



CITY OF CHUATHBALUK

Ordinances

ORDINANCE NO. 81-1

AN ORDINANCE OF THE CITY OF CHUATHBALUK, ALASKA, PROVIDING FOR ITS ORGANIZATION AND PROCEDURES.

BE IT ORDAINED AND ENACTED BY THE CITY OF CHUATHBALUK, ALASKA, AS FOLLOWS:

CHAPTER 1. GENERAL PROVISIONS

Sec. 1.1 PURPOSE

We, the elected officials of the city of Chuathbaluk, Alaska, mindful of the responsibilities for the welfare of our community which we hold as the council of a second class city incorporated under the laws of and the constitution of the State of Alaska, and in order to provide local government of service to our people to meet there needs, do established this ordinance of organization and procedure for the City of Chuathbaluk.

Sec. 1.2 CITY SEAL

The description of the seal of the city shall be a circle upon which shall be printed the words, THE CITY OF CHUATHBALUK, ALASKA and across the face the inscription INCORPORATION ON May 09, 1975. The above described seal is hereby adopted and declared the corporate seal of the city, and the same shall be used to authenticate all acts of this corporation. The seal of the city shall be kept by the village administrator and by him affixed to all requiring to be so authenticated.

Sec. 1.3 DEFINITIONS

Except as otherwise specifically defined in this ordinance or indicated by the context of an ordinance, words used in ordinances of the city shall have their ordinary dictionary meanings.

1. CITY means the city of Chuathbaluk, Alaska.
2. CONDITIONAL USE means exception, special exception, special use, or special permit stated in the zoning ordinance.
3. MAJORITY means a simple majority.
4. MUNICIPLE ELECTION includes, but is not limited to, election to choose city councilmen and traditional councilmen.
5. MUNICIPALITY means a general law municipal corporation and political subdivision, which is a first or second class borough or city, or a third class borough, incorporated under the laws of the State.
6. OWNER, RECORD OWNER, or OWNER OF RECORD means owner of record or purchaser of record.
7. PROPERTY means real and personal property.
8. PERSONAL PROPERTY means tangible property other than real property, such as goods and stock in trade, machinery and equipment, furniture and fixtures, motor vehicles and vehicles, boats, vessels and aircrafts.

9. REAL PROPERTY means land and improvements and all possessory rights and privileges appurtenant to the property, and includes personal property affixed to the land or improvements

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10. PUBLISHED means appearing at least once in a paper of general circulation distributed within the municipality or, if there is no newspaper of general circulation distributed within the municipality, posting in three public places for at least five days, generally it means the setting forth of any matter for public notice in the way provided for by law or ordinance.
11. REGULAR ELECTIONS means the municipal election held on the first Tuesday of October annually, or on an election date or at an interval of years provided by ordinance.
12. STREET includes streets, avenues, boulevards, roads, lanes, alleys, or other ways
13. SUBDIVISION means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, includes subdivision, and, when appropriate to the context, relates to the process of the subdividing or to the land or area subdivided
14. VOTER means a United States citizen who is registered to vote in state elections and has been resident of the municipality for 30 days immediately preceding the election and who is not disqualified under Article V of the State Constitution.
15. COUNCIL means the city council of the city of Chuathbaluk, Alaska.
16. CODE means the code of ordinance of the city of Chuathbaluk, Alaska, including all amendments and additions. All ordinances shall be adopted as specified by Stated Law.
17. BY LAW donates applicable Federal Law, the constitution, statutes and regulations of the state of Alaska, and applicable common law.

CHAPTER II CITY COUNCIL

The council shall consist of seven (7) council members, each of whom shall be elected at large. The council may by ordinance provide for election of members other than on an at large basis for all members

Sec. 2.2 ELIGIBILITY

A city voter is eligible to hold the office of council member.

Sec. 2.3 ELECTION AND TERM

An election is held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, to choose council members for three year terms until their successors are elected and have qualified. The regular term of office begins on the first Monday following the election.

Sec. 2.4 PROCEDURE

1. The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two (2) councilmen upon not less than twenty-four (24) hours written or oral notice communicated to each member. All regular and

special meetings of the council shall be open to the public and the public shall have the reasonable opportunity to be heard.

2. The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings.

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3. Four council members constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.
4. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All council members present shall vote unless the council, for special reasons, permits a member to abstain.
5. The public notice shall be given of the regular meeting and the location

Sec. 2.5 FILLING A VACANCY

If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a person to fill the vacancy until the next regular election and until a successor is elected and has qualified.

Sec. 2.6 VACANCIES

An elected municipal office is vacated under the following conditions and upon the declaration of vacancy by the council. The council shall declare an elective office vacant when the person elected

1. Fails to qualify or take office within thirty (30) days after his election or appointment;
2. Is physically absent from the municipality for a ninety (90) day period, unless excused by the council;
3. Resigns and his resignation is accepted;
4. Is physically or mentally unable to perform the duties of his office;
5. Is removed from office;
6. Misses three (3) consecutive regular meetings unless excused; or,
7. Is convicted of a felony or of an offense involving a violation of his oath of office.

Sec. 2.7 COMPENSATION

The council may fix by ordinance the salaries of elected officers. Salaries may not be changed during term of office. An elected official may not receive any other compensation for services to the community. Per diem payments or reimbursements are not considered compensation.

Sec 2.8 RECALL OF ELECTED OFFICIALS

The voters of the municipality may recall an elected official but as prescribed by Alaska Statutes 29.28.120 - 29.28.250.

CHAPTER III. OTHER OFFICES AND EMPLOYEES

Sec. 3.1 APPOINTIVE OFFICES

The municipal clerk, attorney, treasure and police chief are appointed by the chief administrator or by the council, as determined by ordinance. Appointive offices serve at the pleasure of the appointing authority, subject to ordinance. Appointments by the chief administrator are subject to confirmation by the governing body or council.

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Sec. 3.2 A MUNICIPAL ATTORNEY

The municipal attorney is a legal advisor of the council and other offices of the municipality. He represents the city as attorney in civil and criminal proceedings or all other matters concerning the municipality.

Sec. 3.3 MUNICIPAL CLERK

The municipal clerk shall

1. Give notice of the time and place of meetings to the council and to the public;
2. Attend meetings and keep the journal;
3. Arrange publication of notices, ordinance, and resolutions;
4. Maintain and make available for public inspection an indexed file including the municipal ordinance, resolutions, rules, regulations, and codes;
5. Attest deeds and other documents; and,
6. Perform other duties prescribed by the chief executive or by the council.

Sec. 3.4 MUNICIPAL TREASURER

The municipal treasurer is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations. The treasurer shall give bond to the municipality in a sum which the council directs.

Sec. 3.5 PROBATIONS

No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of his race, sex, color, creed, national origin or, unless otherwise contrary to law, because of his political opinions or affiliations

Sec. 3.6 COMBINING OFFICES

The council may combine two or more appointive or administrative offices.

Sec. 3.7 BONDING

The administrator and other municipal officers or employees which the council may designate shall give bond in the amount and with the surety prescribed by the council. Premiums on bonds are paid by the municipality.

CHAPTER IV. OATH OF OFFICE

Sec. 4.1 All municipal officers, before taking office, shall affirm in writing that they will honestly, faithfully, and impartially perform their duties. The oath shall be filed with the municipal clerk.

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CHAPTER V. MAYOR

Sec. 5.1 The mayor shall preside at the council meetings, act as a ceremonial head of a city, and sign documents on the city's behalf upon authorization by the council. If the manager plan has not been adopted, the mayor is responsible for the duties of the city manager.

Sec. 5.2 the mayor is elected by and from the council for a term equal in length to a council members term

Sec. 5.3 The mayor shall take office immediately on his election by the council on the first Monday after the regular election date.

Sec. 5.4 The mayor has no veto power and may vote on all matters unless conflict of interest prevents him from exercising his vote.

Sec 5.5 In the event the office of the mayor becomes vacant, the council may fill the vacancy from the council.

CHAPTER VI. ADOPTION OF MANAGER PLAN

Sec. 6.1 a municipality may adopt a manager plan of government but this may be exercised only as prescribed by Alaska Statutes 29.23.410 – 29.23.480.

CHAPTER VII. UTILITY BOARDS

Sec. 7.1 a municipality may exercise this responsibility only as prescribed by Alaska Statutes 29.23.340.

CHAPTER VIII. CITY LEGISLATION – PROVISIONS OF THE CODE OF ORDINANCES

Sec. 8.1 Each proposed ordinance shall be introduced in written form. The enacting clause shall be: BE IT ORDAINED AND ENACTED BY THE CITY ON CHUATHBALUK, ALASKA.

Sec. 8.2 An ordinance may be introduced by a member of committee of the council or by the municipal executive or chief administrator. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes authorized on the question.

Sec. 8.3 The summary of the ordinance or the amendments of the ordinance in question shall be published together with the notice of time and place for public hearing. The hearing follows publications by at least five days.

Sec. 8.4 The council shall hear all interested persons wishing to be heard. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall print and make available copies of adopted ordinances.

Sec. 8.5 Ordinances take effect upon adoption or at a later date specified in the ordinance

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Sec. 8.6 Emergency ordinances may be adopted for a period of sixty (60) days to meet a public emergency and council may adopt ordinances effective on adoption. The ordinance proposed may be adopted, amended and adopted or rejected at the meeting at which it is introduced.

Sec 8.7 Every emergency ordinance must contain a finding by the council that the emergency exists and a statement of the fact upon which the finding is based.

Sec 8.8 The affirmative vote of all members present, or the affirmative vote of three-fourths (3/4) of the total membership, whichever is less, is required for adoption. Copies of adopted emergency ordinance shall be made available to the public

Sec 8.9 An emergency ordinance may not be used to:

1. Levy taxes;
2. Grant or renew or extend franchise; or,
3. Regulate the rate charged by a public utility for its services.

Sec. 8.10 Each ordinance and resolution after adoption shall be codified as prescribed by Alaska Statutes 29.48.180.

Sec 8.11 All ordinances shall be read in one public meeting before adoption, excepting the emergency ordinance.

Sec 8.12 For a period of fifteen (15) days before adoption at least five (5) copies of the code must be available for publication and inspection at a time and place set out in the hearing notice.

CHAPTER X. ELECTIONS

Sec. 10.1 The council shall prescribe the general rules for conducting municipal elections and appoint at least three (3) judges for each polling places.

Sec. 10.2 All elections of city officers shall be nonpartisan. The council shall provide by ordinance for:

1. The filing of candidates for elective city offices;
2. The printing and custody of ballots;
3. The conduct of city elections;
4. The counting and canvassing of ballots casts;
5. The declarations of results of elections; and,
6. All other matters necessary for the holding of city elections.

Sec. 10.3 The date of a regular municipal elections is the first Tuesday of October annually unless a change of the date of election is provided by ordinance.

Sec 10.4 The council may call a special election upon at least twenty (20) days' notice.

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CHAPTER XI. FISCAL YEAR

Sec 11.1 The fiscal year of the municipality shall be the first day of July each year to the following thirtieth (30) day or June, unless otherwise provided by law or ordinance.

Sec 11.2 The council shall establish the manner for the preparation and submission of the budgets and the capital programs but the executive. After public hearings the council may approve by quorum the budgets proposed.

Sec 11.3 No city funds may be disbursed without approval of a quorum of the members of the council.

Sec 11.4 The city checks shall be signed by the mayor and the council's designee. These signatures will also be placed on the signature cards with the banks.

Sec 11.5 The council shall provide for an audit or statement of annual income and expenditures. To make the audit the council shall designate a public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the municipality. Copies of the audit shall be available to the public upon request.

The City Council

Introduced by

11-24-81

Introduction date

12-02-81

effective date

City of Chuathbaluk

Adopting Authority (city)

12-02-81

See Ordinance

Hearing and Adoption date

City Clerk

See Ordinance

Mayors Signature

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CITY OF CHUATHBALUK, ALASKA

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHUATHBALUK, ALASKA ADOPTING A CITY CODE OF ORDINANCES.

BE IT ENACTED:

Section 1. CLASSIFICATION. The ordinance is of a general and permanent nature and shall become the Code of the City.

Section 2. SEVERABILITY. If any provision of the ordinance or application thereof to any person or circumstance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 3. TITLES AND CHAPTERS ADOPTED. In summary as follows:

GENERAL PROVISIONS

Chapter 1	Enabling Ordinance
2	City Data
3	Ordinances – Resolutions

ADMINISTRATION

Chapter 4	City Council
5	Mayor
6	City Manager
7	Council Meetings
8	Council Procedures
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- 17 Conditions of City Employment
- 18 Travel and Other Pay Allowances
- 19 Suspension, Demotion and Dismissal
- 20 Vacation Time
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- 25 (Reserved)

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- 28 Budget Procedures
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- 33 (Reserved)
- 34 (Reserved)

ELECTIONS

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- Chapter 36 City Equipment
- 37 Use of City Funds
- 38 Garbage and Waste Disposal
- 39 Septic Tanks

- 40 Building Condemnation
- 41 Chuathbaluk Community Library
- 42 (Reserved)
- 43 (Reserved)
- 44 (Reserved)
- 45 (Reserved)

PUBLIC SAFETY

- Chapter 46 Dogs
- 47 Curfew
- 48 Public and Private Property
- 49 Discharge of Firearms
- 50 Alcoholic Beverages
- 51 Operation of Motor Vehicle
- 52 (Reserved)
- 53 (Reserved)
- 54 (Reserved)
- 55 (Reserved)

Section 4. EFFECTIVE DATE. This ordinance becomes effective upon its adoption by the City Council and signature of the City Mayor.

Introduction: Feb. 15, 1984

First Reading: Feb. 21, 1984

Public Hearing: May 7, 1984

ADOPTED by a duly constitution quorum of the City Council of the City of Chuathbaluk, Alaska this 15th day of May, 1984.

ATTEST:

See original ordinance

City Clerk

CHAPTER 1
ENABLING ORDINANCE

Sections:

1. Code Cite and Designation
2. Definitions
3. Grammatical Interpretation
4. Effect or Repeal of Ordinance
5. Severability of Ordinances and Parts of Code
6. General Penalty
7. Laws of Alaska; Violations; Ordinances not exclusive
8. Amendments to Code; Effect of new Ordinance
9. Distribution
10. Supplements
11. Time ordinances take effect

Section 1. Code cite and designation.

The ordinance in the following chapters and sections shall be called the “Code of Ordinance, Chuathbaluk, Alaska.”

Section 2. Definitions

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

CITY: The City of Chuathbaluk, Alaska.

CODE: The Code of Ordinance, City of Chuathbaluk, Alaska.

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

STATE: The State of Alaska

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

Section 3. Grammatical Interpretation

- (A) Tense. Words in the present tense include the past and future tense, and words in the future tense include the present tense.
- (B) Number. Words in the singular number include the plural, and words in the plural number include the singular.
- (C) Gender. Words of the masculine gender include the feminine and the neuter and when the sense so indicates, words of the neuter gender may refer to any gender.

Section 4. Effect of repeal of ordinances.

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

Section 5. Severability of ordinances and parts of code.

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

Section 6. General Penalty

Every act prohibited by ordinance of this city is unlawful. Unless 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, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more the three hundred dollars (\$300.00). Unless otherwise specifically provided, upon the second conviction such person shall be punished by a fine of not more than five hundred dollars (\$500.00), or not more the thirty (30) days imprisonment, or both. Each act of violation and everyday upon which such violation shall occur shall constitute a separate offense.

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; Ordinances not exclusive.

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

Section 8. Amendments to Code; effect of New Ordinances.

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

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

If a new chapter or section is to be added to this Code, substantially the following language shall be used: "The Code of Ordinance of the City of Chuathbaluk, Alaska, is hereby amended by addition of the following chapter (or section)". The provisions to be repealed, must be specifically repealed by section or chapter number.

Section 9. Distribution

This code with amendments shall be made available to the public for inspection on request. A copy of this code shall be furnished to the courts as needed or upon the request of the court.

Section 10. Supplements

Supplements to this Code shall be printed and included within this Code within sixty (60) days after the council passes the law.

Section 11. Time ordinances take effect.

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

CHAPTER 2

CITY DATA

Sections:

- 1 Name of municipality – form of government.
- 2 City limits

Section 1. Name of Municipality – form of government.

- A. The City of Chuathbaluk shall continue as a municipal corporation and second class city under the name: “The City of Chuathbaluk, Alaska.”
- B. The government of the City shall be that commonly known and designated as the city manager form.

Section 2. City Limits

- A. The boundaries of the City of Chuathbaluk are as follows:
(metes and bounds description)
- B. The boundaries of the City as above described were the effective City limits as of (effective date of the boundary description).

CHAPTER 3

ORDINANCES – RESOLUTIONS – TECHNICAL CODES

Sections:

- 1 Acts of the Council.
- 2 Acts required to be by ordinance.
- 3 Ordinance procedure.
- 4 Ordinance form and content.
- 5 Emergency ordinances.
- 6 Signature.
- 7 Ordinances confined to single subject.
- 8 Repeal shall not revive any ordinances.
- 9 Codes of regulations.
- 10 Formal acts by resolution.
- 11 Resolutions – Reading – Hearing – Final Passage – Posting.
- 12 Rules and regulations

Section 1. Acts of the council.

The council shall act only by ordinance, or resolution. 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 the ordinance.

In addition to other actions which Alaska Statutes Title 29 (Municipal Government) requires to be by ordinance, the council shall use ordinances to:

- A. Establish, alter or abolish municipal departments;
- B. Amend or repeal an existing ordinance;
- C. Fix the compensation of members of the council;
- D. Provide for sale of city property valued at more than twenty-five thousand dollars;
- E. Provide for a fine or other penalty, or establish rules or regulations for violations for violation of which a fine or other penalty is imposed;
- F. Provide for levying of taxes.
- G. Make appropriations and supplemental appropriations or transfer appropriations;
- H. Grant, renew, or extend a franchise;
- I. Regulate the rate charge by a public utility;
- J. Approve the transfer of a power to a borough;
- K. Adopt, modify or repeal the comprehensive plan, zoning and subdividing ordinance, building and housing codes, and the official map.

Section 3. Ordinance Procedure.

- A. A proposed ordinance may be represented for consideration by a member of the council or by the mayor or city manager at any regular or special meeting of the council. Upon presentation, a proposed ordinance shall be rejected, deferred, reworded or accepted as introduced. Promptly after acceptance by motion the council shall publish the proposed ordinance and a notice setting out the time and place for a public hearing on the proposed ordinance. The public hearing of a proposed ordinance council meeting. At the public hearing copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. All interested persons shall have an opportunity to be heard. If the proposed ordinance is amended after the hearing as to any matter of major substance, the proposed ordinance shall be treated as a newly-introduced proposed ordinance. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall print and make available copies of adopted ordinances.
- B. As used in this section, the term “publish” means that the proposed ordinance and notice of hearing shall be posted in three public places for at least five days.

Section 4. Ordinance form and content.

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

- A. The proposed ordinance shall have a heading and number.
- B. Title: A short summary of the ordinance’s provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance.
- C. Enacting clause; the enacting clause shall read: “BE IT ENACTED BY THE COUNCIL OF THE CITY OF CHUATHBALUK.”
- D. Substantive part of the ordinance; the provisions of the ordinance will follow the enacting clause.
- E. Signatures: Appropriate places shall be provided for the signatures of the mayor and clerk.
- F. Attestation: The enactment and passage date of the ordinance shall be attested by the clerk.
- G. Code section numbers: Ordinances which amend, add to or repeal sections of the Chuathbaluk Ordinance Code shall refer to the code section by number.

Section 5. Emergency Ordinance

- A. To meet a public emergency, the council may adopt ordinances effective on adoption. Every emergency ordinance must contain a statement by the council of why an emergency exists and a statement of the facts about the emergency. 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 membership, whichever is less, is required for adoption. The council must print and make available copies of adopted emergency ordinances.
- B. 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.

- C. Emergency ordinances are effective for sixty days.

Section 6. Signature

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

Section 7. 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 ordinance. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title.

Section 8. Repeal shall not revive any ordinance.

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

Section 9. 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 days before adoption of the regulations at least five copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The council may sell the adopted code to the public.

Section 10. Formal acts by regulation.

- A. 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:
 - 1. The heading "City of Chuathbaluk, Alaska";
 - 2. The space for a number to be assigned – "Resolution, No. ____";
 - 3. A short and concise title descriptive of its subject and purpose;
 - 4. Short premises or whereas clauses descriptive of the reasons for the resolution, if necessary;
 - 5. The resolving clause "Be It Resolved:";
 - 6. Provision for signature after the date, and designated lines for the signatures of the mayor and clerk; and
 - 7. An Attestation.
- B. 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 (A.) above.
- C. Resolutions shall not be included in any municipal code of ordinance.

Section 11. Resolutions – Reading – Hearing – Adoption – Posting

- A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- B. On any vote to pass the resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments.

- C. After adoption, every resolution shall be posted in full on the city bulletin board. Every resolution, unless it shall specify a later date, shall become effective following adoption. If the resolution is submitted at a city election when state law requires, then after a majority of favorable votes of the city voters has been certified by the council, the resolution may be adopted.

Section 12. Rules and Regulations.

Any rule or regulation made by the city manager or any administrative officer or board or commission shall be posted for ten days following its approval by the city council in three public places.

CHAPTER 4
CITY COUNCIL

Sections:

1. City Council – Composition
2. Qualifications of councilmembers
3. Election of councilmembers – Terms.
4. Oath of office
5. Compensation of councilmembers
6. Salaries of elected officers not to be varied.
7. Conflicts – of – interest
8. Prohibitions
9. Vacancies
10. Filling a vacancy.

Section 1. City Council – Compensation.

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

Section 2. Qualifications of council members

The council members shall be qualified city voters.

A council member who ceases to be eligible to be a city voter immediately forfeits his office.

Section 3. Election of councilmembers – Terms

An election is held annually on the first Tuesday of October, to choose council members for three year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the certification of election.

Section 4. Oath of Office

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

“I _____ do solemnly swear that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the City of Chuathbaluk, State of Alaska, and that I will honestly, faithfully and impartially perform the duties of the office of _____ so help me God.”

- B. The oath is filed with the municipal clerk.

Section 5. Compensation of councilmembers.

Each member of the council shall receive compensation at the rate of (\$20) dollars for each meeting of the council at which the council member is present at the roll call beginning the meeting. The salary or compensation of councilmembers shall not be changed during their term of office.

Section 6. Salaries of elected officers not to be varied.

The council may fix by ordinance the salaries of elected officers before they are elected. Salaries may not be changed during a term of office. An elected officer may not receive any other compensation for service to the city. Per diem payments or reimbursements for expenses are not compensation under this section.

Section 7. Conflicts of Interest.

A council member or other officer or employee of the city shall disqualify himself from participating in any official action in which he has a substantial financial interest.

Section 8. Prohibitions.

No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of his race, color, sex, creed, national origin or, unless otherwise contrary to law, is applicable beyond the scope of this ordinance.

Section 9. Vacancies.

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

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the city for a ninety-day period, unless excused by council;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office;
- E. Is removed from office;
- F. Misses three consecutive regular meetings unless excused; or
- G. Is convicted of a felony or of an offense involving a violation of his oath of office.

Section 10. Filling a Vacancy

If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a person to fill the vacant seat. The person appointed serves until the next regular city election and until his successor qualifies.

City of Chuathbaluk

BE IT ENACTED BY THE COUNCIL OF THE CITY OF CHUATHBALUK:

To Amend City of Chuathbaluk Code of Ordinances

Chapter 4 – City Council

Section 5 – Compensation of councilmembers

Each member of the council shall receive compensation at the rate of (\$20) dollars for each meeting of the council at which the council member is present at the roll call beginning the meeting, and is present at the time of adjournment unless an early departure is excused. The salary or compensation of councilmembers shall not be changed during their term of office.

Enacted this 21st day of June, 1985

See original ordinance

Mayor

See original ordinance

City Clerk

CHAPTER 5

MAYOR

Sections:

1. Selection of mayor
2. Mayor as executive
3. Mayor pro tempore
4. Salary of mayor

Section 1. Selection of Mayor

The mayor is elected by and from the council for a term of one (1) year. The mayor shall take office immediately on his election by the council at the first council meeting after the election has been certified.

Section 2. Mayor as executive

The mayor is elected by and from the council. The mayor is the chief executive officer of the city. He shall preside at council meetings, act as ceremonial head of the city, and sign documents of the city's behalf upon council authorization.

Section 3. Mayor pro tempore.

Should the office of the mayor become vacant, or if the existing mayor is disabled or unable to act, the council may appoint a mayor pro tempore, to serve until the mayor resumes his official duties, or until a new mayor is qualified

Section 4. Compensation of mayor

The mayor of the city shall receive compensation at the rate of (\$20.00) twenty dollars for each meeting of the council at which he is present at the roll call beginning the meeting.

CHAPTER 6

CITY MANAGER

Sections:

1. Manager Plan
2. City Manager – Appointment
3. Term of City Manager – Removal
4. Compensation
5. Qualifications of City Manager
6. City Manager – Power and Duties
7. Further Power and Duties
8. Council Meetings
9. Interference with City Manager – Appointments
10. Regulation of Personnel
11. Acting Manager

Section 1. Manager Plan

As prescribed by Alaska Statutes 29.23.410 – 29.23.480, the Manager Plan was adopted for the City of Chuathbaluk at a special election held July 27, 1983.

Section 2. City Manager – Appointment

There shall be a manager for the City who is appointed by the council. The manager shall receive such compensation as the council may determine.

Section 3. Term of City Manager – Removal

The city manager shall hold office at the pleasure of the council and be removed for cause by vote of the majority of all the members of the council.

Section 4. Compensation

The city manager shall receive compensation at a rate determined by the council or as stated in a contract of employment.

Section 5. Qualifications of City Manager

The city manager shall be appointed solely on the basis of executive and administrative qualifications, with particular reference to education, training, and experience as a professional municipal administrator. The council by ordinance may set forth specific qualifications. No member of the council may be appointed manager unless at least one year has intervened since the expiration of his last term on the council and the date of appointment.

Section 6. City Manager – Power and Duties.

The city manager is the chief administrative officer. The manager shall:

- A. Appoint city employees and administrative officers, except as provided otherwise in this Code and AS 14.14.065; and may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in the city manager's department;
- B. Suspend or remove by written order city employees and administrative officers, except as provided otherwise in this Code and AS 14.14.065;
- C. Supervise enforcement of city law, as applicable;
- D. Prepare the annual budget and capital improvements program for the council;
- E. Execute the budget and capital program as adopted;
- F. Make monthly financial reports to the council on city finances and operations;
- G. Report to the council at the end of each fiscal year on the finances and administrative activities of the city;
- H. Prepare and make available for public distribution an annual report on city affairs;
- I. Serve as city personnel officer unless the council authorizes the appointment of a personnel officer;
- J. Execute other powers and duties specified in Title 29 of Alaska Statutes, or lawfully prescribed by the council.

Section 7. Further Powers and Duties

- (A) The manager shall do the following:
 - 1. Direct the care and custody of all city property;
 - 2. Direct and supervise the construction, maintenance, and operation of city public works;
 - 3. Make such recommendations to the council as deemed expedient or necessary;
 - 4. Establish working hours of the city office.
- (B) The city manager may assign additional functions or duties to offices, departments, or agencies established by ordinance and may likewise transfer functions or duties from one such office, department, or agency to another. The work of departments may be distributed among such divisions thereof as may be established by the city manager.

Section 8. Council Meetings

The manager shall have the right to take part in the discussion of all matters coming before the council.

Section 9. Interference with City Manager – Appointments

Except for the purpose of inquiry, the council and its members and mayor or other official of the city shall deal with the administration of the city solely through the city manager, and neither the council nor any member thereof nor mayor nor other city officials shall give orders to any subordinate of the city manager, either publicly or privately. Neither the council nor any of its members nor the mayor shall dictate the appointment of any person to office or employment by the city manager, except as permitted by state law or an ordinance of the city, or in any manner interfere with the city manager or prevent him from exercising his or her own judgement in the selection of officers and employees in the administration of the city.

Section 10. Regulation of Personnel

The city manager shall have the power to make rules and regulations relating to all of the employees of the city. These rules and regulations shall be published from time to time as the council may direct, and shall be on file in the office of the city clerk. No rules and regulations may be in conflict with the ordinances of the city or the laws of the State of Alaska.

Sections 11. Acting Manager

If the manager is absent from the City or is unable to perform his or her duties, if the council suspends the manager, or if there is a vacancy in the office of manager, the council may appoint an acting manager to serve until the manager returns, or until the manager's disability or suspension ceases, or until another manager is appointed. The council shall replace the acting manager when a permanent vacancy occurs. This shall be accomplished within a reasonable period of time and in no case may anyone serve as acting manager for more than one year.

Council Meetings

Sections:

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

Section 1. Meetings of all municipal bodies shall be public. The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section 2. Regular council meetings.

- A. All regular of the council shall be held on the third (3rd) Tuesday of each month.
- B. The usual place of council meetings shall be at the place posted; provided, however, that in the event of any conditions which renders the meeting place unfit to conduct any regular meeting of the council, the meeting may be moved.

Section 3. Special meetings.

- A. Special meetings of the council are those meetings which are called by the mayor or any two members of the council for a time different than that fixed for the regular council members. The location of all special council meetings shall be the same as that authorized for regular meetings.
- B. Advance notice of at least twenty-four hours preceding a special meeting shall be given each councilmember. The notice shall specify the time, place and subject matter of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be served personally on each member of the council or left at his usual place of business or residence by the city clerk or his designee.

Section 4. Notice.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of the meeting is posted not less than twenty-four hours before the time of the meeting.

Section 5. Executive session.

- A. The following subjects may be discussed in the executive session:
 1. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

B. The following shall be discussed in executive session when the best interests of the city so require:

1. Negotiations with labor organizations representing city employees;
2. Discussion of pending or threatened lawsuits in which the city has an interest.

C. If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding executive session to discuss matters that come within the exceptions contained in the subsections (A) and (B) of this section shall be determined by a vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless pertaining to the main question. No action may be taken at the executive session.

Council Procedures

Sections:

1. Mayor the presiding officer at council meetings.
2. Meetings – Order of business.
3. Minutes
4. Council rules – Speaking – Rules of conduct
5. Motions -- Second required
6. Motions – Disposition – Withdrawals.
7. Motions – Reduction to writing
8. Motions -- Rescinding vote
9. Voting – Quorum
10. Duties of the clerk at council meetings.

Section 1. Mayor the presiding officer at council meetings.

- A. The mayor shall preside at all meetings of the council. He shall preserve order among the council members, and is responsible for conduct of all meetings according to the rules of the council. He may at any time make such rules as he considers proper to preserve order among the spectators in the City Council room during sessions of the council.
- B. In the temporary absence or disability of the mayor, or mayor pro tempore, any member of the city council may call the council to order at any duly called meeting to elect a president pro tempore from among its number and the president pro tempore shall exercise all the powers of mayor during such temporary absence or disability of the mayor and may be 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. Minutes of previous meeting;
- D. Reports;
- E. Communications and appearance requests;
- F. Hearings, ordinances and resolutions;
- G. Bids;
- H. Old Business;
- I. New business;
- J. Audience participation;
- K. Council comments;
- L. Adjournment

Section 3. Minutes

Minutes of all regular and special meetings shall be taken. All minutes of regular and special meetings, shall be kept in the journal of the proceedings of the council. The minutes are public record and are to be made available to anyone upon request.

Section 4. Council rules – Speaking Rules of conduct.

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

Section 5. Motions – Second required.

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

Section 6. Motions – Disposition – Withdrawal.

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

Section 7. Motions – Reduction to writing.

Any motion must be reduced to writing if the mayor or presiding officer requires or if any councilmember demands.

Section 8. Motions – Rescinding vote.

Any previous vote on a motion may be rescinded by vote of the majority of the council.

Section 9. Voting – Quorum

- A. Four councilmen constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.
- B. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All council members present shall vote unless the council, for special reasons, permits a member to abstain.
- C. The mayor or presiding officer shall declare all votes: he shall declare the result.
- D. Every member who shall be present when a question is put, where he is not disqualified by personal interest, shall vote, unless the council for special reason excuses him. Applications to be so excused must be made before the vote, and shall be decided without debate.

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 clerk pro tempore, with all the powers, duties and obligations of the city clerk.

Chapter 9

City Clerk – City Treasure

Sections:

1. Appointment – Term
2. City Clerk
3. Additional duties of the clerk
4. Acting clerk
5. Treasurer
6. Additional duties of the treasurer

Section 1. Appointment – Term

The city clerk shall:

1. Give notice of the time and place of council meetings to the council and to the public;
2. Attend council meetings and keep the journal;
3. Arrange publication of notices, ordinance, and resolutions;
4. Maintain and make available for public inspection an indexed file including the city ordinances, resolutions, rules, regulations, and codes;
5. Attend deeds and other documents;
6. Perform other duties specified in this title or prescribed in this title or prescribed by the mayor or by the council.

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

Section 3. Additional duties of the clerk.

- A. The city clerk shall record and certify all actions of the council.
- B. The city clerk shall have the power to administer all oaths required by law.
- C. The city clerk shall be custodian of the city seal and the official records of the clerk.
- D. The city clerk shall give to the proper officials' ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.
- E. The city clerk shall be the city election registrar and shall be responsible for the calling and supervision of all city elections.

Section 4. Acting clerk

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

Section 5. Treasurer

- A. There shall be a city treasurer who shall be appointed by the council.
- B. The treasurer is the custodian of all city funds. He shall keep an itemized account of money received and disbursed.
- C. The treasurer shall give bond to the municipality in a sum which the council directs.
- D. The clerk shall perform the duties of the treasurer.
- E. Additional duties of the treasurer.

The treasurer shall:

- A. Be responsible for all matters pertaining to the maintenance of all accounts of the city, and the maintenance and care of all property used by the city;
- B. Compile the annual budget of the city based upon detailed department estimates and work programs and control it under direction of the mayor;
- C. Prepare and submit to the mayor such financial reports and other data as may be required;
- D. Prescribe and control such procedures as are necessary to protect city funds and property;
- E. Perform such other duties as the mayor or council may require.

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 to all departments and offices of the city;
- B. Upon the request of the city council, take the 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 the ordinances of the city;
- F. Attend meetings of the city council;
- G. Report to the city council promptly all suits brought against the city;
- H. Call to the attention of the city council and the mayor all matters of law affecting the city;
- I. Render all opinions in writing, as far as is practicable;
- J. Maintain a record all of his opinions rendered and turn such record over to his successor in office.

Chapter 11

RESPONSIBILITY OF OFFICERS AND EMPLOYEES

Sections:

1. Conduct in offices – Investigations – Oath – Records – Reports

Section: 1. Conduct in office – Investigate – Oath – Records – Reports

- A. The council, the mayor, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, or officer of the city and to make investigations in municipal affairs and compel the production of books, papers, and other evidence. Failure to obey such orders to produced books or evidence shall constitute grounds for the immediate discharge of any officer or employees of the city.
- B. All officers of the city, including mayor and councilmen, shall before entering upon the duties of his office, severally take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his office and trust, which oath shall be filed with the city clerk. (refer to Chapter 4 Section 4)
- C. All records and accounts of every office and department of the city shall be open to inspection by any person. Except, that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended, may be withheld from inspection. Such records as are required by state law or city ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the city clerk.

Chapter 12

Documents – Reports – Records

Sections:

1. Documents – Assent – Approval – Attestation
2. Documents to file with the State
3. Retention, disposal of public records

Section 1. Documents – Attest – Approval – Attestation

All legal document requiring the assent of the city shall be:

- A. Approved by the city council:
- B. Signed by the mayor on behalf of the city;
- C. Attested to thereon by the city clerk.

Section 2. Documents to file with the State.

The city shall file with the State Department of Community and Regional Affairs:

1. Maps and description of all annexed or excluded territory;
2. A copy of an audit or statement of annual income and expenditures;
3. Tax assessment figures as requested.

Section 3. Retention, disposal of public records.

Record Retention Program – Records Retention Schedule. The mayor shall prepare a schedule of records specifying the records to be:

1. Retained
2. Destroyed;
3. Disposed of routinely in the regular course of public business.

The records retention schedule shall list with sufficient detail for identification records without legal or administrative value or historical interest to be destroyed, and periodically disposed of by the city. Records to be destroyed shall be certified by the city clerk as having no legal or administrative value or historical interest.

Chapter 23

City of Chuathbaluk Personal Policies

Sections:

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

Section 1. Policies

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

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

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

****D. Purpose** It is the purpose of these policies to establish a system of personnel administration based upon the merit principle and adapted to the requirements of the City so that persons best qualified to perform the functions of the City will be employed, and that an effective career service will be encouraged, developed and maintained. The merit principle of employment includes the following:

1. Recruiting, selecting, and advancing employees of the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

CITY OF CHUATHBALUK, ALASKA

Ordinance No. 05-03

AN ORDINANCE repealing and replacing Chapters 16, 17, 18, 19, 20, 21, and 22 of the Code of Ordinances for the City of Chuathbaluk, Alaska and replacing them with Chapter 23 and amending this code to include a new Chapter 24.

BE IT ENACTED BY THE CHUATHBALUK CITY COUNCIL AS FOLLOWS:

Section 1. Purpose.

We, the elected officials of the City of Chuathbaluk 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 these ordinances for the City of Chuathbaluk.

Section 2. Classification.

This ordinance is of a permanent nature.

Section 3. Prior ordinances superseded.

This Code supersedes any and all ordinances adopted prior to this on the subjects of Responsibilities of Officers and Employees, and Personnel Policies.

Section 4. Severability.

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

Section 5. Titles and chapters affected

Chapter 16 Hiring Policies, Chapter 17, Conditions of Employment, Chapter 19 Suspension, Demotion, and Dismissal, Chapter 20 Vacation Time, Chapter 21 Sick Leave, and Chapter 22 Leaves of Absence are hereby repealed and replaced with Chapter 23 Personnel policies. A new Chapter 24, Responsibilities of Officers and Employees is hereby enacted.

Section 5. Effective date.

These ordinances become effective upon their adoption by the Chuathbaluk City Council and signature of the Mayor and attestation of the city clerk.

DATE INTRODUCED: 07-25-05

FIRST READING: 08-23-05

PUBLIC HEARING: 09-01-05

PASSED and APPROVED by the CHUATHBALUK CITY COUNCIL this 01 day of September 2005

See Original

Mayor

ATTEST:

See Original

City Clerk

2. No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of race, religion, color, or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, parenthood or otherwise contrary to law.
3. Regular integrated salary programs based on the nature of the work performed.
4. Retention of employees with permanent status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction of inadequate performance, and separation for cause.
5. Selection and retention of an employee's position secure from political influences.

E* **Employment Preference.** The city shall foster and promote the welfare of the wage earners of the City, improve their working conditions and advance their opportunities for profitable employment. The City shall aid and assist resident workers to obtain, safeguard and protect their rightful preference to be employed in industries operated by the City.

Section 2. General Provisions

****A. Adoption and Amendment.** These policies shall be adopted as an ordinance of the City. The City Council recognizes that amendment of these policies may from time to time be necessary. To that end these policies may be amended at any time following normal procedures for amending city ordinances. These policies do not constitute, and are not a part of, any contract with a city employee except as may be specifically incorporated in a written contract, whether oral or written, with an employee of the City creates a right to an indefinite period of employment. The City Council recognizes that these personnel policies are by no means all inclusive and that they are intended to promote better working conditions for city employees, better utilization of city resources and better city operations. To further these ends any city employee or resident may request the City Clerk or City Manager to include personnel policies or their amendment on the agenda for any regular City Council meeting.

B> Personnel Officer. The City Manager 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 City Manager as the executive officer of the City shall ensure that these policies are enforced.

The City Manager 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 employees 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 employees W-4 and W-2 forms and all records having to do with an employee's salary or compensation, and all other records necessary for accounting purposes.
3. **Personnel Files-Confidentiality.** All information in the personnel records of city employees showing salary or compensation, job description, education and training background, previous work experience, and such other materials as would be available for public inspection under AS 39.25.80 if such records were in the personnel files of a state employee shall be open for public inspection. Access to all other information in an employee's file shall be limited to the City Manager or his/her designee as personnel officer and the employee or the employee's authorized representative.
4. **Equal Employment Opportunity Officer.** The City Manager shall appoint a person on the staff to be the Equal Employment Officer. His/her duties will be spelled out in all State, Federal or local laws dealing with Equal Employment Opportunity.

Section 3. Employment Limitations, Prohibitions and Penalties

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

***B. No Advantage in a Position.** No person may give, render, pay, offer, solicit, or accept any money, service, or other valuable things in connection with any appointment, promotion, or advantage in a position.

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

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

****E. Equal Opportunity in all Personnel Management Actions.** All training, development, assignment, promotion, and other actions must be taken without regard to race, religion, color, or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

****F. Nepotism.** No person may be employed in a position supervised by a family member. If an employee and his supervisor should marry, they shall elect which employee may continue with the department and which employee shall terminate or transfer. "Family member" means spouse, father, mother, brother, sister, or child.

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

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

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

Section 5. Recruitment & Hiring of Personnel.

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

- B. **Employment of Council Member.** Elected officials may be hired by the City. Elected officials will be considered on the basis of merit with all other job applicants.
- C. **Posting of Job Openings.** Notice all job openings with the City shall be posted in at least three public places within the City. Notice shall include the job title, duties, minimum qualifications, rate of pay and end of recruitment period. Notice shall be posted for at least two weeks (14 days) from the date of posting to the ending date of the recruitment period. Two-week notice is not required for temporary positions that need to be immediately filled. Notice for such temporary positions shall however be posted in three places and include the job title, duties, minimum qualifications, rate of pay and end of recruitment period.
- D. **Filing Applications.** Applications for city positions shall be made on forms provided by the City Clerk and must be filed with the City Clerk on or prior to the closing date specified in the announcement. A resume' may be substitute for or filed in addition to the application form.
- E. **Filling of Positions.** The City Manager shall make all appointments to permanent full-time, permanent part-time, and long-term temporary city positions. Appointments will be made on the basis of qualifications, education, experience, and merit. The city council shall delegate authority to the employee to locate an alternate when they will be away.

1. **All qualifications must be verified.** Other qualifications being equal, preference in employment shall be given to a city employee seeking a promotion or transfer, then to year round city residents.
2. **Information to New Hires:** The City Clerk shall in writing advise all new appointee 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. The employee shall acknowledge in writing receipt of this 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 _____, Alaska, and that I will honestly, faithfully and impartially discharge my duties as _____to the best of my ability."

The Oath is filed with the City Clerk.

- F. **Promotion.** Vacancies shall be filled by promotion whenever practicable; however, filling of a vacancy by promotion shall be done on an open, competitive basis. Promotion is the filling of a vacancy by the advancement of an employee from a position having a lower salary. The employee's anniversary date and original date of hire, shall remain unchanged. An employee who is

promoted shall receive a probationary appointment. The employee's former position will be held open by temporary appointment until such time as the employee completes the probationary period.

G. Probationary Period. The probationary period is an integral part of the selection process and shall be used for observing an employees work, for giving the employee adequate time to adjust to the position, and for rejecting any employee for any reason. A probationary employee is an at-will employee and may be dismissed at any time; a probationary employee who is dismissed has no right to a notice or hearing under this chapter.

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

2. Completion of Probationary Period. The probationary period is a time of learning and orientation. An objective appraisal of employee performance shall be conducted at the end of the probationary period. It shall be the responsibility of the employee's supervisor or the City Manager (if he/she/ is the supervisor) or the City Manager's designee to provide a written evaluation and recommendation to the City Manager whether the employee shall become a permanent employee with employee benefits, whether the probationary period shall be extended, or whether the employee shall be dismissed from his/her appointment. The City Clerk shall give notice to supervisors of the expiration of employee's probationary periods and provide to supervisor's performance evaluation forms for their use. If a performance evaluation is not completed by an employee's supervisor within 30 days after an employee has completed his/her probationary period, the employee automatically becomes a permanent (either full time or part time) employee as of the date of the expiration of his/her initial probationary period.

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

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

****A. Work Week.** The normal work week for the 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 City Manager and City Council as circumstances and finances dictate in order to promote efficient city operation and provision of services to citizens.

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

1. **Overtime.** It is the policy of the City that work hours and work days be so scheduled that overtime not be paid. However, if circumstances do not permit such flexible scheduling, employees shall be compensated for hours worked beyond eight hours in a day and forty hours in a week at one and one half times their regular rate of pay. Federal fair labor standards apply and compensatory time off may be used only when there is a prior written agreement with the employee for the use of such time in lieu of paid overtime and is otherwise allowed by law.
2. **Paid Days.** Employees shall be paid semi-monthly on the 15th and last days of the month. When a pay day falls on a Saturday, employees shall receive their pay on the preceding work day. When the pay day falls on a Sunday employee shall receive their pay on the following work day. In special circumstances or for special projects the City Council may direct different pay periods.
3. **Transfer.** An employee transferred from one position to another where both positions have the same rate of pay shall be appointed to the same rate of pay held prior to transfer and his/her anniversary date shall remain unchanged. This will apply if any special knowledge of the position is not required.
4. **Payroll Advance.** A permanent employee may receive a payroll advance during a payroll period but before pay day upon approval of three City Council members. A payroll advance will be for no more than the compensation owed for hours already worked. An advanced shall be deducted from the employee's pay on the pay day. Payroll advances shall be limited to three per fiscal year. The city clerk will amount for payroll advances.
5. **Payroll Deductions.** Payroll deductions as required by law will be withheld from each employee's paycheck. Any other payroll deductions must be authorized by the employee in writing. Employees are urged to

authorize deductions from paychecks to pay personal obligations owned the City.

6. **Termination or Resignation.** Upon termination or resignation, an employee shall receive payment for all accrued wages, salaries or other compensation for labor or services within one (1) working day after the last day of work.

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

****1. Permanent Full-time.** These employees accrue leave, and receive paid holidays and other city employment benefits. Their work week is four or more hours per day, at least five days per week. Their jobs are of a continuous twelve months a year nature. Some salaried positions that are on call twenty-four (24) hours per day.

****2. Permanent part-time.** These employees accrue leave and received paid holidays and other city employment benefits if their normal work week is at least five days per week. Their jobs are of a continuous, twelve months a year nature but the hours worked are normally less than four hours per day and/or five days per week.

****3. Short and Long term temporary.** These employees accrue no leave and receive no paid holidays or other city employment benefits beyond any benefits that may be due them because of leave, termination, or resigning or a permanent employee, or because of emergency or special conditions. The City Manager or his/her designee shall appoint to these positions.

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

Section 7. Performance Evaluations.

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

****1. City Clerk's duties.** It shall be the responsibility of the City Clerk to give notice to employee's supervisor and the City Manager of the dates performance evaluations for employees are due. The City Clerk shall provide to supervisor's performance evaluation forms for their use.

****2. Supervisors 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 six-month probationary period. A final performance evaluation shall be prepared within five working days of an employee's final day of work regardless of the reasons why an employee leaves city service.

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

****B. Performance Evaluation Record.** All employees shall receive a written performance evaluation annually on the date the employee was appointed to permanent status.

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

Outstanding. Distinguished performance. Employee consistently exceeds performance standards.

Excellent. Above average performance. The employee consistently achieves and frequently exceeds performance standards.

Acceptable. Adequate performance. The employee usually achieves performance standards; may occasionally exceed or occasionally fail to achieve standards.

Unacceptable. Below average performance. The employee frequently does not achieve satisfactory performance standards. Improvement is necessary in order to achieve satisfactory performance.

Effect of Performance Evaluation:

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, if city finances allow.

An employee who receives an unacceptable performance evaluation has one month after discussing the evaluation with his/her supervisor to correct his/her performance to acceptable levels. At the end of this month the supervisor shall prepare performance evaluation rating the employee's performance. Failure of an employee to improve performance to acceptable levels after one month is grounds for dismissal from city service. If an employee receives an acceptable rating on his/her performance evaluation after one month, he or she will be kept in the city service and a performance evaluation will be performed again after two more months. An unacceptable performance evaluation after that two months is grounds for dismissal from city service.

Section 8. Resignation, Layoff

Resignation. To resign from city employment in good standing an employee must submit a resignation in writing to the City Manager stating the effective date of the resignation and reasons for leaving at least two (2) weeks prior to resignation.

****1.** Failure to give proper notice of resignation shall result in loss of all accrued leave.

****2.** Upon approval of the City Manager, an employee may withdraw his resignation at any time prior to the effective date of resignation.

****3.** Upon approval of the City Council the requirement of proper notice may be waived when provision can be made for a capable successor to an employee in the period of time for which notice of resignation is given. The City Council may also waive proper notice in cases where there are extenuating circumstances such as medical reasons, or family obligations.

****4.** No form of resignation filed without date or with a failure date, and that is not intended to be a bonafide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the City Manager as a resignation.

****5.** Failure by an employee to comply with proper notice of resignation may be considered cause for denying the employee future employment by the City.

****6.** Unauthorized absence from work for a period of two successive working days may be considered by the supervisor and/or City Manager as a resignation without proper notice resulting in loss of all accrued leave and cause for denying the employee future employment by the City.

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.

The City Manager 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.

If circumstances allow permanent employees shall be given two (2) weeks of layoff. All employees shall be given as much notice of layoff as circumstances allow.

No permanent employee shall be laid off while there are probationary or temporary employees serving in the same job class. Probationary and temporary employees shall be first laid off and are to be notified

of this upon hire. Such employees are deemed to have constructive notice of this information through these Personnel Policies.

Section 9. Disciplinary Actions.

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

****1. Incompetence:**

Lack of basic knowledge, skills or physical ability needed to accomplish work employee was hired to do.

Inability to understand and/or follow instructions.

Continual difficulty in learning and implementing new methods and procedures related to assigned duties.

****2. Unsatisfactory Performance of Duties:**

Slovenly work.

Flagrant damage to tools or equipment used.

Failure to produce an acceptable amount of work in relation to fellow employees in like classification.

Disregard for established safety regulations and procedures.

****3. Unexcused Absenteeism:**

Absence from work without prior approval.

Arriving or returning late for work or leaving early from work.

****4 Drunkenness:**

Reporting to work under the influence of alcohol or illegal drugs.

Use of alcohol beverages or illegal drugs at work.

****5. Dishonestly:**

Any act relating to employment that would signify an employee's word or intentions are not trustworthy.

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.

Taking city property or money or converting it to an employee's use.

Falsification of time records or approval of time records known to be wrong.

****6. Gross Disobedience:**

Failure to follow a supervisor's orders without reasonable explanation of actions.

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 or supportable reasons for the absence.

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

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

****C. Responsibility of City Manager and Supervisors.** It is the responsibility of the City Manager and supervisors to maintain efficiency, cooperation, and safe and proper work conduct among employees while protecting the rights of all employee and promoting efficient City operation and provision of services to citizens. If a situation requiring discipline occurs the City Manager, his or her designee, or the immediate supervisor shall immediately gather all essential facts about the situation in writing including the employee's version. If in the opinion of the City Manager disciplinary action of a less severe nature than dismissal or suspension without pay or accrual of benefits is required, the Procedures of Progressive Disciplinary shall be followed. The appropriate disciplinary is the least severe penalty that is at the same time severe enough to convince the erring employee that his/her behavior cannot be tolerated.

10.Procedures of Progressive Disciplinary: **(The following are addressed in the City's existing policy in less detail, except for E.)

- A. **Verbal Warning:** Verbal warnings are given for minor infractions. The employee is given a verbal warning in private explaining what he/she did wrong and what must be done as a corrective measure. A written record of the verbal warning is placed in the employee's central personnel file. This record may be removed from the file after six months by the City Manager if the employee's behavior improves. The employee is advised at the time of verbal warning that if there is a repetition of the behavior that required verbal warning, more severe action may be taken. The City Manager or supervisor shall give verbal warning.
- B. **Written Warning:** A written warning is more severe than a verbal warning. It is used for more serious offenses by an employee that call for more than a verbal warning. Written warning is also to be issued if there is a repetition of an infraction for which verbal warning was given within three months of the date of verbal warning. A copy of written warning is placed in an employee's central personnel file and becomes part of the file. The City Manager or Supervisor shall give written warning.
- C. **Suspension:** Suspension is used only when a major violation has occurred, repeated warnings have not succeeded in bringing about changes in an employee's conduct, or where the charges against the employee are of such nature that the interests of the City are seriously prejudiced. A repeat of an incident that requires written warning within three (3) months of the act of the first written warning is also cause for suspension. An employee may be suspended with or without pay and continued accrual of benefits pending further investigation; however, a permanent employee may not be suspended without pay or accrual of benefits until the employee has been given an opportunity to address and rebut the reasons for the proposed suspension. Such permanent employee to be suspended without pay or accrual of benefits shall be given written notice of the proposed suspension, the reasons therefor, and notice that the employee has five (5) calendar days to file a notice of objection to the proposed action with the City Manager and requesting and opportunity to address and rebut the reasons set out in the notice. The decision of the City Manager shall be in writing and state the reasons for the suspension and the date on which the suspension begins and ends. A copy of the letter or decision of suspension shall be placed in the employee's central personnel file. If an employee is unavailable for personal delivery of a letter of suspension, notice shall be given by certified mail, return receipt requested sent to his/her last known mailing address. A permanent employee shall also be notified that if he/she disagrees with the written decision of the City Manager regarding the suspension without pay or accrual of benefits, the employee may appeal that decision to the City Council by filing a written notice of appeal with the City Clerk within five (5) days after the City Managers decision and that the City Councils decision may be appealed to the Superior Court. Failure to file an appeal with the City Clerk within such five (5) day period shall constitute a waiver of any right of appeal and the City Managers decision shall be final. Any appeal of a suspension not involving loss of pay or accrual of benefits shall be handled as a grievance under Section 11.
- D. **Dismissal:** A permanent employee may not be dismissed until such employee has been given a written notice of the proposed dismissal, the reasons there fore, and notice that the employee

has five (5) calendar days to file with the City Manager a request for an opportunity to address and rebut the reasons for the dismissal. The employee shall be notified that if he/she disagrees with the decision of the City Manager, the employee may appeal that decision to the City Council by filing a written notice of appeal with the City Clerk within five (5) calendar days after the City Managers decision and that the City Council's decision may be appealed to the Superior Court. Failure to file an appeal with the City Clerk within five (5) day period shall constitute a waiver of any right of appeal and the City Manager's decision shall be final. The employee shall be provided a hearing and opportunity to ask questions for any witnesses and may otherwise confront the evidence presented against him/her. Following the hearing the City Manager or his/her designee shall prepare written findings, detailing any disciplinary action and the reasons therefor. The decision in writing shall then be personally delivered to the employee, unless the employee is unavailable for personal delivery, in which event the decision shall be sent by certified mail, return receipt requested, to his/her last known mailing address. A copy of the decision shall be placed in the employee's central personnel file.

E. ****Section 11. Grievance and Grievance Procedure**

A. Grievance Policy: It is the policy of the city insofar as possible to prevent the occurrence of grievance and to deal promptly with those which occur. When any employee grievance comes to the attention of a supervisor or the City Manager, the supervisor or the City Manager 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 City Manager or supervisor has authority to do so. If the grievance is not dealt with satisfactorily at this level, the grievance may be carried to the City Council as provided in this section.

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

- 1.** The employee shall first discuss (or attempt to discuss) the grievance with his/her supervisor. Should this fail to resolve the grievance, the employee may contact any City Council member and request a preliminary investigation to determine whether there is a critical need for immediate action by the Council.
- 2.** The City Council member contacted by an employee shall contact the City Manager. The City Manager shall appoint another City Council member to investigate the alleged grievance along with the first contacted member.
- 3.** If in the opinion of the two investigating Council members, the grievance is of a critical nature needing immediate resolution they shall contact the City Manager who shall call a special City Council meeting to hear the grievance. If the grievance is not of a critical nature needing immediate resolution it shall be heard at the next regular City Council meeting. The grievance shall be given notice in writing of the date, time and place of the council meeting. Notice for a special meeting shall be at least 24 hours.
- 4.** The City Council shall meet as the Grievance Committee to investigate the grievance. Notice shall be given to the grievant(s) concerning the meeting. The

aggrieved party and all others concerned shall appear before the committee. If the nature of the grievance is such that its discussion may tend to prejudice the reputation and character of any person a City Council member may move and vote to hold an executive session; provided, however, the person may request a public discussion. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless as auxiliary to the main question. No action may be taken at the executive session. After the reconvening of the public meeting, if an executive session is held, and all testimony has been heard and evidence examined, the City Council shall make such resolution of the grievance as they feel proper. The City Councils decision shall be final. If the aggrieved party, having been given notice, fails to appear before the City Council, the grievance is dissolved and the aggrieved party does not have standing to appear before the City Council on the same incident again.

****Section 12. Personal Leave: **NOTE:** The City has been doing annual and sick leave; however, as I recall, we discussed and agreed to changing it to personal leave, but I don't have any record of having discussed accrual rates. The typical accrual rate is one and a quarter day per month for the first 3 years, one and three quarters from 3-8 years, and two days after 8 years.

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

No Personal Leave accrues to an employee during a probationary period unless the employees 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, retroactive to the date the employee started work.

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

1. For the first three years of city employment permanent employees shall accrue Personal Leave at the rate of See Original per calendar month worked. That is, 15 days per year.
2. Employees with three or more years of service shall accrue Personal Leave at the rate of See Original (1 3/4) days per calendar month worked. That is, See Original (21) days per year.
3. Employees with eight or more years of service shall accrue Personal Leave at the rate of (2) days per calendar month worked. That is, (24) days per year.
4. Personal leave will not accrue while an employee is on leave-without pay status.

****C. Day of Personal Leave Defined:** Personal Leave days accrued by employees are equal to employees' normal workdays. That is, an employee who customarily works at six (6) hour workday accrues a 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 a vacation time, sickness, subsistence activities, etc. Personal Leave is the employees 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 supervisor and have it approved by the supervisor at least one week before the date leave is to begin. Shorter notice than one week may be allowed in special circumstances. The 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 City Manager 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 City Manager or his/her designee as quickly as possible but no later than one half (1/2) hour after the time the employee was to have reported to her/his worksite. In cases where an employee requests Personal Leave for more than three days for medical cause or sickness the employee may be required to furnish documentation of cause from a physician, dentist, health aide or other medical professional.
- 2.** Personal Leave may be granted for illness within the employee's immediate family which requires the attendance of the employee.
- 3.** Personal Leave may be granted in cases in which a death has occurred in the family of the employee.
- 4.** Approval of Personal Leave for bonafide medical cause shall not be withheld.

****F. Maximum Accrual:** Permanent employees are allowed to carry over up to thirty (30) days of unused Personal Leave from one calendar year to the next. An employees unused Personal Leave in excess of thirty (30) days at the close of business on December 31 of any calendar year shall be canceled and voided.

****G. Payment of Personal Leave upon Separation:** An employee who separates from City service for whatever reason shall be paid the value of all unused Personal Leave to the employee's credit upon the date of separation unless otherwise provided for in these Personnel Policies. Payment shall be made within one working day after the employees last day of work. Payment shall be less appropriate payroll tax deductions.

Section 13. Other Leave:

A. Application: The provisions of this section apply to all permanent employees of the City whose customary workweek is five (5) days per week. ****NOTE: This is covered here in more detail than in the city's personnel policy.**

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. **NOTE: I checked the statutes on this as requested by the council and it does not require that the employee be paid, only that their job be protected while on jury duty. The council needs to decide if they want to keep subsection B(3).**

C. Military

1. Permanent city employees are permitted fifteen (15) calendar days Military Leave each calendar year. Permanent city employees may keep all pay given them by the Military and may receive the difference between their regular pay and military wages if the city is greater. 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, unless requested by the employee. 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 Act.

D. Maternity/Paternity Leave:

A permanent employee who has been employed for not less than ten (10) months is entitled to take a total of nine (9) weeks leave of absence immediately preceding and following the birth or adoption of his/her child. This leave shall be charged first to Personal Leave then to Leave Without Pay. An employee who fails to return to work within the prescribed time limit shall be presumed to have resigned unless he/she has applied for and been granted Leave Without Pay for an additional period. If any State/Federal Family or other type of leave, law or regulation applies to the City the City shall grant such leave as is required by the applicable State/Federal Law or Regulation.

E. Leave Without Pay

Leave Without Pay is Approved absence from work. Except as otherwise provided for 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 City Manager a period of Leave Without Pay. The request should list the beginning and ending dates of the leave without pay and the circumstances that require such status and be submitted to and approved by the City Manager at least one (1) week before is to begin. Shorter notice than one (1) week may be allowed in special circumstances. An employee accrues no personal leave or benefits while on Leave Without Pay status. Failure to return from Leave Without Pay within two days after the requested ending date of leave, or absence from work without approval of requested leave is grounds for dismissal as 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 Leave Without Pay if they expect to be absent from work. Unapproved absence from work by these employees is grounds for dismissal. In cases of illness those employees who do not accrue leave are required to follow the procedures of Section 12 (E) and request Leave Without Pay for medical cause.

Section 14. Leave Holidays

****A. Legal Holidays:** Permanent and probationary employees who before and following the holiday shall receive time off with pay for the following holidays: Probationary, Long Term Temporary and Short Term Temporary employees do not receive paid holidays.

B. The following are legal holidays for which these employees who receive a paid day off and which days the city offices will be closed:

New Year's Day – January 1	Russian Orthodox New Years – January 14
Martin Luther King – January 19	Presidents Day – 3 rd Monday of February
Russian Orthodox Easter – Good Friday	Seward's Day – March 29
Memorial Day – Last Monday of May	Independence Day – July 4
Labor Day – 1 st Monday of September	Alaska Day – October 18
Veteran's Day – 11 th day of November	Thanksgiving Day – 4 th Thursday of November
Christmas Day – December 25 th	

C. Observance

When any of the holidays listed in subsection B fall on a Saturday the preceding Friday shall be observed as the holiday. When any of the holidays fall on a Sunday the following Monday shall be observed as the holiday. Permanent Employees shall receive full pay for the holiday according to the customary daily

hours they work. Permanent Employees may be required to work on paid holidays when nature of their duties or other conditions required. A permanent employee required to work on a holiday shall receive another day off within thirty (30) days thereafter, unless scheduling does not allow another day off within thirty (30) days, in which case the employee will be paid time and a half.

Section 15: Travel, Per Diem and Subsistence

Note: Brian was going to talk to the rest of the council about the employee being paid as a customary work day or just receiving per diem (the per diem rate to be determined) as get back to me.

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

****1.** An employee with approval of the City Manager may receive an advance for travel expenses. An elected official or designated representative of the City, with approval of the City Council may receive an Advance for travel expenses. Any advance received for travel expenses shall not exceed the expected per diem for the travel.

****2.** All official travel shall be approved in advance by the City Council

****3.** An official, an employee, a designated representative, consultant or anyone else traveling at city expense is required to report to the City Council on his/her travel at the next regular City Council meeting following the travelers return. If the traveler is called away from the city or a consultant for example has returned to his/her home or office outside the City, he/she with the City Manager's approval may submit a written report to the City Council in lieu of personal appearance. Failure to report to the City Council by an individual upon return from travel in cause to deny further travel for that group.

****4. Travel for an Individuals convenience:** if any travels on official business by an indirect route for his/her own convenience, any extra expenses caused by this indirect route shall be borne by him/her and reimbursement for expenses shall be based only on such charges as would have been incurred in traveling a usually travel route. In the case of an employee any additional time away from duty that may be required for such indirect travel shall be charged to personal leave or to leave without pay, if travel is for an employee's own convenience rather than for the city's benefit.

****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:** ****NOTE: Council will set up a rate schedule for this.** Where privately owned transportation is used for the convenience of any individual, reimbursement for transportation expense shall be limited to what the lowest available fare would cost by common air carrier. In 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 if travel is for the employee's own convenience rather than for the city's benefit.

****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 City Manager in advance and is deemed advantageous to the City and better enables an individual on city business to carry out official business.

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

1. Per diem begins when an individual leaves the City for the purpose of travel on official business and ends upon the completion of official business at the time an individual could return to the City. The per diem rate shall be established by the City Council by resolution. Per diem is paid when an individual who is on travel status for the City must overnight elsewhere than his/her home. Any person on travel status for the City shall forfeit per diem for any period(s) of time he/she because of 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, the day is divided into four (4) equal quarters and ends at 12:00 midnight. These quarters are 12:01am to 6:00am; 6:01am to 12:00 noon; 12:01pm to 6:00pm; 6:01pm 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 per diem or a pro rate by quarters per diem for succeeding days traveled 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 am on Tuesday, arrives Nome at 11:30am, leaves Nome at 1:30pm and arrives Anchorage at 2:45pm on Wednesday the employee attends a training session from 8:00am till 4:30pm on Thursday the employee attends the second day of training from 8:00am till 4:30pm on Friday the employee attends the training from 8:00am until its conclusion at noon. There is a plane that leaves Anchorage on Friday at 5:00pm arrives Nome at 6:45pm the next scheduled flight from Nome to the City leaves Nome at 10:00am Saturday arrives at the City at 11:15am the employee decides to go shopping in Anchorage on Friday and spend the weekend with his/her relation in Anchorage and arrives back in the City at 2:30pm on Monday.

The employee receives:

A full day per diem for Tuesday (10:00am till midnight)

A full day per diem for Wednesday (12:01am till midnight)

A full day per diem for Thursday (12:01am till midnight)

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

One (1) half days per diem for Saturday 12:01am till 6:00am = 1/4, 6:01am till 11:15am = 1/4, 11:15am is the time the employee could have returned home.

In this instance the employee is paid for his/her customary work days for Tuesday, Wednesday, Thursday and Friday. The employee should have requested leave from the City Manager 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 wellbeing of an individual on official business for the City. Subsistence may also be paid with the prior approval of the City Manager when actual costs as proved by receipts are higher than the per diem rate. Subsistence is the actual cost of lodging and meals, as proved by receipts, incurred by an individual on official business for the City.

D. Meal Allowance: in cases where an individual is on travel status for the City and is able to conduct city business and return the same day without the necessity of an overnight stay, reasonable meal allowances may be paid by the City as established by the City Council by resolution or as proved by receipt. An individual on travel status from 6:00am through 10:00am may be allowed a breakfast allowance. An individual on travel status from 10:01am through 2:00pm may be allowed a lunch allowance. An individual on travel status from 4:01pm through midnight may be allowed a supper allowance.

Chapter 3.04

Purchasing

Sections:

3.04.005 Agent

3.04.010 Scope of Authority

3.04.005 Purchasing Agent

There shall be a purchasing agent for the city to make all purchasing of supplies, materials, equipment and contractual services for the office, departments and agencies of the City government.

The mayor is the purchasing agent for the City. However, the mayor may designate the Manager/Clerk to be the City purchasing agent.

The City purchasing agent shall not purchase supplies, materials, equipment and contractual services in excess of \$1000.00 (one thousand dollars) without prior approval by the council. The city purchasing agent will follow the city's approved budget to purchase supplies, etc. and any or all-contractual services.

3.04.010 Scope of Authority

The purchasing agent shall have the power and duty to purchase or contract for supplies and contractual services needed by any agency of the City and sell surplus personal property of such agencies, in accordance with the ordinances of the City and such rules and regulations as shall be prescribed by the council.

The purchasing agent shall recommend joint purchases with other units of government when the best interests of the City would be served.

Chapter 24

RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Sections:

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

Section 1. Conduct in office; investigation.

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

Section 2. Oath

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

Section 3. Delivery of office

Whenever an officer, appointed official or employee leaves city office for any reason, he or she shall promptly deliver to his or her successor in the office or to the Mayor or City Manager 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 or City Manager'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 or City Manager in advance of the council meeting. Such monthly report shall include a report on finances of the department.

Section 5. Resignation

Resignations of the city officers and appointed officials shall be made in writing and filed with the Mayor or City Manager, who shall immediately notify Council. Appointed employees shall follow the procedures of the City's Personnel Policies for resignation.

Section 6. Conflicts of interest

A. Probations

1. No elected official, appointed city officer or city employee shall use his/her office or official position for the primary purpose of obtaining financial gain for him/herself or his/her spouse, child, mother, father or business with which he/she is associated or owns stock.

2. No elected official (except in the case of a Council Member where the presiding officer or Council rule otherwise as provided in Subsection C of this section), appointed city officer or city employee shall participate in any official action in which he has a substantial financial interest. Prohibited participation includes voting as a Council Member, taking part in council debate, soliciting the vote of a Council Member or encouraging any city official or officer to act in a certain way in regard to a subject.

3. No elected official, appointed city officer or city employee may accept from any other elected official, appointed city officer, or city employee, or any other person, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from accepting any award or bonus authorized by the Council to be given for meritorious service.

4. No elected official, appointed city officer, or city employee, and no other person, shall give or offer to give to any elected official, appointed city officer, or city employee, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from voting for or participating in granting any award or bonus authorized by the Council to be given for meritorious service.

B. Financial interests which may be conflicts of interest

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

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

2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for that will be affected by the vote or action.

3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business that will be affected by the vote or action.

4. He or she (or a member of his or her immediate family) is a member of a board of directors or governing body or an officer of, or holds a management position with an organization that has financial dealings with the City that will be affected by his or her vote or action.

C. Conflicts of interest and disclosure; City Council members

1. Each Council member shall disclose any financial interest he or she may have in any matter that has come before the Council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.

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

3. The decision of the Mayor (or designated Council member) on the member's request to be excused from voting may be overridden by a majority vote of the Council. Neither the Councilmember making the request, nor any other Councilmember who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.

4. If any resident of the City believes that a Council member may have an undisclosed conflict of interest, the resident may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Councilmember chosen by the resident requesting the meeting) and the Council member who may have a conflict of interest. If, as a result of the confidential meeting, the Council member with the potential conflict or the Mayor decides that the financial interest must be disclosed to the Council, the Council member shall disclose the interest to the Council as provided in Subsection C,2 above.

5. A Council member who has a substantial financial interest in a matter before the Council, and who has been excused from voting on the matter, may not participate as a Council member in the debate on the matter, although he or she may participate in discussion to the same extent as a member of the general public. If the matter is discussed by the Council in executive session, the member shall be excluded during the executive session.

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

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

1. Each city officer and employee shall disclose to the Mayor or the City Council and financial interest he or she may have in any matter that has come before the officer or employee for action in the course of his or her duties. If either the officer or employee making the disclosure, the Mayor, or a majority of the members of the Council conclude that the financial interest in question is substantial, then the officer or employee shall not act or participate in taking action on the matter.

2. Any resident of the City who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Councilmember chosen by the resident requesting the meeting) and the officer or employee who may have a conflict of interest. If, as a result of the confidential meeting, the officer or employee with the potential conflict concludes that he or she should refrain from acting on the matter, or the Mayor (or other chosen Councilmember) directs the officer or employee to refrain from acting on the matter, all proceedings of the meeting with the resident and the Mayor (or other chosen Councilmember) will remain confidential. If neither the officer or employee nor the Mayor (or other chosen Councilmember) decides that the officer or employee must refrain from acting, the resident may request the Council to consider the matter at its next regular meeting.

E. Violations

1. Any Council member, city officer, or city employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended from the Council or from his or her city office or employment. Such suspensions shall be for a period of up to ninety (90) days, and shall be made upon a two-thirds (2/3) majority vote of the Council. Any Council member, officer, or employee who is suspended for this reason more than once in any twelve (12) month period may be discharged from the Council or from his or her office or job. Such discharge shall be made upon a two-thirds (2/3) majority vote of the Council.

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

3. Any City Council member or appointed city officer who willfully violates any provision of Subsection A. shall be deemed to have violated his or her oath of office and shall be subject to immediate discharge from the Council or from office by two-thirds (2/3) vote of the Council. Any willful violation of any provision of Subsection B. by any city employee shall be cause for immediate disciplinary action and possible dismissal from employment.

4. No Council member may vote on any question of his or her own suspension or discharge.

REVENUE AND FINANCE

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FISCAL POLICIES

Sections:

1. Budget and Construction Program
2. City Obligations
3. Fiscal Year
4. Funds Designated
5. Audit of City Government Accounts

Section 1. Budget and Construction Program

A. The city manager shall arrange for the preparation of a budget and construction program. The budget and construction spending proposals shall be submitted as an ordinance.

B. After public hearing, the council may approve budgets with or without amendments and shall appropriate the funds required.

Section 2. City Obligations

A. A bond, contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made by ordinance and approved by the voters.

B. The council may make supplemental and emergency appropriations. No payment may be authorized or made and no obligation uncured unless an appropriation has been made by ordinance.

C. The council may authorize contracts for construction improvements to be financed wholly or partly by the issuance of bonds.

Section 3. Fiscal Year

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

Section 4. Funds Designated

Funds designated for the city:

1. General Fund
2. Federal Revenue Sharing Fund
3. Construction Project Fund
4. Debt Retirement Fund
5. Other Funds may be created as needed by Resolution

Section 5. Audit of City Government Accounts

Prior to the end of each fiscal year the council may designate a qualified individual who, as of the end of the fiscal year, shall make an independent audit or financial statement. Such person shall have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers.

CHAPTER 27
BUDGET FORM AND SCOPE

Sections:

1. Scope of Budget
2. Anticipated Revenues
3. Anticipated Revenues compared with other years
4. Proposed Expenditures
5. Proposed Expenditures compared with other years
6. Budget Summary

Section 1. Scope of Budget

A. The budget shall be a complete financial plan for all the operations of the municipality, showing dollar reserves, anticipated revenues, and proposed expenditures.

B. The Budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year and budgeting current fiscal year.

C. Proposed expenditures shall not exceed total anticipated revenues and reserves.

Section 2. Anticipated Revenues

Anticipated revenues shall be composed of “taxes”, “licenses and permits”, “intergovernmental revenue”, and “cash reserves”.

Section 3. Anticipated Revenues compared with other years

In the anticipated column opposite the items of anticipated revenues there shall be placed the amount of each such item actually received in the preceding fiscal year.

Section 4. Proposed Expenditures

Proposed Expenditures shall be itemized. Separate provision 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 municipality is pledge;
- B. Administration, operation and maintenance of each office, department or agency of the municipality;
- C. Council’s budgetary reserve;
- D. Expenditures proposed for construction projects including provisions for down payments on capital projects.

Section 5. Proposed Expenditures compared with other years

In a parallel column opposite the several items of proposed expenditures, there shall be placed the amount of each such item actually spent in the preceding fiscal year and the budget for the current fiscal year.

Section 6. Budget Summary

At the head of the budget there shall appear a summary of the budget, which need not be itemized. Principal sources of anticipated revenues, and kinds of expenditures by department, shall be stated in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

CHAPTER 28
BUDGET PROCEDURES

Sections:

1. Budget Public Record
2. Publication of Notice of Public Hearing
3. Public Hearing on Budget
4. Further Consideration of Budget
5. Adoption of Budget – Vote Required
6. Effective date of Budget – Certification – Copies made Available

Section 1. Budget Public Record

The budget, the budget message, the construction improvement program, and all supporting schedules shall be a public record in the office of the clerk, open to public inspection by anyone. The mayor shall cause to be prepared for distribution to interested persons, copies of the budget and budget message.

Section 2. Publication of Notice of Public Hearing

The council shall determine the place and time of the public hearing on the budget, and shall post such notice in three (3) places in the city. The Council shall include in the notice a summary of the budget and capital improvement program and a statement setting out the time and place for a public hearing. This notice shall be posted at least two (2) weeks prior to the hearing.

Section 3. Public Hearing on Budget

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

Section 4. Further Consideration of Budget

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

Section 5. Adoption of Budget – Vote Required

The budget shall be adopted by favorable votes of at least a majority of all the members of the council preferably by May first and no later than May thirty-first (31).

Section 6. Effective Date of Budget – Certification – Copies made Available

Upon adoption of the budget, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be certified by the mayor, city manager and the clerk and filed in the office of the clerk. The budget so certified shall be printed, mimeographed or otherwise reproduced,

and sufficient copies shall be made available for the use of all officers, departments and agencies and for interested persons and civic organizations through the clerk's office.

CHAPTER 29

ASSETS – DISBURSEMENTS

Sections:

1. Treasury
2. Accounting
3. Checks
4. Insufficient Funds in Bank Account

Section 1. Treasury

A. The treasurer shall be responsible for the collection, custody and disbursement of all moneys from whatever source.

B. Operating cash shall be kept in one financial institution to be designated by resolution.

C. The treasurer shall invest city money upon directive of the council in any of the following types of investments:

1. Bonds, notes or other obligations
2. Certificates of deposit or saving accounts of any banks;

Section 2. Accounting

A. All accounting functions for all city departments and offices, are the responsibility of the treasurer.

B. The treasurer shall provide on a monthly basis to the council the following statements:

1. Summary statements of cash receipts and disbursements;
2. Reconciliation statement – Banks – Investments – Funds;
3. Statement of Expenditures compared with Appropriations

Section 3. Checks

All checks drawn on the treasury of the city shall be signed by two individuals appointed by the council. All checks prior to issuance shall be approved to be within budget allowances by the council.

Section 4. Insufficient Funds in Bank Account

No city check may be written at any time when funds are insufficient. Willful violation of this provision and conviction shall result in a fine of not more than five hundred dollars (\$500.00).

CHAPTER 30

PURCHASING

Sections:

1. Purchasing Agent
2. Purchasing Agent – Scope of Authority

Section 1. Purchasing Agent

A. There shall be a purchasing agent of the city to make all purchases of supplies, materials, equipment, and contractual services for the offices, department and agencies of the city purchasing agent.

B. The City Manager or his designee shall be the city purchasing agent.

Section 2. Purchasing Agent – Scope of Authority

A. The purchasing agent shall have the power and it shall be his duty to purchase or contract for supplies and contractual services needed by any using agency of the city and sell surplus personal property of such using agencies, in accordance with the ordinances of the city and such rules and regulations as shall be prescribed by the mayor and approved by the council.

B. The purchasing agent shall have the authority to join with other units of governments in cooperative purchasing ventures when the best interests of the city would be served

CHAPTER 35 ELECTIONS

Sections:

1. Qualification of Voters
2. Notice of Election
3. Precinct and Polling Place
4. Election Board Judges, Clerks and Counters
5. Oath of Election Judges
6. Oath of Election Clerk and Counters
7. Compensation of Election Personnel
8. Poll Watchers
9. Declaration of Candidacy
10. Ballots, Printing, Contents
11. Ballot Boxes, Election Supplies
12. Time of General Election, Hour of Voting
13. Time off for Voting
14. Filling Vacancies in Election Board
15. Majority decision of Election Board
16. Permitted use of Unofficial Ballots
17. Official opening of Polls
18. Prohibition of Political Discussion by Election Board
19. Prohibition of Political Persuasion near Election Polls
20. Keeping of Original Register
21. Keeping of Duplicate Register
22. Questioning of Voter of Doubtful Qualification
23. Challenging of Voters of Suspect Qualification
24. Disposition of Challenged Vote
25. Administration of Oath
26. Marking and Casting Ballots
27. Assisting Voter
28. Disposition of Improperly Marked Ballots
29. Prohibiting the Exhibition of Marked Ballots
30. Prohibiting the Identification of Ballots
31. Prohibiting the Count of Exhibited Ballots
32. Official Closing of Polls
33. Counting Ballots, Tally
34. Rules for Determining Mark on Ballots
35. Tie Votes, Recount, Casting Lots
36. Runoff Elections
37. Absentee Voting
38. Canvass by Council
39. Recounts
40. Appeal to the Courts after Recount
41. Election Contest
42. Election Offense, Correct Practice, and Penalties

Section 1. Qualification of Voters

Every person who is a United States citizen and who is qualified to vote in State elections and has been a resident of the City of Chuathbaluk for thirty (30) days immediately preceding the election and who is registered to vote in State elections and is not disqualified under Article V of the State Constitution shall be entitled to vote at any city election.

Section 2. Notice of Election

It shall be the duty of the clerk of the City of Chuathbaluk to publish or post in three (3) public places in the city, at least thirty (30) days before any general election a notice of such election. Failure to give such notice in the time or manner herein provided shall not void any election.

Section 3. Precinct and Polling Place

The city shall constitute a single election district for all city elections. The one polling place for all city elections shall be designated by motion or resolution of the city council.

Section 4. Election Board Judges, Clerks and Counters

It shall be the duty of the council at a regular or special meeting held at least five (5) days prior to the date of holding the election, to appoint, from the qualified electors of the City of Chuathbaluk three (3) judges of election, one of whom shall be the city clerk and designated as chairman of the board. Chairman of the board shall be primarily responsible for the administration of the election in the precinct. The city council may also appoint from among the qualified voters of the city one or two clerks when it deems their services are necessary. The chairman of the board may appoint not more than four (4) counters of the ballots from among the qualified voters of the city if he thinks they are needed and if the city council authorizes it. All election personnel shall be appointed without regard to membership in any political party.

Section 5. Oath of Election Judges

The judges, before entering upon the duties of their office, shall severally take and subscribe the oath hereinafter provided, which oath may be administered by any person authorized by law to administer oaths in the case of the chairman and by the chairman for all other judges:

I do solemnly swear (or affirm) that I will duly attend at the ensuing election during its continuance; that I will not receive any ballots or votes from any person other than such as I firmly believe to be entitled to vote at such election, according to the laws of Alaska and the ordinances of the City of Chuathbaluk; nor will I refuse to receive any votes, or ballots from any person, or persons, whom I believe to be entitled to vote as aforesaid; and I will, in all things truly, impartially, and faithfully perform my duty therein to the best of my judgement and ability.

Signature

SUBSCRIBED AND SWORN TO before me this ____ day of _____, _____.

Section 6. Oath of Election Clerks and Counters

The election clerks and election counters, before entering upon the duties of their office, shall severally take and subscribe the oath hereinafter provided, which may be administered by the chairman of the board:

I do solemnly swear (or affirm) that I will impartially and truly write down the name of every elector who shall vote at the ensuing election, and also carefully and truly write down the number of votes that shall be given for each candidate at the election as often as his name shall be read to me; and I will in all things truly, impartially and faithfully perform my duty therein to the best of my judgement and ability.

Signature

SUBSCRIBED AND SWORN TO before me this ____ day of _____, ____.

Section 7. Compensation of Election Personnel

All election personnel shall be paid such compensation as the council may determine by motion or by resolution.

Section 8. Poll Watchers

Any candidate for elective city office may appoint a watcher for the precinct. The watcher may be present at a position inside the place of voting which affords a full view of all action of the election board taken from the time the polls are open until the ballots are finally counted and the results certified by the election board. The election board may require each watcher to present a certificate showing that he is the watcher appointed by the candidate. State law relating to watchers in any State election shall govern watchers in city elections as so far as they may be applicable.

Section 9. Declaration of Candidacy

Any qualified voter may have his name placed on the ballot for election as a candidate for any elective office by filing with the city clerk a sworn declaration of his candidacy. Declaration of candidacy shall be filled between the first day and the tenth day of September (both inclusive) preceding each annual general election. The declaration of candidacy is filed by either (1) actual physical delivery of the declaration by mail or in person to the office of the city clerk at or before 5:00pm local time on September 10th, or (2) the actual physical delivery by telegram of a copy in substance of the statements made in declaration at or before 5:00pm local time, September 10th, and also the actual physical delivery of original declaration postmarked at or before 5:00pm local time, September 10th. If September 10th is a Sunday or holiday, declaration may be filed no later than 5:00pm local time on the following day.

Section 10. Ballots; Printing, Contents

(A) All ballots used at any election of said city shall be printed on white paper of good quality, at the expense of the city, and shall be furnished to the election board by the city clerk. Such ballots shall contain the names of all candidates whose declaration for office specified in the ballot, has been filed with the city clerk according to the provisions of this chapter, and not otherwise. The names of the candidates shall be printed in capital letters and shall be placed under the designation of the office for which he has filed a declaration, and when there is more than one candidate for such office, the names of such candidates shall be arranged in alphabetical order. At the end of the list of candidates shall be left a blank space or spaces large enough for the names of candidates to be written in, and nothing contained in this chapter shall prevent any elector from writing on his ballot the name of any person for whom he desires to vote for any office; and such ballot shall be counted the same as if printed and marked by the voter; provided, however, that nothing contained herein shall prohibit the use of "posters" or "stickers" by a write-in candidate on ballots cast at all elections.

(B) The use of "posters" or "stickers" by a write-in candidate, conforming in size with the printed names on the ballot is authorized.

(C) Such ballots shall also contain the affirmative and negative of any other question, or proposition, to be voted upon at such election.

(D) The city clerk shall also provide sample ballots which shall be printed or typewritten on white paper.

Section 11. Ballot Boxes, Election Supplies

The city clerk shall cause to be delivered to the judges of election sufficient ballots for all electors or voters registered in the precinct and shall provide suitable ballot boxes and an adequate number of voting booths or screens as well as poll books, two tally books and all other things necessary for the counter of the election.

Section 12. Time of General Election, Hour of Voting

(A) The regular general city election shall be held on the first Tuesday of October annually.

(B) The polls at all general or special elections shall be opened at the hour of 9:00am on the date of election and shall be kept open continuously until 6:00pm of the same day. All voters in line to vote on or before 6:00pm shall have the right to vote.

Section 13. Time Off for Voting

A qualified voter who does not have sufficient time outside his working hours within which to vote at an election may, without loss of pay, take off as much working time as will enable him to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls at the beginning of his regular working shift, or between the end of his regular working shift and the

closing of the polls, he shall be considered to have sufficient time outside his working hours within which to vote.

Section 14. Filling Vacancies in Election Board

If an appointed judge or clerk fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or canvass, the election board members present shall elect, by a majority voice vote, a qualified voter to fill the vacancy.

Section 15. 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 16. Permitted use of Unofficial Ballots

If no official ballots or election supplies are received, or if an insufficient number of either are received, or if either have been destroyed or lost, the election board shall provide, and the voters may use, unmarked substitute ballots and other election materials to indicate the intent of the voter. The election board shall certify to the fact which prevented the use of the official ballots and materials and shall include the certificate in the election returns to the city council. The initial failure to certify to the facts or include the certificate as required, does not invalidate any ballot. Upon disclosure that unofficial ballots have been used without a certification as required, the city council shall notify the chairman of the election of his failure to properly certify the ballots. The city council may accept the required certificate if the certificate is proper and actually delivered to the city council within ten (10) days of the date that the chairman of the election board was notified.

Section 17. Official Opening of Polls

On the day and hour of election, the election board shall announce that the polls are open and receive the voters.

Section 18. 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.

Section 19. Prohibition of Political Persuasion near Election Polls

During the hours the polls are open, no person who is in the polling place or within one hundred (100) feet of any entrance of 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 at the required distance in the form and manner prescribed by the city clerk.

Section 20. Keeping of Original Register

The judges shall keep an original register in which each voter before receiving his ballot shall sign his name and give both his resident and mailing address. A record shall be kept in the registration

book in space provided of the name of persons who offer to vote or are refused and a brief statement of the basis of the refusal. The signing of the register constitutes a declaration by the voter that he is qualified to vote.

Section 21. Keeping of Duplicate Register

The judge or clerk assigned to keep the duplicate register shall transfer to the duplicate register the names of the voter and all other information appearing in the original registration book.

Section 22. Questioning of Voter of Doubtful Qualification

An election judge may question any person of doubtful qualification attempting to vote and may require identification. Upon the satisfactory showing that the person is qualified to vote, the election judge shall allow the person to vote.

Section 23. Challenging of Voters of Suspect Qualification

Every election judge and election clerk shall challenge, and every watcher and other person qualified to vote in the precinct may challenge a person attempting to vote if the challenger has good reason to suspect that the challenged person is not qualified to vote. All challenge shall be made in writing setting forth the reason for the challenge. The challenged person before voting shall subscribe to an oath and affidavit provided by the city clerk attesting to the fact that in each particular the person meets all the qualifications of a voter, that he is not disqualified, that he has not voted at the same election and stating length of residence within the precinct. After the challenged person has taken the oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote.

Section 24. Disposition of Challenged Vote

(A) A challenged voter shall vote his ballot in the same manner as prescribed for other voters. After the election judge removes the identification number from the ballot, the challenged voter shall insert the ballot into a small blank envelope seal it and put the envelope into a larger envelope in which the oath and affidavit he previously signed is contained. The envelope shall be sealed and deposited in the ballot box along with the attached statement of asserted invalidity. When the ballot box is opened these envelopes shall be segregated, and counted last where the merits of the challenge shall be determined by the election board.

(B) A person who frivolously, maliciously or in bad faith challenges a voter is guilty of a misdemeanor and upon conviction shall be imprisoned for not more than ten (10) days or fined not more than \$100.00 or both.

Section 25. Administration of Oath

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

Section 26. Marking and Casting Ballots

When the voter has qualified to vote, the election judge will give him an official ballot. Upon receiving his ballot, the elector shall forthwith, and without leaving the polling place, retire alone to one of the places, booths or compartments and prepare his ballot. He shall prepare his ballot by marking a cross (X) before the name of the person for whom he wishes to vote, and similarly marking the affirmative or negative of any proposition stated in the ballot.

After preparing his ballot, the voter shall fold it so that only the remaining numbered tab shall be visible. He shall then vote forthwith, before leaving the polling place, by handing his ballot to one of the election officers who shall immediately deposit the same in a ballot box, provided for the purpose, and tearing off the numbered tab.

No more than one (1) person shall occupy the booth or compartment longer than shall be necessary to prepare his ballot, and in no event for a longer period than five (5) minutes, provided the other booths are occupied.

Section 27. Assisting Voter

A qualified voter who cannot read, mark the ballot, or sign his name may request a judge, a person, or not more than two (2) persons of his choice to assist him. If the 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.

Section 28. Disposition of Improperly Marked Ballots

If a voter improperly marks or otherwise damages a ballot, the voter may request and the election board shall provide him with another ballot, within a maximum of three (3) and the board shall record the number of the improperly marked or damaged ballot and destroy it immediately without examining it.

Section 29. Prohibiting the Exhibition of Marked Ballots

Subject to Section 26 of this chapter, 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.

Section 30. Prohibiting the Identification of Ballots

No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his ballot, or allow the same to be done by another person.

Section 31. Prohibiting the Count of Exhibited Ballots

No election official may place in the ballot box a ballot known to have been unlawfully exhibited by the voter. A ballot unlawfully exhibited shall be retained and placed with the improperly marked or damaged ballots.

Section 32. Official Closing of Polls

Fifteen (15) minutes before and at the time of closing the polls, the election board shall announce the present time and the time of closing the polls.

Section 33. Counting Ballots, Tally

As soon as the polls are closed, the judges shall open the ballot box and commence counting the ballots, and continue without adjournment until they are all counted; and in no case shall the ballot box be removed from the polling place in which the election was held, until all the ballots have been counted. The ballots shall be taken out carefully by the chairman or one of the other judges, who shall open them and read aloud the name of each person therein contained, and the office for which said person has voted for; and the vote on any proposition placed on the ballot. Each clerk shall write down each office to be filled and the name of each person voted for such office, and shall keep the number of votes by tallies, as they are read aloud by the instructor or judges; and in line manner, the affirmative and negative of any proposition voted upon. The judges of election shall determine the validity or invalidity of the challenged ballots, and having determined the ballots are valid shall open the envelopes containing the ballots, remove them and proceed to count the ballots. Any challenged ballot where the validity is sustained by the election board shall, upon the completion of the tally, deposit the unopened envelope in the ballot box. The results of the election shall be certified by the city clerk, and the incumbent council shall be notified.

Section 34. Rules for Determining Mark on Ballots

The election board shall canvass and count the votes according to the following rules:

1. A voter may mark his ballot only by the use of cross marks "X" 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 does not itself invalidate the entire ballot.
3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
5. The mark shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended a 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 a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.

9. Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name.

Section 35. Tie Votes; Recount; Casting Lots

In case of failure to elect because of a tie vote, the election officials shall immediately proceed to recount the votes. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates typing, in a meeting of the council and under its direction.

Section 36. Runoff Elections

If, at an election for any office, no candidate receives in excess of forty (40%) percent of the votes cast for his respective office, a runoff election shall be held within two (2) weeks from the date of certification of the election between the two (2) candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published or posted at least five (5) days before the election. The judges and clerks of the previous election shall serve as such for the runoff election, together with such persons appointed by the council to fill any vacancies which may occur.

Section 37. Absentee Voting

(A) Persons entitled to vote: Any voter within the City of Chuathbaluk, properly registered and otherwise qualified, who expects to be absent from his city election precinct, or who will be unable to vote in said city election precinct by reason of physical disability **on the on** which any general or special municipal election is held, may cast a ballot in said municipal election upon complying with the provisions of this chapter.

(B) Application for ballots; time; requisites: Not more than twenty (20) nor less than five (5) days where filing by mail, and not more than twenty (20) not less than one (1) day where filing in person, prior to any municipal election, any voter properly registered and qualified, who expects to be absent from his election precinct, or unable to vote therein on the day of such election, may file either in person, or by mail, his written application with the city clerk of the City of Chuathbaluk, for an absent voter's ballot. The application shall be signed by the applicant, show his place of residence, and shall make clear to the city clerk the applicant's right to a ballot. The city clerk shall note on the voter's registration card that the voter received an absentee ballot.

(C) Comparison of signature and address of applicant; delivery of ballot to applicant: Upon receipt of an application for an absent voter's ballot within the proper time, the clerk receiving it shall

file it, and then compare the signature thereon with the signature upon the original affidavit of registration and the place of residence as given in the application, with that in the affidavit of registration. If it appears to the clerk that the signature on the application is that of the person who signed the original affidavit, he shall deliver to the applicant personally, or by mail, at the mailing address given in the application, an official ballot for said election, and identification envelope and return envelope.

(D) Determination of right by clerk; refusal: Before delivering any ballot, the city clerk shall satisfy himself of the applicant's right to a ballot, and may refuse in a proper case to send it.

(E) Mailing absent voter's ballot: Whenever the clerk is required to mail an absent voter's ballot to any voter, and the address to which said ballot is to be mailed is beyond a fifty (50) mile radius from the City of Aniak, he may mail the absent voter's ballot to the voter by air mail.

(F) Notation of ballot number and date of application: Upon delivery or mailing an absent voter's ballot, the clerk shall enter on the application of the absent voter, or on his affidavit or registration, the number of, and the date of delivering or mailing the ballot.

(G) Return of absentee to precinct on election date; voting; surrender of absent ballot: Should an absent voter return to his city precinct on Election Day, he shall not vote until he surrenders to the judges of the precinct board the absent voter's ballot and other supplies mailed to him. The judge, or judges, of election shall return the unused absent voter's ballot with the unused ballots of the precinct.

(H) Supplies for election; duty of clerk; official services free: All supplies mentioned in this chapter, and necessary for the use of the voter in preparing and returning his ballot, shall be prepared and furnished by the clerk. No official of this city may make any charge for services rendered to any voter under the provisions of this chapter.

(I) Identification and return envelopes; form, size and weight: The identification envelope and return envelope provided for shall be of such form, size and weight as may be necessary and convenient as prescribed by the city clerk.

(J) Identification and return envelopes; form of affidavit on identification envelope: The identification envelope shall have printed on its face an affidavit substantially in the following form:

IDENTIFICATION ENVELOPE

UNITED STATES OF AMERICA)

) ss.

STATE OF ALASKA)

_____ deposes and says: I am a resident of, and a voter in, Precinct No. ____ in the City of Chuathbaluk, Alaska, and I hereby enclose my ballot in compliance with Section 37, of the City of Chuathbaluk.

Signature of Voter

Residence address within City

(K) Appearance before officer in residence place; marking and sealing ballot: (Manner of stamping and sealing ballot). Any voter applying for, and receiving, an absent voter's ballot may, on any date prior to the day of election for which the ballot is to be voted, appear at the office of the city clerk, Chuathbaluk, Alaska, and stamp and seal his ballot under the scrutiny of that officer and in the following manner:

1. The voter shall first display the ballot to the clerk as evidence that it is not marked, and shall then proceed to mark the ballot in the presence of the clerk, but in such a manner that the clerk is unable to see how it is being marked. The voter shall then fold the ballot and enclose it in the identification envelope.
2. The voter shall then make out or cause to be made out, and sworn to, the affidavit printed on the face of the envelope and deliver it properly sealed, to the officer before whom the ballot is marked.
3. (Certificate by officer: Keeping and delivery of envelope). The officer shall then certify to the affidavit printed on the identification envelope, and after writing or stamping his name across the seal shall deposit the envelope in a safe place in his office to be kept by him, and delivered to the judges of the proper precinct.

(L) Appearance before officer; away from residence: (Officers before whom voter may appear: Circumstances authorizing). At any time on or before the date of election, an absent voter may appear before the clerk or any notary public, or any officer in the district, city, county, borough,, territory or other federal district, or in any state, territory, or district within the United States, or receiving his ballot to mark his ballot if:

1. In the case of any election conducted by the City of Chuathbaluk he is absent from the City of Chuathbaluk
2. If he is unable, because of disability, to go to his polling place.

(Voting, sealing and certification; delivery and return of envelope). Under the scrutiny of such officer, he may mark and seal his ballot as before stated in this section, except that he may mark his ballot with pen or ink or indelible pencil, instead of with rubber stamp. Such officer shall then certify to the affidavit printed on the identification envelope, and enclose the envelope in the return envelope and seal it. After writing or stamping his name across the seal, he shall deliver the envelope to the voter to be by him returned to the office of the city clerk, City of Chuathbaluk.

(M) Time for receipt of the ballot by issuing clerk: All ballots cast under the provisions of this chapter shall, in order that they may be counted, be received by the clerk from the absent voter before the day of the election in which they are to be counted. The city clerk on the day of Election shall take the absentee ballots to the proper precincts. At each precinct the city clerk will open the envelopes

containing the absentee vote of each such precinct in the presence of the inspector, identify the voter against the voting records of the precinct for eligibility, and without unfolding the ballot deposit it in the ballot box. The inspector will retain the identification envelope as proof of the absentee vote.

(N) Aiding or abetting fraud; punishment: Any person attempting to aid or abet fraud in connection with any vote cast, or attempted to be cast, under the provision of this section shall be deemed guilty of a misdemeanor.

Section 38. Canvass by Council

(A) On the first Monday after an election city council shall meet and canvass all election returns. The canvass may be postponed, for cause, from day to day.

(B) The canvass of all election returns shall be made in public by opening the returns and tallying the number of votes cast for each candidate, and for and against each proposition voted upon at such election. The result of the election shall be publicly declared by the council, and entered upon the public records of such meeting. The records thereof shall show:

1. The number of votes cast in such election.
2. The names of the persons voted for.
3. The proposition voted upon at such election.
4. The offices voted for and the number of votes cast for each candidate and the number of votes cast for and against each proposition at such election.

Section 39. Recounts

(A) Application: Any defeated candidate or any ten (10) qualified voters may file an application within twenty-four (24) hours after the completion of the canvass of the election precinct, for any particular office, proposition, or question. The application shall be filed with the city clerk.

(B) Form of application: The application shall state the precinct for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that ten (10) persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two (2) persons who shall represent the application and be present and assist during the he candidate himself or any person signing the application, and the representative shall be paid in the same amount and the same manner as election judges. Application by ten (10) qualified voters shall also include the designation of one of the number as chairman of the applicant. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

(C) Requirement of Deposit: The application shall include a deposit in cash, or by certified check. The amount of the deposit is fifty dollars (\$50.00) for each precinct. However, if the recount includes an

office for which candidates received a tie vote, or a question or proposition for which there was a tie vote on the issue, the application need not include any deposit. If on recount a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four (4%) percent or more in excess of the vote reported for the council canvass for the candidate applying for the recount, or in favor or opposed to the question or proposition as stated in the application, the deposit shall be refunded.

(D) Setting the recount: If the city clerk determines that the application is substantially in the required form, he shall fix the date of recount to be held within forty-eight (48) hours after the receipt of an application.

(E) Certification of results: If the recount changes the results of the election, the recount shall be forwarded to the city council who shall recanvass the election returns related to the matter subject to the recount.

Section 40. Appeal to the Courts after Recount

A candidate or any person who requested a recount who has reason to believe an error has been made in the recount involving any question or proposition or the validity of any ballot may appeal to the Superior court in accordance with applicable court rules governing appeals in civil matters. Appeal shall be filed within five (5) days of the completion of the recount. Upon order of the court, the city clerk shall furnish the records of the recount taken including all ballots, registers, and other election materials and papers pertaining to the election contest. The appeal shall be heard by the court sitting without a jury. The inquiry and appeal shall extend to the question of whether or not the city clerk has properly determined what ballots, parts of ballots or marks for candidates on ballots are valid, and to which candidate or division on the question or proposition valid, and to which candidate or division on the question or proposition the vote should be attributed. The court shall enter judgement either setting aside, modifying, or affirming the action of the city clerk on recount.

Section 41. Election Contest

(A) A defeated candidate or ten (10) qualified voters may contest the election of any person or their approval or rejection of any question or proposition upon one or more of the following grounds:

1. Misconduct, fraud, or corruption on the part of an election official sufficient to change the result of the election.
2. When the person certified as elected is not qualified as required by law.
3. Any corrupt practice as defined by law sufficient to change the results of the election.

(B) The action may be brought in the Superior Court within ten (10) days after the completion of the canvass by the city council.

(C) The judge shall pronounce judgement on which candidate was elected and whether the question or proposition was accepted or rejected. The city clerk shall issue a new election certificate to

correctly reflect the judgement of the court. If the court decides that the election resulted in a tie vote, the city council shall immediately proceed to determine the election by lot as is provided by law. If the court decides that no candidate was duly elected, the judgement shall be that the contested election be set aside.

Section 42. Election Offenses; Correct Practice; and Penalties

(A) It is unlawful for any person, firm, or corporation to do any of the following acts; and any person, firm, or corporation who does any of the following acts shall be guilty of a misdemeanor:

1. Directly or indirectly uses or threatens to use force, coercion, violence, or restraint, or inflicts or threatens to inflict damage, harm, or loss upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question.

2. Gives, or promises to give, or offers any money or valuable thing to any person, with the intent to induce him to vote for or restrain him from voting for any candidate at any election or any election proposition or question.

3. Knowingly prints or circulates, or causes to be written, printed or circulated, any letter, circular, bill, placard, poster, or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face the name and address of the author, printer, and publisher thereof.

4. Writes, prints, or circulates, or who shall cause to be written, printed, or circulated, any letter, circular, bill, placard, or poster, or who causes any paid advertisement to be placed in a newspaper or any other publication, or who pays or contributes to the payment for any such advertisement, or who makes any radio broadcast, willfully knowing the letter, circular, bill, placard, poster, publication, paid advertisement, or radio broadcast to contain any false statement, charge, or comment relating to any candidate at any election or to any election proposition or question.

5. Has in his possession outside of the voting room any official ballot; provided that this shall not apply to election officials or other properly authorized persons having such possession in the line of duty.

6. Makes or knowingly has in his possession any counterfeit of an official ballot.

7. Refuses to allow an employee reasonable time off for the purpose of voting when the employee does not have a reasonable amount of time to vote before or after work, or who, after allowing the time off, deducts the time from the compensation of the employee.

8. Being an election official, while the polls are open, opens any ballot received from a voter at an election, or marks a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempts to learn how any voter marked his ballot, or allows the same to be done by any other person.

9. Writes or produces, or assists in writing or producing, any published letter, circular, poster, bill, publication, or placard, knowing that it contains any false statement or false charge reflecting on the character, morality, or integrity of any candidate at any election.

10. Votes or attempts to vote in the name of another person or in any name other than his own.

11. By force, threat, intimidation, or offer of reward, induces or attempts to induce any election official to fail in his duty.

12. Willfully changes or causes to be changed any official election documents, included ballots, tallies, and returns, or attempts to do the same.

13. Willfully delays or causes to be delayed the election returns, or attempts to do so.

14. Willfully votes or attempts to vote more than once at the same election.

15. Signs any name other than his own to a petition proposing an initiative, referendum, or recall, or knowingly signs his name more than once for the same proposition or question at one election, or signs the petition knowing that he is not a qualified voter.

16. Having been contracted or employed by the city to print or reproduce in any manner any official ballot, willfully appropriates to himself, or gives or delivers to, or knowingly permits to be taken by anyone other than a person authorized by the city clerk, any official ballots, or knowingly prints or reproduces or causes to be printed or reproduced any official ballots in any other form or with any other content than that prescribed by the ordinances or as directed by the city clerk.

17. Willfully makes a false affidavit or swears falsely under any oath required in connection with any election or registration for voting or falsely affirms in lieu of so swearing.

18. Willfully fails to perform any election duty or knowingly does any unauthorized act with the intent to affect the election or its results.

19. Willfully permits or makes or attempts to make any false count or report of the election results.

20. Being an election official, willfully conceals, withholds, wrongfully changes, mutilates, or destroys the election returns, or attempts to do so.

(B) Any person, firm, or corporation who is guilty of a misdemeanor as defined hereinabove, shall be punished, upon conviction thereof, by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment, in the discretion of the magistrate.

PUBLIC HEALTH AND WELFARE

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CHAPTER 36

CITY EQUIPMENT

Sections:

1. City Use
2. Personal Use
3. Group Use

4. Care of Equipment

Section 1. City Use

City equipment shall always be used for municipal purposes and is controlled by the city council.

Section 2. Personal Use

When in the view of the city council it is in the city's best interest to allow an individual to use city equipment, such use shall be charged at rates specified by the council. Rates shall be reviewed from time to time in order to insure charges are sufficient to cover maintenance, repair and replacement of the equipment.

Section 3. Group Use

If in the view of the city council city equipment is used by a group or civic organization and such use is in the city's best interest, by a majority vote of the city council the city council may authorize use of city equipment without charge.

Section 4. Care of Equipment

All persons or groups using city equipment shall take reasonable care of equipment when it is in their possession. Should the council determine that any equipment was mistreated when in the possession of a person, persons or group, the council shall charge the person, persons or group, an amount necessary to repair or replace the misused equipment.

CHAPTER 37

USE OF CITY FUNDS

Sections:

1. Use of City Funds

Section 1. Use of City Funds

It is unlawful to use any city funds for any purpose other than to benefit all citizens of the City of Chuathbaluk.

Personal loans are prohibited

“Personal Loans” under this chapter means any loan to individuals, selected families or groups.

Exceptions may be made on a case basis when in the view of the city council an emergency exists. A majority vote of the city council is needed to provide “emergency funds”. All persons granted “emergency funds” must sign a note provided by the city and must repay all funds on a scheduled basis. The rate of interest shall be set at the time the city council approves the provision of “emergency funds” and shall not exceed the prevailing rate allowed by State Law.

CHAPTER 38

GARBAGE AND WASTE DISPOSAL

Sections:

1. Disposal of Garbage
2. Disposal of Human Waste

3. Burning Trash
4. Accumulation of Garbage on Private Property
5. Penalty for Violation
6. Removal of Garbage or Refuse

Section 1. Disposal of Garbage

It shall be unlawful for any person, company or organization to dispose of garbage, refuse or trash of any kind within the limits of the city other than the places designated by the city.

Section 2. Disposal of Human Waste

It shall be unlawful for any person, company or organization to deposit, dump or in any manner dispose of human waste of excrement within the limits of the city except as herein specified.

1. By use of outdoor toilets of usual construction and meeting reasonable sanitation requirements; and/or
2. At a place designated by the city council.

Section 3. Burning Trash

It shall be unlawful for any individual, person, firm or corporation to burn any type of trash or garbage within the city limits unless the material being burned is contained in a receptacle, the material then deposited at a place designated by the city.

Section 4. Accumulation of Garbage on Private Property

No person, individual or corporation shall accumulate garbage on their private property within the city limits.

Section 5. Penalty for Violation

Any person who permits any uncovered or unsightly accumulation of garbage to remain on his land may be ordered by the city to dispose of such refuse or garbage and be fined five dollars (\$5.00) a day for as long as the refuse or garbage remains, if he fails to do so.

Section 6. Removal of Garbage or Refuse

The city may remove any uncovered or unsightly accumulation of refuse or garbage at the expense of the person allowing such accumulation to remain on his land if the city gives such person at least three-day notice that it will do so.

CHAPTER 39

SEPTIC TANKS

Sections:

1. Septic Tank Safety
2. Location

3. Capacity

Section 1. Septic Tank Safety

All septic tanks operated within the municipal limits of the City of Chuathbaluk shall be built and operated in a safe and reasonable manner.

No septic tank shall be built or operated without adequate volume for settling, for sludge and scum storage and access for cleaning. The structural design and materials used shall be in accordance with generally accepted good engineering practice providing a sound, durable tank which will safely hold dead and live loads and liquids and earth pressure.

Section 2. Location

The location of any septic tank built shall be such that it will achieve the following minimum distance:

50 feet from any well

10 feet from any property line

5 feet from any foundation wall

Section 3. Capacity

The liquid capacity of any septic tank shall be at least the amount reasonably anticipated for the number of users. Any overflow or seepage from a septic tank shall be cause for the City of Chuathbaluk to notify the State Department of Environmental Conservation and, at their recommendation, the city may take any action the city deems necessary to protect the health and welfare of the citizens of Chuathbaluk.

CHAPTER 40

CONDEMNATION OF BUILDINGS

Sections:

1. Buildings Constituting Public Nuisance

2. Buildings Constituting a Health Hazard

3. Abatement, Procedure, Payment

4. Violations, Penalty

Section 1. Building Constitution Public Nuisance

For the purposes of this chapter the term public nuisance shall be applied to any building or structure which, for want of proper repairs, or by reason of age or dilapidated condition, or by reason of poorly installed electrical wiring to equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated or occupied as to endanger any other building or property or human life. Such term shall also mean and include any building or structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such building, premises, or to human life or any building or structure whose condition has been allowed by the owner to deteriorate to a point where it affects the rights enjoyed by citizens of the city, to which rights every citizen is entitled; namely, the safety of life, limb and property. Such term shall also mean and include any building or structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property.

Section 2. Buildings Constituting a Health Hazard

Health hazard shall mean and include any building or structure which shall be kept or maintained or shall be in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases, or permitting foul odors or obnoxious gases to escape from such building.

Section 3. Abatement, Procedure, Payment

Whenever the city council shall find or be of the opinion that there is a fire hazard building, health hazard building or a public nuisance building in the city, it shall be the duty of such person to report the same to the city council. Thereupon the council shall within a reasonable time fix a time and place for a public hearing thereon. The city clerk shall cause a notice of the hearing to be either personally served on the owner or person in charge of the premises whereon such building or structure is located, or by posting a copy of such notice in three public places within the city, one of which shall be on the premises in question, notifying the owner or person in charge of such building in general terms that a hearing will be held concerning such property, and the time and place thereof, which time shall be fixed at least thirty days after the service or posting of such notice. If no owner or person in charge can be found within the city, by reasonable diligence, then the city clerk shall cause such notice to be given by mailing at least thirty days prior to the hearing, a copy of such notice to the owner of record at his last known address. At such time and place, or at such other times or places, as the council may adjourn to, the hearing shall be held, and the council shall determine by resolution whether or not such building is a fire hazard, a health hazard, or a public nuisance. The council may, as a part of such hearing, inspect such building, and the facts observed by the council at such inspection may be considered by it in determining whether or not such building is a fire hazard, health hazard, or public nuisance. At such hearing, the owner or other persons interested in such property or building shall have a right to be heard, if such owner requests the same. At such hearing, the council shall have the power to order any building declared to be a fire hazard, health hazard, or a public nuisance, removed and abated, if in its

judgment such removal or abatement is necessary in order to remove such dangerous condition, or the council shall have the power to order such building made safe and to prescribe what acts or things must be done to render the same safe. Thirty days notice of such findings and of any orders made by the council shall be given to the owner of such building, his agent or other person controlling the same, in the same manner as herein provided for giving the notice of hearing. If such orders be not obeyed and the building rendered safe within the time in the order specified, being not less than thirty days, then the council shall have the power and duty to order such building removed or made safe at the expense of the property on which the same may be situated. In that event, council may specify the work to be done, and shall file a statement thereof with the city clerk. The council shall ascertain and determine the probable cost of such work, and assess the same, first against the salvaged material, if any, which may be sold at public auction, and then against the property owner upon which such building is situated.

Section 4. Violations, Penalty

Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any building or structure which shall be a fire hazard, a health hazard, or a public nuisance within the city and who shall knowingly suffer or permit any such building or structure to be or remain a fire hazard, a health hazard, or a public nuisance for as long as thirty days after a hearing, as provided herein, shall be guilty of a violation of this code and shall, upon conviction thereof, be punished by a fine of (\$150.00) one hundred fifty dollars.

CHAPTER 41

CHUATHBALUK COMMUNITY LIBRARY

Sections:

1. Library Established

2. Librarian

3. Library Board

Section 1. Library Established

There is hereby established a community library service, available to residents of the City of Chuathbaluk and all other persons who desires its use.

Section 2. Librarian

The City of Chuathbaluk shall be authorized to hire a librarian, who shall be responsible for the operation of the library, accounting of funds appropriated, and other library matters, subject, however, to such regulation that the City Council and City Administrator shall adopt.

Section 3. Library Board

The City Council shall appoint a library board to govern generally the operation of the library. The board shall have at least three members, only one of which may be a Council person, and at least one member shall be a school official, or appointed by a school official. The library board shall set policy for the operation of the library, including, but not limited to: uses of library facilities, requests for appropriations and equipment acquisition, new library facilities, general book selection and variety, and special library related programs. Board decisions, other than funding, shall be followed by the librarian, and are otherwise effective, unless specifically objected by the City Council.

PUBLIC SAFETY

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CHAPTER 46

DOGS

Sections:

1. Dogs Running at Large
2. Redemption or Disposition on Impoundment
3. Rabies Control; Quarantine, Duty to Report, Diagnosis and Disposition
4. Vicious Dogs – Confinement
5. Female Dog in Heat – Confinement
6. Unlawful Acts

Section 1. Dogs Running at Large

Any dog over four (4) months of age found running at large within the city limits shall be taken up and impounded and the owner, if known, shall be notified. If the dog is not claimed by the owner, the dog may be disposed of in a humane manner.

Section 2. Redemption or Disposition on Impoundment

(A) All vicious dogs shall not be redeemed but shall be destroyed in a humane manner; except that no such dog shall be destroyed without the owner's consent except upon judicial determination that the dog is vicious.

(B) No dog may be redeemed that is in any way showing symptoms of infectious or contagious disease.

Section 3. Rabies Control; Quarantine, Duty to Report, Diagnosis and Disposition

(A) Every dog which bites a person shall be promptly reported to the City Manager. If, in the opinion of the City Manager the dog may have been exposed to rabies, or if the bitten person or his guardian shall request it, then the dog shall be quarantined for a period of ten (10) days. In the discretion of the City Manager, such quarantine may be on the premises of the owner or in the dog shelter at the owner's expense.

(B) The owner, upon demand made by the City Manager, shall forthwith surrender and animal which has bitten a human, and which is suspected of having been exposed to rabies, for supervised quarantine, and the dog may be reclaimed by the owner when adjudged to be free of rabies.

(C) It shall be the duty of every physician or other practitioner of medicine to report to the City Manager the names and addresses of persons treated for bites inflicted by dogs, together with such other information as will be helpful in rabies control.

(D) When any dog has been diagnosed by a licensed veterinarian as being rabid, the City Manager shall immediately notify the Alaska State Department of Health and Social Services. The City Manager shall comply with orders and directions of the Department with regard to the dog.

(E) When the examination gives a positive diagnosis, the City Manager or his designee may impose a quarantine for a period of thirty (30) days. During such quarantine, no dog shall be permitted off the owner's premises or in the public streets, nor may any dog be taken or shipped from the quarantine area without the written permission of the City Manager.

(F) During such period of rabies quarantine as herein described, every dog bitten by an animal or dog adjudged to be rabid shall be forthwith destroyed.

(G) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for a period of up to an additional six (6) months at the discretion of the City Manager.

(H) The City Manager may put into effect for the period of quarantine such other precautionary regulations as may be deemed necessary. Such precautionary regulation shall be made public by means of an intensive information campaign through local news media and other appropriate means. All such additional regulations must be approved at the next regular meeting of the city council.

(I) No person shall kill or cause to be killed any rabid dog or animal biting a human, except in defense of life and limb or otherwise as herein provided, nor remove same from the area without written permission from the City Manager.

(J) The carcass of any dead animal or dog exposed to rabies shall, upon demand, be surrendered to the City Manager.

(K) The City Manager shall direct the disposition of any animal or dog found to be infected with rabies.

(L) No person shall fail or refuse to surrender any animal or dog for quarantine or destruction as required herein when demand is made thereof by the City Manager.

Section 4. Vicious Dogs – Confinement

The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog, or not take dog out of such building or secure enclosure unless such dog is muzzled or otherwise secured.

Section 5. Female Dog in Heat – Confinement

Every female dog “in heat” or during ovulation shall be kept securely tied, or confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another dog except for planned breeding purposes.

Section 6. Unlawful Acts

A. Harboring annoying or diseased dogs; dogs running at large.

(I) No person shall knowingly own, harbor or keep any dog infected with a contagious or pestilent disease, unless confined and under the care of a licensed veterinarian.

(II) No owner shall fail to exercise proper care and control of his dogs to prevent them from becoming a public nuisance. Excessive and continuous barking, molesting passersby, chasing vehicles, habitually attacking other dogs, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

(III) No person shall tie, stake or fasten any dog within any street, alley, sidewalk or public place within the city or in such a manner that the dog has access to any portion of any street, alley, sidewalk or public place therein.

(IV) No person shall permit any dog to run at large.

B. Cruelty and abandonment.

No person shall torment, poison, provoke, or otherwise abuse or kill a dog or cause or procure any of such acts to be done, or attempt the same, or abandon a dog where there is not a caretaker to assume the responsibility of proper food and water. Nothing in this section shall prohibit a person from capturing and holding a stray dog for delivery to its owner or the City Manager, killing a dog in defense of person or property, or humanly destroying a dog owned by him.

C. Release from restraint by non-owner.

No person shall, without the permission of the owner, release any dog from restraint except to preserve the dog's life.

D. Penalty for violation.

The person violation any provision of this article is guilty of a misdemeanor and is punishable by a fine not to exceed three hundred dollars (\$300.00).

CHAPTER 47

CURFEW

Sections:

1. Curfew Established
2. Curfew Proceeding School Days

3. Curfew during Non-school Days

4. Penalty

Section 1. Curfew Established

There shall be a curfew for all minors under 19 years of age. No minor shall be on any street, alley, or any public places after 10:00pm on any evening proceeding a school day unless accompanied by a parent or guardian unless the minor is going directly to or from a place of residence or an authorized public event.

Section 2. Curfew Proceeding School Days

No minor 12 years old or younger may be on any street, alley or any public place after 10:00pm on any given whether during the weekend or any other evening NOT proceeding a school day unless accompanied by a parent or guardian or unless the minor is going directly to or from a place of residence or an authorized public event

Section 3. Curfew during Non-school Days

No minor 13 years of age or younger may be on any street, alley, or any public place after 12:00a.m. on any evening during the weekend or any other evening NOT accompanied by a parent or guardian unless the minor is going directly to or from a place of residence or an authorized public event.

Section 4. Penalty

Violations of this ordinance shall result in a fine of \$5.00 to be paid by the parent or guardian of the child violating this ordinance.

Chapter 4

PUBLIC AND PRIVATE PROPERTY

Sections:

1. Private property
2. Stealing property

3. Deface of public signs

4. Trespass

Section 1. Private property

It shall be unlawful for anyone to take or use any public property or any belonging to any private individual without their consent. Violations of this ordinance upon conviction thereof shall be punished by an amount equal to the amount of property taken or used and a fine of (\$100.00) one hundred dollars.

Section 2. Stealing property

It shall be unlawful for anyone to steal any motor vehicle, motor boat, or motor bike. Violators of this ordinance, upon conviction thereof, shall be punished by a fine of (\$300.00) three hundred dollars and shall be turned over to the State Troopers.

Section 3. Deface of public signs

It shall be unlawful for anyone to destroy or deface public signs or any public or private property. Violations of this ordinance upon conviction thereof shall be punished by replacement of the damage done and a fine of (\$50.00) fifty dollars.

Section 4. Trespass

It shall be unlawful for anyone to climb upon any public or private building without consent of the owner except in the case of a fire, or to help someone in danger on the roof or property. Violation of this ordinance shall, upon conviction thereof, be punished by a fine of (\$20.00) twenty dollars.

CHAPTER 49

DISCHARGE OF FIREARMS

Sections:

1. Prohibition, exceptions

2. Penalty

Section 1. Prohibition, exceptions

It shall be unlawful for anyone to discharge any firearm at any time within the city limits. An exception may be made for religious, state or national holidays. On such occasions only adults, observing safety precautions should be allowed to discharge a firearm directed upward and away from all land or structures.

Section 2. Penalty

Violation of this ordinance shall, upon conviction thereof, be punished by a fine of (\$100.00) one hundred dollars.

CHAPTER 50 ALCOHOLIC BEVERAGES

Sections:

1. Furnishing to minors
2. Operating machinery while under the influence

3. Alcohol and firearms

Section 1. Furnishing to minors

It shall be unlawful for anyone to furnish any alcoholic beverages to anyone under 21 years of age. Violations of this ordinance shall, upon conviction thereof, be punished by a fine of not less than (\$100.00) one hundred dollars, but not more than (\$500.00) five hundred dollars.

Section 2. Operation machinery while under the influence

It shall be unlawful for anyone to operate a snow machine, motorbike, or a motorboat while consuming any alcoholic beverages or under the influence of alcohol. Violations of this ordinance shall, upon conviction thereof, be punished by removal of the snow machine, motorbike, or motorboat for one week and a fine of (\$100.00) one hundred dollars.

Section 3. Alcohol and firearms

It shall be unlawful for anyone to carry a loaded firearm or discharge a firearm within the city limits while under the influence of alcohol or while consuming alcoholic beverages. Violations of this ordinance shall, upon conviction, be punished with a fine of (\$100.00) one hundred dollars.

CHAPTER 51

OPERATION OF MOTOR VEHICLES

Sections:

1. Speed limits – Vehicles
2. Reckless operation

3. Negligent operation

4. Penalties

Section 1. Speed limits – vehicles

It shall be unlawful for any motor driven vehicle, including motor scooters, motor-driven bicycles, snowmobiles or any other wheeled or tracked vehicle to travel at a speed exceeding ten miles per hour within the city or as otherwise posted.

Section 2. Reckless operation

It is unlawful for any person to drive a motor vehicle whether land or water based in the city in such a manner as to create substantial and unjustifiable risk of harm to a person or to property.

Section 3. Negligent Operation.

A person who drives a motor vehicle in the city in a manner which creates an unjustifiable risk of harm to a person or to a property and who, as a result of the creation of risk, actually endangers a person or property is guilty of negligent driving,

Section 4. Penalties

A person convicted of reckless or negligent driving is guilty of a misdemeanor and is punished by a fine of not more than (\$100.00) one hundred dollars.

CITY OF CHUATHBALUK

ORDINANCE # 90-01-01

AN ORDINANCE PERTAINING TO THE ACQUISITION, MANAGEMENT, AND DISPOSAL OF LAND.

Sections:

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

Section 1. Rights and powers of city.

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

Section 2.

A. The city may acquire, own, and hold real property or any interest in real property inside or outside the city boundaries declaration of taking under the city's power of eminent domain, or any other legal method. Except as provided in Sub-Sections B and C of this section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the total *membership* of the city council. Real property shall be held in the name of City of Chuathbaluk.

B. Upon passage of a non-code ordinance, the city manager may act upon behalf of the city in the acquisition of real property or interest in real property when that property to be acquired is conveyed from the Native Village Corporation under the provisions of Section 14 (c) (3) of the Alaska Native Claims Settlement Act (ANSCA). When the conveyance is for full and complete satisfaction of the requirement of ANSCA Section 14 (c) (3), the non-code ordinance shall include a statement identifying the amount of land to be acquired; a legal description; and, if the conveyance is in complete satisfaction of the ANSCA 14 (c) (3) obligation.

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

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

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

(1)

Section 3. Economic Development Sites

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

Section 4. Temporary use of the City Lands.

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

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

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

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

Section 5. Casual Use of City Land.

A. No permit or lease is required for causal uses of city land.

B. Any use under this section is at the risk of the user. The city assumes no responsibility for such use.

C. The city shall notify the public of the location of city lands that are not open to casual use.

Section 6. Disposal of Real Property.

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

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

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

Section 7. Methods of Disposal

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

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

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

C. Disposal for public services.

The city council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a non-profit corporation or association, or a Native Tribal Council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids

and for less than the fair market value of the real property or interest in real property. If a disposal is made under this Sub-Section, the non-code ordinance authorizing the disposal must include in addition to the requirement in Section 6:

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

D. Disposal for economic development.

The city council may dispose of property or an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the value of that property of that property or interest in real property as determined under Section 6 B. If a disposal is made to further economic development, the non-code ordinance authorizing the disposal must include in addition to the requirements in Section 8;

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

E. Miscellaneous Disposals.

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

F. Disposal to settle claims of equitable interest.

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

(4)

G. Disposal for residential purposes.

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

deed or lease must contain a condition subsequent which ensures that if the land is used for any other than residential use for a period of 3 years after the disposal, title will revert to the city. In addition, disposals under this Sub-Section shall include requirement for the construction of a habitable dwelling within 5 years after the disposal or title will revert back to the city.

Section 8. Leases.

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

Section 9.

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

Section 10. Notice of Disposal.

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

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

B. The notice shall include:

1. A legal description of the property and the type of interest to be disposed;

(5)

2. The method of disposal as identified in Section 7;
3. The assessed or estimated value of the property or interest in property;
4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

Section 11. Definitions.

As used in this Chapter:

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

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

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

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

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

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

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

Deed of trust: An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance or other conditions.

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

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

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

(6)

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

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

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

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

Evaluate: To judge the quality of.

Federal entity: The federal government or an agency thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State: The State of Alaska or an agency thereof.

invaluable.

Temporary uses: An exclusive use of city land which has a duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements exceeding \$1000.

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

Passed and approved this 12 days of September, 1989 by a vote of 4 ayes and -0- nays.

Attest:

See Original Ordinance

City Clerk

Mayor

(8)