

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; effect of new ordinances.
10. Distribution.
11. Supplements or revisions.
12. Ordinances included in Goodnews Bay 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 Goodnews Bay, Alaska".

Section 2. Definitions.

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

1. "City" means the City of Goodnews Bay, Alaska, or the area within the territorial limits of the City of Goodnews Bay, Alaska;
2. "Administrator" means the city clerk;
3. "Code" means the code of Ordinances, City of Goodnews Bay, Alaska; the Goodnews Bay city code;
4. "Council" means the city council of Goodnews Bay;
5. "Persons" means a corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;
6. "Publish" means 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;
7. "State" means the State of Alaska; and
8. "Voter" means a United States citizen, who is qualified to vote in state elections, has been a resident of the City of Goodnews Bay 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 City of Goodnews Bay code of ordinances:

- A. Gender. Any gender includes the other gender.
- 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. The term "May" is permissive.
- F. The terms "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 (\$300.00) and the surcharge required to be imposed under AS 12.55.039. Such fine shall be set at the discretion of the fining authority. A "violation" is a non-criminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

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

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.

The surcharge required under AS 12.55.039 is authorized and shall be imposed as a surcharge on penalties imposed for the violation of an ordinance, code provision, or regulation of the City of Goodnews Bay, if the defendant pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a violation of a municipal ordinance imposing a penalty authorized under AS 29.25.070. Such surcharge shall be deposited in the state's general fund as provided in AS 12.55.039.

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 Goodnews Bay, Alaska, except where the state has exclusive jurisdiction over the offense.

Section 8. Enforcement.

The city council, or duly appointed regulatory body, or the Public Safety Officer, or any duly authorized Peace Officer shall enforce all city Ordinances and laws of the State of Alaska, unless the state has exclusive jurisdiction.

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 Goodnews Bay, 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 Goodnews Bay, Alaska, is hereby amended by addition of the following chapter(s) (or Section(s) : " All sections, articles, chapters, or provisions being 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 Goodnews Bay city code.

Legally adopted amendments and supplements to this code shall be typed or printed and included within this code within 90 days after adoption by the council.

The Goodnews Bay 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 Goodnews Bay 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 Goodnews Bay 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 that has been approved by the council shall be effective 24 hours after passage, unless otherwise stated in the ordinance.

Section 14. Corrections.

If errors are found in this code that can be corrected without changing 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 that 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; form of government.
2. City limits and history.
3. City seal.
4. Use of seal.

Section 1. Name of city; form of government.

The City of Goodnews Bay shall continue as a municipal corporation and political subdivision of the State of Alaska under the Name:

"City of Goodnews Bay, 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:

From a point bearing due North a distance of 2.8 miles from Corner No. 1 of U.S.S. 3772, which is the point of beginning; thence West 3.0 miles; thence South 5.8 miles; thence East 4.75 miles; thence North 5.8 miles; thence West 1.75 miles to point of beginning and containing 17,632 acres.

The boundaries of the city as described above were the effective city limits as of incorporation of the City of Goodnews Bay as a fourth class city on the 28th day of June, 1969.

The Certificate of Incorporation is recorded in Book II, page 154 at the Nulato Recording District in Nulato, Alaska. This certificate was recorded on the 28th day of June 1969.

On September 10, 1972 the City of Goodnews Bay 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 Goodnews Bay" and in the inner circles the words "corporate seal, State of Alaska."

Section 4. Use of seal.

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

CHAPTER 3
ORDINANCES; RESOLUTIONS; REGULATIONS

Sections:

1. Acts of the council.
2. Acts required to be by ordinance.
3. Ordinance procedure.
4. Ordinance form and content.
5. Amendments to code; effect of new ordinances; amendatory language.
6. Supplements or revisions to the Goodnews Bay 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 that 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. 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; and
- N. Provide for the acquisition and disposal of land or an interest in land.

Section 3. Ordinance procedure.

A proposed ordinance is introduced in writing by a member or a committee of the governing body or the mayor or manager at any lawful council meeting.

After the ordinance is introduced and read, 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 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 adopted ordinance shall be typed or printed in final form and made available to the public.

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 and shall follow all the steps required for adoption of an 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 Goodnews Bay, Alaska;
- B. The ordinance number;
- C. The title, which summarizes the ordinance's provisions;
- D. The enacting clause, which shall read:
- E. "BE IT ENACTED BY THE COUNCIL OF THE CITY OF GOODNEWS BAY, ALASKA:"
- F. The provisions of the ordinance;
- G. The dates of introduction, first reading, and public hearing;
- H. The date of adoption;
- I. Space for the signature of the mayor; and
- J. Space for the administrator's signature attesting the mayor's signature.

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

Section 5. Amendments to code; effect of new ordinances; amendatory language.

All legally adopted ordinances that amend, repeal, or in any way affect this code, shall be numbered according to the numbering system of this code and printed and included in this code. In the case of a chapter, section,

or subsection or any part thereof that is legally repealed, the repealed portion shall be removed from the code by deleting it 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 Goodnews Bay, 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 Goodnews Bay 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 Goodnews Bay city code.

The Goodnews Bay City Code shall be supplemented at regular intervals. All ordinances passed that amend, repeal, or in any way affect this code, shall be codified and available as a supplement or part of the compiled code of ordinances. The code shall be revised and printed every five years.

Section 7. Emergency ordinances.

To meet public emergencies the council may adopt emergency ordinances that 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 them 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 (4) 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 administrator.

Section 11. Ordinance File.

The city administrator 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 the ordinance or revive any ordinance that 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 Goodnews Bay, 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 administrator's signature attesting to the signature of the mayor.

All resolutions adopted by the council whether at the request of a third party or on the motion of the council shall conform to the requirements set forth in this Section.

Resolutions shall not be included in the code, but shall be kept in a separate permanent file by the city administrator 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.

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.

Section 16. Rules and Regulations.

Any rule or regulation made by an administrative officer or board or commission shall be posted for at least 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, such as the Uniform Plumbing code. 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 Goodnews Bay, Alaska

Ordinance No. _____

AN ORDINANCE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF GOODNEWS BAY, ALASKA:

Section 1.

Section 2.

Section 3.

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

PASSED and APPROVED by the GOODNEWS BAY CITY COUNCIL this _____ day of _____, 20____.

Mayor

ATTEST:

Clerk

City of Goodnews Bay, Alaska

Resolution No. _____

A RESOLUTION

WHEREAS,

WHEREAS,

WHEREAS,

BE IT RESOLVED:

PASSED and APPROVED by the GOODNEWS BAY CITY COUNCIL this _____ day of _____,
20 _____.

Mayor

ATTEST:

Clerk

CHAPTER 4
PUBLIC RECORDS

Sections:

1. Definitions.
2. Ownership and custody of records.
3. Duties of municipal administrator.
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 in connection with the transaction of official business and preserved or appropriate for preservation by the municipality, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the municipality 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 municipal 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. Municipal records, or copies of such records that have been certified by the municipal administrator, shall be prima facie evidence of their contents.

Section 3. Duties of municipal administrator.

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

- A. Compile and maintain an inventory of the public records, including those in the custody of other municipal 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 that are temporarily removed from the permanent files for use by municipal 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 for archival; and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records that are not open to public inspection pursuant to Section 5 of this chapter;
- D. Establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records that are not open to inspection pursuant to Section 5 of this chapter.

Section 4. Public records; inspection and copying.

- A. Except as provided in Section 5, municipal records are public records.
- B. Public records are open to inspection by the public during regular office hours, subject to reasonable rules relating to time, place, and manner of inspection. The administrator shall give, on request and payment of costs (not to exceed the actual cost copying or providing the document), 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 municipal officer, official, or employee whose duties do not require access to the record in question.
- B. The following municipal 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 municipal records shall be retained until the governing body, in writing, authorizes their disposal. The retention and/or disposal schedule shall be in accordance with the Alaska Local Government Retention Schedule as revised and any applicable state, federal, or local law.
- B. The administrator shall propose and the governing body 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 administrator. The administrator may dispose of routine records pursuant to the retention schedule.
- C. The administrator shall periodically review the municipal records, including inactive documents in storage, to determine whether he considers any to be without legal, administrative, or historical value. When the administrator identifies such records, he may propose to the governing body that such records be destroyed. The administrator's proposal to the governing body 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 governing body finds that certain records identified by the administrator are without legal, administrative, or historical value, the governing body may authorize disposal and specify the means by which they may be disposed of. After such authorization, the administrator may dispose of the specified records in the manner approved by the governing body. Disposal shall be done in such a manner that any personal information that is determined confidential and protected, shall remain protected.
- D. The administrator shall prepare a dated list and description of the records disposed of and the method of disposal. The administrator shall provide copies of these documents to the governing body.

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. Financial disclosure exemption.
8. Vacancies.
9. Recall.
10. Filling a vacancy.

Section 1. City council; composition.

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

Section 2. Qualifications of council members.

- A. Council members shall be qualified city voters.
- B. A council member who ceases to be eligible to be an eligible city voter immediately forfeits his or her office.
- C. In order to serve as a council member, a person must be a resident of the city for:
 1. (3) Three years, if a candidate for seats A, B, C, or D;
 2. (2) Two years, if a candidate for seats E, or F;
 3. (1) One year, if a candidate for Seat G.

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

Section 3. Election of council members; terms.

An election will be held on the first Tuesday in October to choose council members according to the following schedule:

1. (3) Three year terms of office for seats A, B, and C;
2. (2) Two year terms of office for seats D, and E;
3. (1) One year terms of office for seats F, and G.

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 Goodnews Bay, 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.

Each council member shall receive compensation of stipend of \$50.00 (fifty dollars) for attending any legal council meeting.

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 spelled out 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. Financial disclosure exemption.

Council members are exempt from financial disclosure requirements pursuant to A.S. 39.50.

Section 8. Vacancies.

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

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the city for ninety consecutive days unless excused by the council;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the council;
- E. Is convicted of a felony or an offense involving a violation of the oath of office;
- F. Is convicted of a felony or misdemeanor described in 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 9. Recall.

- A. An official who is elected or appointed to an elective city office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- B. Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.
- C. Procedures to be followed for a recall petition and election are those set out in 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 not sooner than 45 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 10. Filling a vacancy.

If a vacancy occurs in the city council, the remaining members shall, within 30 days appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled, 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 mayor is the chief administrator and 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 [may] [may not] receive compensation for service to the municipality in addition to compensation received as an elected official. A separate stipend of \$_____ shall be paid for each meeting attended on city business. Per Diem payments or reimbursements for expenses are not compensation under this Section.

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. If mayor of a second class city, 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
CITY COUNCIL MEETINGS

Sections:

1. Meetings public and quorum required.
2. Regular council meeting.
3. Special and emergency meetings.
4. Notice.
5. Executive session.

Section 1. Meetings public and quorum required.

- A. Meetings of the council shall be public. The only exception to the requirement of public council meetings is when an Executive Session is lawfully justified, as provided in Section 5 of this chapter.
- B. The council shall provide reasonable opportunity for the public to be heard at Regular or Special Meetings.
- C. Four council members constitute a quorum. Four affirmative votes are required for the passage of any business.

Section 2. Regular council meetings.

- A. The council shall meet on the first Tuesday of each month.
- B. The usual place of council Meetings shall be the city Office. In the event of any condition which renders the meeting place unfit to conduct meetings, the meeting may be moved to such other place as the council may choose, provided reasonable notice is given.

Section 3. Special and emergency meetings.

- A. Special Meeting of the council are those meeting which are called by the mayor or any (2) two council Members for a time different than that fixed for Regular council Meetings. The same location shall be used for Special council Meetings as that of Regular council Meetings.
- B. Advance notice of at least 24 hours shall be given to each council Member before a Special council Meeting is held. The notice shall specify the time, place, and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be given personally to each council Member or left at his or her usual place of business or residence by the Office of the city clerk.
- C. In an emergency, a special meeting called on less than 24 hours' notice is a legal meeting if all members are present or if there is a quorum and all absent members have waived in writing the required notice. A waiver may be made either before or after the meeting held. Waivers shall be attached to and made a part of the minutes of the meeting.

Section 4. Notice.

For the purpose of giving notice of meeting, reasonable public notice is given if a statement containing the date, time, and place of the meeting is posted in at least three public places not less than 24 hours before the time of the meeting. This Section does not alter or supersede any other notice requirements which may be provided in Alaska State Law.

Section 5. Executive session.

Only the following subjects may be discussed in an executive session:

1. Matters the immediate knowledge of which would clearly have an adverse effect on the finances of the city;
 2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
 3. Matters which by ordinance or state or federal law are required to be kept confidential; and
 4. Matters involving consideration of government records that by law are not subject to public disclosure.
- A. The following shall be discussed in executive session when the best interests of the city so requires:
1. Negotiations with labor organizations representing city employees;
 2. Discussions of pending or threatened lawsuits in which the city has an interest.
- B. If any of the above subjects are to be discussed in executive session, the session must first be convened as a public meeting. During the public meeting, the council shall vote on a motion whether to hold an executive session. No subjects may be considered at the executive session except those mentioned in the adopted motion calling for the executive session and which concern Subsection A above unless relating to the main question. No action may be taken at the executive session. Only after the executive session is over and the meeting is once again before the public may the council take action on what was discussed in the executive session.

CHAPTER 8
COUNCIL PROCEDURES

Sections:

1. Mayor; the presiding officer at council meetings.
2. Meetings; order of business.
3. Minutes.
4. Council rules; speaking; rules of conduct.
5. Motions; second required.
6. Motions; disposition; withdrawal.
7. Motions; reduction to writing.
8. Motions; rescinding vote.
9. Voting; quorum.
10. Duties of the clerk at council meetings.

Section 1. Mayor; the presiding officer at council meetings.

The mayor shall preside at all meetings of the council, he shall preserve order among the 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 tern" from among its number and the presiding officer "pro tern" shall exercise all the powers of mayor during such temporary absence or disability of the mayor and may also vote.

Section 2. Meetings; order of business.

At every regular meeting of the city council the order of business shall be as follows:

- A. Call to order.
- B. Roll call.
- C. Approval of Agenda.
- D. Minutes of Previous Meetings.
- E. Reports.
- F. Old Business.
- G. New Business.
- H. Public Participation
- I. Council Comments.
- J. Adjournment.
- K. Time and Place of Next Meeting

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.

Section 4. Council rules; speaking; rules of conduct.

A councilmember 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.

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 councilmember demands.

Section 8. Motions; rescinding vote.

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

Section 9. Voting; quorum.

Four council members 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/TREASURER

Sections:

1. Appointment; term.
2. City clerk/treasurer.
3. Acting clerk.
4. Treasurer.
5. Supervisor.
6. Clerk's pay.

Section 1. Appointment: term.

The city clerk/treasurer shall be appointed by the council. The clerk/treasurer 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. Record and certify all actions of the council;
- G. Administer oaths required by law or city ordinance;
- H. Be custodian of the city seal and the official records of the city;
- I. Be the city election supervisor and shall be responsible for the calling and supervision of all city elections;
- J. Perform other duties specified in the Alaska Statutes or prescribed in this code or by the mayor or by the council;
- K. Perform general duties including managing the city office, maintaining city files and handling all incoming and outgoing mail;
- L. Issue bills for water, telephone and miscellaneous charges;
- M. Administer payroll and balance the accounting books;
- N. Order office supplies;
- O. File monthly financial reports;
- P. 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; and
- Q. Verify timesheets for city employees and supervise other office staff and the running of other city departments.

Section 3. 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 city clerk.

Section 4. Treasurer.

- A. The clerk is the city treasurer.
- B. As treasurer, the clerk shall:
 - 1. Keep custody of all city funds;
 - 2. Keep an itemized account of money received and disbursed;
 - 3. Maintain care of all property used by the city;
 - 4. Assist the mayor to compile the annual budget of the city;
 - 5. Prepare and submit to the mayor such financial reports and other data as may be required;
 - 6. Prescribe and control such procedures as are necessary to protect city funds and property;
 - 7. Be responsible for filing state and federal applications for shared revenue programs;
 - 8. Perform such other duties as the mayor, council, or state law may lawfully require.

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
(RESERVED)

CHAPTER 11
(CITY ATTORNEY RESERVED)

CHAPTER 12
(RESERVED)

CHAPTER 13
(RESERVED)

CHAPTER 14
(RESERVED)

CHAPTER 15
(RESERVED)

CHAPTER 16
BUDGET; GENERALLY

Sections:

1. City obligations.
2. Scope of budget.
3. Budgeted revenues.
4. Budgeted expenditures.

Section 1. City obligations.

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

Section 2. Scope of budget.

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

Section 3. Budget revenues.

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

Section 4. Budgeted expenditures.

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

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

CHAPTER 17
BUDGET PROCEDURE

Sections:

1. Fiscal year.
2. Public records.
3. Proposed Budget.
4. Public Hearing.
5. Amendment of proposed budget; adoption; appropriation of funds.
6. Amendment.
7. Encumbrance.
8. Effective date of budget certification.
9. Excess liability; lapses of appropriations.
10. Transfers.
11. Biennial projection; capital program.

Section 1. Fiscal year.

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

Section 2. Public records.

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

Section 3. Proposed budget.

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

Section 4. Public hearing.

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

Section 5. Amendment of proposed budget; adoption; appropriation of funds.

- A. After the conclusion of the public hearing on the proposed budget, the council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law.
- B. The council shall adopt the budget and make the appropriation by ordinance not later than the fifteenth day of June. The council shall then appropriate the money required for the approved budget.
- C. If no budget has been adopted by the council by the last day of the present fiscal year, the proposed budget as submitted or amended shall be deemed to have been adopted by the council, and the proposed expenditures therein shall be deemed to have been appropriated for the next fiscal year.

Section 6. Amendment.

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

Section 7. Encumbrance.

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

Section 8. Effective date of budget certification.

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

Section 9. Excess Liability; lapse of appropriations.

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

Section 10. Transfers.

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

Section 11. Biennial projection; capital program.

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

CHAPTER 18
ANNUAL FINANCIAL STATEMENT

Sections:

1. Annual financial statement.
2. Annual audit.

Section 1. Annual financial statement.

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

Section 2. Annual audit.

- A. The council shall if required, in addition to the annual financial statement required by Section 1 of this chapter, provide for an annual independent audit of the accounts and other evidences of financial transactions of the city and every city department as required under the provisions of the State Single Audit Act or the Federal Single Audit Act of 1984.
- B. The audit shall be made by an accountant, designated by the council, who has no personal interest, direct or indirect, as defined in the rules of professional ethics of the American Institute of Certified Public Accountants, in the fiscal affairs of the city or any of its departments. The designated accountant shall be a certified public accountant licensed to practice in the State and shall be a member of the American Institute of Certified Public Accountants. The accountant shall submit his or her report to the mayor and council no later than ninety (90) days following the end of the fiscal year under audit.

CHAPTER 19
(MANAGEMENT OF FUNDS RESERVED)

CHAPTER 20
(RESERVED)

CHAPTER 21
(RESERVED)

CHAPTER 22
(RESERVED)

CHAPTER 23
REAL PROPERTY ACQUISITION

Sections:

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

Section 1. Acquisition and ownership.

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

Section 2. Real property defined.

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

Section 3. Procedural requirements.

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

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

Upon a specific resolution of the council, the mayor may act on its behalf in the acquisition of real property or an interest in real property when that property to be acquired is for a valuable consideration or as part of a program of grants acreage. The resolution shall set forth the terms, conditions and manner of acquisition.

No council approval is necessary to acquire any easement, right-of-way, permit, license, or other interest in real property necessary for a utility or public improvement where the utility or public improvement has been authorized and approved by the council

Prior to approval, the mayor is to furnish the council with an abstract of title, an appraisal of the real property, and a review of any problem in acquisition, but the failure to furnish the council any such materials shall not affect the validity of any acquisition or purchase of real property by the city.

Unless otherwise provided by the council, the city shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the mayor is authorized to obtain title

insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property.

Section 4. Ownership.

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

Section 5. Rights and powers of city.

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

Section 6. Dedication by plat.

The city may not acquire any real property by means of dedication by plat unless the dedication of real property is accepted in writing and signed by the mayor and approved by the council.

Section 7. Industrial sites.

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

Section 8. Federal and State aid.

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

Section 9. Real property as security.

The council may pledge, mortgage, or otherwise secure real property of the city for the payment of city bonded or other indebtedness when required, as authorized by law.

CHAPTER 24
(RESERVED)

CHAPTER 25
REAL PROPERTY SALES BY CITY

Sections:

1. Power to dispose of real property.
2. Sale or disposal.
3. Rights and powers.
4. Property exchanges.
5. Grants for Federal and State programs.
6. Beneficial new industries.
7. Change of use.
8. Utilities.
9. Release of easements.
10. Public sale requirements.
11. Sale procedure; land value under \$25,000.00.
12. Sale procedure; land value \$25,000.00 or more.
13. Sales; preference rights.
14. Future interests and after-acquired title.
15. Minimum acceptable offer.
16. Exceptions to minimum acceptable offer.
17. Conditions of sale.
18. Council action.
19. Purchase agreement.
20. Employment of broker.
21. Reservation of easements and rights-of-way.
22. Mayor's regulations.

Section 1. Power to dispose of real property.

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

Section 2. Sale or disposal.

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

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

Section 3. Rights and powers.

The city shall have and may exercise all rights and powers in the sale and disposal of real property as if the city were a private person.

The city may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the council it is no longer required for municipal purposes.

Section 4. Property exchanges.

The council may approve after public notice the conveyance and exchange of a parcel of city property for an equivalent parcel of property owned by another person subject to such conditions as the council may impose on the exchange, whenever in the judgment of the council it is advantageous to the city to make such property exchange.

Section 5. Grants for Federal and State programs.

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

Section 6. Beneficial new industries.

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

Section 7. Change of use.

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

Section 8. Utilities.

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

Section 9. Release of easements.

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

Section 10. Public sale requirements.

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

Section 11. Sale procedure-land value under \$25,000.00.

Real property of the city valued under twenty five thousand dollars (\$25,000.00), except as provided otherwise in this chapter, shall be sold or otherwise permanently disposed of as provided below:

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

Section 12. Sale procedure; land value \$25,000.00 or more.

Sale or other permanent disposition of land valued at twenty-five thousand dollars (\$25,000.00) or more shall be in the manner described in Section 11 of this chapter with two exceptions as provided below:

- A. council action under Section 11, Subsection G shall be by ordinance instead of by resolution;
- B. No disposition of land valued at twenty-five thousand dollars (\$25,000.00) and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted. At least twenty (20) days' notice shall be given of the election; the notice shall state the time of the election; the place of voting; a description of the property to be sold, leased, or disposed of; a brief statement of the terms and conditions of the sale; the consideration, if any; and the title and date of passage of the ordinance. Notice shall be given by posting a copy of the notice in at least three (3) public places in the city at least twenty (20) days before the election.

Section 13. Sales; preference rights.

- A. When the council adopts a resolution for sale of residential lots, the council shall provide that the city shall offer to sell lots included in the lands to be sold to persons with preference rights as provided in this Section.
- B. The bona fide occupant(s) of a parcel of city land who have built a residence on the parcel have a preference right to purchase the parcel under either of the following circumstances:
 - 1. the residence was built before the land was conveyed to the city, and the circumstances under which the residence was built do not make it inequitable to grant a preference right to the occupant(s); or,
 - 2. The residence was built after the land was conveyed to the city, with the express consent of the council, or based upon assurance by the mayor or council that the land would be conveyed to the occupant(s) after improvements were constructed.
- C. When residential lots are to be sold by sealed bid or outcry auction, a preference right entitles the bona

fide occupant(s) of a sale parcel to purchase the parcel by matching the highest bid. If no bids are received, the preference right holder may purchase the parcel at its appraised value.

- D. When residential lots are to be sold by lottery or by negotiated sale, a preference right entitles the bona fide occupant(s) of a sale parcel to purchase the parcel for its appraised value before it is offered for sale to others.
- E. For any specific sale, the council may prescribe additional terms and conditions regarding the exercise of preference rights.

Section 14. Future interests and after-acquired title.

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

Section 15. Minimum acceptable offer.

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

Section 16. Exceptions to minimum acceptable offer.

Exceptions to the requirement for a minimum acceptable offer of market value may be made as provided below:

- A. The council finds that a particular disposition will be in the public interest, as public interest is defined below in this Section.

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

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

Section 17. Conditions of sale.

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

The mayor shall prescribe the form of the purchase agreement. The council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution by the city. The approve¹ of any public sale by the council authorizes the mayor to take all steps and execute all instruments to complete and close the sale. The mayor or his designee shall conduct the sale and shall give to the buyer a receipt for all monies received by the city. A purchaser at a public sale who fails to make such other cash payments within the times required by the resolution or ordinance shall forfeit any cash deposit paid to the city.

Section 18. Council action.

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

Section 19. Purchase agreement.

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

Section 20. Employment of broker.

The city may employ a broker for the sale of real property and may pay the broker a commission for the sale. The employment shall be in the resolution for the sale of the real property and any contract of employment shall first be approved by the council unless the council authorizes the mayor to execute the contract without the approval.

Section 21. Reservation of easements and rights-of-way.

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

Section 22. Mayor's regulations.

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

CHAPTER 26
LEASE OF CITY LANDS

Sections:

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

Section 1. Property available for leasing.

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

Section 2. Term of lease.

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

Section 3. Appraisals.

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

No appraisal is required if the fair rental value of the property does not exceed two hundred fifty dollars (\$250.00) per year and the term of the lease is one (1) year or less, or if the property has been assessed by a tax assessor during the year in which the property is to be leased.

An independent appraisal shall not be required unless directed by the council, or otherwise required by this chapter.

Section 4. Lease auction.

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

Section 5. Lease procedures.

The provisions of Sections 11 and 12 of Chapter 25 of this code on the method of disposition of city-owned property shall apply to all leases of city land authorized by this chapter.

Section 6. Fair rental value.

Property shall be leased for a fair rental value. Fair rental value is the rental computed from the appraised fair rental value of the property and means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the city.

With approval by the council the lease of property may be made for a rental less than the fair rental value to a State or Federal agency, State political subdivision, or nonprofit organization as may be determined by the mayor to be fair and proper. The mayor shall consider the public interest and the nature of the public use or function of the leased premises.

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

Section 7. Adjustment of rental.

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

Section 8. Transfer of lessee's interest.

A lessee may sublease or assign the lease only upon approval of the transfer by the city in writing.

Section 9. Renewal of lease.

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

Section 10. Improvements and chattels.

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

Section 11. Inspection of leased premises.

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

Section 12. Easements and rights-of-way.

The city expressly reserves the right, without compensation or adjustment in rentals to the lessee, to grant surface, underground or overhead utility easements or rights-of-way in or upon the leased property, if the exercise of the right will not unreasonably interfere with lessee's improvements placed upon the property and with the lessee's use of the property.

Section 13. Condemnation of premises; lease termination.

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

Section 14. Lease rental credit.

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

Section 15. Conditional lease.

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

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

Section 16. Mayor's regulations.

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

CHAPTER 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.

Personal property valued at more than one-thousand dollars (\$1,000.00), but less than twenty-five thousand dollars (\$25,000.00), shall be disposed of in the manner provided for land valued under twenty-five thousand dollars (\$25,000.00) as provided in Chapter 25 of this code.

Personal property valued at more than twenty-five thousand dollars (\$25,000.00) shall be disposed of in the manner provided for land valued over twenty-five thousand dollars (\$25,000.00) as provided in Chapter 25 of this code.

Section 2. Sale of surplus or obsolete goods.

The mayor and council may sell the following without giving an opportunity for competitive bidding:

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

Section 3. Surplus stock.

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

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

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

Section 4. Declaration of obsolescence.

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

CHAPTER 28
(RESERVED)

CHAPTER 29
(RESERVED)

CHAPTER 30
OFFICE OF THE VILLAGE PUBLIC SAFETY OFFICER

Sections:

1. Creation.
2. Appointment and removal of the VPSO.
3. Powers.
4. Duties.
5. Custody of public and stolen property.
6. Search and rescue; cost repayment.

Section 1. Creation.

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

Section 2. Appointment and removal of the VPSO.

- A. The VPSO is appointed by city council resolution pursuant to the VPSO contract between the State of Alaska and serves at their pleasure The VPSO is administratively responsible to the mayor.
- B. The VPSO may be removed by council resolution; or pursuant to the VPSO contract between the State of Alaska and the City of Goodnews Bay (MOA) Memorandum of Agreement.

Section 3. Powers.

The VPSO shall have the following powers:

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

Section 4. Duties

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

- A. Faithfully perform those duties and obligations specified in the VPSO Agreement between the City of Goodnews Bay and the Alaska State Troopers;
- B. Faithfully enforce the city ordinances in an impartial manner;
- C. Develop and maintain a citation system for the enforcement of the city ordinances;
- D. Direct the police, fire protection and emergency rescue work of the city;
- E. Train and drill the members of the Goodnews Bay Fire Department;
- F. Be responsible for the maintenance and care of all property used or in the custody of the office;

- G. Maintain and staff the city holding facility and be responsible for the prisoners;
- H. Prepare and maintain records of all fires, accidents, training programs, arrests, fines, search and rescue operations and responses to emergencies, and other information about the work and status of the office and make periodic written reports to the city council;
- I. Provide arrangements and equipment for reporting emergency situations and for notifying all city council members to assure prompt response to such incidents;
- J. Supervise fire and public safety hazard inspections;
- K. Recommend to the city council needed fire protection;
- L. Prepare and submit, upon request, a tentative budget for the office to the city council;
- M. Communicate directly with and coordinate, where possible, office activities, with those other regulatory and enforcement agencies about matters related to office business; and
- N. Perform such other duties as may be required by the city council or the Alaska State Troopers.

Section 5. Custody of public and stolen property.

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

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

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

Section 6. Search and rescue; cost repayment.

Person or persons causing a search and rescue operation to take place because of the person's abuse of drugs and/or alcohol shall be subject to repay the cost of the search and rescue operation up to the sum of five hundred dollars, (\$500.00).

CHAPTER 31
VOLUNTEER FIRE DEPARTMENT

Sections:

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

Sections 1. Volunteer fire department; fire chief.

There shall be a volunteer fire department, the head of which shall be the VPSO. The volunteer fire department shall consist of the fire chief and as many other officers and firefighters as may be necessary for the effective operation of the volunteer fire department.

Section 2. Powers and duties of the volunteer fire department.

Duties of the volunteer fire department shall be among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first 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 shall be technically qualified through training and experience. The fire chief shall perform the following duties:

1. Determine the organization of the volunteer fire department and provide for its staffing;
2. Establish and enforce rules and regulations for the conduct of members of the department;
3. Train and drill the members of the department, including periodic fire drills as deemed necessary;
4. Maintain possession and custody of all fire equipment, buildings, and all other property of the department;
5. Prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel, and other information about the work and status of the department and make periodic written reports to the council;
6. Provide suitable arrangements and equipment for supporting fires or other emergencies and for notifying all members of the department to assure prompt response for such incidents;
7. Assign equipment or manpower in response to calls for outside 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. Volunteer fire department.

Volunteer firemen shall be appointed by the fire chief, and the volunteer firemen shall be organized and disciplined as a volunteer fire department by the fire chief.

Members of the volunteer fire department may organize into a voluntary association with the election of their own officers and by-laws.

The voluntary association shall in no manner limit the power of the fire chief. All property used by the volunteer fire department is and remains the property of the city and all expenses of the volunteer fire department upon proper voucher shall be paid by check by the regular municipal authorities.

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

Section 5. Rules and regulations.

The fire chief shall maintain and enforce up-to-date, comprehensive sets of rules and regulations governing the discipline, training and operation of the volunteer fire department. The rules, regulations and any deletions, changes or additional shall be effective when approved by and filed with the council. The fire chief shall have the authority to enforce the rules and regulations and is authorized to suspend or remove from service any officer or fire fighter.

Section 6. Training, records and reports.

A. Training:

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

B. Records:

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

C. Reports:

Current records and comparative data for previous years and recommendations for improving the effectiveness of the volunteer fire department shall be included in an annual report to the council. Such reports as may be required concerning the volunteer fire department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the volunteer fire department shall also be prepared and submitted by the fire chief.

Section 7. Conduct of members.

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

Section 9. Definitions.

For 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 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
(RESERVED)

CHAPTER 33
(RESERVED)

CHAPTER 34
(RESERVED)

CHAPTER 35
(RESERVED)

CHAPTER 36
(RESERVED)

CHAPTER 37
(RESERVED)

CHAPTER 38
(RESERVED)

CHAPTER 39
(RESERVED)

CHAPTER 40
(RESERVED)

CHAPTER 41
(RESERVED)

CHAPTER 42
CITY EQUIPMENT

Sections:

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

Section 1. Recognition.

The city council of Goodnews Bay recognizes that:

- A. The City of Goodnews Bay 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 Goodnews Bay; 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; and that
- D. The cost of operation and maintenance of equipment in Goodnews Bay is high.

Section 2. Use of equipment.

Individuals, contractors, agencies of the State of Alaska or the United State government may make application to the City Council of Goodnews Bay 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 43
CITY PROPERTY; INVENTORY AND FILES

Sections:

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

Section 1. Inventory; files.

The city clerk shall prepare and maintain files which contain separate inventories and listings of all real properties, capital improvements and equipment belonging to the city.

At a minimum these files shall contain:

- A. The date of acquisition of the property, improvement, or equipment;
- B. The condition at time of acquisition;
- C. The original cost whether borne by the city or paid by a donor agency such as Public Health Services, Village Safe Water or another state or federal agency including a budget breakdown by categories of individual costs such as labor, materials, freight, etc.;
- D. Costs of subsequent repairs and improvements after acquisition; and
- E. A listing of past, current and future repair, renovation, replacement or improvement needed, and in the case of current or future repair, renovation, replacement or improvement, estimates or quotations of costs.

Section 2. Ancillary files.

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

Section 3. Register.

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

CHAPTER 44
(RESERVED)

CHAPTER 45
(RESERVED)

CHAPTER 46
(RESERVED)

CHAPTER 47
(RESERVED)

CHAPTER 48
(RESERVED)

CHAPTER 49
INTOXICATING LIQUORS OR BEVERAGES

Sections:

1. Definitions.
2. Person or persons
3. Intoxicated persons in protective custody.
4. Length of detention in protective custody.
5. Requirements of protective custody.
6. Protective custody not arrest.
7. Importation limitations.
8. Consumption in public places.
9. Bootlegging.
10. Driving while intoxicated.
11. Reporting accidents.
12. Exclusions.
13. Penalties.

Section 1. Definitions.

"Alcoholic beverage" means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage and that contain alcohol, whether produced commercially or privately. AS 04.21.080 (b) (1).

Section 2. Person or persons.

- A. It is unlawful for any person or persons to use, possess, purchase, sell, or dispense intoxicating liquor or in any way secure or attempt to secure any intoxicating liquor. AS 47.37.250(A) (2) and AS 04.15.060(a).
- B. It is unlawful for any person or persons, firm, company, corporation, or employee to sell, give, barter, dispense, or deliver intoxicating liquor to any person; or to any intoxicated person. AS 04.15.080(a) (2), AS 04.15.020(a), and AS 04.15.080(A).

Section 3. Intoxicated persons in protective custody.

It is unlawful for any intoxicated person to be upon the traveled portion of any street, road, and alley, highway as to be a hazard to the motoring public or to be a hazard to himself. AS 74.37.250(A) (2 & 3), AS 04.15.020 (A).

Any person who appears to be intoxicated in a public place may be taken into protective custody and assisted to his or her home. If the person is too intoxicated to take home, then he may be placed in protective detention. AS 47.37.170(a).

Section 4. Length of detention in protective custody.

Length of detention shall be either:

1. Until the person is no longer intoxicated or;
2. For a maximum of 12 hours, whichever occurs first; or
3. The detaining officer may release the detained person at any time to the custody of a responsible adult.

Section 5. Requirements of protective custody.

A person detained under Section 4 or this chapter may be billed for the cost of care while under detention. Cost may include the salary of the protective officer, as well as the cost of necessary food, bedding and other necessities. If a person is unable to pay the actual cost of care, he may satisfy the debt by performing work for the city at an hourly rate of not less than the current minimum state wage.

Section 6. Protective custody not arrest.

Protective custody or detention does not constitute an arrest and no entry or other record may be made to indicate the person detained has been arrested or charged with a crime. AS 47.37.170(i).

Section 7. Importation limitations.

It shall be unlawful to import intoxicating beverages to the City of Goodnews Bay, the city voted for the village to be DRY.

Section 8. Consumption in public places.

It shall be unlawful for any person while present at any of the following public places in this city to sell, purchase, dispense, possess, or use any intoxicating liquor: School, Post Office, Clinic, city Hall, Church, Stores, Power Plant, Community Center (see exclusions, Section 12 of this chapter), Learning Center, Maintenance Garage, and Fire Station. AS 47.37.250.

Section 9. Bootlegging.

It is always unlawful for any person(s), firm, corporation, organization, company, or other entity to manufacture, sell, offer for sale or possess for sale or barter; traffic in, barter or exchange for goods, an intoxicating beverage in this city without first obtaining an appropriate license from the State of Alaska and the City of Goodnews Bay. AS 4.120.010.

Section 10. Driving while intoxicated.

It is unlawful for any person(s) to operate a motorized vehicle, which included automobiles, motorcycles, 3-wheelers, 4-wheelers, and snow machines within the city limits while under the influence of intoxicating beverages. Driving while intoxicated is considered driving in an unsafe manner and creating unsafe conditions for the residents of the city.

Section 11. Reporting accidents.

Regardless of DUI or not, any motorized vehicular accidents resulting in property damage of more than five hundred dollars (\$500.00) or personal injury of any kind must be reported to the Alaska State Troopers through the VPSO.

Section 12. Penalties and fines.

Anyone caught breaking this ordinance or any part thereof is guilty of an infraction and may be fined as follows:

- 1. First Offense:**
\$50.00 to be paid within 30 days of set date to Tribal or city Offices
- 2. Second Offense:**
\$75.00 to be paid within 30 days of set date to Tribal or city Offices
- 3. Third Offense:**
\$100.00 to be paid within 30 days of set date to Tribal or city Offices with the additional of\$ 12.50 per hour, per jail guard hired while in protective custody in the city Jail.

In the event, an individual in violation of this ordinance cannot pay a fine assessed the following shall in lieu of the monetary fine:

- 1. First Offense:**
10 days of community service
- 2. Second Offense:**
20 days of community service
- 3. Third and Subsequent Offenses:**
30 days of community service and with each other 5 extra days shall be added to each new violation or other punishment as may be determined by the Judgment Board upon subsequent infractions.

CHAPTER 50
(RESERVED)

CHAPTER 51
(RESERVED)

CHAPTER 52
DOG CONTROL

Sections:

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

Section 1. Coverage.

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

Section 2. Keeping dogs confined.

All dogs four months or older shall be securely confined by either chaining or enclosing in a fenced lot so as to pose no threat to life or property or create a public nuisance within the City of Goodnews Bay.

Section 3. Loose ownerless dogs.

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

Section 4. Loose owned dogs.

In the case of a loose, unattended dog, where ownership can be determined, the owner shall be notified by the VPSO of the dog being loose. The owner will have to take immediate steps to confine the dog. If the owner fails to confine the dog or dogs, the dog or dogs will be disposed of by the VPSO.

Section 5. Rabid dogs.

- A. Any dog believed to be sick with rabies shall be observed for fourteen (14) days and then disposed of, in accordance with State Health Laws, if found to have any of the symptoms of rabies. The VPSO is in charge of proper disposal and subsequent shipment of the undamaged head to the State Sanitation Laboratory.
- B. If the dog in question has bitten anyone, the Community Health Aide, VPSO and city clerk shall be notified immediately and determination made as to whether or not the dog(s) in question has a current rabies shot. If the dog(s) in question has a current rabies shot record, the dog shall be observed for fourteen (14) days; otherwise, the dog will be immediately disposed of in accordance with proper disposal methods and subsequent shipment of the undamaged head to the State Sanitation Laboratory.

Section 6. Disposal of dogs.

The City of Goodnews Bay disclaims any responsibility for disposal of dogs belonging to owners in violation of any provisions of this chapter.

CHAPTER 53
(RESERVED)

CHAPTER 54
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 start 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.

The curfew hours are as follows:

A. Kindergarten through Elementary:

1. Weekdays: 9:00 p.m.
2. Weekends: 10:00 p.m.

B. High School:

1. Weekdays: 10:00 p.m.
2. Weekends: 11:00 a.m.

Section 4. Vacations and holidays.

During any declared school holiday or vacation, the curfew hours shall be 12:00 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. A minor must have in possession a signed statement from his parent or guardian giving the place of employment 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 in route 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.

The city council and VPSO shall enforce the provisions of this chapter.

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:

\$25.00

B. If a violation by a minor occurs more than three months' 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.

CHAPTER 55
OFFENSES BY OR AGAINST MINORS

Sections:

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

Section 1. Selling tobacco to minors.

It is unlawful 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.

Section 2. Selling intoxicating liquor to minors.

It is unlawful 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 entities upon conviction of a violation of the provisions of this chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 56
(RESERVED)

CHAPTER 57
GARBAGE/SOLID WASTE DISPOSAL

Sections:

1. Garbage dumping.
2. Waste disposal.
3. Enforcement.
4. Penalty.

Section 1. Garbage dumping.

It is illegal to dump garbage anywhere but the city dump, since the city now has a garbage dump.

Section 2. Waste disposal.

Honey buckets or slop pails may only be disposed of in an outhouse or toilet. It is illegal to dump honey buckets or slop pails in the open within city limits.

Section 3. Enforcement.

The VPSO shall enforce this chapter.

Section 4. Penalty.

Violation of this chapter shall result in the following penalties:

- A. First Violation: \$10.00
- B. Second Violation: \$20.00
- C. Third Violation: \$30.00

CHAPTER 58
(RESERVED)

CHAPTER 59
(RESERVED)

CHAPTER 60
(RESERVED)

CHAPTER 61
MOTOR VEHICLES

Sections:

1. Definitions.
2. Coverage.
3. Speed limit.
4. Unsafe Operation.
5. Obstructing airstrip.
6. Influence of intoxicating liquor or beverage.
7. Required equipment.
8. Reporting of accidents.
9. Minors under twelve years of age.
10. Passengers in a cart/trailer.
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.
- C. "All Terrain Vehicle" or ATV includes 3-or 4-wheeled motorized vehicle, wheeled or tracked vehicles, and snow machines, and any motorized vehicle capable of traveling on a non-road terrain.

Section 2. Coverage.

This chapter is effective within the city limits of Goodnews Bay 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 Goodnews Bay.

Section 3. Speed limit.

It shall be unlawful for any vehicle to travel at a speed greater than 15 miles per hour within the city limits. 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.

- A. 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 property of any person.
- B. It shall be unlawful for any person to disregard the STOP and CAUTION signs. Any resident who is observed to continually disregard the STOP and CAUTION signs shall be served notice by the city council or by the VPSO of a violation and fined accordingly.

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.

It shall be unlawful to operate or drive a vehicle or an ATV while under the influence of intoxicating liquor or beverage within the city limits.

Section 7. Required equipment.

No person shall drive or operate a vehicle or an ATV unless it is equipped with the following:

- A. At least one headlamp 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. The headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver; Lights (headlights, brake and tail lights) must be in proper working order and in use from dusk to dawn. Brake lights must be in proper working order. Failure to properly use lights within the city is punishable by fine set forth in Section 11(A);
- 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; and
- D. Brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation; and
- E. It shall be unlawful to operate an All-Terrain Vehicle (ATV) within the city limits without a safety helmet.

Section 8. Reporting of accidents.

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

Section 9. Minors under twelve years of age.

It shall be unlawful for any person under twelve (12) years of age to operate an 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 parent.

Section 10. Passengers in a cart/trailer.

It shall be unlawful to carry more than four (4) passengers in a cart/trailer towed by an All-Terrain Vehicle (ATV). The cart/trailer must be equipped with a tail-gate that has a locking device. This lock must be in a locked position while people are being transported.

Section 11. Penalties.

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

- A. First Violation: \$10.00; Second Violation: \$20.00, and 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 Goodnews Bay city council.
- C. Those persons receiving citations beyond the third offense will be required to attend the general city council meeting held on the first Tuesday of the month 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

Sections:

1. Definitions.
2. Carrying concealed weapons.
3. Unlawful for those under 16 to bear arms.
4. Loaded firearms prohibited.
5. Discharging firearms.
6. Explosives.
7. Exclusions.

Section 1. Definitions.

- A. "Dangerous instrument" means any deadly weapon or anything which, under the circumstances in which it is used, attempted to be used, or threatened to be used, incapable of causing death or serious physical injury. AS 11.81.900 (11)
- B. "Firearm" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury. AS 11.81.900 (21)
- C. "Explosives" means a chemical compound, mixture or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including dynamite, blasting powder, nitroglycerin, blasting caps, and mitro jelly, but excluding salable fireworks as defined in AS 18.72.050, black powder, smokeless powder, small arms ammunition and small arms ammunition primers. AS 11.81.900(18)

Section 2. Carrying concealed weapons.

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

Section 3. Unlawful for those under 16 to bear arms.

It is unlawful for any person under the age of 16 years, not accompanied by a responsible adult, to bear arms inside the city limits.

Section 4. Loaded firearms prohibited.

- A. It is unlawful for any person to have any firearm in their possession or control within the city limits, unless all ammunition has been removed from the chamber, cylinder, clip, or magazine.
- B. It is unlawful for any person to have or carry loaded firearm while operating or riding of an All-Terrain Vehicle (ATV) or a snowmobile including a connected or pulled cart or sled within the city limits.

Section 5. 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; or to intentionally point or aim any firearm or other weapon, loaded or unloaded, at any person. Firearms may be discharged within the corporate limits of the city when specifically designated by the city council. The safety of person(s) will come first at all times.

Section 6. Explosives.

It is unlawful for any person to detonate an explosive device within the city limits without the permission of the council.

Section 7. Exclusions.

- A. Sections 2 and 4 of this chapter do not apply to any duly authorized city, State, or Federal law enforcement officer in the performance of official duties.
- B. Section 5 of this chapter 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 oneself, 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 unclaimed or rabid dog 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 chapter 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 a firearm 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.

CHAPTER 63
(RESERVED)

CHAPTER 64
(RESERVED)

CHAPTER 65
(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 Goodnews Bay 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 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 presence nor may he lose it solely by reason of his absence while in the civil or military service of the State or the United States; or of his absence because of marriage to a person engaged in the civil or military service of the State or the United States; while a student at an institution of learning; while in an institution or asylum at public expense; while confined in public prison; while engaged in the navigation of waters of the State, of the

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

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

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 three (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 an 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 election held each year 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 or special;
 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 or candidacy and nominating petitions; and
 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 vote, 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 9. Tie votes.

Section 10. Qualifications for city council.

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

1. A United States citizen who is qualified to vote in state elections.
2. A resident of the city for three (3) years immediately preceding the election for which declaring candidacy.
3. Registered to vote in state elections.
4. 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 has been judicially determined to be of unsound mind unless the disability has been removed."

Section 11. Filing for office.

- A. Any qualified city voter may be nominated for office no sooner than 30 days or later than 10 days before the election as follows:
1. By filing a Declaration of Candidacy under oath on a form provided by the city clerk, or
 2. By petition of ten (10) resident voters on a form supplied by the city clerk.

- B. A person filing for a city council seat must meet the qualifications of Section 10 of this chapter.
- C. The forms appearing at the end of this chapter illustrates the forms to be used.

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 nominating petitions 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 for five (5) days 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 (3) city voters as judges to be the election board at each polling place and select one of the judges to chair the board. The judges shall not be council members or 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. 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.

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 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 the guidance of voters covering the following:

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

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

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. 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 or special election.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The Clerk shall assure that there are one-third more ballots printed and numbered than there are registered voters in Goodnews Bay, in order to provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one," or such other number(s) as there are to be elected.

- F. Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for one" or such other number(s) 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 run-off elections.
- G. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- H. The names of candidates shall be printed as they appear upon the 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 upon if any. Provision shall be made for marking the propositions or questions "Yes" or "No".
- J. Somewhere on the ballots, so as to be clearly visible, will be printed the words:
 - 1. "OFFICIAL BALLOT";
 - 2. The date of the election; and
 - 3. An example of the signature of the Clerk who had the ballots printed.
- K. The sample ballot appearing at the end of this chapter illustrates the ballot format.

Section 5. Other materials.

At least 10 days prior to the day of the election the Clerk shall prepare the following materials:

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

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 Election Day, polls shall open for voting at eight o'clock in the morning and shall remain open continuously until eight o'clock in the evening.
- 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 Office. If, for some reason beyond the control of the council the 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 Goodnews Bay is entirely within the Goodnews Bay election district.

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 Election Materials and Supplies, to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.
- B. The election supervisor shall keep the following records:
 1. The number of ballots delivered to the polling place;

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

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(es) (with lock(s) or sealing materials); and the following materials:
1. The updated Master Voter Registration List.
 2. A Blank Register.
 3. Envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots.
 4. An envelope for the collection of spoiled ballots.
 5. An envelope for the collection of questioned ballots.
 6. Copies of the Notice of Election.
 7. The city's elections ordinance.
 8. A sufficient number of Instructions 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 his 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 believe that he is register 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 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 count of ballots. The merits of the question shall be determined by the council acting 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 shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he will not divulge the vote cast by the person whom he assists or change the voting wishes of the person he 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 ascertain how the voter marked his ballot
- C. Prohibiting the identification of ballots. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked the 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 be continued without adjournment until the count is complete.
- B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; (4) the number of ballots unused. The board shall count the number of questioned ballots in the register. If any discrepancies in numbers of ballots received and ballots unaccounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for, it shall be explained in detail on the ballot statement and the explanation signed by the election judges.

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

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 the voter desires to designate.
2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates to that office shall not be counted.
5. The marks specified in Subsections 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 of 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 portions 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, Affidavits of Eligibility, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Friday following the election when the committee meets.
- B. The election supervisor shall place all election materials received from the election board in the office safe, or other lockable container 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 question 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.

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 ballots.
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; applications; filing.

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

Section 3. Ballot and envelope form.

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

Section 4. Absentee voting procedures.

- A. The clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with this ordinance together with a ballot envelope and a prepaid return envelope. The ballot provided to absentee voters shall be identical to the ballot prepared for regular voters.
- B. The clerk shall not issue an absentee ballot sooner than 10 days before the election.
- C. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter 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. The clerk may deliver an absentee ballot to a disabled person living within the city at any time until the polls close on Election Day.
- E. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the clerk shall enter 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.
- F. To be counted, an absentee voter's ballot must be executed before the polls close in the city and be received by the Clerk prior to the time the ballots are canvassed by the election review committee.

Section 5. Absentee ballots; delivery.

Upon receipt of an application for an absent voter's ballot, the Clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes chapter 15.07. If the applicant is properly registered, the Clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the clerk to be certain that the voter personally marked the ballot, but which does not permit the clerk to see how the voter votes. The voter shall fold the ballot and seal it in the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the face of the return envelope and deliver it 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 ballots.

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 at the office of the city clerk, and there cast his ballot in the following manner: the voter first shall show the city clerk that his ballot has not been marked, then shall secretly mark the ballot with a pen and ink or indelible pencil in the presence of the city clerk, in such a manner that the city clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed, to the city clerk. The city clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in custody to be delivered to the council for canvassing.

Section 7. Absentee ballots; executing outside city.

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

Section 8. Voting at the polls; absentee voters; surrender of materials.

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

Section 9. Retention of absentee ballots; delivery.

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

Section 10. Liberal construction.

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

CHAPTER 70
REVIEW OF ELECTION RETURNS

Sections:

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

Section 1. Canvass committee.

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

Section 2. Canvass committee; meeting; postponing canvass.

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

Section 3. Canvass to be public.

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

Section 4. Procedure for questioned ballot review.

- A. The election supervisor shall contact the State Division of Elections and the local voter registrars by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Registration List were in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures established herein.
- B. The canvass committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination the canvass committee may request the assistance of the clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the decision. If the canvass committee determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the canvass committee upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.
 - I. 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.
 - II. 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 canvass committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (I) of the Section.
 - III. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenges. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe or lockable container.
 - IV. 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 5. Questioned ballots; subpoenas.

The canvass 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 6. Absentee ballots.

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

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

Section 8. Defective ballots.

Canvass committee members shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote.

Section 9. Canvass committee; report contents.

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

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

Section 10. Certifying results.

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

- A. Certify a report that shows:
 - 1. The total number of ballots cast in the election;
 - 2. The names of the persons voted for (including write-ins) and the 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 canvass committee deems necessary to preserve a complete record of the election.
- B. Record the results of the election in the minutes of the meeting.
- C. Authorize the results to be certified.
- D. Publicly declare the results of the election.

Section 11. Contest of election.

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

Section 12. Certificate of election.

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

Section 13. Retention of election records.

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

CHAPTER 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. Recounted expenses; appeal.

Section 1. Contest of election; contestant.

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

Section 2. Contest of election; council.

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

Section 3. Ballot recount.

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

Section 4. Prohibited practices alleged.

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

Section 5. Sustained charges; recount.

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

Section 6. Recounted expenses; appeal.

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

CHAPTER 72
(RESERVED)

CHAPTER 73
(RESERVED)

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 acting as a body, the mayor, or any persons or committee authorized by either of them, shall have the power to inquire into the conduct of any office, department, officer, or employee of the city and to make investigations in municipal affairs and compel the production of books, papers, and other evidence with reasonable notice at a time mutually agreed upon. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee according to the personnel policies of the city.

Section 2. Oath.

All elected officials and permanent employees of the city shall before entering upon the duties of the office, individually take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his or her office and trust, which oath shall be filed with the Clerk. The oath is provided in chapter 5, Section 4 of this code.

Section 3. Delivery of office.

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

Section 4. Reports.

Every department head shall make a monthly report to the council of the activities of the department for the preceding month and present a calendar of activities for the upcoming month. Subject to the mayor's approval, the department head may appoint someone familiar with the activities of the department to prepare and make a monthly report to the council, or the department head may submit a written report and calendar to the mayor in advance of the council meeting. Such monthly report shall include a report on finances of the department.

Section 5. Resignation.

Resignations of city officers and appointed officials shall be made in writing and filed with the Clerk, who shall immediately notify the mayor and council.

Section 6. Conflicts of interest.

A. Prohibitions.

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

B. Financial interests which may be conflicts of interest.

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

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

C. Conflicts of interest and disclosure: city council members.

1. Each councilmember shall disclose any financial interest they may have in any matter that comes before the council for a vote. If the member believes that the financial interest is substantial, they shall ask to be excused from voting on the matter.
2. The mayor shall rule on the request of a councilmember to be excused from voting on a matter in which the member has or believes they have a substantial financial interest. If the mayor is the member making the request, or has the same or a similar or related financial interest in the same matter, the council shall designate another councilmember who has no financial interest in the matter to rule on the request.
3. The decision of the mayor (or designated councilmember) on the member's request to be excused from voting may be overridden by a majority vote of the council. Neither the councilmember making the request, nor any other councilmember who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.
4. If any resident of the city believes that a councilmember may have an undisclosed conflict of interest, the resident may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other councilmember chosen by the resident requesting the meeting) and the councilmember who may have a conflict of interest. If, as a result of the confidential meeting, the councilmember shall disclose the interest to the council as provided in Subsection C, 4 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 may participate in discussion to the same extent as a member of the general public. If the matter is discussed by the council in executive session, the member shall be excluded during the executive session.
6. If a conflict of interest is discovered after an official action has been undertaken or completed the city council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.

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

1. Each city officer and employee shall disclose to the mayor or the city council any financial interest they may have in any matter that has come before the officer or employee for action in the course of their duties. If either the officer or employee making the disclosure, the mayor, or a majority of the members of the council conclude that the financial interest in question is substantial, then the officer or employee shall not act or participate in taking action on the matter.
2. Any resident of the city who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the mayor (or, in the event that a claimed potential conflict of interest involves the mayor, any other councilmember chosen by the resident requesting the meeting) and the officer or employee who may have a conflict of interest. If, as a result of the confidential meeting, the officer or employee with the potential conflict concludes that they should refrain from acting 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 their city office or employment. Such suspensions shall be for a period up to ninety days, and shall be made upon a two-thirds majority vote of the council. Any council member, officer, or employee who is suspended for this reason more than once in any twelve month period may be discharged from the council or from their office or job. Such discharge shall be made upon a two-thirds majority vote of the council.
2. Any person who willfully violates any provisions of Subsection A shall be guilty of an infraction.
3. Any city councilmember or appointed city officer who willfully violates any provision of Subsection A shall be deemed to have violated their oath of office and shall be subject to immediate discharge from the council or from office by two-thirds vote of the council. Any willful violation of any provision of Subsection B by any city employee shall be cause for immediate dismissal from employment.
4. No councilmember may vote on any question of their own suspension or discharge.

CHAPTER 75
PERSONNEL POLICY REQUIREMENTS

Sections:

1. Personnel policies and procedures.

Section 1. Personnel policies and procedures.

The city council shall adopt and amend personnel policies and procedures by resolution.