personnel of the Fire Division. A second deputy chief shall assist the Fire Chief (VPSO) in managing the facilities, vehicles, equipment, supplies, reports and personnel of the EMS Division. Both the Fire and EMS Divisions shall consist of volunteer personnel elected by the general membership as outlined in the constitution and by-laws of the department. Each deputy chief shall be elected by the general membership of the Volunteer Fire/EMS Department, subject the approval of the council as many other officers, firefighters, emergency medical technicians, emergency trauma technicians, and search and rescue personnel as may be deemed necessary for the effective operation of the department subject to the established Constitution and By-Laws of the Fire/EMS Department.

5.02.030. Volunteer Fire/EMS Association.

- A. Organization: Members of the Volunteer Fire/EMS Department may organize into a voluntary association with the election of their own officers, constitution and by-laws which shall be consistent with established organizational norms in keeping with the functions of a volunteer association. The voluntary association will be known as the Ekwok Volunteer Fire/EMS Association (EVFD/EMSA).
- B. Limitation of Powers of the Voluntary Association: The function and duties of the officers elected by the volunteer membership shall not interfere with those functions and duties of the appointed Fire Chief, the Village Public Safety Officer, or any elected officer of the

department. The voluntary association shall in no way limit the power of the Fire Chief, who is appointed by and responsible to the council. All property purchased by funds raised exclusively by the volunteer association belongs to that association and all disposition of funds shall be governed by that association's constitution and by-laws. The EVFD/EMSA is authorized to set up and maintain a separate checking account which shall be managed in accordance with established constitution and by-law guidelines. All property purchased with city funds and used by the EVFD/EMSA is and remains the property of the City of Ekwok. All expenses of the Fire/EMS Department shall be paid by check upon proper voucher by the regular city authorities. All property purchased by the city shall be inventoried and labeled in accordance with current municipal property management procedures.

- C. Payments to Association: In addition to a regularly approved annual budget, the council may make payments to the volunteer association, from time to time, and in such amounts that the council deems advisable, with which to reimburse members for clothing damaged while attending fires, emergency medical calls, and for such other purposes in keeping with its functions.

5.02.040. Fire chief and deputy chiefs.

- A. The Fire Chief shall be appointed by the council and shall be responsible to that body. The Fire Chief serves at the pleasure of the council, subject to current personnel policy. All other officers shall be elected and terms specified by the Department Constitution as established by the General Membership of the Department.
- B. The Fire Chief can be removed only for just cause and after a public hearing before the council.
- C. The Fire Chief shall be technically qualified through training and experience and shall have the ability to effectively supervise both paid and volunteer personnel.
- D. Powers and Duties of the Fire Chief:
 - 1. Annually submit a tentative operating budget and capital equipment request for the department to the Mayor/City Council.
 - 2. Assist the proper authorities in suppressing the crime of arson by investigation or causing to be investigated the cause, origin and circumstances of all fires and making all required notifications and reports.
 - 3. Be responsible for maintaining the care, control and custody of the department's facility and all department apparatus, emergency response vehicles, equipment, and all other property City property assigned to the Ekwok Fire/EMS Department.
 - 4. Be responsible to the Mayor/City Council for the over-all planning, organization, direction, coordination and control of the department and the collective efforts of all Volunteer Fire Officers, EMS Officers, Firefighters EMT and ETT provider personnel who function under the Fire/EMS Department.
 - 5. Submit a biannual report to the Mayor listing the names of all Fire, EMS and Rescue personnel who are members of the Department; the condition of the department

facility, all fire apparatus, EMS response vehicles, all Fire/EMS & SAR equipment and supplies; any repairs or improvements that have been made or are needed; the number and location of all fire and EMS calls responded to by members of the department; and any other public safety matter deemed necessary to bring to the attention of the Mayor/City Council;

6. Provide the Mayor and CHA/P a list of available emergency medical technicians and other assisting personnel who are available to respond to all emergency medical service calls (24 hours per day) on a monthly basis.
7. Ensure that providers have adequate availability and suitable access to equipment necessary for responding to fires and emergency medical service calls.
8. Provide suitable access to and equipment necessary for reporting fires and EMS calls and for notifying all "on-call" members of the department of the calls for service to ensure prompt response to such incidents.
9. Establish and maintain written policies and procedures regarding how Fire, EMS and rescue personnel will be notified (called out) in the event of an emergency.
10. Ensure that fire, EMS and Rescue personnel complete a department approved Fire/EMS/SAR report after each Fire/EMS/Rescue service call.
11. Ensure that a copy of the approved fire/EMS report, once completed, is forwarded to the appropriate Regional Office. Ensure that a copy of all EMS reports (a) accompany the patient to the treatment facility, (b) be sent to the Regional EMS Office and (c) be kept on file by the department as a permanent record. All such records are to be treated as confidential and shall be safeguarded from unauthorized access;
12. Establish and maintain a policy of the timely evacuation/transport of all seriously injured patients as determined by higher medical personnel;
13. Supervise all City Fire Inspections;
14. Perform such other duties as may be required by the Mayor/City Council.

E. Powers and Duties of the Deputy Chiefs:

1. Assist the FIRE Chief in the overall planning, organizing, directing coordinating and controlling the collective efforts of all division personnel, respectively, under the supervision of Fire Chief and general direction of established policies and procedures. Specific job descriptions may be established for each Deputy Chief by the Fire Chief, subject to the approval of the general membership as outlined in the Fire/Rescue Department Constitution. The Deputy Chief in charge of Fire assists the Fire Chief in managing the Fire Division and in establishing a posted "Duty Roster". The Deputy Chief in charge of EMS assists the Fire Chief in managing the affairs of the EMS Division and in establishing and posting an EMS Duty Schedule. This schedule ensures at least one EMT / ETT is available to respond to emergency medical service calls at all times.

5.02.050. Rules, regulations and by-laws.

- A. The Fire Chief shall maintain and enforce an up-to-date, comprehensive set of rules and regulations governing the discipline, training and operation of the Fire/EMS Department. Such rules, regulations and any deletions, changes or additions shall be binding on all department personnel after being voted on by the general membership and after being approved and filed with the council. The Fire Chief shall strictly carry out the enforcement of these rules and regulations and is unauthorized to suspend or remove from service any officer, firefighters or emergency medical provider as provided in the rules and regulation or in this chapter.
- B. Both the Fire and EMS Division membership shall establish rules governing conduct of their membership through established By-Laws, as outline in the Volunteer Association Constitution. All Volunteer Members are subject to both the Fire/EMS Department Rules and Regulations and the By-Laws.

5.02.060. Training, records and reports.

- A. The Fire Chief or his representative shall, at least once a month, provide for suitable drills or training sessions covering the operations and handling of all equipment essential for the department operations. In addition, he shall provide a continuing fire and medical education program that will enable personnel to maintain their skills and meet the State requirements for certification. He shall establish written policies concerning training and ensure that training sessions are conducted, on an on-going basis, for both emergency medical and firefighter personnel. All EMS personnel shall receive training at their certification level. AU firefighters and SAR Rescue members shall be instructed in first aid and CPR, in addition to their regular divisional training.
- B. The Fire Chief shall prepare, file, maintain and secure all records by Federal or State law and those established by City Ordinance concerning expenditures of funds, status of apparatus, equipment and supplies, personnel, training, inspections, hazardous materials, infection control and other department activities.
- C. The Fire Chief shall maintain records and other comparative data from previous years of department activity and make recommendations to the Mayor/City Council for improving the effectiveness of the Department in an Annual Report.

5.02.070. Equipment.

- A. The Fire Chief shall be responsible to the Mayor/City Council for recommending such Fire, EMS and Search and Rescue facilities, apparatus, vehicles, equipment and supplies required to maintain the department's efficiency and effectiveness.
- B. No person shall use any Fire, EMS, or SAR vehicle, apparatus, equipment or supplies for any private purpose, nor shall any person willfully and without proper authority take away or conceal an article used in any way by the Fire/EMS Department.
- C. No person shall enter any place where Fire apparatus, EMS or SAR vehicle or equipment housed or handle any apparatus, vehicle, equipment or supplies belonging to the department, unless accompanied by, or having special permission of, an OFFICER of the department or other authorized member of the department.

CHAPTER 5.03

(RESERVED)

CHAPTER 5.04

BULK FUEL

Sections:

- 5.04.010. Authority.
- 5.04.020. Description of service.
- 5.04.030. Fuel product and service rates.
- 5.04.040. Normal hours of operation.
- 5.04.050. Access to customer fuel tanks.
- 5.04.060. Customer compliance with regulations.
- 5.04.070. Administration and enforcement.
- 5.04.080. Responsibility for customer equipment.
- 5.04.090. Suspension of rules.

5.04.010. Authority.

The city is authorized to own, operate, and maintain fuel facilities, equipment, and systems and to sell fuel.

5.04.020. Description of service.

The city shall use its best efforts to provide diesel, gasoline, propane, and other fuels for sale in the community.

5.04.030. Fuel product and service rates.

The price of fuel and fuel-related services not otherwise defined by ordinance shall be set and adjusted by council resolution. Rates to be charged for the various fuel products and services will be routinely reviewed, and revised to reflect the cost of the fuel and its delivery to the city, the cost of operating and maintaining fuel-related systems and equipment, and the cost of interest the city incurs for loans to purchase fuel.

5.04.040. Normal hours of operation.

Unless otherwise stated by council resolution, the normal hours of fuel service operation will be from 9:00am to 1:00pm Monday to Friday, except public holidays.

5.04.050. Access to customer fuel tanks.

Customers shall provide direct and safe access to their fuel tanks or other storage devices to the city.

5.04.060. Customer compliance with regulations.

The customer's plumbing, which shall include the customer storage device and all plumbing, piping, fixtures, and other appurtenances intended to carry fuel, shall comply with applicable government regulations.

5.04.070. Administration and enforcement.

- A. The council may adopt such additional regulations, provisions, and procedures pertaining to fuel sales not addressed by this chapter, including the hours of operation, by resolution.
- B. Fuel rules and regulations shall be administered and enforced by the mayor or his or her authorized designee.

5.04.080. Responsibility for customer equipment.

The city shall not be liable for any loss or damage by any defect in the customer's service line, plumbing, or equipment, nor shall the city be liable for loss or damage due to interruption of service. The customer shall be responsible for the condition of the plumbing system on his or her premises when service is turned on.

5.04.090. Suspension of rules.

No employee of the city is authorized to suspend or alter any of the provisions in this chapter without specific approval or direction from the mayor or the mayor's designee, except in cases of emergency involving loss of life or property or which put the city's operations in jeopardy.

CHAPTER 5.05

(RESERVED)

CHAPTER 5.06

(RESERVED)

TITLE 6

UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

Chapter:

- 6.01 Water and Sewer System
- 6.02 Solid Waste Disposal
- 6.03 (Reserved)
- 6.04 City Equipment
- 6.05 City Property; Inventory and Files
- 6.06 (Reserved)
- 6.07 (Reserved)
- 6.08 (Reserved)
- 6.09 (Reserved)
- 6.10 (Reserved)

CHAPTER 6.01

WATER AND SEWER SYSTEM

Sections

6.01.010.	Prohibited acts.
6.01.020.	Connection to the city water and sewer system.
6.01.030.	Standards for installation of service lines and sewer systems.
6.01.040.	Permits for construction of individual water and sewer systems.
6.01.050.	Maintenance of plumbing system.
6.01.060.	Standards for plumbing.
6.01.070.	Authorized inspection.
6.01.080.	Administration and enforcement.
6.01.090.	Rates; disconnect; reconnect; penalties.
6.01.100.	Operator; septic tank pumper.
6.01.110.	Services provided.

6.01.010. Prohibited acts.

- A. It shall be unlawful for any person to operate or maintain an individual sewage disposal system unless such is constructed and maintained in such fashion that it does not contaminate any source of drinking, public, or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation and any other applicable laws regulations or ordinances of the United States, the State of Alaska, or the City of Ekwok.
- B. It shall be unlawful for any person to construct, alter, or extend an individual sewage disposal system except by permission of the city.

6.01.020. Connection to city water and sewer system.

- A. Making connections:
 1. All connections to the city sewage system shall be made at the expense of the user. Costs of the connection and all appropriate regulations governing connection, including the use of self-help, shall be declared by resolution of the council.
 2. All individual water service and sewer connections and repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the regulations of the State of Alaska as adopted by the council and such further regulations as the city may make.
- B. Application for water and sewer service and/or connection. Each application for water and/or sewer service connection shall be in writing and shall include the following:

1. Legal name and address of applicant.
2. Description of the property and building for which sewer service is requested.
3. Such additional information as the city may require demonstrating that the proposed connection complies with this ordinance.

C. Approval of Application: Appeal

1. If the council is satisfied that the application and the proposed connection complies with this ordinance and applicable regulations relating to the water and sewer systems, it shall approve the application for, and provide for the connection.
2. Any person whose application for connection has been denied or conditionally approved may appeal to the council at its next regularly scheduled meeting.

D. Installation of service lines:

1. All consumer lines to the point of connection to the city water and sewer lines shall be installed by the user at his own expense, and remain his responsibility for maintenance and repair.

6.01.030. Standards for installation of service lines and fixtures.

The city may make regulations establishing standards for the installation of domestic fixtures to be served by the city sewage systems, sewage lines, and all related appurtenances as needed to ensure the safe utilization of the city sewer systems. All such uses must conform to the regulations of the State of Alaska and to any such regulations as may be adopted by the city.

6.01.040. Permits for construction of individual water and sewer systems.

- A. An application for a permit for the construction, alteration, or extension of an individual water system or sewer disposal system shall be made in writing to the city and shall include the following:
1. Legal name and address of applicant.
 2. Description of the property on which the construction, alteration, or extension is proposed.
 3. A sketch of the proposed disposal facility and such additional information as the council may deem necessary to demonstrate that the disposal facility shall comply with this ordinance and the standards of the State of Alaska.
 4. No permit shall be approved for any pit privy that is not a minimum of 100' from any well, spring, or stream.

B. Approval of Permit: Appeal

1. If the council is satisfied that the proposed facility will comply with this ordinance and with state regulations, it shall approve the application and issue a permit for the work.
2. Any person whose application for a permit has been denied may appeal at the next regular meeting of the council.

6.01.050. Maintenance of plumbing system.

- A. Each consumer of community sewage service and individual water well owners shall maintain his/her individual water and sewer facilities in good working order. The consumer shall be responsible for all water and sewer plumbing in their home. The consumer is also responsible for thawing out their own water and sewer pipes when frozen, with exceptions to the elderly.
- B. Sewer services to a consumer may be discontinued by the city when defective fixtures or misuse of sewer facilities may affect the safe and proper operation of the city sewer system; when there is a refusal to permit an inspection by the city; and/or when the service charges for the systems are not being paid.

6.01.060. Standards for plumbing.

All plumbing work shall comply with applicable regulations and standards of the State of Alaska and any other regulations as adopted by the city.

6.01.070. Authorized inspection.

The city through its designated representative or representatives is hereby authorized to make inspections at reasonable times during daylight hours to determine satisfactory compliance with this ordinance and regulations promulgated hereunder. Consumers by application for connection to the city sewer system are deemed to have knowledge of and to have authorized such reasonable inspection.

6.01.080. Administration and enforcement.

- A. This ordinance shall be administered and enforced by the council.
- B. All monies collected for water, sewer and solid waste utilities will be used strictly for maintenance, extension, repair, capital improvement, and operation of the systems.
- C. All monies collected for water, sewer and sold waste will be deposited in a separate account established for water, sewer, and solid waste by the administrator and disbursed by action of the administrator in accordance with this ordinance and related regulations. A separate accounting shall be kept of these monies.

- D. The council shall adopt such additional regulations, provisions, and procedures pertaining to water, sewer and waste collection and disposal services as it deems proper.

6.01.090. Rates; disconnect; reconnect; penalties.

- A. Utility rates and other charges for services shall be established by the council and shall be enforced by the council.
- B. The following rates shall be in force until amended by the council:
 - 1. Septic Tank pumping fifty dollars (\$50.00) a load
 - 2. Sewer Service (charged only to the houses that are on the sewer line)
 - 3. Fee for electricity for Lift Station twenty dollars (\$20.00)
 - 4. An additional charge of 10% shall be collected on accounts over 90 days old
- C. When a customer becomes delinquent with an account owed to the City of Ekwok, the city reserves the right to refuse fuel sales to the customer at the same or any other location until all accounts including NSF checks have been paid and satisfactory assurance given to the city that future bills will be paid promptly.

6.01.100. Operator; septic tank pumper.

- A. The operator/pumper shall receive twenty-five dollars (\$25.00) an hour to maintain the city sewer system. This sum may be amended whenever the council amends the rates in 6.01.090.
- B. If the operator/pumper has an alternate working whenever he takes time off or weekends off, and these are not related to any training, the city shall pay the alternate the same as the operator/pumper. If the alternate is absent for training, the city shall pay the alternate from the water/sewer fund.

6.01.110. Services provided.

The city shall pump-out septic tanks once a year. Electricity and maintenance of the sewage lift station will be provided. If a water pump is burned out, the city will replace it and provide all labor costs. If water sewer pipes are broken outside the home, the city will replace them at no cost to the customer.

CHAPTER 6.02

SOLID WASTE DISPOSAL

Sections

- 6.02.010. Establishment.
- 6.02.020. Mandatory use.
- 6.02.030. Utility rates.

6.02.010. Establishment.

The council hereby establishes a solid waste disposal utility for the use of all residential and commercial establishments in the City of Ekwok.

6.02.020. Mandatory use.

Subscription to the solid waste facility is mandatory for all residential and commercial establishments. All garbage and refuse will be bagged and securely tied. No toxic wastes, flammable materials or other hazardous materials will be accepted. Toxic wastes, flammable materials or other hazardous materials will be shipped to Anchorage for proper disposal.

6.02.030. Utility rates.

All residential and commercial utility rates shall be reviewed on a regular basis, and established by the Council.

CHAPTER 6.03

(RESERVED)

CHAPTER 6.04

CITY EQUIPMENT

Sections

- 6.04.010. Recognition.
- 6.04.020. Use of equipment.
- 6.04.030. Rental of equipment.
- 6.04.040. Rental rates.
- 6.04.050. City clerk.

6.04.010. Recognition.

The council recognizes that:

- A. The city owns various trucks, loaders, tractors and other equipment; and
- B. That many times city-owned equipment is the only equipment available for use on construction projects in Ekwok; and
- C. That private contractors, individual citizens, the State of Alaska and the United States government often desire to use city owned equipment for use on construction projects; and
- D. The cost of operation and maintenance of equipment in Ekwok is high.

6.04.020. Use of equipment.

Individuals, contractors, agencies of the State of Alaska or the United State government may make application to the council for use of city equipment. The council shall review their application and the mayor may not grant use on such terms as the council deems fit.

6.04.030. Rental of equipment.

Rental agreements for use of city equipment shall be prepared by the council. The council shall periodically review operation and maintenance costs of city equipment and set hourly, daily and longer term rates for the rental of city-owned equipment. Renters shall be responsible for maintenance, fueling, repair and replacement of parts while equipment is under their control. The council may require a city operator to be used on rental equipment.

6.04.040. Rental Rates.

- A. The hourly charge for rental of each bulldozer, dump truck, and backhoe or frontend loader shall be one hundred (\$100.00) dollars per hour of operating time. If a city operator is required, there will be an additional charge of thirty dollars (\$30.00) per hour

per operator for operating time and standby time. Residential rates will be ten dollars (\$10.00) per hour with the purchase of fuel, twenty dollars (\$20.00) without purchasing fuel. Fuel tanks must be full when equipment is returned. Rental for the trailer will be a flat rate of thirty dollars (\$30.00) per day.

- B. When city equipment is used for hauling boats, the charge shall be one dollar (\$1.00) per foot of boat length, with billings to occur in the spring.
- C. Charges for septic tank pumping shall be fifty dollars (\$50.00) for each dump out.
- D. Daily rates for city equipment shall be five hundred dollars (\$500.00) per day for all equipment listed in this section.
- E. Long-term rates for city equipment shall be established by negotiation with the council on a case-by-case basis.

6.04.050. City clerk.

The clerk shall keep a file of blank rental agreements, completed and current rental agreements and rental rates.

CHAPTER 6.05

CITY PROPERTY; INVENTORY AND FILES

Sections

6.05.01. Register.

6.05.01. Register.

The clerk shall maintain a register which lists the locations, costs, dates of acquisition, and serial numbers, etc. of all non-expendable city properties individually valued at more than fifty dollars (\$50.00) as of the date of acquisition. The clerk may provide for property control numbers or such other system of labeling city properties as the council deems appropriate.

CHAPTER 6.06

(RESERVED)

CHAPTER 6.07

(RESERVED)

CHAPTER 6.08

(RESERVED)

CHAPTER 6.09

(RESERVED)

CHAPTER 6.10

(RESERVED)

TITLE 7

GENERAL WELFARE

Chapters:

- 7.01 (Reserved)
- 7.02 (Reserved)
- 7.03 (Reserved)
- 7.04 Dog and Cat Control
- 7.05 (Reserved)
- 7.06 (Reserved)
- 7.07 Offenses by or against Minors
- 7.08 (Reserved)
- 7.09 Litter; Sanitation Measures
- 7.10 (Reserved)
- 7.11 Offenses against Property
- 7.12 Offenses by or against Public Officers and Government
- 7.13 Offenses against Public Peace
- 7.14 (Reserved)
- 7.15 Minor Use of ATVs/Snowmobiles
- 7.16 Motor Vehicles
- 7.17 (Reserved)
- 7.18 (Reserved)
- 7.19 (Reserved)
- 7.20 (Reserved)

CHAPTER 7.01

(RESERVED)

CHAPTER 7.02

(RESERVED)

CHAPTER 7.03

(RESERVED)

CHAPTER 7.04

DOG AND CAT CONTROL

Sections

7.04.010.	Coverage.
7.04.020.	Registration required.
7.04.030.	Loose ownerless dogs and cats.
7.04.040.	Loose owned dogs and cats.
7.04.050.	Rabies vaccination.
7.04.060.	Rabid dogs and cats.
7.04.070.	Rabies; loose dogs and cats under emergency situations.
7.04.080.	Disposal of dogs and cats.
7.04.090.	Disposal of animals by request of owner.
7.04.100.	Penalty.
7.04.110.	Surcharge.

7.04.010. Coverage.

Every person who owns, or keeps custody of, or claims possession of a dog or cat is subject to the provisions of this chapter. Such a person is an "owner" for the purposes of this chapter.

7.04.020. Registration required.

- A. All dogs and cats six (6) months of age or older shall be registered with the city. Registration shall be free of charge. A tag, issued by the city, to be worn on the collar of registered dogs and cats, shall be proof of registration.
- B. No person shall allow a dog or cat in his or her ownership, possession, custody, or control to:
 1. Enter or remain upon a public roadway or public land in the city unless the dog or cat is first registered as required in this chapter; or
 2. Allow such dog or cat, whether registered or not, to roam loose and unattended upon private property without the consent of the owner of such property.

7.04.030. Loose ownerless dogs and cats.

Any loose dogs or cats posing a threat to a person or property within the city or any loose unattended and unidentifiable dog or cat will be considered wild, abandoned or ownerless and will be subject to disposal without notification of the owner.

7.04.040. Loose owned dogs and cats.

In the case of a loose, unattended dog or cat, where ownership can be determined, a city employee or official, the village public safety officer or animal control officer shall give the owner notice in writing of the dog or cat's condition so that the owner may secure the dog or cat in proper fashion. The notice shall state the date, time and to whom delivered. The notice shall give the owner a reasonable time certain from receipt in which to secure an unconfined dog or cat. A copy of the notice as delivered shall be kept by the clerk. Upon expiration of the time certain if an unconfined dog or cat is still not secured, written notice shall again be given to the owner in the same fashion as the first notice. If at the expiration of the time certain in the second notice, a dog or cat is still unconfined, it shall be disposed of.

7.04.050. Rabies vaccination.

All dogs and cats six (6) months of age or older shall be vaccinated against rabies. Owners are responsible for making certain their dogs and cats are vaccinated against rabies at the times vaccination is available in Ekwok. Owners are responsible for furnishing proof of vaccination of their dogs and cats.

7.04.060. Rabid dogs and cats.

Any dog or cat believed to be sick with rabies shall be observed for fourteen (14) days and shot if found to be sick with rabies. If the dog or cat in question has bitten anyone, the community health aide and the mayor shall be notified immediately.

7.04.070. Rabies; loose dogs and cats under emergency situations.

If loose unattended dogs and cats, or periodic outbreaks of rabies among the fox population near Ekwok, or outbreaks of parvo virus cause hazards to public health and safety the council may declare an emergency. During such emergency, all loose and unattended dogs and cats whether ownership is known or not will be disposed of without individual notice. Notice of such emergency shall however be given by publishing notice, and by radio if possible. During such emergency, it is the duty of all owners to confine their dogs and cats.

7.04.080. Disposal of dogs and cats.

The city disclaims any responsibility for disposal of dogs and cats belonging to owners in violation of any provisions of this chapter. The animal control officer shall dispose of dogs or cats by execution with a rifle or pistol with a shot in the head. The carcass must be buried.

7.04.090. Disposal of animals by request of owner

The animal control officer shall be paid ten dollars (\$10.00) per animal by owner.

7.04.100. Penalty.

- A. Any owner violating the provisions of this chapter shall, upon conviction thereof, be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.
- B. The following offenses may be disposed of without a court appearance upon payment and forfeiture of the fine amounts listed in the following schedule.

Code Section	Description of Offense	Fine (minimum)
7.04.020	Unregistered dog or cat in public places	\$10.00 every time
7.04.020	Dog or cat roaming loose and unattended	\$10.00 every time
7.04.050	Failure to get rabies shot (every 3 years)	\$50.00
7.04.060	Failure to notify city of dog or cat bite	\$25.00
7.04.070	Failure to confine animal during a declared Emergency	\$50.00

7.04.110. Surcharge.

In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of violating this code or any rule or regulation adopted or issued in pursuance thereof shall be assessed a surcharge in the amount, if any, prescribed by AS 12.55.039 and AS 29.25.075. The failure to pay the surcharge is punishable as contempt of court in AS 12.55.039

CHAPTER 7.05

(RESERVED)

CHAPTER 7.06

(RESERVED)

CHAPTER 7.07

OFFENSES BY OR AGAINST MINORS

Sections

- 7.07.010. Selling tobacco to children.
- 7.07.020. Selling intoxicating liquor to minors.
- 7.07.030. Penalty.

7.07.010. Selling tobacco to children.

It is unlawful in the city for any person, firm, or corporation to sell, exchange, or give any cigarettes, cigars, or tobacco in any form to any child under the age of nineteen (19).

7.07.020. Selling intoxicating liquor to minors.

It is unlawful in the city for any person, firm, or corporation to sell, exchange, or give any intoxicating liquor, in any form to any child or minor under the age of twenty-one (21).

7.07.030. Penalty.

Failure to comply with this chapter is a violation of code. Person, persons, companies, firms, corporations or other entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Person, persons, companies, firms, corporations or other entities furnishing alcoholic beverages of any sort to a person under the age of twenty-one (21) shall be liable to up to five (5) years in jail and/or a fine of up to fifty thousand dollars (\$50,000.00) as prescribed in state law. Such sentence shall be set at the discretion of the sentencing authority.

CHAPTER 7.08

(RESERVED)

CHAPTER 7.09

LITTER; SANITATION MEASURES

Sections

7.09.010.	Litter unlawful.
7.09.020.	Notice to abate; removal by city.
7.09.030.	Polluting water.
7.09.040.	Water and sewer.
7.09.050.	Authorized dump area.
7.09.060.	Penalty.

7.09.010. Litter unlawful.

It is unlawful for any person to do any of the following within the city limits or those areas outside of the city limit that are owned, operated and/or regulated by the city:

- A. Cause or allow litter to be collected, deposited or to remain in any place under his or her control;
- B. Throw or deposit litter in or upon any street or public place except in public receptacles, in private receptacles for disposal, or in disposal areas designated by the city;
- C. Drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or litter on it, from falling upon any street, alley or public place; and
- D. Throw or deposit litter on any private property, whether owned by the person or not.

7.09.020. Notice to abate; removal by city.

The village public safety officer is authorized and empowered to notify the owner or occupier of any property to properly dispose of litter located on the property which is or may become offensive, noxious or dangerous to the public health, safety or welfare. The notice shall be by personal service or if that is not possible by certified mail, postage prepaid, addressed to the owner or occupier at his last known address.

Upon the failure, neglect or refusal of any owner or occupier so notified to properly dispose of litter within five days after the date of the notice or in the event the notice is returned to the city because of inability to make delivery, the administrator is authorized and empowered to pay for disposing of such liner or to order its disposal by the municipality.

When the city has affected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of eight (8) percent per year from the date of the completion of the work, shall be charged to the owner or occupier of the property.

7.09.030. Polluting water.

It is unlawful for any person to throw, empty out or deposit in any creek, ditch or near any inhabited place any foul or filthy substance or allow the same to stand on his own premises or to seep into the premises of another.

7.09.040. Water and sewer.

It shall be unlawful for any person, company or organization to deposit, dump, or in any manner dispose of human waste, offal, or excrement within the city limits except as provided in the Water and Sewer System chapter of this code.

7.09.050. Authorized dump area.

For the purposes of this chapter, the authorized disposal area shall be the dump area commonly used for dumping as designated by the council.

7.09.060. Penalty.

Failure to comply with a provision of this chapter is a violation of code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 7.10

(RESERVED)

CHAPTER 7.11

OFFENSES AGAINST PROPERTY

Sections

7.11.010.	Tampering with sewer and water system.
7.11.020.	Injury to public library books or property.
7.11.030.	Injury to roads and other utilities.
7.11.040.	Injury to public property or equipment.
7.11.050.	Penalty.

7.11.010. Tampering with sewer and water system.

It is unlawful for any person or persons to remove, carry away, or tamper with or attempt to destroy any portions of the city sewer and water system without the consent of the persons in control thereof.

7.11.020. Injury to public library books or property.

It is unlawful for any person to willfully, maliciously or wantonly tears, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to any public library or reading room.

7.11.030. Injury to roads and other utilities.

It is unlawful for any person to willfully, maliciously or wantonly injure. remove or destroy any bridge, rail or plank road; or place or cause to be placed, any obstruction on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or post or pole used in connection with any system of electric lighting, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto or to willfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, or water plant: or to aid or abet any other person in so doing.

7.11.040. Injury to public property or equipment.

It is unlawful for any person to willfully, maliciously or wantonly injure, destroy or tamper with any public property or equipment whether within or outside of the city limits of Ekwok.

7.11.050. Penalty.

Failure to comply with a provision of this chapter is a violation of code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 7.12

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections

- 7.12.010. Interference with city officers.
- 7.12.020. Falsely assuming to be an officer.
- 7.12.030. Resisting arrest.
- 7.12.040. Penalty.

7.12.010. Interference with city officers.

It is unlawful for any person to interfere with or hinder any policeman, fireman, officer or city official in the discharge of his or her duty.

7.12.020. Falsely assuming to be an officer.

It is unlawful for any person to falsely assume to be a judge, magistrate, or peace officer and take upon him or herself to act as such, or require anyone to abet or assist him or her in any manner.

7.12.030. Resisting arrest.

It is unlawful for any person to attempt to escape or forcibly resist when lawful arrest is being made by an officer.

7.12.040. Penalty.

Failure to comply with a provision of this chapter is a violation of code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 7.13

OFFENSES AGAINST PUBLIC PEACE

Sections

- 7.13.010. Disturbance of peace.
- 7.13.020. Disturbing congregations or other assemblies.
- 7.13.030. Blasphemous or obscene language.
- 7.13.040. Penalty.

7.13.010. Disturbance of peace.

It is unlawful for any person to make or excite any disturbance in a store or grocery, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled.

7.13.020. Disturbing congregations or other assemblies.

It is unlawful for any person to willfully disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or so near as to disturb the order and solemnity of the assembly, or willfully to disturb or interrupt any school, school meeting, or other lawful assembly of persons.

7.13.030. Blasphemous or obscene language.

It is unlawful for any person to publicly use blasphemous or obscene language on the VHF radio, to the disturbance of the public peace and quiet.

7.13.040. Penalty.

Failure to comply with a provision of this chapter is a violation of as defined in Chapter 1, Section 6 of this code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

If such person is convicted of using blasphemous or obscene language on the VHF radio, the radio shall be removed from that person's home for a period of time at the discretion of the fining authority.

CHAPTER 7.14

(RESERVED)

CHAPTER 7.15

MINOR USE OF ATVS AND SNOWMOBILES

Sections

- 7.15.010. Minor use of ATVs and snowmobiles.
- 7.15.020. Enforcement.
- 7.15.030. Warning.
- 7.15.040. Penalty.

7.15.010. Minor use of ATVs and snowmobiles.

No minor shall use an ATV or snowmobile or other motor vehicle. No minor shall use an ATV, with any minor passengers, 12 years of age or younger, or snowmobile with any more than one passenger or in any manner other than directed as safe by the manufacturer. No person 13 years of age or younger shall use any motor vehicle unless supervised by an adult of more than 18 years of age.

7.15.020. Enforcement.

Enforcement shall be by the village public safety officer and or any duly appointed person appointed to act as a representative of the mayor

7.15.030. Warning.

There shall be one verbal warning for the first offense and one written warning for the second offense. The defendant will be fined after the second warning.

7.15.040. Penalty.

Penalty for violation is a fine, not to exceed the amount of fifty dollars (\$50.00.) The fine shall be payable to the City of Ekwok.

CHAPTER 7.16

MOTOR VEHICLES

Sections

7.16.010.	Definitions.
7.16.020.	Coverage.
7.16.030.	Excessive speed.
7.16.040.	Unsafe operation.
7.16.050.	Influence of intoxicating liquor or beverage.
7.16.060.	Required equipment; snow machines.
7.16.070.	Required equipment; all land based vehicles.
7.16.080.	Reporting of accidents.
7.16.090.	Penalty.

7.16.010. Definitions.

"Street" means a way used by the public for traffic of vehicles.

"Vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power unaided by internal combustion engines or other such mechanical devices for the generation of energy. Devices designed primarily for travel over snow or ice by means of skis, belts, cleats, or low pressure tires are deemed "Vehicles". Boat, canoes, barges and any other water based craft are vehicles when referred to in this chapter.

7.16.020. Coverage.

This chapter is effective within the city limits of Ekwok including all roads and trails over which the city exercises control, whether within or outside of the city limits.

7.16.030. Excessive speed.

The speed limit within the residential area of the city shall be 25 (twenty-five) miles per hour. It shall be unlawful for any motor vehicle including motor scooters, motorcycles, motor driven bicycles, snowmobiles, three wheelers, snow planes, wheel and tracked vehicles, and including boats and other water based craft, to exceed the posted speed limit. A snow machine (snow-go, etc.) is considered a motor vehicle. Regardless of any posted limit, it is also unlawful to drive a land based vehicle at a speed greater than is reasonable under the existing road or weather conditions.

7.16.040. Unsafe operation.

No person shall drive, operate, stop or move any vehicle, be it water or land based, in a careless, reckless, or negligent manner so as to endanger, or be likely to endanger the safety of any person or the property of any person.

7.16.050. Influence of intoxicating liquor or beverage.

No driver of any vehicle be it water or land-based, shall be under the influence of intoxicating liquor or beverage, drugs or narcotics, including prescription or non-prescription drugs that may impair their ability to drive.

7.16.060. Required equipment; snow machines.

No person shall drive or operate a snow machine unless the snow machine is equipped with the following.

- A. At least one headlamp, with or without non-multiple beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions, and where such head lamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver;
- B. a throttle in operating condition which, when released by hand, will return the engine speed to idle;
- C. standard mufflers for production models in operating condition which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for the operating of the vehicle, and no person shall USC a muffler cut-out, by-pass or similar device on said vehicles;
- D. Brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.

7.16.070. Required equipment; all land based vehicles.

- A. It shall be unlawful to operate any vehicle without operating lights, both front and back.
- B. Vehicles must be muffled. It shall be unlawful to operate any vehicle without a muffler.
- C. It shall be unlawful to operate any vehicle without a throttle in operating condition which when released by hand or foot will return the engine speed to idle.
- D. It shall be unlawful to operate any vehicle without brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.
- E. It shall be unlawful for any person under the age of eighteen (18) to operate or be a passenger on: motorcycles; snow machines; ATV's; and three wheelers if not wearing a properly filled helmet.

7.16.080. Reporting of accidents.

The operator of a vehicle involved in an accident resulting in injury to or death of a person, or property damage other than to his or her own vehicle the estimated amount of which is one hundred dollars (\$100.00) or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest state trooper or the village public safety officer.

7.16.090. Penalty.

Failure to comply with a provision of this chapter is a violation of code. Person, persons, companies, firms, corporations or other entity or entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 7.17

(RESERVED)

CHAPTER 7.18

(RESERVED)

CHAPTER 7.19

(RESERVED)

CHAPTER 7.20

(RESERVED)

TITLE 8

ELECTIONS

Chapters:

- 8.01 City Elections
- 8.02 Election Equipment and Materials
- 8.03 Election Procedures
- 8.04 Absentee Voting
- 8.05 Review of Election Returns
- 8.06 Contest of Election
- 8.07 (Reserved)
- 8.08 (Reserved)

CHAPTER 8.01

CITY ELECTIONS

Sections

8.01.010.	Administration.
8.01.020.	Voter qualifications.
8.01.030.	Residence criteria.
8.01.040.	Regular elections.
8.01.050.	Special elections.
8.01.060.	Election notices.
8.01.070.	Simple majority of votes cast required.
8.01.080.	Tie votes.
8.01.090.	Qualifications for city council.
8.01.100.	Filing for office; declaration of candidacy; nominating petition.
8.01.110.	Withdrawal; written notice.
8.01.120.	Publishing names.
8.01.130.	Election judges.

8.01.010. Administration.

The clerk is the supervisor of elections and shall prepare and maintain election materials and records. The clerk shall begin preparations for a regular election at least forty-five (45) days before the date of the election and for a special election as expeditiously as possible. The clerk is responsible for contacting the State of Alaska, Division of Elections and making certain the city has on hand, before any election, the most current official voter registration list. The clerk shall act as clerk to the election board.

8.01.020. Voter qualifications.

A person shall be qualified to vote in city elections who:

1. Is a United States citizen who is qualified to vote in state elections;
2. Has been a resident of Ekwok for the 30 days immediately preceding the election;
3. Is registered to vote in state elections; and
4. Is not disqualified under Article V of the constitution of the State of Alaska which provides that;

"No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially

determined to be of unsound mind unless the disability has been removed."

8.01.030. Residence criteria.

When determining residence for the purpose of qualifying voters the following criteria will apply:

- A. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the state or of the United States, or of his absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.
- B. The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return. If a person resides in one place, but does business in another, the former is his place of residence. Temporary construction camps do not constitute a dwelling place.
- C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- D. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.
- E. A person does not gain residency by coming to the city without the present intention to establish his permanent dwelling in the city.
- F. A person loses his residence in the city if he votes in an election of another city, or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he again qualifies under this chapter.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence.

8.01.040. Regular elections.

The regular election shall be held each year on the first Tuesday in October. Thereinafter, the regular general election for council members and other elected city officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in 3 public places for 30 days preceding the date of election.

8.01.050. Special elections.

- A. If a petition submitted by voters for an initiative, referendum or recall election is certified sufficient by the clerk and submitted to the council, the council shall resolve that a special election be held on the question no less than forty-five (45) days nor more than seventy-five (75) days following submission of the petition to the council.
- B. If a special election is required by act of the council, the council shall resolve that a special election on the question proposed by the council's ordinance or resolution be held no less than twenty (20) days nor more than seventy-five (75) days following the council's action.
- C. If the regular election held each year on the first Tuesday in October occurs within seventy-five (75) days of the date of submission of a petition by voters for an initiative, referendum or recall election, or if the regular election occurs within seventy-five (75) days of council action which requires election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.
- D. Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of election.

8.01.060. Election notices.

- A. Election notices shall be prepared and posted in three (3) public places by the clerk for at least 30 days preceding the date of the regular election and for at least twenty (20) days preceding the date of a special election, and shall contain the following, as is appropriate:
 - 1. Whether the election is regular, special or runoff;
 - 2. Date of the election;
 - 3. Location of the city polling place(s);
 - 4. Time the polling place will open and close;
 - 5. Offices to be filled
 - 6. A statement describing voter qualifications;
 - 7. Time for filing declarations of candidacy and nominating petitions;
 - 8. A statement of any questions or propositions to be placed on the ballot
- B. A sample election notice that may be used is shown at the end of this chapter.

8.01.070. A simple majority of votes cast required.

That candidate receiving the greatest number of the votes cast for his or her respective office shall be the winner.

8.01.080. Tie votes.

In the event of a tie vote, and after a recount of ballots that confirms the tie vote the council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner. Those candidates wishing to withdraw may do so by submitting in writing a declination of candidacy to the council at this meeting.

8.01.090. Qualifications for city council

A person filing for election to a city council seat must be:

- A. A United States citizen who is qualified to vote in state elections;
- B. a resident of the city for three (3) years immediately preceding the election for which declaring candidacy;
- C. registered to vote in state elections;
- D. not disqualified under Article V of the Constitution of the State of Alaska which provides that:

"No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

8.01.100. Filing for office; declaration of candidacy; nominating petition.

- A. A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy or submit a nominating petition with the clerk. This shall be filed no later than ten (10) working days before the election. A nominating petition must contain the signatures of at least 10 registered voters.
- B. A person filing for a council seat must meet the qualifications of 8.01.090 of this chapter.
- C. The forms appearing at the end of this chapter illustrate the forms to be used for the declaration of candidacy and nominating petition.

8.01.110. Withdrawal; written notice.

Any candidate who has complied with the provisions of this chapter may withdraw his candidacy no later than the last day for filing for office by filing a written notice of withdrawal with the clerk.

8.01.120. Publishing names.

The clerk shall cause to be posted in three (3) public places for five (5) days preceding the day of election, the names of all candidates who have declared or been nominated and designating the office for which such persons are candidates.

8.01.130. Election judges.

A. The council shall each year choose three (3) city voters as judges to be the election board at each polling place and select one of the judges to chair the board. The judges shall not be council members or candidate for office. If an appointed judge fails to appear and subscribe to the oath on Election Day or becomes incapacitated during the time of the election or the counting of the ballot, the remaining judges shall appoint a qualified voter to fill the vacancy.

B. The clerk shall give the following written oath to all election judges on or before Election Day:

“I, do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to the best of my ability and that I am familiar with the city's election ordinances.”

C. Pay of election judges shall be determined by the council.

D. At least one of the judges shall be fluent in the Ekwok Native dialect in order to assist voters who may have difficulty with the ballot.

E. The election supervisor may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three (3) election clerks to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

**NOTICE OF REGULAR MUNICIPAL ELECTION
CITY OF EKWOK, ALASKA**

**TO BE HELD: OCTOBER _____, 20 FOR THE PURPOSE OF FILLING THREE (3)
VACANT SEATS ON THE CITY COUNCIL OF EKWOK.**

SEAT: _____ -YEAR TERM
SEAT: _____ -YEAR TERM
SEAT: _____ -YEAR TERM

VOTER QUALIFICATIONS:

- 1. UNITED STATES CITIZEN**
- 2. QUALIFIED TO VOTE IN STATE ELECTIONS**
- 3. REGISTERED TO VOTE IN STATE ELECTIONS**
- 4. RESIDENT OF THE CITY 30 DAYS IMMEDIATELY PRECEDING THE ELECTION**
- 5. NOT DISQUALIFIED UNDER ARTICLE V OF THE STATE CONSTITUTION.**

POLLS WILL OPEN: 8:00 A.M., OCTOBER _____, 20_____

POLLS WILL CLOSE: 8:00 P.M., OCTOBER _____, 20_____

LOCATION OF POLLS: CITY HALL

VOTING BOUNDARY (PRECINCT)

CITY OF EKWOK

Candidates for office must file a declaration of candidacy or a nominating petition carrying the signatures of at least 10 qualified voters with the clerk no later than 5:00 p.m. September _____, 20_____.

Sample declaration of candidacy and nominating petition forms may be obtained from the clerk at the city offices from 9:00 a.m. to 5:00 p.m., Monday through Friday.

DECLARATION OF CANDIDACY

I, _____, declare that I am a United States citizen qualified to vote in State of Alaska elections and registered to vote therein and I have been or will have been by the date of the election for which I am filing this declaration a resident of the City of Ekwok for at least three (3) years. I am not disqualified as a voter under Article V of the Alaska Constitution., which provides:

No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially denied to be of unsound mind unless the disability has been removed.

I declare myself a candidate of the office of _____ for Seat_____ for a term of____ years commencing and ending _____ and request that my name be printed upon the official ballot for the municipal election to be held in the City of Ekwok, Alaska on the _____ day of _____ , 20__

Signature: _____

NOMINATING PETITION

THE UNDERSIGNED, AS QUALIFIED VOTERS IN THE CITY OF EKWOK, ALASKA, DO HEREBY PETITION THE SUPERVISOR OF ELECTIONS TO PLACE THE NAME OF _____ ON THE BALLOT FOR ELECTION FOR THE OFFICE OF FOR A TERM OF _____ YEARS.

WE UNDERSTAND THAT THAT CANDIDATE, WHO'S ADDRESS IS _____ ALASKA, IS A QUALIFIED VOTER RESIDENT OF EKWOK FOR THREE (3) YEARS PRECEDING THE DATE OF ELECTION AND HAS AGREED TO SERVE IF ELECTED.

NAME ADDRESS

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Received: _____
(Date)

ATTEST: _____
(City Clerk)

CHAPTER 8.02

ELECTION EQUIPMENT AND MATERIALS

Sections

- 8.02.010. Election booths.
- 8.02.020. Furnishing instruction cards.
- 8.02.030. Ballots; printing; sample ballots.
- 8.02.040. Ballots; form.
- 8.02.050. Other materials.

8.02.010. Election Booths

The election supervisor shall provide booths at each polling place, with enough supplies and materials to enable each voter to mark his ballot hidden from observation. At least three sides of each booth shall be placed outside the voting booths within plain view of the judges, clerks, voters, and other persons at the polling places.

8.02.020. Furnishing instruction cards.

The election supervisor shall prepare for each polling place instructions for the guidance of voters covering the following:

- A. How to obtain a ballot;
- B. How to mark a ballot;
- C. How to obtain additional information; and;
- D. How to obtain a new ballot to replace any ballot destroyed or spoiled.

The election supervisor shall furnish a necessary number of these instruction sheets to the election judges in the voting place.

8.02.030. Ballots; printing; sample ballots.

In all city elections the clerk, as election supervisor, will be responsible for the printing of ballots. The ballots will be printed and in the possession of the clerk, at least five (5) days before the date set for the regular election and three (3) days before the date set for a runoff election. There shall be at least three (3) ballots printed on colored paper, with the words "SAMPLE BALLOT" printed on them, to be posted in the clerk's office until Election Day and then given to the judges of each polling place.

8.02.040. Ballots; form.

- A. The ballots shall state at the top whether the election is a regular or special election.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The clerk shall assure that there is one-third more ballots printed and numbered than there are registered voters in Ekwok, in order to provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one", or such other number as are to be elected.
- F. Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for one" or such other number as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by a blank line or lines for write-in candidates. In regular and special elections the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office.
- G. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- H. The names of candidates shall be printed as they appear upon the declarations of candidacy or nominating petitions filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted.
- I. Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon if any. Provision shall be made for marking the propositions or questions "Yes" or "No."
- J. Somewhere on the ballots, so as to be clearly visible, will be printed the words:
 - 1. "OFFICIAL BALLOT":
 - 2. The date of the election; and
 - 3. An example of the signature of the clerk who had the ballots printed.
- K. The sample ballot appearing at the end of this chapter illustrates the ballot format.

8.02.050. Other materials.

At least ten (10) days prior to the day of the election, the clerk shall prepare the following materials:

- A. An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
- B. a blank register in which the voters may print and sign their names and print their residence addresses, and in which the election official may note the number of the ballot issued to the voter;
- C. tally sheets;
- D. a form for the Report of Preliminary Election Results;
- E. envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots;
- F. Two large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots";
- G. Copies of the Notice of Election and the city's elections ordinance.

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

**CITY OF EKWOK, ALASKA
REGULAR ELECTION OF**

Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to vote for. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election judge or Clerk. You will be given another ballot. DO NOT vote for more than one person for each office or mark more than one choice for each proposition. If you do so, none of your votes for that office or proposition can be counted. To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates. If you have any questions about how a ballot must be marked ask the election judge from whom you got this ballot.

VOTE FOR NOT MORE THAN THREE

**CITY COUNCIL MEMBER
SEAT THREE YEARS
(VOTE FOR ONE ONLY)**

**CITY COUNCIL MEMBER
SEAT THREE YEARS
(VOTE FOR ONE ONLY)**

**CITY COUNCIL MEMBER
SEAT THREE YEARS
(VOTE FOR ONE ONLY)**

CHAPTER 8.03

ELECTION PROCEDURES

Sections

8.03.010.	Time for opening and closing polls and location.
8.03.020.	Distribution of ballots.
8.03.030.	Distribution of other election material.
8.03.040.	Preparation of ballot box.
8.03.050.	Voting; general procedures.
8.03.060.	Voting; spoiled ballots.
8.03.070.	Voting; questioned ballots.
8.03.080.	Assisting voter by judge.
8.03.090.	Prohibitions.
8.03.100.	Administration of oaths.
8.03.110.	Majority decision of election board.
8.03.120.	Ballots; counting and tallying.
8.03.130.	Rules for counting ballots.
8.03.140.	Report of election results.
8.03.150.	Posting of certificate of preliminary election results.

8.03.010. Time for opening and closing polls and locations.

- A. On the day of any election, the election board shall open the polls for voting at eight 8:00 in the morning, shall close the polls for voting at eight 8:00 in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning on the Election Day.
- B. Fifteen minutes before the closing of polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce the time when the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.
- C. The normal voting place shall be the City Hall. If for some reason beyond the control of the council this location is unusable, the council may by resolution designate a different location. Such location shall be included in all notices of election.
- D. Election precincts for city election shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded. Currently the City of Ekwok is entirely within the Ekwok election precinct.

8.03.020. Distribution of ballots.

- A. Before the polls open on Election Day, the election supervisor shall deliver the ballots and sample ballots prepared pursuant to this title to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.
- B. The election supervisor shall keep the following records:
 - 1. The number of ballots delivered to the polling place;
 - 2. The time the ballots are delivered; and
 - 3. The name of the person to whom the ballots are delivered;
 - 4. The receipt given for the ballots by the election board.
- C. When the ballots are returned, the election supervisor shall record the following:
 - 1. The number of the ballots returned;
 - 2. The time when the ballots are returned;
 - 3. The name of the person returning the ballots; and
 - 4. The condition of the ballots.

8.03.030. Distribution of other election materials.

- A. On election day, the election supervisor shall also furnish the election board judges at each polling place with voting booths and ballot box (with Jock or sealing materials); and the following materials:
 - 1. the updated Master Voter Registration List;
 - 2. a blank register;
 - 3. envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots;
 - 4. an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots;
 - 5. copies of the Notice of Election,
 - 6. the city's elections ordinances;
 - 7. a sufficient number of instruction sheets;
 - 8. And a sufficient supply of pens, pencils and envelopes.
- B. The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

8.03.040. Preparation of ballot box.

Before receiving any ballots the election board must, in the presence of all persons present at the polling place, open and exhibit the ballot box to be used at the polling place. After showing the box, the box will be sealed and not opened again until the polls are finally closed. At the close of the polls and after deposit into the ballot box of all ballots properly voted upon, the ballot box will be personally opened by the election judges.

8.03.050. Voting; general procedure.

- A. A voter shall give the judges or clerks his name, and print and sign his name, and write his residence address on the first available line of the blank register. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered to vote, he shall immediately question the voter.
- B. If the voter is not questioned, the judge or clerk shall give the voter a single ballot and note its number in the register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter also marks the boxes to indicate his vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerks, who shall without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges and clerks. The voter shall then himself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.
- C. If a voter is questioned, the voter may cast a questioned ballot pursuant to 8.03.070 of this chapter.

8.03.060. Voting; spoiled ballots.

If a voter improperly marks or otherwise damages a ballot, and discovers his mistake before the ballot is placed into the ballot box, he shall return it to an election official, concealing from view the manner in which it is marked, and request a new ballot. The election official shall write the words "Spoiled Ballot" on the outside of the folded ballot, record its number and place it in an envelope with other spoiled ballots for return to the election supervisor. The judge or clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than three (3) times.

8.03.070. Voting; questioned ballots.

- A. Every election judge and election clerk shall question, and any other person qualified to vote in the City may question a person attempting to vote if the questioned has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned.
- B. If a voter's name is not on the Master Voter Registration List or a voters eligibility to vote is questioned or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified and has not voted at the same election. After the questioned person has executed the Oath and Affidavit of Eligibility the person may cast a questioned ballot. If the questioned person refuses to execute the Oath and Affidavit of Eligibility, the person may not vote.
- C. A voter who casts a questioned ballot shall vote his ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement the voter previously signed is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, sealed in the questioned ballots envelope and delivered to the election supervisor along with other election materials and the ballot statement when the election board completes the tally and account of ballots. The merits of the question shall be determined by the City Council, meeting as the election review committee on the first Friday following the election.
- D. A sample Oath and Affidavit of Eligibility form is included at the end of this Chapter.

8.03.080. Assisting voter by judge.

A qualified voter who cannot read, mark the ballot, or sign his name or who because of blindness or other physical disability, or who because of unfamiliarity with the system of voting needs assistance, may request an election judge, a person, or not more than two persons of his choice to assist him. If the election judge is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he/she will not divulge the vote cast by the person whom he/she assists or change the voting wishes of the person he/she assists.

8.03.090. Prohibitions.

- A. Prohibiting the leaving of the polling place with ballot. No voter may leave the polling place with the official ballot that be received to mark.
- B. Prohibiting the exhibition of marked ballots. No voter may exhibit his ballot an election official or any other person so as to enable any person to ascertain how the voter marked his ballot.
- C. Prohibiting the identification of ballots. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his ballot, or allow the same to be done by another person.
- D. Prohibiting the count of exhibited ballots. No election official may allow a ballot which he knows to have been unlawfully exhibited by the voter to be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.
- E. Prohibition of political discussion by election board. During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.
- F. Prohibition of political persuasion near election polls. During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

8.03.100. Administration of oaths.

Any election judge may administer to a voter any oath that is necessary in the administration of the election.

8.03.110. Majority decision of election board.

The decision of the majority of judges determines the action that the election board shall take regarding any question which arises during the course of the election.

8.03.120. Ballots; counting and tallying.

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. This does not include the absentee and questioned ballots. Ballots may not be counted before 8:00 pm on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the dose of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials

may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.

- B. The election board shall account for all ballots by completing a ballot statement containing:
 - 1. The number of ballots received;
 - 2. The number of ballots voted;
 - 3. The number of ballots spoiled;
 - 4. The number of ballots unused.

The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. The board shall not open the questioned ballots. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error, if a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and the explanation signed by the election judges.

- C. The forms at the end of this chapter illustrate Tally Sheets and Ballot Statement forms that may be used.

8.03.130. Rules for counting ballots.

- A. The election board shall count ballots according to the following rules.
 - 1. A voter may mark his ballot only by the use of cross-marks. "X" marks, diagonal, horizontal OT vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or propositions the voter desires to designate.
 - 2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
 - 3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
 - 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 - 5. The mark specified in subsection A of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.

6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
 8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
 9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written-in as a write-in vote.
 10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.
- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
 - C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection (A) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.
 - D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion or portion of the ballot to which the objection applies.
 - E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots." which shall be delivered to the election supervisor.

8.03.140. Report of election results.

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question and any additional information the election board deems relevant or prescribed by the election supervisor. The results do not include absentee or questioned ballots. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the

election review committee on the Friday following the election when the committee meets.

- B. The election supervisor shall place all election materials received from the election board in the office safe until the canvass of election returns on the Friday following the election. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates.

8.03.150. Posting certificate of preliminary election results.

- A. The clerk shall post copies of the Certificate of Preliminary Election Results in three public places the day after the preliminary election results are known. The notice shall include:
 - 1. The time and place of the council meeting to be convened to consider the election results;
 - 2. That the results do not reflect the votes of absentee and questioned ballots and are not final until the council formally certifies the election; and
 - 3. That anyone has the opportunity to contest the election at the meeting.

**CITY OF EKWOK, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY**

I, _____ DO HEREBY DECLARE THAT I AM A RESIDENT OF THE CITY OF EKWOK, ALASKA, AND MEET ALL OF THE MINIMUM REQUIREMENTS SET FORTH BY LOCAL ORDINANCES AND STATE LAW TO VOTE IN THIS ELECTION.

I AM NOT DISQUALIFIED, AND HAVE NOT VOTED IN THIS ELECTION.

SIGNED: _____

(NAME) _____

(ADDRESS) _____

WITNESSED _____

Election Judge

**TALLY SHEET
CITY OF EKWOK, ALASKA**

The tally of votes was completed between the hours of _____ P.M. and _____ P.M.
on
_____ 20 _____

Respectfully submitted:

_____, Election Board Chairman
_____, Election Judge
_____, Election Judge

ATTEST _____
City Clerk

CHAPTER 8.04

ABSENTEE VOTING

Sections

8.04.010.	Absentee voting; eligible persons.
8.04.020.	Absentee ballots; application; filing.
8.04.030.	Ballot and Envelope form.
8.04.040.	Absentee voting procedures.
8.04.050.	Absentee ballots; delivery.
8.04.060.	Absentee voting at clerk's office; absentee voter's ballot.
8.04.070.	Absentee ballots; executing outside city.
8.04.080.	Voting at the polls; absentee voters; surrender of materials.
8.04.090.	Retention of absentee ballots; delivery.
8.04.100.	Liberal construction.

8.04.010. Absentee voting; eligible persons

Any qualified voter, who expects to be absent from the city or who will be unable to vote by reason of physical disability on the day of any election, may cast an absentee ballot.

8.04.020. Absentee ballots; application; filing.

- A. A person who seeks to vote by absentee ballot may file either in person or by marking written application to the clerk.
- B. Written application must be received by the clerk no more than twenty days (20), nor less than three (3) days before a city election. An application made in person must be filed with the clerk not more than twenty days (20) before the city election, and no later than noon on the day before a city election.
- C. The application must be signed by the applicant, show his or her place of residence, and if to be mailed to any address in the city. Any voter present in the city who requires an absentee ballot shall personally obtain the ballot from the clerk.
- D. No absentee voter's ballot shall be mailed to any address in the city. Any voter present in the city who requires an absentee ballot shall personally obtain the ballot from the clerk.
- E. Nothing in this section is intended to limit the clerk impersonally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the clerk's office for an absent voter's ballot. The clerk may deliver an absentee ballot to a disabled person living within the city at any time until the polls close on Election Day.
- F. The form appearing at the end of this chapter illustrates this application.

8.04.030. Ballot and envelope form.

The ballot provided to absentee voters shall be identical to ballots prepared for regular voters and used on Election Day. The ballot envelope shall be smaller than the return envelope so it may easily be enclosed in the return envelope. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The ballot envelope and the return envelope shall be of heavy opaque paper. The return envelope shall have printed upon its back the affidavit and certification illustrated at the end of this chapter.

8.04.040. Absentee voting procedures.

- A. The clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with this chapter together with a ballot envelope and a prepaid return envelope.
- B. The clerk shall not issue an absentee ballot sooner than ten (10) days before the election.
- C. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the clerk shall enter in the blank register the following information:
 - 1. The number of the ballot issued,
 - 2. The name of the voter to whom it was issued, and
 - 3. The date on which the ballot was issued.

Before the opening of the polls on Election Day the Clerk shall deliver to the election judges a list of the voters who have requested to vote absentee.

- D. To be counted, an absentee voter's ballot must be executed before the polls close in the city and be received by the clerk prior to the time the ballots are canvassed by the election review committee.
- E. All supplies necessary for the voter to cast and return his ballot will be furnished by the clerk. No city official may make any charge for services rendered to any voter under the provisions of this chapter.

8.04.050. Absentee ballots; delivery

Upon receipt of an application for an absentee voter's ballot, the clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with state law. If the applicant is properly registered, the clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the clerk, in a manner which permits the clerk to be certain that the voter personally marked the ballot, but which does not permit the clerk to see

how the voter voted. The voter shall fold the ballot and seal it in a ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the back of the return envelope and deliver it to the clerk. The clerk shall certify to the affidavit on the return envelope in his/her custody to be delivered to the council for canvassing.

8.04.060. Absentee voting at clerk's office; absentee voter's ballot.

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the clerk, and there cast his or her ballot in the following manner:

The voter first shall show the clerk that his or her ballot has not been marked, and then shall secretly mark the ballot in the presence of the clerk, in a manner which permits the clerk to be certain that the voter personally marked the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the back of the return envelope, and deliver it, properly sealed, to the clerk. The clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in its custody to be delivered to the council for canvassing.

8.04.070. Absentee ballots; executing outside city.

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner as he would cast it in the office of the clerk under this chapter. After writing or stamping his or her name across the seal of the return envelope, the officer shall return it to the voter who shall return it to the clerk.

8.04.080. Voting at the polls, absentee voters; surrender of materials.

If a voter issued an absentee ballot returns to the city on Election Day, he or she shall not vote at the polling place unless he or she first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to him or her. Unused absentee ballots, ballot envelopes, and return envelopes shall be returned to the election supervisor by the election board with other ballots not used at the polling place.

8.04.090. Retention of absentee ballots; delivery.

The clerk as election supervisor shall retain all absentee ballots received in the office safe until the time the council meets as the election review committee to canvass the election. At this time the clerk shall deliver all absentee ballots received to the election review committee to be counted and included in the final vote tally of the election. Absentee ballots must be received by the time of the meeting to be counted.

8.04.100. Liberal construction.

This chapter shall be liberally interpreted, so as to accomplish the purposes set forth.

**CITY OF EKWOK, ALASKA
APPLICATION FOR ABSENTEE BALLOT**

I _____, AM A QUALIFIED VOTER AND RESIDENT OF THE CITY OF EKWOK, ALASKA DO HERBY MAKE APPLICATION FOR AN ABSENTEE BALLOT FOR THE EKWOK CITY ELECTION TO BE HELD, OCTOBER_____, 20 _____.

MAILING ADDRESS: (P.O. BOX NUMBER OR STREET NUMBER)

RESIDENCE ADDRESS: (IF DIFFERENT FROM MAILING ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT:

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

NOTE: AN ABSENTEE BALLOT MAY NOT BE MAILED TO AN ADDRESS IN EKWOK.

SIGNED: (VOTER) _____ DATE: _____

RECEIVED BY: _____ DATE: _____

**CITY OF EKWOK, ALASKA
REGULAR ELECTION**

Mark your votes by marking an "X" mark in the space next to each candidate or choice you wish to vote for. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or

correction. Instead, fold this ballot and give it back to the election judge or Clerk. You will be given another ballot.

DO NOT vote for more than one person for each office or mark more than one choice for each proposition. If you do so, none of your votes for that office or proposition can be counted.

To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates.

If you have any question about how a ballot must be marked, ask the election judge from whom you got the ballot.

VOTE FOR NOT MORE THAN FOUR

CITY COUNCIL MEMBER
SEAT ____: ____ YEAR TERM
(VOTE FOR ONLY ONE)

[] _____

[] _____

CITY COUNCIL MEMBER
SEAT ____: ____ YEAR TERM
TERM
(VOTE FOR ONLY ONE)

[] _____

[] _____

CITY COUNCIL MEMBER
SEAT ____: ____ YEAR TERM
(VOTE FOR ONLY ONE)

[_____]
[_____]

CITY COUNCIL MEMBER
SEAT ____: ____ YEAR
(VOTE FOR ONLY ONE)

[_____]
[_____]

**TALLY SHEET
CITY OF EKWOK, ALASKA**

**(DATE OF ELECTION)
(DATE AND TIME OF VOTE COUNT)**

SEAT

CANDIDATE:

TOTAL

- 1. _____
- 2. _____
- 3. _____
- 4. _____

SEAT

CANDIDATE:

TOTAL

- 1. _____
- 2. _____ **3**
- 3. _____
- 4. _____

WRITE-IN

- 1. _____
- 2. _____
- 3. _____
- 4. _____

PROPOSITIONS

YES

NO

PLEASE MAIL THIS APPLICATION TO:

CITY CLERK

CITY OF EKWOK
EKWOK, ALASKA

STATE OF ALASKA

) SS

CHAPTER 69, SECTION 3
ABSENTEE BALLOT RETURN

ENVELOPE UNITED STATES OF AMERICA)

I _____ STATE, THAT: I AM A RESIDENT OF AND
A REGISTERED VOTER IN THE CITY OF EKWOK, ALASKA, AND I HEREBY ENCLOSE MY
BALLOT.

(SIGNATURE OF VOTER)

(RESIDENCE ADDRESS WITHIN CITY)

SUBSCRIBED AND SWORN TO BEFORE ME, THIS ____ DAY OF _____, 20___. I
HEREBY CERTIFY THAT THE ABOVE-NAMED AFFIANT APPEARED BEFORE ME,
DISPLAYED TO ME AN UNMARKED ABSENTEE BALLOT, MARKED THAT BALLOT IN MY
PRESENCE AND, WITHOUT ALLOWING ME OR ANY OTHER PERSON TO SEE HOW THE
BALLOT WAS MARKED, ENCLOSED AND SEALED SAID BALLOT IN A BALLOT
ENVELOPE, AND THEN ENCLOSED AND SEALED THAT BALLOT ENVELOPE IN THIS
RETURN ENVELOPE, HANDED ME THIS RETURN ENVELOPE SEALED, AND SIGNED THE
FOREGOING AFFIDAVIT.

(OFFICIAL'S SIGNATURE)

(TITLE OF OFFICER)

NOTICE: AFTER RECEIVING THE SEALED ENVELOPE FROM THE PERSON TAKING
YOUR AFFIDAVIT WHEN VOTING OUTSIDE THE OFFICE OF THE CITY CLERK OF THE
CITY OF EKWOK, YOU MUST IMMEDIATELY RETURN IT BY MAIL, POSTAGE PREPAID, TO
OFFICE OF THE CITY CLERK, CITY OF EKWOK, ALASKA.

MARKED BALLOT ENCLOSED, TO BE OPENED ONLY BY ELECTION REVIEW
COMMITTEE.

CHAPTER 8.05

REVIEW OF ELECTION RETURNS

Sections

8.05.010.	Election review committee; meeting.
8.05.020.	Review to be public.
8.05.030.	Procedure for questioned ballot review.
8.05.040.	Questioned ballots; subpoenas.
8.05.050.	Absentee ballots.
8.05.060.	Counting absentee and questioned ballots.
8.05.070.	Defective ballots.
8.05.080.	Certifying results.
8.05.090.	Contest of Election.
8.05.100.	Certificate of Election.
8.05.110.	Retention of election records.

8.05.010. Election review committee; meeting.

- A. The council acting as the election review committee shall meet on the first Friday after the election and canvass all absentee and questioned and defective ballots executed in the election. If the council is unable to obtain a quorum or complete the count on the Friday after the election, the canvas will be continued the following day and each day thereafter until completed.
- B. The clerk shall submit to the council the election board's Report of Preliminary Election Results, the Master Voter Registration List, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective and objected-to ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials. The clerk and election judges shall not open the absentee and questioned ballots before submitting them to the review committee.

8.05.020. Review to be public

- A. The review of all absentee and questioned and defective ballots shall be made in public by opening the returns and announcing the results thereof in front of those present.
- B. The review shall include a review and comparison of the tallies of ballots with the election report to correct any mathematical error in the count of ballots.
- C. If the election supervisor finds an unexplained error in the tally of ballots, he/she may count the ballots from the ballot box.

8.05.030. Procedures for questioned ballot review

- A. The election supervisor shall contact the State Division of Elections and the local voter's registrars by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Registration List were in fact registered to vote in State elections. The election supervisor shall record the names of these registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures in this section.
- B. The council meeting, as the election review committee, shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the council may request the assistance of the clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the council's decision. If the council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election material.
- C. A questioned ballot may not be counted if,
 - 1. The voter has failed to properly execute the certificate;
 - 2. An official authorized by law to attest the certificate failed to execute the certificate;
 - 3. The voter did not enclose the marked ballot inside the small envelope.
- D. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The election review committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in this subsection
- E. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe.
- F. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots

8.05.040. Questioned ballots; subpoenas

The election review committee may order testimony of witnesses and issue subpoenas while investigating questioned ballots. The subpoenas may be enforced by the court upon certification as provided by the state code of civil procedure concerning the enforcement of administrative and state agency subpoenas.

8.05.050. Absentee ballots

- A. The council shall examine each absentee ballot return envelope. Upon the council's satisfaction that:
1. The voter is registered to vote
 2. A resident of Ekwok
 3. Did so certify and cast his ballot before a person authorized by law to administer oaths, which person did so sign and seal; and
 4. The ballot was cast before the close of the polls in Ekwok; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be placed in a ballot box and missed with other small envelopes containing the previously reviewed questioned ballots.
- B. If the council determines that a voter voting absentee was not in fact a qualified voter or did not follow absentee voting procedures the council by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection shall be noted on the envelope. The election supervisor shall place all such rejected absentee ballots in an envelope marked "rejected absentee ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why his absentee ballot was rejected.

8.05.060. Defective ballots

Council members shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote. If council determines for whom the voter intended to vote and that the ballot should be counted, the ballot shall be placed in the ballot box along with absentee and questioned ballots.

8.05.070. Counting absentee defective and questioned ballots

The questioned ballots and absentee ballots shall then one by one be removed from the ballot box taken out of the ballot envelopes and counted by the council in the same manner in which ballots cast at the polls are counted.

8.05.080. Certifying results

If no contest of election is begun under the provisions of this code and after all absentee, defective and questioned ballots are counted or rejected the council shall:

- A. Certify a report that shows:
 - 1. The total number of ballots cast in the election;
 - 2. The names of persons voted for (including write-ins) and the propositions voted upon;
 - 3. The offices voted for;
 - 4. The number of votes cast for each candidate and number of votes cast for or against each proposition voted on at election;
 - 5. The disposition of all absentee, questioned, and defective ballots; and
 - 6. Any other matters which the council deems necessary to preserve a complete record of the election.
- B. Record the results of the election in the minutes of the meeting;
- C. Authorize the results to be certified;
- D. Publicly delicate the results of the election.

8.05.090. Contest of Election

If a contest of election is declared and resolved, the procedures of 8.05.080 shall be followed at a special meeting held on the first Monday after resolution of the contest.

8.05.100. Certificate of Election

- A. Upon authorization of certification of the election results by the council the clerk shall prepare two Certificates of Election for each office, proposition, or questioned considered. The certificates shall be signed by the mayor and attested by the clerk. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful questions or propositions named thereon, and the other original of each certificate shall be kept by the city.
- B. The forms appearing at the end of this chapter illustrate the certificates of election.

8.05.110. Retention of election records

The clerk shall preserve all election certificates, tallies and registers for four years after the election. All ballots and stubs may be destroyed 30 days after the certification of the election unless an appeal of the election has been filed in the superior court in Anchorage in which case the ballots and stubs may be destroyed 30 days after conclusion of the appeal unless stated by an order of the court.

**CITY OF EKWOK, ALASKA
REPORT OF ELECTION RESULTS**

THE TALLY BELOW IS A TRUE AND ACCURATE RECORD OF ALL VOTES CAST IN THE EKWOK ELECTION HELD IN THE CITY OF EKWOK, ALASKA ON OCTOBER _____, 20____.

PART 1: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEATS

CANDIDATE	VOTE

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE

PROPOSITION _____:	FOR _____	AGAINST _____
PROPOSITION _____:	FOR _____	AGAINST _____

QUESTION _____:	YES _____	NO _____
QUESTION _____:	YES _____	NO _____

PART 2 ACCOUNTING OF BALLOTS

TOTAL	BALLOTS	CAST:	_____
TOTAL REGULAR BALLOTS CAST:			_____
TOTAL QUESTIONED BALLOTS CAST:			_____

DISPOSITION: _____

ACCEPTED: _____
REJECTED: _____

TOTAL ABSENTEE BALLOTS CAST: _____

DISPOSITION: _____

ACCEPTED: _____

REJECTED: _____

TOTAL DEFECTIVE BALLOTS CAST: _____

DISPOSITION: _____

ACCEPTED: _____

REJECTED: _____

THE CANVASS OF THE ELECTION WAS COMPLETE BETWEEN THE HOURS OF ____ A.M.
AND ____ P.M. ON _____, _____.

MAYOR _____

ATTEST:

CITY CLERK

REPORT OF ELECTION RESULTS
PAGE 2 OF 2

**CITY OF EKWOK, ALASKA
CERTIFICATION OF ELECTION**

THIS IS TO CERTIFY THAT ON THE ____ DAY OF _____, 20____, WAS ELECTED TO THE OFFICE OF _____ THE CITY OF EKWOK, ALASKA, AS CONFIRMED BY THE CITY COUNCIL OF THE CITY OF EKWOK UPON COMPLETION OF THE FINAL CANVASS OF BALLOTS ON THE ____ DAY OF _____, 20__.

DATED AT EKWOK, ALASKA THIS ____ DAY OF _____, 20__.

MAYOR:

ATTEST:

CITY CLERK

**CITY OF EKWOK, ALASKA
REPORT OF PRELIMINARY ELECTION RESULTS**

THE TALLY BELOW IS A TRUE AND ACCURATE RECORD OF ALL REGULAR VOTES CAST IN THE ELECTION HELD IN THE CITY OF EKWOK, ALASKA ON OCTOBER, 20__.

**PART 1. ELECTIVE OFFICES
OFFICE: CITY COUNCIL SEAT**

CANDIDATE	VOTE
1) _____	
2) _____	
3) _____	
4) _____	

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE
1) _____	
2) _____	
3) _____	
4) _____	

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE
1) _____	
2) _____	
3) _____	
4) _____	

PART 2: BALLOT PROPOSITION AND QUESTIONS

PROPOSITION _____: FOR _____ AGAINST _____
PROPOSITION _____: FOR _____ AGAINST _____
PROPOSITION _____: FOR _____ AGAINST _____

**TOTAL BALLOTS RECEIVED FROM ELECTION SUPERVISOR:
TOTAL REGULAR BALLOTS CAST:**

CHAPTER 8.06

CONTEST OF ELECTION

Sections

8.06.010.	Contest of election; contestant.
8.06.020.	Contest of election; council.
8.06.030.	Ballot recount.
8.06.040.	Prohibited practices alleged.
8.06.050.	Sustained charges; recount.
8.06.060.	Recount expenses; appeal.

8.06.010. Contest of election; contestant

- A. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- B. Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:
 1. Filing a written affidavit with the clerk specifying with particularity the provisions of the law which he or she believes were violated.
 2. This affidavit must be filed with the clerk before or during the first review of the ballots on the Friday following the election. The clerk shall acknowledge the date and time the affidavit is received on its face and makes photocopy of the affidavit which shall be given to contestant.
 3. The sample affidavit at the end of this chapter shows the form this affidavit should take.

8.06.020. Contest of election; council

The council may order an investigation or a recount of the ballots or declare the election invalid and order a new election, or declare the affidavit of election contest without merit and certify the results of the election.

8.06.030. Ballot recount

If only a recount of ballots is demanded, the election board where the error allegedly occurred shall recount the ballots.

8.06.040. Prohibited practices alleged.

When the contestant alleges prohibited practices the council shall direct the clerk to produce the original register books for the election.

8.06.050. Sustained charges; recount

If the charges alleged by the contestant are upheld, the election review committee shall make a recount. The council shall then certify the correct election return as provided by chapter.

8.06.060. Recount expenses; appeal

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.
- B. A person may appeal the decision of the council in Section 2 to the Superior Court, however no person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the city, has exhausted his administrative remedies before the council and has commenced, within ten (10) days after the council has finally declared the election results, an action in the Superior Court in Anchorage. If no such action is commenced within the ten (10) day period, the election and election results shall be conclusive, final, and valid in all respects.

AFFIDAVIT OF ELECTION CONTEST

THE UNDERSIGNED BELIEVES THAT PROHIBITED PRACTICES OCCURRED AT THE MUNICIPAL ELECTION HELD ON OCTOBER ____, 20__ AT EKWOK, ALASKA. THE UNDERSIGNED STATES THAT THE FOLLOWING LAWS WERE VIOLATED.

THE UNDERSIGNED STATES THAT THE ABOVE PROVISIONS OF THE LAW WERE VIOLATED IN THE FOLLOWING MANNER:

SIGNATURE OF PERSON CONTESTING

RECEIVED DATE & TIME

CITY CLERK: _____

CHAPTER 8.07

(RESERVED)

CHAPTER 8.08

(RESERVED)

TITLE 9

PERSONNEL

Chapters:

- 9.01 Responsibilities of Officers and Employees
- 9.02 Personnel Policies and Administrative Manual

CHAPTER 9.01

RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Sections

9.01.010.	Conduct in office; investigations.
9.01.020.	Oath.
9.01.030.	Delivery of office.
9.01.040.	Reports.
9.01.050.	Resignation.
9.01.060.	Conflict of interest.
9.01.070.	Per Diem; subsistence.

9.01.010. Conduct in office; investigation.

The council, mayor, or any persons or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, officer, or employee of the city and to make investigations in municipal affairs and compel the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee according to the personnel policies of the city.

9.01.020. Oath.

All elected officials and permanent employees of the city shall before entering upon the duties of the office, individually take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his or her office and trust, which oath shall be filed with the clerk. The oath is provided in this code.

9.01.030. Delivery of office.

Whenever an officer, appointed official or employee leaves city office or employment for any reason, he or she shall promptly deliver to his or her successor in the office or to the mayor all city property, including books, working papers, records, money, equipment, and effects, which are in his or her custody, possession, or control.

9.01.040. Reports.

Every department head shall make a monthly report to the council of the activities of the department for the preceding month and present a calendar of proposed activities for the upcoming month. Subject to the mayor's approval, the department head may appoint someone familiar with the activities of the department to prepare and make a monthly report to the council

or the department head may submit a written report and calendar to the mayor in advance of the council meeting. Such monthly report shall include a report on finances of the department.

9.01.050. Resignation.

Resignations of city officers and appointed officials shall be made in writing and filed with the clerk, who shall immediately notify the mayor and council. Appointed employees shall follow the procedures of Chapter 75, Personnel Policies for resignation.

9.01.060. Conflicts of interest.

A. Prohibitions

1. No elected official, appointed city officer, or city employee shall use financial gain for himself or herself for the primary purpose of obtaining financial gain for himself or his spouse, child, mother, father or his office or business with which he is associated or owns stock.
2. No elected official (except in the case of a council member where the presiding officer or council rule otherwise as provided in this section), appointed city officer, or city employee shall participate in any official action in which he has a substantial financial interest. Prohibited participation includes official or voting as a council member, taking part in council debate, soliciting the vote of a council member, or encouraging any city.
3. No elected official, appointed city officer, or city employee and no other person may accept from any other elected official, appointed city officer, or city officer, or city employee, or any other person, money, gifts, promises of benefits or any other thing of value, for performing any function or exchange for service that is a normal part of his or her duties or in exchange for voting or acting in any particular way on any matter. This subsection does not preclude any person from accepting any award or bonus authorized by the council to be given for meritorious service.
4. No elected official, appointed city officer, or city employee, and no other person shall give or offer to give to any elected appointed city officer, or city employee, money, gifts, promises of future benefits, or any other thing of value, for performing any function of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in course of his or her duties. This subsection does not preclude any person from voting for or participating in granting any award or bonus authorized by the council to be given for meritorious service.

- B. Financial interests which may be conflicts of interest. The following is a list of examples of financial interests substantial enough that any council member, appointed officer, or city

employee who comes under any of the categories listed below should not vote or act on any matter so affected. The categories below are not meant to be a complete listing of all possible conflicts of interest. Any instances not covered below should come before the council for a vote as the individual matters arise. A council member, appointed officer, or city employee should abstain from voting or refrain from acting if:

1. He or she (or a member of his or her immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence that will be affected by the vote or action.
2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of one thousand dollars (\$1,000.00) or more that will be affected by the vote or action.
3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business of one thousand dollars (\$1,000.00) or more that will be affected by the vote or action.
4. He or she (or a member of his or her immediate family) is a member of a board of directors or governing body or an officer of, or holds a management position with an organization that has financial dealings of one thousand dollars (\$1,000.00) or more with the city that will be affected by his or her vote or action.

C. Conflicts of interest and disclosure; council members.

1. Each council member shall disclose any financial interest he or she may have in any matter that has come before the council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.
2. The mayor shall rule on the request of a council member to be excused from voting on a matter in which the member has or believes he or she has a substantial financial interest, unless the mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the council shall designate another council member who has no financial interest in the matter to rule on the request.
3. The decision of the mayor (or designated council member) on the member's request to be excused from voting may be overridden by a majority vote of the council. Neither the council member making the request, nor any other council member who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.
4. If any resident of the city believes that a council member may have an undisclosed conflict of interest, the resident may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other council member chosen by the resident requesting the meeting) and the council

member who may have a conflict of interest. If, as a result of the confidential meeting, the council member with the potential conflict or the mayor decides that the financial interest must be disclosed to the council the council member shall disclose the interest to the council as provided in this section.

5. A council member who has a substantial financial interest in a matter before the council, and who has been excused from voting on that matter, may not participate as a council member in the debate on the matter, although he or she may participate in discussion to the same extent as a member of the general public. If the matter is discussed by the council in executive session, the member shall be excluded during the executive session.
6. If a conflict of interest is discovered after an official action has been undertaken or completed the council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official acting or to take any other remedial steps necessary.

D. Conflicts of interest and disclosure: city officers and employees.

1. Each city officer and employee shall disclose to the mayor or the council any financial interest he or she may have in any matter that has come before the officer or employee for action in the course of his or her duties. If either the officer or employee making the disclosure. The mayor or a majority of the members of the council conclude that the financial interest in question is substantial, then the officer or employee shall not act or participate in taking action on the matter.
2. Any resident of the city who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other council member chosen by the resident requesting the meeting) and the member chosen officer or employee who may have a conflict or employee with the result of the confidential meeting, the officer or employee with the potential conflict concludes that he or she should refrain from acting on the matter, or the mayor (or other chosen council member) directs the officer or employee to refrain from acting on the matter, all proceedings of the meeting with the resident and the mayor (or other chosen council member) will remain confidential. If neither the officer council member decides that the officer or employee must refrain from acting, the resident may request the council to consider the matter at its next regular meeting.

E. Violations:

1. Any council member, city officer or city employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended from the council or from his or her city office or employment. Such suspensions shall be for a period up of ninety days, and shall be made upon a two-

thirds majority vote of the council. Any council member, officer, or employee who is suspended for this reason more than once in any twelve month period may be discharged from the councilor from his or her office or job. Such discharge shall be made upon at two-thirds majority vote of the council.

2. Any person who willfully violates any provision of this section shall be guilty of an infraction.
3. Any council member or appointed city officer who willfully violates any provision of this section shall be deemed to have violated his or her oath of office and shall be subject to immediate discharge from the council or from office by two-thirds vote of the council. Any willful violation of any provision of this section by any city employee shall be cause for immediate dismissal from employment.
4. No council member may vote on any question of any or her own suspension or discharge.

9.01.070. Per Diem; subsistence

- A. Travel: Employees' time spent at official conferences, meetings or training sessions on the employee's customary work day shall be considered time worked and paid as the employee's customary work day. Reimbursements for travel outside the city shall be determined by the following guidelines:
 1. All official travel shall be approved in advance by the council. An employee with approval of the mayor may receive an advance for travel expenses. An elected official or designated representative of the city, with approval of the council may receive an advance for travel expenses. Any advance received for travel expenses shall not exceed the expected per diem for the travel.
 2. An official, an employee, a designated representative, consultant or anyone else traveling at city expense is required to report to the council on her/his travel at the next regular council meeting following the traveler's return. If a traveler is called away from the city, or a consultant for example has returned to her/his home or office outside the city, he/she with the mayor's approval may submit a written report to the council in lieu of personal appearance. Failure to report to the council by an individual upon return from travel is cause to deny further travel for that individual or if the individual represents a group within the city is cause to deny further travel for that group.
 3. If any individual travels on official business by an indirect route for his/her own convenience, any extra expenses caused by this indirect route, shall be done by him/her and reimbursement for expenses shall be based only on such charges as would have been incurred in traveling a usually traveled route. In the case of an employee any additional time away from duty that may be required for such indirect travel shall be charged to personal leave or to leave without pay.

4. When there is an interruption of travel for official business for the personal convenience of an individual, the per diem allowed shall not exceed that which would have been incurred by uninterrupted travel.
 5. Where privately owned transportation is used for the convenience of any individual, reimbursement for transportation expenses shall be limited to what the lowest available fare would cost by common air carrier. In the case of an employee any additional time away from duty that may be required for such travel shall be charged to annual leave or leave without pay.
 6. When an individual's travel is terminated short of the destination specified on the ticket, the individual shall turn in the unused portion of the ticket with the travel voucher.
 7. The hire of boat, automobile, taxicab, aircraft or other public conveyance will be allowed if the use of such conveyance is authorized by the mayor in advance and is deemed advantageous to the city and better enables an individual on city business to carry out official business.
- B. Per Diem: Per Diem is a guaranteed daily flat rate of payment to an individual on travel status for the city. Per Diem begins when an individual leaves the city for the purpose of travel on official business and ends upon the completion of official business at the time an individual could return to the city. The per diem rate shall be established by the council by resolution. Per Diem is paid when an individual who is on travel status for the city must overnight elsewhere than his/her home. Any person on travel status for the city shall forfeit per diem for any period(s) of time he/she because of her/his own delinquency fails to attend to official business at such time as business could be conducted. Any such person shall be liable for repayment of per diem advances and/or air fares.
- C. Per Diem rates for city Employees and council members will be the maximum summer rate year long.

Amended on 7/10/13, Ordinance # 2013-003 Attested by CAN

CHAPTER 9.02

PERSONNEL POLICIES AND ADMINISTRATIVE MANUAL

Sections

9.02.010. Personnel policies and procedures; administrative manual.

9.02.010. Personnel policies and procedures; administrative manual.

The council shall adopt and amend personnel policies and procedures and an administrative manual by resolution. These enactments, when duly adopted, shall guide the personnel and administrative functions of the city, and all city personnel shall abide by the intent and rules they set forth.