

CITY OF BREVIG MISSION, ALASKA
REVISED CODE OF ORDINANCES

ORDINANCES REVISED TO JANUARY 2016

CITY OF BREVIG MISSION, ALASKA

Ordinance No. 16-01

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

BE IT ENACTED BY THE BREVIG MISSION CITY COUNCIL AS FOLLOWS:

Section 1. Purpose. We, the elected officials of the City of Brevig Mission Alaska, mindful of the responsibilities for the welfare of our community which we hold as the City Council of a second class City incorporated under the Constitution and laws of the State of Alaska, and in order to provide local government of service to our people to meet their needs, do establish this ordinance to be the Code of Ordinances for the City of Brevig Mission.

Section 2. Classification. This ordinance is of a general and permanent nature.

Section 3. Prior ordinances suspended. This Code supersedes any and all ordinances adopted prior to this Code and not included within this Code at the time of this Code's adoption.

Section 4. Severability. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereof.

Section 5. Titles and chapters adopted. The following titles and chapters constitute the Code of Ordinances for the City of Brevig Mission, as adopted.

Title I. GENERAL PROVISIONS

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

Title II. ADMINISTRATION

- | | | |
|----------|-----|--------------------|
| Chapters | 5. | City Council |
| | 6. | Mayor |
| | 7. | Council Meetings |
| | 8. | Council Procedures |
| | 9. | City Clerk |
| | 10. | City Attorney |
| | 11. | City Bookkeeper |

Title III. REVENUE AND FINANCE

- | | | |
|----------|-----|--|
| Chapters | 12. | Budget, Generally |
| | 13. | Budget Procedures |
| | 14. | Annual Financial Statement |
| | 15. | Management of Funds |
| | 16. | Sales Tax |
| | 17. | Alaska Municipal League Investment, Inc. |

Title IV. ACQUISITION AND DISPOSAL OF CITY PROPERTY & LAND USE

- | | | |
|----------|-----|---|
| Chapters | 18. | Real Property Acquisition |
| | 19. | Eminent Domain; Adverse Possession |
| | 20. | Real Property Sales by City |
| | 21. | Lease of City Lands |
| | 22. | Disposition of City-owned Personal Property |
| | 23. | Extraterritorial Jurisdiction |

TITLE V. CITY DEPARTMENTS

- | | | |
|----------|-----|---|
| Chapters | 24. | Office of the Village Police Safety Officer |
| | 25. | Volunteer Fire Department |
| | 26. | Pulltab/Bingo Department |
| | 27. | Brevig Mission Utilities and Services |

TITLE VI. UTILITIES AND PUBLIC FACILITIES/EQUIPMENT

- | | | |
|----------|-----|------------------------------------|
| Chapters | 29. | Cable TV |
| | 30. | City Equipment |
| | 31. | City Property; Inventory and Files |

TITLE VII. GENERAL WELFARE

- | | | |
|----------|-----|--|
| Chapters | 32. | Prohibition of Sale, Importation and Possession |
| | 33. | Excessive Noise |
| | 34. | Dog Control |
| | 35. | Offenses By or Against Public Officers and Government |
| | 36. | Curfew |
| | 37. | Offenses By or Against Minors |
| | 38. | Garbage, Solid Waste Disposal |
| | 39. | Motor Vehicles |
| | 40. | Control of Firearms, Deadly Weapons, Explosives, Fireworks |
| | 41. | Conduct in Public and Treatment of Intoxicated Persons |
| | 42. | Offenses Against Public Health and Safety |

TITLE VIII. ELECTIONS

- | | | |
|----------|-----|----------------------------------|
| Chapters | 43. | City Elections |
| | 44. | Election Equipment and Materials |
| | 45. | Election Procedures |
| | 46. | Absentee Voting |
| | 47. | Review of Election Returns |
| | 48. | Contest of Election |

APPENDIX OF ELECTION FORMS

TITLE IX. PERSONNEL

Chapters 49. Responsibility of Officers and Employees
 50. Personnel Policies

Section 6. EFFECTIVE DATE: This ordinance becomes effective upon adoption by the Brevig Mission City Council and signature of the Mayor.

DATE INTRODUCED: December 2, 2015

PUBLIC HEARING : January 30, 2019

PASSED and APPROVED by the BREVIG MISSION CITY COUNCIL this 30th day of
January , 2016.

Mayor: _____

ATTEST:

City Clerk: _____

DETAILED CONTENTS

Title I

GENERAL PROVISIONS

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. Distribution.
 10. Ordinances included in the Brevig Mission City Code.

Chapter 2. City Information

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

Chapter 3. Ordinances, Resolutions, Regulations

- Sections:
1. Acts of the Council
 2. Acts required to be ordinance.
 3. Ordinance Procedure.
 4. Ordinance form and content.
 5. Amendments to Code; effect of new ordinances; amended language.
 6. Supplements or revisions to the Brevig Mission City Code.
 7. Emergency ordinances.
 8. Ordinances confined to a 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.

Chapter 4. Public Records

- Sections:
1. Definitions.
 2. Ownership and custody of records.
 3. Duties of City Clerk
 4. Public records; Inspection and copying.
 5. Confidential records.
 6. Retention and disposal.

Title II.

ADMINISTRATION

Chapter 5. City Council

- Sections:
1. City Council; composition.
 2. Duties of Mayor.
 3. Elections of Councilmembers; terms.
 4. Oath of office.
 5. Compensation of Councilmembers.
 6. Conflicts of Interest.
 7. Financial disclosure exemption.
 8. Vacancies.
 9. Recall.
 10. Filling a vacancy.

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.

Chapter 7. Council Meetings

- Sections:
1. Meetings public.
 2. Quorum.
 3. Regular council meetings.
 4. Special meetings.
 5. Notice.
 6. 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; dispositions; withdrawal.
 7. Motions; reducing to writing.
 8. Motions; rescinding vote.
 9. Voting; quorum.
 10. Duties of the Clerk at council meetings.

Chapter 9. City Clerk

- Sections.
1. Appointment; term
 2. City Clerk.
 3. Acting clerk.
 4. Supervisor.

5. Clerk's pay.

Chapter 10. City Attorney

1. City Attorney
2. Duties

Chapter 11. Bookkeeper

- Sections:
1. Appointment.
 2. Duties.

Title III.

REVENUE AND FINANCE

Chapter 12. Budget, Generally

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

Chapter 13. Budget Procedures

- Sections:
1. Fiscal Year.
 2. Public Records.
 3. Proposed Budget.
 4. Public Hearing.
 5. Amendment of proposed budget; Adoption; Appropriations of funds.
 6. Amendment.
 7. Encumbrance.
 8. Effective date of budget certification.
 9. Excess liability; Lapse of appropriations.
 10. Transfers.
 11. Biennial projection-capital program.

Chapter 14. Annual Financial Statement

- Sections:
1. Annual financial statement.
 2. Annual audit.

Chapter 15. Management of Funds

- Sections:
1. Bond.
 2. Deposits and withdrawals.
 3. Investments.

Chapter 16. Sales Tax

- Sections:
1. Historical data.
 2. Definitions.
 3. Sales tax levy.
 4. Sales tax license required.
 5. Seller to collect sales tax.
 6. Sales tax schedule.

7. Filing forms.
8. Form of returns.
9. Record keeping.
10. Exemptions.
11. Exemption procedures.
12. Application for tax refund.
13. Tax as lien.
14. Collection procedures on delinquent sales tax.
15. Penalties and interest.
16. Period of limitation.
17. Rules and regulations.

Appendix A

Appendix B

Chapter 17. Alaska Municipal League Investment, Inc.

- Sections:
1. Authorization of Membership and Agreement.
 2. Authorization of Investments.
 3. Effectiveness of and Termination of Membership and Agreement.
 4. Further Acts.
 5. Effective Ordinance

Title IV.

ACQUISITION AND DISPOSAL OF CITY PROPERTY & LAND USE

Chapter 18. 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.

Chapter 19. Eminent Domain; Adverse Possession

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

Chapter 20. Real Property Sales by City

- Sections:
1. Power to dispose of real property.
 2. Sale or disposal.
 3. Rights and powers.
 4. Property exchanges.
 5. Grants for Federal and State programs.
 6. Beneficial new industries.
 7. Change of use.

8. Utilities.
9. Release of easements.
10. Public sale requirements.
11. Sale procedure; land value under \$25,000.
12. Sale procedure; land value \$25,000. or more.
13. Sales; preference rights.
14. Future interests and after – acquired title.
15. Minimum acceptable offer.
16. Exceptions to minimum acceptable offer.
17. Conditions of sale.
18. Council action.
19. Purchase agreement.
20. Employment of broker.
21. Reservation of easements and rights-of-way.
22. Mayor's regulations.

Chapter 21. 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.

Chapter 22. 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.

Chapter 23. Extraterritorial Jurisdiction

- Sections:
1. Authority
 2. Procedure.

Title V.

City Departments

Chapter 24. Office of the Village Public Officer

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

Chapter 25. 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.

Chapter 26. Pulltab/Bingo Department

- Sections:
1. Creation of the Pulltab/Bingo Department.
 2. Function of the Department.
 3. Pulltab/Bingo Department.
 4. Business hours.
 5. Compliance with State Rules and Regulations.
 6. Cash Count/Deposit Procedures.
 7. Separate Account/Monthly Financial Statements.
 8. Use of Funds/Donations.

Title VI.

UTILITIES AND PUBLIC FACILITIES EQUIPMENT

Chapter 27. Brevig Mission Utilities and Services

- Sections:
1. Ownership of Utility
 2. Resale of Utilities
 3. Service Area
 4. Description of Service
 5. Classification of Service
 6. Application for Service
 7. Appeals
 8. Main Extension
 9. Services
 10. Water Meters
 11. Utility Rates

12. Security Deposits
13. Billing and Payment
14. Notices
15. Administrative and Enforcement
16. Discontinuance
17. Restoration of Services.
18. Unusual Demands
19. Responsibility of Equipment
20. Access to Property
21. Fire Hydrants
22. Manholes, Cleanouts and Main Lines
23. Penalties
24. Suspension of Rule
25. Access to Utility Easement
26. Immunities Preserved

Chapter 28. Cable TV

- Sections:
1. Name of cable television.
 2. Prohibited acts.
 3. Service rates. Connections, Disconnecting, Re-connecting.
 4. Limit of cable lines.
 5. Maintenance of Cable Television System.
 6. Utilization of Companies expertise.

Chapter 29. City Equipment

- Sections:
1. Recognition.
 2. Use of equipment.
 3. Rental equipment.
 4. City Clerk.

Chapter 30. City Property; Inventory and Files

- Sections:
1. Inventory; files.
 2. Ancillary files.
 3. Register.

Title VII.

GENERAL WELFARE

Chapter 31. Prohibition of Sale, Importation and Possession

- Sections:
1. Classification.
 2. Prohibitions.
 3. Violations.
 4. Penalty.
 5. Forfeitures.
 6. Definitions.

Chapter 32. Excessive Noise

- Sections:
1. Excessive noise prohibited.

Chapter 33. Dog Control

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

Chapter 34. Offenses By or Against Public Officers and Government

- Sections:
1. Interference with City officers.
 2. Falsely assuming to be an officer.
 3. Resisting arrest.
 4. Penalty.

Chapter 35. Curfew

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

Chapter 36. Offenses By or Against Minors

- Sections:
1. Selling tobacco to minors.
 2. Selling intoxicating liquor to minors.
 3. Penalties.

Chapter 37. Garbage/Solid Waste Disposal

- Sections:
1. Garbage dumping.
 2. Waste Disposal
 3. Enforcement.
 4. Penalty.

Chapter 38. Motor Vehicles

- Sections.
1. Definitions.
 2. Coverage.
 3. Motor vehicle registration.
 4. Speed limit.
 5. Unsafe operations.
 6. Obstructing airport.
 7. Influence of intoxicating liquor or beverage.
 8. Required equipment.
 9. Reporting of accidents.
 10. Minors under twelve years of age.
 11. Penalties.

Chapter 39. Control of Firearms, Deadly Weapons, Explosives, Fireworks

- 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.

Chapter 40. Conduct in Public and Treatment of Intoxicated Persons

- Sections:
1. Disorderly conduct.
 2. Intoxicated persons.
 3. Detentions.
 4. Safety of detained persons and detaining officer.
 5. Protective custody.
 6. Costs of detaining intoxicated persons.

Chapter 41. Offenses Against Public Health and Safety

- Sections:
1. Sale of food.
 2. Penalty.

Title VIII.

ELECTIONS

Chapter 42. City Elections

- Sections:
1. Administration.
 2. Voter qualifications.
 3. Residence criteria.
 4. General elections.
 5. Special elections.
 6. Election notices.
 7. Simple majority wins. No run-off elections required.
 8. Tie votes.
 9. Qualifications for City Council.
 10. Filing for office.
 11. Withdrawal; written notice.
 12. Publishing names.
 13. Election judges.

Chapter 43. Election Equipment and Materials

- Sections:
1. Election booths.
 2. Furnishing instruction cards.
 3. Ballots, printing, sample ballots.
 4. Ballots, form.
 5. Other materials.

Chapter 44. 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.

Chapter 45. Absentee Voting

- Sections:
1. Absentee voting; eligible persons.
 2. Absentee ballots, application; filing.
 3. Ballot and envelope form.
 4. Absentee voting procedures.
 5. Absentee ballots, delivery.
 6. Absentee voting at Clerk's office; absentee voter's ballot.
 7. Absentee ballots; executing outside city.
 8. Voting at polls; absentee voters; surrender of materials.
 9. Retention of absentee ballots; delivered.
 10. Liberal construction.

Chapter 46. 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.

Chapter 47. 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.

APPENDIX OF FORMS

FORMS

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

Title IX

PERSONNEL

Chapter 48. 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.

Chapter 49. Personnel Policies

- Sections:
- 1. Policies.
 - 2. General Provisions.
 - 3. Employment, limitations, Prohibitions, Accommodations and Penalties.
 - 4. Classification, Compensation, Salary, Schedules.
 - 5. Recruitment.
 - 6. Workweek, pay, classification of employees.
 - 7. Performance evaluation.
 - 8. Resignation, suspension, layoff.
 - 9. Dismissal, disciplinary actions.
 - 10. Grievance and grievance procedure. .
 - 11. Personal leave.
 - 12. Other leave.
 - 13. Legal holidays.
 - 14. Travel, per diem, subsistence
 - 15. Sexual and other harassment.
 - 16. Safety .

Title I. GENERAL PROVISIONS

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

CHAPTER 1

GENERAL PROVISIONS

Sections:

1. Code cite and designation.
2. Definitions.
3. Grammatical interpretation.
4. Effect of repeal of ordinances.
5. Severability of ordinances and parts of Code.
6. General penalty.
7. Laws of Alaska; violations.
8. Enforcement.
9. Distribution.
10. Ordinances included in the Brevig Mission City Code.
11. Time ordinances take effect.
12. Corrections.

Section 1. Code cite and designation. The ordinances in the following chapters and Sections shall be called "Code of Ordinances, City of Brevig Mission, Alaska".

Section 2. Definitions. The following definitions apply to this Code and all City ordinances unless the plain meaning requires otherwise.

CITY: The City of Brevig Mission, Alaska, or the area within the territorial limits of the City of Brevig Mission, Alaska.

CLERK: The City Clerk:

CODE: The Code of Ordinances, City of Brevig Mission, Alaska; the Brevig Mission City code.

COUNCIL: The City Council of Brevig Mission;

PERSON: A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person.

PUBLISH: To post a notice within the City in three (3) locations open to the public, one of which shall be the City Office, for a period of not less than five (5) days.

STATE: The State of Alaska.

Voter: A United States citizen who is qualified to vote in State elections, has been a resident of the City of Brevig Mission for thirty (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 Brevig Mission City Code and the ordinances of the City: (A) Gender. Any gender includes the other genders.

B. Singular and plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. All words and phrases shall be construed and understood according to the context and the commonly approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law and shall be construed and

understood according to such peculiar and appropriate meaning.

E. "May" is permissible".

F. "Must" and "Shall", each is mandatory.

Section 4. Effect of repeal of ordinances. Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract, or event already affected by them.

Section 5. Severability of ordinances and parts of Code. Any ordinance enacted before or after the adoption of this Code which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this ordinance, or the application thereunto any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby".

Section 6. General penalty. Every act prohibited by ordinance of this Code is unlawful. Unless other penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300.). Such fine shall be set at the discretion of the fining authority. A "violation" is a non criminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled: A. to a trial by jury; or

B. to have a public defender or other counsel appointed at public expense to represent the person.

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

Section 7. Laws of Alaska; violations. No person shall violate any law of the State of Alaska, nor any rule or regulation adopted by any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the Code of Ordinances of the City of Brevig Mission, Alaska, except where the State has exclusive jurisdiction over the offense.

Section 8. Enforcement. The City Council, or duly appointed regulatory body, or the Village Police Officer (VPO) shall enforce all City Ordinances and laws of the State of Alaska. The VPO shall serve the person with a citation pertaining to the infraction of the City ordinance. If the fine is not paid to the City Clerk, or designee within ten (10) days the person will be served notice to personally appear before the City Council for further action.

Section 9. Distribution. This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the costs 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 10. Ordinances included in the Brevig Mission 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 Brevig Mission 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 of enacted.

C. All titles to ordinances, all enacting and repealing clauses all declarations of emergency, and all purpose, validity and constructions 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 ordinances.

Section 11. Time ordinances take effect. An ordinance which has been approved by the Council shall be effective twenty-four (24) hours after passage, unless otherwise stated in the ordinances.

Section 12. Corrections. When this code, or any amendments or additions to it, there are any errors the correction of which does not change the meaning of any section of this code, the Council may authorize the City Clerk to make the corrections of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure.

The following corrections are authorized: (A) Manifest errors which are clerical, 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 reference to laws;

D. correction of mistakes in grammar;

E. correction of citations or references to laws, statutes and ordinances whose designation have changed because of renumbering or revision of the Alaska Statutes, federal law, or this Code.

CHAPTER 2

CITY INFORMATION

Sections:

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

Section 1. Name of City and form of government. The City of Brevig Mission shall continue as a municipal corporation and political subdivision of the State of Alaska under the Name: "City of Brevig Mission, Alaska".

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

Section 2. City limits and history. The boundaries of the City are:

All of Sections 4 and 5, and all of the territory above mean low water of Port Clarence in Sections 8 and 9, T2S, R38W, Kateel River Meridian, Alaska, containing 2.25 square miles, more or less.

The map on the following page of this Chapter shows the locations of these boundaries. The boundaries of the City as described above were the effective city limits as of incorporation of the City of Brevig Mission as a fourth class city on the 28th of July 1969. On September 10, 1972, the City of Brevig Mission was reclassified as a 2nd 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 described. The City shall have a seal consisting of two (2) concentric circles bearing the words in the outer circle "City of Brevig Mission, Alaska" and in the inner circle "corporate seal, State of Alaska."

Section 4. Use of seal. The City 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 ordinance.
3. Ordinance procedure.
4. Ordinances form and content.
5. Amendments to Code; effect of new ordinances; amendatory language.
6. Supplements or revisions to the Brevig Mission City Code.
7. Emergency ordinances.
8. Ordinances confined to single subject.
9. Requirements for passage.
10. Signature.
11. Ordinance file.
12. Repeal shall not revise any ordinance.
13. Formal acts by resolution.
14. Procedures for resolutions.
15. Requirements for passage of resolutions.
16. Rules and regulations.
17. Codes of regulations.

Section 1. Acts of the Council. The Council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be reduced to ordinance. When the Council expresses opinions, principles, facts, or propositions, it shall be in the form of a resolution.

Section 2. Acts required to be by ordinance. In addition to other actions which the Alaska Statutes require to be by ordinance, the Council shall use ordinances to:

- A. establish, alter, or abolish city departments;
- B. amend or repeal an existing ordinance;
- C. fix the compensation of members of the Council;
- D. provide for the sale of City property;
- E. provide for a fine or other penalty, establish rules and regulations for violation of which a fine or other penalty imposed;
- F. provide for 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 council seat;
- L. provide for the retention or sale of tax-foreclosed property;
- M. regulate the rate charged by a public utility;
- N. exempt contractors from compliance with general requirements relating to payment and performances bonds in the construction or repair of municipal public works projects within the limitations set out in A.S.36.25.025;
- O. provide for the acquisition and disposal of land and interest in land.

Section 3. Ordinance procedure. A proposed ordinance is introduced in writing by the Mayor or other Councilmembers, or by a committee of Councilmembers, at any lawful council meeting. After the ordinance is introduced, the Council shall vote on whether to set the time and date for a public hearing on the ordinance. If there are at least four (4) votes in favor of setting a public hearing, the draft ordinance shall be assigned a reference number by the Mayor and the Council shall establish 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 (5) days. The public hearing may be held at any lawful council meeting. At the public hearing, copies of the proposed ordinance shall be read in full. During the public hearing the Council shall be given to all persons 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 type or print and make available copies of the adopted ordinance. If a proposed ordinance is amended by the Council after the ordinance's basic character, the proposed ordinance shall be treated as newly – introduced proposed ordinance.

Section 4. Ordinance form and content. All ordinances enacted by the Council shall be in substantially the following form: (A) the heading: "City of Brevig Mission, Alaska";

- B. the "Ordinance Number";
- C. the title, which summarizes the ordinances provisions and includes any penalties imposed;
- D. the enacting clause which shall read: 'BE IT ENACTED BY THE COUNCIL OF THE CITY OF BREVIG MISSION, ALASKA';
- E. the provisions of the ordinance;
- F. the dates of introduction, first reading, and public hearing;
- G. the date of adoption;
- H. space for the signature of the Mayor; and
- I. space for the Clerk's signature as an attestation to the signature of the Mayor.

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

Section 5. Amendments to Code; effect of new ordinances; a mandatory language. All ordinances passed subsequent to this code which amend, repeal, or any way affect this Code, shall be numbered according to the numbering system of this Code and be printed for inclusion. In the case of chapters, sections and subsections or any part thereof repealed by subsequent ordinances, the repealed portions shall be excluded from the Code by omission from reprinted pages affected.

Amendments to any 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 Brevig Mission, 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 not heretofore existing in the Code is to be added to the following language shall be used: "The Code of Ordinances of the City of Brevig Mission, Alaska is hereby amended by addition of a chapter or section, to be numbered ____, which chapter or Section reads as follows". The new chapter or section shall then be set in full as desired. All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Section 6. Supplements or revisions to the Brevig Mission City Code. Amendments and supplements to this Code shall be typed or printed and included within this Code within ninety (90) days after adoption by the Council.

The Brevig Mission City Code shall be supplemented at regular intervals or if the Council considers that supplementation of the Code is unnecessary, the Code shall be revised and printed every five (5) years.

Section 7. Emergency ordinances. To meet public emergencies the Council may adopt emergency ordinances effective on adoption. Each emergency ordinance shall contain a finding by the Council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The Council must type or print and make available copies of adopted emergency ordinances.

An emergency ordinance may not be used to levy taxes, to grant, renew, or extend a franchise, or to regulate the rate charged by a public utility for its services. An emergency ordinance is effective for sixty (60) days.

Section 8. Ordinances confined to single subject. Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title.

Section 9. Requirements 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 Clerk.

Section 11. Ordinance file. The Clerk shall keep separate permanent files for ordinances that are available for public inspection. These files shall contain all introduced, passed, failed and repealed ordinances.

Section 12. Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the enacting clause of such ordinance or revive any ordinance which has been repealed.

Section 13. Formal acts by resolution. Formal acts by the Council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

- A. The heading "City of Brevig Mission, Alaska;
- B. the space for a number to be assigned – "Resolution No ____",
- C. a short and concise title descriptive of the resolution's subject and purpose,
- D. short premises or WHEREAS clauses descriptive of the reasons for the resolution, if necessary,
- E. the resolving clause "Be It Resolved",

- F. the date of adoption;
- G. space for the signature of the Mayor; and
- H. space for the Clerk's signature as an attestation to the signature of the Mayor.

All resolutions adopted by the Council whether at the request of a third party or on the motion of the Council shall conform to the requirements set forth in this section. Resolutions shall not be included in the Code, but shall be kept in a separate permanent file the Clerk and shall be available for public inspection. The form appearing at the end of this chapter illustrates the form set out and is suggested for use by Councilmembers.

Section 14. Procedures for resolutions. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken. On any vote to pass a resolution, all persons interested shall be given an opportunity to be heard. After the hearing, the Council may pass the resolution with or without amendments. After adoption, every resolution shall be posted in full on the City bulletin board and in such other places such as the Council may direct. 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 (4) affirmative votes are required for the passage of a resolution. The final vote on each resolution is a recorded roll call vote.

Section 16. Rules and regulations. Any rule or regulation made by and administrative officer or board or commission shall be posted for ten (10) days in three (3) public places following its approval by the Council.

Section 17. Codes of regulations. The Council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen (15) days before adoption of an ordinance under this section at least five (5) copies of the code of regulations shall be made for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The Council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

Chapter 3, Section 4
CITY OF BREVIG MISSION, ALASKA
ORDINANCE NO.

AN ORDINANCE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF BREVIG MISSION, ALASKA

Sections:

- 1.
- 2.
- 3.

Section 1.

Section 2.

Section 3.

DATE INTRODUCED:
PUBLIC HEARING:

PASSED AND APPROVED by the BREVIG MISSION CITY COUNCIL this ____ day of _____, 20__.

Mayor:
Attest:
City Clerk

Chapter 3, Section 13
CITY OF BREVIG MISSION, ALASKA
RESOLUTION NO.

A RESOLUTION

WHEREAS,

WHEREAS,

AND WHEREAS,

BE IT RESOLVED:

PASSED and Approved by the BREVIG MISSION CITY COUNCIL this ____ day of _____, 20__.

Mayor
ATTEST:
City Clerk

CHAPTER 4

PUBLIC RECORDS

Sections:

1. Definitions.
2. Ownership and custody of records.
3. Duties of City Clerk.
4. Public records; inspection and copying.
5. Confidential records.
6. Retention and disposal.

Section 1. Definitions. As used in this chapter, “**record**” means any document, record, paper, letter, file, book, account, photograph, microfilm, microfiche, map, drawing, chart, card, magnetic media or computer print-out, or other document of any material, regardless of physical form or characteristic, created or acquired under law or in connection with the transaction of official business and preserved or appropriate for preservation by the City, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the City or because of the information value in them. “Record” does not include extra copies of documents made of preserved solely for convenience of reference, or for public distribution.

Section 2. Ownership and custody of records. (A.) All records shall be and remain City property. Records shall be delivered by outgoing officials and employees to their successors as required by this Code and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law.

B. City records, or copies of City records which have been certified by the Clerk, shall be prima facie evidence of their contents.

Section 3. Duties of City Clerk. The Clerk shall be responsible for the administration and maintenance of public records. The Clerk shall:

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

B. Establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and refilling records which are temporarily removed from the permanent files for use by the Clerk, other City officials or employees, or members of the public

C. Develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska State Archive Program in the Department of Education as provided by A.S.40.21.090 and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records which are not open to public inspection pursuant to Section 5.

D. Establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 5, and

E. Secure and maintain at least one (1) copy of the Alaska Statutes and make them available for public inspection.

Section 4. Public records; Inspection and copying. (A.) Except as provided in Section 5, City records are public records.

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

Section 5. Confidential records. (A.) Except as otherwise provided by law, confidential records shall not be made available to the public or to any City officer, official or employee whose duties do not require access to the record in question;

B. The following City records are confidential:

1. records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S.18.50;
2. records pertaining to juveniles;
3. medical and related public health records;
4. personnel records, except as provide in this Code;
5. other records required by Federal or State law or regulation or by ordinance to be kept confidential.

Section 6. Retention and disposal. (A.) All City records shall be retained until the Council, in writing, authorizes their disposal. The retention and or disposal schedule shall be in accordance with the Alaska Local Government Retention Schedule.

B. The Clerk shall propose and the Council shall by resolution or ordinance approve a records retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative, or historical value and may be destroyed by the Clerk. The Clerk may dispose of routine records pursuant to the retention schedule.

C. The Clerk shall periodically review the City records, including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative or historical value. When the Clerk identifies such records, he or she, may propose to the Council that such records be destroyed. The Clerk's proposal to the Council shall include lists of these records sufficiently detailed to identify the records and to permit the Council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the Council finds that certain records so identified by the Clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such authorization, the Clerk may dispose of the specific records in the manner approved by the Council.

D. The Clerk shall file a descriptive list of the records disposed of and a record of and a record of the disposal itself. The Clerk shall provide copies of these documents to the Council.

Title II ADMINISTRATION

Chapters	5.	City Council
	6.	Mayor
	7.	Council Meetings
	8.	Council Procedures
	9.	City Clerk
	10.	City Attorney
	11.	City Bookkeeper

CHAPTER 5

CITY COUNCIL

Sections:

1. City Council; composition.
2. Qualification of Councilmembers.
3. Election of Councilmembers; terms.
4. Oath of Office.
5. Compensation of Councilmembers.
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 (7) members elected by the voters at large.

Section 2. Qualification of Councilmembers. Councilmembers shall be qualified City voters. Candidates for Council shall have resided in the City for three (3) years preceding the date of election.

Council seats are designated and terms expire as follows:

Seat A- a three - term, expires in 1998, then 2001, then 2004, etc.

Seat B- three - year term expires in 1998, then 2001, then 2004, etc.

Seat C- three – year term expires in 1998, then 2001, then 2004, etc.

Seat D – term expires in 1997, as a two year term, then for a three year term expiring in 2000, then 2003 etc.

Seat E – term expires in 1997, as a two year term, then for a three year term expiring in 2000, 2003, etc.

Seat F – term expires in 1996 as a one year term then for a three year term expiring in 1999, 2002, etc.

Seat G – term expires in 1996 as a one year term then for a three year term expiring in 1999, 2002, etc.

A Councilmember who ceases to be a voter in the City immediately forfeits office.

Section 3. Election of Councilmembers; terms. 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 thirty (30) days preceding the date of election. Councilmembers' terms of office begin on the first Monday of election. Councilmembers' terms of office begin on the first Monday following the certification of the election.

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 Brevig Mission, Alaska and that I will honestly, faithfully and

impartially perform my duties as _____ to
the best of my ability.

The oath is filed with the City Clerk.

Section 5. Compensation of Councilmembers. Councilmembers shall receive no compensation for serving on the Council. A separate stipend of one hundred twenty-five dollars (\$125.00) shall be paid to each council member and any otherwise uncompensated City representative for each meeting attended on City business. Per diem or reimbursements for expenses are not compensation under this section. Compensation of Council members shall not be changed during their term of office.

Section 6. Conflict of interest. If a Councilmember has a substantial financial interest in an official action, the Councilmember shall declare that interest and ask to be excused from a vote on the matter.

Section 7. Financial disclosure exemption. An election was held on December 31, 1996, which exempted persons running for and incumbents from having to file financial statements with the Alaska Public Offices Commission as required in AS 39.50.145. The initiative was passed by **43 for** and **28 against**. The City of Brevig Mission is exempt from this financial disclosure law and all candidates running for public office are exempt as well as those currently holding office as Councilmembers.

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 (30) days after this election or appointment.
- B. is physically absent from the City for ninety (90) 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 if a violation 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 (3) 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 one hundred - twenty (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 Councilmember is recalled, that office is filled in accordance with Section 9 of this Chapter. If all members of the Council are recalled, the Governor shall appoint three (3) qualified persons to the Council. The appointees shall appoint additional members to fill remaining vacancies in accordance with this section. A person appointed to the Council

serves until a successor is elected and takes office.

E. If an official other than a member of the City Council is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held on the sixth (6th) Tuesday after the date the recall election is certified, except that if a regular election occurs within seventy-five (75) days after certification the successor shall be chosen at that election. Nominations for a successor may not be filed until seven (7) 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 thirty (30) days appoint a qualified person to fill the vacancy. If less than thirty (30) days remain in a term, a vacancy cannot be filled. Notwithstanding the less than thirty (30) days remaining in a term provision, if the membership of the Council is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven (7) 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 for one-year term and may serve as Mayor only while a member of the Council.

Section 2. Duties of Mayor. The executive power in the City is vested in the Mayor. The Mayor acts as ceremonial head of the City and executes official documents on authorization of the Council. The Mayor presides at City Council meetings and as a Councilmember shall vote on all matters. The Mayor does not have the power to 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 Clerk the Mayor Shall:

- A. Appoint, suspend or remove City employees and administrative officials as provided in the City's personnel ordinances (Chapter 45);
- 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; and
- 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 (1) year and until a successor is elected and has qualified. The Vice-Mayor shall be elected and take office immediately at the Council meeting held on the first Monday after certification of the regular election.

Section 4. Compensation of Mayor. The Mayor of the City shall receive meeting stipends at the same rate as the Councilmembers. In addition, the Mayor shall receive a beginning salary of four hundred and fifty dollars (\$450.) per month. Each successive year that the same Mayor retains his or her position, they shall receive a salary rate increase of fifty dollars (\$50.) per month subject to a cap of seven hundred (\$700.) per month.

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

The oath is filed with the Clerk.

Section 6. Vacancy in the office of Mayor. (A.) The Council shall, by two-thirds concurring vote, declare the office of Mayor vacant only when the person elected:

1. fails to qualify or take office within thirty (30) days after election or appointment;
2. unless excused by the Council, is physically absent from the City for ninety (90) consecutive days;
3. resigns and the resignation is accepted;
4. is physically or mentally unable to perform the duties of office;
5. is convicted of a felony or of an offense involving a violation of the oath of office;
6. is convicted of a felony or misdemeanor described in A.S.15.56;
7. is convicted of a violation of A.S. 15.13;
8. no longer physically resides in the City; or
9. misses three (3) consecutive regular council meetings and is not excused.

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

C. Recall provisions of Chapter 5, Section 9 of this Code apply to the office of Mayor.

Section 7. Mayor is ex-officio officer. The Mayor is an ex-officio member of every Committee or department organized or functioning under this Code.

CHAPTER 7

COUNCIL MEETINGS

Sections.

1. Meetings public.
2. Quorum.
3. Regular council meetings.
4. Special meetings.
5. Notice.
6. Executive session.

Section 1. Meetings public. Meetings of all city governmental bodies shall be public as provided in A.S. 44.62.310. The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section 2. Quorum. Four Councilmembers constitute a quorum. A member disqualified by law from voting on a question may be considered present for purpose of constituting a quorum. In the absence of a quorum any number of members may recess or adjourn the meeting to a later date.

Section 3. Regular council meetings. All regular meetings of the Council shall be held on the second and last Tuesday of each month.

The usual place of Council meetings shall be at the Brevig Mission City Office, provided however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the Council, the meeting may be moved to such other place as the Council may choose, provided reasonable prior notice is given.

Sections 4. Special meetings. Special meetings of the Council are those meetings which are called by the presiding officer or one-third of the members of the Council for a time different than that fixed for the regular Council meetings. The location of all special Council meetings shall be the same as that authorized for regular meetings.

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

Section 5. Notice. For the purpose of giving a notice of meetings, reasonable public notice is given a statement containing the date, time and place of the meeting is posted not less than seventy-two (72) hours before the time of the meeting in at least three (3) public places. Notwithstanding the preceding as much notice as is practicable shall be given. In the case of a special meeting where twenty-four (24) hours or less notice is given Councilmembers, public notice shall be posted at the same time as notice is given Councilmembers.

Section 6. Executive session. All meetings of the Council are public meetings. However in case where excepted subjects are to be discussed at a Council meeting the Council may consider holding an executive session. The meeting must be first be convened as a public meeting and the question of holding an executive session to discuss matters that are

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

- A. matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- B. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and.
- C. matters which by law, municipal charter, or ordinance are required to be confidential.

CHAPTER 8

COUNCIL PROCEDURES

Sections:

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

Section 1. Mayor: the presiding officer at council meetings. The Mayor shall preside at all meetings of the Council, he shall preserve order among the Councilmembers, and is responsible for conduct of all meetings according to the rules of the Council. He may at any time make such rules as he considers proper to preserve order among the attending public in the City council room during session of the Council. The Vice-Mayor shall preside in the absence of the Mayor.

In the temporary absence or disability of the Mayor and the Vice-Mayor, any member of the City Council may call the Council to order at any duly called meeting to elect a presiding officer "pro tem" from among its number and the presiding officer "pro tem" shall exercise all the powers of Mayor during such temporary absence or disability of the Mayor and may also vote.

Section 2. Meetings; order of business. At every regular meeting of the City Council the order of business shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Amendment to Agenda
- D. Minutes of Previous Meetings
- E. Public Participation.
- F. Unfinished Business.
- G. New Business.
- H. Consideration of Resolution.
- I. Consideration of Ordinances.
- J. Reports.
- K. Correspondence.
- L. Mayor's Comments.
- M. Staff's Comments.
- N. Councilmembers' Comments
- O. Public Comments.
- P. Announcements.
- Q. Adjournment.

Section 3. Minutes. Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the journal of the proceedings of the Council. The minutes are public records and are to be made available to anyone upon request. The cost of copying may be

charged. Minutes shall be posted, as soon as typewritten, at a public place.

Section 4. Council rules; speaking; rules of conduct. A Councilmember about to speak shall respectfully address the Mayor or the presiding officer, and shall not commence to speak until recognized by the Mayor or presiding officer. When two (2) 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. All motions shall require a second, unless otherwise provided by special rule.

Section 6. Motions; disposition; withdrawal. After a motion is seconded and started 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 Councilmember making the motion may withdraw it at any time before the vote, if the second agrees.

Section 7. Motions; reducing to writing. Any motion must be out 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 (4) Councilmembers shall constitute a quorum. Four (4) affirmative votes are required for passage of an ordinance, resolution, or motion.

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

Section 10. Duties of the Clerk at Council meetings. The City Clerk shall give notice of City council meetings, shall attend all meetings of the Council and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the City Clerk the City Council may appoint a temporary clerk, with all the powers, duties and obligations of the City Clerk.

CHAPTER 9

CITY CLERK

Sections:

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

Section 1. Appointment; term. The City Clerk shall be appointed by the Council. The Clerk shall hold office at the pleasure of the Council. The Council shall draft a job description which will outline minimum qualifications and duties.

Section 2. City Clerk. The City Clerk shall: (A.) Give notice of the time and place of council meetings 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 the general duties including maintaining City files; and
- L. provide to the proper officials notice of the expiration or termination of any terms of office.
- M. supervise enforcement of City laws.
- N. execute the budget and capital programs as adopted.
- O. the City Clerk shall verify time sheets for all City employees with bookkeeper. And supervise other office staff and the running of other city departments.
- P. carry out the conditions ore requirements of all bonds, franchise, contracts or agreements.
- Q. handle all incoming and outgoing mail.

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 Clerk.

Section 4. Supervisor. The City Clerk is supervised by the Mayor.

Section 5. Clerk's pay. The Council shall determine the pay of the Clerk or acting clerk.

CHAPTER 10
CITY ATTORNEY

Sections.

1. City attorney.
2. Duties of city attorney.

Section 1. **City Attorney.** There may be a City attorney who shall be appointed by the Council. He shall hold office at the pleasure of the Council.

Section 2. **Duties of City attorney.** The City attorney may: (A.) Be charged with the performance of all legal services of the City, including those of legal advisor to the Council, the Mayor, and all departments and offices of the City;

- B. upon the request of the City Council, take necessary steps to arrange for the prosecution of violations of the City ordinances;
- C. represent the City in all matters, civil, and criminal, in which the City is interested;
- D. draft any ordinance when required by the City Council or Mayor;
- E. perform such other duties as may be required by the City Council or Mayor;
- F. if necessary, attend meetings of the City Council;
- G. report to the City Council promptly all suits brought against the City;
- H. call to the attention of the City Council and the Mayor all matters of law affecting the City;
- I. render all opinions in writing, as far as is practicable; and
- J. maintain a record of all opinions rendered and turn such records over to his successor in office.

CHAPTER 11
CITY BOOKKEEPER

Sections.

1. City bookkeeper.
2. Duties of City bookkeeper.

Section 1. City bookkeeper. The City bookkeeper shall be appointed by the Council. The bookkeeper shall hold office at the pleasure of the Council.

Section 2. Duties of City bookkeeper. The City bookkeeper shall: (A.) Keep a complete set of records of the financial transaction of the City;

- B. verify and enter detailed financial transactions such as cash journal, i.e. sales slips, checks stubs, etc.;
- C. summarize financial details on separate ledgers, using calculators and/or computer, records that show monthly (reports) statistics;
- D. prepare and calculate employees wages from timecards. Prepare employee tax withholding, reports and deposits;
- E. compute types and mail monthly statements to customers;
- F. accept bill payments from customers;
- G. balance checkbooks and ledgers. Reconcile bank statements monthly;
- H. prepare grant progress and other reports to grant agencies;
- I. prepare monthly financial reports, City finances and operations and present to the City Council;
- J. performs other duties as assigned by the City Council.
- K. prepare the annual budget and capital improvement program for the Council
- L. report to the Council at the end of each fiscal year on the finances and administrative activities of the Council.
- M. administer payroll and balance the accounting books.
- N. handle all incoming and outgoing mail.
- O. keep custody of all City funds.
- P. keep itemized account of money received and disbursed,
- Q. assist the Mayor to compile the annual budget of the City.
- R. prepare and submit to the Mayor such financial reports and other data as may be required,
- S. prescribe and control such procedures as necessary to protect City funds and programs.
- T. be responsible for filing State and Federal applications for shared revenue programs.

The City Council shall determine the hours and pay of the bookkeeper. The bookkeeper is supervised by the City Clerk or the Mayor.

Title III. REVENUE AND FINANCE

- Chapter 12. Budget, generally
- Chapter 13. Budget procedure
- Chapter 14. Annual financial statement
- Chapter 15. Management of funds
- Chapter 16. Sales Tax
- Chapter 17. Alaska Municipal League Investment, Inc.

CHAPTER 12

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 (1) fiscal year, shall be made by non-code ordinance and approved by 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, and

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 City's appointed officials to expend each budgeted sum for the specified purpose, and
- C. Proposed expenditures shall not exceed anticipated revenues and reserves.

Section 3. Budgeted revenues. Budgeted expenditures 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 of capital projects.

CHAPTER 13

BUDGET PROCEDURE

Sections:

1. Fiscal year.
2. Public records.
3. Proposed budget.
4. Public hearing.
5. Amended of proposed budget; Adoption; Appropriations of funds.
6. Amendment.
7. Encumbrance.
8. Effective date of budget certification.
9. Excess liability; Lapses of appropriations.
10. Transfers.
11. Biennial projections- 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 three (3) places in the City not more than ten (10) nor less than five (5) 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; Appropriations 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 (15th) 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 notice of the hearing.

Section 7. Encumbrance. No budget appropriations may be encumbered without prior certification that there are unencumbered funds sufficient to cover the anticipated expenditures.

Section 8. Effective date of budget certification. The adopted budget shall be in effect for the fiscal year. A copy of the adopted budget shall be certified by the Mayor, attested by the 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 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 or she shall present to the Council, as a working document, a proposed two-year summary budget for the City (excluding capital improvement programs) in the same general forms as the budget for the next fiscal year. In addition, the Mayor shall present a five-year (5) 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 14

ANNUAL FINANCIAL STATEMENT

Sections.

1. Annual financial statement.
2. Annual audit.

Section 1. Annual financial statement. The bookkeeper 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 bookkeeper's monthly financial report.

Section 2. Annual audit. (A.) The Council shall, if required, provide for an annual independent audit of the accounts and other evidences of financial transactions of the City and every City department as required by 2 AAC 45.010 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 account 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 15

MANAGEMENT OF FUNDS

Sections.

1. Bond.
2. Deposits and withdrawals
3. Investments.

Sections 1. Bond. The Clerk shall give bond to the City in a sum which the council directs.

Sections 2. Deposits and withdrawals. (A.) The Bookkeeper is authorized to deposit City funds in such federally insured commercial banks, savings and loan associations, or investment accounts as the council may authorize by resolution. All such deposits shall be held in the name of the City. The Mayor, and council members as designated by the council are authorized signatories on such accounts.

B. All withdrawals from checks drawn on such accounts in excess of two hundred fifty dollars (\$250.), for all checks, shall require two authorized signatures. Withdrawals or checks in amounts less than two hundred fifty dollars (\$250.), for all checks in any amount, shall require one signature.

C. No check may be drawn unless there are sufficient funds in the account on which the check is drawn to pay the check.

Section 3. Investments. The Clerk shall periodically determine necessary cash balances to be maintained in the City's demand deposit accounts and shall invest excess cash in securities of the United States, any State or local governments, commercial paper, time certificates of deposit or any other form of security as may be authorized by law commensurate with the following stipulations:

1. preference shall be given to Alaskan securities and financial institutions;
2. investment in corporate stocks and bonds is prohibited; and,
3. all transactions shall be made and held in the name of the City.

CHAPTER 16

SALES TAX

Sections:

1. Historical data.
 2. Definitions.
 3. Sales tax levy.
 4. Sales tax license required.
 5. Seller to collect sales tax.
 6. Sales tax schedule.
 7. Filing returns.
 8. Form of returns.
 9. Record keeping.
 10. Exemptions.
 11. Exemption procedure.
 12. Application for tax refund.
 13. Tax as lien.
 14. Collection procedures on delinquent sales tax.
 15. Penalties and interest.
 16. Period of limitation.
 17. Rules and regulations.
- Appendix A
Appendix B

Section 1. Historical date. In accordance with the provisions of, at the time, AS 29.10.022 and elections for the incorporation of a fourth class City known as Brevig Mission, Alaska was held on September 23, 1969. The vote was **21** for and **3** against. At that time, a majority of votes was cast for enactment of 3% sales tax. The vote was **21** for and **3** against. On the 6th day of October, 1969, the City of Brevig Mission was incorporated with authority to enact a 3% sales tax.

Section 2. Definitions. For the purpose of this chapter, the following words or phrases have the meanings contained herein:

Buyer: the person who, in the ordinary meaning of the term, takes title to, takes possession of, or buys property or receives services for consideration.

Property: any item, equipment, or other material subject to ownership.

Retail sales or Sale at retail: every sale made to final buyer and not made in consideration of a resale in the regular course of business.

Retail sale within the City: a retail sale resulting from an offer made from the seller to the buyer within the City or accepted by the buyer within the City, or services and rental taking place wholly within the City.

Sale: the transfer of rights in the property from seller to a buyer and includes the sale of goods, rental of property and sale of services.

Sale of Services: the selling price received for a service provided by an establishment whose principle activity is to furnish service to the consuming public, and includes, but is not limited to, services provided by a barber shop, hotel, restaurant, automobile, repair shop, laundry, telephone company, cable television company, and the like; it does not include wages, salaries, or other payment for labor performed for an employer.

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

Section 3. Sales tax levy. (A.) A sales tax is levied on all sales, rents, and services made in the City, including those made on credit, at the rate of **3% (three percent)** of the selling price. Sales, rents and services included.

1. All retail sales.
2. Upon telephone services for local exchanges, service receipts.
3. For gas and oil for commercial or domestic use.
4. For water or ice furnished and sold for commercial or domestic use.
5. Gross receipts derived from rents paid to boat owners for hunting and/or sporting expenditures.
6. Gross receipts derived from rents paid to hotels, motels, lodges, rooming houses.
7. For services furnished and sold for domestic or commercial use by laundries and cleaners, carpenters, painters, decorators, scavenger, taxies, and vehicle rentals.
8. All gross receipts received by persons who run and operate places of entertainment or amusement and devices of amusement operated machines of all types, provided that entertainment of amusement devices offered for non-profit services or fraternal organizations shall be exempt from taxation.
9. Gross receipts received by a person who owns or operates coffee shops, restaurants, café and catering services including board.
10. For lighterage service furnished and sold for domestic and commercial use.

B. The burden of the sales tax rests upon the buyer. The tax is to be collected by the seller as further provided in this chapter.

C. Taxes collected shall be deposited in the general fund of the City of Brevig Mission.

Section 4. Sales tax license required. All persons, businesses, corporations, partnership, etc., who have a State of Alaska Business License and/or who are conducting business and making sales for which sales tax is to be collected under the terms of this Chapter are required to have a current City of Brevig Mission Sales Tax License to conduct business within the City limits of Brevig Mission. Sales tax licenses shall be available for free from the City Office during the month of July. New business may obtain them any time of the year. (A.) Applications for licenses shall be obtained from the City Clerk's office.

B. Applicants must have valid and current State of Alaska Business License/Permits to obtain sales tax license from the City.

C. The license must be prominently displayed at the place of business.

Section 5. Seller to collect sales tax. (A.) A seller shall add the 3% sales tax to the selling price which the seller collects at the time of the sale or at the time of collection with respect to credit transaction.

B. If the buyer refuses to pay the tax, the seller is exempt from any violations or penalties otherwise imposed, provided a report is made to the City concerning all fact known about the sale and refusal within three (3) business days of the refusal. Otherwise, if the buyer refuses to pay the tax, and the fact is not reported, the seller is liable therefore. The tax is a debt from the buyer to the seller until paid and is recoverable at law in the same manner as other debts. The buyer is liable to the City for the tax notwithstanding the seller's duty to collect.

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

Section 6. Sales tax schedule. The following three percent (3%) sales tax schedule shall be used by a seller in computing the tax due to be paid by the buyer.

<u>Sales Price</u>	<u>Tax</u>	<u>Sales Price</u>	<u>Tax</u>	<u>Sales Tax</u>	<u>Tax</u>
Under .50	None	\$1.37 – 1.69	0.05	\$2.70 – 3.03	0.09
\$.50 - .69	\$0.02	1.70 – 2.03	0.06	3.04 – 3.36	0.10
0.70 – 1.03	0.03	2.04 – 2.36	0.07	xxxx	xx
1.04 - 1.36	0.04	2.37 – 2.69	0.08	xxxx	xx

and continuing at the same intervals for the sales price and the three percent (3%) tax.

Section 7. Filing returns. Sellers shall file returns for taxes collected on a monthly basis. On or before the tenth (10th) of the following month, sellers shall prepare a return for taxes collected during the preceding month on forms furnished by the City. Tax returns with full payment of all taxes due shall be filed at the City Office.

Section 8. Record keeping. The seller shall provide the information using the return form furnished by the City, sign the return, and certify that it correctly states the information set forth. A sample return form to be used is in the last page of this Chapter.

Section 9. Record keeping. A seller shall retain for three (3) years all if the sales tax returns, reports, forms, records, and supporting schedules required by the City.

Section 10. Exemptions. The following retail sales are exempt from sales taxation:

- A. Wholesaler.
- B. Sales of gold to any banking house.
- C. Services rendered by any banking house.
- D. All sales and services to and from the United States government, State of Alaska, its departments and institutions, and political subdivisions thereof, all sales and services to and from the City of Brevig Mission, Alaska, provided that persons serving under the governments shall not be exempt from taxation merely because they are in it.
- E. All sales from Interstate Commerce.
- F. Gross receipts of purchase price to sale of real property by ownership/seller not usually engaged in real estate business.
- G. Incidental sales made by a person not ordinarily engaged in retail business.
- H. Gross receipts or purchase price paid to rents pursuant to a written lease should said lease provide for a rental period in excess of thirty (30) days. All other gross receipts shall be taxable.
- I. Gross and wholesale receipts of bingo games and pulltabs sales.

Section 11. Exemption procedures. (A.) The burden of establishing any tax exemption is on the claimant. No seller may allow an exemption for the reasons hereinafter stated unless the buyer first obtains a certificate by giving its number. The reasons for exemptions are as follows: 1. The buyer is exempt: or 2. The buyer is purchasing for resale from which a sales tax will be collected and the specific retail sale is one in a series of sales in a regular basis wherein the seller functions as a wholesaler and the buyer as a retailer.

B. The seller shall indicate the certificate number on the sales slip and account for these sales on the sales tax return in the manner required.

C. Application for an exemption certificate shall be signed by the buyer if based on his/her tax exempt status, or by the buyer and the seller if based on sale for resale. The application shall contain the information reasonably required by the City Clerk.

Section 12. Application for tax refund. (A.) An application for a tax refund may be filed by any buyer who believes the sale to be exempt.

B. Applications for refund shall be furnished to all sellers and shall be given by the seller to any buyer who has paid the tax and desire to request a refund;

C. The seller shall provide the information specified below and shall sign the application. The information provided shall include:

1. Who paid the tax;
2. The amount of tax paid;
3. The fact that payment was made; and
4. The date of payment.

D. The buyer shall state why he or she claims that the sale is exempt, sign the application, and present it to the City Clerk within ten (10) days of the sale. The burden of establishing the sale's exemption is on the buyer.

Section 13. Tax as lien. The tax, interest, and penalty imposed under this Chapter shall constitute a lien in favor of the City upon all the property of the person owing the tax. The lien arises upon delinquency and continues until the liability is satisfied or the lien is foreclosed. The lien is not valid as against a mortgage, pledgee, purchaser, or judgment lien creditor until notice of the lien is filed in the office of the recorder for the recording district in the manner provided for Federal tax liens under Alaska Statutes, which by this reference are incorporated herein as if set forth in full.

Section 14. Collection procedures on delinquent sales tax. The City Clerk may institute the following procedures to collect delinquent sales tax revenues: (A.) Failure to file as required by this Chapter shall result in penalties and charges as established in the Penalties and Interest section of this Chapter.

B. On or after the tenth (10th) day following the deadline for filing the return and submitting the taxes due, a certified demand letter shall be sent advising the retailer of the penalties and interest now due.

C. On or after the twentieth (20th) day following the deadline for filing the return and submitting the taxes due, a certified demand letter from the City Clerk shall be sent. This letter shall advise the retailer that if the return is not filed, taxes due paid and penalties and interest paid within five (5) days of receipt of the certified letter, the name of the retailer shall be forwarded to the City Council and published as a sales tax delinquent notice in the local newspaper listing the name of the owner and/or operator, the business name and the amount of the penalty, interest and tax due.

D. On or after the thirty-fifth (35th) day following the deadline for filing the return and submitting the taxes due, a certified letter shall advise the retailer that the City will seek legal assistance in collecting the tax due in the form of attachment of bank accounts, real and/or personal property tax liens.

Section 15. Penalties and interest. (A.) A penalty equal to five percent (5%) of the delinquent tax shall be added to the tax for the first month and ten percent (10%) of the following month. The penalty shall be collected in the same manner as the tax is collected.

B. Interest shall accrue at the rate of eighteen percent (18%) per annum, or 1.5% a month on the delinquent tax from the date of delinquency and be collected in the same manner as the delinquent tax is collected.

C. The City Clerk, with the approval of the City Council, may determine that a penalty not be imposed under this section provided notice is given to the City Clerk prior to the day taxes are due and circumstances warrant.

D. The City will also pursue collection efforts through legal means of delinquent sales tax due the City.

E. The City will revoke or suspend a business City license for non-payment of sales tax due the City.

In addition to above, any person, firm or corporation violating any of the provisions of this ordinance shall be fined up to three hundred (\$300.) for each offense.

Section 16. Period off limitation. Any amount of any tax imposed under this chapter may be determined and assessed at any time within a period of three (3) years after the tax became due and payable. The period shall begin on the date when a return is required to be filed. Where no return has been filed, then the period does not run until the discovery of the delinquency occurs. No suit or other proceeding for the collection of the tax shall begin after the expiration of the period.

Section 17. Rules and regulations. The City Clerk may from time to time cause to be declared rules and regulation as are necessary and advisable to provide for the application and interpretation of this Chapter and to submit them to the Council for its adoption or rejection.

CITY OF BREVIG MISSION, ALASKA
P.O. BOX 85100
BREVIG MISSION, AK. 99785
(907) 642-3851
FAX: (907) 642-2194

CITY SALES TAX LICENSE

All questions must be answered. Please print.

1. Name of Applicant: _____
2. Address: _____
3. Telephone Number: _____
4. Type of Business: _____
5. State of Alaska Business License number/year: _____
6. Person responsible for filling out Seller's Monthly Return of Sales Tax Collected: _____

Signature: _____ Date: _____

For City Use Only Year: _____

Month	Date Return Received	Date Payment Received	Date of Notice by Clerk	Deficiency Amount	Penalty Amount
July					
August					
September					
October					
November					
December					
January					
February					
March					
April					
May					
June					

(Appendix A)

CITY OF BREVIG MISSION
P.O. Box 85100
Brevig Mission, Alaska 99785
(907) 642-3851
FAX (907) 642-2194

FOR OFFICE USE ONLY

Date Rec'd _____
By _____
Rcpt No. _____ Amt. Rec'd _____

SELLER'S MONTHLY SALES TAX RETURN
(This form is available in the City Clerk's Office)
DUE ON OR BEFORE THE 10TH OF EACH MONTH

Name: _____ For Month Ending: _____

ADDRESS: _____

GROSS RECEIPTS SUBJECT TO SALES TAX:

1. (a) Gross Sales (cash and credit) \$ _____
(b) From Collections on Credit Sales
(deducted on line 3 of previous returns)

2. TOTAL GROSS RECEIPTS (total from line 1) \$ _____

3. DEDUCTIONS:

(a) Sales for Resale within Brevig Mission _____
(b) Sales outside Brevig Mission _____
(c) Sales to Government Agencies _____
(d) Exempt by Ordinance _____
(e) Other Deductions (explain) \$ _____

4. TOTAL DEDUCTIONS CLAIMED \$ _____

5. Net subject to Sales Tax (subtract line 4 total from line 1 total) \$ _____

CALCULATION OF TAX, PENALTY, AND INTEREST

6. 5%, 1ST month, 10% 2ND month, of line 5 \$ _____

7. Interest (1.5% of line 6 per month from time return due) \$ _____

8. Additional Penalty as stated in sales tax ordinance and explained
by notice from Clerk \$ _____

9. Total Sales Tax Due and submitted (total of lines 6,7,and 8 \$ _____

I, _____ do solemnly swear that I am _____
of _____ in making the foregoing report:
(individual, firm, partnership)

under penalties of perjury, I declare I have examined this return and to the best of my knowledge and
belief, it is true, correct and complete.

Signature _____

Date _____
(APPENDIX B)

CHAPTER 17

ALASKA MUNICIPAL LEAGUE INVESTMENT, INC.

Sections.

1. Authorization of Membership and Agreement
2. Authorization of Investments.
3. Effectiveness of and Termination of Membership and Agreement.
4. Further Acts.
5. Effective of Ordinance.

Section 1. Authorization of membership and agreement. The terms of Alaska Municipal League Pool, Inc. Common Investment Agreement (*Agreement) attached hereto, including the investment objectives and purposes contained within the Agreement, are hereby approved. The Public entity is hereby authorized: (1) to become a member of the Corporation; and (2) enter into the Agreement substantially in the form as set forth in Exhibit A and such other documents as are necessary to effectuate that membership and Agreement. The Mayor, or that officer's designee is authorized those documents necessary to establish the Public Entity as member of the Corporation and for Public entity to enter into the Agreement with no further approval or authorization required by this Governing body. Should terms and conditions of the Agreement, and the Incorporation and Bylaws are attached and incorporated by reference.

Section 2. Effectiveness of and Termination of Membership and Agreement. Upon execution of the Agreement by the Public Entity, each officer and employee of the Public Entity who is designated to be responsible for the investment of public funds of the Public Entity pursuant to the Public's Entity's ordinance is authorized to transfer public funds of the Public Entity to the Corporation for placement in the Alaska Municipal League Investment Pool ("Pool") created through the Agreement in order to acquire an interest it provided that such funds will be invested in accordance with the terms of the transfers will be made in accordance with the procedures previously adopted by the Public Entity as may be amended from time to time.

Section 3. Effectiveness of and Termination of Membership and Agreement. The Agreement will go into affect upon execution by the Presiding Officer and by its Corporation. The Public Entity's membership in the Corporation and participation in the Pool under the terms of the Agreement will continue until the Presiding Officer terminates that membership and participation by written notice to the Corporation or by the adoption of an ordinance by the Public Entity that membership and participation, whichever first occurs.

Section 4. Further Acts. Each officer of the Public Entity hereby authorized to take any and all action necessary to enter into the Agreement and the joint investments in the Pool, to carry on the membership of the Public Entity in the Corporation, and to perform any obligations of the Public Entity under that membership and the Agreement.

Section 5. Effectiveness of Ordinance. This ordinance shall be effective upon enactment.

Title V. ACQUISITION AND DISPOSAL OF CITY PROPERTY

- | | |
|----------|---|
| Chapters | 18. Real Property Acquisition |
| | 19. Eminent Domain Adverse Possession |
| | 20. Real Property Sales by City |
| | 21. Lease of City Lands |
| | 22. Disposition of City-owned Personal Property |
| | 23. Extraterritorial Jurisdiction |

CHAPTER 18

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 of conveyance.

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

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

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

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

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

D. Prior to approval, the Mayor is to furnish the Council with an abstract of title, an appraisal of the real property, and a review of any problem in acquisition, but the failure to furnish the Council any such materials shall not affect the validity of any acquisition or purchase of real property by the City. Unless otherwise provided by the Council, the City shall purchase marketable title in real property. Unless otherwise provided by ordinance or resolution, or upon Council approval of a purchase, the Mayor is authorized to obtain title insurance, to execute any instruments, and to take all steps necessary to complete and close the purchase and acquisition of the real property.

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

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

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

Section 7. Industrial sites. The City may acquire, own, and hold real property, either inside or outside the City boundaries, as sites available for new industries which will benefit the City.

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

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

CHAPTER 19

EMINENT DOMAIN; ADVERSE POSSESSION

Sections:

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

Section 1. Eminent domain. The City may, only within its boundaries, exercise the powers of eminent and declaration of taking in the performance of a power or function of the City under the procedures set out in A.S. 09.55.250-09.55.460.

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

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

CHAPTER 20

REAL PROPERTY SALES BY CITY

Sections

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

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 of 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 of 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 require where the real property of the City is subject for particular sale. Public sale shall not be required where the real property of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair market value of the property or where the Council determines the public interest requires a negotiated sale.

Section 11. Sale procedure-land value under \$25,000. Real property of the City valued under twenty-five thousand dollars (\$25,000.) except as provided otherwise in this Chapter, shall be sold or otherwise permanently disposed of as provided below: (A.) an estimated value of the property shall be made, by a qualified appraiser,
B. the parcels of land to be sold shall be reviewed by the Council, which shall make recommendations to the Mayor concerning desirable uses of the property, including projected need, if any, of the land for present or future recreational or other public use,

C. after review, the Council may, by resolution, direct the sale or lease of such lands under such terms and conditions as it requires.

D. notice also shall be posted in at least three (3) public places within the City for at least thirty (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 rentals or minimum offer, limitations if any, and time and place set for the auction or bid opening, if applicable; and

G. the procedure for disposal shall be in a manner provided by resolution of the Council.

Section 12. Sale procedure; land value \$25,000. or more. Sale or other permanent disposition of land valued at twenty-five thousand dollars (\$25,000.) or more shall be in the manner described in Section 11 of this chapter with two exceptions as provided below: (A.) Council action under Section 11, subsection "G" shall be by ordinance instead of by resolution;

B. no disposition of land valued at twenty-five thousand dollars (\$25,000.) and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted. At least twenty (20) days notice shall be given of the election; the notice shall state the time of the election; the place of voting: a description of the property to be sold, leased, or disposed of; a brief statement of the terms and conditions of the sale; the consideration, if any; and the title and date of passage of the ordinance. Notice shall be given by posting a copy of the notice in at least three (3) public places in the City at least twenty (20) days before the election.

Section 13. Sales; preference rights. (A.) When the council adopts a resolution for sale of residential lots, the Council shall provide that the City 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 City land who have built a residence on the parcel have a preference right to purchase the parcel under either if 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 the 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 appraisal 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 is no acceptable offers, the Mayor may negotiate for the sale or lease of the land, but the Council must, by resolution, approve the terms and the price of any such negotiated sale or lease before such sale or lease shall be binding upon the City.

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

Public interest for the purpose 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 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 the 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 purchases agreement.

The Mayor shall prescribe the form of the purchase agreement. The Council shall approve all public sales of real property and shall approve any purchase agreement prior to its execution by the City. The approval of any public sale by the Council authorizes the Mayor or his designee shall conduct the sale and shall give 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 may 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 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 21

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. Improvement and chattels.
11. Inspection of leased premises.
12. Easements and right-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 premises, and nature of improvements which maybe 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 be first be approved by the Council. Any renewal period or option to renew the lease period shall be included in the term of the lease in computing the five (5) year period of time.

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

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

Section 4. Lease auction. Unless otherwise provided in which 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 this 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 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 (2) years shall provide for adjustment of rentals at specified intervals during the term of lease, and the intervals shall be every two (2) years unless the lease provides for a longer interval, not to exceed six (6) 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 new lease unless renewal or extension is provided for in the lease. Upon a showing hardship or for good cause the Mayor may renew or extend a lease for a period of not to exceed one (1) year without notice, auction, or Council approval.

Section 10. Improvement 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 the 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. 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 the 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 the 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 for 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 nonconditional lease issued under this chapter.

Section 16. Mayor's regulation. 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 22

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 (\$1,000.) 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 of the Council.

Personal property valued at more than one-thousand dollars (\$1,000.), but less than twenty-five thousand dollars (\$25,000.), shall be disposed of in the manner provided for land valued under twenty-five thousand dollars (\$25,000.) as provided in Chapter 25 of this Code.

Personal property valued at more than twenty-five thousand dollars (\$25,000.) shall be disposed of in the manner provided for land valued over twenty-five thousand dollars (\$25,000.) as provided in Chapter 22 of this Code.

Section 2. Sale of surplus or obsolete goods. The Mayor and Council may sell the following without giving an opportunity for competitive bidding: (A.) Surplus or obsolete supplies, materials, or equipment whose total value does not exceed one thousand dollars (\$1,000.) in a single transaction;
B. supplies, materials, or equipment when sold at a price at least as great as that paid by the City for the same.

Section 3. Surplus stock. All agencies shall submit to the Mayor, at such times and in such forms as he or she shall prescribe, reports, showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

The Mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such. The Mayor with approval of the Council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

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

CHAPTER 23

EXTRATERRITORIAL JURISDICTION

Sections.

1. Authority.
2. Procedure.

Section 1. Authority. Alaska Statute 29.35.020. Extraterritorial Jurisdiction provides:
(A.) To the extent a municipality is otherwise authorized by law to exercise the power necessary to provide the facility or service, the municipality may provide parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets, (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. A regulation adopted under this section must state that it applies outside the municipality.

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

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

Title V. CITY DEPARTMENTS

Chapters	24.	Office of the Public Safety
	25.	Volunteer Fire Department
	26.	Pulltab/Bingo Department

CHAPTER 24

OFFICE OF THE VILLAGE PUBLIC OFFICER

Sections:

1. Creation.
2. Appointment and removal of the VPO.
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 Officer (VPO) for the City of Brevig Mission.

Section 2. Appointment and removal of the VPO. (A.) The VPO is appointed by City Council and serves at their pleasure. The VPO is administratively responsible to the Mayor.

- B. The VPO may be removed by Council resolution.

Section 3. Powers. The VPO shall have the following powers: (A.) to direct the operation of the Brevig Mission 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;

Section 4. Duties. The duties of the VPO shall include, but are not necessarily limited to the following: (A.) faithfully perform those duties specified in the VPO's Job Description and the State of Alaska Laws;

- B. faithfully enforce the City ordinance 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 for the City;
- E. train and drill members of the Brevig Mission 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 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 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 of 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 VPO shall have custody of all property and equipment which comes into possession of the office. The VPO shall be responsible for an inventory list of all property, equipment and supplies including their proper maintenance.

No person shall use any 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 search and rescue operation up to the sum of five hundred dollars (\$500.)

CHAPTER 25

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.

Section 1. Volunteer fire department; fire chief. There shall be a volunteer fire department, the head of which shall be the VPO. 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 fire, 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 aide agreements are in force and other cases only when the absence of such equipment will not jeopardize protection of 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 volunteer association shall in no manner limit the power of fire chief. All property used by the volunteer is and remains the property of the City and all expenses if 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 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 and 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 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 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 and/or the personnel rules and regulations affirmatively provide that the members of the volunteer fire department are included.

CHAPTER 26

PULLTAB/BINGO DEPARTMENT

Sections:

1. Creation of the Pulltab/Bingo Department.
2. Function of the department.
3. Pulltab/Bingo coordinator.
4. Business hours.
5. Compliance with State rules and regulations.
6. Cash Count/ Deposit procedures.
7. Separate account/monthly financial statements.
8. Use of funds/donations.

Section 1. Creation of the Pulltab/Bingo department. There shall be a Pulltab/Bingo department for the City of Brevig Mission.

Section 2. Function of the department. The Brevig Mission Pulltab/Bingo department shall handle all the City's Games and Chance of Skill, including, but not limited to, pulltab and bingo games. Christmas potlucks, fourth of July games, carnivals, festivals, and other City-sponsored games, etc., shall be handled and funded by the Department.

Section 3. Pulltab/Bingo Coordinator. The City Council shall hire a Pulltab/Bingo Coordinator. The Coordinator shall serve at the Council's pleasure. The Council shall set his/her pay and the hours he/she will work per week.

The Coordinator shall coordinate bingo and pulltab games and ensure that enough bingo helpers are hired to run the games efficiently. He/she shall order supplies and equipment as needed. He/she shall thoroughly familiarize himself/herself with; Games of Chance of Skill Statutes (AS 05.15), Games of Chance and Skill Regulations (12 AAC 34). Authorized Games of Chance Skill Regulations (Revenue 15 AAC 105) and gambling regulations found in Sec. 11.66.280 and shall make sure the City comply with these rules and regulations.

Section 4. Business Hours. The City Council shall set the hours when bingo games are played, and when pulltabs are sold. The hours shall be posted conspicuously by the entryway of the bingo office. Pulltab and refreshments may be sold during these hours.

Section 5. Compliance with State Rules and Regulations. The City shall comply fully with the State rules and regulations concerning pulltab/bingo and other Games of Chance and Skill.

A business license must be first be obtained and then posted in conspicuous place in the Bingo office where ever Games and Skill are to be held.

Door prizes, awards, prizes shall be limited according to AS 05.15.180 and other related statutes and regulations.

Quarterly and annual reports shall be made to the Department of Community and Economic Development as required by AS 05.15.083. The reports shall be on forms provided by DCED.

Section 6. Cash count/deposit procedures. All revenues made by and through this department shall be counted and verified by the pulltab/bingo Coordinator **and** a bingo worker using a count sheet. The Count sheet will be signed by both parties attesting to the amount. All currency, coin, and checks will be placed with the count sheet in a suitable container and placed in a safe. The revenues shall be deposited the following day, and the count sheet shall be retained in a permanent file.

Section 7. Separate account/monthly financial statements. As required by State law, a separate checking account shall be kept. All earnings from pulltab sales, bingo games, sale of refreshments, etc. shall be deposited into this account.

Pulltab/bingo monthly financial statements reflecting monthly pulltab and bingo earnings and expenses shall be made by the Bingo Member in Charge or bookkeeper and reported to the Council during its monthly meetings.

Section 8. Use of funds/donations. Authorized expenses as set in AS 05.15.160 and 15 AAC 105.220 (b) (1) –(10) shall be expended. The Department shall comply with these regulations.

Donations shall be made to individuals and charitable organizations that qualify under AS 05.150 and 15 AAC 105.280.

Title V1.	<u>UTILITIES AND PUBLIC FACILITIES/EQUIPMENT</u>	
-----------	--	--

Chapters	27.	Rules and Regulations for Water and Sewer Use
	28.	Cable TV.
	29.	City equipment.
	30.	City property; inventory and files.

CHAPTER 27

Rules and Regulations for Water and Sewer Use

Sections:

1. Ownership of Utility
2. Resale of Utilities
3. Service Area
4. Description of Service
5. Classification of Services
6. Application for Services
7. Appeals
8. Main Extensions
9. Services
10. Water Meters
11. Security Deposits
12. Security Deposits
13. Billing and Payments
14. Notices
15. Administration and Enforcement
16. Discontinuance
17. Restoration of Services
18. Unusual Demands
19. Responsibility of Equipment
20. Access to Property
21. Fire Hydrants
22. Manholes, Cleanouts, and Main Lines
23. Penalties
24. Suspension of Rules
25. Access to Utility Easement
26. Immunities Preserved

Section 1. Ownership of Utility: All City-owned system components including, but not limited to water sources, water transmission, water treatment facilities, water storage tanks, water distribution piping, fire hydrants service lines to the outside wall of the customer's premises, sewer service lines from the outside wall to the customer's premises, sewer mains, lift stations, force mains, wastewater treatment works, Public washeteria, showers and laundry facilities and associated plant, vehicles and equipment, are the property of the City of Brevig Mission. The City Water, Sewer and Solid Waste Utility has been created by Ordinance, and charged with the operation of the City's water and sewer infrastructure as an enterprise activity of the City.

Section 2. Resale of Utilities: Resale of a utility service by a customer is expressly prohibited except through special contract in writing between the City and the customer, and is not done at the expense of other users.

Section 3. Service Area: The water and sewer system service area shall be such areas within the City limits and the area that is immediately adjacent to the City's water distribution and wastewater collection systems. The Utility may provide service to customers outside the City limits, on terms and

conditions acceptable to the manager of the Utility. The service area may be extended by the City Council by Resolution.

Section 4. Description of Service: The City of Brevig Mission Water and Sewer Utility shall provide the following services:

- A. Water Distribution System: The Utility shall provide a safe and fully operation water distribution system to users. The water distribution system shall meet the following requirements:
 - 1. Quantity: Insofar as reasonably possible, a continuous and sufficient supply of water shall be supplied to customers at adequate pressure, and any shortage or interruption of service. Neither the Utility nor the City shall be liable shall be avoided. Neither the Utility nor the City shall be liable for damage resulting from interruption in water service due to main breaks, treatment plant failure, shortages of supply, or other unforeseen circumstances. Whenever possible, and whenever time permits, all customers to be potentially affected by an interruption in service will be notified prior to show down through local notice posted at three public places in the City, by phone or by direct notice.
 - 2. Quality: Safe water shall be provided at all times. Treatment of potable water shall include filtration.
 - 3. Water Service Preference: In the event of a water shortage, the Utility has the right to give preferences (including the potential interruption of service) in the manner of furnishing services to customers as interests and public convenience and necessity require. The order of superior preference, within the constraints of the system, is as follows:
 - a. Private Residences and Health Facilities
 - b. Schools
 - c. Businesses operating within City Limits
 - d. City Buildings
 - e. Other Transient uses and special contract uses
- B. Wastewater Collection System: The City shall provide safe and fully operational wastewater collection systems to users. The wastewater collection system shall be able to accept normal domestic sanitary wastes discharged to it without freezing, plugging, or otherwise affecting drain lines under normal operating conditions.
- C. Washeteria: The City shall provide a safe, clean and fully operational washeteria facility providing the following services:
 - 1. A laundromat with clothes washing and drying machines.
 - 2. Separate men's and women's restroom facilities with sinks, toilets and showers.
- D. Honey Bucket Waste Disposal: The Utility shall provide a lagoon for disposal of honey bucket waste, and a honey bucket collection service. The Utility shall insure that honey bucket waste is properly disposed of in the honey bucket lagoon/landfill.
- E. Solid Waste Disposal: The Utility shall provide a solid waste disposal service as addressed by separate City Ordinance.
- F. The Utility shall provide water and sewer construction, and repair services, and other heavy Construction services on a fee-for-service basis. No work will be performed within the

customer's building.

Section 5. Classification of Services: The classes of service shall be as follows:

- A. Residential service shall consist of all services for domestic purposes supplied to a single family dwelling unit.
- B. Commercial service shall consist of all commercial or business. Establishments, multiple family dwelling units and City owned buildings. If a customer is located in both a single family dwelling unit as a business establishment, the commercial rate shall apply.
- C. Contract services shall consist of those services for large institutional, industrial or independent users under contracts authorized by the Utility.

Where the requirement for services is large or unusual, or necessitates special services, equipment, or capability, the Utility reserves the right to make a special contract, the provisions of which are different from and an exception to the regularly published utility rules and regulations. All special contracts shall be in writing, signed by the applicants and approved by the Utility. Even where a special contract exists, the water preferences started in section 4.3 (A) Above shall apply should the need to restrict water usage or another City employee or Municipal official designated by the City Council is empowered to negotiate such contracts.

Section 6. Application for Service: Each applicant for service shall sign an application form provided by the Utility. Even where a special contract exists, the water preferences stated in section 4.3(A) above shall apply should the need to restrict water usage arise. The Manager of the Mission Water, Sewer and Solid Waste Utility, or another City employee or Municipal official designated by the City Council is empowered to negotiate such contracts.

Section 7. Appeals: Any person whose application for connection has been denied or conditionally approved by the Utility may appeal to the City Council at its next regularly scheduled meeting.

Section 8. Main Extensions: Extensions of water distribution or sewer collection mains to areas or houses not currently being served shall be installed by the Utility only after application to and authorized by the Utility. Utility main extensions may require advance payment by the applicant of 100 percent of the estimated costs of the extension. Easements or permits secured for main extensions across property not owned by the City shall be obtained in the name of the City along with the rights and title to the main at the time of installation.

Section 9. Services:

- A. The Utility shall own the customer service lines from the outside of the customer's structure. Maintenance of water and sewer services lines including operation of heat tape, clearing blockages, repairing damages due to structural settlement, frost jacking, vandalism, etc., shall be the obligation of the customer. Repairs may be made by the customer to the satisfaction of the Utility or will be made on a free-for-service basis by the Utility. The Utility shall have the right to make a repair to a service line that threatens the overall integrity of the water or sewer system under any circumstances and to charge the customer for 100 percent of the necessary repair.

B. Service Installation Charge: At the time the applicant files for service where no service previously existed, or if he files for a change in service size or location, or if he applies for a reconnection of an existing service, he shall submit a service connection fee with his application that is based on the actual cost of the installation. In the case of a new service, this fee will include all costs from the main to the dwelling including all appurtenances and an arctic box at the dwelling if necessary. The service line shall be installed by the Utility.

C. Service Installation Procedures: All connections to the Brevig Mission water and sewer system shall be made at the expense of the customer. Costs of the connection and the terms of the work governing the installation, including the use of self-help and use of Utility equipment personnel, etc., shall be established by the Utility.

D. Service Installation Codes: All individual water and sewer connections, repairs, and modifications shall be made only under the conditions of the Uniform Plumbing Code, currently in effect within the State of Alaska, as well as any further regulations the Utility may require. Any electrical improvements shall be made in accordance with applicable Electrical Codes and Regulations.

E. Customer Plumbing

1. The customer's plumbing, shall include all plumbing, piping, fixtures, and other equipment intended to carry potable and wastewater, shall comply with the Uniform Plumbing Code (UPC).
Special attention shall be given to the elimination of any possible cross connections. All water users shall be required to install and maintain a backflow prevention device between the water service connection and the first plumbing fixture or drain. The minimum requirements shall be as specified by the UPC.
2. Customer service line freeze-ups or other leaks that affect the efficiency of the Brevig Mission water and sewer system or the public health are to be immediately repaired by the customer. The Utility reserves the right to make repairs and bill the customer for repairs and for any excess water usage that might have resulted from the situation, should the customer be unable to make the repairs, or should the customer be away from the service location temporarily. It is the responsibility of the customer to notify Utility immediately of any problems with the customer's plumbing that could have an adverse effect upon the Brevig Mission system.
3. It shall be a violation of these Rules and Regulations for customers to operate unauthorized equipment or to cause or permit unauthorized operations on the service connections.
4. It shall be a violation of these Rules and Regulations for any customer to make or remake a service connection without the proper knowledge and approval of Utility as detailed by these Rules and Regulations.
5. It shall be a violation of these Rules and Regulations for any residential or commercial customer to secure over 500 gallons of "bulk water" in less than 24 hours from the Utility without making prior arrangements with the Utility.

Section 10. Water Meters:

- A. Meter requirements: The Utility is authorized to require installation of a water meter at the expenses of any commercial, industrial or institutional user, upon the customer line. And to charge for such service are a meter rate which may be set forth in the Utility Tariff.

- B. Location of Meters: Meters shall be placed inside a heated building at suitable conventional places approved by the Utility. The meter will not be placed where freezing or damage to the meter or its related parts may occur, nor where damage to the meter could result in a loss of water from the system. The customer shall either provide hardware to allow remote reading of the meter by Utility personnel or provide access to the meter during normal business hours.
- C. Joint Use of Meters: The joining of several customers to take advantage of single minimum charges and/or large quantity rates is prohibited except under special contract, in writing, from the Utility.

Section 11. Utility Rates: Utility rates to be charged for the various classifications of service are published in a separate Tariff. On a periodic basis, the Tariff will be revised by the Utility and concurred with by resolution of the City Council.

Section 12. Security Deposit: At the time of application for service, the applicant shall establish his credit with the Utility. Credit will be deemed to be established if the applicant makes a deposit equivalent to the estimated bill for one month of service, plus an estimate of the costs of service installation and connection fees, if applicable. After a period of one year, the deposit amount will be credited towards the customer's account, and deducted from future bills, providing the account has been kept current during the previous 12 month period. No interest shall be paid after the initial 12 month period has passed. Should the account be closed during the 12 months, the deposit will be applied toward the closing bill, with any refunded to the customer. If after initial 12 month period, an account becomes delinquent and it is necessary to discontinue the service, the deposit amount shall be applied to the unpaid balance of the account. Service will not be restored to the premises until such time as the security deposit is replaced, along with all delinquent bills due, and payment made for labor and materials expended by the Utility for the service disconnect/reconnect. The account is assumed to reside with the person signing the Utility Application Form, not the premises served.

Section 13. Billing and Payment:

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

B. Delinquent Bills: All bills not paid by the 20th of the month following billing will be considered delinquent.

C. Delinquent Notice: At the discretion of the Utility, a notice of delinquency shall be mailed to each delinquent account on or seven days from the date the account becomes delinquent.

D. Water Turn-Off Notice: If a water utility bill has not been paid a week after the Delinquent Notice, or 45 days after the payment was due, the Utility shall send a Water Turn-Off Notice to the customer, stating the date and time at which the service may be terminated. The notice shall be sent to the customer by certified or registered mail, return receipt requested. If the return has not been received in the Utility office within ten days of mailing, delivering or posting notice, at the customer's residence or place of business. The Utility may terminate the service at any time after the date and time indicated in the Turn-Off notice without further notification, unless written arrangements are made by the

customer and approved by the Utility. The Utility reserves the right to reject offers of payment that are less than the full amount due.

E. Deposit for Reconnection: In all cases of service that has been disconnected due to delinquency, the customer must again meet the security deposit requirements in Section 12 before service will be reconnected.

F. Responsibility for Payment of Utility Bills. In all cases the person signing the Utility Application Form is responsible for the utility bills regardless of who owns the property served.

Section 14. Notices:

A. Notices to Customers: Notices to customers from the Utility will normally be in writing and will be mailed or delivered to the customer at his last known address. Where conditions warrant, as in emergencies, the Utility may notify customers by telephone or messenger.

B. Notices from Customers: Notices from the customer to the City may be given in writing or verbally by the customer or his authorized representative at the Brevig Mission Water, Sewer and Solid Waste Utility Office, however, notices that result in a change in service or in work being performed by the Utility for the customer must be accompanied by a signed repair order or worker order.

Section 15. Administration and Enforcement:

A. These Rules and regulations shall be administered and enforced by the Brevig Mission Water, Sewer and Solid Waste Utility for the City of Brevig Mission, The Utility, with concurrence from the City Council, has the right to regulate rates for the water and sewer system. The Utility also has the right to initiate collection action and to terminate utility service for non-payment or for violation of the Rules and Regulations.

B. A current file or rates adopted by the Utility under these Regulations, as concurred with by Resolution of the City Council, shall be available for public during regular business hours at the Brevig Mission Water, Sewer and Solid Waste Utility Office.

C. Monies collected for water, sewer and solid waste disposal services may only be used for maintenance, extension, repair, capital improvement and operation of the water, sewer and solid waste disposal systems.

D. The Brevig Mission Water, Sewer and Solid Waste Utility, with concurrence from the City Council, and adopt such additional regulations, provisions and procedures pertaining to water, sewer and solid waste disposal services as they deem proper pertaining to water, sewer and solid waste disposal services as they deem proper.

Section 16. Discontinuance:

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

Within one week of the time specified in the notice to discontinue service, a total bill (minus any deposits due to the customer) will be rendered, which is due and payable immediately. The amount of

the bill for the number of days of service received in the given month (including the date of disconnect) divided by the total number of days in the month, times the usual monthly charge for the customer. There will be no charge for disconnection of the utility.

B. Discontinuance for Non-Payment of Bills: A customer's water, sewer or solid waste disposal service may be discontinued if their bill is not paid in accordance with the procedures listed in Section 13.

C. Discontinuance for Unsafe Customer Facilities:

1. Unsafe or Unsanitary Facilities: The Utility may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment using water or discharging wastewater, are dangerous, unsafe, or not in conformity with standard plumbing practices.

2. Cross Connections: A cross connection is defined as any physical connection between the water system and any non-potable water including sewer systems. Such cross connections are unlawful. The Utility will discontinue service to any persons or premises where a cross connection exists. Services will not be restored until the cross connection is eliminated.

3. Discontinuance for Water Waste: Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the Utility may discontinue service if such conditions are not corrected after notice by the Utility. Allowing water to run continuously, rather than providing reasonable and proper insulation and operating heat tape, is considered wasting water. At the option of the Utility, a customer may be allowed to continue service if he has installed a meter at his expense (as prescribed in Section 10) and he pays a charge based upon consumption.

4. Discontinuance for Fraud or Abuse: The Utility may refuse to furnish water, restrict water service, or immediately terminate service to any premises where excessive demands by a customer will result, or have resulted, in inadequate service to other customers. The determination of excessive demand may vary depending on current Utility water resources and water and sewer system equipment conditions.

5. Discontinuance for Fraud or Abuse: The Utility will refuse or discontinue service to any customer or premises where it is deemed necessary to protect the Utility from fraud or abuse of service. Discontinuance of service for one or both of these causes will be made upon receipt of knowledge by the Utility that such condition or conditions exist.

6. Discontinuance for Unauthorized Turn-On: Where water service has been discontinued for any reason and the water is turned on by the customer or another unauthorized person, the water may then be turned off at the main or locked out at the angle valves in the arctic box, without notice to the customer. The charges for shut-off at the main or installing locks on the valves in the arctic box will be billed at the actual cost for labor and materials plus 50% penalty billed to the offending cost. The charges for water consumed through such illegal connection will be at 150% of the regular rate for the period of time, as estimated by the Utility, that such illegal or unauthorized connection existed, the Utility may seek additional legal remedies in such cases.

7. Discontinuance for Non-Compliance: Unless otherwise specified by specific sections of these Rules and Regulations, a customer may have service discontinued for violation of any provision of these Rules and Regulations following five days notification of such impending termination of service, proper notice is specified in Section 14 of these regulations.

Section 17. Restoration of Services: Restoration of service following discontinuance by customer order shall not require a reconnection fee if the discontinuation was for more than two (2) months. Restoration of service following discontinuance for non-payment of bills shall be made only after payment of current and past due charges., the reconnection fee and a security deposit as herein provided.

Restoration following discontinuance because of unsafe facilities, water waste, fraud, abuse or non-compliance with these Rules and Regulations will be made only after the irregularity has been corrected; any associated charges for disconnection or repairs made by the Utility have been paid; and the Utility has been assured that the irregularity will not occur again. The property owner shall provide access to arctic boxes for connection and reconnection of the services. This access shall include removal of all snowdrifts around the arctic box. The customer is responsible for insuring that services are in good condition prior to restoration of services, and that service line heat tapes are operable. Any costs for cleaning or thawing a service line prior to reconnection shall be paid by the customer.

Section 18. Unusual Demands: Whenever an abnormally large quantity of water is desired for filling a water storage tank, or for any other purpose, arrangements must be made with the Utility prior to taking the water. Permission to take water in large quantities will be given only if other customers are not inconvenienced. Purchases of large quantities of water, even to an existing customer, may be billed under a separate category and for a separate amount over above the customer's usual rate.

Section 19 Responsibility For Equipment:

A. Responsibility for Customer Equipment: The Utility is not liable for any loss or damage of any nature whatsoever caused by a defect in the customer's service line, plumbing or equipment, unless those facilities were installed by the Brevig Mission Water, Sewer and Solid Waste Utility and under a warranty provision of that installation. In no case shall the Utility be liable for loss or damage due to interruption of service or temporary changes in water pressure.

B. The customer shall be responsible for the condition of the plumbing system on his premises when water service is turned on. All drain valves should be closed to prevent water damage.

C. The customer shall be responsible for maintaining proper heat within his building and proper heat in the service lines (by operation of electrical or hydronic heat trace) to insure that pipes do not freeze up, causing damage to the Brevig Mission water or sewer system as well as to the customer's premises. Electrical heat tape shall be energized as necessary to prevent utility lines from freezing. The customer shall pay for all costs associated with keeping their service lines from freezing.

The Utility may hold the customer liable for any damage or loss to the Utility caused by Customer freeze-up.

Section 20 Access to Property: All duly appointed employees or agents of the Utility shall have free access at all reasonable hours of the day to exterior parts of a customer's building related to utility service (i.e. arctic box, water meter, etc.) for the purposes of reading meters, inspecting connections, piping and fixtures, and to determine the manner and extent to which the utility is being used. When it is necessary to enter a customer's building for the same purposes, the customer will be given notice in accordance with Section 14. The Utility does not assume the duty of inspecting the customer's service line, plumbing, or equipment and shall not be responsible therefore. In the event that a customer

refuses to provide access to the Utility in reasonable period of time, the service may be discontinued for non-compliance with these regulations in accordance with Section 16.

Section 21 Fire Hydrants:

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

B. Damage to Fire Hydrants: Any person who damages a fire hydrant shall be responsible for the cost of its' complete repair and return to service. This is in addition to the penalties outlined in Section 23.

Section 22 Manholes, Cleanouts and Mainlines:

A. Operations: No person or persons other than those designated and authorized by the Utility shall place any substance including, but not limited to, animal and fish carcasses, refuse or trash, rocks or gravel, or honey bucket wastes in any manhole, cleanout, or mainline, or shall in any manner damage or tamper with a manhole, cleanout, or mainline. Any violation of this regulation will be penalized according to these regulations.

B. Damage to Manholes, Cleanouts, and Mainlines: Any person who damages a manhole, cleanout or mainline or any of the attachments or appurtenances thereto, shall be responsible for the cost of its' complete repair and return to service. This is in addition to the penalties outlined in Section 23.

C. Dumping Refuse, Chemicals, or Trash into Sewer Lines: Any person who damages a sewer main or interrupts service through placing trash, refuse, chemicals, animal carcasses, rocks or other matter not intended to be placed in a sewer will be responsible for all damages and repairs to the sewer lines and treatment works that are a consequence(s) of this act(s).

Section 23 Penalties: Any person violating sections of these Rules and Regulations shall upon adjudication by the City Council and after notice and opportunity for a hearing, be subject to a civil penalty not to exceed \$2, 000. Each separate incidence and each separate day upon which an offense occurs shall be a separate offense.

Section 24 Suspension of Rules: No employee of the Utility or the City is authorized to suspend or alter any of the provisions herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which put the water and sewer system in jeopardy.

Section 25 Public Access and Utility Easement: Will add this when we know which property(ies) the water and sewer utilities will cover.

Section 26 Immunities Preserved: Nothing in these Rules and Regulations nor any action taken or arising under them shall constitute consent by the City of Brevig Mission or the Brevig Mission Water, Sewer, and Solid Waste Utility to the sale, disposition, lease or encumbrance of the lands, interests or other assets (including cash and cash equivalents) of the Brevig Mission Native Corporation or of those private landowners holding restricted deeds lots under the Bureau of Indian Affairs.

CHAPTER 28

CABLE TV

Sections:

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

Section 1. Name of cable television. The legal title or name of the cable television in the City of Brevig Mission, Alaska shall be the City of Brevig Mission Cable TV.

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

B. It shall be unlawful for any person(s) to install, construct, alter, extend, and/or add to the City of Brevig Mission Cable T.V.. This includes hooking up additional TVs or running cables to a neighbors house.

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

Section 3. Service rates, connection, disconnection, reconnection. (A.) Making of Connections:

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

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

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

C. The cable television channels may change according to regulations adopted by the City Council. Notice shall be given of such change.

D. Approval of application; Appeal.

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

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

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

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

G. Disconnect and re-connect rate:

a. Disconnections for which monthly billing payments are not received shall be made after delinquency of two (2) months.

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

Section 4. Limit of cable lines.

A. There shall be a limit of one (1) cable line installed to each subscriber at costs set by resolution passed by the City Council.

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

Section 5. Maintenance of cable television system:

A. The City shall provide, properly maintain, and continue quality program services to all subscribers.

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

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

Section 6. Utilization of company's expertise.

The City shall utilize the private cable company's expertise to provide quality programming for the City of Brevig Mission Cable T.V.

City of Brevig Mission Cable T.V.

NOTICE OF DECISION TO DISCONNECT SERVICE

Customer's Name: _____

Address: _____

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

This action constitutes a violation of the City of Brevig Mission Code of Ordinances.

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

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

Date

Mayor

ATTEST: _____
City Clerk

City of Brevig Mission Cable T.V.
City of Brevig Mission

FINAL NOTICE

Customer's Name: _____

Address: _____

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

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

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

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

Date: _____

Mayor

ATTEST: _____
City Clerk

City of Brevig Mission Cable T.V.
City of Brevig Mission

PROCEDURES FOR RECONNECTION

Customer's Name: _____
Address: _____

Under the Code of Ordinances of the City of Brevig Mission, your cable t.v. service shall resume when you perform the following.:

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

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

Date

Mayor

ATTEST: _____

City Clerk

CHAPTER 29
CITY EQUIPMENT

Sections:

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

Section 1. **Recognition.** The City Council of Brevig Mission recognizes that: (A.) the City of Brevig Mission 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 Brevig Mission; that
C. private contractors, individual citizens, the State of Alaska and the United States government often desire to use City owned equipment on construction projects; and
D. that the cost of operation and maintenance of equipment in Brevig Mission is high.

Section 2. **Use of equipment.** Individuals, contractors, agencies of the State of Alaska or the United States government may make application to the City Council of Brevig Mission 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 equipment.** Rental agreements for use of City equipment shall be prepared by the City Council. The Council shall periodically review operation and maintenance costs of City equipment and set hourly, daily and longer term rates for the rental of City owned equipment. Renters shall be responsible for insurance, maintenance, fueling, repair and replacement of parts while equipment is under their control. The Council **may** require a City operator to be used on rental equipment.

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

CHAPTER 30

CITY PROPERTY, INVENTORY AND FILES

Sections:

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

Section 1. Inventory; files. The City Clerk shall prepare and maintain files which contain separate inventories and listings of all real properties, capital improvements and equipment belonging to the City. At a minimum these files shall contain: (A.) the date of acquisition of the property, improvement, or equipment.

B. the condition at time of acquisition;

C. the original cost whether borne by the City or paid by a donor agency such as PHS, Village 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 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 supplies.

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.) 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.

Title V11. GENERAL WELFARE

- | | | |
|----------|-----|---|
| Chapters | 31. | Prohibition of sale, importation, and possession. |
| | 32. | Excessive noise. |
| | 33. | Dog control. |
| | 34. | Offense by or against public officers and government. |
| | 35. | Curfew. |
| | 36. | Offenses by or against minors. |
| | 37. | Garbage, solid waste disposal. |
| | 38. | Motor vehicles. |
| | 39. | Control of firearms, deadly weapons, explosives, fireworks. |
| | 40. | Conduct in Public and Treatment of Intoxicated Persons |
| | 41. | Offenses Against Public Health And Safety |

CHAPTER 31

Prohibition of Sale, Importation and Possession

Sections:

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

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

Section 2. Prohibitions. As a result of the alcohol local option election authorized by Alaska Statute Title 4 and held on March 3, 1999, at which **34** voters voted "yes" and **32** voted "no" to prohibit the sale, importation and possession of alcoholic beverages (except for sacramental wine) is prohibited within the municipal boundaries of the City of Brevig Mission, and within five (5) miles of those boundaries.

Section 3. Violations.

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

Section 4. Penalty. A person who sends, transports, or brings into the City **less than twelve (12) liters** of hard liquor, **OR less than twelve (12) gallons** of beer, is, upon conviction, guilty of a Class A Misdemeanor, and may be sentenced a maximum of one (1) year in jail or a five thousand dollar (\$5,000.) fine. A person who sends, transports, or brings into the City twelve (12) liters or more of hard liquor, **OR** twenty-four (24) liters or more of wine, or twelve (12) gallons or more of beer, is, upon conviction, guilty of a Class C Felony and can be sentenced up to five (5) years in jail and/or fined up to fifty thousand dollars (\$50,000.).

An unlicensed person selling hard liquor **OR** wine **OR** beer commits a Class "C" Felony.

Alcoholic beverages in any amount sold to a minor is a Class "C" Felony.

According to Alaska State law, a person found in possession of alcoholic beverage is subject to a fine not to exceed one thousand dollars (\$1,000.). The person may pay bail in an amount equal to the fine, waive appearance and forfeit bail within thirty (30) days of the offense. If bail is forfeited, person cited shall deliver to the Clerk a court a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and that the bail has been forfeited. A person who is found guilty of violating the provisions of this ordinance against possession of alcoholic beverages shall, for the first offense, be sentenced to a fine of one hundred dollars (\$100.). For a second offense, a person shall be fined five hundred dollars (\$500.). For a third and all subsequent violations, a person shall be fined one thousand dollars (\$1,000.).

The person may elect to perform community service, at the lieu rate of five dollars (\$5.00) per hour (this rate established by AS 04.16.205). Upon completion of community service, the person cited shall deliver to the Clerk of the court a form indicating completion of the community service, and a copy indicating that the right to an appearance is waived, a plea of no contest is entered, and that the community service has been performed.

Section 5. Forfeitures. Under Alaska State law, all alcoholic beverages; materials and equipment used in the sale or offering for sale of alcoholic beverages; aircraft, vehicles used to transport or facilitate the transportation of alcoholic beverages into the City of Brevig Mission are subject to forfeiture.

Section 6. Definitions. The following definitions apply to this Chapter.

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

“Possession” means having physical possession of or control over alcohol beverages, but does not include having alcoholic beverages in the digestive system of a person.

CHAPTER 32

EXCESSIVE NOISE

Sections:

1. Excessive noise.

Section 1. Excessive noise. It shall be unlawful for any person: (A.) to use or operate any motor vehicle , power shovel, pneumatic hammer, amplified sound device, or other apparatus, of which the use or operation is attended by loud or unusual noise between the hours of ten (10:00) p.m. and seven (7:00) a.m., except by the written permission of the Mayor. The permission shall be granted only if the public shall benefit of the operation or use of such apparatus or vehicle during those hours outweigh the annoyance, inconvenience, or injury to the public caused by the noise.

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

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

CHAPTER 33
DOG CONTROL

Sections:

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

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

Section 2. Keeping dogs confined. All dogs shall be securely confined within the City limits or any loose unattended and unidentifiable dogs will be considered wild, abandoned or ownerless and will be subject to disposal without notification of the owner.

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

Section 4. Loose owned dogs, fines. In the case of a loose, unattended dog, where ownership can be determined, the owner shall be notified by the VPO 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 will be disposed of by the VPO. Owners shall be fined for loose dogs at the following rates:
1st offense- \$20.00; 2nd offense - \$30.00; 3rd – dog destroyed.

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

B. If the dog in question as bitten anyone, the Community Health Aide, VPO 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 Brevig Mission disclaims any responsibility for disposal of dogs belonging to owners in violation of any provisions of this Chapter.

CHAPTER 34

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

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

Section 1. Interference with City officers. It is unlawful for any person to interfere with or hinder any policeman, fireman, officer or City official in the discharge of his duty.

Section 2. Falsely assuming to be an officer. It is unlawful for any person to falsely assume to be a judge, magistrate, or peace officer and take upon himself to act as such, or require anyone to bid or assist him in any manner.

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

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

CHAPTER 35

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 two (2) weeks before the first (1st) day of school in the late summer/fall until the last day of school in the spring.

Section 2. Area of curfew. This Chapter is in effect for the total area within the City limits.

Section 3. Curfew hours. The curfew hours shall be set by public during a legally held Council meeting.

Section 4. Vacations and holidays. During any declared school holiday or vacation, the curfew shall be set by the public during a legally held City Council meeting.

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 (1) 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 responsibilities. It is unlawful for any parent or other adult person having the custody of a minor to allow the minor on the public streets or in any other public place in the City during the prohibited hours described in this Chapter unless the minor is accompanied by a parent or guardian, or an adult person charged with control of the minor, or the minor has in his or her possession a note signed by the parent or guardian authorizing said minor to be out and enroute home. The signed note shall state specifically the time the minor is to be home. The presence of a minor on or in 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. Family, VPO shall enforce the provision of this Chapter.

Section 8. Penalty. (A.) Curfew violations by a minor shall be punished according to the following schedule:

1. first violation: written warning;

2. second violation: \$20.00

3. third violation: \$30.00

B. if the violation by a minor occurs more than six (6) months time from another violation, then that violation is considered the first (1st) 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 36

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 (19).

Section 2. Selling intoxicating liquor to minors. It is unlawful for any person, firm or corporation to sell, exchange, or give in any intoxicating liquor, in any form to any person under the age of twenty-one (21).

Section 3. Penalties. Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1. Section 6. of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.). Such fine shall be set at the discretion of the fining authority.

CHAPTER 37

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.

Section 2. Waste disposal. Honey buckets or slop pails may only be disposed of in the sewage lagoon. It is illegal to dump honey buckets or slop pails in the open within City limits.

Section. 3. Enforcement. The VPO shall enforce this Chapter.

Section 4. Penalty. Violation of this Chapter shall result in the following penalties.

- A. 1st violation: \$10.00
- B. 2nd violation: \$20.00
- C. 3rd violation: \$30.00

CHAPTER 38

MOTOR VEHICLES

Sections:

1. Definitions.
2. Coverage.
3. Speed limit.
4. Unsafe operations.
5. Obstructing airport.
6. Influence of intoxicating liquor or beverage.
7. Required equipment.
8. Reporting of accidents.
9. Minors under sixteen years of age.
10. Penalties.

Section 1. Definitions. The following definitions apply to this Chapter:

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

Vehicle: 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.

All Terrain Vehicle or ATV: 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 Brevig Mission 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 Brevig Mission.

Section 3. Speed limit. It shall be unlawful for any vehicle to travel at speeds which exceed the posted speed limits within the City boundaries. 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 VPO of a violation and fined accordingly.

Section 5. Obstructing airport. (A.) No person may place an object on the surface of the airstrip which because of its 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 7. 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 8. Required equipment. No person shall drive or operate a vehicle or an ATV unless it is equipped with the following: (A.) At least one (1) head lamp so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during hours of darkness under normal atmospheric conditions. The head lamp 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 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 stop and hold the vehicle under normal conditions of operation.

Section 9. Reporting of accidents. The operator of a vehicle involved in an accident resulting in injury 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 10. Minors under sixteen years of age. It shall be unlawful for any person under sixteen (16) 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 11. Penalties. Violations of provisions of this Chapter shall result in a fine as follows:

A. First violation: Ten dollars (\$10.); Second violation: Twenty dollars (\$20.), and Third violation: Thirty dollars (\$30.).

B. Fines/penalties for all other infractions, or for those infractions in excess of those listed above will be set by the Brevig Mission City Council.

CHAPTER 39

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. The following definitions shall to this chapter:

Dangerous instrument: 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).

Firearm: a weapon, including a pistol, revolver, rifle, shotgun, air gun or pellet gun 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).

Explosives: 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 mitrojelly, but excluding salable fireworks as defined in AS 18.72.050, black powder, smokeless powder, small arms ammunition and small arms ammunition primers, AS 1.81.900 (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 without State firearms permit.

Section 3. Unlawful for those under 16 to bear arms. It is unlawful for any person under the age of sixteen (16), 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 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, 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 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 animal 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 other 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 time as designated by the Council such as New Year's Eve.

CHAPTER 40

CONDUCT IN PUBLIC and TREATMENT of INTOXICATED PERSONS

Sections:

1. Disorderly conduct.
2. Intoxicated persons.
3. Detention.
4. Safety of detained persons and detaining officer.
5. Protective custody.
6. Costs of detaining intoxicated persons.

Section 1. Disorderly conduct. It shall be unlawful for any person(s) to act boisterous, use obscene or profane language, threaten or make loud noises in public that disturb and annoy others while under the influence of drugs or alcohol.

Section 2. Intoxicated persons. 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 who is too intoxicated to take home, then he or she may be placed in detention.

Section 3. Detention. A person placed in detention may be detained: (A.) until he or she is no longer intoxicated; or

B. for a maximum of twelve (12) hours, whichever occurs first. In any case, the detaining officer may release the detained person to the custody of a responsible adult at any time.

Section 4. Safety of detained persons and detaining officer. A person detained under this Chapter is in the protective custody and the detaining officer shall make a reasonable effort to provide for and protect the health and safety of the intoxicated person. In taking a person into protective custody under this Chapter, a detaining officer may take reasonable steps to protect himself, including a full protective search of the person detained.

Section. 5. Protective order. Protective custody does not constitute an arrest and no entry or other record may be made to indicate that the person detained has been arrested or charged.

Section 6. Costs of detaining intoxicated persons: A person detained under this Chapter may be billed for the actual costs of his or her care while in detention.

A. the cost of detaining intoxicated persons(s) shall be as follows:

0 – 6 hours.....\$150.00

7 – 12 hours.....\$250.00

B. if the person is unable to pay the full amount, it shall be mandatory to pay half of the cost of care in cash and the remaining cost to perform community service at the rate of five dollars (\$5.00) an hour.

CHAPTER 41

OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Sections:

1. Sale of food.
2. Penalty

Section 1. Sale of food. It is unlawful for any person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that is diseased.

Section 2. Penalty. Any person(s), companies, firms, partnerships, corporations, or any other entities violating the provisions of this ordinance shall upon conviction thereof, be fined a sum not to exceed five hundred dollars (\$500.). Such fine shall be at the discretion of the fining office. Nothing in this Section precludes the substitution of community service work for a monetary fine.

TITLE V111. ELECTIONS

- Chapters
- 42. City Elections
 - 43. Election Equipment and Materials
 - 44. Election Procedures
 - 45. Absentee Voting
 - 46. Review of Election Returns
 - 47. Contest of Election

CHAPTER 42
CITY ELECTIONS

Sections:

1. Administration.
2. Voter qualifications.
3. Residence criteria.
4. General elections.
5. Special elections.
6. Election notices.
7. Simple majority wins. No run-off elections required.
8. Tie votes.
9. Qualifications for City Council.
10. Filing for office.
11. Withdrawal; written notice.
12. Publishing names.
13. 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 the City elections who: (A.) is a United States citizen who is qualified to vote in State elections;
B. has been a resident of Brevig Mission for thirty (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 felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be 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 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 is 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 (1) 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 interest 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 election 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; and

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 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 councilmembers and other elected City officials shall be held each year on the 1st Tuesday of October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in three (3) public places for thirty (30) days preceding the date of election.

Section 5. Special elections. (A.) If a petition submitted by voters for 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; and

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 (3) public places by the City Clerk for thirty (30) days preceding the date of the general election and for twenty (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 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. Simple majority wins. No run-off elections required. All City offices shall be filled by the candidate receiving the greatest number of votes. There shall be no run-off elections.

Section 8. Tie votes. In the event of a tie vote, and after a recount of ballots that confirms it, the Council shall call in the candidates receiving the tie votes and have them draw straws or flip a coin to determine the winner.

Section 9. 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 thirty (30) days immediately preceding the election for which declaring candidacy.
 3. registered to vote in State elections; and
 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 the civil rights has been judicially determined to be of unsound mind unless the disability has been removed.”

Section 10. Filing for office. (A.) Any qualified City voter may be nominated for office no sooner than thirty (30) days or later than ten (10) days before the election by filing a Declaration of Candidacy under oath on a form provided by the City Clerk;

B. a person filing for a City Council seat must meet the qualifications of Section 9 of this Chapter; and

C. the form appearing at the end of this Chapter illustrates the form to be used.

Section 11. 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 12. Publishing names. The City Clerk shall cause to be posted in three (3) public places for five (5) days proceeding 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 13. Election judges. (A.) Each year the Council shall choose three (3) City voters as judges to be the election board at each polling place and select one (1) of the judges to chair the board. The judges shall not be Councilmembers 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 a 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 the election judges shall be determined by the Council; and

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 (3) election judges to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

CHAPTER 43

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 (3) 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 the 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 (5) days before the date set for a general or special election. There shall be at least ten (10) ballots printed in 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 Brevig Mission, in order to provide replacement 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 show the list of candidates and issues to be decided at the election;
- E. Before the list of candidates there shall be 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 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 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 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; and

K. the sample ballot appearing at the end of this Chapter illustrates the ballot format.

Section 5. Other materials. At least ten (10) days prior to the day of the election the Clerk shall prepare the following materials: (A.) An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;

B. a blank register in which the voters may print and sign their names and print their residence addresses, and in which the election official may note the number of the ballot issued to the voter;

C. tally sheets;

D. a form for the Report of Preliminary Election Results;

E. envelopes being the Oath and Affidavit of Eligibility for questioned ballots;

F. two large envelopes for each polling place, one (1) marked "Spoiled Ballots" and the other marked "Questioned Ballots"; and 2 copies of the Notice of Election and the City's election ordinances.

CHAPTER 44
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 (8:00A.M.) in the morning and shall open continuously until eight o'clock (8:00 P.M.) 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 any 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**; and

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 Brevig Mission is entirely within the Brevig Mission 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;
 3. the name of the person to whom the ballots are delivered; and
 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, the updated Master Voting Registration List; a Blank Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, the City's election's ordinances; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes; and

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 (1st) available line of the blank register. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is 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 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 or propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the numbers 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 box unless the voter requests the election judge to deposit the ballot in his behalf. Separate ballot boxes may be used for separate ballots; and C. If the 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 he 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 the voter's eligibility to vote is questioned or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility attesting to the fact that in each particular, the person meets all the qualifications of a voter, is not qualified, 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 large envelope on which the statement the voter previously signed is located. 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 (1st) Friday following the election; and

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 (2) 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.

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; and

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 two hundred (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 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 judge will open the boxes containing the ballots and count the ballots. Ballot may not be counted before eight o'clock (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 Chairperson 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 if 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 the 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 Sheet and Ballot Statement forms that may be used.

Section 13. Rules of counting ballots. (A.) The election board shall count ballots according to the following rules:

1. A voter 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 the 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 write-in vote; and

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 Chairperson 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 Chairperson 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 any part of a ballot, but the election board determines that the votes should be counted, the Chairperson 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.

2 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 or against each proposition, "yes" or "no" on each question and any additional information the election 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 (1) of the two (2) 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 (1) sealed package, and in a separate sealed package, all ballots properly cast. The Chairperson 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.

A. 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 (1) of the two (2) original certificate.

Section 15. Posting Certificate of Preliminary Election Results. (A.) The Clerk shall post copies of the Certificate of Preliminary Election Results in three (3) 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 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 45

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; Clerk's office; absentee voter's ballot.
7. Absentee's 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. A qualified voter, who expects to be absent from the City or 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 (20) days, nor less than three (3) days before the day of the election. An application made in person must be filed with the Clerk not more than twenty (20) days before the day of the election and no later than noon (12:00 P.M.) 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 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 have be marked "Ballot Envelope" and have no other marks upon it. The return envelope shall have printed upon its back and 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 ten (10) days before the elections.
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 in 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 ballot. 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 show the City Clerk that his ballot has not been marked, then shall secretly mark the ballot with a pen and in 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 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 the person authorized by law to administer oaths, and in the presence of such office cast his ballot in the same manner he would cast it in the office of the City Clerk under this Section. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the City Clerk.

Section 8. Voting at the polls; absentee voters; surrender of materials. If a voter issued an absentee ballot returns to the City on election day, he shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot envelopes and return envelopes, which shall be returned to the election 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 on 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 46

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 following Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause but not exceed three (3) 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 (2) 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 (1) by one (1) 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 certifies 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 has cast the questioned ballot and of any other City resident who has information useful to the decision. If the Canvass Committee determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the Canvass Committee upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.

1. A questioned ballot may not be counted, if;
 - a. the voter has failed to properly execute the certificate;
 - b. an official authorized by law to attest the certificate failed to execute the certificate;
 - c. the voter did not enclose the marked ballot inside the small envelope;

2. Any person 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 (1.) of this Section.

3. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenges. The envelope shall be labeled "rejected questioned ballot" and shall be placed in the office safe or lockable container.

4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots. The questioned ballot shall then one (1) by one (1) 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 agencies 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 Brevig Mission;
3. did so certify and cast his 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 Brevig Mission; 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 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 then one (1) by one (1) 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 ballot 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 voted 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 office voted for.
- 4. the number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election.
- 5. the disposition of all absentee, questioned, and defective ballots;
- 6. 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 the 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 (2) Certificates of Election for each office, proposition or questioned considered. The certificate shall be signed by the Mayor and attested by the Clerk, One (1) original of each Certificate shall be given the successful candidate of 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 (4) years after the election. All ballots and stubs may be destroyed thirty (30) days after the certification of the election unless an appeal of the election has been filed in the superior court, in which case the ballots and stubs may be destroyed thirty (30) days after conclusion of the appeal unless stayed by an order of the court.

CHAPTER 47

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 that date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given to the contestant; and
3. the sample affidavit at the end of this Chapter shows the form this affidavit should take.

Section. 2. Contest of election; Council: The Council may order an investigation or a recount of the ballots or declare the election, as to one or more offices or propositions or in its entirety, invalid, and order a new election; or declare the affidavit of election contest without merit and certify the results of the election.

Section 3. Ballot recount. If only a recount of 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, 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 ten (10) day period, the election and the election results shall be conclusive, final, and valid in all respects.

APPENDIX OF FORMS

FORMS:

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

City of Brevig Mission
Oath of Election Official
(Form A)

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

SIGNED: _____
Election Judge or Clerk

Witnessed:

City Clerk

City of Brevig Mission
NOTICE OF ELECTION
(Form B)

Notice: A regular (special) election will be held in the City of Brevig Mission on the first Tuesday of October, 20____, for the purpose of filling three (3) seats on the City Council; as follows:

City Council Seat _____, 3 - year term

City Council Seat _____, 3 - year term

City Council Seat _____, 3 - year term

VOTER QUALIFICATIONS: In order to vote, you must be : (1.) a citizen of the United States, and qualified in State of Alaska elections: (2) a resident of the City of Brevig Mission for at least thirty (30) days prior to the date of the election; and (3) registered to vote in State elections. You cannot vote if you have been (1) convicted of a felony involving moral turpitude, unless voting rights have been restored, or (2) judicially determined to be of unsound mind, unless this disability has been removed.

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

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

LOCATION OF POLLS: CITY OFFICE

Candidates for office must file a Declaration of Candidacy form, or file by petition of ten (10) resident voters filed with the City Clerk no later than _____, ____, 20____. Forms may be obtained from the City Clerk at the City Offices from __:00 to 5:00 P.M.. Monday through Friday.

DATE

CITY CLERK

[CITY SEAL]

**CITY OF BREVIG MISSION
DECLARATION OF CANDIDACY**

I, _____, hereby declare my candidacy for the office of _____
(Inset full name) Clerk, insert date of filing
_____ or the City of Brevig Mission, Alaska. I am qualified
(State name of office)

City voter. I am a United States citizen qualified to vote in elections of the State of Alaska. I have not been convicted of a felony involving moral turpitude without later restoration of my voting rights pursuant to A.S. 15.05.030, nor have I been judicially determined to be of unsound mind unless the disability has been removed. I have been, or will by the date of the election for which I am filing this Declaration have been, a resident of the City of Brevig Mission, Alaska for more than thirty (30) days.

If elected to the above office, I will serve for the full time of _____ years,
(length of term)
commencing on _____, _____, 20____ and ending on _____
(date of office begins)
_____, _____, 20____. I request that my name be printed on the official ballot
for the municipal election to be held in the City of Brevig Mission, Alaska on October _____, 20____.
(date of election)

Signature

Ballot No. _____

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

City of Brevig Mission
Official Ballot
(Form D)

Regular (Special) Election of _____

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

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

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

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

VOTE FOR NOT MORE THAN

CITY COUNCILMEMBER
SEAT ____: THREE YEARS
(Vote for one only)

☐ _____

☐ _____

☐ _____

CITY COUNCILMEMBER
SEAT ____: THREE YEARS
(Vote for one only)

☐ _____

☐ _____

☐ _____

CITY COUNCILMEMBER
SEAT ____: THREE YEARS
(Vote for one only)

☐ _____

☐ _____

☐ _____

PROPOSITIONS:

☐ YES OFFICIAL BALLOT

☐ NO PREPARED BY: _____
City Clerk

CITY OF BREVIG MISSION

OATH AND AFFIDAVIT OF ELIGIBILITY
FOR CHALLENGED/QUESTIONED BALLOTS

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

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

SIGNED:

NAME

ADDRESS

WITNESSED:

ELECTION JUDGE

**City of Brevig Mission
TALLY SHEET
(Form F)**

(DATE OF ELECTION)

(DATE/TIME OF VOTE COUNT)

CANDIDATE	SEAT A	SEAT B	SEAT C	SEAT D	SEAT E	SEAT F	SEAT G
-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------

TOTAL

1.

2.

3.

4.

5.

6.

7.

8.

WRITE-IN VOTES

1.

2.

3.

Propositions

YES

NO

City of Brevig Mission
REPORT OF PRELIMINARY ELECTION RESULTS
(Form G)

The tally below is a true and accurate record of all regular votes cast in the _____
election held in the City of Brevig Mission, Alaska on October ____, 20__.

PART 1: ELECTIVE OFFICES

OFFICE: **CITY COUNCIL SEAT** _____

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

OFFICE: **CITY COUNCIL SEAT** _____

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

OFFICE **CITY COUNCIL SEAT** _____

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

PART 11: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION: _____ FOR _____ AGAINST _____

PROPOSTION: _____ FOR _____ AGAINST _____

PROPOSTION: _____ FOR _____ AGAINST _____

QUESTION: _____ YES _____ NO _____

QUESTION: _____ YES _____ NO _____

QUESTION: _____ YES _____ NO _____

PART 111: ACCOUNTING OF BALLOTS

Total Ballots Received From City Clerk: _____

Total Regular Ballots cast: _____

Total Questioned Ballots cast: _____

Total Ballots Returned to Clerk: Defective: _____

Unused: _____

The tally of ballots was completed between the hours of _____ p.m. and _____ p.m. on
October ____, 20 ____.

Respectfully submitted:

Election Board Chairperson
Election Judge
Election Judge

ATTEST:

City Clerk

[City Seal]

City of Brevig Mission
APPLICATION FOR ABSENTEE BALLOT
(Form H)

I, _____ A QUALIFIED VOTER AND RESIDENT OF THE CITY OF
BREVIG MISSION, ALASKA, HEREBY APPLY FOR AN ABSENTEE BALLOT FOR THE CITY

ELECTION TO BE HELD ON OCTOBER, ____, 20 ____.
RESIDENCE ADDRESS:

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

(IF OTHER THAN RESIDENCE ADDRESS)
REASON FOR REQUESTING ABSENTEE BALLOT: _____

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED: _____

DATE: _____ SIGNED: _____

VOTER

RECEIVED BY: _____ DATE: _____

PLEASE MAIL THIS APPLICATION TO: City of Brevig Mission, P.O. Box 85021. Brevig Mission,
Alaska 99875.

City of Brevig Mission
IDENTIFICATION ENVELOPE AFFIDAVIT
(Form I)

[illegible]

I, Brevig Mission, Alaska, state that: I am a resident of and a registered voter in the City of Brevig Mission, Alaska, and I hereby enclose my ballot in compliance with the election ordinance of said city.

(Signature of Voter) _____ (Residence address with City) _____

SUBSCRIBED AND SWORN to before me this _____, day of _____, 20____. I hereby certify that the above-named affiant appeared before me an unmarked Absentee Ballot, marked that ballot in the presence and, without allowing me or any other person to see how the ballot was marked, enclosed and sealed said ballot envelope, and then enclosed and sealed that ballot envelope in this return envelope, handed me this return envelope sealed, and signed the foregoing affidavit.

(Official's Signature)	(Title of Officer)
------------------------	--------------------

(SEAL)

NOTICE: After receiving this sealed envelope from the person taking your affidavit, when voting outside the office of the Brevig Mission City Clerk, you must immediately return it by mail, postage prepaid, to Office of the City Clerk, City of Brevig Mission, Alaska 99785.

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

City of Brevig Mission
CERTIFICATE OF ELECTION, OFFICER
(Form J)

THIS IS TO CERTIFY that on the _____ day of _____, 20____.
was elected to the office of _____ at the City of Brevig Mission, Alaska, as confirmed
by the City Council of the City of Brevig Mission upon completion of the final canvass of ballots on the
_____ day of December, 20____.

DATED at Brevig Mission, Alaska this _____, day of October 20____.

Mayor

ATTEST:

City Clerk
[City Seal]

City of Brevig Mission
CERTIFICATE OF ELECTION – BALLOT PROPOSITION
(Form K)

THIS IS TO CERTIFY that on the ____ day of _____, 20____, the ballot proposition relating to _____

A true and correct copy of which is attached hereto, was approved by the voters of the City of Brevig Mission, as confirmed by the City Council of Brevig Mission, upon completion of the final canvass of ballots on the day of _____, _____, 20____.

DATED at Brevig Mission, Alaska this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

[City Seal]

City of Brevig Mission
AFFIDAVIT OF ELECTION RESULTS
(Form L)

STATE OF ALASKA)

) ss.

SECOND JUDICIAL DISTRICT)

I believe that prohibited practices occurred at the election held on October ____, 20__.

I believe that the following laws were violated _____

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

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

SUBSCRIBED and SWORN TO before me on this _____ day of _____, 20____.

Signature of Person Contesting

Notary Public in and for Alaska

My Commission Expires: _____

[Notary Seal]

City of Brevig Mission, Alaska
NOTICE OF CANVASS COMMITTEE MEETING
TO CERTIFY ELECTION
(Form M)

TIME:
PLACE:

PURPOSE:

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

DATE

CITY CLERK

City of Brevig Mission, Alaska
CERTIFICATION OF ELECTION
(Form N)

The candidates shown below are the winning candidates in the October, 20 , election for the office of councilmember(s) in the City of Brevig Mission, Alaska:

SEAT	WINNING CANDIDATE
_____	_____
_____	_____
_____	_____
_____	_____

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

QUESTION	REUSLTS
_____	YES _____ NO _____
_____	YES _____ NO _____

DATE _____

CITY MAYOR _____

ATTEST: _____
CITY CLERK

Title 1X. PERSONNEL

- | | | |
|----------|-----|--|
| Chapters | 48. | Responsibilities of Officers and Employees |
| | 49. | Personnel Policies. |

CHAPTER 48

RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Section:

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

Section 1. Conduct in office; investigation. The Council as acting 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 individually take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his or her office and trust. The oath shall be filed with the Clerk. The oath is provided in Chapter 5, Section 4 of this Code.

Section 3. Delivery of Office. Whenever an officer, appointed official, or employee leaves City office or employment for any reason, he or she shall promptly deliver to his or her successor in the office or to the Mayor all City property, including books, working papers, records, money, equipment, and effects, which are in his or her custody, possession, or control.

Section 4. Reports. Every department head shall make a monthly report to the Council of the activities of the department for the preceding month and present a calendar of activities for the upcoming month. Subject to the Mayor's approval, the department head may appoint someone familiar with the activities of the department to prepare and make a monthly report to the Council, or the department head may submit a written report and calendar to the Mayor in advance of the Council meeting. Such monthly report shall include a report on finances of the department.

Section 5. Resignation. Resignations of City officers and appointed officials shall be made in writing and filed with the Clerk, who shall immediately notify the Mayor and Council. Appointed employees shall follow the procedures of the Personnel Policies, for resignation.

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

2. No elected official (except in the case of a Councilmember where the presiding officer or Council rule otherwise as provided in Subsection C of this section), appointed City officer, or City employee shall participate in any official action in which they have a substantial finance 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 of service that is 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, promise 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 meritorious service.

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

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

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

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

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

2. The Mayor shall rule on the request of a Councilmember to be excused from voting on a matter in which the member has or believes they have a substantial financial interest. If the Mayor is the member making the request, or has the same or 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 manner, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.

4. If any resident of the City believes that a Councilmember may have an undisclosed conflict of interest, the resident may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Councilmember chosen by the resident requesting the meeting) and the Councilmember who may have a conflict of interest. If, as a result of the confidential meeting potential conflict-of-interests are found, the Councilmember shall disclose the interest to the Council as provided in this subsection.

5. A Councilmember who has 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 that matter, although he or she may participate in discussion to the same extent as a member of the general

public. If the matter is discussed by the Council in executive session, the member shall be excluded during the executive session.

6. If a conflict of interest is discovered after an official action has been undertaken or completed the City Council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.

D. Conflicts of interest and disclosure; City officers and employees. (1) each City officer and employees 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 regular meeting.

E. Violations. (1.) Any 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 their City office or employment. Such suspensions shall be for a period up to ninety (90) days, and shall be made upon two-thirds majority vote of the Council. Any officer, or employee who is suspended for this reason more than once in any twelve (12) month period may be discharged 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 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 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. Any City Councilmember who knowingly violates this Chapter may be publicly censured or reprimanded by an affirmative vote of the City Council. No Council member may vote on any question of their own censure or reprimand.

CHAPTER 49

PERSONNEL POLICIES

Sections:

1. Policies
2. General provisions.
3. Employment, limitations, prohibitions, accommodations and penalties.
4. Classification, compensation, salary.
5. Recruitment & Hiring of personnel.
6. Workweek, pay, classifications of employees.
7. Performance evaluations.
8. Resignation, suspension, layoff.
9. Dismissal, disciplinary actions.
10. Grievance and grievance procedure.
11. Personal leave.
12. Other leave.
13. Legal holidays.
14. Travel per diem, subsistence.
15. Sexual and other unlawful harassment.
16. Safety.

Section 1. Policies.

- A. Authority. These personnel policies and principles are established under the authority granted by A.S.29.20.410.
- B. Application. These policies shall apply to all employees of the City and to the delegate agencies of the City which do not issue their own approved personnel policies.
- C. Federal and State Law. It is the intent of these policies to comply with all Federal, State and local laws applicable to the City or its operations. If these approved policies conflict with any rules, regulations, or conditions prescribed by any funding source or regulatory body, those regulatory specifications shall prevail and will determine which Federal, State or local regulations apply to programs. All applicable Federal, State or local laws presently in force or as passed or amended in the future that regulate wages, labor, working conditions, etc. are hereby incorporated into these policies.
- D. Purpose. It is the purpose of these policies to establish a system of personnel administration based upon the merit principle and adapted to the requirements of the City to the end that the persons best qualified to perform the functions of the City will be employed, and that an effective career service will be encouraged, developed and maintained. The merit principle includes the following:
 1. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment.
 2. No person may be appointed to or removed from City office or in any way favored or discriminated against with the respect to a City position because of race, religion, color or national origin, age, physical, handicap, sex, marital status, changes in marital status, pregnancy, parenthood or unless otherwise contrary to law because of political opinions or affiliations when the reasonable demands of the position do not

require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

3. Regular integrated salary programs based on the nature of the work performed.
4. Retention of employees with permanent status on the basis of adequacy of their performance, reasonable efforts of temporary duration for correction of inadequate performance, and separation for cause.
5. Selection of retention of an employee's position secure from political influences.

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

Section 2. General Provisions.

A. Adoption and Amendment. These policies shall be adopted as an ordinance of the City. The City Council recognizes that amendment of these policies may from time to time be necessary. To that end these policies may be amended at any time following normal procedures for amending City ordinances. The City Council recognizes that these personnel policies are by no means all inclusive and that they are intended to promote better working conditions for City employees, better utilization of City resources and better City operations. To further these ends any City employee or resident may request the City Clerk or Mayor to include personnel policies or their amendment on the agenda for any regular City Council meeting.

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

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

C. Personnel Files.

1. Central Personnel Files. The City Clerk shall provide and maintain central files for records of the personnel and work histories of each employee of the

City. Such records shall include the employee's original application, reports on the employee's work performance, disciplinary actions, commendations, and any other records relating to the employee's service to the City.

2. Accounting Personnel Files. The City Clerk shall also provide and maintain personnel files for accounting purposes for each employee of the City. Such files shall include the employee's W-4 form and all records having to do with an employee's salary or compensation, and all other records necessary for accounting purposes.
3. Personnel Files- Confidentiality. All information in the personnel records of City employees showing salary or compensation, job description, education and training background, and previous work experience shall be open for public inspection. Access to all other information in an employee's file shall be limited to the Mayor or his/her designee as personnel officer and the employee or the employee's authorized representative.
4. Equal Employment Opportunity Officer. The Mayor shall appoint a person on the staff to be the Equal Employment Opportunity Officer. His/her duties will be spelled out in all State, Federal and local laws dealing with Equal Employment Opportunity.

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

- A. No Political Consideration for Employment. Employment with the City will not be offered as a consideration or reward for public office, nor may any person, as an employee, engage in partisan political activity. In certain instances, the Council may grant a waiver to the City employee(s) to engage in political activity if the political activity is determined beneficial to the City's goals and objectives.
- B. No advantage in a Position. No person may give, render, pay, offer, solicit or accept any money, service, or other valuable things in connection with any appointment, promotion, or advantage in a position unless authorized by the City Council.
- C. No Political Party Assessment. No person may require any assessment, subscription, contribution, or service for any political party from an employee.
- D. No Political Party Endorsement. No person may seek or attempt to use any political party endorsement in connection with any appointment or promotion.
- E. Equal Opportunity in all Personnel Management Actions. All training, development, assignment, promotion, and other actions must be taken without regard to race, religion, color or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, sex, physical handicaps, or any other factor irrelevant to the quality of performances or the qualifications for a position.
- F. Disability Accommodations. City of Brevig Mission shall comply fully with the Americans with Disabilities Act (ADA) and all State and local laws related to

disabilities and ensure equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

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

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

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

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

H. Business Ethic. No employee shall disclose or misuse confidential or privileged information learned or developed on the job.

Section 4. Classification, Compensation, Salary Schedules.

- A. Position Roster. The City Clerk shall keep a roster of all positions within the City. The roster will spell out the organizational structure of the City.
- B. Job Classification. The City Council shall adopt a Job Classification System by resolution and may amend such system by resolution. The Classification System shall include job descriptions defining each position in writing and assigning a pay grade to each position. The existence of a job description does not obligate the City to fill the position.
- C. Changes in Duties and Responsibilities. The Mayor or an employee's supervisor shall recommend a redefinition of a job description to the City Council whenever a significant change is made in a position involving the additions. The taking away or substantial modification of existing duties and responsibilities.
- D. Temporary Service Outside of Classification. An employee may be required to assume duties, responsibilities and workload of another employee or supervisor, because of resignation, termination or extended leave. Any service performed outside the employee's required duties in such a manner shall be recorded and filed in the employee's central personnel file. If such temporary assignment is to be regular and continuous character for a period of one (1) month prior or longer, the City Council may authorize temporary additional compensation which amount shall be determined in direct proportion to the additional duties, responsibilities and workload.
- E. Compensation Plan/Salary Schedules. Pay Grades, Merit System Plan. Following

recommendations from the Mayor and City staff the City Council shall adopt a compensation plan by resolution including salary schedule and pay grades, and may include a merit system plan, and such plan by amended by resolution.

Section 5. Recruitment & Hiring of Personnel.

- A. Merit Principle Apply. All appointments and promotions of City employees are made on the basis of merit and fitness for the position. When required by law or by the City Council an applicant for a City position shall show merit and fitness for the position through proof of qualifications and or by passing a written, oral or other examinations designed to evaluate the ability of the applicant to discharge the position for which the examinations is held.
- B. Employment of Council Members. Elected officials may not be hired by the City for permanent employment **unless** unanimously approved by the Council.
- C. Posting of Job Openings. Notice of all job openings with the City shall be posted in at least three (3) public places within the City. Notice shall include the job title, duties, minimum qualifications, rate of pay and end recruitment period. Notice shall be posted for at least two (2) weeks (14 days) from the date of posting to the ending date of the recruitment period. Two (2) weeks is not required for temporary positions that need to be immediately filled. Notice for temporary positions shall however be posted in three (3) public places and include the job title, duties, minimum qualifications, rate of pay and end of recruitment period.
- D. Filing Applications. Applications for City positions shall be made on forms provided by the City Clerk and must be filed with the City Clerk on or prior to the closing date specified in the announcement.
- E Filling of Position. The City Council shall make all appointments to permanent fulltime, permanent part-time and long-term temporary City positions. Appointments will be made on the basis of qualifications, education, experience and merit. The Mayor or his/her designee with knowledge to the City Council shall make short-term temporary appointments in emergency situations.
 - 1. All qualifications must be verified. Other qualifications being equal, preference in employment shall be given to an employee seeking a promotion or transfer, then to year round City residents.
 - 2. Information to New Hires: The City Clerk shall in writing advise all new Appointees to City positions of their job title, job description, pay, benefits, personnel policies, the date of the employee's probationary period and all other pertinent employment information.
 - 3. Oath of Office. All permanent employees before entering upon the duties of office shall affirm in writing the following oath and affirmation.

"I, _____ do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the City of Brevig Mission, Alaska, and that I will honestly,

faithfully and impartially discharge my duties as _____ to the best of my ability”.

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

G. Probationary Period.

1. Completion of Probationary Period. The probationary period is a time of learning and orientation. An objective appraisal of employee performance shall be conducted at the end of the probationary period. It shall be the responsibility of the employee's supervisor or the Mayor (if he/she is the supervisor) or the Mayor's designee to provide a written evaluation and recommendation to the City Council whether the employee shall become a permanent employee with employee benefits, whether the probationary period shall be extended, or whether the employee shall be dismissed from his/her appointment.
2. The Mayor, with the confirmation by the City Council, may dismiss a probationary employee at any time during the probationary period for any reason, or for no reason. The employee's status with the City during the probationary period is employment at will, and may be terminated at any time for any reason. Dismissal is effective upon the employee's receipt of oral or written notice of dismissal from the Mayor.

Section 6. Work Week, Pay, Classification of Employees.

A. Work Week. The normal work week for City employees is the hours and days contained in an individual employee's job description. These hours and days shall be flexible and may be modified by the Mayor and the City Council as circumstances and finances dictate in order to promote efficient City operations and finances dictate in order to promote efficient operations and finances dictate in order to promote efficient City operations provisions of services to citizens.

B. Pay. Employees of the City shall be paid according to schedule by the City Council. Any wage or salary so established is total remuneration for employment, but shall not be considered as reimbursement for official City business. Unless approved by the City Council no employee shall receive pay from the City in addition to the salary authorized for the position to which he/she has been appointed. Pay shall be only for hours actually worked according to an employee's time sheet as approved by his/her supervisor.

1. Overtime. Overtime payment will be received by all employees except for those employees who, by the nature of their work, are deemed by the City

to be overtime exempt. No employees is authorized to work overtime without advance written authorization for overtime hours from employee's supervisor. Supervisor shall seek to minimize overtime.

2. Paydays. Employees shall be paid biweekly on Friday of each other week. When payday falls on a holiday on Friday, employees shall be paid on Thursday. In special circumstances or for special projects the City Council may direct different pay periods.
3. Transfer. Any employee transferred from one (1) position to another where both positions have the same rate of pay shall be appointed to the same rate of pay held prior to transfer and his/her anniversary date shall remain unchanged. This will apply if any special knowledge of the position is not required.

Payroll Advance. An employee may receive a payroll advance for medical and/or out of town excursions during a payroll period, upon approval by the Personnel Officer. The Personnel Officer shall consult the finance department concerning the condition of departmental finances prior to approval. Special conditions will be made for overdue bills, etc. An employee who requires a special consideration must show proof in order to be considered. Example: disconnect notice, COD receipt, etc.

4. Payroll Deductions: Payroll deductions as required by law will be withheld from each employee's paycheck. Any other payroll deductions must be authorized by the employee in writing. Employees are urged to authorize deductions from paychecks to pay personnel obligations (like water & sewer bills) owed the City. Failure to pay toward obligations owed the City for two (2) successive pay days in City employment is grounds for dismissal from City service.
5. Termination or Resignation. Upon termination or resignation, an employee shall receive payment for all accrued wages, salaries or other compensation for labor or service less any personal obligations owed the City within one (1) working day after the last day of work.

C. Classification of Employees. City employees are classified into the following categories.

1. Permanent full-time. These employees accrue leave, and receive paid holidays and other City employment benefits. Their work week is five (5) or more hours per day, at least five (5) days per week. Their jobs are of a continuous twelve (12) months a year nature. Some salaried positions that are on call twenty-four (24) hours per day (such as the plant operator) are included among permanent full time employees. The City Council shall appoint to these positions.
2. Permanent part-time. These employees accrue leave and receive paid holidays and other City employment benefits if their normal work week is less than five (5) hours per day and/or five (5) days per week. The City Council shall appoint to these positions.

3. Long term temporary. These employees accrue no leave and receive no paid holidays or other City employment benefits beyond any benefits that may be due them because of employer taxes paid by the City. Their workweek may be up to forty (40) hours per week. These jobs are normally seasonal in nature and are of more than two (2) weeks duration though normally not of more than five (5) months duration. These jobs recur yearly and are typically associated with special projects. The City Council shall appoint to these positions.
4. Short term temporary. These employees accrue no leave and receive no paid holidays or other City employment benefits beyond any benefits that may be due them because of employer taxes paid by the City. Their work week may be up to forty (40) hours per week. These jobs are normally of less than two (2) weeks duration. Typically these job openings occur because of leave, termination or resignation of a permanent employee, or because of emergency or special conditions. The Mayor or his/her designee with knowledge to the City Council shall appoint to these appointments.

Section 7. Performance Evaluations.

A. This section applies to permanent full time and permanent part time positions.

1. City Administrator's Duties. It shall be the responsibility of the City Administrator to give notice to employee's supervisor and Mayor of the dates performance evaluations for employees are due. The City Administrator shall provide to supervisors performance form for their use.
2. Supervisor's Duties. A performance evaluation report shall be required from an employee's immediate supervisor annually from the date of hire, promotion, or demotion of the employee. A performance evaluation shall also be rendered upon the completion of the three (3) month probationary period. A final performance evaluation shall be prepared within five (5) working days of an employee's final day of work irregardless of the reasons why an employee leaves City service.

Certain circumstances may require semi-annual or other periodic evaluations in order to provide better management of personnel who need more supervisors or training. Meritorious performance by an employee may also warrant additional evaluation.

B. Performance Evaluation Record. All employees shall receive a written performance evaluation at the end of their probationary period and thereafter annually on the date the employee was appointed to permanent status.

1. In addition to rating the employee in terms of actual performance, the supervisor will include specific suggestions for improvements, and thoroughly discuss each evaluation with the employee. Each Performance Evaluation Record is filed in the employee's personnel file.
2. Employees shall be rated on their performance evaluations according to the following criteria:

- a. Outstanding. Distinguished performance. The employee consistently exceeds performance standards.
- b. Excellent. Above average performance. The employee consistently achieves and frequently exceeds performance standards.
- c. Acceptable. Adequate performance. The employee usually achieves performance standards; may occasionally exceed or occasionally fail to achieve standards.
- d. Unacceptable. Below average performance. The employee frequently does not achieve satisfactory performance standards. Improvement is necessary in order to achieve satisfactory performance.

C. Effect of Performance Evaluation.

1. Upon the recommendation of the supervisor and at the discretion of the City Council and employee who receives an outstanding or excellent rating on his/her performance evaluation may be granted a salary increase to the next step in the salary schedule adopted by the City Council.
2. An employee who receives an unacceptable performance evaluation has after consultation with his/her supervisor one (1) month to correct his/her performance to acceptable levels. At the end of this month the supervisor shall prepare a performance evaluation rating the employee's performance. Failure of an employee to improve performance to acceptable levels after one (1) month is grounds for dismissal from City service. If an employee achieves an acceptable rating on his/her performance evaluation performed after two (2) additional months. An unacceptable evaluation after that two (2) months is grounds for dismissal from City service.

Section 8. Resignation, Suspension, Layoff.

- A. Resignation. To resign from City employment in good standing, an employee must submit a resignation in writing to the Mayor stating the effective date of the resignation and reasons for leaving at least two (2) weeks prior to resignation.
 1. Failure to give a proper notice of resignation shall result in loss of all accrued leave.
 2. Upon approval of the Mayor, an employee may withdraw his resignation at any time prior to the effective date of resignation.
 3. Upon approval of the City Council the requirement of proper notice may be waived when provisions can be made for capable successor to an employee in the period of time which notice of resignation is given. The City Council may also waive proper notice in cases where there are extenuating circumstances such as medical reasons, or family obligations.
 4. No form of resignation filed without date or with a future date, and that is not

intended to be a bona fide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the Mayor as a resignation.

5. Failure by an employee to comply with proper notice of resignation may be considered cause for denying the employee future employment by the City.
6. Unauthorized absence from work for a period of two (2) successive working days may be considered by the supervisor and/or Mayor as a resignation without proper notice resulting in loss of all accrued leave and cause for denying the employee future employment by the City.

B. Suspension. In addition to reasons for suspension of and employees from as otherwise provided for in these Personnel Policies the Mayor may in cases in which signed charges in writing have been filed against an employee, suspend the employee with or without pay and with or without accrual of benefits for the purposes of conducting and investigating into the validity of the charges.

1. The employee shall be notified in writing of his/her suspension and its expected duration which may be indefinite or until charges are resolved. Such a suspension shall be made only in the cases in which the charges against the employee are of such a nature that the interests of the City would seriously be prejudiced by continuing the employee on active duty status while the investigation is conducted.
2. Knowledge of the suspension shall be given to the City Council.
3. If the charges are found valid, the mayor or his designee shall take such steps, including dismissal or other disciplinary action, as he/she with City Council approval deems appropriate.
4. In all cases in which charges have been filed against an employee the investigation shall begin immediately.

C. Layoff. Nothing in these Personnel Policies guarantees employment. Budget constraints, natural disasters, mechanical failures or other conditions may require the deletion of positions or layoff of employees either temporarily or permanently.

1. The Mayor or her/his designee may layoff an employee if the employee's position is temporary; if there is a shortage of work or funds; or for other reasons which do not reflect discredit on the services of the employee.
2. If circumstances allow permanent employees shall be given two (2) weeks notice of layoff. All employees shall be given as much notice of layoff as circumstances allow.
3. No permanent employee shall be laid off while there are probationary or temporary employees serving in the same job class. Probationary and temporary employees shall be first laid off and are to be notified of this upon hire. Such employees are deemed to have constructive notice of this information through these Personnel Policies.

A. Dismissal. The following is a general listing of reasons which constitute Grounds for Dismissal of City employees. This list is not inclusive and complements other Grounds for Dismissal listed in these Personnel Policies. Infractions not listed may be of such severe nature that they also would warrant dismissal. The steps of Procedures of Progressive Discipline listed in Section 9.22 of the Personnel Policies will be followed. Special projects may have special rules and Grounds for Dismissal which will be posted. By that posting employees are deemed to have knowledge of these special rules and Grounds for dismissal.

1. Incompetence:

- a. Lack of basic knowledge, skills or physical ability to accomplish work employee was hired to do.
- b. Inability to understand and/or follow instructions.
- c. Continual difficulty in learning and implementing new methods and procedures related to assign duties.

2. Unsatisfactory Performance of Duties.

- a. Slovenly work.
- b. Flagrant damage to tools or equipment used.
- c. Failure to produce and acceptable amount of work in relation to fellow employees in like classification.
- d. Disregard for established safety regulations and procedures.

3. Unexcused Absenteeism.

- a. Absence from work without prior approval.
- b. Arriving or returning late for work or leaving early from work.

4. Drunkenness.

- a. Reporting to work under the influence of alcohol or drugs.
- b. Use of alcohol or drugs at work.

5. Dishonesty.

- a. Any act relating to employment that would signify an employee's word of intentions are not trustworthy.
- b. Being convicted of a felony or misdemeanor committed on or off duty which would limit the ability to maintain a working relationship of mutual trust in a particular position.
- c. Taking City property or money converting it to an employee's use.
- d. Falsification of time records or approval of time records known to be wrong.

6, Gross Disobedience.

- a. Failure to follow a supervisor's orders without reasonable explanation of actions.
- b. Refusal to obey such rules and regulations fostered by the State and the City as standard policy.

7 Abandonment of Duties. Being absent without approval or authority and not promptly notifying employer of supporting reasons for the absence.

8 Unsafe Operations. Negligence, carelessness or unsafe operation of equipment or machinery at any time by any employee that endangers or injures himself/herself or others.

B. Notice. In all cases in which an employee is dismissed from City service, written notice of dismissal with the cause explained shall be served upon the employee. If the employee is unavailable because of absence from the City or work site the employee is deemed to have notice of dismissal upon posting of a letter of dismissal by certified mail, return receipt, requested to her/his last known address.

C. Disciplinary Actions. It is the responsibility of the Mayor and Supervisors to maintain efficiency, cooperation, and safe and proper work conduct among employees while protecting the rights of all employees and promoting efficient City operation and provision of services to citizens.

1. If a situation requiring discipline occurs the Mayor, his or her designee, or the immediate supervisor shall immediately gather all essential facts about the situation in writing including the employee's version and decide what, if any, disciplinary action is needed. If in the opinion of the Mayor disciplinary action of a less severe nature than dismissal as provided for elsewhere in this section is required the Procedures of Progressive Discipline shall be followed. The appropriate discipline is the least severe penalty that is at the same time severe enough to convince the erring employee that his/her behavior cannot be tolerated.

2. Procedures of Progressive Discipline.

a. Verbal Warning: Verbal warning are given for minor infractions. The employee is given a verbal warning in private, explaining what he/she did wrong and what must be done as a corrective measure. A record in writing is placed in the employee's central personnel file. This record may be removed from the file after six (6) months by the Mayor if the employee's behavior improves. The employee is advised at the time of verbal warning, more severe action may be taken. The Mayor or supervisor may give verbal warning.

b. Written Warning: A written warning is more severe than a verbal warning. It is used for more serious offenses by an employee that call for more than a verbal warning. Written warning is also to be issued if there is a repetition of an infraction for which verbal warning

was given within three (3) months of the date of verbal warning. A copy of written warning is placed in an employee's central personnel file and becomes part of the file. The Mayor or Supervisor shall give written warning.

- c. Suspension: Suspension is a very severe penalty. An employee may be suspended without pay and without accrual of benefits for one (1) to thirty (30) days. Suspension is used only when a major infraction has occurred or repeated warnings have not succeeded in bringing about changes in an employee's conduct. Repetition of an incident that required written warning within three (3) months of that date of written warning is cause for suspension. The Mayor or his/her designee after a private interview with employee, shall personally deliver a letter of suspension to the employee. This letter shall state the reasons for suspension and the dates in which suspension begins and ends. A copy of the letter shall be placed in the employee's central personnel file. If an employee is unavailable for personal delivery of a letter of suspension, notice shall be given by certified mail, return receipt requested sent to his/her last known mailing address.
 - d. Dismissal: Dismissal from City service is the most severe of disciplinary actions. An employee may be dismissed by the Mayor for reasons listed elsewhere in these policies. An employee may also be dismissed if within a six (6) month period after completion of suspension a disciplinary action becomes necessary. Before dismissal the employee shall be given an opportunity before the Mayor or his/her designee. The employee may ask questions of any witnesses and may otherwise confront the evidence presented against him/her. Following the hearing the Mayor or his/her designee shall prepare written findings, detailing any disciplinary action and the reasons therefore. The decision in writing shall be personally delivered to the employee. If the employee is unavailable for personal delivery, the decision shall be sent by certified mail, return receipt, to his/her last known mailing address. A copy of the decision shall be placed in the employee's central personnel file.
- D. Appeal. Every employee shall have the right to appeal any disciplinary action enforced against him/her which she/he believes to be unwarranted unfair or unjust. An appeal shall be treated as a grievance and shall be handled in accordance with the Grievance Policy and Procedures of Section 10 of these Personnel Policies.

Section 10. Grievance and Grievance Procedure.

- A. Grievance Policy: It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. When any employee grievance comes to the attention of a supervisor or the Mayor, the supervisor or the Mayor shall discuss all relevant circumstances with the employee, and his/her representative if he/she so desires, consider and examine the causes of the grievance, and attempt to resolve it to the extent that the Mayor or supervisor has authority to do so. If the grievance is not dealt with satisfactorily at this level, the grievance may be carried to the City Council as provided in this section.

B. Grievance Procedure. Every employee shall have the right to grieve any action which he/she believes to be unwarranted, unfair, or unjust, PROVIDING, the alleged grievance shall be handled in accordance with the following procedures.

1. The employee shall first discuss with his supervisor (or attempt to discuss) his/her grievance. Should this fail to dissolve the grievance, the employee should confer with the Mayor. If this fails to dissolve the grievance, the employee may contact any City Councilmember and request a preliminary investigation to determine the validity of the grievance.
2. The City Council member contacted by an employee shall, in turn, contact the Mayor. The Mayor shall appoint another City Council member to investigate the alleged grievance along with the first contacted member.
3. If in the opinion of the two (2) investigating Councilmembers the grievance is of a critical nature needing immediate resolution they shall contact the Mayor who shall call a special City Council meeting to hear the grievance. If the grievance is not of a critical nature needing immediate resolution it shall be heard at the next regular City Council meeting. The grievance shall be given notice in writing of the date, time and place of the Council meeting. Notice for a special meeting shall be at least twenty-four 24 hours.
4. The City Council meeting as the Grievance Committee shall request the aggrieved party and all others concerned to appear before them for their investigations. Notice shall have been given these persons. If the aggrieved party, having been given notice, fails to appear before the City Council, the grievance is dissolved and the aggrieved party does not have standing to appear before the City Council on the same incident again. If the nature of the grievance is such that its discussion may tend to prejudice the reputation and character of any person a City Council member may move and the City Council after convening as a public meeting vote to hold an executive session. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. After the reconvening of the public meeting if an executive session is held, or at the meeting after all testimony has been heard and evidence examined, the City Council shall make such resolution of the grievance as they feel proper. The City Council's decision shall be final.

Section 11. Personal Leave.

A. Coverage. Permanent employees whose customary workweek is five (5) day per week are entitled to Personal Leave with pay. No other employees accrue Personal Leave.

No Personal Leave accrues to an employee during a probationary period unless the employee has transferred or been promoted from a position in which she/he had permanent status to a position in which the employee is serving a new probationary period. On the first day of the month following the date of successful completion of the probationary period an employee begins to accrue leave.

B. Accrual Rates. Personal Leave is the only leave accrued by City employees. Personal Leave is accrued at the following rate:

1. All permanent employees shall accrue Personal Leave at the rate of one and one quarter (1 1/4) days per calendar month worked. That is, fifteen (15) days per year.
- C. Days of Personal Leave Defined: Personal Leave days accrued by employees are equal to employee's normal workdays. That is, an employee who customarily works a six (6) hour workday accrues six (6) hour leave day; and employee who customarily works a four (4) hour workday accrues a four (4) hour leave day; etc.
- D. Personal Leave and Scheduling: Personal Leave may be used for vacation time, sickness, subsistence activities, etc. Personal Leave is the employee's to use as he/she sees fit or circumstances dictate, and scheduling and efficient City operation allow. An employee must in writing request Personal Leave from the Mayor or supervisor and have it approved by the Mayor or supervisor at least one (1) week before the date leave is to begin. Shorter notice than one (1) week may be allowed in special circumstances. The Mayor or supervisor shall make all efforts to assure that permanent employees are able to schedule and take accrued leave. Employees shall make all efforts to request and take accrued leave at such times as to least impact City operation and provision of services to citizens.
- E. Personal Leave for Medical Cause.
1. When the Mayor or his/her designee is satisfied that an employee is absent from work for valid medical cause. Personal Leave may be granted. An employee who is unable to attend work because of sickness or other medical cause and who has not requested Personal Leave in advance shall communicate his/her leave request to the Mayor or his/her designee as quickly as possible but no later than one half (1/2) hour after the time the employee was to have reported to her/his work site.
 2. Personal Leave may be granted for illness within the employee's immediate family which requires the attendance of the employee.
 3. Personal Leave may be granted in cases in which a death has occurred in the family of the employee.
 4. Approval of Personal Leave for bona fide medical cause shall not be withheld.
- B. Maximum Accrual. Permanent employees are allowed to carry over up to thirty (30) days of Personal Leave from one calendar year to the next. An employee's unused Personal Leave in excess of thirty (30) days at the close of business on December 31 of any calendar year shall be cancelled and voided.
- C. Payment of Personal Leave upon Separation: An employee who separates from City service for whatever reason shall be paid at the value of an unused Personal Leave to the employee's credit upon the date of separation unless otherwise provided for in the Personal Policies. Payment shall be made within one (1) working day after the employee's last day of work. Payment shall be less any obligations owed the City and appropriate payroll tax deductions.

A. Application. The provisions of this Section apply to all permanent employees of the City whose customary workweek is five (5) days per week.

B. Court Leave.

1. A permanent employee who is called to serve as a juror or is subpoenaed as a witness shall be entitled to Court leave.
2. Court leave shall be supported by written documents such as a subpoena, court's statement of attendance and compensation for services, per diem and travel.
3. A permanent employee shall receive his/her regular salary while on Court Leave, but any compensation for services shall be turned over to the City in return.

C. Election Leave:

1. A permanent employee who is appointed to serve as an election judge or otherwise assist in an election or whose attendance is requested or required at training for election is entitled to Election Leave.
2. Election Leave shall be supported by written documents such as a letter of Appointment, or statement of compensation for services, per diem and travel.
3. A permanent employee shall receive her/his regular salary while in Election Leave, but any compensation for services shall be turned over to City in return.
4. Alaska Statute 15.15.100 states that if a qualified voter who does not have sufficient time outside working hours within to vote at a State election may, without loss of pay, take off as much working time as will enable voting.

The City of Brevig Mission encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are otherwise completely unable to vote in an election during their non-working hours, the City of Brevig Mission will grant up to ½ hour, and a voter's receipt is required.

D. Military Leave.

1. Permanent City employees are permitted fifteen (15) calendar days Military leave each calendar year. Permanent City employees at their option may keep all given them by the Military or may turn their military pay over to the City and receive their regular salary. Permanent employees may also at their option take Personal Leave instead of Military Leave for military service and receive both their regular salary as well as their military salary for this period of time. Normally Military leave is in addition to Personal Leave and will not subtract from an employee's

Personal Leave Accrual. An employee continues to accrue Personal Leave while on Military Leave.

2. A permanent employee shall be entitled to a Military Leave of absence without pay to serve on active duty in the Armed Forces of the United States and shall be entitled to the re-employment benefits of the Universal Military Service Act.

E. Maternity/Paternity Leave.

A permanent employee who has been employed for not less than ten (10) months is entitled to take a total of nine (9) weeks leave of absence immediately preceding and following the birth or adoption of an employee's infant child. This leave shall be charge first to Personal Leave then to Leave Without Pay. An employee who fails to return to work within the prescribed time limit shall be presumed to have resigned unless the employee has applied for, and been granted Leave Without Pay for an additional period.

F. Leave Without Pay.

Leave Without Pay is approved absence from work. Except as otherwise provided in these Personal Policies. Leave Without Pay will normally not exceed two (2) weeks in duration. An employee who has not accrued sufficient Personal Leave in order to be away from his/her job on approved Personal Leave with pay, may in writing, request from the Mayor or supervisor a period of Leave Without Pay. The request should list the beginning and ending dates of the Leave Without Pay. The request should list the beginning and ending dates the Leave Without Pay and the circumstances that require such status and should be submitted to and approved by the Mayor or supervisor at least one (1) week before the date is to begin. Shorter notice than one (1) week may be allowed in special circumstances. An employee accrues no personal leave or other benefits while on Leave Without Pay status. Failure to return from Leave Without Pay within two (2) days after the request ending date of the leave, or absence from work without approval of the requested leave is grounds for dismissal provided for in these Personal Policies. Permanent Part-Time, Temporary Long Term and Temporary Short Term employees who do not earn and accrue Personal Leave are required to request for Leave Without Pay they expect to be absent from work. Personal Leave are required to Request Leave Without Pay if they expect to be absent from work. Unapproved absence from work by these employees who do not earn and accrue Personal Leave are required to request Leave Without Pay if they expect to be absent from work. Unapproved absence from work with these employees who do not accrue leave are required to follow the procedures of 1.5 request Leave Without Pay for medical cause.

Section 13. Leave Holidays.

A. Legal Holidays: Permanent employees who customarily work less than five (5) days per week. Probationary, Long Term Temporary and Short Term Temporary employees do not receive paid holidays.

B. The following are legal holidays for which permanent employees who customarily work at least five (5) days per week receive a paid day off and which says the city Office will be closed.

New Years Day – January 1

Martin Luther King's Birthday – 3rd Monday in January

President's Day – the third Monday in February

Seward's Day – the last Monday in March

Memorial Day – the last Monday in May

Independence Day – the fourth of July
Labor Day – first day in September
City Incorporation Day – October 6
Alaska Day – October 18
Veteran's Day – November 11
Thanksgiving Day – the fourth Thursday in November
Christmas Day – December 25

Every day designated by public proclamation by the President of the United State or the Governor of the State of Alaska or the Mayor and City Council.

C. Observance.

When any of these holidays listed in subsection B falls on a Saturday the preceding Friday shall be observed as a holiday. When any of the holidays fall on a Sunday the following Monday shall be observed as a holiday. Permanent employees required to work on holiday shall have an option to receive another day off within thirty (30) days or to receive time and half pay. An employee who opts to receive time and half pay shall not take personal leave within thirty (30) days.

Section 14. Travel, Per Diem, Subsistence.

A. Travel. Employees' time spent at official conferences, meetings or training sessions on the employee's customary work day shall be considered time worked and paid as the employee's customary work day. Reimbursement for travel outside the City shall be determined by the following guidelines:

1. An employee with approval of the Mayor may receive an advance for travel expenses. An elected official or designated representative of the City, with approval of the City Council may receive an advance for travel expenses. Any advance received for travel expenses shall not exceed the expected per diem for travel.
2. All official travel shall be approved in advance by the City Council.
3. An official, an employee, a designated representative, consultant or anyone else traveling at City's expense is required to report to the City Council on his/her travel at the next regular City Council meeting following the traveler's return. If a traveler is called away from the City, or consultant for example has returned to his/her home or office outside the City s/he with the Mayor's approval may submit a written report to the City Council in lieu of personal appearance. Failure to report to the City Council is cause to deny further travel for that group.
4. Travel for an individual's convenience. If any individual travels on official business by an indirect route for his/her own convenience, any reimbursement for expenses shall be based only on such charges as would have been incurred in traveling a usually traveled route. In the case of an employee any additional time away from duty that may be required for such indirect travel shall be charged to personal leave without pay.
5. Interruption of Travel. When there is an interruption of travel for official business for the personal convenience of an individual, the per diem allowed shall not exceed that which would have been incurred by uninterrupted travel.

6. Use of privately owned transportation. Where privately owned transportation is used for the convenience of any individual, reimbursement for transportation expenses shall be limited to what the lowest available fare would cost by common air carrier. In the case of an employee any additional time away from duty that may be required for such travel shall be charged to annual leave or leave without pay.
7. Unused Tickets. When an individual's travel is terminated short of the destination specified on the ticket, the individual shall turn in the unused portion of the ticket with the travel voucher.
8. Special Conveyance. The hire of boat, automobile, taxicab, aircraft, or other public conveyance will be allowed if the use of such conveyance is authorized by the Mayor in advance and is deemed advantageous to the City and better enables an individual on City business to carry out official business.

B. Per Diem: Per diem is a guaranteed daily flat rate of payment to an individual on travel status for the City.

1. Per diem begins when an individual leaves the City for the purpose of travel on official business and ends upon the completion of official business at the time an individual could return to the City. The per diem rate shall be established by the City Council by resolution. Per diem is paid when an individual who is on travel status for the City shall forfeit per diem for any period(s) of the time he/she or his/her own delinquency fails to attend to official business at such time as business could be conducted. Any such person shall be liable for repayment of per diem advances and or air fares.
2. Calculation of Per Diem. For purposes of calculating per diem is divided to four (4) equal quarters and ends at 12:00 midnight. The quarters are 12:01 a.m. to 6:00 a.m.; 6:01 a.m. to 12:00 noon; 12:01 p.m. to 6:00 p.m.; 6:01 to 12:00 midnight. An individual on travel status is paid a full day's per diem for the first day on travel status ending at midnight and either a full day's per diem or a pro rata by quarters per diem for succeeding days travel until the time the individual could return to the City upon completion of official business. For example: an employee boards a plane and leaves the City at 10:00 a.m. on Tuesday, arrives Nome at 11:30 a.m., leaves Nome at 1:30 and arrives Anchorage at 2:45 p.m.. On Wednesday the employee attends training session from 8:00 a.m. till 4:00 p.m. On Thursday the employee attends the second day of training from 8:00 a.m. till 4:30 p.m. On Friday the employee attends the training from 8:00 a.m. until its conclusion at noon. There is a plane that leaves Anchorage on Friday at 5:00 p.m., arrives Nome at 6:45 p.m. The next scheduled flight from Nome to the City leaves Nome 10:00 a.m. Saturday, arrives at the City at 11:15 a.m. The employee decides to go shopping in Anchorage and arrives back in the City at 2:30 p.m. on Monday.

The employee receives:

A full day per diem for Tuesday (10:00 a.m. till midnight).

A full days per diem for Wednesday (12:01 a.m. till midnight)

A full days per diem for Thursday (12:01 a.m. till midnight)

A full days per diem for Friday (12:01 till midnight)

One half days per diem for Saturday 12:01 till 6:00 a.m. = $\frac{1}{4}$, 6:01 a.m.

11:15 a.m. = $\frac{1}{4}$. 11:15 a.m. is the time the employee could have returned home.

In this instance the employee is paid for his/her customary workdays for Tuesday, Wednesday, Thursday, Friday. The employee is on leave on Monday until the employee returns to his/her work site since the employee is traveling at his/her convenience at this time. The employee should have requested leave from the Mayor and approval of the layover in Anchorage for personal convenience before embarking on the trip. The employee should report on the trip to the City Council at the next regular City Council meeting after his/her return.

- C. Subsistence. Subsistence may be paid instead of per diem when it is advantageous to the City and will not affect the well being of an individual on official business for the City. Subsistence may also be paid with the prior approval of the Mayor when actual costs as proved by receipts are higher than the per diem rate. Subsistence is the actual cost of lodging and meals, as proved by receipts, incurred by an individual on official business for the City. 14.4 Meal Allowance: In cases where an individual is on travel status for the City and is able to conduct City business and return the same day without necessity of an overnight stay, reasonable meal allowances may be paid by the City as established by the City Council by resolution or as proved by receipt. An individual on travel status from 6:00 a.m. through 10:00 a.m. may be allowed a breakfast allowance. An individual on travel status from 10:01 through 2:00 p.m. may be allowed a lunch allowance. An individual on travel status from 4:01 p.m. through midnight may be allowed a supper allowance.

Section 15. Sexual and Other Unlawful Harassments.

All work environments owned and operated by the City of Brevig Mission shall be free of sexual and other unlawful harassments. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic are not allowed.

Any supervisor who becomes aware of possible sexual or other unlawful harassment shall promptly advise the Mayor or any member of the City Council who shall handle the matter in a timely, confidential manner.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment. The victim(s) will be informed of the City's decision and the disciplinary action taken.

Section 16. Safety.

The City of Brevig Mission shall provide information to City employees about workplace safety and health issues through regular internal communication channels such as supervisor – employee meetings, bulletin board postings, memos, or other written communications.

The City shall be responsible for:

1. Providing safe work procedures and environments.
2. Informing and training employees in safe work habits.
3. Detecting and correcting unsafe practices and conditions.
4. Investigating accidents and preparing accidents reports.

5. Encouraging employees to report unsafe conditions and to submit practical safety suggestions.

Each employee shall be responsible for:

1. Obeying rules and to exercise caution in all work activities.
2. Developing and maintaining safe work habits.
3. Promptly reporting all accidents and injuries.
4. Immediately reporting any unsafe condition.
5. Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

Employees who violate safety standards, who cause hazards or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Mayor of designated supervisor. Such reports are necessary to comply with laws and initiate insurance and worker's compensation benefits procedures.