

**CITY OF TELLER, ALASKA**  
**REVISED CODE OF ORDINANCES**

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## CHAPTER I

### GENERAL PROVISIONS

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2. Definitions
3. Grammatical Interpretation
4. Effect of Repeal of Ordinances
5. Severability of Ordinances and Parts of Codes
6. General Penalty
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10. Ordinances Included in the Teller City Code
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Section 1. Code Site and Designation

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

Section 2. Definitions

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

<b>City:</b>	The City of Teller. Alaska or the area within the territorial limits of the City of Teller. Alaska.
<b>Clerk:</b>	The City Clerk
<b>Code:</b>	The Code of Ordinances. City of Teller, Alaska: The Teller City Code
<b>Council:</b>	The City Council of Teller
<b>Person:</b>	A corporation, company, partnership, firm, association, organization, business, trust or society, as well as a natural person.
<b>Publish:</b>	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.
<b>State:</b>	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 Teller 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.

Section 3. Grammatical Interpretation

The following grammatical rules shall apply in the Teller 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 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

#### Section 4. 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 .

#### Section 5. Severability of Ordinances and Parts of Code

An 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 thereunto any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby" .

#### Section 6. 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. A "violation" is a non-criminal 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 to:

- A) To a trial by jury
- 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.

#### Section 7. Laws of Alaska: Violations

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

#### Section 8. Enforcement

The City Council, or duly appointed regulatory body, or the Village Public Safety Officer (VPSO) shall enforce all City Ordinances and laws of the State of Alaska. The VPSO shall serve the person with a citation pertaining to the infraction of the city ordinance. If the fine is not paid to the City Clerk or designee within ten days the person will be served notice to personally appear before the City Council for further action .

#### Section 9. Distribution

This code with amendments shall be made available to the public for inspection. A reasonable fee for the cost of photocopying a full 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 requests.

Section 10. Ordinances Included in the Teller City Code

The Council shall cause each ordinance and resolution having the force and effect of law 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 Teller City Code when properly prepared and authenticated by the City 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.

Section 11. Time 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.

Section 12. Corrections

When in this Code, or any amendments or additions to it, there are any errors the correction of which does not change the meaning of any section of this Code, the Council may authorize the City Clerk to make the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance.

The following corrections are authorized:

- A) Manifest errors which, are clerical or typographical in nature, or errors in spelling or errors by way of addition, deletion or omission
- B) Changes in capitalization for the purpose of uniformity
- C) Correction of manifest errors in reference to laws
- D) Corrections to mistakes in grammar
- E) Corrections of citations or references to laws, statutes and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, Federal Law or this Code

## CHAPTER 2 CITY INFORMATION

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1. Name of City and Form of Government
2. City Limits and History
3. City Seal Described
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### Section 1. Name of City and Form of Government

The City of Teller shall continue as a municipal corporation and political subdivision of the State of Alaska under the name:

"City of Teller, Alaska"

The government of the city shall be commonly known and designated as the Council-Mayor form of government.

### Section 2. City Limits and History

The boundaries of the City are:

On February 19<sup>th</sup>, 1982, the City of Teller submitted to the Alaska Department of Community and Regional Affairs, a petition for annexation pursuant to the regulations then in effect, 19 AAC 15.050. The petition requested annexation of portions of Sections 5,6. and 8, T3S, R37W, Kateel River Meridian (K.R.M.), Section I , T3S, R38W. K.R.M. and Section 36. T2S, R38W, K.R.M.

The department of Community and Regional Affairs reviewed the petition and supporting documentation, and determined that all ,vas in proper form and contained the necessary information.

The Local Boundary Commission reviewed and approved the petition as submitted on May 21, 1982.

Pursuant to 19 AAC I 0.660, an election was held on August 19, 1982; 22 qualified votes were cast in favor of annexation and 7 qualified votes were cast against. The annexation became effective September 2, 1982, pursuant to 19 AAC I 0. 710.

Beginning at the SW corner of Section I, T3S, R38W. Kateel River Meridian (K.R.M.); thence north along the western boundary of Section I, T3S, R38W (K.R.M.) to its intersection with the mean high tide line of Port Clarence; thence northeasterly along the line of mean high tide of Port Clarence to its intersection with the high tide of Port Clarence to its intersection with the east boundary of Section 36, T2S, R38W, K.R.M.; thence south along the east boundaries of Section 36, T2S, R38W, K.R.M., and Section I, T3S. R38W. K.R.M. . to the intersection with the mean high tide of Grantley Harbor; thence following the mean high tide of Grantley Harbor in a southeasterly direction to its intersection with the eastern boundary of Section 5. T3S, R37W, K.R.M.; thence south to the SE corner of the NE 1/4 of Section 8. T3S. R3 7W. K.R.M.; the NW corner of Section 8. T3S. R3 7W. K.R.M. : thence west of SW corner of Section I. T3S, R.38W, K.R.M.: the true point of beginning containing I .835 square miles. more or less, all in the Second Judicial Di strict in the State of Alaska.

The map on the following page of this Chapter shows the location of these boundaries. The boundaries of the City as described above were the effective city limits as of incorporation of the City of Teller as a fourth class city on the 28<sup>th</sup> of July 1969 and amended by annexation dated November 26, 1982.

The Certificate of Incorporation is filed (serial number 63-404) at the Cape Nome Recording District in Nome, Alaska. This certificate was recorded on the 7<sup>th</sup> day of October 1963 and bears the serial number 69-252.

Section 3. City Seal Described

The City shall have a seal consisting of two concentric circles bearing the words in the outer circle: City of Teller, Alaska and in the inner circles the words: "corporate seal, State of Alaska".

Section 4. Use of Seal

The city seal shall be used to authenticate all acts of the City. The seal shall be kept by the Clerk and shall be affixed to all acts or documents, which are required to be authenticated.



**CHAPTER 3**  
**ORDINANCES. RESOLUTIONS. REGULATIONS**

Sections:

1. Acts of the Council
2. Acts Required to be by Ordinance
3. Ordinance Procedure
4. Ordinance Form and Content
5. Amendments to the Code: Effect of New Ordinance; Amendatory Language
6. Supplements or Revisions to the Teller City Code
7. Emergency Ordinance
8. Ordinances Confined to Single Subject
9. Requirements for Passage
10. Signature
11. Ordinance File
12. Repeal Shall Not Revise Any Ordinance
13. Formal Acts by Resolutions
14. Procedures for Resolutions
15. Requirements for Passage of Resolutions
16. Rules and Regulations
17. Codes of Regulations

Section 1. Acts of the Council

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

Section 2. 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 the 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) Designate the borough seat
- L) Provide for the retention or sale of tax foreclosed property
- M) Regulate the rate charged by a public utility
- N) 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 A.S. 36.25 .025.
- O) Provide the acquisition and disposal of land and interest in land

### Section 3. Ordinance Procedure

The Mayor or other Councilmembers introduces a proposed ordinance in writing or by a committee of Councilmembers, in writing, 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 in 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 full. 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 ordinances basic character, the proposed ordinance shall be treated as a newly introduced ordinance.

### Section 4. Ordinance Form and Content

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

- A) The heading; "City of Teller, 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 TELLER, 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
- I) Space for the Clerk's signature as an attestation 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 Councilmembers.

### Section 5. 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. In the case of chapters, sections and subsections or any part thereof repealed by subsequent ordinances. the repealed portions shall be excluded from the Code by omission from reprinted pages affected.

Amendments to any 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 Teller, Alaska is hereby amended to read as follows:". The new chapter or section shall be set out in full as desired.

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 Teller, Alaska is hereby amended by addition of a chapter or section, to be numbered , which the chapter or section reads as follow s:". The new chapter or section shall be set out in full as desired.

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

#### Section 6. Supplements or Revisions to the Teller City Code

Amendments and supplements to this Code shall be typed or printed and included within this Code, within ninety (90) days after adoption by the Council.

The Teller City Code shall be supplemented at regular intervals or if the Council considers that supplementation of the Code is unnecessary, the Code shall be revised and printed every five years.

#### Section 7. Emergency Ordinance

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 on the facts upon which the finding is based . The ordinances 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.

#### Section 8. 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.

#### Section 9. Requirements of Passage

Four affirmative votes are required for the passage of an ordinance.

The final vote 011 an ordinance is a recorded roll ca ll.

#### Section 10. Signature

Each ordinance shall be signed by the Mayor upon its adoption and attested by the Clerk.

#### Section 11. 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.

#### Section 12. Repeal Shall Not Revive Any Ordinance

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

### Section 13. 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 Teller, Alaska":
- B) The space for a number to be assigned - "Resolution Number \_\_\_\_\_"
- C) A short and concise title descriptive of the resolutions 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 Clerks signature as an attestation 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 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 Councilmembers.

### Section 14. Procedures for Resolutions

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

On any vote to pass a resolution, all persons interested shall be given an opportunity to be heard . After the hearing, the Council may pass the 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 a resolution is submitted at a city election when State law requires, then after the Council has certified a majority of favorable votes of the city voters, the resolution may be adopted.

### Section 15. Requirements for Passage of Resolutions

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

### Section 16. Rules and Regulations

The Council shall post any rule or regulation made by an administrative officer, board or commission, for ten days in three public places following its approval.

### Section 17. Code 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 procedures 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.

Chapter 3, Section 4  
CITY OF TELLER, ALASKA  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

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

Sections:

- 1.
- 2.
- 3.

Section 1.

Section 2.

Section 3.

DATE INTRODUCED: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

PASSED and APPROVED by the TELLER CITY COUNCIL this \_\_\_ day of \_\_\_, 20\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest: City Clerk

Chapter 3. Section 13  
CITY OF TELLER, ALASKA  
RESOLUTION NO. \_\_\_\_\_

A RESOLUTION

WHEREAS.

WIIEREAS.

AND WHEREAS.

BE IT RESOLVED THAT:

PASSED and APPROVED by the TELLER CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest: City Clerk

## CHAPTER 4 PUBLIC RECORDS

### Sections:

1. Definitions
2. Ownership and Custody of Records
3. Duties of City Clerk
4. Public Records: Inspection and Copying
5. Confidential Records
6. Retention and Disposal

### Section 1. 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.

### Section 2. Ownership and Custody of Records

- A) All records shall be and remain City property. Records shall be delivered by outgoing officials and employees to their successors as required by this Code 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.
- B) City records, or copies of City records which have been certified by the clerk, shall be prima facie evidence of their contents

### Section 3. Duties of the 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 custody of other city officials and employees, those that have been placed in storage or destroyed and those that are confidential
- B) Establish and maintain a system for filing and retrieval of records, including procedures for keeping track of retrieving and re-filing records which are temporarily removed from the permanent files for use by the Clerk, other City officials, 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 Statute Archive Program in the Department of Education 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 that are not open to inspection pursuant to Section 5
- E) Secure and maintain at least one copy of the Alaska Statutes and make them available for public inspection

Section 4. Public Records: Inspection and Copying

- A) Except as provided in Section 5. 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 costs, a copy or certified copy of portions of the public record.

Section 5. 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 records are confidential:
  - C) 1) Records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50
  - D) 2) Records pertaining to juveniles
  - E) 3) Medical and related public health records
  - F) 4) Personnel records except as provided in this Code
  - G) 5) Other records as required by Federal or State law or regulation or by ordinance to be kept confidential

Section 6. Retention and Disposal

- A) All city records shall be retained until the Council, in writing, authorizes their disposal. The retention and/or disposal schedule shall be in accordance with the Alaska Local Government Retention Schedule.
- 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 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 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 the 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 a record of the disposal itself. The Clerk shall provide copies of these documents to the Council.

**City of Teller, Alaska**  
**ORDINANCE NO. 02-07-09-01**

An amendment to the Code of Ordinances of the City of Teller, Alaska for the replacement of Title II Administration Chapters 5 through 15 to Title II Administration Chapters 5 through 13.

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

Section 1      Classification

This ordinance is of permanent nature.

Section 2.      Purpose

The purpose of this ordinance is to replace Title II Administration Chapters 5 through 15 to Title II Administration Chapters 5 through 13.

Section 3      Title

The Code of Ordinances of the City of Teller, Alaska are hereby amended by addition of the following title to be numbered Title II Chapters 5 through 13 (replacing Title II Chapters 5 through 15) which the title reads as attached

Section 4.      Effective Date

This title becomes effective upon its adoption by the City Council

Introduction: 7/9/2002

Public Reading: 8/20/2002

Adopted by a duly constituted quorum of the City of Teller, Alaska this 20th day of August 2002

  
\_\_\_\_\_  
Mayor - Kenneth A. Hughes, III

ATTEST

  
\_\_\_\_\_  
City Clerk - Warren Lake III

TITLE II        ADMINISTRATION

- Chapter 5. City Council
- Chapter 6. Mayor
- Chapter 7. Council Meetings
- Chapter 8. Council Procedures
- Chapter 9. City Clerk
- Chapter 10. City Administrator
- Chapter 11. City Attorney
- Chapter 12. City Bookkeeper
- Chapter 13. Reserved

## CHAPTER 5

### CITY COUNCIL

Sections:

1. City Council ; Composition
2. Qualifications of Councilmembers
3. Election of Councilmembers; Terms
4. Oath of Office
5. Compensation of Councilmembers
- 6 Conflicts of Interests
7. Financial Disclosure Exemption
8. Vacancies
9. Recall
10. Filling a vacancy

#### Section 1. City Council; Composition

The Council shall consist of seven members elected by voters at large.

#### Section 2. Qualifications of Council Members

Councilmembers shall be qualified City voters. Candidates for council shall have resided in the City of Teller for three years preceding the date of the election. A Councilmember who ceases to be a registered voter in the City of Teller immediately forfeits office.

#### Section 3. Election of Councilmembers; Terms

The regular general election of 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 three (3) public places for thirty (30) days preceding the date of the election. Councilmember's term of office begins on the first Monday following the certification of the election.

Council seats are designated and terms expire as follows:

- Seat A - Three Year Term expires in 2002, then 2005, then 2008, then 2011, etc
- Seat B - Three Year Term expires in 2002, then 2005, then 2008, then 2011, etc
- Seat C - Three Year Term expires in 2002, then 2005, then 2008, then 2011, etc
- Seat D - Three Year Term expires in 200 I, then 2004, then 2007, then 2010, etc
- Seat E - Three Year Term Expires in 2000, then 2003, then 2006, then 2009, etc
- Seat F - Three Year Tem1 Expires in 2000, then 2003, then 2006, then 2009, etc
- Seat G - Three Year Term expires in 200 I, then 2004, then 2007, then 2010, etc

#### Section 4. 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 Constitution and la\\'s of the United States and the State of Alaska, and the laws and ordinances of the City of Teller, Alaska and that I will honestly, faithfully and impartially perform my duties as \_\_\_\_\_ to the best of my ability."

The oath is filed with the Clerk

Section 5. Compensation of Councilmembers

Councilmembers shall receive no compensation for serving on the Council. A separate stipend of \$50.00 shall be paid to each Councilmember and any otherwise uncompensated city representative for each meeting attended on city business. Per Diem or reimbursements for expenses are not compensation under this section. Compensation of Councilmembers shall not be changed during their term of office.

Section 6. Conflicts of Interest

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

Section 7. Financial Disclosure Exemption

An election was held on October 11<sup>th</sup> 1994, which exempted persons running for and incumbents from having to file financial statements with the Alaska Public Offices Commission as required in AS 39.50.145 .

Section 8. 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 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 AS 15.56 and two-thirds of the Council concur in expelling the person elected
- G) Is convicted in violation of AS 15.13
- H) No longer physically resides in the City and the Council by two-thirds vote declares the seat vacant
- I) If a member of the Council misses three consecutive regular meetings and is not excused

Section 9. 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 AS 29.26.260-340.
- D) If a Councilmember is recalled, that office is filled in accordance with Section 9 of 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 the remaining vacancies in accordance with this section. 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 City Council is recalled a successor shall be elected to fill the un-expired portion of the term. The election shall be held on the 6<sup>th</sup> Tuesday after the date the recall election is certified, except that if a
- F) regular election occurs within 75 days after the 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.

Section 10. Filling a Vacancy

If a vacancy occurs in the City 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 will serve until the next regular election. ,when a successor shall be elected to serve the balance of the term .

## CHAPTER 6

### MAYOR

Sections:

1. Election and Term of Mayor
2. Duties of Mayor
3. Vice-Mayor; Presiding Officer Pro Tern.
4. Compensation of Mayor
5. Oath of Office
6. Vacancy in the Office of Mayor
7. Mayor is Ex-Officio Officer

Section 1. 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 the certification of the regular election and elect a Mayor who takes office immediately. The Mayor serves a oneyear term and may serve as Mayor only while a member of the Council.

Section 2. 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 City Council meetings and as a Councilmember 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 ordinance. As chief Clerk the Mayor shall:

- A) Appoint, suspend or remove city employees and administrative officials as provided in the City's personnel ordinance (Chapter 57).
- B) Supervise the enforcement of City Law and carry out the directives of the Council
- C) Prepare and submit an annual budget and capital improvement program for consideration by the Council and execute the capital improvement program and budget adopted
- D) Make monthly financial reports and other reports on city finances and operations as required by the Councils
- E) Exercise custody over all real and personal property of the City
- F) Serve as personnel officer, unless the Council authorizes the Mayor to appoint a personnel officer
- G) Perform such other duties, as required by law or ordinance or lawfully prescribed by the Council

Section 3. Vice-Mayor: Presiding Officer Pro Term.

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 the certification of the regular election.

Section 4. Compensation of the Mayor

The Mayor of the City shall receive compensation at a rate of \$200 a month as set by the Council.

Section 5. Oath of Office

The Mayor before entering the duties of office shall affirm in writing an oath of office as provided for Councilmembers in Chapter 5. Section 4 of this Code.

The oath is filed with the Clerk:

Section 6. Vacancy in the Office of Mayor

A) The Council shall, by two-thirds concurring vote, declare the office of Mayor vacant when the person elected:

1. Fails to qualify to take office within 30 days after election or appointment
2. Unless excused by the Council, is physically absent from the City for ninety (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 offense involving a violation of the oath of office
6. Is convicted of a felony or misdemeanor described in AS 15.56
7. Is convicted of a violation of AS 15 . 13
8. No longer physically resides in the City
9. 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 Chapter 5, Section 9 of this Code apply to the office of Mayor

Section 7. Mayor is Ex-Officio Officer

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

## CHAPTER 7 COUNCIL MEETINGS

### Sections:

1. Meetings Public
2. Quorum
3. Regular Council Meetings
4. Special Meetings
5. Notice
6. Executive Session

### Section 1. Meetings Public

Meetings of all City bodies shall be public as provided in AS 44.62 .310. The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

### Section 2. Quorum

Four Councilmembers constitute a quorum. A member disqualified by law from voting on a question may be considered present for the 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.

### Section 3. Regular Council Meetings

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

The usual meeting place of the council meetings shall be at the Teller City Office provided, however, that 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 to such other place as the Council may choose, provided reasonable prior notice is given .

### Section 4. Special 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 twenty-four (24) hours oral or written notice must be given to a majority of Councilmembers and reasonable efforts made to notify all members. A special meeting may be conducted with less than twenty-four (24) hour notice if all Councilmembers are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after a special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

### Section 5. Notice

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 twenty-four (24) hours or less is given Council members. public notice shall be posted at the same time as notice is given Councilmembers.

Section 6. 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
- C) Matters which by law, municipal charter or ordinance are required to be Confidential

## CHAPTER 8

### COUNCIL PROCEDURES

#### Sections:

1. Mayor; The Presiding Officer at Council Meetings
2. Meetings; Order of Business
3. Minutes
4. Council Rules: Speaking; Rules of Conduct
5. Motions: Second Required
6. Motions; Disposition: Withdrawal
7. Motions; Reduction to Writing
8. Motions; Rescinding Vote
9. Voting; Quorum
10. Duties of the Clerk at Council Meetings

#### Section 1. Mayor; The Presiding Officer at Council Meetings

The Mayor shall preside at all meetings of the Council ; he shall preserve order among the Councilmembers, and is responsible for conduct of all meetings according to the rules of the Council. He may at any time make such rules as he 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 a duly called meeting to elect a presiding officer "pro tem" from among its number and the presiding officer "pro tern" shall exercise all the powers of Mayor during such temporary absence or disability of the Mayor and may also vote.

#### Section 2. Meetings; Order of Business

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

- A. Call to order
- B. Roll Call
- C. Approval of Agenda
- D. Minutes of Previous Meeting
- E. Reports
- F. Communications and Appearance Requests
- G. Hearings, Ordinances, and Resolutions
- H. Bids
- I. Old Business
- J. New Business
- K. Public Participation
- L. Council Comments
- M. Adjournment

#### Section 3 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.

Section 4. Council Rules: Speaking; Rules of Conduct

A Councilmember about to speak shall respectfully address the Mayor or 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 member while speaking shall confine himself to the subject under debate and shall not refer to any other member of the Council except in a respectful manner. Robert's Rules of Order, Revised governs the conduct of Council meetings to the extent this Chapter does not provide otherwise.

Section 5. Motions: Second Required

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

Section 6. 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 possession of the Council and shall be disposed of by vote, but the Councilmember making the motion may withdraw it at any time before the vote, if the second agrees.

Section 7. Motions; Reduction to Writing

Any motion must be put in writing if the Mayor or presiding officer requires or if any Councilmember demands.

Section 8. Motions; Rescinding Vote

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

Section 9. Voting; Quorum

Four Councilmembers constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution or motion.

All Councilmembers present shall vote on every question, unless required to abstain from voting on a question by law. The final vote on each ordinance, resolution or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be recorded unanimous. The Mayor or presiding officer shall declare the result of all votes.

Section 10 Duties of the Clerk at Council Meetings

The City Clerk shall give notice of council meetings, shall attend all meetings of the Council and keep the journal of all its proceedings, shall authenticate by his 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 City Clerk the City Council may appoint a temporary clerk, with all powers, duties and obligations of the City Clerk.

## CHAPTER 9

### CITY CLERK

#### Sections:

1. Appointment: Term
2. City Clerk
3. Additional Duties of the Clerk
4. Acting Clerk
5. Supervisor
6. Clerk's Pay

#### Section 1. Appointment; Term

The City Clerk shall be appointed by the City Council. The Clerk shall hold office at the pleasure of the Council.

#### Section 2. City Clerk

The City Clerk shall:

- A) Give notice of the time and place of all council meetings to the Council and to the public
- B) Attend council meetings and keep the journal
- C) Arrange publication of notices, ordinances and resolutions
- D) Maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes
- E) Attest deeds and other documents
- F) Perform general duties including maintaining city files, ordering office supplies and handling incoming and outgoing mail
- G) Reconcile bank statements
- H) Keep the check register current, including but not limited to entering deposits, charges, posting checks, etc., keep an itemized account of money received and disbursed and pay money and vouchers drawn against budget appropriations
- D) Administer payroll and balance the accounting books, including preparation of monthly, quarterly and annual payroll tax reports as required by state and federal law
- J) Prepare monthly financial reports and present to the Council
- K) Assist in the preparation of the annual budget
- L) Except as provided in AS I 4.14.060, be the custodian of city funds and property
- M) Prescribe and control such procedures as are necessary to protect city funds and property
- N) Verify time sheets for city employees and at the discretion of the Council, supervise other office staff and the running of other city departments
- O) Perform other duties specified in the Alaska Statutes or prescribed in this Code or by the Mayor or by the City Council

#### Section 3. Additional Duties of the City Clerk

- A) Record and certify all actions of the Council
- B) Administer oaths required by law or City ordinance
- C) Be custodian of the city seal and the official records of the City
- D) Be the City election supervisor and shall be responsible for the calling and supervision of all city elections
- E) Provide to the proper officials notice of the expiration or termination of any terms of office, and when necessary, the conditions or requirements of all bonds, franchises, contracts, or agreements.

F) He responsible for filing state and federal applications for shared revenue programs

Section 4. Acting Clerk

The Council may appoint an acting clerk in case of the temporary absence of the clerk. The acting clerk has all the powers, duties and obligations of the clerk.

Section 5. Supervisor

The Mayor supervises the City Clerk.

Section 6. Clerk's Pay

The Council shall determine the pay of the Clerk or acting clerk.

## CHAPTER 10

### CITY ADMINISTRATOR

Sections:

1. Appointment; Term
2. City Administrator
3. Additional Duties of the City Administrator
4. Acting City Administrator
5. City Administrator's Pay

Section 1. Appointment; Term

The Council shall appoint the City Administrator. He/She shall hold office at the discretion of the Council.

Section 2. City Administrator

The City Administrator shall :

1. Supervise and provide direction to city employees, except as provided otherwise in S 360 Title 29 and AS 14.14.065 .
2. Supervise enforcement of city laws
3. Prepare annual budget and capitol improvement grants for the Council
4. Execute the budget and capital grants as adopted
5. Make monthly financial reports to the Council on finances and operations
6. Report to the Council at the end of each fiscal year on the finances and administrative activities of the City
7. Serve as city personnel officer unless the Council authorizes him/her to appoint a personnel officer

Section 3. Additional Duties of the City Administrator

Execute other powers and duties as assigned by the Council.

Section 4. Acting City Administrator

In case of temporary absence of the City Administrator, the Council may appoint the Mayor with all the duties and obligations of the City Administrator.

Section 5. City Administrator's Pay

The Council shall determine the pay of the City Administrator or Acting City Administrator.

## CHAPTER 11

### CITY ATTORNEY

#### Sections:

1. City Attorney
2. Duties of City Attorney

#### Section 1. City Attorney

There may be a City Attorney who shall be appointed by the Council. He shall hold office at the pleasure of the Council.

#### Section 2. Duties of City Attorney

The City Attorney may:

- A) Be charged with the performance of all legal services of the City, including those of legal advisor to the Council, the Mayor and to all departments and offices of the City
- B) Upon the request of the City Council, take necessary steps to arrange for the prosecution of violations of the city ordinances
- C) Represent the City in all matters, civil and criminal, in which the City is interested
- D) Draft any ordinance when required by the City Council or Mayor
- E) Perform other such duties as may be required by the City Council or the Mayor
- F) If necessary, attend meetings of the City Council
- G) Report to the City Council promptly all suits brought against the City
- H) Call to the attention of the City Council and Mayor all matters of law affecting the City
- I) Render all opinions in writing, as far as is practicable
- J) Maintain a record of all opinions rendered and turn such record over to his successor in office

**CHAPTER 12****CITY BOOKKEEPER**Sections:

1. City Bookkeeper
2. Duties of City Bookkeeper

Section 1. City Bookkeeper

The City Bookkeeper shall be appointed by the City Council. The Bookkeeper shall hold office at the pleasure of the Council.

Section 2. Duties of City Bookkeeper

The City Bookkeeper shall:

- A) A) Keep a complete set of records of the financial transaction of the City
- B) Verify and enter detailed financial transactions such as cash journals, i.e. sales slips, check stubs, etc
- C) Summarize financial details on separate ledgers, using calculators and/or computer, records that show monthly (reports) statistics
- D) Prepare and calculate employee wages from timecards. Prepare employee tax withholding, reports and deposits
- E) Compute, type and mail monthly statement to utility customers
- F) Balance checkbooks and ledgers, reconcile bank statements monthly
- G) Prepare grant progress and other reports to grant agencies
- H) Prepare financial reports and present to the City Council
- I) Performs other duties as assigned by the City Council

The City Council shall determine the hours and pay of the Bookkeeper. The Bookkeeper is supervised by the City Clerk.

**CHAPTER 13**

**(RESERVED)**

Title III            REVENUE AND FINANCE

- Chapter 14. Budget, Generally
- Chapter 15. Budget Procedure
- Chapter 16. Annual Financial Statement
- Chapter 17. Management of Funds
- Chapter 18. Sales Tax
- Chapter 19. (Reserved)

## **CHAPTER 14**

### **BUDGET.GENERALLY**

#### Sections:

1. City Obligations
2. Scope of Budget
3. Budgeted Revenues
4. Budgeted Expenditures

#### Section 1. City Obligations

- A. A bond, contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year, or of more than one fiscal year, shall be made by non-code ordinance and approved by the voters.
- B. No payment may be authorized or made and no obligation may be incurred except in accordance with an appropriation made by non-code ordinance. The council may make supplemental and emergency appropriations.
- C. The Council may authorize contracts for capital improvements to be financed wholly or partly by the issuance of bonds.

#### Section 2. Scope of Budget

- A. The budget shall be a complete financial plan for the operation of the City during the next fiscal year, showing dollar reserves, anticipated revenues and proposed expenditures.
- B. Adoption of the Budget, together with appropriation of the required funds, constitutes the commitment of each sum identified as an expenditure to the specified purchase or expense or class of purchases or expenses; and authorization and direction to the Mayor and the City's appointed officials to expend each budgeted sum for the specified purpose.
- C. Proposed expenditures shall not exceed anticipated revenues and reserves.

#### Section 3. Budgeted Revenues

Budgeted revenues shall be itemized and may be composed of taxes, licenses and permits, intergovernmental revenues, charges for services, fines and forfeitures, miscellaneous revenue, cash reserves, and others as needed for proper accounting purposes.

#### Section 4. Budgeted Expenditures

Budgeted expenditures shall be itemized. Separate provisions shall be included in the budget for at least:

- A. Interest, amortization of principal and redemption charges on the public debt for which the faith and credit of the City is pledged
- B. Administration, operation and maintenance of each office, department or agency of the City
- C. The Council's budgetary reserve and
- D. Expenditures proposed for capital projects, including provision for down payments on capital projects

## CHAPTER 15

### BUDGET PROCEDURE

Sections:

1. Fiscal Year
2. Public Records
3. Proposed Budget
4. Public Hearing
5. Amendment of Proposed Budget; Adoption; Appropriation of Funds
6. Amendment
7. Encumbrance
8. Effective Date of Budget Certification
9. Excess Liability; Lapses of Appropriations
10. Transfers
11. Biennial Projection - Capital Program

Section 1. Fiscal Year

The fiscal year of the city government shall begin on the first day of July of each calendar year and end on the last day of June of the following calendar year. The fiscal year shall also constitute the budget and accounting year.

Section 2. Public Record

The proposed budget and budget message, and, upon adoption, the budget, shall be public records open to inspection .

Section 3. Proposed Budget

- A. The mayor shall prepare and submit to the Council not later than May 1<sup>st</sup> of each year the proposed budget for the following fiscal year, together with a budget message. The proposed budget shall set out estimates of all revenues expected to be received and provide and appropriate for all anticipated expenditures of money, including contract and other commitments, except expenditures of construction funds derived from bonds or from special assessments. The budget shall be submitted as a non-code ordinance. The Council may amend the budget estimate at any time prior to adoption.
- B. The proposed budget shall include the amount of anticipated revenues and expenditures by department in such a manner as to present to the public a simple and clear summary of the detailed estimates of the budget.

Section 4. Public Hearing

The Council shall fix the time and place for a public hearing on the proposed budget. Notice of the hearing, together with a summary of the proposed budget, shall be posted in three places in the City not more than ten nor less than five days prior to the time fixed for the hearing. At the public hearing all interested persons shall be given the opportunity to be heard.

Section 5. Amendment of Proposed Budget: Adoption; Appropriation of Funds

- A. After the conclusion of the public hearing on the proposed budget, the Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law.
- B. The Council shall adopt the budget and make the appropriation by ordinance not later than the fifteenth day of June.

- C. If no budget has been adopted by the Council by the last day of the present fiscal year, the proposed budget as submitted or amended shall be deemed to have been adopted by the Council, and the proposed expenditures therein shall have been deemed to have been appropriated for the next fiscal year.

Section 6. Amendment

The budget may be amended by the Council at any time after adoption provided no such amendment shall be made until after a public hearing upon the same notice as required for the budget estimate under Section 4. of this chapter. The substance of the proposed amendment or amendments shall be posted with the notice of the hearing.

Section 7. Encumbrance

No budget appropriations may be encumbered without prior certification that there are unencumbered funds sufficient to cover the anticipated expenditures.

Section 8. Effective date of Budget Certification

The adopted budget shall be in effect for the fiscal year. A copy of the adopted budget shall be certified by the Mayor, attested by the City Clerk, and filed with the Clerk. The certified budget is a public document.

Section 9. Excess Liability; Lapse of Appropriations

The Mayor and the Clerk/Treasurer shall not permit without council approval during any budget year an expenditure or contract incurring any liability in excess of the amount appropriated for each department of the City. All appropriations covered by the budget lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered.

Section 10. Transfers

The Mayor may approve intra-departmental transfers of appropriated funds provided, however, that appropriations may not be transferred between departments except by ordinance amending the budget as provided by Section 5 of this Chapter.

Section 11. Biennial Projection: Capital Program

At the time the Mayor prepares and submits the proposed budget under the provisions of Section 3 of this Chapter, he or she shall present to the Council, as a working document, a proposed two-year summary budget for the City (excluding capital improvement programs) in the same general forms as the budget for the next fiscal year. In addition, the mayor shall present a five-year capital improvement program as a working document which shall estimate by year for each project, anticipated costs, funding requirements and sources and include a narrative outlining the need and proposed priority of each project.

**CHAPTER 16****ANNUAL FINANCIAL STATEMENT****Sections:**

1. Annual Financial Statement
2. Annual Audit

**Section 1. Annual Financial Statement**

The Treasurer shall prepare and submit for review and approval of the Council an annual financial statement. The statement shall contain the same basic information and accounts as the Treasurer's monthly financial report.

**Section 2. Annual Audit**

- A. The Council shall, if required, provide for an annual independent audit of the accounts and other evidences of financial transactions of the City and every City department as required by 2 AAC 45 .0 IO under the provisions of the State Single Audit Act or the Federal Single Audit Act of 1984.
- B. The audit shall be made by an accountant, designated by the Council, who has no personal interest, direct or indirect, as defined in the rules of professional ethics of the American Institute of Certified Public Accountants, in the fiscal affairs of the City or any of its departments. The designated accountant shall be a certified public accountant licensed to practice in the State and shall be a member of the American Institute of Certified Public Accountants. The accountant shall submit his or her report to the Mayor and Council no later than ninety days following the end of the fiscal year under audit.

**CHAPTER 17**  
**MANAGEMENT OF FUNDS**

Sections:

1. Treasurer
2. Bond
3. Deposits and Withdrawals
4. Investments

Section 1. Treasurer

- A. The treasurer is the custodian of all municipal funds and shall be responsible for the management of all cash and negotiable instruments of the City and shall develop and maintain such records, systems and procedures as may, in his or her opinion, be necessary for that purpose.
- B. All accounting functions for the City departments and offices are the responsibility of the Treasurer. The Treasurer shall provide the following statements to the Council on a monthly basis:
  1. Summary statement of cash receipts and disbursements
  2. Reconciliation statement; bank funds, investments; and,
  3. Statement of expenditures compared with appropriations

Section 2. Bond

The Clerk shall give bond to the City in the sum, which the Council directs.

Section 3. Deposits and Withdrawals

- A. The Clerk is authorized to deposit City funds in such federally insured commercial banks, savings and loan associations, or investment accounts as the Council may authorize by resolution . All such deposits shall be held in the name of the City of Teller. The Clerk, Mayor and Council members as designated by the Council are authorized signatories on such accounts.
- B. All withdrawals or checks drawn on such accounts in excess of two hundred fifty dollars (\$250), except payroll checks, shall require two signatures, one by the clerk, and one by the Mayor or another authorized council member. Withdrawals or checks in the amounts less than two hundred fifty dollars (\$250) , or payroll checks in any amount, shall require only one signature.
- C. No check may be drawn unless there are sufficient funds in the account on which the check is drawn to pay the check.

Section 4. Investments

The clerk shall periodically determine necessary cash balances to be maintained in the City's demand deposit accounts and shall invest excess cash in securities of the United States, any state or local governments, commercial paper, time certificates of deposit or any other form of security as may be authorized by law commensurate with the following stipulations:

1. Preference shall be given to Alaskan securities and financial institutions
2. Investment in corporate stocks and bonds is prohibited. and
3. All transaction s shall be made and held in the name of the City

## CHAPTER 18

### SALES TAX

#### SECTIONS:

1. Historical Data
2. Definitions
3. Sales Tax Levy
4. Sales Tax License Required
5. Seller to Collect Sales Tax
6. Sales Tax Schedule
7. Filing Returns
8. Form of Returns
9. Record Keeping
10. Exemptions
11. Exemption Procedures
12. Application for Tax refund
13. Tax as Lien
14. Collection Procedures on Delinquent Sales Tax
15. Penalties and Interest
16. Period of Limitation
17. Rules and Regulations
  - Appendix A
  - Appendix B

#### Section 1. Historical Data

In accordance with the provisions of, at the time, AS 29.10.022 an election for the incorporation for a fourth class city known as Teller, Alaska was held on June 24th, 1969. The vote was 45 for and 7 against. At that time, a majority of votes was cast for the enactment of a 3% sales tax. The vote was 37 for and 14 against. On the 15<sup>th</sup> day of July 1969, the City of Teller was incorporated with the authority to enact a 3% sales tax.

#### Section 2. Definitions

For the purpose of this chapter, the following words or phrases have the meanings contained herein:

- Buyer:** The person who, in the ordinary meaning of the term, takes title to, takes possession of, or buys property or receives services for consideration.
- Property:** Any item, equipment or other material subject to ownership.
- Retail Sales or Sale at Retail:** Every sale made to final buyer and not made in consideration of a resale in the regular course of business.
- Retail Sale Within the City:** A retail sale resulting from an offer made from the seller to the buyer within the City or accepted by the buyer within the City, or services and/or rental taking place wholly within the City.
- Sale:** The transfer of rights in a property from seller to buyer and includes the sale of goods, renting of property and sales of service.
- Sale of Service:** A retail sale resulting from an offer made from the seller to the buyer within the City or accepted by the buyer within the City, or services and/or rental taking place wholly within the City.  
The transfer of rights in a property from seller to buyer and includes the sale of goods, renting of property and sales of service.  
The selling price received for a service provided by an establishment whose principal activity is to furnish service to the consuming public, and includes but not limited to services provided by a barber shop, hotel, motel, automobile repair shop, laundry, telephone company, cable television company and the like.

**Seller:** Every person, corporation or other entity whether acting as principal or agent making sales at retail to a buyer.

Section 3. Sales Tax Levy

- A) A sales tax levy is made on all sales, rents and services made in the City including those made on credit at the rate of 3% (three percent) of the selling price.
  - 1. All retail sales
  - 2. Upon telephone services for local exchanges, service receipts
  - 3. For gas and oil for commercial or domestic use
  - 4. For water and ice furnished and sold for commercial or domestic use
  - 5. Gross receipts derived from rents paid to boat owners for hunting and/or sporting expenditures
  - 6. Gross receipts derived from rents paid to hotels, motels, lodges, rooming houses
  - 7. For service furnished and sold for commercial and domestic use by laundries and cleaners, carpenters, painters, decorators, scavenger, taxies and vehicle rentals
  - 8. All gross receipts received by persons who run and operate places of entertainment or amusement and devices of amusement operated machines of all types provided that entertainment of amusement devices offered for non-profit services or fraternal organizations shall be exempt from taxation.
  - 9. Gross receipts received by a person who owns or operates coffee shops, cafe, restaurants, and catering services including board.
  - 10. For lighterage service furnished and sold for domestic and commercial use.
- B) The burden of the sales tax rests upon the buyer. The tax is to be collected by the seller as further provided by this chapter.
- C) Taxes collected shall be deposited into the City of Teller General Fund.

Section 4. Sales Tax License Required

All persons, businesses, corporations, partnerships, etc., who have a State of Alaska Business License and/or who are conducting business and making sales for which a sales tax is to be collected under the terms of this chapter are required to have a current City of Teller Sales Tax License to conduct business within the city limits of Teller. Sales Tax Licenses are available free from the City Office during the month of July.

- A) Applications shall be obtained from the City Clerk's Office
- B) Applicants must have a valid and current State of Alaska Business License/Permits to obtain a Sales Tax License from the City.
- C) The license must be prominently displayed at the place of business

Section 5. Seller to Collect Sales Tax

- A) A seller shall add a 3% sales tax to the selling price which the seller collects at the time of sale or at the time of collection with respect to the credit transaction
- B) If the buyer refuses to pay the tax, the seller is exempt from any violations or penalties otherwise imposed provided a report is made to the City concerning all facts known about the sale and refusal within three business days of the refusal. Otherwise, if the buyer refuses to pay the tax and the fact is not reported, then the seller is liable therefor. The tax is a debt from the buyer to the seller until paid and is recoverable at law in the same manner as other debts. The buyer is liable to the City for the tax notwithstanding the seller's duties to collect.

- C) The tax shall be stated separately on any sales receipt, sales slip, rent receipts, charge tickets, invoices, statements of account or other tangible evidence of sale.

#### Section 6. Sales Tax Schedule

The following three percent sales tax schedule shall be used by a seller to compute the tax due to be paid by the buyer:

Price	Tax	Price	Tax	Price	Tax	Price	Tax
.20-.45	0.01	1.51-1.83	0.05	2.84-3.16	0.09	4.17-4.49	0.13
.46-.80	0.02	1.84-2.16	0.06	3.17-3.49	0.10	4.50-4.83	0.14
.81-1.15	0.03	2.17-2.49	0.07	3.50-3.83	0.11	4.84-5.16	0.15
1.16-1.50	0.04	2.50-2.83	0.08	3.84-4.16	0.12	& over X 3%	

#### Section 7. Filing Returns

Sellers shall file returns for taxes collected on a monthly basis. On or before the tenth of each month, sellers shall prepare a return for taxes collected during the preceding month on forms furnished by the City. Tax returns with full payment due shall be filed at the City Office.

#### Section 8. Form of Returns

The seller shall provide the information using the return form furnished by the City, sign the return, and certify that it correctly states the information set forth. A sample return form is provided at the end of this chapter in Appendix B.

#### Section 9. Record Keeping

A seller shall retain for three years all of the sales tax returns, reports, forms, records and supporting schedules required by the City.

#### Section 10. Exemptions

The following retail sales are exempt from sales tax:

- A) Wholesaler
- B) Sales of gold to any banking house
- C) Services rendered by any banking house
- D) All sales and services to and from the United States Government, State of Alaska, its departments and institutions, and political subdivisions thereof, all sales and services to and from the City of Teller, Alaska provided that persons serving under city government shall not be exempt from taxation merely because they are in it.
- E) All sales from Interstate Commerce
- F) Gross receipts or purchase price to sale of real estate property by owner or seller not usually engaged in real estate business
- G) Incidental sales made by a person not ordinarily engaged in retail business
- H) Gross receipts or purchase price paid to rents pursuant to a written lease should said lease provide for a rental period in excess of thirty days. All other gross receipts shall be taxable

#### Section 11. Exemption Procedures

A) The burden of establishing any sales tax exemption is on the claimant. No seller may allow an exemption for the reasons hereinafter stated unless the buyer first obtains a certificate of exemption and presents it to the seller at the time of sale or identifies the certificate by giving its number.

The reasons for exemption are as follows:

- 1) The buyer is exempt as stated in Section 10 of this Chapter
  - 2) The buyer is purchasing for resale from which a sales tax will be collected and the specific retail sale is one in a series of sales in a regular basis wherein the seller functions as a wholesaler and the buyer as a retailer
- B) The seller shall indicate the certificate number on the sales slip and account for these sales on the sales tax return in the manner required
  - C) The buyer shall sign application for an exemption certificate if based on his/her tax-exempt status or by the buyer and the seller if based on sale for resale. The application shall contain the information reasonably required by the City Clerk.

Section 12. Application for Tax Refund

- A) An application for a tax refund may be tiled by any buyer who believes the sale to be exempt
- B) Applications for refund shall be furnished to all sellers and shall be given by the seller to any buyer who has paid the tax and desires to request a refund
- C) The seller shall provide the information specified below and shall sign the application. The information provided shall include:
  1. Who paid the tax
  2. The amount of tax paid
  3. The fact that payment was made; and
  4. The date of payment
- D) The buyer shall state why he or she claims that the sale is exempt, sign the application and present it to the City Clerk within ten days of the sale. The burden of establishing the sale's exemption is on the buyer.

Section 13. Tax as Lien

The tax, interest and penalty imposed under this chapter shall constitute a lien in favor of the City upon all the property of the person owing the tax. The lien arises upon delinquency and continues until the liability is satisfied or the lien is foreclosed. The lien is not valid as against a mortgagee, pledgee, purchaser or judgement lien creditor until notice of the lien is filed in the office of the recorder for the recording district in the manner provided for federal tax liens under Alaska Statutes, which by this reference are incorporated herein as if set forth in full.

Section 14. Collection Procedures on Delinquent Sales Tax

The City Clerk may institute the following procedures to collect delinquent sales tax revenues:

- A) Failure to file as required by this chapter shall result in penalties and charges as established in the Penalties and Interest section of this chapter.
- B) On the tenth day following the deadline for filing the return and submitting the taxes due, a certified demand letter shall be sent advising the retailer of the penalties and interest now due
- C) On the twentieth day following the deadline for filing the return and submitting the taxes due, a certified demand letter from the City Clerk shall be sent. This letter shall advise the retailer that if the return is not filed, and that if the taxes, penalties and interest due are not paid within five days of the receipt of the certified letter. the name of the retailer shall be forwarded to the City Council and published as a sales tax delinquent notice in the local newspaper listing the name of the owner and/or operator, the business name and the amount of penalty, interest and tax due.

- D) On the thirty-fifth day following the deadline for filing the return and submitting the taxes due, a certified letter shall advise the retailer that the City will seek legal assistance in collecting the tax due in the form of an attachment of bank accounts, real and/or other personal property tax liens.

Section 15. Penalties and Interest

- A) A penalty equal to five percent of the delinquent tax shall be added to the tax for the first month and ten percent for the following month. The penalty shall be collected in the same manner as the tax is collected.
- B) Interest shall accrue at the rate of 12% if paid after the tenth of the month on the delinquent tax from the date of delinquency and be collected in the same manner as the tax is collected
- C) The City Clerk with the approval of the City Council may determine that a penalty not be imposed under this section provided that notice is given to the City Clerk prior to the day that taxes are due and circumstances are warrant
- D) The City will also pursue collection efforts through legal means for delinquent sales tax due to the City
- E) The City will revoke or suspend a business' City license for non-payment of sales tax due to the City

In addition to the above, any person, firm , or corporation violating any of the provisions of this ordinance shall be fined up to \$300.00 for each offense.

Section 16. Period of Limitation

Any amount of any tax imposed under this chapter may be determined and assessed at any time within a period of three years after the tax became due and payable. The period shall begin on the date when the return was required to be filed . Where no return has been filed the period does not begin to run until the discovery of the delinquency occurs. No suit or proceeding for the collection of the tax shall begin after the expiration of the period.

Section 17. Rules and Regulations

The City Clerk may from time to time cause to be declared rules and regulations as are necessary and advisable to provide for the application and interpretation of this chapter and to submit them to the Council for its adoption or rejection.

CITY OF TELLER, ALASKA  
 P.O. BOX548  
 TELLER, ALASKA 99778  
 PHONE:(907) 642-3401  
 FAX: (907) 642-2051

CITY SALES TAX LICENSE

All questions must be answered. Please print.

1. Name of Applicant:\_\_\_\_\_
2. Address:\_\_\_\_\_
3. Telephone:\_\_\_\_\_
4. Type of Business:\_\_\_\_\_
5. State of Alaska Business License Number/Near:\_\_\_\_\_

6. Person responsible for Filling Out Monthly Seller's Return Collected:

Print:\_\_\_\_\_

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

FOR CITY USE ONLY

FISCAL YEAR\_\_\_\_\_

MONTH OF:	DATE OF RETURN	DATE PAYMENT RECEIVED	DATE OF NOTICE BY CLERK	DEFICIENCY AMOUNT	PENALTY	AMOUNT RECEIVED
JULY						
AUGUST						
SEPTEMBER						
OCTOBER						
NOVEMBER						
DECEMBER						
JANUARY						
FEBRUARY						
MARCH						
APRIL						
MAY						
JUNE						

(APPENDIX A)

# CITY OF TELLER

P.O. BOX 548  
Teller, AK 99778  
Phone (907)642-3401  
Fax (907)642-2051

Seller's Monthly Return Code of Ordinances, Chapter 18 (available in the office of the City Clerk) <b>DUE ON OR BEFORE THE 10th OF EACH MONTH</b>	For Office Use Only: Received By _____ Amount Received _____ Receipt Number _____
--	--

\_\_\_\_\_

Name \_\_\_\_\_

Name of \_\_\_\_\_  
 Business \_\_\_\_\_  
 Reported \_\_\_\_\_

Month Ending \_\_\_\_\_

- 
1. Total retail sales and rentals of goods and services \$ \_\_\_\_\_
  2. Less Exceptions; Section 10 \$ \_\_\_\_\_
  3. Total taxable retail sales and rental of goods and services \$ \_\_\_\_\_

### Computation of Tax

- A. 3% of line 3..... \$ \_\_\_\_\_
- B. Interest at 12% (if paid after the 10<sup>th</sup>)..... \$ \_\_\_\_\_
- C. Penalty (5% first month, 10% second,)..... \$ \_\_\_\_\_
- D. Remit with Report..... \$ \_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_ do solemnly swear that I am

\_\_\_\_\_ of \_\_\_\_\_

making the foregoing report: Under penalty of perjury, I declare that I have examined this return and to the best of my knowledge and belief, it is true, correct and complete.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**CHAPTER19**

**(Reserved)**

City of Teller, Alaska  
ORDINANCE NO. 02-10-08-01

An amendment to the Code of Ordinances of the City of Teller, Alaska for the replacement of Title VII Acquisition and Disposal of City Owned Property to Title IV Acquisition and Disposal of City Owned Property

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

Section 1. Classification

This ordinance is of permanent nature.

Section 2. Purpose

The purpose of this ordinance is to replace Title VII Acquisition and Disposal of City Owned Property to Title IV Acquisition and Disposal of City Owned Property

Section 3. Title

The Code of Ordinances of the City of Teller, Alaska are hereby amended by addition of the following title to be numbered Title IV ( replacing Title VII), which the title reads as attached.

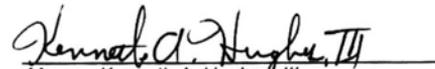
Section 4. Effective Date

This title becomes effective upon its adoption by the City Council.

Introduction: 10/8/2002

Public Reading: 11/12/2002

Adopted by a duly constituted quorum of the City of Teller, Alaska this 12th day of November 2002.\

  
\_\_\_\_\_  
Mayor - Kenneth A. Hughes, III

ATTEST:

  
\_\_\_\_\_  
City Clerk - Warren Lake III

Title IV. ACQUISITION AND DISPOSAL OF CITY PROPERTY

- Chapters
- 20. Real Property Acquisition
  - 21 . Eminent Domain; Adverse Possession
  - 22. Real Property Sales by City
  - 23. Lease of City Lands
  - 24. Disposition of City-owned Personal Property
  - 25. Extraterritorial Jurisdiction

## CHAPTER 20

### REAL PROPERTY ACQUISITION

Sections:

1. Acquisition and ownership.
2. Real property defined.
3. Procedural requirements.
4. Ownership.
5. Rights and powers of City.
6. Dedication by plat.
7. Industrial sites.
8. Federal and State aid.
9. Real property as security.

Section 1. Acquisition and ownership. The City may acquire, own, and hold real property inside or outside the city boundaries by purchase, gift, devise, grant, dedication, exchange, redemption, purchase of equity of redemption, operation of law, tax or lien foreclosure, adverse possession, condemnation or declaration of taking, annexation, or by any other lawful means or conveyance.

Section 2. Real property defined. As used in this chapter, "real property" includes any estate in land, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture, or any other right, title or interest in land or a building.

Section 3. Procedural requirements. The City may acquire, own, and hold real property by warranty or quit claim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall be held in the name of "City of Teller".

- A. Any instrument requiring execution by the City shall be signed by the Mayor and attested by the Clerk. The form of any conveyance may be approved by the city attorney.
- B. Upon a specific resolution of the Council, the Mayor may act on its behalf in the acquisition of real property or an interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants acreage. The resolution shall set forth the terms, conditions and manner of acquisition.
- C. No Council approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property necessary for a utility or public improvement where the utility or public improvement has been authorized and approved by the Council.
- D. Prior to approval, the Mayor is to furnish the Council with an abstract of title, an appraisal of the real property, and a review of any problem in acquisition, but the failure to furnish the Council any such materials shall not affect the validity of any acquisition or purchase of real property by the City. Unless otherwise provided by the Council, the City shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon Council approval of a purchase, the Mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property.

Section 4. Ownership. The City may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy, with any person or government body for any public purpose. The City may hold real property in trust for any public purpose. The Council may approve and authorize the purchase of real property by contract of sale, deed of trust, or mortgage.

Section 5. Rights and powers of City. The City shall have and may exercise all rights and powers in the acquisition, ownership, and holding of real property as if the City were a private person.

Section 6. Dedication by plat. The City may not acquire any real property by means of dedication by plat unless the dedication of real property is accepted in writing and signed by the Mayor and approved by the Council.

Section 7. Industrial 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.

Section 8. Federal and State aid. The City may apply for, contract with, and do all things necessary to cooperate with the United States government and the State of Alaska for the acquisition, holding, improvement, or development of real property inside and outside the city boundaries.

Section 9. Real property as security. The Council may pledge, mortgage, or otherwise secure real property of the City for the payment of city bonded or other indebtedness when required, as authorized by law.

## **CHAPTER 21**

### **EMINENT DOMAIN: ADVERSE POSSESSION**

#### Sections:

1. Eminent domain.
2. Ordinance and vote required.
3. Adverse possession.

Section 1. 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 under the procedures set out in A.S. 09.55.250 - 09.55.460.

Section 2. Ordinance and vote required. The exercise of the power of eminent domain or declaration of taking by the City must be by ordinance that is submitted to the voters at the next general election or at a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

Section 3. Adverse possession. The City may not be divested of title to real property by adverse possession.

## CHAPTER 22

### REAL PROPERTY SALES BY CITY

Sections:

1. Power to dispose of real property.
2. Sale or disposal.
3. Rights and powers.
4. Property exchanges.
5. Grants for Federal and State programs.
6. Beneficial new industries.
7. Change of use.
8. Utilities.
9. Release of easements.
10. Public sale requirements.
11. Sale procedure; land value under \$25,000.
12. Sale procedure; land value \$25,000 or more.
13. Sales; preference rights.
14. Future interests and after-acquired title.
15. Minimum acceptable offer.
16. Exceptions to minimum acceptable offer.
17. Conditions of sale.
18. Council action.
19. Purchase agreement.
20. Employment of broker.
21. Reservation of easements and rights-of-way.
22. Mayor's regulations.

Section 1. Power to dispose of real property. The City may sell, convey, exchange, transfer, donate, dedicate, or assign to use, or otherwise dispose of city-owned property, by any lawful means or conveyances.

Section 2. Sale or disposal. The City may sell or dispose of real property by warranty or quit claim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful method or mode of conveyance or grant.

Any instrument requiring execution of the City shall be signed by the Mayor and attested by the Clerk. The form of any instrument may be approved by the city attorney.

Section 3. Rights and powers. The City shall have and may exercise all rights and powers in the sale and disposal of real property as if the City were a private person. The City may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the Council it is no longer required for municipal purposes.

Section 4. Property exchanges. The Council may approve after public notice the conveyance and exchange of a parcel of city property for an equivalent parcel of property owned by another person subject to such conditions as the Council may impose on the

exchange, whenever in the judgment of the Council it is advantageous to the City to make such property exchange.

Section 5. Grants for Federal and State programs. The Council may grant or devote real property no longer held for public purpose to the United States, the State, a political subdivision, or an agency of any of these governments, for a consideration agreed upon between the City and the grantee without a public sale if the grant or devotion is advantageous to the City. Any approval of a Federal or State program providing for a participation or cooperation of the City by grant or devotion of the real property is a sale of that real property for the consideration stated in the program.

Section 6. Beneficial new industries. The City may sell, lease, or dispose of sites acquired for new industries benefiting the City, upon such terms and conditions as the Council considers advantageous to the City, to a person who agrees to install, maintain, and operate a beneficial new industry.

Section 7. Change of use. Real property acquired or purchased for one city purpose may be appropriated, transferred, assigned, or directed without public sale to another city purpose, whenever the Council determines that the purpose for which the property was acquired or purchased no longer exists, or the property is no longer used or useful for the purpose. No formal conveyance is necessary to dispose of real property to another city purpose, and the disposition may be made to another purpose with or without legal consideration for the disposition.

Section 8. Utilities. The City may sell, convey, or otherwise, dispose of real property no longer used or useful in the operation of a city-owned utility. Real property no longer needed for the purpose for which the real property was acquired or purchased, or utility property no longer useful or used in the operation of the city-owned utility, is no longer property, owned, held for or devoted to public use, and thus may be sold or disposed of as provided in this code if the Council determines the real property is not useful to the City for any other purpose.

Section 9. Release of easements. The Mayor may at any time, subject to the provisions of Sections 11 and 12 of this Chapter, convey, quit claim, release, cancel or otherwise relinquish any real property easement, right-of-way, permit or license the City may have or hold for the purpose of installing, constructing, or maintaining a public improvement, whenever the interest is no longer used or useful for that purpose.

Section 10. Public sale requirements. Unless otherwise provided in this Chapter, sale of real property no longer used or useful for a public use or purpose shall be sold to the highest responsible bidder at a public sale. Public sale is defined as public outcry auction, sealed bid auction or lottery, whichever is determined by the Council to be most advantageous to the City for a particular sale. Public sale shall not be required where the real property of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair market value of the property or where the Council determines the public interest requires a negotiated sale.

Section 11. Sale procedure-land value under \$25,000. Real property of the City valued under twenty five thousand dollars (\$25,000), except as provided otherwise in this

Chapter, shall be sold or otherwise permanently disposed of as provided below:

- A. an estimated value of the property shall be made, by a qualified appraiser;
- B. the parcels of land to be sold shall be reviewed by the Council, which shall make recommendations to the Mayor concerning desirable uses of the property, including projected need, if any, of the land for present or future recreational or other public use;
- C. after review, the Council may, by resolution, direct the sale or lease of such lands under such terms and conditions as it requires;
- D. notice also shall be posted in at least three public places within the City for at least 30 days prior to the disposal;
- E. notice may be given by other means considered reasonable by the Mayor or Council;
- F. the notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rentals or minimum offer, limitations if any, and time and place set for the auction or bid opening, if applicable; and,
- G. the procedure for disposal shall be in a manner provided by resolution of the Council.

Section 12. Sale procedure: land value \$25,000 or more. Sale or other permanent disposition of land valued at twenty-five thousand dollars (\$25,000) or more shall be in the manner described in Section 11 of this chapter with two exceptions as provided below:

- A. Council action under Section 11, subsection "G" shall be by ordinance instead of by resolution;
- B. No disposition of land valued at twenty-five thousand dollars (\$25,000) 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. At least twenty (20) days notice shall be given of the election; the notice shall state the time of the election; the place of voting; a description of the property to be sold, leased, or disposed of; a brief statement of the terms and conditions of the sale; the consideration, if any; and the title and date of passage of the ordinance. Notice shall be given by posting a copy of the notice in at least three (3) public places in the City at least twenty (20) days before the election.

Section 13. Sales: preference rights.

A. When the Council adopts a resolution for sale of residential lots, the Council shall provide that the City shall offer to sell lots included in the lands to be sold to persons with preference rights as provided in this section.

B. The bona fide occupant(s) of a parcel of city land who have built a residence on the parcel have a preference right to purchase the parcel under either of the following circumstances:

1. the residence was built before the land was conveyed to the City, and the circumstances under which the residence was built do not make it inequitable to grant a preference right to the occupant(s); or,

2. the residence was built after the land was conveyed to the City, with the express consent of the Council, or based upon assurance by the Mayor or Council that the land would be conveyed to the occupant(s) after improvements were constructed.

C. When residential lots are to be sold by sealed bid or outcry auction, a preference right entitles the bona fide occupant(s) of a sale parcel to purchase the parcel by matching the highest bid. If no bids are received, the preference right holder may purchase the parcel at its appraised value.

D. When residential lots are to be sold by lottery or by negotiated sale, a preference right entitles the bona fide occupant(s) of a sale parcel to purchase the parcel for its appraised value before it is offered for sale to others.

E. For any specific sale, the Council may prescribe additional terms and conditions regarding the exercise of preference rights.

Section 14. Future interests and after-acquired title. Upon recommendation of the mayor, the Council may authorize the sale of after-acquired title or future interests in real property to which the City is or may in the future become entitled. In exercising this power, the council resolution must contain a specific disclaimer of any warranty of title.

Section 15. Minimum acceptable offer. The minimum acceptable offer for any land sold or leased under the provisions of Section 11 and 12 of this chapter shall be the appraised value determined under Section 11, section A, of this chapter. If there are no acceptable offers, the Mayor may negotiate for the sale or lease of the land, but the Council must, by resolution, approve the terms and the price of any such negotiated sale or lease before such sale or lease shall be binding upon the city.

Section 16. Exceptions to minimum acceptable offer. Exceptions to the requirement for a minimum acceptable offer of market value may be made as provided below: The Council finds that a particular disposition will be in the public interest, as public interest is defined below in this section.

Public interest for the purposes of subsection "A" of this section shall include a public or quasi-public purpose and use and shall also include exchanges of property to facilitate the solution of problems involving the boundary lines of public property. Public interest shall not include a purpose to return property to private ownership, or to make property available for a desirable private enterprise or development, or other private purposes.

Upon a Council determination of a public interest, a negotiated bid may be accepted by the Council by resolution in lieu of public bidding.

Section 17. Conditions of sale. The Council shall set forth the terms and conditions of the public sale in the resolution or ordinance authorizing the sale of real property. The Council may reserve the right to reject any and all bids received at the public sale, if the highest bid is below the fair market value and cost of the sale or if it is not made by a responsible bidder. The resolution or ordinance shall provide if the sale is for cash, or cash deposit and purchase agreement.

The Mayor shall prescribe the form of the purchase agreement. The Council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution by the City. The approval of any public sale by the Council authorizes the Mayor to take all steps and execute all instruments to complete and close the sale. The Mayor or his designee shall conduct the sale and shall give to the buyer a receipt for all monies received by the City. A purchaser at a public sale who fails to make such other cash payments within the times required by the resolution or ordinance shall forfeit any cash deposit paid to the City.

Section 18. Council action. No action of the Council to dispose of any city interest in real property dedicated to public use shall be final until the resolution or ordinance to do so has been on file in the office of the Clerk for thirty (30) days. Prior to any Council action on the sale of real property, the Mayor shall make his or her recommendation to the Council as to any change of use or merits of the sale or disposition of real property.

Section 19. Purchase agreement. A purchaser of real property from the City may purchase the real property by purchase agreement if provided in the resolution or ordinance for the sale. Unless otherwise provided in the resolution or ordinance for the sale, a purchase agreement shall be in the form of a deed of trust. The purchase agreement shall be executed by the Mayor and attested by the Clerk, and may be approved as to form by the city attorney.

Section 20. Employment of broker. The City may employ a broker for the sale of real property and may pay the broker a commission for the sale. The employment shall be in the resolution for the sale of the real property and any contract of employment shall first be approved by the Council unless the Council authorizes the Mayor to execute the contract without the approval.

Section 21. Reservation of easements and rights-of-way. The City may reserve any easement and right-of-way to be used for public improvements and purposes before selling or disposition of city-owned real property. The Council may make such restrictions, limitations, reservation, reversions, or other covenants the Council may find advantageous to the City even if the fair market value of the property is affected. The effect of these reservations may be considered in determining the fair market value of the property.

Section 22. Mayor's regulations. The Mayor may provide by regulation for the procedures and forms as to applications, surveys, appraisals, auction, bidding, form, and substance of purchase agreement, or any other matter involving the sale or disposition of city property not inconsistent with and to implement the intent and purpose of this title. The absence of a regulation or an inconsistent regulation shall not invalidate any public sale procedure, or conveyance executed or to be executed by the City, where the requirements of this title have been otherwise satisfied.

## CHAPTER 23

### LEASE OF CITY LANDS

Sections:

1. Property available for leasing.
2. Term of lease.
3. Appraisals.
4. Lease auction.
5. Lease procedures.
6. Fair rental value.
7. Adjustment of rental.
8. Transfer of lessee's interest.
9. Renewal of lease.
10. Improvements and chattels.
11. Inspection of leased premises.
12. Easements and rights-of-way.
13. Condemnation premises; lease termination.
14. Lease rental credit.
15. Conditional lease.
16. Mayor's regulations.

Section 1. Property available for leasing. All real property, including tide, submerged, or shore lands, which the City owns, or in which the City has right, title and interest, or to which the City may become entitled, may be leased as provided in this chapter. The term property as used in this chapter includes any and all interest in real property.

Section 2. Term of lease. No lease shall be for a term of more than twenty-one (21) years unless the Council shall determine from the purpose, use of the premises, and nature of improvements which may be placed on the premises that a longer term would benefit the City and would be consistent with City planning. A lease having a term greater than five (5) years shall first be approved by the Council. Any renewal period or option to renew the lease period shall be included in the term of the lease in computing the five (5)-year period of time.

Section 3. Appraisals. No property shall be leased or a renewal lease issued unless the property to be leased has been appraised by the City within one (1) year prior to the date contemplated for the beginning of the lease.

No appraisal is required if the fair rental value of the property does not exceed two hundred fifty dollars (\$250) per year and the term of the lease is one (1) year or less, or if the property has been assessed by a tax assessor during the year in which the property is to be leased. An independent appraisal shall not be required unless directed by the Council, or otherwise required by this chapter.

Section 4. Lease auction. Unless otherwise provided in this Chapter, property shall be leased to the highest responsible bidder at a lease auction. Lease auction may be by sealed bid or public outcry auction.

Section 5. Lease procedures. The provisions of Sections II and 12 of Chapter 25 of this code on the method of disposition of city-owned property shall apply to all leases of city land authorized by this Chapter.

Section 6. Fair rental value. Property shall be leased for a fair rental value. Fair rental value is the rental computed from the appraised fair rental value of the property and means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the City. With approval by the Council the lease of property may be made for a rental less than the fair rental value to a State or Federal agency, State political subdivision, or nonprofit organization as may be determined by the Mayor to be fair and proper. The Mayor shall consider the public interest and the nature of the public use or function of the leased premises.

Fair rental value shall not be required where the property interest of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair rental value of the property.

Section 7. Adjustment of rental. A lease having a term of more than two years shall provide for adjustment of rentals at specified intervals during the term of lease, and the intervals shall be every two years unless the lease provides for a longer interval, not to exceed six years. This section shall be incorporated in each lease by reference and enforceable.

Section 8. Transfer of lessee's interest. A lessee may sublease or assign the lease only upon approval of the transfer by the City in writing.

Section 9. Renewal of lease. The renewal or extension of a lease shall be considered as a new lease unless renewal or extension is provided for in the lease. Upon a showing of hardship or for good cause the Mayor may, at his or her option, renew or extend a lease for a period of not to exceed one year without notice, auction, or Council approval.

Section 10. Improvements and chattels. The lease shall provide the terms, conditions and limitations of the removal or reversion of the improvements or chattels upon the lease premises after termination of the lease. The retiring lessee may, with the consent of the Mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice, to the lessee, be sold at public sale as provided by regulations of the Mayor. Proceeds of the sale shall be first applied to the City's costs and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The City may bid at the sale and may be credited with the value of the City's cost, expenses, and rentals due resulting from the non-removal of the improvements and chattels and to rentals for the period of non-removal. The City shall have all other rights, both legal and equitable, any other purchaser would have acquired by reason of sale.

Section 11. Inspection of leased premises. The lessee shall allow an authorized representative of the City to enter the leased premises for inspection at any reasonable time.

Section 12. Easements and rights-of-way. The City expressly reserves the right, without compensation or adjustment in rentals to the lessee, to grant surface, underground or overhead utility easements or rights-of-way in or upon the leased property, if the exercise of

the right will not unreasonably interfere with lessee's improvements placed upon the property and with the lessee's use of the property.

Section 13. Condemnation of premises: lease termination. Upon condemnation of the premises or any part of the premises, including condemnation, by any agency of the State, borough, or Federal government, the lease shall terminate without any liability to the City. The City shall not be liable in damages or pay any compensation to the lessee as a result of the condemnation terminating the lease.

Section 14. Lease rental credit. When authorized in writing by the Mayor prior to the beginning of work, the lessee may be granted credit against current or future rent provided in the work, accomplished on or off the leased premises, results in increased valuation of the leased premises or of other city owned property. The authorization may stipulate the type of work, standards of construction and maximum allowable credit for the specific project.

Section 15. Conditional lease. The City may issue a conditional lease on property it reasonably expects it will own or \_will acquire title to prior to the actual receipt of title. Leases issued on a conditional basis may be terminated in whole or in part in the event that the City is denied title to the property under lease. Prepaid lease rentals on property to which title is denied the City shall be refunded.

The City shall not be liable for any claim or damages that may be done to the property by the lessee, or liable for any claims of any third party or the lessee, or for any claims that may arise from ownership. In the event the City does receive title to the property under lease, the conditional lease shall then have the same standing, force, and effect as a non conditional lease issued under this chapter.

Section 16. Mayor's regulations. The Mayor may provide by regulations for the procedures and forms as to applications, surveys, appraisals, auction, bidding, form, and substance of lease, termination, forfeiture or any other matter involving the leasing of city property to implement the intent and purpose of this chapter. The absence of a regulation or an inconsistent regulation shall not invalidate any auction procedure or lease executed or to be executed by the City, where the requirements of this chapter have been otherwise satisfied.

## CHAPTER 24

### DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

#### Sections:

1. Personal property disposition by value.
2. Sale of surplus or obsolete goods.
3. Surplus stock.
4. Declaration of obsolescence.

Section 1. Personal property disposition by value. Personal property, other than surplus stock, that is valued at less than one-thousand dollars 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), but less than twenty-five thousand dollars (\$25,000), shall be disposed of in the manner provided for land valued under twenty-five thousand dollars (\$25,000) as provided in Chapter 25 of this code. Personal property valued at more than twenty-five thousand dollars (\$25,000) shall be disposed of in the manner provided for land valued over twenty-five thousand dollars (\$25,000) as provided in Chapter 25 of this code.

Section 2. Sale of surplus or obsolete goods. The Mayor and Council may 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) in a single transaction;

B. supplies, materials, or equipment when sold at a price at least as great as that paid by the City for the same.

Section 3. Surplus stock. All agencies 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 agencies 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 have become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

Section 4. Declaration of obsolescence. No surplus or obsolete supplies, materials, or equipment of a value of more than one-thousand dollars (\$1,000) may be sold until the Council has declared them obsolete or surplus.

## CHAPTER 25

### EXTRATERRITORIAL JURISDICTION

#### Sections:

1. Authority.
2. Procedure.

#### Section 1. Authority. Alaska Statute 29.35.020. Extraterritorial Jurisdiction provides:

(A) To the extent a municipality is otherwise authorized by law to exercise the power necessary to provide the facility or service, the municipality may provide parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. A regulation adopted under this section must state that it applies outside the municipality.

B. The City of Teller may adopt an ordinance to protect its water supply and watershed, and may enforce the ordinance outside its boundaries. Before this power may be exercised inside the boundaries of another municipality, the approval of the other municipality must be given by ordinance.

Section 2. Procedure. The City may provide for the facilities or services listed in Alaska Statute 29.35.020 and regulate their use and operation by ordinance when these facilities or services to be provided are outside city boundaries

City of Teller, Alaska

ORDINANCE NO. 02-09-10-01

An amendment to the Code of Ordinances of the City of Teller, Alaska for the replacement of Title IV City Departments to Title V City Departments

BE IT ENACTED BY THE COUNCIL OF THE CITY OF TELLER, ALASKA

Section 1. Classification

This ordinance is of permanent nature.

Section 2. Purpose

The purpose of this ordinance is to replace Title IV City Departments to Title V City Departments

Section 3. Title

The Code of Ordinances of the City of Teller, Alaska are hereby amended by addition of the following title to be numbered Title V ( replacing Title IV }, which the title reads as attached.

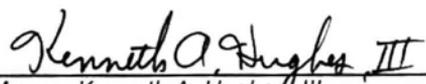
Section 4. Effective Date

This title becomes effective upon its adoption by the City Council.

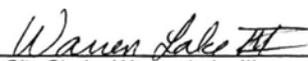
Introduction: 9/10/2002

Public Reading: 10/8/2002

Adopted by a duly constituted quorum of the City of Teller, Alaska this 8th day of October 2002.

  
\_\_\_\_\_  
Mayor - Kenneth A. Hughes III

ATTEST:

  
\_\_\_\_\_  
City Clerk - Warren Lake III

Title V. City Departments

Chapters

26. Office of the Village Public Safety Officer
27. Volunteer Fire Department
28. Pull-Tab/Bingo Department
29. Library
30. (Reserved)

## CHAPTER 26

### OFFICE OF THE VILLAGE PUBLIC SAFETY OFFICER

Section:

1. Creation
2. Appointment and the Removal of the VPSO
3. Powers
4. Duties
5. Custody of Public and Stolen Property
6. Search and Rescue; Cost Repayment

Section 1. Creation

There shall be an Office of the Village Public Safety Officer (VPSO) for the City of Teller.

Section 2. Appointment and Removal of the VPSO

- A) The VPSO is appointed by the City Council resolution pursuant to the VPSO contract between the State of Alaska and the Kawerak, INC. and serves at their pleasure. The VPSO is administratively responsible to the Mayor.
- B) The VPSO may be removed by Council Resolution; Kawerak INC.; or pursuant to the VPSO contract between the State of Alaska and the Kawerak INC.

Section 3. Powers

The VPSO shall have the following powers:

- A) To direct the operation of the Teller Fire Department including providing general fire protection training;
- B) To organize and conduct Search and Rescue operations;
- C) To provide emergency medical services and training, upon certification by the Alaska Department of Public Safety;
- D) To provide water safety training, including boating, swimming and other related training
- E) To enforce, investigate, apprehend, arrest and bring to justice all violators of City Ordinances, Federal and State laws;
- F) To hire (not to exceed seven days) and discharge temporary public safety personnel as may be necessary to deal with public health or safety.

Section 4. Duties

The duties of the VPSO shall include but are not necessarily limited to the following:

- A) Faithfully perform those duties and obligations specified in the VPSO agreement between the City, Kawerak, INC. and the Alaska State Troopers;
- B) Faithfully enforce the City Ordinances in an impartial manner;
- C) Develop and maintain a citation system for the enforcement of the City Ordinances:
- D) Direct the Police, Fire Protection and Emergency Rescue work of the City;
- E) Train and drill the members of the Teller Fire Department;
- F) Be responsible for the maintenance and care of all property used or in the custody of the office;
- G) Maintain and staff the City holding facility and be responsible for the prisoners;
- H) Prepare and maintain records of all fires, accidents, training programs, arrests, fines, search and rescue operations and responses to emergencies and other information about the work and status of the office and make periodic written reports to the City Council.

- D) Provide arrangements and equipment for reporting emergency situations and for notifying all city council members to assure prompt response to such incidents:
- J) Supervise fire and public safety inspections;
- K) Recommend to the City Council needed fire protection
- L) Prepare and submit, upon request, a tentative budget for the office to the City Council;
- M) Communicate directly with and coordinate, where possible, office activities with other regulatory and enforcement agencies about matters related to office business;
- N) Perform other such duties as may be required by the City Council or Alaska
- O) State Troopers.

Section 5. Custody of Public and Stolen Property

The VPSO shall have custody of all property and equipment that comes into possession of the office. The VPSO shall be responsible for an inventory list of all property, equipment and supplies including their proper maintenance.

No person shall use any office equipment for his or her private purpose, nor shall any person without proper authority remove any office property.

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

Section 6. Search and Rescue: Cost Repayment

Person or persons causing a search and rescue operation to take place because of the person 's abuse of drugs and/or alcohol shall be subject to repay the cost of the search and rescue operation up to the sum of five hundred dollars (\$500).

## CHAPTER 27

### VOLUNTEER FIRE DEPARTMENT

#### Sections:

1. Volunteer Fire Department; Fire Chief
2. Power and Duties of the Volunteer Fire Department
3. Fire Chief
4. Volunteer Fire Department
5. Rules and Regulations
6. Training and Records
7. Conduct of Members
8. Equipment
9. Definitions

#### Section 1. Volunteer Fire Department: Fire Chief

There shall be a Volunteer Fire Department, the head of which shall be the VPSO. The Volunteer Fire Department shall consist of the Fire Chief and as many other officers and fire fighters as may be necessary for the effective operation of the Volunteer Fire Department.

#### Section 2. Powers and Duties of the Volunteer Fire Department

Duties of the Volunteer Fire Department shall be among others to extinguish fires; to rescue persons endangered by fire; to resuscitate and to administer first aide to persons injured in or about burning structures; promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fires in stores and other public buildings.

#### Section 3. Fire Chief

The Fire Chief shall be technically qualified through training and experience. The Fire Chief shall perform the following duties:

1. Determine the organization of the Volunteer Fire Department and provide for its staffing
2. Establish and enforce rules and regulations for the conduct of members of the department
3. Train and drill the members of the department including periodic fire drills as deemed necessary
4. Maintain possession and custody of all fire equipment, buildings and all other property of the department
5. Prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel and other information about the work and status of the department and make periodic written reports to the Council
6. Provide suitable arrangements and equipment for supporting fires or other emergencies and for notifying all members of the department to assure prompt response for such incidents
7. Assign equipment or manpower in response to calls for outside aide where mutual aide agreements are in force and other cases only when the absence of such equipment will not jeopardize protection in the City
8. Supervise fire prevention
9. Recommend to the Mayor and Council needed equipment
10. Prepare and submit, upon request, a tentative budget for the department to the Mayor or Council
11. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires
12. Perform other such duties as may be required by the Mayor and the Council

Section 4. Volunteer Fire Department

The Fire Chief shall appoint volunteer firemen and the volunteer firemen shall be organized and disciplined as a Volunteer Fire Department by the Fire Chief. Members of the Volunteer Fire Department may organize into a voluntary association with the election of their own officers and by-laws.

The voluntary association shall in no manner limit the power of the Fire Chief. All property used by the Volunteer Fire Department is and remains the property of the City and all expenses of the Volunteer Fire Department, upon proper voucher, shall be paid by check by the regular municipal authorities.

From time to time in such amounts as the Council considers advisable, payments may be made to the volunteer department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes that are in keeping with its function.

Section 5. Rules and Regulations

The Fire Chief shall maintain and enforce up-to-date comprehensive sets of rules and regulations governing the discipline, training and operation of the Volunteer Fire Department. The rules, regulations and any deletions, changes or additions shall be effective when filed with and approved by the Council. The Fire Chief shall have the authority to enforce the rules and regulations and is authorized to suspend or remove any officer or fire fighter.

Section 6. Training, Records and Reports

- A) Training - The Fire Chief or his representative who has completed fire training at a State Fire Training Center shall provide, at least four times per year, quarterly sessions to include such objects as first aide, water supplies and other objects related to fire prevention.
- B) Records - The Fire Chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other Volunteer Fire Department activities.
- C) Reports - Current records and comparative data for previous years and recommendations for improving the effectiveness of the Volunteer Fire Department shall be included in an annual report to the City Council. Such reports as may be required concerning the Volunteer Fire Department in general, giving suggestions and recommendations for major improvements and listing other data as to maintain a complete record of the activities of the Volunteer Fire Department shall also be prepared and submitted by the Fire Chief.

Section 7. Conduct of Members

It shall be the duty of every member of the Volunteer Fire Department to conduct him or herself in a professional manner and to refrain from conduct that brings discredit to any member of the department.

Section 8. Equipment

- A) The Fire Chief shall recommend to the Council such apparatus or other fire fighting equipment as may be required to maintain volunteer fire department efficiency and for providing suitable arrangements and equipment for reporting fires or emergencies.
- B) No person shall use any fire apparatus or equipment for any purpose, nor shall any person willfully and without proper authority remove or conceal any article used by the Volunteer Fire Department.
- C) No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the Volunteer Fire Department unless accompanied by or having permission of an officer or authorized member of the Volunteer Fire Department.
- D) Members of the Volunteer Fire Department who drive privately owned vehicles are required to have an insignia attached to their vehicle identifying them as members of the Volunteer Fire Department.
- E) Members of the Volunteer Fire Department who drive privately owned vehicles are required to have a flashing blue light attached to their vehicle and shall have the right-of-way over all other traffic when responding to an alarm.

Section 9. Definitions

For the purpose of this Code "**employees**" do not include members of the Volunteer Fire Department unless otherwise noted. Members of the Volunteer Fire Department are not subject to the rules and regulations of any personnel system which is adopted by the Council, unless a personnel system which is adopted by the Council, affirmatively provides in the personnel rules and regulations that members of the Volunteer Fire Department are included.

## CHAPTER 28

### BINGO/PULL-TAB DEPARTMENT

#### Sections:

1. Creation of the Bingo/Pull-Tab Department
2. Function of the Department
3. Bingo/Pull-Tab Manager
4. Business Hours
5. Compliance with State Rules and Regulations
6. Cash Count/Deposit Procedures
7. Separate Account/Monthly Financial Statement
8. Use of Funds/Donations

#### Section 1. Creation of the Bingo/Pull-Tab Department

There shall be a Bingo/Pull -Tab Department for the City of Teller.

#### Section 2. Function of the Department

The Teller Bingo/Pull-Tab Department shall handle all the City 's games of chance and skill, including but not limited to: Bingo/Pull-Tab games, Christmas potlucks, Fourth of July games, carnivals, festivities and other City sponsored games, and which shall be handled and funded by the Bingo/Pull-Tab Department.

#### Section 3. Bingo/Pull-Tab Manager

The City Council shall hire a Bingo/Pull-Tab Manager. The Manager shall serve at the Council 's discretion. The Council shall set hi s/her pay and the hours he/she shall work each week.

The Manager shall sell Pull-Tabs and refreshments during regular business hours that the Bingo office is open. He/she will also coordinate Bingo games and ensure that enough Bingo/Pull-Tab helpers are hired to nm the games efficiently. He/she will order supplies and equipment as needed. He/she shall familiarize themselves with : Games of Chance and Contests of Skill Statutes (AS 05 .15), Games of Chance and Skill Regulations (12 AAC 34), Authorized Games of Chance and Skill Regulations (Revenue 15 AAC 105) and gambling regulations as found in Section II .66.200- 11 .66.280 and shall make sure the City complies with these rules and regulations.

#### Section 4. Business Hours

The City Council shall set the hours of when Bingo games are played and when PullTabs are sold. The hours shall be posted conspicuously by the entryway of the Bingo office. Pull-Tabs and refreshments may be sold during Bingo games.

#### Section 5. Compliance with State Rules and Regulations

The City shall comply full y with State rules and regulations concerning Bingo, PullTab and other games of Chance and Skill.

A business license must be first obtained and then posted in a conspicuous place in the Bingo office or wherever games of Chance and Skill are to be held.

Door prizes, awards and other prizes shall be limited according to AS 05. 15.180 and other related statutes and regulations.

Quarterly and annual reports shall be made to the Department of Commerce and Economic Development as required by AS 05.15 .083 . The reports shall be on forms provided by DCED.

Section 6. Cash Count/ Deposit Procedures

All revenues made by and through this department shall be counted and verified by the Bingo/Pull-Tab Manager and a Council Member using a count sheet. Both parties attesting to the amount will sign the count sheet. All currency, coin and checks will be placed with the count sheet in a suitable container and placed in a safe. The revenues shall be deposited the following day and the count sheet shall be retained in a permanent file.

Section 7. Separate Account/Monthly Financial Statement

As required by State law a separate checking account shall be kept. All earnings from bingo games, pull-tab sales, sale of refreshments, etc., shall be deposited into this account.

Bingo/Pull-Tab Monthly Financial Statements reflecting monthly bingo/pull-tab earnings and expenses shall be made by the City Clerk or Bookkeeper and reported to the Council during its monthly meetings.

Section 8. Use of Funds/Donations

Authorized expenses as set in, AS 05 .15.160 and 15 AAC 105.220 (b) ( 1 )-( I 0) shall be expended. The Bingo/Pull-Tab Department shall comply with these regulations.

Donations shall be made to individuals and charitable organizations that qualify under AS 05.15. I 50 and 15 AAC I 05.280.

## CHAPTER29

### LIBRARY

Sections:

1. Establishment of Library
2. Librarian
3. City Council
4. Hours

Section 1. Establishment of Library

There is hereby established a community library available to the residents of the City of Teller and all other persons who desire its use.

Section 2. Librarian

There shall be a librarian appointed by and responsible to the City Council. The librarian shall be responsible for operation of the library, cataloging of materials by subject matter, ordering of materials, checking in and out of books, return of overdue books, accounting for of funds appropriated and other library matters. The librarian shall make regulations, subject to Council approval, for the operation of the library.

Section 3. City Council

The City Council shall be the library board to govern generally the operation of the library.

Section 4. Hours

The library hours shall be set by the City Council.

**CHAPTER30**

**(RESERVED)**

Title VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

- Chapters 31. Repair Shop  
32. (Reserved)  
33. (Reserved)  
34. CableTV  
35. City Equipment  
36. City Property; Inventory and Files  
37. (Reserved)

## **CHAPTER31**

### **Repair Shop**

Sections:

1. Use
2. Cost
3. Rules

Section 1. Use. Hours and days when the machine shop may be used will be determined and periodically reviewed by the Council.

Section 2. Cost. Users' fee will pay for some of the cost of operating the machine repair shop. The Council shall periodically review the costs of operation of the shop and from this information will determine the rates to be charged to users.

Section 3. Rules. All users shall abide by city rules.

**Chapter 32**

**CHAPTER 33**

**(Reserved)**

**CHAPTER34**  
**Cable TV**

Sections:

1. Name of cable television.
2. Prohibited acts.
3. Service rates, connections, disconnecting, re-connecting.
4. Limit of cable lines.
5. Maintenance of cable television system.
6. Utilization of company's expertise.
7. Interest and penalties.

Section 1. Name of cable television. The legal title or name of the cable television in the City of Teller, Alaska shall be City of Teller Cable T.V.

Section 2. Prohibited acts. (A) It shall be unlawful for any person(s) to maintain, operate, or tamper with the City of Teller Cable T.V. in such fashion that it violates Federal Copyright Law and City of Teller Cable T.V. Regulations.

B. It shall be unlawful for any person(s) to install, construct, alter, extend, and/or add to the City of Teller Cable T.V. This includes hooking up additional TVs or running cables to a neighbor's house.

C. The authorized cable channel(s) shall not be changed without the knowledge and approval of the Teller City Council.

Section 3. Service Rates, Connection, Disconnection, Reconnection. (A) Making of Connections:

1. All connections to the City of Teller Cable T.V. should be made at the expense of the user(s). Costs of the connection and all appropriate regulations governing connection, shall be declared by ordinance of the City Council.

2. All subscribers' connections, repairs, modifications, and/or disconnections shall be made only under the terms and conditions as set forth by the regulations adopted by the City Council and/or such further regulations as the City Council may make.

B. Application for cable television system and/or connection: Each application for cable television and/or connection shall be in writing and shall use the Service Order Form provided.

C. The cable television channel(s) authorized by the City Council at the date of adoption of this ordinance are as follows:

Channel 2: WGN; Channel 3: Discovery; Channel 5: HBO; Channel 6: USA; Channel 7: TNT; Channel 8: ESPN; Channel 9: ARCS.

These authorized channels may change according to regulations adopted by the City Council. Notice shall be given of such change.

D. Approval of application; Appeal

1. If the City is satisfied that the application and the proposed connections) complies with this ordinance and applicable regulation relating to the cable television system, it shall approve the application for, and provide for, the connection.

2. Any subscriber whose application for connection(s) has been denied may appeal to the City Council at its next regularly scheduled meeting.

E. New Subscriber Fee: The new subscriber's application fee must be set by the City Council to cover the labor and administration cost. This fee will be set by ordinance.

F. Billing Rate: The monthly cable television bills will be mailed out to each subscriber at the end of each month in the amount set by ordinance and passed by the City Council. This monthly fee may change according to procedures in regulations adopted by the City Council for management of the system.

G. Disconnect and Re-connect Rate:

1. Connections for which monthly billing payments are not received by the 15th of the following month shall be disconnected immediately during business working hours by 2:00 p.m. of the 15th. If the 15th of the month falls on a weekend, the disconnection shall be made on the following Monday.

2. The re-connection fee shall be set by ordinance passed by the City Council, including the sum of unpaid bill(s) of the subscriber. This fee may change according to procedures set out in regulations that may be adopted by the City Council.

Section 4. Limit of Cable Lines. (A) There shall be a limit of one cable line installed to each subscriber at cost set by resolution passed by the City Council.

B. There shall be an additional installation cost per line if any additional lines are needed.

Section 5. Maintenance of Cable Television System. (A) The City shall provide, properly maintain, and continue quality program services to all subscribers.

B. It shall be the subscriber's responsibility to maintain, and repair at his/her own expense, his/her TV and electric system.

C. It is the subscriber's responsibility to immediately notify the City of Teller Cable T.V. of any malfunctions in the system. No adjustments to billings will be made without notification to the City of Teller Cable T. V. of cable problems and verification by System employees that problems a subscriber may have are in fact due to the system not the subscriber's equipment.

Section 6. Utilization of Company's Expertise. The City shall utilize the private cable company's expertise to provide quality programming for the City of Teller Cable T.V ..

Section 7. Interest and Penalties. (A) Interest at the rate of 10% per annum shall be charged on accounts more than 30 days past due. This is in addition to reconnection fees that are charged.

B. Penalty. Person, persons, companies, firms, corporations or other entity(ies) 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. A violation is a non-criminal 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:

1. to a trial by jury; or
2. to have a public defender or other counsel appointed at public expense to represent the person.

City of Teller Cable T.V.

**NOTICE OF DECISION TO DISCONNECT SERVICE**

Customer's Name: \_\_\_\_\_

Address: \_\_\_\_\_

I, the Mayor of City of Teller, Alaska, hereby find that you were provided a cable t.v. service bill dated \_\_\_\_\_ with an amount of \$ \_\_\_\_\_ and that you have not paid such service bill "by not submitting payment in full.

This action constitutes a violation of the City of Teller Code of Ordinances.

Because you have continued to neglect or refuse to pay in full the amount of your cable t.v. service bill, the City hereby gives notice that your cable t.v. service will be disconnected on \_\_\_\_\_.

You may appeal the decision of the Mayor to the City Council at its next regularly scheduled meeting dated \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

City of Teller Cable T.V.  
City of Teller

**FINAL NOTICE**

Customer's Name: \_\_\_\_\_

Address: \_\_\_\_\_

The City of Teller Cable T.V. hereby gives notice to the Cable T.V. Operator or designee to disconnect your cable t.v. service. This notice is required by Code of Ordinances of City of Teller.

The disconnection will occur at 12:00 p.m., noon on \_\_\_\_\_ .

This disconnection is a result of a violation of the Code of Ordinances of City of Teller.

You were notified by the City of its intention to disconnect your cable t.v. service on \_\_\_\_\_ . Since that notice, you have made no effort to pay in full your obligation to the City.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

City of Teller Cable T. V.  
City of Teller

**PROCEDURES FOR RECONNECTION**

Customer's Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Under the Code of Ordinances of The City of Teller, your cable t.v. service shall be resumed when you have performed the following:

1. Paid in full your outstanding service bill in the amount of \$\_\_\_\_\_.
2. Paid a reconnect fee in the amount of\$ and security deposit of \$\_\_\_\_\_.
- 3.Re-applied for cable t.v. service by submitting a complete utility service a agreement.

Your cable t.v. service will be reconnected ONLY after you have performed all of these procedures.

Date \_\_\_\_\_

Mayor \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

## **CHAPTER 35**

### **CITY EQUIPMENT**

Sections:

1. Recognition.
2. Use of equipment.
3. Rental of equipment.
4. City clerk.

Section 1. Recognition. The City Council of Teller recognizes that: (A) the City of Teller owns various trucks, loaders, tractors and other equipment; that

B. many times city owned equipment is the only equipment available for use on construction projects in Teller; that

C. 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; that

D. the cost of operation and maintenance of equipment in Teller is high.

Section 2. Use of equipment. Individuals, contractors, agencies of the State of Alaska or the United State government may make application to the City Council of Teller for use of city equipment. The Council shall review their application and may or may not grant use on such terms as the Council deems fit.

Section 3. Rental of equipment. Rental agreements for use of city equipment shall be prepared by the City 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 insurance, 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.

Section 4. City Clerk. The City Clerk shall keep a file of blank rental agreements, completed and current rental agreements and rental rates.

**CHAPTER36**  
**CITY PROPERTY: INVENTORY AND FILES**

Sections:

1. Inventory; files.
2. Ancillary files.
3. Register.

Section 1. Inventory: files. The City Clerk shall prepare and maintain files which contain separate inventories and listings of all real properties, capital improvements and equipment belonging to the City.

At a minimum these files shall contain: (A) the date of acquisition of the property, improvement, or equipment;

B. the condition at time of acquisition;

C. the original cost - whether borne by the City or paid by a donor agency such as PHS, Village Safewater or another state or federal agency including a budget breakdown by categories of individual costs such as labor, materials, freight, etc.;

D. costs of subsequent repairs and improvements after acquisition; and,

E. a listing of past, current and future repair, renovation, replacement or improvement needed, and in the case of current or future repair, renovation, replacement or improvement, estimates or quotations of costs.

Section 2. Ancillary files. The City Clerk shall maintain ancillary files to the inventories and listings which shall include all supportive documents such as warranties, maintenance schedules, licenses, insurance coverage etc. These files shall be so maintained that any supportive information concerning a city property may be immediately retrieved. These files shall contain information, price lists, names, addresses and phone numbers about parts and suppliers.

Section 3. Register. The City Clerk shall maintain a register which lists the locations, costs, dates of acquisition, 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 City Clerk may provide for property control numbers or such other system of labeling city properties as the Council deems appropriate.

## CHAPTER 38

### Prohibiting sale of alcoholic beverages

Sections:

1. Classification.
2. Prohibitions.
3. Violations.
4. Penalty.
5. Definitions.

Section 1. Classification. This is a permanent ordinance of the City of Teller, Alaska to be numbered and included in the City Code.

Section 2. Prohibitions. As a result of the alcohol local option election authorized by Alaska Statute Title 4 and held on November 13, 1997, at which 55 voters voted "yes" and 41 voted "no" to prohibit the sale of alcoholic beverages, the sale of alcoholic beverages is prohibited in and within five miles of the limits of the City of Teller, Alaska.

Section 3. Violations.

- A. A person found violating Section 2 of this ordinance shall be issued a citation by a peace officer.
- B. The citation shall bear witness to and identify the specific violation as found in Section 2. Each violation is a separate offense.

Section 4. Penalty. An unlicensed person selling hard liquor OR wine OR beer commits a Class "C" Felony, and can be sentenced up to 5 years in jail and/or fined up to \$50,000.00  
Alcoholic beverages in any amount sold to a minor is a Class "C" Felony.

Section 5. Definitions. The following definitions apply to this chapter:

"Alcoholic beverages" means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage (or any beverage containing alcohol that the person possessing intends to consume, whether meant for human consumption or not) and that contain alcohol, whether produced commercially or privately.

"Sale" means alcoholic beverages sold, offered for sale or possessed for sale, bartered, or exchanged for goods and services in the city. Sale does not mean alcoholic beverages purchased by one person for another or a group when there is no profit involved, but merely a reimbursement of cost, as long as all persons involved are 21 years of age or older.

This law is effective on the first day of January, 1998. The results of the election held November 13, 1997, to adopt an option to prohibit the sale of alcoholic beverages were certified on November 14, 1997

## CHAPTER 39

### Bus & taxicab regulations

Sections:

1. Creation.
2. Definition.
3. Operation without permit prohibited.
4. City Council.
5. City Clerk.
6. Permits.
7. Insurance.
8. Expiration.
9. Rules & regulations.

Section 1. Creation. The City Council of Teller, in order to provide for the safety and welfare of the citizens of Teller and to more efficiently provide services for the citizens of Teller has created this ordinance for taxicabs and buses.

Section 2. Definition. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Taxicab" is and shall be deemed for this purpose of this chapter to mean a motor vehicle used for the purpose of carrying passengers for hire or pay, upon the public streets of the city, operating from a fixed stand for location, but not limited in its operation to any particular route.

"Motor Bus" as herein defined shall mean a vehicle designated to carry passengers, for hire or pay, exclusive of the driver, operating within the city.

"Taxicab/Motor Bus Permit" whenever used shall be deemed to mean the permission granted by the City to any person to operate or keep for hire, any taxicab or motor bus, as the case may be, within the city, or upon the public streets thereof.

Section 3. Operation without permit prohibited. No persons shall operate or permit to be operated any vehicle as a taxicab or bus for the transportation of persons within the city without first having obtained an appropriate permit from the City under the provisions of this chapter.

Section 4. City Council. The City Council reserves the right to approve or reject all future permits or transfers of existing permits.

Section 5. City Clerk. The City Clerk shall issue a taxicab or bus permit upon Council approval and upon receipts of an application with appropriate information and upon receipt of sufficient proof of insurance in accordance with Section 7 below.

Section 6. Permits. All permit holders will comply with applicable Alaska Statutes, and City of Teller Code of Ordinance, Chapter 39.

Section 7. Insurance. Each operator shall insure each taxicab/bus with a standard insurance policy against public liability and property damage as required in Title 28, Motor Vehicles of the Alaska Statutes. Such insurance is found to be requisite in the public safety and well being; and must be maintained in full force and effect while engaged in business under this permit in the city. Cancellation or release of this insurance shall be immediate cause for revocation of this permit by the City Clerk's office upon complaint and hearing under a misdemeanor charge for violation of this section.

Section 8. Expiration. Each taxicab/bus license shall expire on the thirty first day of December, at midnight of the year of issuance.

Section 9. Rules and regulations. At the time of granting by the city, each person operating buses or taxicabs in the city may register in writing with the City Clerk's office the trade name, emblem or symbol for such person's buses and taxicabs, together with a color, or color combination not to exceed any two colors. Upon such registration no other person operating like or similar equipment so permitted Within the city may they employ, use or register a like name, emblem, symbol, color combination which has previously been registered by another properly permitted person. No person may register more than one\_ trade name, emblem, symbol, color combination for the equipment licensed by one operating company. Upon revocation of license, or failure .to renew such permit, such registration of trade name, emblem, symbol, color, or color combination shall be null and void. Any person properly permitted under this section who has registered such trade name, emblem., symbol, color, or color combination with the City Clerk may change at any time such registered matters. As long as such change does not resemble or copy the trade name, emblem, symbol, color or color combination previously registered by another permittee, it shall not be necessary for the permittee to re-register a trade name, emblem, symbol, color, or color combination which has been previously registered by him for the operation of his buses or taxicabs.

The use by a person licensed to operate buses or taxicabs within the city of a trade name, emblem, symbol, color, or color combination which has been previously registered by another person so licensed in conformity with the provisions outlined, shall be deemed a violation of this section.

CITY OF TELLER, ALASKA  
APPLICATION FOR TAXICAB OR MOTORBUS PERMIT  
MONTH

Date \_\_\_\_\_

1. Permit for the operation of taxicabs/motorbuses is hereby requested for the  
\_\_\_\_\_ Company.

2. Names and addresses of all owners, or persons having financial interest for which  
application is made:

_____	_____
_____	_____
_____	_____
_____	_____

3. Style under which applicant intends to do business, whether as an individual,  
corporation, co-partnership, firm or association:

\_\_\_\_\_

4. Number of vehicles to be operated; make, model, engine number of all equipment to be  
operated by applicant; whether owned by applicant or by driver owner; if driver owned,  
give name of driver of each vehicle:

Owner's Name	Number	Make	Model	Engine Number
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

5. Name of Insurance Company, amount of insurance, policy number for each  
taxicab/motor bus, or for-hire vehicles: (enclose copy of policy)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Payment of \$ \_\_\_\_\_, Receipt# \_\_\_\_\_, Date \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

Date \_\_\_\_\_

Permit # Issued \_\_\_\_\_

**CHAPTER40****EXCESSIVE NOISE**

Sections:

1. Excessive noise prohibited.
2. Penalties.

Section 1. Excessive noise prohibits. It shall be unlawful for any person: (A) to use or operate any motor vehicle, power shovel, pneumatic hammer, amplified sound device, or other apparatus, of which the use or operation is attended by loud or unusual noise between the hours of ten p.m. and seven a.m., except by the written permission of the mayor. The permission shall be granted only if the public shall benefit of the operation or use of such apparatus or vehicle during those hours outweigh the annoyance, inconvenience, or injury to the public caused by the noise'.

B. 1. To create unreasonable noise and to act with reckless disregard which disturbs the peace and privacy of another in their residence, by the use of any amplified sound device or other electronic apparatus.

2. As used in this Section, "noise" is "unreasonable" if, considering the nature and purpose of the defendant's conduct and the circumstances known to him, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. This includes the nature of the location and the time of day or night. "Noise" does not include speech that is constitutionally protected.

Section 2. Penalties. Failure to comply with a provision of the Chapter is a violation as defined in Chapter i. Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of \$300. Such fine shall be set at the discretion of the fining authority.

## CHAPTER 41

### DOG CONTROL

Sections:

1. Coverage.
2. Keeping dogs confined.
3. Loose ownerless dogs.
4. Loose owned dogs; fines.
5. Rabid dogs.
6. Disposal of dogs.

Section 1. Coverage. Every person who owns, keeps custody of, or claims possession of a dog is subject to the provisions of this chapter. Such a person is an "owner" for the purpose of this chapter.

Section 2. Keeping dogs, confined. All dogs, six months or older shall be securely confined by either chaining or enclosing in a fenced lot so as to pose no threat to life or property or create a public nuisance within the City of Teller.

Section 3. Loose ownerless dogs. Any loose dogs posing a threat to a person or property within the city limits or any loose unattended and unidentifiable dog will be considered wild, abandoned or ownerless and will be subject to disposal without notification of the owner.

Section 4. Loose owned dogs: fines. In the case of a loose, unattended dog, where ownership can be determined, the owner shall be notified by the VPSO of the dog being loose. The owner will have to take immediate steps to confine the dog. If the owner fails to confine the dog or dogs, the dog or dogs will be disposed of by the VPSO. Owners shall be fined for loose dogs at the following rates: 1st offense - \$20.00; 2nd offense - \$30.00; 3rd offense - dog destroyed.

Section 5. Rabid dogs. (A) Any dog believed to be sick with rabies shall be observed for fourteen (14) days and then disposed of, in accordance with State Health Laws, if found to have any of the symptoms of rabies. The VPSO is in charge of proper disposal and subsequent shipment of the undamaged head to the State Sanitation Laboratory.

B. If the dog in question has bitten anyone, the Community Health Aide, VPSO and City Clerk shall be notified immediately and determination made as to whether or not the dog(s) in question has a current rabies shot. If the dog(s) in question has a current rabies shot record, the dog shall be observed for fourteen (14) days; otherwise, the dog will be immediately disposed of in accordance with proper disposal methods and subsequent shipment of the undamaged head to the State Sanitation Laboratory.

Section 6. Disposal of Dogs. The City of Teller disclaims any responsibility for disposal of dogs belonging to owners in violation of any provisions of this Chapter.

## CHAPTER 42

### Offenses by or against public officers and government

Sections:

1. Interference with city officers.
2. Falsely assuming to be an officer.
3. Resisting arrest.
4. Penalty.

Section 1. 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 duty.

Section 2. 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 himself to act as such, or require anyone to bid or assist him in any manner.

Section 3. Resisting arrest. It is unlawful for any person to attempt to escape or forcibly resist when lawful arrest is being made by an officer.

Section 4. Penalty. Any person, persons, companies, firms, partnerships, corporations, or other entities violating the provisions of this ordinance shall upon conviction thereof, be fined not to exceed the sum of five hundred (\$500) dollars. Such fine shall be set at the discretion of the fining authority. Nothing in this section precludes the substitution of community service work for a monetary fine.

## CHAPTER 53

### ABSENTEE VOTING

Sections:

1. Absentee Voting, Eligible Persons
2. Absentee Ballots, Application, Filing
3. Ballot & Envelope Form
4. Absentee Voting Procedures
5. Absentee Ballots, Delivery
6. Absentee Voting at Clerk's Office, Absentee Voter's Ballots
7. Absentee Ballot~, Executing Outside City
8. Voting at the Polls, Absentee Voters, Surrender of the Materials
9. Retention of Absentee Ballots, Delivery
10. Liberal Construction

#### Section 1. 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 an election, may cast an absentee ballot.

#### Section 2. Absentee Ballots, Applications, Filing

- A) A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the City Clerk.
- B) The clerk must receive an application made by mail not more than twenty days or less than three days before the day of the election. An application made in person must be filed with the Clerk not more than twenty days before the day of the election and no later than noon on the day preceding the election. The application must be signed by the applicant and show his place of residence.
- C) Upon timely receipt of application for an absentee ballot, the clerk shall file the application and then verify the residence of the applicant by any means the clerk deems proper.
- 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 City Clerk.
- E) Nothing in this section is intended to limit the City Clerk from personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Clerk's office for an absentee voter's ballot. The City 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.

#### Section 3. Ballot and Envelope Form

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

#### Section 4. Absentee Voting Procedures

- A) The clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with this ordinance together with a ballot envelope and a prepaid return envelope. The ballot provided to absentee voters shall be identical to the ballot prepared for regular voters.

- B) The Clerk shall not issue an absentee ballot sooner than 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 into the blank register the following information: the name of the voter to whom it was issued, the number of the ballot issued, and 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) 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.
- E) Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter into the blank register the following information: the name of the voter to whom it was issued, the number of the ballot issued, and the date on which the ballot was issued.
- F) 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.

#### Section 5. Absentee Ballots, Delivery

Upon receipt of an application for an absent voter's ballot, the Clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes Chapter 15.07. 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 votes. The voter shall fold the ballot and seal it in the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal and retain the envelope in custody to be delivered to the council for canvassing.

#### Section 6. Absentee Voting at Clerk's Office, Absentee Voter's Ballots

Any voter issued an absentee ballot may, at any time prior to closing of polls on the day of the election for which it is issued, appear at the office of the City Clerk, and there cast his ballot in the following manner: The voter first shall show the City Clerk that his ballot has not been marked, then shall secretly mark the ballot with a pen and ink or indelible pencil in the presence of the Clerk, in such a manner that the City Clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it properly sealed to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in custody to be delivered to the council for canvassing.

#### Section 7. Absentee Ballots, Executing Outside City

At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such office cast his ballot in the same manner he would cast it in the office of the City Clerk under this section. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the City Clerk.

Section 8. Voting at the Polls, Absentee Voters, Surrender of Materials

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

Section 9. Retention of Absentee Ballots. Delivery

The City Clerk as election supervisor shall retain all absentee ballots received in the office until the time the council meets 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.

Section 10. Liberal Construction

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

## CHAPTER 54

### REVIEW OF ELECTION RETURNS

Sections:

1. Canvass Committee
2. Canvas Committee, Meeting, Postponing Canvass
3. Canvass to be Public
4. Procedure for Questioned Ballot Review
5. Questioned Ballots, Subpoenas
6. Absentee Ballots
7. Counting Absentee & Questioned Ballots
8. Defective Ballots
9. Canvass Committee, Report Contents
10. Certifying Results
11. Contest of Election
12. Certificate of Election
13. Retention of Election Records

Section 1. Canvass Committee

The council shall serve as the canvass committee which will canvass all votes after the election judges have completed their tally of votes. The members of the committee shall be qualified electors of the city.

Section 2. Canvass Committee, Meeting, Postponing Canvass

The canvass committee will meet on the following Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days in total.

Section 3. Canvass to be Public

- A) The canvass of all absentee and challenged ballots will be made public by opening the returned and announcing the results thereof in front of whomever may be present.
- B) Absentee ballots shall be counted by the City Clerk and two more assistants appointed by him/her in the following manner: All ballot envelopes shall be removed from return envelopes and placed in a ballot box; the return envelopes shall be delivered to the City Clerk; the absentee ballots then shall one by one be removed from the ballot box, taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted by an election board.
- C) The canvass shall include a review and comparison of the tallies of the paper ballots with the precinct election certificates to correct any mathematical error in the count of paper ballots.
- D) If the City Clerk finds an unexplained error in the tally of paper ballots in any precinct election tally, he may count the ballots from the precinct. The City Clerk shall certify in writing to the state canvass board any changes resulting from the count.

Section 4. Procedure for Questioned Ballot Review

- A) The election supervisor shall contact the State Division of Elections and the local voter 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 and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures established herein.

- B) The canvass 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 canvass committee 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 decision. If the canvass committee determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the canvass committee 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 materials.
1. A questioned ballot may not be counted if:
    - A) The voter has failed to properly execute the certificate
    - B) An official authorized by law to attest the certificate failed to execute the certificate
    - C) The voter did not enclose the marked ballot inside the small envelope
  2. 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 challenge in writing. The canvass committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this section.
  3. 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 challenges. The envelope shall be labeled "Rejected Questioned Ballots" and shall be placed in the office safe or lockable container.
  4. If a question 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. The questioned ballots shall then one by one be removed from the ballot box, taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted.

#### Section 5. Questioned Ballots, Subpoenas

The canvass committee may order testimony of witnesses and issue subpoena 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.

#### Section 6. Absentee Ballots

- A) The canvass committee shall examine each absentee ballot return envelope. Upon the committee's satisfaction that:
  - 1) The voter is registered to vote
  - 2) A resident of Teller
  - 3) Did so certify and cast his ballot before a person authorized by law to administer oaths, while person did so sign and seal
  - 4) The ballot was cast before the close of the polls in Teller; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be

placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.

- B) If the canvass committee determines that a voter, voting absentee, was not in fact a qualified voter or did not follow absentee voting procedures, the canvass committee 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.

#### Section 7. Counting Absentee & 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 canvass committee in the same manner in which ballots cast at the polls are counted.

#### Section 8. Defective Ballots

Canvass committee 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.

#### Section 9. Canvass Committee - Report - Contents

The canvass committee will submit a report of its finding the Monday following the election. The report will show:

- A) The number of ballots cast in the election
- B) The names of the persons voted for and the propositions voted upon
- C) The office voted for
- D) The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election
- E) A proposed disposition of all challenged, absentee, write-in and voided ballots
- F) Other matters which the canvass committee will determine necessary

#### Section 10. Certifying Results

If no contest of election is begun 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 the persons voted for (including write-ins) and the proposition voted upon
  3. The offices voted for
  4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election
  5. The disposition of all absentee, questioned and defective ballots
  6. And any other matters which the canvass committee 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 declare the results of the election

#### Section 11. Contest of Election

If a contest of election is declared and resolved the procedures of Section 10.A-D shall be followed at a special meeting held on the first Monday after resolution of the contest.

Section 12. Certificate of Election

- A) Upon authorization of certification of the election results by the City Council the City Clerk shall prepare two Certificates of Election for each office, proposition or question considered. The certificates shall be signed by the Mayor and attested by the City Clerk. One original of each Certificate of Election shall be given to the successful candidate or the sponsor of the successful question or proposition named thereon, and the original of each certificate shall be kept by the City.
- B) The forms appearing at the end of this Chapter illustrate the Certification of Election

Section 13. Retention of Election Records

The City 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 stayed by an order of the court.

## CHAPTER 55

### CONTEST OF ELECTION

#### Sections:

1. Contest of Election, Contestant
2. Contest of Election, Council
3. Ballot Recount
4. Prohibited Practices Alleged
5. Sustained Charges, Recount
6. Recounted Expenses, Appeal

#### Section 1. 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 City Clerk specifying with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct
  2. This affidavit must be filed with the City Clerk before or during the first review of the ballots on the Friday following the election. The City Clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given to the contestant.
  3. The sample affidavit at the end of this Chapter shows the form this affidavit should take.

#### Section 2. Contest of Election, Council

The council may order an investigation or a recount of the ballots or declare the election, as to one or more offices or propositions or in its entirety invalid and order a new election. Or declare the affidavit of election contest without merit and certify the results of the election.

#### Section 3. Ballot Recount

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

#### Section 4. Prohibited Practices Alleged

When the contestant alleges prohibited practices the Council shall direct the City Clerk to produce the original register books for the election.

#### Section 5. Sustained Charges, Recount

If the charges alleged by the contestant are upheld, the council shall make a recount. The Council shall then certify the correct election returns.

#### Section 6. Recounted 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 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 in Anchorage, 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 City Council, and has

commenced, within ten (10) days after the Council has finally declared the election results, an action in the Superior Court. 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.

**APPENDIX OF FORMS****FORMS:**

- A. Oath of Election Official.
- B. Notice of Election.
- C. Declaration of Candidacy.
- D. Ballot.
- E. Oath and Affidavit of Eligibility for Challenged/Questioned Ballot.
- F. Tally Sheet.
- G. Report of Preliminary Election Results.
- H. Application for Absentee Ballot.
- I. Absentee Ballot Return Envelope.
- J. Certificate of Election {Officer}.
- K. Certificate of Election-Ballot Proposition.
- L. Affidavit of Election Contest.
- M. Notice of Canvass Committee Meeting to Certify Election.
- N. Certificate of Election.

City of Teller  
OATH OF ELECTION OFFICIAL  
(Form A)

I, \_\_\_\_\_ do solemnly swear (affirm) that:  
I will honestly, faithfully, and impartially perform the duties of election judge (clerk) to the best of my ability;  
I am familiar with the city's elections ordinances and elections procedures.

SIGNED: \_\_\_\_\_  
Election Judge or Clerk

Witnessed:

\_\_\_\_\_  
City Clerk

**City of Teller**  
**NOTICE OF ELECTION**  
(Form B)

NOTICE: A regular (special, run-off) election will be held in the City of Teller on the day of \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_ for the purpose of filling three (3) seats on the City Council, as follows:

	Seat Currently Held By:
City Council Seat __ , 3-year Term	_____
City Council Seat __ , 3-year Term	_____
City Council Seat __ , 3-yearTerm	_____

**IN ORDER TO VOTE YOU MUST BE:**

1. A citizen of the United States, and qualified to vote in State of Alaska Elections
2. A resident of Teller for at least 30 days prior to the date of the election
3. Registered to vote in State Elections.

**YOU CANNOT VOTE IF YOU HAVE BEEN:**

1. Convicted of a felony involving moral turpitude, unless your voting rights have been restored
2. Judicially determined to be of unsound mind, unless the disability has been removed

POLLS WILL OPEN:                    8:00 A.M., October \_\_ , 20

POLLS WILL CLOSE:                8:00 P.M., October \_\_ , 20

LOCATION OF POLLS:                Community/Bingo Hall

Candidates for office must file a Declaration of Candidacy form, or file by petition of ten (10) resident voters file with the City Clerk no later than \_\_\_\_\_, \_\_\_\_\_ 20\_\_\_\_. Forms may be obtained at the city offices from 9:00 a.m. to 5:00 p.m. Monday through Friday.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk

[CITY  
SEAL]

City of Teller  
DECLARATION OF CANDIDACY  
(Form C)

\_\_\_\_\_  
Clerk, Insert Date of Filing

I, \_\_\_\_\_, hereby declare my candidacy for office of  
(print full name)

\_\_\_\_\_ of the City of Teller, Alaska. I am a qualified City voter.

I am a United States citizen qualified and registered to vote in elections of the State of Alaska. I have not been convicted of a felony involving moral turpitude without later restoration of my voting rights pursuant to AS 15.05.030, nor have I been judicially determined to be of unsound mind unless this disability has been removed. I have been, or will by the date of election for which I am filing this Declaration have been, a resident of the City of Teller, Alaska for more than thirty (30) days. If elected to the above office, I will serve the full term of \_\_\_\_\_ years, commencing  
(length of term)

on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_ and ending on \_\_\_\_\_, \_\_\_\_\_,  
(Date Term of Office Begins) (Date Term or Office Ends)

20\_\_\_\_, I request that my name be printed on the official ballot for the municipal election to be held in the City of Teller, Alaska on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_.  
(date of election)

\_\_\_\_\_  
Signature

**City of Teller**  
**OFFICIAL BALLOT**  
(Form D)

Regular (Special) Election of \_\_\_\_\_, \_\_\_\_\_.

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 on the ballot, write his or her name in the blank space below the list of candidates for that office.

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 ONE  
CITY COUNCIL MEMBER  
SEAT\_: THREE YEAR TERM  
(Vote for only one)

- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_

CITY COUNCIL MEMBER  
SEAT\_: THREE YEAR TERM  
(Vote for only one)

- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_

CITY COUNCIL MEMBER  
SEAT\_: THREE YEAR TERM  
(Vote for only one)

- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_

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Propositions:

Prepared By:

---

City Clerk

City of Teller  
OATH & AFFIDAVIT OF ELIGIBILITY  
FOR CHALLENGED/QUESTIONED BALLOTS  
(Form E)

I, \_\_\_\_\_, DO HEREBY DECLARE THAT I AM A RESIDENT OF THE CITY OF TELLER, ALASKA AND MEET ALL OF HE 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

**City of Teller  
TALLY SHEET  
(Form F)**

\_\_\_\_\_  
(DATE OF ELECTION)

\_\_\_\_\_  
(DATE/TIME OF VOTE COUNT)

CANDIDATE	SEAT A	SEAT B	SEAT C	SEAT D	SEAT E	SEAT F	SEAT G
TOTAL							
1..							
2..							
3..							
4..							
5..							
6..							
7..							
8..							

WRITE-IN VOTES

1..							
2..							
3..							

PROPOSITIONS

YES

NO


**City of Teller**  
**REPORT OF PRELIMINARY ELECTION RESULTS**  
 (Form G)

The tally below is a true and accurate record of all regular votes cast in the \_\_\_\_\_, election held in the City of Teller on \_\_\_\_\_, \_\_\_\_\_ 20\_\_\_\_.

**PART 1: ELECTIVE OFFICES**

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

**PART II: BALLOT PROPOSITIONS AND QUESTIONS**

PROPOSITION: \_\_\_\_\_ FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

PROPOSITION: \_\_\_\_\_ FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

PROPOSITION: \_\_\_\_\_ FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

QUESTION: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

QUESTION: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

QUESTION: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

**PART III ACCOUNTING OF BALLOT**

Total Ballots Received From City Clerk: \_\_\_\_\_

Total Regular Ballots Cast: \_\_\_\_\_

Total Questioned Ballots Cast: \_\_\_\_\_

Total ballots Returned to Clerk: Defective: \_\_\_\_\_

Unused: \_\_\_\_\_

The tally of ballots was completed between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ p.m. on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_.

Respectfully Submitted,

\_\_\_\_\_, Election Board Chairperson

\_\_\_\_\_, Election Judge

\_\_\_\_\_, Election Judge

ATTEST:

\_\_\_\_\_  
City Clerk

[City  
Seal]

City of Teller  
APPLICATION FOR ABSENTEE BALLOT  
(Form H)

I, \_\_\_\_\_, A QUALIFIED VOTER AND RESIDENT OF THE CITY OF TELLER, ALASKA, HEREBY APPLY FOR AN ABSENTEE BALLOT FOR THE CITY ELECTION TO BE HELD ON \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_.

RESIDENCE ADDRESS:

\_\_\_\_\_  
P.O. BOX# OR STREET  
MAILING ADDRESS:

\_\_\_\_\_  
(IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(VOTER)

RECEIVED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

PLEASE MAIL THIS APPLICATION TO: Office of the City Clerk, P.O. Box 548, Teller, Alaska 99778

## CHAPTER 53

### ABSENTEE VOTING

Sections:

1. Absentee Voting, Eligible Persons
2. Absentee Ballots, Application, Filing
3. Ballot & Envelope Form
4. Absentee Voting Procedures
5. Absentee Ballots, Delivery
6. Absentee Voting at Clerk's Office, Absentee Voter's Ballots
7. Absentee Ballot~, Executing Outside City
8. Voting at the Polls, Absentee Voters, Surrender of the Materials
9. Retention of Absentee Ballots, Delivery
10. Liberal Construction

Section 1. 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.

Section 2. Absentee Ballots, Applications, Filing

- A) A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the City Clerk.
- B) The clerk must receive an application made by mail not more than twenty days or less than three days before the day of the election. An application made in person must be filed with the Clerk not more than twenty days before the day of the election and no later than noon on the day preceding the election. The application must be signed by the applicant and show his place of residence.
- C) Upon timely receipt of application for an absentee ballot, the clerk shall file the application and then verify the residence of the applicant by any means the clerk deems proper.
- 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 City Clerk.
- E) Nothing in this section is intended to limit the City Clerk from personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Clerk's office for an absentee voter's ballot. The City 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.

Section 3. Ballot and Envelope Form

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

Section 4. Absentee Voting Procedures

- A) The clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with this ordinance together with a ballot envelope and a prepaid return envelope. The ballot provided to absentee voters shall be identical to the ballot prepared for regular voters.

- B) The Clerk shall not issue an absentee ballot sooner than 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 into the blank register the following information: the name of the voter to whom it was issued, the number of the ballot issued, and 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) 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.
- E) Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter into the blank register the following information: the name of the voter to whom it was issued, the number of the ballot issued, and the date on which the ballot was issued.
- F) 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.

#### Section 5. Absentee Ballots, Delivery

Upon receipt of an application for an absent voter's ballot, the Clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes Chapter 15.07. 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 votes. The voter shall fold the ballot and seal it in the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal and retain the envelope in custody to be delivered to the council for canvassing.

#### Section 6. Absentee Voting at Clerk's Office, Absentee Voter's Ballots

Any voter issued an absentee ballot may, at any time prior to closing of polls on the day of the election for which it is issued, appear at the office of the City Clerk, and there cast his ballot in the following manner: The voter first shall show the City Clerk that his ballot has not been marked, then shall secretly mark the ballot with a pen and ink or indelible pencil in the presence of the Clerk, in such a manner that the City Clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it properly sealed to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in custody to be delivered to the council for canvassing.

#### Section 7. Absentee Ballots, Executing Outside City

At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such office cast his ballot in the same manner he would cast it in the office of the City Clerk under this section. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the City Clerk.

Section 8. Voting at the Polls, Absentee Voters, Surrender of Materials

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

Section 9. Retention of Absentee Ballots. Delivery

The City Clerk as election supervisor shall retain all absentee ballots received in the office until the time the council meets 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.

Section 10. Liberal Construction

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

## CHAPTER 54

### REVIEW OF ELECTION RETURNS

Sections:

1. Canvass Committee
2. Canvass Committee, Meeting, Postponing Canvass
3. Canvass to be Public
4. Procedure for Questioned Ballot Review
5. Questioned Ballots, Subpoenas
6. Absentee Ballots
7. Counting Absentee & Questioned Ballots
8. Defective Ballots
9. Canvass Committee, Report Contents
10. Certifying Results
11. Contest of Election
12. Certificate of Election
13. Retention of Election Records

Section 1. Canvass Committee

The council shall serve as the canvass committee which will canvass all votes after the election judges have completed their tally of votes. The members of the committee shall be qualified electors of the city.

Section 2. Canvass Committee, Meeting, Postponing Canvass

The canvass committee will meet on the following Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days in total.

Section 3. Canvass to be Public

- A) The canvass of all absentee and challenged ballots will be made public by opening the returned and announcing the results thereof in front of whomever may be present.
- B) Absentee ballots shall be counted by the City Clerk and two more assistants appointed by him/her in the following manner: All ballot envelopes shall be removed from return envelopes and placed in a ballot box; the return envelopes shall be delivered to the City Clerk; the absentee ballots then shall one by one be removed from the ballot box, taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted by an election board.
- C) The canvass shall include a review and comparison of the tallies of the paper ballots with the precinct election certificates to correct any mathematical error in the count of paper ballots.
- D) If the City Clerk finds an unexplained error in the tally of paper ballots in any precinct election tally, he may recount the ballots from the precinct. The City Clerk shall certify in writing to the state canvass board any changes resulting from the count.

Section 4. Procedure for Questioned Ballot Review

- A) The election supervisor shall contact the State Division of Elections and the local voter 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 and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures established herein.

- B) The canvass 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 canvass committee 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 decision. If the canvass committee determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the canvass committee 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 materials.
1. A questioned ballot may not be counted if:
    - A) The voter has failed to properly execute the certificate
    - B) An official authorized by law to attest the certificate failed to execute the certificate
    - C) The voter did not enclose the marked ballot inside the small envelope
  2. 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 challenge in writing. The canvass committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this section.
  3. 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 challenges. The envelope shall be labeled "Rejected Questioned Ballots" and shall be placed in the office safe or lockable container.
  4. If a question 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. The questioned ballots shall then one by one be removed from the ballot box, taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted.

#### Section 5. Questioned Ballots, Subpoenas

The canvass committee may order testimony of witnesses and issue subpoena 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.

#### Section 6. Absentee Ballots

- A) The canvass committee shall examine each absentee ballot return envelope. Upon the committee's satisfaction that:
- 1) The voter is registered to vote
  - 2) A resident of Teller
  - 3) Did so certify and cast his ballot before a person authorized by law to administer oaths, while person did so sign and seal
  - 4) The ballot was cast before the close of the polls in Teller; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be

placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.

- B) If the canvass committee determines that a voter, voting absentee, was not in fact a qualified voter or did not follow absentee voting procedures, the canvass committee 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.

#### Section 7. Counting Absentee & 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 canvass committee in the same manner in which ballots cast at the polls are counted.

#### Section 8. Defective Ballots

Canvass committee 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.

#### Section 9. Canvass Committee - Report - Contents

The canvass committee will submit a report of its finding the Monday following the election. The report will show:

- A) The number of ballots cast in the election
- B) The names of the persons voted for and the propositions voted upon
- C) The office voted for
- D) The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election
- E) A proposed disposition of all challenged, absentee, write-in and voided ballots
- F) Other matters which the canvass committee will determine necessary

#### Section 10. Certifying Results

If no contest of election is begun 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 the persons voted for (including write-ins) and the proposition voted upon
  - 3. The offices voted for
  - 4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election
  - 5. The disposition of all absentee, questioned and defective ballots
  - 6. And any other matters which the canvass committee 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 declare the results of the election

#### Section 11. Contest of Election

If a contest of election is declared and resolved the procedures of Section 10.A-D shall be followed at a special meeting held on the first Monday after resolution of the contest.

Section 12. Certificate of Election

- A) Upon authorization of certification of the election results by the City Council the City Clerk shall prepare two Certificates of Election for each office, proposition or question considered. The certificates shall be signed by the Mayor and attested by the City Clerk. One original of each Certificate of Election shall be given to the successful candidate or the sponsor of the successful question or proposition named thereon, and the original of each certificate shall be kept by the City.
- B) The forms appearing at the end of this Chapter illustrate the Certification of Election

Section 13. Retention of Election Records

The City 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 stayed by an order of the court.

## CHAPTER 55

### CONTEST OF ELECTION

Sections:

1. Contest of Election, Contestant
2. Contest of Election, Council
3. Ballot Recount
4. Prohibited Practices Alleged
5. Sustained Charges, Recount
6. Recounted Expenses, Appeal

Section 1. 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 City Clerk specifying with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct
  2. This affidavit must be filed with the City Clerk before or during the first review of the ballots on the Friday following the election. The City Clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given to the contestant.
  3. The sample affidavit at the end of this Chapter shows the form this affidavit should take.

Section 2. Contest of Election, Council

The council may order an investigation or a recount of the ballots or declare the election, as to one or more offices or propositions or in its entirety invalid and order a new election. Or declare the affidavit of election contest without merit and certify the results of the election.

Section 3. Ballot Recount

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

Section 4. Prohibited Practices Alleged

When the contestant alleges prohibited practices the Council shall direct the City Clerk to produce the original register books for the election.

Section 5. Sustained Charges, Recount

If the charges alleged by the contestant are upheld, the council shall make a recount. The Council shall then certify the correct election returns.

Section 6. Recounted 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 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 in Anchorage, 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 City Council, and has commenced, within ten (10) days after the Council has finally declared the election results, an action in the Superior Court. 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.

**APPENDIX OF FORMS****FORMS:**

- A. Oath of Election Official.
- B. Notice of Election.
- C. Declaration of Candidacy.
- D. Ballot.
- E. Oath and Affidavit of Eligibility for Challenged/Questioned Ballot.
- F. Tally Sheet.
- G. Report of Preliminary Election Results.
- H. Application for Absentee Ballot.
- I. Absentee Ballot Return Envelope.
- J. Certificate of Election {Officer}.
- K. Certificate of Election-Ballot Proposition.
- L. Affidavit of Election Contest.
- M. Notice of Canvass Committee Meeting to Certify Election.
- N. Certificate of Election.

**City of Teller**  
**OATH OF ELECTION OFFICIAL**  
(Form A)

I, \_\_\_\_\_, do solemnly swear (affirm) that:  
I will honestly, faithfully, and impartially perform the duties of election judge (clerk) to the best of my ability;  
I am familiar with the city's elections ordinances and elections procedures.

SIGNED: \_\_\_\_\_  
Election Judge or Clerk

Witnessed:

\_\_\_\_\_  
City Clerk

**City of Teller**  
**NOTICE OF ELECTION**  
(Form B)

NOTICE: A regular (special, run-off) election will be held in the City of Teller on the day of \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_ for the purpose of filling three (3) seats on the City Council, as follows:

	Seat Currently Held By:
City Council Seat _____, 3-year Term	_____
City Council Seat _____, 3-year Term	_____
City Council Seat _____, 3-year Term	_____

**VOTER QUALIFICATIONS:**

**IN ORDER TO VOTE YOU MUST BE:**

1. A citizen of the United States, and qualified to vote in State of Alaska Elections
2. A resident of Teller for at least 30 days prior to the date of the election
3. Registered to vote in State Elections.

**YOU CANNOT VOTE IF YOU HAVE BEEN:**

1. Convicted of a felony involving moral turpitude, unless your voting rights have been restored
2. Judicially determined to be of unsound mind, unless the disability has been removed

POLLS WILL OPEN:                    8:00 A.M., October \_\_\_\_, 20

POLLS WILL CLOSE:                8:00 P.M., October \_\_\_\_, 20

LOCATION OF POLLS:                Community/Bingo Hall

Candidates for office must file a Declaration of Candidacy form, or file by petition of ten (10) resident voters file with the City Clerk no later than \_\_\_\_\_, \_\_\_\_\_ 20\_\_\_\_. Forms may be obtained at the city offices from 9:00 a.m. to 5:00 p.m. Monday through Friday.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk

[CITY  
SEAL]

City of Teller  
DECLARATION OF CANDIDACY  
(Form C)

\_\_\_\_\_  
Clerk, Insert Date of Filing

I, \_\_\_\_\_, hereby declare my candidacy for office of  
(print full name)

\_\_\_\_\_ of the City of Teller, Alaska. I am a qualified City voter.

I am a United States citizen qualified and registered to vote in elections of the State of Alaska. I have not been convicted of a felony involving moral turpitude without later restoration of my voting rights pursuant to AS 15.05.030, nor have I been judicially determined to be of unsound mind unless this disability has been removed. I have been, or will by the date of election for which I am filing this Declaration have been, a resident of the City of Teller, Alaska for more than thirty (30) days. If elected to the above office, I will serve the full term of \_\_\_\_\_ years, commencing  
(length of term)

on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_ and ending on \_\_\_\_\_, \_\_\_\_\_,  
(Date Term of Office Begins) (Date Term or Office Ends)

20\_\_\_\_, I request that my name be printed on the official ballot for the municipal election to be held in the City of Teller, Alaska on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_.  
(date of election)

\_\_\_\_\_  
Signature

**City of Teller**  
**OFFICIAL BALLOT**  
(Form D)

Regular (Special) Election of \_\_\_\_\_, \_\_\_\_\_.

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 on the ballot, write his or her name in the blank space below the list of candidates for that office.

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 ONE  
CITY COUNCIL MEMBER  
SEAT\_: THREE YEAR TERM  
(Vote for only one)

- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_

CITY COUNCIL MEMBER  
SEAT\_: THREE YEAR TERM  
(Vote for only one)

- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_

CITY COUNCIL MEMBER  
SEAT\_: THREE YEAR TERM  
(Vote for only one)

- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_

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Propositions:

Prepared By:

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City Clerk

City of Teller  
OATH & AFFIDAVIT OF ELIGIBILITY  
FOR CHALLENGED/QUESTIONED BALLOTS  
(Form E)

I, \_\_\_\_\_, DO HEREBY DECLARE THAT I AM A RESIDENT OF THE CITY OF TELLER, ALASKA AND MEET ALL OF HE 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

**City of Teller  
TALLY SHEET  
(Form F)**

\_\_\_\_\_  
(DATE OF ELECTION)

\_\_\_\_\_  
(DATE/TIME OF VOTE COUNT)

CANDIDATE	SEAT A	SEAT B	SEAT C	SEAT D	SEAT E	SEAT F	SEAT G
TOTAL							
1..							
2..							
3..							
4..							
5..							
6..							
7..							
8..							

WRITE-IN VOTES

1..							
2..							
3..							

PROPOSITIONS

YES

NO


**City of Teller**  
**REPORT OF PRELIMINARY ELECTION RESULTS**  
 (Form G)

The tally below is a true and accurate record of all regular votes cast in the \_\_\_\_\_, election held in the City of Teller on \_\_\_\_\_, \_\_\_\_\_ 20\_\_\_\_.

**PART 1: ELECTIVE OFFICES**

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

**PART II: BALLOT PROPOSITIONS AND QUESTIONS**

PROPOSITION: \_\_\_\_\_ FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

PROPOSITION: \_\_\_\_\_ FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

PROPOSITION: \_\_\_\_\_ FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

QUESTION: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

QUESTION: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

QUESTION: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

**PART III ACCOUNTING OF BALLOT**

Total Ballots Received From City Clerk: \_\_\_\_\_

Total Regular Ballots Cast: \_\_\_\_\_

Total Questioned Ballots Cast: \_\_\_\_\_

Total ballots Returned to Clerk: Defective: \_\_\_\_\_

Unused: \_\_\_\_\_

The tally of ballots was completed between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ p.m. on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_.

Respectfully Submitted,

\_\_\_\_\_, Election Board Chairperson

\_\_\_\_\_, Election Judge

\_\_\_\_\_, Election Judge

ATTEST:

\_\_\_\_\_  
City Clerk

[City  
Seal]

City of Teller  
APPLICATION FOR ABSENTEE BALLOT  
(Form H)

I, \_\_\_\_\_, A QUALIFIED VOTER AND RESIDENT OF THE CITY OF TELLER, ALASKA, HEREBY APPLY FOR AN ABSENTEE BALLOT FOR THE CITY ELECTION TO BE HELD ON \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_.

RESIDENCE ADDRESS:

\_\_\_\_\_  
P.O. BOX# OR STREET  
MAILING ADDRESS:

\_\_\_\_\_  
(IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(VOTER)

RECEIVED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

PLEASE MAIL THIS APPLICATION TO: Office of the City Clerk, P.O. Box 548, Teller, Alaska 99778



**City of Teller**  
**CERTIFICATE OF ELECTION, OFFICER**  
(Form J)

THIS IS TO CERTIFY that on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_,  
\_\_\_\_\_ was elected to the office of \_\_\_\_\_ of the  
City of Teller, Alaska, as confirmed by the City Council of the City of Teller upon completion of the  
final canvass of ballots on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

DATED at Teller, Alaska this \_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
Elected Official

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

[City  
Seal]

**City of Teller**  
**CERTIFICATE OF ELECTION - BALLOT PROPOSITION**  
(Form K)

THIS IS TO CERTIFY that on the \_\_\_ day of \_\_\_\_\_, 20\_\_, the ballot proposition relating to \_\_\_\_\_

\_\_\_\_\_ with a true and correct copy of which is attached hereto, was approved by the voters of the City of Teller, as confirmed by the City Council of Teller, upon completion of the final canvass of ballots on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

DATED at Teller, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

[City  
Seal]

**City of Teller**  
**AFFIDAVIT OF ELECTION CONTEST**  
(Form L)

STATE OF ALASKA

)

)ss.

FOURTH JUDICIAL SERVICE AREA)

I believe that prohibited practices occurred at the election held on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_,

I believe that the following laws were violated:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above provisions of the law were violated in the following manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

These facts are true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Person Contesting

SUBSCRIBED and SWORN before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

[Notary  
Seal]

**City of Teller**  
**NOTICE OF CANVASS COMMITTEE MEETING**  
**TO CERTIFY ELECTION**  
(Form M)

DATE OF MEETING: \_\_\_\_\_

TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

PURPOSE:     To certify the municipal election. The results of the election are not final until certified by the City Council of Teller.  
                  If you wish to contest the election you may do so at this meeting.

\_\_\_\_\_  
POSTED DATE

\_\_\_\_\_  
CITY CLERK

**City of Teller**  
**CERTIFICATE OF ELECTION**  
(Form N)

The candidates shown below are the winning candidates in the \_\_\_\_\_, 20\_\_\_\_, election for the offices of council member(s) in the City of Teller, Alaska:

SEAT	WINNING CANDIDATE
_____	_____
_____	_____
_____	_____
_____	_____

The results of the proposition(s)/question(s) placed on the ballot are as follows:

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

QUESTION		
_____	Yes _____	No _____
_____	Yes _____	No _____
_____	Yes _____	No _____

\_\_\_\_\_  
DATE

\_\_\_\_\_  
MAYOR

Title IX. PERSONNEL

Chapters      56 Responsibilities of Officers and Employees.  
                  57. Personnel Policies.

## CHAPTER 56

### RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Sections:

1. Conduct in office; investigations.
2. Oath.
3. Delivery of office.
4. Reports.
5. Resignation.
6. Conflict of interest.

Section 1. Conduct in office: investigation. The Council acting as a body, the Mayor, or any persons or committee authorized by either of them., shall have the 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 with reasonable notice at a time mutually agreed upon. 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.

Section 2. 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 Chapter 5, Section 4 of this Code.

Section 3. 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.

Section 4. 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 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.

Section 5. 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 the Personnel Pplicies, for resignation.

Section 6. Conflicts of interest. (A) Prohibitions. (1) No elected official, appointed . city officer, or city employee shall use their office or official position for the purpose of obtaining financial gain for themselves or their spouse, child, mother, father or business with which they are associated with or own stock.

2. No elected official (except in the case of a Councilmember where the presiding officer or Council rule otherwise as provided in Subsection C of this section),

appointed city officer, or city employee shall participate in any official action in which they have a substantial financial interest. Prohibited participation includes voting as a Councilmember, taking part in council debate, soliciting the vote of a Councilmember, or encouraging any city official or officer to act in a certain way in regard to a subject.

3. No elected official, appointed city officer, or city employee may accept from any other elected official, appointed city officer, or city employee, or any other person, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of their duties, or in exchange for voting or acting in any particular way on any matter that comes before them in the course of their duties. 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 official, appointed city officer, or city employee, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of their duties, or in exchange for voting or acting in any particular way on any matter that comes before them in the course of their 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 Councilmember, 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 Councilmember, appointed officer, or city employee should abstain from voting or refrain from acting if:

1. they, (or a member of their immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than their residence, that will be affected by the vote or action.

2. They, (or a member of their immediate family) are party to or beneficiary of a contract for a sum of \$1,000 or more that will be affected by the vote or action.

3. They, (or a member of their immediate family) are individually, jointly, or in partnership with another the owner of a business, or have an interest in a business of \$1,000 or more that will be affected by the vote or action.

4. They, (or a member of their immediate family) are member(s) 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 \$1,000 or more with the City that will be affected by their vote or action.

C. Conflicts of interest and disclosure; City Councilmembers. (1) Each Councilmember shall disclose any financial interest they may have in any matter that comes before the Council for a vote. If the member believes that the financial interest is substantial, they shall ask to be excused from voting on the matter.

2. The Mayor shall rule on the request of a Councilmember to be excused from voting on a matter in which the member has or believes they have a substantial financial interest. If the Mayor is the member making the request, or has the same or a similar or related financial interest in the same matter, the Council shall designate another Councilmember who has no financial interest in the matter to rule on the request.

3. The decision of the Mayor (or designated Councilmember) on the member's request to be excused from voting may be overridden by a majority vote of the Council. Neither the Councilmember making the request, nor any other Councilmember 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 Councilmember 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 Councilmember chosen by the resident requesting the meeting) and the Councilmember who may have a conflict of interest. If, as a result of the confidential meeting potential conflict-of interests are found, the Councilmember shall disclose the interest to the Council as provided in this subsection.

5. A Councilmember 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 Councilmember 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 City Council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action 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 City Council any financial interest they may have in any matter that has come before the officer or employee for action in the course of their 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 Councilmember chosen by the resident requesting the meeting) and the officer or employee who may have a conflict of interest. If, as a result of the confidential meeting, the officer or employee with the potential conflict concludes that they should refrain from acting in the matter, or the Mayor (or other chosen Councilmember) 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 or employee nor the Mayor (or other chosen Councilmember) 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 Councilmember, 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 their city office or employment. Such suspensions shall be for a period up to ninety days, and shall be made upon a two-thirds majority vote of the Council. Any Councilmember, officer, or employee who is suspended for this reason more than once in any twelve month period may be discharged from the Council or from their office or job. Such discharge shall be made upon a two-thirds majority vote of the Council.

2. Any person who willfully violates any provisions of Subsection "A" shall be guilty of an infraction.

3. Any City Councilmember or appointed city officer who willfully violates any provision of Subsection "A" shall be deemed to have violated their 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 Subsection "B" by any city employee shall be cause for immediate dismissal from employment.

4. No Councilmember may vote on any question of their own suspension or discharge.

## CHAPTER 57

### PERSONNEL POLICIES

#### Sections

1. Policies.
2. General Provisions.
3. Employment Limitations, Prohibitions, Accommodations and Penalties.
4. Classification, Compensation, Salary Schedules.
5. Recruitment & Hiring of Personnel.
6. Workweek, Pay, Classification of Employees.
7. Performance Evaluations.
8. Resignation, Suspension, Layoff.
9. Dismissal, Disciplinary Actions.
10. Grievance and Grievance Procedure.
11. Personal Leave.
12. Other Leave.
13. Legal Holidays.
14. Travel, Per Diem, Subsistence.
15. Sexual and Other Unlawful Harassment.
16. Safety.

#### Section 1. Policies.

A. Authority. These personnel policies and principles are established under the authority granted by A.S. 29.20.410.

B Application. These policies shall apply to all employees of the City and to the delegate agencies of the City which do not issue their own approved personnel policies.

C. Federal and State Law. It is the intent of these policies to comply with all Federal, State and local laws applicable to the City or its operations. If these approved policies conflict with any rules, regulations, or conditions prescribed by any funding source or regulatory body, those regulatory specifications shall prevail. The Mayor and City Council determine which regulatory specifications shall prevail and will determine which Federal, State or local regulations apply to programs. All applicable Federal, State or local laws presently in force or as passed or amended in the future that regulate wages, labor, working conditions, etc. are hereby incorporated into these policies.

D. Purpose. It is the purpose of these policies to establish a system of personnel

administration based upon the merit principle and adapted to the requirements of the City to the end that persons best qualified to perform the functions of the City will be employed, and that an effective career service will be encouraged, developed and maintained. The merit principle of employment includes the following:

1. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
2. No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of race, religion, color or national origin, age, physical, handicap, sex, marital status, changes in marital status, pregnancy, parenthood or unless otherwise contrary to law because of political opinions or affiliations when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.
3. Regular integrated salary programs based on the nature of the work performed.
4. Retention of employees with permanent status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction of inadequate performance, and separation for cause.
5. Selection and retention of an employee's position secure from political influences.

E. Employment Preference. The City shall foster and promote the welfare of the wage earners of the City, improve their working conditions and advance their opportunities for profitable employment. The City shall aid and assist resident workers to obtain, safeguard and protect their rightful preference to be employed in industries in the City. In the performance of contracts let by the City or any of its subdivisions or departments for construction, repair, preliminary surveys, engineering studies, consulting, maintenance work or any other retention of services necessary to complete any given project, at least 95 per cent residents shall be employed where they are available and qualified. If 10 or fewer persons are employed under the contract then at least 90 per cent residents shall be employed where they are available and qualified. In all cases of hire or letting of contracts by the City, its subdivisions or departments, employment preference shall be given to residents of the City. When the City Council assembled finds as a matter of fact that there are not sufficient residents of the City available and qualified for employment preference, the City Council shall so resolve and by this resolution approve non city resident hire.

## Section 2. General Provisions.

A. Adoption and Amendment. These policies shall be adopted as an ordinance of the City. The City Council recognizes that amendment of these policies may from time to time be necessary. To that end these policies may be amended at any time following normal procedures for amending city ordinances. The City Council recognizes that

these personnel policies are by no means all inclusive and that they are intended to promote better working conditions for city employees, better utilization of city resources and better city operations. To further these ends any city employee or resident may request the City Clerk or Mayor to include personnel policies or their amendment on the agenda for any regular City Council meeting.

B. Personnel Officer. The Mayor of the City is the Personnel Officer. As chief administrative officer of the City he/she shall appoint, suspend, remove city employees with the confirmation of the City Council. The Mayor as the executive officer of the City shall ensure that these policies are enforced.

The Mayor may delegate personnel responsibilities and duties concerned with personnel to subordinates for effective management but this is not a delegation of ultimate responsibility for management.

#### C. Personnel Files

1 . Central Personnel Files. The City Clerk shall provide and maintain central files for records of the personnel and work histories of each employee of the City. Such records shall include the employee's original application, reports on the employee's work performance, disciplinary actions, commendations, and any other records relating to the employee's service to the City.

2. Accounting Personnel Files. The City Clerk shall also provide and maintain personnel files for accounting purposes for each employee of the City. Such files shall include the employee's W-4 form and all records having to do with an employee's salary or compensation, and all other records necessary for accounting purposes.

3. Personnel Files - Confidentiality. All information in the personnel records of city employees showing salary or compensation, job description, education and training background, and previous work experience shall be open for public inspection. Access to all other information in an employee's file shall be limited to the Mayor or his/her designee as personnel officer and the employee or the employee's authorized representative.

4. Equal Employment Opportunity Officer. The Mayor shall appoint a person on the staff to be the Equal Employment Opportunity Officer. His/her duties will be spelled out in all State, Federal or local laws dealing with Equal Employment Opportunity.

#### Section 3. Employment Limitations, Prohibitions, Accommodations and Penalties.

A. No Political Consideration for Employment. Employment with the City will not be offered as a consideration or reward for public office nor may any person, as an employee, engage in partisan political activity. In certain instances, the Council may grant a waiver to city employee(s) to engage in political activity if the political activity is determined beneficial to the City's goals and objectives.

B. No Advantage in a Position. No person may give, render, pay, offer, solicit, or

accept any money, service, or other valuable things in connection with any appointment, promotion, or advantage in a position unless authorized by the City Council.

C. No Political Party Assessments. No person may require any assessment, subscription, contribution, or service for any political party from an employee.

D. No Political Party Endorsement. No person may seek or attempt to use any political party endorsement in connection with any appointment or promotion.

E. Equal Opportunity in all Personnel Management Actions. All training, development, assignment, promotion, and other actions must be taken without regard to race, religion, color or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, sex, physical handicaps, or any other factor irrelevant to the quality of performances or the qualifications for a position.

F. Disability Accommodation. City of Teller shall comply fully with the Americans with Disabilities Act (ADA) and all State and local laws related to disabilities and ensure equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Pre-employment inquiries are made only in regard to an applicant's ability to perform the duties of the position and to better accommodate if hired.

Reasonable accommodation shall be made available to all disabled employees, where their disability affects the performance of job functions. All appointment and promotion decisions shall be based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disability shall be entitled to equity in pay, other forms of compensation, job assignments, classifications, organizational structures, leave, position descriptions lines of progression, and seniority lists.

G. Outside Employment. Outside employment by city staff is not allowed without notice to the Mayor and City Council and approval by the City Council. Outside employment without approval is grounds for dismissal of an employee.

#### Section 4. Classification, Compensation, Salary Schedules.

A. Position Roster. The City Clerk shall keep a roster of all positions within the City. The roster will spell out the organizational structure of the City.

B. Job Classification. The City Council shall adopt a Job Classification System by resolution and may amend such system by resolution. The Classification System shall include job descriptions defining each position in writing and assigning a pay grade to each position. The existence of a job description does not obligate the City to fill the position.

C. Changes in Duties and Responsibilities. The Mayor or an employee's supervisor

shall recommend a redefinition of a job description to the City Council whenever a significant change is made in a position involving the addition, the taking away or substantial modification of existing duties and responsibilities.

D. Temporary Service Outside of Classification. · An employee may be required to assume the duties, responsibilities and workload of another employee or supervisor because of resignation, termination or extended leave. Any service performed outside the employee's required duties in such a manner shall be recorded and filed in the employee's central personnel file. If such temporary assignment is to be regular and continuous in character for a period of one (1) month or longer, the City Council may authorize temporary additional compensation which amount shall be determined in direct proportion to the additional duties, responsibilities and workload.

E. Compensation Plan/Salary Schedules, Pay Grades, Merit System Plan. Following recommendations from the Mayor and city staff the City Council shall adopt a compensation plan by resolution including salary schedules and pay grades, and may include a merit system plan, and such plan may be amended by resolution.

#### Section 5. Recruitment & Hiring of Personnel.

A. Merit Principles Apply. All appointments and promotions of city employees are made on the basis of merit and fitness for the position. When required by law or by the City Council an applicant for a city position shall show merit and fitness for the position through proof of qualifications and/or by passing written, oral or other examinations designed to evaluate the ability of the applicant to discharge the position for which the examination is held.

B. Employment of Council Members. Elected officials may be hired by the City for temporary employment. Elected officials will be considered on the basis of merit with all other job applicants.

C. Posting of Job Openings. Notice of all job openings with the City shall be posted in at least three public places within the City. Notice shall include the job title, duties, minimum qualifications, rate of pay and end of recruitment period. Notice shall be posted for at least two weeks (14 days) from the date of posting to the ending date of the recruitment period. Two weeks notice is not required for temporary positions that need to be immediately filled. Notice for such temporary positions shall however be posted in three places and include the job title, duties, minimum qualifications, rate of pay and end of recruitment period.

D. Filing Applications. Applications for city positions shall be made on forms provided by the City Clerk and must be filed with the City Clerk on or prior to the closing date specified in the announcement. A resume' may be substituted for or filed in addition to the application form.

E. Filling of Positions. The City Council shall make all appointments to permanent full-time, permanent part-time and long-term temporary city positions. Appointments will be made on the basis of qualifications, education, experience and merit. The Mayor or his/her designee with knowledge to the City Council shall make short-term temporary appointments and appointments in emergency situations.

1. All qualifications must be verified. Other qualifications being equal, preference in employment shall be given to a city employee seeking a promotion or transfer, then to year round city residents.

2 Information to New Hires: The City Clerk shall in writing advise all new appointees to city positions of their job title, job description, pay, benefits, personnel policies, the date of the employee's probationary period and all other pertinent employment information.

3. Oath of Office. All permanent employees before entering upon the duties of office shall affirm in writing the following oath and 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 TELLER, 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 City Clerk.

F. Promotion. Vacancies shall be filled by promotion whenever practicable; however, filling of a vacancy by promotion shall be done on an open, competitive basis. Promotion is the filling of a vacancy by the advancement of an employee from a position having a lower salary. The employee's anniversary date and original date of hire, shall remain unchanged. An employee who is promoted shall receive a probationary appointment. The employee's former position will be held open by temporary appointment until such time as the employee completes the probationary period.

G. Probationary Period. The probationary period is an integral part of the selection process and shall be utilized for observing an employee's work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.

1. Duration. Every original appointment and every promotional appointment of permanent employees is subject to a probationary period of three months from the date of appointment. Appointment for this section is defined as the date an employee first enters upon a job at the worksite.

2. Completion of Probationary Period. The probationary period is a time of learning and orientation. An objective appraisal of employee performance shall be conducted at the end of the probationary period. It shall be the responsibility of the employee's supervisor or the Mayor (if he/she is the supervisor) or the Mayor's designee to provide a written evaluation and recommendation to the City Council Whether the employee shall become a permanent employee with employee benefits, whether the probationary period shall be extended, or whether the employee shall be dismissed from his/her appointment. The City Clerk shall give notice to supervisors of the expiration of employees' probationary periods and provide to supervisors performance

evaluation forms for their use. If a performance evaluation is not completed by an employee's supervisor within 30 days after an employee has completed his/her probationary period the employee automatically becomes a permanent (either full time or part time) employee as of the date of the expiration of his/her initial probationary period.

3. Dismissal During Probationary Period. The Mayor with confirmation by the City Council may dismiss a probationary employee at any time during the probationary period if in the Mayor's opinion the working test indicates that the employee is unable to perform the duties of the position satisfactorily or that his/her habits and dependability do not merit continuance in the position. The employee so dismissed shall be notified in writing of the reasons for the dismissal. A permanent employee dismissed during the probationary period from a position to which he/she has been promoted or transferred and in which she/he is serving a probationary period shall be reinstated to the position from which he/she was promoted or transferred unless she/he is dismissed from city service for reasons as provided in these policies other than performing adequately at the new position. Dismissal is effective upon the employee's receipt of notice of dismissal in writing, or if the employee is unavailable, upon posting of a letter of dismissal by certified mail, return receipt requested.

Section 6. Work Week, Pay, Classification of Employees.

A. Work Week. The normal work week for city employees is the hours and days contained in an individual employee's job description. These hours and days shall be flexible and may be modified by the Mayor and City Council as circumstances and finances dictate in order to promote efficient city operation and provision of services to citizens.

B. Pay. Employees of the City shall be paid according to the schedules established by the City Council. Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official city business. Unless approved by the City Council no employee shall receive pay from the City in addition to the salary authorized for the position to which she/he has been appointed. Pay shall be only for hours actually worked according to an employee's time sheet as approved by his/her supervisor.

1. Overtime. It is the policy of the City that work hours and work days be so scheduled that overtime not be paid. However, if circumstances do not permit such flexible scheduling, employees shall be compensated for hours worked beyond eight hours in a day and forty hours in a week at one and one half times their regular rate of pay. State and Federal fair labor standards apply.

2. Pay Days. Employees shall be paid weekly on Friday of each week. When a pay day falls on a holiday on Friday, employees shall be paid on Thursday. In special circumstances or for special projects the City Council may direct different pay periods.

3. Transfer. An employee transferred from one position to another where both

positions have the same rate of pay shall be appointed to the same rate of pay held prior to transfer and his/her anniversary date shall remain unchanged.

This will apply if any special knowledge of the position is not required.

4. Payroll Advance. A permanent employee may receive a payroll advance during a payroll period but before pay day upon approval of three City Councilmembers. A payroll advance will be for no more than the compensation owed for hours already worked. An advance shall be deducted from the employee's pay on pay day.

5. Payroll Deductions. Payroll deductions as required by law will be withheld from each employee's paycheck. Any other payroll deductions must be authorized by the employee in writing. Employees are urged to authorize deductions from paychecks to pay personal obligations (like water and sewer bills) owed the City. Failure to pay toward obligations owed the City for two successive pay days in city employment is grounds for dismissal from city service.

6. Termination or Resignation. Upon termination or resignation, an employee shall receive payment for all accrued wages, salaries or other compensation for labor or services less any personal obligations owed the City within one (1) working day after the last day of work.

C. Classification of Employees. City employees are classified into the following categories:

1. Permanent full-time. These employees accrue leave, and receive paid holidays and other city employment benefits. Their work week is five or more hours per day, at least five days per week. Their jobs are of a continuous twelve months a year nature. Some salaried positions that are on call twenty four (24) hours per day (such as the plant operator) are included among permanent full time employees. The City Council shall appoint to these positions.

2. Permanent part-time. These employees accrue leave and receive paid holidays and other city employment benefits if their normal work week is at least five days per week. Their jobs are of a continuous, twelve months a year nature but the hours worked are normally less than five hours per day and/or five days per week. The City Council shall appoint to these positions.

3. Long term temporary. These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of employer taxes paid by the City. Their work week may be up to forty hours per week. These jobs are normally seasonal in nature and are of more than two weeks duration though normally not of more than five months duration. These jobs may recur yearly and are typically associated with special projects. The City Council shall appoint to these positions.

4. Short term temporary. These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may

be due them because of employer twces paid by the City. Their work week may be up to forty hours per week. These jobs are normally of less than two weeks duration. Typically these jobs openings occur because of leave, termination or resignation of a permanent employee, or because of emergency or special conditions. The Mayor or his/her designee with knowledge to the City Council shall appoint to these positions.

Section 7. Performance Evaluations.

A. This section applies to permanent full time and permanent part time positions.

1. City Clerk's duties. It shall be the responsibility of the City Clerk to give notice to employees' supervisors and the Mayor of the dates performance evaluations for employees are due. The City Clerk shall provide to supervisors performance evaluation forms for their use.

2. Supervisor's Duties. A performance evaluation report shall be required from an employee's immediate supervisor annually from the date of hire, promotion, or demotion of the employee. A performance evaluation shall also be rendered upon the completion of the three month probationary period. A final performance evaluation shall be prepared within five working days of an employee's final day of work irregardless of the reasons why an employee leaves city service.

Certain circumstances may require semi-annual or other periodic evaluations in order to provide better management of personnel who need more supervision or training. Meritorious performance by an employee may also warrant additional evaluation.

C. Performance Evaluation Record. All employees shall receive a written performance evaluation at the end of their probationary period and thereafter annually on the date the employee was appointed to permanent status.

1. In addition to rating the employee in terms of actual performance, the supervisor will include specific suggestions for improvements, and thoroughly discuss each evaluation with the employee. Each Performance Evaluation Record is filed in the employee's personnel file.

2. Employees shall be rated on their performance evaluations according to the following criteria:

a. Outstanding. distinguished performance. Employee consistently exceeds performance standards.

b. Excellent. above average performance. The employee consistently achieves and frequently exceeds performance standards.

c. Acceptable. adequate performance. The employee usually achieves performance standards; may occasionally exceed or occasionally fail to achieve standards.

d. Unacceptable. below average performance. The employee frequently does not achieve satisfactory performance standards. Improvement is necessary in order to achieve satisfactory performance.

D. Effect of Performance Evaluation.

1. Upon the recommendation of the supervisor and at the discretion of the City Council an employee who receives an outstanding or excellent rating on his/her performance evaluation may be granted a salary increase to the next step in the salary schedule adopted by the City Council.
2. An employee who receives an unacceptable performance evaluation has after consultation with his/her supervisor one month to correct his/her performance to acceptable levels. At the end of this month the supervisor shall prepare a performance evaluation rating the employee's performance. Failure of an employee to improve performance to acceptable levels after one month is grounds for dismissal from city service. If an employee achieves an acceptable rating on his/her performance evaluation after one month, he or she will be retained in city service and a performance evaluation performed after two additional months. An unacceptable performance evaluation after that two months is grounds for dismissal from city service.

Section 8. Resignation. Suspension. Layoff.

A. Resignation. To resign from city employment in good standing an employee must submit a resignation in writing to the Mayor stating the effective date of the resignation and reasons for leaving at least two (2) weeks prior to resignation.

1. Failure to give proper notice of resignation shall result in loss of all accrued leave.
2. Upon approval of the Mayor, an employee may withdraw his resignation at any time prior to the effective date of resignation.
3. Upon approval of the City Council the requirement of proper notice may be waived when provision can be made for a capable successor to an employee in the period of time for which notice of resignation is given. The City Council may also waive proper notice in cases where there are extenuating circumstances such as medical reasons, or family obligations.
4. No form of resignation filed without date or with a future date, and that is not intended to be a bonafide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the Mayor as a resignation.
5. Failure by an employee to comply with proper notice of resignation may be considered cause for denying the employee future employment by the City.
6. Unauthorized absence from work for a period of two successive working days may be considered by the supervisor and/or Mayor as a resignation

without proper notice resulting in loss of all accrued leave and cause for denying the employee future employment by the City.

B. Suspension. In addition to reasons for suspension of an employee from work as otherwise provided for in these Personnel Policies the Mayor may in cases in which signed charges in writing have been filed against an employee, suspend the employee with or without pay and with or without accrual of benefits for the purposes of conducting an investigation into the validity of the charges.

1. The employee shall be notified in writing of his/her suspension and its expected duration which may be indefinite or until the charges are resolved. Such a suspension shall be made only in the cases in which the charges against the employee are of such a nature that the interests of the City would be seriously prejudiced by continuing the employee on active duty status while the investigation is conducted.
2. Knowledge of the suspension shall be given to the City Council.
3. If the charges are found valid, the Mayor or his designee shall take such steps, including dismissal or other disciplinary action, as he/she with City Council approval deems appropriate.
4. In all cases in which charges have been filed against an employee the investigation shall begin immediately.

C. Layoff. Nothing in these Personnel Policies guarantees employment. Budget constraints, natural disasters, mechanical failures or other conditions may require the deletion of positions or layoff of employees either temporarily or permanently.

1. The Mayor or her/his designee may layoff an employee if the employee's position is temporary; if there is a shortage of work or funds; or for other reasons which do not reflect discredit on the services of the employee.
2. If circumstances allow permanent employees shall be given two (2) weeks notice of layoff. All employees shall be given as much notice of layoff as circumstances allow.
3. No permanent employee shall be laid off while there are probationary or temporary employees serving in the same job class. Probationary and temporary employees shall be first laid off and are to be notified of this upon hire. Such employees are deemed to have constructive notice of this information through these Personnel Policies.

#### Section 9. Dismissal, Disciplinary Actions.

A. Dismissal. The following is a general listing of reasons which constitute Grounds for Dismissal of city employees. This list is not all inclusive and complements other Grounds for Dismissal listed in these Personnel Policies. Infractions not listed may be of such a severe nature that they also would warrant dismissal. The steps of

Procedures of Progressive Discipline listed in Section 9.22 of these Personnel Policies will be followed. Special projects may have special rules and Grounds for Dismissal which shall be posted. By that posting employees are deemed to have knowledge of these special rules and Grounds for Dismissal.

1. Incompetence:

- a. Lack of basic knowledge, skills or physical ability needed to accomplish work employee was hired to do.
- b. Inability to understand and/or follow instructions.
- c. Continual difficulty in learning and implementing new methods and procedures related to assigned duties.

2. Unsatisfactory Performance of Duties:

- a. Slovenly work.
- b. Flagrant damage to tools or equipment used.
- c. Failure to produce an acceptable amount of work in relation to fellow employees in like classification.
- d. Disregard for established safety regulations and procedures.

3. Unexcused Absenteeism:

- a. Absence from work without prior approval.
- b. Arriving or returning late for work or leaving early from work.

4. Drunkenness:

- a. Reporting to work under the influence of alcohol or drugs.
- b. Use of alcohol beverages or drugs at work.

5. Dishonesty:

- a. Any act relating to employment that would signify an employee's word or intentions are not trustworthy.
- b. Being convicted of a felony or misdemeanor committed on or off duty which would limit the ability to maintain a working relationship of mutual trust in a particular position.
- c. Taking city property or money or converting it to an employee's use.
- d. Falsification of time records or approval of time records known to be wrong.

6. Gross Disobedience:

- a. Failure to follow a supervisor's orders without reasonable explanation of actions.
- b. Refusal to obey such rules and regulations fostered by the State and the City as standard policy.

7. Abandonment of Duties. Being absent without approval or authority and not

promptly notifying employer of supportable reasons for the absence.

8. Unsafe Operation. Negligence, carelessness or unsafe operation of equipment or machinery at any time by any employee that endangers or injures himself/herself or others.

B. Notice. In all cases in which an employee is dismissed from city service, written notice of dismissal with the cause explained shall be served upon the employee. If the employee is unavailable because of absence from the City or worksite the employee is deemed to have notice of dismissal upon posting of a letter of dismissal by certified mail, return receipt, requested to her/his last known mailing address.

C. Disciplinary Actions. It is the responsibility of the Mayor and Supervisors to maintain efficiency, cooperation, and safe and proper work conduct among employees while protecting the rights of all employees and promoting efficient City operation and provision of services to citizens.

1. If a situation requiring discipline occurs the Mayor, his or her designee, or the immediate supervisor shall immediately gather all essential facts about the situation in writing including the employee's version and decide what, if any, disciplinary action is needed. If in the opinion of the Mayor disciplinary action of a less severe nature than dismissal as provided for elsewhere in this section is required the Procedures of Progressive Discipline shall be followed. The appropriate discipline is the least severe penalty that is at the same time severe enough to convince the erring employee that his/her behavior cannot be tolerated.

2. Procedures of Progressive Discipline:

a. Verbal Warning: Verbal warnings are given for minor infractions. The employee is given a verbal warning in private explaining what he/she did wrong and what must be done as a corrective measure. A record in writing is placed in the employee's central personnel file. This record may be removed from the file after six months by the Mayor if the employee's behavior improves. The employee is advised at the time of verbal warning that if there is a repetition of the behavior that required verbal warning, more severe action may be taken. The Mayor or supervisor shall give verbal warning.

b. Written Warning: A written warning is more severe than a verbal warning. It is used for more serious offenses by an employee that call for more than a verbal warning. Written warning is also to be issued if there is a repetition of an infraction for which verbal warning was given within three months of the date of verbal warning. A copy of written warning is placed in an employee's central personnel file and becomes part of the file. The Mayor or Supervisor shall give written warning.

c. Suspension: Suspension is a very severe penalty. An employee may be suspended without pay and without accrual of benefits for one to thirty days. Suspension is used only when a major infraction has

occurred or repeated warnings have not succeeded in bringing about changes in an employee's conduct. Repetition of an incident that required written warning within three months of the date of written warning is cause for suspension. The Mayor or his/her designee after a private interview with the employee, shall personally deliver a letter of suspension to the employee. The letter shall state the reasons for suspension and the dates on which suspension begins and ends. A copy of the letter shall be placed in the employee's central personnel file. If an employee is unavailable for personal delivery of a letter of suspension, notice shall be given by certified mail, return receipt requested sent to his/her last known mailing address.

d. Dismissal: Dismissal from city service is the most severe of disciplinary actions. An employee may be dismissed by the Mayor for reasons listed elsewhere in these policies. An employee may also be dismissed if within a six month period after completion of suspension a disciplinary action becomes necessary. Before dismissal the employee shall be given an opportunity for hearing before the Mayor or his/her designee. The employee may ask questions of any witnesses and may otherwise confront the evidence presented against him. Following the hearing the Mayor or his/her designee shall prepare written findings, detailing any disciplinary action and the reasons therefore. The decision in writing shall then be personally delivered to the employee. If the employee is unavailable for personal delivery, the decision shall be sent by certified mail, return receipt requested, to his/her last known mailing address. A copy of the decision shall be placed in the employee's central personnel file.

D. Appeal: Every employee shall have the right to appeal any disciplinary action enforced against him/her which she/he believes to be unwarranted unfair or unjust. An appeal shall be treated as a grievance and shall be handled in accordance with the Grievance Policy and Procedure of Section 10 of these Personnel Policies.

Section 10. Grievance and Grievance Procedure.

A. Grievance Policy: It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. When any employee grievance comes to the attention of a supervisor or the Mayor, the supervisor or the Mayor shall discuss all relevant circumstances with the employee, and his/her representative if he/she so desires, consider and examine the causes of the grievance, and attempt to resolve it to the extent that the Mayor or supervisor has authority to do so. If the grievance is not dealt with satisfactorily at this level, the grievance may be carried to the City Council as provided in this section.

B. Grievance Procedure: Every employee shall have the right to grieve any action which he/she believes to be unwarranted, unfair, or unjust, PROVIDING, the alleged grievance shall be handled in accordance with the following procedures.

1. The employee shall first discuss with his supervisor (or attempt to discuss)

his/her grievance. Should this fail to dissolve the grievance, the employee should confer with the Mayor. If this fails to dissolve the grievance, the employee may contact any City council member and request a preliminary investigation to determine the validity of the grievance.

2. The City Council member contacted by an employee shall, in turn, contact the Mayor. The Mayor shall appoint another City Council member to investigate the alleged grievance along with the first contacted member.

3. If in the opinion of the two investigating Council members the grievance is of a critical nature needing immediate resolution they shall contact the Mayor who shall call a special City Council meeting to hear the grievance. If the grievance is not of a critical nature needing immediate resolution it shall be heard at the next regular City Council meeting. The grievance shall be given notice in writing of the date, time and place of the council meeting. Notice for a special meeting shall be at least 24 hours.

4. The City Council meeting as the Grievance Committee shall request the aggrieved party and all others concerned to appear before them for their investigations. Notice shall have been given these persons. If the aggrieved party, having been given notice, fails to appear before the City Council, the grievance is dissolved and the aggrieved party does not have standing to appear before the City Council on the same incident again. If the nature of the grievance is such that its discussion may tend to prejudice the reputation and character of any person a City Council member may move and the City Council after convening as a public meeting may vote to hold an executive session. 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. After the reconvening of the public meeting if an executive session is held, or at the meeting after all testimony has been heard and evidence examined, the City Council shall make such resolution of the grievance as they feel proper. The City Council's decision shall be final.

#### Section 11. Personal Leave.

A Coverage: Permanent employees whose customary workweek is five (5) days per week are entitled to Personal Leave with pay. No other employees accrue Personal Leave.

No Personal Leave accrues to an employee during a probationary period unless the employee has transferred or been promoted from a position in which she/he had permanent status to a position in which the employee is serving a new probationary period. On the first day of the month following the date of successful completion of the probationary period an employee begins to accrue leave.

B. Accrual Rates: Personal Leave is the only leave accrued by City employees. Personal Leave is accrued at the following rates:

- 1 . For the first three years of city employment permanent employees shall

accrue Personal Leave at the rate of one and one quarter (1 1/4) days per calendar month worked. That is, fifteen (15) days per year.

2. Employees with three or more years of service shall accrue Personal Leave at the rate of one and three quarters (1 3/4) days per calendar month worked. That is, twenty one (21) days per year.

C. Day of Personal Leave Defined: Personal Leave days accrued by employees are equal to employees' normal workdays. That is, an employee who customarily works a six (6) hour workday accrues a six (6) hour leave day; an employee who customarily works a four (4) hour workday accrues a four (4) hour leave day; etc.

D. Personal Leave and Scheduling: Personal Leave may be used for vacation time, sickness, subsistence activities, etc. Personal Leave is the employee's to use as he/she sees fit or circumstances dictate, and scheduling and efficient city operation allow. An employee must in writing request Personal Leave from the Mayor and have it approved by the Mayor at least one week before the date leave is to begin. Shorter notice than one week may be allowed in special circumstances. The Mayor shall make all efforts to assure that permanent employees are able to schedule and take accrued leave. Employees shall make all efforts to request and take accrued leave at such times as to least impact city operation and provision of services to citizens.

E. Personal Leave for Medical Cause:

1. When the Mayor or his/her designee is satisfied that an employee is absent from work for valid medical cause, Personal Leave may be granted. An employee who is unable to attend work because of sickness or other medical cause and who has not requested Personal Leave in advance shall communicate his/her leave request to the Mayor or his/her designee as quickly as possible but no later than one half (1/2) hour after the time the employee was to have reported to her/his worksite.

2. Personal Leave may be granted for illness within the employee's immediate family which requires the attendance of the employee.

3. Personal Leave may be granted in cases in which a death has occurred in the family of the employee.

4. Approval of Personal Leave for bona fide medical cause shall not be withheld.

F. Maximum Accrual: Permanent employees are allowed to carry over up to thirty (30) days of unused Personal Leave from one calendar year to the next. An employee's unused Personal Leave in excess of thirty (30) days at the close of business on December 31 of any calendar year shall be canceled and voided.

G. Payment of Personal Leave upon Separation: An employee who separates from City service for whatever reason shall be paid the value of all unused Personal Leave to the employee's credit upon the date of separation unless otherwise provided for in these Personnel Policies. Payment shall be made within one working day after the

employee's last day of work. Payment shall be less any obligations owed the City and appropriate payroll tax deductions.

Section 12. Other Leave.

A. Application: The provisions of this section apply to all permanent employees of the City whose customary workweek is five (5) days per week.

B. Court Leave:

1. A permanent employee who is called to serve as a juror or is subpoenaed as a witness shall be entitled to Court Leave.
2. Court Leave shall be supported by written documents such as a subpoena, court's statement of attendance and compensation for services, per diem and travel.
3. A permanent employee shall receive his/her regular salary while on Court Leave, but any compensation for services shall be turned over to the City in return.

C. Election Leave:

1. A permanent employee who is appointed to serve as an election judge or otherwise assist in an election or whose attendance is requested or required at training for elections is entitled to Election Leave.
2. Election Leave shall be supported by written documentation such as a letter of appointment, or statement of compensation for services, per diem and travel.
3. A permanent employee shall receive her/his regular salary while on Election Leave, but any compensation for services shall be turned over to the City in return.
4. Alaska Statute 15.15.100 states that if a qualified voter who does not have sufficient time outside working hours within which to vote at a state election may, without loss of pay, take off as much working time as will enable voting. The City of Teller encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are otherwise completely unable to vote in an election during their non-working hours, the City of Teller will grant up to ~ hour, and a voter's receipt is required.

D. Military Leave:

1. Permanent city employees are permitted fifteen (15) calendar days Military Leave each calendar year. Permanent city employees at their option may keep all pay given them by the Military or may turn their military pay over to the City

and receive their regular salary. Permanent employees may also at their option take Personal Leave instead of Military Leave for military service and receive both their regular salary as well as their military salary for this period of time. Normally Military Leave is in addition to Personal Leave and will not subtract from an employee's Personal Leave accrual. An employee continues to accrue Personal Leave while on Military Leave.

2. A permanent employee shall be entitled to a Military Leave of absence without pay to serve on active duty in the Armed Forces of the United States and shall be entitled to the re-employment benefits of the Universal Military Service Act.

E. Maternity/Paternity Leave:

A permanent employee who has been employed for not less than ten (10) months is entitled to take a total of nine (9) weeks leave of absence immediately preceding and following the birth or adoption of an employee's infant child. This leave shall be charged first to Personal Leave then to Leave Without Pay. An employee who fails to return to work within the prescribed time limit shall be presumed to have resigned unless the employee has applied for and been granted Leave Without Pay for an additional period.

F. Leave Without Pay:

Leave Without Pay is approved absence from work. Except as otherwise provided for in these Personnel Policies Leave Without Pay will, normally not exceed two weeks in duration. An employee who has not accrued sufficient Personal Leave in order to be away from her/his job on approved Personal Leave with pay may, in writing request from the Mayor a period of Leave Without Pay. The request should list the beginning and ending dates of the Leave Without Pay and the circumstances that require such status and should be submitted to and approved by the Mayor at least one week before the date leave is to begin. Shorter notice than one week may be allowed in special circumstances. An employee accrues no personal leave or other benefits while on Leave Without Pay status. Failure to return from Leave Without Pay within two days after the requested ending date of the leave, or absence from work without approval of the requested leave is grounds for dismissal as provided for in these Personnel Policies. Permanent part time, Temporary Long Term and Temporary Short Term employees who do not earn and accrue Personal Leave are required to request Leave Without Pay if they expect to be absent from work. Unapproved absence from work by these employees-is grounds for dismissal. In cases of illness those employees who do not accrue leave are required to follow the procedures of 11.5 and request Leave Without Pay for medical cause.

Section 13. leave Holidays.

A. Legal Holidays: Permanent employees who customarily work less than five (5) days per week, Probationary, Long Term Temporary and Short Term Temporary employees do not receive paid holidays.

B. The following are legal holidays for which permanent employees who customarily

work at least five (5) days per week receive a paid day off and which days the city offices will be closed:

New Year's Day- January 1  
 President's Day - the third Monday in February  
 Memorial Day - the last Monday in May  
 Independence Day - the fourth of July  
 Labor Day - the first Monday in September  
 Veterans' Day - the eleventh of November  
 Thanksgiving Day - the fourth Thursday in November  
 Christmas Day - the twenty-fifth of December

Every day designated by public proclamation by the President of the United States or the Governor of the State of Alaska or the Mayor and City Council.

C. Observance:

When any of the holidays listed in subsection B falls on a Saturday the preceding Friday shall be observed as the holiday. When any of the holidays falls on a Sunday the following Monday shall be observed as the holiday. Permanent employees shall receive full pay for the holiday according to the customary daily hours they work. Permanent employees may be required to work on paid holidays when the nature of their duties or other conditions require. A permanent employee required to work on a holiday shall receive another day off within thirty (30) days thereafter.

Section 14. Travel. 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 . 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 City 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. All official travel shall be approved in advance by the City Council.
3. An official, an employee, a designated representative, consultant or anyone else traveling at city expense is required to report to the City Council on her/his travel at the next regular City 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 City Council in lieu of personal appearance. Failure to report to the City 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.

4. Travel for an individual's convenience: 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 borne 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.

5. Interruption of Travel: 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.

6. Use of privately owned transportation: 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.

7. Unused tickets: 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.

8. Special conveyance: 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.

1. 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 City 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.

2. Calculation of Per Diem: For purposes of calculating per diem, the day is divided into four (4) equal quarters and ends at 12:00 midnight. These quarters are 12:00 a.m. to 6:00 a.m.; 6:01 a.m. to 12:00 noon; 12:01 p.m. to 6:00 p.m.; 6:01 p.m. to 12:00 midnight. An individual on travel status is paid a full day's per diem for the first day on travel status ending at midnight and either a full day's per diem or a pro rata by quarters per diem for succeeding days travel until the time the individual could return to the City upon completion of official business. For example: an employee boards a plane and leaves the City at 10:00 a.m. on Tuesday, arrives Nome at 11:30 a.m., leaves Nome at 1:30 p.m.

and arrives Anchorage at 2:45 p.m. On Wednesday the employee attends a training session from 8:00 a.m. till 4:30 p.m. On Thursday the employee attends the second day of training from 8:00 a.m. till 4:30 p.m. On Friday the employee attends the training from 8:00 a.m. until its conclusion at noon. There is a plane that leaves Anchorage on Friday at 5:00 p.m. arrives Nome at 6:45 p.m. The next scheduled flight from Nome to the City leaves Nome at 10:00 a.m. Saturday arrives at the City at 11: 15 a.m. The employee decides to go shopping in Anchorage on Friday and spend the weekend with his/her relation in Anchorage and arrives back in the City at 2:30 p.m. on Monday.

The employee receives:

a full day's per diem for Tuesday'(10:00 a.m. till midnight)  
 a full day's per diem for Wednesday (12:01 a.m. till midnight)  
 a full day's per diem for Thursday (12:01 a.m. till midnight)  
 a full day's per diem for Friday (12:01 a.m. till midnight)  
 one half day's per diem for Saturday 12:01 a.m. till 6:00 a.m. = 1/4, 6:01 a.m. till 11 :15 a.m. = 1/4. 11 :15 a.m. is the time the employee could have returned home.

In this instance the employee is paid for his/her customary work days for Tuesday, Wednesday, Thursday, Friday. The employee is on leave on Monday until the employee returns to his/her worksite since the employee is traveling at his/her convenience at this time. The emp.loyee should have requested leave from the Mayor and approval of the layover in Anchorage for personal convenience before embarking on the trip. The employee should report on the trip to the City Council at the next regular City Council meeting after his/her return.

C. Subsistence: Subsistence may be paid instead of per diem when it is advantageous to the City and will not affect the well being of an individual on official business for the City. Subsistence may also be paid with the prior approval of the Mayor when actual costs as proved by receipts are higher than the per diem rate. Subsistence is the actual cost of lodging and meals, as proved by receipts, incurred by an individual on official business for the City. 14.4 Meal Allowance: In cases where an individual is on travel status for the City and is able to conduct city business and return the same day without the necessity of an overnight stay, reasonable meal allowances may be paid by the City as established by the City Council by resolution or as proved by receipt. An individual on travel status from 6:00 a.m. through 10:00 a.m. may be allowed a breakfast allowance. An individual on travel status from 10:01 a.m. through 2:00 p.m. may be allowed a lunch allowance. An individual on travel status from 4:01 p.m. through midnight may be allowed a supper allowance.

#### Section 15. Sexual and Other Unlawful Harassments.

All work environments owned and operated by the City of Teller shall be free of sexual and other unlawful harassments. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic are not allowed.

Any city employee may report an incident of sexual or other unlawful harassment promptly to

his or her supervisor. If the supervisor is unavailable or the employee believes it to be inappropriate to contact that person, the employee may immediately contact the Mayor or any other member of the City Council. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor who becomes aware of possible sexual or other unlawful harassment shall promptly advise the Mayor or any member of the City Council who shall handle the matter in a timely, confidential manner.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment. The victim(s) will be informed of the City's decision and the disciplinary action taken.

#### Section 16. Safety.

The City of Teller shall provide information to city employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

The City shall be responsible for:

1. Providing safe work procedures and environments;
2. Informing and training employees in safe work habits;
3. Detecting and correcting unsafe practices and conditions;
4. Investigating accidents and preparing accident reports;
5. Encouraging employees to report unsafe conditions and to submit practical safety suggestion.

Each employee shall be responsible for:

- 1 . Obeying rules and to exercise caution in all work activities;
2. Developing and maintaining safe work habits;
3. Promptly reporting all accidents and injuries;
4. Immediately reporting any unsafe conditions;
5. Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Mayor or designated supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

CITY OF TELLER Policies	CITY OF TELLER JOB DESCRIPTION CITY CLERK
APPOINTMENT	- by City Council
SUPERVISOR	- Mayor
WAGE	- Salary as determined by City Council
WORKSITE	- City Office
HOURS OF WORK	- M-F, _____ a.m. - _____ p.m., _____ p.m. - _____ p.m., attendance at City Council and other meetings required may work additional hours & days as necessary
CLASSIFICATION -	Permanent Full Time, the City Clerk however holds office at the pleasure of the City Council

### MINIMUM QUALIFICATIONS

1. High School graduate
2. General knowledge of financial, bookkeeping and office procedures required.
3. Ability to type and experience with computers preferred -
4. Experience in dealing with the public.
5. Ability to supervise and work cooperatively with others -
6. Demonstrated ability to administratively manage and supervise projects.
7. Ability to draft and prepare correspondence with State, federal, non-profit agencies.
8. Ability to deal with State, federal, non-profit agencies.
9. Ability to prepare and follow budgets.
10. Ability to work with a minimum of supervision and carry out delegated personnel and managerial duties.

### JOB DUTIES

Under the immediate supervision of the Mayor and under the direction of the City Council the City Clerk shall carry out all duties as directed: These include the management of the city office, day to day administrative supervision of projects and such personnel and managerial duties as delegated by the Mayor. The City Clerk shall give notice of the time and place of meetings to the City Council and to the public; attend meetings of the City Council and keep the journal; arrange publication of notices, ordinances, and resolutions; maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes; attest deeds and other documents; perform other duties specified in Title 29 or prescribed by the Mayor or City Council. The City Clerk shall prepare or supervise preparation of tax reports, financial reports, grant progress reports and shall insure that these reports are accurate and timely filed. The City Clerk shall contact and deal with State, federal, non-profit agencies to insure efficient provision of services to citizens. The City Clerk shall make application for grants and State and federal funding available. The City Clerk shall route mail received by the City and insure the City Council and Mayor are aware of filing and other deadlines. Performs other duties as assigned.

CITY OF TELLER  
CITY OF TELLER JOB DESCRIPTION  
Personnel Policies MAYOR

APPOINTMENT - by City Council

SUPERVISOR - City Council

WAGE -As determined by the council by ordinance

WORKSITE - City office

HOURS OF WORK -??

CLASSIFICATION - Elected Official

MINIMUM QUALIFICATIONS

1. Elected by and from the council
2. Desire to do the work.
3. Ability to work cooperatively with others with minimal supervision.
4. Ability to attend periodic training sessions.
5. Ability to supervise and work closely with subordinates.

JOB DESCRIPTION

The mayor is the chief administrative and personnel officer for the city. The mayor appoints, suspends, or removes city employees as provided in the city's personnel ordinances (Chapter 57) and with the approval of the council. Evaluates efficiency of personnel. Directs training of personnel. Supervises the enforcement of city law, administers laws and regulations affecting the city and carries out the directives of the council. Prepares and submits an annual budget and capital improvement program for consideration by the council and administers the budget and capital improvement program adopted. Makes monthly financial reports and other reports on city finances and operations as required by the council. Responds to citizen requests and complaints. Confers with agencies, officials, and community groups and conducts public relations campaigns to present need for changes in laws and policies. Appoints members to boards and commissions with the approval of the council. Serves as ex-officio member of every committee or department organized under these ordinances. Speaks to interested groups to improve the understanding between the city and the public. Surveys buildings, grounds, and equipment and exercises control over all real and personal property of the city. Performs such other duties as required by law or ordinance, or as prescribed by the council.

**City of Teller  
Job Opening Announcement**

**Description:**

Janitor  
Alternate Janitor

**Hours of Work:**

Minimum Qualifications:  
Evenings as required

**Supervisor:**

Teller Bingo MIC  
City Clerk

**Classification:**

Permanent

**Wage:**

\$8.50 Hour

After Daytime Pull-Tab selling is done

1. Ability to work with minimal supervision and carry out duties.
2. Ability to lift 40 pounds.
3. Ability to work cooperatively and good communication skills.
4. Ability to keep track of hours worked and record them on timesheet.
5. Ab/Iffy to WORK WHEN SCHEDULED and to call Supervisor or City Office If unable to work.

**Job Description:**

Work shall consist of the general cleaning of the Bingo Hall and City Office. Cleaning of tables restrooms. floors. taking out the trash, hauling water when needed.  
And other duties as required.  
Will be paid on a weekly basis.

Pick Up Applications at The City Of Teller Office

City of Teller  
Job Opening Announcement

Job Description:  
Fuel Truck Driver

Hours of Work:  
1PM-5PM

Supervisor:  
City Clerk

Classification:  
Part-Time Permanent

Wage:  
\$11.21 Hour, will be paid weekly

Minimum Qualifications:

1. Ability to work with minimal supervision
2. Ability to keep track of hours worked and record them on a timesheet
3. Valid AK Drivers License

Job Description:

Deliver Heating fuel to residents and businesses in Teller, and record them in a receipt book. Light maintenance on vehicle when needed. Other duties assigned as needed.

Pick up applications at the city office

City of Teller  
Job Opening Announcement  
Description: Sanitation Worker/Driver  
Hours of Work 9A.M. - 5P.M.

Supervisor: City Clerk  
Classification Permanent

Wage:  
\$10.56 Hour, will be paid weekly

Minimum Qualifications:

1. Ability to work with minimal supervision and carry out duties.
2. Ability to lift 45 pounds
3. Ability to work cooperatively and good communication skills
4. Ability to keep track of hours worked and record them on a timesheet
5. Ability to WORK WHEN SCHEDULED and to call Supervisor or City Office is unable to work.
6. Valid AK Drivers License.

Job Description:

Trash Pick up and disposal at the City dump.

Honey bucket pick up and disposal at the dump.

Water Delivery when needed.

Light maintenance on vehicles when necessary.

These are the main duties performed and others will be assigned as necessary.

Pick up applications at the City of Teller office