

CITY OF GAMBELL, ALASKA

Ordinance No.

AN ORDINANCE adopting a Code of Ordinances for the City of Gambell, Alaska.

BE IT ENACTED BY THE GAMBELL CITY COUNCIL AS FOLLOWS:

Section 1. Purpose.

We, the elected officials of the City of Gambell Alaska, mindful of the responsibilities for the welfare of our community which we hold as the City Council of a second class city incorporated under the Constitution and laws of the State of Alaska, and in order to provide local government of service to our people to meet their needs, do establish this ordinance to be the Code of Ordinances for the City of Gambell.

Section 2. Classification.

This ordinance is of a general and permanent nature.

Section 3. Prior ordinances superseded.

This Code supersedes any and all ordinances adopted prior to this Code and not included within this Code at the time of this Code's adoption. Ordinances No. 66-71 remain in effect until such time as the Department of Justice issues preclearance of the election procedures contained in Chapters 66-71 of this Code.

Section 4. Severability.

If any provision of this ordinance or application thereof to any person or circumstance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 5. Titles and chapters adopted.

The following titles and chapters constitute the Code of Ordinances for the City of Gambell, as adopted.

Title I. GENERAL PROVISIONS

- | | | |
|---------|----|--------------------------------------|
| Chapter | 1. | General Provisions |
| | 2. | City Information |
| | 3. | Ordinances; Resolutions; Regulations |
| | 4. | Public Records |

Title II. ADMINISTRATION

- | | | |
|---------|----|------------------|
| Chapter | 5. | City Council |
| | 6. | Mayor |
| | 7. | Council Meetings |

8. Council Procedures
9. City Clerk
10. Bookkeeper
11. City Attorney
12. City Treasurer
13. (Reserved)
14. (Reserved)
15. (Reserved)

Title III. REVENUE AND FINANCE

- | | |
|---------|-----------------------|
| Chapter | 16. Fiscal Procedures |
| | 17. Budget |
| | 18. Audit |
| | 19. Sales Tax |
| | 20. (Reserved) |
| | 21. (Reserved) |
| | 22. (Reserved) |

Title IV. ACQUISITION AND DISPOSAL OF CITY PROPERTY

- | | |
|---------|--|
| Chapter | 23. Acquisition, Management, and Disposal of City Land |
| | 24. (Reserved) |
| | 25. (Reserved) |
| | 26. (Reserved) |
| | 27. Disposition of City-owned Personal Property |
| | 28. Extraterritorial Jurisdiction |
| | 29. (Reserved) |

Title V. CITY DEPARTMENTS

- | | |
|---------|------------------------------|
| Chapter | 30. Public Safety Department |
|---------|------------------------------|

- 31. Fire Department
- 32. Office of Emergency Management; Emergency Preparedness and Civil Defense
- 33. Library Department
- 34. Planning Committee
- 35. (Reserved)

Title VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

- | | |
|---------------|---|
| Chapter | 36. Utility Board |
| Utility Board | 37. Rules and Regulations for Services of the Gambell |
| | 38. Reserved |
| | 39. City Equipment |
| | 40. City Property; Inventory and Files |
| | 41. (Reserved) |
| | 42. (Reserved) |
| | 43. (Reserved) |
| | 44. (Reserved) |
| | 45. (Reserved) |

Title VII. GENERAL WELFARE

- | | |
|---------|---------------------------------------|
| Chapter | 46. Intoxicating Liquors or Beverages |
| | 47. (Reserved) |
| | 48. (Reserved) |
| | 49. Dog Control |
| | 50. (Reserved) |
| | 51. Curfew |
| | 52. Offenses By or Against Minors |
| | 53. (Reserved) |
| | 54. Litter; Sanitation Measures |

- 55. Protection of Watershed
- 56. Offenses Against Property
- 57. Offenses by or against Public Officers and Government
- 58. Offenses against Public Peace
- 59. (Reserved)
- 60. (Reserved)
- 61. Motor Vehicles
- 62. Control of Firearms, deadly weapons, explosives, fireworks
- 63. (Reserved)
- 64. (Reserved)
- 65. (Reserved)

Title VIII. ELECTIONS

- | | |
|---------|--------------------------------------|
| Chapter | 66. City Elections |
| | 67. Election Equipment and Materials |
| | 68. Election Procedures |
| | 69. Absentee Voting |
| | 70. Review of Election Returns |
| | 71. Contest of Election |
| | 72. (Reserved) |
| | 73. (Reserved) |

Title IX. PERSONNEL

- 74. Responsibility of Officers and Employees
- 75. Personnel Policies

Section 6. Effective date.

Chapters 1-65 and 74-75 of this ordinance become effective upon their adoption by the Gambell City Council and signature of the Mayor. Chapters 66-71 become effective upon their adoption by the Gambell City Council as part of this Code and signature by the Mayor and upon receipt of preclearance of these chapters by the U.S. Department of Justice.

DATE INTRODUCED:

FIRST READING:

PUBLIC HEARING:

PASSED and APPROVED by the GAMBELL CITY COUNCIL this ____ day of _____, 19__.

Mayor

ATTEST:

City Clerk

Title I. GENERAL PROVISIONS

- | | | |
|---------|----|--------------------------------------|
| Chapter | 1. | General Provisions |
| | 2. | City Information |
| | 3. | Ordinances; Resolutions; Regulations |
| | 4. | Public Records |

CHAPTER 1

GENERAL PROVISIONS

Sections:

1. Code cite and designation.
2. Definitions.
3. Grammatical interpretation.
4. Effect of repeal of ordinances.
5. Severability of ordinances and parts of Code.
6. General penalty.
7. Laws of Alaska; violations.
8. Enforcement
9. Amendments to Code; effect of new ordinances.
10. Distribution.
11. Supplements or revisions to the Gambell City Code.
12. Ordinances included in the Gambell City Code.
13. Time ordinances take effect.
14. Corrections.

Section 1. Code cite and designation.

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

Section 2. Definitions.

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

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

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

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.

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

Section 6. General Penalty.

Every act prohibited by ordinance of this City is unlawful. Unless another 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

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

The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this Code, whether or not such penalty is re-enacted 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 any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the Code of Ordinances of the City of Gambell, 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 (10) days, the person will be served notice to personally appear before the City Council for further action.

Section 9. Amendments to Code; effect of new ordinances.

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

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

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

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

Section 10. Distribution.

This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this Code may be charged to anyone requesting copies provided that copies of ordinances that provide for penalties shall be made available for distribution to the public at no more than cost. Copies of this Code shall be furnished to the courts and law enforcement personnel as needed upon their request.

Section 11. Supplements or revisions to the Gambell City Code.

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

The Gambell City Code shall be supplemented at regular intervals or if the Council deems that supplementing the code is unnecessary, the Code shall be revised and printed every five years.

Section 12. Ordinances included in the Gambell 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 Gambell 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 13. 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 14. Corrections.

When in this code or any amendments or additions thereto there are any errors the correction of which does not change the meaning of any section of this code the Council may authorize the correction of these errors by substitution of corrected pages

for the incorrect pages without amendment or following ordinance procedure:

The following corrections are so authorized:

- A. Manifest errors which are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;
- B. changes in capitalization for the purpose of uniformity;
- C. correction of manifest errors in references to laws;
- D. correction of mistakes in grammar;
- E. correction 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

Sections:

1. Name of City and form of government.
2. City limits and history.
3. City seal described.
4. Use of seal.

Section 1. Name of City and form of government.

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

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

Section 2. City limits and history.

The boundaries of the City are:

Represented by the circle drawn on the attached map and, more generally described as: beginning at a point at the base of the Sevoukak Mountain, proceed in a circular pattern south to Cape Noovookiak, move south to just this side of Cape Ooynik, 1 and 3/4 miles out to sea from the edge of west beach, 1 mile out to sea from the tip of the Island towards

The map on the following page of this Chapter shows the locations of these boundaries.

The boundaries of the City as described above were the effective city limits as of incorporation of the City of Gambell as a fourth class city on the 30th day of November, 1963..

@@The Certificate of Incorporation is recorded in Book , page in the Nome Recording District in Nome, Alaska. This certificate was recorded on the th day of , 196.

On September 10, 1972 the City of Gambell was reclassified as a second class city by Title 29 then entitled A.S. 29.08.050(b) as enacted by the 1972 Alaska State Legislature.

Section 3. City Seal. The City shall have a seal consisting of two concentric circles bearing the words in the outer circle "City of Gambell" and in the inner circle 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 Code; effect of new ordinances; amendatory language.
6. Supplements or revisions to the Gambell City Code.
7. Emergency ordinances.
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 resolution.
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, and permanent nature shall be reduced to ordinance. When the Council expresses opinions, principles, facts, or propositions, it shall be in the form of a resolution.

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 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 for the acquisition and disposal of land and interest in land.

Section 3. Ordinance procedure.

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

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

At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in 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 ordinance's basic character, the proposed ordinance shall be treated as a newly-introduced proposed 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 Gambell, 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 GAMBELL, ALASKA:";
- E. the provisions of the ordinance;
- F. the dates of introduction, first reading, and public hearing;
- G. the date of adoption;
- H. space for the signature of the Mayor; and
- I. space for the Clerk's signature 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 after 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 and included in this Code. In the case of chapters, sections and subsections or any part thereof repealed by ordinances adopted after this code, such repealed portions shall be removed from the Code by deleting them from the affected pages, and reprinting the affected pages.

Amendments to any of the provisions of this Code shall be made by specific reference to the section number of this Code in substantially the following language: "Chapter ____, Section ____ of the Code of Ordinances of the City of Gambell, Alaska is hereby amended to read as follows:". The new chapter or section shall then be set out in full as desired.

If a new Chapter or Section is to be added to the Code, the following language shall be used: "The Code of Ordinances of the City of Gambell, Alaska is hereby amended by addition of a chapter or section, to be numbered ____, which chapter or section

reads as follows:". The new chapter or section language shall then be written in full.

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

Section 6. Supplements or revisions to the Gambell City Code.

The Gambell City Code shall be supplemented at regular intervals, all ordinances passed after this Code which amend, repeal, or in any way affect this Code, shall be compiled as a supplement and placed in this code, or, if the Council decides that supplements are not necessary, the Code shall be revised and printed every five years.

Section 7. Emergency ordinances.

To meet public emergencies the Council may adopt emergency ordinances which are effective on adoption. Each emergency ordinance shall contain a finding by the Council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The Council must type or print copies of adopted emergency ordinances and make available to the public.

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 stated in the title.

Section 9. Requirements for passage.

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

The final vote on an ordinance is a recorded roll call vote.

Section 10. Signature.

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

Section 11. Ordinance File.

The City 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 that are not required by law to be enacted by ordinance and are not acts of a general and

permanent nature may be adopted by resolution. A resolution shall have:

- A. The heading "City of Gambell, Alaska";
- B. the space for a number to be assigned - "Resolution No. ___";
- C. a short and concise title describing the resolution's subject and purpose;
- D. short premises or WHEREAS clauses describing 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; and
- H. space for the Clerk's 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 City Clerk and shall be available for public inspection.

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

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 such hearing, the Council may finally pass such resolution with or without amendments.

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

Section 15. Requirements for passage of resolutions.

Four affirmative votes are required for the passage of a resolution.

The final vote on each resolution is a recorded roll call vote.

Section 16. Rules and Regulations.

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

Section 17. Codes of regulations.

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

CITY OF GAMBELL, ALASKA

ORDINANCE NO.

AN ORDINANCE _____

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

Sections:

1. _____

2. _____

3. _____

Section 1. _____

Section 2. _____

Section 3. _____

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

PASSED and APPROVED by the GAMBELL CITY COUNCIL this _____ day of _____, 19__.

Mayor

ATTEST:

City Clerk

CITY OF GAMBELL, ALASKA

RESOLUTION NO. _____

A RESOLUTION _____

WHEREAS, _____

WHEREAS, _____

AND WHEREAS, _____

BE IT RESOLVED: _____

PASSED and APPROVED by the GAMBELL CITY COUNCIL this _____ day of _____, 19 _____.

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 the 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 Section 3, Chapter 74 of 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 City Clerk.

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

- A. Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;
- B. establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and re-filing records which are temporarily removed from the permanent files for use by the Clerk, other city officials or employees, or members of the public;
- C. develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska Department of 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 which are not open to inspection pursuant to Section 5, and
- 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 of 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 city records are confidential:
 - 1. records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50;
 - 2. records pertaining to juveniles;
 - 3. medical and related public health records;
 - 4. personnel records, except as provided in Chapter 75.
 - 5. other records 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 to the Council shall include lists of these records sufficiently detailed to identify the records and to permit the council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the Council finds that certain records so identified by the Clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such authorization, the Clerk may dispose of the specified records in the manner approved by the Council.
- D. The Clerk shall file a descriptive list of the records disposed of and a record of the disposal itself. The Clerk shall provide copies of these documents to the Council.

Title II. ADMINISTRATION.

- | | | |
|---------|-----|--------------------|
| Chapter | 5. | City Council |
| | 6. | Mayor |
| | 7. | Council Meetings |
| | 8. | Council Procedures |
| | 9. | City Clerk |
| | 10. | Bookkeeper |
| | 11. | City Attorney |
| | 12. | City Treasurer |
| | 13. | (Reserved) |
| | 14. | (Reserved) |
| | 15. | (Reserved) |

CHAPTER 5

CITY COUNCIL

Sections:

1. City Council; composition.
2. Qualification of Council members.
3. Election of Council members; terms.
4. Oath of office
5. Compensation of Council members.
6. Conflicts of Interest.
7. Vacancies.
8. Recall.
9. Filling a vacancy.

Section 1. City Council; composition.

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

**Section 2. Qualifications of Council members.

Council members shall be qualified city voters. Candidates for Council shall have resided in the city for three years preceding the date of election. A Council member who ceases to be a voter in the City immediately forfeits office.

**Section 3. Election of Council members; terms.

The regular general election for council members and other elected City officials shall be held each year on the first Tuesday in October to choose Council members for staggered three year terms and until successors are elected and have qualified. Questions and propositions requiring a vote of the people may be placed on the ballot at this time. Council members' terms of office begin on the first Monday following certification of the election. Notice of the election must be posted in three (3) public places for thirty (30) days preceding the date of election.

Council seats are designated and terms expire as follows:

- Seat A- term expires in 1996, then 1999, 2002, etc.
- Seat B- term expires in 1996, then 1999, 2002, etc.
- Seat C- term expires in 1997, then 2000, 2003, etc.
- Seat D- term expires in 1997, then 2000, 2003, etc.
- Seat E- term expires in 1997, then 2000, 2003, etc.
- Seat F- term expires in 1998, then 2001, 2004, etc.
- Seat G- term expires in 1998, then 2001, 2004, 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 Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the City of Gambell, 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.

**Section 5. Compensation of Council members.

Council members shall receive no compensation for serving on the Council. A separate stipend of \$50.00 shall be paid to each council member and any otherwise uncompensated city representative for each meeting attended on city business. Per diem payments or reimbursements for expenses are not compensation under this section.

Section 6. Conflicts of interest.

If a Council member has a substantial financial interest in an official action, the Council member shall declare that interest and ask to be excused from a vote on the matter. The procedures detailed in Chapter 74, Section 6(C) shall be followed. Refer to Chapter 74, Section 6 for Conflicts of interest, prohibitions and disclosure in general.

Section 7. 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 A.S. 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
- G. is convicted of a violation of A.S. 15.13;
- H. no longer physically resides in the City and the Council by two-thirds vote declares the seat vacant; or
- I. if a member of the Council misses three consecutive regular meetings and is not excused.

Section 8. 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 A.S. 29.26.260-340.
- D. If a Council member 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 remaining vacancies in accordance with Section 9 of this Chapter. 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 unexpired portion of the term. The election shall be held on the 6th Tuesday after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 9. 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, unless, the membership of the Council is reduced to fewer than the number required to constitute a quorum, then the remaining members shall within seven days, appoint a number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

CHAPTER 6

MAYOR

Sections:

1. Election and term of Mayor.
2. Duties of Mayor.
3. Vice Mayor; presiding officer pro tem.
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 certification of the regular election and elect a Mayor who takes office immediately. The Mayor serves a one year term and may serve as Mayor 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 Council member shall vote on all matters. The Mayor does not have the power of veto. The Mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend, or remove subordinates in conformance with the City's personnel ordinances. As chief administrator the Mayor shall:

- A. Appoint, suspend or remove city employees and administrative officials as provided in the City's personnel ordinances (Chapter 75);
- 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 budget and capital improvement program adopted;
- D. make monthly financial reports and other reports on city finances and operations as required by the Council;
- 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 tem.

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

**Section 4. Compensation of Mayor.

The Mayor of the City shall receive compensation at the rate 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 Council members 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 only when the person elected
 - 1. fails to qualify or take office within 30 days after election or appointment;
 - 2. unless excused by the Council, is physically absent from the City for 90 consecutive days;
 - 3. resigns and the resignation is accepted;
 - 4. is physically or mentally unable to perform the duties of office;
 - 5. is convicted of a felony or of an offense involving a violation of the oath of office;
 - 6. is convicted of a felony or misdemeanor described in A.S. 15.56;
 - 7. is convicted of a violation of A.S. 15.13;
 - 8. no longer physically resides in the City; or
 - 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 Section 8, Chapter 5 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 A.S. 44.62.310. The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section 2. Quorum.

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

Section 3. Regular council meetings.

All regular meetings of the Council shall be held on the first Monday of each month.

The usual place of council meetings shall be at the Gambell 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.

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 24 hours oral or written notice must be given a majority of Council members and reasonable efforts made to notify all members. A special meeting may be conducted with less than twenty-four (24) hours notice if all Council members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the 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 notice is given Council members, public notice shall be posted at the same time as notice is given Council members.

**Section 6. Executive session.

All meetings of the Council are public meetings. However, certain subjects are permitted to be discussed in executive

session. In cases where permitted 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 permitted 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 permitted 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, except to give direction to an attorney or labor negotiator regarding a specific legal matter or labor negotiation. Upon conclusion of the executive session the public meeting will be reconvened. During the public meeting action may be taken on the permitted subjects discussed at the executive session. Subjects which are permitted to 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; and
- D. matters involving consideration of government records that by law are not subject to public disclosure.

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/she shall preserve order among the Council members, 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 any duly called meeting to elect a presiding officer pro tem from among its number and the presiding officer pro tem 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 meetings.
- 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 Council member about to speak shall respectfully address the Mayor or the presiding officer, and shall not commence to speak until recognized by the Mayor or presiding officer. When two or more members request to speak at the same time, the Mayor or presiding officer shall determine which one is recognized.

Every 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 the possession of the Council and shall be disposed of by vote, but the Council member 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 Council member 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 Councilmen constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.

All Council members present shall vote on every question, unless required to abstain from 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 city council meetings, shall attend all meetings of the Council and keep the journal of its proceedings, shall authenticate by his/her 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 the powers, duties and obligations of the City Clerk.

CHAPTER 9

CITY CLERK

Sections:

1. Appointment; term.
2. City Clerk/treasurer.
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 Council. He/she shall hold office at the pleasure of the Council.

**Section 2. City Clerk/Treasurer. The City Clerk shall:

- A. Give notice of the time and place of 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;
- I. 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 14.14.060 be the custodian of city funds and property;
- M. prescribe and control such procedures as are necessary to protect city funds and property;
- Q. verify time sheets for city employees and, at the direction of the Council, supervise other office staff and the running of other city departments;
- R. perform other duties specified in the Alaska Statutes or prescribed in this Code or by the Mayor or by the Council.

**Section 3. Additional duties of the city clerk. The City Clerk shall:

- 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. be 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 city clerk/treasurer is supervised by the mayor.

Section 6. Clerk's pay.

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

**CHAPTER 10

BOOKKEEPER

Sections:

1. Appointment; term.
2. Bookkeeper.
3. Additional duties of the bookkeeper.
4. Acting bookkeeper.
5. Bookkeeper's pay.

Section 1. Appointment; term.

There may be a city bookkeeper who shall be appointed by the Council. He/she shall hold office at the pleasure of the Council.

Section 2. Bookkeeper.

The bookkeeper shall:

- A. Reconcile bank statements;
- B. keep the check register current including but not limited to entering deposits, charges, posting checks, etc.;
- C. prepare city payrolls including preparation of monthly and quarterly and annual payroll tax reports as required by State and Federal law;
- D. prepare and present monthly financial reports for the Council;
- E. pay bills, order supplies; and
- F. assist in preparation of the annual budget.

Section 3. Additional duties of the bookkeeper.

The bookkeeper shall as directed:

- A. be responsible for all matters pertaining to the maintenance of all accounts of the City;
- B. prepare and submit to the Mayor and Council such financial reports and other data as may be required;
- C. prescribe and control such procedures as are necessary to protect city funds and property;
- D. supervise under the direction of the clerk such additional staff as the City Council may hire for city record keeping;
- E. give bond to the City in a sum which the Council directs;
- F. perform such other duties as the Mayor or Council may require.

Section 4. Acting bookkeeper.

In case of temporary absence of the city bookkeeper, the Council may appoint an acting bookkeeper with all the powers and obligations of the city bookkeeper.

Section 5. Bookkeeper's pay.

The Council shall determine the pay of the bookkeeper or acting bookkeeper.

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/she 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 such other duties as may be required by the City Council or Mayor;
- F. 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 the 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; and
- I. perform such other duties as the Mayor or Council may require.

**CHAPTER 12

CITY TREASURER

Sections:

1. Appointment.
2. Duties.
3. Pay.

Section 1. Appointment.

There shall be a city treasurer who shall be appointed by the Council. He/she shall hold office at the pleasure of the Council. The Office of Treasurer may be combined with that of City Clerk.

Section 2. Duties.

The treasurer shall:

- A. Except as provided in A.S. 14.14.060 be the custodian of all city funds and property;
- B. keep an itemized account of money received and disbursed;
- C. pay money and vouchers drawn against appropriations;
- D. assist the Mayor in preparing the annual budget of the City;
- E. prepare and submit to the Mayor and Council such financial reports and other data as may be required or requested;
- F. prescribe and control such procedures as are necessary to protect city funds and property;
- G. be responsible for filing state and federal applications for shared revenue programs;
- H. perform other duties specified by State law or city ordinances or assigned by the Mayor or the Council; and
- I. give bond to the City in a sum that the Council directs. Premiums for any such bond shall be paid by the City.

Section 3. Pay.

The Council shall determine the pay of the Treasurer.

CHAPTER 13

(Reserved)

CHAPTER 14

(Reserved)

CHAPTER 15

(Reserved)

Title III. REVENUE AND FINANCE.

Chapter 16. Fiscal Procedures.

- 17. Budget.
- 18. Audit.
- 19. Sales Tax.
- 20. (Reserved)
- 21. (Reserved)
- 22. (Reserved)

CHAPTER 16

FISCAL PROCEDURES

Sections:

1. Fiscal year.
2. Ordinance required.
3. Treasury.
4. Checking and savings accounts.
5. Responsibilities of officers
6. Insufficient funds in bank account.

Section 1. Fiscal year.

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

Section 2. Ordinance required.

All moneys spent or received by the City during a fiscal year shall be budgeted for by ordinance.

Section 3. Treasury.

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

Section 4. Checking and savings accounts.

- A. All checks drawn on the treasury of the City shall be signed by two elected officials.
- B. City employees shall not be authorized to withdraw funds from city accounts as signatories or otherwise.
- C. All checks, prior to issuance, shall be approved to be within budget allowances as prescribed by ordinance.
- D. Operating cash shall be kept in one financial institution to be designated by resolution.
- E. The City Clerk and bookkeeper shall monthly review anticipated incomes, expenditures and budgets and report to the Council any cash balances in excess of 60 days of budgeted city operation. Upon directive of the Council such balances above 60 days' budgeted operating costs shall be placed in the following, types of short term or long term, as appropriate, investments:
 1. Savings accounts, certificates of deposit or interest bearing checking accounts at federally chartered savings institutions;
 2. bonds, notes or other obligations.

Section 5. Responsibilities of Officers.

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

The Mayor shall execute the budget as approved by the Council and as chief administrative officer of the City shall ensure that proper accounting procedures are followed. The city staff and City Clerk, under the immediate supervision of the Mayor and under the direction of the City Council shall carry out all duties as directed, including day to day administrative supervision of projects and management and supervision of the city office and office staff. The bookkeeper under supervision

of the City Clerk shall among other duties keep a complete set of records of the financial transactions of the City.

Section 6. Insufficient funds in bank account.

No city checks may be written at any time when funds are insufficient. Willful violation of this provision and conviction thereof shall result in a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

CHAPTER 17

BUDGET

Sections:

1. Preparation of the budget.
2. Scope of budget.
3. Budget adopted as ordinance.
4. Public hearing on budget.
5. Further consideration of budget.
6. Adoption of budget; vote required.
7. Effective date of budget; certification.
8. Budget public record.
9. Amendment of the budget.

Section 1. Preparation of the budget.

The City Clerk and treasurer with assistance of the bookkeeper shall prepare the budget under direction of the Mayor. Budget preparation should begin by April 1.

Section 2. Scope of budget.

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

Section 3. Budget adopted as ordinance.

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

Section 4. Public hearing on budget.

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

Section 5. Further consideration of budget.

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

Section 6. Adoption of budget; vote required.

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

Section 7. Effective date of budget; certification.

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

Section 8. Budget public record.

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

Section 9. Amendment of the budget.

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

CHAPTER 18

AUDIT

Sections:

1. Conformity to generally accepted accounting principles.
2. Annual financial statement
3. Compliance with audit requirements.
4. Choosing an auditor.

Section 1. Conformity to generally accepted accounting principles.

City record keeping and accounting practices shall conform to generally accepted accounting principles. To help assure this conformity city administrative staff shall inform the Council of training opportunities that may arise and office equipment and supplies required. The Council shall make reasonable efforts to provide training and proper equipment and supplies for city administration.

**Section 2. 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 3. Compliance with audit requirements.

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

Section 4. Choosing an auditor.

At such times as the City is required to have compliance, financial, program or other audits performed by a Certified Public Accountant the City shall prepare a Request for Proposal and advertise for the most qualified firm to conduct the audit. The Council shall choose an auditor from the respondents to the Request for Proposal after comparing the qualifications of the respondents, the services offered to be performed and the overall costs of the audit.

CHAPTER 19

SALES TAX

SECTIONS:

1. Historical Data
2. Definitions
3. Taxable sales; sales tax schedule
4. Exempt Sales
5. Burden of Establishing Exemption
6. Seller to Add Tax to Selling Price
7. Returns; Penalties and Interest for Delinquency
8. Seller's Allowance for Uncollectable Accounts
9. Assessment Limitation Periods; Record keeping
10. Delinquency; Failure to Submit return
11. Inspection of Business License
12. Sales of business; Final Tax Return; Liability of Purchaser
13. Lien for Tax; Interest and Penalty Due
14. Penalties.

****Section 1. Historical Data**

In accordance with the provisions of, at that time, A.S. 29.10.002 an election for the incorporation of a fourth class city known as Gambell, Alaska was held on November 30, 1963. At that time a majority of the voters passed, said proposition imposing a 3% consumer sales tax. On the 12th day of December, 1963 the City of Gambell was incorporated with authority to enact a 3% sales tax.

Section 2. Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. **BUYER, CONSUMER AND PERSON**, include without limiting the scope thereof, every individual, receiver, assignee, trustee in bankruptcy, trust estate, firm, co-partnership, joint venture, club, company, business, trust, corporation, association, organization society, agent or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.
- B. **SELLER** means every person making retail sales to a buyer or consumer, renting property or performing services for consideration.
- C. **BUYER** means the person, who in the ordinary meaning of the term takes title to, takes possession of, or buys property or receives services for consideration.
- D. **SELLING PRICE** means the consideration, whether money, credit, rights or other property expressed in terms of money paid or delivered by a buyer to a seller all without any deduction on account of losses, except as provided in **Section 4** of this Chapter.
- E. **RETAIL SALES** means any sales of real or tangible personal property for any purpose other than resale in the regular course of business.

Section 3. Taxable Sales; Tax Schedule

There shall be levied and collected a sales tax equal to the sum of three percent on the selling price of all retail sales

and rentals made and services performed as provided within the city boundaries when the selling price amounts to twenty cents (\$.20) or more, provided that there shall be no sales tax imposed upon the exempt sales listed in **Section 4**. For example:

For Example: Three (3%)

Amt. of Sale	Tax	Amt. of Sale	Tax	Amt. of Sale	Tax	Amt. of Sale	Tax
.00 - .19	.00	5.50 - 5.83	.17	10.84 - 11.16	.33	16.17 - 16.49	.49
.20 - .49	.01	5.84 - 6.16	.18	11.17 - 11.49	.34	16.50 - 16.83	.50
.50 - .83	.02	6.17 - 6.49	.19	11.50 - 11.83	.35	16.84 - 17.16	.51
.84 - 1.16	.03	6.50 - 6.83	.20	11.84 - 12.16	.36	17.17 - 17.49	.52
1.17 - 1.49	.04	6.84 - 7.16	.21	12.17 - 12.49	.37	17.50 - 17.83	.53
1.50 - 1.83	.05	7.17 - 7.49	.22	12.50 - 12.83	.38	17.84 - 18.16	.54
1.84 - 2.16	.06	7.50 - 7.83	.23	12.84 - 13.16	.39	18.17 - 18.49	.55
2.17 - 2.49	.07	7.84 - 8.16	.24	13.17 - 13.49	.40	18.50 - 18.83	.56
2.50 - 2.83	.08	8.17 - 8.49	.25	13.50 - 13.83	.41	18.84 - 19.16	.57
2.84 - 3.16	.09	8.50 - 8.83	.26	13.84 - 14.16	.42	19.17 - 19.49	.58
3.17 - 3.49	.10	8.84 - 9.16	.27	14.17 - 14.49	.43	19.50 - 19.83	.59
3.50 - 3.83	.11	9.17 - 9.49	.28	14.50 - 14.83	.44	19.84 - 20.16	.60
3.84 - 4.16	.12	9.50 - 9.83	.29	14.84 - 15.16	.45	20.17 - 20.49	.61
4.17 - 4.49	.13	9.84 - 10.16	.30	15.17 - 15.49	.46	“ - “	
4.50 - 4.83	.14	10.17 - 10.49	.31	15.50 - 15.83	.47	“ - “	
4.84 - 5.16	.15	10.50 - 10.83	.32	15.84 - 16.16	.48	“ - “	
5.17 - 5.49	.16						

“For purchases above \$20.50, 3% of the selling price should be collected as tax.

Section 4 Exempt Sales

The tax levied under this Chapter shall not apply to the following.

- A. Sales and service charges of less than \$.20 (twenty cents);
- B. Casual and isolated sales not made in the regular course of business;
- C. Trade-in sales; the value of new or used articles taken in trade as a credit of part payment on the sale of a new article, and a tax paid only on the net sales price;
- D. Gross receipts derived from sales, services, rentals and transactions which the municipality is prohibited from taxing under the Constitutions and laws of the United States or the State of Alaska;
- E. Gross receipts derived from sales resulting from orders received from outside the city where delivery is made by mail or common carrier;
- F. Services under a building or construction contract or subcontract;
- G. Rentals of real property for periods in excess of twenty-seven (27) days in which no personal services is provided by the landlord;
- H. Sales of insurance and bonds of guarantees and fidelity;
- I. Gross receipts derived from funeral charges and services, medical, dental, optometry, veterinary and hospital services or from sales of prescription medicines, oxygen used for medical purposes, blood or blood plasma, artificial devices designed or altered for the use of a particular crippled person, artificial limbs, eyes and organs, crutches and wheelchairs, hearing aids, prescription glasses, artificial teeth sold by a dentist and materials used by a dentist in treatment;
- J. Gross receipts from the sale of food and beverages, bake sales and other occasional fund raising events held by non-profit, charitable, religious or service organizations;
- K. Gross receipts from the sales of food and beverages, in elementary or high school cafeteria and lunch rooms operated primarily for teachers and students and not operated primarily for the public or for profit;

- L. Dues or fees paid to clubs, labor unions and fraternal organizations;
- M. Gross receipts from sales, services and rentals to any non- profit corporation, organization or institution which is organized exclusively for religious or charitable purposes;
- N. Gross receipts from sales, services, and rentals to the United States government, the State and its political subdivisions, and the City provided, however, that the exemption shall not apply to the sale of materials and supplies to contractors for the manufacture and production of property for sale to government agencies on a contract bid award, in which event the contractor shall be deemed the buyer or consumer or user subject to the payment of the tax;
- O. All public utility services owned and operated by the city and other services that may be operated under contract with the city so long as the city collects or has the power to collect the billings for services provided; and
- P. (1) resident 65 years of age or over; (2) disabled veteran; or (3) resident at least 60 years old who is the widow or widower of a person qualified for and exemption under (1) or (2) of this subsection.

Section 5. Burden of Establishing Exemption

The burden of establishing any tax exemption is upon the claimant. The city clerk shall propose to the Council procedures, regulations and forms to facilitate proper claiming of exemptions.

Section 6. Seller to Add Tax to Selling Price

Every seller shall add the amount of the tax levied by this Chapter to the total selling price, and the tax shall be stated separately on any sales receipts or slips, rent receipts, charge tickets, invoices, statements of account or other tangible evidence of sale.

Section 7. Returns, Penalties and Interest for Delinquency

- A. Every person making retail sales, rendering services or renting property shall on or before the 20th day of the month after the ending day of the month in which the tax was collected make out a return for the preceding month upon forms to be furnished by the City setting forth the total amount for such preceding month of all sales, rents, and services, regardless of whether such transactions are taxable or nontaxable, the amount of tax due, and such other information as the City may require, and sign and transmit the same to the City Clerk.
- B. The tax levied under this Chapter, whether or not collected from the buyer, shall be paid by the seller to the City in monthly installments at the time of transmitting the return, and if not so paid such tax shall forthwith become delinquent. A penalty of five percent (5%) of such tax shall be added to the tax for the first month or fraction thereof of delinquency, and an additional five percent (5%) for each additional month or fraction thereof of delinquency until a total penalty of fifteen percent (15%) has accrued. Such penalty shall be assessed and collected in the same manner as the tax is assessed and collected. In addition to the aforesaid penalty, interest at the rate of eight percent (8%) per year on the delinquent tax from the date of delinquency until paid shall accrue and be collected in the same manner the delinquent tax is collected.

Section 8. Seller's allowance for Uncollectable Accounts

- A. All sellers and persons paying sales tax returns to the City shall be allowed to deduct from the sales tax due to the City for the month of December, January, or February an amount equal to that amount of sales tax already paid the City on sales that the seller was unable to collect on during the preceding calendar year.
- B. All persons exercising this allowance shall provide sufficient proof with that month's return, to justify the amount deducted.

Section 9. Assessment Limitation Periods; Record keeping

- A. The amount of any tax imposed under this Chapter may be determined and assessed for a period of three (3) years after the tax becomes due and payable, and the beginning of the three (3) year period shall be the day of the month corresponding to the expiration date for submission of any monthly return period prescribed by this Chapter, provided however, that no suit or other proceeding for the collection of such tax shall be begun after the expiration of such period.
- B. In order to facilitate the administration and enforcement of the provisions of this Chapter, each seller or person otherwise engaged in business within the City shall maintain and keep for a period of three (3) years all of the monthly sales tax reports, forms and records prescribed by this Chapter or as prescribed hereafter by the City. The City clerk or his/her designee is hereby specifically authorized and empowered to examine and inspect at all reasonable hours the books, records, and other documents of any seller in order to carry out the provisions of this Chapter.

Section 10. Delinquency; Failure to Submit Return.

- A. If a seller is thirty (30) days late in filing the required monthly return, the City Clerk or sales tax administrator shall make written demand by Certified Mail, Return Receipt Requested, upon the late filer requesting submission of the required sales tax return within ten (10) days. If the seller does not comply with the demand the City Clerk shall immediately file a complaint against the seller and the City Clerk shall make a sales tax assessment against the delinquent seller. The assessment will be based on an estimate of the gross revenue received by the seller during the month in question. Such assessment shall be referred to the city attorney, who shall immediately institute action to recover the tax.
- B. Whenever any seller fails to submit the required monthly return after notice given as provided in subsection (A) of this section, or such return is reasonably believed by the City Clerk to contain incorrect reporting, the City Clerk may notify such seller in writing by Certified mail, Return Receipt Requested, that a hearing will be held upon the matter at a specified place and time, which shall be no less than fifteen (15) days after the date of such notice, at which time and place the seller shall present himself and make available to the City Clerk for inspection of the seller's books, papers, records, and other memoranda pertaining to gross revenue to make a determination of sales tax liability, if any, and in the event of noncompliance by the seller the City Clerk shall forthwith take such legal action, civil or criminal, or both, as provided for in this Chapter or the civil or criminal statutes of the State of Alaska, or both.

Section 11. Inspection of Business License.

Each person who exercises the taxable privilege of doing business within the City thereby consents to the inspection of his/her Alaska State Business License to accomplish the objectives of this Chapter.

Section 12. Sale of Business; Final Tax Return; Liability of Purchaser.

If any seller sells his or her business to another person, the seller shall make a final sales tax return within fifteen (15) days after the date of selling the business; and the purchaser(s), successor(s), or assigns, shall withhold a sufficient portion of the purchase money to safely cover the amount of such sales tax, penalties, and interest due and owed to the City and shall show that all tax obligations imposed by this Chapter have been paid; further, if any purchaser of a business fails to withhold the money herein provided from the purchase price he or she shall be personally liable for payment of the taxes, penalties, and interest accruing and unpaid to the city on the account of the operation of the business by any former owner(s) or assigns.

Section 13. Lien for Tax; Interest and Penalty Due.

The tax, interest, and penalty imposed under this Chapter shall constitute a lien in favor of the City upon the assets or property of every person engaging in business within the City. The lien arises upon delinquency and continues until liability for the amounts owed is satisfied or the property of the delinquent person is sold at a foreclosure sale. The lien is not valid as against a mortgagee, pledge, purchaser, or judgment creditor until notice of the lien is filed in the office of the Recorder for the Cape Nome recording district in the manner provided in A.S. 43.10.090 - 43.10.150 for federal tax liens.

Section 14. Penalties.

Person, persons, companies, firms, corporations or other entity(ies) violating the provisions of this Chapter shall upon conviction thereof be fined not to exceed the sum of three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

CHAPTER 20

(Reserved)

CHAPTER 21

(Reserved)

CHAPTER 22

(Reserved)

Title IV ACQUISITION AND DISPOSAL OF CITY PROPERTY

- 23. Acquisition, Management, and Disposal of City Land
- 24. (Reserved)
- 25. (Reserved)
- 26. (Reserved)
- 27. Disposal of Personal Property
- 28. Extraterritorial Jurisdiction
- 29. (Reserved)

CHAPTER 23

Acquisition, Management, and Disposal of City Lands

Sections

1. Rights and powers of city
2. Acquisition of land.
3. Economic development sites.
4. Temporary use of city lands.
5. Casual use of city lands.
6. Disposal of real property.
7. Methods of disposal.
8. Leases.
9. Easements.
10. Notice of disposal.
11. Definitions.

Section 1. Rights and powers of city

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

Section 2. Acquisition of land.

A. The city may acquire, own, and hold real property or any interest in real property inside or outside the city boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of taking under the city's power of eminent domain, or any other legal method. Unless otherwise directed by the city council, the mayor has authority to negotiate the terms of acquisitions, subject to council approval. Except as provided in sub-sections B and C of this section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the total membership of the city council. Real property shall be held in the name of "City of Gambell".

B. The city may exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the city in accordance with AS 09.55.240 - 09.55.460. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

C. The city council may approve and authorize the purchase of real property or interest in real property by contract of sale, deed of trust, or lease.

D. Prior to approval of the purchase of property under sub-section D of this section, the mayor shall furnish the city council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition. The validity of any acquisition or purchase of real property by the city is not affected by the failure to furnish the city council with such materials.

Section 3. Economic development sites.

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

Section 4. Temporary use of city lands.

The mayor has the authority to issue special land use permits for the exclusive temporary use of city lands. A special land use permit does not convey an interest in the land and may be revoked for cause with 30 days notice. Unless otherwise agreed to in writing, the land will be restored to its original condition upon expiration or revocation of the permit. Easements will not be granted under a special land use permit.

Public comment shall be sought before issuing a special land use permit in those situations where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area. Notice of the proposed action shall be published and a period for public comment shall be provided. When significant adverse comment is received, a public hearing shall be held.

A special land use permit shall not be granted for a term exceeding one year. Special land use permits are not transferable nor renewable. Upon expiration, a special land use permit may be re-issued for a term not exceeding one year.

If a fee is charged for the issuance of a special land use permit, the fee schedule shall be established by the city council.

Section 5. Casual use of city land.

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

Section 6. Disposal of real property.

A. The city may dispose of real property or an interest in real property which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between introduction and adoption of ordinances for disposals other than by sealed bid or public outcry or lottery shall be 10 days longer than required for other non-code ordinances. The ordinance shall include:

1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such the finding is based;
2. A legal description of the property;
3. Type of interest in property to be disposed of as defined in section 11;
4. The purpose of the disposal;
5. The method of disposal as identified in section 7;
6. The value of the property or the value of the interest in property as determined under subsection B of this section;
7. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.

B. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor, or the city council may determine the fair market value by any other means it deems appropriate.

Section 7. Methods of disposal.

A. All disposals shall be conducted in a fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.

B. Competitive disposal. The city may conduct the following types of competitive disposal:

1. Sealed bid auction. The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under section 6 B.
2. Public outcry auction. The minimum bid for a public outcry auction shall be the fair market value of the property or interest in property as determined under section 6 B.
3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the city council.

C. Disposal for public services. The city council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a non-profit corporation or association, or a Native Tribal council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this subsection, the non-code ordinance authorizing the disposal must include in addition to the requirements in section 6:

1. A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based;
2. A requirement that the conveyance of the property or property interest disposed include a condition that the title will revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal; and
3. In the event that the entity receiving the property or interest in real property is a Native Tribal council, a requirement that the Native Tribal council waive any immunity from suit for the purpose of enforcing the reversion provision.

D. Disposal for economic development. The city council may dispose of real property or an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property or interest in real property as determined under section 6 B. If a disposal is made to further economic development, the non-code ordinance authorizing the disposal must include in addition to the requirements in section 6:

1. A finding that the property or property interest will be used in furtherance of local trade or industry; and
2. A requirement that the conveyance of the property or property interest include a condition that title will revert to the municipality in the event the property is no longer used for the local trade or industry justifying the disposal.

E. Miscellaneous disposals. The city council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.

F. Disposal to settle claims of equitable interest. Upon a finding by the city council that it is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a person who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance.

G. Disposal for residential purposes. Upon a finding by the city council that there is a current residential housing shortage in the community and that making land available for residential purposes at less than market value is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a domiciled city resident who seeks the parcel for development and use as a personal place of residence. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance. When real

property or interest in real property is disposed of under this subsection, the deed or lease must contain a condition subsequent which ensures that if the land is used for any use other than residential use for a period of ___ years after the disposal, title will revert to the city. In addition, disposals under this subsection shall include a requirement for the construction of a habitable dwelling within __ years after the disposal or title will revert to the city.

Section 8. Leases.

A disposal of interest in real property by lease shall follow the requirements of sections 6 and 7. The terms and conditions of leases shall be established by the city council for each such disposal.

Section 9. Easements.

The disposal of interest in real property by grant of easement shall follow the requirements of sections 7 and 8. The terms and conditions of easements shall be established by the city council for each such disposal.

Section 10. Notice of disposal.

A. A notice of the disposal shall be posted in three conspicuous public places within the city not less than 15 days before:

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

B. The notice shall include:

1. A legal description of the property and the type of interest to be disposed;
2. The method of disposal as identified in section 7;
3. The assessed or estimated value of the property or interest in property;
4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

SECTION 11 Definitions.

As used in this Chapter:

Abstract of title: A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.

Appraisal: An estimation of value of property by a qualified appraiser.

Casual use: The temporary, safe, non-exclusive and non-surface-disturbing use of city land and includes but is not limited to such uses as: hiking, hunting, fishing, short-term camping, picnicking, skiing, snowmachining or berry picking.

City boundaries: The city limits, established when the city is incorporated, inside which all city ordinances are enforceable.

Competitive disposal: A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.

Condition subsequent: An event that occurs after transfer of title which will act to restore title to the maker of the condition.

Contract of sale: A contract between a willing seller and a willing buyer to transfer title to property.

Deed of trust: An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is

placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.

Disposal: The act of giving away or selling; the transfer of interest in property.

Disputed claims: Claim for property that is protested by another, or for property which is also claimed by another.

Domiciled resident: One who has resided in the city for at least the thirty days previous, maintains an address in the city, and intends to make the City his/her permanent residence.

Easement: A right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.

Economic development: To promote the growth of the local economy; increase income of residents.

Eminent domain: The power of a municipality to convert private property to a public use.

Equitable interest: A claim (in property or other) which should be recognized in the interest of fairness or equity.

Evaluate: To judge the quality of.

Federal entity: The Federal government or an agency thereof.

Hazardous use: A use involving danger; perilous; risky to human health and well-being.

Interest: In property: A right, claim, title, or legal share in that property. Refers to the "bundle of rights", which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.

Inventory: A list of property, containing a description of each article of property.

Lease: Leases are used to dispose of specific interests in real property without transferring ownership of that property; A contract for exclusive possession of lands or tenements for a determinate period.

Legal description: That part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.

Litigation: Contest in a court of justice for the purpose of establishing a right.

Lottery: A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.

Municipality: A unit of local government organized under the laws of the State of Alaska.

Non-code ordinance: An ordinance that is not part of the permanent city code.

Nonprofit corporation: An organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.

Obnoxious use: A use which people may find objectionable; disagreeable; offensive; displeasing.

Public interest: Something in which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.

Public outcry auction: Sale of property to the highest bidder, at a public auction, where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.

Public service: Activities and enterprises which specially serve the needs of the general public.

Referendum: A method of submitting an important measure to the direct vote of the whole people.

Revert: With respect to property, title to go back to and lodge in former owner.

Sealed bid: A written offer to purchase property, placed in an envelope, and opened along with all other bids (if any) at a public bid opening.

State: The State of Alaska or an agency thereof.

Substantial Improvement: A major change or addition to land or real property that makes it more valuable.

Temporary uses: An exclusive use of city land which has a duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements.

Valid Claim: A legally enforceable claim by a third party.

CHAPTER 24
RESERVED

CHAPTER 25
RESERVED

CHAPTER 26
RESERVED

**CHAPTER 27

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.

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 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.

All other surplus or obsolete goods shall be disposed of in the manner provided in Chapter 23 section 7 and notice given as provided in Chapter 23, section 10.

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 may be sold until the Council has declared them obsolete or surplus.

**CHAPTER 28

EXTRATERRITORIAL JURISDICTION

Sections:

1. Authority.
2. Procedure.

Section 1. Authority.

Alaska Statute 29.35.020. Extraterritorial Jurisdiction provides:

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.

A municipality 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.

This section applies to home rule and general law municipalities.

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.

CHAPTER 29

(Reserved)

Title V. CITY DEPARTMENTS

Chapter 30. Public Safety Department

- 31. Fire Department
- 32. Office of Emergency Management;
Emergency Preparedness and Civil Defense.
- 33. Library Department
- 34. Planning Committee
- 35. (Reserved)

CHAPTER 30

PUBLIC SAFETY DEPARTMENT

Sections:

1. Creation.
2. Appointment of Chief (VPSO).
3. Powers, duties and responsibilities of the department.
4. Chief (VPSO).
5. Rules and regulations.
6. Conduct of members.
7. Custody of public and stolen property.
8. Officers; regular and special.

Section 1. Creation.

There shall be a public safety department for the City of Gambell.

**Section 2. Appointment of Chief (VPSO).

The chief is appointed by the City Council and, if the city maintains an agreement with Kawerak under the village public safety officer program, with approval of the Alaska State Troopers and Kawerak and serves at their pleasure. The chief is administratively responsible to the Mayor.

Section 3. Powers, duties, and responsibilities of the department.

The department shall have broad powers in the areas of law enforcement, fire protection, emergency medical response and search and rescue.

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

Fire prevention: It is the duty of the department to supervise all activities of the Gambell Volunteer Fire Department; extinguish fires; rescue persons endangered by fire; promote fire prevention; enforce all ordinances pertaining to fires, fire prevention and safety of persons threatened by fire; and in all respects to perform all duties pertaining to the volunteer fire department.

Emergency medical response: The authority and duties contained in this section are only to be assumed by individuals who have successfully completed Emergency Medical Training. It is the duty of the Emergency Medical Technicians to undertake immediate response in traumatic accident situations; where qualified, stabilize the condition of the victim in preparation for transportation; transport the victim to the nearest primary health care facility (i.e. local clinic); and resuscitate and administer first aid to persons injured in an emergency. The public safety department shall in an emergency offer assistance to the local primary health care provider. The public safety staff and the primary health aide will cooperate in devising procedures for dealing with emergency medical situations.

Search and rescue: It is the duty of the department to develop and direct a search and rescue response team; direct local search and rescue operations; coordinate local search and rescue programs with the State Troopers to ensure protocol, coordination, and funding for local search and rescue operations.

**Section 4. Chief (VPSO).

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

- A. enforce rules and regulations for the conduct of department members;
- B. direct the police, fire protection and emergency rescue work of the City;
- C. train and drill the members of the department including fire drills or emergency response drills if necessary;
- D. be responsible for the maintenance and care of all property used or in the custody of the department;
- E. maintain and staff the city jail or other holding facilities and be responsible for the prisoners;
- F. prepare and maintain records of all arrests, fines, search and rescue operations and responses to emergencies, and other information about the work and status of the department and make periodic written reports to the City Council;
- F. provide arrangements and equipment for reporting emergency situations and for notifying all members of the department to assure prompt response to such incidents;
- G. supervise fire and public safety hazard inspections;
- H. recommend to the City Council needed fire protection;
- I. prepare and submit, upon request, a tentative budget for the department to the City Council;
- J. communicate directly with and coordinate, where possible, department activities with those other regulatory and enforcement agencies about matters related to department business; and
- K. perform such other duties as may be required by the City Council or the Alaska State Troopers.

Section 5. Rules and regulations.

The chief is responsible for prescribing the rules and regulations for the conduct of members of the department. The City Council shall approve any rules or regulations before they become effective. Once effective, the rules and regulations are binding on all department employees and officers.

The rules and regulations adopted for the department may include, in addition to those having to do with the conduct of the members, uniform and equipment to be worn or carried, protocol or procedures, hours of service, vacations, and all other having to do with efficient operations of the department.

Section 6. Conduct of members.

It shall be the duty of every member of the department to conduct himself or herself in a professional manner and to not be involved in conduct that brings discredit to any member of the department. Each member of the department shall obey the directions of the chief or his/her designee. No member of the department shall use unnecessary force in carrying out his/her law enforcement duties.

Section 7. Custody of public and stolen property.

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

Under the direction of the Council, the chief shall establish rules and regulations for the storage of department property.

No person shall use any department equipment for any private purpose, nor shall any person without proper authority take away any department property.

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

Section 8. Officers; regular and special.

The number of regular and special department officers shall be determined and appointed by the City Council unless this power to appoint, suspend or remove is delegated to the chief.

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

Special members of the department may include special purpose or special response teams such as:

- A. Volunteer fire department;
- B. search and rescue teams; and
- C. emergency medical response teams.

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

CHAPTER 31

VOLUNTEER FIRE DEPARTMENT

Sections:

1. Fire department; fire chief.
2. Powers and duties of the fire department.
3. Fire chief.
4. Organization.
5. Rules and regulations.
6. Training and records.
7. Conduct of members.
8. Equipment.
9. Definitions.

**Sections 1. Fire department; fire chief.

There may be a volunteer fire department, the head of which shall be the fire chief appointed by the City Council. The number of firemen shall be determined and appointed by the City Council unless this power is delegated to the fire chief.

Section 2. Powers and duties of the fire department.

Duties of the fire department shall be among others to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid 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 fire in stores and other public buildings.

Section 3. Fire chief.

The fire chief is the commanding officer of the fire department and of volunteer firemen. The fire chief shall perform the following duties:

1. determine the organization of the fire department and provide for its staffing; with the approval of the council
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 aid where mutual aid 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 fire-fighting 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; and
12. perform such other duties as may be required by the Mayor and the Council.

Section 4. Organization.

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 fire department is and remains the property of the City and all expenses of the 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 deems 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 functions.

Members of the volunteer fire department may be paid an expense allowance for volunteer fire and other emergency work from time to time as provided by the Council by resolution.

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 fire department. Such, rules, regulations, and any deletions, changes, or additions shall be effective when approved by and filed with the Council. The fire chief shall have the authority to carry out the enforcement of these rules and regulations.

Section 6. Training and records.

Training - The fire chief or his/her representative who has completed fire training at a state fire training center shall provide, at least four times per year, quarterly sessions of instruction to include such subjects as first aid, water supplies, and other subjects related to fire prevention.

Records - the fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities.

Reports - current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report to the Council. Such reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the 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 fire department to conduct himself or herself in a professional manner and to refrain from conduct which brings discredit to any member or to the department.

Section 8. Equipment.

- A. The fire chief shall be responsible to the Council for recommending such fire fighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents.
- B. No unauthorized person shall use any fire equipment for any purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.
- C. No person shall enter any place where fire equipment is housed or handle equipment belonging to the department unless accompanied by, or having special permission of an officer or authorized member of the department.

Section 9. Definitions.

For purposes 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 the personnel rules and regulations affirmatively provide that the members of the volunteer fire department are included.

CHAPTER 32

OFFICE OF EMERGENCY MANAGEMENT; EMERGENCY PREPAREDNESS AND CIVIL DEFENSE

Sections:

1. Intent and purpose.
2. Definitions.
3. Succession to Office of Director, Office of Emergency Management.
4. The Director, Office of Emergency Management and Disaster.
5. Violations and penalties.
6. Office of Emergency Management.
7. Powers and duties of the Office of Emergency Management.
8. Financing.
9. Compensation.
10. No governmental or private liability.
11. Disaster prevention.
12. Limitations.
13. Administration.
14. Civil Defense Advisory Board.
15. Severability.
16. Conflicting Orders, Rules, Ordinances and Regulations Suspended.

Section 1. Intent and purpose.

- A. It is the intent and purpose of this chapter to provide for the complete and efficient use of the City's personnel, facilities, and equipment in the event of natural or man-made disasters and disasters resulting from enemy actions, and to provide for the coordination of disaster and civil defense functions of the City with all other public agencies and affected private persons, corporations and organizations.
- B. The Gambell Office of Emergency Management (OEM) will be the coordinating agency for all activity in connection with civil defense and other disaster operations; it will be the instrument through which the Director, OEM may exercise the authority and discharge the responsibilities vested in him by Chapter 20 (Civil Defense) and Chapter 23 (Alaska Disaster Act) of Title 26 of the Alaska Statutes, as amended, and this chapter.
- C. This chapter will not relieve any city department of the moral responsibilities or authority given to it by law, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 2. Definitions.

The following definitions shall apply in the interpretation of this Chapter:

- A. Disaster-includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, earthquake, epidemic or other impending or actual calamity endangering or threatening to endanger health, life, property or constituted government.
- B. Civil disorder-means a public disturbance involving:
 1. An act or acts of violence by one or more persons part of an assemblage of four or more persons, which act or acts constitute a clear and present danger of or result in damage or injury to the property of any other person or to the person of any other individual; or

2. A threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of four or more persons having, individually or collectively, the ability of immediate execution of such threats or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
- C. Civil emergency means:
1. A civil disorder.
 2. A natural or man-made calamity.
- D. Civil defense-in its broad meaning is to carry out the basic governmental functions of maintaining the public peace, health and safety during a civil emergency. This should include plans and preparation for protection from, and relief, recovery and rehabilitation from, the effects of an attack on the City by the force of an enemy nation or the agents thereof, and it shall also include such activities in connection with a civil emergency as defined herein. It shall not however include any activity that is the primary responsibility of the military forces of the United States.
- E. Attack-shall mean a direct or indirect assault against the City, its government, its environs, or the nation by forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, or sabotage.
- F. Civil defense forces-shall mean the employees, equipment and facilities of all city departments, boards, institutions and commissions; and, in addition it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- G. Volunteer-shall mean contributing a service, equipment or facilities to the civil defense organization without payment.
- H. Civil defense volunteer-shall mean any person duly registered, identified and appointed by the coordinator of the Office of Emergency Management and assigned to participate in the Civil Defense activity.
- I. Curfew-means a prohibition against any person walking, running, loitering, standing or operating a vehicle upon any public property, alley, sidewalk, thoroughfare, vehicle parking area or vacant premise within the City except as required for persons officially designated to duty with reference to the civil defense.
- J. Intoxicating liquor-means whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended or used for human consumption and containing more than 1% alcohol by volume.
- K. Director-shall mean the Mayor or his designated alternate duly appointed in accordance with law.
- L. Coordinator-shall mean the coordinator of the Office of Emergency Management, appointed as prescribed in this ordinance.
- M. Regulation-shall include plans, programs, and other emergency procedures deemed essential to Civil Defense.

Section 3. Succession to Office of Director, Office of Emergency Management.

Should the Office of Director, Gambell Office of Emergency Management (OEM) become vacant or should the Director be absent or unable to perform the duties of the OEM, the following people shall assume responsibility for that office:

- A. The Vice Mayor shall assume the Office of Director, OEM.
- B. Should the Director and acting Director be absent or unable to perform the duties of the OEM, the Acting Mayor shall assume the Office of Director, OEM.

Section 4. The Director, Office of Emergency Management and Disaster.

- A. The Director, OEM is responsible for meeting the dangers presented by disasters to the City and its people.
- B. The Director, OEM may issue orders, proclamations and regulations to carry out the purpose of this chapter, and amend or rescind them. These orders, proclamations, and regulations have the force of law.
- C. An order, proclamation, or regulation issued under this chapter shall be distributed by whatever means will

bring the information to the attention of the general public as quickly as possible and, unless prevented by the disaster, a copy will be filed with the City Clerk.

- D. A condition of disaster emergency shall be declared by proclamation of the Director if he finds that a disaster has occurred or is about to occur. If the City Council is not in session when a proclamation is issued, concurrent with the issuance of the proclamation, a special session of the City Council will be requested to ratify the actions taken under this chapter. The emergency proclaimed in accordance with this section shall terminate after seven (7) days from the issuance of a proclamation, or upon issuance of a proclamation or resolution of the Council declaring that an emergency no longer exists, whichever occurs first, except that such emergency may be extended for additional time as deemed necessary by resolution of the Council. All proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened or affected, and the conditions that have brought it about or that make termination of the disaster emergency possible. A copy of all proclamations issued under this subsection shall, if possible, be sent to the Alaska Division of Emergency Services.
- E. A proclamation of a disaster emergency activates the disaster response and recovery aspects of the city disaster emergency plans and constitutes authority for the deployment and use of any Civil Defense forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available under this chapter or any other provisions of law relating to disaster emergency response.
- F. During the effective period of a Disaster Emergency, the Mayor is the Director of all Civil Defense and other unorganized forces available for emergency duty. The Mayor may delegate or assign direction authority by appropriate orders or regulations.
- G. In addition to any other powers conferred upon the Mayor by law, he may, under this chapter:
 - 1. Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of city business, or the orders or regulations of any city department, if compliance with the provisions of the statute, order, or regulation would prevent, or substantially impede or delay, action necessary to cope with the disaster emergency.
 - 2. Use all the resources of the city government as reasonably necessary to cope with the disaster emergency.
 - 3. Transfer personnel or alter the functions of city departments and offices or units for the purpose of performing or enabling the performance of Disaster Emergency Management.
 - 4. Subject to any applicable requirements for compensation under Section 9 of this chapter, commandeer or use any private property, except for the news media other than as specifically provided for in this chapter if he considers them necessary to cope with the disaster emergency.
 - 5. Direct and compel the relocation of all or part of the population from any stricken or threatened area in the City, if he considers relocation necessary for the preservation of life or for other disaster mitigation purposes.
 - 6. Prescribe routes, modes of transportation, and destination in connection with necessary relocation.
 - 7. Control the entering and exiting from a disaster area, the movement of persons within the area, and the occupancy of premises in it.
 - 8. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, ammunition, explosives and combustibles.
 - 9. Make provisions for the availability and use of temporary emergency housing.
 - 10. Impose a curfew on all or any part of the City and require all persons in such designated and restricted curfew areas to exit the public property, streets, alleys, sidewalks, thoroughfares, vehicle parking areas or other public places except that physicians, nurses and para medical personnel performing essential medical services, utility personnel maintaining essential public services, firemen, members of the media upon showing authorized press cards, civil defense volunteers and city, state, and federal authorized law enforcement officers and personnel may be exempt from such curfew. The curfew may be applied to any such hours of the day or night as the Director deems necessary in the interest of the public safety.
 - II. Allocate, ration, or redistribute food, water, fuel, clothing and other items deemed necessary.
- H. The director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of the health, life and property of the people, and bind the City for the fair value thereof.
- I. The director may order Civil Defense forces to the aid of other communities when required in accordance with

statutes of the state and he may request the state or political subdivisions of the state to send aid to the City of Gambell in case of disaster when conditions in the City are beyond the control of the City's civil defense forces.

Section 5. Violations and penalties.

In addition to any penalties applicable under state law it shall be a violation, punishable by a fine not to exceed the sum of three hundred dollars (\$300.00), such fine to be set at the discretion of the fining authority.

- A. To obstruct, hinder or delay any accredited member of the disaster and civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof.
- C. To wear, carry or display, without authority any means of identification specified by the City of Gambell, Office of Emergency Management or the Alaska Division of Emergency Services.

Section 6. Office of Emergency Management.

- A. There is created in the Office of the Mayor an Office of Emergency Management possessing the powers and duties set out in Section 7 of this chapter.
- B. The Mayor shall appoint an Emergency Management Coordinator for the Office of Emergency Management who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this ordinance.
- C. The Office of Emergency Management will function as the disaster agency within the City of Gambell as defined in A.S. 26.23.060.

Section 7. Powers and duties of the Office of Emergency Management.

- A. The Emergency Management Coordinator shall be responsible to the Mayor in regard to all phases of the civil defense activity in the City. Under the supervision of the Mayor, he shall maintain liaison with the state and federal authorities or other nearby political subdivisions so as to insure the most effective operation of the emergency preparedness plan.
- B. The Office of Emergency Management shall prepare and maintain a city emergency plan and keep it current. The plan may include provisions for:
 - 1. Prevention and minimization of injury and damage caused by disasters;
 - 2. prompt and effective response to disasters;
 - 3. emergency relief;
 - 4. recommendations for zoning, building and other land-use controls, safety measures for securing mobile homes and other non-permanent or semi-permanent structures, and other preventive and preparedness measures designed to eliminate, reduce or mitigate disasters or their impact
 - 5. assistance to local officials in designing local emergency action plans and standard operating procedures;
 - 6. authorizations and procedures for the construction of temporary works designed to protect against or mitigate danger, damage or loss from disaster;
 - 7. preparation and distribution to the appropriate local officials of catalogs or extracts listing federal, state, city and private assistance programs;
 - 8. organization of manpower and command and control;
 - 9. coordination of federal, state and local disaster activities;
 - 10. coordination of the city emergency plan with the disaster plans of the state government; and
 - 11. other matters necessary to carry out the purpose of this chapter.
- C. In preparing and maintaining the city emergency plan, the Office of Emergency Management shall seek the

- advice and the assistance of local government, business, industry, civic and volunteer organizations, community leaders, and the Gambell Civil Defense Advisory Board, if one or all exist.
- D. The city emergency plan or any part of it may be incorporated in regulations or orders of the Office of Emergency Management. Regulations and orders of the Office of Emergency Management have the force of law when properly promulgated by the Mayor in accordance with Section 4.
 - E. The basic plan and all amendments shall be submitted to the Mayor. If approved after coordination with all departments involved, the Mayor will submit the plan and its amendments to the City Council for their approval. The plan and any amendments will take effect 30 days from the date of approval unless action is taken by the Council disapproving the Mayor's submission. In the event the plan or amendment is pending at the time that a disaster is proclaimed under the provisions of this chapter, the plan or amendment will be considered approved immediately and will remain effective unless specifically revoked by the Council.
 - F. The Office of Emergency Management shall:
 - 1. Coordinate the recruitment of volunteer personnel and agencies to assist the personnel and facilities of the City for civil defense purposes;
 - 2. develop and coordinate plans for the immediate use of facilities, equipment, manpower and other resources of the City for the purposes of minimizing or preventing damage to persons and property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
 - 3. negotiate and conclude agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for civil defense purposes and designate suitable buildings as public shelters.
 - 4. through public information programs, educate the public as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present;
 - 5. conduct public practice alerts and training to insure the efficient operation of civil defense forces and to familiarize residents with civil defense procedures, regulations and operations;
 - 6. coordinate the activity of all other public and private agencies engaged in civil defense activities.
 - 7. determine requirements of the City for food, clothing and other necessities in the event of a disaster emergency;
 - 8. get and have in place supplies, medicines, materials and equipment;
 - 9. adopt standards and requirements for local plans and standard operating procedures;
 - 10. determine requirements and standards for local disaster communications;
 - 11. make surveys of industries, resources and facilities in the City, both public and private as are necessary to carry out the purpose of this chapter;
 - 12. establish a register of people with types of training and skills important in disaster prevention, preparedness, response, and recovery skills;
 - 13. establish a resource manual of mobile and construction equipment, temporary housing and other resources available for use in a disaster emergency;
 - 14. prepare for issuance by the Mayor, orders, proclamations and regulations as necessary or appropriate in coping with disasters;
 - 15. develop and carry out procedures and policies to effectively employ disaster relief funds made available by the Mayor's authority or by the Governor's authority through the Alaska Division of Emergency Services; these procedures shall include application and documentation, review, verification and funding approval; and
 - 16. do other things necessary or proper to implement this chapter, including assuming such authority and conducting such activity as the Mayor may direct to promote and execute the emergency plan.

Section 8. Financing.

- A. It is the intent of the Council and the administration and declared to be the policy of the City, that funds to meet disaster emergencies will always be available.
- B. Whenever, and to the extent that, money is needed to cope with disaster, the first recourse shall be funds regularly appropriated to local agencies. If money available from these sources is insufficient, the Mayor may,

notwithstanding, any limitations imposed by local ordinance, transfer or spend money appropriated for other purposes or, in situations involving natural or man-made disasters, borrow from the federal or state government or other public or private sources for a term not to exceed two (2) years.

- C. Nothing in this section limits the Mayor's authority to apply for, receive, administer and spend grants, gifts or payments from any source, to aid in disaster prevention, preparedness response or recovery.

Section 9. Compensation.

- A. No personal services may be compensated by the City or any agency of it, except in accordance with Alaska law or local ordinance.
- B. Compensation for property shall be made only if the property was commandeered or otherwise used in coping with a disaster emergency, and its use or destruction was ordered by the Mayor or by a member of the disaster emergency forces of this City who is authorized by the Office of Emergency Management to issue such an order.
- C. Any person claiming compensation for the use, damage, loss, or destruction of property occasioned by action taken under this chapter shall file a claim for that compensation with the Gambell Office of Emergency Management in the form and manner required by that office.
- D. Unless the amount of compensation resulting from property damaged, lost or destroyed is agreed upon in writing between the claimant and the city Office of Emergency Management, the amount of compensation shall be calculated in the same manner as compensation due for a taking of property under the condemnation laws of the state.
- E. The City shall provide for the payment of compensation and death benefits to injured members of the organized civil defense forces of the City or the representative of the deceased members of those forces in the event those members sustain injuries or are killed while rendering aid under this Chapter, provided those members are not already covered by a comparable form of insurance or health benefits plan.

Section 10. No governmental or private liability.

- A. This ordinance is an exercise by the City of its governmental functions for the protection of the public peace, health and safety, and neither the City nor agents and representatives of the City, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulations adopted under the provisions of this chapter, shall be liable for any damage sustained to persons or property as the result of said activity.
- B. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the City the right to inspect, designate and use the whole or part or parts of such real estate or premise for the purpose of sheltering persons during an actual, impending or practice civil emergency or enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premise under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

Section 11. Disaster prevention.

In addition to the disaster prevention measures as included in the city disaster plan, the Mayor shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of disasters. At his direction, and under any other authority and competence they have, city departments including but not limited to those charged with responsibilities in connection with Flood Plain Management, Stream Encroachment and Flow Regulation, weather modification, fire prevention, air quality, public works, land use and land use planning and construction standards shall make studies of disaster-prevention-related matters. The Mayor shall from time to time make recommendations to the City Council and other appropriate public and private entities as may facilitate measures for the prevention or reduction of the harmful consequences of disasters.

Section 12. Limitations.

Nothing in this chapter is intended to:

- A. Interfere with or allow interference with the course of conduct of a labor dispute, except that actions otherwise

- authorized by this chapter or other laws may be taken when necessary to prevent or mitigate imminent or existing danger to public health or safety;
- B. interfere with or allow interference with circulation of news or comment on public affairs; but any communications facility or organization (including, but not limited to radio, television, wire services and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency, in a manner which interferes as little as possible with the normal functions of the news media;
 - C. affect the jurisdiction or responsibilities of police forces, fire-fighting forces, units of the armed forces of the United States, or of any personnel of them when on active duty; but disaster emergency plans shall place reliance upon the civil defense forces available for performance of functions related to disaster emergencies; or
 - D. limit, modify, or restrain the authority of the Mayor to proclaim martial law, or exercise any other powers vested in him by law independent of, or in conjunction with, any provisions of this chapter.

Section 13. Administration.

This chapter shall be administered by the Office of Emergency Management which is responsible to, and which may receive delegations of authority from the Director, OEM.

Section 14. Civil Defense Advisory Board.

- A. The Director, Gambell OEM may establish and appoint members to a Civil Defense Advisory Board. This board will provide advice and assistance in the establishment of a viable civil preparedness program within the City. Membership of the board will include the Director (Chairman), or his designated representative, the Emergency Management Coordinator (Vice Chairman), a member of the City Council, the police chief, fire chief, and members selected from the business community and the general public.
- B. It shall be the duty of the Civil Defense Advisory Board, and it is hereby empowered to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and rules and regulations as are necessary to implement such plans and agreements. The Advisory Board shall meet upon the call of the chairman, or in his absence from the City or inability to call such a meeting upon call of the vice chairman.

Section 15. Severability:

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of the chapter are declared to be severable.

Section 16. Conflicting Orders, rules, ordinances and regulating suspended.

At all times when the orders, rules, and regulations made and adopted under this Chapter are in effect, they shall overrule all existing ordinances, orders, rules and regulations insofar as they may be inconsistent with this chapter.

CHAPTER 33

LIBRARY DEPARTMENT

Sections:

1. Establishment of library.
2. Availability of library.
3. Librarian.
4. Hours and location of library.

Section 1. Establishment of library.

There shall be a public library department, the head of which shall be a librarian appointed by the City Council and under the immediate supervision of the Mayor responsible to the library board and City Council. The salary of the librarian shall be determined by the City Council.

The library department shall have charge of and operate the Gambell Community Library.

Section 2. Availability of library.

The library shall be available to all residents of the City of Gambell and all other persons who want to use it.

Section 3. Librarian.

All books and magazines shall be available free of charge, although any book lost or not returned within 60 days will be charged against the person who checked out the book or magazine. It shall be the duty of the librarian to account for overdue books and magazines and arrange for their return or restitution charges. The librarian shall be responsible for operation of the library, cataloging of materials by subject matter, ordering of materials, checking books in and out, accounting for funds appropriated for the library, and other library matters.

Section 4. Hours and location of library.

The library shall be open normally three hours per day weekdays a minimum of 48 weeks per year and shall be located at the community building. The librarian shall post the exact hours the library will be open.

CHAPTER 34

PLANNING COMMITTEE

Sections:

1. Establishment of Planning Committee.
2. Composition; terms.
3. Organization; meetings; quorum; order of business; special meetings.
4. Office space; compensation and expenses.
5. Vacancies.
6. Planning committee duties.
7. Recommendations to be by resolution.

Section 1. Establishment of Planning Committee.

There may be established a planning committee for the City of Gambell.

Section 2. Composition; terms.

The Planning Committee shall consist of:

- A. Two representatives from the Gambell City Council;
- B. two representatives from the Gambell Native Corporation;
- C. two representatives from the Gambell IRA Council;
- D. the Mayor shall be an ex-officio member of this committee, but shall vote only in case of a tie.

Members shall be appointed by the body they represent. All members shall be residents of the City of Gambell.

Members shall be appointed for three year terms, except those first appointed shall be for one year, for two years and for three years. Such members first appointed shall draw lots so that two members serve three year terms, two members serve for two years, two members for one year.

Section 3. Organization; meetings; quorum; order of business; special meetings.

The committee, after members are appointed, shall have an organizational meeting and designate a member as presiding officer to conduct the affairs of the committee and a deputy presiding officer to serve in the absence of the presiding officer.

The committee shall meet at least once each quarter, and as many additional times as are necessary to transact business.

Meetings shall be public and minutes shall be kept. Notice of meetings shall be given in the same manner as for city council meetings. The City Clerk or his/her designee shall act as clerk for the planning committee.

A majority of the voting membership constitutes a quorum. Any act of the committee requires a majority affirmative vote of those voting members present.

Meetings shall be conducted according to Robert's Rules of Order and such modified or amended rules as may be adopted by the committee. The order of business at regular meetings shall be:

- A. Approval of minutes of previous meetings as amended or corrected;
- B. reading and disposition of correspondence;

- C. unfinished business;
- D. new business; and
- E. miscellaneous business.

The order of business at special meetings shall be prescribed by the presiding officer.

The City Council or the presiding officer may call a special meeting on at least twenty four (24) hours notice given to each member of the committee.

Section 4. Office space; compensation and expenses.

The Gambell Planning Committee shall be provided office space suitable for its needs and adequate to file its journal, resolutions, records, reference materials, correspondence, maps, charts, etc., all of which shall constitute public records of the City.

Compensation and expenses of the planning committee shall be paid as directed by the City Council. The planning committee shall present a budget of all anticipated expenses and costs to the City Council for the Council's approval.

Section 5. Vacancies.

The body a planning committee member represents shall appoint a replacement, when the member:

- A. Departs from the City with the intent to remain away for a period of ninety or more days;
- B. submits his resignation and the resignation is accepted by the presiding officer;
- C. is physically or mentally unable to attend committee meetings for a period of more than ninety days;
- D. misses two or more consecutive regular meetings unless excused by the committee;
- E. is convicted of a felony or of an offense involving a violation of his oath of office; and
- F. his/her appointment is withdrawn by the body he represents because of expiration of the term of office on the body he represents or other reason.

Section 6. Planning Committee duties.

The duties of the Gambell Planning Committee are advisory. The Gambell Planning Committee may prepare and make recommendations to the City Council, which the Council may adopt, reject or amend on the following:

- A. Comprehensive plan;
- B. capital improvement program;
- C. zoning;
- D. flood protection and counter measures;
- E. erosion control;
- F. building permits;
- G. other matters that may come to the committee's attention that effect the health, safety and well being of the citizens of Gambell.

Section 7. Recommendations to be by resolution.

Recommendations to the City Council shall be by resolution bearing:

- A. The heading "Gambell Planning Committee";
- B. the space for a number to be assigned, "Resolution No. ___";
- C. a short and concise title descriptive of the resolution's subject and purposes;
- D. short premises or WHEREAS clauses descriptive of the reason for the resolution, if necessary;
- E. the resolving clause, "Be it resolved:";
- F. the text; and

G. after the date adopted, designated lines for signature of the committee presiding officer and "Attest" by the City Clerk.

CHAPTER 35

(Reserved)

Title VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

Chapter 36. Utility Board

- 37. Rules and Regulations for Services of the Gambell Utility Board
- 38. Reserved
- 39. City Equipment
- 40. City Property; Inventory and Files
- 41. (Reserved)
- 42. (Reserved)
- 43. (Reserved)
- 44. (Reserved)
- 45. (Reserved)

CHAPTER 36

UTILITY BOARD

SECTIONS:

- 1 Background
- 2 Establishment
- 3 Gambell City Council Powers and Immunities
- 4 Powers and Duties of the Board
- 5 Membership, Qualifications, Term and Vacancies on Board
- 6 Compensation
- 7 Meetings
- 8 Audit
- 9 Separation of Funds
- 10 Rules and Regulations

Section 1. Background

The Gambell City Council has acted to establish the Gambell Utility Board to provide for the health and welfare of the residents of Gambell and to oversee and manage the Gambell water, sewer, waste disposal and electrical systems (hereinafter referred to as the Gambell utility system).

Section 2. Establishment

There is hereby created a Board to be called the Gambell Utility Board (henceforth called "Utility Board") to operate, maintain, construct, replace and collect user payments for the Gambell water, sewer and waste disposal systems (hereinafter referred to as City-owned utilities) in accordance with these provisions.

The Board will be responsible for the operation and maintenance of the electrical system owned by the Alaska Village Electric Corporation (AVEC) (hereinafter referred to as the electrical utility system) in accordance with the Agreement made between the City of Gambell and AVEC, included as Schedule B of this Ordinance. Unless otherwise stated herein, the Utility Board shall not be responsible for construction, replacement or billing for the electrical system.

Section 3. Gambell City Council Powers and Immunities

- A. The Gambell City Council reserves unto itself the power and authority to approve or disapprove all budgets, salaries and utility rates for City-owned utilities (water, sewer and solid waste disposal systems). It also reserves to itself the power to approve the acquisition or disposal of property and service contracts with a value in excess of \$5,000 and the acquisition of all real and personal property related to the ownership, construction, operation, maintenance or replacement of the Gambell water, sewer, and waste disposal systems.
- B. The Gambell City Council reserves unto itself the power and authority to approve or disapprove all budgets and salaries for work required to operate and maintain the electrical system owned by AVEC.
- C. Nothing in this ordinance or actions (including promulgation of rules and regulations) of the Utility Board shall be considered consent by the City of Gambell to the sale, disposition, lease or encumbrance of any lands, interest in lands or other assets of the Sivuqaq Corporation.

Section 4. Powers and Duties of the Board

The Utility Board shall:

- A. Operate, maintain, construct, repair and replace the City-owned system.
- B. Appoint, retain, hire, promote, layoff, suspend, demote or remove all employees of the Gambell utility systems.
- C. Administer the utility systems budget and capital improvement program as enacted by the Gambell City Council.
- D. Prepare and submit to the Gambell City Council each year annual budgets and capital improvement requests, and make recommendations thereon for the efficient and economic operation of the utilities. The submittals shall be coordinated with the City of Gambell's budget.
- E. Prepare and submit to the Gambell City Council at the end of each calendar year a report on the finances and administrative activities of the Gambell utility systems. The report shall be made available for public distribution.
- F. Formulate and enforce the general rules and policies pertaining to the Gambell utility system practices within the City of Gambell and generally have full and complete surveillance of all the systems and their operations and fiscal affairs, including their maintenance, operation, expansion, extension and improvement.
- G. Study and make recommendations on public utility matters such as, but not limited to, rates, fiscal matters, personal staffing, labor and relations, expansion or extension of services and public relations.
- H. Purchase property whose value individually or in the aggregate does not exceed \$5,000 in any single fiscal year.
- I. Assume such other authority and perform such other duties as may be lawfully prescribed by the Gambell City Council.
- J. Unless otherwise noted, the Board shall be responsible for the maintenance and operation of the electrical utility system owned by AVEC. The Board shall not be responsible for the construction, replacement or billing for the electrical system.

Section 5. Membership, Qualifications, Term and Vacancies on Board

- **A. The Utility Board shall consist of five members; a Chairman, Vice-Chairman, Secretary, and two members at large. All Utility Board members shall be appointed by the Gambell City Mayor with the approval of a majority of the Gambell City Council.
- B. The Utility Board Chairman shall be a current member of the Gambell City Council. Any full time resident of Gambell over the age of twenty-one (21) years is eligible to be the Vice-Chairman or Secretary.
- C. The term of membership to the Board shall be two (2) years. New members shall be appointed in odd numbered years following the Gambell City Council elections in October.
- D. Vacancies on the Utility Board shall be filled by the Gambell City Mayor with the approval of a majority of the Gambell City Council.

Section 6. Compensation

Members of the Utility Board shall receive monthly or special meeting fees set by the Utility Board with approval of the Gambell City Council.

Section 7. Meetings

- A. A majority of the membership of the Utility Board shall constitute a quorum for the transaction of all business, and the Chairman of the Utility Board shall have a vote on all matters. The affirmative vote of a majority of the Utility Board shall be sufficient to pass upon all matters coming before it. When only four members of the Board are present and they submit opposing votes on an issue, the matter shall be tabled until the next meeting. Meetings shall be conducted in a manner and format similar to that used by the Gambell City Council.
- **B. The Utility Board shall meet no less often than once per month on the first Monday of the month at the Gambell City Office Building. Special meetings shall be held as needed. The monthly meeting shall be prior to the general meeting of the Gambell City Council in order that the Utility Board may report to the Gambell City Council at the general meeting. All meetings of the Utility Board shall be open to the public. The Utility Clerk shall draft minutes of all regular and special meetings in a manner accurately reflecting the actions of the Utility Board, and shall maintain the minutes as public record.
- C. The Utility Board meetings shall be attended by all utility operators. The operators shall submit inspection reports and monthly record data to the Board members.

Section 8. Audit

The Gambell City Council may provide for an annual independent audit of the accounts and financial transactions of the Utility Board. Copies of the audit shall be available to the public upon request.

Section 9. Separation of Funds

- A. The Gambell utility systems managed by the Utility Board, shall be operated from a fund or funds separate from the general fund of the City of Gambell. Separate books, records and accounts shall be maintained by the Utility Board to reflect the financial conditions of the utilities, including income and expenses.
- **B. Income, money or property of the Utility Board may be placed in the general fund of the City of Gambell by ordinance.

Section 10. Rules and Regulations

- A. The Utility Board shall adopt rules and regulations for the orderly and efficient operation of the Gambell utility systems.
- B. The Utility Board may establish rules and regulations imposing fines or penalties for violations, provided that such rules or regulations are promulgated in accordance with the procedures set forth in paragraph C of this Section.
- C. All proposed rules or regulations, including additions, deletions, amendments and modification of existing rules or regulations shall be considered only after public notice and public hearing. Public notice shall be accomplished by posting prominently in public places within the community of Gambell, Alaska, a descriptive summary of the proposed rules or regulations, including the date and time of public hearing by the Utility Board, and a statement that the full text of the proposed rules or regulations is available for public inspection at the Gambell City Office Building. After public hearing and consequent Utility Board action, the proposed rules shall be submitted to the Gambell City Council to be approved, disapproved or modified. If no action is taken by the Gambell City Council within forty (40) days, the proposed rules shall be deemed automatically approved. The rules and regulations, including additions, deletions, amendments and modifications of existing

rules or regulations shall become effective upon Gambell City Council approval or in the case of no action on the forty first (41) day after submittal to the City Council unless otherwise provided for by the Utility Board.

CHAPTER 37

RULES AND REGULATIONS FOR SERVICES OF THE GAMBELL UTILITY BOARD

SECTIONS:

1. Definitions
2. Service Area
3. Description of Service
4. Ownership of Utility System
5. Resale of Utilities
6. Classification of Services
7. Application for Service
8. Main Extensions
9. Services
10. Water Meters
11. Utility Rates
12. Notices
13. Security Deposit
14. Billing and Payment
15. Administration and Enforcement
16. Discontinuance
17. Restoration of Services
18. Unusual Demands
19. Access to Property
20. Responsibility of Equipment
21. Fire Hydrants
22. Manholes and Main Lines
23. Individual Waste Disposal Responsibilities
24. Penalties
25. Suspension of Rules
26. Public Access and Utility Easement
27. Immunities Preserved
28. Constitutionality and Saving Clause
Schedule A - Utility Rates and Fees

Section 1. definitions

APPLICANT: The person or persons, firm or corporation making application for utility service from the City of Gambell under the terms of these regulations.

BRACKISH WATER: Water with a high concentration of dissolved solids. Brackish water has been filtered and chlorinated and is safe for washing and bathing but not recommended for consumption.

BULK WATER: Water purchased in large quantities at irregular intervals.

CITY: The City of Gambell, Alaska, a state recognized second class city.

CITY COUNCIL: The seven-member governing body of the City of Gambell, Alaska.

CROSS CONNECTION: Any physical connection between the water system and the sewer system or another water

source.

CUSTOMER or USER: An applicant who has been accepted and who receives utility services from the City. By being accepted and receiving services, a customer or user thereby agrees to abide by the terms set forth in these regulations.

CUSTOMER SERVICE LINE: The customer service line shall be that part of the piping from the main line to the dwelling or point of use for water and sewer utilities. For electric utilities, the customer service line shall be that part of the wiring from the meter to the dwelling or point of use.

HONEYBUCKET WASTE: Human waste products from a non-flushing toilet.

POTABLE WATER: Water filtered and treated and suitable for consumption. The water meets current standards set by Alaska Department of Environmental Conservation for public drinking water.

SEPTIC LAGOON: An open containment cell, or cells, for the disposal and treatment of septic waste.

SEPTIC WASTE: Waste material from a septic disposal system.

SOLID WASTE: Garbage, rubbish, paper and waste material including all animal and vegetable refuse from food or food preparation, and dead animals.

UTILITY: One of the services provided by the Utility Board (water, sewer, waste disposal, electricity) to provide for the health and welfare of the residents of Gambell.

UTILITY BOARD: The Utility Board established by the Gambell City Council to carry out the designated duties. The Board reports to the City Council on a regular basis.

Section 2. Service Area

The service area shall be the developed area within the vicinity of the community of Gambell, Alaska, as shown on the attached map.

Section 3. Description of Service

The Utility Board shall provide the following services:

A. **Water Distribution System:** The Board shall provide a safe and fully operational water distribution system to users. The water distribution system shall meet the following requirements:

1. **Quantity:** Insofar as reasonably possible, a continuous and sufficient supply of water shall be supplied to customers at adequate pressure, and any shortage or interruption of service shall be avoided.

Neither the City, the City Council nor the Board shall be liable for damage resulting from interruption in water service due to improvements, repairs, shortages of supply, or other unforeseen circumstances. Whenever possible, and whenever time permits, all customers to be potentially affected by an interruption in service will be notified prior to shutdown through local notice posted in the Post Office or by direct contact.

2. **Quality:** Safe water shall be provided at all times. The quality of the water will vary depending on the source. Potable water is available during the summer months from a hillside gallery and is stored in storage tanks at the water plant. Treatment of potable water shall include filtration, chlorination and fluoridation.

Brackish water is available year-round from a well located near Troutman Lake. Treatment of brackish water shall include filtration and chlorination. Brackish water is not intended for consumption.

3. Water Service Preference: In the event of a brackish water shortage, or a potable water shortage, the Board has the right to give preferences (including the potential interruption of service) in the matter of furnishing services to customers and interests as public convenience and necessity require. The order of superior preference, within the constraints of the system, is as follows:

Primary Users

- a. Watering point at water plant (highest priority)
- b. Laundromat
- c. School and health facilities

Secondary Users

- d. Private residences
- e. Businesses and commercial users
- f. Other transient users and special contract users (lowest priority)

Potable water storage shall be conserved to insure an uninterrupted supply to the Primary users. Secondary users shall be provided with brackish water, when necessary, to reduce the demand for potable water.

- B. Sewer Collection System: The Board shall provide safe and fully operational sewer collection systems to users. The sewer collection system shall be able to handle normal sanitary wastes discharged to it without freezing, plugging, or otherwise affecting building drain lines under normal operating conditions.
- C. Washeteria: The Board shall provide a safe, clean and fully operational washeteria facility providing the following services:
 1. A laundromat with clothes washing and drying machines.
 2. Separate men's and women's restroom facilities with sinks, toilets and showers.
- D. Septic Disposal: The Board shall provide a septage lagoon for disposal and treatment of septic waste material. A pumper wagon shall be operated by the Board to pump the septic tanks as necessary for proper operation. The Board shall insure that the septic waste material is properly disposed of in the septage lagoon.
- E. Solid Waste Disposal: The Board shall provide a solid waste disposal site. The Board may provide a pick-up service to haul containers from locations within the service area to the disposal site for an appropriate user fee.
- F. Honeybucket Waste Disposal: The Board shall provide a honeybucket waste disposal site. The Board may provide a pick-up service to haul containers from locations within the service area to the disposal site for an appropriate user fee.

Section 4. Ownership of Utility Systems

All City-owned utility system components including water and sewer mains, valves, fittings, laundromat facilities, equipment, and other appurtenances, except customers' service lines, as defined in Section 1, are the property of the Board.

Section 5. Resale of Utilities

Resale of a utility service by a customer is expressly prohibited except through special contract, in writing, between the Board and the customer. The City may directly sell services to individuals or businesses, but only in those cases where application is made to the Board prior to the sale, and is not done at the expense of other users.

Section 6. Classification of Services

The Classes of Service shall be as follows:

- A. Residential Service: Residential Service shall consist of all services for domestic purposes supplied to a single family dwelling unit.
- B. School Service: School service shall consist of services provided to the school and its administrative offices. School owned or operated facilities used as single family dwelling units are not included and are subject to regulations and rates governing residential service.
- C. Commercial Service: Commercial services shall consist of all commercial or business establishments, multiple family dwelling units and city owned buildings.

If a customer is located in both a single family dwelling unit and a business establishment, the commercial rate shall apply.

- D. Contract Service: Contract services shall consist of those services for industrial or independent uses under contracts authorized by the Utility Board.

Where the requirement for services is large or unusual, or necessitates special services, equipment, or capacity, the Board reserves the right to make a special contract, the provisions of which are different from and an exception to the regularly published utility rates and regulations. All special contracts shall be in writing, signed by the applicants, and approved by the Board. Even where a special contract exists, the water preferences stated in Section 2.3(A), above, shall apply should the need to restrict water usage arise. The Chairman of the Utility Board is empowered to negotiate such contracts.

Section 7. Application for Service

Each applicant for service shall sign an application form provided by the Board giving the date of application, type of service requested, location of the premises to be served (building number), the date the applicant desires services to begin, the purpose for which the service is to be used, and the address to which bills are to be sent. In signing this form, the customer agrees to abide by these rules and regulations as currently amended. The application is a request for service, and does not bind the Board to furnish the service.

Customers desiring a material change in the size, type, character, or extent of equipment or operation which would result in a material change in the service provided, shall give the Board notice of such change prior to the change taking place. An amended application will be filed with the Board, and any changes to the rate or deposit amount will occur prior to the change in service. All customers desiring a change in the size, location, or the number of services shall fill out an amended application. The request for amended service may be denied if the applicant has an outstanding bill due to the Board.

Section 8. Main Extensions

Extensions of water distribution or sewer collection mains to areas or houses not currently being served shall be installed only after application to and authorization by the Board. Utility main extensions may require advance payment by the applicant or group of applicants of the cost of the extension before they can be provided by the Board.

The Board will determine the proper location of main extensions. Easements or permits secured for main extensions across property not owned by the City shall be obtained in the name of the City along with all rights and title to the main at the time of installation.

Section 9. Services

- A. The customer shall own and maintain the customer service line.
- B. Service Installation Charge: At the time the applicant files for service, where no service previously existed, or if he files for a change in service size or location, or if he applies for a re-connection of an existing service, he shall submit a service connection fee with his application that is based on the actual cost of the installation. In the case of a new service, this fee will include all costs from the main to the dwelling, including the costs of a pit orifice and tapping saddle at the main and an arctic box at the dwelling, if necessary. The service line can be installed by either the customer or the Utility Board. Service installation charges may be waived at the discretion of the Board.
- C. Service Installation Procedures: All connections to the Gambell water and sewer system shall be made at the expense of the customer. Costs of the connection and the terms of the work governing the installation, including the use of self-help and use of City equipment, shall be established by the Chairman of the Utility Board. The Board reserves the right to determine if the customer is capable of installing the service himself, and the Board reserves the right to bill the customer for additional work incurred by the Board to correct inappropriate, deficient, or inadequate connections.
- D. Service Installation Codes: All individual water and sewer connections, repairs, and modifications shall be made only under the terms and conditions of the Uniform Plumbing Code currently in effect within the State of Alaska, as well as any further regulations the Board or City may require. Any electrical improvements shall be made in accordance with applicable Electrical Codes and Regulations.
- E. Customer Plumbing:

1. The customer's plumbing, which shall include the customer service line from the main to the house, and all plumbing, piping, fixtures, and other appurtenances intended to carry water, sewage, waste water, and drainage, shall comply with the Uniform Plumbing Code (UPC).

Special attention shall be given to the elimination of any possible cross connections. All water users will be required to install and maintain a backflow prevention device between the water service connection and the first plumbing fixture or drain. The minimum requirement shall be a dual check valve assembly or as required by the UPC.

2. Customer freeze-ups, or other leaks that affect the efficiency of the Gambell water or sewer system or the public health, are to be immediately repaired by the customer. The Board reserves the right to make the repairs and bill the customer for repairs and for any excess water usage that might have resulted from the situation, should the customer be unable to make the repairs; or should the customer have abandoned the service location without proper notification to the Board; or should the customer be away from the service location temporarily. It is the responsibility of the customer to notify the Board immediately of any problem with the customer's plumbing that could have an adverse effect upon the Gambell system.
3. It shall be a violation of these rules and regulations for customers to operate, cause, or permit unauthorized operations or appurtenances on the service connections.
4. It shall be a violation of these rules and regulations for any customer to make, or remake a service connection without the prior knowledge and approval of the Board as detailed by this ordinance.

5. It shall be a violation of this ordinance for any individual to secure bulk water from the Board or the City without prior arrangements having been made.

Section 10. Water Meters

- A. Meter Requirement: The Board is authorized to require installation of a water meter at the expense of any commercial, industrial, or school user upon the customer's line and to charge for such service at the established meter rate set forth in Schedule A.
- B. Location of Meters: Meters shall be placed either inside or under a heated building at suitable convenient places approved by the Board. The meter will not be placed where freezing or damage to the meter or its related parts may occur; nor where damage to the meter could result in a loss of water from the system.
- C. Joint use of Meters: The joining of several customers to take advantage of single minimum charges and/or large quantity rates is prohibited except under special contract, in writing, from the Board.

Section 11. Utility Rates

Utility Rates to be charged for the various classification of services are published in a separate "Schedule A". On a periodic basis, Schedule A will be revised by the Utility Board and approved by the Gambell City Council.

Section 12. Notices

- A. Notices to Customers: Notices to customers from the Board will normally be in writing and will be mailed or delivered to the customer at his last known address. Where conditions warrant, and in emergencies, the Board may notify customers by telephone, messenger, or radio.
- B. Notices from Customers: Notices from the customer to the Board may be given in writing, or verbally by the customer or his authorized representative at the Gambell City office or to the Utility Board Chairman. However, notices that result in a change in service or in work being performed by the Board for the Customer must be accompanied by a signed repair order or work order.

Section 13. Security Deposit

At the time of application for service, the applicant shall establish his credit with the City. Credit will be deemed to be established if the applicant makes a deposit equivalent to the estimated bill for one month of service, plus an estimate of the cost for service installation and connection fees. After a period of one year, the deposit amount will be credited towards the customer's account, and deducted from future bills, providing the account has been kept current during the previous 12 month period. No interest shall be paid on the deposit money. In no case will the deposit be considered as a payment on account until after the initial 12 month period has passed. Should the account be closed during the 12 months, the deposit will be applied toward the closing bill, with any excess refunded to the customer.

If an account becomes delinquent and it is necessary to discontinue the service, the deposit amount shall be applied to the unpaid balance of the account. Service will not be restored to the premises until such time as the security deposit is replaced, along with all delinquent bills due, and payment for labor and materials expended by the Board for the service disconnect/reconnect. The account is assumed to reside with the person signing the Utility Application Form, not the premises served.

Section 14. Billing and Payment

- A. Monthly Bills: All bills will be mailed on or before the end of each month. The bill will contain a statement of present charges due, including the billing for the present month. All bills are due and payable prior to the 20th of the following month.

- B. Delinquent Bills: All bills not paid by the 20th of the following month of billing will be considered delinquent.
- **C. Delinquent Notice: A notice of delinquency shall be mailed to each delinquent account on or after seven days from the date the account becomes delinquent.
- D. Water Turn-off Notice: After a water utility bill has not been paid a week after the Delinquent Notice, the Board shall send a Water Turn-off Notice to the customer, stating the date and time at which the service may be terminated. The notice shall be sent to the customer by certified or registered mail, return receipt requested. If the receipt has not been received in the Board office within ten days of mailing, notice shall be made by a Utility Board employee or agent, delivering or posting notice, at the customer's residence or place of business. The Board may terminate the service at any time after the date and time indicated in the turn-off notice without further notification, unless written payment arrangements are made by the customer and approved by the Board. The Board reserves the right to reject offers of payment that are for less than the full amount due.
- E. Deposit for Reconnection: In all cases if service has been disconnected due to delinquency, the customer must again meet the security deposit requirements set forth in Section 13 before service will be reconnected.
- F. Responsibility for Payment of Utility Bills: In all cases the person signing the utility application form is responsible for the utility bills regardless of who owns the property served.

Section 15. Administration and Enforcement

- A. These rules and regulations shall be administered and enforced by the Utility Board. The Board, with the consent of the Gambell City Council, shall have the authority to establish and regulate rates for the water and sewer system and collection services for all customers, but no person shall be bound by any such rate unless it shall have been posted for public inspection for five consecutive days after its adoption, at public places within the community of Gambell, Alaska.
- B. A current file of rates adopted by the Board under these regulations shall be available for public inspection during regular business hours at the Gambell City Office.
- C. Moneys collected for water, sewer and waste disposal services shall be used strictly for maintenance, extension, repair, capital improvement, and operation of the water, sewer and waste disposal systems. Moneys will be accounted for separately by the Utility Board.
- D. The Gambell City Council or the Utility Board may adopt such additional regulations, provisions, and procedures pertaining to water, sewer and waste disposal services as they deem proper.

Section 16. Discontinuance

- A. Discontinuance by Customer Order: Each customer about to vacate any premises supplied with water, sewer or waste disposal services by the Board shall give at least one week written notice of his intentions, specifying the date the service is to be discontinued. Otherwise, a customer will be responsible for all services supplied to such premises until a written notice is received.

Within one week of the time specified in the notice to discontinue service, a total bill (minus any deposits due to the customer) will be rendered which is due and payable immediately. The amount of the bill for the current billing period will be determined by prorating the number of days of service received in the given month (including the date of disconnect) divided by the total number of days in the month, times the usual monthly charge for the customer. There will be no charge for disconnection of the utility.

- B. Discontinuance for Non-payment of Bills: A customer's water, sewer or waste disposal services may be discontinued if their bill is not paid in accordance with the procedures listed in Section 2.14.
- C. Discontinuance for Unsafe Customer Facilities:
 - 1. Unsafe Facilities or Unsanitary Facilities: The Board may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment, using water or discharging waste water, are dangerous, unsafe, or not in conformity with standard plumbing practice.
 - 2. Cross Connections: A cross connection is defined as any physical connection between the water system and any non-potable water including sewer systems. Such cross connections are unlawful. The Board will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated.
- D. Discontinuance for Water Waste: Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the Board may discontinue service if such conditions are not corrected after notice by the Board. Allowing water to run continuously rather than providing reasonable and proper insulation is considered wasting water. At the option of the Board, a customer may be allowed to continue service if he has installed a meter at his expense (as prescribed in Section 2.10) and he pays a rate based upon consumption.
- E. Discontinuance for Service Detrimental to Others: The Board may refuse to furnish water, restrict water service, or immediately terminate service to any premises where excessive demands by a customer will result, or have resulted, in inadequate service to other customers. The determination of excessive demand may vary depending on current City water resources and water and sewer system equipment conditions.
- F. Discontinuance for Fraud or Abuse: The Board will refuse or discontinue service to any customer or premises where it is deemed necessary to protect the Board or the City from fraud or abuse of service. Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the Board that such condition or conditions exist.
- G. Discontinuance for Unauthorized Turn-on: Where water service has been discontinued for any reason and the water is turned on by the customer or another unauthorized person, the water may then be turned-off at the main, without notice to the customer. The charges for shut-off at the main will be billed at the actual cost for labor and materials plus 50%, billed to the offending customer. The charges for water consumed through such illegal connection will be at 150% of the regular rate for the period of time, as estimated by the Board, that such illegal or unauthorized connection existed. The Board may seek additional legal remedies in such cases.
- H. Discontinuance for Non-compliance: Unless otherwise specified by specific sections of these rules and regulations, a customer may have service discontinued for violation of any provision of these rules and regulations following five days notification of such impending termination of service. Proper notice is specified in Section 2.12 of these regulations.

Section 17. Restoration of Services

Restoration of service following discontinuance by customer order shall not require a reconnection fee if the discontinuation was for more than two months. Restoration of service for any other reason shall require a reconnection fee. Restoration of service following discontinuance for non-payment of bills shall be made only after payment of current and past due charges, the reconnection fee, and a security deposit as herein provided.

Restoration following discontinuance because of unsafe facilities, water waste, fraud, abuse, or non-compliance with

these rules and regulations will be made only after: the irregularity has been corrected; any associated charges for disconnection or repairs undertaken by the Board have been paid; and the Board has been assured that the irregularity will not occur again.

The property owner shall provide access to arctic boxes for connection or reconnection of services including the removal of all snow drifts around the box.

The customer is responsible for insuring that services are in good condition prior to restoration of services. Any costs for cleaning or thawing a service line prior to reconnection shall be paid by the customer.

Section 18. Unusual Demands

Whenever an abnormally large quantity of water is desired for filling a water storage tank, or for any other purpose, arrangements must be made with the Board prior to taking the water. Permission to take water in large quantities will be given only if other customers are not inconvenienced. Purchases of large quantities of water, even if to an existing customer, may be billed under a separate category and for a separate amount from the customer's usual rate.

Section 19. Access to Property

All duly appointed employees or agents of the Board shall have free access at all reasonable hours of the day to exterior parts of a customer's building related to utility service (i.e. arctic box, electric meter, etc.) for the purposes of reading meters, inspecting connections, piping and fixtures, and to determine the manner and extent to which the utility is being used. When it is necessary to enter a customer's building for the same purposes, the customer will be given notice in accordance with Section 2.12. Neither the City nor the Board assume the duty of inspecting the customer's service line, plumbing, or equipment and shall not be responsible, therefore.

In the event that a customer refuses to provide access to the Board in a reasonable period of time, the service may be discontinued for non-compliance with these Regulations in accordance with Section 16.

Section 20. Responsibility for Equipment

- A. Responsibility for Customer Equipment: Neither the City nor the Board shall be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's service line, plumbing, or equipment, nor shall the City or the Board be liable for loss or damage due to interruption of service or temporary changes in water pressure.
- B. The customer shall be responsible for the condition of the plumbing system on his premises when water service is turned on. All drain valves should be closed to prevent water damage.
- C. The customer shall be responsible for maintaining proper heat within his property to insure that pipes do not freeze up, causing harm or damage to the Gambell water or sewer system as well as to the customer's premises. Electrical heat tape shall be energized as necessary to prevent utility lines from freezing. The customer shall pay for all costs associated with keeping his service lines from freezing. The Utility Board may hold the customer liable for any damage or loss to the City or the Board caused by customer freeze-up.

Section 21. Fire Hydrants

- A. Operation: No person or persons other than those designated and authorized by the City or the Board shall attempt to draw water from a hydrant belonging to the City or the Board or in any manner damage or tamper with the hydrant. Any violation of this regulation will be penalized according to these Regulations. In cases where temporary service has been granted from a fire hydrant, an auxiliary external valve will be used to control the flow of water.
- B. Damage to Fire Hydrants: Any person who damages a fire hydrant shall be responsible for the cost of

its complete repair and return to service. This is in addition to the penalties outlined in Section 2.24.

Section 22. Manholes and Main Lines

- A. Operation: No person or persons other than those designated and authorized by the Board shall place any substance including, but not limited to, animal and fish carcasses, refuse or trash, rocks or gravel, or honeybucket wastes in any manhole or main line, or in any manner damage or tamper with the manhole or main line. Any violation of this regulation will be penalized according to these Regulations.
- B. Damage to Manholes and Main Lines: Any person who damages a manhole or main line or any of the attachments or appurtenances thereof, shall be responsible for the cost of its complete repair and return to service. This is in addition to the penalties outlined in Section 24.
- D. Dumping Refuse, Chemicals, or Trash into Sewer Lines: Any person who damages a sewer main or interrupts sewer service through placing trash, refuse, animal carcasses, rocks or other matter not intended to be placed in a sewer will be responsible for all damages and repairs to the sewer lines and treatment works that are a consequence of his act.

Section 23. Individual Waste Disposal Responsibilities

In the event that the Utility Board does not provide a solid waste or honeybucket waste pick-up service, the users should be responsible for the following:

- A. Waste material should be stored in a secure covered container with a tight fitting lid and located at least 10 feet from the water arctic box.
- B. Wastes should be hauled to the designated disposal area and deposited at the location as directed by the Utility Board.

Section 24. Penalties

Any person violating sections of these rules and regulations shall, upon adjudication by the Board and after notice and opportunity for a hearing, be subject to a civil penalty not to exceed \$300. Each separate incidence and each separate day upon which an offense occurs shall be a separate offense.

Section 25. Suspension of Rules

No employee of the Board or the City is authorized to suspend or alter any of the provisions herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which put the water and sewer system operation in jeopardy.

Section 26. Public Access and Utility Easement

The City of Gambell has been granted by Sivuqaq, Inc., and Savoonga Native Corp., a public access and utility easement. The easement is 40 feet wide centered along the length the utility improvements. The easement includes the right to construct, operate and maintain a water and sewer system on the land and has been recorded as Easement Number 05-16-91-01.

Section 27. Immunities Preserved

Nothing in these rules and regulations nor any actions taken or arising under them shall constitute consent by the City of Gambell to the sale, disposition, lease or encumbrance of the lands, interests in lands or the other assets (including cash and cash equivalents) of the Sivuqaq Corporation.

Section 28. Constitutionality and Saving Clause

If any clause, sentence, paragraph, section, or portion of these rules and regulations for any reason is judged to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this document but shall be confined in its operation to the clause, sentence, paragraph, or portion of these rules and regulations directly involved in the controversy in which the judgment is rendered.

****CITY OF GAMBELL**
SCHEDULE A - UTILITY RATES & FEES
As of August 3, 1995

A1 - Security Deposit

- A. Residential ServiceOne month's service fee
- B. School Service..... One month's expected service fee or \$200, whichever is greater
- C. Commercial Service One month's expected service fee or \$200, whichever is greater
- D. Contract ServiceAs determined by Contract

A2 - Water and Sewer Rates*

- A. Water Dispensing at Watering Point No Charge
- B. Residential Service \$97 per month**
- C. School Service (metered)
 - Potable Water \$1,800 per month plus \$0.20 per gal. over 18,000 gallons
- D. Commercial Service \$185 per month or \$0.10 per gallon whichever is greater
- D1 Commercial Service Deposit\$185 per month or \$0.10 per gallon whichever is greater
- E. Contract ServiceAs determined by Contract
- F. Bulk Water Sales (metered)
 - Potable Water \$0.25 per gallon

* Includes payment for both water and sewer service. Fees shall not be reduced when only water or only sewer service is provided.

** A prepayment equal to 5 times the monthly fee shall cover 6 months and a prepayment equal to 10 times the monthly fee shall cover 12 months.

A3 - Non Recurring Water & Sewer Fees

- A. Water Service Reconnect \$35
- B. Water Service Connect or Reconnect Deposit..... \$65
- C. Service Installation Fee (water or sewer) Estimated Construction Cost
- D. Unscheduled Service Work

- (thawing, repair, cleaning, etc.) Actual Cost of Work up to \$200 per occurrence
- E. Water Meter Installation..... Actual Cost of Work up to \$100 per installation

A4 - Washeteria Fees

- A. Washing Machine
 - Large Capacity (Wascomat)..... \$3.00 per load
 - Medium Capacity (Speed Queen) \$2.00 per load
- B. Drying Machine \$0.75 per cycle
- C. Laundry Sink (Hot water hauling not allowed)..... No charge
- D. Shower..... \$1.00 for 6 minutes
- E. Bath \$1.00 for 6 minutes

A5 - Septic Waste Disposal Fees

- A. Septic Tank Waste Disposal (disposal fee only)..... \$0.40 per gallon
- B. Septic Tank Waste Pumping and Disposal by City
(includes labor, pumping, equipment rental and disposal by City)..... \$1.00 per gallon

A6 - Solid Waste Pickup & Disposal Fees (For Future Development)

- A. Residential Service
 - Disposal Only No charge
 - Pickup and Disposal \$ per month
- B. School Service
 - Disposal Only \$ per month
 - Pickup and Disposal..... \$ per month
- C. Commercial Service
 - Disposal Only \$ per month
 - Pickup and Disposal..... \$ per month
- D. Contract Service As determined by Contract
- E. Bulk Waste Service
 - Disposal Only \$10.00 per cubic yard
 - Pickup & Disposal \$30.00 per cubic yard or actual cost (whichever is greater)

A7 - Labor & Equipment Rates - Rates Effective October 1, 1991

A. Labor

Laborer	\$15.00 per hour
Operator (For Heavy Equipment)	\$20.00 per hour

B. Equipment (Without Laborer)

Steam Thawing Machine.....	\$20.00 per hour
4 Wheeler	\$65.00 per day
Snow Machine	\$65.00 per day
Generator	\$10.00 per hour

C. Heavy Equipment (Without Operator) Refer to Current City Rate Schedule

Front End Loader (JD 544C)	\$200.00 per hour
Dozer (JD 450 D)	\$200.00 per hour
Dozer w/backhoe (JD 450 D)	\$200.00 per hour
Dump Truck (5 C.Y.).....	

CHAPTER 38

RESERVED

**CHAPTER 39

CITY EQUIPMENT

Sections:

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

Section 1. Recognition.

The City Council of Gambell recognizes that:

- A. The City of Gambell 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 Gambell; 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 Gambell is high.

Section 2. Use of equipment.

Individuals, contractors, agencies of the State of Alaska or the United States government may make application to the City Council of Gambell 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 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.

CHAPTER 40

CITY PROPERTY; INVENTORY AND FILES

Sections:

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

Section 1. Inventory; files.

The Office of 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;
- 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. Additional files.

The Office of the City Clerk shall maintain additional 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 Office of 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 \$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 4I

(Reserved)

CHAPTER 42

(Reserved)

CHAPTER 43

(Reserved)

CHAPTER 44

(Reserved)

CHAPTER 45

(Reserved)

Title VI. GENERAL WELFARE

Chapter 46. Intoxicating liquors or beverages.

47. (Reserved).

48. (Reserved).

49. Dog Control.

50. (Reserved)

51. Curfew

52. Offenses by or against minors.

53. (Reserved).

54. Litter; sanitation measures.

55. Protection of Watershed.

56. Offenses against property

57. Offenses by or against public officers and government.

58. Offenses against public peace.

59. (Reserved)

60. (Reserved)

61. Motor vehicles

62. Control of firearms, deadly weapons, explosives, fireworks.

63. (Reserved)

64. (Reserved)

65. (Reserved)

CHAPTER 46

INTOXICATING LIQUORS OR BEVERAGES

Sections:

1. Historical Data
2. Findings
3. Definitions
4. Prohibitions: Possession, Sale, and Importation
5. Prohibitions: Public consumption
6. Prohibitions: Inducement
7. Prohibitions: Furnishing Alcoholic Beverages to Intoxicated Person
8. Prohibitions: Furnishing Alcoholic Beverages to Minor
9. Prohibitions: Public Intoxication
10. Arrest or Citation of Violators; Community Service
11. Penalties: Seizures and Forfeitures
12. Penalties: Fines

**Section 1. Historical Data

In accordance with the alcohol local option election held under Alaska Statute Title 4, on August 22, 1981, at which 79 voted yes and 10 no, to prohibit the sale and importation of alcoholic beverages in Gambell, Alaska, effective September 1, 1981, it is unlawful to sell or import alcoholic beverages in Gambell and, in accordance with the local option election held on December 23, 1986, at which 72 voted yes and 13 no, to ban the possession of alcoholic beverages in Gambell, Alaska, effective January 1, 1987, it is unlawful to possess alcoholic beverages in Gambell, Alaska. The fines and penalties shall remain in effect until they are repealed by a duly held and certified alcohol local option election under Alaska Statute Title 4.

Section 2. Findings

The council finds that:

- A. The abuse of alcohol seriously interferes with the rights and privileges of city residents.
- B. The public health, safety, and welfare suffers when alcohol abuse is not controlled. There is a strong correlation between alcohol consumption and poor health, fetal damage, suicide, domestic violence, and crime.
- C. Strict regulation of alcohol is an effective tool for controlling the abuse of alcohol in Gambell because the city is small, isolated, and lacks extensively developed law enforcement or health care facilities. (14th Leg. 2nd Session: legislative findings adopted).

Section 3. Definitions.

"Alcoholic beverage" means spirituous, vinous, malt or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage by the person who possesses or attempts to possess it and that contains alcohol in any amount if the liquid is produced privately, or that contains one-half of one percent or more of alcohol by volume, if the liquid is produced commercially.

"Board" means the Alaska Alcoholic Beverage Control Board.

Section 4. Prohibitions: Sale, Importation, and Possession.

A. The sale, importation, and possession of alcoholic beverages is prohibited, except importation of sacramental wine pursuant to subsection B of this section. Except as provided in subsection B, a person may not knowingly possess, send, transport, or bring an alcoholic beverage into the City.

B. Sacramental wine may be imported if it is:

1. to be used for bona fide religious purposes based on tenets or teachings of a church or religious body,
2. limited in quantity to the amount necessary for religious purposes, and
3. kept in the custody of, and dispensed only for religious purposes by, a person recognized by the church or religious body as authorized to dispense the sacramental wine. (A.S. 04.11.501(a).)

Section 5. Prohibitions: Public consumption

A person may not consume alcoholic beverages upon public streets, alleys, parks or public school property, or in any public school building or city meeting or recreation facility, or while attending any school-related functions.

Section 6. Prohibitions: Inducement

A person may not motivate or induce another person to furnish him or her with any alcoholic beverage or to import any alcoholic beverages for him or her.

Section 7. Prohibitions: Furnishing alcoholic beverages to intoxicated person

A person may not furnish alcoholic beverages to a person who reasonably appears to be intoxicated.

Section 8. Prohibitions: Public intoxication

A person who is under the influence of alcohol may not loiter:

- A. upon public streets, alleys, parks, or public school property, or in any public school building or city meeting or recreation facility, or at any place where school related functions are taking place;
- B. in or about any business establishment, if the owner or person in charge of the business establishment has asked the person to leave; or
- C. in or about any residence or other property which is not owned or normally occupied by the person to the annoyance of the owner or normal occupants.

Section 9. Prohibitions: Furnishing alcoholic beverages to minor

A person may not furnish or induce another person to furnish alcoholic beverages to any person under 21 years of age.

Section 10. Arrest or citation of violators; Community service

- A. When a peace officer stops or contacts a person concerning a violation of Sections 5 through 8 the peace officer may, in the officer's discretion, arrest the person as provided in A.S. 12.25.010 through 12.25.160 or issue a citation to the person as provided in A.S. 12.25.180 through 12.25.220. When issuing a citation, the officer shall write on the citation the amount of bail established for the violation by the Alaska Supreme Court pursuant to A.S. 04.16.205(c) and/or the local fining authority. The officer may seize such evidence as is appropriate to support the charge.
- B. A person cited pursuant to subsection (A) of this section may, within 30 days after the date the citation is issued:
 1. mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer the amount of bail indicated on the citation and a copy of the citation indicating that the right to an appearance is waived. A plea of no contest is entered and the bail and all alcoholic

- beverages seized are forfeited; or
 - 2. perform community work in lieu of payment of the fine or a portion of the fine pursuant to subsection (c) of this section.
- C. Community work is performed at the direction of the Council. Under state law, the value of community work in lieu of a fine is \$5.00 per hour. When the community work is completed, the person cited for the violation shall mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer.
 - 1. a form, prescribed by the Alaska Court System indicating completion of the community work; and
 - 2. a copy of the citation, indicating that the right to an appearance is waived, a plea of no contest is entered, and that the bail is forfeited or community work has been performed and that all alcoholic beverages seized are forfeited.
- D. When bail has been forfeited or proof of performance of community work under this section has been filed with the court, a judgment is entered. Forfeiture of bail or filing proof of performance of community work and forfeiture of all seized items is a complete satisfaction for the violation. The clerk of court accepting the bail or the form indicating performance of community work shall provide the offender with a receipt stating that fact, if requested.
- E. If the person does not pay the bail amount stated on the citation, or fails to provide proof of performance of community work as specified in this section to the court, the citation becomes a summons.
- F. Possession of alcoholic beverages in violation of Section 4 and/or a violation of Sections 5 through 8 are not considered a criminal offense, nor is a fine imposed for violation considered criminal punishment. A person cited for a violation does not have a right to a jury trial or court-appointed counsel.

Section 11. Penalties: Seizures and forfeitures

- A. Alcoholic beverages in the possession of any person in violation of Section 4, alcoholic beverages sold or offered for sale in violation of Section 4, aircraft, vehicles, or vessels used to import, or facilitate the importation of alcoholic beverages for personal use or for sale in violation of Section 4, are subject to forfeiture.
- B. Alcoholic beverages possessed, carried, or transported in violation of Sections 4 through 9 and seized as evidence are subject to forfeiture.
- C. Property subject to forfeiture under this section may be seized as provided by A.S. 04.16.220(c) through (h). Property forfeited under this section shall be placed in the custody of the Gambell Department of Public Safety or a peace officer of the state for disposition at the direction of the court. The court shall order any alcoholic beverages forfeited under this section destroyed.

**Section 12. Penalties: Fines

- A. A person convicted of violating any ordinance contained in Sections 5 through 8 shall be fined an amount not to exceed \$200.00.
- B. An unlicensed person selling hard liquor or wine or malt beverages in Gambell commits a Class "C" felony and can be sentenced up to five years in jail and/or fined up to \$50,000.
- C. A person selling Liquor to a minor (someone under 21 years of age), commits a Class "C" Felony and can be sentenced up to five years in jail and/or fined up to \$50,000.
- D. A person who brings, sends, or transports less than 12 liters of hard liquor, or less than 24 liters of wine, or less than 12 gallons of malt beverages commits a Class "A" Misdemeanor, and can be sentenced up to one year in jail and/or fined up to \$5,000.00
- E. A person who brings, sends, or transports 12 liters or more of hard liquor, or 24 liters or more of wine, or 12 gallons or more of malt beverages commits a Class "C" Felony, and can be sentenced up to five years in jail and/or fined up to \$50,000.00.
- F. A person convicted of possession of alcoholic beverages within the boundaries of the City of Gambell may be punished by a fine of no more than \$1,000 or 200 hours of community work. When a peace officer stops or contacts a person suspected of possession, the peace officer may issue a citation to the

person. The maximum bail amount that can be forfeited without a court appearance is \$1,000. The issuing officer must write the amount of bail on the citation. If a person is cited for possession, the person may within 30 days of the date of citation either:

1. Mail or personally deliver to the clerk of the court in which the citation is filed the amount of bail shown on the citation and a copy of the citation showing that the right to an appearance is waived. A plea of no contest is entered and the bail and all alcoholic beverages seized are forfeited; or
2. Enter a plea of no contest, forfeit the alcoholic beverages seized and perform community work instead of paying the fine or a portion of the fine, as provided in Section 10.

CHAPTER 47

Reserved

CHAPTER 48

(Reserved)

CHAPTER 49

DOG CONTROL

Sections:

1. Coverage.
2. Keeping dogs confined.
3. Loose ownerless dogs.
4. Loose owned dogs.
5. Rabies vaccination.
6. Rabid dogs.
7. Rabies; loose dogs under emergency situations.
8. Disposal of dogs.
9. Age limit for disposing of dogs.
10. Penalties.

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 purposes of this chapter.

Section 2. Keeping dogs confined.

All dogs six (6) months of age or older shall be securely confined so as to pose no threat to life or property within the City. Owners are responsible for the actions of any unconfined dogs including those younger than six (6) months.

Section 3. Loose ownerless dogs.

Any loose dogs posing a threat to a person or property within the City of Gambell 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.

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

Section 5. Rabies vaccination.

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

Section 6. Rabid dogs.

Any dog believed to be sick with rabies shall be observed for fourteen (14) days and shot if found to be sick with rabies. If the dog in question has bitten anyone, the Community Health Aide and the Chief of Police shall be notified immediately.

Section 7. Rabies; loose dogs under emergency situations.

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

Section 8. Disposal of dogs.

The City of Gambell disclaims any responsibility for disposal of dogs belonging to owners in violation of any provisions of this Chapter.

Section 9. Age limit for disposing of dogs.

The Chief of Police, patrol persons, or any one twenty one (21) years of age and older shall have the power and authority to confine and/or dispose of any loose dogs as granted by the City Council.

Section 10. Penalties.

Any owner violating the provisions of this Chapter shall, upon conviction thereof, be fined not to exceed the sum of three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

CHAPTER 50

(Reserved)

CHAPTER 51

CURFEW

Sections:

1. Curfew effective.
2. Area of curfew.
3. Curfew hours.
4. Vacations and holidays.
5. Exceptions.
6. Parental responsibility.
7. Enforcement.
8. Penalty.

Section 1. Curfew effective.

Curfew shall be in effect from the day before the first day of school in the late summer/fall until the last day of school in the spring.

Section 2. Area of curfew.

This chapter is in effect for the total area within the city limits.

Section 3. Curfew hours.

No person under the age of eighteen (18) may remain, congregate, or loiter in or upon any public place, vacant lot or city roads, sidewalks, or alleys between the hours of 10:00 P.M. and 6:00 a.m., Sunday through Thursday, and 12:00 A.M. through 6:00 A.M., Friday and Saturday, unless accompanied by a parent or adult guardian.

Section 4. Vacations and holidays.

During any declared school holiday or vacation, the curfew hours established shall be 1:00 A.M. to 6:00 A.M. on all days of the week except that Sunday curfew hours shall be in effect the last day of such vacation immediately prior to the next school day.

Section 5. Exceptions.

The curfew hours established by this Chapter may be suspended or altered by the Council to permit minors to attend or participate in school, group-sponsored, or community activities, or to permit individual minors at evening employment to remain at their places of employment for not more than one hour after the usual curfew. For such exception to be granted, the minor must have in his or her possession a written statement from his/her parent or guardian giving the place and the hours of employment.

Section 6. Parental responsibility.

It is unlawful for any parent or other adult person having the custody of a minor to allow the minor on the public streets or in any other public place in the City during the prohibited hours described in this Chapter unless the minor is accompanied by a parent, or guardian, or an adult person charged with control of the minor, or the minor has in his or her possession a note signed by the parent or guardian authorizing said minor to be out and enroute home. The signed note shall state specifically the time the minor is to be home. The presence of a minor on or in a public street or place as described above, in violation of this Chapter shall be primary evidence of the guilt of the parent or other adult person having the custody or control of the minor.

**Section 7. Enforcement.

City and State peace officers, and the City Council shall enforce the provisions of this Chapter according to State law.

**Section 8. Penalty.

- A. Curfew violations by a minor shall be punished according to the following schedule:
 - 1. First violation verbal warning;
 - 2. second violation.written warning;
 - 3. third violation \$10.00;
 - 4. fourth violation or more . \$20.00.
- B. If a violation by a minor occurs which is more than three months in time from another violation, then that violation is considered the first violation.
- C. The amount of the penalty assessed against a minor for a violation of this Chapter may be paid off by working for the City at not less than the minimum wage or other court-approved activities according to the juvenile laws of the State.
- D. Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Any parent or guardian violating the provisions of this Chapter shall, upon conviction thereof, be fined not to exceed the sum of three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

CHAPTER 52

OFFENSES BY OR AGAINST MINORS

Sections:

1. Selling tobacco to children.
2. Selling intoxicating liquor to minors.
3. Penalties.

**Section 1. Selling tobacco to children.

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

Section 2. Selling intoxicating liquor to minors.

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

Section 3. Penalties.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, 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 three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 53

Reserved

CHAPTER 54

LITTER; SANITATION MEASURES

Sections:

1. Litter unlawful.
2. Notice to abate; removal by City.
3. Polluting water.
4. Water and sewer.
5. Authorized dump area.
6. Penalty.

Section 1. Litter unlawful.

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

- A. Cause or allow litter to be collected, deposited or to remain in any place under his control;
- B. throw or deposit litter in or upon any street or public place except in public receptacles, in private receptacles for disposal, or in disposal areas designated by the City;
- C. drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or litter on it, from falling upon any street, alley or public place; and
- D. throw or deposit litter on any private property, whether owned by the person or not;
- E. dump litter, trash, slops or honey buckets upon the sea ice; and
- F. cause any litter, trash or refuse to be dumped or collect in the ditches, over the cliff, or in the trees close to the creek.

Section 2. Notice to abate; removal by City.

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

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

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

Section 3. Polluting water.

It is unlawful for any person to throw, empty out or deposit in any ditch or near any inhabited place, the suds or filthy water resulting from the washing of clothes, slops from kitchens, honey buckets, or other foul or filthy matter or allow the same to stand on his own premises or to seep into the premises of another.

Section 4. Water and sewer.

It shall be unlawful for any person, company or organization to deposit, dump, or in any manner dispose of human waste,

offal, or excrement within the city limits except as provided in Chapter 37 Rules and Regulation of the Gambell Utility Board of this code.

Section 5. Authorized dump area.

For the purposes of this chapter, the authorized disposal area shall be the dump area(s) commonly used for dumping as designated by the City Council.

Section 6. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, 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 three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 55

PROTECTION OF WATERSHED

Sections:

1. Definitions.
2. Location of watershed.
3. Prohibited acts.
4. Penalty.

Section 1. Definitions.

As used in this chapter,

- A. "Pollution" means the contamination or altering of waters, land, or subsurface land within a watershed in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, or noxious, or impure, or unfit, so that they are actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, subsistence, or recreational use, or to wild animals, birds, fish or other aquatic life.
- B. "Refuse" means garbage, sewage, ashes, cinders, litter, surplus construction materials or debris, offal, dead animal or animal part, oil, tar, petroleum distillate, chemical, radioactive material, industrial waste and all other liquid or solid putrescible and nonputrescible wastes, from all public and private establishments and residences.
- C. "Watershed" means the area or areas of land surrounding and draining into the lakes, ponds, lagoons, springs, creeks, rivers or other bodies of water which have been designated by the Council as principal sources of domestic water supply for the City.

Section 2. Location of Watershed.

The watershed used by the City is located on and in the spring fed creek running through the City known as Gambell Creek and commonly known as the City's drinking water watershed.

Section 3. Prohibited Acts.

In order to protect the general public from consuming contaminated water and to ensure that the public shall have uncontaminated water in the future it shall be unlawful to:

- A. Dump solid, liquid, or other refuse in any form near or in the area or areas designated as watershed or in streams or rivers used for consumption of water by the public; or
- B. Use the watershed in any manner or engage in any activity that would pollute the watershed.

Section 4. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, 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 three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 56

OFFENSES AGAINST PROPERTY

Sections:

1. Tampering with sewer and water system.
2. Injury to public library books or property.
3. Injury to roads and other utilities.
4. Injury to public property or equipment
5. Penalty.

Section 1. Tampering with sewer and water system.

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

Section 2. Injury to public library books or property.

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

Section 3. Injury to roads and other utilities.

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

Section 4. Injury to public property or equipment.

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

Section 5. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, 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 three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 57

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.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, 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 three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 58

OFFENSES AGAINST PUBLIC PEACE

Sections:

1. Disturbance of peace.
2. Disturbing congregations or other assemblies.
3. Blasphemous or obscene language.
4. Penalty.

Section 1. Disturbance of peace.

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

Section 2. Disturbing congregations or other assemblies.

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

Section 3. Blasphemous or obscene language.

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

Section 4. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, 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 three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 59

(Reserved)

CHAPTER 60

(Reserved)

CHAPTER 61

MOTOR VEHICLES

Sections:

1. Definitions.
2. Coverage.
3. Excessive Speed.
4. Unsafe Operation.
5. Obstructing airstrip.
6. Influence of intoxicating liquor or beverage.
7. Required equipment; snow machines.
8. Required equipment; all land based vehicles.
9. Reporting of accidents.
10. Minors under twelve years of age
11. Penalties.

Section 1. Definitions.

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

Section 2. Coverage.

This chapter is effective within the city limits of Gambell including the airport and applies to all roads and trails over which the City exercises control, whether within or outside of the city limits of Gambell.

Section 3. Excessive Speed.

It shall be unlawful for any motor vehicle, including motor scooters, motorcycles, motor driven bicycles, snowmobiles, three wheelers, snow planes, wheel and tracked vehicles, and including boats and other waterbased craft, to travel at an excessive speed within the city limits of Gambell. A snow machine (sno-go, etc.) is considered a motor vehicle. Regardless of any posted limit, it is also unlawful to drive a land based vehicle at a speed greater than is reasonable under the existing road or weather conditions.

Section 4. Unsafe operation.

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

Section 5. Obstructing airstrip.

- A. No person may place an object on the surface of the airstrip which because of its nature or location might cause injury or damage to an aircraft or person(s) riding in the aircraft.
- B. No person may dig a hole or make any kind of excavation, or drive a sled, tractor, truck or any kind of vehicle upon the surface of the airstrip which might make ruts, or tracks, or add to an accumulation of tracks so as to cause sufficient roughness of the surface to endanger aircraft using the airstrip.

Section 6. Influence of intoxicating liquor or beverage.

No driver of any vehicle be it water or land-based, shall be under the influence of intoxicating liquor or beverage.

Section 7. Required equipment; snow machines.

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

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

Section 8. Required equipment; all land based vehicles.

- A. It shall be unlawful to operate any vehicle without operating lights, either front or back.
- B. Vehicles must be muffled. It shall be unlawful to operate any vehicle without a muffler.
- C. It shall be unlawful to operate any vehicle without a throttle in operating condition which when released by hand or foot will return the engine speed to idle.
- D. It shall be unlawful to operate any vehicle without brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.

Section 9. Reporting of accidents.

The operator of a vehicle involved in an accident resulting in injury to or death of a person, or property damage other than to his or her own vehicle the estimated amount of which is \$100 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest State Trooper or the Village Public Safety Officer.

**Section 10 Minors under twelve years of age.

It shall be unlawful for any person under twelve (12) years of age to operate a All Terrain Vehicle (ATV) within the city limits unless accompanied by a parent or any person over eighteen (18) years of age by permission of the parent or guardian.

**Section 11. Penalties.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, 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 three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

Violations of provisions of this Chapter shall result in a fine as follows:

- A. First violation: \$10; Second Violation: \$20.00; Third violation: \$30.00
- B. Fines/penalties for all other infractions, or for those infractions in excess of those listed above will be set by the Gambell City Council.
- C. Those persons receiving citation beyond the third offense will be required to attend the general city council meeting held on the first Monday and a hearing will be held with further penalty imposed.

- D. A person receiving a citation may appear before the city council at its next regularly scheduled meeting to appeal the citation. A proof of the error may be needed to successfully appeal the citation.

CHAPTER 62

CONTROL OF FIREARMS, DEADLY WEAPONS, EXPLOSIVES, FIREWORKS

Sections:

1. Definitions.
2. Carrying concealed weapons.
3. Carrying loaded firearms.
4. Discharging firearms.
5. Explosives.
6. Exclusions.
7. Fireworks.
8. Penalty

Section 1. Definitions.

"Dangerous weapon" means any firearm, air gun, pellet gun, or anything designed for and capable of causing death or serious physical injury, including but not restricted to a knife, an ax, a club, metal knuckles, or an explosive.

Section 2. Carrying concealed weapons.

It is unlawful for any person to carry any firearm or any dangerous weapon of any kind in a concealed manner within the city limits.

Section 3. Carrying loaded firearms.

It is unlawful for any person to have any firearm in his or her possession or control when in a public place or on any public street within the City, unless all ammunition has been removed from the chamber, cylinder, clip, or magazine.

Section 4. Discharging firearms.

It is unlawful for any person to fire or discharge any pistol, gun, rifle, air rifle, pellet gun, BB gun, or any other firearm within the city limits.

Section 5. Explosives.

It is unlawful for any person to detonate an explosive device within the city limits without first obtaining the permission of the Council to do so and posting a bond in such amount as the Council may determine appropriate to compensate for potential damage from the use of the explosives.

Section 6. Exclusions.

- A. Sections 2 and 3 of this ordinance do not apply to any duly authorized City, State, or Federal law enforcement officer in the performance of official duties.
- B. Section 4 of this ordinance does not apply to duly authorized City, State, or Federal law enforcement officers under the following circumstances:
 1. When the use of the firearm is necessary to protect himself, a prisoner, another officer or a citizen from a dangerous and felonious assault;
 2. when the use of a firearm is necessary to prevent a person who has committed a felony from escaping;
 3. when the use of a firearm is necessary to dispose of loose dogs as otherwise defined in this Code.

- C. Under no circumstances shall an officer fire upon any person who is attempting to escape arrest on a misdemeanor or lesser charge.
- D. Section 4 of this ordinance does not apply to a person who is:
 - 1. firing a firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law;
 - 2. sighting in firearms at a time and location approved by the Council;
 - 3. who is engaged in subsistence activities, and
 - 4. at such times as designated by the Council such as New Year's Eve.

Section 7. Fireworks.

No persons shall sell or offer for sale within the City any dangerous fireworks, and no person shall sell or offer for sale within the City any salable fireworks without first obtaining a permit from the City Council to do so.

No persons shall explode or cause to be exploded within the City any dangerous fireworks and no person shall explode or cause to be exploded within the City any salable fireworks without first obtaining a permit to do so.

"Dangerous fireworks" and "salable fireworks" as used in this Chapter are defined as they are defined in Alaska Statute 18.72.050 or as otherwise defined in the Fire Safety Code of the State adopted and administered by the Division of Fire Prevention of the Department of Public Safety.

Section 8. Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, 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 three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 63

(Reserved)

CHAPTER 64

(Reserved)

CHAPTER 65

(Reserved)

Title VIII. ELECTIONS

Chapter	66.	City Elections
	67.	Election Equipment and Materials
	68.	Election Procedures
	69.	Absentee Voting
	70.	Review of Election Returns
	71.	Contest of Election
	72.	(Reserved)
	73.	(Reserved)

CHAPTER 66

CITY ELECTIONS

Sections:

1. Administration.
2. Voter qualifications.
3. Residence criteria.
4. General elections.
5. Special elections.
6. Election notices.
7. 40% of votes cast required.
8. Run-off elections.
9. Tie votes.
10. Qualifications for City Council.
11. Filing for office.
12. Withdrawal; written notice.
13. Publishing names.
14. Election judges.

Section 1. Administration.

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

Section 2. Voter qualifications.

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

- A. is a United States citizen who is qualified to vote in State elections;
- B. has been a resident of Gambell for 30 days immediately preceding the election;
- C. is registered to vote in state elections; and
- D. is not disqualified under Article V of the constitution of the State of Alaska which provides that;

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

Section 3. Residence criteria.

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

- A. No person may be considered to have gained a residence solely by reason of his/her presence nor may he lose it solely by reason of his/her absence while in the civil or military service of the state or of the United States, or of his/her absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of

waters of the state, of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.

- B. The residence of a person is that place in which his/her habitation is fixed, and to which, whenever he/she is absent, he/she has the intention to return. If a person resides in one place, but does business in another, the former is his/her place of residence. Temporary construction camps do not constitute a dwelling place.
- C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- D. A person does not lose his/her residence if he/she leaves his/her home and goes to another country, state, or place in Alaska for temporary purposes only and with the intent of returning.
- E. A person does not gain residency by coming to the City without the present intention to establish his/her permanent dwelling in the City.
- F. A person loses his/her residence in the City if he/she votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he/she again qualifies under this Chapter.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his/her official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his/her voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his/her new voting residence.

Section 4. General elections.

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

Section 5. Special elections.

- A. If a petition submitted by voters for an initiative, referendum or recall election is certified sufficient by the City Clerk and submitted to the City Council, the Council shall resolve that a special election be held on the question on the ninth (9th) Tuesday following submission of the petition to the Council.
- B. If a special election is required by act of the City Council, the City Council shall resolve that a special election on the question proposed by the Council's ordinance or resolution be held on the sixth (6th) Tuesday following the Council's action.
- C. If the regular general election held each year on the first Tuesday of October occurs within seventy-five (75) days of the date of submission of a petition by voters for an initiative, referendum, or recall election, or if the regular general election occurs within seventy-five (75) days of Council action which requires election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.
- D. Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of election.

Section 6. Election notices.

- A. Election notices shall be prepared and posted in three public places by the City Clerk for 30 days preceding the date of the general election and for 20 days preceding the date of a special election, and shall contain the following, as is appropriate:
 - 1. Whether the election is general, special or runoff;
 - 2. date of the election;
 - 3. location of the city polling place(s);
 - 4. time the polling place(s) will open and close;
 - 5. offices to be filled;
 - 6. a statement describing voter qualifications;

7. time for filing declarations of candidacy and nominating petitions;
8. a statement of any questions or propositions to be placed on the ballot.

B. A sample election notice that may be used is shown at the end of this chapter.

Section 7. 40% of votes cast required.

A candidate must receive greater than 40 percent (40%) of the votes cast for his or her respective office in order to win the election.

Section 8. Run-off elections.

If no candidate receives greater than 40 percent (40%) of the votes cast, the Council shall hold a run-off election between the two (2) candidates receiving the greatest number of votes for the office and the leading candidate wins. Run-off elections shall be held on the second Tuesday following the date the Council certifies the election. Notice of the run-off election shall be posted in three (3) public places for at least 5 days before the election.

**Section 9. Tie votes.

In the event of a tie vote and after a recount of ballots that confirms the tie vote the Council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner. If one or more of the tied candidates does not appear before the council, the presiding officer shall direct the clerk or other non-interested person to draw straws or flip a coin to determine the winner.

Section 10. Qualifications for City Council.

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

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

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

Section 11. Filing for office.

- A. A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the City Clerk. This shall be filed no sooner than 30 days and no later than 10 days before the election.
- B. A person filing for a City Council seat must meet the qualifications of Section 10 of this Chapter.
- C. The form appearing at the end of this chapter illustrates the form to be used for the declaration of candidacy and nominating petition.

Section 12. Withdrawal, written notice.

Any candidate who has complied with the provisions of this Chapter may withdraw his candidacy no later than the last day for filing a declaration of candidacy (10 days before the election) by filing a written notice of withdrawal with the City Clerk.

Section 13. Publishing names.

The City Clerk shall cause to be posted in three (3) public places five (5) days next preceding the day of election, the names

of all candidates who have declared and been nominated and designating the office for which such persons have declared and been nominated.

Section 14. Election judges.

- A. The Council shall each year choose three city voters as judges to be the election board at each polling place and select one of the judges to chair the board. The judges shall not be Council members or candidates for office. If an appointed judge fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.
- B. The City Clerk shall give the following written oath to all election judges on or before election day:

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

SIGNED: _____

ATTEST: _____
City Clerk

- C. Pay of election judges shall be determined by the Council.
- D. At least one of the judges shall be fluent in the Gambell dialect of the Eskimo language in order to assist voters who may have difficulty with the ballot.
- E. The election supervisor may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three election clerks to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

NOTICE OF GENERAL MUNICIPAL ELECTION
CITY OF GAMBELL, ALASKA

TO BE HELD: OCTOBER ____, 19

FOR THE PURPOSE OF FILLING THREE (3) VACANT SEATS ON THE CITY COUNCIL OF GAMBELL.

SEAT : 3-YEAR TERM
SEAT : 3-YEAR TERM
SEAT : 3-YEAR TERM

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

POLLS WILL OPEN: 8:00 A.M., OCTOBER ____, 19
POLLS WILL CLOSE: 8:00 P.M., OCTOBER ____, 19
LOCATION OF POLLS: CITY OFFICES

VOTING BOUNDARY (PRECINCT)
CITY OF GAMBELL

Candidates for office must file a declaration of candidacy with the City Clerk no later than 5:00 p.m. September ____, 19__.
Sample declaration of candidacy and nominating petition forms may be obtained from the City Clerk at the city offices from
9:00 a.m. to 5:00 p.m., Monday through Friday.

(DATE)

ATTEST: _____
(CITY CLERK)

[CITY SEAL]

DECLARATION OF CANDIDACY

I, _____, declare that I am a United States citizen qualified to vote in State of Alaska elections and registered to vote therein and I have been or will have been by the date of the election for which I am filing this declaration a resident of the City of Gambell for at least three years. I am not disqualified as a voter under Article V of the Alaska Constitution, which provides in Section 2 that:

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

I declare myself a candidate of the office of _____
for Seat ___ for a term of ___ years commencing _____ and ending _____, and request that my name be printed upon the official ballot for the municipal election to be held in the City of Gambell, Alaska on ___ day of
19__.

Signature: _____

NOMINATING PETITION

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

WE UNDERSTAND THAT THE CANDIDATE, WHOSE ADDRESS IS _____ ALASKA, IS A QUALIFIED VOTER RESIDENT OF GAMBELL FOR THREE YEARS PRECEDING THE DATE OF ELECTION AND HAS AGREED TO SERVE IF ELECTED.

NAME	ADDRESS
------	---------

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

Received
(date)

ATTEST:
City Clerk

CHAPTER 67

ELECTION EQUIPMENT AND MATERIALS

Sections:

1. Election booths.
2. Furnishing instruction cards.
3. Ballots; printing; sample ballots.
4. Ballots; form.
5. Other materials.

Section 1. Election booths.

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

Section 2. Furnishing instruction cards.

The election supervisor shall prepare for each polling place instructions for voters on the following:

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

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

Section 3. Ballots; printing; sample ballots.

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

Section 4. Ballots; form.

- A. The ballots shall state at the top whether the election is a regular, special, or runoff election.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The Clerk shall assure that there are one-third more ballots printed and numbered than there are registered voters in Gambell, in order to provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be printed the words "vote for not more than three," or "vote for not more than one", or such other number as is to be elected.
- F. Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for one" or such other number as are to be elected to that office. The ballots shall list the office for which votes

may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by a blank line or lines for write-in candidates. In regular and special elections the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office. No blank lines shall be provided for runoff elections.

- G. Print the names of the candidates in the same size capital letters. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, print a square not less than one-quarter of an inch on each side.
- H. Print the names of candidates as they appear on the declaration of candidacy and nominating petitions filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted.
- I. Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted on, if any. Provision shall be made for marking the propositions or questions "Yes" or "No."
- J. Somewhere on the ballots, so as to be clearly visible, print the words:
 - 1. "OFFICIAL BALLOT":
 - 2. The date of the election; and
 - 3. an example of the signature of the Clerk who had the ballots printed.
- K. See the sample ballot at the end of this chapter for an example of the ballot format.

Section 5. Other materials.

At least 10 days before the day of the election, the Clerk shall prepare the following materials:

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

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

CITY OF GAMBELL, ALASKA
REGULAR ELECTION OF (DATE)

Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to vote for. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election judge or Clerk. You will be given another ballot.

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

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

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

VOTE FOR NOT MORE THAN THREE

- | | |
|--|--|
| <input type="checkbox"/> CITY COUNCILMEMBER | <input type="checkbox"/> CITY COUNCILMEMBER |
| <input type="checkbox"/> SEAT : THREE YEARS | <input type="checkbox"/> SEAT : THREE YEARS |
| <input type="checkbox"/> (VOTE FOR ONE ONLY) | <input type="checkbox"/> (VOTE FOR ONE ONLY) |

- CITY COUNCILMEMBER
 SEAT : THREE YEARS
 (VOTE FOR ONE ONLY)

PROPOSITIONS: _____

YES

NO

OFFICIAL BALLOT

Prepared by: _____
City Clerk

CHAPTER 68

ELECTION PROCEDURES

Sections:

1. Time for opening and closing polls and location.
2. Distribution of ballots.
3. Distribution of other election materials.
4. Preparation of ballot box.
5. Voting; general procedure.
6. Voting; spoiled ballots.
7. Voting; questioned ballots.
8. Assisting voter by judge.
9. Prohibitions.
10. Administration of oaths.
11. Majority decision of election board.
12. Ballots; counting and tallying.
13. Rules for counting ballots.
14. Report of election results.
15. Posting certificate of preliminary election results.

Section 1. Time for opening and closing polls and locations.

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

Section 2. Distribution of ballots.

- A. Before the polls open on election day, the election supervisor shall deliver the ballots and sample ballots prepared pursuant to Chapter 67 to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.
- B. The election supervisor shall keep the following records:
 1. The number of ballots delivered to the polling place;
 2. the time the ballots are delivered; and
 3. the name of the person to whom the ballots are delivered;

4. the receipt given for the ballots by the election board.
- C. When the ballots are returned, the election supervisor shall record the following:
1. The number of the ballots returned;
 2. the time the ballots are returned;
 3. the name of the person returning the ballots; and
 4. the condition of the ballots.

Section 3. Distribution of other election materials.

- A. On election day, the election supervisor shall also furnish the election board judges at each polling place with voting booths and ballot box (with lock or sealing materials); and the following materials: the updated Master Voter Registration List; a Blank Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, the City's election ordinances; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes.
- B. The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

Section 4. Preparation of ballot box.

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

Section 5. Voting; general procedure.

- A. A voter shall give the judges or clerks his name, and print and sign his name, and write his residence address on the first available line of the blank register. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered to vote, he shall immediately question the voter.
- B. If the voter is not questioned, the judge or clerk shall give the voter a single ballot and note its number in the register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter also marks the boxes to indicate his vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or Clerks, who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges and Clerks. The voter shall then himself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.
- C. If a voter is questioned, the voter may cast a questioned ballot pursuant to Section 7 of this Chapter.

Section 6. Voting; spoiled ballots.

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

Section 7. Voting; questioned ballots.

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

Section 8. Assisting voter by judge.

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

Section 9. Prohibitions.

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

Section 10. Administration of oaths.

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

Section 11. Majority decision of election board.

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

Section 12. Ballots; counting and tallying.

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before 8:00 P.M. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to continue without a break until the count is complete.
- B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; (4) the number of ballots unused. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and the explanation signed by the election judges.
- C. At the end of this chapter are sample Tally Sheets and Ballot Statement forms that may be used.

Section 13. Rules for counting ballots.

- A. The election board shall count ballots according to the following rules.
 1. A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or propositions the voter wants to choose.
 2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
 3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 5. The mark specified in subsection "A" of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
 6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
 8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was marked for the purpose of identifying the ballot.
 9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written in as a write-in vote.
 10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote

and the office intended to be chosen by the voter.

- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
- C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection "A" of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.
- D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion or portion of the ballot to which the objection applies.
- E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," which shall be delivered to the election supervisor.

Section 14. Report of election results.

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Friday following the election when the committee meet.
- B. The election supervisor shall place all election materials received from the election board in the office safe, or other lockable container if no safe is available, until the canvass of election returns on the Friday following the election. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates.

Section 15. Posting certificate of preliminary election results.

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

CITY OF GAMBELL, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY

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

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

SIGNED:

(NAME)

(ADDRESS)

WITNESSED

Election Judge

TALLY SHEET
CITY OF GAMBELL, ALASKA

(DATE OF ELECTION)

(DATE & TIME OF VOTE COUNT)

_____ .Seat .Seat .Seat .Seat .Seat .Seat .Seat .
Candidate A B C D E F G TOTAL

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

Write-In

- 1.
- 2.

Propositions Yes No

CITY OF GAMBELL, ALASKA

REPORT OF PRELIMINARY ELECTION RESULTS

The tally below is a true and accurate record of all regular votes cast in the _____ election held in the City of Gambell, Alaska on _____, 19 ____.

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	5.		
2. _____	6.		
3. _____	7.		
4. _____	8.		

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	5.		
2. _____	6.		
3. _____	7.		
4. _____	8.		

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	5.		
2. _____	6.		
3. _____	7.		
4. _____	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 BALLOTS

Total Ballots Received From Election Supervisor:

Total Regular Ballots Cast:

Total Questioned Ballots Cast:

Total Ballots Returned to Clerk: Defective

Spoiled

Unused:

The tally of votes was completed between the hours of ____ p.m. and ____ p.m. on _____, 19 ____.

Respectfully submitted,

_____, Election Board Chairman

_____, Election Judge

_____, Election Judge

ATTEST:

City Clerk

CHAPTER 69

ABSENTEE VOTING

Sections:

1. Absentee voting; eligible persons.
2. Absentee ballots; application; filing.
3. Ballot and envelope form.
4. Absentee voting procedures.
5. Absentee ballots; delivery.
6. Absentee voting at Clerk's office; absentee voter's ballot.
7. Absentee ballots; executing outside city.
8. Voting at the polls; absentee voters; surrender of 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; application; 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. An application made by mail must be received by the City Clerk no more than twenty days, nor less than three days before a city election. An application made in person must be filed with the City Clerk not more than twenty days before the city election, and no later than noon on the day before a city election.
- C. The application must be signed by the applicant and show his place of residence.
- 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 in 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. See the sample application form at the end of this chapter.

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 shall be smaller than the return envelope so it may easily be enclosed in the return envelope. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The ballot envelope and the return envelope shall be of heavy opaque paper. The return envelope shall have printed upon its back the affidavit and certification shown 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 Section 4, Chapter 67 together with a ballot envelope and a prepaid return envelope.
- 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 in the blank register the following information: the number of the ballot issued, the name of the voter to whom it was 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. To be counted, an absentee voter's ballot must be executed before the polls close in the City and be received by the Clerk prior to the time the ballots are canvassed by the election review committee.
- E. All supplies necessary for the voter to cast and return his ballot will be furnished by the Clerk. No city official may make any charge for services rendered to any voter under the provisions of this Chapter.

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 voted. The voter shall fold the ballot and seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the back of the return envelope and deliver it to the Clerk. The Clerk shall certify to the affidavit on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the Council for canvassing.

Section 6. Absentee voting at Clerk's office; absentee voter's ballot.

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the 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 in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter voted. The voter shall fold the ballot and 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 back 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 his custody to be delivered to the Council for canvassing.

Section 7. Absentee ballots; executing outside city.

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner as he would cast it in the office of the City Clerk under Section 6 of this chapter. 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 envelope, and return envelope issued to him. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the election supervisor by the election board with other ballots not used at the polling place.

Section 9. Retention of absentee ballots; delivery.

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

Section 10. Liberal construction.

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

CITY OF GAMBELL, ALASKA

APPLICATION FOR ABSENTEE BALLOT:

I, _____, A QUALIFIED VOTER AND RESIDENT OF THE CITY OF GAMBELL, ALASKA DO HEREBY
MAKE APPLICATION FOR AN ABSENTEE BALLOT FOR THE _____ CITY ELECTION TO BE HELD
, 19 ____.

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

MAILING ADDRESS:
(IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE BALLOT:

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

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

DATE: _____ SIGNED:
(VOTER)

RECEIVED BY: _____ DATE:

PLEASE MAIL THIS APPLICATION TO: CITY CLERK
CITY OF GAMBELL
GAMBELL, ALASKA
99762

CHAPTER 70

REVIEW OF ELECTION RETURNS

Sections:

1. Election review committee; meeting.
2. Review to be public.
3. Procedure for questioned ballot review.
4. Questioned ballots; subpoenas.
5. Absentee ballots.
6. Counting absentee and questioned ballots.
7. Defective ballots.
8. Certifying results.
9. Contest of Election.
10. Certificate of election.
11. Retention of election records.

Section 1. Election review committee; meeting.

- A. The City Council acting as the election review committee shall meet on the first Friday after the election and canvass all absentee and questioned and defective ballots executed in the election. If the Council is unable to obtain a quorum or complete the count on the Friday after the election, the canvass will be continued the following day and each day thereafter until completed.
- B. The City Clerk shall submit to the Council the election board's Report of Preliminary Election Results, the Master Voter Registration List, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective and objected-to ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

Section 2. Review to be public.

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

Section 3. 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 in state elections. The election supervisor shall record the names of those questioned voters who are 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 in subsection B,4 of this section.
- B. The Council meeting as the election review committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the Council may request the assistance of the Clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the Council's decision. If the Council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the Council upholds the challenge, the decision shall be noted in the minutes.

and the oath and affidavit envelope shall not be opened, but shall be saved with the other election 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 the challenge in writing. The election review committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this subsection.
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 challenge. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe.
4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots. 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 4. Questioned ballots; subpoenas.

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

Section 5. Absentee ballots.

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

Section 6. Counting absentee and questioned ballots.

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

Section 7. Defective ballots.

Councilmembers 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 8. Certifying results.

If no contest of election is begun under the provisions of Chapter 71 of this Code and after all absentee, defective and questioned ballots are counted or rejected the Council shall:

- A. Certify a report that shows:
 - 1. The total number of ballots cast in the election;
 - 2. the names of the persons voted for (including write-ins) and the propositions voted upon;
 - 3 the offices voted for;
 - 4. the number of votes cast for each candidate and 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; and
 - 6. any other matters which the Council deems necessary to preserve a complete record of the election.
- B. record the results of the election in the minutes of the meeting;
- C. authorize the results to be certified;
- D. publicly declare the results of the election.

**Section 9. Contest of election.

If a contest of election is declared and resolved, the procedures of Section 8, A-D shall be followed at a special meeting held on the first Monday after resolution of the contest.

Section 10. 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 Clerk. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful questions or propositions named thereon, and the other original of each certificate shall be kept by the City.
- B. The forms appearing at the end of this chapter illustrate the certificates of election.

Section 11. 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 Nome 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.

CITY OF GAMBELL, ALASKA

REPORT OF ELECTION RESULTS

THE TALLY BELOW IS A TRUE AND ACCURATE RECORD OF ALL VOTES CAST IN THE ELECTION HELD IN THE CITY OF GAMBELL, ALASKA ON _____, 19 ____.

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	5.		
2. _____	6.		
3. _____	7.		
4. _____	8.		

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	5.		
2. _____	6.		
3. _____	7.		
4. _____	8.		

OFFICE: CITY COUNCIL SEAT

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	5.		
2. _____	6.		
3. _____	7.		
4. _____	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 BALLOTS

Total Ballots Cast:

Total Regular Ballots Cast:

Total Questioned Ballots Cast:

Disposition:
Accepted
Rejected

Total Absentee Ballots Cast:

Disposition:
Accepted
Rejected

Total Defective Ballots Cast:

Disposition:
Accepted
Rejected

The canvass of the election was completed between the hours of ____m. and ____m. on _____, 19__.

Mayor

ATTEST:

City Clerk

[City
Seat]

City of Gambell, Alaska

CERTIFICATE OF ELECTION

THIS IS TO CERTIFY that on the ____ day of _____, 19____, _____ was elected to the office of
of the City of Gambell, Alaska, as confirmed by the City Council of the City of Gambell upon completion of the final canvass
of ballots on the ____ day of _____, 19 ____.

DATED at Gambell, Alaska this ____ day of _____, 19____.

Mayor

ATTEST:

City Clerk

[City
Seal]

City of Gambell, Alaska

CERTIFICATE OF ELECTION -- BALLOT PROPOSITION

THIS IS TO CERTIFY that on the ____ day of _____, 19____, the ballot proposition relating to _____, a true and correct copy of which is attached hereto, was approved by the voters of the City of Gambell as confirmed by the City Council of the City of Gambell upon completion of the final canvass of ballots on the ____ day of _____, 19 ____.

DATED at Gambell, Alaska this ____ day of _____, 19 ____.

Mayor

ATTEST:

City Clerk

[City
Seal]

CHAPTER 71

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

Section 3. Ballot recount.

If only a recount of 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 election review committee shall make a recount. The Council shall then certify the correct election returns as provided in Chapter 70, Section B.

Section 6. Recount expenses; appeal.

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and 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 Nome, 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 10 days after the Council has finally declared the election results, an action in the Superior Court in Nome. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final, and valid in all respects.

AFFIDAVIT OF ELECTION CONTEST

The undersigned believes that prohibited practices occurred at the _____ municipal election held on _____, 19 ____ at Gambell, Alaska.

The undersigned states that the following laws were violated.

_____.

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

_____.

Signature of Person Contesting

Received Date & Time:

City Clerk:

[City
Seal]

CHAPTER 72

(Reserved)

CHAPTER 73

(Reserved)

Title IX. PERSONNEL

CHAPTER

74. Responsibilities of officers and employees.

75. Personnel Policies.

CHAPTER 74

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

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 emolument 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 Mayor and the Clerk who shall immediately notify the Council. Appointed employees shall follow the procedures found in the city's Personnel Policy Chapter 75, for resignation.

Section 6. Conflicts of interest.

A. Prohibitions.

1. No elected official, appointed city officer, or city employee shall use his/her office or official position for the primary purpose of obtaining financial gain for him/herself or his/her spouse, child, mother, father or business with which he/she is associated or owns 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 he has 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 his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her 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 his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from voting for or participating in granting any award or bonus authorized by the Council to be given for meritorious service.

B. Financial interests which may be conflicts of interest.

The following is a list of examples of financial interests substantial enough that any 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. He or she (or a member of his or her immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence, that will be affected by the vote or action.
2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of \$1,000 or more that will be affected by the vote or action.
3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business of \$1,000 or more that will be affected by the vote or action.
4. He or she (or a member of his or her immediate family) is a member of a board of directors or governing body or an officer of, or holds a management position with an organization that has financial dealings of \$1,000 or more with the City that will be affected by his or her vote or action.

C. Conflicts of interest and disclosure; City Councilmembers.

1. Each Councilmember shall disclose any financial interest he or she may have in any matter that has come before the Council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.
2. The Mayor shall rule on the request of a Councilmember to be excused from voting on a matter in which the member has or believes he or she has a substantial financial interest, unless the Mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the Council shall designate another 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, the Councilmember with the potential conflict or the Mayor decides that the financial interest must be disclosed to the Council, the Councilmember shall disclose the interest to the Council as provided in Subsection C,2 above.
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 he or she may have in any matter that has come before the officer or employee for action in the course of his or her duties. If either the officer or employee making the disclosure, the Mayor, or a majority of the members of the Council conclude that the financial interest in question is substantial, then the officer or employee shall not act or participate in taking action on the matter.
2. Any resident of the City who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other 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 he or she should refrain from acting on 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 Councilmember) 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 his or her city office or employment. Such suspensions shall be for a period of 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 his or her office or job. Such discharge shall be made upon a two-thirds majority vote of the Council.
2. Any person who willfully violates any provision 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 his or her oath of office and shall be subject to immediate discharge from the Council or from office by two-thirds vote of the Council. Any willful violation of any provision of Subsection B. by any city employee shall be cause for immediate disciplinary action and possible dismissal from employment.
4. No Councilmember may vote on any question of his or her own suspension or discharge.

**CHAPTER 75

CITY OF GAMBELL PERSONNEL POLICIES

Sections

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

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 so 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 otherwise contrary to law.

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 operated by the City.

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. These policies do not constitute, and are not a part of, any contract with a city employee except as may be specifically incorporated in a written contract, whether oral or written, with an employee of the City creates a right to an indefinite period of employment. 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 approval 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 and W-2 forms 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, previous work experience, and such other materials as would be available for public inspection under AS 39.25.80 if such records were in the personnel files of a state employee 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 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.

C. No Political Party Assessments. No person may require any assessment, subscription, contribution, or service for any political party from an employee. City employees shall not engage in partisan political activity while on duty, whether on or off city property. In certain instances, the Council may grant a waiver to city employees(s) to engage in political activity if the activity is determined beneficial to the City's goals and objectives.

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.

F. Outside Employment. Outside employment by city staff is not allowed without notice to the Mayor and City Council and approval by the Mayor. 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 list of all positions within the City. The list 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 do the work required of the position for which the examination is taken.

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 Mayor 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 city council shall authorize the mayor or his/her to 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 Gambell, 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 important part of the hiring process and shall be used to observe an employee's work, to ensure the employee is adjusting to the position, and for rejecting any employee for any reason. A probationary employee is an at-will employee and may be dismissed at any time; a probationary employee who is dismissed has no right to a notice or a hearing under this chapter.

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 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 Mayor 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 may dismiss a probationary employee at any time during the probationary period. A permanent employee removed from a position to which he/she has been promoted or transferred shall, subject to availability of the former position, be reinstated back to his/her former position unless such employee is dismissed from city service for reasons as provided in these policies. Dismissal of a probationary employee is effective upon the employee's receipt of notice of dismissal in writing, or if he/she is unavailable, upon posting of a letter of dismissal by certified mail, return receipt requested. A probationary employee who is dismissed has no right to a notice or hearing under this chapter.

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 (pay) 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. Federal fair labor standards apply and compensatory time off may be used only when there is a prior written agreement with the employee for the use of such time in lieu of paid overtime and is otherwise allowed by law.

2. Pay Days. Employees shall be paid semi-monthly on the 15th and last days of the month. When a pay day falls on a Saturday, employees shall receive their pay on the preceding work day. When the pay day falls on a Sunday employees shall receive their pay on the following work day. 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. Usually, payroll advances are to be discouraged; however, in an emergency, 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 and agreed to by the employee in writing. Employees are urged to authorize deductions from paychecks to pay personal obligations owed the City.

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 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 washeteria operator) are included among permanent full time employees.

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.

3. Short and 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 leave, termination, or resignation of a permanent employee, or because of emergency or special conditions. The Mayor or his/her designee shall appoint to these positions.

Long term employment is more than two weeks though normally not more than five months duration. These jobs may recur yearly and are typically associated with special projects.

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 regardless 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.

B. Performance Evaluation Record. All employees shall receive a written performance evaluation 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.

C. 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 one month after discussing the evaluation with his/her supervisor 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 receives an acceptable rating on his/her performance evaluation after one month, he or she will be kept in city service and a performance evaluation will be performed again after two more months. An unacceptable performance evaluation after that two months is grounds for dismissal from city service.

Section 8. Resignation, 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 new employee to fill the position 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 real 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. 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. Disciplinary Actions

A. Disciplinary Action. The following is a general listing of reasons which constitute grounds for disciplinary action, including dismissal of city employees. This list is not all inclusive and complements other grounds for disciplinary action, including dismissal, listed in these Personnel Policies. Violations not listed may be of such a severe nature that they also would warrant disciplinary action, including dismissal. The steps of Procedures of Progressive Discipline listed in Section 10 of these Personnel Policies will be followed. Special projects may have special rules and grounds for disciplinary actions which shall be posted. By that posting employees are deemed to have knowledge of these special rules and grounds for disciplinary action.

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. Sloppy 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 illegal drugs.
- b. Use of alcohol beverages or illegal 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. When a permanent employee is dismissed from city service, written notice of intent to dismiss with the cause explained and right to address or charge the reasons of dismissal shall be delivered to the employee as provided in section 10 (D). If the employee is unavailable because of absence from the City or work site the employee is deemed to have notice upon posting of a letter of dismissal by certified mail, return receipt requested to the employee's last known mailing address.

C. Responsibility of Mayor and Supervisors. 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. 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. If in the opinion of the Mayor disciplinary action of a less severe nature than dismissal or suspension without pay or accrual of benefits 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.

10. 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 written record of the verbal warning 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 repeat of an offense for which verbal warning was given within three months of the date of a verbal warning. A copy of a 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 used only when a major violation has occurred, repeated warnings have not succeeded in bringing about changes in an employee's conduct, or where the charges against the employee are of such nature that the interests of the City are seriously prejudiced. A repeat of an incident that requires written warning within three (3) months of the act of the first written warning is also cause for suspension. An employee may be suspended with or without pay and continued accrual of benefits pending further investigation; however, a permanent employee may not be suspended without pay or accrual of benefits until the employee has been given an opportunity to address and rebut the reasons for the proposed suspension. Such permanent employee to be suspended without pay or accrual of benefits shall be given written notice of the proposed suspension, the reasons therefore, and notice that the employee has five (5) calendar days to file a notice of objection to the proposed action with the Mayor and requesting an opportunity to address and rebut the reasons set out in the notice. The decision of the Mayor shall be in writing and state the reasons for the suspension and the date on which the suspension begins and ends. A copy of the letter or decision of suspension 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. A permanent employee shall also be notified that if he/she disagrees with the written decision of the Mayor regarding the suspension without pay or accrual of benefits, the employee may appeal that decision to the City Council by filing a written notice of appeal with the City Clerk within five (5) days after the Mayor's decision and that the City Council's decision may be appealed to the Superior Court. Failure to file an appeal with the City Clerk within such five (5) day period shall constitute a waiver of any right of appeal and the Mayor's decision shall be final. Any appeal of a suspension not involving loss of pay or accrual of benefits shall be handled as a grievance under Section ??.

D. Dismissal: A permanent employee may not be dismissed until such employee has been given a written notice of the proposed dismissal, the reasons there fore, and notice that the employee has five (5) calendar days to file with the Mayor a request for an opportunity to address and rebut the reasons for the dismissal. The employee shall be notified that if he/she disagrees with the decision of the Mayor, the employee may appeal that decision to the City Council by filing a written notice of appeal with the City Clerk within five

(5) calendar days after the Mayor's decision and that the City Council's decision may be appealed to the Superior Court. Failure to file an appeal with the City Clerk within such five (5) day period shall constitute a waiver of any right of appeal and the Mayor's decision shall be final. The employee shall be provided a hearing and opportunity to ask questions of any witnesses and may otherwise confront the evidence presented against him/her. 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, unless the employee is unavailable for personal delivery, in which event 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.

E. Appeal: Every permanent 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 of a decision to suspend without pay or accrual of benefits or dismiss a permanent employee under Section 10 C or 10 (D) above shall be in the manner provided in Sections 10 C and 10 (D). Appeals of other forms of disciplinary action shall be treated as a grievance and shall be handled in accordance with the Grievance Policy and Procedure of Section 11 of these Personnel Policies.

Section 11. 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 (or attempt to discuss) the grievance with his/her supervisor. Should this fail to resolve the grievance, the employee may contact any City Council member and request a preliminary investigation to determine whether there is a critical need for immediate action by the Council.

2. The City Council member contacted by an employee shall 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 shall meet as the Grievance Committee to investigate the grievance. Notice shall be given to the grievant(s) concerning the meeting. The aggrieved party and all others concerned shall appear before the committee. 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 vote to hold an executive session; provided, however, the person may request a public discussion. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless as 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, and 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. 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.

Section 12. 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. In cases where an employee requests Personal Leave for more than three days for medical cause or sickness the employee may be required to furnish documentation of cause from a physician, dentist, health aide or other medical professional.

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 bonafide 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 appropriate payroll tax deductions.

Section 13. 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.

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 his/her 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 he/she has applied for and been granted Leave Without Pay for an additional period. If any state or federal family or other type of leave, law or regulation applies to the City the City shall grant such leave as is required by the applicable state or federal law or regulation.

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 Section 12 (E) and request Leave Without Pay for medical cause.

Section 14. 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
- Seward's Day - the last Monday in March
- Memorial Day - the last Monday in May
- Independence Day - the fourth of July
- Labor Day - the first Monday in September
- Alaska Day - October 18
- 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 15. 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 12:01 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 employee 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.

- D. 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.

Appendix C CITY OF GAMBELL
City of Gambell JOB DESCRIPTION
Personnel Policies UTILITY CLERK

APPOINTMENT - by City Council
SUPERVISOR - Mayor
WAGE - Range 5 (6 with 3 years experience)
WORKSITE - City Office
HOURS OF WORK - M - F, 9:00 a.m. - 12:00 a.m., 1:00 p.m. - 4:00 p.m., attendance at council meetings
CLASSIFICATION - Permanent Full-Time

MINIMUM QUALIFICATIONS

1. High School graduate
2. General knowledge of financial, bookkeeping and office procedures required.
3. Ability to type/required, experience with computers preferred.
4. Experience in dealing with the public.
5. Ability to perform assigned duties with a minimum of supervision and work cooperatively with others.
6. Ability to prepare accurate reports.

JOB DUTIES

Under the supervision of the Mayor keeps a complete set of records of the financial transactions of the City: Verifies and enters details of transactions as they occur in account and cash journals from items, such as sales slips, invoices, check stubs, etc. Receipts revenues and enters appropriate information in the cash receipts journals. Summarizes details on computer or separate ledgers, using calculator. Balances books and compiles records to show statistics, such as cash receipts and expenditures, accounts payable and receivable, profit and loss, and other items pertinent to operation of city business. Calculates employee wages from timecards and prepares paychecks. Prepares withholding, unemployment and other tax reports. Computes, types and mails monthly statements to utility customers. Balances checkbooks and ledgers, reconciles bank statements. Prepares financial reports and presents to the City Council. Deals with customers in person and over the phone, and does a variety of general office duties such as filing, answering phones, paying bills, etc. Performs other duties as assigned.

Appendix C CITY OF GAMBELL
City of Gambell JOB DESCRIPTION
Personnel Policies TEMPORARY CLERK/BOOKKEEPER

APPOINTMENT - by City Council for Long Term Temporary
 by Mayor for Short Term Temporary
SUPERVISOR - Mayor
WAGE - Range 4 (5 with 2 years experience)
WORKSITE - City Office
HOURS OF WORK - M - F, 9:00 a.m. - 12:00 a.m., 1:00 p.m. -
 4:00 p.m., attendance at council meetings
CLASSIFICATION - Temporary - Short Term or Long Term

MINIMUM QUALIFICATIONS

1. High School graduate
2. General knowledge of financial, bookkeeping and office procedures required.
3. Ability to type required, experience with computers preferred.
4. Experience in dealing with the public.
5. Ability to perform assigned duties with a minimum of supervision and work cooperatively with others.
6. Ability to prepare accurate reports.

JOB DUTIES

Under the supervision of the Mayor, and direction of the City Clerk and/or bookkeeper updates city records as needed. Verifies and enters details of transactions as they occur in account and cash journals from items, such as sales slips, invoices, check stubs, etc. Receipts revenues and enters appropriate information in the cash receipts journals. Summarizes details on computer and ledgers, using calculator and computer. Balances books and compiles records to show statistics, such as cash receipts and expenditures, accounts payable and receivable, profit and loss, and other items pertinent to operation of city business. Calculates employee wages from timecards and prepares paychecks. Prepares withholding, unemployment and other tax reports. Computes, types and mails monthly statements to utility customers. Balances checkbooks and ledgers, reconciles bank statements. Prepares grant progress and other reports as needed. Prepares financial reports and presents to the City Council. Deals with customers in person and over the phone, and does a variety of general office duties such as filing, answering phones, paying bills, etc. Performs other duties as assigned. This position performs these duties on a short term basis when the position is temporarily vacant or the assigned staff is on approved leave. This position may also assist when special projects or circumstances require.

Appendix C CITY OF GAMBELL
City of Gambell JOB DESCRIPTION
Personnel Policies CITY CLERK

APPOINTMENT - by City Council
SUPERVISOR - Mayor
WAGE - Salary as determined by City Council
WORKSITE - City Office
HOURS OF WORK - M - F, 9:00 a.m. - 12:00 a.m., 1:00 p.m. - 4:00 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; with the assistance of the mayor, prepare meeting agendas and agenda packets and distribute to council members; attend meetings of the City Council, take minutes of the meetings and keep the journal; arrange publication of all city notices, including job postings and election notices, as well as other city notices as required; arrange publication of 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 ensure that these reports are accurate and timely filed. The City Clerk shall contact and deal with State, federal, non-profit agencies to ensure efficient provision of services to citizens. The City Clerk shall make application for grants and available State and federal funding. The City Clerk shall route mail received by the City and ensure the City Council and Mayor are aware of filing and other deadlines. Handle public contacts and requests for information and perform general office duties such as answering phones, filing, and typing general correspondence. Performs other duties as assigned.

CITY OF GAMBELL

City of Gambell 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 75) 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.

Appendix C CITY OF GAMBELL
City of Gambell JOB DESCRIPTION
Personnel Policies FIRE CHIEF

APPOINTMENT - by City Council
SUPERVISOR - City Council
WAGE -
WORKSITE - CITY OFFICE, CITY & ENVIRONS
HOURS OF WORK - monthly report at City Council meeting, required
CLASSIFICATION -

MINIMUM QUALIFICATIONS

1. Desire to do the work.
2. Ability to work cooperatively with others with minimal supervision.
3. Good physical health, ability to lift 70 pounds.
4. Experienced in first aid, EMT training and certification preferred.
5. Ability to prepare and carry out budgets, prepare reports, make materials and equipment inventories and orders.
6. Experience with pumps, hoses, small engines required.
7. Ability to attend periodic training sessions.
8. Ability to supervise and work closely with subordinates.

JOB DESCRIPTION

Directs activities of the City Fire Department. Supervises and coordinates activities of the Fire Department. Directs training of personnel and administers laws and regulations affecting the Fire Department. Evaluates fire prevention and fire control policies by keeping abreast of new methods and conducting studies of departmental options. Supervises firefighters engaged in operation and maintenance of fire station and equipment. Prepares fire protection plans for the City and environs. Coordinates mutual fire protection plans with surrounding communities. Surveys buildings, grounds and equipment to estimate needs of the department and prepare departmental budget. Administers departmental budget. Confers with officials and community groups and conducts public relations campaigns to present need for changes in laws and policies and to encourage fire prevention. Investigates causes of fire and inspects buildings for fire hazards. Assumes personal command at fires. Responds to fire alarms and determines from observation nature and extent of fire, condition of building, danger to adjacent buildings, and source of water supply and directs fire fighting crews accordingly. Trains firefighters in use of equipment and methods of extinguishing all types of fire. Evaluates efficiency of personnel. Compiles report of each fire call, listing location, type, probable cause, estimated damage and disposition. May respond to emergency calls to render first aid. Recommend corrective measures for fire hazards or safety violations to building owners.

Appendix C CITY OF GAMBELL
City of Gambell JOB DESCRIPTION
Personnel Policies LIBRARIAN

APPOINTMENT - by City Council
SUPERVISOR - City Clerk
WAGE - Range 4-6 (depending on experience)
WORKSITE - Library
HOURS OF WORK - M - F, 3 hours per day
CLASSIFICATION - Permanent Part Time

MINIMUM QUALIFICATIONS

1. High School graduate, additional education and experience preferred.
2. General knowledge of office, bookkeeping, library cataloging procedures required.
3. Experience in dealing with the public.
4. Ability to deal with State, federal, non-profit agencies.
5. Ability to prepare and follow budgets.
6. Ability to prepare grant applications, record and report grant expenditures.
7. Ability to work with a minimum of supervision, prepare, manage and administer library programs.

JOB DUTIES

Plans and administers program of library services. Submits recommendations on library policies and services to the City Council and implements policy decisions. Analyzes, selects and executes recommendations of citizens and the City Council. Prepares budget estimates and controls expenditures to administer approved budget. Prepares orders for books and audio-visual materials. Examines trade publications and materials and consults with others to select materials. Examines and selects materials to be discarded, repaired, or replaced. Provides library public relations services. Maintains library collections of books, publications, documents, audio-visual and other materials and assists individuals and groups in locating and obtaining materials. Furnishes information on library activities, rules and services. Assembles and arranges displays of books and other library materials. Answers correspondence regarding the library. Prepares grant applications to federal, State and non-profit agencies, administers and accounts for grant expenditures. May plan, direct and carry out special projects involving library promotion and outreach activity. Manages library program for children. Selects books and audio-visual materials of interest to children to be acquired by library. Assists children in selecting and locating library materials. Plans and conducts programs for children to encourage reading, viewing and listening and use of library materials and facilities. Confers with teachers, parents and community groups to assist in developing programs to encourage and improve children's communication skills. May prepare and direct activities for children such as story telling, book talks, puppet shows and film and multimedia events.

Appendix C CITY OF GAMBELL
City of Gambell JOB DESCRIPTION
Personnel Policies WATER & SEWER SYSTEM OPERATOR

APPOINTMENT - by City Council
SUPERVISOR - Mayor (and as delegated)
WAGE -
WORKSITE - All water & sewer related areas of city,
 pump house
HOURS OF WORK -
CLASSIFICATION - Permanent Full Time

MINIMUM QUALIFICATIONS

1. Desire to do the work.
2. Ability to work with minimal supervision and carry out duties.
3. Good physical health, ability to lift 70 pounds.
4. Ability to work cooperatively with assisting agencies such as PHS, VSW.
5. Ability to read and follow instructions from manuals, identify and order parts, materials and supplies.
6. Experience with pumps, hoses, small engines preferred.

JOB DESCRIPTION

Work shall consist of maintenance and repair of the water and sewer system of the city including all existing and any future wells or water sources, water transmission or distribution lines, pump houses, treatment facilities, sewer lines, septic tanks, and sewage disposal facilities, etc. Acceptable safe practices must be followed in the performance of all work.

The operator shall operate pumping equipment to transfer raw water to treatment plant or distribute processed water to residential, commercial and industrial establishments: turns valves, pulls levers, and flips switches to operate and control pumps that transfer water from reservoirs or wells to the treatment plant, or to transfer processed water to consumers. Reads flow meters and gauges to regulate equipment according to water consumption and demand. Inspects equipment to detect malfunctions, such as pump leaks or worn bearings. Repairs and lubricates equipment, using handtools. Records data such as utilization of equipment, power consumption, and water output in log.

Controls treatment plant machines and equipment to purify and clarify water for human consumption and consumer use. Operates and controls electric motors, pumps and valves to regulate flow of raw water into treatment plant. Dumps specified amounts of chemicals, such as chlorine, ammonia, lime, and fluoride into water or adjusts automatic devices that admit specified amounts of chemicals into tanks to disinfect, deodorize, clarify and treat water. Starts agitators to mix chemicals and allow impurities to settle to bottom of tank. Turns valves to regulate water through filter beds to remove impurities. Repairs and lubricates machines and equipment, using handtools and power tools. Tests water samples to determine acidity, color and impurities.

City Clerk

Sort mail
Deal with customers
Phone
Minutes and miscellaneous typing
Filing
Monthly financial reports
Monthly rental bills
Grant Reports
Grant application
RS/MA

Payroll (input hours, print checks, figure tax deposit, quarterly reports, annual W-2s and W-3)
Attend council meetings and take minutes
Child support inform quest.
cross training
Budget preparation
Notices - meetings, elections, job postings, etc
Agenda and packets/distribution
Title 29 duties

Bookkeeper

Cash Receipts
Dealingw/customers
Phone
Typing minutes
Pay bills
monthly financial reports
Reimbursements: Avec, VSW
Payroll (enter into quicken, make tax deposits)
Attend council meetings and make monthly financial reports
Filing
Prepare monthly utility bills